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that exposure to some of aspects of the modern media may have a negative rather than a positive effect on moral development. For example, one study found that children who frequently watched violent television programs were behind their peers in moral development. An analysis of television programs which found that violence on television is often shown as a quick-fix solution with few serious consequences.

In order to be fair in holding children criminally responsible for their actions, it is important that they not only know right from wrong, but also that they are able to understand and foresee the consequences of their actions, and that they have control over their actions at the time. While the research does indicate that many children are capable of moral reasoning and decision-making capabilities by the age of 12, it is clear that other capacities which affect their understanding of the risks and likely consequences of their behaviour are still developing until mid to later-adolescence. For example, children's sense of time and susceptibility to peer influence, and their impulsiveness and risk-taking may over-ride their careful assessment of the options and the consequences.

It therefore makes sense to provide a period of time in early adolescence to take account of the fact that children develop at different rates. There are of course difficulties in choosing any particular age as a cut-off point (as the law requires). DCI argued in its submission against the proposed changes on the basis that there is no reliable evidence that the proposed changes to *doli incapax* would be in the best interests of children, and would provide better protection for the community. DCI considers that increased pro-active measures, early intervention and diverting children from the

juvenile justice system are likely to be more effective in protecting the rights of children and the community.

- Judy Cashmore

The Law Foundation of New South Wales has described this submission as "a great read - informative and compelling" and "a worthy addition to the literature on this subject".

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East Timor: DCI seeks to help establish the Juvenile Justice System

DCI-Australia President, Mr. Danny Sandor, had the privilege of being part of a February delegation to East Timor led by the Chief Justice of the Family Court of Australia, the Honourable Alastair Nicholson AO RFD. The Chief Justice was invited by Mr Jose Ramos Horta to see the situation first hand and to discuss and advise on setting up a justice system in East Timor.

Australian media coverage did not prepare the delegation for the situation as it exists in East Timor. The city of Dili, reported to have had about 200,000 people, has been very systematically destroyed mainly by fire. Over a period of about a month, buildings were sprayed with fuel, district by district, and set on fire.

However, before the fires were started, every conceivable portable item was removed and taken away from the country. Every piece of furniture, every implement, every appliance, every item that could be removed was taken. Wiring was stripped from houses and buildings. Every bank and all of the records were destroyed. The schools and many churches were destroyed. There is scarcely an intact pane of glass in the entire city. No dwelling was too poor to be burned. Fresh graves beside destroyed houses are a poignant reminder of what occurred. One building in the centre of Dili is said to have been burned with 400 people in it.

The devastation is not limited to Dili; the delegation was informed that the damage in Oecusse (an East Timorese enclave in West Timor) and Baucau (east of Dili) is even worse.

Most families have lost one or more family members or friends. At first there was no food. The departure of the Indonesians was allegedly accompanied by the remark, "You can have your country back but eat rocks". Gradually a market of local produce has re-emerged and is now thriving. However, 90% of the population is said to be unemployed so many people cannot buy the food that is available.

Rebuilding is slow and difficult because there are virtually no building supplies. Fittings such as door

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furniture and electrical switchboards were looted. All shops were looted before being destroyed. Very little rebuilding has commenced and not much cleaning up is occurring. The schools have recommenced but this mainly means attendance by the children because there are no books or materials and no proper curriculum is being followed.

The unemployment rate is said to be 90%. Everywhere the people are idle and bored because of the lack of work. There is little money able to be earned and many people are at or below subsistence level. Families are crowded into what shelter is left. The delegation met one priest who has 100 orphans under his care and we were told that this is only a fraction of the total. We observed long queues of people waiting for medical treatment, particularly women with children.

In 1998, a Convention in Portugal attended by 200 East Timorese delegates established the CNRT (the Portuguese acronym for the National Council for Timorese Resistance). Held outside East Timor by political necessity and without its leader Xanana Gusmao, gaoled for life in 1992 (later commuted to 20 years imprisonment), this was the first broadly representative gathering of East Timorese since 1975. This body has become a de facto government-in-waiting and is restructuring itself from a body in opposition to a body working towards self-government.

The central CNRT organ is the Transitional Council which is the principal means of communication with United Nation Transitional Administration in East Timor ("UNTAET"). A National Consultative Council has been established as a forum for all viewpoints in East Timor, including representation from the Church.

There is something of a vacuum in the law applying in East Timor. Indonesia has declared that East Timor is no longer a province. East Timor has somehow "appropriated" the Indonesian criminal code as a matter of practicality but there appears to be no civil law. Few East Timorese lawyers were permitted to practise under Indonesian rule. Eight Judges have been appointed and more are expected to be appointed by the end of February 2000. There are also two prosecutors and six public defenders, and plans to establish a law reform commission.

Two major meetings were conducted during the visit. The delegation met with UNTAET staff who were working in the justice area under the leadership of a Brazilian prosecutor, Mr Eugenio Jose Guilherme de Aragao and with the newly appointed judges, and some prosecutors and public defenders.

At the time of the visit, the Court had 46 current pending cases, all in the human rights area. Questions of jurisdiction in respect of crimes against humanity are yet to be settled. Prisons are overcrowded and unsuitable for rehabilitation. Adult and juvenile offenders are not segregated. Many people are released because the prisons do not meet international standards, and there was discussion on the lack of alternative sentencing options.

Wide-ranging assistance is needed and sought to establish a legal system in which the people have confidence. The needs extend from the most basic of furniture and equipment through to judicial education.

The delegation undertook to consider what they had seen and heard, consult widely and to make contact again. I committed DCI-Australia to working-in with other lead organisations providing assistance to East Timor and, specifically, to ascertain the technical support available through the International Network of Juvenile Justice.

Further DCI-Australia action commitments will be developed after liaison with other key organisations.

- Danny Sandor

EXPERTS Wanted in Kosovo

The European Forum for Child Welfare (EFCW) is setting up a database of child welfare experts who can work with international aid agencies and NGOs in Kosovo and region to help the victims of violence rebuild their lives. EFCW will provide briefings and de-briefings for the experts who will go on mission. The database of child welfare experts will also be useful when other conflicts arise or for any organisation who is looking for an expert in a particular field.

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