



A Collection of Speeches
by

**Her Royal Highness
Princess Bajrakitiyabha
Narendiradebyavati
Kromluangrajasarinisiribajra
Mahavajrarajadhita**

Given on various occasions
from 2009 to 2018

**A Collection of Speeches by
Her Royal Highness Princess Bajrakitiyabha Narendiradebyavati Kromluangrajasarinisiribajra
Mahavajrarajadhita
Given on various occasions from 2009 to 2018**

This publication may be reviewed, reproduced and translated giving due credit to the Thailand Institute of Justice.
Any changes to the text must be approved by the Thailand Institute of Justice.



Copyright © Thailand Institute of Justice, 2019

Printed and bound in Bangkok, Thailand

ISBN: 978-616-92398-7-1

**Thailand Institute of Justice
(Public Organization)**

GPF Building Tower B,
15th – 16th Floor, Witthayu Road,
Pathumwan, Bangkok, 10330, Thailand
Tel: +66 (0) 2118 9400
Fax: +66 (0) 2118 9425, 26
Website: www.tijthailand.org

A Collection of Speeches

by

**Her Royal Highness
Princess Bajrakitiyabha
Narendiradebyavati
Kromluangrajasarinisiribajra
Mahavajrarajadhita**

Given on various occasions
from 2009 to 2018



Curriculum Vitae of
Her Royal Highness
Princess Bajrakitiyabha Narendiradebyavati
Kromluangrajasarinisiribajra
Mahavajrarajadhita

Her Royal Highness Princess Bajrakitiyabha Narendiradebyavati Kromluangrajasarinisiribajra Mahavajrarajadhita currently serves as Expert Public Prosecutor, acting Provincial Chief Public Prosecutor at the Office of Rayong Provincial Juvenile and Family Litigation.

From 2005 to 2006, Her Royal Highness served as First Secretary at the Permanent Mission of Thailand to the United Nations in New York. In 2006, Her Royal Highness transferred to prosecutorial duties at the Office of the Attorney General, and served at various offices, including the Executive Director's Office of Criminal and Narcotics Litigation, the Office of Public Prosecution in Udon Thani, Pattaya, and Nong Bua Lam Phu provinces, and the Office of the Legal Aid and Protection.

In 2011 Her Royal Highness served as the alternate representative of Thailand accredited to the United Nations Office on Drugs and Crime in Vienna. From 2012 to 2014, Her Royal Highness served as the Ambassador of Thailand to the Republic of Austria. During this period, she also served as Thailand's Permanent Representative to the United Nations Office at Vienna as well as other UN bodies. In that capacity, Her Royal Highness took an active part in international negotiations and cooperation on various issues, ranging from the improvement of criminal justice responses to violence against children, combating drug trafficking, in particular through development oriented drug

policy, to other broader issues such as the peaceful use of atomic energy or industrial development.

Upon the conclusion of her service as Ambassador at the end of 2014, Her Royal Highness returned to prosecutorial service and, from 2015 to 2017, served at the Office of Narcotic Litigation in Thailand focusing on the prosecution of criminal cases involving major drug trafficking networks.

Her Royal Highness has a keen personal interest in promoting women's rights, especially in the criminal justice system. In 2006, Her Royal Highness initiated the Kamlangjai Project (Inspire), which is designed to improve the quality of life of women prisoners in Thailand. In 2008, Her Royal Highness launched another project called Enhancing Lives of Female Inmates to promote Thailand's proposal for international rules on women prisoners. This contributed directly to the adoption by the General Assembly of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) in 2010, and of the Model Strategies and Practical Measures on the elimination of violence against children in the field of crime prevention and criminal justice in 2014. Also, since 2008, Her Royal Highness has served as UNIFEM Goodwill Ambassador for Thailand to raise awareness on violence against women, and since 2017 as the United Nations Office on Drugs and Crime Regional Goodwill Ambassador on the Rule of Law for Southeast Asia.

In 2011, when the Royal Thai Government established the Thailand Institute of Justice (TIJ), Her Royal Highness graciously accepted the invitation of the TIJ to serve as the Chairperson of the Special Advisory Board.

Her Royal Highness's primary academic interest is in the field of criminal law. Her Ph.D. dissertation is a comparative study of the protection of the rights of the accused. Her Royal Highness received the degree of Doctor of Juridical Science (J.S.D.) from Cornell University in 2005, following on a Master of Laws degree from the Cornell Law School (2002). Previously, Her Royal Highness earned her Bachelor of Laws degree from Thammasat University, Bangkok (2000) and a Bachelor of Arts degree in International Relations from Sukhothai Thammathirat University (2000).

Her Royal Highness Princess Bajrakitiyabha Narendiradebyavati Kromluangraja sarinisiribajra Mahavajjarajadhita is a recipient of honorary doctoral degrees from major universities in Thailand such as Mahidol University (2009), Chulalongkorn University (2011) and Thammasat University (2011) as well as from international academic institutions including Chicago-Kent University Law School (2012) and Wuhan University (2017).

Foreword

Her Royal Highness Princess Bajrakitiyabha Narendiradebyavati Kromluangraja sarinisiribajra Mahavajjarajadhita has contributed in a number of different capacities to the promotion of the rule of law, sustainable development, the development of international standards and norms on crime prevention and criminal justice, and the protection of such vulnerable groups as children and women, as reflected in the brief biography provided elsewhere in this volume.

In so doing, she has continued in the tradition established by His Majesty King Bhumibol Adulyadej The Great in developing initiatives that will serve the people.

While serving in various prosecutorial duties in Thailand, Her Royal Highness initiated two projects directed at promoting the reintegration of women prisoners into society, the *Kamlangjai (Inspire) Project* and the *Enhancing Lives of Female Inmates* project. Internationally, she has served as Thailand's Permanent Representative to the United Nations Office at Vienna and to other UN bodies, and has taken an active part in many international negotiations on crime prevention, criminal justice and narcotic drugs. She was instrumental for example in the development and adoption by the General Assembly of the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the *Bangkok Rules*) in 2010, and of the *Model Strategies and Practical Measures on the elimination of violence against children in the field of crime prevention and criminal justice* in 2014.

In 2008, Her Royal Highness was appointed as UNIFEM Goodwill Ambassador for Thailand to raise awareness on violence against women, and in 2017 as the United Nations Office on Drugs and Crime Regional Goodwill Ambassador on the Rule of Law for Southeast Asia.

We at the Thailand Institute of Justice (TIJ) are honoured that in 2011 Her Royal Highness graciously accepted our invitation to serve as the Chairperson of the Special Advisory Board of the TIJ.

In the course of her duties, Her Royal Highness has spoken at many conferences and other events. Since her presentations at these events provide a record of the evolution of more general thinking on the rule of law, sustainable development and justice, the Thailand Institute of Justice has taken the initiative to collect these presentations into one volume covering the ten years between 2009 and 2018. This is not meant as an exhaustive collection, but as a representative one, which we hope will provide an informative glimpse at the thoughts and advocacy work undertaken by Her Royal Highness Princess Bajrakitiyabha Narendiradebyavati Kromluangraja sarinisiribajra Mahavajjarajadhita throughout the decade.

Bangkok, 31 August 2019



Kittipong Kittayarak

Executive Director

Thailand Institute of Justice

Contents

<i>Curriculum Vitae</i> of Her Royal Highness Princess Bajrakitiyabha Narendiradebyavati Kromluangrajasarinisiribajra Mahavajjarajadhita	v
Foreword	viii
1. Keynote address at 13 th International Symposium on Victimology, Mito, Japan (23 August 2009)	1
2. Keynote address at International Day for the Elimination of Violence Against Women, New York (24 November 2009)	20
3. Keynote address at 15 th Meeting of Women Parliamentarians, Bangkok (27 March 2010)	23
4. Video statement for a webinar on Prevention of Violence against Migrants, Migrant Workers and Their Families, Vienna (18 April 2012)	34
5. Commencement Address at Chicago – Kent College of Law (13 May 2012)	42
6. Statement at UNGA Thematic Debate on Drugs and Crime as a Threat to Development, New York (26 June 2012)	46
7. Remarks at Luncheon hosted by Governor-General Quentin Bryce, Canberra (16 August 2012)	56

8. Keynote speech at 4 th Annual Conference of the Asian Criminological Society, Seoul (20 August 2012)	58
9. Statement at High-Level Meeting on the Rule of Law, New York (24 September 2012)	75
10. Honorary address at 19 th Council on Women's Health Issues, Bangkok (14 November 2012)	84
11. Lecture at UNAFEI 153 rd International Seminar on the Treatment of Female Offenders, Fuchu (10 January 2013)	97
12. Remarks at gala dinner on occasion of Bangkok Dialogue on the Rule of Law, Bangkok (14 November 2013)	115
13. Keynote opening address at Bangkok Dialogue on the Rule of Law, Bangkok (15 November 2013)	120
14. Opening remarks at Open-ended Intergovernmental Expert Group Meeting on Draft Model Strategies and Practical Measures on the Elimination of Violence against Children (18 February 2014)	128

15. Opening remarks at Meeting of the Chair on the Model Strategies and Practical Measures on the Elimination of Violence against Children, Vienna (6 October 2014)	133
16. Opening remarks at Regional Training Workshop on Responding to Violence Against Children, Bangkok (3 November 2014)	137
17. Video opening statements at Intergovernmental Expert Group Meeting on Gender-Related Killing of Women and Girls (11 November 2014)	141
18. Keynote remarks at High-Level Panel Discussion on Violence Against Children, New York (21 November 2014)	147
19. Video opening remarks at Asia Regional Meeting on Crime Statistics and Victimization Surveys, Bangkok (1 December 2014)	153
20. Opening remarks at Youth Forum, Thirteenth UN Crime Congress, Doha (7 April 2015)	159
21. Keynote address at Workshop, Thirteenth UN Crime Congress, Doha (13 April 2015)	167
22. Keynote remarks at High-Level Event, Thirteenth UN Crime Congress, Doha (15 April 2015)	177
23. Keynote remarks at ancillary event on Kamlangjai, UN Crime Congress, Doha (16 April 2015)	185

24. Keynote opening address at Asian Society of International Law Intersessional Regional Conference, Bangkok (4 June 2015)	190
25. Panel presentation at Asian Society of International Law Intersessional Regional Conference, Bangkok (14 June 2015)	199
26. Opening remarks at International Seminar Workshop on the Implementation of the UN Guiding Principles on Alternative Development, Bangkok (23 November 2015)	205
27. Keynote remarks at TIJ-UNODC side event at Second International Conference on Alternative Development, Bangkok (24 November 2015)	212
28. Keynote opening address at Asian Society of International Law 5 th Biennial Conference, Bangkok (26 November 2015)	217
29. Keynote address at High-Level Seminar in Promoting the Rule of Law for Sustainable Development Cooperation, Beijing (13 May 2016)	227
30. Keynote address at First ASEAN Conference on Crime Prevention and Criminal Justice, Bangkok (10 November 2016)	234
31. Video message remarks presented at Joint Event on ‘Jointly Supporting Gender Mainstreaming in the Implementation of the 2030 Sustainable Development Agenda’, Vienna (2 December 2016)	241

32. Acceptance of the position of UNODC Goodwill Ambassador (30 January 2017)	246
33. Special keynote address at TIJ Public Forum on the Rule of Law and Sustainable Development, Bangkok (22 February 2017)	249
34. Statement at 60 th session of the Commission on Narcotic Drugs, Vienna (13 March 2017)	256
35. Opening remarks at Thailand's Exhibition Commemorating His Royal Majesty Bhumibol Adulyadej, Vienna (13 March 2017)	260
36. Keynote remarks at High-Level Side Event on Human Security and the Rule of Law: Alternative Development's Contribution to the 2030 Agenda for Sustainable Development, Vienna (14 March 2017)	264
37. Keynote speech at UNODC Regional Conference on Cross-Border Criminal Justice Cooperation in Southeast Asia, Bangkok (22 March 2017)	267
38. Keynote remarks at High-Level General Assembly Debate on Transnational Organized Crime, New York (19 June 2017)	272
39. Opening remarks at ancillary event on Transnational Organized Crime Challenges and Responses in Southeast Asia, New York (19 June 2017)	278
40. Video message remarks presented at Third TIJ Public Forum on the Rule of Law and Sustainable Development, Bangkok (17 July 2017)	282

41. Introduction to TIJ Report on Women as Justice Makers, Bangkok (August 2017)	285
42. Doctoral degree acceptance speech at Wuhan University, Wuhan (8 September 2017)	290
43. Keynote address at International Symposium on Fighting Against Transnational Organized Crime and Legal Safeguards for the Belt and Road Initiative, Beijing (8 September 2017)	293
44. Introductory remarks at UNODC-TIJ Study Visit and Colloquium on Empowering Vulnerable Communities and Women for Sustainable Development, Chiang Mai (25 January 2018)	307
45. Opening statement at High-Level Conference on Sustainable Development, Crime Prevention and Safe Societies, Bangkok (5 March 2018)	311
Keywords	318

1

Keynote Address

‘Securing the Lives and Rights of Victims of Crime’

at

13th International Symposium on Victimology*

Mito, Japan

23 August 2009

Mr. John P. J. Dussich, President of the World Society of Victimology

Mr. Hidemichi Morosawa, Chairperson of Tokiwa University,

Excellencies,

Distinguished participants,

Ladies and gentlemen,

It gives me a distinct honour and privilege to be here in the beautiful city of Mito, Japan, to address the 13th International Symposium on Victimology. First of all, I would like to congratulate the World Society of Victimology and Tokiwa University for their

* The series of International Symposia on Victimology, organized by the International Society of Victimology, constitutes the most important global forum for academic discussions on victimology, and practical discussions on the development of victim policy. In her Keynote Address, Her Royal Highness reflects on how a human rights and gender sensitive approach can be mainstreamed into crime prevention and criminal justice, providing examples from legal developments in Thailand as well as ongoing work on United Nations standards and norms.

keywords: Bangkok Rules, gender sensitivity, human development, human security, restorative justice, standards and norms, sufficiency economy, trafficking in persons, victims, violence against women, vulnerable groups, women prisoners

stellar efforts in organizing this symposium. This is a unique forum, where scholars and practitioners of various disciplines from around the world, gather and exchange ideas on how best to protect and assist the victims. Suffice it to say that I am excited to be part of this epistemological community, and would like to reflect some thoughts on the issue of victims that are pertinent to the criminal justice system.

The symposium's overall theme of 'Victimology and Human Security' is forward looking and thought provoking. Undoubtedly, it sends a strong message to the international community that the lives and rights of victims of crime must be secured. While globalization has opened doors to many socio-economic opportunities, the disparity associated with it, unfortunately, entails causal links to the degradation of human morality and the burgeoning waves of violent crime. Where the physical security of the people is constantly under the glare of malicious threats, so too, are the human rights of the victims, especially those of the vulnerable groups.

Against this backdrop, I would argue that the nexus between human security and victimology is an emerging paradigm that promotes the mainstreaming of a rights based approach to the work of the criminal justice community. Thus, in order to address this linkage more effectively, it is important to juxtapose the three main components in the crime prevention and criminal justice stagecraft, namely (a) an integrated and multidisciplinary approach, (b) gender sensitivity, and (c) updated international standards and norms.

Excellencies,

Distinguished participants,

The human security concept presupposes the human element of security, rights, and development. Its proponents take a people-centred approach towards protecting the vital core of all human life, while promoting fundamental human rights and freedoms. The so called 'Freedom from Fear' refers to the human cost and the loss of dignity or the violation of human rights resulting from armed conflicts and other forms of violence. The 'Freedom from Want', on the other hand, concentrates on threats emanating from poverty, disparity, social exclusion, hunger, famine, and natural disaster, to name but a few.

Conventional wisdom has it that the threats to human security occur in the public sphere, both in war and non-war settings. Yet the violence that happens in the confine of private home often goes unnoticed. In both cases, women and girls as well as other vulnerable groups are the usual victims. If they survive the ordeal, the harm they have suffered will continue to stigmatize and adversely affect their lives and standard of living. Therefore, responses to such threats should be comprehensive and involve the individuals themselves as well as cooperation at the community, national, regional, and international levels.

Over the years, human security scholars have grappled with the vicious cycle driven by the 'want' and the 'fear' factors. For starters, we know that poverty constitutes one of the major root causes of crime and violence. Crime threatens human lives, livelihoods and the society as a whole. In such a non-conducive environment, the prospects for human development, the rule of law and the respect for human rights are often compromised. Marginalization again breeds poverty, ill health, illiteracy and other maladies. Being compounded by the lingering effects of economic crisis, this cycle is doomed to spiral into a quagmire of instability.

For Thailand, such a cycle is all too familiar. It is perhaps the reason why human security has always been an essential component of our socio-economic and foreign policies. Thailand has a propensity to focus its attention more on the human development side. This is largely influenced by our national philosophy of 'sufficiency economy', which stresses a path of moderation in all aspects of our economic lives. In essence, this balanced approach to development is intended to enhance the society's immune system so as to guard against various forms of social decadence. In my view, this can be considered as a sort of community-based measure to prevent crime and violence.

Whether the assessment of our human security is bleak or bright depends on the given political, economic, social and cultural contexts. Nevertheless, the cold hard truth is that the more cases of committed crime and violence, the more the number of victims being generated. What then, it may be asked, constitutes the best practices for the treatment of victims of crime? What are the role and participation of victims in the criminal justice process?

We cannot turn the blind eyes on the victims. We have the duty to provide them with adequate protection and compensation. This is where victimology has become intertwined with the overall efforts to achieve human security, as both disciplines share certain commonalities. They seek to safeguard the vital core of all human lives from pervasive physical threats and to prevent victimization. They also look into the underlying causes and why people become victims, the psychological rehabilitation, and social reintegration. Most importantly, they emphasize the basic human rights of the victims, in particular, the right to a remedy, reparation, and redress for the suffering and harm caused to them.

Excellencies,

Distinguished participants,

In elaborating on the legal and remedial underpinning for the victims' compensation, it may be prudent to focus on the experience of Thailand as a point of departure. The increasing awareness of victim's rights in the Thai criminal justice system was a result of a long campaign for rule of law reform in our country. Although we now have the new Constitution of 2007, it was the 1997 version that first integrated the two main concepts for victim compensation namely,

- rights of crime victims, which demand that the state look after the injured party or his or her relatives in case he or she is killed or physically and mentally assaulted by other persons through a criminal offence;
- miscarriage of justice, which provides that any person who has become the accused in a criminal case and has been detained during trial is entitled to appropriate compensation, if it is proved that he or she had not committed the criminal offence.

These two concepts, it can be argued, set in motion the movement that evolved into the passage of the 'Compensation for Injured Person and the Accused Act (B.E. 2544)' in 2001. The Compensation Act presupposes that the state has the responsibility to protect its citizens from acts of crime, and that its failure to do so warrants some form of compensation to the victims. It also serves as a benchmark for the state to minimize the miscarriage of justice in so far as possible. And as part of this law, the Office of Compensation for Injured Person and the Accused under the Department of Rights and Liberties Protection, Ministry of Justice, was established as the competent agency for handling all procedures related to victims' remedial measures and compensation.

In practice, the implementation of the Compensation Act does entail some shortcomings, namely delay in processing compensation claims, and the lack of public understanding of their rights to remedy, or even of the existence of the Act itself. In my opinion, the effective administration of compensation for the victims requires an integrated and multidisciplinary approach. For instances, we should look into the possibility of establishing a trust fund for the remedy of crime victims in the same fashion as the social security or pension fund. With such a fund at its disposal, the state can streamline and simplify the necessary procedures. Furthermore, we need to strengthen our efforts in the dissemination and awareness campaign on the Compensation Act as well as on victims' rights and the legal issues contained therein. A sustainable effort on this will be essential to calibrate the rights-based approach to justice.

