



PROTECTIONS FOR CHILDREN AND YOUNG PERSONS UNDER THE CHILDREN AND YOUNG PERSONS ACT (CYPA) – CHAPTER 219

Public Officers' Law Seminar :
Understanding the Law
26th and 27th October 2016

Siti Badriyah binti Abd. Rahman
Counsel

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BRUNEI - STATE PARTY AND ACCEDED IN 1995

The screenshot shows a web browser window displaying the United Nations Human Rights website. The page title is "Convention on the Rights of the Child". The header includes the UN logo and the text "United Nations Human Rights" and "Office of the High Commissioner for Human Rights". There are navigation tabs for "Human rights", "Countries", "Human rights bodies", "News and events", "Human rights - New York", and "Publications and documents". A search bar is visible. The main content area shows the title "Convention on the Rights of the Child" and a link to "Text in PDF Format". Below this, it states "Adopted for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989" and "Entry into force 2 September 1990, in accordance with article 49". The text begins with "Preamble", "Whereas", and "Recognizing". The taskbar at the bottom shows icons for a media player, Word, Internet Explorer, Chrome, Photoshop, and a shield icon, along with a system clock showing 4:39.

chr.org/EN/ProfessionalInterest/1... The Prime Minister's Office of ... Zuraini Binti Hj Sharbawi - Out... Convention on the Rights o...

Tools Help
Web Slice Gallery

ENGLISH FRANÇAIS ESPAÑOL РУССКИЙ العربية 中文

United Nations Human Rights
Office of the High Commissioner for Human Rights

Human rights Countries Human rights bodies News and events Human rights - New York Publications and documents

interest > Convention on the Rights of the Child

Text in PDF Format

Convention on the Rights of the Child

Adopted for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989
Entry into force 2 September 1990, in accordance with article 49

Preamble

Whereas

Recognizing

that the peoples of the United Nations have, in the Charter, reaffirmed their faith in human rights and in the dignity and worth of the human person, and have determined to progress and better standards of life in larger freedom,

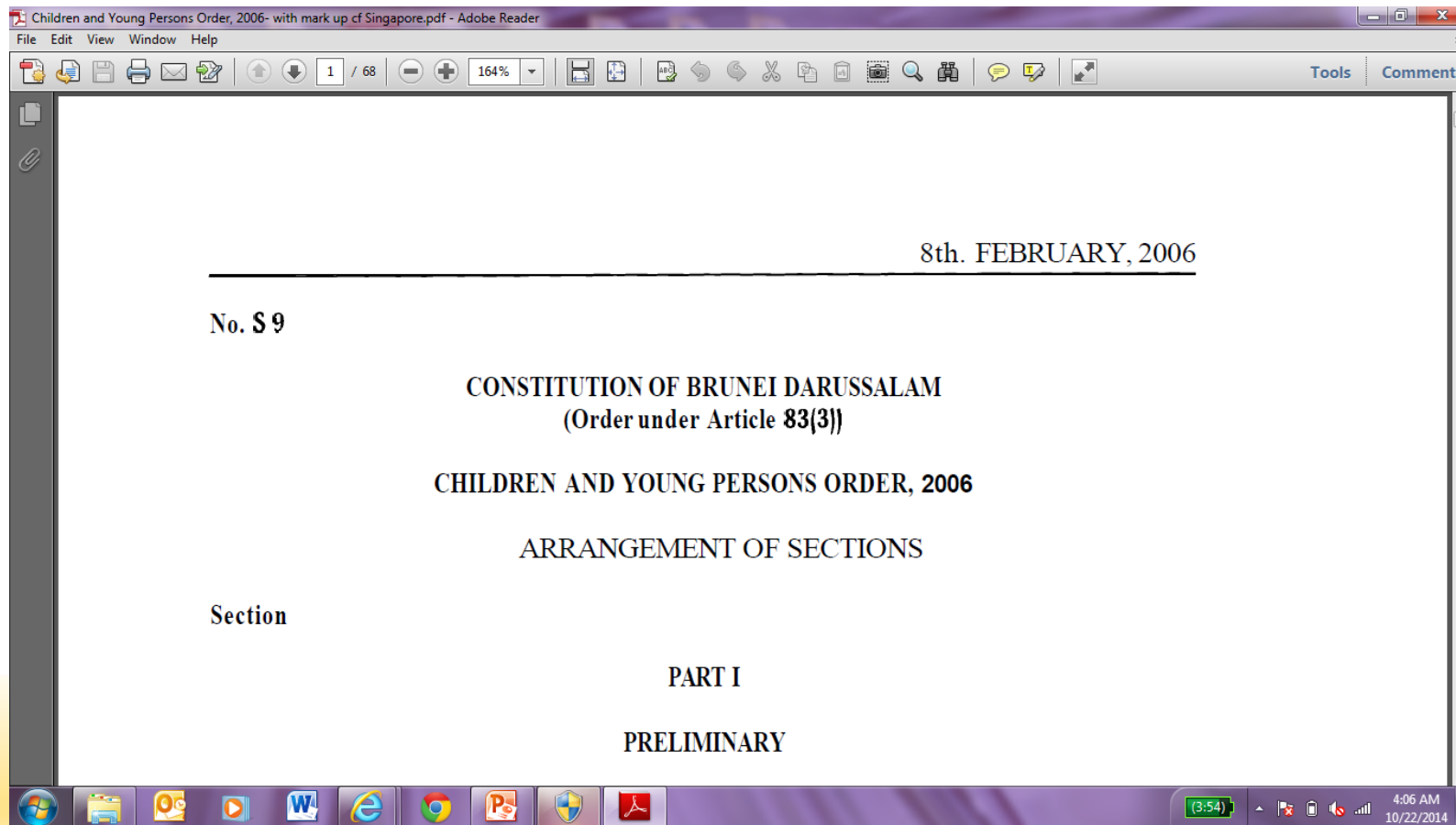
Relevant information:
Committee on the Rights of the Child (CRC)
Status of ratification and reservation declarations
See also:
The core international human rights instruments
Universal human rights instruments

