



# Towards a Child-friendly Justice System in Egypt

IMPLEMENTING THE SUSTAINABLE DEVELOPMENT  
GOALS





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# Foreword

Since 2016, the Government of Egypt (GoE) embarked on an ambitious reform process to achieve key strategic objectives for the country's sustainable economic development and growth through the adoption of the Egypt Vision 2030. This strategic framework is the first of its kind to place sustainable development at the front and centre of cross-sector policies to promote economic growth, social inclusion and prosperity for future generations in Egypt. Egypt's Sustainable Development Strategy, Egypt Vision 2030, highlights the importance of strengthening the rule of law and ensuring equal access to justice, in line with United Nations (UN) Sustainable Development Goal (SDG) 16.3, which commits all member states to "promote the rule of law at the national and international levels, and ensure equal access to justice for all."

Children in Egypt make up an estimated 40% of the total population. Acknowledging this, the Egyptian justice system is undertaking a range of efforts to ensure equal access to justice for all children. Achieving SDG 16 would profoundly and positively affect the lives of Egypt's future generations.

This report takes stock of the Egypt's efforts to design, deliver, and co-ordinate child justice services and enhance the child-friendliness of the justice system. It provides an overview of the current legal and policy framework around child-justice and the results achieved so far in this area. It also makes policy recommendations to support Egypt in providing justice and support services that meet the needs of children in line with international standards and treaties. The report draws on the OECD Framework and Good Practice Principles for People-centred Justice, the forthcoming OECD Child Justice Framework, and OECD criteria for people-centred legal and justice service delivery.

The report offers tailored policy advice for providing more coherent, consistent and co-ordinated justice services for children, as well as ensuring their legal empowerment. The report emphasises the importance of understanding the needs and aspirations of children in Egypt. Egypt is encouraged to continue implementing the various national strategies related to child justice and well-being as well as to strengthen its justice system as a whole.

This report is a core output of the project "Towards a Child-Friendly Justice System in Egypt", supported by the Swiss Agency for Development and Cooperation. The project seeks to help Egypt enhance the capacity, institutional co-ordination and effectiveness of its justice system to better protect children in contact with the law. The report provides guidance for building on progress made under the National Plan for Childhood and Motherhood in Egypt (2018-2022).

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The report was overseen by Chloé Lelievre and Amr Soliman, Policy Analysts, OECD. The report was coordinated and primarily drafted by María Pascual Dapena, Justice Policy Analyst, with expert guidance and contributions from Nevena Vučković Šahović, former member and general rapporteur of the UN Committee on the Rights of the Child, James Kenrick, global child access to justice expert, and Abdelghany Sayed, PhD candidate in the University of Kent. It includes written contributions and input from Chloé Lelievre, Amr Soliman, and Nizar Touhami-Chahdi, OECD, and Marwa Salah, Project consultant. Valuable comments were also provided by Caroline Mina, Policy Analyst, OECD. Francesca Romani provided graphic design support. Editorial assistance was provided by Melissa Sander, Ciara Muller, and Gemma Nellies.

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# Executive summary

Egypt has embarked on an ambitious plan to implement the United Nations (UN) Sustainable Development Goals (SDGs) relating to children, as illustrated by Egypt's National Childhood and Motherhood Strategy, its National Human Rights Strategy, and its Sustainable Development Strategy: Egypt Vision 2030. For children and young people, access to appropriate legal support is crucial not only for successfully resolving their legal problems, but also for combating poverty and exclusion by securing their rights to social protection, education, and health care. The pragmatic and forward-thinking nature of Egypt's recent efforts, all of which underscore the specificity of children's needs and rights, provide a strong impetus for the modernisation of public policies and legal frameworks. Building on these high-level commitments, Egypt is in a position to significantly advance access to justice for children, improve the quality of life of Egyptian children and secure inclusive and sustainable development for future generations.

Egypt has ratified the key international treaties on child rights, and has established a specialised child justice system through the enactment of the Child Law, as amended in 2008, to enhance the child-friendliness of all child justice services. Specialised justice services in the form of Child Courts, public prosecution and care institutions handle high volumes of child cases using approaches tailored to children and supported by the presence of social workers. The National Council for Childhood and Motherhood's (NCCM) Child Helpline is an important way for children to reach out for help and support, including to receive legal aid – which is guaranteed for child offenders – as well as social and psychological support. Egypt is making noteworthy efforts to raise further awareness of the status of children as rights holders and to build a child rights culture that enables their full empowerment and participation in the legal process. It is also improving inclusiveness by increasing the number of women in the judiciary and adapting its facilities to the needs of children with disabilities.

While current efforts are critical to strengthening the overall child-friendliness of the system in Egypt, several challenges remain around institutions, processes and the justice system's capacity, and psychosocial support. There is a need to enhance the clarity of the roles of each institution, to systematise protocols for managing and following up children's cases, and to empower the NCCM, Child Protection Committees (CPCs), and related institutions in their respective co-ordinator capacities. Limited data collection and use for strategic planning hinders the design of services that address the legal needs of children in Egypt. This makes it more difficult to improve the options and overall awareness of child participation in different legal processes, to expand child-friendly procedural arrangements during trials, and to strengthen the specialisation of professionals and facilities that children encounter when interacting with the justice system. Some additional challenges include the prolonged periods of children being held in pre-trial custody during investigations, and the insufficient availability of specialised legal representation for children. Furthermore, many services, such as specialised Child Courts and functioning CPCs, remain limited to the largest urban centres, including Cairo, Giza, and Alexandria.

To maximise the benefits of its efforts to make justice more child-friendly, Egypt may consider undertaking wider policy reforms and strengthening the judicial system's capacity to address these challenges. To this end, Egyptian stakeholders have created an inter-institutional committee to review specific provisions of the Child Law. To increase capacity in the system, Egypt could accelerate the establishment of Child

Courts and prosecution services, as well as child-friendly interview and waiting rooms, by expanding the current provision in large cities throughout the country. More child-friendly facilities would allow Egypt to develop the necessary infrastructure to better protect children at risk separately from child offenders, as well as to implement non-custodial measures for child offenders.

In relation to psychosocial support, the current system could benefit from increasing the number of psychological experts and providing additional training on specific topics for social workers and other experts. Stronger incentives could be introduced to attract and retain the best talent in the field of child justice, making it a more desirable specialty, as well as increasing mandatory training on child-friendly justice for judicial and prosecutorial staff. Egypt's efforts to enforce time limits for children held in custody through follow-up reports and on the inspection of care institutions are positive steps towards the related international standards, which could be consolidated through stronger co-ordination and information sharing among the entities involved.

Building on positive developments to date, Egypt's future strategies could be underpinned by a clear and evidence-based understanding of the existing legal needs of children and of the available services, and by ensuring sufficient capacity, infrastructure, and resources for children within the justice system.

# **1** Child-friendly Justice in Egypt: Assessment and Recommendations

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This chapter outlines the main takeaways of the OECD assessment and summarises key policy recommendations aimed at supporting ongoing efforts to enhance the child-friendliness of Egypt's justice system. OECD recommendations have been designed to support the country's justice actors in leveraging the experience of other OECD countries and relevant international standards to achieve their strategic objectives.

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## 1.1. Purpose and vision of the child-friendly justice system in Egypt

Egyptian authorities have pledged their commitment to achieving full development and high levels of well-being for all children. Egypt's Childhood and Motherhood Strategy<sup>1</sup> and its Human Rights Strategy<sup>2</sup> mention the specificity of children's needs and rights. The Childhood Strategy illustrates the critical necessity to protect children from all forms of physical and psychological violence. Similarly, Egypt's Human Rights strategy includes protecting children's rights as one of its focus areas and indicates that legal awareness of children and their protection are essential. Access to justice can play a crucial role in Egypt's efforts to address children's rights, needs and aspirations and act as a driver for societal change, given the vital link between children's developmental and social needs and adequate access to legal remedies and protection.

In recognition of this, Egypt has become a party to key existing international treaties related to children's rights and protection in a wide spectrum of international fora. Egypt has ratified the Convention on the Rights of the Child and two of its optional protocols, the African Charter on the Rights and Welfare of the Child (ACRWC), and other international treaties. In accordance with the Egyptian Constitution, ratified international and regional instruments enjoy the force of law. Egypt has further sought to incorporate the Convention on the Rights of the Child (CRC) into its own national legal framework.

Both the Constitution and the Child Law (No. 12/1996, updated by law 126/2008) reflect Egypt's express adoption of the "best interests of the child" principle. The Constitution dedicates a detailed article, entitled "Rights of the Child", to the principles that guide legislation and policy in various areas concerning children and sets the framework for developing a child-friendly justice system. However, despite these advances, there appears to be a need to raise further awareness in Egypt of the status of children as rights-holders separate from their parents or guardians and to build a culture of child rights that enables the full empowerment and participation of children in legal proceedings.

### 1.1.1. Key recommendations

- Maintain the current commitment at the highest political level to pursuing child-friendly justice and to strengthening a child rights culture in Egypt, building on the child protection provisions in the National Child Strategy, Human Rights Strategy, and Egypt's Vision 2030.
- Recognise and build on the links among access to justice for children, achievement of the United Nations (UN) 2030 Agenda, broader societal objectives, and fiscal efficiencies in national plans and strategies.
- Develop outreach initiatives to raise awareness of children's rights and protection mechanisms to strengthen the child rights culture in Egypt.
- Ensure that the new implementation plan for the National Child Strategy and legislative reform in the field of child justice are co-ordinated among key stakeholders; adopt a child-centred, inclusive, and participatory approach that considers the point of view of children and that is underpinned by monitoring and evaluation of the previous Implementation Plan.

## 1.2. Enhancing institutional co-ordination and effectiveness

Responding to children's unique and complex needs and problems requires strong co-ordination and co-operation mechanisms and procedures between the key institutions involved, in what the OECD Framework for People-centred Justice (OECD, 2021<sup>[1]</sup>) and the forthcoming OECD Framework for Child-friendly Justice highlight as a "whole-of-government" approach to justice.<sup>3</sup>

This strategic review maps the roles of key institutions in Egypt that focus on child justice, including public institutions, service providers, international organisations, and civil society. It also describes a hypothetical

child pathway “in action” from start to finish across criminal, civil, and administrative cases, based on the Egyptian legal framework and nuanced by stakeholder interviews.

Based on this mapping, the report identifies key strengths and opportunities for improvement in the co-operation and integration of services among stakeholders and throughout child justice journeys, as outlined below. A common theme highlighted by stakeholders is the need to enhance the clarity of the roles of each institution across criminal, civil, and administrative justice pathways, including the established protocols to manage and follow up on child cases. At the same time, while several effective co-operation mechanisms are identified, they are often informal and, therefore, may benefit from further standard procedures to ensure their sustainability over time. In this regard, the adoption of further multi-sectoral co-operation and continuing efforts to integrate the provision of services could be considered.

Specifically, there is room to strengthen inter-institutional co-ordination of child policies and increase the capacities of key co-ordination entities in need of support, such as the National Council for Childhood and Motherhood (NCCM) and Child Protection Committees (CPCs), through infrastructure, human, and other resources. In relation to civil law and family justice, the possibility to promote further co-ordination among entities in family procedures and the child protection system, such as between Family Courts, the Goodwill Committee on Child-Custody Dispute Resolution (known as the Goodwill Committee), which is concerned with custody problems and disputes of children from mixed marriages, and existing child protection mechanisms under the NCCM and Ministry of Social Solidarity (MoSS) is highlighted.

### **1.2.1. Key recommendations**

- Adopt a whole-of-government, whole-of-society, and whole-of-justice system approach to child justice that fosters multi-sectoral co-operation and considers sound mechanisms for implementation, oversight, and accountability.
- Consider strengthening the legal framework for co-operation and co-ordination among the different institutions and services dedicated to child justice, including through the introduction of a specific decree or circular, as well as clarifying the legal mandate of each institution if needed.
- Further strengthen the NCCM to act as an inter-institutional co-ordinator of child policies, including on the policies, practices, and underlying legal framework for child justice, in addition to adequately resourcing the NCCM and CPCs to perform their co-ordination roles at the different levels effectively.
- Increase clarity of the roles of each institution across criminal, civil, and administrative justice pathways.
- Strengthen institutionalisation of existing co-ordination mechanisms by developing robust protocols for referrals, information-sharing through networking, and data collection to secure the sustainability of the system in the medium and longer term.
- Continue efforts towards integration of services and consider the establishment of child-friendly interdisciplinary centres for child victims, witnesses, and children at risk to receive support that holistically addresses their needs.

## **1.3. Designing child-friendly justice pathways in Egypt**

### **1.3.1. Legal needs of children**

Children’s legal needs are often specific to their age and level of development and require tailored approaches to address them. Measurement of these legal needs is, therefore, key to devising effective policy strategies. In Egypt, generally, according to stakeholders, the majority of requests for assistance from children stem from cases in which they are crime victims and need protection. Suffering physical

violence in various contexts, including at home and at school, is the most often reported problem in calls to the NCCM Child Helpline. Sexual violence and cyber-extortion follow the list of most prevalent crimes against children reported through the Child Helpline.<sup>4</sup> The prosecution service emphasises child abuse in the online sphere as a relatively new but increasing crime that requires the development of ad hoc approaches and appropriate legislation. In addition to the above, cases of female genital mutilation (FGM) and child marriage have also been reported to be prevalent in rural governorates (administrative divisions of Egypt), and child labour is an issue in some specific areas of the country.

In Alexandria, the general CPC conducted an evidence-based study to assess the main types of problems experienced by children and to deliver services accordingly. In the context of the Alexandria CPC's study, violence in all its forms, including child marriage, arose as the number one problem experienced by children

Outside of the realm of criminal violence and abuse, children are also affected by a range of legal needs in the civil and administrative spheres, such as family law issues, dropping out of school, homelessness, and gaps in access public services.

More broadly, reliable, disaggregated, regularly collected and published data is essential for effective and efficient policy making, programming and service delivery, especially concerning at-risk populations, such as children. Egyptian institutions generally, and in particular specific bodies such as the CPC in Alexandria, have made strides in improving their data collection, recognising that under fiscal constraints, data enables effective evidence-based decisions to be made regarding resource allocation for the development of child-friendly justice. Despite these advances, reliable and easily accessible data on the number of children participating in judicial and administrative proceedings, their profiles, the reasons for their participation and the outcomes of their cases are relatively limited. This report encourages more robust data collection and utilisation for policy planning in order to fully realise the abundant policy opportunities brought by evidence-based policy making; this could be facilitated by activating the role of Egypt's National Child Rights Observatory (ENCRO).

These findings can support Egyptian authorities towards targeted service delivery planning. In general terms, the findings encourage further commitment to evidence-based planning for child justice services by collecting quality data and information about children's legal needs across different socio-economic backgrounds and locations. In view of the initial data collected through this project, priority should be given to ensuring protection services for children suffering violence in different contexts, such as appropriate care facilities and shelters, medical and psychological attention, and legal aid for child victims.

### *Key recommendations*

- Strengthen data collection practices and commit to evidence-based planning for child justice by collecting quality data and information about children's legal needs and the availability of services, including, existing child cases, the steps these cases take and their outcomes. Investment in digital data collection may help make this process easier and aid data analysis, ideally through a platform where data can be shared across different ministries and councils to facilitate the co-ordination of child case management.
- Consider empowering and operationalising ENCRO as a key instrument that could systematically collect and analyse relevant data.
- Based on the evidence, design and deliver child-friendly justice services tailored to the legal needs of children, adapted to their age and level of development, as well as to children from different communities across the whole national territory. In order to do this, child participation and engagement in the creation of policies are paramount.
- Strengthen efforts to monitor the impact of child justice initiatives to improve their responsiveness and efficiency and ensure that they are appropriately resourced, sustainable, and inclusive, with particular attention to vulnerable children.



### 1.3.2. Opportunities and challenges in existing services

This strategic review provides an overview of the existing services available to children in Egypt. According to OECD findings, services can vary depending on the region, with better availability and quality of services in urban governorates with large or coastal cities, namely Cairo, Giza and Alexandria, than in central and upper Egypt. Border governorates are also identified as particularly problematic areas, often experiencing challenges in the provision of services.<sup>5</sup>

The eight services identified as prevalent include: (i) mechanisms for early provision of advice and support, such as the NCCM Helpline and additional helplines provided by MoSS and the prosecution service; (ii) legal advice and representation; (iii) psychosocial assistance; (iv) Advice and support services for children placed in custody; (v) specialised public justice services for children, including Child Courts and Child Prosecution Offices (CPOs); (vi) alternative care and protection services; (vii) initiatives towards diversion and restorative justice; and, finally, (viii) medical referrals to the Ministry of Health whenever a child needs medical treatment or examination.

Several of these services seem to work particularly well. For example, the NCCM Child Helpline is reported to be an effective way for children to reach out for help, although it could benefit from further awareness among children and their families. Additional technical capacity and resources to address specific types of crimes committed against children would strengthen its role further. Different channels also exist through the Egypt's National Council for Human Rights and Women's Ombudsman Office of the National Council for Women. However, neither the Council for Human Rights nor the Women's Ombudsman Office have a specific service or staff dedicated to children. More broadly, there is room for further coordination between the various complaints mechanisms available for children in Egypt.

Legal aid and representation are guaranteed for children when they are in conflict with the law. However, the enforcement of this right could be facilitated by establishing institutional partnerships with lawyers and Bar Associations that ensure the service is provided in a timely manner and by expanding coverage to other legal fields.

Regarding judicial remedies and access to international human rights bodies and tribunals, the report refers to the recommendations to build on existing judicial avenues to make existing justice services more child-friendly, reinforce child participation and strengthen the system's capacities to address children's needs. Indeed, following the pilot conducted in Alexandria, key initiatives towards introducing diversion and restorative justice for children in Egypt are advancing. Similarly, alternative care measures are increasingly provided to children when pertinent. However, the necessary infrastructure to protect children at risk separately from child offenders and the effective implementation of non-custodial measures for child offenders could be further strengthened.<sup>6</sup> In relation to psychosocial support, while social workers are present in many child-related procedures, the current system could benefit from further psychological experts and additional training on specific topics for social workers and experts.

Finally, this strategic review highlights that although specialised justice services exist in the form of Child Courts and prosecution services, they remain limited to the largest urban centres, including Cairo, Giza, and Alexandria. It is therefore recommended that Egypt considers expanding existing Child Courts and prosecutions to further areas across the national territory, as well as training on child-friendly justice for judicial and prosecutorial staff.

#### *Key recommendations*

- Consider conducting outreach initiatives and campaigns to raise awareness of mechanisms to assist children and families in legal processes in order to empower children and their guardians.
- Strengthen prevention and early intervention services that address the root causes of children's exposure to dangerous situations and their involvement in unlawful acts, including mental health and child protection services.

- Improve access to child-friendly information about children’s rights through a dedicated platform possibly in collaboration with civil society organisations (CSOs).
- Accelerate the establishment of specialised Child Courts and justice services across the national territory based on existing needs, going beyond Cairo and Alexandria to other cities, as well as rural and border governorates.
- Continue to ensure children in conflict with the law are legally represented at all times from the beginning of the process. Consider developing structured partnerships, with volunteer lawyers or civil society organisations, to provide children with legal assistance.
- Continue efforts aimed at ensuring the inclusion of all children in Egypt, including those in vulnerable situations, into all relevant services, specifically access to child-friendly justice systems and legal assistance for both child victims and child offenders, as well as inclusion in systems for child protection interventions for children-at-risk.
- Consider reinforcing the NCCM’s capacities, including child helpline staff, lawyers, and social workers, by developing a clear and up-to-date training curriculum. Training should also target new trends based on child-helpline data and statistics, including but not limited to cyber-extortion and bullying.
- Consider strengthening the availability of legal aid for children beyond child offenders, such as to cover child protection and civil cases.
- Consider providing legal aid services at all stages of children’s pathways when in contact with the law and building the capacity of care institutions to provide the necessary legal support for children.
- Explore opportunities to enhance the quality and availability of social and psychological support available for children.
- Consider dedicating particular care institutions to children at risk so they can receive specific services and support that may differ from those needed by children in placement.
- Continue working towards developing diversion mechanisms and sound alternative measures that can be offered to child offenders, underpinned by the necessary legal structures and resource allocation.
- Consider strengthening the availability and accessibility of the NCCM Child-helpline and accelerating the establishment of complaints mechanisms, coordinated under the Child-helpline, within the different services available for children as well as in Child Courts and prosecution offices in every governorate.
- Explore opportunities to enhance co-ordination and transfer of relevant information between the NCCM and other institutions and service providers in contact with children. Also, seek to institutionalise co-ordination channels with relevant actors of the child justice system, including the National Council for Human Rights and Women’s Ombudsman Office of the National Council for Women, and the National Council for Disability Affairs.
- Develop national guidelines and requirements for health and mental care as well as educational institutions to implement child-friendly and safe complaints mechanisms.
- Consider promulgating a government-wide “No Wrong Door” policy<sup>7</sup> for children seeking to issue a complaint in order to ensure that no children are be turned away when filing a complaint.

## 1.4. Strengthening child-friendly justice services in Egypt

### 1.4.1. Equality and inclusion

Article 53 of Egypt’s Constitution establishes that all citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against. In achieving equity for children, it should be taken

into account that the practical barriers to access to justice for the population as a whole may disproportionately affect children. They may be particularly acute for groups of children who are disadvantaged or face discrimination.

While boys and girls are equal before the law, girls often face gender-specific difficulties in different settings, including within their families, school, and potentially when in contact with public institutions and the justice system. There are ongoing efforts to ensure a safe environment for all children in contact with the justice system, for example by facilitating the increased presence of female officials at different stages of justice pathways for girls. The National Strategy for the Empowerment of Egyptian Women 2030 includes promoting women's leadership in judicial bodies as one of its main objectives, and the Ministry of Justice has expressed its commitment to promoting women in the justice sector and the judiciary.

In relation to children with disabilities, the Egyptian legal framework presents strong protections in line with the country's commitments to the Convention on the Rights of Persons with Disabilities. The Child Law dedicates Part Six to the Care and Rehabilitation of the Disabled Child, complemented by Law No. 10 of 2018 on the Rights of Persons with Disabilities, obliging judicial authorities to provide all services for people with disabilities in an accessible manner. This has been complemented by decision No. 4637 of 2018 of the Minister of Justice concerning appropriate accommodations and services for Persons with Disabilities when in contact with judicial authorities. In practice, further efforts and strengthened capacities are needed to ensure that the Egyptian justice system is fully accessible for children with disabilities.<sup>8</sup>

Looking ahead, the effective implementation and resourcing of these plans and laws will be key to their sustained impact to improve access to justice for all, including girls and children with disabilities.

### *Key recommendations*

- Continue to work on strengthening the presence of women in different child justice institutions, including in the judiciary and police stations.
- As part of efforts to reinforce a child-rights culture in Egypt and raise awareness of child rights and remedies, prioritise eradicating discrimination against female children.
- Continue efforts to empower girls' participation and protect girls' rights in order to enhance gender equality.
- Ensure that the legal provisions requiring special treatment proportionate to a disabled child's condition and needs are implemented in practice through adequate resourcing and staffing and by adapting facilities for disabled accessibility.

### **1.4.2. Empowerment and participation**

The Child Law in Egypt reaffirms children's rights to form their own opinions, access information that empowers them to form and express such opinions, and be heard in all matters related to them, including judicial and administrative procedures. A key pillar of the NCCM's Strategic Framework of Childhood and Motherhood 2018-2030 (Pillar 6) is focused on strengthening children's rights to express their opinions and enabling them to participate in making decisions about matters that affect them. Similarly, the National Human Rights Strategy aims to ensure that children's rights to express their views are realised. Egypt's Vision 2030 also aligns with this objective, enshrining the right of participation as a goal under Pillar 5. Children's rights to be informed and to be heard are thus supported by both law and policy in Egypt.

Nonetheless, OECD analysis reflects room to further make these rights a reality in practice. The sound overarching principles contained in the Child Law are undermined by other legislation and customs that limit children's participation. It is necessary to require judges to hear children of all ages in all types of civil and administrative cases. In addition, in cases where the judge could elicit the views of the child if they

were deemed capable, it is not customary for this to happen in practice since it is not yet generally seen as proper legal practice in Egypt even if a child is considered able to indicate his or her opinion.

In relation to policy making, several national plans and strategies include promising provisions for child participation, especially through the NCCM. This report highlights the options to build on this work by expanding the resources and capacities of these participation mechanisms to ensure they employ robust participation methodology and secure the sustainability of these initiatives.

### *Key recommendations*

- Consider reviewing the legal framework determining the age at which children are deemed to have a sufficient understanding of the specific issues discussed and ability to express their views; therefore, bringing more coherence and clarity regarding the age of legal capacity and ensuring the relevant laws and rules are in line with international standards.
- Develop clear protocols for when and how children’s views should be sought in proceedings, ensuring these are in line with international standards.
- Consider establishing an effective system of trusted “support persons” or guardian ad litem to facilitate children’s participation in proceedings.
- Provide additional training to stakeholders in the justice system aimed at raising awareness of and developing a shared understanding of children’s participation in proceedings, children’s legal capacity, and the role of children’s representatives.
- Building on the NCCM’s current participation programme, identify the most appropriate tools to develop the institution’s resources and capacities to ensure it employs robust participation methodology and secures the sustainability of this work.

### **1.4.3. Appropriateness and responsiveness**

Child-centred systems require that at all stages of cases involving children, the justice system provides a child-friendly environment guided by the best interests of the child. An appropriate and responsive system relates to how professionals interact and communicate with children, the methods used for gathering evidence and hearing testimony from children, and the type of support provided to children before, during and after proceedings. This report underscores the need to strengthen specialised training provided to key professionals in the justice system, including judges, child affairs prosecutors, psychologists, and social workers. It also highlights the need to introduce child-friendly procedural rules, such as using video or audio recordings to avoid multiple child interviews and consider the introduction of modern tools and technology to improve the appropriateness of justice procedures.

The Egyptian legal framework prescribes that it is permissible for the competent Public Prosecution to issue a decision to place the child temporarily in the observation centres within care institutions, if the course of the investigation so requires, provided that the child appear before the judges on the Child Court within the legally specified periods. While the law reflects a limit on the number of days that child offenders can be placed in care institutions or pre-trial detention and the control of any extensions through follow-up reports, this may lead to extended pre-trial periods of custody in cases that are complex to investigate. Reducing pre-trial periods and only using detention as a last resort is an area identified for progress under this report.

### *Key recommendations*

Invest in training for relevant professionals:

- Consider establishing mandatory child justice training, focusing on child-friendly judicial proceedings and the best interest of children, at the beginning of their tenure for judges and prosecutors specialising in children's cases.
- Enhance the attractiveness of child justice specialisation within the judiciary and prosecution with different incentives to support the development of a well-trained workforce.
- Increase the capacity of lawyers and civil society actors through training on certain crimes committed against children, including cyber-extortion, human trafficking, child labour, child marriage and female genital mutilation (FGM).
- Strengthen the institutionalised approach towards training and consider limiting the regular rotation of child-dedicated judges and prosecutors to enhance specialisation.
- Strengthen specialised training and support of experts, social observers, and social workers across the system to enhance the quality of reports submitted to prosecutors and judges in cases involving children.

Increase child-friendly facilities and procedural arrangements:

- Accelerate the installation of child-friendly interview and waiting rooms in courts, prosecution offices, CPC bureaus and other relevant buildings under the operational responsibility of the executive branch. Consider requesting specific budget allocations for this purpose in co-operation with the Ministry of Planning and Economic Development and the Ministry of Finance towards achieving SDG 16.
- Strengthen procedural means to avoid negative impacts on children during legal proceedings, such as allowing audio and video statements to avoid repeated interviews, staff interview training and scheduling regular breaks.
- Enable children to be accompanied by a support person they can trust during their contact with justice services and courts.
- Appropriate services for children deprived of their liberty:
- Consider reducing unnecessary custody in pre-trial phases through legislative reform and only using custodial measures as a last resort, in line with international standards, and continue to ensure limited periods of custody in practice.
- Continue strengthening co-ordination and institutionalisation of the inspection of care facilities to improve efficiency and ensure a broader coverage of various places of detention, care or observation at the national level.

#### **1.4.4. Ensuring sufficient capacities**

Allocating meaningful investment to the child-justice system, especially at a time of fiscal constraints, and balancing it with the necessary trade-offs with other public services is a global policy challenge. However, it can be a cost-effective lever to foster beneficial outcomes for children in many other areas, including health and education. Evidence from OECD interviews with stakeholders suggests that existing infrastructure, budget and workforce in the child justice system are limited. Several initiatives have been conducted as pilot projects. However, they do not receive stable budget allocations and are often funded by international co-operation, making it challenging to continue once the pilot is complete, even if they are successful. Stakeholders generally agree that CSOs and non-governmental organisations (NGOs) are filling in the gaps left by CPCs and other government services in several areas. State institutions have

reported that they are often reliant on the support provided by these organisations, including with regard to legal, social, and psychological assistance for children. At the same time, funding for CSOs/NGOs is itself limited and uncertain, raising questions about the sustainability of services that are critical to the entire system. Finally, as observed earlier, limited resources affect progress in establishing specialised Child Courts and child-friendly rooms within the justice system.

#### *Key recommendations*

- Consider reinforcing the capacities of the child justice system by allocating additional resources, including specialised staff and infrastructure.
- Foster an enabling ecosystem for CSOs, including but not limited to sound legal framework and reliable financial support that provide fundamental services for children, so they can continue to play this essential role.
- Stabilise financial support for pilot projects that are deemed to be successful, thus securing their sustainability.

#### **1.4.5. Prevention, proactivity and timeliness**

Root causes of children's legal needs are often linked to social, health, and economic factors. Legal needs research has shown that people from disadvantaged socio-economic backgrounds tend to have more legal problems. In view of this, an integrated approach that adopts proactive initiatives towards early intervention and prevention may be much more effective than waiting until children come into contact with the justice system.

Egyptian stakeholders reported that there have been programmes in social care institutions aimed at reintegrating child offenders and at-risk children back into society, in addition to an ongoing project in the Marg Punitive Institution, in collaboration with the United Nations Office on Drugs and Crime (UNODC), which aims at tackling the issue of social reintegration of children. Regarding victims, the Code of Criminal Procedure confers upon the competent Criminal Court the power to appoint a lawyer to initiate proceedings before the civil judiciary in favour of child victims who otherwise have no access to legal assistance.<sup>9</sup> Building on these efforts, this strategic review finds room to introduce the angle of prevention into the vision of the child justice system by investing in early childhood support programmes and reinforcing existing support services for child victims and offenders.

#### *Key recommendations*

- Integrate prevention into the purpose and vision of the child justice system.
- Consider further investing in early childhood care, education, community and family-based support programmes drawing from comparative experiences which correlate with lower rates of children at risk.
- Consider producing additional studies and policy papers on investment in child-friendly justice looking at the cost to society and the state of the spread of crime and children's involvement in criminal activities.
- Reinforce multi-faceted support services for child victims of crime to aid their recovery and for child offenders to receive education and support both whilst in detention, to prepare them for their return to their communities, and on release, to aid their reintegration into society.
- Building on the existing legal provision that victims have the right to civil compensation, consider introducing a mandate for the child's lawyer or guardian to take necessary steps to claim before the Children's Court for damages during or after proceedings in which the child was a victim, in line with international standards.

## Reference

OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>. [1]

## Notes

<sup>1</sup> National Council for Childhood and Motherhood, National Council for Childhood and Motherhood, Strategic framework for Childhood and Motherhood (2018 - 2030) as well as the National Implementation Plan (2018 -2022).

<sup>2</sup> The Supreme Standing Committee for Human Rights (SSCHR), National Human Rights Strategy.

<sup>3</sup> A whole-of-government approach exists when horizontal co-ordination and integration are embedded in the policy design and implementation process and helps a government respond to complexity. Whole-of-government approaches can be contrasted with sector-based siloed approaches, which often become fragmented and suffer from poor co-ordination and co-operation.

<sup>4</sup> According to OECD interviews with NCCM Child Helpline staff in November 2021 and March 2022.

<sup>5</sup> According to OECD interviews with staff from NCCM and MoSS.

<sup>6</sup> Non-custodial measures refer to legislation, policy, or practice that ensures that children are not unnecessarily detained. Both “alternatives to detention” and “non-custodial measures” can be used, but the latter is the preferred term as per the OECD approach to child-friendly justice.

<sup>7</sup> No Wrong Door Policies are government-wide approaches triggered at the moment a child wishing to file a complaint presents at; or is identified by, a public institution. In this context, by adopting a No Wrong Door Policy countries offer coordinated support, eases access to complaint mechanisms, and prevents re-traumatisation of children.

<sup>8</sup> Article 37 of the latter law stipulates that the National Council for Persons with Disabilities must be notified immediately upon the arrest of any person with a disability. The competent authorities and the Council must provide health, social, technical, specialised and legal assistance, including a psychologist, lawyer, as well as a specialised expert if necessary.

<sup>9</sup> Code of Criminal Procedure, Art. 252.

# **2** Purpose and Vision of a Child-friendly Justice System in Egypt

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This chapter provides an introduction to the concept of child-friendly access to justice in Egypt and the need to make progress in this field in light of the United Nations (UN) 2030 Agenda, as well as Egyptian national strategies to achieve child well-being and development, such as Vision 2030, the National Childhood and Motherhood Strategy and the Human Rights Strategy. It provides an overview and analysis of the legal framework applicable to children in Egypt at both the international and national levels. It also describes the project and the methodology followed in compiling this strategic review.

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Having a clear understanding of the purpose of the justice system is critical to steer reforms, initiatives and investments towards a desired outcome. Building on the people-centred justice approach (OECD, 2021<sup>[1]</sup>), the purpose of the justice system and its components could involve:

*“Providing equal access to justice for all children by placing them at the centre of relevant parts of justice systems, and in particular identifying and meeting the legal and justice needs of children at their various stages of maturity and capacity, and committing to a “culture” that seeks to support this child-friendly focus within a broader people-centred purpose.” (OECD forthcoming, 2023<sup>[2]</sup>)*

Such a purpose aims to recognise that seeking to engage with and hear the views of children in relation to their legal needs must take into account their evolving levels of capacity and maturity. A key challenge is that many children, particularly younger children, are deemed to lack or may, in fact, lack sufficient legal capacity, which means that adults are responsible for speaking on their behalf. Accordingly, attempts to hear children’s voices and to engage them in the co-design of justice policies and services would often require significant support from adults. Therefore, for this group in particular, a holistic vision needs to be developed that would enable children, as far as possible, to have equal access to a full range of quality, appropriate, legal, justice and related services (OECD forthcoming, 2023<sup>[2]</sup>).

## 2.1. Vision 2030 and achieving SDG 16.3

The basis of access to justice is equality and social inclusion, as set out in the “leave no one behind” imperative of the SDGs. In essence, justice systems exist to protect the vulnerable from abuse and exploitation, resolve disputes and foster participation in just societies, leading to positive repercussions on all other SDGs. Justice systems that ensure the protection of children’s rights could shed light on ineffective or discriminatory public policies, acting as an enabler for positive legal and regulatory reforms that advance child well-being. Considering this, access to justice for children provides a tool for Egypt to operationalise and implement the objectives set in its National Child Strategy and Human Rights Strategy, and to align them with its Vision 2030 and the SDGs.

### 2.1.1. Importance of SDG 16.3 for children’s well-being

SDG 16.3 commits all member states to “promote the rule of law at the national and international levels, and ensure equal access to justice for all.” (OECD forthcoming, 2023<sup>[2]</sup>) Under this agenda, equal access to justice is accepted as a fundamental component of inclusive development and growth, good governance and effective public policy, as well as the rule of law (OECD, 2019<sup>[3]</sup>).

Although the impact of legal problems on children has not been measured, some studies have examined the impact on young people aged 16-24, finding that young people from disadvantaged groups, such as those who are unemployed or socially isolated, are more likely than the population as a whole to worry about their legal problems and to report, as a result of their problems: stress-related illness; violence; loss of home; loss of confidence; and physical ill health (Kendrick, 2011<sup>[4]</sup>). A review of international evidence of links between young people’s legal problems and their health and well-being confirmed that the links were reciprocal (Woodhead et al., 2022<sup>[5]</sup>).

The receipt of legal advice by young people has been reported to be effective at averting serious adverse outcomes, including homelessness, criminal behaviour, mental health problems, social services intervention and even death (Kendrick, 2011<sup>[4]</sup>). In addition, getting advice improves young people’s physical, mental, social and emotional well-being, problem-solving skills, housing situations and their ability to manage money and stay safe from harm (Woodhead et al., 2022<sup>[5]</sup>).

In addition, several studies have examined the impact of professional advice on psychosocial factors such as young people’s self-confidence, perceived social support, knowledge and awareness of rights and where to seek help in future, interpersonal relationships and communication skills. By dealing with pressing

legal and social problems, this advice gave young people space to think and make important life decisions, left them feeling more in control of their lives, and better able to make decisions affecting key life domains (Woodhead et al., 2022<sup>[5]</sup>).

This evidence base suggests that the achievement of SDG 16.3 targets can positively impact children and young people's lives beyond their access to justice, impacting their wider opportunities to achieve their full development, find employment, and maintain their health and overall well-being. Indeed, access to justice can play a crucial role in Egypt's efforts to address children's rights, needs and aspirations and as an engine of societal change given the vital link between children's developmental and social needs and adequate access to legal remedies and protection.

