Investing in the Rule of Law, Thailand ASEAN and Beyond.

Special Interview: Khunying Laxanachantorn Laohaphan, Member of the TIJ Board of Director
Introduce: Dr. Kittipong Kittayarak, New Executive Director of TIJ
Invitation to join TIJ’s activities
during the Thirteenth UN Crime Congress, Doha, Qatar

The Thailand Institute of Justice (TIJ) aims to promote excellence in research and capacity-building in crime and justice and to serve as a bridge transporting global ideas into practice. We have the pleasure to invite all Crime Congress participants to visit…

TIJ’s Exhibition, “Investing in the Rule of Law: Thailand, ASEAN and Beyond”, from 12–19 April 2015 at Exhibition Hall, Ground floor, Qatar National Convention Centre

Or get to know us more by joining the events organized and co-organized by our institution

• Ancillary meeting on: “Women and children as victims, offenders and agents of crime prevention”, co-organized with Academic Council on the United Nations System (ACUNS), Vienna Liaison Office, on 13 April 2015 at 17.00 hrs.

• Ancillary meeting on: “Improving the quality of crime and justice statistics: new standards and tools”, co-organized with the Korean Institute of Criminology (KIC), on 14 April 2015 at 13.00 hrs.


• Ancillary meeting on: “Criminal Justice Performance Measures”, co-organized with the International Center for Criminal Law Reform and Criminal Justice Policy (ICCLR), on 15 April 2015 from at 13.00 hrs.

And meet with our experts participating as speakers and panelists in the following events

• Workshop I: “Role of the UN standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems (Panel I on “Women: treatment of offender, rehabilitation and social integration”), on 13 April 2015 from 10.00 hrs. onward

• High Level Panel Discussion on: “Violence against children in the field of crime prevention and criminal justice”, on 15 April 2015 at 09.00 hrs.

• Ancillary meeting on: “Transnational Crimes and Justice” (Presenting the Research on imprisoned women within the human rights context), on 14 April 2015 at 15.00 hrs.
Welcome to the first issue of TIJ Quarterly, the Thailand Institute of Justice’s newsletter.

As you may already know, TIJ is a new institution actively engaged in the field of crime prevention and criminal justice at the international level, disseminating knowledge and bridging gaps between global ideas and local practices for the benefit of all parties in the criminal justice system.

TIJ Quarterly’s purpose is to serve as another channel for TIJ to continuously reach out to its readers and counterparts, whether existing or potential ones, to share the progress of its current projects, research findings, knowledge and activities in the field of criminal justice every three months.

Specifically in this issue, our main article will focus on the topic of the Rule of law and development to resonate with both our work and the theme of the Thirteenth UN Crime Congress which will take place in April 2015, in Doha, Qatar. We hope that TIJ quarterly will be of good use, and helpful to those who are not only interested in gaining knowledge in criminal justice but also to those who are curious in finding more about TIJ’s goals, mission and activities.

I hope that this newsletter will ignite a spark of interest in its readers and develop an aspiration to work with us in the near future.

Pleasure to have you as our reader.

With warmest regards,

Dr. Kittipong Kittayarak
Executive Director of TIJ

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ED’s Talk

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Dr. Kittipong Kittayarak
Executive Director of TIJ
By the end of this year, the ASEAN Community will start to be in effect, what can we expect from such integration?

From December 2015 onward, ten Southeast Asian nations will turn a new page of history through the decision to transform into the “ASEAN Community”. We are determined to strengthen the region’s political, economic and socio-cultural security under the “Rule of Law” framework. This means that all ASEAN nations will have to improve their laws, rules and regulations, to ensure that they are up-to-date, fair and well-accepted by their peoples and fellow ASEAN members.

In your view, how can the Rule of Law be integrated as a new perspective for the ASEAN?

During the past four decades, Southeast Asian nations have run the regional association based on what we called “the ASEAN Way”, a broad framework advocates for non-interference and consensus facilitating framework for cooperation in various aspects. Even without the force of law, the ASEAN Way has allowed the Southeast Asian countries to pursue mutual goals such as promoting peace, stability, security and well-being in their region.

Upon the Southeast Asian nations’ decision to set up an “ASEAN Community”, a charter or the constitution of the ASEAN was drafted. “The ASEAN Charter” adheres to the principle of the rule of law, democracy and human rights as the guiding principles. It is the first time that ASEAN has clearly included human-right issues into its agenda and given priority to a “people-centered” approach. This is truly a new perspective of our region.

How will the Rule of Law ensure sustainable development for the benefit of our future generations?