(4:39)



CHILDREN AND YOUNG PERSONS ACT

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DEFINITION

- Children:
Who has not attained the age of 14 years
- Young Person:
Who has attained 14 years of age but who has not attained the age of 18 years



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**COMMUNITY DEVELOPMENT DEPARTMENT,
MINISTRY OF CULTURE, YOUTH AND SPORTS
[JABATAN PEMBANGUNAN MASYARAKAT - JAPEM]**



FOR JAPEM TO DEAL WITH PROTECTIONS

- Referral from the Police/Schools/Hospital/Family Members/Guardian/Public lodge a complaint – assigned social worker/officer under JAPEM will do necessary assessment/investigate further the matter.
- If there is an alternative place for the child/young person to stay, the matter will not be referred to AGC for protections.



- If the child/young person were placed at Darussakinah Puteri/Darussakinah Putera (place of safety) after the referral/complaint is lodged, child/young person are only allowed to stay at the place of safety not more than 3 working days.
- JAPEM will indicate AGC if there is a child/young person to be placed at the place of safety.
- If no alternative place for the child/young person to stay, matter will be referred to AGC for the application of protections, for the child/young person to be placed at the place of safety.



HOW TO LODGE A COMPLAINT AT JAPEM

- Walk in to the Office at the Ministry of Culture, Youth and Sports, at 3rd Floor [Bahagian Keluarga, Wanita dan Kanak-Kanak];
- Call 141 (24 hours);
- FB “Jabatan Pembangunan Masyarakat, Kementerian Kebudayaan, Belia dan Sukan”.



CHRONOLOGY FOR CYPA

JAPEM REFERRED THE CASE TO LDRU, AGC – S.2(2)(A) – (K)



LDRU PREPARE A CASE BACKGROUND



APPLY FOR 2 MONTHS INTERIM ORDER UNDER S.57(5)

NOTE: DURING THE REVIEW, INTERIM ORDER CAN BE EXTENDED UP TO A FEW TIMES



REVIEW



RELEASE



FINAL ORDER UNDER S.57(A) – (E)



GROUNDINGS OF APPLICATION

S.2(2)(A) - (K)

- a) the child or young person has been or there is substantial risk that will be physically or emotionally injured or sexually abused by his guardian;
- b) the child or young person has been or there is substantial risk that he will be physically or emotionally injured or sexually abused and his guardian, knowing such injury, abuse or risk, has not protected or is unlikely to protect him from such injury or abuse;



