



 **TIJ QUARTERLY**

Thailand Institute of Justice's newsletter

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Words of Wisdom from HM the late King Bhumibol Adulyadej

Problem-solving with intellect

“ For every problem -- whether large or small -- there is a solution if people think carefully and deal with it correctly. Thinking twice cannot be counted on an abacus or a computer. No matter that the world today has dramatically evolved, there is no magical object to tackle various problems perfectly. Therefore, people have to use their intellect to think over and consider the problems. It means that people always think with consciousness to stop and prevent carelessness, mistakes and partiality. It enables people using wisdom to consider the problems fairly and make the relevant reasoning clearly at every stage ”

Perseverance

“ Creating yourself or building a city cannot be completed in one day. People must have perseverance, patience and self-sacrifice. The most important thing is patience without discouragement. It is boring to do good things and sometimes people feel that these are not working or not being recognised, but sometimes, people think they are supposed to do good things. I am sure that in doing good, people must be patient and they will definitely get a result from their patience in the future ”

Unity

“ Unity means people work together for the sake of the country and assist in every effort to strengthen the national stability with compassion for each other. People have to work with integrity, support each other, and not undermine each other. People should harmoniously talk over matters, not neglect one another. In addition, people have to work honestly and with concern for the mutual benefit ”

Extending the royal determination for progress in the justice process

This issue of TIJ Quarterly came out in the period all Thais mourn the loss of His Majesty King Bhumibol Adulyadej. So we take the opportunity to remember His Majesty's outstanding works, especially in the field of Alternative Development that has been recognized by the international community.

His Majesty the late King had made human security the core consideration in all of the royal development initiatives. This is because by aiming to empower people and support them with legitimate means to earn their living, the society can thrive not only with growth but also with peace and stability.

The concept of alternative development is also applicable in the context of law and justice. It is quite impossible to effectively enact and enforce the laws without understanding the people's behavior and the nature of the society. Justice does not come from the laws that go against the necessities of the majority citizen.

In this regard, His Majesty the late King had once stated that the laws are merely tools to maintain justice in the society, but not justice itself. Preserving justice does not and should not be limited to strictly adhering to the laws but taking into consideration the surrounding circumstances is also very important.

And holding on to that vision, TIJ works to promote justice by empowering the vulnerables, involving the society, instilling the rule of law and the culture of lawfulness. It is how TIJ follows His Majesty's footsteps to create a better future.



Dr. Kittipong Kittayarak
Executive Director of TIJ



Thailand Institute of Justice (Public Organization)

Office of Knowledge Management
GPF Building Tower B 15th - 16th Floor, Witthayu Road, Lumpinee, Pathumwan,
Bangkok 10330, Thailand Tel: +66 (0) 2118 9400, Fax: +66 (0) 2118 9425, 26
E-mail: info@tijthailand.org
www.tijthailand.org
www.facebook.com/tij2011
www.youtube.com/c/JustRightChannelTIJ

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Aphinya Phanthusat
Chonnakan Phetploy
Siranat Boonthai

DEVELOPMENT KING

The 2030 Agenda for Sustainable Development is a new plan of action for the better future of the global community. Building on the legacy of the Millennium Development Goals (MDGs), it aims to mobilize efforts to transform the shortcoming development activities to a sustainable path. The Agenda redress the balance between economic, environmental, and social needs to better fight inequalities and ensure that no one is left behind.

The concept of development has evolved through time. Historically, industrial and economic advancement has been the measurement of countries' success until the 90s when the Human Development Index was introduced as the shift toward people-centered policies - addressing education, life-expectancy, and standard of living as indicators that set apart the developed and less-developed nations. Shortly after, at the beginning of the twenty-first century, the United Nations Millennium Declaration, which asserts the human dignity, brought about the Millennium Development Goals aimed to halve the poverty and hunger, promote healthcare, gender equality and education.

Despite significant improvements in basic living standard around the world, the MDGs, as established in the context of "donors' aids to poor recipients," gradually become less efficient when medium-income countries started to gain rapid growth. Though inequality between nations persists, the issue is dwarfed by the gross disparity between the rich and the poor within each nation. This is how we come to experience another 'paradigm shift,' the SDGs – the new development bandwagon that aspires to 'leave no one behind.' But considering that the success factor of development in any aspect is to understand and focus on the problem rather than the plan and tactics that must be adjustable

to the revolving circumstances, the 'paradigm shift' is thus a mere change of plan toward the same goal in solving human suffering.

Thailand has been part of the global trend, moving the country forward since the westernization hit its ground in 1800s. Some efforts have been fruitful while some still need to be worked on. But all through the last several decades – seventy years to be exact–, the country has been blessed with a remarkable model. His Majesty King Bhumibol Adulyadej's Royal Projects had pioneered people-centered and environmental-conscious development initiatives. In response to the call for a more resilience to external shocks, at the wake of 1997 financial crisis, His Majesty the King expounded the 'Philosophy of Sufficiency Economy'.

Drawn from numerous success stories of the royal projects, the Philosophy of Sufficiency Economy highlighted the beauty of steady economic and social foundation that enable everybody to 'have enough' to support oneself instead of constantly trying to be the most competitive in the market or aiming for the exponential growth.

