

DEPARTMENT OF JUSTICE AND ATTORNEY GENERAL

JUSTICE ADMINISTRATION DIVISION

JUVENILE JUSTICE SERVICE

SPECIAL PARLIAMENTARY COMMITTEE

ON GENDER BASED VIOLENCE PUBLIC HEARING



RESPONSES TO THE RECOMMENDATIONS

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1. Preliminary
 - 1.1 This report on juvenile justice is pertinent to the recommendations in the Report to Parliament: Part 1 –Inquiry into Gender Based Violence in Papua New Guinea. It presents on recommendations pertaining to the presentation by Mr. Collin Sakap-Executive Director of Juvenile Justice Service to the Special Parliamentary Committee on Gender Based Violence Public Hearing held at the APEC Haus on the 24th of May, 2021.
 - 1.2 DJAG team appeared before the Special Parliamentary Committee on Gender Based Violence to respond to questions raised on the services provided to assist victims and perpetrators of Gender Based Violence.
 - 1.3 The Special Parliamentary Committee on Gender Based Violence gave the opportunity to Mr. Collin Sakap-Executive Director, Juvenile Justice Service to present to the members, how the GBV cases has dealings with the perpetrators and the victims.
 - 1.4 Mr. Collin Sakap, informed the Committee about the importance of family unit, emphasizing that, children learn from their parents by observing. If the family home is safe avenue and stable, it has the influence to have children growing up in a secured and safe environment. In contrast, the instability in the family unit can have impact on the behavior and attitude of a child.
 - 1.5 Children coming into conflict with the law exert violence against another person and in the case of sexual penetration cases. Or in other act of crime where violence is exerted on a victim. The perpetrator, the child or children are vulnerable and expose to further violence upon receiving services.
 - 1.6 Although children coming into conflict with the law may not involve in the Gender Based Violence, the offensive behaviors, not properly dealt with can have adverse consequences when the child reaches adult hood. It is essential to provide the structured rehabilitation and reintegration programs so that every child that comes into conflict with the law are rehabilitated accordingly with an aim to *diminish* or *unlearn* those offensive behaviors.
 - 1.7 Recommendation 68 in the Special Parliamentary Committee Report accords for DJAG through Juvenile Justice Service to examine specific issues related to juvenile justice and rehabilitation.
 - 1.8 This brief report will enable the Minister for Justice, Hon. Bryan Kramer, Attorney General and Secretary for Justice, Dr. Eric Kwa and the head of the juvenile justice unit, Executive Director, Juvenile Justice Service, Mr. Collin Sakap, to respond to the

Special Parliamentary Committee on the recommendations presented in the Report on the 30th of November, 2021.

2. Recommendations

- 2.1. There were 71 recommendations for action in the Report to Parliament: Part 1 Inquiry into Gender Based Violence in Papua New Guinea. The recommendations considering juvenile justice and rehabilitation is considered in recommendation 68.
- 2.2. Recommendation 68: The NGBVS should work with the Government partners and CSO's to:
 - (a) gather information about good practice activities focused on GBV perpetrators and lessons learned, including the specific approaches to rehabilitation and reintegration;
 - (b) examine the specific issues related to juvenile justice and rehabilitation; and**
 - (c) use that knowledge to scale up efforts to work with GBV perpetrators.

