

APCJJ NEWSLETTER – JUNE 2017

I. APCJJ NEWS

1. GEOGRAPHIC WORKING GROUP: MINUTES OF THE SECOND MEETING OF THE APCJJ SUBCOMMITTEE FOR ASEAN



The Minutes of the Second Meeting of the APCJJ Subcommittee for ASEAN are now available as a comprehensive report, “Toward Regional Guidelines on Juvenile Justice: Promoting Cross-border Safeguards and Defining Strategies on Elimination of Violence against Children in Conflict with the Law”, [to be accessed online](#). This meeting was organized on the 15th and 17th of June 2016 in Bangkok, Thailand, in cooperation with the Department of Juvenile Observation and Protection (DJOP) of the Thailand Institute of Justice (TIJ). The meeting was supported by the ASEAN Commission on the Rights of Women and Children (ACWC), UNODC, UNICEF and the United Nations Office of the Special

Representative of the Secretary-General on Violence against Children.

The three topics tackled during the meeting were:

- Cross-border safeguards for children in conflict with the law in the ASEAN region. In light of ASEAN's decision to facilitate the free movement of people across member states, the issue of cross-border safeguards for children in conflict with the law has come to the forefront of juvenile justice concerns in the ASEAN region.
- Children deprived of liberty: conditions, situations, and challenges in the context of the preparation of the United Nations Global Study on Children Deprived of Liberty.
- Strategies for eliminating violence against children (VAC) in conflict with the law: implementing the ASEAN Regional Action Plan on the Elimination of Violence against Children.

2. APCJJ EVENTS: BANGKOK, JUNE 26–30, 2017: NATIONAL SYMPOSIUM ON ENDING VIOLENCE AGAINST CHILDREN IN JUVENILE JUSTICE SYSTEM, INTERNATIONAL WORKSHOP ON DIVERSION THROUGH RESTORATIVE JUSTICE & THIRD MEETING OF THE APCJJ SUBCOMMITTEE FOR ASEAN



Thailand will host the **National Symposium on Ending Violence against Children in Juvenile Justice System** from 28th-30th of June, 2017, in Bangkok. This National Symposium will be preceded by the **International Workshop on Diversion through Restorative Justice (26–27 June 2017)**, defined as a training session for professionals on Restorative Juvenile Justice practices.

The National Symposium on Ending Violence against Children in Juvenile Justice System (28–30 June 2017) will start by an international and regional focus day on the 28th, then the next two days (29–30 June 2017) will focus specifically within Thailand and will only be open to Thai officials.

The National Symposium, preceded by the International Workshop on Restorative Justice, is organized and supported by the Department of Juvenile Observation and Protection (DJOP) and the Office of Justice Affairs under Ministry of Justice of Thailand; the Thailand Institute of Justice; UNICEF EAPRO; the International Juvenile Justice Observatory through its think tank of experts in the region, the Asia-Pacific Council for Juvenile Justice; and Thailand's ACWC Representative on Children's Rights.

The **Third Meeting of the APCJJ Subcommittee for ASEAN** Member States will take place in the framework of these two events. The Third Meeting will focus on 'Restorative juvenile justice and APCJJ's latest outcomes'.

Being a pre-conference, the International workshop on **Diversion through**

Restorative Justice aims to exchange knowledge, models and effective methods on the conducting of diversionary measures, with a strong focus on the use of restorative justice practices. It will mainly focus on the theory and practices of restorative juvenile justice policies. The aim is to provide an overview of how theory is translated into practice. European Experts, invited by the IJJO, including ECJJ members, will also discuss how restorative justice principles and values are aligned with the UN principles with regards to the protection and prevention of violence against children and women.

Then during the **National Symposium on Ending Violence against Children in Juvenile Justice System**, the focus will turn towards promoting, at national and international levels, the application of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.

