



Asia-Pacific Council for Juvenile Justice

Newsletter, July 2016



I. APCJJ NEWS

1. SECOND MEETING OF THE APCJJ SUBCOMMITTEE FOR ASEAN



The Asia-Pacific Council for Juvenile Justice held the Second Meeting of its APCJJ Subcommittee for ASEAN in Bangkok, Thailand between the 15th and the 17th of June 2016. The IJJO organised this meeting in cooperation with the Department of Juvenile Observation and Protection of the Thai Ministry of Justice (DJOP) and the Thailand Institute of Justice (TIJ). This meeting was also supported by the ASEAN Commission on the Rights of Women and Children, UNODC, UNICEF and the Office of the Special Representative of the Secretary-General on Violence against Children. [+]

DAY ONE



The inaugural day of the APCJJ Subcommittee for ASEAN's Second Meeting in Bangkok, Thailand, held on June 15th, was dedicated to the issue of **cross-border safeguards for children in conflict with the law**. [+]

DAY TWO: MORNING SESSION



The second day of the meeting began with presentations by ASEAN Member States representatives, who introduced their countries' perspectives on cross-border issues concerning children in conflict with the law. [+]

DAY TWO: AFTERNOON SESSION



The second day's afternoon session started with a presentation on the **UN Global Study on Children Deprived of Liberty** by Ms. Marta Santos Pais, SRSB-VAC. [+]

DAY THREE



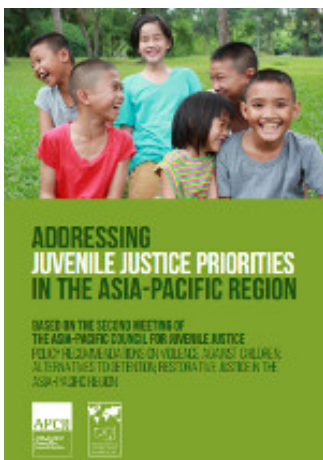
The third day focused on the [ASEAN Regional Plan of Action on Elimination of Violence Against Children](#), in particular on the role of the ASEAN Socio-Cultural Community (ASCC) on policy and legal reform for the protection of children in conflict with the law. [+]

2. INDONESIA'S MINISTRY FOR LAW AND HUMAN RIGHTS AND THE IJJO SIGN AN INTER-INSTITUTIONAL COLLABORATION AGREEMENT ON THE DEVELOPMENT OF THE COUNTRY'S JUVENILE JUSTICE SYSTEM



On 17 June 2016, a Collaboration Agreement for the development of research, training and communication activities in the field of Juvenile Justice was signed by Dr. Francisco Legaz Cervantes, Chairman of the International Juvenile Justice Observatory, and Dr. Mualimin Abdi, Director General of Human Rights of the Ministry of Law and Human Rights of the Republic of Indonesia, who was represented by Mr. Andi Taletting Langi, Deputy Director of the Doctoral Program of Human Resource Management at the Ministry. [+]

3. ADDRESSING JUVENILE JUSTICE PRIORITIES IN THE ASIA-PACIFIC REGION



The International Juvenile Justice Observatory is pleased to announce the publication of its report, "Addressing Juvenile Justice Priorities in the Asia-Pacific Region" which has been based on the Second Meeting of the Asia-Pacific Council on Juvenile Justice, held in May 2015 in Phuket, Thailand. The issues addressed in this report are violence against children, restorative justice, diversionary measures and alternatives to detention. The report, which includes theoretical frameworks, snapshots from countries in the Asia-Pacific region and policy-oriented workshops, can be found at: <http://www.apcjj.org/apcjj-second-report> while information about the May 2015 meeting can be found here [+]

II. ASIA-PACIFIC COUNCIL'S MEMBERS' SECTION

1. AUSTRALIA – ACT CHILDREN AND YOUNG PEOPLE COMMISSIONER



Australia's former ACT Children and Young People Commissioner, Mr. Alasdair Roy, a member of the Asia-Pacific Council, announced the publication of two reports. The report, "Children & Young People With Complex Needs in the ACT Youth Justice

System,” published in March 2016, focused on the criminal justice responses to children with mental health conditions, cognitive disabilities, drug and alcohol disorders, and childhood trauma. The report can be accessed here: [\[+\]](#)

Another report concerns the use of restrictive practices in youth justice settings. It will be published in the coming months.

2. BLAST – PROBATION UNDER CHILDREN ACT 2013 – COMMENTARY BY JUSTICE IMMAN ALI



Bangladesh enacted the Children Act in 2013 with the declared aim to implement the provisions of the CRC. Essentially the new law encompasses the various aspects of justice for children who find themselves in conflict with the law. The beneficial concepts of Diversion and Alternative resolutions incorporated in the legislation require formulation of Rules for their proper implementation

In this report, Asia-Pacific Council Member, Mr. Justice Imman Ali provides analysis and commentary on this act in collaboration with BLAST and Penal Reform International whose partnership aims on improving access to justice for children in Bangladesh. Mr. Justice Imman Ali is Judge of the Appellate Division of the Supreme Court of Bangladesh and PRI Secretary General.

Among the issues covered in this report, Justice Ali discusses the newly introduced concepts in the Children Act such as diversion, family conferencing, alternative care, and dispute resolution to be framed and adopted. We hope that this report on the Children Act 2013 with the commentary from Justice Ali will provide food for thought for concerned officials, scholars, lawyers, and children’s rights activists.