Even before the global agenda has started to focus on the linkage between the rule of law and development, ASEAN members have made the decision to incorporate the rule of law framework in the hope to create a truly rule-based community. This is because smooth development and steady growth can only be achieved if it is people-centered. The rule of law and effective legal framework can lead to better living conditions, better healthcare and better social welfare. It will also promote human rights and enable human resource development, especially through providing equal education to the young generation which is the important asset for the future of ASEAN.

What do you foresee as the ASEAN’s new challenges?

It is undeniable that, with the population size of more than 600 million peoples, challenges await the ASEAN community. The free movements of goods, labor, and investments across the border combine with the modern technologies will trigger new problems such as the increase in number or the advancement in the nature of crimes, complicated issues related to labor conflict and exploitation. We might as well be facing with the proliferation of illegal goods and drugs in the level we have not seen before.

However, these issues can possibly be mitigated if all members of the ASEAN Community have similar standard of laws and regulations, or at least, make solid plan to attain such aim in short time.
Similar legal frameworks will allow countries to effectively cooperate and respond to the emerging challenges. I believe that, clear and well-designed regulations will complement the effort of ASEAN nations, boosting its efficiency in handling and preventing problems. This means Thailand also have to review some regulations and work even harder to strengthen the collaboration with its neighbors in order to tackle both domestic and regional challenges.

Will the ASEAN Way be redefined and how so?

As the ASEAN Community progressively materializes, the ASEAN Way will certainly be redefined. In essence, it will no longer be about mutual consensus and non-interference. The principle of the rule of law will be put into practice more intensively in responding to obligations, rules and guidelines that ASEAN nations have mutually adopted in order to become a rule-based community. The “old” ASEAN way of friendly compromise and leniency can no longer be applied to lead our conversation. From this point onward, ASEAN Community members will have to follow the rules and regulations as established. Measures will be put in place to monitor and assess the level of enforcement as well as progresses made in each country. In case a member country faces obstacles in implementation, evidence-based studies shall be conducted to identify the root causes. Other fellow members of ASEAN will also contribute by sharing their knowledge, experiences, best practices, and technical assistance when necessary.

Considering the diversity and the difference in levels of development among its members, the ASEAN Community will require intense dialogue of support and understanding as key drivers for development cooperation. The ASEAN Community will need to treat the region’s diversity as its “strengths” and not weaknesses or excuses as before. It is actually like a flower arrangement, the diversity of colors and shapes when put together thoughtfully can create exceptional beauty.

How important it is to raise the public awareness of the Rule of Law as vital element for successful ASEAN integration?

The rule of law is a legal principle that implies that every citizen is subject to the law. But the key question here is whether people know and understand it. Can people get the concept if relevant sectors do not make efforts to raise the public awareness and understanding on the rule of law?

The majority of people do not see the linkage between the rule of law and development. It sounds like a difficult concept to grasp. But the rule of law is really close to everyone’s life because it fosters an environment suitable for all aspects of development. In general, the lack of public awareness or understanding has always been the prevalent problem in this area. Set aside the idea of the rule of law, people are unaware of the rational behind the existence of the labor laws, anti-narcotics laws, or traffic regulations. The information about how each set of laws and regulations can improve their lives and the societies as a whole is important in order to make people feel more “engaged” and willingly comply with it.

I am delighted to learn that TIJ has paid serious attention to the need to create public awareness and understanding on the rule of law as a vital part that enable sustainable development. TIJ’s activities targeted not only general public but younger generation, academia, policy makers and criminal justice personnel to ensure that everyone truly understand the advantage of incorporating the rule of law in every aspect of development. The rule of law will foster the dynamic of interaction between people of different backgrounds in the spirit of equality. I think it would be greatly beneficial if everyone agrees that the rule of laws is what needed to strengthen the foundation for prosperity, stability and peace that ASEAN desires.
Dr. Kittipong Kittayarak travels to Vienna, Austria for the first time in his newly appointed role as the TIJ’s Executive Director to attend the United Nations 58th Commission on Narcotics drugs and to present on March 12th, 2015 at the side event ‘Treatment Interventions for Drug Involved Offenders’ co-hosted by UNODC and Drug Policy Futures. He presented preliminary key findings from TIJ’s new research on Alternatives to Incarceration for drug related offenders in ASEAN, a research on policies and practices that reviews the region’s current practices, challenges and capacity to develop further in areas of drug rehabilitation programs, drug control policies and successful reintegration of drug users into society.

Through this research TIJ has identified that treatment interventions for drug involved offenders is a subject of not only Thailand’s concern but of global concern within the criminal justice system as the region continues to face growing prison populations and severe prison overcrowding as a direct result of punitive drug control policies.