The IJJO will present the Conclusions of the Report of the 2nd Meeting of the APCJJ Subcommittee for ASEAN held in Bangkok in June 2016 with a particular focus on the work of the group on Regional guidelines on Juvenile Justice: promoting cross-border safeguards and defining strategies on the elimination of violence against children in conflict with the law. Then, the IJJO will give an overview regarding the APCJJ's latest outcomes.

3. THEMATIC WORKING GROUP ON 'RESTORATIVE JUSTICE PRACTICES IN THE ASIA-PACIFIC REGION'

The APCJJ launched a working group last year on 'Restorative Justice Practices in the Asia-Pacific region', in order to work on a policy paper that will include best practices on restorative justice, as well as on how to improve the situation of children in conflict with the law in the Asia-Pacific region.

The Council has already published a previous policy paper in which restorative justice is addressed; please see the report from the second APCJJ meeting in Phuket, May 5–8, 2015 (http://www.apcjj.org/sites/default/files/oijj_asia-pacific_council_2016.pdf, from pages 35 to 42, 43–45, and page 49).

However, the aim now is to create a manual for professionals interested in restorative justice, with regional practices. The first part of the publication will be theoretical, and based on the IJJO publication "[European research on restorative juvenile justice](#)" for European countries. It will closely follow the structure used for the European model, (<http://www.ejjc.org/eumodel>), which is currently being successfully implemented in several European states thus far.

The second part of the publication comprises the focus on the Asia-Pacific region, with 'snapshot' analysis of each country in the region. Towards this purpose, a survey was sent to all APCJJ members requesting their expert contribution and participation in the drafting of this empirical section. As data is still being collected for many countries in the region, the survey is still open. The working group is seeking information on restorative justice best practices and applicability in each country in Asia-Pacific, any participation in this survey is requested and would be highly appreciated.

We invite you to fill in the following survey. Your valuable participation will be mentioned in the final report:

https://docs.google.com/forms/d/e/1FAIpQLScrW40xXZEUYB-KV_5LvdTKMquP03Z8lletWRSVGRjYkxNWFQ/viewform

4. APCJJ TRAINING ACTIVITIES: COOPERATION WITH LEIDEN

UNIVERSITY FOR THE ORGANIZATION OF A SUMMER SCHOOL IN INDONESIA.

As the APCJJ aims to contribute to the training of its members, we are pleased to announce that the APCJJ co-organised the Regional School Frontiers of Children's Rights in the ASEAN Region that was held from the 23rd to the 27th of January in Indonesia (Jakarta).

This training course was organized by the University of Leiden (The Netherlands). The International Juvenile Justice Observatory collaborated in the organization of the day, dedicated specifically to topics within Juvenile Justice, on January 25th, through the Asia Pacific Council for Juvenile Justice. The speakers included:

a. Members of the European Council for Juvenile Justice:

- Prof. Jaap Doek, former Chair of the UN Committee on the Rights of the Child (1999–2007), discussing "Juvenile Justice: From Theory to Practice".
- Prof. Ton Liefwaard, UNICEF Chair in Children's Rights, Leiden Law School, discussing "Juvenile Justice: From Theory to Practice".

b. Members of the Asia Pacific Council for Juvenile Justice:

- Aisay Yuliani, Programme Officer, Raoul Wallenberg Institute, discussing "The Current Status of Juvenile Justice in ASEAN Member States".
- Dr. Razwana Begum, Ministry of Social and Family Development, Singapore, discussing "Restorative Justice".

Programme of the Summer school: "Frontiers of Children's Rights in the ASEAN Region" 2017-2.pdf Description:

<https://www.universiteitleiden.nl/en/news/2017/02/frontiers-of-childrens-rights-in-the-asean-region-indonesia>

5. APCJJ ADVOCACY ACTIVITIES

[UNODC's expert group meeting on tertiary education for justice](#)

On the 7th and 8th of March, the IJJO and the APCJJ participated in an expert group meeting on tertiary education as a part of the United Nations Office on Drugs and Crime's (UNODC) [Education for Justice \(E4J\) \(link is external\)](#) initiative.

