REPORT OF
THE FIRST ASEAN CONFERENCE
ON CRIME PREVENTION AND
CRIMINAL JUSTICE

Enhancing Crime Prevention and Criminal Justice Institutions for Sustainable Development of the ASEAN Community
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REPORT OF
THE FIRST ASEAN CONFERENCE
ON CRIME PREVENTION AND
CRIMINAL JUSTICE

Enhancing Crime Prevention and Criminal Justice Institutions
for Sustainable Development of the ASEAN Community
PARTICIPATING ASEAN MEMBER STATES

Brunei

Cambodia

Malaysia

Myanmar

Thailand
Indonesia

The Philippines

Vietnam

Lao PDR

Singapore
ABOUT THE ACCPCJ
The ASEAN Conference on Crime Prevention and Criminal Justice (ACCPCJ) is a regional forum established under the auspice of the Association of Southeast Asian Nations (ASEAN) Senior Law Officials Meeting (ASLOM). The Conference serves as a platform that bridges together policy makers, practitioners, academia, civil society and the private sector both from within and outside the region to discuss and address cross-cutting issues of common interest. Through an evidence-based policy dialogue, this forum aims to promote and enhance crime prevention and criminal justice institutions in Southeast Asia.

The Conference was first proposed at the 16th ASEAN Senior Law Officials Meeting (ASLOM) and also welcomed by the 9th ASEAN Law Ministers Meeting (ALAWMM), both held in October 2015. Subsequently, a series of Consultative Group Meetings were organized with ASEAN Member Countries’ representatives to ASLOM and representatives from the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC) and the ASEAN Senior Officials Meeting on Drug Matters (ASOD) to set the agenda and theme of the Conference.

The First ACCPCJ was hosted by the Thailand Institute of Justice (TIJ) in partnership with Thailand’s Ministry of Justice and the ASEAN Secretariat. The Conference was attended by 348 participants from ASEAN Member States, government officials, academia, individual experts, the private sector, youth, the United Nations, civil society and non-government organizations.
ABOUT THE REPORT
This Report is a TIJ publication on the discussions and recommendations proposed during the First ACCPCJ on Enhancing Crime Prevention and Criminal Justice Institutions for Sustainable Development of the ASEAN Community held from 9 to 11 November 2016 at the Dusit Thani Hotel in Bangkok, Thailand. It follows a shorter Chair’s Report of the ACCPCJ shared with ASLOM and other relevant ASEAN sectoral and intergovernmental bodies.

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INTRODUCTION
Leaders of the ten members of the Association of Southeast Asian Nations (ASEAN) gathered in Malaysia for the 26th ASEAN Summit in November 2015 to launch the ASEAN Community. The adopted Declaration on the Establishment of the ASEAN Community aims to further strengthen a politically cohesive, economically integrated and socially responsible community under the three pillars of political-security, economic and socio-cultural community.

As a result, the success of the ASEAN integration should be measured and reflected not only in economic growth, but also in long-term peace, security and sustainable development. Prior to the launch of the ASEAN Community, the United Nations General Assembly adopted in September 2015 the 2030 Agenda for Sustainable Development, also known as the Sustainable Development Goals (SDGs). Notably, the SDGs for the first time, set an aspiring target of peace and inclusive societies, access to justice for all, and effective, accountable and inclusive institutions at all levels (Goal 16).

In order to mainstream the 2030 Agenda for Sustainable Development into the work of ASEAN, relevant ASEAN sectoral and intergovernmental bodies play a critical role in enhancing the effectiveness of crime prevention measures and strengthening criminal justice institutions, thus contributing to the promotion of a peaceful, just and inclusive ASEAN community.
The ASEAN commitment to regional cooperation in the field of crime prevention and criminal justice is evident from a range of instruments and political declarations adopted over the years. Despite the strong commitments, some challenges remain for Member States in translating their political will into practical action at regional and national levels. Harmonization of legal frameworks for economic liberalization, international trade and investments may continue to advance at a quicker pace, but ASEAN also needs to strengthen criminal justice responses to emerging forms of threats, if the Community is to reap the full benefit from sustainable economic, social and political development. Fair and effective criminal justice systems can also help ensure equal protection for all and promote trust in the justice system, thus laying a strong foundation for the rule of law and a truly inclusive society.

Under the theme of Enhancing Crime Prevention and Criminal Justice Institutions for Sustainable Development of the ASEAN Community, the three substantive areas covered during the conference were:

1. Tackling the Emerging Threats of Wildlife and Timber in ASEAN;

2. Crime Prevention Strategies aimed at Children and Youth in Urban Areas;

3. Effective Offender Rehabilitation and Prison Reform for Vulnerable Groups
INTRODUCTION
OPENING STATEMENTS
The Conference was opened by His Excellency General Paiboon Koomchaya, Thailand’s Minister of Justice. Statements were made by the Deputy Secretary-General of ASEAN, the Chair of ASLOM, ASEAN Commission on Women and Children (ACWC) and ASEAN Intergovernmental Commission on Human Rights (AICHR), the Secretary-General of the ASEAN Inter-parliamentary Assembly (AIPA), the Regional Representative of the United Nations Office on Drugs and Crime (UNODC), and the Executive Director of the Thailand Institute of Justice (TIJ).

