

## **Conference on At-Risk Youth 2015: Achieving, Connecting and Thriving**

Keynote address: Harnessing the law to benefit our youth

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Permanent Secretary, Ministry of Social and Family Development, Mr Chan Heng Kee

Fellow Judges

Distinguished guests

Ladies and gentlemen

### I. THE FUTURE OF OUR NATION

1 I am honoured to open today's conference, which would not have been possible if not for the efforts of the Children-At-Risk Empowerment Association – or "CARE", for short. CARE is an organisation that defines its mission succinctly in the words "helping youths to succeed". This mission is an admirable one and it ought to be at the centre of our discussions and interactions today. Why is this so? To answer that I wish to begin with the birth of our nation.

2 When we gained our independence as a nation 50 years ago, our people constituted our primary, perhaps our only, resource. They had to be mobilised, united and assured in the face of immense uncertainty, and then inspired to build a nation. It was an improbable prospect. But if you can get the best out of your people, then the human resource is by far the most valuable resource that a nation could wish for. The story of our progress over the last five decades from an unremarkable small, third world, island nation of doubtful viability to a truly remarkable first world cosmopolitan city-state that enjoys a very high standard of living<sup>1</sup> and is among the largest trading partners of such giants as Japan,<sup>2</sup> India<sup>3</sup> and the United States<sup>4</sup> attests to what is possible when your human resource is motivated, energised and committed.

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<sup>1</sup> Singapore was ranked the most liveable location in the world for expatriates in 2015 (see “Singapore secures top spot again in global liveability index for Asian expatriates, Bengaluru best of Indian locations” (22 January 2015) <[http://www.eca-international.com/news/press\\_releases/8130/Singapore\\_secures\\_top\\_spot\\_again\\_in\\_global\\_liveability\\_index\\_for\\_Asian\\_expatriates\\_\\_Bengaluru\\_best\\_of\\_Indian\\_locations#.VjLkgcnoTwQ](http://www.eca-international.com/news/press_releases/8130/Singapore_secures_top_spot_again_in_global_liveability_index_for_Asian_expatriates__Bengaluru_best_of_Indian_locations#.VjLkgcnoTwQ)> (accessed 30 October 2015) and was ranked the top Asian city in terms of general quality-of-living standards in 2015 (see “Vienna tops latest Quality of Living rankings” (4 March 2015) <<http://www.uk.mercer.com/newsroom/2015-quality-of-living-survey.html>> (accessed 30 October 2015).

<sup>2</sup> Singapore placed 7th in terms of exports and 22nd in terms of imports for the year 2014, excluding foreign direct investments <<http://www.jetro.go.jp/en/reports/statistics.html>> (accessed 29 October 2015).

<sup>3</sup> Singapore placed 10th, based on a sum of exports and imports for the financial year 2015–2016 <<http://commerce.nic.in/eidb/iecnttopn.asp>> (accessed 28 October 2015).

<sup>4</sup> Singapore placed 13th, based on a year-to-date sum of exports at August 2015 <<https://www.census.gov/foreign-trade/statistics/highlights/top/top1508yr.html>> (accessed 28 October 2015).

3 I chose to begin with this brief reflection on our journey as a nation to make two points. First, we can draw inspiration from our own narrative as a people: the way ahead was uncertain and full of risk when Singapore was in its infancy indeed through its youth as a nation. But we have proven that challenges can be overcome and success wrought even from improbable and inopportune beginnings.

4 Second, this reflection throws the spotlight on the centrality of our people in all that we have achieved as a nation. This leads me to the specific focus of this conference and of my address, which is our youth. If our people are at the centre of all we have accomplished, they undoubtedly remain at the centre of all we can aspire to in the future. And here, the focus turns sharply to our youth. Whatever else might be done to redress the ill-effects of our notoriously slow rate of population growth, it is critical that efforts be made to ensure that our youth – that precious segment of our population on whose shoulders rest our hopes for the future – are not compromised by the risks that can get in the way of their achieving their potential.

5 To put it starkly then, the project to help our youth to succeed is not simply one that is admirable; it is in fact *necessary* for the continued well-being of our society.

6 It is on this footing that I would like to begin the substance of my address this morning. Having reiterated the importance of our youth to our nation's well-being, what I would like to speak to you about this morning is the law's role in this undertaking. Specifically, how can the law be harnessed for the benefit of our youth? I will address this in three principal parts. I will first consider some of our societal trends that will likely have a significant adverse impact on our youth. The adverse impacts that I will speak of are those that necessitate our youth's interaction with the law and, more specifically, our legal system. And so in the following two parts of my address, I consider how the law has sought to develop customised responses in *its* interaction with our youth. For this purpose, I focus on two specific areas that are perhaps of the greatest significance: first, family justice; and second, juvenile justice and specifically how our criminal justice framework has been customised to deal with our youth. I then close with some thoughts as to why this is a critically important mission and what else we might see in the future.

## II. IT TAKES A VILLAGE

7 We are all familiar with the expression "nature and nurture". I do not intend to enter that debate today but it is a convenient point from which to develop the points I wish to make. "Nature" relates to an individual's innate qualities and talents; while "nurture" refers to the sum of the individual's

experiences. This includes everything from the individual's gender and education to his family and work environment. The combination of those words, nature and nurture, refers to the relative importance that is placed upon either the individual's inbuilt characteristics or the sum of his life experiences in accounting for the unique and particular behavioural pattern that is characteristic of that individual.

8     Whatever may be our own views on where in the spectrum the appropriate balance between nature and nurture is to be found, I do not think it can seriously be disputed that nurture is an important part of our formation as individual and unique persons. And within the broad range of such influences, I do not think it can seriously be disputed that the family plays a critical role in shaping our young. Indeed, in the societies from which our ancestors came, the upbringing of children took place within a wider context that also included the extended family; and beyond that even the village as a whole. This wide network of influences served to shape the child's socialisation in his formative years.<sup>5</sup>

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<sup>5</sup>     See, eg, Kenneth A Dodge, Gregory S Pettit and John E Bates, "Socialization Mediators of the Relation between Socioeconomic Status and Child Conduct Problems" (1994) 65 *Child Development* 649 and William Damon and Richard M Lerner (eds), *Child and Adolescent Development* (John Wiley & Sons Inc, 2008) at pp 96–111.

9 In general, it can be said that the more a child is exposed to adverse circumstances at an early age, the more disadvantaged will that child be.<sup>6</sup> Indeed, it has been suggested that the strongest predictors of whether a child will eventually turn to crime are likely to be in such things as poor parental supervision, parental conflict, disrupted families, and most notably, having parents with a criminal or anti-social background.<sup>7</sup> It is therefore a matter of some importance that we keep an eye on the state of our families.

