



*Development-led Crime Prevention
and Criminal Justice within the
TIJ Programme of Work*

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An effective, fair and humane justice system
has an important role to play
in ensuring that the conditions are in place
to allow for sustainable development.

When the rule of law is lacking,
the social and economic development goals
that we collectively seek are undermined.

At the same time,
equitable and predictable forms of justice
are fundamental to building societies
with a rule of law foundation
that facilitates growth and development.

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HRH Princess Bajrakitiyabha Mahidol

UNODC Goodwill Ambassador
on the Rule of Law for Southeast Asia

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Kittipong Kittayarak, J.S.D.

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*Matti Joutsen, J.S.D.
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The Thailand Institute of Justice (TIJ) believes that one possible way to reflect upon the roles of crime prevention and criminal justice is through a development-led perspective. For instance, when we look at those who commit the crime, we can broaden the scope of our attention to not only focus on fact finding and subsequent sanction, but also take into account the various factors including structural ones that shape the decision-making that led to the incident of a person committing an offense or struggling to desist from reoffending. We believe the development-led approach to crime prevention and criminal justice is relevant to a wide range of circumstances where effective responses require an understanding of the root causes of crime and structural disadvantages that led people to be in contact with the criminal justice.

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At the TIJ, we are committed to promoting a better understanding of the rule of law and the role of law in the era where things have become increasingly inter-dependent and inter-related. This collection of thoughts and ideas on the development-led approach came about with one clear objective: to provide our readers with an overview of how the framework has been integrated into our programmes of works.

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I hope this booklet will provide a brief introduction for those interested to learn about the activities of TIJ through the lens of development, ranging from crime and justice data collection, the women and children empowerment, the treatment of offenders to the promotion of rule of law.

Kittipong Kittayarak J.S.D.

Executive Director, TIJ

DEVELOPMENT-LED APPROACH FOR SUSTAINABLE CRIME PREVENTION¹

Kittipong Kittayarak, J.S.D.

Executive Director, TIJ

There are many reasons a person commits a crime.

And there are many agencies and structures that our society entrusts with important functions to deal with situations in which a crime is committed.

Our criminal justice agencies are equipped reasonably well in order to enable them to deal with crime in accordance with the norms of the society: giving suspects the possibility to defend themselves; allowing for the independent judiciary to decide the cases; and ensuring other due process safeguards according to the rule of law.

But the situation becomes more challenging when the reasons for committing the crime run deeper, such as when a person's development or living circumstances weaken his or her ability to distinguish between what is right and what is wrong, and to make a rational choice regarding whether or not to commit a crime. In those cases, what the criminal justice system is up against is not simply the manifestation of crime, but rather what sociologists refer to

as the structural determinants of crime. These factors can be institutional, environmental, political, economic or social.

Until these underlying factors are dealt with adequately, there will always be people who are likely to be in conflict with the law, or worse, who will do so repeatedly even after going through the criminal justice system.

Structural determinants due to poverty, lack of opportunities and means of earning a sufficient income can lead a person down the wrong path, a path that ultimately leads to prison or to becoming a victim of crime themselves. There are many push and pull factors in our society, and the way in which both private and public institutions address these vary greatly. While governments may have national development plans and robust structures in place to meet the needs of the public, unfortunately they are not always able to reach all elements of society, and inequalities persist.

It is precisely in this context that I believe a new framework is needed. The development-led approach to crime prevention and treatment of

¹ Adapted from the article entitled "A New Approach for Preventing Crime", published in the Bangkok Post on 6 February 2018.

offenders has been conceived as a means for the criminal justice system and other relevant stakeholders to deal with the situations mentioned above.

The term 'development-led approaches' refers to any interventions, either by criminal justice practitioners themselves, or with support from practitioners from other sectors, that seek to enhance the capacity of the criminal justice system to prevent or respond to specific types of crime and violence. The development-led approach can be regarded as a framework that broadens the scope of criminal justice interventions beyond their traditional boundaries. By incorporating supplementary or complementary elements of individual or community development, the development-led approach can be more effective in addressing criminality or violence by targeting its root causes.

In the most practical sense, the key elements of development-led interventions should, at the minimum, include:

- (1) Identification of the root causes (often at the structural level) and the way in which these underlying factors affect or impact those at risk of committing crime or of becoming victims of crime;
- (2) Identification and implementation of development policy interventions or programmes that target specific vulnerable groups;

The development-led approach is, by definition, multi-disciplinary and involves a partnership between the criminal justice sector and other relevant sectors.