This is not because His Majesty the King could predict the future trend. It is rather the result of his hard work in the field and his determination to improve the well-being of every individual without exception – Thais, stateless hill tribes, or other ethnic minorities. During the early days of his reign, His Majesty made countless visits to rural areas throughout the country to learn about the problems and people's needs. The insight gained brought about more than four thousand royal projects; all aimed to systematically alleviate the hardship by encouraging resilient growth that enables locals to thrive while preserving the community's livelihood.



photo: phitsanulokhotnews.com

With strong faith in human, His Majesty devoted careful attention to ensure that villagers in the field understood and agreed to the development project launched, rather than outright imposed it to them. At the same time, he invested in all aspects to ease their sufferings which included providing health care services, basic infrastructure, and specifically for ethnic minorities, legal identity. All through the years, he never stopped examining and analyzing the information he gathered first hand, solving the problems in diverse areas with different details, but still share enough common patterns to learn from. In each development project, the first priority has always been to better the welfare of the targeted communities.

Blessed by His Majesty's wisdom and dedication, the alternative development that addresses poverty, human insecurity and the environment has been integrated as part of a long-term national strategy to provide people with legitimate and sustained means of income that could enable them to live life with dignity. As a result, Thailand is the first country to be poppy-free without the need of a punitive sanction or enforced restriction. The success of the royal projects based on alternative development had been prominent and

internationally recognized. His Majesty the King was presented with the UNDP Human Development Lifetime Achievement Award in 2006, and thus titled the world's 'Development King.'

The 'gift' to his people has been forwarded to the world when Thai government took the leading position in the formulation of the United Nations Guiding Principles on Alternative Development in the quest to mainstream such approach into development policies everywhere at every level. And with the adoption of the new set of global agenda shaped by the concept of sustainable development, the international community has officially affirmed that the concept once considered 'alternative' – one that advocated for the people, the planet, the peace, the partnership alongside the prosperity – has always been on course. Thailand is at an advantage for being equipped with the solid guideline to embark on the journey to transform the world for the better. And while doing so, we can rest assure that the legacy of our most revered monarch will live on, not just in our hearts but throughout the globe.

Editorial team

HRH Princess Bajrakitiyabha Goodwill Ambassador for the Rule of Law and Criminal Justice in Southeast Asia



The United Nations Office on Drugs and Crime (UNODC) appointed HRH Princess Bajrakitiyabha Mahidol of Thailand the Goodwill Ambassador on the Rule of Law and Criminal Justice for Southeast Asia to support development efforts that address the impact of crime on the society.

“Her Royal Highness brings tremendous commitment, dedication, and energy to the essential work of delivering the 2030 Sustainable Development Agenda,” noted UNODC Executive Director Yury Fedotov as in a video message during the press conference in Bangkok on 14 February 2017.

HRH Princess Bajrakitiyabha remarked “My appointment as a Goodwill Ambassador offers the opportunity to champion

UN positions on the rule of law and fairness in criminal justice systems, and to help achieve the bold vision of its 2030 Agenda.”

“I look forward to working with the UNODC Southeast Asia team to reduce crime and violence, protect vulnerable groups and challenge corruption, while contributing to efforts to strengthen the rule of law,” Her Royal Highness added.

As the Goodwill Ambassador, HRH Princess Bajrakitiyabha will raise awareness of the UNODC Regional Programme for Southeast Asia and its connection to the rule of law, peace, stability, and the SDGs.

PNI Coordination Meeting 2016



On 8 November 2016, TIJ held the first PNI Coordination Meeting in Asia. Representatives from 12 network institutes from Asia, Europe, Africa, America, Australia and the United Nations Office on Drugs and Crime (UNODC) attended the meeting.

Each network institute reported the progress of activities in line with the Doha Declaration, and also discussed the preparation for the 14th United Nations Congress on Crime Prevention and Criminal Justice, which will be hosted by Japan in 2020, and the preparation for the 26th Commission on Crime Prevention and Criminal Justice (CCPCJ) in Vienna.



HRH Princess Bajrakitiyabha highlighted His Majesty the late King Bhumibol Adulyadej's Alternative Development initiative at the 60th Session of CND in Vienna

Her Royal Highness Princess Bajrakitiyabha attended the 60th Session of the Commission on Narcotics Drugs (CND) at the United Nations Office in Vienna to support the international cooperation in tackling narcotic drugs with a balanced and integrated manner, citing the development projects initiated by His Majesty the late King Bhumibol Adulyadej, as good practice.

The annual session of the Commission on Narcotics Drugs (CND) organized by the United Nations Office on Drug and Crime (UNODC) is a forum where UN member states, representatives from relevant agencies, and experts from civil society gather to exchange experiences and foster cooperative strategy in countering narcotic drugs problems. This year, the session was held during 13 - 17 March 2017 with the focus to follow-up on matters prescribed in the resolution of the UN General Assembly's Special Session (UNGASS) on drugs in 2016.

HRH Princess Bajrakitiyabha attended the opening ceremony and delivered a keynote speech in her capacity as the UNODC Goodwill Ambassador on the rule of law. HRH also moderated the High-level Panel Discussion, which was co-organized by UNODC, TIJ, the government of Thailand, Germany, Colombia, and Peru on the topic of "Human Security and the Rule of Law: Alternative Development's Contribution to the 2030 Agenda for Sustainable Development."