10 In the last two decades, we have seen signs of growing strains on family life. A plethora of economic and social factors have put pressure on the traditional family unit. With globalisation and increased competition, the average Singaporean works about 500 more hours annually than his or her American counterpart and this inevitably puts pressure on our social relationships.<sup>8</sup> Perceptions toward marriage and community life have also shifted. Divorce is probably at its highest level in our history. Since 1980, the number of divorces in Singapore expressed as a ratio to the number of

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<sup>6</sup> See, eg, Rolf Loeber and Magda Stouthamer-Loeber, "Family Factors as Correlates and Predictors of Juvenile Conduct Problems and Delinquency" (1986) 7 *Crime & Justice* 29 especially at pp 97 and 117.

<sup>7</sup> David W Springer and Albert R Roberts, *Juvenile Justice and Delinquency* (Jones and Bartlett Publishers, 2011) at pp 203–216.

<sup>8</sup> See "Average Singaporean works 2,287 hours a year: Study" *AsiaOne* <<http://business.asiaone.com/career/news/average-singaporean-works-2287-hours-year-study>> (accessed 28 October 2015).

marriages has more than quadrupled.<sup>9</sup> As of 2014, the annual ratio of marriage to divorce is 3.9:1.<sup>10</sup> By way of comparison, the ratio in 1980 was 13:1. By 1990, it had risen to 6.6:1, and then to 4.4:1 by 2000.<sup>11</sup>

11 Reported family violence has also been on the rise. Within two years of the amendments to the Women’s Charter in 1996 (which empowered the courts to accord more protection to family members), the number of applications for Personal Protection Orders (“PPO”) and Domestic Exclusion Orders (“DEO”) had more than doubled; and it remained at about this level as at 2008.<sup>12</sup> Between 2008 and 2013, the number of applications for PPOs increased by a further 20%.<sup>13</sup>

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<sup>9</sup> From 1,721 in 1980 to 7,307 in 2014 <<http://www.singstat.gov.sg/statistics/visualising-data/charts/number-of-marriages-and-divorces>> (accessed 28 October 2015).

<sup>10</sup> As of 2014, the ratio of total marriages to divorces (which includes annulments) was 28,408:7307 <<http://www.singstat.gov.sg/statistics/browse-by-theme/marriages-and-divorces>> (accessed 28 October 2015).

<sup>11</sup> The figures for total marriages against total divorces are 22,444:1,721 (1980), 23,953:3,634 (1990), and 22,561:5,137 (2000) <<http://www.singstat.gov.sg/statistics/visualising-data/charts/number-of-marriages-and-divorces>> (accessed 28 October 2015).

<sup>12</sup> In 1996, there were 1,306 PPO and DEO applications. In 1998, this figure rose to 2,730. In 2008, this figure was at 2,547 (see “Protecting Families from Violence” (2009) at p 12 <[http://app.msf.gov.sg/Portals/0/Summary/research/Protecting%20Families%20from%20Violence\\_The%20Singapore%20Experience\\_2009.pdf](http://app.msf.gov.sg/Portals/0/Summary/research/Protecting%20Families%20from%20Violence_The%20Singapore%20Experience_2009.pdf)> (accessed 28 October 2015)).

<sup>13</sup> The number of fresh PPO applications in 2013 was 3,147 (see the State Courts’ Annual Caseload for 2013 <<https://www.statecourts.gov.sg/Resources/Pages/Annual%20Caseload.aspx>> (accessed 2 November 2015)).

12 As our familial and community bonds loosen, this has had an adverse effect on our children. To take just one example, in the last few years, the number of youth arrests has hovered around 3,000 cases annually,<sup>14</sup> which accounts for about 10 per cent of the total crimes reported annually in Singapore. This reflects overrepresentation of youth as compared to their proportion of the population as a whole in Singapore.<sup>15</sup>

13 Further, records maintained by the Youth Court on the family profile of young offenders reveal that among youth arrestees or those in respect of whom a Beyond-Parental-Control (“BPC”) order was made in 2013 and 2014:

- (a) 53% came from families in which the parents were either separated or divorced; and
- (b) 59% came from single-parent or reconstituted families.

14 By “reconstituted families”, I refer to families with two parents, one of whom is not biologically related to the youth and who might have other

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<sup>14</sup> 3,359 arrests in 2012, 3,031 arrests in 2013 and 3,120 arrests in 2014 (see the Singapore Police Force website <<http://www.police.gov.sg/stats/crimebrief2014.html>> (accessed 29 October 2015)).

<sup>15</sup> Based on the figures in 2012, for example, the number of youths (aged 15–19) represented about 6.8% of the resident population or 4.9% of the total population (see National Youth Council, “Youth Statistics in Brief” (2013) <[https://www.resourceportal.nyc.sg/nycp/nycp.portal?\\_nfpb=true&\\_pageLabel=static\\_resources&pathEndName=Publications&clickedTD=td2#>](https://www.resourceportal.nyc.sg/nycp/nycp.portal?_nfpb=true&_pageLabel=static_resources&pathEndName=Publications&clickedTD=td2#>) (accessed 30 October 2015)). .



children from a previous marriage. What this means is that more than half of all youth arrestees and those subject to a BPC order have experienced parental conflict, parental separation and/or changes in their family unit. Again, there is an overrepresentation of such youth in this category as compared to the incidence of these types of family units in our society. In keeping with this, studies also show that youth whose parents have a criminal background or who have run away from home find it difficult to turn away from crime.<sup>16</sup>

15 In a sense, it is unsurprising that the experience of severe family conflict can have serious consequences on the children who are the victims. When parents undergo a divorce, not only would the financial situations of each parent be affected adversely and consequently also that of the children, there are much graver consequences beyond this. Children have to cope with the side effects of living with conflict within a unit that is actually meant to provide security and assurance. They also have to grapple with a new state of affairs in which, as is often the case, their contact with one of the parents will be diminished; this will have adverse effects on them.

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<sup>16</sup> See, eg, Grace Chng *et al*, "Family Characteristics linked to Youth Offending Outcomes"; Rebecca P Ang and Vivien S Huan, "Identifying Predictors of Recidivism for Juveniles and Youths" (2007).

Changes of this sort to the household can in turn trigger psychological problems such as separation anxiety, grief and lower self-esteem.<sup>17</sup>

16 Given these realities, the question for us is: how can we customise our legal frameworks to provide better responses to these challenges?

### III. THE LAW AND THE FAMILY

17 Let me begin with some remarks on the law and the family.

18 Families are so much a part of our social fabric that it is easy to overlook the challenges that are involved in forming a union of two people who may then go on to procreate and bring children into the world.

