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

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.

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^[1]) and the Child-friendly Justice Framework highlight as a “whole-of-government”¹, “whole-of-society”² and “whole-of-justice” system³ 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^[2]), 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.⁴ 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.⁵ 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.⁶

Family Courts

Guided by the principle of the best interests of the child,⁷ 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.⁸

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.⁹ 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.¹⁰ 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.¹¹

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.^[31]) 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 kafala¹² 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^[4]). An ongoing project in the MoSS, in collaboration with UNODC, works on the social reintegration of children in care institutions (UNODC, 2018^[5]). 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.^[6]).

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.¹³ 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.¹⁴

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.

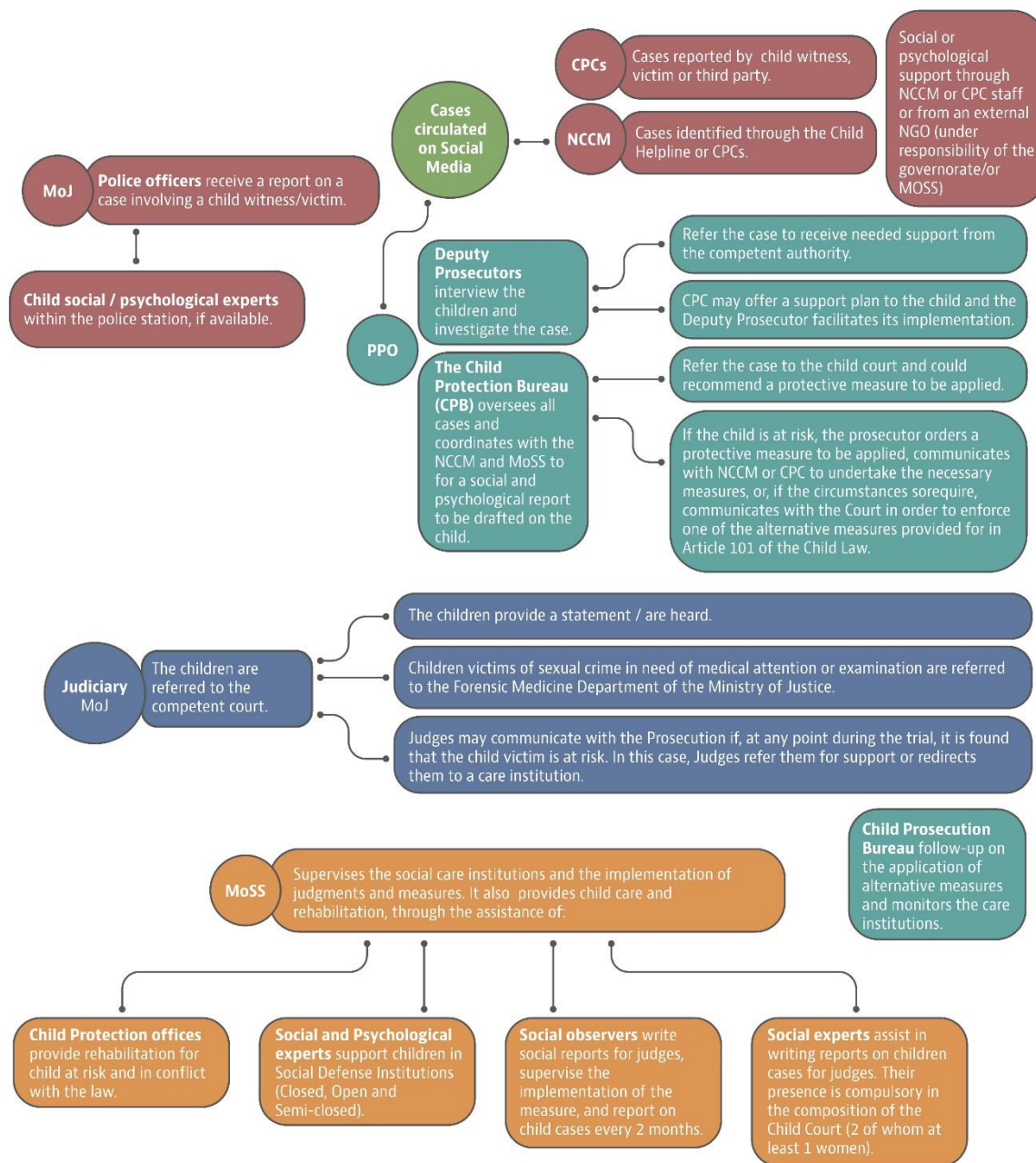
Where the child is deemed to be at risk, the same pathway outlined below for children at risk may be applicable. The CPB at the PPO is the most recently established entity that may receive reports concerning crime or abuse against children. The General Directorate of the Child Helpline receives reports 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 CRC¹⁵).

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 Rights¹⁶ and Article 16 of the International Covenant on Civil and Political Rights¹⁷. Article 7 of the CRC¹⁸ and Article 24(2) of the International Covenant on Civil and Political Rights¹⁹ 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.^[7])

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.²⁰ 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^[8]). 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.^[9]).

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.²¹ 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^[10]; Barnahus Network, n.d.^[11])

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

¹ 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.

² 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.

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

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

⁵ Child Law, Art 122.

⁶ Child Law, 122.

⁷ Family Courts Law, Art. 10.

⁸ Family Courts Law, Arts. 2, 11.

⁹ Child Law, Arts. 96 (3), 99(6).

¹⁰ Child Law, Art. 99(6).

¹¹ Family Courts Law, Art. 5.

¹² 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.

¹³ 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.

¹⁴ Child Law, article 122.

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

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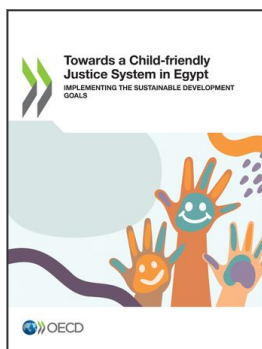
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¹⁸ Ibid 13, Art. 7.

¹⁹ Ibid 15, Art. 24(2).

²⁰ Child Law, Arts. 98, 99.

²¹ Council of Europe (2010) op.cit, Part V.j.



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