The report can be found here: [\[+\]](#)

In addition, the IJJO would like to congratulate Hon Justice Imman Ali on his appointment by Bangladesh’s Chief Justice to head a new Supreme Court Committee on Child Rights. Members can read Justice Imman Ali’s articles and judgements on child rights and other legal issues on his personal website: <https://justiceimmanali.wordpress.com>

3. NEW CHAIR OF THE COMMISSION ON THE PROMOTION AND PROTECTION OF THE RIGHTS OF WOMEN AND CHILDREN (ACWC)

The IJJO has received a letter from the Commission on the Promotion and Protection of the Rights of Women and Children (ACWC), informing that after three years as the Chair of ACWC, Ms Datin Paduka Intan Kassim has completed her term on the 6th April 2016. The new Chair of the Commission is Her Excellency Ibu Doriantly Lily Purba, the Indonesian Representative on Women’s Rights and she will be the focal point for all communication with ACWC.

III. RELEVANT DEVELOPMENTS IN JUVENILE JUSTICE

1. SINGAPORE – FAMILY JUSTICE ACT

In 2014, the Singapore Parliament passed a new Family Justice Act, which established special courts for family justice, including a Family Division of the High Court, Family Courts and Youth Courts. The main aims of establishing new courts were to improve court processes and strengthen the expertise in family-related matters. However, no changes have been made to the substantive law applicable to criminal offences committed by children.

The full text of this Act can be found here: [\[+\]](#)

2. INDIA – JUVENILE JUSTICE (CARE AND PROTECTION) ACT 2015

In India, the Juvenile Justice (Care and Protection) Act 2015 was adopted on the 31st of December 2015, replacing the Juvenile Justice (Care and Protection) Act 2000. From now on, young people between the ages of 16 and 18 years old who are accused of committing heinous crimes can be tried as adults. Firstly, the young person must undergo an assessment of their physical and mental condition, where an assessment is made on whether they are able to understand the consequences of their actions. In addition, the circumstances in which the offence was allegedly committed are to be under investigation. However, the Act has been criticized by academics and civil society representatives because of its broad interpretation of 'heinous', which includes 46 different crimes.

The full text of this Act can be found here: [\[+\]](#)

3. VIETNAM – FIRST JUVENILE COURT OPENED

On April 4th, 2016, Vietnam opened its first family and juvenile court in Ho Chi Minh City. In addition to family disputes, the court will also deal with cases of juvenile offenders.

For more information: [\[+\]](#)

IV. EVENTS

1. INDIA: REGIONAL ROUND TABLE CONFERENCES – EFFECTIVE IMPLEMENTATION OF JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT 2000

The Supreme Court Juvenile Justice Committee, UNICEF and High Court Committees organised several regional round table conferences in India to discuss the effective implementation of juvenile justice in the country. The conferences promoted learning from other states and developed strategies for the effective implementation of the Juvenile Justice Act. At the end of the conferences, a roadmap was developed for states to improve the implementation of the Juvenile Justice Act. Through a series of consultations across the country culminating in a national consultation, a status report on the juvenile justice system has been put together, capturing the nuances of the implementation challenges, best practices and also the recommendations for policy and implementation.

The full text of the report, 'Effective Implementation of The Juvenile Justice (Care and Protection of Children) Act 2000' can be found here: [\[+\]](#)

V. DOCUMENTS OF INTEREST

1. CHILDREN AND YOUNG PEOPLE WITH COMPLEX NEEDS AND CHALLENGING BEHAVIOUR IN SCHOOLS

Last year, the former Australian Children and Young People Rights Commissioner, Alasdair Roy, was one of the authors of a report on children and young people with complex needs and

challenging behaviour in schools, which was published in November 2015. The report highlights the requirements of human rights, rules against discrimination and other legislation that schools must adhere to when providing educational opportunity for all students, including those with complex needs and challenging behaviour. It emphasises the need for schools to provide a caring environment for all students, in which they can reach their full potential regardless of any challenges they might have. The report also provides a commentary on the use of restrictive practices in schools.

The full report can be accessed here: [\[+\]](#)

2. BRUNEI – UN COMMITTEE REVIEWS BRUNEI'S RECORD ON CHILDREN'S RIGHTS

In January 2016, Brunei was one of the countries reviewed by the UN on the state of children's rights in the Kingdom. Since Brunei is among the 196 states to have ratified the Convention on the Rights of the Child, it undergoes regular examinations by a UN Committee of 18 independent experts.

The report highlighted key issues such as: criteria for determining which law system applies for which cases related to juvenile offenders whether Islamic, secular or otherwise (in this regard, the UN asked Brunei to provide information on the circumstances that could result in the application of Islamic law to non-Muslim offenders); minimum age of criminal responsibility; conditions of detention of children in conflict with the law; the status of special juvenile courts and/or specifically-trained judges, and corporal punishment.

The UN Report also expresses concern over Brunei's low age for criminal responsibility, which is only 7 years. The UN has also urged the abolition of corporal punishment. [\[+\]](#)

3. NEPAL - UN COMMITTEE REVIEWS NEPAL'S RECORD ON CHILDREN'S RIGHTS

The UN is set to review the state of children's rights in Nepal in May 2016 as the state has ratified the Convention on the Rights of the Child. Among the issues discussed was the Optional Protocol on the involvement of children in armed conflict (OPAC). The UN Committee also asked Nepal to provide official and comprehensive data on the number of children who have faced or are facing trial on conflict-related charges and the outcome of the legal proceedings engaged against them as well as on the number of children recruited and used in armed conflict who were provided with reparation as well as rehabilitation and reintegration services and the number of those who had no access to any service.

For more information including official UN Reports on this Committee review: [\[+\]](#)