

TOWARDS CHILD-FRIENDLY JUSTICE IN EGYPT

Child-centric case management,
child-sensitive interviewing and
drafting quality expert reports

*Child-friendly Justice Practices
from OECD countries*



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THE PROJECT

The objective of this project¹ is to support the development of a child-friendly justice system in Egypt and better protect children in contact with the law. Aligned with **Egypt's Vision 2030**, the National Child Strategy and Sustainable Development Goals (SDGs), the project is implemented by the OECD with the financial support of the Swiss Agency for Development and Cooperation (SDC).

The project facilitates high-level engagement in support of the objectives of the **Strategic Framework and National Plan for Childhood and Motherhood in Egypt 2018-2030**. It contributes to strengthening the Rule of Law and avails experiences from different OECD countries, particularly through peer-to-peer exchanges and capacity-building workshops with the Government of Egypt.

As part of the MENA-OECD Governance Programme, the project provides support to the Government of Egypt in identifying key challenges and opportunities, building a Roadmap for reform and raising public awareness on the importance of child-friendly justice.

¹ Governance - Organisation for Economic Co-operation and Development (oecd.org)

The two main outcomes of the project are as follows:

- › Improved capacities of child-justice stakeholders to better protect children in contact with the justice system;
- › Improved governance and coordination mechanisms among key child justice stakeholders.

The OECD aims to support the Government of Egypt to further enhance the coordination and protection role of the child justice system. The support is carried out in accordance with the objectives of the Strategic Framework & National Plan for Childhood and Motherhood 2018 – 2030.

In this context, the OECD has prepared this booklet on child-friendly justice practices to complement training delivered. This booklet focuses on the key principles of child-centric case management, child-sensitive interviewing, drafting quality expert reports to support judicial decision making and different approaches to Restorative Justice Conferencing. It also draws upon good practices from OECD member countries and is aligned with the recently published OECD Child-Friendly Justice Framework: Building a people-centred justice system (2023).

CASE MANAGEMENT

CHILD CENTRIC APPROACH



KEY PRINCIPLES OF CHILD-CENTRIC CASE MANAGEMENT

Prioritise:

- › Safety and wellbeing
- › Participation
- › Strengthening families
- › Accountability
- › Responsivity

In the context of case management, a child-centered approach means developing information recording and sharing systems that streamline the process, ensuring that a child doesn't have to individually reach out to separate government agencies for help or repeatedly recount their story.

INFORMATION RECORDING

Developing a systematic approach to information recording not only ensures the highest quality of care and service but also has far-reaching benefits:

- › enables continuity of care
- › facilitates assessment of appropriate referral services
- › enables monitoring of case progression
- › facilitates data aggregation for informed decision-making

MULTI AGENCY COLLABORATION

Effective collaboration across agencies relies on the systematic and consistent sharing of critical information. Children's welfare often requires the expertise and resources of multiple government agencies. To achieve this, information recording serves as the foundation that allows agencies to work cohesively in the best interests of the child. Information sharing is the backbone of multi-agency collaboration, enabling government entities to share records, provide integrated care and support that is tailored to each child's unique needs.

To ensure that every child receives the care and support they deserve, there must be established systematic referral pathways. Systematic referral pathways are built via standardized procedures for referring cases, sharing information, and coordinating efforts among various government agencies.

To build systematic pathways you need to develop:

- › referral templates and pathways
- › case planning templates
- › integrated case management systems (capable of sharing information across agencies)

CHILD INTERVIEWS

TECHNIQUES FOR CHILD INTERVIEWS

1.

Break the ice:

avoid starting with sensitive topics
start conversations gently. Use games / toys / books / food to establish rapport (if time allows).

2.

Socratic questioning:

ask open questions – the ‘*when*’, ‘*where*’, ‘*who*’ and ‘*why*’ to encourage the child to express themselves freely.

3.