Speakers welcomed the ACCPCJ as a regional platform to discuss cross-cutting issues in the criminal justice system among ASEAN Member States with relevant stakeholders on strengthening the ASEAN Community through regional cooperation to prevent transnational crime and to strengthen criminal justice institutions. It was further reiterated that the ACCPCJ can also serve as a forum to share and exchange views on the linkages between law, sustainable development and the ASEAN Community.
“This Conference can greatly benefit practitioners in the ASEAN since it will pave the way for further works in the field. Thailand is pleased to be a part of the efforts aimed at enhancing the legal and justice systems and institutions within ASEAN and beyond, in support of the work by the United Nations, and ultimately for the benefit of humanity as a whole”

H.E. Gen. Paiboon Koomchaya
Ministry of Justice, Thailand

“There is no mistaking that the sharing of best practices and experiences among the ASEAN Member States and among the various sectoral bodies are indeed necessary to enable ASEAN to develop a well-informed policy and strategy for enhancing crime prevention and criminal justice institutions “

H.E. Dr. AKP Mochtan
Deputy Secretary-General of ASEAN for Community and Corporate Affairs
“What we have today in the legal sphere of relationship between ASEAN Member Countries are far beyond what was envisaged in 1986. In fact, the ASEAN institutional legal order are crafted in a way that focuses not only to bridge that of governmental and regional interests, but to strengthen the bond and provide legal safety and security to the people of ASEAN countries”

Mr. Aloysius Selwas Taborat
on behalf of the Chair of ASEAN Senior Law Officials Meeting

“Undoubtedly, law is instrumental in ensuring the successful translation of ASEAN’s consensus into concrete actions. It is through the enactment of laws at the national and sub-national level that the good practices in the region are given life. ACWC’s efforts at developing regional plans of actions and guidelines are its contributions to a more robust enabling legal and policy environment that would benefit women and children”

Ms. Lily Doriany Purba
Chair of ASEAN Commission on Women and Children
“The challenges in our region are numerous. We cannot afford to be complacent with the success that has been achieved thus far. We must be vigilant, ready and always be ahead of criminals and criminal networks. As we are building a community for over 600 million people of ASEAN, all stakeholders must join hands for the betterment of our people, and for our future generations”

Mr. Phoukhong Sisoulath
Chair of ASEAN Intergovernmental Commission on Human Rights

“We can take all these issues and bring them to the public of ASEAN and we can have harmonization of laws to make things more compact and concrete.”

Mr. Isra Sunthornvut
Secretary General of ASEAN Inter-parliamentary Assembly
“It is obvious that [UNODC’s] recent and ongoing engagement in Southeast Asia shows the importance we place on this region. It is important that the countries of ASEAN are able to draw on our expertise and networks, and that we continue to work together to address shared challenges in an effective way adapted to the needs of each Member State.”

Mr. Jeremy Douglas
Regional Representative
of the United Nations Office on Drugs and Crime for Southeast Asia and the Pacific

“Effective crime prevention and transparent criminal justice systems reinforce growth by ensuring a business-friendly environment, greater social cohesion, stability and more effective delivery of government services. If there is a lack of policy attention or inadequate redress, any gains and potential benefits that we may seek may be lost”

Dr. Kittipong Kittayarak
Executive Director
of the Thailand Institute of Justice
PANEL 1
TACKLING THE EMERGING THREATS OF WILDLIFE AND TIMBER TRAFFICKING IN ASEAN
Introduction

Over the past five decades, ASEAN has experienced rapid economic transformation, emerging as one of the world’s largest economies. Challenges remain in bridging the developmental divide across different levels of economic and social development. With such a divide among the ASEAN Member States, coupled with less stringent border controls and increased movement, the ASEAN integration may inadvertently lead to more opportunities for criminal networks to expand their illicit activities.

According to the United Nations Office on Drugs and Crime (UNODC), criminal enterprises involved in transnational crime have developed alongside the growing legitimate commerce, and their annual criminal profit in East Asia and the Pacific is estimated to be US$90 billion. Approximately one quarter (1/4) of this criminal profit comes from trafficking in wildlife and timber.

The ongoing situation has allowed violators to continue to profit from natural resources, which threatens biodiversity and undercuts natural wealth that can be used for the promotion of sustainable development and the advancement of national welfare. Corruption has also been recognized as one of the facilitating factors for wildlife and forest crime.

The seriousness of wildlife and timber trafficking was recognized at the 10th ASEAN Ministerial Meeting on Transnational Crime (AMMTC), where in September 2015 the Kuala Lumpur Declaration on Combating Transnational Crime was adopted. This Declaration endorsed the inclusion of illicit trafficking in wildlife and timber as a new area of transnational crime under the purview of the
AMMTC. The Declaration on Combating Transnational Crime supports the formulation of regional legal instruments and harmonization of relevant national policies, laws and regulations among ASEAN Member States, in order to further strengthen regional efforts to combat transnational crime. The ASEAN Ministers also declared their political will to strengthen the capacity of the criminal justice system through cooperation within ASEAN and with relevant regional and international organizations. Other relevant ASEAN frameworks include the 1997 ASEAN Declaration on Transnational Crime and the 1999 ASEAN Plan of Action to Combat Transnational Crime.
TACKLING THE EMERGING THREATS OF WILDLIFE AND TIMBER TRAFFICKING IN ASEAN

Panelist

Mr. Giovanni Broussard
Regional Programme Coordinator for the Global Programme for Combating Wildlife and Forest Crimes. (Moderator)