3. Examine Specific Issues Related to Juvenile Justice and Rehabilitation

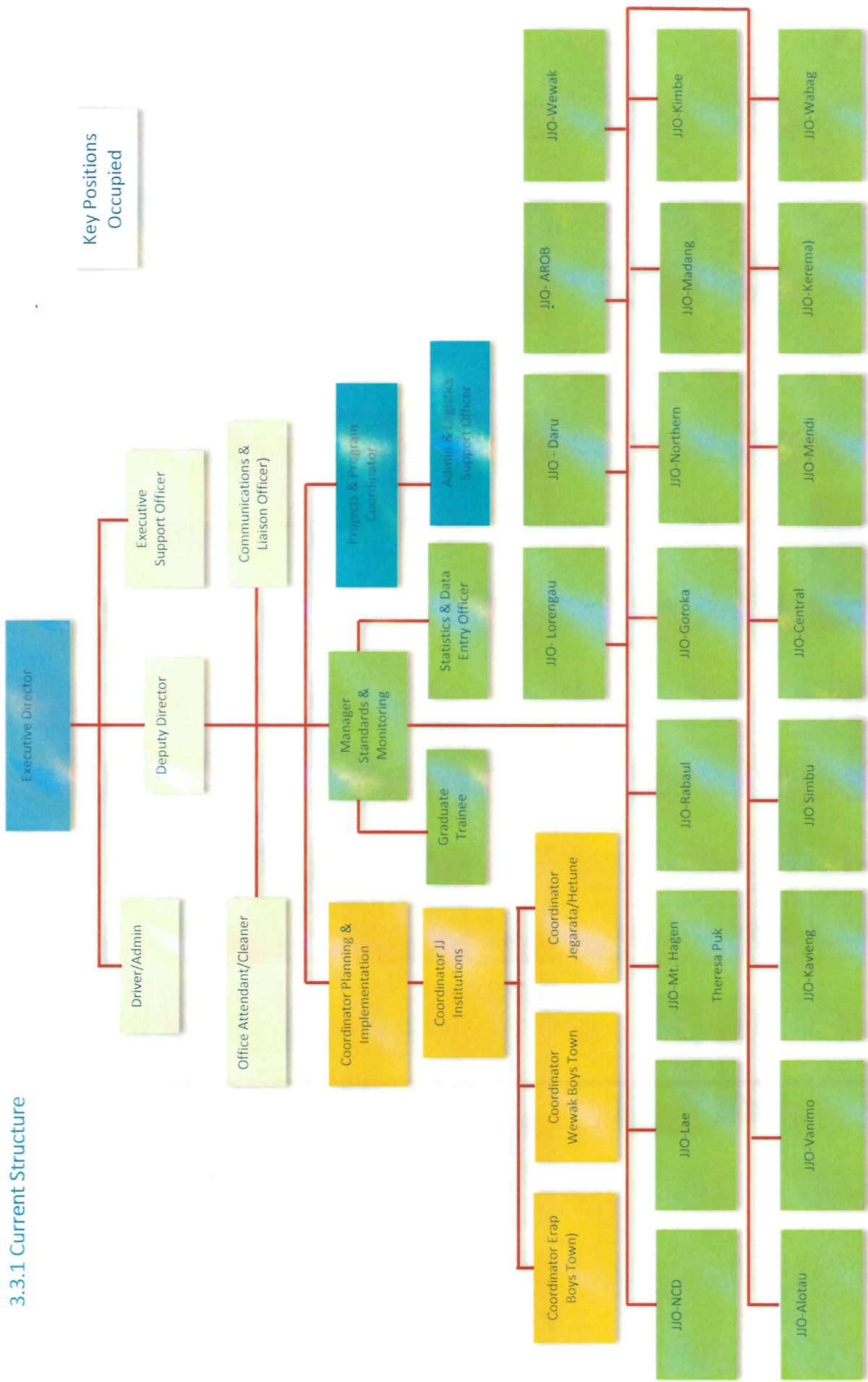
- 3.1. Section 7 of the *Juvenile Justice Act* 2014, establishes the Juvenile Justice Service (the Service). It is a mandatory and core function of the Department of Justice and Attorney General and it falls under Justice Administration Division. The structure of the Service is streamlined to the provincial operations. Juvenile Justice Officers are located in respective provinces. In the Provinces where we do not have the Juvenile Justice Officers, the Probation Officers assumes or performs the duties of the Juvenile Justice Officers.
- 3.2. The total staff ceiling of the Service is 37. However, in 2019, new positions were created and 14 of them were approved by the Department of Personnel Management through the Human Resource of the Department of Justice and Attorney General. The additional new positions has now increased the staff ceiling to 51 staff. The majority of the officers are based in respective provinces.
- 3.3. The roles and functions of the Juvenile Justice Service are summaries below:
 - To administer the implementation of the *Juvenile Justice Act*.
 - To ensure better protection, effective rehabilitation and successful reintegration of children in conflict with the law
 - To assist Courts in matters pertaining to the interest of every juveniles.
 - To advocate for diversion of juvenile from the criminal justice system to deal with offences using restorative justice and Melanesian tradition

- To facilitate Community Based Conferencing
- To issue guidelines relating to the minimum standards for juvenile institutions and juvenile in detention
- To inspect juvenile institutions
- To provide Secretariat support to the National Juvenile Justice Committee and the Provincial Juvenile Justice Committees
- To report on the status of juvenile justice service delivery to the Minister responsible for justice matters.