### ***2.1.2. The alignment of child policies through Egypt's Childhood Strategy, Human Rights Strategy, Sustainable Development Strategy and SDG commitments***

Egypt's Childhood and Motherhood Strategy and its Human Rights Strategy (The Supreme Standing Committee for Human Rights (SSCHR), n.d.<sup>[6]</sup>) mention the specificity of children's needs and rights. The Childhood Strategy illustrates the critical necessity of protecting children from all forms of physical and psychological violence, ensuring the protection and respect of their core rights to housing, education, participation and protection, as well as combating child labour, human trafficking and abuse of the most vulnerable children. Similarly, Egypt's Human Rights strategy includes protecting children's rights as one of its focus areas. It indicates that legal awareness of children and their protection from abuse, exploitation, negligence and all forms of violence are essential. In this sense, access to justice ensures the protection of children's fundamental rights and fosters increased awareness of their specific need for protection. With the pragmatic and forward-thinking nature of the childhood and human rights strategies providing a strong impetus for policy and legal reform, Egypt is in a position to significantly improve access to justice for children and, in turn, enhance the overall situation of Egyptian children and their quality of life.

## **2.2. Access to justice for children: a business case for leaving no child behind**

### ***2.2.1. The links between child-friendly access to justice, inclusive growth and the Sustainable Development Goals (SDGs)***

Sound justice systems underpin the rule of law, good governance, protection of human rights and efforts to tackle inequalities and development challenges. Growing evidence highlights a complex relationship between unequal access to justice and broader socio-economic gaps. The inability to access justice can be both a result and a cause of disadvantage and poverty. Evidence shows that access to justice and development have a significant interrelation and are mutually reinforcing, making access to justice essential for inclusive growth and sustainable development at the national and international levels.

The significant impact of a fair, affordable and accessible justice system on sustainable development has been confirmed by its inclusion as part of SDG 16.3: "Promote the rule of law at the national and international levels and ensure access to justice for all." The SDGs call on all countries to make tangible improvements to the lives of their people, in line with the UN 2030's vision of a "just, equitable, tolerant, open and socially inclusive world in which the needs of the most vulnerable are met." Given that children in Egypt make up an estimated 40% of the total population, (UNICEF, 2017<sup>[7]</sup>) achieving the SDGs will significantly impact the lives of Egypt's future generations. However, there remains much to do globally to achieve this objective for children.

Children are at the forefront of many of the challenges countries face as they are affected by all the SDGs, whether poverty (Goal 1), hunger (Goal 2), health (Goal 3), education (Goal 4), gender equality (Goal 5), climate change (Goal 13) or violence and lack of access to justice (Goal 16). However, children are distinct

from adults and have specific needs, rights and capacities to resolve their problems. Responding appropriately to children considering this distinctiveness, including when it comes to accessing justice services, is essential for the successful and equitable delivery of these global goals.

### **2.2.2. Legal needs and the global costs of children's unresolved needs**

A legal need relates to a problem in different life areas – e.g. education, health, employment, administrative or neighbourhood issues – with a legal dimension, whether or not this legal need is recognised by those affected (OECD, 2021<sup>[11]</sup>). They are not exclusive to any category of the population. Globally, there is mounting evidence of a close association between experiencing legal problems and broader health, social welfare and economic well-being issues (OECD, 2019<sup>[8]</sup>). Specifically, unresolved legal problems appear to have an adverse impact on many aspects of young people's lives, most commonly leading to young people becoming ill, often due to stress, losing income, or losing confidence. However, such problems can also lead to young people experiencing violence, homelessness, relationship breakdown, and barriers to education and employment (Kendrick, 2011<sup>[4]</sup>).

The costs on individuals resulting from legal problems are not uniformly distributed across the population. Disadvantaged groups, such as low-income earners, people with disabilities or minority groups, are more exposed to the adverse consequences of legal problems (OECD, 2019<sup>[8]</sup>).

Such adverse consequences generate high costs for individuals, states and societies at large. Taking into account the direct expenditure related to legal problems across the adult population and the cost of adverse consequences on people's health, income and employment situations, the OECD estimates the annual costs of legal problems for the individuals affected as ranging from 0.5% to 3% of the gross domestic product in most countries. Among the seven low-income countries studied, five, namely Ethiopia, Madagascar, Malawi, Nepal and Senegal, were affected by legal and associated costs exceeding 2% of their gross domestic product (OECD, 2019<sup>[8]</sup>). The public cost of unresolved problems experienced by 16-24 year-olds in the United Kingdom is estimated at GBP 1 billion (pounds) per year (Kendrick, 2011<sup>[4]</sup>).

The burden imposed by legal problems can be efficiently mitigated by ensuring that citizens can access high-quality legal services, including legal aid to provide representation for clients with low legal capability<sup>1</sup> or with complex legal needs. The evidence shows that full legal representation leads to better outcomes both for individuals and for society as a whole (OECD, 2019<sup>[8]</sup>). A recent UK study has estimated that savings of GBP 8 000 of public finances can be achieved over one year in respect of each client receiving free legal advice (Leckie, Munro and Pragnell, n.d.<sup>[9]</sup>).

In particular, understanding the strong associations between children and young people's legal needs and their mental health is particularly important in developing access to justice solutions (Sefton, 2010<sup>[10]</sup>) (Balmer and Pleasence, 2012<sup>[11]</sup>). It has been argued that huge savings could potentially be made by intervening more smartly by tackling young people's social welfare, legal and mental health problems in a co-ordinated, accessible way in young person-friendly settings (Youth Access, 2015<sup>[12]</sup>).

For children and young people, access to legal support can be essential for successfully resolving their legal problems and thus combating poverty and exclusion by securing their rights to social protection, education and health care. The positive difference made by legal advice services appears to be greater for young people than for the general population, suggesting that targeted investment in advice services for young people could be better value for money than non-age-specific approaches (Kendrick, 2011<sup>[4]</sup>). Advice services for young people have been calculated to be "clearly cost-effective" on the grounds of mental health improvements alone (Balmer and Pleasence, 2012<sup>[11]</sup>).

### **2.2.3. Justice needs and existing barriers for children accessing justice**

A "justice need" refers to the demand to access (public) justice services and other dispute resolution mechanisms to obtain recognition of and remedy a legal need (OECD, 2021<sup>[11]</sup>).

Globally, including in Egypt, children often face difficulties in accessing justice systems, particularly due to a lack of age-appropriate information and settings, lengthy proceedings, and long waiting times to obtain a resolution (Council of Europe, 2010<sup>[13]</sup>). This is exacerbated when children need to attend the courts to enforce their rights or as victims of a crime, especially when consent or support from their abusers is required in order to access justice (Davidson et al., 2019<sup>[14]</sup>) and their views and experiences are not given adequate weight. At the same time, child offenders often do not experience child-sensitive settings, including but not limited to, communication and hearing techniques adapted to their level of maturity and attention, as well as child-friendly rooms and facilities. International experience also shows that children and their families often have very limited knowledge and understanding about the rights of a child and where and whether to seek help in specific situations.

It, therefore, follows that a child-friendly justice system requires an adaptation to children’s sensitive needs and interests and greater responsiveness to children’s participation in formal and informal decision making concerning them. This can include simplifying procedures and language used, the presence of support professionals who specialise in the needs of children of different ages, and the existence of child-friendly facilities. The concept of a child-friendly justice system acknowledges not only children’s particular vulnerability but also their capability to exercise their rights in a manner consistent with their evolving capacities (Box 2.1).

### **Box 2.1. What is child-friendly access to justice?**

#### **Global definitions of access to justice and what it means to become “child-friendly”.**

Access to justice: “Access to justice can be defined as the ability to obtain a just and timely remedy for violations of rights as put forth in national and international norms and standards. Lack of access to justice is a defining attribute of poverty and an impediment to poverty eradication and gender equality (...) Proper access to justice requires legal empowerment of all children: all should be enabled to claim their rights, through legal and other services such as child rights education or advice and support from knowledgeable adults.”

Children at the centre of a justice service continuum: “Leaving no one [child] behind in accessing justice requires rethinking the traditional approaches to delivering legal and justice services, focusing first and foremost on responding to people’s [children’s] needs. Services need to be “personalised” and responsive to the individual [child] and the situation.”

Child-friendly justice: “...refers to justice systems which guarantee the respect and the effective implementation of all children’s rights at the highest attainable level.... It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.”

Sources: (Council of Europe, 2010<sup>[13]</sup>), Guidelines of the Committee of Ministers on child friendly justice, II c, <https://rm.coe.int/16804b2cf3>; UN (2008), Common Approach to Justice for Children; OECD (2019), Equal Access to Justice for Inclusive Growth: Putting People at the Centre, OECD Publishing, Paris, p. 15.

However, despite a progressive international human rights framework concerning child-friendly justice systems and increasing efforts to implement policies and initiatives aimed at strengthening child-friendly justice worldwide, only a limited number of children whose rights are violated around the world initiate legal action and seek redress, whilst even fewer actually obtain an effective remedy. At the same time, child offenders often face difficulties understanding and navigating the juvenile justice system, are scared by the lack of child-sensitive settings and language, and face challenges obtaining affordable legal advice

appropriate to their development level. In turn, child offenders often do not have their rights to due process respected or achieve full social reintegration.

## 2.3. The project: towards a child-friendly justice system in Egypt

### 2.3.1. Project description and partners

The project “Towards a Child-Friendly Justice System in Egypt” aims to support the development of a child-friendly justice system in Egypt by enhancing the capacity, institutional co-ordination and effectiveness of the Egyptian justice system to better protect children in contact with the law. Importantly, the project aims to facilitate high- and mid-level engagement of, and dialogue between, the main stakeholders in support of the effective implementation of the objectives of the Strategic Framework (2018-2030) and the National Plan for Childhood and Motherhood in Egypt (2018-2022).<sup>2</sup> These outcomes are implemented through a set of activities to help identify key challenges and opportunities in this field and to build a roadmap for reform, including raising awareness of the importance of child-friendly justice.

Aligned with the Egypt Vision 2030, the National Child Strategy and the UN SDGs, the OECD is carrying out this project with the financial support of the Swiss Agency for Development and Cooperation. It also builds on the work of the MENA-OECD Governance Programme and the rule of law support to Egypt and is underpinned by the OECD work on access to justice and child well-being. The OECD’s support towards a child-friendly justice system seeks to highlight the importance of access to justice for children in implementing the UN 2030 agenda. It also aims to reveal the complex equation of complementarities and trade-offs across the whole child-friendly justice ecosystem and offers policy advice that could lead to more coherent and co-ordinated justice services for children. In addition, this project emphasises the necessity to understand better the needs and aspirations of children in Egypt.

This strategic review *Towards a child-friendly justice system in Egypt: Implementing SDGs for children*, considers a range of essential components of a child-friendly justice system in all its forms – criminal, civil and administrative justice – assessing whether and to what extent it meets the rights and needs of children. It includes a review of legislative and institutional frameworks and an analysis of specific design and delivery mechanisms of justice services based on the legal needs of children. It aims to enable a common understanding of the current state of the Egyptian justice system to support the review process, and that will allow Egypt to reflect on its reform agenda nationally and from a comparative perspective. It places emphasis on identifying the roles, responsibilities and co-operation opportunities for the most relevant governmental stakeholders involved in child-friendly justice. It reflects a wide variety of views gathered from Egyptian institutional stakeholders, civil society, international organisations, OECD country peers and children through the Egyptian Child Forum.

The strategic review’s analysis and recommendations will also serve as a basis for developing an action roadmap and tailored good practice guidelines in the context of this project. This will also serve to focus different capacity-building and policy dialogue activities on the most salient challenges facing the Egyptian child justice system.

Concerning further areas of attention that could be relevant to Egypt, more specific consideration of issues related to children in families in the midst of international custody disputes would be beneficial. Future interventions could consider providing Egypt with policy guidance and technical assistance on international custody matters based on a comprehensive and child-centred approach, as well as supporting the Ministry of Justice and the members of the Goodwill Committee, judges sitting in Family Courts, and members of Dispute Settlement Bureaus within Family Courts.

In addition, there is scope to deepen the analysis of and support for initiatives aimed at protecting vulnerable children in contact with the justice system, including refugees and migrants, children with

disabilities, girls, and children living in rural areas or border governorates. Moreover, Egypt could benefit from additional policy support on potential modern and innovative solutions in the context of strengthening the overall approach to access to justice for all, which would also improve access to justice for children. Such strategies could be implemented in the future, drawing from global experiences to protect vulnerable groups, for example, through mobile courts and programmes or safe one-stop-shops for children at risk.

To fully support and advise Egypt in its efforts to develop a child-centred justice system, this analysis would require enhanced access to information and data, both qualitative and quantitative. A Legal Needs Survey for children or further strengthening of the use of data in evidence-based justice policy planning could have a significant positive impact on the child-friendliness, effectiveness, and efficiency of Justice in Egypt.

### **2.3.2. Methodology and definitions**

This strategic review is based on a child-centred perspective, including needs and experiences at various points along the justice pathway from the beginning of a legal issue until its resolution – from prevention and protection to post-resolution support. The analytical framework used is the OECD Child-friendly Justice Framework (forthcoming) and the related People-centred Justice Framework and Good Practice Principles, as well as the OECD criteria for people-centred design and delivery of legal and justice services. It expands the work of the Justice for Children Call to Action, an international, multi-agency project that was launched in 2019 with the aim to support the collective global commitment to ensure that children are placed at the heart of the access to justice agenda (Davidson et al., 2019<sup>[14]</sup>).

It also builds on the outcomes of discussions during the OECD Global Roundtables on Access to Justice – attended by over one hundred ministry of justice officials, partner international organisation representatives and thematic experts,<sup>3</sup> and discussions during the 2021 World Congress on Justice with Children.<sup>4</sup>

It is comprehensive in its consideration of children who are victims, witnesses, interested parties or offenders in the criminal, administrative and civil spheres. This strategic review is built on the basic premise that, irrespective of the reason that children interact with the law, it is important that they are met with a system that puts them at the centre and provides services that address their unique needs and vulnerabilities.

In order to follow the pathway of the child in any legal proceeding – criminal, civil, or administrative – this review attempts to follow the phases in a child’s contact with the justice system. The review analyses the phases prior to, during, and after court proceedings, as well as other actions that are taken on the pathway, including diversion and dispositions in any of those phases of the child’s contact with the justice system.

These findings are the result of research activities undertaken by the OECD Justice and MENA-OECD Governance Programme teams within the Public Governance Directorate, including a comprehensive review of publicly available legislation, policy documents, national and international organisation sources, civil society input and academic reports. To complement the knowledge gathered, the OECD has also organised several policy dialogues, capacity-building workshops and peer-to-peer seminars, and conducted working meetings and interviews with various officials and representatives from public institutions, international organisations, and national and international non-governmental organisations in Cairo and Giza. Furthermore, the OECD interventions and analysis undertaken in the context of this project have sought to complement relevant projects implemented by other development partners and non-governmental organisations (NGOs) on the ground. The OECD also visited the Alexandria governorate to understand the functioning of the Child Protection Committee (CPC) and regional justice services. Interviews and meetings held in-person or virtually have included:

- The National Council for Childhood and Motherhood (NCCM)
- Ministry of Justice (MoJ)

- Ministry of Social Solidarity (MoSS)
- Public Prosecution Office (PPO)
- General Childhood Protection Committee in Alexandria
- Child Prosecution of Cairo
- Child Court of Cairo
- Egyptian Child Forum
- Local and international civil society organisations (CSOs) active in Egypt
- Intergovernmental organisations' national offices in Egypt

In addition, the OECD conducted a focus group discussion (FGD) with child representatives of the Egyptian Child Forum in June 2022, facilitated by local consultants with expertise in child justice and supported by a tailored methodology developed specifically by international experts in this field to conduct this discussion in Egypt. The discussion focused on the legal needs that they thought children might experience, how the system serves them and how it could improve.

In order to unify terminology across institutions, in both English and Arabic, Table 2.1 maps the most important terms and definitions.

**Table 2.1. Key terminology and definitions according to Egyptian laws and interviews with stakeholders**

English	Arabic
<p><b>Non-custodial or alternative measures:</b> alternatives to detention as stated in Article 101 of the Child Law:</p> <ul style="list-style-type: none"> <li>• Age 0–7: delivery to parents, guardians or hospitalization.</li> <li>• Age 7–12: delivery to parents and reprimand or placement in a care institution or hospital.</li> <li>• Age under 15: one of any alternative measures stated by Article 101 of the Child Law.</li> <li>• Age 15–17: only in relation to misdemeanours, judicial probation community service activities not harmful to the child's health or mental state, or placement in one of social care institutions hospitals could be applied.</li> <li>• Criminal responsibility shall not apply to the child who has not reached the age of twelve (art. 94 of the Child Law).</li> </ul>	<p><b>التدابير البديلة:</b> هي التدابير البديلة للعقوبة السالبة للحرية والمنصوص عليها في المادة 101 من قانون الطفل. السن بين 0-7: التسليم للأبوين أو من له وصاية أو ولاية عليه. السن بين 7-12: التسليم ويمكن أيضاً تطبيق التوبيخ أو الإيداع بإحدى المستشفيات أو مؤسسات الرعاية. السن أقل من 15 سنة: يمكن تطبيق أي من التدابير المنصوص عليها في المادة 101 من القانون الطفل. السن 15-17: في الجرح فقط يطبق عليه أحد التدابير المنصوص عليها وهي الاختبار القضائي أو الخدمة المجتمعية غير المضرة بالصحة البدنية والنفسية للطفل والإيداع بدور الرعاية أو أحد المستشفيات. تمنع المسؤولية الجنائية للأطفال الأقل من 12 عام (مادة 94 من قانون الطفل)</p>
<p><b>Case management units:</b> units established under MOSS in each governorate to assist and follow up on children at risk and in contact with the law and provide psychological support. According to the MoSS, case management units are currently present in 14 governorates, and hiring processes are ongoing to staff them.</p>	<p><b>وحدات إدارة الحالة:</b> هي وحدات تابعة لوزارة التضامن الاجتماعي في كل محافظة لمساعدة ومتابعة الأطفال في خطر والأطفال في تماس مع القانون وتقديم الدعم النفسي لهم. ووفقاً لممثلي وزارة التضامن الاجتماعي يوجد حالياً وحدات في 14 محافظة وجاري اتخاذ اجراءات تعيين موظفين بهم.</p>
<p><b>General Committee for Childhood Protection (Child Protection Committees or CPCs):</b> established in each governorate, chaired by the Governor and have different concerned ministries, institutions and non-governmental organisations (NGOs) as members. These committees formulate the general policy for childhood protection in their respective governorate and shall follow up on the implementation of this policy (Art. 97, Child Law). More details about their role are included in the circular decree No. 7 of 2018 issued from the prosecutor General.</p>	<p><b>اللجنة العامة لحماية الطفولة، والمعروفة بلجان حماية الطفل:</b> تنشأ بكل محافظة برئاسة المحافظ وعضوية مختلف الوزارات والجهات المعنية ومنظمات المجتمع المدني تختص اللجنة برسم السياسة العامة لحماية الطفولة في المحافظة ومتابعة تنفيذها (مادة 97 من قانون الطفل).</p> <p>وأوضح الكتاب الدوري رقم 7 لسنة 2018 مزيد من التفاصيل بشأن دور لجان حماية الطفل.</p>
<p><b>Child Protection Sub-committees:</b> are established within the jurisdiction of each department or police district. Each sub-committee shall include security, social, psychological, medical</p>	<p><b>اللجان الفرعية لحماية الطفولة:</b> تشكل في دائرة كل قسم أو مركز شرطة. ويراعى في التشكيل أن تضم عناصر أمنية واجتماعية، نفسية وطبية وتعليمية. يكون عدد الأعضاء 5 على الأقل، ولا</p>

English	Arabic
and educational representatives. The number of members shall be at least 5 and not exceed 7, including the committee chair. Sub-committees may include among their members one or more representatives from the NGOs concerned with childhood affairs. Child Protection Sub-committees shall monitor all cases of children at risk and take the necessary preventive and therapeutic interventions for all these cases and follow up on any measures taken.	يجاوز 7 أعضاء، بمن فيهم الرئيس. ويجوز للجنة الفرعية أن تضم بين أعضائها ممثلاً أو أكثر من مؤسسات المجتمع المدني المعنية بشؤون الطفولة. وتختص اللجان الفرعية لحماية الطفولة برصد جميع حالات الأطفال المعرضين للخطر واتخاذ التدخلات الوقائية والعلاجية اللازمة لجميع هذه الحالات، ومتابعة ما يتخذ من إجراءات.
<b>Child Law:</b> Egyptian Child Law No. 12 of 1996, amended with Law No. 126 of 2008.	<b>قانون الطفل:</b> قانون الطفل المصري رقم 12 لسنة 1996 والمعدل بالقانون 126 لسنة 2008
<b>Officers of judicial arrest:</b> are civil servants appointed by the Minister of Justice in agreement with the Minister of Social Solidarity within their areas of competence. They have the authority to arrest or detain individuals in the context of crimes committed by children, when children are at risk, and in all offences stipulated by the Child Law (Art. 117, Child Law).	<b>مأموري الضبط القضائي:</b> هم موظفين معينين من قبل وزير العدل بالاتفاق مع وزير التضامن الاجتماعي في دوائر اختصاصهم مُنحوا سلطة الضبط القضائي فيما يختص بالجرائم التي تقع من الأطفال وحالات تعريضهم للخطر وسائر الجرائم المتصوص عليها في قانون الطفل (مادة 117).
<b>Observation centres:</b> are centres where children under 15 years old can be temporarily placed during the investigation of their case and subsequent trial, they can also accept children above 15 years old who do not show dangerous criminal conduct. The period for keeping the child in custody shall not exceed one week, unless the court decides to extend the period according to the regulations for temporary custody as stipulated in the Criminal Procedure Code (Art. 119, Child Law).	<b>دور الملاحظة:</b> هي أماكن تختص بإيداع الأطفال الأقل من 15 عام ويكون ايداعهم فيها مؤقتاً بقصد التحفظ عليهم ويجوز قبول فوق سن الـ 15 ممن لا تتوافر فيهم خطورة إجرامية. لا تتعدى مدة الإيداع 7 أيام ما لم تأمر المحكمة بمد الفترة وفقاً لقواعد الحبس الاحتياطي المنصوص عليها في قانون الإجراءات الجنائية (مادة 119 من قانون الطفل).
<b>Probation offices:</b> regulated by Ministerial Decision No. 401 of 25/10/2020 (MoSS), they are social offices specialising in the care and protection of child offenders or children at risk. They are concerned with the supervision of the alternative measures mentioned in Article 101 of the Child Law.	<b>مكاتب المراقبة الاجتماعية:</b> هو جهاز اجتماعي متخصص في رعاية الأطفال المعرضين للخطر في بيئتهم الطبيعية ومخالف القانون والمعنى بالإشراف على تنفيذ تدابير المراقبة الاجتماعية المنصوص عليها في المادة (101) من قانون الطفل الصادر بالقانون رقم 12 لسنة 1996 والمعدل برقم 126 لسنة 2008 وينظم لعمل مكاتب المراقبة الاجتماعية القرار الوزاري رقم 401 لسنة 2020.
<b>Probation Officer or Social Observer:</b> is a status granted only to employees of the probation offices of the MoSS appointed by a decision of the Minister of Social Solidarity or for those who meet the conditions determined by Article 7 of the MoSS Ministerial Decision No. 401 of 25/10/2020. They are responsible for preparing a file for each child that includes a psychological and social report on all aspects of the child's life. This file forms the basis upon which the case is disposed of in court. These officers are then responsible for monitoring the implementation of the agreed measures, providing periodic reports on the child's condition to the court and follow-up with the child after the case is over.	<b>المراقب الاجتماعي:</b> صفة تمنح فقط للعاملين في مكاتب المراقبة الاجتماعية ويتم اختيارهم بقرار من وزير التضامن الاجتماعي أم من يفوضه لمن تنطبق عليه الشروط الواردة بقرار وزاري رقم 401 بتاريخ 25/10/2020 المادة (7) وهو المسئول عن اعداد التقارير النفسية والاجتماعية قبل عرض الطفل علي النيابة ومحكمة الطفل - تنفيذ التدابير - الرعاية اللاحقة.
<b>Social Care institutions and Social Defence Institutions:</b> care institutions where children can be detained, whether in closed, semi-closed or open care institutions.	<b>مؤسسات الرعاية الاجتماعية / مؤسسات الدفاع الاجتماعي:</b> مؤسسات الرعاية الاجتماعية التي يتم تطبيق قرار/حكم الإيداع بها، سواء مغلقة (واحدة فقط) أو شبه المغلقة (مؤسستين) أو المؤسسات المفتوحة.
<b>Closed institutions, The Merg Punitive Institution:</b> there is only one punitive, closed institution for children, where boys between the ages of 15-18 who are sentenced to prison are placed (Art.111, Child Law). If the child reaches the age of 18, the sentence may continue to be carried out in the punitive institution if they pose no danger and the remaining period of the penalty does not exceed six months (Art 141, Child Law). This closed institution is located in the Marg district in Cairo. It is managed by the MoSS and the Ministry of Interior and is technically supervised by MoSS.	<b>المؤسسات المغلقة / مؤسسة المرح العقابية:</b> هي المؤسسة العقابية الوحيدة وتقع في منطقة المرح في القاهرة، حيث يطبق فيها عقوبة السجن للأطفال الذين تتراوح سنهم بين 15 و 18 عاماً وفقاً للمادة 111 من قانون الطفل. يجوز مع ذلك استمرار تنفيذ العقوبة في المؤسسة العقابية لمن تجاوز السن المقرر قانوناً إذا لم يكن هناك خطورة من ذلك وكانت المدة المتبقية للعقوبة لا تجاوز ستة أشهر (المادة 141 من قانون الطفل)، وهي تخضع في إدارتها لوزارة التضامن الاجتماعي ووزارة الداخلية وتتبع فنياً وزارة التضامن الاجتماعي.
<b>Semi-closed institutions:</b> are detention institutions where children under the age of 15 years old who are extremely deviant and dangerous could be placed. They are under the management and technical supervision of MoSS.	<b>المؤسسات شبه المغلقة:</b> مؤسسات الإيداع التي يودع فيها الأطفال مخالفين القانون شديدي الانحراف والخطورة ممن لم يتجاوز 15 عاماً وهي تتبع ادارياً وفنياً لوزارة التضامن الاجتماعي.



English	Arabic
<p><b>Open institutions:</b> all other care institutions where children between the age of 7-18 can stay if they have committed low- or medium-risk crimes or for children at risk (Circular Book No. 7 for 2018). They are under the management and technical supervision of MoSS.</p>	<p><b>المؤسسات المفتوحة:</b> جميع مؤسسات الرعاية الأخرى التي يمكن للأطفال من 7 إلى 18 سنة البقاء فيها إذا كانوا قد حكم عليهم بإيداع في جرائم منخفضة أو متوسطة الخطورة وهي تتبع إدارياً وفنياً لوزارة التضامن الاجتماعي.</p>
<p><b>Social workers and psychologists:</b> are staff from the MoSS who are present in care institutions, other units or civil society organisations under MoSS' supervision. There are also psychologists and social workers from the Department of the Child Helpline of the NCCM or NGOs partners of the NCCM, as well as from CPCs and sub-committees in governorates. They evaluate and report on the child's psychological and social conditions and various aspects of their life.</p>	<p><b>الإخصائيون النفسيون والاجتماعيون:</b> هم الإخصائيون التابعون لوزارة التضامن الاجتماعي والمتواجدون في مؤسسات الرعاية أو غيرها من الوحدات، وقد يكونوا تابعين لمنظمات المجتمع المدني تحت إشراف وزارة التضامن الاجتماعي. وهناك إخصائيين نفسيين واجتماعيين أعضاء في إدارة خنجة الطفل بالمجلس القومي للطفولة والأمومة أو الجمعيات الأهلية الشريكة للمجلس القومي للطفولة والأمومة أو لجان الحماية العامة أو الفرعية في المحافظات. ويقوم الإخصائيون بتقييم حالة الطفل النفسية والاجتماعية ومختلف جوانب حياته واعداد تقارير بشأنها.</p>
<p><b>Social experts:</b> are appointed by a decree of the Minister of Justice in agreement with the Minister of Social Solidarity after being selected according to one of the methods mentioned in Article 9 of the MoSS Ministerial Decree No. 401 of 25/10/2020. It is mandatory for two experts to assist in the Child Court, at least one of whom shall be a woman. They shall submit their report to the court after studying the circumstances of the child in all respects before the court issues its ruling (Art 121, Child Law). The experts discuss with the social observer the appropriate measure or punishment for the child and they sometimes follow-up on the implementation of these measures due to the limited number of social observers.</p>	<p><b>الخبراء الاجتماعيين:</b> هي صفة تمنح من وزير العدل بالاتفاق مع وزير التضامن الاجتماعي بعد اختياره بإحدى الطرق الواردة بالمادة (9) من القرار الوزاري لوزارة التضامن الاجتماعي رقم 401 بتاريخ 25/10/2020 ويعاون من المحكمة خبيران اجتماعيان على أن يكون أحدهما علي الأقل من النساء ويكون حضورهما اجراءات المحكمة وجوباً وهو عضوان اساسيان في تشكيل محكمة الطفل، علي الخبرين ان يقدموا تقاريرهما الي المحكمة بعد بحث ظروف الطفل من جميع الوجوه وذلك قبل ان تصدر المحكمة حكمها ويشارك مع المراقب الاجتماعي الراي في التدبير المناسب للطفل واحيانا يقوم بعمل المراقب في حالة عدم استكمال الجهاز الوظيفي بمكتب المراقبة.</p>

Source: Own elaboration based on Egyptian legislation and interviews with Egyptian stakeholders.

### 2.3.3. Towards a child-friendly justice culture

Implementation of a vision for a child-friendly people-centred justice system requires an engrained culture that enables all relevant elements of the justice system to be continuously focused on achieving (or contributing to the achievement of) the child-friendly purpose. This implies a systemic process to enable all elements of the justice system to continually refer back to and align with that purpose. A key factor in achieving a child-friendly purpose and culture will be the level of engagement with children and young people to ensure their voices are heard and used (OECD forthcoming, 2023<sup>[2]</sup>).

Following the approval of the 2008 amendments to the Child Law, the Convention on the Rights of the Child (CRC) Committee commended Egypt for transitioning from a punitive to a child rights-oriented justice system (United Nations, n.d.<sup>[15]</sup>).<sup>5</sup> Egypt has since made progress in implementing the provisions of the law and aligning its national strategies with this goal. Building on these efforts, there appears to be a need to raise further awareness in Egypt of the status of children as rights-holders separate from their parents or guardians, as well as to increase their participation in child-policy making and legal processes, whether in the criminal, civil or administrative fields. For instance, in civil and administrative proceedings, it has become apparent from stakeholder interviews that there is a limited understanding of children as rights-bearers. Children are rarely present in court for family proceedings that affect them unless the judge specifically requests their opinion, which is considered rare. Public communication efforts were initiated by the NCCM and the Ministry of Justice, focusing on the best interests of the child, child participation and empowerment, and more broadly the need to strengthen the child-friendly justice culture. All the child justice institutions can contribute to making this a reality among the public and justice sector's staff. Box 2.2 outlines the elements of a child-friendly culture according to the OECD Framework for Child-friendly Justice within a People-centred Justice System (OECD forthcoming, 2023<sup>[2]</sup>).

### Box 2.2. Elements of a child-friendly justice culture within the OECD Framework for Child-Friendly Justice

- Constantly referring back to the purpose: a child-friendly culture would see all elements of the justice system continually refer back to the purpose of enabling equal access to justice for children to ensure that actions, policies and reforms remain focused on that purpose.
- Understanding the legal and justice needs of children from their perspective: a crucial first step in establishing and maintaining a child-friendly approach is to regularly identify the legal and justice needs of children as they experience them. Doing so requires taking into consideration all children and their particular circumstances. A people-centred justice culture for children would look beyond the formal institutions to identify legal and justice needs in communities, as the children and their families living there experience them.
- Seeking to create and maintain appropriate legal, policy and institutional frameworks guided by international best practice: the Convention on the Rights of the Child (CRC), the three optional protocols associated with the Convention, and a host of other international covenants and standards provide a good practice basis for guiding national legal, policy and institutional reforms and frameworks. Constantly referring back to and testing various laws, policies and institutional structures against these internationally accepted standards is likely to be a feature of a child-friendly culture within a people-centred justice system.
- Promoting the legal empowerment of children: a crucial element of providing access to justice is empowering people to participate in and manage their own affairs and have a voice in the design and delivery of processes and services that affect them. For children, this requires dedicated arrangements to ensure that the information, assistance, and support provided reflect their age, maturity and unique circumstances. A child-friendly culture will seek to provide for such appropriate empowerment.
- Committing to learning what works from the child's perspective: the culture must include a commitment to learning – through rigorous evaluation, research, user feedback, deep community engagement and data monitoring – what strategies and pathways are most effective, sustainable and appropriate for meeting the legal and justice needs of children and using this evidence-based approach to guide policy design and development.
- Ensuring child-friendly arrangements are prioritised at all stages along relevant pathways: the growth of “human-centred design” concepts in recent years reflects the fact that many justice system processes have evolved from an institutional perspective rather than the perspective of the ordinary person. Services and processes impacting children need to be designed to be appropriate for them.
- Promoting a whole-of-government and whole-of-state approach: while children may have fewer legal issues than adults, even they will have inter-twined legal issues (family, civil, criminal), as well as further inter-twined non-legal needs. The resolution of these legal and justice needs may only be possible with the resolution of other service problems. Therefore, a culture in which all parts of government, state and non-government agencies work together to resolve the problems experienced by children in a holistic way is essential.
- Ensuring appropriate capability and development for actors involved in providing justice services: children confront the justice system and face legal problems at a unique disadvantage by virtue of age, capacity and maturity limitations. They must engage with many individuals, organisations and actors at all levels involved in providing justice services to children. These people and organisations have an important impact on children seeking to enforce their rights

and resolve legal problems. They must have appropriate training and development to deliver child-friendly services within a people-centred environment.

- Ensuring effective and sufficient resourcing while promoting efficiency and innovation: ensuring the capacity of the actors involved in addressing legal and justice needs for children also requires a sufficient level of staffing, expertise, skills, tools, equipment and other resources, which in turn requires adequate programme funding. For justice institutions at all levels, sufficient appropriately trained staff and resources must be allocated to ensure children’s legal and justice needs are met as efficiently and effectively as possible.

Source: (OECD forthcoming, 2023<sup>[2]</sup>), OECD Framework for Child-friendly Justice (forthcoming).

### **2.3.4. International legal framework**

In its long-standing quest to improve the well-being of children, Egypt has become a party to the majority of the key existing international treaties related to child rights and protection in a wide spectrum of international fora. Egypt has ratified the Convention on the Rights of the Child (CRC) and two of its Optional Protocols, the African Charter on the Rights and Welfare of the Child (ACRWC) and other relevant international treaties.

In accordance with the Egyptian Constitution, ratified international and regional instruments enjoy the force of law and thus have the same status as national law and are directly enforceable by national courts and cited in court decisions (Constitute Project, 2022<sup>[16]</sup>). Egypt has further sought to implement and enforce the CRC into its own national legal framework, which is evident in the language used in both the Egyptian Constitution and the Child Law.

#### **Box 2.3. Key instruments ratified by Egypt for the protection of children’s rights**

Egypt has ratified the following child-specific international and regional instruments:

- The UN Convention on the Rights of the Child (CRC)
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict
- The African Charter on the Rights and Welfare of the Child (ACRWC)
- The International Labour Organisation Convention No. 182 (1999) concerning the Prohibition and Immediate Elimination of the Worst Forms of Child Labour
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime.

Egypt has also ratified other significant international instruments that provide legal protection for children, among other rights holders. These include the following core international human rights instruments:

- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights
- International Convention on the Elimination of All Forms of Racial Discrimination
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

- Convention on the Elimination of All Forms of Discrimination against Women
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

They also include the following selected instruments that have significant relevance to the rights of the child:

- Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- The Convention Relating to the Status of Refugees, as well as the 1967 Protocol
- The Convention on the Rights of Persons with Disabilities
- The International Labour Organisation Forced Labour Convention No. 29 and Abolition of Forced Labour Convention No. 105.

Sources: (OHCHR, n.d.<sup>[17]</sup>; International Justice Research Centre (IJRC), n.d.<sup>[18]</sup>).

In its commitment as a state party to the CRC, the ACRWC, and other international covenants, Egypt carries out periodic comprehensive reviews of national legislation to ensure full compliance with these international conventions, charters and other agreements. In the following sections of this report, these legal provisions and related treaties will be analysed more closely, including how they relate to criminal, civil, and administrative justice for children. There will then follow a review of the way national legislation applies to children and how national legislation reflects these international commitments.