As a concept, the development-led approach is based on the assumption that there is a linkage between the criminal justice system and sustainable development. Such a linkage has been identified before, but it has recently regained prominence against the backdrop of the new global agenda on sustainable development, with the inclusion of justice, peace and institutions now recognized as part of the Sustainable Development Goals or SDGs.

Since the UN General Assembly adopted the 2030 Agenda for Sustainable Development in 2015, the global discourse on development has for the first time recognized peace, justice, strong institutions and more importantly the rule of law as imperative in achieving sustainable development. The rule of law is a golden thread that weaves through all the goals. Without it, development cannot be attained. It is here that I see that the criminal justice system and development are mutually reinforcing and complimentary.

Sustainable development, the criminal justice system and the rule of law can be mutually reinforcing and complimentary because a healthy and well-functioning criminal justice system that adheres to the rule of law can strengthen sustainable development efforts. It is through this realization that the development-led approach becomes meaningful as a new paradigm.

The development-led framework will be useful only if we can identify the relevant elements and take adequate actions. There will always be challenges in such an exercise. There is no one-size-fits-all or quick-win solution, but much can be achieved if we begin by rethinking the challenges and by investing now in efforts to tackle difficult issues for our sustainable future.

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DEVELOPMENT-LED CRIME PREVENTION AND CRIMINAL JUSTICE IN THE CONTEXT OF THAILAND AND BEYOND

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Promoting crime prevention and criminal justice reform as a means to achieve sustainable development for the people has a long history in Thailand.

Already in 1969, His Majesty, the late King Bhumibol Adulyadej initiated the Royal Project in Northern Thailand, in the heart of the so-called Golden Triangle. The project was designed to replace poppy cultivation with temperate plants as cash crops. This was one of the first so-called alternative development projects in the world, and was in line with the Sufficiency Economy Philosophy developed by His Majesty the late King.

In 1988, HRH Princess Srinagarindra, the Princess Mother of King Bhumibol, established the Doi Tung Development Project, also in Northern Thailand, in the heart of the Golden Triangle. The Project applies the development approach pioneered by His Majesty and has been recognized by the UNODC as one of the most successful examples of alternative development in drug policy.

HRH Princess Bajrakitiyabha Mahidol has been a champion in defending the rights of the vulnerable, in particular women and children. The Kamlangjai (Inspire) Project, launched by HRH, has promoted the rehabilitation and reintegration of women prisoners. This

Project, in turn, paved the way for Thailand's leadership in developing the Bangkok Rules on the treatment of women and girls in corrections and in community settings. Under her leadership, the TIJ was established in 2011 to continue the leadership role of Thailand in promoting the improvement of prison conditions. Currently ten prisons have been identified by the Institute as model prisons in the implementation of the Bangkok Rules.

The above examples are by no means an exhaustive list. In the area of alternative development and the eradication of poppies, the experience in Ban Huay Pla Lod, Maesod District, Tak Province, beginning during the mid-1970s, is illustrative of the success of a 'bottom-up' approach, in which a local ethnic minority community was allowed to remain in an area designated as a national park. The members of the community developed their own rules and regulations and undertook to restore the forest in line with the '3 Forests and 4 Benefits' concept. This has resulted not only in successful reforestation, but also in considerable improvement in the sustainability of community life.

Underlying these experiences of Thailand was the change in paradigm in law enforcement and other development practitioners within the drug control context. The TIJ believes that a shift in perspective, with an emphasis on focusing a development lens at criminal justice reform efforts, is needed also within the broader crime control context. There are numerous examples showing the links between the rule of law and justice on the one hand, and the other Sustainable Development Goals, on the other.

The need for a paradigm shift is evident. As clearly laid out in a discussion paper prepared

by Javier Sagredo for the recent UNODC – TIJ regional study tour and seminar held in Thailand,¹ practitioners and researchers alike are well aware of the importance of dealing with the structural causes of crime (and victimization): poverty, lack of education, lack of access to housing and medical care, absence of a legal identity, and so on. Despite this wide recognition of the need to address the structural roots of crime, many criminal justice systems are being subjected to populist pressures to 'get tough on crime', leading to over-criminalization, over-policing, and over-prosecution and over-use of incarceration.