4. Governance Mechanism

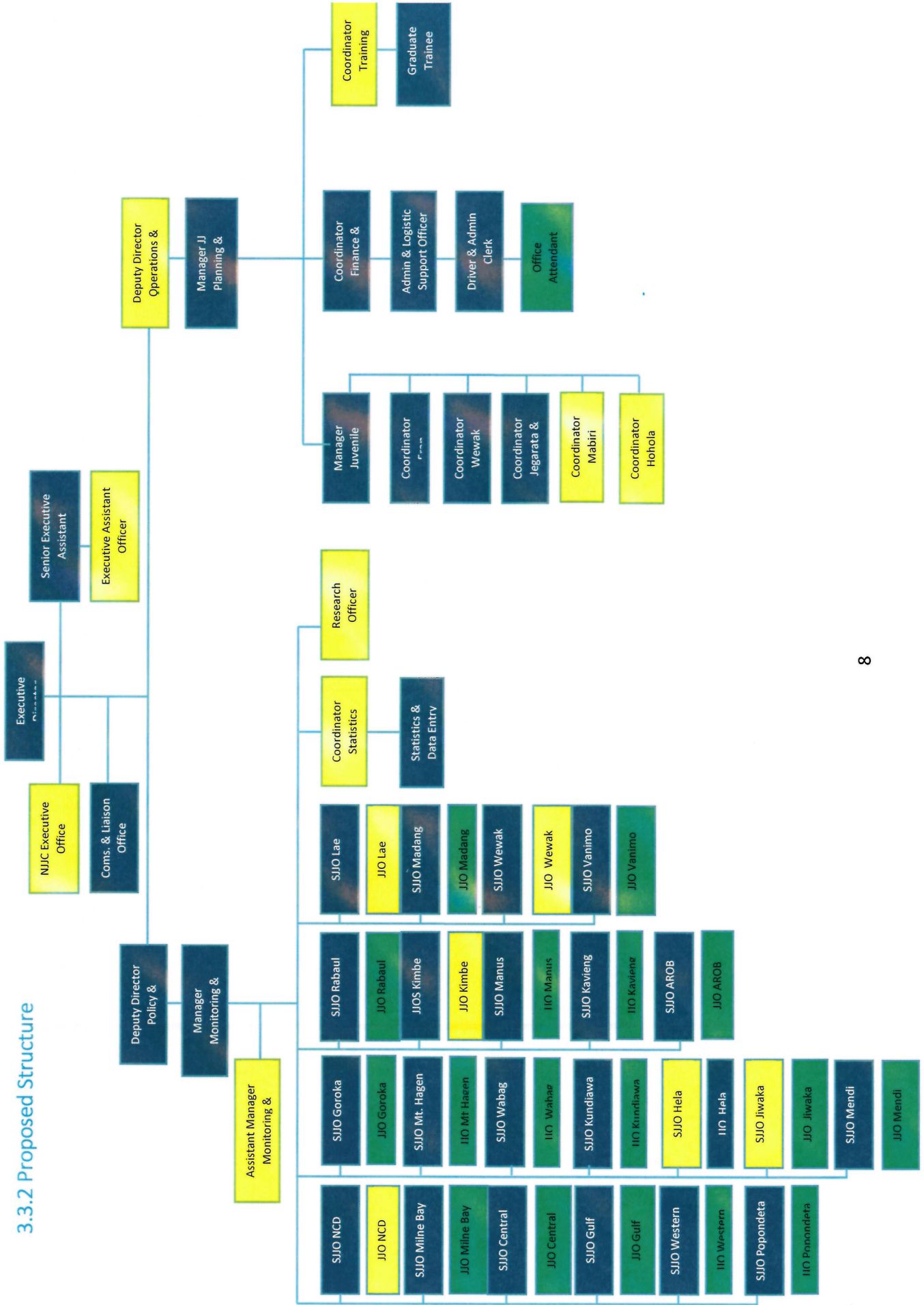
- 4.1. Sections 25 and 26 of the *Juvenile Justice Act* 2014 establishes the National Juvenile Justice Committee and the Provincial Juvenile Justice Committee. These Governance Committees are provides an oversight on the implementation of the Juvenile Justice Act at the national and provincial level. The Committees are represented by the government department/agencies, civil society organizations, non-government organizations etc. The Judiciary Services is represented in the National Juvenile Justice Committee.
- 4.2. These Committee's roles are -
- to oversee and monitor the implementation of the Juvenile Justice Act;
 - to promote co-operation between all government departments and agencies and other organizations, agencies and civil society groups involved in implementing the juvenile justice system.
 - to periodically develop national and provincial plans for the implementation of juvenile justice initiatives and for juvenile crime prevention.
 - to share information, review progress and coordinate implementation of juvenile justice initiatives.
 - to promote training and specification for the personnel of agencies and organizations involved in the administration of the juvenile justice system and
 - such other functions are as prescribed.
- 4.3 The issues of GBV can also be address through these Committees pertaining to juvenile offenders or where referral pathways or case management is concern.