### *Children in the criminal justice system*

#### **Child offenders and children in conflict with the law**

Child justice policy must look at both prevention and intervention in child offending. When a child is alleged or accused of committing a criminal offence, both Article 14 of the International Covenant on Civil and Political Rights and Article 40(2) of the CRC set out a minimum list of rights and guarantees aimed to ensure that every child receives a fair trial and treatment. Children have the right to legal representation, consisting of: legal or other appropriate assistance needed before a hearing for the preparation and presentation of their defence; during the hearing; and after the hearing regarding the deprivation of liberty, either in a pre-trial facility or upon the pronouncement of a measure or sanction. This assistance ought to be: free of charge; provided by trained lawyers or legal professionals; accessible; age-appropriate; multidisciplinary; effective; and responsive to the specific legal and social needs of children. These guarantees are also found in other declarations and protocols related to child offenders.

In addition, several “soft law” international and regional instruments, such as the UN Rules for the Protection of Juveniles Deprived of their Liberty (1990) and the Guidelines on Action for Children in the Justice System in Africa (2012) further inform these rights and principles that should underlie the treatment of child offenders. Box 2.4 summarises the key instruments ratified or signed by Egypt in relation to this matter.

### Box 2.4. International instruments ratified by Egypt regarding child offenders

- The UN Convention on the Rights of the Child (CRC) (1989)
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- The International Covenant on Civil and Political Rights (1966)
- The African Charter on the Rights and Welfare of the Child (ACRWC) (1990)
- The African [Banjul] Charter on Human and Peoples' Rights (1981).

Sources: (United Nations, n.d.<sup>[15]</sup>; United Nations, n.d.<sup>[19]</sup>).

### Children in contact with the law: victims and witnesses of crime

Child victims and witnesses of crime are among the most vulnerable groups of children that come into contact with the justice system. The testimony of witnesses is often vital to investigate and prosecute a crime. However, their participation, whether when reporting the crime initially, giving a statement to the police or prosecutor, or in a court hearing, is usually a stressful experience.

Box 2.5 outlines the treaties ratified by Egypt that relate to child victims and witnesses. At the same time, different soft law instruments set out international standards in this area that will be taken into account in the analysis, including the aforementioned “Guidelines on Action for Children in the Justice System in Africa” (2012), the “Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems” (2012) and the UN Economic and Social Council Commission on Crime Prevention and Criminal Justice “Guidelines in Matters Involving Child Victims and Witnesses of Crime” (developed in the 14th session, Vienna, 23-27 May 2005). An additional important piece is the “Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children” (Palermo Protocol) in relation to child victims of trafficking.

Additional principles that should be taken into account include the CRC Committee General Comments No. 12 on children’s right to be heard (2009), No. 13 on the right of the child to freedom from all forms of violence (2011), and No. 14 on the right of the child to have their best interests taken as a primary consideration (2013) and No. 21 on children in street situations (2017) (United Nations, n.d.<sup>[20]</sup>).

### Box 2.5. International instruments ratified by Egypt regarding child victims and witnesses

- The UN Convention on the Rights of the Child (CRC) (1989)
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- The African Charter on the Rights and Welfare of the Child (ACRWC) (1990)
- The African [Banjul] Charter on Human and Peoples' Rights (1981).

Sources: (United Nations, n.d.<sup>[15]</sup>; United Nations, n.d.<sup>[19]</sup>).

### Children in civil and administrative proceedings

Both civil and administrative matters deeply and directly affect children involved in the proceedings. It is, therefore, very important that their views and opinions are heard and given due weight (Article 12 of the CRC), and all decisions must be made by giving paramount consideration to the child's best interests (Article 3 of the CRC).

However, since the adoption of the CRC in 1989, the provisions related to the right of every child to participate meaningfully in the proceedings and to have their best interests taken as a primary consideration in all actions concerning them have proved challenging to implement. Even though the CRC principles have been, to a certain extent, adopted at the national level throughout the world, their implementation currently widely varies as there seems to be no common understanding among professionals on how these principles should be applied in practice.

### Box 2.6. International instruments ratified by Egypt regarding civil and administrative proceedings

- The UN Convention on the Rights of the Child (CRC) (1989)
- The Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)
- The Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- The African Charter on the Rights and Welfare of the Child (ACRWC) (1990)
- The African [Banjul] Charter on Human and Peoples' Rights (1981).

Source: (United Nations, n.d.<sup>[20]</sup>), UN Treaty Body Database,

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=5&DocTypeID=11).

### 2.3.5. National legal framework: focus on the Constitution and the Child Law

Egypt has taken key steps at the national level towards safeguarding children's rights, ensuring the prioritisation of their best interests in respect of all decisions that affect them, and realising an effective system of protection, in particular, when they come into contact with the authorities. Following the above

analysis in relation to the ratification of international instruments, this section analyses the promulgation of national legislation, including Egypt's constitution, laws, executive bylaws and instructions. Within each category, some instruments and pieces of legislation pertain specifically and exclusively to children, while others concern children among other rights holders.

*Fundamental national laws: the Egyptian Constitution and the Child Law*

As mentioned above, Egypt has made efforts to reflect international standards in its national legislation. For instance, both the Constitution and the Child Law (No. 12/1996, updated by law No. 126/2008) reflect Egypt's express adoption of the "best interests of the child" principle.<sup>6</sup> Most importantly, the Constitution dedicates a detailed article entitled "Rights of the Child", which provides the principles that shall guide legislation and policy in various areas concerning children. These principles include: ensuring the fulfilment of rights to health and nutrition, education and housing; establishing restrictions on child labour; ensuring protection from various forms of violence, abuse and exploitation; and setting the general framework for a child-friendly justice system(see Box 2.7).<sup>7</sup>

### **Box 2.7. The rights of children under the Egyptian Constitution**

#### **According to Article 80 of the Constitution:**

- A child is considered to be anyone who has not reached 18 years of age. Children have the right to be named and possess identification papers, have access to free compulsory vaccinations, health and family care or an alternative, basic nutrition, safe shelter, religious education, and emotional and cognitive development.
- The State guarantees the rights of children who have disabilities and ensures their rehabilitation and integration into society.
- The State shall care for children and protect them from all forms of violence, abuse, mistreatment, and commercial and sexual exploitation.
- Every child is entitled to early education in a childhood centre until the age of 6. It is prohibited to employ children before they reach the age of having completed their basic education (15 years) or to employ them in jobs that expose them to risk.
- The State shall establish a judicial system for child victims and witnesses. No child may be held criminally responsible or detained except in accordance with the law and the timeframe specified therein.
- Legal aid shall be provided to children, and they shall be detained in appropriate locations separate from adult detention centres.
- The State shall work to achieve children's best interests in all measures taken with regards to them.

Source: Egyptian Constitution, Art. 80.

Following on from the Constitution, it is appropriate to consider the most important child-specific legislation in Egypt, the Child Law. Its provisions automatically override the application of other laws that otherwise apply to individuals within the jurisdiction of Egypt unless the Child Law leaves a matter – expressly or implicitly – to the general rules provided for in other laws. In addition to restricting the application of general rules in some instances and extending such rules to children in others, the Child Law defines the role of certain entities and mandates the promulgation of further subordinate legislation. Enacted in 1996 and reinforced with significant structural amendments in 2008, the Child Law is divided into nine parts:

- Part I on setting general principles for ensuring the well-being of the child and guaranteeing their right to survive and develop
- Part II on regulating birth and identity registration, and providing rules to ensure the realisation of the right to health, including rights to nutrition and free vaccination
- Part III on providing provisions for the social welfare of the child, including the regulation of nurseries, alternative care and the protection of children from traffic risks
- Part IV on regulating the right to education
- Part V on regulating and ensuring the well-being of the working child and working mother
- Part VI on providing general principles and specific rules pertaining to the well-being and protection of children with disabilities
- Part VII on setting principles and rules on the State’s obligation to satisfy the cultural needs of the child, regulating artistic and cultural products addressing the child, and providing criminal sanctions for violations of the latter regulation
- Part VIII (added in its entirety by virtue of the 2008 amendments) on providing a comprehensive framework for criminal justice, specifically in relation to children at risk, child victims of crime, child witnesses to crime, and children who have infringed the penal law
- Part IX on the NCCM.

The Child Law also illustrates key definitions that relate to children and will be used throughout this strategic review (see Box 2.8).

When in contact with justice authorities, including but not limited to judges, prosecutors and law enforcement agencies, it is critical that children have access to suitable legal assistance. Under international law, children have the right to legal aid free of charge in any judicial or administrative proceedings that concern them, which is state-funded, of high quality and available at all stages of the process. It is critical to stress that governments must ensure that the legal aid provided is child-friendly, accessible, age-appropriate, multidisciplinary, effective and responsive to the specific legal and social needs of children.

Finally, in addition to the Child Law, other laws establish child-specific legislation that overrides general provisions contained in other laws. The following sections provide a detailed account of this legal structure relevant to children in Egypt.



### Box 2.8. Legal definitions pertinent to children in Egypt

- A child, according to the Child Law, is any person who “has not reached the age of eighteen (18)”. Means of verification of such age shall be “a birth certificate, an identification card, or any other official document”, while “[i]n the absence of an official document, an authorised entity shall determine the age, by virtue of a decree issued by the Minister of Justice in agreement with the Minister of Health.”<sup>8</sup>
- A “child at risk” is a child that is “exposed to a situation threatening the sound upbringing” that should be made available to him/her. Article 96 of the Child Law provides an exhaustive list of those that come under this definition, some of which are general while others are specific. For instance, this category includes children whose “safety, morals, health, or life are at risk” and the circumstances and persons who place them “at risk” or expose them “to neglect, abuse, violence, exploitation, or vagrancy” whether in the family, or at school, or in care institutions or by others.<sup>9</sup> The Article then goes as specific as considering at risk any child who is “found begging”, “collect[ing] cigarette butts, or any other kind of trash or waste”, or “has no permanent residence, or generally sleeps in the streets”.<sup>10</sup>
- A “child in conflict with the law” is referred to in the Child Law as a “child offender”. This category refers to every person who has not yet attained the age of 18 years and is in contact with the criminal justice system on account of being accused or suspected of committing a crime under domestic law. Children who commit a crime are, under the Child Law, divided into four age groups aimed at distinguishing between the different levels of awareness and needs of each child based on their age. These age groups refer to the child’s age at the time of the offence. The age groups are as follows:
  - The first age group of “less than 7 years” includes all those who have not yet attained the age of 7. It should be noted that where those who belong to this age group commit a crime, they may not be deemed an “offender” under Egyptian Law; instead, they are considered “at risk” under Article 96 of the Child Law.
  - The second age group, “7-11 years”, includes any child who has attained the age of 7 but has not yet attained the age of 12.
  - The third age group, “12-14 years”, includes any child who has attained the age of 12 but has not yet attained the age of 15.
  - The final age group, “15-17 years”, includes any child who has reached the age of 15 but has not yet completed the age of 18. Any person who has already completed the age of 18 at the time of the incident is not subject to the jurisdiction or scope of the Egyptian Child Law.

Source: Egypt’s Child Law.

In Egypt, the terms “child victim” and “child witness” are not legally defined. The Court of Cassation, however, defines the “victim” as “the person who forms the object of the legally criminalised act or abstention (...), and this person himself is the object of the legal protection that the Legislator seeks to establish.”<sup>11</sup> Consequently, the “child victim” is every “child” that falls within this definition of “victim”. The “child witness” is similarly not defined under any Egyptian legislation, however, the Court of Cassation has ruled that “the Code of Criminal Procedure has in Article 283 considered a person to be a witness when he has been called to perform a testimony (...).”<sup>12</sup> Therefore, the “child witness” is every “child” that falls within this definition of “witness”. It should be noted that this narrow definition may leave some child witnesses without appropriate legal protection.

*The legal framework applicable to child victims and witnesses*

The main pieces of legislation in this regard are Article 80 of the Constitution, the Child Law, the Code of Criminal Procedure, Law No. 58/1937 Promulgating the Penal Code,<sup>13</sup> Law No. 10/2018 Promulgating the Law of the Rights of Persons with Disability,<sup>14</sup> and other specific penal legislation seeking to protect child victims of certain crimes. The Egyptian Constitution declares that the “State shall establish a judicial system for child victims and witnesses.”<sup>15</sup> The legal provisions relevant to child victims and witnesses can be divided into: i) provisions criminalising acts or providing harsher penalties for criminalised acts when committed against a child; and, ii) provisions establishing procedural and substantive protection for child victims and witnesses.

In the first category, several articles under the Child Law criminalise acts or provide for harsher penalties for criminalised acts when committed against a child, such as exposing a child to risk, broadcasting audio or visual materials deemed inappropriate for a child, instigating a child to commit a crime and sexually exploiting a child.<sup>16</sup> While the Penal Code contains several provisions to enable harsher punishments where the crime is perpetrated against a child, other specialised pieces of penal legislation undertake a similar task. For instance, Law No. 64/2010 Concerning Human Trafficking does not recognise “consent” where the victim is a child and establishes a harsher penalty against those who commit acts criminalised under the Law against children.<sup>17</sup>

In the second category, recent legislative developments in Egypt have introduced significant reform concerning procedural and substantive protection of child victims and witnesses. The Child Law contains a number of provisions pertaining to child victims and witnesses. Article 96 considers a child victim to be “at risk” and to consequently enjoy legal protection for children falling in this category. Article 116 *bis*(d) establishes that “[c]hild victims and witnesses of crime, at all stages of arrest, investigation, trial, and implementation, shall have the right to be heard, and to be treated with dignity and sympathy with full respect for their physical, psychological, and moral safety, and shall have the right to protection, to health, social and legal assistance, to rehabilitation, and integration in the society, in accordance with the United Nations Guidelines on Justice for Child Victims and Witnesses of Crime.” This Article permits the judiciary to borrow from international treaties enforceable in Egypt by virtue of its Constitution and the international soft law contained in the UN Guidelines in this regard.

Child victims and witnesses shall enjoy the right to be treated with dignity and empathy, to be listened to, to be communicated with in a language they understand, and to receive appropriate assistance.<sup>18</sup> This right shall be adapted appropriately to the needs of the individual where the victim or witness is a child with a disability.<sup>19</sup> The right to receive legal assistance is further enshrined in several laws, including those addressing children in general,<sup>20</sup> children with disabilities<sup>21</sup> and children who may be vulnerable by virtue of the crime to which they are subjected, such as those coming into contact with the authorities by reason of an incident under the Law on Combatting Human Trafficking and the Law Combatting Illegal Migration and Smuggling of Migrants.<sup>22</sup> Child victims and witnesses shall further enjoy protection of their data and privacy, and any violation of this right is punishable, in some instances by imprisonment.<sup>23</sup>

Child victims and witnesses further enjoy the right to security and to benefit from special precautionary measures.<sup>24</sup> This is translated into specific measures of protection to be taken in favour of children. The PPO is required by law, and in accordance with the prosecutor’s instructions, to undertake the necessary legal proceedings towards prosecuting those responsible for exposing a child to risk, particularly where the victim is a child with a disability.<sup>25</sup> Other measures, however, pertain directly to the child. Where a child is found to be “at risk” under the Child Law or the Law on Rights of Persons with Disability,<sup>26</sup> the deputy prosecutor shall, in accordance with the instructions of the General Prosecutor, refer the child to the general or sub-CPC.<sup>27</sup> The Child Law lays out the regime of CPCs which shall provide protection to those “at risk,” including children victims of abuse or violence.<sup>28</sup> Deputy prosecutors shall further co-operate with

the Child Helpline of NCCM<sup>29</sup> towards undertaking the necessary and urgent measures to protect the child victim and at risk.<sup>30</sup>

Regarding the right to compensation, the Code of Criminal Procedure confers upon the competent Criminal Court the power to appoint a lawyer to initiate proceedings before the civil judiciary in favour of child victims who otherwise have no access to legal assistance.<sup>31</sup> Children, as a general rule, are exempt from judicial expenses.<sup>32</sup>

In addition to the above, the Ministry of Justice has, in 2019, adopted the Guidelines for Procedural Rights of Child Victims and Witnesses to Crimes in co-operation with the United Nations Children's Fund (UNICEF).<sup>33</sup> In this soft law document, the Ministry outlines the international and national legal frameworks applicable in this regard, followed by specific guidelines to judges based on the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime.

### *Arrest, pre-trial detention and detention of child offenders*

With regard to the rules and procedures of arrest and detention of child offenders, Egypt's Child Law sets out, on the one hand, some rules and guidelines which distinguish children from adults. On the other hand, some matters are left without any child-specific guidelines, and the Child Law refers instead to the application of the Code of Criminal Procedure No. 50/1950 and the Penal Code No. 58/1937.<sup>34</sup> Except for cases of *flagrante delicto*, Article 54 of the Constitution prohibits authorities to "arrest, search, detain, or restrict the freedom of anyone in any way except by virtue of a reasoned judicial order that was required in the context of an investigation."<sup>35</sup> The same content is reflected in the Code of Criminal Procedure, albeit in further detail.<sup>36</sup> According to the Code of Criminal Procedure, arrest without warrant is only permitted in the exceptional circumstance of *flagrante delicto*,<sup>37</sup> and it adds that anyone arrested must be brought before the prosecution within 24 hours of his or her arrest, otherwise, the detention loses its legal grounds.<sup>38</sup> The law further obliges the prosecution to interrogate the accused and order their arrest or release within 24 hours from referral by the police.<sup>39</sup>

In the case of an order for pre-trial detention, the Child Law prohibits detention for those who have not yet reached 15 years of age at the time of the commission of the crime.<sup>40</sup> The only measure, which may be exclusively resorted to in order to prescribe physical detention for those who have not yet reached 15 years of age, is the measure of "placement" in care institutions,<sup>41</sup> and this measure may, in principle, not be applied to children below the age of criminal responsibility. In practice, however, in some cases, the Court may resort to a placement arrangement for a child between the ages of 7-12 years, drawing on the stipulation of the second paragraph of Article 94, which permits the Child Court to order the placement of a child in conflict with the law who falls within this age group if the person in charge of the child is not known.

With regards to places of detention, the Child Law explicitly states that children may not be detained or imprisoned with adults at the same place. According to the explanatory note of the law, the rationale is to avoid possible negative psychological consequences as well as possible violations children may be exposed to while in detention with adults.<sup>42</sup> According to the Law, officials violating the obligation to separate children from adults while in detention shall be sentenced to imprisonment.<sup>43</sup> The law obliges officials in charge of detaining accused children to consider the classification of children by age, gender and offence.<sup>44</sup>

With regard to pre-trial detention for children who have reached the age of 15 years, the law does not distinguish between children and adults. In this regard, there is room for improvement by making a distinction between adults and children in respect of both the grounds for and the maximum duration of pre-trial detention which are currently the same.

The Code of Criminal Procedure holds no distinction between children and adults and restricts the grounds for pre-trial detention and its extension to the following scenarios:<sup>45</sup>

- the crime was caught *flagrante delicto*, and a measure must be implemented immediately;
- fear that the accused may escape;
- concern that the interest of the investigation would be compromised, whether by influencing victims or witnesses, tampering with material evidence or concluding agreements with other criminals to alter or efface facts;
- to prevent a serious breach of public security or public order, a factor that may be determined based on the gravity of the crime.

If the case involves none of the previously mentioned scenarios, the accused must be released pending trial. Release, in this case, does not mean that the person is acquitted, nor does it imply that the case is dismissed. Release pending trial means that the accused continues to enjoy their personal liberty up until the investigation and trial proceedings are completed and a judicial verdict is reached, whether it be a conviction leading to a sentence, an acquittal or any other verdict.

With regard to periods of pre-trial detention, the Code of Criminal Procedure<sup>46</sup> provides the following limitations:

- During the investigation phase, the pre-trial detention period may not exceed three months if the offence is a misdemeanour, after which the prosecution must either refer the case to court or release the accused. This aspect is also regulated in Article 119 of the Child Law.
- During the investigation phase, if the offence is a felony, pre-trial detention may not exceed five months before the prosecution either refers the case to trial or obtains a decision to extend the pre-trial detention from the competent court.
- The Code of Criminal Procedure sets the maximum duration of pre-trial detention for all stages, including the investigation and trial stages, which must not exceed one-third of the maximum penalty for the offence under investigation, or "not to exceed six months for misdemeanours and eighteen months for felonies and two years if the felony is punishable by life imprisonment or the death penalty", whichever is the lesser.

Children who have not yet reached the age of 15 may be subject to a restriction of physical liberty.<sup>47</sup> Indeed, a child in violation of the law may be placed if the proceedings of the case so require and he/she has reached 15 years of age. This may be ordered by the prosecution or the court during the investigation or trial stages, initially for seven days. Placement is, however, renewable subject to the general rules governing pre-trial detention under the Code of Criminal Procedure,<sup>48</sup> as clarified in the previous two paragraphs.

Moving to deprivation of liberty by a judicial ruling and sentencing, the Child Law establishes that only those who have reached the age of 12 shall be subject to criminal responsibility.<sup>49</sup> Even though the inapplicability of criminal responsibility means a child may not be convicted in principle, the Law allows measures of rebuke, delivery or placement in a social care institution in case the offence in question constitutes a misdemeanour or a felony and is committed by a child aged between 7-12 years at the time the offence is committed. Egypt's Child Law obliges courts to resort to "placement in a care institution" only as a measure of last resort and for the shortest appropriate period.<sup>50</sup>

For children in the age group 12-14 years at the time the crime was committed, the Child Law adopts several non-custodial sentences under the name "alternative measures", adding to the standard measures which a court may order, including: enrolment into training and rehabilitation programmes; obligation to undertake certain duties; judicial probation; or the obligation to undertake other community services. As for children in the age group 15-17 years who commit a crime punishable by the death penalty, life imprisonment or "aggravated imprisonment", the law establishes that the highest applicable sentence for

them is imprisonment for at least 3 years and up to a maximum of 15 years.<sup>51</sup> If the crime is punishable by imprisonment for 3 years or more, the court shall order imprisonment for a period of not less than 3 months and not more than 3 years, or placement in an institution as a substitute measure.

If a child in the age group 15-17 years commits a misdemeanour punishable by imprisonment for less than three years, the court may, instead of handing them a prison sentence, order a judicial probation, work for a public utility or placement in a care institution.<sup>52</sup> Generally, the Child Law explicitly prohibits issuing the death penalty, life or severe imprisonment sentences against a child.<sup>53</sup> It should be recalled that the principles governing the Child Law are also applicable when punishment is ordered against a child, the most important of which is that “the best interests” of the child shall be a primary consideration in all judicial proceedings.<sup>54</sup>

### *Restorative justice and diversion*

The Egyptian Law does not currently present a diversion of children away from formal justice authorities and does not adopt the concept of restorative justice. However, it is worth noting recent efforts towards employing restorative justice for children, including the restorative justice pilot trialled in Alexandria in 2018 and the ongoing discussions in governmental entities to introduce restorative justice into the Child Law, as mentioned below.

Although both “restorative justice” and “diversion” do not appear in Egypt’s legal texts, a pilot project to execute measures of diversion with a restorative justice approach took place in Alexandria from November 2018. The Child Law refers any matter unregulated in its provisions to the general rules provided for in the Code of Criminal Procedure and the Penal Code, which was therefore considered the legal basis of the project.<sup>55</sup> Further, it establishes that the “provisions for the dismissal of a criminal case, in case of conciliation or reconciliation, as decreed in the Criminal Procedure Code or any other law, shall prevail for crimes committed by a child”.<sup>56</sup> Under the Code of Criminal Procedure, reconciliation is divided into two types: i) reconciliation performed and documented by the victims or their heirs before the prosecution or court in a limited number of offences (for instance, the crime of “theft” does not fall within the scope of crime that might be subject to reconciliation); and ii) reconciliation that is performed by the accused.<sup>57</sup> Concerning this second type, reconciliation is possible in instances of violations or misdemeanours if the offence is not punishable by anything other than a fine or if it is punishable by imprisonment for a period that does not exceed six months. Bearing these two possibilities in mind, reconciliation or conciliation is legally permissible in a very limited number of cases.

As a matter of prosecutorial policy, however, in 2018, Egypt gave the green light to the above-mentioned restorative justice pilot in Alexandria. Drawing on the margin of discretion that the Code of Criminal Procedure confers upon the PPO to dismiss a case following an investigation and subsequently release the accused person,<sup>58</sup> the PPO issued Circular No. 7 of 2018, confirming in Article 21 the need to:

*“Activate the positive role of the members of the child prosecution offices in the area of restorative justice to limit the referral of children to child courts in none serious crimes that can be solved directly through conciliation in accordance with the law or cases where the public prosecution may choose to decide not to institute criminal proceedings or to close an investigation on the basis of lack of gravity of the crime.”*

Therefore, the prosecutor distinguishes here between the crimes in which the criminal proceedings are adjudicated by law, reconciliation or conciliation, and those that may not be terminated by the process of reconciliation but lose their relevance due to conciliation, where in the latter case, the prosecution may decide not to institute criminal proceedings and close the case.

The success of the pilot project, at least in its initial phases, has motivated the government to work on institutionalising measures of diversion, rather than depending on the fragmented legal framework that has been carved around Articles 116 *bis(c)* and 143 of the Child Law and 118, 154 and 209 of the Code of Criminal Procedure. Since 2020, various government committees have been discussing a draft law,

introducing amendments to the Child Law in this regard. The governmental bodies involved in this task are the Ministry of Justice, the PPO, the MoSS and the NCCM.

### *Legal status of the child*

In accordance with international standards, a key aspect of children's rights in a country is their legal status as rights-bearers. In this vein, according to international law and standards, children should be able to initiate legal action by themselves in their own name, acting through a representative of their own choosing, alone or together with their parents or guardians. Representation by an adult should not be required but is allowed if the child requests it.

In this regard, Article 3c of the Child Law states that this Law reinforces the right of the child to form his own opinions, to access information which empowers him to form and express such opinions, and to be heard in all matters related to him, including judicial and administrative procedures, in accordance with the procedures specified by the Law.

According to Article 116 *bis*, the child victims and witnesses of crime, at all stages of arrest, investigation, trial, and implementation, shall have the right to be heard and to be treated with dignity and sympathy with full respect for their physical, psychological, and moral safety, and shall have the right to protection, to health, social and legal assistance, to rehabilitation and integration in society, in accordance with the UN Guidelines on Justice for Child Victims and Witnesses of Crime.

Having highlighted the above principles enshrined in the Child Law, it is appropriate to demonstrate how those principles are, in fact, already subject to limitations provided for in other rules found in the Child Law itself, the Code of Criminal Procedure and other laws regulating civil litigation, such as the Code of Personal Status. As children are legally deemed to be persons with limited capacity to obtain rights on their own, bind themselves by obligations and take or participate in legal action, they can face challenges with regard to their right to be heard and to undertake legal action.

The general rule in Egypt is that those who have not attained the age of full legal capacity, 21 years, may only perform the right to litigate before Civil or Administrative Courts through a legal representative who is their natural or legal guardian. This rule can be found, along with all rules regarding "procedural capacity", in the Civil Code.<sup>59</sup> An exception to this rule, however, is established in respect of litigation in relation to matters of personal status, including, for instance, inheritance-related matters, and in favour of those who have reached the age of 15 years and possess full mental capacity.<sup>60</sup> Otherwise, according to the Law Regulating Some Matters and Proceedings of Personal Status-Related Litigation, children who have not reached the age of 15 years, and all persons lacking mental capacity, are automatically deemed to lack the capacity to litigate in matters related to their ability to administer their money, including in personal status matters. This includes their inability to initiate civil proceedings in their favour or execute the right to appeal any decision that concerns them. The natural or legal guardian shall be the child's legal representative and shall exercise such rights on him or her behalf. In case the child does not have a person that represents him or her legally, or in case there is a reason to proceed with legal action against the opinion of the legal representative, the court may appoint a legal guardian to represent the child in a given lawsuit, and this may take place on the court's own initiative, or following a request by the prosecution or a third party.

It is worth noting that Article 131 of the Child Law, which is relevant to all proceedings regarding children and all judgments passed concerning them, establishes that such proceedings and judgments shall be notified to one of their parents, a guardian or some other person responsible for them. Each of these people shall have the right to appeal such proceedings on behalf and in favour of the child.

Regarding the legal status of the child victim and the extent to which they are heard in criminal proceedings, the Code of Criminal Procedure provides specific rules on complaints by victims who have not yet attained the age of 15 years or have a mental disability. Articles 5 and 6 establish that such complaints may only

be heard when presented by the guardian or the trustee of the child. In case of a conflict of interests between the child and their representative, the PPO shall represent the child's right to legal assistance.

In Egypt, free access to the justice system and legal aid are constitutional rights.<sup>61</sup> Article 54 of the Egyptian Constitution guarantees free access to the justice system and Article 97 stipulates that litigation is a protected and guaranteed right for all. The State is under the obligation to make judicial institutions more accessible to citizens and increase the timeliness and effectiveness of conflict resolution. In addition, the State is required to ensure judicial supervision of all acts or administrative decisions and to try a person only before a competent authority, and extraordinary courts are prohibited. The State shall guarantee the accessibility of judicature for litigants and rapid adjudication on cases." The right to counsel and legal aid is also safeguarded. According to Article 125 of the Child Law, the child has the right to legal assistance. Children shall be represented in criminal and misdemeanour cases attracting a custodial penalty by a lawyer to defend them in both the investigation and trial phases. If no lawyer has been selected by the child, the PPO or the court shall appoint one in accordance with the rules and regulations of the Criminal Procedure Code. The implementation of these aspects in practice are further studied in Chapters 4 and 5.

### *Ongoing review of the Child Law*

The Child Law is currently under review by the Coordinating Committee for Criminal Justice for Children as per resolution No. 189 of the Minister of Social Solidarity dated 3/4/2023. The Committee is chaired by the Ministry of Social Solidarity and includes the Ministries of Justice, Interior, Education, Foreign Affairs, the Public Prosecution, the National Council for Childhood and Motherhood, and the Supreme Council of Universities. In addition to workshops to discuss and define the roles of national agencies working in the criminal justice pathway, the committee discusses possible amendments to the Child Law related to Section 8 on criminal justice.

The discussed amendments include changes to child judicial treatment, restorative justice, and Child Protection Committees. The Committee in charge of the ongoing review of the Child Law will also discuss and potentially amend the regulations of penal institutions as well as open and semi-closed institutions.

### *Key recommendations*

- Maintain the current commitment at the highest political level to lead the child-friendly justice transformation and to strengthen a child rights culture in Egypt, building on the child protection provisions in the National Child Strategy, Human Rights Strategy, and Egypt's Vision 2030.
- Increasingly recognise and build on the link between access to justice for children, achievement of the United Nations (UN) 2030 Agenda, broader societal objectives, and fiscal efficiencies in national plans and strategies.
- Strengthen the child rights culture in Egypt by developing local and national outreach initiatives to raise awareness of children's rights and existing protection mechanisms.
- Ensure that efforts in developing the new implementation plan for the National Child Strategy, as well as towards legislative reform in the area of child justice, are co-ordinated among the key stakeholders and adopt a child-centred, inclusive, and participatory approach underpinned by monitoring and evaluation of the previous Implementation Plan.

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## Notes

<sup>1</sup> A person with low legal capability refers to an individual that has a limited understanding of his rights and duties as per the law. In some contexts, this term can also refer to clients that are minors or suffer from limited mental capacity.

<sup>2</sup> National Council for Childhood and Motherhood, National Council for Childhood and Motherhood, Strategic framework for Childhood and Motherhood (2018 - 2030) as well as the National Plan (2018 - 2022).

<sup>3</sup> See, for instance, information about the latest Roundtable that took place on 21-23 September, 2022 in Riga, Latvia: [www.oecd.org/governance/global-roundtables-access-to-justice/oecdriaglobalaccesstojusticeroundtable2022.htm](http://www.oecd.org/governance/global-roundtables-access-to-justice/oecdriaglobalaccesstojusticeroundtable2022.htm).

<sup>4</sup> For further information see <https://justicewithchildren.org/online-2021/>.

<sup>5</sup> CRC/C/EGY/CO/3-4, (United Nations, n.d.[15]).

<sup>6</sup> Egyptian Constitution, Art. 80; Law No. 12 of 1996 Promulgating the Child Law (Amended by Law No. 126 of 2008), Arts. 1, 3; available at: [www.nccm-egypt.org/e7/e2498/e2691/infoboxContent2692/ChildLawno126english\\_eng.pdf](http://www.nccm-egypt.org/e7/e2498/e2691/infoboxContent2692/ChildLawno126english_eng.pdf).

<sup>7</sup> Egyptian Constitution, Art. 80.

<sup>8</sup> Child Law, Art. 2; See also Egyptian Constitution, Art. 80.

<sup>9</sup> Child Law, Art. 96 (1), (2).

<sup>10</sup> Child Law, Art. 96 (7)-(9).

<sup>11</sup> Case No. 2073 of Judicial Year 29, Criminal Circuits, Court of Cassation, 2 Feb 1960, Technical Bureau (Year 11, Rule 29, p. 142), available at: [www.cc.gov.eg/judgment\\_single?id=111242132&ja=70017](http://www.cc.gov.eg/judgment_single?id=111242132&ja=70017).

<sup>12</sup> Case 1280 of Judicial Year 61, Criminal Circuits, Court of Cassation, 9 Nov 1992, Technical Bureau (Year 43, Rule 156, p. 1014), available at: [www.cc.gov.eg/judgment\\_single?id=111117756&ja=13661](http://www.cc.gov.eg/judgment_single?id=111117756&ja=13661).

<sup>13</sup> Penal Code, available at: <https://manshurat.org/node/14677>.

<sup>14</sup> Rights of Persons with Disability Law, available at: <https://manshurat.org/node/25895>.

<sup>15</sup> Egyptian Constitution, Art. 80.

<sup>16</sup> Child Law, Arts. 89-92, 96, 116 bis, 116 bis(a).

<sup>17</sup> Law on Combating Human Trafficking Law, Arts. 3, 6(6), available at: <https://manshurat.org/node/778>.

<sup>18</sup> Child Law, Arts. 1, 3(d) 116 bis(d); Code of Criminal Procedure, Arts. 5, 6, 24, 25, 29, 283.

<sup>19</sup> Law of the Rights of Persons with Disability, Art. 35, 36.

<sup>20</sup> Child Law, Art. 116(d).

<sup>21</sup> Rights of Persons with Disability Law, Art. 35.

<sup>22</sup> Law No. 64/2010 Concerning Human Trafficking expressly guarantees the right of victims and witnesses to legal assistance, and Law No. 82/2016 Promulgating the Law on Combatting Illegal Migration and Smuggling of Migrants requires the NCCM to legally represent unaccompanied child migrants. Law on Combating Human Trafficking Law, Art. 23; Law on Law on Combatting Illegal Migration and Smuggling of Migrants, Art. 3.

<sup>23</sup> Code of Criminal Procedure 113 bis; Child Law, Art. 116 bis(b); Law Combatting Human Trafficking, Art. 9.

<sup>24</sup> Code of Criminal Procedure, Art. 365; Child Law, Arts. 3(a), 116 bis(d).

<sup>25</sup> Child Law, Art. 96; Rights of Persons with Disability Law, Art. 46-7; Art. 7, Circular No. 7 of 2018, Office of the Prosecutor.

<sup>26</sup> Child Law, Art. 96; Law on Rights of Persons with Disability, Art. 46.

<sup>27</sup> Art. 1, Circular No. 7 of 2018, Office of the Prosecutor.

<sup>28</sup> Child Law, Arts. 97, 98.

<sup>29</sup> According to Article 97 of the Child Law, "NCCM shall establish a General Department for Child Helpline, mandated to receive children and adults' complaints, and handle them efficiently to protect children from all forms of violence, risks, or neglect."

<sup>30</sup> Art. 2, Circular No. 7 of 2018, Office of the Prosecutor.

<sup>31</sup> Code of Criminal Procedure, Art. 252.

<sup>32</sup> Child Law, Art. 140.

<sup>33</sup> Available at: [www.unicef.org/egypt/media/6581/file/MoJ.pdf](http://www.unicef.org/egypt/media/6581/file/MoJ.pdf).

<sup>34</sup> Child Law, Art. 143.

<sup>35</sup> Constitution of Egypt, 2014, Art. 54.

<sup>36</sup> Code of Criminal Procedure Art. 34, 36, 37 and 40.

<sup>37</sup> Code of Criminal Procedure, Art. 40.

<sup>38</sup> Code of Criminal Procedure, Art. 36.

<sup>39</sup> Code of Criminal Procedure, Art. 36.

<sup>40</sup> Child Law, Art. 119.

<sup>41</sup> Child Law, Art. 119.

<sup>42</sup> Egyptian National Council for Women, Explanatory Note for Proposed Amendments to the Egyptian Child Law, p. 3.

<sup>43</sup> Article (112), Child Law.

<sup>44</sup> Ibid.

<sup>45</sup> Code of Criminal Procedure, Art. 134.

<sup>46</sup> Code of Criminal Procedure, Art. 143.

<sup>47</sup> Child Law, Art. 119.

<sup>48</sup> Child Law, Art. 119.

<sup>49</sup> Child Law, Art. 94.

<sup>50</sup> Child Law, Art. 107.

<sup>51</sup> Imprisonment, in Egyptian legal terms, refers to depriving a convicted person of their liberty for a term of 3-15 years.

<sup>52</sup> Child Law, Art. 111.

<sup>53</sup> Child Law, Art. 111.

<sup>54</sup> Child Law, Art. 3.