In addition, 'Sections 44/1 and 44/2 of the Criminal Procedure Code Amendment Act No. 24 of 2005 (B.E. 2548)' also provide ample avenue for victims of crime to claim restitution of property or value by themselves. Under these sections, if the victim is entitled to claim compensation in the case of death, bodily or mental harm or property injury resulting from the offence committed by the offender, the victim can file a request with the court so as to force the offender to reimburse compensation to him or her. If the victim is too poor to afford legal counsel, one will be appointed by the court.

That the compensation may take the forms of psychological rehabilitation and social reintegration attests to the multidisciplinary approach to securing the rights of victims. Here, I should like to highlight the prominence of 'restorative justice' in Thailand. This is a concept well entrenched in the Thai tradition and culture and still remains so in the context of community justice in some rural areas. The main objective of this approach is to reduce prison overcrowding and the caseload in the formal criminal procedures. As

such, this will commit the offenders to assume greater accountability and sensitivity to the victims, while restoring social harmony and healing the community in the process. In reality, however, Thai criminal justice conservatives often view the drastic changes from the mainstream ideology as foreign to them. Routinely, criminal cases are processed mostly through the official police-to-prosecutor channel, and almost all the cases with sufficient evidence, except minor offences with a fine as the maximum penalty, will be prosecuted in Thai courts. What restorative justice offers is a kind of alternative to prosecution, whereby crime and justice problems are solved through mediation between the victims and offenders at the local level.

In 2004, for example, the Department of Probation, Ministry of Justice, implemented restorative justice pilot projects, whereby probation officers would serve as mediators. This process occurred at the presentence investigation stage. Only cases with identified victims were selected, and a wide range of offences including domestic violence, offences against life and body, and offences against property were eligible for the process. The mediator from the Department of Probation would invite the victims and the offenders, including their respective supporters, to the meeting. The agreement made during the meeting would be included in the presentence report and considered by the court. In some cases, the court may agree with the agreement and use it as an alternative sanction. All in all, most of the participating victims and offenders reported satisfaction and experienced positive feelings, such as an apology, forgiveness, and sympathy, which may rarely happen in the conventional criminal justice system.

As regards juvenile justice, the introduction of restorative justice programs is provided for in the 'Act for the Establishment of and Procedure for Juvenile and Family Court' of 1991 (B.E 2534). The Act allows the prosecutor to drop charges against a young

offender if the director of the juvenile training centre recommends such a measure on the condition that the offender can change his or her behaviour and become a good person. Moreover, the Department of Juvenile Observation also devised the project called 'Family and Community Group Conferencing' or FCGC in 2003 so as to involve the community in playing a more active role. In conjunction with the provision of the 1991 Act, the FCGC has proved to be an effective restorative process to protect and rehabilitate juvenile delinquents and youth in conflict with the law.

With a consistent track record of success, restorative justice in Thailand has increasingly become the policy of choice in forging redress for the victims of crime, while doing away with all the inefficiency of compensation procedures. The challenge is for us to expand, monitor, and maintain high standards of practice to ensure that the process benefits victims, offenders, and the community as much as possible.

Excellencies,

Distinguished participants,

Where the Thai experience has offered a glimpse of the victims' compensation issue, I would argue further that mainstreaming gender sensitivity in crime prevention and criminal justice actions is also essential to the better treatment of victims. In so doing, I will address the relevant features of human trafficking, and of violence against women.

Human trafficking is a modern form of slavery, pure and simple. Forms of human trafficking include forced prostitution, exploitative labour, forced begging, and abduction for illegal purposes. What is more disturbing is that women and children, especially young girls, are the primary victims of this callous crime. Thailand has been

affected by human trafficking in three respects: (1) as a country of origin where women and children are sent to destination countries; (2) as a country of transit used as a channel for sending women and children to other countries; and (3) as a country of destination, where women and children from neighbouring countries face exploitation and violation of their rights. In most cases, victims are unwilling to disclose their identities and refuse to file official complaints against traffickers due to the influence of organized criminal groups.

Recognizing the plight of these vulnerable groups, Thailand has made strenuous efforts in preventing and fighting human trafficking, in fact, placing it on the national agenda. The hallmark achievement was the passage of the 'Prevention and Suppression of Human Trafficking Act' (B.E. 2551) by the National Legislative Assembly in 2008. For the first time, the Act clearly defines the various forms of human trafficking. The definition of 'exploitation', for example, covers sexual exploitation, production/distribution of pornography, other forms of sexual exploitation, slavery, forced begging, forced labour, trade in organs, or other similar forms of exploitation regardless of consent being given or not. The key elements of this Act cover the following:

- (1) heavier penalties imposed on all persons involved in human trafficking;
- (2) victims may claim compensation from the offender for any damages caused by human trafficking;
- (3) victims shall be provided with shelter and other necessities including physical, psycho-social, legal, educational, and health care assistance; and
- (4) the establishment of a fund to support the suppression and prevention of human trafficking, and welfare protection for trafficked victims. Moreover, the fund shall draw upon annual budgetary support from the government, funding from

intergovernmental and international organizations, donations from the private sector and confiscated assets of offenders convicted of trafficking.

Apart from the legislation, coordination among various Thai authorities has led to the intensification of national anti-trafficking efforts. These include:

- (1) setting up a system whereby complaints can be lodged, assistance can be given, and facilities can be provided for women and children;
- (2) creating public awareness of the issue so that the public would become the pressure group that would urge the governmental agencies or those concerned to carry out their operations against such exploitation;
- (3) giving assistance to those who wish to leave prostitution by providing various forms of services and training;
- (4) improving coordination with Thai embassies and consulates when Thai women and children abroad are found in exploitative commercial sex; and
- (5) setting up systems in Thailand that would help foreign women and children who are lured or forced into prostitution in Thailand. The system would repatriate such victims to their countries of origin.

With regard to the protection and recovery of trafficked victims, Thailand also established 96 temporary shelters and seven appropriate welfare homes to provide assistance to both Thai and non-Thai victims. Notable among these is the 'Baan Kredtrakarn Protection and Occupational Development Centre', which is widely recognized as a model centre in the region for its holistic approach to assistance to victims of trafficking. Most importantly, the government ensures that all victims are considered and treated as victims, and not as offenders. As such, these various anti-trafficking actions clearly demonstrate how gender sensitivity can have a positive

impact on the protection of victims' lives and rights.

Then, there is the issue of violence against women, which constitutes a violation of the human rights of women both in public and in private life. The crime manifests itself in multiple forms, namely domestic violence, rape, sexual abuse, prostitution, trafficking, hate crime, and pornography. For Thailand, domestic violence seems to be the prevalent focus. In the past, the government's responses to this social menace were scattered. But the Constitution of 1997 triggered a change in the conventional thinking, as it provided for the guiding principles on gender equality and safeguarding against gender-based discrimination. As a result, this culminated into the passage of the 'Protection of Victims of Domestic Violence Act' (B.E. 2550) in 2007.

Interestingly, the Act is the first legislation that features multidisciplinary responses to violence against women. The main goals are to protect victims of domestic violence, rehabilitate perpetrators, maintain family bonds, provide alternatives to criminal punishment, and promote public awareness on domestic violence. However, the implementation of this law still faces key challenges, especially due to lack of practical experience among practitioners as well as the inadequate understanding on the part of the public.

It is within this context that my personal involvement in the issue of violence against women has begun to take root. As some of you may be aware, I am also the UNIFEM Goodwill Ambassador to advocate for the United Nations 'Say No to Violence against Women' campaign in Thailand. The collection of over three million signatures in support of this cause in 2008 sent an unequivocal message that Thailand, as a nation, does not tolerate violence against women and girls. With this advocacy campaign,

it is adequate to say that the violence against women sentiment has become deeply ingrained in the subconscious minds of men and women in the Thai society.

Here, I would like to mention the project in Thailand jointly implemented by the Thai Ministry of Education and UNIFEM called 'Preventing Violence against Women and Children among Youth'. The project aims to build knowledge and understanding as well as sensitize students to ideas, perceptions, values and behaviours that generate gender inequality and violence against women and girls, through youth-initiated and school-based activities. In so doing, it undertakes to review existing school curricula and present recommendations for their appropriate revision. I personally think that this is a laudable effort that addresses the problem right at its root cause. Because at the end of the day, if our ultimate goal is to replace the mindset of masculinity with one of gender sensitivity, then the gradual inculcation of the present generation and the next may hold the key to the great leap forward we all have hoped for.

Excellencies,

Distinguished participants,

It goes without saying that responding to the needs of the victims is a common and shared responsibility of the international community. This certainly requires a renewed and robust crime prevention and criminal justice regime, especially one that takes into account the gender sensitivity of the victims, which often include women and girls. In my view, this can best be achieved by catalysing ways and means to update international standards and norms, where it is appropriate, in order to keep up with the challenges of a changing world.

It has been almost twenty-five years since the landmark 1985 'United Nations Declaration on the Basic Principles of Justice for Victims of Crime and Abuse of



Her Royal Highness presided over the opening of the special exhibition organized by the Government of Thailand at the margin of the 12th Session of the Human Rights Council in Geneva on 14 September 2009. The exhibition drew on the international campaign pioneered by the Enhancing Life for Female Inmates (ELFI) Project to raise an awareness on gender-specific needs of women prisoners. At the exhibition, Her Royal Highness was joined by the President of the Human Rights Council (Alex Van Meeuwen) and the High Commissioner for Human Rights (Navi Pillay).

Power’ was adopted. Though not a legally binding treaty, it serves as the minimum standards for the treatment of crime victims and has been heralded as the backbone of the international victims’ movement. The thrust of the Declaration addresses various aspects of victims’ rights, including treatment with respect, information on proceedings, legal aid, protection of privacy/identity, protection against retaliation/intimidation, compensation from the offender and the state, and social support/assistance.

Additionally, the 1985 United Nations Declaration has laid the groundwork for the codification of several basic principles of justice for victims in several international legal instruments. These include the United Nations Convention against Transnational Organized Crime and its Trafficking Protocol as well as the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law. For all intents and purposes, the Declaration has contributed to the strengthening of a legal norm for crime victims in many countries worldwide. As you have heard about the experience of Thailand in terms of law and policy development, you will recognize that Thailand, too, has benefited immensely from such accumulation of knowledge.

With the theme of victimology and human security in mind, I appreciate the opportunity to speak to this august gathering about two important Thai initiatives aimed at updating and supplementing the United Nations standards and norms on crime prevention and criminal justice. Interestingly, both will be formulated and formalized during the course of next year.

Firstly, let me focus on the ‘United Nations Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and

Criminal Justice’, annexed to General Assembly resolution 52/86 of 1997. This was essentially the response of the international community to the multifaceted nature of violence against women crime, as it necessitates different strategies for the diverse manifestations of violence and the various settings in which it occurs, both in private and public life. They aim at preventing the crime and providing assistance to the women victims of rape, sexual assault, domestic violence, and other forms of abuse.

Last year, during the 17th session of the Commission on Crime Prevention and Criminal Justice in Vienna, Thailand and Namibia led the joint effort that culminated in the adoption of CCPCJ decision 17/1 on ‘Strengthening crime prevention and criminal justice responses to violence against women and girls.’ In implementing this decision, Thailand hosted the intergovernmental expert group meeting with a view to updating the 1997 Model Strategies in Bangkok in March of this year. In this newly updated version of the text, the section on victim support and assistance reaffirms the 1985 United Nations Declaration and features the following aspects:

- the availability of information on victim rights;
- the protection of victims while filing complaints;
- the prevention of hardship during prosecution process;
- the right to seek reparation and restitution from the offender or compensation from the State;
- the recognition that children who have witnessed violence are in need of protection, care and support;
- the provision of full access to the civil and criminal justice systems, including free legal aid;
- the provision of all services and legal remedies to victims who are immigrant women, and trafficked women.

At the 19th session of the CCPCJ to be held in 2010, Thailand, and hopefully with the Group of Friends to Fight VAW based in Vienna, will present a draft resolution on this subject again so as to transmit the Updated Model Strategies to the General Assembly subsequently for adoption. Therefore, Thailand looks forward to support from all our partners, which will be crucial to our collective efforts towards our common cause.

Secondly, it is my strong conviction that the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners may no longer adequately address the specific needs of women prisoners – the forgotten population in the criminal justice system. More often than not, women prisoners are subject to revictimization while serving their sentences. This is why I initiated the project called ELFI, which stands for ‘Enhancing Lives of Female Inmates’ in order to respond to the specific needs of women in prisons and to mitigate the impact on their families and children. Accordingly, Thailand has developed the ‘Draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders’, which we hope will be finalized at the expert meeting to be held in Bangkok in November this year. Once the final text is agreed, Thailand will lead the efforts to present it to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice in Salvador, Brazil in 2010 with a view to transmitting it subsequently to the General Assembly for adoption.

I mention this because in the Draft United Nations Rules proposed by Thailand, there is a specific provision on information to and complaints by prisoners, which states and I quote:

“women prisoners who report abuse shall be provided immediate protection and support, and their claims investigated by competent and independent authorities, with full respect to the principle of confidentiality. Protection

measures shall take into account specifically the risks of retaliation by the alleged perpetrator of the abuse.”

This is the first time that the issue of confidentiality in reporting abuse has been proposed. It will be interesting to see how this will evolve come the November meeting. Nevertheless, this is an example of how the dynamics of international standards and norms can complement the strengthening of the victim-based approach.

Excellencies,

Distinguished participants,

As we have arrived at the crossroads in our future thinking on victimology, I believe that a coordinated response and action on the part of the international community will be crucial to strengthening the international regime for the protection of victims of crime. To promote such a movement, we must look at ways and means to mainstream the human rights and victim based approach into the agenda of the well-targeted international fora. Within the United Nations system, for example, these include the United Nations Crime Congress, the Commission on Crime Prevention and Criminal Justice, the Human Rights Council, and even the Security Council, especially its thematic debate on human security. For the intergovernmental and regional groupings, we also have the Human Security Network, the Organization for Security and Co-operation in Europe or OSCE, and ASEAN, to name but a few. That ASEAN is in the process of establishing its own regional human rights commission is a cause for optimism in itself. I understand that there is ongoing work within the circle of the World Society of Victimology to develop the new ‘United Nations Convention on Justice and Support for Victims of Crime and Abuse of Power’ based on the 1985 Declaration. In my view,

this idea merits consideration, especially as we approach the Twelfth United Nations Congress in Brazil next year. Thus, it is important for the proponents of this idea to keep the momentum going and to demonstrate strong advocacy prior to and at the Congress with a view to enhancing the dialogue and understanding, which will be needed as the base for possible consensus.

In conclusion, I would like to reiterate my most sincere gratitude for the organizers of this symposium. The discussion on human security and victimology could not have come at a more opportune time. While we gather here in Mito, Japan, unfortunately, millions of peoples in all corners of the world continue to be victimized. Therefore, our challenge here is nothing less than to find the way for the victims of crime to attain their freedom from want and freedom from fear. We need to state loud and clear that gender sensitivity must constitute the rule rather than an exception in this discourse. Without such consideration, all the talk about victim assistance and protection will be tantamount to a glass half empty.

No doubt, we have come a long way in our quest to promote women's rights in the administration of justice. In many cases, women are a silent majority, who often are not able to fully access justice, compensation, rehabilitation, and reintegration. But with adequate assistance and care by all sectors of the society, their human security can be rebuilt, and their dignity restored. For only when we seek to inspire women and girl victims of crime can they muster the strength to strive for the flame of hope – the hope to live for tomorrow's dawn.

I thank you very much for your attention.

2

Keynote Address

at

Launch of the Network of Men Leaders

on the Occasion of the Official UN Observance of the International Day for
the Elimination of Violence against Women*

United Nations Headquarters, New York

24 November 2009

Your Excellency Mr. Ban Ki-moon, Secretary-General of the United Nations,

Your Excellency Mr. Knut Storberget, Minister of Justice and Police of Norway,

Ms. Ghida Anani,

Distinguished representatives of the media,

Ladies and gentlemen,

On this auspicious day of the 10th anniversary of the International Day for the
Elimination of Violence against Women, I have the pleasure to be invited to speak

* In 2008, Her Royal Highness was appointed United Nations Development Fund for Women (UNIFEM) Goodwill Ambassador for Thailand to raise awareness on violence against women. Serving in that role, she attended the commemoration of the Tenth International Day for the Elimination of Violence against Women, held at the United Nations Headquarters in New York. Speaking in the presence of, among others, Secretary-General Ban Ki-Moon, she helped launch the global 'Network of Men Leaders' designed to commit men and boys to the ending of violence against women

keywords: gender sensitivity, violence against women

at the launch of the 'Network of Men Leaders.' Engaging men and boys to commit themselves to ending such violence is crucial and long overdue. As such, I sincerely congratulate the Secretary-General for his personal commitment to reinvigorating his UNiTE campaign towards this new and exciting direction.

Violence against women is a violation of the human rights and dignity of women, both in public and private life. It is a global phenomenon that must be urgently addressed through our collective efforts. While there may be no one-size-fits-all solutions, I strongly believe that prevention can be as effective as the cure, if not better. So it is encouraging when men leaders have resolved to confront gender-based violence head on, particularly through fostering a culture of tolerance and of respect for women. I believe that involving men leaders is the right direction to go.

On the symbolic level, this new network will send out a strong signal that violence against women will not be tolerated. For the dynamic aspect of the global campaign, this is a welcome addition to our ongoing effort. For one thing, this network will provide us with a means to reach out to a wider target group. But perhaps more importantly, the focus on men and boys will reshape the basic architecture of the campaign into a more inclusive and therefore, a more balanced one.

From my own experience working for the campaign 'Say No to Violence Against Women' in Thailand, I have witnessed a change in attitude and the impact of this change on the campaign dynamic. One prime example is the project we undertook in close collaboration with UNIFEM on the prevention of violence against women among school children. The idea is to engage school children to rethink about the norms and values that condone the practice of violence against women. Boys and girls

were given free rein to tailor their own activities, which helped create an environment of openness and empathy in school. Through this type of youth-initiated activities and review of the school curriculum, young students are sensitized towards the change in their ideas, perceptions, values, and behaviours that generate gender-based violence. No doubt, such inculcation will go a long way towards strengthening the immune system of our next generation.

So as we launch the new phase of the UNiTE campaign, let this be the new environment where men and women leaders work side by side to replace the mindset of masculinity with one of gender sensitivity. Thailand stands ready to cooperate with the United Nations on this important initiative.

Thank you very much.

3

Keynote Address

**‘Combating Violence against Women, with Particular Emphasis on Women
held in Places of Detention and Imprisonment’**

at

15th Meeting of Women Parliamentarians

122nd Assembly of the Inter-Parliamentary Union*

Bangkok

27 March 2010

Mr. Theo-Ben Gurirab, President of the Inter-Parliamentary Union,

Mr. Chai Chidchob, Speaker of the House of Representatives of Thailand,

Excellencies,

Distinguished delegates,

Ladies and gentlemen,

It is a distinct honour and privilege to address the Fifteenth Meeting of Women

* The Inter-Parliamentary Union, established in 1889, is a major organization that is made up of members of national parliaments from around the world. Its purpose is to protect and build global democracy through political dialogue and concrete action. It held its 122nd Annual Assembly in Bangkok. The Forum of Women Parliamentarians, in turn, leads political work to redress the gender imbalance in political representation in national parliaments, IPU bodies and IPU assemblies, and in general promotes gender equality. It held its 15th biannual meeting in connection with the IPU Assembly in Bangkok. Her Royal Highness, in her Keynote Address, reflected on her experience in promoting gender sensitivity within corrections, and in work against violence against women.

keywords: Bangkok Rules, gender sensitivity, standards and norms, violence against women, women prisoners

Parliamentarians on various aspects of violence against women. First of all, I would like to welcome all of you to Bangkok. I congratulate the Inter-Parliamentary Union and the House of Representatives of Thailand for their commendable efforts and collaboration in hosting this meeting. I wish you every success in your deliberations.

