

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

*Key Findings and Preliminary Recommendations*



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Ensuring complementarity, the project <i>Towards a child-friendly justice in Egypt</i> supported by the Swiss Agency for Development and Cooperation aims as one of its key efforts to enhance institutional co-ordination mechanisms and clarity of roles. This will enable friendlier and seamless justice pathways for children, while minimising risks of deadlock such as the ones outlined above.	23
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# Executive Summary

Aligned with the Egypt Vision 2030, the National Child and Human Rights Strategies and the UN SDGs, the OECD is supporting Egypt in its aim to strengthen a child-friendly justice system with the financial support of the Swiss Agency for Development and Cooperation in the project 'Towards child-friendly justice in Egypt'. This work is underpinned by the OECD work on access to justice and child well-being and builds on the work of the MENA-OECD Governance Programme and rule of law support to Egypt. The *Key Findings* present an overview of the preliminary outcomes and recommendations of the Strategic Review to be finalised by the end of 2022 as a milestone of this project. They set the scene for the strengthening of the child-friendly justice system for the country and in doing so, the importance of understanding the different types of legal and justice needs and resolution pathways of children. They place special focus on inter-institutional collaboration and integration to deliver justice services to children. The Key Findings also analyse the existing legal framework applicable to children in Egypt, including national legislation and international treaties ratified in this field. The Findings are divided in two key themes outlined below.

## ***Enhancing Institutional Coordination 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<sup>1</sup> highlights as a 'whole-of-government' approach to justice.

The Key Findings provide a mapping of the roles of key institutions in Egypt that focus on child justice, which include (i) the National Council of Childhood and Motherhood (NCCM), including its Child Helpline; (ii) Child Protection Committees, under the technical supervision of the NCCM; (iii) the Ministry of Justice; (iv) the judiciary; (v) the General Prosecution and specific Child Prosecution Offices, as well as prosecutions generally across the country; (vi) the Ministry of Social Solidarity, and finally, (vii) international organisations and civil society. They also describe 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. Finally, they stress the need to align national strategies such as the National Child and Human Rights Strategy and the Vision 2030 with child justice efforts, as they are mutually reinforcing.

This has supported the team in identifying key strengths and opportunities for improvement in the cooperation and integration of services among stakeholders and throughout child justice journeys, as outlined below.

### *Inter-institutional coordination and clarity of roles*

A common theme highlighted by the Findings is the need to enhance the clarity of the roles of each institution across criminal, civil and administrative justice pathways, including the established procedures to manage and follow up child cases. At the same time, while some effective cooperation mechanisms are identified, they are found to be informal, and therefore may benefit from further institutionalisation as

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

standard procedures to ensure their sustainability in time shielded from staff rotation. In this regard, the adoption of further multi-sectoral cooperation and continuing efforts to integrate the provision of services could be considered.

Specifically, the Key Findings find room to strengthen the role of the NCCM as inter-institutional coordinator of child policies, and the need to increase the capacities of key entities in need of support including the NCCM Child Helpline and CPCs, through infrastructure, human and other resources. The establishment of mandatory, specialised and multi-level training on child-friendly justice for all staff in contact with children to make services more appropriate and targeted are also stressed as an effective mechanism that can foster more child-friendly procedures.

In relation to civil law and family justice, the possibility to promote further coordination among entities in family procedures and the child protection system, such as between family courts, the Goodwill Committee on Child-Custody Dispute Resolution and existing child protection mechanisms under the NCCM and MoSS is highlighted.

#### *Child justice pathways across criminal, civil and administrative cases*

In relation to the analysis of different child pathways, it is highlighted that the early provision of age-appropriate, easy and clear information to children and their families about their rights in all justice pathways is relevant, together with the need to continue efforts to ensure that a child's legal counsel is present throughout the full pre-trial investigation period, to review and limit the time spent by children in custody in pre-trial phases, and to further create child-friendly facilities and communication protocols. In the case of civil and administrative justice, the need to create mechanisms and promote a cultural shift to ensure a child's voice is heard and given due consideration in civil and administrative cases when the child wishes to and is able to participate is emphasised.

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

##### *Legal needs of children*

In Egypt generally, according to NCCM Helpline lawyers, 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 Helpline. Sexual violence and cyber-extortion follow the list of the most prevalent crimes against children reported through the Helpline. Child abuse in the online sphere is emphasised by the Prosecution as a new, growing crime type that requires the development of ad hoc approaches, including potentially a new law. In addition to the above, cases of female genital mutilation and child marriage are also prevalent in rural governorates, and child labour is an issue in some specific areas. In Alexandria, the general 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. 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 the need to access public services.

These findings can support Egyptian authorities towards targeted service delivery planning. In general terms, the Findings encourage to further commit 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 initial data collected through this project, 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 could be prioritised. It may also be considered to strengthen the capacities of NCCM Helpline lawyers and prosecutors in particular types of crimes that most often affect children in Egypt, including cyber-extortion and bullying.

### *Opportunities and challenges in existing services*

The Key Findings provide an initial overview of the existing services that are available to children in Egypt. 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 are also identified as particularly problematic areas with challenges in the provision of services.

The eight services identified as prevalent include: (i) mechanisms to reach out for help, such as the NCCM Helpline; (ii) legal aid and representation; (iii) psycho-social assistance; (iv) children placed in custody; (v) alternative care and protection services; (vi) specialized public justice services for children, including child courts and child prosecutors; (vii) initiatives towards diversion and restorative justice, and finally (viii) medical referrals to the Ministry of Health whenever a child is in need of medical treatment or examination.

In relation to these, it is found that several of them work particularly well. The NCCM Child Helpline is an effective way for children to reach out for help, while it could benefit from further awareness among children and their families. Legal aid and representation is guaranteed by the law for children when they are in conflict with the law, and could be strengthened by establishing institutional partnerships with lawyers and Bar Associations that ensure the service is provided in a timely manner, and by expanding its coverage to other legal fields.

At the same time, it is found that key initiatives towards the introduction of diversion and restorative justice for children in Egypt are advancing following the pilot conducted in Alexandria to this effect. Alternative care measures are also increasingly provided. However, it is found that the necessary infrastructure to enable the protection of children at risk separately from children in conflict with the law, as well as to enable the effective implementation of measures alternative to custody for child offenders, could be further strengthened. In relation to psycho-social support, it is found that social workers are present in a large number of child-related procedures, which is considered a good practice, and that the current system could benefit from further psychological experts and additional training on specific topics for social workers and experts.

Finally, the Key Findings highlight that specialized justice services exist in the form of child courts and prosecutions. However, they remain limited to the largest urban centres, including Cairo, Giza and Alexandria. It is therefore recommended to consider expanding existing child courts and prosecutions to further areas across the national territory, as well as available training on child-friendly justice for judicial and prosecutorial staff.

## Background and objectives

Egypt acknowledged the significance of strengthening the rule of law and ensuring equal access to justice within the framework of the Egypt Vision 2030.<sup>2</sup> In this context, the Egyptian justice sector has undertaken efforts to strengthen its capacities to secure equal access to justice for people. Globally, vulnerable groups face particular challenges when it comes to access to justice due to complicated administrative and litigation procedures, economic reasons and social considerations. In particular, children have specific needs and rights and tend to face particular difficulties in getting their legal needs addressed, which exacerbates the likelihood of trauma or re-traumatisation and impedes child well-being. The COVID-19 outbreak has posed additional challenges for children victims of violence or those in detention. In Egypt, where children make up an estimated 40% of the total population<sup>3</sup>, these needs and barriers become especially relevant to address.

The project Towards a Child-Friendly Justice System in Egypt (the “Project”) aims to support the development of a child-friendly justice system in Egypt by enhancing the capacity, institutional coordination 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 effective implementation of the objectives of the Strategic Framework (2018 – 2030) and National Plan for Childhood and Motherhood in Egypt (2018-2022).<sup>4</sup> These outcomes are implemented through a set of activities to help identify key challenges and opportunities in this field and build a Roadmap for reform and raising awareness on 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 the 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 rule of law support to Egypt, and is underpinned by the OECD work on access to justice and child well-being. The OECD 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 at revealing the complex equation of complementarities and trade-offs across the whole children friendly-justice ecosystem and offering policy advice that could lead to more coherent and coordinated Justice services for children. In addition, this project puts great emphasis on the necessity to better understand children needs and ambitions in Egypt.

This *Key Findings* document sets the scene for the strengthening of the child-friendly justice system for the country and in doing so, the importance of understanding the different types of legal and justice needs<sup>5</sup> and resolution pathways of children. It places special focus on inter-institutional collaboration and integration to deliver justice and legal services to children. It presents an overview of high-level findings and preliminary recommendations that inform the upcoming Strategic Review<sup>6</sup>. This document presents

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<sup>2</sup> Ministry of planning and economic development, Egypt’s Vision 2030

<sup>3</sup> Egypt Census data as analysed by UNICEF (2017), available [here](#).

<sup>4</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>5</sup> A *legal need* relates to a problem with a legal dimension in various sectors (e.g. employment, administrative, health, education, neighbourhood issues), whether or not this is recognised by those facing them. A *justice need* refers to the subsequent demand to access (public) justice services and other dispute resolution mechanisms in order to obtain recognition of, and remedy to, a legal need.

<sup>6</sup> The report regarding the state of art of the child justice system in Egypt, being drafted by the OECD team in the framework of the project and in coordination with the key national stakeholders, in named “Strategic Review”

an overview of the preliminary outcomes and recommendations of the Strategic Review expected to be finalised by the end of the year.

These findings are the result of research activities that the OECD Team has undertaken, including a comprehensive review of publicly available legislation, policy documents, national and international organisation sources, civil society inputs, and academic reports. To complement the knowledge gathered, the Team has also organised several policy dialogues and conducted working meetings and interviews with various officials and representatives from public institutions, international organisations, and national as well as international non-governmental local organisations in Cairo and Giza. The Team also visited Alexandria governorate to understand the functioning of the Child Protection Committee and of regional justice services. Interviews and meetings held to date in-person or virtually have included:

- Ministry of Justice
- National Council of Childhood and Motherhood (NCCM)
- General Childhood Protection Committee in Alexandria
- Public Prosecution Office
- Child Prosecution of Cairo
- Child Court of Cairo
- Ministry of Social Solidarity
- Local and international civil society organisations
- Intergovernmental organisations.