Ms. Lorraine Elliott
Professor at the Department of International Relations, School of International, Political & Strategic Studies, Australian National University

Police Colonel Chitphol Kanchanakit
Superintendent for Treaties & Legal Affairs Sub-division, Foreign Affairs Division, Royal Thai Police & SOMTC (Thailand)

Mr. Suon Sovann
Deputy Director of Department of Legislation and Law Enforcement, Forestry Administration, Ministry of Agriculture, Forestry and Fisheries (Kingdom of Cambodia) and Representative of ASEAN Wildlife Enforcement Network (ASEAN-WEN)

Mr. Bounthanh Philachanh
Director of Planning and Cooperation Division Department of Forestry Inspection (Lao PDR)

Mr. Shengfu Wu
Vice President China National Forest Product Industry Association
Summary

According to Mr. Broussard, the illegal trade of wildlife and timber accounts for over US$ 19 billion in the Asia-Pacific region. This region is also the source, transit route and destination for the trafficking of wildlife and timber. Panelists highlighted ivory, rhinoceros horns, pangolins and rosewood as the most trafficked endangered species. Reference was made that all ASEAN Member States are signatories to international treaties related to the prevention of the illegal trade of wildlife and timber, significantly the United Nations Convention against Transnational Organized Crime (UNTOC) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). It was further noted at the regional level there are existing institutional mechanisms designed to respond to the trafficking of wildlife and timber. These include the ASEAN Senior Officials Meeting on Agriculture and Forestry (ASOF), the ASEAN Wildlife Enforcement Network (ASEAN-WEN) to support close cooperation among law enforcement agencies, and the ASEAN Senior Officials Meeting on Transnational Crime (SOMTC), which recently adopted trafficking of wildlife and timber as a transnational crime. Representatives from Lao PDR, Cambodia, and Thailand also highlighted the establishment of bilateral initiatives with ASEAN Member States and the ongoing national efforts in translating international agreements into practices at national level.

Efforts by Cambodia, Viet Nam, Thailand and Lao PDR to combat illegal trafficking and their success in increasing seizures were acknowledged, but prosecution and conviction of perpetrators remain a key challenge. Several panelists also identified key challenges for justice institutions in the collection of data and
information, investigation and increasing joint policing, preventing forgery of documentation, and corruption in the supply chain, to strengthen border control systems. Due to the transnational nature of illegal wildlife and timber trafficking, it was acknowledged as a difficult crime to prosecute, when operations are planned, executed and items are sold in different countries. Significant concerns also raised during the discussion include the lack of compliance mechanisms provided by UNTOC and CITES, limited financial contributions to regional enforcement mechanisms, and the implications of differences between existing national laws and domestic enforcement practices. It was further noted that penalties should be appropriate to the nature and gravity of the infringements. Law enforcement should not target the most vulnerable in the supply chain who are often local communities and farmers, involved due to poverty, limited livelihood opportunities and lack of awareness of the illegality of poaching specific species of animals and plants. It was further encouraged for awareness-raising and alternative livelihoods to be provided to communities prior to applying a law enforcement led approach.
Key Recommendations

1. Consideration should be given to a review of possible differences in the ASEAN region in the rules and practices in place in national laws and international agreements, with a view to promoting common standards, principles and the harmonization of penalties and other provisions across ASEAN countries, and to the identification and remedying of possible gaps. ASLOM may wish to make recommendations regarding the appropriate entity to conduct such a review of domestic policies.

2. Greater use should be made of intelligence-led policing on the national level, the development of operational databases, the strengthening of border control, and the conducting of joint law enforcement operations. Priority should be given to identifying, interdicting and prosecuting the main actors behind trafficking in wildlife and forestry products, ensuring that the organizers of such criminal activity are brought to justice.

3. Practical measures should be designed to encourage the sharing among ASEAN Member States of national good practices and experiences on mechanisms to prevent, investigate and prosecute trafficking in wildlife and timber, and promote the relevant reforms to national legal frameworks.

4. Member States should collect and share official data, statistics and knowledge at both national and ASEAN levels, covering aspects such as inventories, resource depletion, and incidents of illegal trafficking in protected CITES-listed and national-listed species.
5. Member States should collect and share comprehensive seizure data in order to assist the prediction of trends in the market demand for wildlife and timber products, as well as promote up-to-date operating guidelines for local practitioners and businesses.

6. Member States should use such information to raise public awareness and to promote inter-disciplinary and inter-sectoral cooperation in reducing the demand for illegal wildlife and forestry products.

7. Member States should consider measures to strengthen cooperation with the private sector, academia, non-governmental organizations and other relevant stakeholders. The private sector should be encouraged to develop sustainable forestry management systems, structures for encouraging due diligence and the strengthening of corporate social responsibility, thus bringing greater transparency and integrity to the supply chain.

8. Attention should be paid to the need for the prevention and control of corruption at the different stages of the supply chain.

9. Member States should seek to encourage research on trafficking in wildlife and forestry products. Such research could include analysis of regional policy frameworks and practices; the study of criminal networks; and the evaluation of best practices / lessons learned in law enforcement and prosecution.
10. Since trafficking in wildlife and forestry products is to a large extent transnational, it requires an effective transnational response, for example in the form of more effective extradition, mutual legal assistance, and the sharing of information.