I'm particularly gratified that women parliamentarians from around the world have advocated strongly for the elimination of violence against women -- an issue close to my heart. According to the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women in 1995, violence against women both violates and impairs or nullifies the enjoyment by women of their human rights and fundamental freedoms. The crime manifests itself in various forms, namely domestic violence, rape, sexual abuse forced prostitution, trafficking, and pornography, to name a few.

But what happens if violence against women is committed behind closed doors, beyond the realm of public scrutiny? Yes, I'm referring specifically to women held in places of detention and imprisonment. Over the past years, the number of women prisoners worldwide has continued to increase dramatically. Problems concerning the degradation and abuse of women prisoners have begun to emerge. This poses challenges to both the prisoners themselves and the criminal justice systems.

In my presentation today, I will focus on the treatment of women prisoners and aspects of violence associated with it. I also take this opportunity to touch upon the issue of violence against women, sharing with you the experience of Thailand in tackling these issues domestically. Finally, I will share with you a few thoughts about what women parliamentarians can do to address these issues.

Excellencies,
Distinguished delegates,

Women prisoners are often regarded as the forgotten population. They are probably the most vulnerable to violence, as their only protection is the mercy of their very perpetrators. The level of violence against women in prisons around the world varies, depending on the background factors. What needs to be understood, however, is that such violence doesn't always come in physical form. Psychological stress due to the double jeopardy of doing time and being discriminated against can constitute violence in itself. The pain of separation from children can also aggravate the trauma, and selfharm.

As a prosecutor serving in the Thai Office of the Attorney-General, I have also dealt with many cases involving women offenders. I strongly believe that, unless the crime committed is a serious one, the imprisonment of women should be a punishment of last resort. Women should not be put in prison simply for petty offences or for their inability to pay fines. We should resort to alternatives to imprisonment and to non-custodial measures so as to reduce caseload and overcrowding. But when imprisonment of women is warranted, we need to ensure that a rights-based approach has become the prevailing order of the day.

Recognizing the need to mainstream gender sensitivity in the work of the Department of Corrections, I decided to launch a charitable project in 2006 called 'Kamlangjai', translated in English as 'Inspire'. Since the experience of Thailand is not so much about physical violence, the project aims primarily to provide moral support, basic health care, and opportunities for women prisoners, both while serving sentence and after

release. With a second chance to return to society as good citizens, these women can be ‘inspired’ by positive thinking, strengthening their inner selves to live a meaningful life.

I strongly believe that the moral support approach can help lessen the risk of violence that stems from the psychological distress and despair of women prisoners. Aware that this condition is largely due to issues concerning the bonds between mother and child, the Kamlangjai project emphasizes the provision of assistance to pregnant and nursing inmates and children living with mothers in prison. It also seeks to promote career opportunities for women prisoners upon their release so as to minimize the chance of recidivism.

Excellencies,

Distinguished delegates,

While Kamlangjai offers a micro-perspective of how Thailand is trying to improve its own standards, the fact remains that the insensitive treatment of women prisoners, including the violence against them, is a global phenomenon, albeit with varying degrees. To correct this anachronistic course, we need to look at the source of inspiration for correctional policies and management worldwide. Yes, I’m referring in particular to the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the SMRs.

Adopted in 1955, the SMRs continue to be the most authoritative international instrument that guides Member States in the humane treatment of prisoners. Designed for the general prison population, primarily men prisoners, the SMRs lack precise provisions that address the specific needs of women prisoners and their vulnerability



Her Royal Highness delivered keynote remarks at the High Level Debate on Transnational Organized Crime organized by the General Assembly at United Nations Headquarters in New York on 19 June 2017. The meeting was held to also commemorate the passing of 25 years since the assassination of Judge Giovanni Falcone who championed the investigation of organized crime.

to violence. This can no longer reflect the reality in our fast changing world today, where gender sensitivity is the name of the game.

Within this context, I thought we could perhaps broaden the focus of the Kamlangjai project internationally with a view to remedying this gender gap. In 2008, I decided to launch another project called 'Enhancing Lives of Female Inmates' or 'ELFI'. This project aims at developing a more comprehensive set of standards specifically geared towards women prisoners based on the SMRs.

Having incorporated the work done by two expert meetings held in Bangkok last year, the ELFI project has spawned the new draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders. Thailand is now ready to lead efforts to present the draft to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice in Salvador, Brazil, next month. Subsequently, we will also bring it forward to the 65th Session of the United Nations General Assembly in September this year for its final adoption.

The new draft UN Rules contain several provisions that are related to the issue of violence against women in the prison setting. For instance, there are provisions that highlight a gender-sensitive way of caring for them. These include: comprehensive health screening that determines prior sexual abuse and other forms of violence; proper consultation with women prisoners as to whom, including which family members, are allowed to visit them; and prison staff training on the prohibition of discrimination and sexual harassment.

On sexual abuse or other forms of violence, there is a provision that covers informing woman prisoners of their right to seek recourse from judicial authorities upon detection of the existence of such violence, before or during detention. If the woman wishes to take legal action, prison authorities must refer her case immediately to the competent authority for investigation, while providing access to legal, psychological support or counselling.

Furthermore, the new rules also address the subtler form of violence exacerbated by the psychological trauma and stress felt by women prisoners. These include: avoiding the use of punishment by close confinement or disciplinary segregation for pregnant women, breast-feeding mothers and women with infants in prison; avoiding the use of a prohibition of family contact, especially with children, as disciplinary sanctions; and non-use of instruments of restraint on women who are in labour, during birth, and immediately after birth.

Excellencies,
Distinguished delegates,

Outside the context of corrections, women around the world still suffer from gender-based violence at an alarming rate. To emphasize, violence against women is a violation of human rights, dignity and gender equality. Therefore, the international community must strongly condemn all acts of violence against women and ensure that they have no place in all societies.

For Thailand, the pervasive form of violence against women is a domestic one. In the past, our legislative response to this problem may have lacked a holistic approach.

Then, the Thai Constitution of 1997 created a change by introducing guiding principles on gender equality and gender-based discrimination, paving the way for the passage of the Protection of Victims of Domestic Violence Act in 2007. This law features, for the first time, multidisciplinary responses to violence against women, including victim protection, perpetrator rehabilitation, alternatives to criminal punishment, and the promotion of public awareness of domestic violence.

My involvement in the issue of violence against women started when I accepted the invitation to be the UNIFEM Goodwill Ambassador for Thailand in 2008. The ‘Say No to Violence against Women’ campaign in Thailand resulted in the collection of over three million signatures in support of the cause. This sent an unequivocal message that Thailand, as a nation, will not tolerate violence against women.

To address violence against women at its roots, I strongly believe that education is key. I would like to mention an example in Thailand whereby the Thai Ministry of Education and UNIFEM have jointly implemented the project called ‘Preventing Violence against Women and Children among Youth’. Through youth-initiated activities and review of school curricula, young students are sensitized towards a change in their ideas, perceptions, values, and behaviours that generate gender-based violence.

Excellencies,

Distinguished delegates,

The United Nations Secretary-General’s UNiTE campaign has been instrumental in supporting tangible actions to end violence against women in all parts of the world. In November last year, I had the honour to join him at a press conference in New York to launch the ‘Network of Men Leaders’ to engage men and boys in ending such violence.

This is crucial and long overdue, and I sincerely congratulate him for his personal commitment to reinvigorating the UNiTE campaign. Make no mistake, we're not going to replace the mindset of masculinity with one of gender sensitivity, until and unless we're actively involving men and boys in our common destiny!

Excellencies,
Distinguished delegates,

I'm heartened to note that women parliamentarians have placed violence against women and women prisoners high on the agenda. With the renewed sense of activism and advocacy, you, women parliamentarians around the world, have the power to bring about real change in our business as usual. That said, here are some of the ways you can help champion this noble cause.

1. Strengthening of international standards and norms – The United Nations General Assembly this year will have a tall order in considering and approving two documents related to gender issues, namely Thailand's proposal for the draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, and the draft Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice. You should help convince your governments of the necessity to support the adoption of these two items as a matter of priority.
2. Development of legislation – Once these two documents are adopted, you should use them as a benchmark to review, evaluate, or develop domestic legislation, and strategies to ensure adequate programmatic responses to all forms of violence

against women, particularly domestic violence. Concurrently, these should include correctional reform and training of criminal justice officials that are geared towards gender sensitivity.

3. Increased budget and funding – You can play a very influential role in increasing the budgetary profile of programmes on violence against women, particularly with respect to victim assistance and urban planning for public safety. In respect of programmes on women prisoners, special attention should be paid to the refurbishment of correctional facilities and the provision of health care services, in line with what is envisaged in the draft United Nations Rules.
4. Raising of public awareness – You have a unique and powerful voice to raise public awareness about violence against women and the plight of women prisoners. This can be achieved through a dialogue with your constituencies, the media, and various public fora. In so doing, you should aim to enhance the synergies among governments, non-governmental organizations, and civil society.

Excellencies,

Distinguished delegates,

Combating violence against women, including in prison settings, requires the strong political will of Member States. Caring for victims of such violence is a call for our moral duty. We must find ways and means to mainstream women's rights and dignity in the administration of justice. We must inculcate our children of today on gender issues so as to create the next generation of men who respect women. But above all, we must inspire those with a painful past to have courage to live with hope.

4

Video Statement

'Prevention of Violence against Migrants, Migrant Workers and Their Families'

for

the Webinar organized by the United Nations Office on Drugs and Crime,
the United Nations Information Service,
the Academic Council on the United Nations System, and
the University of Vienna

21st Session of the United Nations Commission on Crime Prevention and
Criminal Justice*

Vienna International Centre, Vienna

18 April 2012

Distinguished participants,

Dear students,

Ladies and gentlemen,

* The United Nations Commission on Crime Prevention and Criminal Justice is a functional Commission of the Economic and Social Council, and is the principle policy-making of the United Nations in crime prevention and criminal justice. It holds annual sessions in Vienna. Each session features a thematic debate on a key topic. The theme at the 2012 session related to the protection of migrants. In connection with this thematic debate, the UNODC, working with other entities, organized an internet-based session that brought in the input of academics and other stakeholders from around the world.

keywords: smuggling of migrants, trafficking in persons, victims, vulnerable groups

It is my pleasure and honour to speak at the opening of the webinar related to ‘The Prevention of Violence against Migrants, Migrant Workers, and Their Families’ jointly organized by the United Nations Office on Drugs and Crime, the United Nations Information Service, the Academic Council on the United Nations System, and the University of Vienna.

As this is a topic for the Thematic Debate of the United Nations Commission on Crime Prevention and Criminal Justice at its 21st session, I would like to commend the organizers for designing this timely webinar course for the international academic community.

Ladies and gentlemen,

It is estimated that there are about 214 million migrant workers in the world today, representing more than three percent of the world population. The effects of globalization have increased the propensity for people to migrate in search for a better life and employment opportunities.

It must be recognized, however, that migrants are often victims of crime. Once in foreign lands, migrants, migrant workers, and their families, particularly migrant women and migrant children, are vulnerable to abuse, violence, and exploitation. Violence can take many forms, including trafficking in persons, the smuggling of migrants, racial discrimination, hate crimes, and other victimization. Undocumented or irregular migrants are especially vulnerable and face particular challenges, including the inability to seek protection and relief from the authorities, and in many cases, basic labour protections, guarantees of due process, personal security and health care. They

are more likely to be targeted by xenophobes and racists, victimized by unscrupulous employers and sexual predators, and can easily fall prey to criminal traffickers and smugglers.

Understanding the nature and extent of violence against migrants, migrant workers, and their families is difficult. Migrant populations tend to underreport crime, thus preventing adequate use of policy and law enforcement resources. Undocumented migrants are unlikely to be included in victimization surveys and are often deterred from reporting crime for fear of being deported or detained.

Access to legal aid for migrants is also limited. In the context of investigation and criminal proceedings, problems can include language barriers, cultural differences, and lack of understanding of a foreign criminal justice system.

Violence against migrants, migrant workers and their families is a problem affecting many States. Responses to the problem must be multi-sectoral and multidisciplinary, involving all relevant sectors of government and civil society. Responses must also take into account the international legal framework and relevant political commitments.

On the human rights of migrants, the relevant instruments include the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families. There is also a series of International Labour Organization conventions and recommendations to protect migrants in the realm of employment.

From the perspective of crime prevention and criminal justice, the United Nations Convention against Transnational Organized Crime and two of the Protocols there to, namely the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol, are the key instruments.

The smuggling of migrants is a complex process, which must be analysed in order to develop effective prevention strategies. Increased border control measures may have the result of diverting routes elsewhere, thus increasing the likelihood of smugglers' using riskier routes that may cause migrants to lose their lives.

If migrants are returned to their country of origin without consideration of the broader issues involved in their decision to migrate, they may simply attempt another journey. There are important push and pull factors that cause a person to become a migrant or a migrant smuggler.

Also, the prevention of trafficking in persons requires coordinated and comprehensive responses. Efforts to deter traffickers by addressing the root causes that led them to become traffickers must go hand in hand with the deterrent impact of criminal justice efforts. Victim assistance efforts to break the cycle of trafficking must be directed at preventing victims both from being re-trafficked and from becoming traffickers.

In this, data collection should take place at every opportunity. As more information about traffickers and their methods becomes available, efforts to prevent trafficking can be better targeted.

Ladies and gentlemen,

In order to fight violence against migrants, migrant workers and their families, Member States should have in place effective, fair and humane criminal justice systems. Law enforcement and criminal justice responses to the problem should be guided by United Nations standards and norms in crime prevention and criminal justice. National criminal justice strategies, based on human rights and the rule of law, are key instruments in addressing this and related issues in a comprehensive way.

I am a true believer of the notion that ‘prevention is better than cure’. The United Nations Guidelines for the Prevention of Crime can be an effective tool in this regard. Among other things, the Guidelines provide that governments and civil society should try to analyse and address the links between transnational organized crime and national and local crime problems, including by designing crime prevention strategies to protect socially marginalized groups.

In addition, preventive measures must also include awareness-raising campaigns to combat discrimination and intolerance; access to justice, including removing linguistic, social and cultural barriers to improve access; support and assistance to migrant victims; measures to improve relations between migrants and the police; as well as media relations with migrant communities. Equally important is the emphasis on education and training for police and other relevant criminal justice officials, particularly in the areas related to the implementation of the Trafficking and Smuggling Protocols as well as human rights education.

Finally, international cooperation is crucial in addressing transnational crime issues, including where they involve violence against migrants, migrant workers and their families. The whole range of formal and informal channels for cooperation should



Her Royal Highness visited the ASEAN Secretariat in Jakarta to discuss regional cooperation to promote access to justice and the rule of law, Jakarta, 2 April 2018.

be utilized and strengthened by Member States. At an operational level, informal arrangements can help law enforcement agents and investigators to obtain or pass on information quickly across borders. Formal cooperation for purposes of extradition, mutual legal assistance and transfer of convicted persons is equally important. In most cases, it is based on bilateral or multilateral treaties, including relevant or regional agreements.

Ladies and gentlemen,

Preventing violence against migrants, migrant workers and their families is our common and shared responsibility. We need to redouble our efforts to strengthen the rights-based criminal justice system and measures that cater to the special needs of their vulnerability. We need to improve the situation of migrant women and migrant children particularly as they are vital to saving the succeeding generation from the scourge of violence. We need to foster the culture of tolerance through education and dialogue.

On that note, I would like to express my sincere thanks to the United Nations Office on Drugs and Crime, the United Nations Information Service, the Academic Council on the United Nations System, and the University of Vienna for initiating the webinar course on this important subject. As Chair of the Commission on Crime Prevention and Criminal Justice, I greatly value the importance of enhancing international criminal justice education.

I wish all the participants and students good success in this course.

I thank you very much.

5

Commencement Address
at
Chicago–Kent College of Law*
Chicago
13 May 2012

Dean Harold Krent,

Dean Stephen Sowle,

Ms. Laurel Bellows,

Distinguished members of the faculty, loving parents and families,

Ladies and gentlemen, and above all, brilliant members of the class of 2012,

It is indeed a distinct privilege to stand before you this afternoon. Thank you for the honour and for welcoming me so warmly here. I share this very moment of excitement with you and celebrate your achievements with great joy. Congratulations to the class of 2012!

Law school life is never easy. I know that for a fact because I too, had been a law student. Imagine a student working on the final presentation in a school library late

* The Chicago-Kent College of Law is a law school affiliated with the Illinois Institute of Technology, and is the second oldest law school in the state of Illinois. In 2012, Her Royal Highness was the recipient of an honorary doctoral degree from the College of Law, and gave the Commencement Address to the graduating class of 2012.

keywords: Bangkok Rules, gender sensitivity, vulnerable groups, women prisoners

at night when all of a sudden the electricity went off before she could save her file. Yes, I was that student. So today is the time to celebrate. You deserve to enjoy this moment for all the hard work you have been through.

Graduation marks an important milestone. For some, it signifies the beginning of a life-long journey, while for others it could be just an unfamiliar crossroads. I view life as a big jigsaw puzzle. Surely anyone would be anxious to finish the entire picture nicely. But the fun only comes from the act of putting small pieces together, don't you think? No matter how insignificant each piece may seem, it is one part that helps us complete the picture of our life.

As for me, the picture that I'm trying to create is to make a difference in other people's lives. I come from a country where access to justice is still a problem, especially for the poor and the underprivileged. So I decided to become a public prosecutor and chose to work in remote provinces, up in the north-eastern part of Thailand.

Working with less privileged people, I have come to know about the plight of female inmates and their babies who are among the most vulnerable groups in the justice system. I cannot take my mind off the fact that these women have to serve their time in facilities that may NOT have been designed to meet women's specific needs. Worse is that so many of them have dependent babies too young to be raised somewhere else apart from their mothers. Clearly, there is a great need for gender sensitivity being mainstreamed in corrections management policy.

I decided to start putting together various support and assistance schemes for these female inmates under the project called 'Kamlangjai' or 'Inspire' in English. We

worked on one prison facility at a time and soon expanded the network of support to the national level.

A couple of years later, we thought it was time to bring the story of women behind bars to an international forum. The campaign was well-received and I am happy to tell you that, in 2010, the 65th session of the UN General Assembly adopted the new international standard for the treatment of women prisoners, called the Bangkok Rules. It was beyond my imagination to see that a mere personal inspiration can create an impact of such scale at the international stage.

One opportunity often leads to another. This year I received an invitation to serve as the Chairperson of the 21th session of the UN Commission on Crime Prevention and Criminal Justice. From being a prosecutor in the rural area, I became an ambassador working with an international organization. This experience proved to me that life is full of possibilities. And I am in the early stage of exploring it too. Who knows what will become of me after this year when my chairmanship ends.

Each of you, too, has your own jigsaw puzzle to work with. You may have in mind what the complete picture should look like but you will never know for sure unless you try. In some rare occasion, an opportunity may simply come knocking on your door. But often, it just floats by, softer than the softest breeze. So always keep your eyes wide open for the opportunity that speaks to your heart and seize it. The knowledge you have gained will enable you to do just about anything. But remember, you should not forget to inject a sense of joy, passion and optimism in any of your undertakings. And along the way if you can make the society a more equitable and humane place, all the better.

I emphasize once again how being here with all of you brings back warm and happy memories of my own commencement day. I am truly honoured to be a part of this celebration. I wish you well in all your endeavours and hope there will be more and more successes lying ahead for you in the months and years to come.

Congratulations again class of 2012.