The final output, a strategic review *Realising SDGs for children in Egypt: Towards a child-friendly justice system* (the “Strategic Review”), will consider 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 will include a review of legislative and institutional frameworks and an analysis of specific design and delivery mechanism 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 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 cooperation opportunities for the most relevant governmental stakeholders involved in child-friendly justice. Importantly, it will also reflect views gathered from children in the Egyptian Child Forum on their legal needs, how the system serves them and how it could improve.

In order to unify terminology both across institutions, in English and Arabic, Table 1.1 maps the most important terms and definitions. It will be completed in the Strategic Review.

Table 0.1. Term definitions according to Egyptian laws and interviews with stakeholders

Source: Own elaboration based on Egyptian legislation and interviews with Egyptian stakeholders between March and November 2021.

English	Arabic
<p><b>Alternative measures:</b> alternatives to detention measures stated in article 101 of the Child Law:</p> <ul style="list-style-type: none"> <li>• Age 0-12: delivery to parents or hospitalization.</li> <li>• Age 7-12: delivery and also blaming or placement in 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 measdimeanoiur, placement or Judicial probation could be applied.</li> </ul>	<p><b>التدابير البديلة:</b> التدابير البديلة للعقوبة السالبة للحرية والمنصوص عليها في المادة 101 من قانون الطفل.</p> <p>السن بين 0-7 التسليم للأبوين أو من له وصاية أو ولاية عليه.</p> <p>السن بين 7-12 التسليم ويمكن أيضاً تطبيق التوبيخ والإبعاد بأحدى المستشفيات أو المؤسسات.</p> <p>السن أقل من 15 سنة يمكن تطبيق أي من التدابير المنصوص عليها في المادة 101 منلقانون الطفل.</p> <p>السن 15-17 في الجرح فقط يطبق عليه احدي التدبيرين الإبداع والاختبار القضائي</p>

<p><b>Case management units:</b> units established under MoSS to assist and follow-up children at risk and in conflict with the law and provide psychological support. According to the Ministry of Social Solidarity, they are currently present in 14 governorates and hiring processes are ongoing to staff them.</p>	<p><b>وحدات ادارة الحالة:</b> هي وحدات تابعة لوزارة التضامن الاجتماعي في كل محافظة لمساعدة ومتابعة الاطفال في خطر والاطفال 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> They are established in each governorate, chaired by the Governor and have as members different concerned Ministry, institutions and NGOs. These committees shall formulate the general policy for childhood protection in their respective Governorate, and shall follow up the implementation of this policy (art. 97, child law).</p> <p>More details about their role is included in the circular decree No. 7 of 2018.</p>	<p><b>اللجنة العامة لحماية الطفولة، المعروفة 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> they are established within the jurisdiction of each department or police district. Each sub-committee shall include security, social, psychological, medical, and educational representatives. The number of members shall be at least 5 and not exceeding 7, including the chairman of the committee. 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 shall follow up measures taken.</p>	<p><b>اللجان الفرعية لحماية الطفولة:</b> تشكل في دائرة كل قسم أو مركز شرطة .ويراعى في التشكيل أن تضم عناصر أمنية واجتماعية ونفسية وطبية وتعليمية. يكون عدد الأعضاء 5 على الأقل، ولا يجاوز 7 أعضاء، بمن فيهم الرئيس .ويجوز للجنة الفرعية أن تضم بين أعضائها ممثلاً أو أكثر من مؤسسات المجتمع المدني المعنية بشؤون الطفولة.</p> <p>وتختص اللجان الفرعية لحماية الطفولة برصد جميع حالات الأطفال المعرضين للخطر واتخاذ التدخلات الوقائية والعلاجية اللازمة لجميع هذه الحالات، ومتابعة ما يتخذ من اجراءات.</p>
<p><b>Child Law:</b> Egyptian Child Law No.12 for 1996, amended with Law No. 126 of 2008.</p>	<p><b>قانون الطفل:</b> قانون الطفل المصري رقم 12 لسنة 1996 والمعدل بالقانون 126 لسنة 2008.</p>
<p><b>Officers of judicial arrest:</b> They 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 make an arrest / detain individuals in the context of crimes committed by children, when they are at risk, and in all crimes stipulated by the child Law (art. 117, Child Law).</p>	<p><b>مأمور الضبط القضائي:</b> هم موظفين معينين من قبل وزير العدل بالاتفاق مع وزير التضامن الاجتماعي في دوائر اختصاصهم فيتم منح سلطة الضبط القضائي فيما يختص بالجرائم التي تقع من الاطفال وحالات تعريضهم للخطر وسائر الجرائم المنصوص عليها في قانون الطفل (مادة 117 من قانون الطفل) .</p>
<p><b>Observation centres:</b> The centres where children under 15 years old could be temporary placed during investigation of their respective cases and subsequent trials. 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).</p>	<p><b>دور الملاحظة:</b> هي أماكن الإيداع الوقت للأطفال دون الخامسة عشر عاماً. 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).</p>
<p><b>Probation offices:</b> regulated by Ministerial Decision number 401 of 25/10/2020, they are social offices specialised in care and protection of children in conflict with the law or at risk and are concerned with the supervision of alternative measures mentioned in article 101 of the Child Law.</p>	<p><b>مكاتب المراقبة الاجتماعية:</b> هو جهاز اجتماعي متخصص في رعاية الاطفال المعرضين للخطر في بيئاتهم الطبيعية ومخالفى القانون والمعنى بالاشراف علي تنفيذ تدابير المراقبة الاجتماعية المنصوص عليها في المادة (101) من قانون الطفل الصادر بالقانون رقم 12 لسنة 1996 والمعدل برقم 126 لسنة 2008 والمنظم لعمل مكاتب المراقبة الاجتماعية القرار الوزاري رقم 401 بتاريخ 25/10/2020</p>
<p><b>Probation officer / Social Observer:</b> It 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 whom id delegated for those who meet the conditions determined by article 7 of the 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 and all aspects of the child's life, on the basis of which the</p>	<p><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 رقم 7 وهو المسئول اعداد التقارير النفسية والاجتماعية قبل عرض الطفل علي النيابة ومحكمة الطفل - تنفيذ التدابير - الرعاية اللاحقة.</p>



<p>case is disposed of, and are responsible for monitoring the implementation of the measures, providing periodic reports on the child's condition to the court and follow-up with the child after the case is over.</p>	
<p><b>Social Care institutions / Social Defense Institutions:</b> Care institutions where children could be detained whether closed institutions, Semi-closed institutions or open care institutions</p>	<p><b>مؤسسات الرعاية الاجتماعية / مؤسسات الدفاع الاجتماعي :</b> مؤسسات الرعاية الاجتماعية التي يتم تطبيق قرار/حكم الايداع بها، سواء مغلقة ( واحدة فقط (أو شبه مفتوحة) مؤسساتين (أو المؤسسات المفتوحة).</p>
<p><b>Closed institutions / Merg Punitive Institution:</b> there is only one punitive, closed institution for children, where children (boys) between the age of 15 and 18 who are sentenced to prison are placed (art.111, Child Law). If the child reaches the age of 18 the penalty may continue to be carried out in the punitive institution if it poses no danger and the remaining period of the penalty does not exceed six months (art 141, Child Law). This closed institution is located in Marg district in Cairo It is managed by the MOSS and MOI and is technically supervised by MOSS.</p>	<p><b>المؤسسات المغلقة / مؤسسة المرج العقابية:</b> هي المؤسسة العقابية الوحيدة وتقع في منطقة المرج في القاهرة، حيث يطبق فيها عقوبة السجن للأطفال ( الأولاد الذين تتراوح سنهم بين 15 و 18 عاما) مادة 111 من قانون الطفل. (يجوز مع ذلك استمرار تنفيذ العقوبة في المؤسسة العقابية إذا لم يكن هناك خطورة من ذلك وكانت المدة المتبقية للعقوبة لا تتجاوز ستة اشهر (المادة 141 من قانون الطفل). وهي تخضع في ادارتها لوزارة التضامن الاجتماعي ووزارة الداخلية وتتبع فنياً وزارة التضامن الاجتماعي.</p>
<p><b>Semi-open institutions:</b> Detention institutions where children between the age of 12 and 18 who are extremely deviant and dangerous could be placed (circular book number 7 for 2018). They are under the management and technical supervision of MOSS.</p>	<p><b>المؤسسات شبه المفتوحة :</b> مؤسسات الايداع التي يوضع فيها الاطفال مخالفي القانون شديدي الانحراف والخطورة بين سن 12 و 18 سنة (كتاب دوري رقم 7 لسنة 2018 ) وهي تتبع ادارياً وفنياً لوزارة التضامن الاجتماعي.</p>
<p><b>Open institutions:</b> all other care institutions where children between the age of 7 to 18 can stay if they have committed low or medium risk crimes or children at risk (circular book numb 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 بايداع في جرائم منخفضة أو متوسطة الخطورة ( كتاب دوري رقم 7 لسنة 2018 وهي تتبع ادارياً وفنياً لوزارة التضامن الاجتماعي.</p>
<p><b>Social and psychological experts:</b> they are experts from the Ministry of Social Solidarity who are present in care institutions, other units or NGOs under MoSS's supervision. There are also psychologists and social experts from the Department of the Child Helpline of the NCCM and NGOs members of the child helpline department or through child protection Committees and sub-committees in governorates. They evaluate and report the child's psychological and social conditions and various aspects of his or her life.</p>	<p><b>الخبراء النفسيين والاجتماعيين :</b> هم الخبراء التابعين لوزارة التضامن الاجتماعي والمتواجدين في مؤسسات الرعاية او غيرها من الوحدات، وقد يكونوا تابعين لمنظمات المجتمع المدني تحت اشراف وزارة التضامن الاجتماعي . وهناك خبراء نفسيين واجتماعيين تابعين لادارة خط نجدة الطفل بالمجلس القومي للطفولة والامومة وجمعيات المجتمع المدني الاعضاء في الادارة أو من خلال مكاتب حماية الطفل أو المكاتب الفرعية في المحافظات . ويقوموا بتقييم حالة الطفل النفسية والاجتماعية ومختلف جوانب حياته واعداد تقارير بشأنها .</p>
<p><b>Specialized experts :</b> they 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 Ministerial decree 401 dated 25/10/2020 Two experts assist in the child court, at least one of whom shall be a woman, and their attendance is compulsory. 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 sometimes follow-up on the implementation of measures due to the limited number of social observers, according to representatives of the Ministry of Social Solidarity.</p>	<p><b>الخبراء الأخصائيين :</b>ه هي صفة تمنح من وزير العدل بالاتفاق مع وزير التضامن الاجتماعي بعد اختياره باحدى الطرق الواردة بالمادة رقم 9 من القرار الوزاري رقم 401 بتاريخ 25/10/2020 ويعاون من المحكمة خبيران اجتماعيين ان يكون احدهما علي الاقل من النساء ويكون حضورهما اجراءات المحكمة وجوبا وهو عضوا اساسي في تشكيل محكمة الطفل علي الخبراء ان يقدموا تقاريرهم 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>