Columbo technique:

place the child in the position of being the expert in their own experiences. Ask questions like, ‘*can you help me to understand why...*’.

CHILD-FRIENDLY ENVIRONMENT

- 1.** Choose a location where the child feels safe and comfortable, away from distractions. Do they feel safe attending your office?
- 2.** Timekeeping is an important. If you are late, apologise and explain why.
- 3.** Treat them with respect throughout and show genuine concern and interest.
- 4.** Be aware of your body language, communicate interest, sympathy and respect and have eye contact.
- 5.** Use an informal and relaxed approach to put them at their ease and to encourage them to tell you about themselves.
- 6.** The approach you decide to take should always be appropriate, sensitive to the child, consider speech, language and communication needs, learning ability and ability to engage and comprehend generally.
- 7.** Observe how they may respond to questions asked e.g. not knowing the answer and feeling confident to say so rather than saying what they think you want to hear.

8. Encourage children to give you their account of the offence, why they committed it and their attitude to what happened.

9. Ask them about their interests, activities they engage in and their hopes and aspirations.

10. Ask for their opinion about how they could address what has happened and move

forward, including any reparation.

11. If there is a victim, considering whether direct or indirect reparation would be meaningful for them.

12. Explore any other issues which may impact on the suitability of the type of order, requirements under consideration or the proposed supervision plan, such as

their education, health, age or other commitments.

<https://www.gov.uk/guidance/case-management-guidance/how-to-use-reports>

QUESTION PROMPTS

- › *Can you tell me the story of what happened that day, like you're telling a friend?*
- › *What were you thinking about when all this was happening?*
- › *How do you feel now when you think back on what happened?*
- › *Sometimes we all have tough days or things that make us act out. What sorts of things make it a hard day for you?*
- › *Have you had any help or talked to anyone before when things were tough?*
- › *I would love to hear about your family and where you live. What is your favourite thing about home?*
- › *What are the things you are really good at or enjoy doing that make you happy and proud?*



SOCIAL EXPERT REPORTS

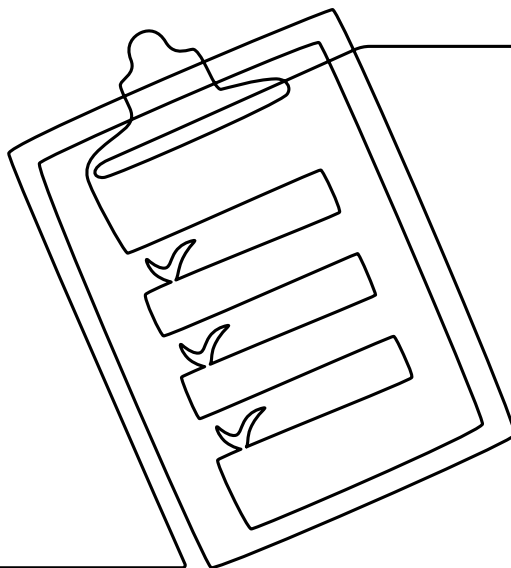
GENERAL ELEMENTS OF A SOCIAL EXPERT REPORT

Balanced

Timely

Verified

Accurate



Focussed

Impartial

Understandable

Detailed

PRACTICAL TIPS FOR PROFESSIONAL WRITING

1. Write short sentences and paragraphs
2. Write in an active voice. This means constructing sentences where the subject performs the action expressed by the verb, making the writing clearer and more direct. For example,
Passive voice: *A positive response to the treatment was observed.* Compared with **Active voice:**
Sam responded positively to the treatment.
3. Keep language simple and avoid jargon e.g. ‘*minimum standards*’ or ‘*cycles of change*’ – do not use technical or specialist terms without clear explanations.
4. Do not use discriminatory or offensive language e.g. ‘*druggie*’
5. Stick to the facts, without judgment or emotive language e.g. ‘*Sam’s behaviour was appalling*’
6. Avoid repetition
7. Reference all sources of information

GOOD
PRACTICES
FROM OECD
COUNTRIES

OECD member countries employ a variety of social expert reports, with differing methodologies for their development – particularly in relation to the requirements for child / family interviews. Most key report inclusions are aligned and are detailed below.