6

Statement

‘Drugs and Crime as a Threat to Development’

at

Panel Presentation of the UNGA Thematic Debate*

66th Session of the United Nations General Assembly

United Nations Headquarters, New York

26 June 2012

Mr. Chairperson,

Mr. Yury Fedotov, Executive Director of the UNODC,

Excellencies,

Distinguished delegates,

Ladies and gentlemen,

First of all, I would like to express my sincere appreciation to His Excellency Nassir Abdulaziz Al-Nasser, President of the 66th session of the UNGA, for organizing this important thematic debate on ‘Drugs and Crime as a Threat to Development,’ and

* A regular feature of United Nations General Assembly sessions is the organization of a thematic debate. The topic in 2012 was ‘Drugs and Crime as a Threat to Development’. This thematic debate contributed in part to the incorporation of Goal 16, on security, justice and the rule of law, into the 2030 Agenda on Sustainable Development, adopted by the General Assembly three years later, in 2015. Her Royal Highness, in her panel presentation, presented arguments for recognizing the fundamental role of the rule of law in sustainable development.

keywords: alternative development, MDGs, rule of law, sustainable development, transnational organized crime, vulnerable groups

for inviting me to attend. This thematic debate provides us with a great opportunity to discuss a most pressing issue - how we could effectively prevent the adverse impacts of drugs and crime on development in a comprehensive and coordinated manner.

In today's globalized world, crime has evolved and expanded into more complex activities, involving multi-faceted networks of criminal organizations with a transnational nature. Crime and corruption undermine the rule of law, the justice system, and society as a whole, especially in fragile and post-conflict states where such essential institutions are inherently weak. Crime not only causes injustice, inequality and human rights violations, but also hinders an enabling environment necessary for sustainable development.

Those who are deprived of an opportunity for development may choose the path of crime as a way out of poverty, without realizing that they are contributing to the cause of their despair. They become victims of an endless vicious cycle. I would thus like to underline the centrality of crime prevention and the rule of law in the debate. Longterm sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other, as recognized in the Salvador Declaration. In my remarks, I will focus on some of the challenges and opportunities in making this a virtuous, instead of vicious, circle.

Ladies and gentlemen,

In addressing the challenge of mainstreaming crime prevention into development initiatives, the Millennium Development Goals (MDGs) must be a first premise.

As we approach the target date of the MDGs in 2015, all of us need to constantly reassess whether those goals could be fully achieved. This is not for the insufficiency of resources invested in achieving them, but rather due to the prevalence of crime and corruption in many countries that have undermined the rule of law and weakened the economy, hampering progress in this respect.

Corruption diverts resources away from activities that are vital for poverty eradication, the fight against hunger and sustainable development. It also impedes the delivery of effective foreign development aid and discourages direct foreign investment. Economic crimes and intellectual property theft are emerging crimes that further impede development, while human trafficking, in which women and children are mainly targeted, represents lost economic opportunities, including the irreversible loss of human resources and future productivity that may have helped promote development. In many countries, local mafias are engaged in loan sharking and violent debt collection from the loans they make to poor villagers. Out of fear and pressure to pay their debt, the poor themselves resort to criminal activities, thus perpetuating this vicious cycle.

At the 21st session of the CCPCJ in Vienna, member states discussed extensively crime trends, including cybercrime and trafficking in cultural property, and the linkages between various types of crimes, including illicit drugs, human trafficking, money laundering, corruption as well as, in some cases, terrorism. We also recommended to the ECOSOC for the adoption by the General Assembly a draft resolution entitled ‘Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking.’ This sends an unequivocal

message that a robust rule of law is needed in order to rid the world of these scourges, while promoting sustainable development, peacekeeping and peacebuilding.

It is true in every sense that one major challenge is achieving widespread recognition of the link between achieving development targets and crime prevention. One difficulty lies in the fact that the MDGs make no specific reference to transnational organized crime. As such, concurrent efforts in reducing criminality and crime related violence are not organically linked to their attainment. Another difficulty has to do with the assessment of how much crime prevention contributes to the outcome of development, which may discourage stakeholders from committing their resources. Some may even question the relevance of the link between crime prevention and development entirely.

On the contrary, I strongly believe in the tangible benefits of crime prevention to sustainable development. Following the Rio+20 Conference, it is high time that we advocate for a paradigm shift in this direction. The next UN Congress on Crime Prevention and Criminal Justice to be held in Qatar in 2015 coincides with the year the MDGs cycle ends. Championing transnational organized crime, justice and the rule of law in the post-2015 development agenda should be our priority, and we must not let this be a missed opportunity.

Ladies and gentlemen,

The implementation of the UN Convention against Transnational Organized Crime and the protocols thereto, the Convention against Corruption as well as the drug control conventions serves as a prime objective in addressing the crime development nexus. There is also a set of UN standards and norms, for example, the updated

UN Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice which directly relates to MDG 3 on promoting gender equality and the empowerment of women. The UN Guidelines for the Prevention of Crime are also relevant as they contain strategies that not only prevent crime and victimization, but also contribute to the sustainable development of countries.

The linkage between crime and development is not a one-way street. While crime has an adverse impact on development, development can help resolve crime. Sustainable alternative development is one such example, and I am pleased to mention the case of Thailand where opium cultivation has been drastically reduced to near zero rates, through the provision of alternative legitimate income sources and the strengthening of vulnerable communities. Communities without drugs and crime are sustainable communities that are healthy and resilient, and where women and children meet the basic development indicators.

I would urge all states to examine their existing crime prevention and criminal justice programmes in order to identify potential benefits for development, to share their best practices, and to establish networks of cooperation. This allows all stakeholders, including intergovernmental, regional, sub-regional organizations, NGOs, and the private sector, to better coordinate their efforts against transnational organized crime and its impact on development. Thailand stands ready to share our experiences in sustainable alternative development to assist international efforts to fight the drug problem.

Ladies and gentlemen,

To improve the coordinated efforts of the international community, the system of coherence and communication at all levels is key. I therefore applaud the Secretary-General's decision to establish the UN Task Force on Transnational Organized Crime and Drug Trafficking which aims for an effective UN system-wide approach that integrates responses to transnational organized crime into its peacekeeping, peacebuilding, security and development activities. The Task Force comprises several UN agencies related to these issues such as UNODC, the Department of Political Affairs, the Department of Peacekeeping Operations, the UN Peacebuilding Commission, the UN Development Programme, UN Women, and WHO, among others. It is hoped that the Task Force's effort to 'Deliver as One' will provide states with new directions and strategies to integrate crime prevention and criminal justice elements into their development programmes.

I also firmly support the ongoing efforts at enhancing coordination and dialogue between ECOSOC and its functional commissions, namely the CCPCJ and the CND. In chairing the CCPCJ, I have always been conscious of the need to promote such greater engagement and coordination not only with ECOSOC, but also with the other functional commissions to promote the cross-fertilization of ideas. Already, ECOSOC requested its functional commissions to examine the post-2015 development agenda as it pertains to their respective mandates.

It is encouraging to note that the main theme and agenda items for the 13th Crime Congress which were agreed at the 21st session of the CCPCJ clearly reflects the desire of the CCPCJ to place its work into the wider UN agenda, including in addressing

socio-economic challenges and promoting the rule of law in support of sustainable development. We could also benefit from the resources and expertise of the UN Crime Prevention and Criminal Justice Programme Network Institutes for the substantive preparation of the Congress.

As Chairperson of the governing body of the UNODC, I would like to stress that the threats emanating from drugs and crime to development are clear and present. We, the international community, have a common and shared responsibility to ensure that the UNODC is financially adequate to respond to these threats. I am convinced that the UN regular budget increase in the overall financial situation of the UNODC will further strengthen its capacity. The General Assembly, and particularly the Fifth Committee, has an important role to play in this regard.

Drugs and crime also entail a negative impact on the security of states, especially those emerging from conflict. To reverse the trend, I believe that transitional justice and justice sector reform should figure prominently in any peacekeeping and peace-building effort. We need to restore the rule of law in such societies so as to give them the immune system necessary against these destabilizing effects.

Ladies and gentlemen,

In closing, it should be underlined that crime threatens the attainment of sustainable development. The prevalence of crime leads to instability and insecurity which would damage even the most accomplished development efforts. We must be mindful that peace, security, and development are interlinked and mutually reinforcing, and cannot be sustainable if each stand in isolation. Thus, a true integration of crime



Her Royal Highness made a presentation as one of the panelists in the Thematic Debate on 'Drugs and Crime as a Threat to Development,' organized by the 66th Session of the United Nations General Assembly at United Nations Headquarters in New York on 26 June 2012. Her Royal Highness, in the capacity as the Chairperson of the 21st Session of the United Nations Commission on Crime Prevention and Criminal Justice, presented arguments for recognizing the fundamental role of the rule of law in sustainable development.

prevention into development efforts will be an important step forward. I therefore urge all states and stakeholders to commit sufficient resources to the strengthening of crime prevention and criminal justice systems and the rule of law, through enhanced technical cooperation, the sharing of experiences and best practices, and promoting other forms of cooperation amongst all stakeholders. Now is the time for us to unite against the threat of crime in order to ensure that development is truly sustainable.

I would like to take this opportunity to thank Mr. McLay, Mr. Fedotov, and all those involved in organizing this important and timely thematic debate. I look forward to the presentations and a lively and meaningful discussion this afternoon.

Thank you.

7

Remarks

at

**Luncheon Hosted by Her Excellency Ms Quentin Bryce AC CVO,
Governor-General of the Commonwealth of Australia*
Government House, Canberra, 16 August 2012**

Your Excellency,

Distinguished guests,

I am deeply grateful for the warm hospitality extended to me by Your Excellency and the Government of Australia during my stay in Australia. I am very pleased that my visit coincides with the 60th anniversary of the diplomatic relations between Australia and Thailand.

Today, I am honoured and pleased to be among the circle of friends - friends of women, friends of children, and friends of Thailand. Your work and experiences are truly inspiring and interesting. They indeed cover a wide range of activities from research and education, groundwork assistance programs, community-based programs, public service, advocacy and policy development, as well as international cooperation at large. I admire and would like to learn more about the work of each of

* At the outset of a five-day official visit to Australia to discuss various issues related to gender mainstreaming, Her Royal Highness was the guest of the Governor-General of Australia. Her Royal Highness took the opportunity to emphasize the importance of sustainable development and human rights.

keywords: vulnerable groups, women prisoners

you which is making a difference in a number of key areas including law and justice, family studies, sustainable development and health, public governance, human rights promotion, access to justice as well as gender mainstreaming which is also my area of keen interest. I look forward to meeting with more men and women in the next few days, whose work will surely be inspiring, and hope that I can share some of my experiences working for female inmates and children in Thailand. I particularly look forward to meeting some of the practitioners and programme managers from the Women's Legal Service of New South Wales tomorrow in Sydney.

Again, I would like to take this opportunity to extend my deepest appreciation to Your Excellency for your hospitality extended to me and my delegation during this visit and for hosting this wonderful gathering today.

Now, if I may ask that all of you join me in a toast,

Her Majesty the Queen and the People of Australia

8

Keynote Speech

‘Towards a New Global Agenda: Integrated Crime and Justice Policies for the Rule of Law and Development’

at

4th Annual Conference of the Asian Criminological Society*

Seoul

20 August 2012

Your Excellency Mr. Lee Soo Sung, Former Prime Minister of the Republic of Korea,

Your Excellency Mr. Kwon Jae Jin, Minister of Justice of the Republic of Korea,

Professor Il-Su Kim, President of the Korean Institute of Criminology,

Professor Dr. Lim Jian Hong, President of the Asian Criminological Society,

Distinguished participants,

Ladies and gentlemen,

It is my pleasure and honour to speak at the opening ceremony of the 4th Annual

* The Asian Criminological Society promotes the study of criminology and criminal justice across Asia, and in so doing provides a needed regional perspective on crime prevention and criminal justice. It also promotes communication between theory and practice, and between criminologists and criminal justice practitioners. The theme of the Fourth Annual Conference, held in Seoul, was closely tied to ongoing work within the United Nations on the rule of law and sustainable development. In her keynote speech opening the conference, Her Royal Highness provided an overview of related developments in the ASEAN region and within the United Nations.

keywords: alternative development, ASPC, drug policy, MDGs, rule of law, SDGs, sustainable development, transnational organized crime, UN Crime Congress

Conference of the Asian Criminological Society. First of all, I would like to express my sincere appreciation to all members of the Asian Criminological Society – Korean Institute of Criminology Organizing Committee and the Program Committee for their hard work in preparing this important conference. I look forward to learning and exchanging ideas with fellow scholars and practitioners about how we can strengthen crime prevention and criminal justice responses to emerging challenges in our region.

This year's theme on 'Development and Security: Rethinking Crime and Criminal Policies in Asia' could not be more timely. While globalization forges closer economic and people-to-people connectivity, it also renders the social fabric of our societies vulnerable to the increasing sophistication of transnational organized crime. Crime undermines the rule of law, the criminal justice system, and an enabling environment necessary for sustainable development. Where fragile and post-conflict states are concerned, such a notion has become all the more relevant.

Meanwhile, several major developments relevant to crime and justice policies are expected to coincide in 2015. For starters, this will be the target year of the Millennium Development Goals cycle. Already, there has been discussion within the United Nations about the post-2015 development agenda and how transnational organized crime will configure. Second, countries in the Southeast Asian region will be integrating into the ASEAN Community. This will present a new dynamic change for the Asia-Pacific region as a whole. Third, the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to be held in Qatar that same year will be a crucial opportunity to rethink and review the international policy framework in this regard.

I believe the time has come for all of us to look at how crime prevention and criminal justice fit in the broader context of global issues. The problems of transnational organized crime, drug trafficking, and corruption, for example, are having an adverse impact on security, development and human rights. They cannot be seen in isolation and therefore need to be tackled in a comprehensive and holistic manner. For my presentation today, I would like to focus on the setting of a new global agenda that emphasizes integrated crime and justice policies, particularly within the context of the Commission on Crime Prevention and Criminal Justice and the UN Crime Congress. I will also highlight how such an integrated approach can contribute positively to the rule of law and development.

Distinguished participants,
Ladies and gentlemen,

Transnational organized crime, global trafficking networks and their associated violence are on the increase at an alarming rate. The international community has long recognized the relationship between crime and instability. But it was perhaps the 2004 Report of the United Nations High-level Panel on Threats, Perception and Change that explicitly concluded that transnational organized crime facilitates many of the most serious threats to international peace and security. The report also indicated that corruption, extortion and theft of economic assets can deprive economic actors of resources and further weaken the rule of law, and that illicit trade and money laundering contribute to State weakness, impede economic growth and undermine democracy, and that these activities create a permissive environment for civil conflict. But since that report came out, there had yet to be a major, consensual international effort aimed at addressing the linkage between crime and security.

The nature of organized crime is constantly changing and the capacity of organized criminal groups is outpacing that of criminal justice authorities. Organized criminal groups gain power and resources from the underground economy, while also investing heavily in it. The drug trade is the largest income component of global organized crime and is roughly comparable to the global total of official development assistance. According to the 2011 World Development Report: Conflict, Security, and Development, the global trade in cocaine and heroin, which are largely produced in countries affected by conflict and violence, is valued at 153 billion dollars. However, in countries where significant revenues are generated from drug trafficking, the countries still face the challenge of poverty, as corrupt elites continue to accumulate great personal wealth.

In conflict and post-conflict societies, weak rule of law, poor socio-economic conditions, political destabilization, and proliferation of small arms and light weapons, have all combined to create a fertile ground for criminal groups to flourish. Insurgent groups, organized crime groups and terrorist groups have a tendency to collaborate for common objectives. Conflict is also a source of human trafficking. This includes the capture of children to fight and of women for sexual exploitation, both within and across borders. The World Development Report has estimated that 1.5 billion people live in countries affected by organized violence, either currently or recovering from political violence, fragility and/or high levels of homicide. Clearly, the state of human security is in peril.

Equally important, the nexus between crime and development also needs to be examined. As we approach the target date of the MDGs in 2015, we need to constantly reassess whether those goals could be fully achieved. This is not for the insufficiency

of resources invested in achieving them, but rather due to the prevalence of crime and corruption in many countries that have undermined the rule of law and weakened the economy, thus hampering progress in this respect. With the growing interdependence of national economies, regional integration and flows of cross-border traffic in goods and people, cross-border cooperation among criminal organizations also increases.

There are other aspects of transnational organized crime that have destabilizing effects on sustainable development. Corruption diverts resources away from activities that are vital for poverty eradication and the fight against hunger. It not only impedes effective delivery of government services, but also discourages foreign development aid and direct foreign investment. Economic crimes and intellectual property theft are emerging crimes that harm the economy, while human trafficking, in which women and children are mainly targeted, represents lost economic opportunities, including the irreversible loss of human resources and future productivity that may have helped promote development. In many countries, local mafias are engaged in loan sharking and violent debt collection from the loans they make to poor villagers. Out of fear and pressure to pay their debt, the poor themselves resort to criminal activities, thus perpetuating this vicious cycle.

Nevertheless, promoting international recognition of the link between crime and development still remains a major challenge. One difficulty is the fact that the MDGs make no specific reference to transnational organized crime and justice at all. This is why the assessment of how crime prevention contributes to the attainment of MDG targets is also difficult, and this may discourage stakeholders from committing their resources to crime prevention. Some may even question the relevance of the link between crime prevention and development entirely. In light of all this, I strongly

believe there is an urgent need to calibrate crime and justice policies that are responsive to the reality on the ground.

Distinguished participants,
Ladies and gentlemen,

When I took up the Chairmanship of the 21st session of the CCPCJ in Vienna in January this year, I started off by familiarizing myself with the work method of the Commission, the UNODC strategic framework and the UNODC integrated regional and thematic programme. One of the first and most pressing issues was the preparations for the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice to be hosted by Qatar in 2015. This was because UN General Assembly resolution 66/179 of 2011 specifically requested the Commission to approve at its twenty-first session the overall theme, the agenda items and the topics for the workshops of the 13th UN Crime Congress.

Although we were given a short and mandatory timeframe, I also thought that it could be a good opportunity for us to do some serious work in reshaping the agenda of the 13th UN Crime Congress which, in turn, will influence global trends and policy directions following the critical year of 2015. From the First UN Crime Congress in Geneva in 1955 to the Twelfth Congress in Salvador, Brazil in 2010, the agendas of the Congresses had always concentrated on the evolution of crime and state responses to crime, both individually and collectively. But as I mentioned, crime prevention and criminal justice matters can no longer be addressed in isolation from other global issues. So we needed a paradigm shift in our thinking vis-à-vis agenda setting beyond the standpoint of crime experts alone.

According to the recommendations of the 2006 Intergovernmental Group of Experts on Lessons Learned on the UN Crime Congresses, the agenda items of the Congress should be focused and represent substantial concerns of each region, whereas the workshop topics should focus on presenting practical solutions. Thailand was one of the first countries that submitted a package proposal to the CCPCJ Secretariat focusing on three issues. As an agenda item, we proposed crime and drug trafficking as a threat to security. As workshop topics, we proposed the implementation of the Bangkok Rules, and transitional justice and the rule of law. Subsequently, there were a substantial number of proposals submitted by other Member States. The task of the Chair was to find ways and means to reach early consensus on the overall theme, the agenda items and the workshop topics.

Thanks to the delegation of Canada which came up with a concrete proposal on crime and global agenda in the context of post-2015 development and the accompanying draft resolution, we then had a constructive basis for work on the preparations for the 13th UN Crime Congress. I suggested to Canada to leave the part about the overall theme, agenda items and workshop topics in the draft resolution ‘totally blank.’ Given that there were so many proposals on the table, we needed to steer away from any sign of preemption. On the other hand, this needed to be an inclusive and participatory process where member states have ownership in setting the agenda that adequately reflects the substantial concerns of their respective regions. So I decided to establish an informal consultation group led by Argentina to negotiate the package. The Canadians agreed with this approach, and as a result, Thailand and Finland agreed to be initial co-sponsors of this draft resolution, better known as L.3.



