



**Amman Centre for Human
Rights Studies**

Penal Reform International



Regional Roundtable on the Arab Experience of Juvenile Justice: Assessment and Perspectives

Amman, 4-6 February 2007

Final Declaration

The child in the Arab World is receiving increasing attention. All the Arab countries have signed and ratified the International Convention on the Rights of the Child (CRC) and adopted the necessary legislation for its implementation. They issued laws and regulations mostly within the international standards spelling out the child's rights and setting up protection and rehabilitation mechanisms for vulnerable children and children in need of care.

Arab countries have followed various approaches to introduce the necessary reforms in their legislation and judicial systems to come in line with the international standards, according to each one's own circumstances. Perhaps the diversity and multiplicity of these laws were the reason behind the adoption by the Arab League of a model law for the protection of children in conflict with the law.

Interest in juvenile justice is not an exclusive domain of governments. NGOs play an important role in the mobilisation for a better protection of the child. They are engaged in a constructive collaboration with the relevant governmental institutions. Their contribution appears evident in more than one form in the practice of various Arab countries.

Moreover, there is an undeniable political will throughout the Arab World in favour of reforms in the field of child protection and juvenile justice. Still, one could easily note the existing gap between the relatively ambitious legislation and the reality on the ground. There are difficulties to be bypassed through mobilisation, coordination of efforts, networking and exchanging of successful experiences and good practices.

In the re-enforcement of local, regional and international initiatives aimed at introducing juvenile justice reform in the Middle East and North Africa, Penal Reform International (PRI), with the support of the Swedish International

Development Agency (SIDA) and in cooperation with the Amman Centre for Human Rights Studies (ACHRS), held in Amman, Jordan, from 4-6 February 2007, a regional roundtable on the perspectives of the Arab experience of juvenile justice, with the participation of the relevant stakeholders from governmental institutions and NGOs.

Having considered the international norms and standards on the rights of the child and the international protection mechanisms;

Having considered reports from the participating countries representing both civil society and governmental institutions and having exchanged on the existing juvenile justice systems in the region;

The roundtable exhorts states in the region:

1. To expedite the full implementation of the International Convention on the Rights of the Child (1989). Governments in the region are urged to introduce reforms susceptible of giving true effect to their international obligations under such a convention and under the related international standards especially the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules 1985), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines 1990) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (JDL).

2. To create a legislative framework allowing deviation from the criminal justice system and encouraging the use of alternatives to deprivation of liberty at any stage of the case, with emphasis on the well-being of the juvenile as a guiding factor.

a) *The police*

To establish specialised juvenile police centres and to give such a branch of the police more discretionary power in applying alternative measures to minimise resort to restrictions on the personal liberty of the juvenile as the best interest of the child would dictate. Corporal punishment and maltreatment of children must be strictly banned.

b) *The prosecution*

To give the prosecution the necessary power of deviation and the use of conciliation and handing over of the child to the competent party as alternative to criminal proceedings.

c) *Juvenile courts*

To establish specialised juvenile courts whenever possible. In the absence of a juvenile court, the sitting court dealing with a juvenile case must be composed of a specialised judge or judges depending on the situation.

The court proceedings shall be conducive to the best interest of the child and shall allow the juvenile to participate therein and to express him/herself freely.

The juvenile shall have the right to be represented by a legal adviser and shall be entitled to free legal aid.

Juvenile courts proceedings shall give full consideration to the social enquiry report.

Deprivation of personal liberty shall not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of pertinence in committing other serious offences and unless there is no other appropriate response.

d) *Pre-trial Arrest*

To minimise arrest before trial (precautionary or preventive arrest), except in extraordinary cases and circumstances. When arrest is made, it should be for the shortest possible period of time and should be based on a clear timetable and periodic review. Releasing juveniles should be made on the basis of bail or other conditions for release which stipulate appropriate supervisory measures governing the conditions of the juveniles and their families.

e) *Arrest and investigation*

To provide for the notification of the parents or the guardian immediately upon the apprehension of the juvenile and give law enforcement agencies the necessary discretion for releasing the juvenile without delay. In all circumstances law enforcement agencies shall ensure respect for the status of the juvenile bearing in mind that a court appearance of the juvenile in itself may cause harm.