The adoption of the SDGs by consensus provides a robust platform for seeking to redress the balance, shifting the discussion towards the importance of helping vulnerable individuals and vulnerable communities in both rural and urban areas to empower themselves. The implementation of the SDGs stresses the need for balance in work on the different goals, and in particular in avoiding measures that are in pursuit of individual goals which are apt to hamper achievement of other goals.

The TIJ will continue to collect and disseminate information on different aspects of the experiences of Thailand as well as the experiences in other countries in alternative development and in development-led crime prevention and criminal justice. With a focus on the development of the theoretical rationale, and the documentation of specific examples, it is hoped that reflection on development-led crime prevention and criminal justice may enable criminal justice policy makers and practitioners in Thailand and beyond to rethink and enhance their contribution to the broader goals of sustainable development.

¹ Javier Sagredo, "Towards the Definition of Sustainable Development-led Approaches in Crime Prevention and Treatment of Offenders: Key Conceptual References. Presented at the Regional Colloquium "Empowering Vulnerable Communities and Women for Sustainable Development", Chiang Rai, Thailand, 27 January 2018.

IMPLEMENTATION OF THE BANGKOK RULES AND THEIR LINK TO THE DEVELOPMENT-LED APPROACH

Chontit Chuenurah

Chief of the Implementation of the Bangkok Rules and Treatment of Offender Programme, TIJ

The prime objective of criminalization and criminal sentences is to reduce crime and make society a safer place. However, the criminal policy in many countries concentrates too heavily on criminal sentences, resulting in the problems associated with over-criminalization and excessive use of imprisonment. As a consequence, prisons throughout the world face massive overcrowding and insufficient funding, and are not able to focus on their goal of rehabilitation.

While the global prison population is on the increase, the growth in female incarceration worldwide poses particular challenges for penal systems. Since most correctional facilities and prison regimes were not designed for women, the gender-specific needs of women and the well-being of children residing with them are often overlooked. In 2010, the specific needs of women prisoners have been formally recognized by the international community through the adoption of the United Nations



Rules on the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules).

The Implementation of the Bangkok Rules and Treatment of Offenders Programme (the IBR Programme) was established by TIJ with the aim of enhancing the effectiveness of criminal policy and criminal justice responses through promotion of the implementation of UN standards and norms related to the treatment of offenders in Thailand, the ASEAN region and beyond.

Building on a major paradigm shift in women's corrections, the IBR Programme was formed

with the vision of enhancing evidence-based research on the reasons behind criminal offences and supporting effective rehabilitation and successful reintegration of prisoners. The IBR Programme works with the recognition that women's experiences in the criminal justice system cannot be viewed in isolation. To be able to ensure effective prison reform and sustainable change, the rehabilitation and reintegration of prisoners need to be viewed as a part of the national development agenda, taking into consideration the social and economic structures that may worsen or, conversely, improve their long-term well-being as individual members of society.



All over the world, most prisoners have been subjected to a long process of marginalization. For women prisoners, this disadvantage ranges from lack of control within the household to discrimination in the workplace. Gender inequality often starts with the de-prioritization of education for girls, leading to economic, social and cultural marginalization. The repeated oppression of women in all aspects of daily life results in female vulnerability, poverty, job insecurity and domestic abuse. More often than not, these are the circumstances under which women commit crimes.

With the belief that crime prevention and reduction of recidivism should be addressed at their root causes, the work of the IBR Programme draws on the importance of the SDGs, particularly Goal 16, which focuses on promoting peaceful and inclusive societies through access to justice for all, and Goal 5, on gender equality. In this light, criminal justice should be viewed in its broader aspects, and requires involvement of the community and the private sector to create a safe society. This holistic approach, known as the development-led approach, forms the basis of the framework in which the IBR Programme operates.

In keeping with this objective, the IBR Programme has initiated a wide range of evidence-based research focusing on understanding prisoners' pathways to imprisonment and factors leading them to commit crime. The research emphasizes childhood experiences, education, family relations, history of abuse and experiences with the criminal justice system. The IBR Programme's research also aims to explore the

direct and indirect impact of imprisonment on women prisoners and their family.

Imprisonment is just one path in delivering justice, yet it is often used as the primary response to crime. With the aim of supporting the effective and sustainable reform of criminal justice system, the IBR Programme also promotes the increased use of non-custodial measures for non-violent and minor offences, taking into consideration the background of offenders.