11. Consideration should be given to how ASLOM and relevant ASEAN sectoral bodies can contribute to a coherent and effective response to wildlife and timber trafficking, thus enhancing the current work of the SOMTC.
TACKLING THE EMERGING THREATS OF WILDLIFE AND TIMBER TRAFFICKING IN ASEAN
PANEL 2

CRIME PREVENTION STRATEGIES AIMED AT CHILDREN AND YOUTH IN URBAN AREAS
Introduction

The SDGs and the New Urban Agenda will give new impetus to the work of countries and the international community at large in focusing more on preventing crime and violence. There is evidence that most of those who become involved in crime, whether organized, gang related or street crime, are young and male. Some 70 percent of homicide victims globally are male, mostly young men in the 15-25 year age group, as are their perpetrators. In low- and middle-income countries, children and young people form the predominant age group and offer a continuous source of recruitment for gangs, drug dealers and traffickers.

Prevention of the involvement of children and youth in criminal activities is key to reducing crime rates in the long run. Crime prevention strategies targeted at children and youth also resonate with the pressing need for the protection of the rights and well-being of young populations.

The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) actively works to ensure proper safeguards, which include the ASEAN Regional Plan of Action on Elimination of Violence against Children, recently adopted at the ASEAN Summit in 2015.
Panelist

Dr. Heng Keng Chiam  
Former Representative of Malaysia to ACWC  
(Moderator)

Ms. Aisyah Yuliani  
Programme Officer, Raoul Wallenberg Institute

Mr. Deddy Eduar Eka Saputra  
Head of International Cooperation Section, Directorate General of Corrections Ministry of Law and Human Rights and former Head of Education and Treatment at Kutoarjo Juvenile Centre (Indonesia)

Mr. Peter Home  
Professor  
at Griffith Criminology Institute  
Griffith University

Mr. Paradai Duke Theerathada  
Founder & Volunteer  
Fai Fah Programme  
TMB Bank Foundation &  
Chief Corporate Affairs Officer at DTAC

Ms. Arizza Ann Nocum  
Founder Kristiyano-Islam Peace (KRIS) Library and Kofi Annan Foundation’s Extremely Together Young Leader
Summary

Ms. Yuliani highlighted the number of children in conflict with the justice system in the ASEAN region remains comparatively low but steadily increasing at the rate of approximately 70,000 juveniles a year. It was further noted that an issue of concern is the minimum age of criminal responsibility, which averages at 11 years, and below the international standard of 12 years. Reference was also made to the lack of appropriate facilities for juveniles in several Member States resulting in juveniles being detained in the same facilities as adult prisoners. This poses risks for the safety of the children and limits access to appropriate rehabilitation and education services.

Several panelists further stressed the need to increase the use of diversion and restorative justice as alternatives to custodial measures, citing the informal diversion and mediation at the community level in Indonesia and the Philippines as examples of good practices. Mr. Suputra also highlighted the good practice of transforming Kutoarjo juvenile prison into a juvenile treatment centre, which resulted in a 57 percent decrease in the number of juvenile offenders from 2013 to 2016. He noted that the success of the Juvenile Treatment Centre is largely due to creating child-friendly environments and programmes such as boy scouts, religious activities, cooking, music, painting, and health-related education programmes.

Mr. Homel noted that from 2020 to 2025, the region is predicted to have an urban growth rate of 1.93 percent, compared to 1.63 percent globally and that by 2030, half of the population in Southeast Asia will live in urban settlements or cities. Taking into consideration the fact that the youth population aged between 15-24 years accounts for approximately 22 percent of the workforce and 59
percent of the unemployment in the region, the need for youth crime prevention strategies was reinforced. High unemployment rates, lack of adequate housing, education, and health services can be the negative consequences of rapid urbanization, affecting the development of youths and their potential engagement in the workforce.

It was underscored that unequal access to basic services, family breakdown, availability of drugs and alcohol and the absence of the rule of law can be contributing factors to youth violence and the involvement of youth in gangs and terrorist organizations. Programmes run by NGOs and the private sector such as Kristiyano-Islam Peace (KRIS) Library Foundation in the Philippines and TMB’s FAI-FAH project in Thailand were highlighted as examples of good practices for youth crime prevention programmes. KRIS aims to promote peace through education and providing scholarships, while FAI-FAH empowers youths in lower-income communities through the arts, sports and mentorship programmes. The FAI-FAH programme engages with 50,000 children and brings together 3,000 bank employees as volunteers on a yearly basis. It was further emphasized by Ms. Nocum that to address the threat of drugs, violent extremism and other forms of youth crime in a sustainable manner requires policy-makers and stakeholders to understand the drivers of these threats and grievances.
Key Recommendations

1. Member States should ensure that diversion is used to the maximum possible extent for children and youth in conflict with the law, and that diversion is designed to be rehabilitative, providing the person with a productive place in society.

2. Promising practices and good experiences in preventing youth involvement in crime and in responding to children and youth in conflict with the law should be shared among ASEAN Member States with a view to their possible adaptation to the relevant local and national circumstances.

3. Member States should collect and share official data, statistics and knowledge at both national and ASEAN levels, covering aspects such as school drop-out, youth employment and health, which is relevant for evidence-based crime prevention.

4. The UNODC/UNICEF indicators could be adapted to national and regional use, which would allow the ASEAN Member States to learn from each other’s experience.