3.3.1 Current Structure



Key Positions Occupied

3.3.2 Proposed Structure



5. Case Load

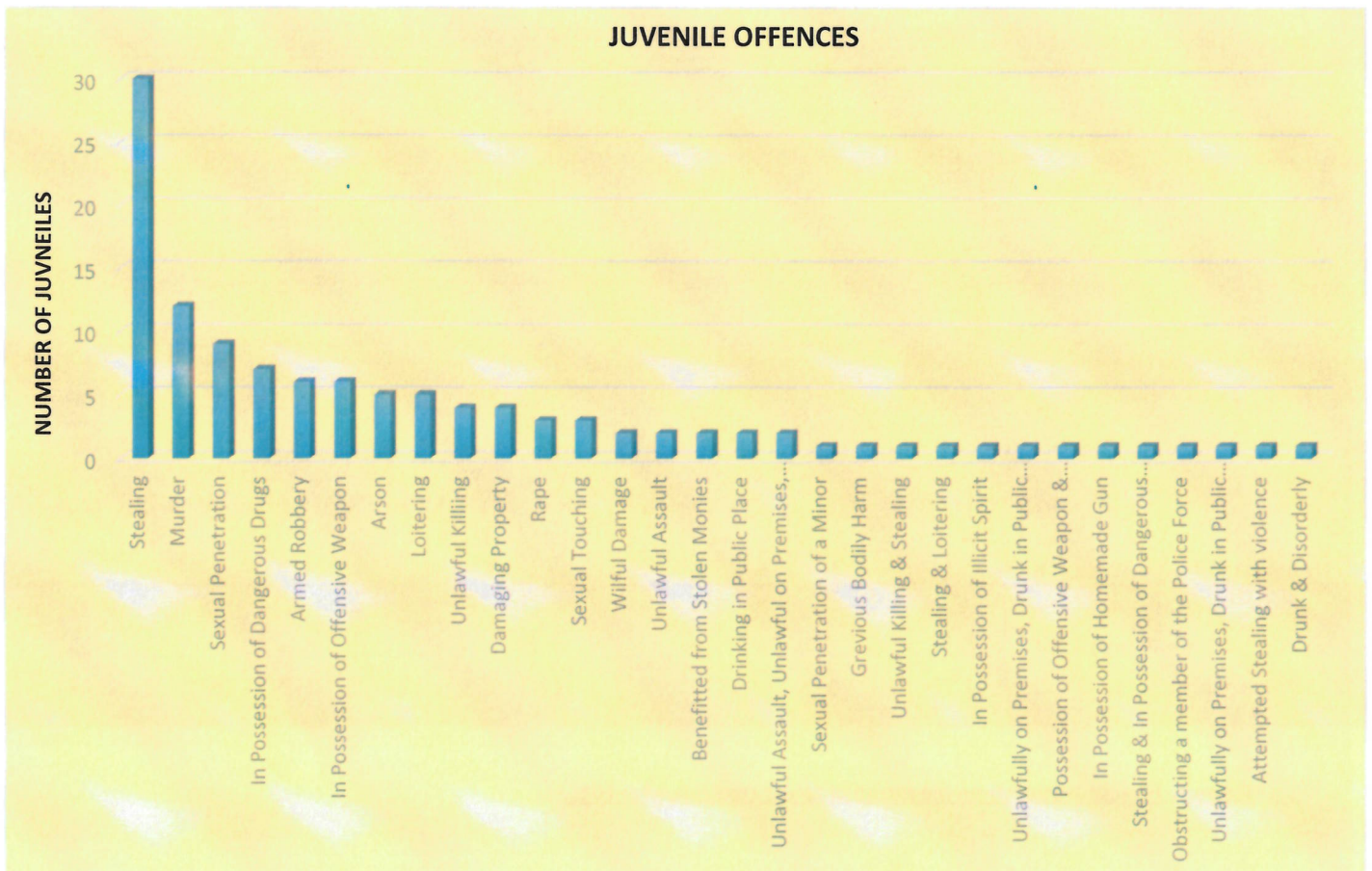


Figure 1: Offences committed by the juvenile offenders

- 5.1 Figure 1 shows various offences committed by the juveniles. There are high number of juveniles committing stealing offence approximately 26% of the juveniles. This are the offences by the juvenile offenders in 2021.
- 5.2 Most of these offences are committed by the male offenders.