SOCIAL EXPERT REPORTS

FRANCE | SOCIO-EDUCATIONAL INFORMATION

Key Inclusions	Methodology
Child's personal background and family circumstances	Minimum one interview with the child
Referral / social service intervention history	May interview family/carers
Child's health / social networks	Mandatory interviews with educators from judicial youth protection service



FRANCE | JUDICIAL EDUCATIONAL INVESTIGATION

Key Inclusions	Methodology
In-depth, interdisciplinary assessment of the child's personality/situation, including medical issues	Minimum one interview with the child
Educational proposal to promote social integration	May interview family/carers
Assessment of the child's understanding of the offence, position with regard to the victim and empathy/ responsibility.	May interview social and medical services staff, general and/or specialist medical practitioners, local missions, sports and leisure centres, schools, juvenile police etc.
Child's family's attitude towards the offence	

For more information: https://www.legifrance.gouv.fr/codes/section_lc/LE-GITEXT000039086952/LEGISCTA000043581508/



SWITZERLAND | PROBATION AND CORRECTIONS SERVICE

Key Inclusions	Methodology
Conduct of the child	Minimum one interview with the child or young person
Social situation of the child	Discretionary home visit (infrequent)
Conclusion and proposal for sentencing	Social inquiry
	Assessment



For more information: <https://www.zh.ch/de.html> ;

https://www.cep-probation.org/wp-content/uploads/2021/07/181CEP-Switzerland_05_17072013.pdf

UNITED KINGDOM | NATIONAL PROBATION SERVICE

Key Inclusions	Methodology
Assessment of the child	Minimum one interview with the child or young person
Analysis of the offence	Minimum one interview with the parent/carers
Factors which support positive outcomes for the child and promote public safety	Home visit, where possible (if not reasons given why)
Assessment of the need for parenting support	Police/prosecution information
Conclusion and proposal for sentencing	Assessment

For more information: <https://www.gov.uk/guidance/case-management-guidance/how-to-use-reports>.



NEW ZEALAND | DEPARTMENT OF CORRECTIONS: PROBATION OFFICERS

Key Inclusions	Methodology
Conduct of the child Child's personal background and family circumstances	May interview the child
Lifestyle and other factors which have contributed to them committing the offence	May make further enquiries - family, friends and others
Recommendations re: training / treatment	Gather information from agencies such as the police and Corrections
An assessment of the risk of further offending	Reparation report – informing how the child has "made amends" with the victim
A recommendation as to the appropriate penalty, including proposed terms and conditions for supervision, training and treatment	



For more information: https://www.corrections.govt.nz/our_work/courts_and_pre-sentencing/pre-sentence-reports.

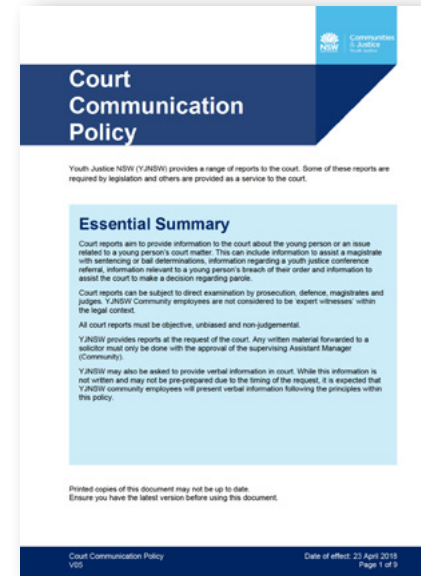
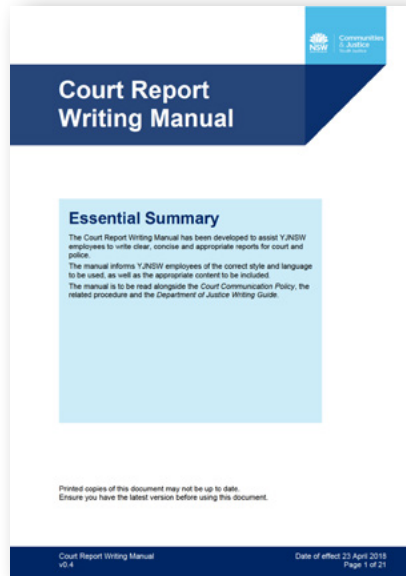
AUSTRALIA (QLD) | DEPARTMENT OF YOUTH JUSTICE, EMPLOYMENT, SMALL BUSINESS AND TRAINING