<sup>55</sup> Child Law, Art. 143.

<sup>56</sup> Child Law, 116 bis(c).

<sup>57</sup> Code of Criminal Procedure; 18 bis.

<sup>58</sup> Code of Criminal Procedure, Arts. 154, 209.

<sup>59</sup> Civil Code, Art. 44-7.

<sup>60</sup> Law No. 1/2000 Regulating Some Matters and Proceedings of Personal Status-Related Litigation, Art. 2.

<sup>61</sup> [www.iedja.org/wp-content/uploads/2018/02/egypt-access-to-justice-system-1my.pdf](http://www.iedja.org/wp-content/uploads/2018/02/egypt-access-to-justice-system-1my.pdf).

# **3**

## **Enhancing Institutional Co-ordination and Effectiveness for Child Justice in Egypt**

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This chapter presents and assesses existing governance mechanisms for child justice in Egypt. It maps the key stakeholders involved and their co-ordination mechanisms by describing hypothetical child pathways across criminal, civil and administrative cases, highlighting potential co-ordination gaps. It provides policy recommendations to strengthen the clarity of roles and co-operation among the main institutional actors, promote service integration and increase alignment with international standards and child-friendliness throughout each pathway.

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Responding to children’s unique and complex needs and problems requires strong co-ordination and co-operation mechanisms between the key institutions involved, in what the OECD Framework for People-centred Justice (OECD, 2021<sup>[1]</sup>) and the Child-friendly Justice Framework highlight as a “whole-of-government”<sup>1</sup>, “whole-of-society”<sup>2</sup> and “whole-of-justice” system<sup>3</sup> approach to child justice. This approach is particularly important when it comes to the most vulnerable children, who are most likely to encounter legal issues.

This chapter focuses on creating the right governance mechanisms for child justice in Egypt. It aims to showcase existing co-ordination mechanisms in practice by describing a hypothetical child pathway in action from start to finish across criminal, civil and administrative cases, with reference to the frameworks mentioned above, in addition to the OECD Policy Framework on Sound Public Governance (OECD, 2020<sup>[2]</sup>), the Egyptian legal framework, and nuanced by stakeholder interviews. It will help highlight potential co-ordination gaps and opportunities in practice.

### **3.1. Institutional framework of the child justice system: key stakeholders**

#### ***3.1.1. The National Council for Childhood and Motherhood (NCCM)***

The NCCM is the highest authority mandated to play a lead role among governmental institutions regarding legislation, policy making, planning, co-ordinating, data collecting, monitoring and evaluating activities in the protection and development of children and mothers. In terms of its mandate, the Council’s role is focused on policy and legislation, planning, co-ordination and monitoring activities at a macro level. It is also mandated with raising public awareness of children’s rights and existing protections in Egypt. Although it was established in 1988 by virtue of a Presidential Decree and listed among the “national independent councils” under the Egyptian Constitution, the Council has, since the issuance of the Decree of the Head of the Supreme Council of the Armed Forces No. 28/2011, been subordinated to the executive authority. The NCCM board is currently headed by the Minister of Health and Population, as delegated by the Prime Minister. The Council currently co-ordinates, as one of its main responsibilities, the implementation of several services in the area of child protection, through the General Department of the Child Helpline and the Childhood Protection Committees in each of Egypt’s governorates.

With the appointment of a new Secretary General of the NCCM through a decree issued by the Prime Minister on the 21st of November 2022, there is room to enhance the inter-institutional role of the NCCM to co-ordinate child policies, including on justice, by identifying ways to further advance and lead co-ordination efforts within the child policy realm. The Convention on the Rights of the Child (CRC) Committee recommended in its 2011 Concluding Observations that Egypt should ensure that the “NCCM receives sufficient human, technical and financial resources, that it enjoys autonomy and holds a high position with leveraging power in relation to all ministries and other governmental entities at central, provincial and local levels” (para. 16). In practice, however, there is scope to further strengthen the NCCM’s role in the field of planning, policy making and institutional co-ordination.

Beyond the current oversight duties of the Minister of the Health and Population with regard to the National Council for Childhood and Motherhood, the Ministry and the Council collaborate closely to protect children in the different Egyptian governorates. The Ministry of Health and Population provides medical services in government hospitals, including to children, and can refer cases where children appear to be victims of crimes or children at risk to the prosecution service and the NCCM, among other child protection agencies and committees. In this sense, it is an important stakeholder that needs institutionalised co-operation pathways in addition to those related to the NCCM with its key child justice interlocutors.

### *The NCCM Child Helpline*

Administered by the General Department of the Child Helpline under the NCCM, the Child Helpline is a 24-hour, free telephone line (also accessible via e-mail and WhatsApp) that receives any reports about children at risk of any of the grounds referred to in Article 96 of the Child Law. The Helpline hears reports from children as well as adults. Where necessary, the report is then delivered to the general CPC or the Committee of the relevant subdivision within the governorate, depending on the circumstances, to take appropriate measures to protect children. Protective measures may relate to the children themselves, such as providing legal, psychological, social, medical or educational support, or to those allegedly responsible for exposing the child to risk. In the latter case, the CPC may report the case to the prosecution service to undertake the necessary steps against the offenders, with a view to protecting the child.

Depending on the circumstances, the social workers who answer calls at the Child Helpline may refer the child or parent to lawyers. Lawyers provide legal advice, most frequently in relation to family matters. However, they also receive reports and requests related to sexual and domestic violence, (cyber)-extortion and bullying, and less frequently on FGM and child marriage. Child Helpline lawyers, where needed, may provide direct legal assistance, such as legal representation, and undertake necessary legal and administrative work, such as applying for registration documents, like birth certificates, for children at risk and child victims. In addition to legal services, social workers at the Child Helpline may, where needed, provide psychosocial support (through workers in the Child Helpline or partner non-governmental organisations [NGOs]) and health services (through referral to the Ministry of Health and Population). The Child Helpline has a central database of cases reported to it, which can provide relevant information regarding children's legal needs and their use of this service. There are plans to digitally transform the Child Helpline in order to improve online access and enable the electronic management of cases.

As outlined in more detail in Chapter 4, the Child Helpline serves as the main point of contact between children, their families and governmental services for children across the whole national territory. Its ability to co-ordinate daily on case management with the Child Protection Bureau (CPB) at the Public Prosecution Office (PPO), as well as with operative CPCs and local NGOs, is critical to protecting children at risk quickly and reliably. At the same time, looking ahead, there appears to be scope to enhance the capacities and sustainability of the Child Helpline, as it has until now relied almost entirely on external funding, with the majority of its staff being funded by international co-operation efforts and experiencing high turnover and instability. In this context, it could be beneficial to consider investing in strengthening infrastructure and staff for the Child Helpline to enable the sustainability of its efforts. In addition, it could be beneficial to explore options to institutionalise co-operation with the PPO in a systematic manner to ensure its sustainability over time despite staff rotation.

### *Childhood Protection Committees (CPCs)*

CPCs operate under the relevant governorate and the technical supervision of the NCCM. Each governorate has a General CPC, presided over by the Governor. According to the Child Law, members of CPCs are made up of the directors of the security, social affairs, education and health directorates, as well as representatives from the civil society concerned with childhood affairs, plus any other party as deemed necessary by the Governor (Art. 97). The same article envisages that "This committee shall formulate the general policy for childhood protection in the Governorate and shall follow up the implementation of this policy."

Under each of these General Childhood Committees, Article 97 establishes several Sub-Committees for Childhood Protection, presided over by the competent president of the administrative subdivision within the governorate. The Law mentions as members of the sub-committees: security, social, psychological, medical and educational representatives, as well as one or more representatives from the organisations of the civil society concerned with childhood affairs. It establishes that the sub-committees for childhood protection shall monitor all cases of children at risk, take the necessary preventive and therapeutic

interventions for these cases, and follow up on measures taken. Through this network, the Committees are established to offer child protection and support services at the governorate and sub-governorate levels and to refer to the entities functioning at the national level (mainly the NCCM Child Helpline and the PPO) to help children at risk who require interventions of a higher level, e.g. at the judicial level. Both the Child Helpline and the PPO may refer children at risk and child victims to CPCs to provide direct assistance activities, where the latter is in a more appropriate position to provide such services.

Services offered by the Committees include providing necessary legal, psychological, social, medical and educational support. Sub-committees for childhood protection have a range of measures they may carry out as necessary, including: supervising a family's efforts to remove dangerous elements from the child's environment; regulating social intervention methods to support children and their families; taking necessary precautions to avoid contact between a child and a potential abuser; and, if required, recommending to a relevant court to place the child in temporary custody in social, educational or health institutions. In cases of imminent danger, the NCCM Child Helpline or the CPC, whoever is closer, is entitled to take all necessary measures to keep the child safe. The role of CPCs has been activated largely following the issuance of the Prosecutor's Circular No. 7 of 2018 regarding CPCs and the development of the child justice system. However, this remains limited mainly to the governorates of Cairo and Alexandria. CPCs in other governorates are more limited in their capacities and resources.

CPCs have the potential to become a fundamental piece of the child-friendly justice system in Egypt. They bring together the key institutions and are connected to leadership from above and civil society on the ground. Thanks to the sub-committee structure, they can reach all areas throughout the country, including remote ones. Stakeholders have highlighted that outside the large cities, there is room to improve the effectiveness of CPCs in fulfilling their key role of identifying, intervening in and referring child-at-risk cases at the district level. The key reason identified for this inefficiency stems from the legal composition of the committees, which are made up of civil servants, for whom the role in CPCs is unpaid and in addition to their regular functions.

In practice, this can lead to a lack of availability and non-prioritisation on the part of CPC personnel to address and follow up on child cases. There is also general agreement that gaps left by CPCs are being filled in practice by NGOs, CSOs and the NCCM. CPC staff may also require capacity-building and specialised training on available resources for children in Egypt and how to interact directly with children.

The CPC in Alexandria is one of the most active and pioneering CPCs in Egypt, seen as a good example of the CPC structure that could provide lessons learnt to other CPCs across Egypt. It has played an active role with children at risk, child victims and child offenders, especially during the implementation of the restorative justice pilot. The CPC relies on a strong co-ordination network with sub-committees, NGOs, the child prosecution service and the police. In addition, it conducts evidence-based service planning looking at the main problems for children by geographical area. This example of a highly effective CPC could form the basis for building upon and reconsidering the governance arrangements and resources required to activate and strengthen the effectiveness of CPCs across the territory.

### *Egypt National Child Rights Observatory (ENCRO)*

The Egypt National Child Rights Observatory (ENCRO) was created in 2009 to strengthen the NCCM's ability to co-ordinate, develop, monitor and advocate for more accountable, transparent and participatory public policies for children. The intention originally was to establish a Policy and Planning Unit, a Monitoring and Evaluation Unit, and a Research and Data Management Unit to make sure the Observatory would provide data to underpin evidence-based policy. However, according to the findings of OECD interviews, it is not yet fully functioning in practice. The operationalisation of the ENCRO could have beneficial impacts on increasing data collection and analysis, fostering evidence-based policy and advocating for children's rights when in contact with public services.



### **3.1.2. Public Prosecution Office (PPO)**

The PPO plays several roles, mainly through enforcing direct protection measures and, most recently, assuming a role in raising awareness of juvenile justice.

#### *Child Protection Bureau (CPB) in the PPO*

The PPO houses a specialised bureau dedicated to child judicial protection within the Judicial Inspection Department. This bureau has crucial competencies in this area and effectively co-ordinates with child affairs prosecutors, the NCCM and others to fulfil its mandate. The CPB is responsible for dealing with children at risk referred to prosecutors through the NCCM Child Helpline, CPCs and other relevant authorities.<sup>4</sup> The CPB has a significant amount of data regarding child offenders, child victims and children at risk in general. This data is sorted and categorised according to, for instance, gender, age and types of crimes, albeit unavailable as yet in digital format. Plans are underway to digitise the data collection system to electronically handle all files from children in contact with the law. The PPO issues circulars and general instructions to deputy prosecutors. For instance, in 2018, the PPO issued Circular Book No. 7 of 2018 regarding the activation of the CPCs and the development of the child justice system to ensure the effective implementation of the Child Law and a child-friendly justice system.

#### *Child Prosecution Offices (CPOs)*

Specialised Child Prosecution Offices (CPOs) have been established throughout the country with competencies across three areas concerning child offenders, children at risk and supervising the implementation of judgments. However, they have yet to be established in all parts of the territory, and in those areas where there is no CPO, public prosecution offices handle child cases. Prosecution offices receive reports mainly through the police, the NCCM Child Helpline and CPCs. In cases of child victims, child witnesses and children at risk, the prosecution communicates officially with the NCCM Child Helpline or the relevant CPC to report such cases. The PPO takes the necessary measures of protection, requires the relevant CPC to execute these measures and present a report therewith, and facilitates the implementation of the measures presented by the Committee with a view to protecting the child from risk. With regards to child offenders, CPOs may perform functions related to interrogation, investigation and taking action on the case. At the trial stage, it is the Specialised CPO that shall perform the functions of the PPO.

### **3.1.3. The judiciary**

#### *Child Courts and child judicial circuits*

According to Articles 120 and 122 of the Child Law, each governorate will host at least one Child Court. Child Courts have exclusive jurisdiction to hear cases against child offenders and children at risk. They also have jurisdiction to hear cases against any individual liable for specific crimes that include exposing a child to risk, abusing or exploiting him or her, inciting him or her to commit a crime or divulging data of child offenders. It is expressly foreseen in Article 129 of the Child Law that the Child Court will accept no civil actions. Courts are composed of three judges and are assisted by two specialised social experts, of whom at least one should be a woman. The attendance of the experts during the proceedings is mandatory, and they must submit their report to the court after studying the child's circumstances in all respects before the court passes its ruling. Appealing judgments passed by the Child Court shall be heard before an Appellate Court established in each Court of First Instance, composed of three judges where at least two must have the rank of Court President. Up to the moment of drafting this report (2022), the Ministry of Justice has established three specialised Child Courts in the Cairo, Giza, and Qalyubiyya governorates, and is seeking to establish other courts in several governorates. There is room to accelerate efforts towards establishing more specialised Child Courts around the country, as envisioned by the Ministry of Justice.

In the remainder of the country, ordinary courts hold specialised child judicial circuits reserved for child trials, as stipulated by the Child Law. They perform the functions of the Child Court and sit in deliberation rooms within courts. These premises are not modified to reflect a more child-friendly infrastructure adapted to children's needs.

In addition, the Law permits the Criminal Court to adjudicate a criminal case involving a child defendant provided that three conditions are met: (i) the accused has reached 15 years of age at the time of committing the crime; (ii) an adult is complicit in the crime; and (iii) it is necessary to file a criminal action against the child together with the adult.<sup>5</sup> In that case, the relevant provisions of the Child Law shall be taken into consideration and all the standards and guarantees stipulated in the Child Law in this regard shall be observed.<sup>6</sup>

### *Family Courts*

Guided by the principle of the best interests of the child,<sup>7</sup> Family Courts were established in accordance with the Family Courts Law of 2002. Family Courts have jurisdiction over all family-related matters, including child custody. The presence of social experts from the Ministry of Social Solidarity (MoSS) as part of the court formation is mandatory in many cases before the Family Court, such as cases of divorce and any case related to the child, including custody arrangements.<sup>8</sup>

CPCs may address the competent Family Court in cases of children deemed at risk because of their deprivation of custody from one or both parents.<sup>9</sup> In this case, the sub-committee, if necessary, could raise the matter to the Family Court to compel the person in charge of the child to pay a temporary alimony. The Court's decision in this matter shall be implemented, and cannot be stayed if objected to.<sup>10</sup> Within each Family Court, a specialised Dispute Settlement Bureau is established by a decree of the Minister of Justice and made of legal, social, psychological and family experts.<sup>11</sup>

## **3.1.4. Ministry of Justice**

### *Strategic activities pertaining to general child justice matters*

The Ministry's Sector for Human Rights, Women and Children is tasked with promoting the culture of individual rights and protection in general and for women and children in particular, in legislation and practice. Within the Sector, the Department of Child Judicial Protection plays a role in conducting specialised training of judges and in co-ordinating with external actors, such as non-governmental and intergovernmental institutions. The Department has the mandate to work in co-ordination with bodies concerned with childhood and ensuring the provision of legal support for children in accordance with the provisions of the Egyptian legislation and international conventions applicable in Egypt. Furthermore, it has the mandate to co-ordinate with judicial bodies to develop a legal protection strategy for children, follow up on implementing these strategies, and propose additional developments. The potential and recommendations for further specialisation of judges in the area of child-friendly justice are addressed further in Chapter 5.

### *Executive activities in the field of international child-custody disputes*

The International Cooperation Sector of the Ministry of Justice oversees the work of the Goodwill Committee on Child-Custody Dispute Resolution. The Committee endeavours to resolve child custody cases resulting from international marriages involving one Egyptian partner who brings the child to Egypt. It co-ordinates negotiation processes between parents and relevant stakeholders, including embassies, and sometimes supports the parents in enforcing court rulings issued overseas or obtaining rulings by national courts. The composition of the committee includes several entities, including the Ministry of Justice, acting as the Technical Secretariat, the Family Prosecution Office, the Ministry of Foreign Affairs

and the Ministry of the Interior. Analysis and recommendations regarding the functioning of this Committee will be provided in the coming months under future activities of this project.

### **3.1.5. Ministry of Social Solidarity (MoSS)**

The MoSS is the government body responsible for providing social safety networks for the most vulnerable, and it plays a vital role in realising child rights. In addition to its various executive activities, MoSS has most recently been playing an active role, through its committees, in co-ordinating efforts to formulate an aspired reform of laws relevant to the child. In this context, the Ministry chairs the Coordinating Committee for Criminal Justice for Children, established by Decision No. 189 of the Minister of Social Solidarity of 3 April 2023, which is currently discussing possible amendments to the Child Law.

The Ministry oversees social defence, social observation, and classification centres as well as observation homes and social welfare institutions for women and children victims of human trafficking and domestic violence. MoSS also provides various services aimed at preventing or tackling the root causes of children's involvement in crime, including but not limited to education support, vocational training, family counselling, and social protection interventions.

Social observers in the MoSS assist the PPO during the investigation stage and before taking action on child cases. For instance, in the Cairo Specialised CPO, several social observers and members of the CPCs (approximately five at a time) spend work shifts at the PPO premises to assist deputy prosecutors at the interrogation and investigation stages. In a room dedicated to social observers, they interview children at risk, child victims and child offenders and produce a report to assist the deputy prosecutor. It is worth noting, however, that this practice appears to be particularly advanced in the Cairo Specialised CPO; in other specialised offices it is not followed.

Further, social experts, as members of the team of social workers from the MoSS, form an integral part of the formation of the Child Court, according to the Child Law. They present a report to the judges, providing a comprehensive review of the child's educational, physiological, mental, physical and social status. In this regard, the Law obliges the competent judge to discuss the report's content with its authors.

MoSS oversees observation centres and social care institutions. MoSS social experts follow up on the implementation of alternative measures against child offenders as well as protective measures in favour of children at risk. They submit reports to the competent body depending on the circumstances, either to the prosecution or the Child Court. Further, the Marg Punitive Institution is the only closed institution for boys established under the Juvenile Act No. 31 of 1974, mainly to receive children who have reached the age of 15 years and are serving prison sentences.

In addition, MoSS works to raise awareness and modify people's perceptions and attitudes towards the most prevalent societal issues and harmful practices facing children through the Ministry's "Awareness for Community Development" programme. This programme, implemented in partnership with CSOs, focuses on various children's rights issues, including child health, early childhood development (the first 1,000 days of a child's life), early detection of disability, education, as well as combating child labour, female genital mutilation and child marriage.

Children between 12--17 years old may be sent to social care institutions that fall under the supervision of the MoSS. These institutions may be of two types: semi-closed and opened. There are two semi-closed facilities located in Cairo and Alexandria, and these are reserved for serious crimes. Children housed in these two institutions may only leave with the permission of the PPO. In practice, based on the feedback received during OECD interviews, the permission ultimately depends on the criteria used by each prosecutor. All 38 remaining institutions are open institutions that host children of all ages, including those that have committed some fault and have been placed in a care institution as an alternative to imprisonment as well as those that have been abandoned, are refugees, homeless, lacking documentation, or facing

some other risks in their family environment (e.g. violence or neglect). These institutions exist on a nationwide scale and are divided according to children's gender, age and specific needs.

The Ministry has initiated a hotline to receive complaints from children in social care institutions. This hotline will be managed by care leavers of the same institutions. Complaints will be filed directly with the Minister's Office.

### **3.1.6. Relevant national and independent councils**

#### *The National Council for Human Rights*

Egypt's National Council for Human Rights (Egypt's National Council for Human Rights, n.d.<sup>[31]</sup>) was established by virtue of the Law No. 93 of 2003 and is an independent council, the members of which are appointed by virtue of a presidential decree based upon the nominations from the House of Representatives, which are selected from the nominations submitted by entities including other national and independent councils and professional syndicates. The National Council for Human Rights receives citizens' complaints, refers them to the relevant authorities and follows up on them to ensure the implementation of best practices. It also has the competence to raise awareness of rights and the legal procedures to be followed in cases of a breach of human rights. Egypt launched its Human Rights Strategy in September 2021. In relation to the rights of children, it highlights:

- the important and effective role of the NCCM in the field of child protection and care
- the launch of the National Child Strategy 2018-2030 and the National Plan 2018-2022
- reinforcing the application of "alternative Families", including kafala<sup>12</sup> families, as well as the development of care nurseries and institutions
- enhancing the role of the CPCs as an important community mechanism for child protection
- the role of existing initiatives and statutory amendments
- the guidelines on the application of the rights of children.

It identifies as following key challenges to address: the weak capacities of childcare institutions; poor child labour practices and weak law enforcement of child labour-related laws and regulations; insufficient resources for institutions providing child protection services, especially in rural areas; the need to raise awareness and support existing initiatives and activities; and, the persistence of violence against children.

#### *The National Council for Women*

The National Council for Women was restructured and relaunched by virtue of Law No. 30 of 2018. It is administratively subordinated to the presidency, and its members are selected by the President based on nominations by entities, including the national and independent councils, the House of Representatives and other civil society associations. The mandate of the National Council for Women is, on the one hand, policy-oriented; it includes proposing general strategies, gathering data and designing state initiatives with regard to enhancing women's rights. On the other hand, its mandate also includes more executive functions, such as raising awareness of women's rights. Further, on this aspect, the Ombudsman's Office receives complaints and reports to the prosecutorial authorities any crimes against women.

#### *The National Council for Persons with Disabilities*

The National Council for Persons with Disabilities was established by virtue of the Decree of the Prime Minister No. 410 of 2012 and reconfigured according to the Decree N.11 of 2019, and is under the administrative authority of the Prime Minister. Although it is structured as a quasi-ministerial council, presided over by the Prime Minister and comprising several ministers as members, the council also has among its members representatives of different disabilities, experts and an independent secretary general

(often a person with a disability). Its mandate contains policy-related functions on the one hand and more executive functions on the other.

### **3.1.7. International support for child justice in Egypt**

Various access to justice programmes have been implemented in Egypt in co-operation with development partners and international organisations to support its legal reform efforts. Two relevant projects in the area of child justice, largely focused on developing child-friendly courts and stakeholder specialisation, are worth mentioning to highlight lessons learnt.

In 2008, USAID conducted the first project to support the establishment of a dedicated child-friendly court. The project experienced several logistical challenges and came to an end in 2011. In 2015, the European Union started its first justice project in Egypt, including a component on juvenile justice that managed to establish a site for a dedicated Child Court in Ameriya, Cairo, which is currently used as one of the two Child Courts in Egypt. Another positive outcome of the project was the development of a unified training curriculum for judges, prosecutors and social workers on child-friendly justice, which was adopted by the National Centre for Judicial Studies.

As relevant international actors on the ground, the United Nations Children's Fund (UNICEF) and United Nations Office on Drugs and Crime (UNODC) have also led several programmes related to alternatives to detention and restorative justice for children, child legal education and strategic reform of different legal provisions, with the support of the Netherlands and other countries to implement programmes with various national stakeholders in Egypt. In March 2022, the Ministry of Justice signed a memorandum of understanding with UNICEF, aiming to put in place and implement a national plan to support and improve the rights of the child in the criminal justice system (UNICEF, 2022<sup>[4]</sup>). An ongoing project in the MoSS, in collaboration with UNODC, works on the social reintegration of children in care institutions (UNODC, 2018<sup>[5]</sup>). MoSS has developed a manual on children's legal services and interventions for children in conflict with the law, in partnership with the United Nations Office on Drugs and Crime. Furthermore, the Italian Agency for Development and Cooperation (AICS) is currently supporting the MoSS through the Coordinating Unit for Children's Criminal Justice and conducted training for staff of the Social Defence Department. Finally, United Nations Women (UN Women) has supported the Ministry of Justice in addressing the issue of violence against women and girls (UN Women Egypt, n.d.<sup>[6]</sup>).

Ensuring complementarity, the project "Towards Child-friendly Justice in Egypt," aims, as one of its key goals, to enhance institutional co-ordination mechanisms and clarity of roles throughout the child justice system. This will enable more child-friendly and seamless justice pathways for children while minimising risks of deadlock, such as the ones outlined above. A public consultation with various stakeholders and a co-ordination meeting with UNICEF has also been held to ensure alignment and synergies with existing support programmes.

## **3.2. An overview of child justice pathways**

To respond to the unique pattern of children's needs, the inter-related nature of their legal problems and the common fragmentation of services for this age group, it is vital that co-ordination and co-operation between relevant institutions are continually strengthened. Efforts in this area must not be limited only to legal and justice institutions. They must instead extend across the health, education, social, children, family and youth sectors as part of a whole-of-government approach to children's access to justice. A whole-of-government approach that recognises the inter-relationship of children's legal and non-legal needs should be adopted. To promote integrated and multi-disciplinary services, improved co-ordination is needed in both policy and service delivery, and at national, regional and local levels.

In the sections that follow (3.2.1-3.2.4), the child pathways followed by children on their journeys as child offenders, victims, witnesses, at risk or interested parties in civil or administrative matters will be described, including the co-operation relationships identified along the way. By analysing these pathways, findings and recommendations are identified towards improving co-operation mechanisms for the smooth management of child cases, as reflected in section 3.3. The analysis and recommendations of aspects to make each of these pathways more child-friendly, in line with global standards, and to ensure children's effective empowerment and participation, can be found in Chapter 5.

### **3.2.1. Pathways for child offenders**

The first destination for children who infringe the criminal law may be the police station. However, when their status is also that of children at risk, they may well be reported to the NCCM Child Helpline and the CPC. Further, the designated officials of the MoSS who possess powers of judicial arrest may perform the arrest of child offenders. Although, arrest by the police is the most prevalent practice on the ground. Once they arrive at the police station, child offenders meet with social workers, who are required to submit a social and psychological report to the prosecution service prior to the commencement of the first interrogation session. Once in the police station, and following the completion of the police report, some children may be delivered to their parents, while others would be referred to the prosecution and, regardless of their age, might spend up to 24 hours in police custody. Due to the potentially intimidating setting of a police station for children, police arrests with an over-night stay could be further reviewed to limit this to cases where it is necessary as a last resort to keep the child in custody due to special criteria, such as the extreme seriousness of the offence, urgency or flight risk, in line with international standards.<sup>13</sup> There appears to be room to provide further age-appropriate, easy-to-understand information to children about their rights in the criminal context when they reach the police station, as highlighted by international standards.

Child offenders are later transferred to the competent deputy prosecutor. As clarified above, the existence of a specialised child affairs prosecutor depends on the geographical area; outside of large cities, it may also be a regular general prosecutor. In order to ensure appropriate inter-institutional co-ordination and follow-up of cases involving children, stakeholders confirmed that, in the absence of a specialised CPO, the general prosecution staff update the CPB of the PPO. This has proven to be useful for helping to ensure that coherent guidance for dealing with child cases and good practices are maintained across the national territory. The establishment of additional specialised CPOs in areas far from the large urban centres may also support this effort by expanding the use of good practices.

As mentioned above, the legal framework in Egypt enshrines that child offenders should be assisted by a lawyer from the start of the investigation phase, in line with international standards. In practice, to expedite proceedings and enable quicker resolution of child cases, Egyptian stakeholders have mentioned that sometimes interrogations take place without such legal assistance. This highlights room to establish sustainable collaboration partnerships with legal service providers.

The deputy prosecutor should communicate with the NCCM Child Helpline and the relevant CPC if the child is considered to be at risk. Before taking action on the case, the deputy prosecutor should receive a report from a social observer from the MoSS analysing the child's psychosocial status. This good practice is applied in in Cairo, Giza, and Alexandria.

During the period between the first interrogation session and taking action on the case, the prosecution may order the child to be released or placed in a social care institution (in a special section called a social observatory). If the child is released pending investigation, the prosecution service may still co-ordinate with the CPC to implement measures to protect the child from risk. If children are detained, they will be transferred between the PPO and the place of detention or the social care institution every time they are required to be present before the prosecutor.

In accordance with the legal framework, when child offenders are detained, they are held in custody in observation centres within care institutions during the investigation and trial of their case. The law reflects a limit on the number of days children can be held in custody and the control of extensions through follow-up reports. Several OECD interviews with stakeholders have highlighted that, in practice, particularly in complex cases that take time to be investigated, this may lead to long periods of custody.

Once the case is referred to the competent court, the child will face trial at the Child Court. The child could also be trialled in the ordinary Criminal Court, subject to the conditions detailed in the above section on Child Courts and child judicial circuits. The same rules concerning release, placement, detention and co-ordination with CPC, albeit through the prosecution, extend to the trial stage.<sup>14</sup>

It has not been possible to ascertain what measures are adopted throughout the trial to ensure each step is clearly explained to the child in language adapted to their level of maturity and whether regular breaks are scheduled in order to maintain their attention.

For children under the age of 15, the verdict may include: reproach or censure; delivery to parents, guardians or custodians; training and rehabilitation; committing to certain obligations; judicial probation; community service in activities not harmful to the child's health or mental state; placement in a specialised hospital; or placement in a social care institution. According to stakeholder interviews, some of these measures, such as training, rehabilitation and community service activities that are particularly appropriate for children, are challenging to apply in practice for all children who may need them due to limited infrastructure, facilities and staffing.

Where the children are above 15 years of age and sentenced to imprisonment, they should be sent to facilities that fulfil the requirements concerning the prohibition of detention with adults. According to OECD interviews, in practice, this may mean placement in the only closed care institution in the Marg (for boys), an observation centre in a care institution (for girls), or a special section of a women's prison. Where the sentence is placement in a social care institution, the children will be transferred to one of the institutions under the supervision of the MoSS, according to their gender, age and particular needs. If the sentence includes one of the alternative measures under the Child Law, including measures related to "placement" in care institutions, the MoSS employees are tasked with supervising the implementation of the measure and reporting to the court.

Figure 3.1. Child in conflict with the law pathway



Source: Author's own elaborations.

### 3.2.2. Pathways for child victims and witnesses

The first destination where child victims enter the justice pathway may be the police station, NCCM's Child Helpline or CPCs. In the former case, the child may not receive child-specific treatment and is referred to the prosecution service. In the case of the Helpline, which may be contacted by telephone, e-mail or WhatsApp, Child Helpline staff may refer the child to an NGO or to the competent general or sub CPC, depending on the circumstances, to receive the necessary support prior to a referral to the prosecution service. In order to provide children with basic advice and counselling, the Child Helpline has a number of



in-house lawyers and psychologists and a network of legal and social assistance NGOs. The NCCM team writes initial situation reports for the specialised CPO, as well as for their own record-keeping, through an online form that gathers basic information.

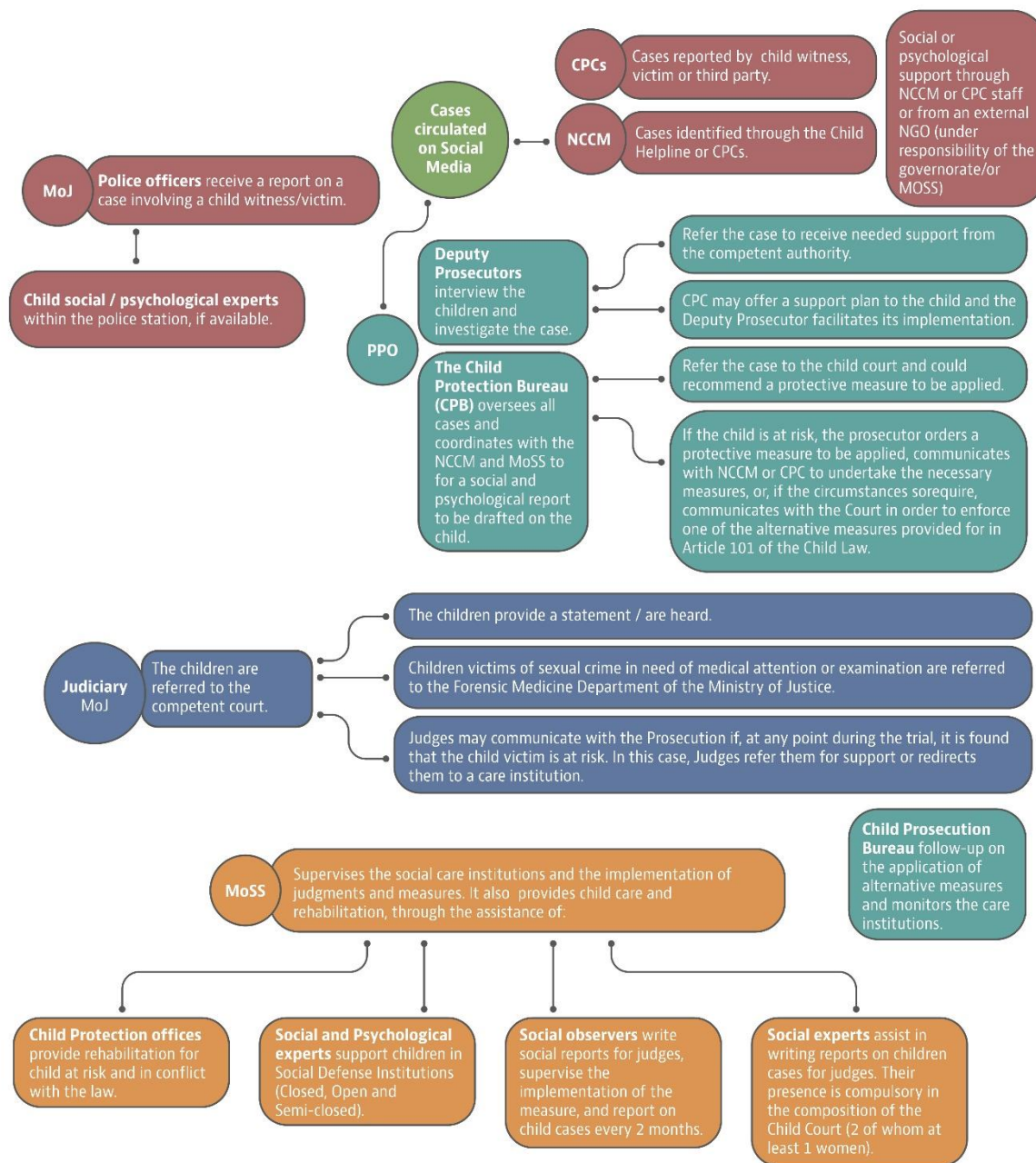
Where the child is deemed to be at risk, the same pathway outlined below for children at risk may be applicable. The CPB at the PPO is the most recently established entity that may receive reports concerning crime or abuse against children. The General Directorate of the Child Helpline receives reports from the public as well as from the NCCM and, where necessary, directs the competent prosecution to undertake the necessary protective measures in favour of the child. In this context, the child's lawyer or guardian has the mandate to take necessary steps to claim damages during or after criminal proceedings in which the child was a victim.

Where the child victim arrives at the deputy prosecutor's office through the police station, the former should communicate with NCCM's Child Helpline and CPC where he finds that the child is at risk to co-ordinate the necessary protective measures in favour of the child. The prosecution may refer the child victim or witness to a professional providing the technical support they need before the child is released. Where necessary, the CPC may offer a comprehensive support plan in favour of the child, and in this case, the deputy prosecution is instructed to facilitate its implementation. It has not been possible to ascertain how often this happens in practice and what services are available as part of the support plan.

At the court, direct contact between child victims or witnesses and perpetrators of the crime should be limited as much as possible. In some instances, stakeholders have reported the existence of separate entryways and the option to provide statements without the perpetrator present. However, this does not appear to be widespread and could be promoted across the territory. The judge may communicate with the prosecution if, at any point during the trial, he or she finds that the child victim is at risk and refer him or her for support to the competent CPC. Further, child victims of sexual crime in need of medical attention or examination are referred to the Forensic Medicine Department of the Ministry of Justice. Finally, the prosecution or the court may, at any stage, where necessary and deemed in the child's best interest, send the child victim to a social care institution.

The same pathways apply to child witnesses. When they arrive at the deputy prosecutor's office, they shall be heard and released, unless the deputy prosecutor believes the child needs additional support.

Figure 3.2. Child victim and witness pathway



Source: Author's own elaborations.