In his presentation, Dr. Kittipong’s emphasized that not only does the law criminalize drug use but society criminalizes the users too. Such social stigma limits the chances for drug users to successfully reintegrate into the society as productive individuals. Thus, through evidence-based research, TIJ aims to guide policy to reduce drug addiction and unnecessary incarceration of drug users, in the hope to gradually change social perception and ease the burden that large imprisoned populations pose on individuals and the society.
Seminar on Promoting Community-based Treatment in the ASEAN Region

TIJ, in collaboration with Thailand’s Department of Probation, the Japan International Cooperation Agency (JICA) and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), has organized the Seminar on Promoting Community-based Treatment in the ASEAN Region between February 24 and February 26, 2015. The purposes of this seminar was to provide knowledge exchange about obstacles and challenges, and to encourage ASEAN nations that do not have community based treatment as an alternative to incarceration to start developing such system. Dr. Frank Porporino from the International Corrections and Prisons Association (ICPA) was among the experts joining the event as speakers.

Participants, representing agencies responsible for the implementation of community-based treatment in the 10 ASEAN countries, have voiced their support for the use of probation system and non-custodial measures. They have also suggested that more seminars of such kind should be held in the future since the exchange of knowledge on community-based treatment for offenders among ASEAN members is extremely useful to them.

The Seminar has much significance as being the very first time that UAFEI, one of the Programme Network of Institutes’ most experienced unit in terms of organizing training, has agreed to work with an organization beyond its network. There is also a good possibility for further cooperation between UAFEI and TIJ on this topic in the future.
On 26 January 2015, TIJ held a seminar entitled “Thailand’s Judicial System: Know the past, understand the present, and be confident in the future” during which the launch of the “Thailand Institute of Justice Series of Criminal Justice Seminar” project was announced. Scheduled to run from March to August, this justice seminar series seeks to engage members of the judicial process and the civil society in designing a new judicial process accessible to everyone. It will focus on providing platforms for participants to exchange their knowledge and carefully examined the chronic problems concerning the development of the justice system.

The flagship of this seminar series is to come up with a set of criminal justice performance indicators suitable for Thai context so that people will find the criminal justice easier to understand and more relevant to their lives.

Dr. Yvon Dandurand, an internationally recognized expert from the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR), will take part in this initiative.
TIJ and the United Nations Office on Drugs and Crime (UNODC) have jointly organized this meeting between November 11 -13, 2014 in Bangkok. The event has drawn the interest of 180 participants from 32 countries. This international expert group meeting provided a platform for the exchange of opinions and discussions on how to effectively prevent, investigate, prosecute and punish femicide, gender-related killing of women and girls. During the meeting, participants deliberated and came up with recommendations on key issues such as information collection, preventative guideline, investigations and the delivery of assistance to victims. The results of the meeting will be presented to the 25th Commission on Crime Prevention and Criminal Justice (CCPCJ) meeting in May 2015.

3. TIJ and UN Women Signed a cooperation agreement on the International Day to End Violence against Women

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4. Regional Meeting on Crime Statistics and Victimization Surveys

TIJ, in collaboration with the KIC, the United Nations Office on Drugs and Crime (UNODC), and the Economic and Social Commission for Asia and the Pacific (ESCAP), has held this regional workshop between December 1 -3, 2014 in Bangkok. Representatives from 20 countries have joined the meeting to share their experiences including method and tools on to collect and enhance the quality of crime statistics and the dissemination. It has received good response as being the region’s first forum that brought together statisticians and criminal justice personnel to share their opinions of the necessity of crime and criminal justice statistics, discuss their work process, identify areas for possible improvements and at the same time establish a network of friendship for future cooperation.
For decades, Thailand has been in an on-going process of reforming its criminal justice system. Studies and reports on shortcomings are conducted. Recommendations are made for improvement on various aspects of the national criminal justice system. The intensified effort to adjust and reform components of Thai criminal justice system ranges from reviewing legal provisions, decentralizing police structure, installing mechanisms for accountability and transparency, enhancing professional integrity, and ensuring independence of the judiciary.

However, there has never been any reliable tool for the country to concretely measure changes in the system’s quality over time. It is therefore questionable how Thai policy-makers and criminal justice leaders monitor the impact of the so-called “reform” that has taken place. More importantly, the question is how Thai people could form a reasonable perception of criminal justice performance without a good measuring tool.