- 5.3. These offences are serious offences and less serious offences. Considering all of these offences, there are violence involved in committing these offences. Without emphasis on the structured rehabilitation and reintegration programs at the institutional level, as a revolving door, juvenile offenders will continue to become the habitual offender.

Juvenile Statistics (January - September 2021)

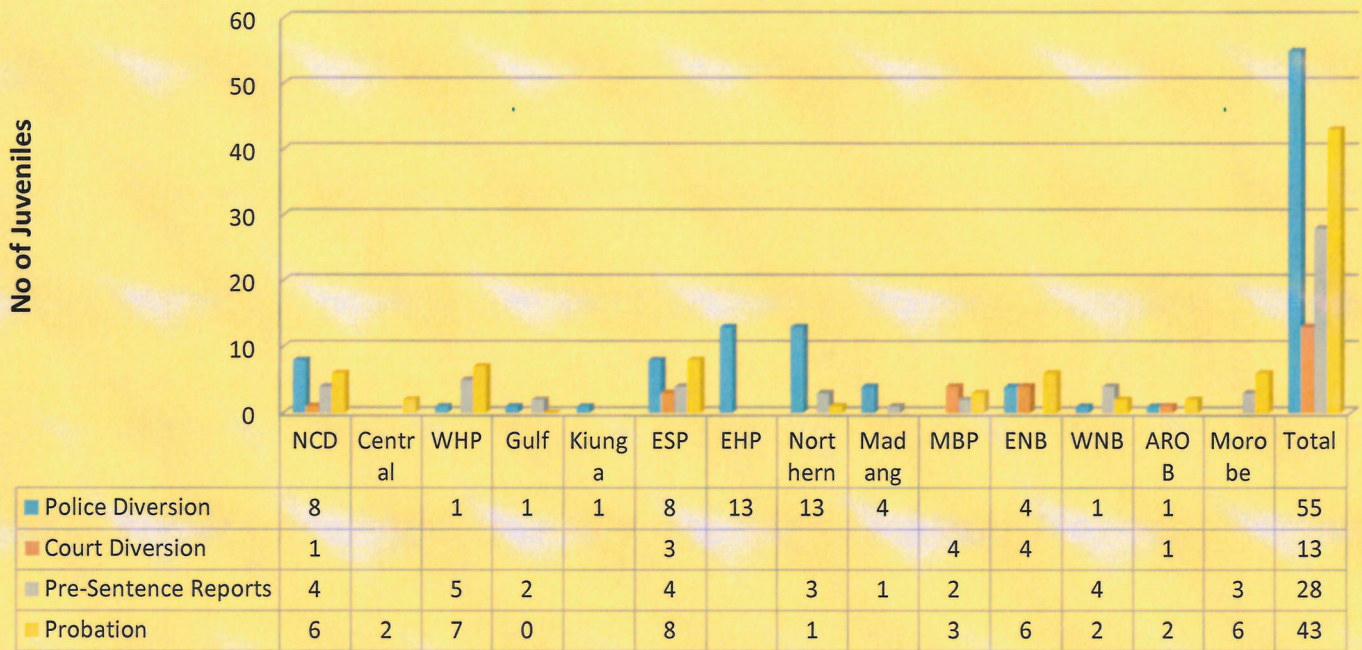


Figure 2. Juvenile Matters from the month of January to September 2021.