Key Inclusions	Methodology
Child personal background and family circumstances	Minimum one interview with child
References for the sources of information used	May interview family/carers
Details of the offences the report relates to	May interview relevant others (school etc.)
Child's accommodation (including any changes)	Police / prosecution information
Details of all previous court orders	Assessment
Assessment of factors contributing to criminality	
Child's attitude (to offence and victim)	
Sentencing options available	

For more information : <https://www.qld.gov.au/law/sentencing-prisons-and-probation/young-offenders-and-the-justice-system/sentencing-young-offenders/pre-sentence-report>.



AUSTRALIA | COURT REPORT WRITING MANUAL & COMMUNICATION POLICY



For more information : <https://www.nsw.gov.au/sites/default/files/2022-06/Youth Justice Court Report Writing Manual.pdf>.

For more information: <https://www.nsw.gov.au/sites/default/files/2022-06/Court Communication Policy.pdf>.

RESTORATIVE JUSTICE

As defined by the Committee on the Rights of the Child (CRC) in its General comment No. 24 (2019) on children’s rights in the child justice system, restorative justice refers to *“any process in which the victim, the offender and/or any other individual or community member affected by a crime actively participates together in the resolution of matters arising from the crime, often with the help of a fair and impartial third party. Examples of restorative process include mediation, conferencing, conciliation and sentencing circles”*.¹

¹ CRC/C/GC/24.

GOOD PRACTICES FROM OECD MEMBER COUNTRIES

As with social expert reports, there is variance across OECD member countries as to the eligibility criteria and process for youth restorative justice orders. Brief information on New Zealand, the United Kingdom and Australia are outlined below.

YOUTH JUSTICE FAMILY GROUP CONFERENCING UNDER THE ORANGA TAMARIKI ACT 1989 (NZ) CHILDREN'S AND YOUNG PEOPLE'S WELL-BEING ACT 1989 (NZ)

- › A youth justice coordinator must convene a Youth Justice Family Group Conference at the following justice stages:
 - › **Intention to Charge:** when a young person is suspected of committing an offence without being arrested, and the police consider initiating criminal proceedings
 - › **Court Ordered when a young person:**
 - › accepts a charge – the FGC helps decides on a plan for approval by the Judge
 - › denies a charge, but found guilty – the FGC then helps to formulate a plan for the court to consider how to deal with the young person; OR
 - › **Young person denies the charge and is remanded in custody:** FGC to look at other options for the young person's care



- › Compulsory attendees are the young person and the Youth Justice Coordinator (as the facilitator). The young person can bring one or more support people, for example family or whānau members. The Police or Victims may also attend.
- › FGCs can be used in serious offences, such as aggravated robbery, arson, sexual violation, and very serious assaults. Murder and manslaughter are the only types of offending for which there will not be a FGC.