Furthermore, the IBR Programme developed the comprehensive "Model Prison Plus (+)" project, which seeks to support the work of prison authorities in building the knowledge and skills of the women inmates through intensive courses. The course includes financial planning, debt literacy and psychological support to help them to return successfully to society and the job market. Multidisciplinary stakeholders, such as the SME Promotion and Development Trade Association of Thailand, as well as private companies have played an important role in this initiative. The project focuses on increasing the prisoners' employability potential, and in this way providing a bridge from prison to the outside world.

Ultimately, the IBR Programme works towards promoting linkages between criminal justice policy and social development policy and enhancing the way in which the criminal justice system interacts with people who come into contact with it. This is in line with the goal of the TIJ of promoting fair, effective, and inclusive criminal justice for all.

TACKLING VIOLENCE AGAINST WOMEN AND CHILDREN THROUGH A DEVELOPMENT LENS

Kittipoom Neamhom

Chief of the Policy Coordination Programme

Acting Chief of the Women and Children Empowerment Programme, TIJ

Today, women and children are recognized not only as rights holders, but also as citizens able to contribute to the prosperous development of society, should they be given opportunities for development. Furthermore, gender equality, ending violence against women and children, and empowerment of women and children are universally agreed to be crucial elements in achieving sustainable development, as reflected in the SDGs, which were adopted in 2015. The SDGs framework addresses commitments to invest in development aspects of everyone, including children and women. For example, Goals 1, 2, 3, 10, and 17 provide that every child and woman should survive and thrive. Goals 1, 4, 10 and 17 emphasize gender equality and education for all. Goals 1, 3, 5, 8, 10, 16 and 17 commit stakeholders to protecting all woman and children from violence and exploitation.

Despite considerable improvement, challenges still remain and they require ongoing efforts. According to the “Knowing Violence in Childhood Global Report” launched at the high-level meeting at United Nations Headquarters in November 2017, around 1.7 billion children experience violence globally. This is coupled with the UN statistics for 2015 showing that less than 40% of the women who experienced violence sought some sort of help.

Additionally, in reference to violence in the context of trafficking in persons, the UNODC Global Report on Trafficking in Persons in 2016 showed that 79% of trafficking victims detected globally are women and children, and that the average conviction number is low, despite improvements in law.

Violence should be dealt with through the improvement of access to justice, alongside improvement of access to development. To boost the capacity of the criminal justice system to tackle the vulnerability and sensitivity of children and women, the TIJ seeks to promote implementation of relevant international standards and norms, particularly the UN Model Strategies and Practical Measures on the Elimination of Violence against Children and against Women in the Field of Crime Prevention and Criminal Justice. These UN instruments provide a framework for criminal justice systems to set and achieve standards in protecting children and women from violence, through comprehensive prevention with the proper focus on the needs of victims and witnesses of violence, and proper safeguards for children in contact with the justice system.

Beyond the criminal justice system, the ‘development-led approach’ helps to address social inequality, poverty, and the lack of access

to education and economic opportunities which are the driving forces pushing individuals to break the law and, at the same time, make certain members of society more vulnerable to victimization. In the 2017 report produced jointly by TIJ and UNODC, which looked at the phenomenon of trafficking in persons in Southeast Asia within the broad context of migration, it was found that many women and children who are victims of sexual abuses and labour exploitation come from poor rural areas, where their families do not own land or have suffered from poor harvests or crop losses. This portrays the root causes of problem

of women. The SDGs, in particular Goal 5, emphasize the empowerment approach which involves a process of systematic change through which women are enabled to exercise and advance their rights and interests using the law, together with access to educational and economic opportunities. To depict this in a concrete way, one can think about providing opportunities for women to become players in the criminal justice system, or “justice makers.” For women to fully enjoy gender equality, it is recognized that fair and equal treatment is linked to broader questions of social justice. This includes the need to have more women



which form a complex mix of push factors and vulnerabilities which make women and children prone to abuse and exploitation.

To tackle these root causes of violence and victimization, we seek to promote access to development by women and children and to envisage their role as key contributors to the justice system and to the development of society. For women, challenges in accessing justice are rooted in inequality and the resulting discrimination between men and women and gender stereotyping. To deal with inequality, one good approach is to work on the empowerment

as practitioners and administrators in justice systems. Women justice makers are agents of change and most of them contribute to improving the relationship between women and the justice system.

Against such a complex reality, we can realize that the law and the criminal justice system alone may not provide a durable solution for preventing and responding to violence and crime. Access to social and economic development and legal empowerment should therefore be part of a strategy to protect and to promote the rights of women and children.