- 5.3. The graph in figure 1 illustrates the number of juvenile in respective juvenile matters. The statistics generated are from 14 provinces. We are likely to see number of juveniles increased on all juvenile matters, if we have all 22 provinces reported.
- 5.4. The statistics are collated on a monthly bases. Juvenile Justice Officers have the duty to report on a monthly bases hence compilation of the data and statistics. The submission of monthly reports has been the challenge and this has been compounded by resourcing of our officers. Inadequacy in funding has impacted resourcing of our officers such as purchasing of desk top and printers and as well as setting up of internet access.
- 5.5. The statistics shows that there are high number of police diversion being facilitated than the court diversion. There are increasing number of juveniles being placed on Probation.

6. Status of Juvenile Institutions

INSTITUTION	PROVINCE	STATUS	HOLDING CAPACITY	JUVENILE PROCESSED
Erap Boys Town	Lae, Morobe	In operation	40	0
Wewak Boys Town	Wewak, East Sepik	Partially in operation	20	0
Mabiri Rehabilitation Centre	Autonomous Region of Bougainville	In operation	20	1
Jagarata Rehabilitation Centre (Male)	Popondetta, Northern Province	Not in operation	20	0
Hetune Rehabilitation Centre (Female)	Popondetta, Northern Province	Not in operation	20	0
Hohola Remand Centre	National Capital District	In operation	15	3
Total number of juveniles being processed				4

Figure 2: Status of Juvenile Institutions

- 6.1 Figure 2 shows the current status of juvenile institutions managed by DJAG through Juvenile Justice Service. Due to funding constraints, not all of them were operating or able to detain the juvenile offenders. Except Hohola Remand Centre in the National Capital District and Mabiri Juvenile Rehabilitation Centre. Although these institutions are in operation, the number of juveniles being process is very low.
- 6.2. These institutions are all gazetted pursuant to Section 95 of the *Juvenile Justice Act* 2014.
- 6.3. One of the objectives of the Juvenile Rehabilitation and Reintegration Policy 2021-2031 is to ensure juvenile rehabilitation institution and remand centres are fully operationalized. The policy encourage mobilization of funding resources through the National Government Budget. With the adequate funding resources injected, these institutions will be fully operationalized. The operationalization of the juvenile institutions will ensure compliance to minimum standard to separate juvenile offenders from the adult as pursuant to Section 100 (a) of the *Juvenile Justice Act* 2014.