Throughout the child pathway above, given the several referrals needed depending on the child's situation, the creation of interdisciplinary facilities where a child can be interviewed and examined in one place may be considered, as will be analysed below.

### 3.2.3. Pathways in administrative cases for children

The Egyptian legal framework permits any individual to bring a case against any act or abstention by an administrative body. The claimant may request that the administrative judge compensates him or her for

damages resulting from or annuls an administrative decision. Among the main principles relevant to administrative litigation is the concept of “interest” – that the claimant must have a direct legal interest – followed by the requirement to satisfy litigation capacity. As mentioned in Chapter 2, litigation capacity in civil matters is set at the age of 21. Therefore, children have limited ability to appear before the administrative judiciary. Where a person under the age of 21 years has a direct legal interest, for instance, in annulling an administrative act or abstention, it would be their legal representative, most often their parent or guardian, who could bring the case.

According to the Ministry of Justice, in some cases, children can legally present themselves before the administrative judiciary based on the general rule that any individual has the right to claim his or her rights and bring a case against any act or abstention by an administrative body. Children can claim their personal constitutional freedoms and rights as stated by the law when necessary, and they can represent themselves before the judiciary to defend their rights, e.g. the right to education. However, there seems to be scope to regulate and broaden this application on a wider scale.

In line with international standards, and as underscored in Chapter 5 of this report, it would be advisable to review the age at which children are deemed to have a sufficient understanding of legal matters, as it is the right of children to be heard in administrative matters that affect them, directly or through a representative (see Art. 12 of the CRC<sup>15</sup>).

#### *In focus: child registration and birth certificates*

Everyone has the right to be recognised as a person before the law, as enshrined in Article 6 of the Universal Declaration of Human Rights<sup>16</sup> and Article 16 of the International Covenant on Civil and Political Rights<sup>17</sup>. Article 7 of the CRC<sup>18</sup> and Article 24(2) of the International Covenant on Civil and Political Rights<sup>19</sup> also recognise a right to birth registration. Sustainable Development Goal (SDG) Target 16.9 on “legal identity for all, including birth registration” by 2030 is key to advancing the 2030 Agenda commitment to leave no one behind. Equally relevant is SDG 17.19, monitored by the indicator “proportion of countries that have achieved 100% birth registration and 80% death registration”. (UNSTATS, n.d.<sup>[7]</sup>)

In this vein, registration and provision of identification papers for children have become an increasing focus for Egyptian authorities. MoSS has been active in the area of child registration, for instance, it launched and activated the *Atfāl Bela Ma’wa* (Children without Shelter) programme to sort and provide registration services to children on a nationwide scale. Additionally, registration of children of the most vulnerable groups has also been a priority under the Presidential initiative *Hayah Kareema* (Decent Life).

Children who come into contact with the criminal justice authorities and are found without any documents follow a slightly different pathway until their age is confirmed. Where the deputy prosecutor cannot confirm the person’s age, and is accordingly unable to confirm whether they are children, the deputy prosecutor communicates immediately with the competent Civil Registrar to issue an identification document for them. If the child is not registered, the deputy prosecutor refers him or her to a physician to determine his or her age. Depending on the circumstances and whether the child is in conflict with the law, a victim or at risk, the physician may be an employee of the Ministry of Justice or the Ministry of Health and Population.

When an unregistered child who is at risk or is a victim contacts the NCCM Child Helpline and their case requires the provision of direct legal assistance by the NCCM Child Helpline’s lawyers, the assigned lawyer will take the necessary steps towards the issuance of appropriate documentation in favour of the child. Such services are provided for free.

Despite ongoing efforts, there remains room to strengthen outreach initiatives to reach children without an identification document who avoid contact with the authorities due to being at risk or having a history of offences. With regards to child offenders, the need to issue an identification document or ensure appropriate registration of the child is seemingly treated as a matter motivated by the need to fulfil a legal

requirement to prove the age of individuals subject to the provisions and institutions of the Child Law, rather than a right in and of itself.

### **3.2.4. Pathways for children in the civil justice sphere**

#### *Civil litigation*

Individuals acquire their capacity to manage property and financial matters, in principle, at the age of 21 years. In view of this, children under the age of 21 must be represented by their parent or guardian before the civil judge. The OECD team has not identified information reflecting legal or institutional arrangements put in place to ensure that the child's voice is heard prior to them reaching the age of 21.

#### *In focus: family-related matters*

The Dispute Settlement Bureau attached to each Family Court is the first destination where the Family Court can hear cases regarding custody, divorce and alimony. Failure of the proceedings before such bureaus means that the child's next stop will be the competent Family Court. In cases that directly or indirectly affect the child, social workers of the MoSS form part of the Family Court and provide the necessary assistance to the judges to handle the specificities of the child.

Children who are deprived of custody from a parent may be reported to the relevant CPC as "children at risk" under Article 96 of the Child Law. The latter may undertake all the necessary precautions and protective measures in favour of the child, including referring the matter to the Family Court and requesting it to compel the person in charge to pay alimony in favour of the child. This requires co-operation mechanisms between Family Courts and CPCs that the OECD has not been able to confirm.

In custody cases, more specifically, the Egyptian Code of Personal Status interprets the best interests of the child as a consideration that may only be realised through the women of the family. In Article 20, child custody is established for women. It is, in principle, established for the mother. However, where the child is deemed unsafe in the mother's custody, child custody is transferred, for instance, to the maternal grandmother, failing that, to the paternal grandmother, then the mother's sister, and so on. The child's wishes in this regard are not considered until they reach the age of 15. Only after this age can the judge hear their wishes concerning custody.

It has not been possible to clarify whether, in cases where there are conflicting interests between parents and children, authorities appoint either a guardian *ad litem* or another independent representative to represent the views and interests of the child.

The OECD finds room to establish specific measures to guarantee child-friendly access to justice in these procedures, including that children's voices are heard, that they are provided comprehensive information adapted to their level of maturity, and that they are addressed by staff with specialised training regarding children's matters. These aspects are further explored in Chapter 5.

#### *In focus: international custody cases*

In child custody disputes resulting from international marriages involving one Egyptian partner, cases will arrive at the Goodwill Committee on Child-Custody Dispute Resolution under the Ministry of Justice. This committee works in accordance with the Egyptian legal framework and supplements the international co-operation in this area, given Egypt's non-accession to the Hague Convention on the Civil Aspects of International Child Abduction of 1980. In most cases, as reported by Egyptian officials, parties to the case are a foreign mother who seeks custody and an Egyptian father who brought the child or children to Egypt. The Committee works on mediation and co-ordination of negotiations between the two parties and assists the mother in gaining leverage by obtaining or executing court rulings in such negotiation processes. While

the best interests of the child are sought, the interpretation of the principle is that children's best interests will be served once custody is with their mother. In this regard, the child is only heard once they reach the age of 15, regardless of their level of development. There is scope, therefore, to enhance child participation in this process, particularly for children under the age of 15 years.

The Goodwill Committee on Child-Custody Dispute Resolution also noted regular difficulties in locating the children in these types of cases, which would prevent them from co-ordinating with protection services such as those provided by the NCCM, MoSS and the PPO. There is scope to establish institutional avenues for co-ordination in case children may be found to be at risk when their parents have abducted them. Further analysis and recommendations on improving this justice pathway will be conducted under future activities of this project.

### **3.2.5. Interrelated pathways: children at risk**

A child is considered to be at risk in a range of situations defined by Article 96 of the Child Law. They include: whenever their safety, morals, health or life are at risk; exposures to neglect, abuse, violence or exploitation, including undue deprivation of their rights to education; abandonment; children without a home who are found begging or collecting trash; children who are ill or disabled in ways that become a danger to their own safety or that of others; and children under the age of seven who have committed misdemeanours, among others.

Children may be found to be at risk by the designated officials of the MoSS, which is also tasked with following up on such cases. They may also be directly reported to the competent CPC. In all cases, the CPCs and the General Department for Children Helpline at the NCCM are the main entities tasked to care for children at risk. They may undertake the necessary measures or, where necessary, communicate with the competent child affairs prosecutor to deliver an official summons to the legal guardians or, if the circumstances so require, to communicate with the CPO or court (depending on the circumstances) to enforce one of the alternative measures provided for in Article 101 of the Child Law.<sup>20</sup> In implementing an alternative measure, the relevant CPC observes and reviews this measure regularly and is empowered to recommend any necessary modifications.

This pathway involves many child justice actors, and it has been found that roles regarding the different steps and follow-up needs for each case could benefit from further clarification. This pathway, in particular, requires strong co-ordination between the MoSS, the NCCM, CPCs and all other entities. It has been found that limited case management staff in MoSS departments, coupled with limited operationalisation of CPCs outside of large cities, may cause challenges throughout this pathway. It has also become apparent that the PPO has a prominent role in the follow-up of children at risk cases, supported by a strong co-ordination with the NCCM Department for Child Helpline. The communication between both of these organisations could benefit from further systematisation to ensure it is sustainable despite staff rotation.

## **3.3. Towards improved co-ordination and integration of Egyptian justice services**

It is common in most countries around the world to find at least some problems with the co-ordination of systems and services for children and young people. Government departments and state institutions globally tend to operate in isolation, each with their own responsibilities, aims, budgets and programmes, often lacking resources to focus on the wider picture. This can lead to a lack of trust in other departments and institutions, a reluctance to share information and knowledge and competition rather than co-operation with colleagues.

Similarly, in Egypt, co-ordination in child justice has been underscored by all institutions as a fundamental challenge. While child justice stakeholders have been making important efforts to enhance co-ordination, all stakeholders interviewed have emphasised the need for a more institutionalised system through

identified co-ordination mechanisms and clearer scoping of the roles of each institution. Both in practice and through analysis of the legal framework, it has proven challenging to identify the exact role played by each institution with respect to different child cases and their follow-up, and many co-operation relationships are found to be informal. In addition, independent initiatives, such as law reform committees for the Child Law, have been found to arise in several institutions without internal co-ordination, which could exacerbate challenges in the future. In practice, this translates into some areas of the justice system operating in silos based on the executive mandates of each institution. Hence, further horizontal co-operation and integration of efforts is critical.

Two key issues have been identified to secure inter-institutional co-ordination in Egypt. The first one is a relative lack of clarity of the roles of each institution in relation to children that encounter the system, and similarly, a relative lack of clarity of the established procedures to process cases. The second is a lack of institutionalisation of those co-ordination mechanisms that do exist and are fruitful in practice – such as the collaboration between the NCCM Child Helpline and the CPB at the PPO. Co-ordination between various actors, including NGOs, seems to be rather improvised and sporadic, at least in some areas. As outlined below, there is a need for: a sound legislative foundation for collaboration; well-defined roles and responsibilities of different institutions; joint planning and funding mechanisms; clear referral pathways; robust protocols and systems for collaborative working; and multi-disciplinary service delivery models.

### **3.3.1. Institutional leadership for co-ordination**

#### *Co-ordination at the national level*

As mentioned in Section 3.1.1, the NCCM is the highest authority mandated to play a cross-departmental lead role regarding legislation, policy making, planning, co-ordinating, data collection, monitoring and evaluating activities in the protection and development of children and mothers. The NCCM also co-ordinates the implementation of services provided to children mainly in the area of child protection through the CPCs and the General Directorate of the Child Helpline. For the NCCM to play an effective role in leading co-ordination and planning in relation to other ministries, there is scope to review its institutional positioning, mandate and resourcing in line with international lessons learned.

The CRC Committee observed in 2011:

*“While further noting the commendable work of the NCCM as the Government entity responsible for coordinating, monitoring and evaluating activities on children’s rights, the Committee is nevertheless concerned at the lack of systematic and institutionalized coordination of the implementation of the Convention among line ministries and between central, provincial and local levels, as acknowledged by the State party. It also expresses concern at the limited capacity and leverage of the NCCM to effectively enforce coordination.”*

The empowerment of NCCM in its co-ordinating role through the support and respect of this role from the other involved institutions is vital to achieving more effective co-ordination.

In addition, the OECD, jointly with stakeholders, identified significant room to create clear protocols that clarify the roles of each stakeholder at the national level and the steps to follow in each process, including institutionalised mechanisms for contact between entities (e.g., through the creation of generic e-mail addresses for each service that are monitored regularly and can be used regardless staff rotation). These protocols could address the steps to follow in each type of child pathway and establish clear rules for information sharing, service referrals and data collection. Such an initiative would be of value to enhance co-ordination.

In addition to the above, national strategies and plans present useful tools for co-ordination at the national level. Egypt's Human Rights Strategy was launched in September 2021. The action plan includes a large set of main subsidiary objectives and determines the bodies responsible for implementing the strategy's

pillars (Daily News Egypt, 2020<sup>[8]</sup>). The child rights section identifies challenges and suggests action; however, coordination of activities in the field of children's rights needs to be further strengthened among all stakeholders.

### *Coordination at the provincial and local levels and for specific services*

The Child Law regulates coordination and cooperation at the lower level of the national level through the establishment of child protection committees in each governorate and their respective subcommittees. As mentioned, these committees work to bring together task forces from security, social affairs, education and health directorates, as well as representatives from civil society groups involved in children's affairs. These bodies have the potential to become essential focal points for children's services. However, as mentioned, there are concerns about their limited capacity, delays in the establishment and operationalisation of subcommittees owing to a lack of resources, lack of headquarters and lack of a clear coordination mechanism to ensure periodic coordination and exchange of information among them.

The option to enshrine clear co-operation legal mandates aimed at improving cooperation between relevant services at the provincial and local levels could be considered, as has been done in other countries. For example, in Spain, in relation to Offices for Crime Victims' (see also Box 5.12 for information on these offices), Article 34 of Royal Decree 1109/2015 states:

*"The Offices in their actions will collaborate and coordinate with the Bodies, institutions and Services that may be involved in Victim Assistance: judiciary, prosecution, Psychosocial Services of the Justice Administration, Security Forces and Corps, Social Services, Health Services, Associations and Non-Profit Organisations, especially in cases of vulnerable Victims with a high risk of Victimisation."*

This legal framework has facilitated the creation of a specialised Coordination Network to provide these services to victims in a seamless manner (Ministry of Justice of Spain, n.d.<sup>[9]</sup>).

### **3.3.2. Better identification of roles and responsibilities in child justice services**

While child justice stakeholders have been making relevant efforts to enhance co-ordination, all stakeholders interviewed have emphasised the need for clearer scoping of the roles of each institution. The roles of different institutions seem to overlap, especially when considering the intertwined nature of justice services that interact with children in Egypt. On a micro-level, this appears to translate into an unnecessarily complex co-ordination and division of labour between the different service providers interacting throughout children's pathways. An example has been the Alexandria restorative justice pilot, in which the social workers of the CPCs implemented, in large portions, roles traditionally perceived to be assigned to MoSS social workers.

Amongst these stakeholders, there is scope to enhance clarity regarding the roles and responsibilities of each institution in relation to various categories of children that encounter the system. In some cases, multiple institutions may become involved and provide their services in a scattered and less-than-optimal manner. However, both in practice and through analysis of the legal framework, it has proven challenging to identify the exact role played by each justice service provider. In particular, the systems for protecting, supporting and then following up on the cases of children at risk are agreed to be complex and, sometimes, confusing. At the same time, several of the involved service providers seem to intervene and have a mandate for follow-up. Stakeholders report this overlap to result in service delivery inefficiencies, duplication and limited leadership. As a result, children receive limited access to quality and coherent support and follow-up.

### **3.3.3. Co-ordination for day-to-day justice service delivery**

With regard to the day-to-day administration of child justice, the largest challenge that has been identified jointly with stakeholders is the informality of co-operation avenues. Successful co-operation relationships, such as the collaboration between the NCCM Child Helpline and the PPO's CPB, are often found to be informal and largely due to personal relationships rather than formalised co-ordination arrangements. Given the regular staff rotation of civil servants and judicial staff, without institutionalised mechanisms, it takes longer to rebuild relationships and trust between institutions. The lack of clear operating procedures exacerbates this challenge.

Positively, several stakeholders mentioned that Circular No. 7/2018 had enabled a marked improvement in mutual understanding of roles, responsibilities and procedures. Nevertheless, further protocols and mechanisms are necessary to enhance co-ordination.

Child offenders, for instance, may experience the relative lack or improvised nature of co-ordination at an early stage. After the child arrives at the police station, the decision whether they will subsequently be sent to an ordinary deputy prosecutor or a specialised child affairs prosecutor is reported to be sometimes ad hoc. Once a child who is in conflict with the law and who is not accompanied by a lawyer arrives at the office of the deputy prosecutor, the process of assigning a lawyer is not institutionalised. According to stakeholder interviews, it appears that some deputy prosecutors may voluntarily communicate informally with lawyers from NGOs known to them to be active in the area of child justice in such arrangements – this could be via telephone calls, WhatsApp messages, or by checking whether one of those lawyers is by chance present in the corridor of the prosecution premises and is available to attend with the child. Existing institutions that could play a crucial role towards the institutionalisation of this process could be the Bar Association and the NCCM.

With regards to any child at risk, the guidelines jointly released in 2019 by the Ministry of Justice and UNICEF inform judges that “it is possible, where necessary, to handover the child to the following care institutions”, and it then provides a list of MoSS institutions nationwide. Even though this is indeed good practice, matters could benefit from further clarification in this regard, as confirmed by different child affairs judges. Additional useful information could include: the suitability of certain facilities in the list, their quality of care standards, whether they remain open and how many open spaces are left; the criteria for admittance; and who is responsible for co-ordinating the handover of the child to the care institution. Stakeholders have reported ongoing efforts, including in co-operation with civil society, to create a sustainable digital file in which the list of care institutions, including those open and with remaining space, can be updated.

In this regard, the CPC in Alexandria could serve as a good practice example for developing an Excel spreadsheet containing all the available social services and free placements so that children can easily be matched with available services according to their needs. This document is shared across all the relevant institutions and partner NGOs.

In summary, the respective roles of institutions involved in case management would benefit from more precise evaluation and the development of robust protocols, processes and other mechanisms to provide staff working in institutions with clear guidance and institutionalised co-operation systems.

### **3.3.4. Service integration**

Child-friendly, multi-agency and interdisciplinary service hubs can be key establishments where children can be interviewed and medically examined for forensic purposes, comprehensively assessed and receive all relevant therapeutic services from appropriate professionals.<sup>21</sup> This is especially relevant for child victims, witnesses and children at risk to avoid adding to their trauma.



A key principle for many of the best-integrated service models is that they are designed around the needs of children and young people, rather than the needs of the institutions. To successfully achieve this means conducting research to understand children’s legal needs, using existing international models, and working directly with children and young people to design services in line with their views.

Egypt presents good practice examples of service integration throughout children’s justice pathways. For instance, social workers are staffed to support a wide range of child justice processes, including joining children from their arrival at the CPO, producing reports for prosecutors and judges, and providing support through the NCCM Helpline. This Helpline also presents a collaboration of professionals with multiple areas of expertise, such as lawyers and psychologists, to enable immediate support for children that call. Building on these successful examples, Egypt could consider the establishment of an integrated service delivery space for children within child-friendly facilities at the level of governorates, as has been done in many countries around the world. Box 3.1 highlights two key examples of integrated service delivery: Child Advocacy Centres in Canada and the Barnahus model implemented in Nordic countries and increasingly across Europe.

### **Box 3.1. Integrated services for children: Child Advocacy Centres in Canada and the Barnahus Model in Nordic Countries and Europe**

#### **Child Advocacy Centres, Canada**

Since 2010, Canada has provided funding for Child Advocacy Centres (CACs) across the country that are grounded in a child-focused, trauma-informed and culturally responsive approach to cases involving child abuse allegations.

A CAC is a collaboration with law enforcement, child protection, medical and mental health professionals, and victim advocates in a child-friendly facility. Together, they provide an individualised response for children, young people and their families who have experienced child abuse. Services include prevention, intervention, prosecution, treatment and support.

CACs seek to minimise system-induced trauma and support the longer-term well-being of young victims and their families. A CAC is a community-based programme designed to meet the unique needs of the particular community in which it is located. They are placed in child and family-friendly facilities.

Functions include:

- forensic interviewing services
- victim advocacy and support, including court preparation and support during a trial
- specialised medical support and treatment
- specialised mental health services
- training and education for professionals working with child abuse victims
- community education and outreach.

#### **The Barnahus Model, Nordic countries and Europe**

Barnahus works as a child-friendly office under one roof, where law enforcement, criminal justice, child protective services, and medical and mental health workers co-operate and assess together the situation of the child and decide upon the follow-up support required. A forensic interview and a medical examination of the child will take place, and the police will investigate the situation around the alleged criminal offence. The prosecutor, judge and the accused’s lawyer will also be involved. The need for short-term and long-term therapeutic and family support will also be assessed. By meeting the child in

one place and in an integrated way, the Barnahus provides for co-ordinated, as opposed to parallel and overlapping, criminal and welfare procedures.

The Barnahus model refers to multidisciplinary and interagency interventions organised in a child-friendly setting fulfilling the following criteria:

- the forensic interview is carried out according to an evidence-based protocol
- the evidentiary validity of the child’s statement respects the due process whilst avoiding a need for the child to repeat their statement during court proceedings if an indictment is made
- a medical evaluation is carried out for forensic investigative purposes and to ensure the child’s physical well-being and recovery
- psychological support is available, including short- and long-term therapeutic services addressing the trauma of the child and non-offending family members and caretakers
- an assessment of protection needs is carried out and followed up concerning the child victim and siblings in the family.

Barnahus are formally embedded in national systems, for example, the judicial system, law enforcement, health and child protection systems.

Sources: (Department of Justice Canada, 2021<sup>[10]</sup>; Barnahus Network, n.d.<sup>[11]</sup>)

### 3.4. Key recommendations

- Adopt a whole-of-government, whole-of-society and whole-of-justice system approach to child justice that fosters multi-sectoral co-operation and considers sound mechanisms for implementation, oversight, and accountability.
- Consider introducing a legal mandate for co-operation and co-ordination among the different institutions and services dedicated to child justice, and potentially an effective state-level mechanism for co-ordination, possibly under the purview of the NCCM.
- Increase the clarity of the roles of each institution across criminal, civil and administrative justice pathways.
- Strengthen the institutionalisation of existing co-ordination mechanisms by developing robust protocols for referrals, information-sharing and data collection to secure the sustainability of the system in the medium and longer term.

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## Notes

<sup>1</sup> Laws, legal systems and their institutions and processes are controlled by the State. While communities, parents, NGOs and others have key roles to play for children with legal or justice needs, a system where all the State's policies and agencies are working in the same child-friendly direction is essential.

<sup>2</sup> Children are heavily or entirely reliant upon adults for their well-being and daily needs, particularly younger children. Whether it be shelter, health, parenting, education or any other human need, children depend on others for their provision. Therefore, few legal or justice problems for children will be able to be resolved without the delivery of care and services from across the whole of society.

<sup>3</sup> All elements of the justice system need to work together in a child-friendly direction if child-friendly justice is to be delivered.

<sup>4</sup> Egypt's report on UN Child Rights Committee recommendations number 5, 6 & 7.

<sup>5</sup> Child Law, Art 122.

<sup>6</sup> Child Law, 122.

<sup>7</sup> Family Courts Law, Art. 10.

<sup>8</sup> Family Courts Law, Arts. 2, 11.

<sup>9</sup> Child Law, Arts. 96 (3), 99(6).

<sup>10</sup> Child Law, Art. 99(6).

<sup>11</sup> Family Courts Law, Art. 5.

<sup>12</sup> Foster families - Kafala is similar to (long-term) foster care in the conferment of some (not full) parental rights and responsibilities for a child's upbringing in respect of both the child and their property. For further information, see: [www.saflii.org/za/journals/AHRLJ/2014/18.pdf](http://www.saflii.org/za/journals/AHRLJ/2014/18.pdf).

<sup>13</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty adopted by General Assembly resolution 45/113 of 14 December 1990; United Nations Standard Minimum Rules for the Administration of Juvenile Justice adopted by General Assembly resolution 40/33 of 29 November 1985.

<sup>14</sup> Child Law, article 122.

<sup>15</sup> UN General Assembly, Convention on the Rights of the Child (CRC), 20 November 1989, United Nations, Treaty Series, vol. 1577, p. 3, Art. 12.

<sup>16</sup> UN General Assembly, Universal Declaration of Human Rights (UDHR), 10 December 1948, 217 A (III), Art. 6.

<sup>17</sup> International Covenant on Civil and Political Rights (ICCPR), 19 December 1966, 999 UNTS 171, Can TS 1976 No 47 (entered into force 23 March 1976), Art. 16.

<sup>18</sup> Ibid 13, Art. 7.

<sup>19</sup> Ibid 15, Art. 24(2).

<sup>20</sup> Child Law, Arts. 98, 99.

<sup>21</sup> Council of Europe (2010) op.cit, Part V.j.

# **4**

## **Designing Child-friendly Justice Pathways in Egypt**

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This chapter focuses on the design of child-friendly justice pathways and services in Egypt. It provides a succinct account of the legal needs experienced by children across different legal spheres and maps existing services by type of service, including access to legal information and representation, psychosocial assistance, specialised child justice institutions, care institutions and medical referrals. It formulates policy recommendations to expand and improve the ability of these services to address the key legal needs of children.

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For children to feature at the centre of a child-friendly justice system, the first step is to understand their most common legal needs in various situations and what services are available to meet those needs. This chapter will provide a limited account of the legal needs experienced by children, including: across the different legal spheres; as offenders, victims and witnesses of crime; when they are at risk; in the context of civil and administrative processes; and mapping existing legal services in Egypt. Building on these, it makes policy recommendations to expand and improve the ability of these services to address the key legal needs of children.

#### 4.1. Understanding the legal needs of children in Egypt

A child-friendly justice system should seek to understand the legal problems experienced on a day-to-day basis by children and young people, what impact these problems have on them, and how they go about addressing them. This understanding needs to consider the legal needs as the child or the young person experiences them. Research to identify these legal needs must be regular and ongoing, as these needs will change over time. The rise of mobile technology, with a multitude of online social, commercial and other applications, has affected the lives of young people more than many other age groups. This has brought a range of new legal issues that did not exist even a decade ago and yet disproportionately impact children and young people. However, to date, out of more than 60 national-level legal needs surveys (LNSs) conducted around the globe, only a few countries have conducted LNSs with a specific focus on children (see Box 4.1) (OECD, 2019<sup>[1]</sup>). The difficulties lie in the fact that the questions (and legal problems) of concern for a 10-year-old are very different from those relevant to an adult. As such, while an LNS may well be appropriate for children and young people, it will likely differ markedly from an adult survey and between the age and maturity levels of children. Importantly, the findings of adult LNSs can also be relevant for children. In this regard, Egypt may consider committing to evidence-based planning for child justice services by collecting quality data and information about children's legal needs across different socio-economic backgrounds and locations alongside its adult LNS data collection.

##### **Box 4.1. Examples of children's legal needs assessments**

###### **Florida Bar's Commission on the Legal Needs of Children Survey, 2001**

In 2001, the Commission on the Legal Needs of Children of the Florida Bar surveyed children's views regarding legal issues relevant to them. Results from that survey showed a great desire for independent legal representation for children in divorce, custody and care proceedings, and in relation to school expulsions and police questioning. Issues identified included bullying from classmates, unfair discipline from school administrators and harassment from the police.

###### **Northern Ireland's Department of Justice Study on Legal Needs of Children, 2013**

In 2013, Northern Ireland's Department of Justice commissioned a study on the legal needs of children and young people in the region, following a survey of legal needs exclusively focused on adults.

The survey questionnaire was developed based on the key themes emerging from focus groups with children and young people. Findings included: lack of knowledge as a crucial barrier to young people's legal needs being met; the wide range of legal issues faced by them, from bullying to buying faulty goods or being spoken to by the police; and their need to be recognised as right-holders.

###### **Republic of Moldova's Needs Assessment of Legal Empowerment of Youth, 2017**

In 2017, the Soros Foundation Moldova, in co-operation with the Moldovan Ministry of Justice, conducted a legal needs survey of young people aged 14-23 with a particular emphasis on vulnerable

groups. The study revealed that one in four young people had experienced legal issues in the last 12 months. In most cases, young people turned to family, friends or colleagues for help. Other issues included discrimination, particularly of Roma youths, reluctance to seek police help, especially for sex workers, employment and health issues.

### France's Multi-year Consultation Process of Youth

In 2019, the French Constitutional entity *Défenseur des droits* (Defender of Rights) launched a consultation process with young people called *J'ai des droits, entends-moi* ('I have rights, listen to me') regarding the right of children to participate in issues that affect them. The three editions of this consultation are:

- **2019:** enabled 2 200 children aged between 4-17 years to learn and reflect on their rights
- **2021:** enabled nearly 600 children aged between 3-18 years to express their reflections and recommendations on their rights, with a particular focus on the mental health of children and young people
- **2022:** roundtable discussions, participatory workshops and meetings with professionals planned with a particular focus on children's right to privacy.

Sources: (The Florida Bar Commission on the Legal Needs of Children, 2002<sup>[2]</sup>; Emerson et al., 2014<sup>[3]</sup>; Soros Foundation-Moldova, 2017<sup>[4]</sup>; Défenseur des droits, 2019<sup>[5]</sup>; Défenseur des droits, n.d.<sup>[6]</sup>; OECD forthcoming, 2023<sup>[7]</sup>).

#### 4.1.1. Legal needs in the criminal sphere for offenders, victims and witnesses

Children's justice needs globally, as in Egypt, relate to their status in proceedings, whether as offenders, victims or witnesses of a crime, and they arise from the first contact with the authority when being charged with or reporting the crime and endure throughout the whole process, to the post-trial and recovery phases. Children need legal and psychosocial support and assistance in each of these phases. While as an offender, the child will need to be legally represented by defence attorneys before, during and possibly after the trial, as victims or witnesses their legal needs are for access to basic protection, services and psychological support. For children at risk, child protection issues such as placement into residential care and other issues related to alternative care, guardianship, foster care, including kafala<sup>1</sup>, referral of the child to medical or psychiatric or residential substance abuse treatment, protection from violence or child neglect and other related problems are all prevalent needs in Egypt.

In Egypt, generally, according to the NCCM Helpline lawyers, the majority of requests for assistance from children stem from cases in which they are victims of crime and need protection. Physical violence in various contexts, including at home and school, is the most often reported problem in calls to the Child Helpline, followed by sexual violence and cyber-extortion. The prosecution emphasises child abuse in the online sphere as a relatively new type of crime, growing in prevalence, and that necessitates the development of ad hoc approaches, potentially including new legislation to deal with its unique characteristics. In addition to the above, cases of female genital mutilation (FGM) and child marriage are also prevalent in rural governorates, and child labour is an issue in some specific areas, such as Assiut.

In Alexandria, the general Child Protection Committee (CPC) conducted an evidence-based study to assess the main types of problems experienced by children and deliver services accordingly. In the context of the study, violence in all its forms also arose as the number one problem experienced by children, followed by child marriage.

The focus group results with 12 representatives from the Egyptian Child Forum – which represents children on a nationwide scale – showed that children stated bullying and lack of appropriate education as key problems and issues affecting them in the school setting (8 and 7 children, respectively). Physical and

verbal violence were reported as problems in the domestic sphere, public settings and recreational contexts by at least 1 child in the group. With regards to courts and social care institutions, 6 children said that a lack of channels for children to be heard would be the most acute problem they would face. While the results are not representative for all children in Egypt, they offer important insights into the experiences children face and their respective legal needs.

In view of initial data collected through this project regarding the most prevalent legal needs of children who call the NCCM Child Helpline and receive support from the Alexandria CPC, prioritisation could be considered for protection services for children suffering violence in different contexts, such as appropriate care facilities and shelters, medical and psychological attention and legal aid for child victims. Specialised training and peer exchanges with other countries could also be considered as a means of strengthening prosecutors' capacities in cyberbullying and cyber-extortion, as this is an increasingly prevalent type of crime affecting children and one that is complex to tackle. In addition, increasing the availability of psychologists at school, as highlighted by Egyptian Child Forum members, could be an important avenue to detect and prevent legal problems for children. Finally, valuable support could be offered by providing the Child Helpline with lawyers specialising in the particular types of crimes that most often affect children in Egypt, including violence, sexual abuse, child marriage, FGM, child labour and abuse in the online sphere.

#### ***4.1.2. Legal and justice needs in the administrative sphere***

Globally, children may also be subject to a range of issues in administrative proceedings or access to public services, such as:

- birth registration and issues with nationality
- asylum and migration procedures, e.g., when a child is denied access to a territory at the border or does not meet the requirements for immigration
- education, e.g., expulsion from school or in relation to other disciplinary measures, access to services related to inclusive education and assistance in learning
- health, e.g., access to medical care or a specific legal issue in relation to a medical intervention
- alternative care, e.g., placement in a foster care family or care institution
- administrative sanctions
- social welfare, e.g., benefits
- child protection, e.g., when a child below the age of criminal responsibility is in conflict with the law and exposed to certain interventions related to rehabilitation
- Employment (under specific circumstances and only if the law permits children to work), e.g., insurance.

These also seem to be pressing problems for children in Egypt, at least in some regions. The above-mentioned study in Alexandria found that the third most prevalent administrative issue experienced by children in the territory was dropping out of school, followed by lack of identification documentation or papers, and by homelessness and begging. The ability of children to redress these issues hinges on their potential agency in administrative procedures.

As highlighted, children cannot bring forward cases in the administrative sphere until the age of 21, except through their guardians. It may be helpful for the Egyptian authorities to gather information on their legal needs in this area and to consider strengthening their agency in these procedures.



## 4.2. Towards evidence-based planning

Reliable, disaggregated, regularly collected, and published data are essential for effective and efficient policy making, programming and service delivery, especially concerning at-risk populations such as children. Under fiscal constraints, data also enable effective evidence-based decisions to be made about where to allocate resources for the development of child-friendly justice.

**Evidence-based planning:** *People-centred legal and justice services are based on and respond to an empirical understanding of the legal needs and legal capabilities of those who require or seek assistance.*

Egypt has made strides in improving its public data collection<sup>2</sup> in an effort to take advantage of the abundant policy opportunities brought by open governance and evidence-based policy making<sup>3</sup>. Despite these advances, reliable and easily accessible data on the number of children participating in judicial and administrative proceedings, their profiles, the reasons for their participation and the outcomes of their cases are relatively limited.<sup>4</sup> The *Survey of Young People in Egypt* was halted in 2015. This two-decade nationwide data collection exercise backed by the UN and USAID aimed explicitly at ascertaining the circumstances, needs, and outlook of the young people of Egypt provided researchers and policy makers alike with precious information.<sup>5</sup> Similarly, information about policy evaluation of Egypt's child-friendly justice system remains scarce.

In this regard, the CPC in Alexandria has provided a good practice example by regularly collecting data that are reported quarterly to its leadership and then using a bottom-up design approach for its Executive Plan, which is underpinned by an analysis of the five most prevalent problems reported by children in the governorate.

In 2009, ENCRO was established under the National Council for Childhood and Motherhood (NCCM) to monitor the situation of children at the national and strategic level and to track the national budget allocated and expenditures incurred for them (see Box 4.2). Although ENCRO appears to have been relatively active in producing policy recommendations and supporting data collection,<sup>6</sup> the current status and implementation of ENCRO in practice remains unclear. If activated meaningfully, it could be relevant in providing systematic collection and analysis of data disaggregated by age, sex, geographical location and socio-economic background and in implementing children's rights. ENCRO could carry out this task in close co-ordination with the Central Agency for Public Mobilization and Statistics (CAPMAS) and with meaningful participation and co-operation with civil society actors in the field of children's rights.

### Box 4.2. “Egypt fit for children” under the National Child Rights Observatory (ENCRO)

Egypt’s National Child Rights Observatory (ENCRO) aims to contribute to an “Egypt Fit for Children”. Efforts are focused on promoting child rights and evidence-based legislation, public policies, programmes and budget allocation, and monitoring their implementation and impact. The project adopted four overarching strategies to achieve these outcomes related to the different stages of evidence-based policy making:

- producing scientifically sound evidence through its Research and Data Management Unit, which collects, manages and analyses primary and secondary data on the status of children and their families
- translating evidence, through its Policy and Planning Unit, into a National Action Plan for Children in accordance with the CRC
- monitoring policy implementation and measuring their impacts through its Monitoring and Evaluation Unit
- disseminating knowledge and information to raise awareness within the general public of child rights.

The implementation of these objectives in practice is still ongoing.

Source: (CRIN, n.d.<sup>[8]</sup>), Egypt National Child Rights Observatory, <https://archive.crin.org/en/library/organisations/egypt-national-child-rights-observatory.html>.

With regard to their legal needs, it is critical to empower children to indicate whether they feel that their voices are being heard. Participation and empowerment of children allows for their specific legal needs to be better accounted for and addressed by countries when designing and implementing evidence-based reforms. In line with the findings in Chapter 5, section 5.2, further empowerment and collection of data about children’s needs could support Egypt in moving towards a more child-centred justice system. The OECD has published methodological guidance on conducting LNSs, which represent an established method of identifying legal needs from a societal perspective and a key tool that could be considered for use in Egypt. Data from LNSs could be complemented by a range of other evidence, including evaluations and research studies in the field of child-friendly justice and administrative data (OECD/Open Society Foundations, 2019<sup>[9]</sup>).