On this occasion, the Thai Ministry of Justice and TIJ organized an exhibition in honour of His Majesty the late King Bhumibol Adulyadej. Titled "From AD to SD - A Journey of Transforming Thoughts and Actions from the Alternative to the Mainstream," it showcased how of the 'Royal Project', the people-centered and environmental-conscious development initiative first pioneered at a small remote village in Thailand, entered the global attention. The exhibition also highlighted the success stories that later influenced the United Nations Guiding Principles on Alternative Development and its connection to Agenda 2030 for Sustainable Development.



IPPF Colloquium 2016 Seminar

On June 14-17, 2016, Prof. Dr. Surasak Likkasitwattanakul, TIJ's Board of Directors gave a presentation at IPPF Colloquium 2016 seminar at Helsinki, Finland.

IPPF seminar is recognized as one of the most important and oldest academic seminars on criminal justice and criminology at the international level. This time, the key issue was "Overuse in the criminal justice system: on criminalization, prosecution, and imprisonment". Presenters and participants from 26 countries exchanged experiences about problems and solutions of over-burden criminal justice system including the tendency to over-criminalized offenses, and the unnecessary prosecutions and imprisonment.



A formal discussion on the implementation of UN Model Strategies on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice

On June 17, 2016, Ms. Marta Santos Pais, the Special Representative of the United Nations Secretary-General of Violence against Children visited Bangkok. TIJ took the opportunity to gather relevant authorities to share experiences and opinion on appropriate approaches to eliminate violence against children in criminal justice in Thailand. The discussion also aimed to suggest how to steer the implementation of the UN Model Strategies on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.



Regional Consultation on the Implementation of the Nelson Mandela Rules

During 8-9 August 2016, TIJ and Penal Reform International (PRI) hosted the Southeast Asia Regional Consultation on the Implementation of the revised United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules) at Conrad Bangkok Hotel.

The opening ceremony was honored by the presence of General Paiboon Koomchaya, the then Minister of Justice. Over 80 participants represented national correction agencies, international organizations, the United Nations affiliated organizations, nonprofit organizations, and experts from ASEAN countries, Japan, Bangladesh and Kenya.

The meeting discussed the revised rules, exchanged views on obstacles and challenges, and best practices among member states to create solid guidelines for effective implementation of the Nelson Mandela Rules in the future.

MOU Signing between the Thai Bar, TIJ and Cornell Law School



On 12 January 2017, HRH Princess Bajrakitiyabha, Chairperson of the Bajrakitiyabha Fund for Legal Education, attended the 3rd MoU signing ceremony between the Thai Bar, TIJ and Cornell Law School. The aim of this event was to extend the period of cooperation to enroll Thai students in graduate programs at Cornell Law School for another 5 years.

The event concluded in an additional agreement on the exchange of personnel between the Cornell Law School and academic institutes in Thailand.



MoU signing between TIJ and KIC at the second Regional Meeting on Crime and Criminal Justice Statistics

On 13 November 2016, Dr. Kittipong Kittayarak and TIJ's executives visited Seoul to sign a Memorandum of Understanding (MoU) between TIJ and the Korean Institute of Criminology (KIC) to create a cooperation in the research framework, exchange of knowledge and strengthened crime and criminal justice statistic works in the region.

Then, during 14 – 16 November 2016, the two organizations with the United Nations Office on Drugs and Crime (UNODC) Statistical Division and the Economic and Social Commission for Asia and the Pacific (ESCAP) co-hosted the Second Regional Meeting on Crime and Criminal Justice Statistics to establish a network and enhance the regional capacity on crime and criminal justice statistics, especially in relation to the Sustainable Development Goals. Over 50 participants from 24 countries and experts from the UN and the PNI network attended the meeting.

China – ASEAN Symposium on 2030 Agenda for Sustainable Development 'Leave No One Behind'



During 18-19 September 2016, Dr. Phiset Sa-ardyen, and Dr. Sita Sumrit, attended the China – ASEAN Symposium on 2030 Agenda for Sustainable Development 'Leave No One Behind' in Jakarta, the Republic of Indonesia. The symposium was co-hosted by the ASEAN Secretariat, the Mission of the People's Republic of China to ASEAN and the United Nations Development Programme (UNDP)

Representatives from TIJ presented on the topic "Challenges for ASEAN in Implementing SDGs" and "Health; Gender and Vulnerable Groups; Education, which is also in line with the main theme of the First ASEAN Conference on Crime Prevention and Criminal Justice scheduled in November this year. This expanded network of collaboration is vital for the future role of the institute in ASEAN.

Thailand's Drug Policy Revisited

On 18 August, 2016 TIJ held a public hearing forum on 'Thailand's Drug Policy Revisited' at Conrad Hotel in order to discuss the innovative and effective drug policy to solve drug problems in a sustainable manner.

Over 200 participants were policy makers, executives academics, and practitioners from governmental and non-governmental sectors in several fields of expertise including, criminal justice, public health, and economics.

General Paiboon Koomchaya, the then Minister of Justice, delivered an opening speech followed by Clinical Professor Emeritus Piyasakol Sakolsatayadorn (M.D.), Minister of Public Health. Mr. Jeremy Douglas, UNODC Regional Representative, delivered an introductory remark on world drug situation. Dr. Kittipong Kittayarak led the discussion session by giving a presentation on 'Analysing Drug Policy and Ways Forward for Thailand' and Dr. Noppadon Kannika presented TIJ Poll results on the issue.

Following-up this forum, TIJ will produce a policy recommendation paper to the Royal Thai Government.



