

15-20 November 2021

“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”

Workshop Programme

Alternatives to Detention measures for Children in Conflict with the Law

Date	Thursday, 18th November 2021	
Timing	15:00 - 16:30 Geneva	16:00-17:30 Cairo, Amman, Beirut
Organiser(s)	Farah Ishaqat	
Institution	Terre des hommes Jordan	
Type of Workshop	Panel Discussion	
Topics	Fulfilling children's rights in contexts of legal pluralism. Tackling violence within child justice systems and ensuring child friendly approaches for child victims, offenders, and witnesses.	
Region	MENA	
Language	Arabic	

Abstract

The Jordanian juvenile law, through a line of amendments to the law, resulted in introducing 7 alternatives to detention measures (A2Ds) during the trial stage before the juvenile courts. The (A2Ds) avoid the detention of children in conflict with the law and reduce its negative effects on them. They also offer them with measures intended to increase their sense of responsibility, repair the damage caused from the act they committed and progressively reintegrate them safely to the society. In addition, the application of (A2Ds) contributes to assessing the behavior of children in conflict with the law serving such measures. Indeed, the (A2Ds) adopt the principle of individualizing the measure. The application of these measures allow for the development of a child specific plan that considers the child’s circumstances and conditions at the individual, family and social levels. Which is in turn aligned with the child’s level of maturity, awareness and sense of responsibility. These measures are also highly flexible, as the legislator gives the prosecutors and the judges enough room to choose the measure that is better serving the best interests of the child according to the restorative and child-friendly justice approaches.

Then: due to the aforementioned and through TDH intervention the first Rehabilitation alternative to detention measure verdict has been issued. Given the complexities connected with the implementation of the law and the alternatives to detention implementation, several barriers were faced including: the roles and the responsibilities legally assigned to the different professional parties are not clear such as (the sentencing juvenile judges, the

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executive juvenile judges, and the behavioral monitors), the limited budgets at Ministry of Social development to accredit civil society organization to implement the reintegration plan for the children based on the issued A2D verdict.

Objectives

The objectives of the session includes:

- Highlighting Jordan's experience in the applying and implementing the alternatives to detention measures for children in conflict with the law
- Identifying key gaps in the current legislation.
- Shedding the light on the procedural barriers facing the implementation of the alternatives to detention, within the different professional parties during the applying and implementing the alternative measures.
- Recommendations and means to enhance the System.

Expected outcomes

- A document reflecting the experience, challenges and recommendations for ensuring proper implementation of the alternatives to detention.

Speakers

- **Farah Ishaqat**
Member of the Jordanian Bar Association. Multi Country Delegation Access to Justice Legal Specialist at Terre Des Hommes – Jordan and Palestine. Access to Justice legal specialist (Jordan – Palestine)
Former MENA Regional legal specialist, at Terre Des Hommes- child protection and juvenile justice in Egypt, Lebanon, Afghanistan, and Iraq. Former technical legal officer and acting legal coordinator at the Norwegian Refugee Council- ICLA Jordan program.
- **Judge Suhair Al - Tubasi**
- **Judge Eman Al Qatarneah**