Finally, Egypt may consider establishing collaborations with research institutes to strengthen internal capacities and the annual publication of reports on the state of children’s rights throughout the country, which are valuable to raise awareness of their importance. Publication and wide dissemination of such reports, which can fuel debates, including in parliament, can provide a focus for broad public engagement in implementation.

#### 4.2.1. Recommendations for evidence-based policy making and planning

- Strengthen data collection practices by collecting data on existing child cases, the steps these cases take and their outcomes. Investment in digital data collection would make this data-collection process easier and facilitate data analysis, ideally through a platform where data can be shared across different ministries and NCCM to facilitate the co-ordination of child case management.
- Consider empowering and operationalising the ENCRO as a key instrument that could provide systematic collection and analysis of data.

- Consider analysing the legal needs of children in Egypt to ensure that the best interest of the child is respected.
- Establish collaborations with research institutes to strengthen internal capacities and the annual publication of reports on the state of children's rights throughout the country.

### 4.3. Delivering child-friendly justice services in Egypt: opportunities and challenges

The potential of people-centred justice approaches to enhance access to justice is increasingly recognised worldwide. The concept of child-friendly services within a people-centred justice system demands a broader vision that recognises the fundamental role of courts in sustaining the rule of law. Still, it goes beyond that to provide access to justice that meets people's legal and justice needs from their own perspective. Traditional approaches to delivering legal and justice services must be reconsidered to ensure that no child is left behind when accessing justice. Such a system must focus, first and foremost, on responding to children's needs. Services need to be "personalised" and responsive to the individual child and the situation. Child-friendly justice systems involve a range of appropriate services along a continuum to support children in different circumstances and at different age and maturity levels (OECD, 2019<sup>[11]</sup>). A child-friendly justice system would provide a range of justice and related services from the most local and informal through to formal judicial processes. Such processes should be adapted to the range of different and evolving advanced maturity levels of developing children and young people. This is only possible if there is a sound knowledge of the strategies, interventions and services that are most effective (and cost-effective) at addressing children's particular legal needs, taking into account the best use of the pathways to meet these needs. In this context, health, social, protection and other service providers that work with children play pivotal roles in justice systems' efficiency, effectiveness and child-friendliness. This wider vision takes account of evidence from legal needs surveys (LNS) that illustrate that children's inability to access justice can be both a result and a cause of disadvantage, and that there are close inter-relationships between children's legal, health and broader social needs (OECD/Open Society Foundations, 2019<sup>[9]</sup>).

Legal and justice services must be fully accessible to children, both in physical location and psychological appropriateness. To actively overcome the barriers children face in accessing help, age-appropriate entry points and procedures for children is essential. Age-appropriate entry points and procedures are especially important for children to be able to fully access services that have not been explicitly designed for them. The need for accessibility extends throughout the child's justice pathway, from providing information, early advice and complaint procedures to legal advice services and court proceedings.

Comprehensive data on existing services, and in particular on how they are used and by whom, is limited. However, some accounts were found through the instructions of the Public Prosecution Office (PPO) in its Circular of 2018, stakeholder interviews, and the focus group discussion (FGD) with the Egyptian Child Forum. According to OECD findings, the availability of services can vary depending on the region, with better availability and quality in urban governorates with large or coastal cities, such as Cairo, Giza and Alexandria, than in central and upper Egypt. Border governorates and the North Sinai region are also identified as areas presenting difficulties in providing services. Below is a summary of the main services identified, as well as the main opportunities and challenges to strengthening them.

#### 4.3.1. Access to early information, advice and support

Providing children with understandable information and early advice is key to the accessibility of justice. To actively overcome the barriers children face in accessing help and information, age-appropriate entry points to all-age services should be developed, and separate services designed explicitly around children's

needs should be available. Box 4.3 outlines some key international good practices to ensure accessibility of the justice system through early entry points.

### **Box 4.3. International good practices: access to early information, advice and support**

- All children and young people should be taught about rights and the law, including the framework of children's rights and the justice system.
- Child-friendly materials containing information on children's rights should be made available and widely distributed, and special information services for children, such as dedicated websites established (Council of Europe, 2010<sup>[10]</sup>).
- Child-friendly printed information on children's rights should be made available to children in police stations, courts, victim support services, residential institutions, places of detention and other venues frequented by children at high risk of experiencing violations of their rights.
- A wide range of services and professionals that could act as critical first points of contact for children requiring help (e.g. the police, health practitioners, teachers and youth workers) should be accessible to and capable of building trust with children and young people.
- Free helplines for children should be established and facilitate easy access by providing a choice of contact methods (Child Helpline International, n.d.<sup>[11]</sup>).
- Drop-in centres for young people offering information, advice, counselling and support on a wide range of legal, social, emotional and health issues should be established in community settings (European Youth Information and Counselling Agency (ERYICA), n.d.<sup>[12]</sup>).
- Children should have free access to specialist lawyers in all areas related to children and young people in places they feel comfortable. Such advice should be available not only when children have already entered the justice system but also for early intervention advice.
- Authorities should endeavour to ensure that children are aware of the services that are available to them.

Note: Child Helpline International co-ordinates a network of Child Helplines in 140 countries and territories around the world.

The European Youth Information and Counselling Agency (ERYICA) is the membership body for national and regional youth information, advice and counselling co-ordination bodies and networks in Europe. Services typically target young people aged 13-25.

Sources: (Child Helpline International, n.d.<sup>[11]</sup>; European Youth Information and Counselling Agency (ERYICA), n.d.<sup>[12]</sup>; Council of Europe, 2010<sup>[10]</sup>).

#### *Initial points of contact for support*

Children in Egypt can reach out for help when they have an issue with a legal problem in several ways. The first and most utilised is the Child Helpline under the NCCM, which covers the whole country. As mentioned in Chapter 3 under section 3.2.2, the NCCM Child Helpline is a 24-hour, free telephone line, also accessible via e-mail and WhatsApp, administered by the NCCM that receives and follows up on reports of violations of children's rights. In order to provide children with basic advice and counselling, the Child Helpline may refer to a number of in-house lawyers and psychologists and a network of legal and social assistance from non-governmental organisations (NGOs). The Helpline can receive reports from children as well as adults, although adults make the vast majority of calls. Helplines are widely used around the world as the first point of contact for children, including, for instance, in France<sup>7</sup> and the United Kingdom.<sup>8</sup>

Stakeholders indicated that the Child Helpline has achieved considerable success as the main point of contact between children, their families, and governmental services for children across the whole national

territory. Its ability to co-ordinate daily on case management with the Child Protection Bureau (CPB) at the PPO, as well as with operative CPCs and local NGOs, has enhanced its capacities to protect children at risk quickly and reliably. However, it is also clear that resources allocated to the Child Helpline are limited and that it could benefit from further efforts to strengthen social awareness of its services. It has relied almost entirely on funding external to the national budget, with most of its staff being funded by international co-operation efforts and experiencing high turnover and uncertainty.

The NCCM also used to run various hotlines, including a specific hotline for children with disabilities and one for consultancy services.<sup>9</sup> All hotlines for children were merged together under the NCCM Child helpline 16000 in 2018 to have one hotline for all services provided to children, help reduce operational cost and maintain one data base with all information. MoSS currently has a general helpline that children may use to flag their issues and get connected with the relevant services. The PPO's CPB has established an online complaint mechanism that operates directly under the supervision of the PPO. It includes, for instance, reporting crimes via WhatsApp. They may also identify potentially dangerous situations for children online, such as cyberbullying or posts that record abuse. Stakeholders have flagged that there is room to improve children's and families' awareness of these mechanisms to ensure they truly reach those who need them. A communications campaign is underway for this purpose.

In addition to hotlines, children may arrive at a police station, and, in rare cases, CPCs receive complaints directly. NGOs may also become aware of certain cases autonomously.

As is the case in many countries around the world, few children and young people, acting independently from their parents, turn to professional services for advice and assistance. Common barriers preventing children from approaching services include: lack of services or lack of awareness of services; fear of what will happen if the other party finds out; stigma, shame or guilt about their situation; and a lack of trust in adult services and professionals to listen to them, take them seriously and be fair. To address this issue, France, for example, has established the JADE programme (*Jeunes ambassadeurs des droits des enfants* [Young ambassadors for children's rights]), composed of young people who work with the Rights Defender and act as young ambassadors – they visit schools, vocational training institutions, detention centres, hospitals, institutions, unaccompanied minors and advise children on their rights in an interactive manner.

The outcomes of the FGD within the Egyptian Child Forum confirmed that a comprehensive system designed to support the child in the early stages of the justice pathway is yet to be realised. For instance, children mentioned that sources for general child-related information are the Child Helpline, internet resources, staff or administration at school, parents or trusted friends or relatives. When a child faces ill-treatment at home or thinks about running away from home, the children could not think of appropriate sources of information or assistance to seek. “[T]he problem is that there is no awareness about the things that the state can provide, such as the Child Helpline or other things, so we don't know where to go,” one child mentioned.

Similarly, bad treatment or bullying at school or work seemed a prevalent problem without uniform, systematic responses. One child said they would seek help from “*the Sheikh of the mosque, or someone from the administration (of school, for instance)*”. Another group of children thought it would be important to: “*ensure social workers and officials dealing with children are trained and able to help us*”, “*ensure numbers of psychologists at school is sufficient*”, and that “The social worker and psychologist at schools must be of an effective role, not just a formality.”

Children's reluctance to approach professionals for help in Egypt is of concern, as it limits the opportunities for violations of children's rights to be identified and referred to appropriate authorities at an early point. When children in Egypt need help or advice, they will usually turn to an informal source, such as a parent, carer, extended family member or a friend in the first instance. Occasionally they may also turn to a community leader, such as a religious figure, a tribal leader or someone with political authority, particularly where these people are blood relations of the child's family.<sup>10</sup>

Stakeholders have also noted that the availability of local outreach services can vary significantly from region to region. Stakeholders reported a scarcity of services specifically for children and young people offering early help and advice on a range of personal, social and health matters, such as youth information, advice, counselling and support centres in local communities in Egypt (Youth Access, n.d.<sup>[13]</sup>).<sup>11</sup>

If they do not first go through the Child Helpline or CPC, children will need to report crimes to the police. In view of this, the police are most likely to represent children's first contact with the authorities in Egypt. Whether the child is a victim, a witness or an offender, they are required to be heard first at a police station. In general terms, there are efforts to ensure that police stations have female social workers as the first point of contact for child victims. In relation to implementation and due to limited resources, stakeholders report that these practices are uneven, and the child may not receive child-specific treatment.

### *Understandable information about child rights*

The National Human Rights Strategy has an objective to raise the level of awareness of child rights and to encourage rights-related initiatives and activities. Also, the NCCM strives to raise awareness of child rights and encourages actions to straighten relevant information. However, government initiatives or websites providing child-friendly information concerning children's rights remain limited. While international organisations, CSOs and NGOs maintain active social media channels, including Facebook pages, which can provide initial information in Arabic or direct children to sources of help, there is much scope to improve children's access to information on their rights. Box 4.4 provides some examples of child-friendly materials developed in the United States and Canada to inform children of their rights online.

#### **Box 4.4. Easy to understand legal support materials for children**

##### **United States**

The US Department of Justice has developed the Child Victims and Witnesses Support Materials to support children and young people during their involvement with the justice system as victims or witnesses to a crime. These materials were specifically designed to appeal to children of different age groups (ages 2-6, 7-12, and 13-18 years). For each age group, there are materials about the criminal justice system and the child welfare system and a guide for caregivers and practitioners on how to use them. The goal of these materials is to provide effective, trauma-informed, developmentally appropriate information and support to children in a way that they can more easily understand so that they can feel informed, supported and empowered.

##### **Canada**

Canada has developed a child-friendly booklet about separation and divorce entitled "What Happens Next? Information for kids about separation and divorce". It contains illustrations, short sentences and definitions to facilitate children's understanding of divorce and separation as a legal concept and what steps will take place in their parents' situation in a child-friendly manner.

Source: (Office for Victims of Crime, n.d.<sup>[14]</sup>), Office for Victims of Crime, Department of Justice USA, <https://ovc.ojp.gov/child-victims-and-witnesses-support>; (Department of Justice Canada, n.d.<sup>[15]</sup>), What happens next? Information for kids about separation and divorce, [www.justice.gc.ca/eng/rp-pr/fl-lf/famil/book-livre/pdf/what-happens-next-eng.pdf](http://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/book-livre/pdf/what-happens-next-eng.pdf).

### *Recommendations to enhance access to early information, advice and support*

- Consider supporting efforts to develop data analysis capabilities that enable the assessment of the existing child assistance mechanisms' ability to identify and receive children's legal complaints.
- Strengthen efforts to raise awareness and legal literacy among the population regarding children's rights and available protection services in Egypt, including through proactive outreach to vulnerable populations.
- Work towards further developing avenues for children and their families to reach out and receive help across the national territory and beyond large cities, especially in rural areas and border governorates.
- Improve safe access to child-friendly information about children's rights and avenues to reach help online through a dedicated platform, under the NCCM in collaboration with the Ministry of Communication and Information technology and with the involvement of CSOs.
- Work towards establishing community support centres where children and young people can get early legal advice alongside support for broader social, health and well-being issues in their local communities.

#### **4.3.2. Access to complaint mechanisms**

Access to complaint mechanisms includes the right to access child-friendly, independent and effective complaints mechanisms when services and institutions have violated children's rights. The effective enjoyment of rights requires that effective complaint procedures are provided by law and operate effectively in practice to redress violations. Under Article 4 of the UNCRC, the State has primary responsibility for realising children's rights. In addition to taking all appropriate measures to implement children's rights, the State and its actors must establish mechanisms to provide remedies when violations of those rights occur. Among these remedies are independent, accessible, safe, effective and child-centred complaints mechanisms for children and their representatives.

In Egypt, the Child Helpline of the National Council for Childhood and Motherhood is considered to be the principal mechanism that plays a major role in receiving complaints. Other specific mechanisms exist such as the Ministry of Social Solidarity's Helpline created for complaints from care institutions. In addition, Egypt's National Council for Human Rights receives complaints from citizens of all ages, refers these to the relevant authorities and follows up on them to ensure the implementation of best practices. It also has the competence to raise awareness of rights and the legal procedures to be followed in cases of a breach (Egypt's National Council for Human Rights, n.d.<sup>[16]</sup>).

The NCCM has highlighted plans to strengthen its ability to co-ordinate, develop, monitor and advocate for more accountable, transparent and participatory public policies for children by establishing the Egypt National Child Rights Observatory (ENCRO) (NCCM Egypt, n.d.<sup>[17]</sup>). However, as mentioned in Chapter 3 and according to the findings of OECD interviews in 2022, it is not yet functioning. In view of this, there is further room to enhance the complaint mechanism for the different institutions in contact with children, by co-ordinating all mechanisms under the NCCM Child Helpline.

### *Recommendations to strengthen access to complaint mechanisms*

- Consider strengthening the availability of complaint mechanisms for children by establishing complaint mechanisms within the different services available for children and ensuring appropriate co-ordination with the NCCM Helpline and other relevant stakeholders.
- Develop national guidelines and requirements for child-friendly and confidential complaints mechanisms within care, health care and educational institutions in order to enable children to raise issues about their care and treatment safely.

### 4.3.3. Legal advice, assistance and representation

According to the CRC, children have the right to legal aid free of charge in any judicial or administrative proceedings that concern them, which is high quality, state-funded and available at all stages of the legal process. Governments must ensure that the legal aid provided is child-friendly, accessible, age-appropriate, multidisciplinary, effective and responsive to children's specific legal and social needs. In Egypt, free access to the justice system and legal aid are constitutional rights (Mohamed M. Youssef, 2017<sup>[18]</sup>). The Constitution specifies that an “investigation may not start with the person unless his/her lawyer is present. A lawyer shall be seconded for persons who do not have one.” In relation to parties to civil and administrative disputes, if either of the parties is a child, no legal aid schemes have been identified for children.

According to Article 125 of the Child Law, the child has the right to legal assistance: “(s)he shall be represented in criminal and misdemeanour cases by a lawyer to defend him in both the investigation and trial phases. If no lawyer has been selected by the child, the PPO or the Court shall appoint one, in accordance with the rules and regulations of the Criminal Procedure Code.” In practice, as described in Chapter 3, prosecutors in charge of child cases, particularly those in Cairo and Alexandria, tend to reach out to NGOs or the Child Helpline when a child offender does not have a lawyer. Depending on the circumstances, the social workers who answer calls at the NCCM Child Helpline may refer the child or parents to lawyers. Lawyers provide legal advice, most frequently in relation to family matters. Child Helpline lawyers, where needed, may provide direct legal assistance, such as legal representation, and undertaking necessary legal and administrative work, including, for example, applying for and obtaining registration documents for children at risk and child victims. Box 4.5. highlights the key international good practice standards in relation to legal advice and representation for children.

#### Box 4.5. International good practices: access to legal advice, assistance and representation in judicial proceedings

- States should facilitate access to a lawyer or another institution or entity, which, according to national law, is responsible for defending children’s rights. Children should be represented in their own name, including where there is, or could be, a conflict of interest between the child and the parents or other involved parties. Adequate representation and the right to be represented independently from their parents should be guaranteed, especially in proceedings where there is a conflict of interest between the child and the parents or other involved parties (guidelines 37 and 43), (Council of Europe, 2010<sup>[10]</sup>).
- An effective legal aid system is central to the rule of law. In the field of administrative law, it ensures accountability if public bodies breach the law, including those laws which breach children’s rights, by allowing people to complain to the courts. Legal aid is crucial to ensuring that children can access the court to challenge breaches of their rights. Children should have access to free legal aid under the same or more lenient conditions as adults (guideline 38), (Council of Europe, 2010<sup>[10]</sup>), (UNICEF, 2018<sup>[19]</sup>).
- Lawyers representing children should be trained in and knowledgeable on children’s rights and related issues, receive ongoing and in-depth training and be capable of communicating with children at their level of understanding (guideline 39), (Council of Europe, 2010<sup>[10]</sup>). A system of specialised youth lawyers is recommended; while respecting the child’s free choice of a lawyer (explanatory memorandum, guideline 39), (Council of Europe, 2010<sup>[10]</sup>). Children should be considered fully-fledged clients with their own rights, and lawyers representing children should bring forward the child's opinion (Council of Europe, 2010<sup>[10]</sup>).

Source : (Council of Europe, 2010<sup>[10]</sup>), Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, <https://rm.coe.int/16804b2cf3>; (UNICEF, 2018<sup>[19]</sup>), Guidelines on Child-friendly Legal Aid, <https://www.unicef.org/eca/media/5171/file>.



It has not been possible to establish what practical steps a child would need to follow to receive legal aid, such as, for example, making an official request. It is further notable that there is no institutional mechanism to ensure the presence of a lawyer with children. Identifying stable partnerships that can systematically provide legal counsel for children, such as re-establishing the prior partnership with the Bar Association, may be helpful avenues to consider expanding the coverage of the legal aid system in practice. Meanwhile, there is room to develop specialised education opportunities for dedicated child affairs lawyers or to include child justice as part of the law school curriculums to ensure the quality of representation. This measure aims to reduce reliance on interrogating children in certain situations without the presence of lawyers. This is done to ensure that children are not left waiting for extended periods of time during the initial stages of investigations by the authorities.

To enable expedited processing of cases when lawyers are not readily available, some stakeholders have reported interrogation of children in the early phases of investigations without a legal representative present to avoid any loss of evidence, in accordance with article 124 of the Code of Criminal Procedure. Efforts should be made to minimise the occurrence of this practice in order to comply with the Child Law and international standards.

It is not just child offenders who require representation; child victims, children at risk and child witnesses all require legal assistance. Although the staff of the Child Helpline includes lawyers, the Child Helpline is short-staffed and faces difficulties operating under such circumstances. In addition, further awareness is necessary due to the Child Helpline's limited visibility within society. Outreach and communication efforts would significantly sensibilise people and impact their ability and willingness to access this service. The recommendations voiced by the child representatives who participated in the FGD included the "provision of free and 24 hour-available helplines to receive complaints from children, assist them, and explain to them all procedures that might happen if things escalate and reach the legal authorities (...) accessing free legal advice to children".

The Department of Child Judicial Protection within the Ministry of Justice's Unit for Human Rights and Women and Children has a mandate to work in co-ordination with bodies concerned with childhood and to ensure the availability of legal support for children in accordance with the provisions of Egyptian legislation and international conventions applicable in Egypt. Considering this mandate, there may be room to strengthen the Ministry's role in this regard, in partnership with the concerned authorities, to ensure improvements in the availability of high-quality legal representation and guidance for children in coordination with NCCM and other relevant stakeholders.

#### *Recommendations to strengthen legal advice, assistance and representation*

- In line with findings in previous sections, continue to ensure children are appropriately represented at all times along their legal pathway, right from the beginning when they are first found to be in conflict with the law.
- Work towards developing a systematic channel and structured partnerships to provide children with legal assistance as soon as they need it, for example, by re-establishing partnerships with Bar Associations.
- Consider expanding the coverage of free legal aid for children to cover additional legal areas, such as in civil matters, and clarifying the process to claim free legal assistance.
- Work towards promoting the development of education opportunities to foster the specialisation of child affairs lawyers and ensure the quality of representation.

#### **4.3.4. Psychosocial assistance**

Social workers are present across many child justice processes in Egypt, which is considered a good practice. Ideally, social workers accompany the child from their arrival at the CPO; however, in practice,

this may only happen at offices specialising in children's cases, such as the prosecution in Cairo and Alexandria. Social workers produce a report that can guide the prosecution's actions regarding the child, considering the child's social situation and identifying if the offender is also a child at risk. Social workers also inform the development of trials involving child offenders by providing a report that supports the judge's decision. The NCCM Child Helpline and CPCs also count on members specialising in social work. NGOs are also reportedly often formed by social workers. Finally, social work staff oversee the care facilities under MoSS supervision. It must be noted that social workers of MoSS are divided into two independent groups: social workers of the social defence/observation offices and social workers who work at the care facilities under MoSS supervision.

Stakeholders have highlighted that the quality of these reports could be improved, possibly through strengthened capabilities to visit the child's environment and additional training for social workers. Further, it seems that there is a need for more social workers. The social workers of MoSS amount to approximately 350 across all offices of social observation. With regards to the social workers of the Child Helpline, although the exact number is not confirmed, the stakeholders reported insufficient capacity to deal with the overwhelming number of communications they receive.

In relation to psychological help, this is reportedly a growing need across the territory for which more psychologists are required, particularly professionals specialising in certain types of traumas. The NCCM has a limited number of psychologists within its Child Helpline staff, but this service is rarely available in rural locations away from urban centres. Children of the Egyptian Child Forum underscored the need to ensure that "social workers and officials dealing with children are trained and able to help us" and that "social workers and psychologists at schools must be of an effective role, not just a formality." Many families consider psychological help a luxury, and therefore children in need are not treated regularly unless the state or NGOs can provide this service.

#### *Recommendations to further develop psychosocial assistance*

- Consider reinforcing the capacities of social workers and other relevant psychosocial assistance providers. Specific attention could be given to the strengthening of social workers' specialised training and support in order to enhance the quality of reports received by NCCM staff, prosecutors and judges in child cases.
- Consider increasing the availability of psychologists in the Child Helpline and other public institutions, particularly schools, given the growing demand for this service by children and their families.

#### **4.3.5. Child offenders placed in custody**

Children in custody due to conflict with the law, are placed in care institutions overseen by the MoSS. The Marg Punitive Institution<sup>12</sup> is the only closed institution for children in Egypt. It is for boys only and was established by virtue of the Juvenile Act No. 31 of 1974 mainly to receive boys who reach the age of 15 years old and who are serving imprisonment sentences.<sup>13</sup> In addition to the facility mentioned above, children between 12 and 17 years old may be sent to social care institutions that fall under the supervision of the MoSS. These institutions may be of two types: semi-closed and open. There are two semi-closed facilities located in Cairo and Alexandria, and they are reserved for serious crimes. Children housed in these two institutions may only leave with the permission of the PPO. In practice, based on the feedback received during OECD interviews, the permission ultimately depends on the criteria used by each prosecutor. All remaining institutions, meaning the large majority, are open. They house children of all ages, including those that have committed some offence and have been placed in a care institution as an alternative to imprisonment.

Analysis and recommendations concerning the time children spend in custody before and after trial, and the quality and inspection of these facilities are provided in Chapter 5 under section 5.3.3.

#### **4.3.6. Access to remedies, courts and the judicial process**

As bearers of rights, the legal framework in Egypt provides children with recourse and remedies upon violations of their rights. By global standards, domestic law should facilitate, where appropriate, the possibility of access to court for children who have a sufficient understanding of their rights and the use of remedies to protect these rights based on sound legal advice (Council of Europe, 2010<sup>[10]</sup>). In this regard, OECD analysis has identified some barriers relating to children’s legal status and procedural rights.

With regards to international human rights complaints, provided all available domestic remedies have been exhausted, individuals, groups, or non-governmental organisations (NGOs) may submit complaints (known as “communications”) to the African Commission on Human and Peoples’ Rights about violations of the African Charter on Human and Peoples’ Rights .<sup>14</sup> This option is legally well-established but may be restricted in practice due to the other barriers to participation and the accessibility of remedies, as identified throughout this report.

The Council of Europe Guidelines for Child-friendly Justice encourage countries to review their statutes of limitations, ensuring that no violence against children is unaddressed.<sup>15</sup> In a positive step, the statute of limitations governing the period within which the courts can address a criminal case of sexual violence against a child was, in 2015, increased to 20 years.<sup>16</sup> In civil proceedings, a claim must be brought within a year of the violation, which is considered limited compared to other judicial systems globally. An administrative claim should be filed within 60 days from the date of notification of the decision, which may also be restrictive.<sup>17</sup> In addition, these civil and administrative periods do not consider whether the affected party is a minor. As identified elsewhere in the report, there is room to strengthen the treatment of children under civil and administrative processes by specifying adaptations in procedural rules for children.

The cumulative effect of these obstacles is that, for many children, their access to legal proceedings can be restricted.

Importantly and as mentioned previously, specialised Child Courts and CPOs exist in urban centres such as Cairo, Giza and Alexandria. Across the rest of the country, general courts and prosecutors attend to children’s cases through dedicated days in court and communication with central entities. The same facilities and staff are employed as for adult cases. The CRC Committee highlighted serious concerns in its 2011 Concluding Observations about “the slow progress in establishing special Child Courts and specialised child prosecution offices”<sup>18</sup>, which, as of 2022, seems to remain an area for progress. Box 4.6 illustrates the French Juvenile Justice System, which comprises specialised judges and courts.

#### **Box 4.6. The specialised French juvenile justice system**

The French juvenile justice system comprises specialised judges and courts that deal with children in civil and criminal matters, as well as specialised support staff with social work, education and medical backgrounds who work for the Ministry of Justice and support the implementation of judicial decisions. Three types of judicial entities oversee child cases:

1. **Child Judges** exist across civil, criminal and administrative legal areas. They can protect children from risks in the civil sphere, such as malnutrition, violence or dropping out of school. They can also adopt protection measures. With regards to criminal justice, the judge can hear minors prosecuted for less serious offences in the judge’s office and can order educational punitive measures to their actions.

2. **Child Courts** have jurisdiction to try the most serious offences committed by minors and crimes committed by minors under the age of 16. They are composed of a juvenile judge and two counsellors.
3. **Special Criminal Courts** try minors above the age of 16 who have committed crimes. They are tried by a Child Assize Court composed of three professional magistrates, two of whom are child judges.

France adopted a new law for juvenile justice on 30 September 2021, entitled *Code de la justice pénale des mineurs* (Juvenile Criminal Justice Code), which applies reforms related to the specialisation of child justice, in particular, to strengthen rehabilitation and accelerate rulings.

Sources: (Ministère de la Justice de la France, 2023<sup>[20]</sup>; République Française, n.d.<sup>[21]</sup>)

Therefore, there is room to make additional specialised services available, especially beyond the main urban centres in Egypt. In addition, the training and tenure of child affairs judges could be lengthened in order to enhance the capacities of specialised justice services for children. The need for additional training and specialisation for justice stakeholders is analysed in Chapter 5 under section 5.3.1.

#### *Recommendations on specialised justice services for children*

- Provide support to continue accelerating the establishment of specialised Child Courts and prosecution offices across the country, especially outside of large urban centres and strengthening child-friendly procedures, tools and facilities throughout the judicial process.
- Consider strengthening specialised training and capacity-building opportunities for judges, in addition to extending the tenure of child affairs judges to enable specialisation, as currently envisaged for other areas of the law.

#### **4.3.7. Protection and alternative care**

Children at risk are provided with protection services by the state. These include placement in care facilities or foster families when they do not have a suitable place or family to live with and prosecuting those who may have committed a crime against them. The prosecution has a role in enforcing direct protection measures in co-ordination with MoSS. The Office of the Prosecutor General houses a specialised bureau dedicated to child judicial protection within the Judicial Inspection Department. It has significant capacities to deal with child offenders, child victims and children at risk in general.

According to the Guidelines on Procedural Rights of Child Victims of Crime and Child Witnesses to Crime, MoSS currently oversees 37 institutions spread across 19 governorates (25 institutions for boys and 12 for girls). However, it should be noted that the OECD Team found through its interviews with stakeholders that some of these institutions are not, in fact, operational.

In Alexandria, the deployment of mobile units led by MoSS to address homelessness was reported to be a successful service that dramatically decreased the number of children without shelter and in begging situations.

However, it has been identified that the infrastructure of the child justice system is limited in relation to children at risk. The numbers and capacities of lawyers, social workers and psychologists available at the NCCM Child Helpline are limited. The option to implement alternative measures to custody in practice is very limited, leading many children into care institutions. The limited option for judges to implement alternative measures, lessens the impact of the training that they receive on the existence of these measures. The fact that there are no separate institutions to hold children convicted of an offence from those who are at risk, unaccompanied or abandoned means that neither group of children has their needs

fully met. In addition, there is room to enhance activities for children within care institutions, such as providing classes and sports activities.

In this vein, Egyptian stakeholders have identified room to enhance the coverage of the protection system for children. The Committee currently considering amendments to the Child Law aims to create a comprehensive system of alternative care for unaccompanied children and children at risk. The MoSS is considering proposing a separate law regulating alternative care for these at-risk children. Addressing their specific needs, which often do not match those of the child offenders placed in the same care facilities, can make services more appropriate and responsive. This is particularly relevant given the finding that the main legal issue experienced by children in Egypt is as victims of various forms of violence, sexual abuse, child marriage and child labour, all of which put children at risk.

#### *Recommendations on protection and alternative care*

- Strengthen services for children at risk, in particular by increasing the numbers and capacity of lawyers, social workers and psychologists.
- Consider separating children at risk from child offenders placed in custody by dedicating specific facilities for children at risk, supported by adequate legislation, case management staff and funding.

#### **4.3.8. Diversion, alternative measures and restorative mechanisms for child offenders**

As mentioned in Chapter 2 under section 2.3.5, Egyptian law does not currently recognise the diversion of children away from formal justice authorities and does not adopt the concept of restorative justice. However, a pilot to implement diversion measures with a restorative justice approach has been implemented in Alexandria since 2018. The pilot project's success has motivated the government to work on institutionalising diversion measures.

Since 2020, various government committees have been discussing a draft law, introducing amendments to the Child Law in this regard. The governmental bodies involved in this task are the Ministry of Justice, the PPO, the MoSS and the NCCM. Legislative amendments are being considered, pertaining to Chapter 8 of the Child Law, to encourage the use and implementation of non-custodial punishments against child offenders (referred to in the Child Law as “alternative measures”). As mentioned above, proposed legislative amendments currently being considered include provisions allowing courts to apply “alternative measures” for children, including: enrolment into training and rehabilitation programmes; an obligation to undertake certain duties; being put under judicial probation; or the obligation to undertake other community services. To make this possible in practice, the necessary infrastructure and human resources will need to be in place to accommodate children complying with orders for alternative measures, such as expert facilitators for restorative meetings, community service opportunities and the availability of training.

#### *Recommendations on diversion, alternative measures and restorative mechanisms for child offenders*

- Continue working towards developing legislation to support diversion and alternative measures for child offenders in the Egyptian system.
- Work towards enhancing existing infrastructure and available resources to implement diversion and alternative measures effectively.

#### **4.3.9. Medical referrals**

The NCCM Child Helpline and the CPCs reported the possibility of directing children to medical services in hospitals through co-ordination with the Ministry of Health and Population as part of the services provided to children. They can be referred for physical health issues as well as for psychiatric treatment. The NCCM

Child Helpline also has the ability to refer to rehabilitation facilities specialised in cases of substance abuse and addiction. It was highlighted by stakeholders that, on occasion, rotation of personnel in the Ministry of Health made it difficult to connect with this institution. Therefore, as flagged in the previous chapter, it would be beneficial to systematise the medical referrals process across regions to ensure the system's sustainability and that good practices are not affected by staff rotation.

The guidelines jointly released in 2019 by the Ministry of Justice and UNICEF provide child affairs judges with a list of available mental health services provided by the General Secretariat of Mental Health and Addiction Treatment affiliated to the Ministry of Health and Population.<sup>19</sup> Child affairs judges are encouraged to refer children, where necessary, to mental health institutions through the Hotline of the General Secretariat of Mental Health and Addiction Treatment. There are 11 such institutions located in the governorates of Assiout, Banha, Bani Swaif, Daqahliyya, Helwan, Minya, and Port Said.

### *Key recommendations*

- Strengthen data collection practices and commit to evidence-based planning for child justice by collecting quality data and information about children's legal needs and the availability of services, including existing child cases, the steps these cases take and their outcomes. Investment in digital data collection may help make this process easier and aid data analysis, ideally through a platform where data can be shared across different ministries and the NCCM to facilitate the co-ordination of child case management.
- Consider empowering and operationalising ENCRO as a key instrument that could systematically collect and analyse relevant data.
- Based on the evidence, design and deliver child-friendly justice services tailored to the legal needs of children, adapted to their age and level of development, as well as to children from different communities across the whole national territory. In order to do this, child participation and engagement in the creation of policies are paramount.
- Strengthen efforts to monitor the impact of child justice initiatives to improve their responsiveness and efficiency and ensure that they are appropriately resourced, sustainable, and inclusive, with particular attention to vulnerable children.
- Consider conducting outreach initiatives and campaigns to raise awareness of existing mechanisms for children and families that can assist them in order to empower children and their guardians in legal processes.
- Strengthen prevention and early intervention services that address the root causes of children's exposure to dangerous situations and their involvement in unlawful acts, including mental health and child protection services.
- Improve access to child-friendly information about children's rights through a dedicated platform under the NCCM possibly in collaboration with civil society organisations (CSOs).
- Accelerate the establishment of specialised Child Courts and justice services across the national territory based on existing needs, going beyond Cairo and Alexandria to other cities, as well as rural and border governorates.
- Continue to ensure children in conflict with the law are legally represented at all times from the beginning of the process. Consider developing structured partnerships, with volunteer lawyers or civil society organisations, to provide children with legal assistance.
- Continue efforts aimed at ensuring the inclusion of all children in Egypt, including those in vulnerable situations, into all relevant services, specifically access to child-friendly justice systems and legal assistance for both child victims and child offenders, as well as inclusion in systems for child protection interventions for children-at-risk.

- Consider reinforcing the NCCM's capacities, including child helpline staff, lawyers, and social workers, by developing a clear and up-to-date training curriculum. Training should also target new trends based on child-helpline data and statistics, including but not limited to bullying and cyber-extortion
- Consider strengthening the availability of legal aid for children beyond child offenders, such as to cover child protection and civil cases.
- Consider providing legal aid services at all stages of children's pathways when in contact with the law and building the capacity of care institutions to provide the necessary legal support for children.
- Explore opportunities to enhance the quality and availability of social and psychological support available for children.
- Consider dedicating particular care institutions to children at risk so they can receive specific services and support that may differ from those needed by children in placement.
- Continue working towards developing diversion mechanisms and sound alternative measures that can be offered to child offenders, underpinned by the necessary legal structures and resource allocation.
- Consider strengthening the availability and accessibility of the NCCM Child-helpline and accelerating the establishment of complaints mechanisms, under the coordination the Child-helpline, within the different services available for children as well as Child Courts and prosecution offices in every governorate.
- Explore opportunities to enhance co-ordination and transfer of relevant information between the NCCM and other institutions and service providers in contact with children. Also, seek to institutionalise co-ordination channels with relevant actors of the child justice system, including the National Council for Human Rights and Women's Ombudsman Office of the National Council for Women, and the National Council for Disability Affairs.
- Develop national guidelines and requirements for health and mental care as well as educational institutions to implement child-friendly and safe complaints mechanisms.
- Consider promulgating a government-wide "No Wrong Door" policy for children seeking to issue a complaint in order to ensure that no children are be turned away when filing a complaint.

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## Notes

<sup>1</sup> Foster families - Kafala is similar to (long-term) foster care in the conferment of some (not full) parental rights and responsibilities for a child's upbringing in respect of both the child and their property. For further information, see: <http://www.saflii.org/za/journals/AHRLJ/2014/18.pdf>.

<sup>2</sup> <http://www.internationalbudget.org/open-budget-survey/country-results/2019/egypt>.