Harvard Law School and TIJ co-hosted the IGLP Asian Regional Workshops and the TIJ Public Forum

During 6-11 January 2017, Harvard Law School and TIJ co-hosted the First **IGLP Asian Regional Workshop** focusing on research and the creation of social and law innovations with participants from all around the world.

The **TIJ Workshop for Emerging Leaders on the Rule of Law and Policy** was also held in parallel with the IGLP workshop for the leaders in diverse sectors to exchange knowledge and to create a strong network of change agents. The workshop's curriculum was developed with the help of experts from Harvard's IGLP programme.

TIJ also held its first Public Forum on the Rule of Law and Sustainable Development on 11 January with participants from the TIJ Workshop exchanging opinions on the Agenda 2030 for Sustainable Development with audience from every social sector.

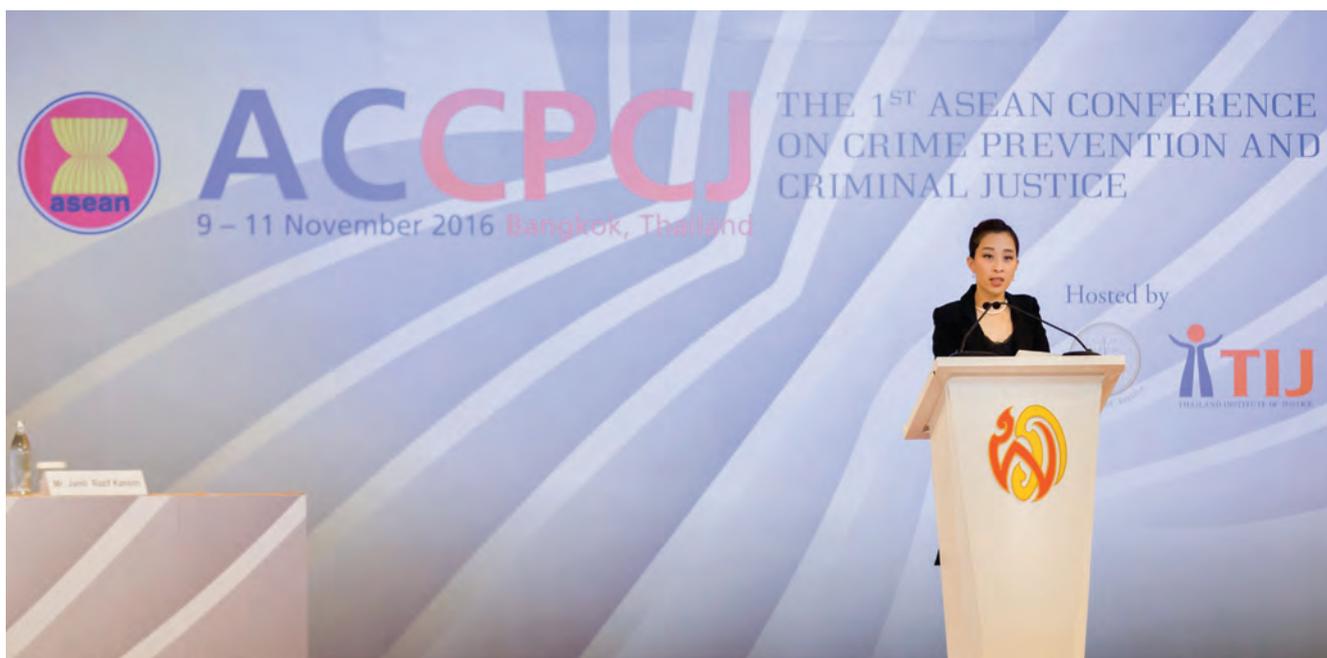


TIJ Signed MoU with UNAFEI

On 21 September 2016, Dr. Kittipong Kittayarak and TIJ executives visited Tokyo, to sign a Memorandum of Understanding (MoU) between TIJ and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), the oldest member of the United Nations Programme Network Institutes (PNI). The MoU focuses on the collaboration on promoting the rule of law for crime prevention and criminal justice, the first MoU after TIJ joined the PNI.

In addition, TIJ team was invited to observe UNAFEI's 164th international seminar on the Prevention of Crime and the Treatment of Offenders and to study the treatment of juvenile offenders at Aiko Juvenile Training School for Girls.

Dr. Kittipong Kittayarak also met with Mr. Hiromu Kurokawa, Permanent secretary of Justice, and Mr. Tatsuya Sakuma, Director of the Legal Training and Research Institute of Japan.



The First ASEAN Conference on Crime Prevention and Criminal Justice (ACCPCJ)

During 9 – 11 November 2016, TIJ held the first ACCPCJ at the Dusit Thani hotel Bangkok to promote the exchange of views and guidelines among ASEAN member states for best practices of transnational crime prevention, the integrated approach in the administration of criminal justice system and the sustainable development of the ASEAN community.

The main topic was “Enhancing Crime Prevention and Criminal Justice Institutions for Sustainable Development of the ASEAN Community”, with 3 subtopics; “Tackling the Emerging Threats of Wildlife and Timber Trafficking in ASEAN”, “Crime Prevention Strategies aimed at Children and Youth in Urban Areas”, and “Effective Offender Rehabilitation and Prison Reform for Vulnerable Groups”.