A well-designed set of criminal justice performance indicators that is suitable for Thailand’s context and ‘comprehensible’ to the public and criminal justice leaders alike is clearly needed. And, on the other end, such indicators could have the dual role in spurring criminal justice reform, benefiting the current and future efforts of Thailand to significantly move its criminal justice system forward as well as measuring the success.
In conceptualizing this initiative, TIJ consulted the United Nations Rule of Law Indicators: Implementation Guide and Project Tools, First Edition on criminal justice indicators. Even though this UN Implementation Guide was developed mainly for conflict and post-conflict societies, its approach to measuring the strengths and effectiveness of law enforcement, judicial and correctional institutions could be applicable to any country including Thailand. In addition, TIJ has also consulted Prof. Yvon Dandurand from the International Centre for Criminal Law Reform and Criminal Justice Policy (ICCLR) in designing this project.

A workable set of indicators would promote, support and improve the collection and production of official data and statistics, hence more transparent use of power and spending of tax-payer money. Heads of all criminal justice agencies could use it as a practical tool to measure progress of their policy implementation, to justify their needs for budget, human resources or structural change of the organization. The indicators would hopefully influence truly ‘evidence-based’ policy decision and tackle right at the cause of the problems accordingly.

TIJ’s special programme on the rule of law has initiated a long-term project comprising of three phases spanning the period of three years in order to systematically and gradually formulate necessary components for successful development and implementation of the indicator. TIJ is well aware that in order to come up with a practical set of indicators, public support is the key, while leadership and buy-in from criminal justice leaders is also vital.

Right now, TIJ is at phase one which involves introducing the concept and usefulness, as well as technical details of the indicators to both the public and criminal justice officials. The plan is also to assess existing status before designing methodology and approach to implement the next phase. On 31 March 2015 TIJ in partnership with Embassy of Canada to Bangkok will organize a seminar to discuss experiences and good practices on developing and making use of criminal justice indicators or in a clearer and friendlier version directly translated from Thai “Let’s develop a good measuring tape for our criminal justice system.” The purpose is to raise knowledge, understanding and appreciation of this new tool among stakeholders and conscientious justice leaders. Then, on 15 April 2015, TIJ will present this initiative together with the ICCLR at an ancillary meeting of the 2015 United Nations Congress on Crime Prevention and Criminal Justice at Doha, Qatar.

Vipon Kititasnasorchai
Programme Director
Enhancing the Rule of Law at Domestic Level
Thailand Institute of Justice
Women’s access to justice and Sustainable Development Goals (SDGs):
where are we at and where are we heading toward?

The transition from Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs) has been at the forefront of the discussion among governments, development (organizations), UN system and civil society communities. The discussion is filled with hopes but also uncertainties about how the SDGs will look like especially at the national implementation level.

With regard to gender, the MDG goal 3; Promote and Empower Women is metamorphosing into SDG goal 5; Achieve Gender Equality and Empower All Women and Girls. Within the SDG goal 5 which more forcefully advances its agenda and is more inclusive in its nature, a number of key issues are being put forward in the efforts to ensure that women and girls are truly empowered. These issues range from violence against women and girls, unpaid care and domestic work, equality of opportunities and economic rights.

In this regards, violence against women and girls (VAWG) is one of the key areas of work at the Thailand Institute of Justice in order to fulfill our mission on promoting their rights. Certainly, it is recognized and concurred that law and its function through criminal justice system are pivotal mechanism in the process of VAW eradication. Access to justice for women and girls goes beyond the issue of sexual violence. It is an essential factor in actualizing the tenet of SDG goal 5.

In fact, justice is incorporated in both the RIO20+ outcome along with the post 2015 development conceptual framework.
SDG goal 16 is set out to provide access to justice for all, through the establishment of effective rules of law at national and international levels. The SDG goal 5 and goal 16 form a foundation of TIJ work on women and children empowerment now and particularly in our strategic plan in the coming years.

Despite being largely improved, a number of structural constraints have prevented women and girls to access to justice in its entirety. Gender stereotypes and biases permeate the justice system and they are resistant to changes. Without solid and effective rules of law, i.e. the actualization of SDG goal 16, SDG goal 3 will never take full shape.

Women and girls need to live in a peaceful societies where their rights are protected and their human rights are ensured. Legal institutions must be effective, accountable, transparent and most importantly sensitive as well as responsive to their needs. Women and girls in the justice system shall not be seen only as passive citizens, victims, inmates or mere onlookers but also as law makers, law enforcers, law supporters and indispensable resources for the system reform.

Through TIJ comprehensive work on women and children namely the Bangkok rules and its focus on well-being of female inmates, research and advocacy work on VAWG-VAC and rules of law, it is hoped that knowledge along with policy and practice vis-à-vis criminal justice system will be ameliorated. Moving forward into the post 2015 landscape, expansion into more depth and more thorough steps in the realization of women and girls’ rights utilizing legal mechanism as core impetus, will be our critical move given the complexities and the opportunities that the post 2015 stage will bring.