19 Shortly after I took office as Chief Justice, the Minister of Law and I initiated a process of review into our family justice ecosystem. This was a broad-based inter-agency initiative that involved the courts, the Ministry of Social and Family Development and the Ministry of Law. A committee was established to look into this and, after a period of study and extensive consultations, it arrived at a set of recommendations. These recommendations were put into effect by means of legislation, specifically,

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<sup>17</sup> “Addressing the Criminogenic Effects of Divorce” The Law Gazette (August 2001) <<http://www.lawgazette.com.sg/2001-8/>> (accessed 10 July 2015).

the Family Justice Act, which was passed in August 2014. On 1 October 2014, the Family Justice Courts were created. A few months later, during the Opening of the Legal Year 2015, I would describe that as one of the most significant events in our legal calendar.<sup>18</sup>

20 Indeed, it was and this conference presents an opportune moment for me to retrace some of the conceptual thinking behind those reforms.

21 Families and youth are the foundation and the future of our society. Every family dispute is traumatic for members of the affected family. Moreover, as I have already observed, family dysfunction brings in its wake a slew of other actual and potential problems. This is where the courts can play a pivotal role: resolving disputes, redressing wrongs and restoring the balance, so that dysfunction can be displaced by a focus on constructive problem solving.

22 It has been just over a year since the reforms have been implemented and it is timely to examine how these have worked out so far. I propose to begin by providing an overview of some concrete measures we have taken. I

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<sup>18</sup> The Response by the Chief Justice at the Opening of the Legal Year 2015 at para 29 <<https://www.supremecourt.gov.sg/default.aspx?pgid=5684&printFriendly=true>> (accessed 28 October 2015).

should begin by noting that the reforms to the Family Justice Courts were seen as one of a *series* of measures aimed at preserving the family structure – or at least minimising the fall-out from its breakdown. This series of measures was designed to operate at four levels.

23 First, as a pre-emptive measure, there are efforts to prepare aspiring newlyweds for marriage and what it entails. This is done through such things as lunch-time marriage preparation talks<sup>19</sup> and marriage preparation programmes for young couples getting married.<sup>20</sup> The hope and the expectation is that such efforts will strengthen the institution of marriage by ensuring that those embarking on this big step start off on the right foot, with greater awareness of the responsibilities and challenges they may face.

24 Second, measures were introduced to increase the chances of help being provided at the opportune moment. When families are on the verge of breaking down, a common problem is that the only parties privy to the disputes – and hence to the underlying problems – are the members of the household. This is generally unsatisfactory. The parents might be too emotionally drained to work out a solution; whereas the children might not

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<sup>19</sup> See the Ministry of Social and Family Development webpage on “Preparing for Marriage” <<http://app.msf.gov.sg/Policies/Marriages/Preparing-for-Marriage>> (accessed 31 July 2015).

<sup>20</sup> See the Ministry of Social and Family Development webpage on “Preparing for Marriage” <<http://app.msf.gov.sg/Policies/Marriages/Preparing-for-Marriage>> (accessed 31 July 2015).

even have a real understanding of the problem to be able to do anything about it. Worse, where there are young children involved, they might unwittingly be caught in the crossfire. To address these realities, helplines are available to such children and to members of the public who might suspect, for instance, that child abuse is taking place.<sup>21</sup> The Ministry of Social and Family Development continues to embark on educational campaigns to empower the public with the knowledge required to sound the alarm early.<sup>22</sup> These efforts reach out not only to civic minded neighbours but also others on the “front line” who might come into contact with children such as teachers, police officers and social workers.

25 Third, aside from trying to preserve intact the family structure, the law clearly puts the interests of the children at the forefront of the considerations to be taken into account when it is tasked with making decisions that impact a family. This takes place in several different ways. For instance, when custody issues reach the court in the aftermath of a family breakdown, the welfare of the child is regarded as the “first and paramount” consideration in

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<sup>21</sup> For instance, the Ministry of Social and Family Development Child Protective Service (which addresses young persons at-risk or in need of protection; 1800-777-0000) and the Tinkle Friend Helpline (which is specifically targeted at talking to children who may have been abused or who may know others who have been abused; 1800-274-4788).

<sup>22</sup> For instance, the “Shaken Baby Syndrome” and “Stop Spousal Abuse” campaigns (see the Ministry of Social and Family Development webpage on “Publications for Family Violence” <<http://app.msf.gov.sg/Publications/tid/7/title/Family%20Violence>> (accessed 31 July 2015)).

making the decision.<sup>23</sup> The court's focus here is to do whatever is best to minimise the harm to the child and to maximise the prospects of that child's success despite the adverse circumstances he or she faces. In extreme cases, this could even necessitate removing the children from their parent for a time, to enable that parent to resolve issues that might then make it possible for her to take on a wider role in the lives of the children at a future point. In *JBE v JBF and others*,<sup>24</sup> for instance, the relatives of the parents of the children were arguing over custody of the children. The father had passed away. The mother had been diagnosed with Acute Stress Reaction and had not had contact with her children for more than two years. The judge hearing the matter referred the case to the Child Guidance Clinic, and also ordered supervised access at the Centre for Family Harmony. These were measures to ascertain the state of the relationship between the children and their mother, and what the best course of action would be. It was apparent that the children were not ready to live permanently with their mother. The judge therefore determined that the children were to be taken care of by the guardians – the deceased father's relatives – for the time being, but also made provision for them to meet their mother under supervised conditions.

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<sup>23</sup> The Guardianship of Infants Act (Cap 122, 1985 Rev Ed) s 3; see also *JBE v JBF and others* [2015] 3 SLR 1271 at [15] and the Women's Charter (Cap 353, 2009 Rev Ed) ss 123 and 125.

<sup>24</sup> [2015] 3 SLR 1271.

26 Another instance pertains to the intervention of the Child Protection and Welfare Services. Parents may not always agree with the views of the Child Protection Officer as to the appropriate course of action. This can result in significant acrimony within the family – and among parents. In most cases, both parties’ motivations are completely aligned – they both want what *they* think is best for the child. It is just that they each see this very differently and this can result in bitter disputes that ultimately operate to the child’s detriment. Increasingly, family conferences – which involve the family members in mediation and counselling – are used as a means to nip these disagreements at an early stage. The initial results from a pilot study have been encouraging. Between February and June this year, out of a total of eight family conferences conducted, all resulted in agreements.

27 The same focus on the child’s welfare also applies in relocation applications. In one such application – in fact, the first reported decision of the High Court (Family Division) – Judicial Commissioner Debbie Ong pointedly observed that “[t]he law expects parents to put the interests of the children before their own”<sup>25</sup> and approved of the first instance decision to dismiss the father’s application to relocate the children primarily because

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<sup>25</sup> *TAA v TAB* [2015] 2 SLR 879 at [17].

relocation would be incompatible with the children's interests; they would have been uprooted from a very stable living environment in Singapore where they were well settled in schools.<sup>26</sup>

28 Further, all aspects of each case commenced in the Family Justice Courts after 1 October 2014 and which involves children will be managed by the same judge. The idea behind this method of case management is to ensure that all matters concerning the children are holistically understood and dealt with effectively. In this regard, counsellors are on hand (within the Family Justice Courts) to collaborate with the judges where necessary – for example by assisting in child interviews.<sup>27</sup>

29 I pause to make the point in this connection that by mandating and seeking as far as possible to ensure that if a breakdown does occur, all decisions are made with an unrelenting focus on the welfare and best interests of the children, it is hoped that this will ameliorate the adverse consequences upon them.