THE NEED FOR CRIME AND JUSTICE DATA IN THE ERA OF SUSTAINABLE DEVELOPMENT GOALS

Sudarak Suvannanonda

Chief of the Statistics Programme, TIJ

Data is an invaluable asset. High quality data and statistics can reflect the current status of the problem, support well-informed decision-makings and provide baseline to evaluate the effectiveness of such decisions by weighing time and resources spent against the desired improvement. But in reality, accurate data is not easily obtained, and in many cases, the real usage of statistics in driving policy decision can be quite challenging.

The need for data availability and comparability in the field of crime and justice emerges as an international agenda because, in today's world, crime is a global phenomenon that leaps over geographical boundaries. A country cannot effectively handle the threat of serious crimes without cooperating with its neighbours. And with the adoption of the Agenda 2030 for Sustainable Development, where justice and the rule of law have been recognized as the enablers of all aspects of development, the need for accurate and reliable data to monitor progress made in this field has increased at an unprecedented rate.

The different levels of statistical capacity among member states has led the United Nations to formulate roadmaps, guidelines, and tools to assist in strengthening the collection of crime and justice data. The TIJ, recognizing this gap, has joined efforts with prominent regional players to bridge the gap between international standards and local practices. TIJ's Statistics Programme, in collaboration with UNODC, UNESCAP, the Korean Institute of Criminology, and Statistics Korea, hosted two regional meetings and two regional training courses during the past three years, bringing together statisticians and justice officers from Asia-Pacific countries to share knowledge and experiences in improving crime and criminal justice statistics using innovative methodologies and tools as recommended by the United Nations.

One important task on which TIJ's Statistics Programme has been working is promotion of the implementation of the International Classification of Crime for Statistical Purposes (ICCS). Initiated by UNODC and the UN

Statistics Division, the ICCS is designed to be the codebook for the standardized classification of criminal offences. With this common classification system, member states will be able to report data in accordance with the requirement of SDGs indicators, and at the same time, more accurately compare data across countries and jurisdictions for the benefit of cooperation.

At the national level, TIJ's Statistics Programme also promoted the adoption of the ICCS among researchers and other non-governmental agencies whose work involves the collection of crime data, with the conviction that this will improve the quality of data from every source and will eventually lead to a comprehensive pool of reliable data on all aspects of crime. Another important feature of the ICCS is the recommendation on the disaggregation of crime characteristics, including the details of victims and perpetrators, which can serve as a guideline for agencies to consider enhancing its crime data collection to provide insights for a more people- and victim-centred crime prevention policy.

In light of the development-led approach to crime prevention which is TIJ's main area of interest, the Statistics Programme has promoted projects including the Public Safety Surveys and the Mini-Victimization Survey to study the level and factors that contribute to the fear of crime among ordinary people, in relation to actual experiences of crimes. The perception about crime, though usually overlooked for being 'nonfactual', can greatly affect people's economic activities and livelihood, and in this way can be either supportive or disruptive to the development process. By understanding what changes contributed to the fear of crime, TIJ seeks to combine multi-disciplinary efforts to propose the appropriate intervention to create a safer environment that perpetuate development.

TIJ's Statistics Programme also works to support the production of empirical data in other areas of interest, including the treatment of offenders and juvenile offenders, cooperating with not only TIJ's internal units but also with other organizations such as the Department of Juvenile Observation and



Protection, Ministry of Justice of Thailand. One example is the study of the history of violent experiences among children in custody, which aims to understand the relationship between prior experiences and criminal behaviour. This will shed light on the root causes of crime that do not stem entirely from inequality or economic needs, and hopefully lead to relevant policy recommendations.

Crime is the result of deep-rooted problems in each society. It is vital to identify the underlying elements to be able to deal with crime problems in the structural level. But in order to explain

the situation, follow trends, pinpoint significant changes, plan a well-calculated holistic intervention, and scientifically prove whether such intervention works, statistics are needed. Without serious investment in quality statistics, our limited resources will be invested in ideas that may seem promising, but no one can say for sure whether or not they will be fruitful. Without good statistics, policy makers and all other stakeholders may risk jeopardizing the well-being of our society and the prospect of sustainable peace and prosperity while navigating blindly in the increasingly complex phenomenon of crime.

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FOSTERING THE NEXUS OF THE RULE OF LAW AND DEVELOPMENT

Anuwan Vongpichet, Ph.D.