# Purpose and vision of a child-friendly justice system in Egypt: an overview

## 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**.
- Develop outreach initiatives to **raise awareness in Egypt in relation to children's rights and existing protection mechanisms** to strengthen a child rights culture in Egypt.
- Ensure that efforts towards the development of the new implementation plan for the National Child Strategy for the years following 2022, as well as towards legislative reform in the area of child justice, are **coordinated** among the key stakeholders and adopt an **inclusive and participatory approach** that considers the point of view of children and is underpinned by a monitoring and evaluation effort of the previous Implementation Plan

## 1.1. Access to Justice for Children: a business case to leave no child behind

### 1.1.1 *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 level.

The significant impact of a fair, affordable, and accessible justice system on sustainable development have been confirmed by its inclusion as part of Sustainable Development Goal (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.” As mentioned, given that children in Egypt make up an estimated 40% of the total population<sup>7</sup>, achieving the SDGs will have a profound impact on the lives of Egypt’s future generations. Yet, while the UN’s 2030 Agenda pledges to “leave no one behind”, there is a stark gap globally when it comes to measuring, understanding, and most critically, fulfilling this global ambition 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 legal problems. Responding differently to children considering this distinctiveness, including when it comes to accessing justice services, is essential for the successful delivery of these global goals.

### **1.1.2 Legal needs and the costs of 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 is recognised by those facing them. They are not exclusive to any category of population. Yet some groups may be more affected than others or may face additional barriers to access justice services. For instance, global research on legal needs shows that women and girls, single mothers, children/youth face significant barriers to access the justice system. Children and families at large, especially those in low-income groups, can be exposed to legal problems including substance abuse, mental health conditions and domestic violence, often occurring simultaneously, which may result in children being removed from the home and placed in the child welfare system. Children not only experience their own problems but are affected by those of their parents or legal guardians (e.g. homelessness or intimate partner violence). Family-related disputes affecting children represent a substantial proportion of legal needs in many countries.

A justice system that does not respond and resolve legal needs can lead to a cycle of decline with spiralling problems and costs for the child or his/her family (foregone education and employment opportunities) as well as for the society as a whole (such as pressure on healthcare and welfare budgets).

### **1.1.3. 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 in order to obtain recognition of, and remedy to, a legal need.

Globally including in Egypt, children often face several difficulties to access justice systems in particular due to lack of age-appropriate information and settings, and long proceedings, as well as long waiting times to obtain a resolution<sup>8</sup>. This is exacerbated when children need to attend the courts to enforce their rights or as victims of a crime, importantly because sometimes they are tied to consent or support from their abusers in accessing justice<sup>9</sup> and their views and experiences are not given adequate weight. At the same time, children in conflict with the law often do not experience child-sensitive settings such as communication and hearing techniques adapted to their level of maturity and attention, and child-friendly rooms and facilities. International experience also shows that children and their families often have very

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<sup>7</sup> Egypt Census data as analysed by UNICEF (2017), available in: [2017/11/20131017-Child-Rights-International-Day2017.pdf \(capmas.gov.eg\)](https://www.capmas.gov.eg/2017/11/20131017-Child-Rights-International-Day2017.pdf)

<sup>8</sup> Council of Europe, <https://rm.coe.int/16804b2cf3>

<sup>9</sup> Davidson, J.; Elsley, S.; Giraldi, M.; Goudie, A.; Hope, K.; Lyth, A.; Van Keirsbilck, B. (June 2019): Justice for Children, Justice for All: The Challenge to Achieve SDG16+ Call to Action. Glasgow: CELCIS - Inspiring Children’s Futures, University of Strathclyde

little knowledge and understanding about the rights of a child and where and whether to seek help in specific situations.

Following from the above, a child-friendly justice system implies 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 simplification of procedures and language used, the presence of support professionals who are specialised in the needs of children in different age levels, 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 1.1).

### Box 1.1. 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.'

Source: UN Common Approach to Justice for Children (2008)

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 "personalized" and responsive to the individual [child] and the situation.

Source: OECD (2019), Equal Access to Justice for Inclusive Growth: Putting People at the Centre, OECD Publishing, Paris, p. 15.

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.'

Source: Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice (2010), II c.

However, despite a progressive international human rights framework concerning child-friendly justice systems, only a limited number of children whose rights are violated initiate certain legal action and seek redress, whilst even fewer actually obtain an effective remedy. At the same time, children in conflict with the law often face difficulties to understand and navigate the juvenile justice system, are scared by the lack of child-sensitive settings and language, face challenges to receive affordable legal advice that is appropriate to their level of development and to have due process rights respected, as well as to achieve full social reintegration.

## 1.2. Status of the Children and a children rights-based justice sector: Overview of the legal framework applicable to children in Egypt

### 1.2.1. International legal framework

In its long-standing quest to improve well-being of children, Egypt has become a party to key existing international treaties related to child rights and protection, in a wide spectrum of international fora. Egypt has ratified the Convention for the Rights of the Child (CRC) and its three 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, and can be cited in court Judgements. Egypt has further sought to incorporate the Convention on the Rights of the Child into its own national legal framework, which is notable in the language used in both the Egyptian Constitution and the Child Law.

In this vein, national legislation reflects core principles and standards set out by the CRC and other international legal documents relevant to child justice. Egypt has also put in place various and entangled institutional arrangements with a view to realising a comprehensive justice system.

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

Egypt has made efforts to reflect international standards in its national legislation. For instance, both the Constitution and the Child Law (number 12/1996, updated by law 126/2008) reflect Egypt's express adoption of the "best interest of the child" principle. Importantly, the Constitution dedicates a detailed article, entitled "Rights of the Child", in which it provides the principles that shall guide legislation and policy in various areas that concern children — for instance ensuring 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. It establishes that the country shall care for children and protect them from all forms of violence, abuse, mistreatment, and commercial and sexual exploitation.

The Child Law is the main child-specific piece of legislation. 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 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 legislation of lower degree. Promulgated in 1996 and reinforced with significant, structural amendments in 2008, the Child Law covers a wide range of important themes for children.

A committee housed by the Ministry of Social Solidarity, and consisting of various governmental and non-governmental entities, has been studying a comprehensive reform of the Child Law. Main themes that form the object of discussions within the committee include: alternative care, age of criminal responsibility, diversion and restorative justice. Given the cross-cutting nature of the Child Law and the relevance of child justice for children's well-being and the development, it could be considered to adopt a whole-of-government approach to the review of the law that is inclusive of the institutions that play fundamental roles in child justice. In light of the legal mandate of NCCM as described below, this institution could be well positioned to play a relevant role in the discussions of this group towards an improved Child Law. It may also be considered to involve civil society and international organisations.

One particular amendment being considered relates to the age of criminal responsibility. The Child Law establishes that those who have not yet attained the age of 12 shall not be subject to criminal responsibility. However, 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 whose age is over

seven and under twelve years at the time when the offense is committed. In practice, this means that children who have not reached the age of criminal responsibility may still be subject to trial and to measures involving deprivation of liberty, such as placement in a social care institution. In this vein, efforts to make the legislation coherent and further protect children under 12 years-old can be positive advances.

Finally and in addition to the Child Law, other laws perform the task of establishing child-specific legislation, thereby providing for provisions that shall override general provisions contained in other laws. The OECD Strategic Review will provide a detailed account of such laws.

### **1.2.3. Towards a rights-based child justice culture**

Despite current efforts, there appears to be a need to raise further awareness of the status of children as rights-holders separate from their parents or guardians in Egypt. This is a desired understanding in all matters pertaining to the child, whether in the criminal, civil and 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; no specific considerations in the legal or institutional framework are in place for this potential situation. Children are rarely present in court for family proceedings that affect them, unless the judge specifically requests their opinion, which is considered rare. Building on current public communication efforts initiated by NCCM and the Ministry of Justice, all the child justice institutions can contribute to making this a reality among the public and all justice sector staff.

## **1.3. Aligning child policies to realise the National Child Strategy, Egypt Vision 2030 and achieve SDG 16.3**

The basis of access to justice is equality and social inclusion, as set 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 repercussion on all other SDGs. Justice systems that ensure 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 children 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, Human Rights Strategy, and align them with its Vision 2030 and the SDGs.

### **1.3.1. Access to justice and the respect of the rights of children inscribed in Egypt’s Child and Human Rights strategies**

Egypt’s Childhood and Motherhood Strategy<sup>10</sup> as well as its Human Rights Strategy<sup>11</sup> mention the specificity of children’s needs and rights. The Child Strategy illustrates the critical necessity to protect children from all forms of physical and psychological violence, to ensure the protection and respect of their main rights to housing, education, participation, and protection, as well as to combat children labour, human trade and abuse of the most vulnerable children. Egypt’s Human Rights strategy, similarly, includes the protection of children’s rights as one of its focus areas and 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 protection of children’s fundamental rights, and fosters increased awareness of their specific needs for protection.