Her Royal Highness delivered a video statement on the prevention of violence against migrants, migrant workers and their families for the webinar organized by the United Nations Office on Drugs and Crime, the United Nations Information Service, the Academic Council on the United Nations System, and the University of Vienna - Vienna, 18 April 2012.

The informal consultation group held three meetings and was able to agree on general principles. Basically, there was a general convergence of views on an integrated approach to agenda setting and a more disciplined approach of having only four agenda items and four workshop topics. However, the main difficult issue was how to reconcile many different ideas and topics in a way that would be satisfactory to all. Some regions felt the need to have more time for consideration, perhaps until the 22nd session next year. Thus, we did not have a consensus even to start the sub-stantive discussion. But during the last consultation, the Thai delegation tabled a draft package proposal so as to facilitate further substantive discussion. This draft was based on the idea of juxtaposing crime prevention and criminal justice to other global issues, as well as on comments and suggestions made throughout the informal process.

During the week of the 21st session from 23 to 27 April, two tracks of negotiation commenced namely (1) the informal consultation on draft resolution L.3 proposed by Canada, Finland and Thailand, and (2) consultations within regional groups aimed at finalizing their respective package proposals. What the Thai package proposal did was to reinvigorate the inevitable dynamic of negotiation. Then, when the Canadian delegation convened the last informal consultation on L.3 before the last day, the meeting took a fresh approach in restructuring the whole package based on inputs from regional groups, and finally struck the deal just before midnight. The draft resolution L.3/Rev.1 was adopted by the Commission the next day. In July, it was recommended by ECOSOC for adoption by the General Assembly later this year.

For the purpose of our discussion on a new global agenda, I would like to read out the package proposal that was agreed as follows.

The overall theme is: ‘Integrating crime prevention and criminal justice in the wider United Nations agenda to address social and economic challenges and to promote the rule of law at national and international levels and public participation’

There are four agenda items:

1. Successes and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at national and
2. international levels, and to support sustainable development;
International cooperation, including at the regional level to combat transnational organized crime;
3. Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime; and
4. National approaches to public participation in strengthening crime prevention and criminal justice.

There are four workshop topics:

- (a) The role of the UN Standards and Norms in Crime Prevention and Criminal Justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders;
- (b) Trafficking in persons and smuggling of migrants: successes and challenges in criminalization, mutual legal assistance and in the effective protection of witnesses and trafficking victims;
- (c) Strengthening crime prevention and criminal justice responses to evolving forms of crime such as cybercrime and trafficking in cultural property, including lessons learned and international cooperation; and
- (d) Public contribution to crime prevention and raising awareness of criminal justice: experiences and lessons learned.

The process of preparing for the 13th UN Crime Congress is long and arduous. Nevertheless, the substantive discussion it generated clearly demonstrates the process of rethinking the past practice for the first time. Many delegations, including Thailand, had to compromise on their initial proposals in the interest of a leaner agenda. The agreed package is tight enough to allow experts and practitioners to maintain their focus. In my view, this provides us with a possibility of injecting a crime prevention and criminal justice component into other important global issues and vice versa. It also opens a new door to the formulation of crime and justice policies in a more integrated manner.

Distinguished participants,
Ladies and gentlemen,

While the growing international recognition of the link between crime and security has become all the more evident, the question of the rule of law, which is an essential element in addressing and preventing organized crime, also figures prominently in the discourse on peace and security. In 2011, Secretary-General Ban Ki-moon took an important step by establishing the ‘United Nations System Task Force on Transnational Organized Crime and Drug Trafficking as Threats to Security and Stability’. Comprised of several UN agencies such as UNODC, the Department of Political Affairs, the Department of Peacekeeping Operations, the UN Peacebuilding Commission, the UN Development Programme, UN Women, and WHO, the Task Force aims for an effective UN system-wide approach that integrates responses to transnational organized crime into its peacekeeping, peacebuilding, security, and development activities.

Recognizing this, Thailand decided to table at the 21st session of the CCPCJ a draft resolution entitled ‘Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking’ better known as L.11. Since this issue was the original Thai proposal for the agenda of the 13th UN Crime Congress, we thought it essential to focus on the international coordinated efforts in this regard.

The draft resolution not only complements the work of the Task Force, but it also sends a clear message that a robust rule of law is required to fight crime and drugs, while promoting development, peacekeeping and peacebuilding. The draft resolution L.11/Rev.1 was adopted by the CCPCJ and recommended by ECOSOC for adoption by the 67th session of the General Assembly later this year. This is particularly significant because there will be a High-Level Plenary Meeting on the Rule of Law during the General Assembly on 24 September, where leaders will make political commitments through the adoption of the Declaration on the Rule of Law which, in turn, will reinforce the actions called for in the draft resolution.

I would like to make three particular points related to a well-functioning and efficient criminal justice system and the rule of law. First, since drugs and crime entail a negative impact on the security of states, especially those emerging from conflicts, I believe that transitional justice and justice sector reform should form a core component of peacekeeping, peacemaking and peacebuilding operations. Second, we need to emphasize the importance of education on the international standards and norms on crime prevention and criminal justice, as a crucial element in promoting the rule of law. Third, I strongly believe in the importance of gender mainstreaming in criminal

court procedures so as to ensure gender sensitivity for women victims of violence.

It is worth mentioning here that there are two sets of UN standards which Thailand particularly subscribes to, namely the ‘United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders’, also known as the Bangkok Rules, and the ‘Updated UN Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice’ both of which were adopted by the General Assembly in 2010. These standards, which feature the emerging trend of gender sensitivity, should serve to guide any effort to reform the criminal justice system.

Equally important, it needs to be stressed that the linkage between crime and development is not a one-way street. While crime has an adverse impact on development, development can help reduce crime itself. The root causes of crime often lie in poverty, lack of education, and unemployment. While addressing these concerns may help in meeting development targets, the lack of crime prevention as one of the national socio-economic goals, or the MGDs, does not help in focusing and intensifying efforts in this regard. Human trafficking, for example, often occurs in poor areas where girls have low social status and education, and are used to advance families’ economic situation. The same goes for the smuggling of migrants, migrant workers and their families. Therefore, we need to promote efforts to promote social development and recreational activities aimed at engaging groups that are susceptible to crime and trafficking, particularly women, youth, and children.

Social development is also an important factor in reducing recidivism. Most prisoners who reoffend usually find it difficult to reintegrate back into society and often do

not have access to licit income-generating activities. This may be due to their lack of skills, low education, and stigmatization. In order to ensure resettlement efficiency and to reduce reoffending, pre-release vocational and skill training and post-release employment opportunity enhancement are key. In the case of women prisoners, the Bangkok Rules also stipulate provisions to that effect.

Additionally, alternative development has been utilized in many countries to reduce illicit drug crops cultivation, and at the same time as an approach for poverty reduction and sustainable development. The Doi Tung Development Project in Thailand, for example, is regarded internationally as one of the successful examples of how opium cultivation can be drastically reduced to near zero rates through the provision of alternative legitimate income sources. By strengthening and empowering vulnerable communities, local villagers can become healthy and resilient, and jobs can be created for those women and girls who are vulnerable to trafficking.

Against this backdrop, I firmly support any effort aimed at mainstreaming crime prevention and criminal justice into the post-2015 development agenda. I also support ongoing efforts at enhancing coordination and dialogue between ECOSOC and its functional commissions with a view to promoting the cross-fertilization of ideas. Already, ECOSOC requested its functional commissions to examine the post-2015 development agenda as it pertains to their respective mandates. In so doing, we can be certain that the cross-cutting nature of crime and development will be adequately addressed.

Looking at Asia, I believe a new global agenda for integrated crime and justice policies will resonate well with the coming of the ASEAN Community in 2015, in particular, the ASEAN Political and Security Community or the APSC. Envisaged as

a rules-based community of shared values and norms, the APSC aims to strengthen cooperation among ASEAN Member States in, among other things, combating transnational crimes and illicit drug trafficking, strengthening the rule of law and judiciary systems and legal infrastructure as well as post-conflict peacebuilding.

While the APSC stands to benefit from the spins-off of a new integrated global agenda on crime and justice, I strongly believe that there are two fundamental requirements that need to be pursued in tandem. First, we need to look at how we can systematically harmonize laws, rules and regulations, standards and norms related to crime prevention and criminal justice within the ASEAN Community. This should include the monitoring of trends and domestic law development in the ASEAN countries, while stacking them up against the UN standards and norms and other relevant international legal instruments. Second, we need to look at how we can effectively promote capacity-building and training programmes for criminal justice officials and educators as well as evidence-based research in this field.

As one of the ASEAN Member States with consistent advocacy in crime prevention and criminal justice, Thailand is keen to contribute to the work of ASPC in this regard. I take this opportunity to inform you that the Thai Government decided last year to establish the new 'Thailand Institute of Justice' or TIJ. A semi-private organization affiliated with the Ministry of Justice, the TIJ has a vision to work towards becoming a centre of excellence in justice research for the ASEAN Community and beyond. We are currently in the stage of planning and developing the strategic framework, with priority being given to the implementation of the Bangkok Rules and the promotion of justice and the rule of law in ASEAN. Once the TIJ becomes operational, we will follow the best practices of such institutes as the Korean Institute of Criminology and

the Asian Criminological Society. This certainly bodes well for future cooperation in the field of criminology in Asia.

Distinguished participants,
Ladies and gentlemen,

In closing, I would like to reiterate my sincere thanks particularly to Professor Il-Su Kim and Professor Dr. Lim Jian Hong, and all those involved in organizing this important conference. Undoubtedly, crime prevention and criminal justice issues in Asia, and in fact the world over, are increasingly associated with security and development dimensions. As a true believer in an integrated approach to policy-making, I would like to urge all of us to look beyond the conventional wisdom in order to advocate for crime and criminal policies in their overall global context.

As we chart our future course, I would like to emphasize that security, the rule of law and development are interlinked and mutually reinforcing, and cannot be sustainable if each is addressed in isolation. The new global agenda for crime and justice will present us with both opportunities and challenges, particularly in the critical year of 2015. Asia as a region will surely experience some change as a result of the establishment of the ASEAN Community. The rule of law is the main social pillar that holds the criminal justice system together. Without a strong justice sector reform, our fight against transnational organized crime and drug trafficking will prove to be daunting. We must prepare our men and women by enhancing opportunities to retrain and retool so that they will be well-equipped to meet the challenges of tomorrow. Together, we can make such a shared vision an enduring one.

Thank you for your attention.

9

Statement

on behalf of ASEAN member states and Statement of Thailand

at

High-Level Meeting on the Rule of Law at the National
and International Levels*

United Nations Headquarters, New York

24 September 2012

Mr. President,

Excellencies,

Distinguished delegates,

Ladies and gentlemen,

It gives me great pleasure to speak on behalf of the ten Member States of the Association of Southeast Asian Nations or ASEAN: namely, Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Singapore, Thailand, and Vietnam.

* One significant milestone in the negotiation of the 2030 Agenda for Sustainable Development, and in the recognition of the fundamental importance of the rule of law in development, was the organization of a high-level meeting at United Nations Headquarters in New York, on the Rule of Law at the National and International Levels. At the time, Her Royal Highness was serving as Ambassador of Thailand to the Republic of Austria, and represented Thailand for example at meetings at the United Nations Office on Drugs and Crime in Vienna. In that capacity, she spoke at the High-Level Meeting on behalf of ASEAN, as well as of Thailand.

keywords: ASEAN, rule of law

Mr. Chairman,

ASEAN welcomes this High-Level Meeting on the Rule of Law, a forum for member states to share views and best practices on how the rule of law can be promoted at both the national and international levels.

Any community, if it is to be durable, must be underpinned by certain fundamental principles -- principles that allow its members to live together in peace and harmony. Rule of law is one such principle. For us, adherence to the rule of law means ensuring that justice is served through the application of just laws and principles, based on notions of non-discrimination and equality before the law.

Mr. President,

Over the past 45 years, ASEAN has evolved from a loose regional grouping to one that rests increasingly upon a firm legal foundation. With the entry into force of the ASEAN Charter in 2008, ASEAN sent a clear signal that it was moving towards becoming a rules-based, people-centred Community in 2015. In the Charter, ASEAN clearly expressed its firm and strong commitment to enhancing the rule of law, good governance, democracy and constitutional government in terms akin to the use and definition of this expression by the UN. Adherence to the rule of law and its now familiar linkage to human rights and democracy is a core principle under this Charter, which all ASEAN member states have pledged to uphold. With more than 600 million people in the ASEAN community, the ASEAN leaders recognized that the rule of law would play a crucial role in ensuring justice, equality, stability and sustainable prosperity for the members of the community. In this regards, to

promote the rule of law at the international level, it is essential to ensure respect for the fundamental principles of international law, including those of the sovereign equality of states, peaceful settlement of disputes, and territorial integrity.

ASEAN also believes in becoming a rules-based Community, ASEAN countries have reiterated their commitment to promoting the implementation of their obligations under the international treaties to which they are a party. Moreover, they have developed and strengthened the institutional and legal framework of ASEAN by adopting a number of legal documents such as the Agreement on the Privileges and Immunities of ASEAN, the Protocol to the ASEAN Charter on Dispute Settlement Mechanisms, the Rules of Authorization for Legal Transactions under Domestic Laws, the Rules of Procedure for the Interpretation for the ASEAN Charter, and the Rules of Procedure for the Conclusion of International Agreements by ASEAN.

Among many other mechanisms, the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), which meets once every two years, was established to address concerns about the pernicious effects of transnational crime, such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons, and piracy, on regional stability and development, maintenance of the rule of law and the welfare of the region's peoples. These regional legal frameworks and mechanisms have helped ensure legal clarity and equality before the law, and contributed to the advancement of the rule of law within ASEAN.

On the human rights front, the rule of law provides a framework for reducing inequality and protecting the vulnerable in the region. ASEAN's collective commitment to human rights, the rule of law and gender equality is reflected in a number of instruments

and mechanisms: the Declaration on the Advancement of Women in ASEAN, the Declaration on Elimination of Violence against Women in the ASEAN Region, and the establishment of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the ASEAN Commission on the Promotion and Protection of the Rights of the Women and Children (ACWC).

ASEAN's efforts have also been strengthened further in its cooperation with the United Nations. By adopting in 2011 the Joint Declaration on Comprehensive Partnership between the ASEAN and the UN, a comprehensive partnership between ASEAN and the UN has been established with a view to expanding and deepening cooperation in all areas, including on human rights, good governance, democracy and the rule of law through consultation, information-sharing and capacity-building, while respecting sovereign equality and the primacy of domestic jurisdiction enshrined in the UN Charter.

Mr. President,

As ASEAN evolves into a community, strict adherence to the rule of law will be increasingly indispensable to the region's continued dynamism and competitiveness. We look forward to closer cooperation within the region and with other partners, including the United Nations, to strengthen the rule of law at every level -- national, regional and international.

Thank you.

I shall now deliver the following Thai national statement.



Her Royal Highness delivered an opening keynote address at the High-Level Conference on Sustainable Development, Crime Prevention and Safe Societies organized by the United Nations Office on Drugs and Crime (UNODC) and the Thailand Institute of Justice (TIJ) at the United Nations Conference Centre, Bangkok on 5 March 2018. Joining Her Royal Highness was Mr. Yury Fedotov, the Executive Director of UNODC; Mr. Jeremy Douglas, Regional Representative of UNODC for Southeast Asia and the Pacific; and Dr. Kittipong Kittayarak, the Executive Director of TIJ.

My delegation fully supports the inauguration of this High-Level Meeting, which demonstrates the international community's commitment to promoting the rule of law and the major role that the UN plays on this important subject.

For Thailand, the rule of law is the indispensable foundation for a more peaceful, prosperous and just world as it provides an essential framework for our societies, domestically and internationally.

The Constitution of Thailand provides that the human dignity, rights and liberties as well as equality of the people shall be protected and that they are entitled to equal protection before the law, irrespective of race, gender or religion. In 2011, the Thai Government set up an Independent National Rule of Law Commission to ensure that all State organs perform their duties based on the rule of law.

In addition, Thailand reaffirms the importance of mainstreaming gender sensitivity and a rights-based approach into the criminal justice system. In too many societies, women are subject to discrimination, overt and subtle. That is why we believe it is important to integrate such an approach into criminal justice systems.

Two years ago, we launched the UN Rules for the Treatment of Women Prisoners and Non- custodial Measures for Women Offenders or the 'Bangkok Rules'. Thailand is determined to implement these Rules in correctional facilities throughout the country. We hope to share our best practices with other countries for the benefit of female inmates around the world. We are also determined to implement the Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.

At the international level, Thailand is firmly committed to complying with all treaties to which it is party, especially with respect to the seven major international human rights treaties.

Thailand recognizes the rule of law as an essential element in addressing issues of global concern, such as corruption, transnational organized crime, terrorism, drug trafficking, and trafficking in persons. We also attach importance to the promotion and protection of the rights of the child and access to effective remedies based on the rule of law. I am therefore pleased that at the Treaty Event tomorrow, Thailand will sign and ratify the Optional Protocol to the Convention on the Rights of the Child on the Communications Procedure.

Addressing the link between crime and development is important in promoting the rule of law. Crime hinders sustainable development, but development can help reduce crime. Sustainable alternative development is one example: strengthening community capacity to develop alternative legitimate means of income has helped reduce opium cultivation. The rule of law and sustainable socio-economic development are thus two forces that work together for the betterment of society.

In this connection, Thailand invites all Member States to consider supporting the General Assembly draft resolution entitled 'Strengthening the rule of law and the reform of criminal justice system institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking'. This will send a clear message that the robust rule of law is needed to rid the world of crime while promoting sustainable development and peace.

Mr. President,

Strengthening the rule of law is our common responsibility. Let us all work to fulfil this goal by promoting the rule of law at the national and international levels under the UN umbrella to bring about a just world.

Thank you.

10

Honorary Address

‘Women’s Health 2012: Partnering for a Brighter Global Future’

at

19th Congress of the International Council on Women’s Health Issues*

Bangkok

14 November 2012

Professor Dr. Patricia M. Davidson,

Professor Dr. Siriporn Jirawatkul,

Professor Dr. Afaf Meleis

Esteemed members of the International Council on Women’s Health Issues,

Distinguished participants,

Ladies and gentlemen,

It is a distinct honour and privilege to address the 19th Congress of the International Council on Women’s Health Issues.

I would like to express my sincere thanks to the Committee of the ICOWHI for

* The International Council on Women’s Health Issues is an international association that is dedicated to the promotion of health, health care, and well-being of women through the world through participation, empowerment, advocacy, education and research. The International Council held its 19th Congress in Bangkok in 2012. Her Royal Highness, in her Honorary Address, spoke in general about women’s health issues, and stressed the importance of assisting women who come into contact with the criminal justice system.

keywords: Bangkok Rules, MDGs, violence against women, women prisoners

honouring me with the Taylor and Francis Award for Exemplary Work on Women's Health.

I also wish to congratulate the Centre for Research and Training on Gender and Women's Health, the Faculty of Nursing, Mahidol University and the ICOWHI for their commendable efforts and collaboration in hosting this conference. I am particularly gratified that a wide range of researchers and practitioners from various disciplines involved in women's health issues are gathering here today to have a serious dialogue and discussion on how we can move the global agenda for the future of women's health forward.

Introduction

Ladies and gentlemen,

In my presentation today, I wish to discuss two key points. The first is the main approaches adopted in order to address serious women's health issues, commonly referred to as the 'vertical' and 'horizontal' approaches, respectively. The second key point focuses on governance, in particular on how it affects our work within global health issues.