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<sup>26</sup> *TAA v TAB* [2015] 2 SLR 879 at [21]–[25], [27] and [33].

<sup>27</sup> See the Family Justice Courts webpage on the Counselling and Psychological Services <<https://www.familyjusticecourts.gov.sg/AboutFamilyJusticeCourts/Pages/CounsellingAndPsychologicalServices.aspx>> (accessed 29 October 2015).



30 We emphasise the interests of the child in court because the majority of our family cases involve children<sup>28</sup> and for reasons I have already traced, we recognised that it was imperative that the adverse consequences of family breakdown be mitigated. Moreover, we were concerned that when the parents were engaged in a dispute with each other, that might often get unpleasant, if not bitter, the children tended to be forgotten. We were convinced that children needed a louder and more forceful voice in this context. To address this need, we implemented several other measures, of which I would like to highlight two:

(a) A key part of our response was the expansion of our court counselling and psychological services so that children would be better understood, heard and helped. This has been an important measure that was necessary in order to help us, as adjudicators, arrive at decisions that were much better informed about the needs, interests and concerns of the children which could then be better addressed.

(b) To further assist us in this endeavour, we created the concept of Child Representatives. These are persons drawn from a panel of

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<sup>28</sup> Last year alone, half of the 6,017 divorce writs filed involved at least one child below the age of 21; in sum, 4,728 children were affected by divorces (see Priscilla Goy and Janice Tai, "Mandate counselling for children in divorces" *The Straits Times* (26 July 2015) <<http://www.straitstimes.com/singapore/health/mandate-counselling-for-children-in-divorces>> (accessed 31 July 2015)).

seasoned family law practitioners who would be appointed in suitable cases to assist the court by leading evidence or making submissions as to what is called for in the best interests of the child.<sup>29</sup>

31 Let me turn to the fourth level of the measures that are in place and this really goes towards the process of dispute resolution. Where a break-up within a family cannot be prevented, the law should work, as far as possible, to ensure a smooth transition. The Family Justice Courts have worked with the Singapore Mediation Centre to build up the Collaborative Family Law Practice scheme, which promotes and encourages amicable negotiation between parties.<sup>30</sup> The goal is to encourage the parties to resolve their differences amicably as far as possible even before coming to court.

32 As part of this emphasis on amicable and consensual resolution, since October 2014, all cases involving a child under 21 have been directed to counselling and mediation.<sup>31</sup> Also, this year, the Family Justice Courts piloted child inclusive mediation. This approach incorporates a therapeutic

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<sup>29</sup> See also Janice Tai, "Heavy responsibility for child representatives" *The Straits Times* (26 July 2015) <<http://www.straitstimes.com/singapore/courts-crime/heavy-responsibility-for-child-representatives>> (accessed 25 August 2015).

<sup>30</sup> See the Singapore Mediation Centre webpage on the Collaborative Family Practice scheme <<http://www.mediation.com.sg/business-services/family-services/collaborative-family-practice/>> (accessed 30 October 2015).

<sup>31</sup> Women's Charter (Cap 353, 2009 Rev Ed) s 50(3A) read with Women's Charter (Mediation and Counselling) (Prescribed Persons) Rules 2011 r 2(1)(c).

interview with the children to elicit their feelings and perceptions about their parents' disputes. This is then followed by a feedback session between parents and the counsellor about the unique development needs and psycho-emotional adjustment of each child within the family. The results of this pilot have indeed been encouraging. 75% of the families who participated in this pilot reached an agreement on all children's issues. The children who were surveyed reported a reduction in witnessing arguments between parents after the mediation, and parents reported that they found the feedback session about their children with the counsellor to be very beneficial to them.

33 We have also embarked on a model where a judge-mediator and court counsellor act in concert. This is certainly unusual if not unique. Most of our judge-mediators are now professionally accredited. We have combined the skill sets of our judge-mediators with those of our counsellors because we think this is what will best meet the multi-dimensional complexity of family cases. In Singapore, this complexity can be made even more intricate by matters of racial and cultural diversity.

34 A real example will illustrate some of the challenges as well as the ways in which we have sought to meet these.<sup>32</sup> A mediator with the Family Justice Courts and a counsellor worked together with a couple who came from different racial and religious backgrounds. Their children had been exposed to two different cultures and religious practices from birth. When the couple decided to divorce, each party levelled accusations that the other had been, and remained, insensitive to the accuser's religious and dietary practices. There were deep divisions on where the children should live, worship or go to school. To complicate matters, the primary caregivers of the children were the paternal and maternal grandmothers, who seemed more affected by the divorce than the couple. The grandmothers, each speaking a different language, were brought into the mediation process. All the parties together with the grandmothers were able to talk through their concerns. They eventually were able to come round to acknowledging that the children were privileged to be part of a rich heritage of two cultures, and the various issues were consensually resolved.

35 This provides a vivid example of how mediation and counselling can be powerful tools in family disputes: discussions in such a context can cover

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<sup>32</sup> This was an example I had shared in a speech I delivered during the Family Justice Courts Workplan 2015 (see Keynote Address at the Family Justice Courts Workplan 2015 (3 February 2015) at para 12 <<https://www.familyjusticecourts.gov.sg/NewsAndEvent/Pages/Family-Justice-Courts-Workplan2015.aspx>> (accessed 29 October 2015)).

issues that may not fall squarely within the ambit of resolving a technical legal question, and can pave the way to the parties gaining a new understanding of how it might be possible, after all, to face a different future than the one they had once, in a happier time, dreamt of.

36 This focus on conflict reduction follows through even if a case is not settled through mediation. The new Family Justice Rules allow for a judge-led approach instead of the traditional classic adversarial model.<sup>33</sup> Lawyers are encouraged to collaborate with the court in a problem solving approach in case conferences, in order to bring pertinent issues to the force and obviate protracted proceedings. Also, simplified forms help to lessen the stress of litigation.<sup>34</sup>

37 Further, this judge-led approach ensures that the tensions, the hurt and the animosity that frequently exists in these cases are not aggravated by having to journey through adversarial proceedings in court. The traditional adversarial system, which may arguably be effective in complex civil litigation, is simply not conducive to the continuing relationships which are at

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<sup>33</sup> In particular, Part 3 of the Family Justice Rules 2014 (Act 27 of 2014, S 813/2014).