Her Royal Highness Princess Bajrakitiyabha, the Chairperson of TIJ’s Special Advisory Board, attended and gave a speech on the treatment of vulnerable offenders. Over 150 participants represented ASEAN member states, governments, experts, academia, TIJ youth network, and the United Nations Programme Network Institutes (UN-PNIs) attended the meeting.

TIJ Youth Forum on Justice and the Rule of Law



During 6 – 12 November 2016, TIJ held the Second Youth Forum to provide a platform for international undergraduates youth delegates from 11 countries, in and outside of ASEAN, to join and discuss issues relating to Crime Prevention and Criminal Justice and the sustainable development.

The forum was held in conjunction with the First ACCPCJ, extending opportunity for youth to experience and participate in important international stage and express their opinions on ASEAN’s current situations.

The “Second Meeting of the APCJJ Subcommittee for ASEAN”



On 17 June 2016, representatives from TIJ attended the “Second Meeting of the APCJJ Subcommittee for ASEAN” which is co-organized by TIJ, Department of Juvenile Observation and Protection, Ministry of Justice, the Asia-Pacific Council for Juvenile Justice (APCJJ) and the International Juvenile Justice Observatory (IJJO).

Dr. Sita Sumrit, Chief of TIJ’s Women and Children Empowerment Programme presented the TIJ and Royal Police Cadet Academy’s joint research on “Patterns and Evolution of Child Sex Tourism in Three ASEAN Countries”

Seminar on “Rule of Law Index/ Indicators: The Challenge in Thai Society.”

On 3 August 2016, TIJ in collaboration with Thailand Development Research Institute (TDRI) organized a seminar to draw opinions from experts and participants on conceptualizing Rule of Law Index/Indicators appropriate to Thailand. This is part of the research to develop a set of rule of law indicators in line with those initiated by the World Justice Project.



The 1st Consultative Group Meeting: ASEAN Conference on Crime Prevention and Criminal Justice



On 2-3 June 2016 – TIJ hosted “The First Consultative Group Meeting on the ASEAN Conference on Crime Prevention and Criminal Justice (ACCPCJ)”, Samui Island, Thailand. This meeting aims to determine the overall substantive aspects and to provide recommendations on the identification of relevant institutions, appropriate topics, and issues to be covered by the ACCPCJ Conference, which will be hosted in November 2016.



Training on the Management of Women Prisoners for Senior Correctional Staff in the ASEAN Region (Bangkok Rules Training)

From 10 – 19 August 2016, TIJ hosted the Training on the Management of Women Prisoners for Senior Correctional Staffs in the ASEAN Region (Bangkok Rules Training) to provide guidance and practical knowledge on translating the Bangkok Rules into practice. The training program is specially designed to support participants in understanding the international standards regarding the treatment of women prisoners and provide a framework for learning, discussing and sharing common concerns and successes.

Participants were prison wardens and senior correctional staffs with primary responsibility for the operation of women correctional facilities from seven countries in the ASEAN region and two additional countries. They all actively engaged in group activities and produced concrete Action Plans as frameworks for implementing the Bangkok Rules in their respective countries. The participants also visited Women Correctional Institution for Drug Addicts, Uthai Thani Provincial Prison, and Ayutthaya Provincial Prison.



The Training Course for Myanmar Prison Officers

During 6 – 10 June 2016 Chontit Chuenurah, Chief of the Implementation of the Bangkok Rules and Treatment of Offender Programme, was invited to give a lecture at the Training Course for Myanmar Prison Officers jointly organized by UNODC in Mandalay, Myanmar. The training is attended by 30 correctional officers from the Mandalay region.

The international training on “Children as Victims and Witnesses”

During 23 May – 3 June 2016 Dr.Sita Sumrit, Chief of Women and Children Empowerment Programme was invited by the UNAFEI as a visiting expert to deliver a lecture on “Children as Victims and Witnesses”. The training is attended by practitioners in criminal justice system from Japan and from other 30 countries in Asia, Latin America and Africa.



The Collateral Consequences of Imprisonment: Children of Imprisoned Mothers

What does a child have to go through if the mother is sent to prison?

The question of “*collateral punishment*”, or the punishment that has an impact beyond the intended individual, has led a team of TIJ researchers to embark on a new study on the impact of imprisonment on the children of female inmates. According to the World Prison Brief report, female prisoners in Thailand constitute 13.5% of the country’s total prison population in 2017. With the worldwide average being 2% to 9%, Thailand is ranked in the top five countries with the highest proportion of incarcerated women in the world. Ultimately, up to 76% of those women prisoners are mothers with young children. However, the apparent repercussions on the innocent children who must be separated from their mothers often go overlooked. Our team traveled to Udon Thani Central Prison in March 2017 to meet those with firsthand experience of this issue. Their eye-opening stories highlight the need for the authorities to do more to alleviate the collateral punishment that these children are having to endure.

Economic disadvantages and social stigma were two recurring themes across the two days of interviews arranged by the research team. The majority of the sampled families have medium to low incomes and usually rely on daily wage. Hence, they do not have the luxury of time and money to travel to the prison on every visit day. One family, consisting of a grandmother and a young nephew, said that a 15 minute screened visit is too short for them to justify making the costly trip from home. “*I cannot afford to pay the travel expenses and skip work that often,*” said the single grandmother. “*My only worry is whether my nephew will have anything to eat tomorrow.*” For families that live in different provinces, an entire day of bus ride also renders the regularity of the visitation an unattainable goal.