<sup>3</sup> The Egyptian Open Data initiative serves as an example of Egypt's recent efforts aimed at improving transparency, accountability and citizen participation.

<sup>4</sup> [www.unicef-irc.org/portfolios/documents/377\\_egypt.htm](http://www.unicef-irc.org/portfolios/documents/377_egypt.htm).

<sup>5</sup> See for example : Liu, Jenny and Modrek, Sepideh and Sieverding, Maia. (2017). The mental health of youth and young adults during the transition to adulthood in Egypt. *Demographic Research*. 36. 1721-1758. 10.4054/demres.2017.36.56.

<sup>6</sup> See for example : UNICEF Egypt, Policy brief: NCCM launches the "Policies for Change" series with a policy paper entitled "Ending Early Marriage", 26 June 2018, available in Arabic at: [www.unicef.org/egypt/ar/press-releases/national-council-childhood-motherhood-launches-policy-action-series-policy-brief](http://www.unicef.org/egypt/ar/press-releases/national-council-childhood-motherhood-launches-policy-action-series-policy-brief).

<sup>7</sup> CRIP helpline, national special number 119 which is free of charge and available 24/7 all days of the week. More information can be found at [www.allo119.gouv.fr](http://www.allo119.gouv.fr).

<sup>8</sup> UK Childline is a helpline that addresses a multiplicity of issues through trained counsellors, available by phone, e-mail or an online chat function, [www.childline.org.uk/](http://www.childline.org.uk/).

<sup>9</sup> More information can be found at [www.nccm-egypt.org/e5/e211/index\\_eng.html](http://www.nccm-egypt.org/e5/e211/index_eng.html).

<sup>10</sup> The role of community leaders tends to be greater outside of big cities.

<sup>11</sup> For an example of a well-developed youth information, advice and counselling service model, see the Youth Access' 'YIACS' model in the United Kingdom.

<sup>12</sup> The Marg Punitive Institution is a detention facility operated by the Ministry of Interior and supervised by the Ministry of Social Solidarity where boys between the age of 15 and 18 who are sentenced to prison are placed (as per Art.111 of the Child Law). it serves as the only closed institution in Egypt that holds boys in detention and is located in Cairo's Marg district. For further information, refer to the Glossary in the Annex.

<sup>13</sup> Decree of the Ministry of Insurance and Social Affairs No. 321/1981 Concerning the Regulation of the Marg Punitive Institution, available at: [www.cc.gov.eg/legislation\\_single?id=163881](http://www.cc.gov.eg/legislation_single?id=163881).

<sup>14</sup> Access To Justice For Children: Arab Republic Of Egypt, CRIN, 2014.

<sup>15</sup> Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010. <https://rm.coe.int/16804b2cf3>.

<sup>16</sup> Law on Criminal Procedure, Section 56, Part 1.

<sup>17</sup> Access To Justice For Children: Arab Republic Of Egypt, CRIN, 2014.

<sup>18</sup> CRC/C/EGY/CO/3-4, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/EGY/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/EGY/CO/3-4&Lang=En).

<sup>19</sup> Guidelines for Procedural Rights of Child Victims of Crime and Witnesses to Crime, 2019, p. 64-66, available in Arabic at: [www.unicef.org/egypt/media/6581/file/MoJ.pdf](http://www.unicef.org/egypt/media/6581/file/MoJ.pdf).

# **5** Strengthening Child-friendly Justice Services in Egypt

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This chapter provides a cross-cutting analysis of the Egyptian child justice system and services from the standpoint of the OECD Criteria for People-centred Design and Delivery of Justice Services, focusing on the criteria that hold the most relevance in the Egyptian context. It provides recommendations and good practice examples to help Egyptian services fully achieve these guiding principles, including accessibility, inclusion, empowerment and appropriateness. It also provides evidence-based guidance to strengthen the capacity and resources in the child justice system.

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This chapter explores the application of OECD Criteria for People-centred Design and Delivery of Justice Services (reproduced in Annex A) to child justice services in Egypt. In particular, it examines the progress made, the remaining challenges and areas for improvement, with a view to ensuring fair and equitable access to justice for all children in Egypt. It aims to guide the design, establishment and maintenance of legal and justice service delivery to facilitate child-friendly access to justice in Egypt. People-centred justice approach – through such criteria as equality and inclusion, empowerment and participation, appropriateness and responsiveness, capacities and resources, prevention, proactivity and timeliness - can be particularly relevant when applied to child justice services, as it emphasises the importance of placing the needs and rights of children at the forefront of the justice system. The analysis focuses on the criteria that hold the most relevance in the Egyptian context and provides recommendations and good practice examples to bring Egyptian services closer to fully achieving these guiding principles.

## 5.1. Equality and inclusion

Some of the practical barriers to access to justice for the population as a whole may disproportionately affect children, and even more so for groups of children who are disadvantaged or facing discrimination, necessitating additional provisions and targeted services to ensure their inclusion.

**Equality and inclusion:** *People-centred legal and justice services are inclusive and targeted at those most in need, responsive to specific access needs of particular groups likely to suffer from social and economic disadvantage or are otherwise marginalized or vulnerable and those with complex needs. They are designed to contribute to equality, poverty reduction, and social inclusion.*

Article 53 of Egypt's Constitution establishes that all citizens are equal before the law, possess equal rights and public duties, and may not be discriminated against based on religion, belief, sex, origin, race, colour, language, disability, social class, political or geographical affiliation, or for any other reason. It further states that discrimination and incitement to hate are crimes punishable by law. The State shall take all necessary measures to eliminate all forms of discrimination and regulate the establishment of an independent commission for this purpose. <sup>1</sup>

It is noted that the scope of this project did not cover the detailed assessment of the justice system's accommodation of specific groups such as migrants and refugees. It is however useful to flag the position of the UNHCR in matters related to migrants and refugees.

### Box 5.1. UN High Commissioner for Refugees (UNHCR) 2017 Global Paper on the Detention of Refugee, Migrant, and Asylum-seeking Children

In January 2017, the UNHCR clarified its position regarding the detention of children, unaccompanied, separated or in families for immigration related purposes. The UNHCR's position is that children should not be detained for immigration related purposes, irrespective of their legal/migratory status or that of their parents, and detention is never in their best interests. Appropriate care arrangements and community-based programmes need to be in place to ensure adequate reception of children and their families.

The UNHCR, therefore, acknowledged and welcomed the varied State practice in providing care arrangements and alternatives to detention for children and families and has compiled a number of examples in its Options Paper 1: Options for governments on care arrangements and alternatives to detention for children and families (UNHCR, 2017<sup>[1]</sup>). In particular, placement options within the community, with proper case management support, can further strengthen compliance with asylum and migration processes and foster integration prospects, where relevant.

The UNHCR indicated that appropriate care arrangements and community-based programmes are particularly critical as recent studies have pointed out that detention of children can undermine their

psychological and physical well-being and compromise their cognitive development. There is strong evidence that detention has a profound and negative impact on children's health and development, regardless of the conditions in which children are held, and even when detained for short periods of time or with their families. Furthermore, there is no evidence that detention of children serves the aim of deterring refugee or asylum-seeker movements or irregular migration.

Note: For more information on the negatives effects of detention on children, see: <http://endchilddetention.org/impact/> and also <http://www.fmreview.org/detention/farmer.html>.

Source: (UNHCR, 2017<sup>[1]</sup>), UN High Commissioner for Refugees, UNHCR's position regarding the detention of refugee and migrant children in the migration context, <https://www.refworld.org/docid/5885c2434.html>.

In addition, and as mentioned, while conducting a detailed mapping has not been possible in the context of this project, stakeholder interviews have suggested that services are mainly concentrated in large urban centres such as Cairo and Alexandria.

As is explored in more detail in other sections of this report, inadequacies in the legal framework pertinent to a child's right to equality and inclusion, as well as the limited availability of free services, especially in some regions, can combine to become barriers, particularly for vulnerable children. For example, children may face difficulties in accessing legal aid. As in many other countries, children who find themselves living on the streets and children from disadvantaged families often lack basic access to education, shelter and health services and are at high risk of sexual and economic exploitation, violence, drug abuse and arrest.

The following sections explore two groups of children that may face discrimination and were studied by this report: girls and children with disabilities. Improvements to the systematic collection and analysis of data on the implementation of children's rights, disaggregated by age, sex, geographical location and socio-economic background, would enable better monitoring of discrimination and inequalities faced by specific groups of children.

### **5.1.1. Equality for girls and young women**

Stakeholders interviewed have reported that while boys and girls are equal before the law, girls continue to face gender-based discrimination in different settings due to cultural norms and stigmas, including within their families, schools and potentially when in contact with public institutions and the justice system in particular. With regard to girls' specific legal needs, the Committee on the Elimination of Discrimination against Women (2021) concluded that they experience higher levels of sexual harassment, abuse, and violence and may be subject to child marriage and female genital mutilation (FGM). The NCCM Child Helpline lawyers confirmed that they had received calls from girls requesting protection from these crimes, especially from rural governorates. The CRC also concluded that girls who submit complaints about violations of their rights may be subject to stigmatisation or may be re-traumatised during legal proceedings due to a lack of gender-sensitive investigation methods.<sup>2</sup>

There are ongoing efforts to address these issues. With regard to access to justice, the PPO has, in September 2020, launched its electronic petition service. This service could be improved to realise its full potential and facilitate access to justice for girls.

Further, the National Strategy for the Empowerment of Egyptian Women 2030 seeks to raise girls' awareness of the legal services available to them and to activate the role of the Woman's Ombudsman Office of the National Council for Women. The National Council for Women (as mentioned in Chapter 3 under section 3.1.6) seeks, amongst its functions, to enhance the realisation of women's rights concerning access to justice. The efforts of the Council include organising workshops and discussions and raising awareness, but also proposing and participating in discussions about legal reform. Since 2016, the Council has been active in reforming the Code of Personal Status to facilitate access to justice for women in family matters (Osama, 2019<sup>[2]</sup>).

The National Strategy for the Empowerment of Egyptian Women 2030 envisages an increased presence of female officials in different roles throughout girls' justice pathways. This strategy includes promoting female leadership in judicial bodies as one of its main objectives. Following the important decision of the Supreme Council of Judicial Bodies in Egypt in June 2021 (The Guardian, 2022<sup>[3]</sup>) to allow women to work in the State Council and the PPO, the Ministry of Justice Department for Human Rights, Women and Children has expressed its commitment to promote women in the justice sector and the judiciary, raising societal awareness around female judges and enhancing the attractiveness of the profession for young women. The Department is tasked with promoting the culture of women's rights in both legislation and practice and will play a relevant role in conducting specialised training for new female judges. In addition, police stations are to have female social workers as the first point of contact for child victims. However, this may not always be possible in practice due to limited resources. As previously mentioned, one option for girls wishing to pursue a complaint is to take it to the Women's Ombudsman Office, which offers free legal advice and representation in court.<sup>3</sup> In this context, training aimed specifically at increasing gender sensitivity and eliminating any potential gender bias could be considered.

The Ministry of Justice also announced several important steps to eliminate violence against women implemented with the support of UN Women, which may include the creation of special courts for survivors of violence and the establishment of a committee of doctors from the Forensic Department and specialised agencies, to give an opinion on whether FGM results in permanent disability, which would permit harsher punitive measures of perpetrators (UN Women Egypt, n.d.<sup>[4]</sup>). Looking ahead, the effective implementation and resourcing of these plans will be key to their sustained impact to improve access to justice for girls.

### **5.1.2. Inclusion of children with disabilities**

The Child Law has dedicated Part Six to the Care and Rehabilitation of the Disabled Child. Egypt has also issued Law No. 10 of 2018 on the Rights of Persons with Disabilities. Articles 32, 35 and 36 of this legislation contain many provisions which oblige the judicial authorities to provide all services for people with disabilities, including children with disabilities, in an accessible manner, in accordance with the Code of Criminal Procedure and Civil Procedures and other laws. In implementing the above, the Minister of Justice issued decision No. 4637 of 2018 Concerning the Accommodations and Services for Persons with Disabilities when in contact with the judicial authorities (Ministry of Justice Egypt, n.d.<sup>[5]</sup>).

The same law also stipulates in Article 35 that "a person with a disability shall have the right to special treatment proportionate with his condition and needs, whether he is an accused, a victim, or a witness at all stages of seizure, or investigation, trial, or enforcement".

The Article also affirms the obligation to provide protection from any kind of discrimination of children on account of their place of birth, parents, gender, religion, race, disability, or any other status and to ensure effective equality between all children in the enjoyment of their rights. Furthermore, the last paragraph of Article 35 of the Law No. 10 of 2018 insists on the right of persons with disabilities to specialised technical assistance, when necessary, and that they shall have a lawyer to defend them during the investigation and trial stages and that they shall be guaranteed all appropriate means to enable them to express their defence in the manner regulated by this law. These adaptations and a requirement for special treatment as outlined in the statute are considered good practices that consider the needs of disabled children.

Further data collection and analysis of the practical implementation of these measures towards children with disabilities would enable the formulation of evidence-based recommendations for enhanced support. In this regard, it is notable that the National Council for Persons with Disabilities (also referred to in Chapter 3 under section 3.1.6.) has not, to date, been active in gathering information, raising awareness or suggesting policy amendments in the area of access to justice for persons with disabilities. There is a lack of information on, for instance, the practical implementation of Article 35 above, for example, whether children with disabilities receive special treatment at police stations or when meeting with the police social worker, whether they wait at special waiting areas during their referral to the PPO and courts and whether

the prosecutor (and later the child affairs judge) requests the assistance of a professional during questioning.

### **Box 5.2. Good practices on access to justice for children with disabilities**

#### **Clear information about how to challenge violations of the right to education for people with disabilities:**

- Legal requirements that all decisions on the right to education should be communicated in written form and provide sufficient information about appeals (both the process and the practicalities).
- Reasonable timeframes for appeal (e.g. 60 days).

#### **A justice system which understands how to accommodate people with disabilities:**

- Allowing appeals to be sent online and providing templates for this purpose (generally lowering the threshold for appeals).
- Providing for emergency or expedited proceedings and interim measures which can reduce the waiting time from years to months for access to education or reasonable accommodation appeals.
- Allowing specialists in disability law or anti-discrimination law to sit on judicial tribunals and decision-making bodies or establishing specialist independent complaints mechanisms to resolve such disputes rather than relying on the general court system.
- Systematically collecting data on user experiences of the justice system from people with disabilities.
- Using dialogue and mediation-based approaches (sometimes facilitated by NGOs) as the default mechanism to resolve disputes between parents or legal guardians and schools or public administrations. It seems that mediation can also be much swifter than judicial and administrative proceedings, in addition to being less adversarial.
- Encouraging children to introduce themselves during proceedings and requiring statements setting out the child's wishes.

#### **Independent, effective, accessible, transparent, safe and enforceable *complaints mechanisms and legal remedies*:**

- The establishment of specific institutions mandated to mediate questions of reasonable accommodation for disabled children and to pursue the best interests of the child by liaising with local, regional and national administrations.
- Imposing financial sanctions on schools and public administrations that fail to deliver remedies awarded by administrative and judicial tribunals.

Source: (Khadar, 2017<sup>[6]</sup>), Access to Justice and the Right to Education for Children with Disabilities, <https://www.ohchr.org/sites/default/files/Documents/Issues/Disability/RightAccessJusticeArticle13/CSO/DLA1.pdf>.

### **5.1.3. Recommendations to strengthen equality and inclusion**

- Continue to work on strengthening the presence of women in different child justice institutions, including in the judiciary and police stations.
- As part of efforts to reinforce a child-rights culture in Egypt and to raise awareness about children's rights and remedies, prioritise eradicating discrimination against women and girls.
- Monitor the practical implementation of the legal provisions requiring special treatment

proportionate to a disabled child's condition and needs. Ensure these needs are met with adequate resourcing, sufficient appropriately skilled staff and facilities adapted for disabled accessibility.

## 5.2. Empowerment and participation

To enjoy meaningful access to justice, children need to be empowered to exercise their rights, participate in proceedings that affect their lives and have a voice in the design and delivery of justice services.

**Empowerment and participation.** *People-centred legal and justice services are empowering, they enable people's meaningful participation in the justice system and build people's legal capabilities.*

Children need to be informed about their rights and where they can seek support and assistance to protect themselves from rights violations, manage their legal problems and support their peers (Kenrick and Palmer, 2016<sup>[71]</sup>) (discussed further in Chapter 4, under sections 4.3.1-4.3.3). This section focuses on two other aspects of the right to participation: children's active involvement in legal proceedings across criminal, civil and administrative spheres in accordance with international standards (see Box 5.3) and their participation in justice policy making.

### Box 5.3. International standards on the right of participation

#### UN Convention on the Rights of the Child (CRC)

Article 12 of the CRC provides that children who are capable of forming their own views have the right to express those views freely in all matters affecting them, with their views being given due weight in accordance with their age and maturity. Further, they have the right to be provided with the opportunity to be heard in any judicial and administrative proceedings affecting them or when they are victims, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law (OHCHR, 1989<sup>[81]</sup>).

#### African Charter on the Rights and Welfare of the Child (ACRWC)

Article 4 of the ACRWC expresses that in all judicial or administrative proceedings affecting a child who is capable of communicating their own views, an opportunity shall be provided for the views of the child to be heard either directly or through an impartial representative, and those views shall be taken into consideration by the relevant authority.

#### Council of Europe Guidelines on Child-friendly Justice

Judges should respect the right of children to be heard in all matters that affect them or at least to be heard when they are deemed to have a sufficient understanding of the matters in question. Means used for this purpose should be adapted to the child's level of understanding and ability to communicate and take into account the circumstances of the case. Similarly, judgments and court rulings affecting children, and options for further action, should be explained to them in language adapted to their level of understanding (*Part IV.D.3.49 and Part IV.E.75*) (Council of Europe, 2010<sup>[91]</sup>). Children should be consulted on how they wish to be heard. A child should not be precluded from being heard solely on the basis of age (*Part IV.D.3.44-48*), (Council of Europe, 2010<sup>[91]</sup>).

Note: Article 12, Convention on the Rights of the Child; Article 4, African Charter on the Rights and Welfare of the Child.

Sources: (OHCHR, 1989<sup>[81]</sup>), Convention of the Rights of the Child, <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>, (Council of Europe, 2010<sup>[91]</sup>), Council of Europe Guidelines, <https://rm.coe.int/16804b2cf3>.



Internationally, there is a trend away from a paternalistic approach to the implementation of children’s rights to participation, in which professionals may speak on behalf of children, towards a more autonomous approach in which children are heard directly or with the support in hearings of a guardian *ad litem* or other trusted support person. Box 5.4. reflects the outcomes of the World Congress on Justice with Children held in 2021, which called for increased agency and direct participation of children in legal processes that affect them and in justice policy making.

#### Box 5.4. Outcomes of the 2021 World Congress on Justice With Children

The 2021 World Congress on Justice with Children called on all relevant stakeholders, including states and civil society, to (emphasis added):

- “Work hand-in-hand, as children and adults, to achieve equal, non-discriminatory, and inclusive access to justice for all children around the world, in a manner that **partners with children as experts and central players in the pursuit of positive change**, including in the normative framing of child justice and access to justice, the building and reform of legal and regulatory frameworks, the operation of systems and implementation of procedures, the capacity-building of relevant actors, and the enforced accountability of duty-bearers, communities, and the wider society;
- Improve the enabling environment for **children as rights-holders to act as agents of change, and amplify the voices of today and of the future, by providing child-friendly, gender-sensitive, and disability-inclusive guidance and information about the law and legal procedures**, improving the public understanding of children’s rights for children and adults alike, pursuing child-targeted communication in a manner that is most effective for reaching children, and ensuring inclusive and accessible approaches to participation for children of all backgrounds and situations, including all children in contact with the law;
- **Mandate child participation in the law and enforce this law to ensure that children are seated at the table**, rather than merely encouraging child participation and engaging with children passively and solely as subjects of consultations, especially for the groups of children in contact with the law who are often excluded from the discussions due to discrimination, marginalisation, vulnerability, or the precarious situations they are in”.

Source: (Justice with Children, 2021<sup>[10]</sup>), *Global Declaration On Justice With Children* [www.justicewithchildren.org](http://www.justicewithchildren.org).

This right of active engagement and participation still poses a challenge in many countries where a culture of listening to children is not widespread or even acceptable (Council of Europe, 2010<sup>[9]</sup>). It goes beyond participation in judicial contexts and involves an ongoing process of acknowledging children’s expression and active involvement in decision making at different levels in matters that concern them. It requires information sharing and dialogue between children and adults based on mutual respect and requires full consideration of their views, taking into account the child’s age and maturity.<sup>4</sup> This would enable children and young people to be meaningfully involved in the design, development and delivery of policies and services that affect their access to justice.

#### 5.2.1. Participation of children in legal proceedings in Egypt

The Child Law in Egypt reaffirms children’s rights to form their own opinions, access information which empowers them to form and express such opinions, and be heard in all matters related to them, including judicial and administrative procedures.<sup>5</sup>

A key pillar of the NCCM's Strategic Framework of Childhood and Motherhood 2018-2030 (Pillar 6) is focused on strengthening children's right to participate, to activate children's right to express their opinions and enable them to participate in making decisions about matters that affect them. It reflects the following policies that provide meaningful room for child participation in legal proceedings and policy making:

***Pillar 6: Child's right to participation – proposed policies:***

- Programmes to promote the practising of this right by every child in his daily life within the family, surrounding society, care and education institutions and in the concerned judicial and administrative proceedings.
- Enlisting the right of the child to participate in national legislation, and taking him or her into account. The obligation by the concerned parties in children's affairs to provide adequate information to the child to enable him to express his opinion on the matters affecting him.
- Encouraging children to participate in the activities of the local administration and making mechanisms to encourage children to express their opinion in local programmes and follow-up services related to childhood.
- Amending some judicial procedures to facilitate the child's participation, such as listening to their opinions in the room or expressing thoughts through a video recording, and providing legal assistance and information to children.
- Guaranteeing the active and equal participation of all children without discrimination.
- Providing a child-friendly local environment to enable his participation.

Similarly, the National Human Rights Strategy aims to ensure that children's rights to express their views are realised. Egypt's Vision 2030 also aligns with this objective, enshrining child participation as a goal under its Pillar 5. Children's rights to be informed and to be heard are thus supported by both law and policy in Egypt.

Nonetheless, OECD analysis reflects room to further make this right a reality in practice. The sound overarching principles contained in the Child Law are undermined by other legislation and customs that limit children's participation. Related to this is the limited understanding amongst some justice stakeholders of the concept of children as rights-bearers. Consequently, children's rights to commence legal action independently of their parents or guardian or to participate in proceedings without parental consent are severely restricted.

### *Child representatives*

In Egypt, in most cases, the courts rely on a child's parents to represent the child's views. While this is a usual occurrence given that parents are often children's legal guardians, in cases with conflicting interests between parents, guardians and children, this can become a challenge undermining the child's rights. The UN Committee on the Rights of the Child has clarified good practice regarding the role of representatives and the child's capacity.<sup>6</sup> Representatives should ensure that the child's views are transmitted accurately to the decision maker. They should exclusively represent the child's interests and should not put across their own views as to what is in the best interests of the child.<sup>7</sup> The role of a guardian *ad litem* or another form of trusted support person has been introduced in many countries to ensure the child's genuine opinion is presented in front of courts and other competent authorities. For this purpose, the Egyptian Child Law enables an independent representative to be appointed. It has not been possible to ascertain how often the provision to appoint an independent representative is used. As mentioned above, there is also room to elicit further the direct views of the child when feasible.

### *Participation rights for child victims of crime*

According to Article 116 *bis* of the Child Law, child victims and witnesses of crime, at all stages of arrest, investigation, trial, and implementation/execution of judgments, shall have the right to be heard and to be

treated with dignity and sympathy with full respect for their physical, psychological and moral safety. Further, they shall have the right to protection, health, social and legal assistance, rehabilitation and reintegration into society in accordance with the UN Guidelines on Justice for Child Victims and Witnesses of Crime.

However, in criminal proceedings, Articles 5 and 6 of the Code of Criminal Procedure establish that complaints by victims under the age of 15 or with a mental disability may only be heard when presented by the guardian or the trustee of the child. Egypt may consider reducing some of the above requirements on a case-by-case basis to ensure that children who are capable of expressing their opinions can be heard in testimony. For example, in **Canada**, there is no legal age limit to testify in court, and children's testimony is presumed valid; children as young as 5 years old have testified in criminal courts in Canada<sup>8</sup>. In addition, their effective participation is supported by testimonial aids (see Box 5.5) (Department of Justice Canada, n.d.<sup>[11]</sup>).

### Box 5.5. Support for child witnesses and victims in Canada

Since 1988, the Canadian Criminal Code has provided **testimonial aids** for children when they have to testify in court. The provisions have been expanded over the years. The Canadian Victims Bill of Rights outlines rights for victims of crime, including child victims:

- allowing a support person to be present while victims and witnesses testify to make them more comfortable (section 486.1)
- allowing victims and witnesses to testify outside the courtroom by closed circuit television or inside the courtroom but behind a screen which would prevent them from seeing the accused (section 486.2)
- appointing counsel to cross-examine a victim or witness when the accused is self-represented (section 486.3).

When a victim or witness is under the age of 18, the prosecutor may introduce a video recording of the child's interview with the police or other interviewer. For this video to be admitted as evidence:

- the video must have been made a reasonable time after the alleged offence
- Children must come to court to adopt the contents of their interview video recording and be subject to cross-examination (section 715.1)

However, there is an exception even where the above two points are satisfied, if the court believes that the admission of the video would interfere with the administration of justice, the video can be exceptionally blocked from the trial.

Source: (Government of Canada, n.d.<sup>[12]</sup>), Victims' Rights in Canada, [www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheets-fiches/aids-aides.html](http://www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheets-fiches/aids-aides.html).

In the case of family violence in Egypt, no legal measures can be enforced for the protection of the child without an official complaint submitted by a parent or relative of the child who has been abused. In case of a conflict of interests between the child and its representatives, the PPO shall represent the children.

In criminal proceedings where the child is a defendant, several principles assert the right of the child to be heard (e.g., Articles 3 and 116 *bis*[d] of the Child Law). However, strict interpretation of Articles 131 of the Child Law and 5-6 of the Code of Criminal Procedure can restrict or make ineffective in practice the right of the child to be heard. Where the court deems it necessary, it may order the child to leave the session after questioning him or her. Article 131 of the Child Law establishes that all proceedings and judgments of which the child must be informed, shall be provided to a parent, guardian or other person responsible

for the child, each of whom may initiate the legally prescribed remedies of appeal in the best interest of the child, and each of them has the right to proceed with the methods of appeal prescribed by law. According to the Code of Criminal Procedure, a complaint shall be lodged by the guardian of the victim if he or she is under 15 years of age.

In this context, there is room to establish specific measures to guarantee child-friendly access to justice in proceedings, including that their voices are heard and that they are provided with comprehensive information adapted to their level of maturity.

### *Participation in family proceedings*

In family proceedings that directly or indirectly affect the child, consideration by judges of the “best interests of the child” requires hearing the child’s views before a decision is made by the court or during the mediation process. However, stakeholders advised that, in practice, children are not often present or heard in court, meaning their opinion is not usually taken into consideration – unless the judge deems it necessary. In instances when children are heard, it is often through a parent or guardian acting as their representative. There are provisions for the court to appoint a legal guardian to represent the child in such cases. This may occur on the court’s own initiative or following a request by the prosecution or a third party.

In custody cases, including international custody cases in which one of the parties is a foreigner, while the best interest of the child is sought, Egyptian custody laws gives mothers an edge in custody proceedings and children’s voice may not be heard before the age of 15 unless the judge deems it necessary.

The interpretation and application of the principle of the "best interest of the child" with regard to issues related to custody may be helpful in choosing who is entitled to custody of children. Therefore, it may be necessary for Courts to take into account children's views, based on their level of maturity.

### **5.2.2. Child participation in policy design and delivery**

Several national plans and strategies aim to enable children and young people’s participation in policy making and service development. For example:

- the Strategic Framework of Childhood and Motherhood prioritises activating the child’s right to express his opinions and enabling him to participate in decision making
- the NCCM plan to implement the strategic framework and the National Plan for Childhood includes a general objective to institutionalise the work of the NCCM in confirming and implementing the child’s right to participate in determining services and activities relating to children’s rights to health, education and protection
- the National Human Rights Strategy aims to ensure children’s rights to express their views are upheld
- ENCRO’s objectives include a focus on the importance of children’s participation in policy making relating to children’s services.

Stakeholders also reported an NCCM programme focusing on the participation of young people aged 10-18, involving interactive workshops to identify children’s needs and priorities. However, children can face hindrances with regard to their right to free opinion and expression, leading to their voices being less audible by actors in the justice system and including those involved in policy design and delivery.

In accordance with stakeholder analysis, the effectiveness of civic participation mechanisms remains a key challenge for Egypt (World Justice Project, n.d.<sup>[13]</sup>). This could present scope for action as civic participation is vitally important for children to be heard with regard to their legal and justice needs, including in the context of new legal reform that might affect them.

### 5.2.3. Recommendations to strengthen empowerment and participation

- Consider reviewing the legal framework determining the age at which children are deemed to have a sufficient understanding of the matters in question to bring coherence to conflicting laws and rules regarding the age of legal capacity and ensure these are in line with international standards.
- Develop clear protocols for when and how children’s views should be sought in proceedings, ensuring these are in line with international standards.
- Consider establishing an effective system of trusted “support persons” or guardians ad litem to facilitate children’s participation in proceedings.
- Provide additional training to stakeholders in the justice system aimed at developing increased awareness and a shared understanding of children’s participation in proceedings, children’s legal capacity and the role of children’s representatives.
- Building on the NCCM’s current participation programme, expand its resources and capacities to ensure it employs robust participation methodology and secure the sustainability of this work.

## 5.3. Appropriateness and responsiveness

When children come into contact with justice systems, they are often in great distress, experiencing trauma or in need of protection. However, they sometimes encounter professionals they find hard to trust, settings they find intimidating and procedures they find confusing.

To obtain just outcomes for children, justice systems must treat children with dignity, respect, care and fairness. Accordingly, justice systems must be age-sensitive and tailored to children’s needs.

**Appropriateness and responsiveness.** *People-centred legal and justice services are appropriate and responsive to the individual, the issues they face, and their situation. They are tailored, proportionate, efficient and flexible to accommodate local circumstances.*

In other words, people-centred systems require that at all stages of cases involving children, it is important that the justice system provides a child-friendly environment and child-friendly arrangements guided by the best interests of the child.<sup>9</sup> This includes how professionals interact and communicate with children, the methods used for gathering evidence and hearing testimony from children, and the type of support provided to children before, during and after proceedings. The following sections explore key areas related to child-friendly justice, including specialised training for relevant professionals, child-friendly facilities and procedural arrangements, and services for children deprived of their liberty. The availability of child-specific courts and prosecution services are analysed in Chapter 4.

### 5.3.1. Training for relevant professionals working with children

A professional and competent workforce of child justice and child protection actors is fundamental to creating a child-friendly justice system. This can be made possible through specialised training programmes for officials and by partnering with academic institutions to update the relevant curriculums and develop a mechanism for accrediting specialists.

There have been significant efforts by national stakeholders, led by the Ministry of Justice, CSOs and international organisations, to support training for Egyptian judges on enhancing the child-friendly justice system. However, room to further build capacity for child-friendly justice for judges exists. The establishment of training for child affairs judges at the beginning of their tenure. Strengthening an institutionalised approach towards training and limitations on the regular rotation of staff, by developing appropriate mobility rules for judges overseeing cases involving children, would further enhance

specialisation. In practice, judges change specialisation every three-year term or less, despite the justice system having invested in their training.

Such issues with training, rotation and specialisation present challenges in recruiting a skilled and motivated workforce in the field of child-friendly justice. In addition, stakeholders have reported that appointment and retention of senior judge in child courts are difficult as they are considered as “Courts of first instance” – courts of original or primary jurisdiction, which are primarily appropriate for Judges who have less professional experience. For example, once judges have been hearing cases of a child for several years and have acquired the required judicial experience to be promoted to the appeal level, their career progression forces them to leave the child court. Reforms and measures to enhance the attractiveness of this specialisation with different incentives could support the development of a well-trained workforce.

In the prosecution service, child justice training is included in the general training received by deputy prosecutors at the start of their appointment. Stakeholders highlighted that deputy prosecutors at specialised Child Prosecution Offices (CPOs) receive regular training in handling cases in which children are involved and in understanding the specificity of the legal system as applicable to children, whether as offenders, victims or children at risk. Additional specialised training at the start of the appointment as a child affairs prosecutor could be introduced. The specialisation of deputy prosecutors of the CPO is often hindered, similarly to that of the judiciary, by their short tenures. Newcomers take time to understand the legal specificity of the treatment of children coming into contact with the authorities and to attend training in this regard.

Within the MoSS, stakeholders have identified room to strengthen the capacity of social workers, in particular for those providing reports to child affairs judges and prosecutors, that will impact a child’s case outcome. Evidence from OECD interviews indicates that people in these roles would also benefit from strengthened capabilities and security guarantees when visiting the child’s environment as they often face hindrances when working in unknown or difficult environments. There is a growing need across Egypt for psychological help in child cases, with staff needing to be trained to handle different types of child situations, trauma, and victimhood.

Some countries have also considered developing multi-stakeholder training that brings together different actors from the child justice system. For instance, in Ireland, the Youth Justice Strategy 2021-2027 recently developed plans to offer specific training for professionals involved in the criminal justice system to improve the efficacy of services, including developing multi-disciplinary training modules (Strategic Objective 1.9).

Finally, as mentioned previously, lawyers working in the NCCM Child Helpline and in partner CSOs have highlighted the potential benefits of training on certain types of crimes committed against children, including cyber-extortion, child labour, child marriage and FGM. The need has also been identified for training in the area of child-friendly communication for children of different ages.

### ***5.3.2. Child-friendly facilities and arrangements during proceedings***

To be child-friendly, premises where children are heard should provide non-intimidating, adapted settings. This may include establishing separate entrances for children in the context of court proceedings, adapting procedural rules, safe child-friendly waiting rooms and dedicated child-friendly premises for multi-disciplinary work with child victims of abuse and violence.

Egyptian stakeholders increasingly place importance on the existence of child-friendly facilities. The NCCM Child Helpline has developed several child-friendly, entirely adapted rooms to interview children and their families when they request face-to-face support from the Child Helpline. These rooms have toys for children of different ages, child-sized bright-coloured tables and chairs, and a rather informal setting to help avoid intimidation.

The PPO is working with the UNICEF to build 30 child-friendly rooms in their offices. Despite these efforts, especially in relation to court procedures, minimal child-friendly facilities currently exist. In this regard, and given Egypt's commitment towards the SDGs, there may be scope to request specific budget allocations in co-operation with the Ministry of Planning and Economic Development and the Ministry of Finance to ensure the achievement of SDG 16. Stakeholders have also reported a lack of appropriate rooms in police stations, CPCs and sub-committee offices.

With regard to the child-friendliness of judicial proceedings and premises, the further adaption of the Child Courts already active in Egypt could be considered. Child friendliness of the courts' layout could be enhanced by reducing its formality, such as by placing the judge and the child at the same level instead of above on a platform. Egyptian stakeholders reported that the pilot court considered a model Child Court is the one located in Giza, which has many child-friendly adaptations. It was not possible in the context of this project to visit these facilities. Another option, as implemented in Switzerland, is to hold some minor offence hearings in the judge's office and not in a courtroom, which makes the environment less intimidating for the child.<sup>10</sup>

Article 126 of the Child Law stipulates that nobody is allowed to attend the trial of the child before the Child Court except his or her relatives, witnesses, lawyers, social observers and any other person having the permission of the court to attend with a special permit. If deemed necessary, the court may order the child to leave the session after questioning him or her or send away any of those people mentioned in the previous paragraph. The same Article states that the court may not pass a judgment convicting the child except after explaining to him the procedures that have taken place in his absence. These are considered child-friendly legal measures. Box 5.6 outlines some child-friendly measures adopted in the Crown Court of the United Kingdom.

#### **Box 5.6. United Kingdom practice direction for the Trial of Children and Young Persons in the Crown Court**

In the United Kingdom, following several cases where the national court settings were ruled to be intimidating for a child, a Practice Direction for the Trial of Children and Young Persons in the Crown Court was put in place. The aim was to avoid intimidation, humiliation or distress for the child on trial. Some elements of this Practice Direction are:

- the possibility for the child to visit the courtroom before the trial starts, when the court is quiet outside of working hours, to become familiarised with it
- police support to avoid intimidation or abuse by the press
- the possibility for children to freely sit with members of their family or others in a like relationship and in a place which permits easy communication with them
- no wigs or gowns to be worn (as is customary in normal Crown Court proceedings), and the trial should, if practicable, be held in a courtroom in which all the participants are on the same, or almost the same level
- the requirement for an explanation of the procedure in terms the child can understand
- restricted attendance of court hearings for the public.

Source: (Judiciary Northern Ireland, n.d.<sup>[14]</sup>), Trial of Children and Young Persons in the Crown Court, [www.judiciaryni.uk/sites/judiciary/files/decisions/Practice%20Direction%20No%20%20of%202011.pdf](http://www.judiciaryni.uk/sites/judiciary/files/decisions/Practice%20Direction%20No%20%20of%202011.pdf).