5. Member States should use such information to raise public awareness and to promote inter-disciplinary and inter-sectoral cooperation in responding to children and youth in conflict with the law.

6. Member States should consider measures to strengthen cooperation within the criminal justice system, with other relevant government sectors that address employment, education, health, housing and urban planning, poverty, social marginalization and exclusion.
7. Consideration should also be given to measures that strengthen cooperation with the private sector, academia, non-governmental organizations and other relevant stakeholders in preventing youth crime and in responding to children and youths in conflict with the law. An interdisciplinary approach to crime prevention will help address the wide range of risk and protective factors at the levels of the individual, the family, school and the community, as well as wider influences on the national level, including income disparities, weak governance and the rule of law. The creation of networks between experts and relevant stakeholders can also promote the sharing of good practices and cooperation.


9. Member States should seek to encourage research on the drivers and grievances that lead to crime, drug use and radicalisation.

10. The work of the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, on safeguards for vulnerable groups (such as the ASEAN Regional Plan of Action on Elimination of Violence against Children) should be promoted.
11. Consideration should be given to the development of possible other ASEAN guidelines related to youth crime prevention and to dealing with youth offenders. Among the issues that may be addressed are the minimum age of criminal responsibility, the use of child-appropriate and safe procedures, and the encouragement of appropriate diversion measures.
PANEL 3

EFFECTIVE OFFENDER REHABILITATION AND PRISON REFORM FOR VULNERABLE GROUPS
Introduction

Effectiveness in the treatment of offenders is a key indicator of a functioning criminal justice system. A fair and humane criminal justice system is also closely related to how the system adheres to the rule of law and its treatment of vulnerable groups. Imprisonment remains at the core of the punitive sanctions of criminal justice systems. There is a need for a balance between ensuring social order and public safety, on the one hand, and adequate safeguards against stigmatization by promoting access to justice and non-custodial measures (including alternatives to incarceration), and for those in custody to have access to effective reintegration programmes.

Imprisonment not only deprives offenders of their liberty after they have been convicted but also, without proper prison management, fortifies their identity as criminals living in opposition to society. This can lead to further community stigmatization and social rejection, resulting in several negative impacts, including a reduction of opportunities in seeking occupations or education, and increasing the risk of recidivism.

According to the Revised United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules, the purpose of imprisonment is to protect society from crime and to reduce the likelihood of re-offending. Therefore, the key to successful prison administration is an appropriate balance between ensuring security and promoting rehabilitation activities.
“Creating an effective, rights-based penal system which takes into account the specific needs of all vulnerable groups in prisons is important for any society (and) a crucial element of the overall human development.”
Her Royal Highness Princess Bajrakitiyabha Mahidol, Provincial Chief Public Prosecutor attached to the Office of the Attorney General, Department of Narcotics Litigation, Chair of the Special Advisory Board to the Thailand Institute of Justice, and Former Ambassador and Permanent Representative of Thailand to the United Nations Office at Vienna introduced the session with a keynote speech.
EFFECTIVE OFFENDER REHABILITATION AND PRISON REFORM FOR VULNERABLE GROUPS

Panelist

Mr. Vitaya Suriyawong
Deputy Permanent Secretary of Justice, Thailand
(Moderator)

Mr. Stephen Johnston
Regional Prison Advisor
International Committee of the Red Cross (ICRC)

Ms. Chontit Chuenurah
Chief Programme Officer
Implementation of the Bangkok Rules and Treatment of Offenders Programme, TIJ

Mr. Savna Nouth
Deputy Director General of the Directorate General of Prisons (Cambodia)

Mr. Leslie Jin
Assistant Director
(Community Engagement)
Yellow Ribbon Project Secretariat (Singapore)

Mr. Jamil Razif Kassim
Deputy Commissioner of Prison, Malaysia Prison Department (Malaysia)
Effective offender rehabilitation was highlighted as an important function of the criminal justice system and is closely linked to the treatment of vulnerable groups and to the broader issue of sustainable development for an inclusive and just society. In achieving the SDGs, reference was made to the international standards and norms which can assist Member States in implementing an integrated approach to offender management, namely the UN Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), the UN Rules on the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), and the Nelson Mandela Rules.

Several panelists encouraged more evidence-based research in order to assist governments in developing appropriate policies on offender rehabilitation and prison reform. Ongoing research shared by the Ms. Chuenurah highlighted that typical pathways to imprisonment often relate to poverty, lack of education and employment opportunities, drug addiction and abusive relationships.

Panelists also underscored the need for effective solutions and policies to address prison overcrowding and drug-related offences, particularly for the most vulnerable prisoners in correctional systems. Juvenile offenders, women prisoners, the elderly and foreign prisoners were among the groups of vulnerable populations to be considered. Common challenges shared by vulnerable groups in prison include the limited facilities and rehabilitation programmes, slow judicial process resulting in a long pre-trial detention period, and the lack of specialist staff.
Mr. Kassim shared good practices on human development programmes in Malaysia which combines rehabilitation, education, vocational training, healthcare and drug rehabilitation programmes. Panelists also emphasized the participation of families, community, private sector and NGOs as crucial to the rehabilitation and reintegration of ex-offenders. Specific examples shared were from Malaysia’s Community Rehabilitation Programme (CRP) and Singapore’s Yellow Ribbon Project.
Key Recommendations

1. ASEAN Member States should continue to keep their national correctional systems and policies under review, with appropriate consideration to internationally recognized standards, such as the Tokyo Rules, the Bangkok Rules, the Nelson Mandela Rules, as well as the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Settings.