<https://www.manamokopuna.org.nz/documents/98/OCC-SOC-Dec-2017-Companion-Piece.pdf>

<https://www.justice.govt.nz/assets/Youth-Court-10-myths-about-family-group-conferences.pdf>

https://www.youtube.com/watch?v=kW1IhOi_Cs



UNITED KINGDOM

REFERRAL ORDERS UNDER THE POWERS OF CRIMINAL COURTS SENTENCING ACT (2000)

- › The Referral Order is available as a sentencing option in the Youth Court
- › Youth Courts must impose a referral order on young people with no previous convictions who plead guilty to any imprisonable offence, **UNLESS the court is considering** an absolute discharge, conditional discharge, Mental Health Act order or custody.
- › A referral order may be imposed where a young person has pleaded guilty to at least one offence, regardless of previous convictions.
- › The court must order a parent/guardian to attend the meetings of the youth offender panel, where the youth is 10-15 years old, and may order parental attendance for those aged 16-17. Failure to attend a panel meeting may result in the parent being brought back before the court.

<https://assets.publishing.service.gov.uk/media/5bbb2aabed915d23b049e137/referral-order-guidance-9-october-2018.pdf>

<https://www.youtube.com/watch?v=3A3gOBx-H88>



AUSTRALIA (QLD)

RESTORATIVE JUSTICE ORDERS UNDER THE YOUTH JUSTICE ACT 1992 (QLD)

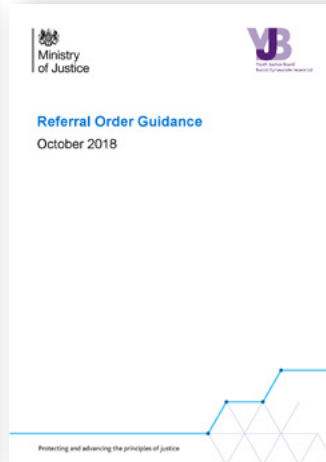
- › Police can refer to restorative justice if the young person indicates willingness and it is appropriate in the circumstances (having regard to the nature and seriousness of the case)
- › The Children's Court has power to dismiss charges that should have been referred to restorative justice by the Police.
- › Children's Court - if the young person pleads guilty the court must consider finalisation via restorative justice referral – if the child indicates a willingness to comply (ss162-163 YJA)
- › For the Conference to be convened, the child and convenor must attend, and there must be a degree of victim participation.



<https://www.youtube.com/watch?v=yViiUpwObkA>



https://www.justice.gouv.fr/sites/default/files/2023-02/Guide_justice_restaurative_DPJJ.pdf



<https://assets.publishing.service.gov.uk/media/5bb-b2aabed915d23b049e137/referral-order-guidance-9-october-2018.pdf>



<https://www.dcssds.qld.gov.au/resources/dcsyw/youth-justice/program-eval/restorative-justice-case-studies.pdf>

For more Information

OECD (2023), *Towards a Child-friendly Justice System in Egypt: Implementing the Sustainable Development Goals*, OECD Publishing, Paris, <https://doi.org/10.1787/9f5b0524-en>.

OECD (2023), "OECD Child-Friendly Justice Framework: Building a people-centred justice system", OECD Public Governance Policy Papers, No. 41, OECD Publishing, Paris, <https://doi.org/10.1787/6a60970e-en>.

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

OECD (2019), *Equal Access to Justice for Inclusive Growth: Putting People at the Centre*, OECD Publishing, Paris, <https://doi.org/10.1787/597f5b7f-en>.

Governance - Organisation for Economic Co-operation and Development (oecd.org)

Library - Organisation for Economic Co-operation and Development (oecd.org), <https://www.oecd-ilibrary.org/governance>.

OECD/Open Society Foundations (2019), *Legal Needs Surveys and Access to Justice*, OECD Publishing, Paris. https://www.oecd-ilibrary.org/governance/legal-needs-surveys-and-access-to-justice_g2g9a36c-en

Egyptian Law no. 12 of 1996 promulgating the Child Law amended by Law no. 126 of 2008

Egyptian Law no. 182 of 2023 on the reorganisation and independence of the National Council for Childhood and Motherhood

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