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<sup>10</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>11</sup> The Supreme Standing Committee for Human Rights (SSCHR), [National Human Rights Strategy](#)

Access to justice can play a crucial role in Egypt's efforts to address children's rights, needs and aspirations as an engine of societal change, in view the vital link between children's developmental and social needs and adequate access to legal remedies and protection. With the pragmatic and forward-thinking nature of the Child and Human rights strategies, providing for a strong impetus for policy and legal reform, Egypt is in position to significantly improve access to justice for children, and in turn, enhance the situation of Egyptian children and the quality of their life.

### ***1.3.2. Public policy coherence and cross-sector coordination***

As reflected by Egypt's Vision 2030, Human Rights Strategy, and Child and Motherhood Strategy, children's development, well-being, protection, and inclusion in the society ought to be the guiding principles of all public actions affecting children. Evidence from OECD past-experience with justice interventions in various Member and Partner countries and attests of the importance of better involvement of all relevant actors that have a role in the Justice pathway of children, including Justice stakeholders, but also non-justice actors and civil society, in strategic policy consultation, design, implementation, and evaluation for results.

# Enhancing Institutional Coordination and Effectiveness

## Key recommendations

- Adopt a **whole-of-government approach** to child justice that fosters multi-sectoral cooperation and considers sound mechanisms for implementation, oversight, and accountability; as well as strong data on results for decision-making.
- **Increase clarity of the roles of each institution** across criminal, civil and administrative justice pathways, including the established procedures to manage cases.
- **Enhance institutionalisation of existing coordination mechanisms** to secure sustainability of the system in the medium and longer-term.
- Continue efforts towards **integration of services**, for instance, through the establishment of child-friendly interdisciplinary centres for child victims and witnesses.
- **Strengthen the role of the NCCM** as inter-institutional coordinator of child policies, including on the policies, practices and underlying legal framework for child justice.
- Promote **further coordination among entities in family procedures and the child protection system**, such as between family courts, the Goodwill Committee on Child-Custody Dispute Resolution and existing child protection mechanisms under the NCCM and MoSS.
- Consider **increasing capacities of key entities** in need of support including the **NCCM Child Helpline** and **CPCs, through infrastructure, human and other resources**.
- Consider the establishment of **mandatory, specialised and multi-level training** on child-friendly justice at the beginning of appointments for child judges and child prosecutors, and **increase specialised training** for all staff in contact with children to make services **more appropriate and targeted**.
- Strengthen the **early provision of age-appropriate, easy and clear information to children** and their families about their rights in all justice pathways.
- Create **mechanisms to ensure a child's voice is heard and given due consideration in civil and administrative cases** when the child wishes to and is able to participate.
- **Ensure a child's legal counsel is present** throughout the full pre-trial investigation period, including during initial questioning and continue efforts to **review and limit the time spent by children in custody in pre-trial phases**.
- Continue efforts to create **more child-friendly rooms and procedures** within and beyond large cities for children in conflict with the law, victims and witnesses.



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<sup>12</sup> highlights as a **‘whole-of-government’ approach to justice**. This is particularly important when it comes to the most vulnerable children, who are the ones most likely to encounter legal issues. The Strategic Review will aim to showcase existing coordination 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 mentioned OECD Framework for People-centred Justice and the OECD Policy Framework on Sound Public Governance<sup>13</sup>, based on the Egyptian legal framework, and nuanced by stakeholder interviews. It will help highlight potential coordination gaps and opportunities in practice. Below is a summary of the institutional framework for child justice in Egypt, and of what these pathways will reflect.

## 2.1. Institutional Framework of the Child justice system: Key stakeholders

### 2.1.1. National Council for Childhood and Motherhood (NCCM) under the Ministry of Health and Population

NCCM is the highest authority mandated to play a lead role among governmental institutions with regards to legislation, policymaking, planning, coordinating, data collection, monitoring and evaluating activities in the areas of protection and development of children and mothers. In terms of its mandate, the role of the council is focused on policy and legislation, planning, coordination, and monitoring activities at a macro level. It is also mandated with raising awareness and literacy regarding children’s rights and existing protections in Egypt. In practice, however, the NCCM seems to play an executive role. Although it has been established in 1988 by virtue of a Presidential Decree, and listed amongst 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, NCCM has been subordinated to the executive authority, it is currently presided by the Minister of Health and Population, and directly overseen by the Vice-minister of Health and Population. The Council currently implements and coordinates several services in the area of child protection through the Childhood Protection Committees in each of Egypt’s governorates and the General Department of Child Helpline, which administers the NCCM Child Helpline.

The Committee on the Rights of the Child has included in its 2011 Concluding Observations that Egypt should ensure that “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).

#### Preliminary recommendations

In the absence of an institution that provides overarching coordination from the policy standpoint, the child justice system seems to operate in siloes where each theme or topic is led by a specialised executive body in view of its regular responsibilities. In this context, there is room to strengthen the NCCM’s role as a lead inter-institutional coordinator of child policies, including on justice.

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<sup>12</sup> OECD (2021), OECD Framework and Good Practice Principles for People-Centred Justice, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>.

<sup>13</sup> OECD (2020), Policy Framework on Sound Public Governance: Baseline Features of Governments that Work Well, OECD Publishing, Paris, <https://doi.org/10.1787/c03e01b3-en>.

### *NCCM Child Helpline*

Administered by the General Department of Child Helpline under 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 by reason 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 within the governorate (or the Committee of the relevant subdivision within the governorate, depending on the circumstances) to take the appropriate measures towards the protection of the child. Protective measures may relate to the child himself/herself (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 to the Prosecution 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 Helpline may refer the child/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 and (cyber) sextortion and bullying, and less frequently on FGM and child marriage. Helpline lawyers, where needed, may provide direct legal assistance; such as legal representation, and undertaking necessary legal and administrative work (including applying for and getting registration documents for instance) for children at risk and child victims. In addition to legal services, social workers at the Helpline, may, where needed, provide psychosocial support (through workers in the Helpline or partner NGOs), and health services (through referral to the Ministry of Health and Population). The 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.

#### **Preliminary recommendations**

The 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 coordinate daily on case management with the Child Protection Bureau at the Public Prosecution Office, 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 Helpline are limited. It has relied almost entirely on funding external to the national budget, with the majority of its staff being funded by international cooperation efforts and experiencing high turnover and instability. In this context, it is encouraged to provide further infrastructure and staff for the Helpline to enable sustainability of its efforts. In addition, it would be beneficial to institutionalise the cooperation with the Public Prosecution Office in a systematic manner, to ensure its sustainability in time despite staff rotation.

#### *Child Protection Committees (CPCs)*

CPCs operate under the relevant governorate and the technical supervision of NCCM. Each governorate has a General Childhood Protection Committee, presided by the Governor. Under each of those General Childhood Committees, there are a number of Sub-Childhood Protection Committees, each of which is presided by the competent president of administrative subdivisions within the governorate. Through this network, the Committees are established with a view to offering child protection and support services at the governorate and sub-governorate levels, and to referring to the entities functioning at the national level (mainly the NCCM Child Helpline and the Prosecution) children at risk who are in need of interventions of a higher level, e.g. at the judicial level. Both the Helpline and the Public Prosecution 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 large amount of options they may carry out as necessary, that include supervising a family's measures to remove danger elements from the child's environment, regulate social intervention methods to support a child and his family, take necessary precautions to avoid contact between a child and a potential abuser, and even recommend to a relevant court to place the child in temporary custody in different 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. The role of CPCs has been activated largely following the issuance of the Prosecutor's circular book n. 7 of 2018 regarding the activation of the CPCs and the development of the child justice system. However, this remains largely limited to the governorates of Cairo and Alexandria. CPCs in other governorates remain limited in their capacities and resources.

### **Preliminary analysis and recommendations**

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 both connected to leadership and to civil society on the ground. They also have the ability to reach areas throughout the country, including remote ones, thanks to the sub-committee structure. Stakeholders have highlighted 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, with notable exceptions in large cities. The key reason identified stems from its legal composition as a Committee made up of civil servants for whom their assignment as part of CPCs is unpaid and 'on top' of their regular functions; hence, they do not have executive arms to undertake case management and follow-up on cases that is required. In practice, this leads to a lack of availability and non-prioritisation on the part of CPC personnel to address and follow-up child cases. There is also a general agreement that NGOs, CSOs and the NCCM are filling in the gaps left by CPCs in practice. CPC staff may also require capacity-building and specialisation 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 promising 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 children in conflict with the law, especially during the implementation of the restorative justice pilot in collaboration with UNICEF. The CPC counts on a strong coordination network with sub-committees, NGOs, the child prosecution and the police. In addition, it conducts evidence-based service planning based on the main problems detected for children by area. The Strategic Review will delve into the activities of this CPC in detail as well as provide an overview of the available services in the different governorates. In this regard, it could be considered to build on this example to reconsider the governance arrangements and resources required to activate and strengthen the effectiveness of CPCs across the territory.

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

The Public Prosecution plays a number of roles, mainly through enforcing direct protection measures and most recently assuming a role in raising awareness.

##### *Child Protection Bureau in the Office of the Prosecutor General*

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 coordinates with child prosecutors, the NCCM and others to fulfil its mandate. The CPB is responsible for dealing with children at risk who are referred to prosecutors through the NCCM Child Helpline, Child Protection Committees and other relevant authorities.<sup>14</sup> The CPB is in possession of a significant amount of data and capacities to

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<sup>14</sup> [Egypt's report on UN Child Rights Committee recommendations number 5,6&7](#)

deal with child offenders, child victims, and children at risk in general. This data is sorted and categorized according to, for instance, gender, age, types of crimes, etc., albeit unavailable in digital format yet. The PPO issues circulars and general instruction to deputy prosecutors. For instance, in 2018, the PPO issued circular book n. 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 in full compliance with the CRC.

### *Prosecution Offices*

Specialised Child Prosecution Offices (CPOs) have been established throughout the country with competencies across three areas concerning children in conflict with the law, children at risk and supervising the implementation of judgments. CPOs receive reports mainly through the Police, the NCCM Child Helpline, and CPCs. In cases of child victims, witnesses, and those at risk, the Prosecution communicates officially with the NCCM Child Helpline or the relevant CPC to report such cases. The Public Prosecution takes the necessary measures of protection, requires the relevant CPC to execute the necessary 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.