<sup>34</sup> For example, forms 25A and 25B, which delineate what should be included in the affidavits during uncontested matrimonial proceedings <<https://www.familyjusticecourts.gov.sg/QuickLink/Pages/FormsListofForms.aspx>> (accessed 29 October 2015).

play in the family setting. We therefore implemented measures such as more active judicial management of these cases to minimise the prospects of aggravating the existing fissures. Our judges are empowered to give a wide range of directions to focus parties on, and only on, the relevant issues.<sup>35</sup> Further, through active case management, we have significantly reduced, for the cases filed after 1 October 2014, the unhealthy practice of filing copious and lengthy affidavits detailing each party's subjective recollection of the painful incidents that have led to the breakdown, where this is not relevant to the legal issues at hand.

38 Aside from these four major steps in our reforms, one further important change we have made, and which should be highlighted, is to bring together within one judicial setting all family-related work. The Family Justice Courts now hear the full suite of family-related cases including divorce and related matters, family violence cases, adoption, succession and guardianship cases, cases in the Youth Courts, and applications for deputyship under the Mental Capacity Act as well as probate matters. This breadth of work is unusual. In most jurisdictions, domestic violence and divorce tend to be dealt with in separate courts, while youth courts usually

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<sup>35</sup> For instance, the judge is empowered to direct parties as to the length of written submissions or time for oral testimony (see, in particular, the Family Justice Rules 2014 (Act 27 of 2014, S 813/2014) rr 22(3)(f) and (i), and, in general, Part 3 of the Family Justice Rules 2014 (Act 27 of 2014, S 813/2014)).

operate as distinct and separate institutions. Bringing the entire range of work under one judicial roof has brought two advantages in particular:

(a) First, rather than seeing each case as an isolated occurrence, we can sometimes situate the issues that come before us within the broader narrative of the family and its history. This is important because social science research informs us that family disputes are a function of, and often bring in their wake, a variety of other associated family issues.

(b) Second, we can bring the specialist skills of family judges as well as the various refinements and enhancements of the litigation process that we have implemented in the Family Justice Courts to bear upon the range of issues that will arise.

39 We felt this was important because family cases involve parties whose relationships will often have to continue beyond the life of the case. As I have observed on another occasion, after a divorce, ex-husbands are still fathers and ex-wives are still mothers.<sup>36</sup> Even after contending that a parent lacks mental capacity, sons and daughters remain sons and daughters. After disputing over the assets of their deceased parents, brothers and sisters are

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<sup>36</sup> See Opening of the Family Justice Courts (1 October 2014) at para 19 <[https://www.familyjusticecourts.gov.sg/NewsAndEvent/Documents/2014Oct01\\_Keynote\\_OpeningFJCourts.pdf](https://www.familyjusticecourts.gov.sg/NewsAndEvent/Documents/2014Oct01_Keynote_OpeningFJCourts.pdf)> (accessed 28 October 2015).

still bound by familial ties. We must face up to these realities in thinking about how best to deal with such disputes.

40 It will often be the case, as I have already observed, that counselling and mediation can better address disputes in the context of these continuing relationships. This in turn may help mitigate the downstream consequences on our youth. While the time that the parties spend in such processes will often be insufficient for them to conclusively resolve deep-seated issues, we believe that a different dispute resolution method will help preserve the prospects for the parties to move forward constructively in their ongoing relationships.

41 We embarked on this major reform effort because we recognised that family justice is a unique field in the administration of justice. Although here, as in other areas, judges have the last word on how a contentious situation is to be resolved, judges in this area need to be particularly attentive to paving the way forward for the affected parties. I remarked at the opening of the Family Justice Courts in 2014 that, in some respects, the judicial task in family justice might be likened to that of a doctor with a focus on diagnosing the problem, having the appropriate bedside manner to engender trust and convey empathy, and the wisdom to choose the right course of treatment so



as to bring a measure of healing.<sup>37</sup> Our reforms have been geared towards enabling our judges to meet these challenging expectations. We hope to deliver on them, high as they are, in the years to come.

#### IV. CRIMINAL JUSTICE AND YOUTH

42 Let me turn now to make some observations on criminal justice and our youth. It is evident, as I have noted, that youth from troubled families are over-represented in the population of those who engaged in criminal or anti-social behaviour in our society. This inevitably brings them into contact with the criminal justice system, which typically responds to criminal behaviour through punishment.

43 The ranges of punishment that may be meted are prescribed by Parliament when enacting criminal statutes. The punishment for a given offence in a given case is then imposed by the courts – within the legislated range – through an analytical framework that takes into account four broad considerations. These are:<sup>38</sup>

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<sup>37</sup> See Opening of the Family Justice Courts (1 October 2014) at para 24 <[https://www.familyjusticecourts.gov.sg/NewsAndEvent/Documents/2014Oct01\\_Keynote\\_Openin\\_gFJCourts.pdf](https://www.familyjusticecourts.gov.sg/NewsAndEvent/Documents/2014Oct01_Keynote_Openin_gFJCourts.pdf)> (accessed 28 October 2015).

<sup>38</sup> See, eg, *ADF v Public Prosecutor and another appeal* [2010] 1 SLR 874 at [54]–[67] (where the court discussed the sentencing principles in the context of the abuse of a domestic helper) and *Public Prosecutor v Mohammad Al-Ansari bin Basri* [2008] 1 SLR(R) 449 at [27]–[76] (where the court discussed the role of rehabilitation and deterrence in sentencing a young offender).

(a) Deterrence: The concern here is to impose punishment in a manner and to a degree that it will have the salutary effect of discouraging the commission of such behaviour. There are two dimensions to deterrence: specific deterrence, which focuses on deterring the particular individual who is before the court; and general deterrence, which is concerned with sending a message to others who might be similarly situated and who might otherwise contemplate engaging in such behaviour.

(b) Retribution: The concern here is with the sense that a wrong has been done not only to the direct victim of the crime but as well to society as a whole. And that wrong must be recompensed in some way by imposing a punishment upon the offender.

(c) Prevention: This is engaged more typically in cases where the possibility of more harm being done by the offender is sufficiently serious that it becomes imperative that steps be taken to prevent the offender from committing the offence. Incarceration is the usual mode of punishment when this is the operative consideration.

(d) Rehabilitation: Ultimately, in a civilised society, the criminal justice system looks beyond punishing the offender to reforming him. Rehabilitation is almost always an active concern in sentencing but its relative importance varies according to the circumstances of the offence and of the offender.

44 In truth, sentencing entails each of these considerations being weighed in the balance and then being prioritised against one another. There are other considerations as well, such as the need for proportionality and for parity. How do these all considerations apply to youth offenders?