- c) the guardian of the child or young person is unfit, or has neglected or is unable, to exercise proper supervision and control over him and he is falling into bad association, is exposed to moral danger or is beyond control;
- d) the guardian of the child or young person has neglected or is unwilling to provide for him adequate care, food, clothing and shelter;
- e) the child or young person has no guardian, or has been abandoned by his guardian and after reasonable inquiries the guardian cannot be found and no other suitable person is willing and able to care for him;



- f) the child or young person needs to be examined, investigated or treated for the purpose of restoring or preserving his health and his guardian neglects or refuses to have him so examined, investigated or treated;
- g) the child or young person behaves in a manner that is or is likely to be harmful to himself or to any other person and his guardian is unable or unwilling to take necessary measures to remedy the situation or the remedial measures taken by the guardian have failed;
- h) there is such conflict between the child and young person and his guardian, or between his guardians, that family relationships are seriously disrupted, thereby causing him emotional injury;



- i) the child or young person is a person in respect of whom any of the offences mentioned in the Penal Code (Chapter 22) or any offence of the nature described in this Act has been or is believed to have been committed and his guardian is the person who committed or is believed to have committed such offence or has not protected or is unlikely to protect him from such offence;



- j) the child or young person is –
 - i. a member of the same household as a child or young person referred to in paragraph (i); or
 - ii. a member of the same household of the person who has been convicted of any of the offences referred to in paragraph (i), and appears to be in danger of the commission upon or in respect of him of a similar offence and his guardian is the person who committed or is believed to have committed such offence or is unable or unwilling to protect him from such offence;

- k) the child or young person is found begging.



INTERIM ORDER UNDER SECTION 57(5)

- Before making an order under subsection (1), the Juvenile Court may obtain such information as to his family background, religion, general conduct, home surroundings, school record and medical history as may enable it to deal with the case in the best interests of the child or young person and may, for the purpose of obtaining such information or for any special medical examination or observation, adjourn the case for a period or periods not exceeding 2 months at a time and may make in respect of the child or young person, as an interim order having effect only during the period of any adjournment, any order which it could have made under subsection (1).



FINAL ORDER UNDER SECTION 57(5)

- a) order his guardian to enter into a bond to exercise proper care and guardianship for a period specified by the Court, but that period shall not extend beyond the date on which the child or young person attains the age of 18 years;
- b) make an order placing the child or young person in the custody of a fit person specified by the Court but that period shall not extend beyond the date on which the child or young person attains the age of 18 years;



- c) without making any other order or in addition to an order under paragraph (a) or (b), make an order placing the child or young person under the supervision of a protector, or some other person appointed for the purpose by the Court, for a period specified by the Court, but that period shall not extend beyond the date on which the child or young person attains the age of 18 years;

- d) make an order placing the child or young person in a place of safety for a period of 3 years from the date of the order or until he attains the age of 18 years, whichever is the longer; or



- e) make an order placing the child or young person in the custody of a foster-parent considered suitable by the Permanent Secretary and pending such time, placing the child or young person in a place of safety.

S. 57(2)

A Juvenile Court may, in making any order under subsection (1), impose such conditions or give such directions as it may consider appropriate for the purpose of ensuring the safety and well-being of the child or young person, and every person upon whom such conditions are imposed or to whom such directions are given shall comply with such conditions or directions.



ADDITIONAL ORDERS OF JUVENILE COURT UNDER SECTION 59(1)

Where a child or young person has been dealt with under section 57 or 58, the Juvenile Court may, on its own motion or on the application of the Director or a protector, make an additional order requiring either or both the child or young person and his guardian to undergo such counselling, psychotherapy or other assessment and treatment or to partake in such other activity as it thinks necessary for the purpose of –

- a) resolving any relationship problems between the child or young person and his guardian;



- b) rehabilitating or assisting in the rehabilitation of the child or young person;
- c) enabling the guardian of the child or young person to manage him; or
- d) enhancing, promoting or protecting the physical, social and emotional well-being and safety of the child or young person.



CASES

1. Interim Order – Release
2. Interim Order – Release and return to their respective countries/transfer to a place of safety in their respective countries
3. Interim Order – Final Order
4. Interim Order – Final Order – Interim Order – Final Order



QUESTION AND ANSWER SESSION

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THANK YOU

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badriyah.rahman@agc.gov.bn
+673 2231200

www.agc.gov.bn