At present, child justice training is included in the general training received by Deputy prosecutors at the start of the appointment as prosecutors. However, there currently is no specialised training at the start of the appointment as a Child Prosecutor. Stakeholders highlighted that Deputy prosecutors at CPOs receive regular training in handling cases in which children are involved and in understanding the specificity of the legal frame applicable to children, whether offenders, victims or at risk in general. Specialisation of deputy prosecutors of the CPO is often hindered by their short tenures. New comers take time to understand the legal specificity of the treatment of children coming into contact with the authorities, and to attend trainings in this regard.

#### **Preliminary recommendations**

- Consider institutionalising mandatory trainings on child-friendly justice to newly appointed prosecutors who will be working in this area, as well as ongoing training to handle different types of cases.
- Continue efforts towards stronger coordination with different actors along the justice pathway of children, including by systematising the cooperation relationship with the NCCM Helpline, MoSS in relation to children at risk, and lawyers who may act as legal counsel, among others.

### **2.1.3. The Judiciary**

#### *Criminal matters and Child courts*

According to Article 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 children in conflict with the law and children at risk. They also have jurisdiction to hear cases brought against any individual liable for specific crimes that entail among others exposing a child to risk, abusing or exploiting them, instigating them to commit a crime, and divulging data of children in conflict with the law. It is expressly foreseen in Article 129 of the Child Law that no civil actions will be accepted by the child court.

Child 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 circumstances of the child in all respects before

the Court passes its ruling. Appealing judgments passed by the child court shall be done before an Appellate Court established in each Court of First Instance, composed of three judges where at least two of them must have the rank of Court President. The Ministry of Justice has established two specialised child courts in Cairo and Giza governorates, and is seeking to establish other courts in several governorates.

In the rest of locations, specialised judicial circuits composed, as mentioned by the Child Law, for child trials, perform the functions of the child court and sit within the premises of deliberation rooms within courts. These premises are not modified to reflect a more child-friendly infrastructure adapted to children's needs. It can be considered to continue efforts towards establishing more specialised child courts around the country, as envisioned by the Ministry of Justice.

There have been significant efforts by national and international stakeholders as well as CSOs to support training for judges on child-friendly justice. However, room to further build capacity on child-friendly justice for judges exists. Strengthening an institutionalised approach towards trainings, and limitation of regular rotation of staff, would further enhance specialisation: in practice, judges change roles every term of 3 years or less after the system has invested in their training. It has also been referred by stakeholders that trainings to judges on child justice are not mandatory at the start of their appointment as child judges. Therefore, the establishment of mandatory training for child judges at the beginning of their tenure, and child justice training for all judges overseeing child days in regular courts, is encouraged. In addition, it could be considered to expand the time that judges can spend in child courts to five years, as currently being done in other law branches (such as commercial) to favour specialisation.

#### **Preliminary recommendations**

- Consider expanding the time that judges can spend in child courts to ensure the institutionalisation of the trainings provided to judges.

#### **2.1.4. 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 women and children in particular, in both legislation and practice. Within the Sector, the Department of Child Judicial Protection plays a role in conducting specialised training of judges and in coordinating with external (such as non-governmental and intergovernmental) actors. The Department has the mandate to work in coordination 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 coordinate with judicial bodies to develop a legal protection strategy for children; to follow up on the implementation of these strategies and propose additional developments. In March 2022, the Ministry 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. The potential and recommendations for further specialisation of judges in the area of child-friendly justice will be addressed in the following Chapter.

##### *Executive activities in the area 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 coordinates negotiation processes between parents, and relevant entities (including embassies), and

sometimes provides support to the mother in enforcing court rulings issued overseas or obtaining rulings by national courts. The composition of the committee includes a number of entities, including the Ministry of Justice acting as the Technical Secretariat, Family Prosecution Office, Ministry of Foreign Affairs, and Ministry of Interior. Analysis and recommendations regarding the functioning of this committee will be provided as part of the international child custody pathway described below.

#### **Preliminary recommendations**

- Consider establishing mandatory, specialised and multi-level training on child-friendly justice at the beginning of the appointment of child judges.
- Continue current efforts to raise awareness in Egyptian society regarding children's rights and available redress mechanisms, in collaboration with NCCM.
- Further strengthen cooperation of the Goodwill Committee on Child-Custody Dispute Resolution with other support services for children, as outlined below.

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

The Ministry of Social Solidarity — the government body responsible for providing social safety networks for the most vulnerable — plays a vital role in the realisation of child rights. In addition to its various executive activities, MoSS has most recently been playing an active role, through a committee it houses, in the coordination of efforts to formulate an aspired reform of laws relevant to the child.

Social workers of MoSS assist the Public Prosecution during the investigation stage and before taking action on the case. For instance, in the Cairo Specialised Child Prosecution Office, several social observers, members of the Child Protection Committees (approximately five at a time) spend work shifts at the premises of the Prosecution, in order 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 children in conflict with the law, 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 Child Prosecution Office; in other specialised offices it is not followed.

Further, social experts that belong to the social workers' force of the Ministry of Social Solidarity 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 and social care centres. MoSS' social workers follow up the implementation of alternative measures against children in conflict with the law as well as protective measures in favour of children at risk, and submit reports to the competent body depending on the circumstances, whether the Prosecution or the Child Court. Further, the Marg Punitive Institution is the only closed institution existing for boys and has been established by virtue of a decree of the Minister of Social Solidarity, mainly, to receive children who attained the age of 15 years old and who are serving imprisonment sentences. According to OECD interviews, an ongoing project in collaboration with UNODC works on the social reintegration of children in the institution. Girls in the mentioned age-range who are to be imprisoned are placed in the closed Observation Centre of a care institution in Giza, according to OECD interviews.

Children between 12 and 17 years old may be sent to social care institutions that fall under the supervision of the Ministry of Social Solidarity. These institutions may be of two types: 'semi-open' and 'open'. There are two semi-open 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 Public Prosecution. In practice, based on the feedback received during OECD interviews, the permission ultimately depends on

the criteria used by each prosecutor. All remaining institutions (38), meaning the large majority, are open. They house children of all ages, including those that have committed some fault and have been placed in a care institution as an alternative to imprisonment, but also those that have been abandoned, or are refugees, homeless, lacking documentation/family, or facing some other risks in their family environment (e.g. violence, neglect) that have led to their inclusion in a care facility. These institutions exist on a nationwide scale, and are divided according to children's gender, age, and special needs.

#### **Preliminary recommendations**

- 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.
- Strengthen case management capacities to handle and follow-up cases of children at risk.
- Continue to strengthen coordination and institutionalisation of efforts in the area of care institution inspection to improve efficiency and ensure a broader coverage of various places of detention and care or observation institutions at the national level.
- Consider increasing capacities of MoSS to provide for alternatives to custody for children effectively across the territory.
- Consider providing clear distribution in the social care institutions for different cases and conditions of children in conflict with the law as well as children at risk.

#### **2.1.6. International Organisations and donor agencies supporting child justice in Egypt**

Various access to justice programmes have been implemented in Egypt in cooperation with development partners and international organisations with support to its legal reform efforts. Two relevant projects in the area of child justice, largely focused on the development of 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 child-dedicated court in Ameriya, Cairo, currently used as one of the two existing child courts in Egypt. An additional 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 Center for Judicial Studies. As a relevant international actor on the ground, UNICEF has 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 to implement programmes with the different national stakeholders in Egypt. Furthermore, the Italian Development Cooperation is currently supporting the Ministry of Social Solidarity to create Child Justice Unit that would ensure the follow-up on the court decisions and their applications.

Ensuring complementarity, the project *Towards a child-friendly justice in Egypt* supported by the Swiss Agency for Development and Cooperation aims as one of its key efforts to enhance institutional co-

ordination mechanisms and clarity of roles. This will enable friendlier and seamless justice pathways for children, while minimising risks of deadlock such as the ones outlined above.

## 2.2. Towards increased co-ordination of the child justice system

In Egypt, co-ordination among the main stakeholders in child justice is jointly identified by all institutions as a fundamental challenge. While child justice stakeholders have been making relevant efforts to enhance coordination, all stakeholders interviewed have emphasised the need for a more institutionalised system through identified coordination 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 role played by each institution in respect to different child cases and their follow up, and many cooperation 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 coordination, which could exacerbate challenges in the future. In practice, this translates into some areas of the justice system operating in siloes based on executive mandates of each institution, therefore opening scope for further horizontal cooperation and integration of efforts.

Therefore, through preliminary analysis of existing child justice journeys, several key opportunities have been identified to enhance inter-institutional coordination in Egypt:

- Foster the implementation of a **whole-of-government approach** to child justice and well-being, to ensure **horizontal coordination on child policies**.
- Continue to work towards **integration of justice services** to streamline, simplify and make them more accessible to children and their families through broad cooperation among entities.
- **Increase clarity of the roles of each institution** in relation to particular children that encounter the system; and similarly, clarify the established procedures to process the case.
- **Enhance institutionalisation of those coordination mechanisms that do exist and are fruitful in practice**, such as the collaboration between the NCCM Child Helpline and the Public Prosecution's Child Protection Bureau. Lack of a common, standard operating procedure creates challenges when staff rotates, as is often the case with civil servants, judges and prosecutors in Egypt. The Circular 7/2018 of the Prosecution provides a good practice example.

In the sections that follow (2.3), the child pathways followed by children on their journey as children in conflict with the law, victims, witnesses, at risk, or interested parties in civil or administrative matters will be described, including the cooperation relationships identified along the way. By analysing these pathways, some preliminary findings are identified towards improvement of cooperation towards a seamless management of child cases.

## 2.3. The justice system in action: children's justice pathways

### 2.3.1. Children in conflict with the law

The first destination for children who infringe criminal law may be the Police station. When their status is also that of children at risk at the same time, however, they may well be reported to the NCCM Child Helpline and the Childhood Protection Committees. Further, the designated officials of the Ministry of Social Solidarity who possess powers of judicial arrest may perform arrest of children in conflict with the law. Arrest by the Police is the most prevalent practice on the ground. Once they arrive at the Police station, children in conflict with the law should meet with social workers, who should submit a social and psychological report to the prosecution 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 who would be referred to the prosecution, and regardless of their age group, might spend up to 24 hours in police custody. Due to the potentially scary setting of a police station for children, police arrests with over-night stay could be further reviewed to limit it to cases where it is necessary as a last resort to keep the child in custody due to special criteria, such as extreme seriousness of the offense, urgency, flight risk, etc., in line with international standards<sup>15</sup>.