45 It is clear that youth offenders cannot be punished as if they were adults.<sup>39</sup> Among other things, youths tend generally to behave more impulsively; and they are more susceptible to peer pressure. This lack of “maturity” in behaviour is not simply the function of a lack of experience; it is, as neuro-scientific studies suggest, biological and chemical as well.<sup>40</sup> In *Roper v Simmons*,<sup>41</sup> the US Supreme Court was confronted with the question whether the imposition of the death penalty on a 17 year old was unconstitutional. The amicus brief filed by the American Psychological Association noted that “[a]dolescence [defined as 10–19 year olds] is a

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<sup>39</sup> See, eg, Andy Ho, “It’s true, teens can’t be punished like adults” *The Straits Times* (18 July 2015) <<http://www.straitstimes.com/opinion/its-true-teens-cant-be-punished-like-adults>> (accessed 29 July 2015).

<sup>40</sup> See, eg, Gary Gately, “Experts: Brain Development Should Play Bigger Role in Determining Treatment of Juvenile Offenders” *Juvenile Justice Information Exchange* (17 December 2013) <<http://jjie.org/experts-brain-development-should-play-bigger-role-in-determining-treatment-of-juvenile-offenders/>> (accessed 29 July 2015); Holly Matto, Jessica Strolin-Goltzman and Michelle S Ballan, *Neuroscience for Social Work: Current Research and Practice* (Springer Publishing, 2013) at pp 322–330; Charlotte Walsh, “Youth Justice and Neuroscience” (2011) *Brit J Criminol* 51 at pp 22–23 <<https://www2.le.ac.uk/departments/law/postgraduate/phd-mphil-research/files/Youth-Justice-and-Neuroscience-Walsh-2011.pdf>> (accessed 29 July 2015).

<sup>41</sup> (2005) 543 US 551.

unique stage of human development” during which “important aspects of brain maturation remain incomplete.”<sup>42</sup> The Supreme Court held by a 5–4 majority that imposing the death penalty on juvenile offenders under the age of 18 was unconstitutional. The majority of the court observed that not only were juveniles biologically and chemically structured differently than adults, they were also more vulnerable and susceptible to negative influences and outside pressures, and their character was not as well formed as that of an adult.<sup>43</sup> I mention this to make the broad point that the criminal justice system must be sensitive to the reality that youth offenders are different than their adult counterparts.

46 Hence, it is to be expected that in Singapore, we do acknowledge that the problem of youth offenders demands a different response. For us, the response begins with the renaming of the former “Juvenile Court” as the “Youth Court” and establishing it as part of the Family Justice Courts pursuant to the Family Justice Act. This was in keeping with our wider belief that youth problems frequently present as part of a wider picture of family dysfunction.

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<sup>42</sup> Brief for the American Psychological Association, and the Missouri Psychological Association as *Amici Curiae* supporting respondent in *Donald P Roper, Superintendent, Potosi Correctional Center v Christopher Simmons* <<http://www.apa.org/about/offices/ogc/amicus/roper.pdf>> (accessed 29 July 2015) at pp 4 and 12.

<sup>43</sup> See the opinion of the court *per* Justice Kennedy at pp 15–16.

47 Aside from this, our approach to youth manifests both in policy and in the law. First, where a youth under the age of 16 presents with behavioural problems, even before he has committed any offences, parents may consider filing a BPC complaint at the Youth Court. BPC cases typically involve runaways and youths who skip school or stay out late at night.<sup>44</sup> A social welfare report is first prepared. The Youth Court is assisted in its understanding of the situation by this report as well as advice it may solicit from experienced individuals known as “Panel Advisors”.<sup>45</sup> BPC family conferences are then convened. These are aimed at facilitating counselling for parents and guardians in relation to the restoration and re-integration of the youth in question. Where strained relationships between the youth and parents or family members impede rehabilitation, reconciliation can be facilitated during these family conferences. Issues of family dysfunction can also be confronted while steps can then be agreed upon by the youth and family to reduce acrimony. This can be augmented by having the family sign

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<sup>44</sup> Sara Grosse, “More parents opting for Beyond Parental Control order” *Channel NewsAsia* (21 April 2015) <<http://www.channelnewsasia.com/news/singapore/more-parents-opting-for/1798954.html>> (accessed 20 August 2015).

<sup>45</sup> Panel Advisors are nominated by the President and their role is to inform and advise the Youth Court with respect to any matter or consideration which may affect the treatment of the youth or any order that may be made in respect of the youth. Currently, the Youth Court has a total of 25 Panel Advisors. The Panel Advisors come from all walks of life and they bring with them vast experiences. The Panel Advisors include ex-school principals, psychiatrists and psychologists, lawyers, sociologists and grassroots leaders.

a “Social Undertaking/Contract” that captures the agreements reached at the family conference between the youth and relevant family member(s) or other significant person(s), for instance, that both parties would behave in a “pro-social” manner and would abide by certain rules and regulations. There are two objectives in this regard. The first is the rehabilitation of the youth. The second is to rebuild the strained relationship between the youth and the parents which may have given rise or contributed to the behavioural issues in question. The latter is also an important preventive measure because these strained relationships may otherwise lead to the youth seeking out negative peers to fill the void in their lives and then going on to develop other anti-social behaviour or traits.

48 Where the family conference does not result in an agreed resolution, a BPC order may be made, resulting in the youth being placed in a closed institution (such as the Singapore Boys’ Home) for a period of time. During the period of stay, investigations are conducted into the youth’s background and the information obtained is presented to the judge. The judge may decide to keep the youth in a closed institution or transfer him to an open institution (such as Boys’ Town, where he would have time to himself on weekends), or impose a supervision order where the parents and the youth are supervised by a counsellor. In this respect, the BPC is a pre-emptive measure that seeks to reverse the onset of anti-social tendencies at the

earliest possible opportunity and it seeks to encourage the youth, at an early stage, to work, where possible, in tandem with their parents, to make a positive change in their own lives.

49 Where the youth has gone beyond this and engaged in criminal behaviour, they are channelled – where appropriate – to diversionary programmes which seek to address the underlying issues while, at the same time, avoiding the need for them to appear in court. The Enhanced Streetwise Programme, for instance, targets youth offenders who have played a minor role in gang-related offences. It is overseen by the Probation Services Branch of the Ministry of Social and Family Development, and involves a six-month stint of counselling and group work. Should the youth offender complete the programme successfully, he may be administered a stern warning in lieu of prosecution.<sup>46</sup>

50 Despite these measures, there will be cases where the criminal behaviour of the youth offender lands him in court. I return here to my earlier discussion on sentencing considerations. In such cases, the key focus is

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<sup>46</sup> See the Ministry of Social and Family Development webpage on “Streetwise Programme: New Cases” <<http://app.msf.gov.sg/Research-Room/Research-Statistics/Streetwise-Programme-New-Cases>> (accessed 22 May 2015).

typically the rehabilitation of the youth. This is in keeping with “restorative justice” which emphasises the healing of relationships.<sup>47</sup>

51 Criminal cases involving the youth – in particular, those below the age of 16<sup>48</sup> – are typically commenced in the Youth Court.<sup>49</sup> At the Youth Court, the key focus is on restoration of the youth into his family and into society. Thus, probation reports are prepared for all Youth Court criminal cases, which takes into account information from school, family, relevant health institutions, the police, or social agencies which have dealings with the youth. Before the Youth Court judge passes any order in relation to a criminal matter, he is required to discuss the probation report with two Panel Advisors to determine what is in the best interests of the youth. Also typically present at this discussion are the probation officers, the Youth Court counsellors and representatives from the various institutions that the youth may have attended. Aside from the inputs of these various parties, the judge

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<sup>47</sup> See, eg, May Lucia Mesenas and Joseph Paul Ozawa, “Restorative Justice – Basic Principles” (2000); *Public Prosecutor v UI* [2008] 4 SLR(R) 500 at [50]–[52].