7. Juvenile Detainees in Correction Service custody

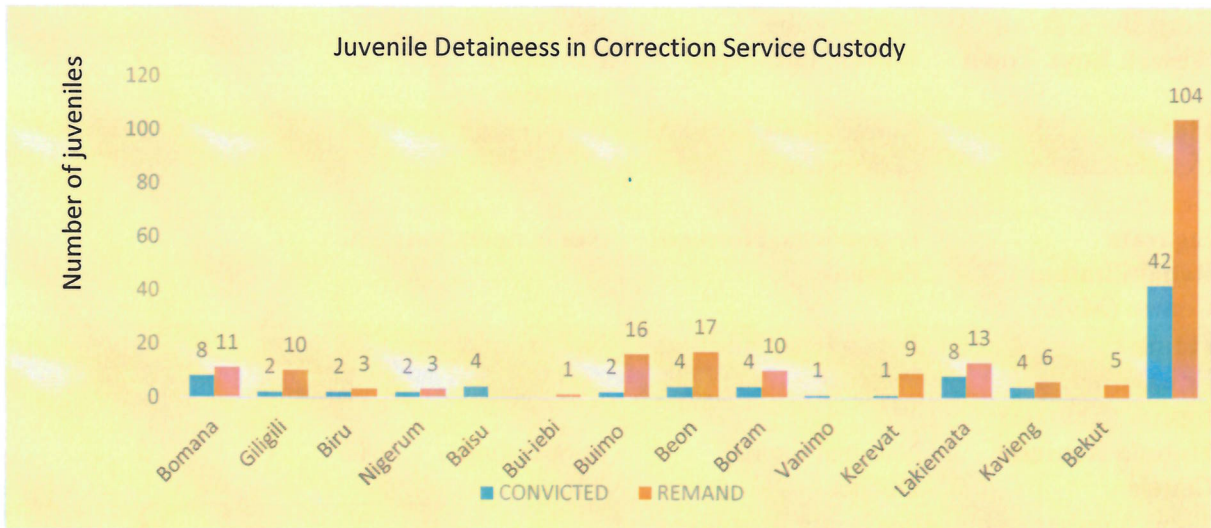


Figure 3: Number of juveniles in Correction Service custody

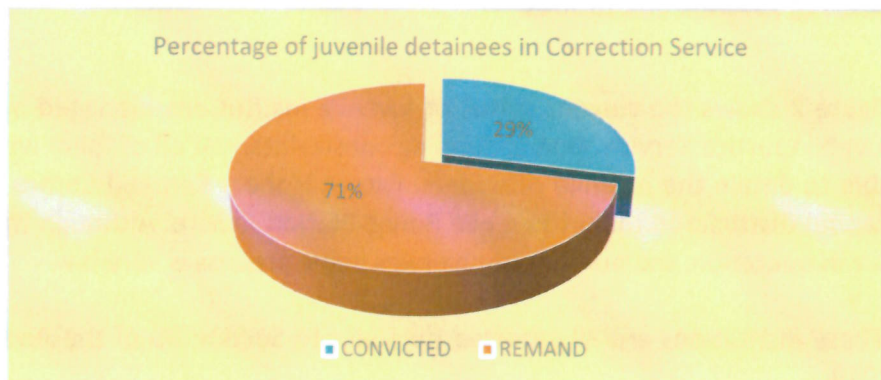


Figure 4. Shows the percentage of juvenile detainees in Correction Service custody

- 7.1. Figure 3 shows the current updated statistics of juvenile detainees at the Correction Service Institutions.
- 7.2. There are no female juvenile detainees being detained in the Correction Service Institutions. Figure 4 shows that 71% of the remandees and 29% of the convicts are all male detainees.
- 7.3. Comparing the increasing number of juveniles being detained at the Correction Service Institutions, figure 2 shows the juvenile institutions that has the holding capacity to detain juvenile offenders, however, these institutions were not in operation and were not being fully utilized due to lack of adequate funding resources.

- 7.4. The detention of juveniles with the adults in Correction Service Institutions, where we do not have separate juvenile wing is a breach in the standard minimum requirement as pursuant to Section 100 (a) of *Juvenile Justice Act 2014* and in accordance with the Minimum Standards of Juvenile Institutions and Juvenile in Detention.

8. Juvenile Rehabilitation and Reintegration Policy 2021-2031

- 8.1. There are none existence of structured rehabilitation and reintegration programs for juvenile offenders in the custodial and non-custodial sentencing. The development of the Juvenile Rehabilitation and Reintegration Policy 2021-2031 stride to
- 8.2. The strategies in the policy calls for improvements in the operations of the juvenile institutions and the institutionalization of the rehabilitation and reintegration programs for both the juveniles under the custodial and non-custodial sentencing.
- 8.3. A policy paper has been submitted to the National Executive Council Secretariat by the Minister, Hon. Bryan Kramer. It was endorsed by CACC and will be deliberated on by the National Executive Council.
- 8.4. The submission of the Policy Paper to the National Execution Council indicated for the K5million to be allocated to support the juvenile justice responsibilities and service delivery. The NEC is yet to deliberate on the funding implication. The decision from the NEC will determine the future institutionalization of the juvenile justice service to assist children coming into conflict with the law.

9. Addressing the GBV

- 9.1. Most of the juvenile cases are committed may not related to GBV. However, the violence exerted on the victims such as in the case of murder, armed robbery, sexual penetration etc has potential to trigger GBV when the juvenile is turning into adult. Therefore, juveniles are at greater risk of not "*unlearning*" those behaviors if appropriate structured rehabilitation programs are not in place.
- 9.2. Parental responsibility can also contribute towards providing the care and safety as well imposing support in the rehabilitation and reintegration of the juvenile offender. The Juvenile Rehabilitation and Reintegration Policy has all the elements of ensuring that the services are provided to assist children coming into conflict with the law.

10. Conclusion

- 10.1 The Special Parliamentary Committee on Gender Base Violence is the great forum to address the issues affecting our children. With the support from the Committee, appropriate support from the Government can be sought to improve the juvenile justice service delivery to ensure better protection and rehabilitation and reintegration of juvenile offenders.
- 10.2 The Juvenile Rehabilitation and Reintegration Policy will enable strengthening of partnership and collaboration amongst stakeholders to ensure the Section 5 objectives of the Juvenile Justice Act is achieved.