Sita Sumrit (PhD)
Programme Specialist
Women and Children Empowerment
Thailand Institute of Justice
Introduce

Dr. Kittipong Kittayarak
New Executive Director of TIJ

Dr. Kittipong has a long established career in the criminal justice system, and has served as the Permanent Secretary for Justice from 2008-2014. His achievement as a high-caliber executive as well as an excellent academic is widely recognized. His proposed plan is to level-up TIJ’s role on the international stage while at the same time make TIJ the best place to work for all its employees.

Speaking of someone with an outstanding academic background, Dr. Kittipong earned his LL.M. degree in international legal studies at Cornell Law School in 1983 and returned to Thailand, where he qualified for the Thai bar. He subsequently studied at Harvard Law School and Stanford, where he obtained another LL.M. and a J.S.D. degree in 1988 and 1990 respectively, focusing on human rights and criminal justice. He currently serves as a councilor in the Cornell Law School Advisory Council and a member in the boards of trustees of Mahidol University and Bangkok Universities.
Throughout his career, Dr. Kittipong has been instrumental in shaping the criminal justice system in Thailand, especially the organizational reform of the Ministry of Justice in 2002. He advocates for restorative justice and community-based treatment of offenders, an idea he introduced to the Thai justice system during his tenure as the director-general of the Department of Probation. Besides, Dr. Kittipong has participated in reconciliation works including the most recent one when he was appointed a commissioner in the Truth and Reconciliation Commission of Thailand (TRCT), an independent body that looked into the political violence of May 2010. Among many honors, he was the first person to receive the prestigious Ek Burut (True Gentlemen) award by the Association for the Promotion of the Status of Women under the Royal Patronage in 2000 in recognition of his contribution to the promotion of gender equality.

Sharing his plan with TIJ’s team, Dr. Kittipong stated that “TIJ has a lot of potential to excel domestically and globally. We have been working closely with UNODC and PNIs, actively involved in the development of several UN standards and norms. It is time for TIJ to drive its various research studies to achieve the goal of being a center of excellence in the fields of crime prevention and criminal justice”.

In order to build up TIJ’s profile, Dr. Kittipong emphasizes on researches and studies in three main areas. The first research component supports the implementation of the UN standards and norms that guide the development of criminal justice system and the right-based treatment of women and children, with a special focus on the UN rules on the treatment of female offenders or “the Bangkok Rules” which is TIJ’s flagship. The second area of work aims to promote the incorporation of the rule of law and justice in all aspects as part of the “post-2015 development agenda”. This study is particularly relevant because sustainable development cannot be achieved if human resource which is a key factor for development are still being victimized, abused and forced to live in an unsafe environment where their rights are violated. The third area of focus is to address the need for regional cooperation in crime prevention and criminal justice in order to respond to the upcoming ASEAN integration.

This plan, he said, cannot be accomplished without the dedication of TIJ’s staffs. For Dr. Kittipong, the happiness of his highly competent team is very important. “One thing I want to do now is to improve the back office and the internal system, and create the best environment for everyone to work happily and effectively”, he added.
AsianSIL Inter-sessional Regional Conference 2015
The Rule of Law and Development Nexus: A New Deal for Asia?
June 4 – 5, 2015 Bangkok, Thailand

The AsianSIL is organizing, in partnership with Thailand’s Ministry of Justice and Thailand Institute of Justice (TIJ), the ‘The Rule of Law and Development Nexus: A New Deal for Asia?’ conference to expand the Asia and Pacific regional network of law professionals. This conference will also for the first time bring together the United Nations into the AsianSIL network to discuss rule of law and sustainable development with an emphasis on the 2015 (integration) of the ASEAN nations to the ‘ASEAN Community’ and the ‘Asia Cooperation Dialogue’ (ACD) with academia, policy makers, legal practitioners, judges and prosecutors.

The inter-sessional conference will also support Thailand’s continuous effort to mainstream the rule of law, justice and security in the Post 2015 Development Agenda and build on the momentum from the high level meeting of ‘The Bangkok Dialogue on the Rule of Law: Investing in the rule of law, justice and security for the post 2015 development agenda’ held November 15, 2013.

Topics:
- The Rule of Law and Sustainable Development: the Post 2015 Development Agenda
- International Law and Organized Crime & Drug Control
- International Law and the Protection of Women & Children
- Rule of Law and Justice Reform
- International Law and ASEAN Integration

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