<sup>48</sup> The operative date is the “commencement of the hearing of the charge” (s 33(6) of the Children and Young Persons Act (Cap 38, 2001 Rev Ed) (“CYPA”)), which has been suggested to mean the date on which the accused either pleads guilty or claims trial (see Lim Hui Min, *Juvenile Justice* (Academy Publishing, 2014) at p 22).

<sup>49</sup> There are exceptions – for instance, when an offence is triable only by the High Court, it will be tried in the High Court unless the Public Prosecutor applies to the Youth Court to try such offence and the legal representative of the accused consents (per s 33(2) of the CYPA). Also, where a charge is made jointly against a youth and a person above the age of 16, it will be heard before the State Courts or High Court (whichever is appropriate) (per s 33(3) of the CYPA), although the court that hears the case may, after conviction, remit the youth’s case to the Youth Court for sentencing (per s 40(1) of the CYPA).



will also take account of the wishes of the youth (as expressed by the youth himself). This would also be an opportune moment for the judge to identify any signs of abuse or neglect and whether these might be symptomatic of larger issues at home – in this regard he would similarly be assisted by the Panel Advisors.

52 Another initiative before the Youth Court is the HEAL Conference (short for “Healing, Empowering And Linking”), where, following cases of youth offending, the youth and victim are put together and the youth is made to realise the impact of his or her action against the victim. This is to allow the youth to reflect on the consequences of his action and to accept responsibility and apologise to the victim.

53 In the way of sentencing, probation is one option which places particular emphasis on the rehabilitation of the youth offender. Youths on probation will be placed under the supervision of a probation officer for a period of not less than six months to a period of not more than three years. The purpose of probation is to secure the good conduct of the youth and to guard against recidivism. To best achieve this purpose, the court is empowered to impose various conditions, such as requiring the youth to perform community service, attend school or undergo specific programmes to help them in their rehabilitation. Youths with higher risks may also be

required to reside in approved homes and institutions in order to instil in them a needed sense of discipline, order and structure.

54 Where the cases are commenced in the State Courts, the offences are typically more serious. In the course of one morning, a few weeks ago,<sup>50</sup> I was faced with three cases involving youth offenders (all of which emanated as appeals from cases before the State Courts). Each of these resulted in different sentences.

55 The first was *Long Yan v Public Prosecutor*,<sup>51</sup> where the youthful offender pleaded guilty to one charge of voluntarily causing hurt by dangerous means and two charges of criminal intimidation. The charges concerned acts of violence and bullying perpetrated on another young person over the period of a month. The hurt charge concerned an occasion when the offender abused the victim and poured hot water from a kettle on the victim's shoulders and back. At the District Court, the offender was sentenced to an aggregate imprisonment term of three months and one week. On appeal, the offender argued that this should be set aside in favour of a rehabilitative option such as probation or reformatory training or, failing

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<sup>50</sup> 16 July 2015.

<sup>51</sup> Magistrate's Appeal No 9015 of 2015.

that, a fine. One of the noteworthy features of that case was that the offender was a foreign national and she had no family in Singapore. It was evident that probation and reformatory training were not viable in those circumstances because of the absence of a suitable protective environment. I therefore dismissed the appeal. In many of our youth cases, however, there is typically a protective environment available in the form of the family. This in fact was the case with the second of the cases I dealt with that morning.

56 That was the case of *Public Prosecutor v Daryl Lim Jun Liang*.<sup>52</sup> Daryl was two months away from his 18th birthday when he, together with three others, ventured around Yishun in the early hours of the morning. They were bored and decided to pick on foreign workers of small build (who would ostensibly make for easier targets). They carried their plan out, beating up two such individuals. The District Judge imposed a rigorous “community sentence” which principally consisted of a 10-day detention order, a 12-month day reporting order with daily curfew and electronic monitoring, and mandatory community service. The prosecution appealed, arguing that reformatory training was appropriate. I disagreed with the prosecution and dismissed the appeal. While I had no doubt that the acts of the group were deplorable, I found it important that Daryl himself did not directly participate

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<sup>52</sup> Magistrate’s Appeal No 9047 of 2015.

in any of the acts of violence and the evidence that was in fact before the court suggested that the harm or injuries caused were not especially serious. This was not a case where there was such a need for specific deterrence as to warrant going much further than the District Judge had done. In particular, the sentence he imposed was carefully tailored to ensure it would have a sufficient deterrent effect (through the short detention order that had been imposed) while also ensuring Daryl's chances of rehabilitation were not diminished.

57 The last of the three cases was *Public Prosecutor v Koh Wen Jie Boaz*.<sup>53</sup> Boaz was already serving a probation order when he committed a fresh set of offences, the most serious of which involved vandalising the rooftop walls of a block of HDB flats in Toa Payoh with spray paint. He was 17 years old when he committed the offence. The District Judge sentenced him to 30 months' probation. The principal factor that influenced the judge was that – eight days before his plea of guilt mention – Boaz had admitted himself to a residential programme at a Christian hostel known as “The Hiding Place”. The matter came before me on the prosecution's appeal. The prosecution argued that Boaz should have instead been sent for reformatory training. In this instance, I agreed with the prosecution. Not only were Boaz's

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<sup>53</sup> Magistrate's Appeal No 9094 of 2015; *Public Prosecutor v Koh Wen Jie Boaz* [2015] SGHC 277.

offences rather serious, they were committed while he was already on probation. Although rehabilitation remained the main sentencing consideration, there was a heightened need for deterrence. Reformatory training, which offers a rigorous and structured environment for Boaz's rehabilitation *and* brings with it a greater emphasis on the dimension of general and specific deterrence, was hence more appropriate.

58 The primary sentencing consideration for youthful offenders will generally be rehabilitation. This was explained by Yong Pung How CJ in *Public Prosecutor v Mok Ping Wuen Maurice*<sup>54</sup> where he said:<sup>55</sup>

Rehabilitation is the dominant consideration where the offender is 21 years and below. Young offenders are in their formative years and chances of reforming them into law-abiding adults are better. The corrupt influence of a prison environment and the bad effects of labelling and stigmatisation may not be desirable for young offenders. Compassion is often shown to young offenders on the assumption that the young "don't know any better" and they may not have had enough experience to realise the full consequences of their actions on themselves and on others. Teens may also be slightly less responsible than older offenders, being more impressionable, more easily led and less controlled in their behaviour. ...