Children in conflict with the law are later transferred to the competent deputy prosecutor. As clarified above, the existence of a specialised Child Prosecution depends on the area; it may also be a regular General Prosecution. In order to ensure appropriate trans-institutional coordination and follow up of the cases involving children, in the latter cases general prosecution staff inform the Child Protection Bureau of the Public Prosecution Office, as confirmed by OECD interviews. This has proven to be a good practice to ensure that coherent guidance to deal with child cases in line with good practices is maintained across the national territory. The establishment of additional specialised child prosecution offices in areas far from the large urban centres may also support this effort by expanding the use of good practices.

As mentioned in the following section, the legal framework in Egypt enshrines that children in conflict with the law should be assisted by a lawyer from the start of the investigation phase, in line with international standards. In practice, in an effort to expedite proceedings and enable quicker resolution of child cases, Egyptian stakeholders have mentioned that sometimes interrogations take place without such presence. Despite the positive effects of speedier resolution, it is encouraged to continue efforts to ensure that children's legal counsel are present throughout the process, including by establishing partnerships with legal service providers as mentioned in the next chapter. In addition, 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 and their assigned prosecutor as highlighted by international standards.

The deputy prosecutor should communicate with the NCCM Child Helpline and the relevant Childhood Protection Committee if the child is considered to be at risk. Before taking action on the case, the deputy prosecutor should receive a report by a social observer belonging to the Ministry of Social Solidarity analysing the child's psycho-social status before taking action on the case. This good practice is currently limited to Egypt's biggest governorates, namely 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 social care institutions (in special sections called social observatories). In case the child is released pending investigation, the Prosecution may still coordinate with the Childhood Protection Committee with a view to implementing measures protecting the child from risk. In the two other cases, the child is repeatedly transferred between the Prosecution and the place of detention or the social care institution every time he/she required to be present before the Prosecution.

In accordance with the legal framework, child offenders 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 that children can be held in custody and the control of any extensions through follow up reports. Several OECD interviews with stakeholders have highlighted that in practice, in particular in complex cases that take time to be investigated, this may lead to long periods of custody. In this regard, Egypt may

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<sup>15</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.

consider reducing custody in pre-trial phases where it is not necessary and only using it as a last resort in line with international standards<sup>16</sup>, and continue to ensure limited periods of custody in practice.

Once the case is referred to the competent court, the child will face trial at the Child Court. In exceptional cases, it could also be trialled in the ordinary Criminal Court, subject to the conditions detailed in the above section (three conditions must be met: (1) the accused has attained 15 years of age at the time of committing the crime; (2) an adult is complicit in the crime; and (3) it is necessary to file a criminal action against the child together with the adult). The same rules concerning release, placement, detention, and coordination with CPC (albeit through the Prosecution) extend to the trial stage.

Throughout the trial, it has not been possible to ascertain what measures are adopted to ensure each step is clearly explained to the child in language adapted to his level of maturity, and whether regular breaks are scheduled in order to maintain a child's attention.

For children under the age of 15, the verdict may include: reproach/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 and finally, placement in a social care institution. According to stakeholder interviews, some of these measures, such as training, rehabilitation and community service activities that are appropriate for children are challenging to apply in practice due to limited infrastructure, facilities and staff to make them possible for all children who may need them.

Where the child is above 15 years of age and sentenced to 'imprisonment', he/she may be sent to facilities that fulfil the requirements concerning the prohibition of detention with adults. In practice, this may mean placement in the only closed care institution in the Marg (for boys) and an observation centre in a care institution (for girls) or in a special section of a women prison, according to OECD interviews. Where the sentence is placement in social care institutions, the child will be transferred to one of the institutions under the supervision of the Ministry of Social Solidarity, according to their gender, age, and special 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.

### *Preliminary recommendations*

- Strengthen the early provision of age-appropriate, easy and clear information to children and their families about their rights when they are found to be in conflict with the law and throughout the trial phase. Consider developing graphic brochures and digital tools that can make this information appealing to children.
- Ensure a child's legal counsel is present throughout the full pre-trial investigation period, including during initial questioning, in line with international standards.
- Continue efforts to limit the time spent by children in custody in pre-trial phases and consider reviewing the need for detention in these periods so they become a measure of last resort in line with international standards.
- Continue efforts to create child-friendly rooms in police stations, courts, prosecution's interrogation facilities and procedures within and beyond large cities.

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<sup>16</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](#).

- Secure infrastructure so that alternative measures to custody such as training, rehabilitation and appropriate community service can effectively be applied in practice.

### **2.3.2. Child victims and witnesses**

The first destination where child victims arrive may either be the Police station or NCCM's Helpline or Child Protection Committees. In the former case, the child may not receive child-specific treatment and is referred to the Prosecution. In the latter case, the Helpline (which may be contacted by telephone, e-mail and WhatsApp) may refer the child to an NGO or to the competent general or local CPC, depending on the circumstances, to receive the needed support, prior to a referral to the Prosecution. In order to provide children with basic advice and counselling, the Helpline has a number of in-house lawyers and psychologists, and a network of legal and social assistance NGOs that they may refer to. The NCCM team writes initial situation reports for the specialised Child Prosecution Office, 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 for children at risk below may be applicable. The most recently established entity that may receive reports concerning crime or abuse against children is the Child Protection Bureau at the PPO. The General Directorate receives reports from the public as well as from 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 a mandate to take necessary steps to claim for damages during or after criminal proceedings in which the child was a victim.

Where the child victim arrives at the office of the deputy prosecutor through the Police station, the former should communicate with NCCM's Helpline and CPC where he finds that the child is at risk, with a view to coordinating the necessary protective measures in favour of the child. The Prosecution may refer the child victim or witness to anybody providing the technical support he/she needs 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 crime perpetrators 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 it finds that the child victim is at risk, to refer them for support to the competent CPC. Further, children 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. Where they arrive at the deputy prosecutor's office, they shall be heard and then released, unless the deputy prosecutor is of the view that the child is in need of any technical support.

Throughout the child pathway above, room has been identified to strengthen procedural means to avoid children's revictimisation, such as developing the information technology means to allow audio and videotaped statements and avoid repeated interviews, and staff training to make them as short and consistent as possible. Ideally, interviews should be conducted by the same person to build trust and familiarity, using adapted language in view of the child's age, and in child-friendly facilities. Given several referrals needed depending on the child's situation (including to the Forensics team, CPCs, etc.), the creation of interdisciplinary facilities where child can be interviewed and examined in one place may be considered.

### *Preliminary recommendations*

- Strengthen procedural and technical means to enhance child-friendliness when taking evidence statements, including the use of separated entryways for children and perpetrators, short, adapted and recorded interviews, and child-friendly interview rooms by trained staff.
- Consider the establishment of child-friendly interdisciplinary centres for child victims and witnesses where children could be interviewed and medically examined for forensic purposes.
- Encourage a child's legal guardian to take necessary steps to claim for damages during or after criminal proceedings in which the child was a victim.
- As mentioned elsewhere, strengthen capacities of CPCs to fulfil their mandate in order to enhance the protection of child victims and witnesses.

### **2.3.3. General description of an administrative pathway**

The Egyptian legal framework permits any individual to bring a case against any act or abstention by an administrative body. The claimant's request may be that the administrative judge compensates them for damages resulting from, or/and annuls, an administrative decision. Amongst the main principles relevant to administrative litigation are the concept of "interest" — that the claimant must have a direct legal interest — and the requirement to satisfy litigation capacity. Litigation capacity in civil matters is estimated at the age of 21 years of age.

Where a person under the age of 21 years old has a direct legal interest, for instance in annulling an administrative act or abstention, their legal representative, namely their parent or guardian, is most often the one entitled to bring the case forward. However, in some cases children can appear directly before the Administrative Judiciary (Judgement of Administrative Supreme Court number 56/6765 on 20/1/2010), further efforts are needed to mainstream this practice. To enhance child-friendliness of this pathway, there is a need to further raise awareness on the importance and available options for child participation in administrative cases, as well as strengthening procedural means to enhance child participation.

In line with international standards, it may be considered to review this age limit where children are deemed to have a sufficient understanding of the matters in question, 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>17</sup>).

#### *In focus: Child registration and birth certificate*

Everyone has the right to be recognised as a person before the law, as enshrined in Article 6 of the UDHR<sup>18</sup> and Article 16 of the ICCPR<sup>19</sup>. Article 7 of the CRC<sup>20</sup> and Article 24(2) of the ICCPR<sup>21</sup> also recognised a right to birth registration. SDG Target 16.9 ("legal identity for all, including birth registration, by 2030") is key to advance the 2030 Agenda commitment to leave no one behind, and equally relevant is SDG 17.19,

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<sup>17</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>18</sup> UN General Assembly, Universal Declaration of Human Rights (UDHR), 10 December 1948, 217 A (III), Art. 6

<sup>19</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>20</sup> *Ibid* 13, Art. 7

<sup>21</sup> *Ibid* 15, Art. 24(2).

monitored by the indicator "proportion of countries that have achieved 100 per cent birth registration and 80 per cent death registration"<sup>22</sup>.

In this vein, registration and provision of ID papers for children has 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) program 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 is unable to confirm the person's age, and is accordingly unable to confirm whether they are a child, the deputy prosecutor communicates immediately with the competent Civil Registrar to issue an ID for them. In case the child is not registered, the deputy prosecutor refers them to a physician to determine their age. The physician may be an employee of the Ministry of Justice or the Ministry of Health and Population, depending on the circumstances and whether the child is in conflict with the law, victim or at risk.

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 would 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 ID who do not come into contact with the authorities due to risks or offenses. With regards to children in conflict with the law, the need to issue an ID 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.

#### *Preliminary recommendations*

- Consider further empowering children to be heard in matters that concern them in the administrative sphere, and that he or she receive comprehensible legal information in child-friendly language. This can include enabling them to appear before the court when their age and level of development permits.
- Continue efforts to ensure ID and birth registration of children, whether or not they encountered the authorities, through clear procedures and outreach programmes.

