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Social Context Education for Judges
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Many questions have been raised with respect to the social concepts and their relation to criminal justice, and about the role of the Judge in the application of the Law in changeable times and in different regions. No doubt that easy access to courts does not mean access to justice. The Palestinian Judiciary became aware of the effect of social environment and its impact on the ability of the judge in deciding in certain cases and in pronouncing verdicts.

With this in view, emphasizes has been made on Judicial Training, that is training judge, in areas related to the existing social concepts in the Palestinian Society in order to identify the role of the judge and his professional responsibility towards a society which social concepts differ in their nature from one place to another and from time to time.

JUVENILE JUSTICE:

The judge's task is not only confined to the application of legal matters, particularly in the instance of child abuse or juvenile aggression. In the past, traditional legal procedure treated juvenile cases by improving judgments on the accused, while now the new system takes into consideration the result of the aggression on the victim. This requires a study of family cases, a study of the implications of physical assaults and sexual harassment, especially those related to child abuse, and employment of juveniles under legal age. What has proceeded requires the execution of a training program focusing on Juvenile Justice and the role of the judge in trying to be aware of the social environment of both the victim and the aggressor with regard to certain existing social problems and concepts.

Examples:

1. Court Procedures:

The court hears the testimony of the attacked juvenile as a witness, the judge proceeds carefully in adopting measures during the session, lest the feelings and the reputation of the juvenile be affected. It is necessary to take such matters into consideration.

2. Interpretation of the Law:

The Jordanian Penal Law No. 16 of year 1960 now in force in the West Bank, in Palestine, permitted disciplinary acts, punishments that fathers implicated on their children as allowed by general custom, and therefore disciplinary actions taken by parents is not considered a crime.

It is noticed however that many such actions or practices are not justified by law because the punishment inflicted by the parents in exercising this right stipulates the no abuse or harm is caused, otherwise it will be considered a crime.

It follows that technical evidence and the role of forensic medicine has come to have extreme importance in determining the extend of the harm caused by the assault on children; and the necessity of informing the Judge about that evidence. It will then be the role of the judge to interpret the provision of the law and decide on the application with regard to the case submitted to him. The task of the judge is to follow up such cases and arrange for the protection of the attacked child as a "Victim".

VICTIM LOGY:

Another development in the Judicial Training Programs, has taken place in cooperation with the social control institutions, such as; Police, Public Prosecutions, Social Welfare Departments, Women and Children Protection Societies, Non-Governmental Organizations, such as; The Legal and Social Women Guidance Centre and Specialized Researchers from the Institute of Law at Bier Zeit University. A program has lately been introduced to deal with cases of the sexual assaults and to learn about the condition of the victim and the extent of the effect of the social environment and the existing social concepts and their influence on the verdicts pronounced by the present courts.

In September 2004, a workshop has been held regarding the victim and the sexual assaults on children and women. Ten Palestinian Judges participated together with many legal researches. The workshop focused on the definition of sexual harassment and sexual assaults and the effect of traditions, social heritage and customs on the legal concept with respect to these issues, and also their baring on many of the cases presented to the court.

Examples:

- Many of the girls have been victims of rape, refuse to be subjected to medical examination by the medical examiner, whose task is to prove or otherwise that rape has taken place by technical evidence. Further the parent's view that the exposure of their daughter to a medical examination is degrading and affects the honor of the girl and the family in the society where she lives.
- The difference in traditions and social customs from one society to another affects the legal concepts and has an influence on the role of the judge in identifying the criminal responsibility in certain cases; though related to same country or town. We find that some strict and rigid societies do not allow girls or women to appear in public with their head uncovered, as it is the case, for a example at Hebron; while in other communities, as in Bethlehem which is about (20) miles away, such strictness does not exist.
 - As a consequence, what should the role of the Judiciary be??
 - Are we in need of amending the legislation?
 - What is the role of the Prosecution?
 - What is the role of the Forensic Medicine?
 - Do we need a community police?

**It is essential to debate these issues through Judicial Education Programs, to broaden the Judge's view and knowledge thereby allowing
CRIMINAL JUSTICE
to include all members and sections of the society.**