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<sup>54</sup> [1998] 3 SLR(R) 439.

<sup>55</sup> [1998] 3 SLR(R) 439 at [21].

59 That said, this focus on rehabilitation may be diminished or even eclipsed by such considerations as deterrence or retribution. Broadly speaking, this will happen in cases where (a) the offence is serious, (b) the harm caused is severe, (c) the offender is hardened and recalcitrant, or (d) the conditions do not exist to make rehabilitative sentencing options such as probation or reformatory training viable.<sup>56</sup>

60 Where rehabilitation is the primary consideration, probation stands as a sentence which has, as its primary object, the swift reintegration of the offender back to society, and provides support to assist him in avoiding the commission of further offences. One commentator has described probation as “a process of re-orienting the offender to the art of living” and I think this an astute description.<sup>57</sup>

61 But probation is not the only sentencing option for a youthful offender where rehabilitation remains the dominant sentencing consideration. Reformatory training, too, is geared to the rehabilitation of the offender. The key difference between them is that reformatory training incorporates a significant element of deterrence because there is a minimum incarceration

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<sup>56</sup> *Public Prosecutor v Koh Wen Jie Boaz* [2015] SGHC 277 at [30].

<sup>57</sup> J K Canagarayar, “Probation in Singapore” (1988) 30 *Mal L Rev* 104 at p 131, cited in *Public Prosecutor v Koh Wen Jie Boaz* [2015] SGHC 277 at [35].

period of 18 months that is not a feature of probation.<sup>58</sup> Where the court considers that there is a need to incorporate a sufficient element of deterrence *within* the overarching focus on the goal of rehabilitation, reformatory training will be the preferred sentencing option.

62 I hope, from these brief remarks, to have illustrated that the law in Singapore is very cognisant of the fact that where youth offenders are concerned, the approach to be taken needs to be calibrated quite differently than is the case with adult offenders. We place a great deal of emphasis on restoration, rehabilitation, reform and reintegration of our youth offenders.

63 Before leaving this subject, I should touch on one other point. Many cases of juvenile care issues are symptomatic of other fractures within the family. With the recent amendments which bring the Youth Court under the purview of the Family Justice Courts, we have the opportunity to tie in any other family dispute involving the youth's parents. Where parents are quarrelling over their divorce, domestic violence or custody and access issues, this can easily spill over and affect the youth. Where a case involves matters pertaining both to the youth and the family, our new docketing

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<sup>58</sup> Regulation 3 of the Criminal Procedure Code (Reformatory Training) Regulations 2010.

system allows all the relevant proceedings to be heard before the same judge.

## V. CONCLUDING OBSERVATIONS

64 In the course of my remarks this morning, I have outlined how the law has sought to play its part in helping to mitigate the risks that afflict our youth in two areas.

65 In the first of these, family justice has been the subject of extensive reform in recent years.

66 The Family Justice Courts were established in order to create a specialist family jurisdiction. A year on since its foundation, some of our reforms have concentrated on putting in place the fundamentals of court culture, structure and processes, to achieve excellence in the delivery of justice with new and innovative methods. We have sought to resolve disputes in a way to give continuing relationships, such as that between parent and child, the best chance of future success; and also to nurture and protect the interests of children, the future of our society. A key imperative behind this has been to reduce conflict where possible even if the breakdown of the family happens.



67 It is our conviction that these efforts to reduce conflict and to be more attuned to the underlying causes of unsatisfactory behaviour will play a helpful part in reducing and mitigating the risks that can befall our youth.

68 In the second area, namely criminal justice, I have outlined how we take a very different approach to the youth when they find themselves involved in criminal behaviour. The focus is not primarily on punishment. In fact, in the vast majority of cases, our focus is on identifying what has gone wrong; why; and how we can act to put things right. Even in cases where punishment is imposed, this is done with a keen focus on rehabilitation and this is departed from only in unusual circumstances.

69 These are complex issues and the stakes are high. Increasingly, we seek to facilitate collaborative responses to these challenges; ones that bring tangible and proactive solutions to those who need them. By way of example, let me mention the Community Justice Centre (“CJC”) which was established in December 2012 through the collaborative efforts of the State Courts, the Ministry of Social and Family Development, the Ministry of Law, the Tan Chin Tuan Foundation and the Law Society of Singapore. The Family Justice Courts are also now represented as one of the member organisations of the CJC.

70 The CJC has become the nucleus of a new socio-legal approach to enhancing access to justice. No other entity of its kind exists in this region, with its focus on helping court users gain access not only to legal but also to practical information, advice and assistance. This is designed to ensure that effective steps are taken *before* what presents as purely legal problems spirals out of reach. This rests on the belief that when an indigent person gets involved in a legal issue, more often than not, this is likely to be symptomatic of other social issues that he also faces. And so, for needy court users, interim financial support from Comcare, food vouchers and rations are provided through referrals to relevant social service agencies as part of a wider effort to provide sustainable and longer term social support.

71 The 21st century presents us with a complex environment. It is increasingly evident that our most fundamental economic and social problems – from water scarcity, to access to education, health care and justice – will best be addressed through the collaborative efforts of businesses, government and civil society. The key idea behind such collaborative partnerships is to draw on each sector's unique strengths and leverage on them so as to achieve a particular goal or outcome.

72 These efforts are well worth making in particular in the context of our youth. The story of Darren Tan illustrates why this is such an important and worthwhile endeavour.

73 Darren did well in primary school but in secondary school, he joined a gang. From the age of 14, he was in and out of prison for various offences including robbery and drug trafficking. He spent a total of 10 years of his life in jail and received 19 strokes of the cane for drug and gang-related offences.

74 At the age of 25, while in prison, he resolved to change his ways, drawing strength from his faith. He resumed his studies in prison and did very well in his 'A' levels, scoring four As and a B, including A1 for General Paper.

75 While still in prison, he applied to, and secured a place in, the National University of Singapore law school. Darren graduated and was called to the bar in 2014. He is currently a practising lawyer and lives with his parents. He has also set up an outreach initiative named 'Beacon of Life' along with a former inmate. Through the initiative, they seek to help at-risk boys and youth. On Monday and Saturday nights, they meet with the boys to play football.

76 Darren's story exemplifies the triumph of the human spirit. He has succeeded in life and overcome the odds. If the changes we are making to our laws and legal system can help others avoid the downward spiral and, instead, follow in the path of Darren and of others who have similarly beaten the odds, then it will have been well worth the effort. This is the mission that unites all of you who are here today. It is an immensely valuable mission and all Singaporeans are grateful to you for all that you are doing to help our youth overcome the risks and challenges they face. Thank you.