2. Rehabilitation programmes such as academic education, vocational training and drug treatment should be designed on the basis of individual assessments and should emphasize the continuing membership of the prisoner in society.

3. Particular consideration should be given to a review of challenges faced by vulnerable groups in access to justice, due to such factors as institutional barriers, gender inequality in society, gender bias in the legal systems, and socio-economic barriers to full integration in society. Such groups include, but are not limited to, prisoners with disabilities, prisoners with HIV/AIDS, prisoners with mental illness, elderly prisoners, foreign prisoners and women prisoners.

4. Member states should consider measures to strengthen cooperation with the private sector, academia, non-governmental organizations and other relevant stakeholders on the national and on the community level in the rehabilitation and reintegration of offenders into society.

5. Practical measures should be designed to encourage the sharing among ASEAN Member States of national good practices and experiences on alternatives to incarceration, prison management, and probation systems.
6. Member States should seek to encourage research on offender rehabilitation and prison reform. Such research could include the pathways to prison among vulnerable groups cross ASEAN, sentencing practices, effective prisoner classification schemes, and the evaluation of best practices and lessons learned.

7. Consideration should be given to how ASLOM and/or other relevant Sectoral Bodies and Commissions could integrate offender rehabilitation and prison reform into ASEAN regional work programmes, using existing mechanisms, such as the ASEAN annual conference for probation officers.

8. Consideration should also be given to a possible ASEAN plan of action on developing effective prison reform and rehabilitation for vulnerable groups, to be used as a regional assistance tool.
CONCLUSION AND RECOMMENDATIONS
The participants welcomed the organization of the First ASEAN Conference on Crime Prevention and Criminal Justice. Despite the differences in legal and administrative systems, and the situations specific to each ASEAN Member State, the region as a whole faces a number of shared challenges. An exchange of experiences and promising practices can help on both the national and the regional level in responding to these challenges.

With due consideration to the need to avoid overlap with existing ASEAN mechanisms and structures, the participants noted that the Conference provides a useful forum for discussing cross-cutting issues in crime prevention and criminal justice in the region. The deliberations of future ACCPCJs may contribute to the work of the relevant ASEAN sectoral bodies and intergovernmental bodies.

The participants also welcomed the adoption of the 2030 UN Agenda for Sustainable Development and to consider the development of indicators to assess progress in the achievement of Goal 16, and other related SDGs.
ACADEMIC FORUMS

Forum 1
The United Nations
Crime Prevention and
Criminal Justice Programme
Network Institutes:
Partnership for the Sustainable
ASEAN Community
The United Nations Crime Prevention and Criminal Justice Programme Network Institutes (PNI) has been developed to assist the international community in strengthening cooperation in crime prevention and criminal justice. There are 19 interregional and regional institutes including UNODC and specialized centers in the network. The academic forum was organized by the following PNIs from Asia; The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), Korean Institute of Criminology (KIC) and TIJ.

Mr. Hiroshi Kikuchi, Assistant Vice-Minister of Justice, opened the event by sharing Japan’s preparations for the 14th Crime Congress highlighting that in 2020 the theme of the Congress may focus on reviewing the implementation of the SDGs, particularly goal 16.

UNAFEI, KIC and TIJ shared PNI activities that contributed to enhancing regional partnerships and how PNIs can continue to support efforts to develop crime prevention strategies, and strengthen justice institutions to meet the specific needs of ASEAN through information exchange, research, training and specialized education.

Dr. Mana Yamamoto presented UNAFEI’s recent activities in the region which include seminars organized in Myanmar on promoting UN standard and norms, a training course on legal technical assistance for the newly adopted Penal Code and the Code for Criminal Procedure of Viet Nam, a Regional Seminar on Good Governance for Southeast Asian Countries held in Indonesia, a series of Seminars on Promoting Community-based Treatment in ASEAN (co-hosted with TIJ), the ASEAN Plus Three Conference on Probation

Dr. Seong-Jin Yeon, on behalf of KIC, highlighted opportunities for KIC to support countries in the ASEAN region through online training programs, developing online data bases and research centers by sharing the example of KIC’s Virtual Forum against Cybercrime programme. This online training program has benefited participants from several countries in Asia and can be used as a model to develop similar online programs in response to the specific training needs of ASEAN countries.

Dr. Phiset Sa-ardyen of TIJ, shared TIJ related activities promoting the implementation of UN standard and norms related to female offenders and women in contact with the justice system. In August 2016, TIJ hosted the first regional training program for senior correctional officers on the implementation of the Bangkok Rules, applying a human rights and gender sensitive approach to prison management. The training was developed based on information gathered through an ongoing research project on women prisoners in Thailand, the Philippines and Indonesia. TIJ has also published a joint scoping study with Cambridge University to guide policy on women’s access to justice in the ASEAN region by understanding and identifying the specific challenges faced by women in contact with the justice system.
THE UNITED NATIONS CRIME PREVENTION AND CRIMINAL JUSTICE PROGRAMME NETWORK INSTITUTES: PARTNERSHIP FOR THE SUSTAINABLE ASEAN COMMUNITY
ACADEMIC FORUMS

Forum 2
Countering Emerging Threats and Challenges of Transnational Organized Crime
This side event featured key findings from a TIJ and United Nations Interregional Crime and Justice Research Institute’s (UNICRI) research on “Countering Emerging Threats and Challenges of Transnational Organized Crime (TOC) from the Thailand perspective in the Context of the ASEAN Community”. Panelists discussed the potential impact of the ASEAN Economic Community (AEC) on the TOC situation, and reviewed successes and gaps in current preparations to cope with emerging regional dynamics, as well as challenges in ASEAN cooperation to combat TOC and assist victims of such crimes.