The 'vertical approach' focuses on treating and preventing a single category of disease; while the horizontal approach attempts to build systems that can prevent disease and provide a range of services. In today's world, as the factors which shape and impact women's health are becoming increasingly more complex, both approaches are indispensable.

The issue of governance impacts our work on global health issues. Conventional wisdom has it that global health, be it for women or not, is all about disease based initiatives. But it is not only that. It is about strengthening the systems and institutions that deliver health services. In addition, it is also about the standards and norms that govern the complex coordination efforts by various actors and by an increasing number of forums, which has serious implications for the factors or determinants of women's health today. In recent years, I have continued to advocate for a governance perspective in the sphere of crime prevention and justice and rule of law at the international level. I realize that a similar argument can be made for global women's health governance, particularly at this critical juncture when the end of the Millennium Development Goals cycle in 2015 fast approaches us.

It is my firm belief that, while it is important that we adopt both vertical and horizontal approaches to guide our commitment to tackling health issues, such 'holistic' approaches should focus not only on integration within the sphere of health, but also on the link between health and other socio-economic sectors, including a particular emphasis on justice and the rule of law. Drawing on my experiences working in the field of crime prevention and criminal justice, particularly work for female inmates and the fight against violence against women, I wish to share with you some illustrations on the importance of such linkage.

I. Snapshot glances at the state of women's health at the global level

Ladies and gentlemen,

To elaborate a little more on what I mean by the 'holistic' approach, it seems appropriate

to begin with the United Nations Millennium Development Goals or MDGs, the target of which can be tangible, although equally challenging at the same time.

The MDGs set out eight specific goals to be achieved in 2015, such as eradicating extreme poverty and hunger, achieving universal primary education, and reducing childhood mortality rates. As 2015 quickly approaches, some challenges remain and some challenges have evolved, making it necessary for us to think seriously about the post-2015 development agenda as well.

I mentioned earlier that health determinants, factors which shape and impact the nature of women's health, are becoming complex and interdependent. This also informs our understanding of health issues and how we address them as a matter of policy. Despite the fact that challenges such as sexually transmitted diseases, cervical and breast cancer, and occupational and environmental hazards remain public health challenges on today's agenda for women, new challenges have risen as a result of the impact of globalization. Combined, these factors make the impact of some health determinants more acutely felt. Examples include violence against women, and problems faced by women in other 'insecure' environments such as those involving armed conflicts.

As you can see, while it is important to have a focused debate on how to deal with a single disease based on technical knowledge, the so-called 'vertical approach', it is equally important that we pay attention to the linkage with other policy spheres for an effective programme targeting the root cause, as informed by our understanding of complex and interrelated health determinants. As determinants of health increasingly stem from collective problems that cannot be adequately addressed by a single nation

state, we must also look to the multilateral system for solutions. I will come back to this point later, when I draw your attention to the second part of my talk.

I want to quickly tell you about a little story which compelled me to rethink the issue faced by women in contact with criminal justice system, its relationship with health, and the ‘holistic’ approach I advocate today.

II. Building up on good practices: Women’s health issues in the context of crime prevention and criminal justice

The Kamlangjai Project

My story is a personal one and it highlights women’s health issues within the context of crime prevention and criminal justice. The number of women offenders has increased over the past several decades, and women who come into contact with criminal activity are likely to have a history of illicit drug use. For me, the story began one fine day in 2001 when I visited the Central Women’s Correctional Institute in Bangkok.

There, an incarcerated mother who was deeply concerned for her new-born baby approached me and asked for help. I personally felt that we really needed to do something to help these women prisoners and their innocent children. This became the premise for a charitable project I initiated in 2006 called Kamlangjai, translated in English as ‘Inspire’, which focuses primarily on health care and health education for pregnant inmates and incarcerated mothers.

Since factors contributing to a significant proportion of female inmates committing offences include poverty, abuse, limited access to education and employment, an

effective and sustainable way to address such negative health determinants has been explored. One recent area of focus is development support aimed at improving the capacity to conduct a decent quality of life among women prior to release from prison. This experience has been replicated among the general prison population as part of the pre-release programme.

What I have learned from the Kamlangjai Project confirms my belief that in addition to the vertical and horizontal programs to build a better and more responsive system to provide adequate services to female inmates, we also need to look for ways to address the root cause of the problem, the so-called 'determinants' of justice and human rights. This is when I discovered that the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners contains a major gender gap. So this became the basis on which I decided to initiate the next project called 'Enhancing Lives of Female Inmates' or ELFI.

Violence Against Women

Now, allow me to elaborate more on other health factors related to the social-political transition which also require an adequate response from the criminal justice system. In particular, I refer to the problem of violence against women as well as other forms of maltreatment of women as a result of the weak rule of law within states. Women come into contact with the criminal justice system not only as offenders, but also as victims of crime. At every age group they are victims of violence ranging from gender discrimination, femicide, domestic violence, human trafficking and sexual assault. Often, their vulnerability renders their chances of avoiding violent situations and seeking justice all the more difficult.

III. Implications of emerging challenges including security-related issues on women's health and the global responses

Women's Health vs. Drugs and Crime

Conflicts where transnational organized crime is on the rise, such as human and drug trafficking, pose a serious threat to national security and create negative health determinants. In a number of respects, women and girls are especially vulnerable to being victims of both forms of trafficking. First, with regards to human trafficking, they face various forms of physical and sexual abuse, psychological manipulation, and the forced or coerced use of drugs and alcohol. The most obvious impacts include increased risk of exposure to STDs such as HIV, septic abortion, and sexual trauma. In addition to human trafficking, women and girls have a significant role in the drug traffic trade. According to a 2012 report by the UNODC, despite the majority of drug traffickers being male, there has been a growing trend of women and girls couriers. Illicit drug trafficking presents its own set of challenges that impact women's health and safety, such as physical violence and accidental overdose, which can result in death. It should be emphasized that, despite the severe health effects of both human trafficking and drug trafficking, women's access to medical care is rather limited due to restrictions on the women's movement, fear of traffickers and local authorities, and lack of knowledge about health information.

Pitching for Security Thesis

As I stressed earlier, women's health issues cannot be limited exclusively to epidemiological and biological perspectives. Social, economic, and security conditions also cause mental and physical distress for women. It is evident that when national security is weakened, women and girls are more vulnerable to various



Her Royal Highness addressed the High Level Seminar on Promoting the Rule of Law for Sustainable Development Cooperation organized by the China Law Society in Beijing - 13 May 2016.

kinds of violence and health problems. Despite their localized health impacts, security induced threats and gender-based violence in conflict settings should not be overlooked when considering the determinants of women's health.

Violence against women in armed conflict

In many societies that face challenges such as humanitarian crises, rising insecurity and or instability, women's health and well-being are usually negatively affected. During armed conflict and post conflict environments, women are more prone to experiencing poverty, gender discrimination, and violence. Thousands of women who are victims of war time violence, still do not get access to adequate health care due to a lack of medical facilities to provide medical examinations and treatment.

The United Nations Security Council

In this respect, I would like to highlight two important resolutions by the United Nations Security Council: Resolution 1325 adopted in 2000 and Resolution 1820 adopted in 2008. Both resolutions increased the frequency with which UN peacekeeping missions adopt mandates that address the need to prevent sexual violence.

Since there is a strong correlation between security issues and women's health concerns, health as a global issue needs a stronger strategic focus under the international and security agenda. The way to enhance the holistic approach is to encourage women's engagement in peacebuilding and peacekeeping, including at the decision making level, and ensure that gender dimensions are reflected in reparation, reintegration, and post-conflict reconstruction. The correlations between health and security should resonate in national and international policies as well as in prioritized areas of research.

IV. Ways forward: a call for governance perspective

Ladies and gentlemen,

I believe that strengthening the systems and institutions for delivering health is vital. It is also about the standards and norms that govern the complex coordination efforts by various actors and at increasing numbers of forums, which have serious implications for the health determinants these days. I have advocated for this governance perspective in the sphere of crime prevention and justice and rule of law at the global arena in recent years, and I see that similar arguments can be made when we think about health for women at the global level.

As we discuss the way forward, let me take you to the second part of my talk today which focuses on the institutions and mechanisms that should provide an adequate framework for managing the international commitments.

Within the policy sphere of global health, it has been noted that a gap does exist between the system established within the sphere of development cooperation and the system established within the sphere of international standards and norms. As a result, at the nation-state level, one often sees that practically all of the money for international health is channelled through development agencies, leaving little available to other sectors. The result of such a gap could also mean that while the right of men and women to enjoy the highest attainable standard of physical and mental health is recognized in several international and regional instruments, there is not enough resources to assist developing countries to establish the necessary infrastructure needed to fulfil their obligations.

This resource imbalance is not limited to just the global health arena. In the international criminal justice arena where I have had the privilege to work in recent years, we witness a similar problem. With over 90% of the budget of the United Nations Office on Drug and Crime (UNODC) earmarked for specific programmes, it is challenging for the organization to fulfil its norms, standards, and treaty obligations.

Drawing on the Bangkok Rules

I am happy to report to you that the arena of international relations has undergone significant transformation in the last two decades, with many more actors and leaders, particularly thanks to the emerging economies which have played an increasingly central role in determining the direction of the governance system.

One example was the leadership role of several Ministries of Foreign Affairs in the case of the Oslo Ministerial Declaration, which led to the adoption in December 2009 of United Nations General Assembly Resolution 63/33 on global health and foreign policy. In this case, Ministers of Foreign Affairs from Norway, Brazil, France, Senegal, South Africa, and Thailand joined in the call.

In 2010, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders were formally adopted by the UN General Assembly. These rules are referred to as the 'Bangkok Rules', in recognition of the leading role which the Thai Government played in the promotion and its adoption through the ELFI project I mentioned earlier.

The Bangkok Rules are the first specific UN standards for the treatment of women offenders, used to supplement the existing rules which are primarily oriented to men. The objective is to create appropriate approaches that can deal with the complex issues and situation of women in the criminal justice system, particularly women's health in prison.

Updated UN Model Strategies

In addition, in 2010 the United Nations General Assembly also adopted the updated Model Strategies and Practical Measures on Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, which reflect the international effort to establish concrete guidelines that help countries respond to violence against women more effectively.

It should be emphasized that while it is notable to have guidelines, it is their effective implementation which is most important. Governments should adopt the guidelines and enhance their mechanisms and procedures for protecting victims of violence against women accordingly. Relevant laws and regulations should be evaluated and reviewed, to determine whether they are adequate and effective to eliminate violence against women in all of its aspects. They must ensure equal protection under the law and promote crime prevention policies and programmes that promote the safety of women in all settings.

Conclusions

Ladies and gentlemen,

I hope it has become clear to you now that I share with you the conviction that healthier women and girls mean stronger societies, and investments in the health and empowerment of women are investments in social and economic development. Although this is a time of great need in the women's health arena, it is also an unprecedented opportunity for us to work together towards the improvement of women's health and the achievement of gender equality worldwide.

Thank you very much.

11

Lecture

‘Putting the Bangkok Rules into Practice: A Framework for International Cooperation’

at

UNAFEI 153rd International Senior Seminar*

United Nations Asia and Far East Institute for the Prevention of Crime and
the Treatment of Offenders, Tokyo

10 January 2013

Director Sakuma,

Distinguished seminar participants,

Ladies and gentlemen,

* The work of Her Royal Highness, first with the Kamlangjai (Inspire) Project, and then with the Enhancing Lives of Female Inmates Project, contributed directly to the adoption by the General Assembly in 2010 of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measure for Women Offenders (the Bangkok Rules). In her lecture at the 153rd International Senior Seminar of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), Her Royal Highness provided background and an introduction to this standard and norm.

UNAFEI is the oldest United Nations Crime Prevention and Criminal Justice Programme Network Institute, established in 1962. It seeks to promote the sound development of criminal justice systems and mutual co-operation mainly in the Asia and Pacific Region. UNAFEI activities focus on training courses and seminars for personnel in crime prevention and criminal justice administration, and the research and study of crime prevention and the treatment of offenders. The theme of the 153rd International Senior Seminar was ‘The Treatment of Female Offenders’, and the participants consisted primarily of senior correctional staff from many Asian countries, and beyond.

keywords: ASEAN, Bangkok Rules, women prisoners

It is for me a distinct honour and pleasure to be invited to give a lecture at this senior seminar here today. First of all, I would like to thank the Government of Japan, UNAFEI and the Japan International Cooperation Agency (JICA) for organizing this seminar under the framework of the JICA Training and Dialogue Programme. I am also pleased to have an opportunity to meet with the seminar participants, who are practitioners in the field of corrections and justice from many different countries. I am sure you will benefit not only from the training itself, but also from the prospect of networking among one another throughout the course.

I am particularly pleased to learn that the main theme for this year's training program is 'The Treatment of Female Offenders'. At a time when there is a global call to protect the human rights of women and to eliminate violence against them, this subject has become all the more relevant. In recent years, the number of women prisoners has increased worldwide. Although the number of women prisoners is not as high when compared to men, their rate of increase is rather significant. This certainly presents policy-makers with an agenda for future action.

The adoption of the 'United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders' or the 'Bangkok Rules' by the United Nations General Assembly in December 2010 represents a major paradigm shift in women's corrections. While prison administrators around the world are beginning to recognize this new development, I still feel that more needs to be done. The challenge therefore lies in how we can put the Bangkok Rules into practice so as to respond to the reality on the ground.

For my presentation today, I would argue that for the implementation of the

Bangkok Rules to be effective, it must be complemented by a sustainable framework for international cooperation. I will start off by introducing some background on efforts led by Thailand and the international community to develop new United Nations standards and norms on female offenders. The structure and provisions of the Bangkok Rules will also be discussed. I will then touch upon current efforts for the promotion of the implementation of the Bangkok Rules, including its research and assessment aspects. Finally, I would like to share with you some thoughts on the prospects of strengthening the framework for international cooperation.

Background: Development of the United Nations Standards and Norms on Female Offenders: The Bangkok Rules

I believe that imprisonment of women offenders should be a punishment of last resort. Women prisoners have special needs and are more vulnerable than men. But when the imprisonment of women offenders is necessary, we need to ensure that their treatment is gender-sensitive, and in compliance with the relevant international standards and norms. Unfortunately, the 1955 United Nations Standard Minimum Rules for the Treatment of Prisoners, or the SMRs, do not adequately address such special needs.

It could be said that the genesis of the Bangkok Rules was closely linked to my own experience – a revelation of sort. When I first visited the Bangkok Central Women’s Correctional Institution in 2001, I learned first-hand of the hardships faced by these women, and especially by their children, who are innocent, but often deprived of adequate family care and opportunities. While recognizing the competent role of the Department of Corrections under the Ministry of Justice, I felt the need to raise more awareness about mainstreaming gender sensitivity into our prison management policy.

In 2006, I decided to launch a charitable project called 'Kamlangjai' or 'Inspire' as translated in English. The project aims to provide moral support, basic health care and opportunities for women prisoners, both while serving their sentence and after release. The project stresses the core value of giving women offenders a second chance so that they can return back to society as good citizens. Among the project's special features are the provision of assistance to pregnant and nursing inmates and to children living with their mother in prison, vocational training, and employment skills development. This advocacy work has continued to galvanize support from various sectors of the Thai society, including NGOs, charity organizations, the private sector, and the media.

I strongly believe in the promotion of the rights-based approach to the treatment of female offenders. While the SMRs have been around as the global reference for prison management for over fifty years, the same period also saw the advancement of international human rights law, particularly those related to women's rights. So in this regard, for the SMRs to stand the test of time, this would require a major policy rethink in addressing the human rights of women prisoners as well.

Within the context of the United Nations, successive sessions of the UN Crime Congress, starting with the 6th Congress in Caracas, Venezuela in 1980, had called for a review of issues related to the treatment of female offenders. But it was not until the 11th Congress in Bangkok in 2005 that the issue began to gain ground, especially with the Bangkok Declaration calling upon 'the international community to review and update the adequacy of the relevant existing standards and norms'.

In 2008, I brought the work of the Kamlangjai Project to the attention of the 17th session of the Commission on Crime Prevention and Criminal Justice or CCPCJ in Vienna for the first time. The result was very encouraging not only in terms of

support from various countries on the awareness-raising aspect, but also of the idea of Thailand leading further efforts on this issue. I thought this was the right time to launch another project called ‘Enhancing Lives of Female Inmates’ or ‘ELFI’ in that same year.

The main goal of ELFI was to manage Thailand’s diplomatic initiative to develop a new set of rules specific to the treatment of women prisoners as a supplement to the SMRs. The Thai Ministry of Justice took the first step in organizing an Expert Roundtable Meeting in Bangkok in February 2009 to develop the draft rules. Thailand subsequently presented a draft resolution on this subject to the 18th session of the CCPCJ. This resulted in an open-ended intergovernmental expert group meeting in Bangkok to negotiate the draft rules in November that same year.

The momentum picked up in 2010 when the final agreed text of the draft rules was presented to and supported by the 12th UN Crime Congress in Salvador, Brazil. At the 19th session of the CCPCJ, Thailand presented a follow-up resolution on the Bangkok Rules. This resulted in the General Assembly adopting the new ‘United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders’, to be known as the ‘Bangkok Rules’, in December that same year.

With the Bangkok Rules in place, this completed the mission of the ELFI Project. Basically, it took us altogether two years to develop this new set of UN standards and norms on women prisoners. It could also be argued that ELFI had a catalytic impact on subsequent movement within the UN that culminated in the General Assembly mandate to review comprehensively the 1955 SMRs with a view to reflecting the advancement in correctional science.

The Structure and the Provisions of the Bangkok Rules

I would like to turn now to the structure and the provisions of the Bangkok Rules. The Rules were modelled on the SMRs, but with the primary aim to address the special needs of female offenders in a way that did not exist before, both for adult and juvenile female offenders. The introduction to the Rules, 'Preliminary Observations,' outlines related UN instruments, including the SMRs, the Tokyo Rules on non-custodial measures, as well as those pertinent to the elimination of violence against women. The Bangkok Rules are divided into four main parts.

Part I covers the general management of institutions. The Rules begin with a declaration of the principle of non-discrimination, as set forth in the SMRs, and the need to account for the distinctive, gender-based needs of women offenders in the pursuit of gender equality. Under Part I, there are several sub-sections, namely

- (1) **Admissions and related concerns** – This deals with admission, registration and allocation issues. Rule 4 sets standards for allocation of women prisoners to institutions that are near their home, and the need to consider child-caring responsibilities in making such allocation, taking into account preference and the availability of programmes and services.
- (2) **Health care services** – Gender-specific medical research continues to demonstrate that males and females experience many diseases differently. The Bangkok Rules provide detailed guidance in addressing these issues. For example, Rule 5 prescribes the provision of hygiene needs, particularly those related to personal care and an adequate supply of water. Rule 8 outlines medical confidentiality requirements. Rule 10 provides the most comprehensive provision on 'gender-

specific health care services, equivalent to that available in the community. Rules 10 and 11 also outline the need for the presence of female staff during examinations. Rules 17 and 18 call for preventative health care education related to gender-specific health care conditions, including to HIV/AIDS, sexually-transmitted diseases and other blood-borne diseases. Staff training surrounding these needs is also outlined in Rules 33 and 34.