Director of the Office of Strategy and Planning, TIJ

The Office of Strategy and Planning recognizes the importance of investing in people who share a mutual appreciation of the rule of law in all its complexities as an essential determinant for success in achieving sustained, equitable and inclusive growth in order to advance TIJ's missions to disseminate knowledge related to the rule of law, crime prevention and criminal justice in accordance to the United Nations standards and norms as a means to strengthen the criminal justice system and achieve sustainable development. The Rule of Law and Development (RoLD) Programme was created as a collaborative platform that serves as a bridge of 'knowledge', which links individuals together to form a network of change makers in Thailand.

The RoLD Program signifies the first collaborative effort between the TIJ and the Institute for Global Law and Policy (IGLP) at Harvard Law School in organizing a series of workshops to enhance human capacities

in Thailand, Asia and globally through the application of theoretical knowledge of the rule of law and policy-making in local practices in order to create a network of change makers in Thailand who have a strong understanding for the rule of law and development, especially its role in relation to crime prevention. This network of agents of change serves as a powerful tool that will help propel the movement towards the full realization of the SDGs in Thailand in fulfilment of TIJ's mission.

The RoLD Program is comprised of various activities that provide unparalleled opportunities for networks of distinguished leaders and executives from the public and private sectors, as well as national and international civil society organizations (CSOs) to engage with and learn about various rule of law and development topics as well as case studies of existing problems and development models in Thailand.



- **The TIJ Executive Programme on the Rule of Law and Development: RoLD**

This rigorous 6 month-long training program aims to acquaint prominent Thai leaders and executives from the public and private sectors, as well as CSOs, with contemporary policy issues, such as the linkages between the rule of law and the 2030 Sustainable Development Agenda, the crucial roles of the private sector in enhancing the rule of law, good governance, the improvement of access to justice for vulnerable groups, as well as the criminal justice system reforms. (www.tijrold.org)

- **TIJ Workshop for Emerging Leaders on the Rule of Law and Policy**

This week-long intensive Workshop held in Bangkok, Thailand seeks to provide the next generation of leaders with a unique learning experience. The five-day course is exclusively taught by world-renowned faculty members and professionals drawn from the IGLP at Harvard Law School network. (www.tijforum.org)

- **RoLD in Action**

This programme seeks to demonstrate how the rule of law can address current socio-economic issues and benefit local communities and society as a whole through the application of theoretical knowledge in real-life contexts. (www.tijrold.org)

- **TIJ Public Forum on the Rule of Law and Sustainable Development**

The TIJ Public Forum is designed with the intention of creating a space for constructive dialogue on the vital roles of the rule of law in driving the Sustainable Development Agenda. (www.tijpublicforum.org)

With the advantage of utilizing a network of multi-disciplinary professionals, the RoLD Programme is well positioned to promote a sense of appreciation of the need for an integrated development-led approach amongst leaders across different sectors as mentioned above, thereby ensuring that business leaders, policy makers and civil servants will consider, in their decision-making process, the multifaceted nature of the issue at hand or policy in question, as well as view the issue through a development lens.

As part of RoLD in Action, RoLD fellows seek to explore how the rule of law can address current socio-economic issues and crime prevention, and benefit local communities and society as a whole through the application of theoretical knowledge in real-life contexts. Project topics include:

- **Sustainable Coexistence between Man and Forest through the Lens of the Rule of Law: Case Study of Nan Province** – exploring the role of a development-led approach in reducing crimes relating to deforestation in Nan province, which could be used as a model and adapted for implementation in other areas with similar problems.
- **The Development of Fair Debt in a Society Based on Rule of Law** – exploring the informal debt crisis in Thailand and crimes relating to informal debt (e.g. deceptive and unscrupulous debt collection practices), as well as how government policy interventions as well as a development-led approach can contribute to a reduction in informal debt and the associated crimes.
- **Alternatives for Disruptive Technology through the Rule of Law and a Regulatory Sandbox** – exploring how ride-sharing applications such as Uber and Grab can be regulated and co-exist with traditional taxis in Thailand.
- **The Role of FinTech in Increasing Access to Credit for the Unbanked in Thailand: A Case for Alternative Credit Scoring** – exploring how alternative credit scoring can increase access to credit for the unbanked leading towards the goal of financial inclusion.
- **Building a culture of lawfulness in the Thai context**
- **Social reintegration of former inmates for the reduction of reoffending**

A PEOPLE-CENTRED APPROACH TO ADDRESS THE COMPLEX RELATIONSHIP BETWEEN CRIME AND DEVELOPMENT

Jane Holloway

Chief of the Crime and Development Programme

Acting Chief of the Programme on Transnational Organized Crime, TIJ

In Southeast Asia the total prison population and the rate of persons being held in prisons are among the highest in the world. While the criminal justice system is designed to keep our societies safe and free from violence and crime, the incarceration of offenders has for many countries created a high cost to public budgets, burdens and backlogs the courts, and produces prison overcrowding while not necessarily reducing crime or re-offence rates.