The study interviewed 87 practitioners, 3 focus groups, and collected data from 61 written surveys. Respondents were Thai government agencies, international and civil society stakeholders from 59 agencies and organizations in 13 duty stations.

Respondents predicted TOC will increase and diversify as a result of the ASEAN integration making it easier and faster to commit crime due to the facilitation of people and goods mobility provided by the AEC. This trend will generate a new set of challenges for law enforcers that may need to be addressed through increased regional cooperation on criminal matters. Trafficking in wildlife, timber and hazardous waste was highlighted as an example where law enforcement capacity is outpaced by criminals’ technical expertise.

A key step forward is to provide police and customs officers with specialized training on wildlife and polluting substances identification and on environmental investigation.
Underscored was how corruption significantly undermines law enforcement efforts to combat TOC in Thailand. Corruption of public officers was mainly found in association with human, wildlife and waste trafficking and migrant smuggling. Such crimes involve illicit movements of groups of people and large volumes of products, therefore they can hardly remain undetected without the complicity of those in charge of detection. The report recommends increasing in internal oversight within government agencies to strengthen and raise awareness.

Numerous other TOC challenges were also identified, with many of them referring to inefficient cooperation in criminal issues among ASEAN countries. A set of specific challenges were acknowledged in this regard, including a widespread resistance to information sharing, the shortage of foreign language skills among public officers, the principle of non-interference in domestic matters governing relations among ASEAN members, and inconsistencies in domestic legal frameworks and operational protocols across the region.

In closing, the researchers welcomed other Southeast Asian countries to conduct similar studies and hoped that lessons learned from this study may inspire change in neighboring countries, in particular with regards to the need to join hands with regional partners to contain crime displacement.
COUNTERING EMERGING THREATS AND CHALLENGES OF TRANSNATIONAL ORGANIZED CRIME
ACADEMIC FORUMS

Forum 3
Women’s Access to Justice: Southeast Asia and it’s Challenges
This academic forum was organized by the Asia Foundation, International Commission of Jurists (ICJ) and TIJ to discuss woman’s access to justice in Southeast Asia. The side event identified existing challenges and lessons learned through the lens of policies, processes and procedures.

Dr. Sita Sumrit introduced the session providing an overview on access to justice for women and shared the key findings from a TIJ scoping study in the ASEAN region. The study identified challenges faced by women in accessing justice and the opportunities offered in areas of: women’s knowledge of their rights and channels through which justice can be pursued; the availability of fair, transparent, and affordable formal and informal justice system including sufficient support for legal aid; and trust in justice institutions and services. Main challenges identified in the region can be categorized as gender inequality in society, gender bias in the legal systems, socio-economic barriers and institutional barriers when seeking justice. These obstacles are often rooted in factors such as patriarchal attitudes, the absence of gender sensitive legislation, financial barriers and overall distrust in the justice system.

Emerlynne Gil on behalf of ICJ, shared a regional study on victims of domestic violence in Southeast Asia and the gender stereotyping women encounter in judicial decisions. The study revealed women were hesitant to approach justice officers and to seek justice, because they encountered stereotyping and gender bias. Common stereotypes is the notion of the virtuous good women versus bad woman and judgements made on the behavior of the victim before, during and after the attack. Gender stereotypes are also most pervasive in cases of sexual violence where often the accused is acquitted for rape.
Ruengrawee Pichaikul from the Asia Foundation shared research conducted in the southern provinces of Thailand where there is ongoing ethno-nationalist conflict between local Malay-Muslim separatists and the Thai State. An estimated 500 women have been killed with over 1,500 injured and more than 3,000 widowed from the conflict. This situation has exacerbated the ability for women to seek justice, due to obstacles related to the hybrid justice system overseen by the military coupled with the socio-economic barriers including access to education and opportunities to earn income. Language barriers, unaffordable bail and legal fees, and stigmatization in their communities were also identified as obstacles.

To combat the various barriers women face in the region, panelists recommended the need to provide legal literacy and legal empowerment for women, increased awareness of rights and how to access legal assistance. Gender-mainstreaming in policies, legislation, and justice process were also encouraged to ensure greater trust and confidence in the justice system. Moreover, policies and measures should be improved to take into account the specific needs of the most underrepresented and vulnerable groups. Panelists also recommended that legal empowerment of women should be understood as a systematic change which strengthens women’s ability to exercise and advance their rights by equipping them with knowledge, confidence, and skills to pursue justice. By doing so, women are no longer constantly regarded as victims but rather as justice makers.
WOMEN’S ACCESS TO JUSTICE: SOUTHEAST ASIA AND IT’S CHALLENGES
ACADEMIC FORUMS

Forum 4
Prisons and Social Enterprise in Thailand
Prisons play a vital role in the rehabilitation and reintegration of prisoners into society. Barriers ex-prisoners struggle with upon release is often associated to employment opportunities, stigma and social acceptance. This forum presented examples of initiatives from Thailand that have been successful in addressing these barriers through public-private partnerships between the Department of Corrections and businesses.