- (3) **Mental health** – Multiple sources show that women are much more likely than men to be diagnosed with a wide range of mental health conditions, particularly those related to trauma and the harm of lifetime violence. Rule 12 calls for the provision of individualized, gender-sensitive and trauma-informed mental health programmes for women prisoners, taking into account the prior history of abuse and violence of women offenders. Rule 13 calls for staff training on sensitivity to women's distress during incarceration. Rule 16 provides details on developing and implementing strategies to prevent suicide and self-harm among women prisoners and need for a gender-specific policy of mental healthcare in women's prisons.
- (4) **Safety and security** – Strip-searches are a particularly sensitive issue in women prisons. Rules 19, 20, and 21 stress the importance of same-gender staff, training, alternative screening methods, and staff sensitivity and professionalism in all forms of searches. Rules 25 and 31 cover the protection of women prisoners who report all forms of abuse in prisons.
- (5) **Reproductive status and health care needs** – The Rules also discuss the humane treatment of pregnant women and their unborn children under criminal justice supervision. Special accommodations for pregnant women are outlined throughout the Rules. The prohibition on the use of restraints, such as leg irons and wrist shackles, on pregnant women is addressed in Rule 24. Rule 22 addresses

limitations on disciplinary confinement for pregnant prisoners, breast-feeding women, and those with infants.

- (6) **Women prisoners and children** – The Rules make specific provisions for women prisoners and their children. Contact with children and families, particularly in the case of women prisoners far from their homes, is the subject of Rule 26. Visits with children and other forms of family visits are covered in Rules 27 and 28. Family ties and their impact of sentencing and the possibility of alternatives to incarceration are addressed in Rules 58 and 61.
- (7) **Institutional personnel and training** – These Rules particularly mention the need to develop staff to enable them to address the social reintegration requirements of women prisoners and to manage safe and rehabilitative facilities. Creating opportunity for female staff in terms of gender equality, components of staffing, and staff training are covered in Rules 29, 30, 32, 33, 34, and 35.
- (8) **Juvenile female prisoners** – In conjunction with the Beijing Rules on Juvenile Justice, Rule 65 advocates that institutionalization of all children in conflict with the law be avoided wherever possible. Rule 36 outlines their needs for special protection; Rules 37, 38, and 39 discuss equal access to all programmes and services with a special emphasis on healthcare.

Part II contains Rules that are applicable to special categories such as sentenced prisoners; prison programmes; social relations and aftercare; pregnant and child-rearing mothers, foreign nationals, minorities and indigenous peoples, and women under arrest or awaiting trial. Under Part II, there are several sub-sections, namely

- (1) **Sentenced prisoners** – Rules 40 and 41 note the lower risk typically posed by female offenders, and the components of gender-sensitive risk assessment and



Her Royal Highness led international participants of a study visit in a tour at the nursery of the Chiang Mai Women's Correctional Institution and observed how the correctional facility implements the provisions of the United Nations Rules on the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders concerning the provision of healthcare for women prisoners who are pregnant, or who are mothers with children (the Bangkok Rules), 25 January 2018. The study visit was jointly organized by the Thailand Institute of Justice and UNODC.

classification. These procedures address rehabilitative programmes and services which match the gender-specific needs of women prisoners, especially needs related to past violence and trauma, mental health, substance abuse and child-caring responsibilities.

- (2) **Social relations and aftercare** – Rules 42 to 47 deal with the requirements for programme activities that foster re-integration and rehabilitation, including those related to treating women prisoners who have experienced sexual and other forms of violence and abuse.
- (3) **Pregnant and care-giving women** – Rule 48 discusses care for pregnant and breast-feeding women, whereas Rules 49 to 52 discuss the specifics of programming for children, including the standard for creating a normalized environment for those living with incarcerated mothers, and the requirements for separating children from their mothers.
- (4) **Foreign nationals** – The issue of foreign nationals has particular implications for women in prison. The proportion of female foreign nationals in custody varies widely; the Bangkok Rules address this question of the imprisonment of female foreign nationals in Rule 53.
- (5) **Minorities and indigenous peoples** – The specific cultural and religious requirements of imprisoned minority group members and indigenous people are outlined in Rules 54 and 55.
- (6) **Prisoners under arrest and awaiting trial** – The safety and other human rights concerns of pre-sentenced women are detailed in Rule 56.

Part III outlines requirements for non-custodial measures, supplementing the Tokyo Rules in the development and implementation of appropriate responses for women offenders. Rules 57 to 59 discuss requirements for diversionary and other pre-trial

measures, considerations of caring responsibilities and the role of independent bodies in providing protective measures for women in these forms of supervision. Rules 60 to 62 describe the type of programmes that should be made available to women in non-custodial care, including gender and culturally relevant interventions and therapies. Community-based substance abuse programmes are also addressed.

Post-sentencing requirements are the subject of Rule 63, reinforcing the need to take into account women's child caring responsibilities and gender-specific social reintegration needs. Non-custodial sentences for pregnant women and those with dependent children (Rule 64), avoiding custodial and institutional placement for female children (Rule 65) and the need to protect victims of trafficking (Rule 65) conclude the section on non-custodial measures for women.

Part IV deals with research and public awareness. These Rules support the development of more empirical information on the situation of women prisoners as a basis for programme development and effective policy for rehabilitation and reintegration. Rules 67 and 68 discuss the direction of action-oriented research in multiple areas such as offences committed by women, reasons that trigger women's confrontation with the criminal justice system, the impact of secondary criminalization and imprisonment on women, characteristics of women offenders, and programmes designed to reduce re-offending by women, the number of children affected by their mothers' confrontation with the criminal justice system and the impact of this on the children. Rule 70 deals with the promotion of public awareness of the trends, problems and factors associated with women prisoners, through research and media.

Current Efforts to Promote the Implementation of the Bangkok Rules

Now I would like to move on to a discussion of current efforts to promote the implementation of the Bangkok Rules. Since the Rules bear the name of our capital, it is only natural that Thailand will continue to have an interest in this aspect. There are multiple approaches to implementing the Bangkok Rules. These include dissemination and/or translation of information, sharing of experiences and best practices, and coordination of capacity-building and technical assistance activities.

We believe that good implementation strategies require strong evidenced-based research, which can serve as a platform for policy development and advocacy work. The areas of research will not be limited to ‘prisons’ and ‘prisoners’, as many of the challenges encountered in prison systems are inextricably linked to the criminal justice system as a whole, including the police, the prosecution service and the judicial system.

The Bangkok Rules are the first international standard that not only highlights the necessity to meet the specific needs of female offenders, but also includes measures to ensure that the best interests of their children are always taken into account. The Bangkok Rules themselves (Rules 67, 68, and 69) require Member States to undertake further research in a number of areas relating to women offenders and their children. This includes research on:

- the offences committed by women,
- the trends, problems and factors associated with offending behaviour of women,
- the impact of criminalization and imprisonment on women,
- the characteristics of women offenders,

- programmes designed to reduce reoffending by women and their effectiveness,
- research on the number of children affected by their mothers' confrontation with the criminal justice system and imprisonment in particular, and
- the impact of this on the children.

Moreover, for the implementation of the Bangkok Rules to be effective and sustainable, Thailand thought it appropriate to institutionalize the Rules themselves. Such an idea came at a time when the Thai Ministry of Justice was planning to develop an arm's-length institute for criminological research. This became a basis for the establishment of the 'Thailand Institute of Justice' or the TIJ in 2011. While the programme of work of the TIJ covers a broad spectrum of justice and rule of law issues, its priority area is geared precisely towards promoting the implementation of the Bangkok Rules, both nationally and internationally.

At present, the TIJ is undertaking baseline research to profile women offenders and to develop a checklist to assess the implementation of the Bangkok Rules. In so doing, we will focus on Thailand initially, and will expand this work to other ASEAN countries at a later stage. Once the interview and survey instruments are developed and tested, they will be used to conduct further research on the key areas as provided for by Rules 67-69 of the Bangkok Rules.

The survey called 'Questionnaire for Women Prisoners in Thailand,' targeting over 500 women inmates in eight different prisons in Thailand, will cover women of all sentences lengths and classifications. The first part of the questionnaire covers key areas including:

1. background demographics,
2. children,
3. visiting and contact,
4. education,
5. work history,
6. previous offences,
7. current offences,
8. drug use history, and
9. mental health, including abuse and domestic violence.

The second part of questionnaire gives women prisoners an opportunity to add more information concerning their own problems, experiences and opinions which may help us understand more about life in prison. The survey is supplemented by individual interviews aimed at asking more open-ended questions.

The Way Forward: Strengthening the Framework for International Cooperation

At this point I would like to share some thoughts about the way forward. Thailand does not claim a monopoly on promoting the Bangkok Rules, as they belong to all Member States of the United Nations. We need to join hands and strengthen international cooperation in this area to ensure better and more well-informed, evidence-based policy-making. This, in turn, will enable female offenders to reap the fullest benefits from the Rules. From the start of the ELFI Project, Thailand has continued to cooperate closely with the United Nations Office on Drugs and Crime or the UNODC, particularly in enabling it to launch its activities related to the Bangkok Rules.

In this context, I take this opportunity to inform you that the TIJ, in cooperation with the UNODC, will host two important meetings in Bangkok this year in relation to the Bangkok Rules, namely

- First, the ‘East Asia-Pacific Regional Meeting on the Implementation of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)’ to be held from 19 to 21 February; and
- Second, the ‘ASEAN experts meeting on the development of training modules based on the Bangkok Rules’ to be held from 19 to 21 March.

I would like to highlight the first meeting, the purpose of which is to prepare a report to be used as a basis for the development of technical assistance activities, to strengthen cooperation among countries of the region and to foster a common understanding, while addressing the problems of women prisoners and women subjected to non-custodial measures. Given the interest of UNAFEI, the Government of Japan, and other Asia-Pacific countries in this subject, I strongly encourage you to participate in this meeting.

I also wish to highlight our cooperation within the context of the ASEAN Community which will come into existence in 2015. I believe there are two fundamental requirements that need to be pursued in order to consolidate its crime and justice portfolio:

- First, we need to systematically harmonize laws, regulations, standards, and norms related to crime prevention and criminal justice within member states of the ASEAN Community.
- Second, we need to look at how we can effectively promote capacity building and training programmes for criminal justice officials and educators as well as evidence-based research in this field.

I believe this is the right time to lay the groundwork for the re-training and retooling of our human resources for 2015. The implementation of the Bangkok Rules in the ASEAN region will be an example in this regard. The TIJ stands ready to collaborate and assist our partners in this common endeavour.

Finally, since the development of UN standards and norms on prisoners has always been intertwined with the UN Crime Congress process, we shall look forward to the 13th Crime Congress to be held in Qatar in 2015. One of the Congress workshops is entitled: ‘The role of the UN Standards and Norms in Crime Prevention and Criminal Justice in support of effective, fair, humane, and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders.’ UNAFEI and TIJ have already expressed an interest in working together on the women offenders part of this workshop, which I understand will be coordinated by several other interested PNI Institutes as well. This offers us an opportunity to review and share experiences in the implementation of the Bangkok Rules after their first five years.

Conclusion

In concluding my presentation, I would like to reiterate my sincere appreciation to UNAFEI for inviting me to participate in this productive exercise. Undoubtedly, the treatment of female offenders will continue to be a crucial aspect of the criminal justice reform of all countries. The Bangkok Rules represent a major advancement in correctional science not only in complementing the 1955 SMRs with a gender-sensitive approach, but also in highlighting the importance of promoting human rights in the administration of justice. Therefore, we need to work together in putting the Bangkok Rules into practice so as to enhance our culture of corrections.

While work on the domestic front itself will determine the outcome for female offenders, we need to apply equally commensurate effort to strengthening the framework for international cooperation. After all, it was the international community that sought to influence change in this area. The sharing of best practices, dissemination of information and provision of capacity-building activities among countries will help improve our common knowledge base and policy-making. This UNAFEI senior seminar is a good example of such cooperation, and Thailand is pleased to be part of this 'community of justice'.

I thank you very much.

12

Remarks

at

Gala Dinner on the Occasion of the Bangkok Dialogue on the Rule of Law*

Bangkok

14 November 2013

Excellencies,

Distinguished speakers,

Honoured guests,

Ladies and gentlemen,

It is a great pleasure and honour to have the opportunity to address all of you here this evening. First of all, I would like to thank Prime Minister Yingluck Shinawatra for hosting this gala dinner and all the efforts in preparing for the Bangkok Dialogue on the Rule of Law. I would also like to thank and welcome all the distinguished participants and keynote speakers who have come to Thailand from around the world to discuss the question of the rule of law and development.

* In November 2013, the Thailand Institute of Justice, on behalf of the Government of Thailand, hosted an international conference entitled 'The Bangkok Dialogue on the Rule of Law: Investing in the Rule of Law, Justice and Security for the Post-2015 United Nations Development Agenda'. The event brought together leaders from governmental and other sectors, academics and civil society representatives to exchange experiences and knowledge on the importance of the rule of law as well as on the crucial linkage between the rule of law and sustainable development.

keywords: rule of law, SDGs

Thailand is initiating the Bangkok Dialogue with the objective of generating global awareness and political momentum for the United Nations deliberations on the post-2015 development agenda. As you all know, the Millennium Development Goals are to expire soon. It is imperative that countries review their progress and find a new strategic framework that makes development more comprehensive. Such issues as transnational organized crime, justice, and the rule of law can no longer be dealt with in isolation, as they cross-cut many aspects of sustainable development.

In further promoting the rule of law, a new global partnership will be extremely crucial. I look forward to working with all of you in the future in order to move this international development agenda forward. Thailand is a country that, like other countries, is overcoming challenges related to the rule of law. As a former prosecutor and through initiating projects to enhance the lives of female inmates, I have personally experienced the importance of justice sector reform in order to strengthen the foundation of our societies.

I am truly grateful for the efforts that have been made by the Government of Thailand and the Thailand Institute of Justice to prepare for our event tomorrow. It is an extraordinary opportunity for us to share experiences and thoughts on the rule of law and sustainable development. Thailand is therefore keen to continue to work with its partners around the world and invest in the rule of law, justice, and security for the post-2015 development agenda.



Her Royal Highness delivered a keynote opening address for the Bangkok Dialogue on the Rule of Law organized by the Government of Thailand in Bangkok - 15 November 2013.

Once again, I would like to thank all the distinguished speakers for coming today. I hope that the gala dinner tonight will serve as an opportunity to get to know one another prior to the conference, and I very much look forward to listening to your remarks tomorrow.

Thank you very much.

13

Keynote Opening Address

‘Investing in the rule of law, crime prevention and criminal justice for the
post-2015 United Nations development agenda’

at

Bangkok Dialogue on the Rule of Law*

Bangkok

15 November 2013

Excellencies,

Distinguished speakers,

Honoured guests,

Ladies and gentlemen,

It is a great pleasure to address you on this important occasion. Allow me, first of all, to take the opportunity to express my sincere appreciation to the Government of Thailand

* In November 2013, the Thailand Institute of Justice, on behalf of the Government of Thailand, hosted an international conference entitled ‘The Bangkok Dialogue on the Rule of Law: Investing in the Rule of Law, Justice and Security for the Post-2015 United Nations Development Agenda’. The ‘Bangkok Dialogue’ contributed to the growing momentum for including these issues as fundamental elements in the 2030 Agenda for Sustainable Development. In her Keynote Opening Address, Her Royal Highness traced the work so far leading up to the 2030 Agenda, and argued for the central importance of the rule of law, crime prevention and criminal justice. The Bangkok Dialogue meeting benefited from the support of Her Royal Highness who was actively involved in the preparation, the discussion during the event and the dissemination of the key recommendations from the conference.

keywords: MDGs, rule of law, SDGs, sustainable development, transnational organized crime, violence against women

and the Thailand Institute of Justice for organizing the Bangkok Dialogue on the Rule of Law today. I would also like to thank and welcome all the distinguished guests, including Prime Minister Tobgay, Minister Natalegawa, Minister Al Mohannadi, and Executive Director Fedotov, for coming to Thailand from around the globe to discuss the importance of investing in the rule of law, justice and security for the post-2015 development agenda.

I am certain that our gathering today will include not only invigorating discussions, but also practical conclusions and recommendations, so as to serve as an essential milestone for moving the international development agenda forward beyond 2015.

Thirteen years ago, one of the largest gatherings of world leaders took place in New York for the Millennium Summit to discuss the role of the United Nations at the turn of the twenty-first century. Then Secretary-General Mr. Kofi Annan, opened the summit by calling on political leaders to work together to overcome challenges such as poverty, hunger and preventable diseases once and for all. One hundred and eighty-nine Member States agreed to work together and help the citizens in the world's poorest countries achieve a better life by the year 2015.

The Millennium Development Goals have helped nations to make great strides in turning that vision into a reality. The High Level Panel of Eminent Persons on the Post-2015 Development Agenda, appointed by Secretary-General Ban Ki-moon, highlighted in their Report that there are half a billion fewer people living below the international poverty line; child death rates have fallen by more than 30 percent; and deaths from malaria have been reduced by a quarter. But apparently, more needs to be done to overcome the existing constraints and limitations of the current international

development paradigm, particularly due to a considerable drop in development assistance funding.

I strongly believe that development that excludes the rule of law, crime prevention and criminal justice is far from being sustainable. How can we be truly sustainable when inequality continues to create social tensions? when large segments of the population are still barred from accessing justice? Transnational organized crime, corruption, drug trafficking and conflicts are impeding development efforts around the world. Women and girls continue to be exposed to violence and discrimination. Clearly, gaps in the justice system and an ineffective rule of law are at the heart of the problem.

In the Declaration of the High-Level Meeting of the General Assembly on the Rule of Law at National and International Levels adopted in 2012, Heads of State and Government were convinced that the rule of law and development are strongly interrelated and mutually reinforcing, that the advancement of the rule of law is essential for inclusive economic growth and sustainable development. As such, it is no longer sufficient to look at GDP growth rates to determine the economic success of a country. A well-functioning justice system, too, is a necessary variable that ensures the effective delivery of public services and equal access to economic opportunities.

A key step to realize that end is the adoption of legal frameworks that emphasize a rights-based approach. We need to ensure that no individual or group is left out and barred from justice. For the poor and marginalized groups in a society, access to justice should be actively promoted and include input on decisions that affect not only their economic well-being, but also the full enjoyment of their civil and political rights. In other words, the legal empowerment of the poor and the vulnerable is imperative to create a truly inclusive path forward, as a right to development.

Additionally, we need to look at the justice-drugs-crime trilogy and its impact on development and security. Already in 2004, the United Nations High-Level Panel on Threats, Perception, and Change identified transnational organized crime as one of the most serious threats to international peace and security. The 2011 World Bank Development Report underscored this finding and identified it as a severe impediment to sustainable development.

In Southeast Asia alone, the conservative estimate of illegal financial flows exceeds \$90 billion dollars. This massive black market continues to expand and is fuelled by the proceeds of transnational organized crime, such as human trafficking and drug trafficking alone worth \$32 billion dollars. On the global level, the trade in heroin and cocaine alone is estimated at over \$153 billion dollars.

Corruption is also directly related to transnational organized crime and illegal economic activities. It serves as a severe impediment to sustainable development as it diverts resources away from poverty eradication, the fight against hunger and the delivery of public services. In conflict and post-conflict societies, government institutions are even more prone to corruption, as weak rule of law, poor socio-economic conditions, political destabilization, and the proliferation of small arms and light weaponry, all provide criminal groups with opportunities to operate more freely and effectively.

However, promoting international recognition of the link between crime and development still remains a major challenge. One difficulty is the fact that the MDGs currently make no specific reference to transnational organized crime and justice. Therefore, the assessment of how crime prevention can contribute to the attainment of MDG targets is difficult. But as globalization and regional economic integration continues ever more rapidly, I believe that crime prevention and criminal justice can

no longer be addressed in isolation from other global development issues.

In my view, the issue of violence against women is a clear example of why we must mainstream the rule of law in the development agenda. The unfair treatment of women is a problem that cuts across all the boundaries of age, race, culture, and geography. Unfortunately, gender-based discrimination and violence – even up to the most extreme form of femicide – are still largely entrenched in various social, cultural and legal traditions. But how can any economy truly achieve its maximum potential when half the population is discriminated against in the labour force, and therefore also more susceptible to violence?