The meeting was held in the UN offices in Vienna. The E4J project was developed in response to the ... [read more](#)

[The IJJO discusses rehabilitation standards and practices for children in international meeting on radicalisation and terrorism in Central Asia](#)

A 'Dialogue on Countering Foreign Terrorist Fighters and Radicalization to Violence in Central Asia' was hosted by the Global Counterterrorism Forum's [Foreign Terrorist Fighters \(FTF\) Working Group \(link is external\)](#) on February 23rd in The Hague (The Netherlands). This dialogue meeting was an opportunity to exchange on the challenges faced by Central Asian States ... [read more](#)

[The IJJO addresses youth radicalisation in workshop on the prevention of violent extremism in the ASEAN Regional Forum states](#)

Sophie Duroy, former analyst and project manager at the IJJO, participated on February 15th and 16th in a workshop on mainstreaming the prevention of violent extremism in the ARF region, which took place in Brussels, jointly organised by the Philippines, Australia and the European Union. [read more](#)

II. ASIA-PACIFIC COUNCIL'S MEMBERS SECTION

1. 'JUVENILE JUSTICE WITHOUT BORDERS' INTERNATIONAL AWARD

The International Juvenile Justice Observatory (IJJO) had the honor to announce the recipients of the 'Juvenile Justice Without Borders' International Award in its 4th edition, 2016. This award recognizes the work of professionals and organizations that have shown continued commitment towards the development of juvenile justice systems and the rights of children in contact with the law.

For the Asia Pacific region, the IJJO awarded Datuk Dr. Chiam Heng Keng (Malaysia), Founding President of the Early Childhood Care and Education Council of Malaysia, and member of the ASEAN Commission for the Protection of the Rights of Women and Children (Malaysia). She was awarded for her outstanding work as a researcher in child psychology, facilitating the improvement of the Malaysian juvenile justice system, her commitment as a teacher in the transmission of values and respect for human rights, as well as for her wisdom as an advisor for many national committees working for the rights of children. You can also find an announcement of this award on the [IJJO website](#).

2. WARM WELCOME TO NEW APCJJ COUNCIL MEMBERS

The Asia Pacific Council for Juvenile Justice is honored to welcome Ms. Rowena Legaspi-Medina and Mr. Kuldeep Singh to join its esteemed members as part of the Council.

Ms. Legaspi is the current Executive Director of Children's Legal Rights and Development Centre (CLRDC) in the Philippines, an NGO that provides, among other functions, legal and psycho-social interventions to children who come in contact with the law. She brings to the policy level the experiences and situations of the said children to ensure that legislators craft child sensitive laws. Ms. Legaspi has been deeply engaged with different human rights advocacies for almost 25 years thus far, and her work has made significant impact to the lives of marginalized sectors she has served. Her biography : <http://www.apcjj.org/180>

Mr. Singh, former tenured Member of the Juvenile Justice Board in the Government of Haryana, India, and a practicing counseling psychologist working for the rehabilitation of juveniles in conflict with the law, is the current Vice-President of Zila Yuva Vikas Sanghathan, an NGO in northern India running CHILDLINE, a 24-hour Child Helpline for children in need of care and protection. The NGO also works on projects for children's education and opening shelter homes, and runs over 150 training centers. <http://www.apcjj.org/183>

3. EXPERT EVIDENCE TO ROYAL COMMISSION ON NON-PUNITIVE RESPONSES TO CHILDREN WITH SEXUALLY HARMFUL BEHAVIOURS

In October 2016, APCJJ Member Dr. Wendy O'Brien appeared as an expert witness for the Royal Commission on Institutional Responses to Child Sexual Abuse in Australia, in which she highlighted the need for therapeutic, rather than punitive responses to children with sexually harmful behaviours. The transcript of Dr. O'Brien's evidence is available [here](#) (Transcript Day 215).