### **2.3.4. Children in the civil justice sphere**

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

The Strategic Assessment will address the topic of children involved in family-related disputes, as well as the functioning and potential recommendations related to family courts and the Dispute Settlement Bureau attached to each Family Court.

#### *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

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<sup>22</sup> See UN Legal Identity Agenda, <https://unstats.un.org/legal-identity-agenda/>

committee works in accordance with the Egyptian legal framework, and supplements the international cooperation in this area given Egypt's non-accession to the Hague Convention of 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, an Egyptian father who brought the child/children to Egypt. The Committee works on mediation and coordination of negotiations between the two parties, and assists the mother to gain leverage, through obtaining or executing court rulings, in such negotiation processes. While the best interest of the child is sought, the interpretation of the principle is that children's best interest will be served once custody is with their mother. In this regard, the child is only heard once they reach the age of 15 or higher, regardless of their level of development. There is scope to enhance child participation in the process in this regard.

The Goodwill Committee on Child-Custody Dispute Resolution also noted regular difficulties to locate the child, which would prevent it from coordinating with protection services such as those provided by the NCCM, MoSS and the Prosecution. There is scope to establish institutional avenues for coordination in case the child is found to be at risk when he or she has been abducted by his parent.

#### *Preliminary recommendations*

- Create mechanisms to ensure a child's voice is heard and given due consideration in civil and family cases when the child wishes to participate and has the appropriate level of maturity, and that he or she receive comprehensible legal information in child-friendly language.
- Strengthen coordination between family courts, the Goodwill Committee on Child-Custody Dispute Resolution and existing child protection mechanisms under the NCCM and MoSS for cases where children involved in international custody disputes may be found to be simultaneously at risk.

### **2.3.5. Interrelated pathways: Children at risk**

A child is considered to be at risk in a range of situations defined by Art. 96 of the Child Law. They include whenever his or her safety, morals, health or life are at risk; exposures to neglect, abuse, violence or exploitation, including undue deprivation of his or her rights and 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 Ministry of Social Solidarity, 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 Child Helpline at NCCM are the main entities tasked to provide care for children at risk. They may undertake the necessary measures, or where necessary communicate with the competent Child Prosecution to deliver an official summons to the legal guardians, or, if the circumstances so require, to communicate with the Child Prosecution or Court (depending on the circumstances) in order to enforce one of the alternative measures provided for in Article 101 of the Child Law.<sup>23</sup> In case of the implementation of an alternative measure, the relevant CPC observes and reviews the implemented measure on a regular basis, and is empowered to recommend any necessary modification(s) thereof.

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. It requires strong coordination between the MoSS, CPCs and all other entities. In this regard, 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

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<sup>23</sup> Child Law, Arts. 98, 99.

Prosecution has a prominent role in the follow-up of children at risk cases, supported by a strong coordination with the NCCM Department for Child Helpline. The communication among both could benefit from further systematisation to ensure it is sustainable despite staff rotation.

*Preliminary findings*

- Further clarify roles of stakeholders in relation to children at risk case management and follow-up.
- Strengthen case management capacities in the MoSS, and create further avenues for daily cooperation between this institution, the NCCM and the Prosecution.
- Building on successful cooperation between the NCCM's Department for Child Helpline and the Prosecution, systematise existing avenues for communication to ensure they remain operative.

# Designing Child-friendly Justice Pathways in Egypt

## Key recommendations

- Commit to **evidence-based planning** for child justice by collecting quality data and information about children's legal needs and the available services.
- Based on the evidence, design and deliver child-friendly justice services that are **tailored to the legal needs experienced by 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 can be paramount**.
- Strengthen efforts to **monitor** the impact of child justice initiatives in order to improve their responsiveness and ensure they work for all children, with special attention for vulnerable groups.
- Strengthen the **availability 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.
- **Increase the existing infrastructure** to provide protection services for children in view of the most prevalent challenges identified for children victims. Consider dedicating particular care institutions to children at risk, so that they can receive adequate services and support that may be different to those needed by children in placement.
- Consider strengthening the **availability of legal aid** for children, including beyond children in conflict with the law, such as to cover protection and civil cases; as well as the **quality of social and psychological support** available.
- Continue working towards the development of **diversion mechanisms and sound alternative measures** that can be applied for children in conflict with the law, underpinned by the necessary legal structures and resource allocation.
- As mentioned, consider conducting **outreach** initiatives and campaigns to **raise awareness and literacy** concerning existing mechanisms for children and families to reach out for help, in order to **empower** children and their guardians in legal processes.

### 3.1. The OECD Framework on Child-friendly Justice

The OECD Child-friendly Justice Policy Framework is the analytical framework of this Project and aims to support Egypt and other countries to implement and invest in child-friendly policies and initiatives in order



to focus people-centred approaches, reforms and justice initiatives on a key vulnerable group – children and young people. It makes an important contribution to the achievement of the objectives of the overarching OECD People-centred Justice Framework<sup>24</sup>. For this reason, the Strategic Review will also contain an analysis of the child justice system in relation to the OECD Criteria for People-centred Justice, including accessibility, availability, equality and inclusion, prevention, proactivity and timeliness, appropriateness, responsiveness, empowerment, outcome focus and fairness, effectiveness, collaboration and evidence-based planning<sup>25</sup>.

To put children at the centre, a first step is to understand what their most common legal needs are in different types of procedures. The following chapter will provide a limited account of the legal needs experienced by children across the different legal spheres, including as offenders, victims and witnesses of crime, when they are at risk, and in the context of civil and administrative processes. In addition, first-hand accounts of how children face and resolve their legal problems is key when designing a system that works for them. Such input will be included in the upcoming Strategic Review.

## 3.2. Prevalent legal needs and experiences of children in Egypt

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

Children's justice needs globally and in Egypt when they are offenders, victims and/or witnesses of crime are related to their status in the proceedings; they arise from the first contact with the authority when being charged with or reporting the crime; and last throughout the whole process, to the post-trial, and recovery phases. In each of these phases, children need legal and psychosocial support and assistance. While as offender, the child will need to be legally represented by defense attorneys before, during and possibly after the trial, as victims/witnesses their legal needs access to basic protection and services. For children at risk, child protection issues such as placement into residential care and other issues related to alternative care, guardianship, foster care, including kafalah<sup>26</sup>, referral of the child to medical or psychiatric or residential substance abuse treatment, protection from violence, child neglect and other related problems are all prevalent needs in Egypt.

In Egypt generally, according to NCCM Helpline lawyers, 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 Helpline. Sexual violence and cyber-extortion follow the list of the most prevalent crimes against children reported through the Helpline. Child abuse in the online sphere is emphasised by the Prosecution as a new, growing crime type that requires the development of ad hoc approaches, including potentially a new law. In addition to the above, cases of female genital mutilation 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 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.

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<sup>24</sup> OECD (2021), *OECD Framework and Good Practice Principles for People-Centred Justice*, OECD Publishing, Paris, <https://doi.org/10.1787/cdc3bde7-en>.

<sup>25</sup> OECD Criteria for people-centred design and delivery of legal and justice services (2019), available at <https://www.oecd.org/governance/global-roundtables-access-to-justice/oecd-criteria-for-people-centred-design-and-delivery-of-legal-and-justice-services.pdf>

<sup>26</sup> Foster families.

### *Preliminary recommendations*

These findings can support Egyptian authorities towards targeted service delivery planning:

- In general terms, it can be considered to further commit 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 initial data collected through this project regarding the most prevalent legal needs of children who call the Helpline and receive support from the Alexandria CPC, 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 could be prioritised.
- Consider strengthening the capacities of prosecutors in the area of cyber-bullying and cyber-extortion through specialised training and peer exchanges with other countries, as this is an increasing type of crime affecting children that is complex to tackle.
- Consider providing the Child Helpline with lawyers specialising in particular types of crimes that most often affect children in Egypt, including violence, sexual abuse, child marriage, female genital mutilation, child labour and abuse in the online sphere.

### **3.2.2. 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, nationality;
- asylum, migration procedures, e.g. when a child is denied access into territory at the border or does not meet the requirements for immigration;
- education e.g. expelling from school or in relation to other disciplinary measure, access to services related to inclusive education and assistance in learning;
- health e.g. access to medical care, in relation to a medical intervention;
- alternative care, e.g. placement in foster care family, 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, 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 issue experienced by children in the territory was dropping out of school, followed by lack of ID documentation or papers, and by homelessness and begging. The ability of children to redress these issues hinges in their potential agency in administrative procedures.

As highlighted, children do not have the ability to 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 legal area to consider strengthening their agency in these procedures.

### 3.3. General mapping of services in Egypt: opportunities and challenges

The Strategic Review will provide an overview of the existing services that are available to children in Egypt. Comprehensive data on these services, and in particular on the way that they are used and by whom, is limited. However, some accounts were found through the PPO Circular of 2018 and stakeholder interviews. 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 are also identified as particularly problematic areas with difficulties in the provision of services. Below is a summary of the main services identified, as well as the main opportunities and challenges to strengthen them.

#### 3.3.1. Mechanisms to reach out for help

Children in Egypt are able to reach out for help when they have an issue with a legal dimension in several ways. The first and most used is the Child Helpline under the NCCM, which covers the whole country; secondly, they may arrive at a police station; and in rare cases, CPCs would receive complaints directly. NGOs may also become aware of certain cases autonomously. Finally, the PPO's Child Protection Bureau 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 potential situations of danger for children online, such as cyber-bullying or posts that record an abuse. The Ministry of Social Solidarity also has a general helpline that children may use to flag their issues and get connected with the relevant services. 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 with this purpose.

##### *Preliminary recommendations*

- Develop data analysis capabilities that enable an assessment of whether existing mechanisms to reach out for help currently identify and receive a majority of child legal issues.
- 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 of vulnerable population groups.
- Further develop avenues for children and their families to reach out for and receive help across the national territory and beyond large cities in line with existing needs, especially in rural areas and border governorates.

#### 3.3.2. Legal assistance and representation

In Egypt, free access to the justice system and legal aid are constitutional rights.<sup>27</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 child parties in civil and administrative procedures, 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 whose penalty is placing him in custody by 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 regulation of the Criminal Procedure Code.