The criminal justice system in Thailand and the region is often challenged with providing justice to the victims on the one hand and striking the right balance between appropriate punishment and assistance for those who have committed a crime, on the other. In this light, the TIJ strives to promote necessary conditions for criminal justice institutions to consider restorative justice and alternatives to incarceration as a first resort. For those who are incarcerated, they should be provided with rehabilitation and skills training for successful reintegration by taking into account the background, gender, age and other specific criminogenic needs of offenders.



In doing so, the criminal justice system should focus on addressing the vulnerabilities and disadvantages of the offenders which led them to committing the offence.

Considering this complex reality, the law and the criminal justice system alone may not be the only tools for a society to respond to violence and crime. National development policies need to be fair and equitable, and institutional capacity needs to be adequate in order to achieve the full potential of development initiatives to empower societies and reduce inequality. In this regard, national and regional policies must aim at improving the well-being of all, if we are to successfully prevent and reduce crime. Access to social and economic development should therefore be part of a strategy to prevent and respond to

crime and violence, if we are to address these problems while doing justice to the complexity of their root causes. This requires a multitude of stakeholders to work together to address the root causes that led a person to commit a crime through an integrated and people-centered approach. As part of national policies, most at risk groups and communities in contact with the criminal justice system as offenders and/or victims in both rural and urban settings should be provided development assistance to prevent and effectively respond to crime.

In recognition of this complex reality, The 13th United Nations Congress on Crime Prevention and Criminal Justice held in 2015 adopted the Doha Declaration recognizing the interrelationship between criminal justice and sustainable development. September 2015 also marked the adoption of the 2030 Agenda for Sustainable Development by the UN General Assembly as a new global initiative to address sustainable development guided by 17 goals. For the first time, Member States recognized that peace and inclusive societies, access to justice for all and effective and accountable institutions are imperative if we are to achieve sustainable development. Together with the SDGs, the Doha Declaration and other international standards and agreements including the Bangkok Rules, Nelson Mandela Rules, the Tokyo Rules, the UN Guiding Principles on Alternative Development and the new Urban Agenda (Habitat III) are examples of tools to guide the criminal justice system to apply a more development-led approach towards protecting our people and our communities to be safe from violence and crime.

The Crime and Development Programme seeks to strengthen the Thailand Institute of Justice's ability to consolidate its knowledge base and raise awareness on the complexities

and interrelationship between crime and development. The Programme draws from both institute's existing and new cross-cutting research, in line with relevant policy frameworks, including the United Nations' 2030 Agenda for Sustainable Development and ASEAN 2025: Forging Ahead Together. Areas of research include development-led responses to preventing crime, reducing re-offending, and supporting successful reintegration of offenders into society. The goal of the Programme is to support crime prevention and criminal justice reform for sustainable development in Thailand and the ASEAN region. This includes supporting regional platforms such as the ASEAN Conference on Crime Prevention and Criminal Justice established by the ASEAN Senior Law Officials Meeting at the proposal by the TIJ to foster discussion and dialogues on cross-cutting issues related to crime and justice among policy makers, practitioners, academia, civil society, international organizations and the private sector.

More recently in January 2018, the TIJ in partnership with UNODC organized a Southeast Asia regional study visit and colloquium on Empowering Vulnerable Communities and Women for Sustainable Development. Her Royal Highness Princess Bajrakitiyabha Mahidol, UNODC Goodwill Ambassador on the Rule of Law for Southeast Asia led the delegation of senior diplomats, and regional prison managers on a study visit to Chiang Mai Women's Correction Institute and the Doi Tung Development Project to promote and exchange experiences on assisting vulnerable persons in prisons and at the community level. The study visit and colloquium engaged participants in discussing promising strategies and scaling up successful initiatives in the region as a way forward to enhance efforts in crime prevention and the treatment of offenders.

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