Law enforcement agencies must be given the discretionary power of diversion of juveniles from judicial authorities to community support services without a formal trial.

When juveniles are apprehended, they should be placed in special rooms for juveniles, not in prison cells. They should be separated from adults. They should be interrogated by trained officers in civilian clothes in the presence of parents or guardian or a suitable adult. Law enforcement agencies must be made aware of the danger of criminal contamination.

f) *Places of arrest*

Places of arrest should be strictly separated from those designated for adults and should be of a rehabilitation and re-education character. Adult inmates should not be assigned to care for the units designated for juveniles. The regulations enforced should be constructive and

should provide for the needed assistance, education or vocational training, sports and cultural activities that are provided daily and in the evenings. A sufficient number of personnel should be employed and trained. NGOs should play an effective role in the support of the performance of the institution. The facilities should include a plan for the prevention of violence, abuse, exploitation, and mediation to resolve the differences among the inmates. A suitable methodology should be followed for disciplining and controlling, taking into consideration the minimum needed for control in the treatment of the unruly child. Files documenting such cases should be kept in strict confidentiality and closed to third parties.

g) *The criminal age*

To raise the criminal responsibility to 18 years and the criminal accountability as high as the circumstances of the given country permits. When dealing with juveniles, the rules governing the criminal procedures should not be used before children reach the criminal age, except in the cases that are deemed necessary for the best interest of the child. Rules and procedures designated for the re-education and rehabilitation of the child should apply for the purpose of controlling the behaviour of the juvenile delinquents below the criminal age.

h) *The alternatives to penalties*

There is a need to provide wide options of alternative penalties focusing on the values of justice and the need to apply the law. They should seek to fulfil the needs which led the juveniles to commit such mistakes. Specialized programmes should also be created for the more serious and persistent juveniles and the opportunity should be provided for them for education and treatment at the places of care and residence of the juveniles.

i) *Inspection*

To adopt regulations for the security and the inspection of the juvenile institutions. These regulations should take into account the representation of government inspectors and representatives of the local community. A working system of complaints by a neutral party should be introduced. Independent visitors should be encouraged to become friends of juvenile inmates and to defend them.

j) *Family relationships*

Every possible effort should be made to encourage the relationship between the arrested juveniles and their families and community. Visits should be made while taking into account the privacy of the visit. Juveniles should be allowed to make family visits at home. In case such a relationship could not be established, another option of choosing alternate and appropriate families should be chosen in line with the best interests of the child.

3. To build the capabilities of the law enforcement officers, particularly the judges, police, prison personnel, and social protection centres and to train them on juvenile justice along with the involvement of NGOs and the relevant parliamentary bodies. Work should be undertaken for the creation of coordination among the juvenile justice services, including the court, the prosecution, the police and the specialised institutions working on the issues of juveniles within the framework of an integrated reform policy.
4. To work out follow up programmes for the re-integration of juveniles into the society once they leave the institution.
5. To introduce an effective system for the centralization and the exchange of information among all the active institutions and bodies in the field of juvenile justice. to encourage the dialogue and cooperation among the various stakeholders, particularly the judiciary, the police, the juvenile and his family, the victim, the social experts and members of the civil society. To establish a body in charge of monitoring and following up the reforms and to report periodically to the relevant governmental authority.
6. To raise awareness among the personnel working in the field of juvenile justice on the importance of giving precedence to the preventive and educational aspect over the penal and security aspect in tackling the issues of children in conflict with the law.
7. To draw up sensitisation programmes for the media and other awareness-raising instruments such as schools and religious institutions and to target family guidance and underline the breakdown of the family and its impact on the child.
8. The participants decided to set up an **Arab Network for Juvenile Justice** to be coordinated by PRI's MENA Regional Office and ACHRS for the purpose of encouraging Inter-Arab exchange of successful experiences and good practices.

Amman, 6 February 2007