With those limitations, many families choose to come visit only on the open visit days, a day when family members are allowed inside prison to meet and have physical contact with inmates, which generally occur once or twice a year. Hence, there are long intervals between each separation, potentially weakening the bond between mothers and children. Children from a number of families whom we interviewed had not seen or spent much time with their mothers since they were babies, and some did not appear to be very familiar with their mothers during the visit. One inmate said she was imprisoned and separated from her child when he was just born. “*Because I gave birth to him outside the prison, so they did not let me keep him here for a year like other prisoner mothers,*” she expressed. Even when the children are given the opportunity to meet their mothers inside, some of them hesitate or refuse to come due to the intimidating nature of prison. “*I’m afraid of Nai,*” one eight year old boy said timidly. ‘**Nai**’, translated to ‘**Master**’, is a term some inmates use to refer to prison guards; the linguistic nature clearly shows the hierarchy and power relations inside prison. “*Sometimes they shout at him during searches,*” said the grandmother. “*He wouldn’t know if the guards were just teasing or really meant it. He is just a little boy.*”

The imprisonment of parents also creates a strong social stigma for children, especially if they live in an unsupportive and discriminative environment. A 17-year-old interviewee, whose mother was convicted for a drug offence, said that her teacher would always try to check her school bag to see if she had any drugs, causing her to become increasingly stressed and depressed in school. The negative connotations of imprisonment makes it common for some guardians to give untruthful explanations to the children, or refrain from taking them to visit their mothers. “*Your mother has to go to work in another province,*” is a common cover up story. One of the young interviewees had to find out that his mother was imprisoned



from his kindergarten friends. Faced with constant mockery and cruel comments in school, the young boy confronted his mother when he finally got to visit her; the prisoner recalled the day her quiet child said to her, “Mum, you don’t have to lie to me anymore,” the child said. “I already know that you are in here as a prisoner.”

Essentially, the lack of communication between mother and child can lead to misunderstanding, loss of trust, and feelings of abandonment. According to ‘COPING’, a Pan-European study on 1,500 children of prisoners, the imprisonment of parents can affect the quality of the relationship with the child in different ways, but children tend to “find it much harder to deal with the parent’s absence if the truth is concealed.” Knowing about parental imprisonment directly from their parents can help them develop a healthy mental state, a better coping strategy, and become open to more conversations. In the case of a number of children from our interviews, they were also less afraid to tell their peers about their mothers, when given reasonable and sincere explanations. The prison regime can help mitigate those negative effects of the lack of communication between mothers and their children by providing longer and more meaningful visitation time. But these changes are difficult to implement if the rigidity of the prison administration persists.

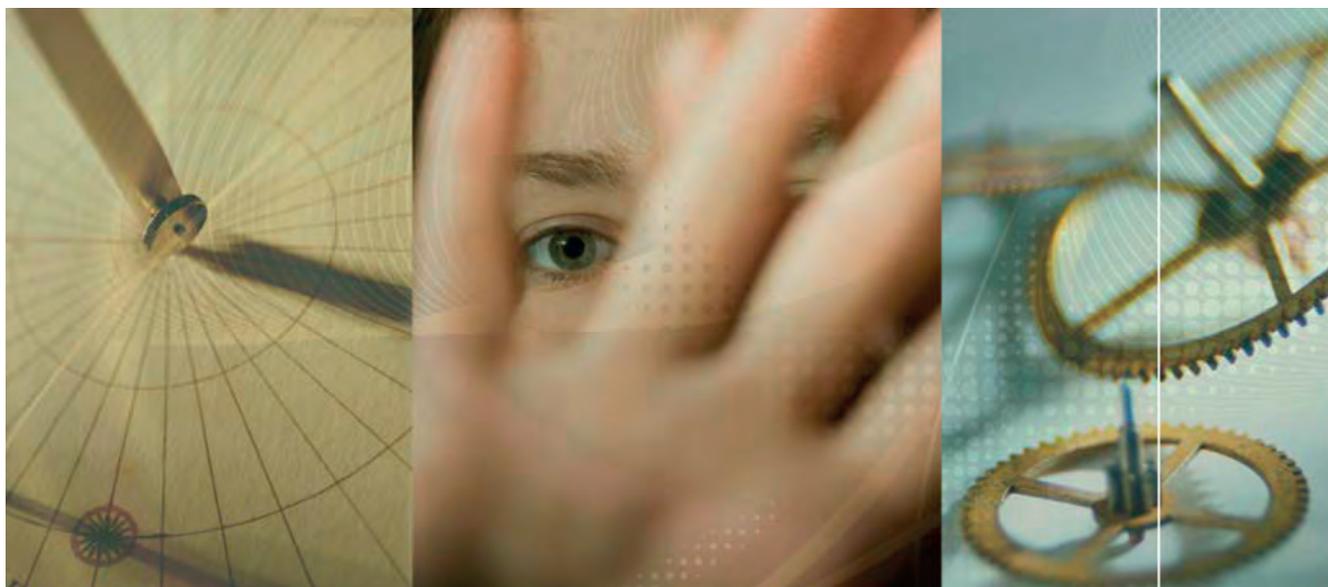
Read More

1. *The COPING Project*, <http://childrenofprisoners.eu/>
2. *Children as Victims of Criminal Justice* by Teerawan Wathanotai, Chontit Chuenurah and Napaporn Havanon
3. *Children of Imprisoned Parents: European Perspectives on Good Practices*, <http://childrenofprisoners.eu/>