Dr. O'Brien has now commenced work on a two-year funded research project to

examine good practice in delivering and evaluating interventions for young people with sexually abusive behaviours, funded by the [Australian National Research Office on Women's Safety](#).

Therapeutic responses to children with harmful sexual behaviours have been a focus of Dr. O'Brien's research for many years. A selection of Dr. O'Brien's published work on this topic is available at: [The Australian Crime Commission](#), the [Deakin Law Review](#), [Child Indicators Research](#), and [The Conversation](#).

III. RELEVANT DEVELOPMENTS IN JUVENILE JUSTICE

1. EFFORTS TO PREVENT THE LOWERING OF MINIMUM AGE OF CRIMINAL RESPONSIBILITY (MACR) IN THE PHILIPPINES

APCJJ Member Ms. Rowena Legaspi, together with her team, has played an instrumental role in lobbying and campaigning against the lowering of the Minimum Age of Criminal Responsibility (MACR) from 15 to 9 years old in The Philippines. Their work within the Philippines and in Europe has brought together actors and stakeholders actively working against the passing of the Bill. On May 23rd, their efforts and dedication were finally rewarded as the majority of the House subcommittee on correctional reforms removed provisions aiming to reduce the minimum age at which children can be tried for criminal offences to nine, leaving the current limit of 15 in place.

Ms. Rowena Legaspi has been [quoted in The Washington Post](#) regarding the relationship of the Bill that seeks to lower the MACR, to the current drug war by the Philippines' President.

Aljazeera news [also mentioned her team's documented cases](#) on the children killed in the nation's ongoing drug war (mostly former children in conflict with the law). The photo of the boy featured in the article was a child at risk Rowena and her team assisted, who survived torture and extrajudicial killings (EJK).

The IJJO greatly supports the work carried out by the Children's Legal Rights and Development Center (CLRDC) in the Philippines, which have made possible the withdrawal of the proposal of lowering the minimum age of criminal responsibility in the Philippines. Following [its joint statement](#) in January together with NGOs composing the Child Justice Advocacy Group, the IJJO welcomes the recent decision of the House Subcommittee regarding the MACR in the Philippines.

2. YOUTH JUSTICE IN AUSTRALIA

In July 2016 [vision](#) aired on an Australian current affairs program revealed the shocking treatment of children in criminal justice detention at the Don Dale juvenile facility in the Northern Territory, Australia. The Prime Minister announced a [Royal Commission into the Protection and Detention of Children in the Northern Territory](#). This inquiry is currently underway.

In late 2016 a series of incidents in two juvenile detention centres in the Australian state of Victoria led to facilities being damaged.

As a result, more than 15 children were detained in adult jails, and an inquiry by the [Victorian Children's Commissioner](#) revealed that children were enduring lockdown for up to 23 hours per day, restraints were being used on children, and children didn't not have access to appropriate education.

Human rights lawyers mounted a [legal challenge](#) to stop the Victorian Government from imprisoning children in adult jails. Eventually, the detention of teenagers in a maximum security adult prison was [ruled unlawful and the children were moved back](#) to a juvenile detention centre.

Furthermore, earlier this month Premier Daniel Andrews's government pushed a Youth Justice Reform Bill through both houses of state parliament with bipartisan support. The bill [includes a series of repressive measures](#), such as the requirement of youth aged 18 to 21, and teenagers over the age of 16 charged with serious offences, to be tried and sentenced as adults. In addition, The maximum sentence for children aged 10 to 14 will be lifted from two to three years.

3. PUSH TO RAISE THE MINIMUM AGE OF CRIMINAL RESPONSIBILITY (MACR) IN AUSTRALIA

These aforementioned events have sparked much debate in Australia about the minimum age of criminal responsibility (MACR), which is currently set at 10 years of age in each Australian State and Territory.