As underscored in Chapter 3 when describing different child pathways, there is scope to strengthen procedures to try to avoid negative impacts on children during legal proceedings, such as developing the information technology to allow audio and video statements and avoid repeated interviews, plus staff training to make these interviews as concise and consistent as possible. Ideally, interviews should be conducted by the same person to build trust and familiarity, using adapted language given the child's age and in child-friendly facilities. Enabling children to be accompanied by someone they can trust and scheduling regular breaks are also good practices to enable them to feel at ease during proceedings. Box 5.7 provides an example of a child victim justice pathway in Canada that involves the use of video statements, showing how this can avoid multiple interviews and reduce the negative impacts of the process on the child.

### **Box 5.7. A sample child victim pathway in Canada**

#### **Carole's pathway**

Carole, aged 10, tells her mother that her stepfather has been abusing her. Carole's mother contacts the police. The police refer Carole and her mother to the local Child Advocacy Centre (CAC). Within a week, Carole is interviewed by a CAC employee with forensic interview training; the interview is filmed. Carole also meets with a victim support worker who provides Carole with information about the criminal process and also connects her to a counsellor. The video is shared with both the police and a child protection worker so that Carole does not have to tell her story multiple times.

The police provide the video statement to the prosecutor. At the pre-trial conference with the judge and defence counsel, the prosecutor requests that the video be admitted as Carole's evidence at trial. They also request that when Carole is cross-examined on her video statement, she be permitted to testify behind a screen so that she cannot see her stepfather and that she has a victim support worker with her during her testimony. Although the defence objects, the court finds no administration of justice concerns, and the prosecution's requests are granted.

Source: OECD Workshop in Egypt, 28 September 2022.

### **5.3.3. Considerations for children's deprivation of liberty**

International standards emphasise that any form of deprivation of liberty of children should be a measure of last resort and be for the shortest appropriate period. They also underscore that special efforts must be undertaken to avoid pre-trial detention. When deprivation of liberty is imposed, children should be held separately from adults. In all circumstances, children should be detained in premises suited to their needs.

In Egypt, the legal framework prescribes that child offenders are held in custody in observation centres within care institutions during the investigation and trial of their case. As previously mentioned, the law limits the number of days children can be held in custody and the control of extensions through follow-up reports. Stakeholders have reported that this may lead to long periods of custody in cases that are complex to investigate. Egypt may consider legislative reform as a way of reducing custody in pre-trial phases where it is unnecessary and only using detention as a last resort in line with international standards<sup>11</sup> and continue to ensure limited periods of custody in practice. The long average periods of custody in care institutions, ranging from three years for open or semi-closed establishments to five years in closed institutions<sup>12</sup>, were identified by the CRC as being in contravention of international juvenile justice standards<sup>13</sup> and remain an area for progress.

The care institutions where children are placed in custody due to conflict with the law and for their protection are described in Chapter 4 (sections 4.3.5 and 4.3.7). To ensure high quality and adequate treatment in



these facilities, Egypt has achieved significant progress in activating the inspection of places of detention and care and observation centres. In particular, the judiciary and the PPO have made significant efforts in this area. Article 134 of the Child Law requires the President of the Child Court, or its delegate, to visit social care and correctional institutions and places of detention of children at least once every three months to ensure that the detention authorities are carrying out their obligations, especially towards rehabilitating the children and assisting them to reintegrate into society. Enforcing this article has been the subject of discussions during several training sessions that the Ministry of Justice has organised for child affairs judges in recent years.

Since 2017, the PPO has been actively seeking to enforce prosecutorial inspection of observation and care institutions. Against this backdrop, the PPO has found violations and initiated investigations and criminal proceedings. Further concentration and co-ordination of efforts may lead to better results in ensuring compliance with the law in these institutions.

The PPO has made important strides to ensure that children are not detained with adults in police stations and care facilities, including reportedly nationwide monitoring and enforcement of this aspect from the Child Protection team in the PPO. Further, the prosecutorial Circular No. 19 of 2008 instructed deputy prosecutors to pay due consideration to any communication containing allegations of children detained with adults and to inspect places of detention to “[...] make sure children are not detained with adults in the same place, and that execution of detention orders respects standards of classification of detainees according to age, gender, and type of crime”. The Judicial Protection Unit within the PPO is actively monitoring compliance with this circular, receiving reports from all over the country, which highlights the positive effects of having a dedicated team in the central prosecution that can co-ordinate and support nationwide enforcement.

#### **5.3.4. Recommendations to strengthen appropriateness and responsiveness**

##### *Invest in training for relevant professionals:*

- Work towards the development of trainings for child affairs judges and child affairs prosecutors at the beginning of their tenure and child justice training for all judges overseeing child days in regular courts.
- Enhance the attractiveness of the child justice specialisation within the judiciary and prosecution service with different incentives to support the development of a well-trained workforce.
- Build capacities of lawyers and civil society either through training or additional resources to hire specialised lawyers on certain types of crimes committed against children, including cyber-extortion, child labour, child marriage and FGM.
- Strengthen the institutionalised approach towards training and consider limiting the regular rotation of child affairs judges and prosecutors to enhance specialisation.
- Strengthen specialised training and support of social workers across the system to enhance the quality of reports received by prosecutors and judges in child cases.

##### *Increase child-friendly facilities and procedural arrangements:*

- Accelerate the establishment of child-friendly procedures, interview and waiting rooms in courts, prosecution offices, police stations and CPCs. Consider requesting specific budget allocations for this purpose in co-operation with the Ministry of Planning and Economic Development and the Ministry of Finance towards the achievement of SDG 16.
- Strengthen procedural means to avoid negative impacts on children during legal proceedings, such as allowing audio and video statements to avoid repeated interviews, staff interview training and scheduling regular breaks.

- Enable children to be accompanied by a support person they can trust during their contact with justice services and courts.

*Appropriate services for children deprived of their liberty:*

- Consider legislative reform to reduce unnecessary custody in pre-trial phases only using detention as a last resort in line with international standards and continue to ensure limited periods of custody in practice.
- Continue to strengthen co-ordination and institutionalisation of care institution inspection to improve efficiency and ensure a broader coverage of places of detention and care or observation institutions at the national level.

## 5.4. Ensuring sufficient capacities and resources for the child justice system

Child justice systems can only deliver the services necessary to address children’s legal needs if they are supported with sufficient resources. This includes securing sufficient staffing, expertise, skills, tools, equipment, buildings and other infrastructure.

The latest CRC report submitted by Egypt mentions that to “...ensure children’s right to education and health - the government is committed to proactive measures in favour of the most vulnerable groups. As a result, the state’s general budget in the fiscal year 2017/18 has allocated more than 81.2 billion [Egyptian] pounds entirely directed to childhood” (UNHCR, 2023<sup>[15]</sup>). This figure would benefit from a breakdown of categories or further information to enable a fruitful resource allocation analysis and identify possible inefficiencies. There is space to create updated, relevant financial data on what is allocated for child justice, as well as the need for more transparent governance of the justice system.

More information is available about children’s social protection budgets, especially regarding social assistance programmes, than regarding children’s legal protection. Further, UNICEF and the Egyptian Ministry of Finance recently launched a joint analytic report on Egypt’s national budget, which amounts to 158 billion US dollars for 2021-22, (Reuters, 2021<sup>[16]</sup>) as a part of their *Child Budget Transparency Series* (UNICEF, 2020<sup>[17]</sup>). The document surveys the size and the composition of Egypt’s annual public budget, focusing on government social spending and child-specific allocations on education, health and social protection (UNICEF, 2021<sup>[18]</sup>). The report’s first edition alludes to children’s legal needs but does not examine Egypt’s spending on child-friendly justice (UNICEF, 2021<sup>[18]</sup>). Overall, it is difficult to acquire public financial data concerning state entities mandated to ensure respect for children’s rights and improve their lives in Egypt.

Supporting children’s access to justice necessarily involves significant and carefully targeted investment, balancing resources across the formal justice system, auxiliary services and preventative community-based services that tackle the root causes of children’s legal and social problems. Child-specific budgets that are clearly identified in government strategies and financial plans can help make this a reality by allocating resources more effectively.

### 5.4.1. National funding for child-friendly justice

Evidence from OECD interviews with stakeholders suggests that there is scope to strengthen the existing infrastructure, budget, and workforce for the child justice system in Egypt. Several initiatives and efforts have been conducted as pilot projects; however, they are often funded by international co-operation, making it challenging to continue once the pilot is complete, even if it is successful. In addition, services provided to children through the main institutions, including legal aid, psychological counselling and shelter, are primarily reliant on the provision by NGOs.

Researchers from the University of Cairo and the Arab Academy for Science, Technology and Maritime Transport conducted a detailed budget analysis of government spending on institutions relevant to child protection in Egypt, using data from the State's General Budget issued by the Ministry of Finance covering the fiscal years 2014/15 to 2018/19. It was estimated that expenditure on the social protection sector as a whole decreased in the five-year period studied in absolute terms (by around 28%), as a relative share of total public expenditure (from 27.5% to 21.1%) and as a ratio of gross domestic product (GDP) (from 8.8% to 5.7%), whilst public debt transactions increased from 34% to 47% of total expenditure. Looking specifically at activities of relevance to child protection, the authors estimate an average annual expenditure of 5.2 billion Egyptian pounds, representing 0.5% of total public expenditure and 0.1% of GDP (El Husseiny, Gamal El-Din and Amin, 2020<sup>[19]</sup>).

The study highlighted difficulties identifying the specific amount of budget funds allocated to child protection due to the "line-item approach" to budgeting adopted by the government, meaning a number of assumptions were required to calculate estimates. Nevertheless, the authors concluded that further public investment in child protection is necessary compared to the financial support allocated to other pertinent sectors in Egypt (El Husseiny, Gamal El-Din and Amin, 2020<sup>[19]</sup>).

### Box 5.8. Funding for child protection and other related services in OECD countries

Funding for child protection and related services in OECD countries typically come from different sources, like governmental budgets, private donations, and grant from charitable organisations.

OECD countries approaches to funding family support services vary depending on their governance structure, with public funding used to provide grants, subsidies, earmarked subsidies and conditional cash transfers.

#### Government funding:

- In the **United States**, the federal government provides funding to states through the Child Abuse Prevention and Treatment Act (CAPTA) and the Child Welfare Services (CWS) program (Child Welfare Services, n.d.<sup>[20]</sup>)
- CAPTA requires states to have provisions and procedures for reporting, investigating, and responding to child abuse and neglect cases, and it established minimum standards for the training of professionals who work with children.
- CAPTA also establishes the Office on Child abuse and Neglect within the Children's bureau of the US Department of Health and Human Services to coordinate federal efforts.
- The CWS provides child welfare services like foster care, adoption, established by each State. It is administrated by the Children's bureau within the US department of Health and Human Services.

#### Private donations:

In the **United Kingdom**, the National Society for the Prevention of Cruelty to Children (NSPCC) raises funds through donations and fundraising events to support child protection services including helplines, counselling, and advocacy to children and families. The NSPCC also raises awareness of child abuse, promotes public policy changes and provides child protection services. It works closely with local communities for the protection of children (NSPCC, n.d.<sup>[21]</sup>).

#### Grants from charitable organisations:

The OAK Foundation, based in **Switzerland**, provides grants to support child protection programs in countries around the world, including in OECD countries (Oak Foundation, n.d.<sup>[22]</sup>).

The Bernard Van Leer Foundation, based in the **Netherlands**, provides grants to support early childhood development and education programs, which help prevent child abuse and neglect. It also supports research and advocacy efforts aimed at improving policies and practices related to child protection (OECD, 2023<sup>[23]</sup>).

Sources: (Child Welfare Services, n.d.<sup>[20]</sup>; NSPCC, n.d.<sup>[21]</sup>; Oak Foundation, n.d.<sup>[22]</sup>; OECD, 2023<sup>[23]</sup>)

This conclusion is consistent with the findings from OECD interviews with stakeholders, who highlighted some specific funding challenges currently affecting the child justice system, including for the Child Helpline, PPO and other stakeholders.<sup>14</sup>

#### **5.4.2. Local authority and civil society funding**

As highlighted, resources for programmes and activities related to children remain low. As a result, local government services for children and for implementing child-friendly justice measures tend to lack the resources and capacity they would need to be effective. This can be demonstrated in the weaknesses of CPCs, for example, where a lack of dedicated staff and budget means they are often unavailable or respond too slowly when other institutions contact them.

Stakeholders generally agree that CSOs and NGOs are filling in the gaps left by CPCs and other government services in several areas. State institutions have reported that they often rely on the support these organisations provide to children, including legal, social, and psychological assistance. At the same time, funding for CSOs and NGOs is itself limited and uncertain, raising questions about the sustainability of services that are critical to the entire system.

#### **5.4.3. Infrastructure capacity: staff and facilities**

OECD analysis points to limited staffing, premises and other infrastructure necessary for supporting children at risk and child offenders and for the effective implementation of child-friendly justice measures in Egypt. Resource constraints are a fundamental challenge to developing child-friendly premises and facilities.

Multiple stakeholders have highlighted the problem of limited training for staff dedicated to working with children. Specific professions suffering from chronic staffing shortages include lawyers, social workers and psychologists. The rotation of personnel in certain professions, notably judges and prosecutors, exacerbates a wider problem with the continuity of staffing in key services. This can create barriers to building relationships, trust and co-operation between institutions, and means staff have insufficient knowledge of the work of other stakeholders and the possibilities and remedies that may be available for a child.

In addition, Egypt may consider making investments to facilitate the establishment of additional child courts in each governorate beyond those in Cairo and Giza, as well as investment in child-friendly court mechanisms, including audio and video technologies.

Child justice institutions may consider increasingly showing the link between access to justice for children and the cost-effective fiscal benefits and positive effects in wider areas of children's lives, as outlined in Chapter 2, to continue making the case for the child justice system to receive the necessary resources to achieve objectives under SDG 16 and the Egyptian Vision 2030.

#### **5.4.4. Recommendations to ensure sufficient capacities of the child justice system**

- Consider reinforcing the capacities of the child justice system by allocating additional and stable

resources, including specialised staff and infrastructure.

- Foster an enabling ecosystem for CSOs and NGOs that provide fundamental services for children, so they can continue to undertake this role.
- Explore ways to stabilise further support for pilot projects that are deemed to be successful to enable their sustainability and long-term impact.

## 5.5. Prevention, proactivity and timeliness

**Prevention, proactivity and timeliness:** *people-centred legal and justice services are proactive and contribute to the prevention and timely resolution of legal problems. Recurring legal problems are addressed on a systemic basis to address the underlying causes, thereby preventing reoccurrences.*

Root causes of children’s legal needs are most often linked to social, health and economic factors. Legal needs research has shown that people from disadvantaged socio-economic backgrounds tend to have more legal problems. In view of this, an integrated approach that adopts proactive initiatives towards early intervention and prevention may be much more effective than waiting until children come into contact with the justice system. During the focus group with the Egyptian Child Forum, children provided their recommendations to improve the justice system for children. However, several of them underscored the importance of wider concepts, including the need to “make laws that respect children and ensure the importance of their opinions” and provide “more attention to [the] quality of education, and developing [the] surrounding environment.”

The development of prevention strategies can be supported by international standards and comparative research on the root causes of children’s involvement in the child justice system. International and national studies confirmed that intensive family- and community-based treatment programmes that have been designed to make positive changes in aspects of the various social systems (home, school, community and peer relations) and contribute to the serious behavioural difficulties of children can reduce the risk of children coming into contact with child justice systems.

This can be relevant to the Egyptian context, where UNICEF and the MoSS estimated that 29.4% of children in Egypt were “multidimensionally poor” in 2017. This means that they were deprived in two or more aspects of child welfare, including access to water, sanitation and information (devices), housing conditions, health, nutrition, education and protection from violent disciplinary practices. Deprivation in protection was found to be the main contributor to multidimensional child poverty, and rates were highest in rural areas and among the under-fives (UNICEF, 2017<sup>[24]</sup>).

### 5.5.1. Prevention measures

Both the Constitution and the Child Law reflect Egypt’s express adoption of the “best interests of the child” principle. As mentioned previously, the Constitution provides principles for: the fulfilment of rights to health and nutrition, education and housing; establishing restrictions on child labour; detailing protection from various forms of violence, abuse and exploitation; and setting the general framework for a child-friendly justice system. In the Egypt Vision 2030, the government of Egypt clearly states its firm commitment to addressing poverty and advancing human development. One key pillar in this vision is social justice, with ongoing reforms focusing on establishing an integrated social protection system that supports the poor with targeted financial assistance and services.

The emphasis of this reform is strategically placed on children and young people and the provision of child protection services (UNICEF, 2017<sup>[24]</sup>). In addition, Pillar 3 of the Strategic Framework for Childhood and Motherhood is about protecting children from all forms of physical and psychological violence, ensuring their rights to housing and care, combating child labour and trafficking, and protecting marginalised

children. Meanwhile, the National Human Rights Strategy aims to protect children from abuse, exploitation, negligence and all forms of violence and provide support to CPCs.

### **Box 5.9. Guiding principles: prevention, proactivity and timeliness**

#### **A preventative and proactive approach to justice for children**

- The state's approach to justice for children should recognise that the root causes of children's legal needs are linked to social, health and economic factors and that a joined-up, cross-departmental approach with early intervention and prevention at its core is more effective than waiting until children have ended up in the justice system (OECD, 2021<sup>[25]</sup>).<sup>1</sup>
- Effective age-appropriate, multidisciplinary support should be provided to children and young people in the community to address a range of psychosocial issues, including family and relationship problems, emotional and mental health issues, substance abuse, housing problems, violence and offending behaviour.
- Effective crime prevention programmes should be implemented, emphasising children and young people's social development and well-being.
- Effective measures for preventing and detecting sexual offences against children should be implemented.

#### **Alternatives to judicial proceedings**

- The minimum age of criminal responsibility should not be set too low and should be clearly determined by law (Council of Europe, 2010<sup>[9]</sup>).<sup>2</sup>
- Alternatives to judicial proceedings such as mediation, diversion away from judicial mechanisms and alternative dispute resolution are encouraged whenever these may serve the child's best interests. The preliminary use of such alternatives should not hinder the child's access to justice. Alternatives to court proceedings should guarantee an equivalent level of legal safeguards (Council of Europe, 2010<sup>[9]</sup>).<sup>3</sup>

#### **Timeliness of proceedings – avoiding undue delay**

- In all proceedings involving children, the urgency principle should be applied to provide a speedy response and protect the best interests of the child while respecting the rule of law (Council of Europe, 2010<sup>[9]</sup>).<sup>4</sup> Children's cases should be prioritised and dealt with expeditiously.
- National authorities should take all necessary steps to facilitate the execution of judicial decisions and rulings involving and affecting children without delay (Council of Europe, 2010<sup>[9]</sup>).<sup>5</sup>

#### **Notes:**

1. Based on the principles of a preventative approach to justice set out in OECD Framework and Good Practice Principles for People-Centred Justice

2. Council of Europe (2010) op.cit. Part IV B (Child-friendly justice before proceedings), para. 23.

3. Council of Europe (2010) op.cit. Part IV B (Child-friendly justice before proceedings), paras. 24-26

4. Council of Europe (2010) op.cit. Part IV B (Child-friendly justice before proceedings), Guideline 50

5. Council of Europe (2010) op.cit. Part IV B (Child-friendly justice before proceedings), Guideline 76

Sources: (OECD forthcoming, 2023<sup>[26]</sup>; OECD, 2021<sup>[25]</sup>; Council of Europe, 2010<sup>[9]</sup>)

Prevention and early intervention programmes should be focused on support for families, particularly those in vulnerable situations or where violence, disability, illness or poverty persists. Support should be provided to children at risk, for example, children who are not in school or drop out early from education. Peer group support and strong involvement of parents, schools and community services are recommended. Community-based services and programmes that respond to children's specific needs, problems, concerns and interests and that provide appropriate counselling and guidance to their families are essential for crime prevention.

### Box 5.10. Australia's Family Support Programme

The Families and Communities Programme (FCP) provides early intervention and prevention support to families, children, young people, volunteers, refugees, migrants and other individuals with special circumstances. Priorities include activities to improve financial well-being and capability, strengthen communities, support migrants' transition to life in Australia, and ensure the lifetime well-being of families and children.

Source: (Australian Department of Social Services, n.d.<sup>[27]</sup>), Australian Department of Social Services, [www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/parenting/families-and-children-activity](http://www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/parenting/families-and-children-activity).

Articles 18 and 27 of the CRC confirm parents' responsibility for their children's upbringing. Still, at the same time, the Convention requires State parties to assist parents (or other caregivers) as necessary to carry out their child-rearing responsibilities. Investment in early childhood care and education correlates with lower rates of children at risk. There are good examples that demonstrate the benefits of early intervention even when the child is very young, for example, with home visitation programmes to enhance parenting capacity. Measures of assistance could draw on existing evidence on community and family-based prevention programmes, such as programmes to improve parent-child interaction, partnerships with schools, positive peer association and cultural and leisure activities.

For example, early intervention for younger children requires child-friendly and multidisciplinary responses to the first signs of behaviour that would be considered a criminal offence. Evidence-based intervention programmes should be developed that reflect not only the multiple psychosocial causes of such behaviour but also the protective factors that may strengthen resilience. Interventions must be preceded by a comprehensive and interdisciplinary assessment of the child's needs. As an absolute priority, children should be supported within their families and communities. In exceptional cases requiring an out-of-home placement, such alternative care should preferably be in a family setting. However, placement in residential care may be appropriate in some instances to provide the necessary array of professional services. Such placements are only to be used as a measure of last resort and for the shortest appropriate period and should be subject to judicial review.

Prevention programs and approaches also include reducing a child's exposure to the criminal justice system, by decriminalising petty offenses such as truancy, running away, begging or trespassing, on the basis that such offenses are often a result of poverty, homelessness, or systemic family violence. Further, with regard to sex work-related cases, State parties to the CRC have undertaken to "protect the child from all forms of sexual exploitation and sexual abuse." Towards this end, they shall take "all appropriate national, bilateral and multilateral measures to prevent [...] [t]he exploitative use of children in prostitution or other unlawful sexual practices".<sup>15</sup> A similar provision, with regards to the prevention of child exploitation in the drug business, establishes that "State parties shall undertake all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs [...] and to prevent the use of children in the illicit production and trafficking of such substances."<sup>16</sup>

Possible preventive measures in the case of child offenders include legislative reforms to raise the age of criminal responsibility, as well as alternatives to judicial proceedings such as mediation, diversion of judicial mechanisms and alternative dispute resolution. The preliminary use of such alternatives should not hinder the child's access to justice.

In Egypt, several Egyptian laws seek to protect children from sexual exploitation. However, there is scope to strengthen protection against the prosecution of children involved in sex work or to guarantee that their status in such cases is solely and exclusively as victims of sexual exploitation. Children who come into contact with the authorities on account of the said offences, as well as others such as petty theft, could benefit from special provisions of decriminalisation, rehabilitation and reintegration programmes.

### **5.5.2. Rehabilitation and reintegration**

Stakeholders have generally referred to an institutional gap regarding the infrastructure necessary for enforcing the non-custodial sentences and measures available under Article 101 of the Child Law,<sup>17</sup> some of which require a significant aspect of rehabilitation and reintegration. As discussed earlier (see, for example, Chapter 4 under section 4.3.8 on Diversion), the pilot to divert children away from the regular child justice pathways could have benefited from a stronger infrastructure. It appears that even though judges may lean in certain cases towards implementing non-custodial sentences, the lack of infrastructure necessary for enforcing these sentences can cause judges to refrain from utilising the non-custodial measures available under the Child Law.

Further findings about child offenders indicate there are gaps in specific rehabilitative or reintegrative measures in favour of the child. This could be particularly alarming concerning offences with a significant aspect of child exploitation, such as in sex work and drug trade cases referred to in the preceding paragraph. The Code of Criminal Procedure confers upon the competent criminal court the power to appoint a lawyer to initiate proceedings before the civil judiciary in favour of child victims who otherwise have no access to legal assistance.<sup>18</sup> This is in line with international standards whereby children who have been victims of crime should have the right to compensation.<sup>19</sup> An additional step proposed by the Guidelines of the Council of Europe is for the child's lawyer or guardian to have the mandate to take necessary steps to claim for damages during or after criminal proceedings in which the child was a victim. Further data collection would enable assessment of how often compensation is sought or obtained in this way on behalf of child victims.

Children and young people who have been victims of crime may need the assistance of services for many years to aid their recovery. Empirical evidence supports the view that interventions targeting the victims of violence are important in addressing victims' short- and long-term needs and helping victims restore their security and cope with their trauma, preventing further violence and reducing recidivism (OECD, 2019<sup>[28]</sup>). The Committee on the Elimination of Discrimination against Women expressed concerns in its 2021 report about the lack of physical and psychosocial rehabilitation centres and support services available for victims of sexual abuse and exploitation in Egypt.<sup>20</sup>

Young offenders should receive education and support both whilst in detention to prepare them for their return to their communities and on release to aid their reintegration into society (Vuckovic Sahovic and Eriamiatoe, 2020<sup>[29]</sup>). Stakeholders reported that there have been programmes in social care institutions aimed at reintegrating children into society, and there is an ongoing project in collaboration with the United Nations Office on Drugs and Crime (UNODC) which works on the social reintegration of children in the Marg Punitive Institution. The Committee on the Elimination of Discrimination against Women expressed concerns in its 2021 report about the lack of physical and psychosocial rehabilitation centres and support services available for victims of sexual abuse and exploitation in Egypt.<sup>21</sup> Box 5.11 provides an example of Crime Victims Support Offices that provide comprehensive services to victims, including child victims, in Spain.



### Box 5.11. Crime Victims' Support Offices in Spain

Crime Victims' Support Offices are a free public service in Spain created by Law 35/1995 to provide aid and assistance to victims of violent and sexual crimes, subsequently regulated by Law 4/2015 of the Statute of the Crime Victim. There are 26 Offices throughout the national territory, and there is at least one in each Autonomous Community (i.e., the territorial equivalent of Egyptian Governorates).

The model pathway of the Offices is implemented through different stages: reception and guidance, information, intervention and follow-up. The stages involve a general orientation of the victims, specific legal information throughout the criminal proceedings, support in the necessary interventions and follow-up throughout the criminal proceedings, as well as psychological intervention programmes for all types of crime victims, such as victims of gender violence and domestic violence, among other vulnerable victims.

The follow-up part of the process involves monitoring victims for an appropriate period after the conclusion of the criminal proceedings. In the follow-up phase, the Offices analyse the victim's legal, medical, psychological and socio-economic situation for an extended period. Depending on the victim's situation, the appropriate duration of follow-up should be established.

Source: (Spanish Ministry of Justice, n.d.<sup>[30]</sup>), Crime Victims' Support Offices.

Regarding the timeliness of the Egyptian system, the limited data available has made it difficult to assess common indicators for efficiency, such as clearance rates of incoming cases or the average trial length. Judicial staff and prosecutors reported that child cases are treated swiftly and often take only a few months. For reference, in Switzerland, cases reportedly last between two to six months.<sup>22</sup> However, they highlighted challenges in shortening the pre-trial investigation phase in complex cases where children may stay in pre-trial custody longer than desired. Further data collection in this area would enable fruitful analysis and recommendations to increase the efficiency and timeliness of the child justice system.

#### 5.5.3. Recommendations to improve prevention, proactivity and timeliness

- Integrate prevention mechanisms into the goal, purpose and vision of the child justice system to combat the root causes of children's involvement in criminal activities. This includes supporting and sustaining education, vocational training, raising awareness of the role of the family as family counselling, social protection interventions, and forbidding child marriages
- Develop better preventive mechanisms, such as complaints, mediation, and support to educators, family and related professionals.
- Consider further investing in early childhood care, education, community and family-based support programmes drawing from comparative experiences which correlate with lower rates of children at risk.
- Reinforce multi-faceted support services for child victims of crime to aid their recovery and for child offenders to receive education and support both whilst in detention, to prepare them for their return to their communities and on release, to aid their reintegration into society.
- Building on the existing legal provision that victims have the right to compensation, consider introducing the mandate for the child's lawyer or guardian to make a claim for damages during or after criminal proceedings in which the child was a victim, in line with international standards.

## 5.6. Key recommendations

### 5.6.1. Equality and inclusion

- Continue to work on strengthening and encouraging the presence of women in different child justice institutions.
- Ensure the practical implementation of the legal provisions requiring special treatment proportionate to a disabled child's condition and needs through adequate resourcing and appropriately skilled staff.
- Continue efforts to empower girls' participation and protect of girls' rights in order to enhance gender equality.

### 5.6.2. Empowerment and participation

- Consider reviewing the legal framework determining the age at which children are deemed to have a sufficient understanding of the matters in question to bring coherence to national laws and rules regarding the age of legal capacity and ensure these are in line with international standards.
- Develop clear protocols for when and how children's views should be sought in legal proceedings, ensuring these are in line with international standards and providing additional training to stakeholders to raise awareness and a shared understanding of children's participation in legal proceedings.
- Building on the NCCM's current child participation programme, expand its resources and capacities to ensure it employs robust participation methodology and secure the sustainability of this work.

### 5.6.3. Appropriateness and responsiveness

*Invest in training for relevant professionals:*

- Promote efforts to establish trainings for child affairs judges and child affairs prosecutors at the beginning of their tenure and child justice training for all judges working during child days in regular courts.
- Enhance the attractiveness of the child justice specialisation within the judiciary and prosecution service with different incentives to support the development of a well-trained workforce.
- Build capacities of lawyers and civil society either through training or additional resources to hire specialised lawyers on certain types of crimes committed against children, including cyber-extortion, child labour, child marriage and FGM.
- Strengthen the institutionalised approach towards training and consider developing rules for the regular rotation of child affairs judges and prosecutors to enhance specialisation.
- Strengthen specialised training and support of social workers across the system to enhance the quality of reports received by prosecutors and judges in child cases.

*Increase child-friendly facilities and procedural arrangements:*

- Accelerate the establishment of child-friendly procedures, interview and waiting rooms in courts, prosecution offices, police stations and CPCs.
- Strengthen procedural means to avoid negative impacts on children during legal proceedings, such as allowing audio and video statements to avoid repeated interviews, staff interview training and scheduling regular breaks.
- Enable children to be accompanied by a support person they can trust during their contact with

justice services and courts.

*Appropriate services for children deprived of their liberty:*

- Consider legislative reform to reduce unnecessary custody in pre-trial phases only using detention as a last resort in line with international standards and continue to ensure limited periods of custody in practice.
- Continue to strengthen co-ordination and institutionalisation of care institution inspection to improve efficiency and ensure a broader coverage of places of detention and care or observation institutions at the national level.

**5.6.4. Ensuring sufficient capacities**

- Consider reinforcing the capacities of the child justice system by allocating additional and stable resources, including specialised staff and infrastructure.
- Foster an enabling ecosystem for CSOs and NGOs that provide fundamental services for children, so they can continue to undertake this role.

**5.6.5. Prevention, proactivity, and timeliness**

- Integrate prevention mechanisms into the purpose and vision of the child justice system and consider developing early childhood family and community-based preventive programmes.
- Reinforce multi-faceted support services for child victims of crime to aid their recovery and for child offenders to receive education and support both whilst in detention, to prepare them for their return to their communities, and on release, to aid their reintegration into society.

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## Notes

<sup>1</sup> Egyptian Constitution, Art. 53.

<sup>2</sup> Committee on the Elimination of Discrimination against Women (2021) Concluding observations on the combined eighth to tenth periodic reports of Egypt.

<sup>3</sup> The Women's Ombudsman Office offers women and girls free legal advice and representation in court.

<sup>4</sup> CRC, General Comment No 12 on the right of the child to be heard, 20 July 2009, para 3.

<sup>5</sup> Child Law, Article 3/c.

<sup>6</sup> CRC, General Comment No 12.

<sup>7</sup> Mol, C. (2019). Children's Representation in Family Law Proceedings, *The International Journal of Children's Rights*, 27(1), 66-98.

<sup>8</sup> Department of Justice of Canada, 2022.

<sup>9</sup> International Standards with regards to tailored systems for children are contained in the CRC Articles 37, 40, 39; within the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – treatment of victims; within the Council of Europe Guidelines: IV A General elements of child-friendly justice, and Chapters V and VI general measures to ensure child-friendly justice.

<sup>10</sup> OECD workshop in Egypt, February 2022.

<sup>11</sup> United Nations Rules for the Protection of Juveniles Deprived of their Liberty adopted by General Assembly resolution 45/113 of 14 December 1990; United Nations Standard Minimum Rules for the Administration of Juvenile Justice adopted by General Assembly resolution 40/33 of 29 November 1985; UNICEF (2010), *Justice for Children Manual*, available here.

<sup>12</sup> CRC/C/EGY/3-4, para. 332.

<sup>13</sup> See Concluding Observations in CRC/C/EGY/CO/3-4, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/EGY/CO/3-4&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/EGY/CO/3-4&Lang=En).

<sup>14</sup> Based on OECD interviews with NCCM Child helpline staff.

<sup>15</sup> Art. 34, CRC.

<sup>16</sup> Art. 33, CRC.

<sup>17</sup> See section 2.2.1. of the Child Law "Child Offenders" (page 8) for further details.

<sup>18</sup> Code of Criminal Procedure, Art. 252.

<sup>19</sup> The Council of Europe guidelines state that where appropriate, the costs could be covered by the State and recovered from the perpetrator. The right to compensation for child victims of sexual abuse and exploitation is consistent with international treaties and guidelines, including: the CRC; the UN General Assembly (2005) "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International

Humanitarian Law” Res. 60/147 of 16 December 2005; and the UN Economic and Social Council (2005), “Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime”, Res. 2005/20 of 22 July 2005, UN Doc. E/RES/2005/20. For a full exploration of this issue, see ECPAT International (2017) Barriers to Compensation for Child Victims of Sexual Exploitation: A discussion paper based on a comparative legal study of selected countries, Bangkok: ECPAT International.

<sup>20</sup> Committee on the Elimination of Discrimination against Women (2021) Concluding observations on the combined eighth to tenth periodic reports of Egypt.

<sup>21</sup> Committee on the Elimination of Discrimination against Women (2021) Concluding observations on the combined eighth to tenth periodic reports of Egypt.

<sup>22</sup> OECD Workshop in Egypt, February 2022.

# Annex A. OECD Criteria for People-centred Design and Delivery of Legal Justice Services

**Table A A.1. OECD criteria for people-centred design and delivery of legal justice services**

<b>Evidence-based planning</b>	People-centred legal and justice services are based on and respond to an empirical understanding of legal and justice needs and legal capabilities of those who require or seek assistance.
<b>Equality and inclusion</b>	People-centred legal and justice services are inclusive and targeted at those most in need. They are responsive to the specific access needs of particular groups likely to suffer from social and economic disadvantage or that are otherwise marginalised or vulnerable, and those with complex needs. They are designed to contribute to equality, poverty reduction and social inclusion.
<b>Accessibility</b>	People-centred legal and justice services are accessible and designed to actively overcome the range of barriers to the assistance people require.
<b>Availability</b>	People-centred legal and justice services are available across the justice chain and are provided in a range of formats, programmes and service types.
<b>Prevention, proactivity and timeliness</b>	People-centred legal and justice services are proactive and contribute to preventing legal issues and to the timely resolution of problems. Recurring legal issues are addressed on a systemic basis to address underlying causes, thereby reducing reoffending rates.
<b>Appropriateness and responsiveness</b>	People-centred legal and justice services are appropriate and responsive to the individual, the issues they face and their situation. They are tailored, proportionate, efficient and flexible to accommodate local circumstances.
<b>Empowerment</b>	People-centred legal and justice services empower people's meaningful participation in the justice system and build people's legal capabilities.
<b>Collaboration and integration</b>	People-centred legal and justice services are part of a coherent system that provides seamless referrals and integrated services through collaboration among legal, justice and other human service providers. People obtain access to all the services they need to solve the legal and related non-legal aspects of their problems holistically, regardless of the entry point for assistance.
<b>Outcome-focus and fairness</b>	People-centred legal and justice services contribute to fair process and fair outcomes and to better and more sustainable procedural, substantive and systemic outcomes – including increased trust and confidence in the justice system and better performance of that system – and to the attainment of societal objectives such as social inclusion.
<b>Effectiveness</b>	People-centred legal and justice services are effective and continually improved through evaluation, evidence-based learning and the development and sharing of best practices.



# Towards a Child-friendly Justice System in Egypt

## IMPLEMENTING THE SUSTAINABLE DEVELOPMENT GOALS

This report analyses Egypt's legal and policy framework and takes stock of the Egyptian Government's efforts to co-ordinate child justice services and make the justice system in Egypt more child-friendly. It includes an analysis of specific design and delivery mechanisms of justice and support services based on the legal needs of children and identifies the roles, responsibilities and co-operation opportunities for relevant governmental stakeholders involved in child-friendly justice. The review considers a range of essential components of a child-friendly justice system in all its forms – criminal, civil and administrative justice. It highlights the results achieved so far and provides tailored policy recommendations to support Egypt in better meeting the justice needs of children, in line with international standards and treaties.



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