The adherence to international law and standards should be prioritized when it comes to regulating prisons. The UN Convention on the Rights of the Child outlines a child-centric approach by emphasizing that every child should grow up in a “family environment” and in an atmosphere of “happiness, love, and understanding.” Also asserted in Article 9, member States “shall respect the rights of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents.” Additionally, the

Bangkok Rules states in Rule 28 that “visits involving children shall take place in an environment that is conducive to a positive visiting experience” and that “extended contact with children should be encouraged.” From our primary observation and interviews, it seems that more effort can be made to uphold and put these provisions into practice. After all, no child should ever have to take responsibility for their parents’ status and circumstances. The criminal justice reform may seem like a long shot for now, but allowing more flexibility and less hostility in women prisons, particularly during family visits, could be the first simple but necessary step toward a correctional system that is sensitive to the reality of our social structure.

Salila Narataruksa
Policy Advocacy Officer, Thailand Institute of Justice



UNODC's Handbook on effective prosecution responses to violence against women and girls

Developing Global Tools to Enhance the Criminal Justice Response to Violence against Women and Girls – For Prosecutors

Violence against women has been described as a global issue of 'epidemic proportions' and is perhaps the most widespread and socially tolerated form of human rights violations. It is a universal phenomenon in which women are affected by different forms of violence at different stages of their lives, both within their home and in the public sphere, and can include violence by intimate partners and family members, sexual violence, trafficking, femicide, female genital mutilation and child or forced marriages. Globally, one in every three women experiences either physical and/or sexual violence in their lifetime and almost 40 per cent of female homicides are at the hands of their male partners. Regionally, the situation is even grimmer in the Asia Pacific, with two in three women experiencing violence in their lifetime. This violence is undeniably gender based. Women are much more likely to be the victims of violence at the hands of a partner and experience sexual violence.

In addition to these disturbingly high prevalence rates of violence, we are seeing in many countries the failure by criminal justice systems to keep victims safe, to hold perpetrators accountable and to send a message to the community that such violence will not be tolerated. Studies show that high levels of gender based violence cases go unreported, as much as 80 percent of women do not report the violence out of shame,

fear of being stigmatized by family and community or threat of further violence, as well as fear of the insensitive, harsh or indifferent treatment by police and prosecutors and a profound lack of confidence and trust in the criminal justice institutions. This lack of confidence is not unfounded, as studies shows that only one to five per cent of those cases even reported to the police ever result in a conviction.

This global crisis calls for immediate comprehensive action. As part of the holistic approach required for eliminating violence against women, the Thailand Institute of Justice and the United Nations Office on Drugs and Crime have collaborated over the years to develop global tools to provide practical ways for the criminal justice system to be more responsive. One such tool, the Handbook on Effective Prosecution Responses to Violence against Women and Girls, specifically targets the prosecutors who prosecute cases involving violence against women. Prosecutors play a critical role in ensuring that the criminal justice system's response is effective. They are the ones that control the doors to the courthouse, deciding who will be charged and what charges will be filed.

Appreciating that prosecutors face particular challenges and unique difficulties in dealing with intimate partner violence cases or sexual violence cases, this Handbook aims to assist frontline prosecutors in doing their jobs and provides practical tips when deciding whether or not to initiate or continue criminal proceedings; directing or supervising investigations; presenting cases before the courts; deciding on alternatives to prosecution; and playing a role in sentencing. Recognizing that frontline prosecutors are support by institutional policies, protocols and practices, the Handbook also discusses different approaches for the prosecution agency as an institution to effectively address violence against women. Good practices are provided regarding improving service delivery, such as case management issues and services in remote areas, establishing specialized expertise, training and capacity development, inter-agency collaboration and coordination, accountability and oversight, and monitoring and evaluation.

The information in the Handbook is based on two key underlying principles: promoting a victim-centered approach and ensuring offender accountability. Women subjected to violence need to be seen as central participants in the criminal justice process. The prosecutors' role is to assist them in managing risk and ensuring their safety. Victims have the right to be well informed in order to make their own decisions about participation in all the stages of the criminal justice process. Given the importance of ensuring a victim-centered criminal justice response, there is a lengthy section in the Handbook on dealing with victims, understanding the impact of victimization, addressing entrenched myths and gender biases; emphasizing issues of protection and support and providing strategies on dealing with uncooperative victims. When victims feel listened to, believed and supported, this increases the likelihood of a victim's cooperation and provides an environment in which she can give full account of what happened to them.

The second principle is promoting offender accountability, which basically means shifting the focus away from questioning the credibility of victims to enhancing evidence gathering and case building and ensuring consistency in investigation, prosecution and punishment. Some tips from the Handbook include early case discussion between police and prosecutor to explore potential evidential weaknesses; consideration of additional evidence such as expert testimony; and effective courtroom advocacy. One of the good practices highlighted in the Handbook is having a written prosecution policy in matters of rape and sexual violence which explicitly provides that the woman's complaint is regarded as credible and valid unless the contrary is clearly indicated and the focus is on the credibility of the allegation rather than the credibility of the victim/survivor.

Effective and successful prosecutions send an important message about society's intolerance for these crimes and for impunity for such crimes. This, in turn, contributes to the transformative changes in social and cultural practices we need to eliminate violence against women.