[This report](#) by the Jesuit Social Services makes the case for an increase in the MACR in Australia.

The common law safeguard of Doli Incapax means that children under the age of 12 years should not be held criminally responsible in Australia unless the prosecution can successfully prove that the child knew that their actions were seriously wrong. APCJJ member Dr. Wendy O'Brien has published co-authored research that finds that this legal safeguard is operating ineffectively in the state of Victoria, and that the MACR should be raised to ensure that children as young as 10 do not face the rigors of the criminal justice system. Dr. O'Brien's article, co-authored with Dr. Kate Fitz-Gibbon, is forthcoming in the international journal [Youth Justice](#).

In other recent published researches, Dr. O'Brien and Dr. Fitz-Gibbon have written on the need to end [life imprisonment without parole for children](#) (in New South Wales, Australia), and on the [harms of naming and shaming child offenders](#).

IV. EVENTS

1. THE 17TH MELAKA INTERNATIONAL YOUTH DIALOGUE

The theme of the program is 'Our Roles in Solving Juvenile Delinquency', and will be held from the 9th to the 13th of July, 2017, in Melaka, Malaysia. The significant event is organized by the World Assembly of Youth in collaboration with the Ministry of Youth and Sports (Malaysia), Melaka State Government, Asian Youth Council and Malaysian Youth Council.

The annual event was founded to bring youth together to seek ways to improve juvenile justice, and to thus have a positive impact on the betterment of the overall society. The theme this year, intended to combat juvenile violence and solve delinquent behaviors, would be an excellent subject for members of the APCJJ to partake in. Further information can be found [on the IJJO website](#).

2. RECENT & FORTHCOMING CONFERENCES (AUSTRALIA)

The [Australian Juvenile Justice Summit](#) was held in Sydney, Australia on 4th-5th of May 2017. APCJJ member Dr. Wendy O'Brien presented on Global Norms and Standards in Criminal Justice – and reforms to bring Australian juvenile justice practices into closer alignment with human rights standards. The conference brought together senior practitioners, scholars, and judicial officials to discuss innovation and best practice in juvenile justice.

The international conference [Crime and Justice in Asia and the Global South](#) will be held in Cairns, Australia on 10th-13th of July 2017, and will be co-hosted by the Crime and Justice Research Centre, Queensland University of Technology and the Asian Criminological Society. "The conference welcomes scholars from the global north – as a critical aim of the conference is to link northern and southern scholars in a collective project that will radically transnationalise the discipline into the future."

3. RECENT & FORTHCOMING TRAINING ON GROUP CONFERENCING (MELBOURNE, AUSTRALIA)

A three-day training course on [Conflict Transformation through Group Conferencing](#) will be offered in Melbourne on August 30-September 1. Facilitated by Dr. David Moore and Dr. Alikki Vernon, this workshop is suitable for professionals who are practicing, or interested to practice, in the field of conflict transformation. The workshop's objective is to examine methods for dealing with challenging situations in justice, health and education systems, workplaces and/or other communities.

This training on Group Conferencing will be offered again in Melbourne in November 2017. For more information, please contact the APCJJ or Dr. Wendy O'Brien of the APCJJ.

V. DOCUMENTS OF INTEREST

1. SUBMISSIONS TO INQUIRIES ON THE DETENTION OF CHILDREN

APCJJ Member Dr. Wendy O'Brien co-authored (together with Dr. Kate Fitz-Gibbon) two submissions on conditions related to the detention of children in conflict with the law.

Click [here](#) to read Dr. O'Brien and Dr. Fitz-Gibbon's Submission to the Office of the High Commissioner for Human Rights, on Resolution 30/7 – Human rights in the administration of justice, including juvenile justice.

Click [here](#) to read their submission to the Inquiry into Youth Justice Centres in Victoria, Australia.

If you would like to contribute any news, announcements or publications from your field or region, we will be very happy to update them in the next APCJJ Newsletter!

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