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<sup>27</sup>Mohamed M. Youssef 2017, *Egypt: Access to the Justice System and to Legal Aid* <http://www.iedja.org/wp-content/uploads/2018/02/egypt-access-to-justice-system-1my.pdf>

In practice, prosecutors in charge of child cases, in particular those in Cairo and Alexandria, tend to reach out to NGOs or the NCCM Child Helpline when a child offender does not have a lawyer. It has not been possible to establish yet what are the practical steps that a child would need to follow to receive the legal service, such as for example making an official request.

To enable speedier processing of cases, when lawyers are not readily available, some stakeholders have reported to interrogate children in early phases of the investigation without a legal representative present.

In addition, there is room to develop an institutionalised process to identify a lawyer for children who do not have one. At the moment, identification of a lawyer may be based on the immediate availability of NGO legal assistance. Identifying stable partnerships that can systematically provide legal counsel for children, such as reestablishing the prior partnership with the Bar Association, may be helpful avenues to consider in order to expand the coverage of the legal aid system in practice.

#### *Preliminary recommendations*

- In line with findings in previous sections, continue to ensure children are legally represented at all times from the beginning of procedures when they are found in conflict with the law.
- Develop a systematic channel and structured partnerships to provide children with legal assistance as soon as they need it, for example by reestablishing partnerships with Bar Associations.
- Consider expanding the coverage of free legal aid for children to cover additional legal areas and clarifying the process in order to claim free legal assistance.

### **3.3.3. Psycho-social assistance**

Social workers are present across a large amount of child justice processes, which is considered a good practice. Social workers accompany the child from their arrival at the child prosecution office, at least in those that are specialised in children, such as the prosecution in Cairo and Alexandria. They produce a report that can guide the prosecution's actions regarding the child, taking into account the child's social situation and identifying if the offender is also a child at risk. Social experts also inform the development of trials involving child offenders by providing a report that support the judge's decision. The NCCM Helpline and CPCs also count on members specialised in social work. NGOs also reportedly are often formed by social workers. Finally, social workers staff 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.

In relation to psychological help, this is reportedly a growing need across the territory for which more psychologists are needed, in particular professionals specialised in particular types of trauma. The NCCM has a few psychologists within its Helpline staff, but this service is rarely available in locations far away from the urban centres. Psychological help is often considered a luxury by many families and therefore children in need are not treated regularly unless the state or NGOs are able to provide this service.

#### *Preliminary recommendations*

- 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.
- Consider increasing the availability of psychologists in the NCCM Child Helpline and other public institutions in view of growing demand for this service by children and their families.

### **3.3.4. Children placed in custody due to conflict with the law**

Children in custody due to conflict with the law are placed in care institutions overseen by the Ministry of Social Solidarity. In order to ensure high quality and adequate treatment in these facilities, Egypt has achieved significant progress in activating inspection of places of detention and care and observation centres. Significant efforts in this area have been carried out in particular by the Judiciary and the Public Prosecution Office. Article 134 of the Child Law requires the President of the Child Court, or their delegate, to visit social care and punitive institutions and places of detention of children, at least once every three months, with a view to ensuring that the detention authorities are carrying out their obligations, especially towards rehabilitating the child and assisting him/her to reintegrate in the society. Enforcing this article has been the subject of discussions during a number of trainings that the Ministry of Justice has organised for child judges in the last few years.

Further, the prosecutorial Circular No. 19 of 2008, has instructed to deputy prosecutors to pay due consideration to any communication containing allegations of detaining children 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”. Since 2017-2018, the Public Prosecution has actively been seeking to enforce prosecutorial inspection of observation and care institutions. Against this backdrop, the Public Prosecution has found violations, and initiated investigations and criminal proceedings. Further concentration and coordination of efforts may lead to better results in ensuring compliance with the law in the mentioned institutions.

#### *Preliminary recommendations*

- Continue to strengthen coordination and institutionalisation of efforts in the area of care institution inspection to improve efficiency and ensure a broader coverage of various places of detention and care or observation institutions at the national level.

### **3.3.5. Specialised justice services for children: child courts and prosecution**

As mentioned, specialised child courts and child prosecutions 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. Therefore, there is room to make additional specialised services available, especially beyond the main urban centres. Additional needs for trainings and specialisation for justice stakeholders have been highlighted elsewhere.

#### *Preliminary recommendations*

- Continue increasing the availability of specialised child courts and prosecutions across the country.
- Consider instituting mandatory and specialised training on child-friendly justice at the beginning of judge and prosecutorial tenures, in view of the need to rotate to different positions.
- Consider increasing the tenure of child judges to enable specialisation.

### **3.3.6. Protection and alternative care**

Children at risk are provided protection services by the state. These include protection by the Prosecutor in case a crime has been committed against them, and their placement in care facilities or foster families when they do not have a suitable place or family to live with. The Strategic Review will provide an overview

of the numbers of existing care facilities and their location across the country, insofar as possible. In Alexandria, the deployment of mobile units led by MoSS to address homelessness were reported to be a successful service that has dramatically decreased the numbers of children without shelter and in begging situations.

In addition, 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 are very limited, leading many children into care institutions, lessening the effectiveness of trainings to judges on the existence of these measures; and there is a need to further clarify the internal classification of children inside the institutions when held as convicted for an offense, at risk, unaccompanied or abandoned, etc. Based on OECD interviews, it has also been found that there are only limited appropriate child-friendly rooms in police stations, Child Protection Committees and sub-committees.

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 Ministry of Social Solidarity is considering to propose a separate law regulating alternative care for those children. Addressing their specific needs, which in many cases do not match with those of children in conflict with the law that are placed in the same care facilities, has the potential to make services more appropriate and responsive. This is particularly relevant given the finding that the main legal issue experienced by children in Egypt is victimhood of various forms of violence, sexual abuse, child marriage and child labour, all of which put children at risk.

#### *Preliminary recommendations*

- Strengthen services for children at risk, in particular numbers and capacities of lawyers, social workers and psychologists.
- Continue current efforts to develop suitable alternatives to custody and specific facilities for children at risk, supported by adequate legislation, case management staff and funding. This may include separating children at risk from children in conflict with the law that have been placed in custody, in line with the findings in the previous Chapter.

### **3.3.7. Initiatives towards diversion and restorative mechanisms for children in conflict with the law**

The Egyptian Law does not currently include 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 (commonly referred to as “the Alexandria restorative justice pilot”) has been implemented in Alexandria since 2018 in collaboration between UNICEF and relevant National Institutions.. The success of the pilot project has motivated the government to work on institutionalising measures of diversion. 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 Public Prosecution Office, the Ministry of Social Solidarity, and NCCM. At present, there are foreseen legislative amendments pertaining to Chapter Eight of the Child Law to activate the use and implementation of non-custodial punishments against children in conflict with the law (referred to in the Child Law as “alternative measures”).

#### *Preliminary recommendations*

- Continue working towards the development of legislation to support diversion and alternative measures for children in conflict with the law in the Egyptian system.

- Enhance existing infrastructures and available resources to enable effective implementation of diversion and alternative measures.

### **3.3.7. Medical referrals**

The NCCM Child Helpline and the CPCs reported the possibility to point children to medical services in hospitals through coordination 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 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 sustainability of the system, to ensure good practices are not affected by staff rotation.

## **3.4. Planning of legal and justice service delivery in Egypt**

### **3.4.1. Evidence-based planning of services**

Reliable, disaggregated, regularly collected, and published data is essential for effective and efficient policymaking, programming, service delivery, especially concerning at-risk populations such as children. Egypt has made strides in improving its public data collection,<sup>28</sup> in an effort to take advantage of the abundant policy opportunities brought by open governance and evidence-based policymaking<sup>29</sup>. Despite these advances, there is a lack of data explicitly concerning children's legal needs. Reliable and easily accessible data on the number of children participating in judicial and administrative proceedings, their profiles and the reasons for their participation and outcomes of their cases is relatively limited.<sup>30</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 is reported on a quarterly basis to its leadership, and basing its Executive Plan in a bottom-up design approach underpinned by an analysis of the five most prevalent problems reported by children in the governorate. This exercise is coupled with the development of an Excel sheet that contains all the available social services and the free placements so that children can easily be matched with available services according to their needs. The map is shared across all the relevant institutions and partner NGOs.

#### *Preliminary recommendations*

- Consider analysing the legal needs of children in Egypt with the help of a legal needs survey. Through this project, the OECD will provide Egypt with this tool adapted to the Egyptian context, to make it easily applicable by national stakeholders.
- Consider strengthening data collection practices by collecting data on existing child cases, the steps these cases take, the outcomes, etc. Investment in automated case processing software to record this data may help make this process easier and facilitate data analysis.

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<sup>28</sup> <https://www.internationalbudget.org/open-budget-survey/country-results/2019/egypt>

<sup>29</sup>The *Egyptian Open Data initiative* serves as an example for Egypt's recent efforts aimed at improving transparency, accountability and citizen participation.

<sup>30</sup> [https://www.unicef-irc.org/portfolios/documents/377\\_egypt.htm](https://www.unicef-irc.org/portfolios/documents/377_egypt.htm)

### **3.4.2. Need to strengthen capacities of the child justice system**

Interviews have revealed that existing infrastructure, budget and workforce for the child justice system are limited. Several initiatives and efforts have only been conducted as pilot projects instead of stable budget allocations, and are often funded by international cooperation, 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, shelter, etc.) is almost exclusively reliant on the provision by NGOs. Egyptian stakeholders increasingly place importance on the existence of child-friendly facilities. While the NCCM has built several child-friendly rooms in their premises to entertain children interviews and the Prosecution is working with relevant international organisations to build 30 child-friendly rooms in their offices, limited child-friendly facilities exist in practice. In this regard, and in view of Egypt commitment towards the SDG's , there may be scope to maximise the budget allocations in cooperation with Ministry of Planning and Economic Development and the Ministry of Finance to ensure the achievement of SDG 16+.

#### *Preliminary recommendations*

Consider strengthening capacities of the child justice system, including through additional infrastructure, resources and specialised staff. This may also include increasing capacities of the NCCM and CPCs, and developing further child-friendly facilities and interview rooms.