*Ms. Eileen Skinnider
Senior Associate of ICCLR and CJP*

Quotes from Women as Justice Makers Research

“I am not saying that we (judges) need to be in favor of women in all instances. But we need to be sensitive and to understand their situation and vulnerability especially in cases of sexual and domestic violence.”

Judge from Thailand

“As a woman you must be smart and wise. You know wise, not only to show in the courtroom but also in our lives. As a mother, we must be wise as well, as a wife and also especially as a judge”.

Vice Chief Judge in Indonesia

“We need to bring different perspectives to the table. Everybody’s voice and needs must be represented. Just because justice system is neutral, you can’t assume that only men will know and have the answer”.

Lawyer from Singapore

“ We need to have sensitivity but also knowledge and expertise in order to bring justice to women in the society. We, women, don’t look down on ourselves even if they look down on us. ”

Lawyer from Vietnam

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So a feminist lawyer is someone who understands that there is a systemic disadvantage and discrimination against women. It is everything in the society, the whole system, political, economic, cultural, social all fields of life. And law is very much part of that system that disadvantages women.

Lawyer from the Philippines

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You know in the future there will be more women at the very important level. If there are more women in the future in leadership positions, peace will come.

Lawyer from Myanmar

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Male lawyers they can go to social gatherings, talk to other lawyers, they share experiences or something... Because lawyers sometimes they meet at night, they eat, they drink, and they talk. For women it is difficult, you know? To go out at night.

Lawyer from Cambodia

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Interview with Dr. Sita Sumrit, Chief of Women and Children Empowerment Programme, TIJ



■ Tell us about your background prior to joining TIJ

I have worked on women empowerment for more than ten years on a wide range of issues from gender and development, economic and political participation, reproductive rights, access to justice. Prior to joining TIJ, I worked with the UN, international NGOs and academic institutions. It is a privilege for me to have accumulated insights and experiences at the community to national and international levels. Women's issues, similar to all matters regarding human rights, are intricate and you cannot look at it from one single vantage point.

■ Why women and children have become your interest?

I am passionate about human rights and human development in general. And in that regards, it goes without saying that inequality persists in every fiber of the society. Gender inequality is both the cause and consequence of overall inequality, stagnating development process. Some may say it is inevitable but that does not mean we do not have to think or do something about it. Women and children are particularly vulnerable, not because they are incapable beings. Rather, they are structurally placed in disadvantaged position hence their voices and needs are not acknowledged. I want to make that change.

■ What about women and children empowerment work at TIJ?

At TIJ, for WCE programme, we work on access to justice and legal empowerment for the vulnerable group namely women and children in contact with the justice system. We have focused on the elimination of violence against women and girls (VAWG) and violence against children (VAC), employing research, capacity building and policy advocacy approach. More broadly though, we would like to ensure that justice system and supporting mechanisms are responsive to their conditions and realities on the ground. If they are empowered, they are indeed agents of change in the justice system. They are valuable, not vulnerable. And the "women and children as mere victims" paradigm needs to be altered.

■ Final thoughts on women and children and their pursuit of justice?

I would like people to understand that law and justice are not always the same thing and justice system is only one jigsaw in this complex puzzle. We need improvements in attitudes, societal structure, economic well-being and of course rule of law in its maximal notion. Most importantly women and children need to be visible not just to our eyes but to our heart, mind and our commitment to a better, fairer and more equal society.



TIJ EXECUTIVE PROGRAM
THE RULE OF LAW &
DEVELOPMENT

TIJ LAUNCHES “RoLD PROGRAM” TO PROMOTE THE RULE OF LAW AND SUSTAINABLE DEVELOPMENT

The rule of law has come into the spotlight after the United Nations recognized it as one of the core components in the Agenda 2030 for Sustainable Development. Known as Goal 16 under the theme of Peace and Justice, the framework promotes a stable society free from violence as well as accountable and transparent institutions, to assure that all individuals can enjoy their rights impartially.



The **RoLD Program** initiated by TIJ, in close collaboration with the IGLP at Harvard Law School, consists of four core activities: TIJ Executive Program on the Rule of Law & Development, TIJ Public Forum on the Rule of Law and Development, TIJ Workshop for Emerging Leaders, and RoLD in Action.

On 22 February 2017, Dr. Kittipong Kittayarak, Executive Director, chaired the official launch of the first TIJ Executive Program on the Rule of Law and Development, blessed by the presence of HRH Princess Bajrakitiyabha, at the United Nations Conference Centre in Bangkok. Joining to congratulate were Mr. Luc Stevens, UNDP Resident Representative in Thailand, Mr. Jeremy Douglas, Regional Representative of the UNODC for Southeast Asia and the Pacific, Dr. Supachai Panitchpakdi, Former Secretary-General of the UNCTAD, Professor Vitit Muntarbhorn, UN Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity, and Dr. Royol Chitradon, Director of Hydro and Agro Informatics Institute.

Participants to the TIJ Executive Program are encouraged to learn from their peers and real-life experience of leaders in various fields. Through lectures, workshops, field trips, and a public forum, TIJ fellows will be able to grasp the concepts of the rule of law that are relevant to their lives and bridge cultivated ideas into practice. The ultimate purpose is for them to become the agents of change, addressing the rule of law and sustainable growth in their respective fields.