Suchaya Larmuang, Head of Rehabilitation Programme and Vocational Training from Chiang Mai Women’s Correctional Institution shared the success of their traditional Thai massage training program. The program was designed based on a market survey identifying Chiang Mai as a tourism hub with a high demand for traditional Thai massage. In partnership with Chiang Mai Career Development Center the Institution provides standardized training courses in the prison offering certification upon completion of the course. Ex-prisoners are then hired in the prison run massage center, popular with tourists and highly rated on many tourism websites. Spas in Chiang Mai also recruit the graduates, providing more job opportunities upon release.

Dr. Poonchai Chitanuntavitaya, Chief Medical Officer of the Social Health Enterprise (SHE), presented his social enterprise supported by the Thai Stock Exchange. Similar to Chiang Mai’s Women’s Correctional Institution, SHE trains prisoners and employs ex-prisoners in a specialized massage technique designed to relieve ‘office syndrome’.
Dr. Poonchai developed the technique using his expertise as a cardiologist to relieve cramps in the muscle caused from stress, working long hours and bad posture.

Both models are successful in reintegrating ex-prisoners by providing skills and sustainable employment opportunities linking them directly to businesses and customers in an industry with a high demand for their service.
PRISONS AND SOCIAL ENTERPRISE IN THAILAND
YOUTH FORUM
The TIJ Youth Forum on Justice and the Rule of Law was organised under the theme, Sustainable Development through Crime Prevention and was held in parallel with the First ACCPCJ in Bangkok, Thailand from 6 – 12 November 2016.

The forum was attended by forty-two university students from thirteen countries in the region namely; Bangladesh, Cambodia, India, Indonesia, Japan, Lao PDR, Malaysia, Myanmar, Pakistan, Philippines, Singapore, Thailand, and Vietnam. The forum discussed four thematic topics on issues related to migrant workers, wildlife trafficking, women empowerment and crime and technology. Discussions and recommendations were also presented by Youths at the closing session of the ACCPCJ.
Key Recommendations

Women Empowerment

Youth representatives proposed to establish The Asian Youth Alliance for Women’s Justice as a network to empower women in contact with the justice system and to encourage more women to work as justice professionals. The alliance can also advocate for capacity-building and promote gender-specific policy, for example, compulsory gender-sensitive professional training courses for justice professionals. Potential partners and donors to support the initiative may include TIJ, UN Women, local governments, and Women’s aid organizations.

Migrant workers

Youths agreed that migrant workers are a vulnerable group in accessing justice due to several barriers from lack of knowledge on their rights, knowledge in the legal system, weak law enforcement and inadequate mechanisms in host countries to protect their rights. To address these challenges youths proposed training programs be provided in their country of origin and prior to departure on their rights and how to access justice in the host country. Host countries are also encouraged to register all migrants and to recognize their rights. Social media was also suggested as a useful tool to disseminate information on the rights of migrants and how to access justice.
Cime and Technology

Technology holds the potential to create a safe and secure cyber environment for long-term economic growth. On the other hand, the advancement in technology can pose a threat to society when exploited by criminals. While governments fail to tackle cybercrime due to lack of expertise and weak law enforcement, youth representatives proposed the following: increase international cooperation and training among relevant agencies in both the public and private sector; to share information and best practices; engage with NGOs and the public to gather information on the dark web, conduct research in the field of crime prevention through technology and to establish an international law and court on cybercrime.

Wildlife Tracking

The ASEAN region is one of the most biodiverse areas in the world and thus, a source and a transport route for smuggling wild animals. Wildlife trafficking proliferates in the region due to many factors ranging from ineffective law enforcement, corruption, lack of awareness, and community level poverty. Youth representatives underscored the need for increased regional cooperation between NGOs and the private sector to create a central platform and database for sharing information amongst relevant agencies. Youths also recommended for increasing awareness through social media and initiating a network of youths and student unions similar to the International Association of Students in Economic and Commercial Sciences (AIESEC) and Asian Law Students’ Association (ALSA). Youth representatives further endorsed the establishment of an ASEAN Environment Community and ASEAN Environmental court.
ABOUT THE THAILAND INSTITUTE OF JUSTICE
The Thailand Institute of Justice (TIJ) aims to serve as promoter of change to enhance the criminal justice system and instill a culture of lawfulness in Thailand and the wider international community. Building on Thailand’s engagement in the United Nations Commission on Crime Prevention and Criminal Justice (UN CCPCJ) and under the guidance of Her Royal Highness Princess Bajrakitiyabha Mahidol, the TIJ was established in 2011 by the Royal Thai Government.

At the core of the TIJ is the promotion of criminal justice system reform through the implementation of international standards and norms related to vulnerable groups in contact with the justice system. The TIJ also promotes the coordination among domestic justice institutions and strengthens regional cooperation in Southeast Asia.

Since May 2016, the TIJ has also been officially recognized by the United Nations Office on Drugs and Crime (UNODC) as a member of the United Nations Crime Prevention and Criminal Justice Programme Network.
GALLERY
For more information on the ACCPCJ please visit http://www.tijforum-accpcj.org