That said, the international community must ensure that gender justice is an integral part of the rule of law. Governments need to enhance access to justice for women and respond to their gender-sensitive needs. When I used to work as a prosecutor, I learned first-hand the difficulties women prisoners face. Subsequently, I decided to start a project to enhance their treatment, which led to Thailand spearheading efforts for a set of guidelines adopted by the United Nations on the treatment of women prisoners, now known as the Bangkok Rules, adopted by the United Nations General Assembly in 2010.

Excellencies,

Ladies and gentlemen,

As we look to the post-2015 development agenda, the High Level Panel Report recommends several transformative shifts to achieve sustainable development. First, to leave no one behind is a direct call for ensuring that the poor and vulnerable are

able to benefit from economic growth. Second, putting sustainability at the core of development efforts requires international legislation and norms to achieve that goal. Third, transforming economies for inclusive growth and jobs entails providing all citizens with equal access and opportunities. Fourth, the creation of open and accountable institutions helps societies build an immune system against corruption, strengthening good governance while building confidence in society. Fifth, forging a new global partnership enables countries to promote best practices as a collective responsibility.

While the importance of effective rule of law, including justice and security for all, is highlighted throughout the Report, it is not specifically identified as a cross-cutting issue in its own right. Yet, several of the twelve universal goals in the report are directly linked to the rule of law. For example, Goal 10 seeks to ‘Ensure Good Governance and Effective Institutions’ and includes the target of providing everyone with a legal identity and the possibility of holding government officials accountable. Goal 11 aims to ‘Ensure Stable and Peaceful Societies’, incorporating targets of reducing violent deaths, ensuring access to justice and enhancing the capacity of the justice and security sectors.

Thailand is a strong advocate for mainstreaming the rule of law, justice, and security in the post-2015 development agenda because we genuinely believe that it is extremely crucial at this point in time. Through our collaborative work with like-minded countries and partners in civil society, these efforts led the General Assembly last year to adopt the Declaration on the Rule of Law, and more recently a few weeks ago, a new resolution to include the rule of law, crime prevention, and criminal justice in the United Nations development agenda beyond 2015.

We are, therefore, at a critical crossroads to realize the future we want, 'A Life of Dignity for All', as so eloquently expressed in the recent Secretary-General report (A/68/202). The latest UNODC Report entitled 'Accounting for Security and Justice in the Post-2015 Development Agenda' has presented us for the first time a new innovative way to collect reliable data related to goals, targets and indicators pertaining to the rule of law, justice and security. At the end of the day, however, any effort to mainstream such expert inputs in the post-2015 deliberations process lies in the hands of Member States themselves. This is why I firmly believe we are now facing a unique opportunity to strategically and timely calibrate a new development agenda once and for all.

Apparently, our advocacy work from now until 2015 is parallel to another crucial exercise, that is, the preparations for the 13th United Nations Congress on Crime Prevention and Criminal Justice, to be hosted by the Government of Qatar in Doha in 2015. Crucial not only because the Congress, which formulates policy directives on global crime trends and strategies every five years, is the oldest major conference of the United Nations, but crucial also because the overall theme of the 13th Congress seeks to integrate crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at national and international levels and public participation. I see these two tracks of deliberations as mutually reinforcing.

Last but not least, 2015 is also significant for Thailand and its neighbouring countries as it will herald a new era for the ASEAN Community. In particular, the ASEAN Political and Security Community will promote cooperation in combating transnational crimes and drug trafficking, strengthening the rule of law and legal infrastructure and post-

conflict peace-building. We will need to work on harmonizing laws and regulations on crime prevention and criminal justice, while promoting knowledge and capacity-building in this area. What happens with the rule of law in the post-2015 development agenda will entail implications for our region as well.

In conclusion, I wish to stress that investing in the rule of law, crime prevention, and criminal justice is not only essential, but indispensable, to the path of sustainable development. We must recognize that economic prosperity also brings criminal opportunities. Countries that are most susceptible to transnational threats are often the ones that are less equipped to respond to them. Thus, it is a common and shared responsibility of all Member States to turn the vision of an integrated development agenda into a reality. Together, we can build a strong culture of lawfulness so that our future generations can benefit from our endeavour.

Once again, I would like to thank all of you for coming to Bangkok and I look forward to a very productive and successful conference.

Thank you very much.

14

Opening Remarks

at

Open-ended Intergovernmental Expert Group Meeting on the Development of Draft Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*

Bangkok

18 – 21 February 2014

Ms. Santos Pais, Special Representative of the Secretary-General on Violence
against Children,

Distinguished participants,

Ladies and gentlemen,

It is my great pleasure to welcome you to the open-ended intergovernmental expert
group meeting on the development of draft Model Strategies and Practical Measures

* The United Nations standards and norms on crime prevention and criminal justice, although non-binding 'soft law', contribute to the improvement of crime prevention and criminal justice, and the protection of victims, worldwide. In February 2014, an intergovernmental expert group meeting, called for by the General Assembly, was held in Bangkok in order to finalize draft model strategies and practical measures for the elimination of violence against children. Her Royal Highness, in her capacity as the Ambassador and the Permanent Representative of Thailand to the United Nations agencies in Vienna, had been actively involved in the many rounds of intense negotiation in Vienna, culminating in the organization of the intergovernmental expert group meeting in Bangkok where she also served as Chairperson. The meeting was successful, and the standard and norm was ultimately adopted by the General Assembly later in 2014.

keywords: standards and norms, violence against children

on the elimination of violence against children in the field of crime prevention and criminal justice, which I now declare opened.

Before we proceed, I would like to share some thoughts on the current situation of violence against children. As stated in the Joint Report of the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Office on Drugs and Crime (UNODC) and by you, distinguished Special Representative of the Secretary-General on Violence against Children (SRSG on VAC), on prevention of and responses to violence against children within the juvenile justice system, it is estimated that at least one million children worldwide are deprived of their liberty.

Violence against children exists in every country of the world, across culture, class, and ethnic origin. Violence against children, in all settings, propels children into the criminal justice system. There is a growing concern regarding juvenile delinquency and treatment of young offenders that weakens the rights of the child.

It is important to keep in mind that violence against children within the criminal justice system cannot be tolerated. The criminal justice system must aim to protect children, safeguard their rights, and prevent and respond to all forms of violence against children, criminalized by law. Due diligence must be exercised when investigating and punishing the perpetrators, eliminating impunity and providing protection for child victims or witnesses.

Ladies and gentlemen,

To put an end to violence against children requires a concerted effort. We need to bear in mind the complementary roles of the criminal justice system, child protection agencies, health, education, and social sectors when designing and

implementing integrated strategies on violence prevention and child protection with support of all stakeholders.

The work carried out by United Nations agencies, funds, and programmes are invaluable for Member States when implementing the United Nations standards and norms on the issue of child rights and best interests of the child in the field of crime prevention and criminal justice. The said Joint Report by the OHCHR, UNODC and the SRSG on Violence against Children is fundamental to the Draft Model Strategies and Practical Measures presented today.

I am certain that, guided by General Assembly resolutions 67/166 of 20 December 2012 and 68/189 of 18 December 2013 as well as by the work of the Expert Group Meeting held in October 2013, and also in the light of the upcoming session of the Crime Commission, our deliberations over the course of the meeting will contribute to the draft Model Strategies and Practical Measures that will serve as legal and policy guidance for the effective prevention of and response to violence against children in the field of crime prevention and criminal justice. Let me reiterate Thailand's commitment and determination in this regard.

In closing, I would like to thank the UNODC, especially the Inter-Agency Advisory Group, Professor Yvon Dandurand, our Lead Consultant, and the Expert Group Meeting held in October for their tireless efforts in developing the draft Model Strategies and Practical Measures presented to us here today. My special thanks go to the Thailand Institute of Justice (TIJ), for their hospitality and active role in the field of crime prevention and criminal justice.

Thank you.



Her Royal Highness visited the Tangerang Women's Prison at the outskirts of Jakarta. During the visit, Her Royal Highness shared her views and experiences with Indonesian correctional staffs on the implementation of the UN Bangkok Rules - 2 April 2018.

15

Opening Remarks

at

Meeting of the Chair of the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*

Vienna International Centre, Vienna

6 October 2014

Excellencies,

Distinguished participants,

Ladies and gentlemen,

It is a great pleasure to address you at this important meeting here today to discuss the ‘United Nations Model Strategies and Practical Measures on the Elimination of Violence against children in the field of crime prevention and criminal justice’ and the necessary steps towards their effective implementation. First of all, I would like to extend my gratitude to UNODC, the Government of Austria, and all co-sponsoring

* The draft United Nations Model Strategies and Practical Measures for the Elimination of Violence against Children, which had been finalized at a meeting held in Bangkok in February 2014, had subsequently been approved by the United Nations Commission on Crime Prevention and Criminal Justice, as well as by the Economic and Social Council, for submission to the General Assembly for adoption. At the time, Her Royal Highness was serving as Ambassador of Thailand to the Republic of Austria, and represented Thailand for example at meetings at the United Nations Office on Drugs and Crime in Vienna. In that capacity, she chaired a meeting that addressed issues related to effective implementation of this new standard and norm.

keywords: standards and norms, violence against children

Member States for their commendable efforts and collaboration throughout the process of development and negotiation of this new set of standard and norms. I am confident that this meeting will provide an impetus to the international efforts towards protecting the rights and the best interests of the child within the criminal justice system.

Violence against children represents a widespread phenomenon that affects millions of children worldwide, but yet remains frequently unrecorded, unprosecuted and unpunished. As we move towards the 25th anniversary of the adoption of the Convention on the Rights of the Child, much work still needs to be done to ensure the application of its Article 19, which establishes the principle that all children have the right to be protected from violence, abuse, and exploitation. We are aware that the consequences associated with violence against children are often grave and damaging both for victims and society as a whole. Therefore, we are convinced that the criminal justice system can represent a key driver for change.

Recognizing the need to address the challenges posed by violence against children, the international community has continued to exert its role in this regard. It was right here in Vienna where this process began in January 2012 with an Expert Consultation to discuss measures to prevent and respond to violence against children within the criminal justice system. The crucial momentum came when the Intergovernmental Expert Group Meeting was held in Bangkok last February with a mandate to develop the ‘United Nations Model Strategies and Practical Measures on the elimination of violence against children in the field of crime prevention and criminal justice’. It was again here in Vienna that extensive negotiations led to the approval of the resolution containing this new instrument by the Commission on Crime Prevention and Criminal Justice in May 2014, with 43 co-sponsoring

Member States. Subsequently, in July 2014, the Economic and Social Council endorsed this same resolution and recommended it for adoption by the United Nations General Assembly at the end of 2014.

I strongly believe that this new set of standards and norms uniquely identifies the warranted protection that should be given to all children and especially to those in contact with the justice system, to ensure that they are treated in a child-sensitive manner and that the specific needs of children in particularly vulnerable situations are taken into consideration.

With the envisaged adoption of this instrument by the General Assembly, a new benchmark will be set for action in preventing and responding to violence against children in the field of crime prevention and criminal justice. In this regard, I have the pleasure to announce to you that the Governments of Thailand and Austria, in partnership with UNODC and other relevant United Nations entities, are organizing a High Level Panel Discussion and Exhibition on Violence against Children in the Field of Crime Prevention and Criminal Justice. The event will take place on 21 November in the margins of the 69th session of the General Assembly in New York, with the aim of promoting international awareness of the new ‘United Nations Model Strategies and Practical Measures on the Elimination of Violence against children in the field of crime prevention and criminal justice.’

The following crucial step for Member States will be to disseminate this new set of standards and norms to the widest extent and to translate these model strategies into concrete action at the national and local level. I would like to express my sincere thanks to the United Nations Office on Drugs and Crime for supporting Member States in this

endeavour by developing the draft Global Programme on Violence against Children in the Field of Crime Prevention and Criminal Justice, jointly with UNICEF. I welcome this initiative and am confident that the technical cooperation and tools that UNODC will provide to Member States, upon request, in the framework of this new Global Programme, will contribute towards greater awareness-raising, as well as strengthening the capacity of the criminal justice system to prevent and respond to such violence.

To put an end to violence against children requires a concerted effort. We need to bear in mind the complementary roles of the criminal justice system, child protection agencies, health, education, and social sectors when designing and implementing integrated strategies on violence prevention and child protection with participation of all stakeholders. I believe that the Global Programme will also support Member States in achieving this result. It is this greater participation and promotion of the joint Global Programme that will help pave the way in achieving system-wide coherence that supports national priorities and needs.

Therefore, I invite Member States to join hands with the Government of Thailand in contributing to the successful implementation of the UNODC-UNICEF Global Programme on Violence against Children.

Once again, I would like to thank you all for your participation today and I look forward to a very productive and successful meeting.

Thank you very much.

16

Opening Remarks

at

Regional Training Workshop on Responding to Violence against Children in

Contact with the Justice System*

United Nations Conference Centre, Bangkok

3 November 2014

Excellencies,

Mr. Jeremy Douglas, Regional Representative of UNODC for Southeast Asia and the Pacific,

Mr. Daniel Toole, Regional Director of UNICEF for East Asia and the Pacific,

Dr. Kittipong Kittayarak, Advisor to the Board of Directors of the Thailand Institute of Justice,

Distinguished participants and United Nations representatives,

Ladies and gentlemen,

It is my great pleasure to speak with all of you at this training workshop on responding to violence against children in contact with the justice system. First of all, I would like to welcome participants who travelled from fifteen countries to attend this training event, and extend my gratitude to UNODC, UNICEF, TIJ, and many qualified

* The Model Strategies and Practical Measures for the Elimination of Violence Against Children were due to be adopted by the General Assembly towards the end of 2014. In November 2014, the UNODC, UNICEF and the Thailand Institute of Justice organized a regional training workshop at the United Nations Conference Centre in Bangkok on the effective implementation of this new standard and norm

keywords: standards and norms, violence against children

trainers for their admirable efforts in developing training curricula and organizing this important regional workshop.

The event that we inaugurate today is the result of a fruitful partnership established between UNODC, UNICEF, and TIJ a few months ago, inspired by our common goal to create a concrete learning and networking opportunity for professionals engaged in protecting children in contact with justice systems. During the next three days, judges, prosecutors, police officers, and social workers from sixteen different Asian and Pacific countries will work together towards consolidating the complementary roles of all relevant stakeholders in ending violence against children. I have every confidence that this promising training workshop will provide an impetus to upgrade our capacity to respond more effectively to this violent form of crime and to concretely place the best interests of the child at the core of our work.

Ladies and gentlemen,

All too often, many children in our region are still exposed to violence and crime, and they are susceptible to secondary victimization when they come in contact with the justice system. As we move towards the 25th anniversary of the adoption of the Convention on the Rights of the Child, much work still needs to be done. We need to ensure the application of its Article 19, which establishes the principle that all children have the right to be protected from violence, abuse and exploitation. We are aware that the consequences associated with violence against children are often grave and damaging both for victims and for society as a whole. The recent awarding of the Nobel Peace Prize to Malala Yousafzai and Kailash Satyarthi for their commitment to protecting children reminds us that respect for the rights of the child is crucial to global peace and development.

I am convinced that the criminal justice system can represent a key driver for change. We must ensure that the justice system aims to safeguard the best interests of the child and that it does not tolerate any form of violence against children. Due diligence must be exercised when investigating and punishing the perpetrators, eliminating impunity and providing assistance to vulnerable children. After all, none of us would be here today if it wasn't for the fact that we believe firmly that, together, we can be the driving force of this change.

To this end, the new international normative instrument entitled the United Nations Model Strategies and Practical Measures on the Elimination on Violence against Children in the Field of Crime Prevention and Criminal Justice represents a major benchmark for action. Recognizing the need to address the challenges posed by violence against children, the international community has recently engaged in developing a set of international standards and norms aimed at protecting children and especially those in contact with the justice system, to ensure that they are treated in a child-sensitive manner. This new normative instrument was elaborated by an Intergovernmental Expert Group Meeting held here in Bangkok last February and it was then approved by the United Nations Commission on Crime Prevention and Criminal Justice in May, with 44 co-sponsoring Member States and with recommendation for adoption by the United Nations General Assembly at the end of 2014.

I am confident that the training curricula and methodology proposed in this training event will concretely help you to strengthen your attitudinal orientation and technical capacities to ensure child-sensitive treatment and adequate protection of child victims and witnesses of crime at all stages of the criminal justice process, in order to achieve effective prosecution and to prevent further hardship and trauma for children in contact with the justice system.

I trust, in particular, that the pilot test of the two training tools on the Model Strategies recently developed by UNODC in close cooperation with TIJ will lead to the consolidation of two pivotal instruments that will facilitate the understanding and the application of the Model Strategies within criminal justice systems worldwide, and I commend UNODC for having provided remarkable expertise and developed these two high quality tools in such a short period of time.

I also believe that the specialized training curricula on the treatment of child victims and witnesses of crime, focusing on child victims of sexual abuse and exploitation, will provide guidance and inspiration to our work, and I encourage all of you to disseminate the lessons learned during this training event in your countries in order to promote sustainable improvements.

Ladies and gentlemen,

To conclude, I would like to reiterate the continuous commitment of Thailand in promoting respect for the rights of the child in all settings, especially within the criminal justice system, and in supporting mechanisms aimed at strengthening the capacity of criminal justice professionals to prevent and respond to violence against children. I hope that UNODC, UNICEF, TIJ, and government officials of our region will continue to join hands in this endeavour.

I wish you every success in your work and I thank you very much for your attention.

17

Video Opening Statements

at

Intergovernmental Expert Group Meeting on Gender-Related Killing of

Women and Girls*

Bangkok

11 November 2014

Distinguished participants,

Ladies and gentlemen,

It is for me a distinct honour to speak at the opening of the intergovernmental expert group meeting on gender-related killing of women and girls. Although I am unable to be with you personally, let me assure you that this is the issue close to my heart. I would like to welcome all of you experts to Bangkok. I also extend my gratitude to UNODC, the relevant entities of the UN system, and the Thailand Institute of Justice for their efforts in preparing for this meeting. With a mandate to discuss ways and

* In December 2013, the General Assembly adopted resolution 68/191, entitled 'Taking action against gender-related killing of women and girls'. The resolution requested the Secretary-General to convene an open-ended intergovernmental expert group meeting to discuss ways and means to more effectively prevent, investigate, prosecute and punish gender-related killing of women and girls, with a view to making practical recommendations, drawing also on current best practices, in consultation with relevant United Nations entities and human rights mechanisms. The meeting was organized in Bangkok by UNODC, other UN entities and the Thailand Institute of Justice.

keywords: MDGs, violence against children, violence against women

means to more effectively prevent, investigate, and prosecute gender-related crimes, this promises to be a very interesting exercise.

Violence against women is a heinous form of crime that threatens women's rights while negatively impacting peace, security, and development. That millions of women and girls worldwide are deprived of their childhood, education, health, and personal safety is a story all too familiar. Just last month, Mr. Kailash Stayarthi and Ms. Malala Yousafzai were awarded the 2014 Nobel Peace Prize for their commendable efforts in fighting for the rights of women and children. We, in turn, should be inspired to speak our mind that ending gender-based violence is a common and shared responsibility of ours.

Almost a year ago, the General Assembly adopted resolution 68/191 entitled 'Taking Action against Gender-Related Killing of Women and Girls' requesting the Secretary-General to convene an intergovernmental expert group to discuss this matter. Gender-related killing, also known as femicide, has been identified as one of the most extreme manifestations of violence against women. Rooted in gender-based discrimination and the unequal power relations between men and women, such killing is also exacerbated by other forms of discrimination based on race, class, geographical location, religion or belief, education, sexual orientation, and a general tolerance of violence against women.

The 2012 report from the Special Rapporteur on violence against women stressed that the global prevalence of gender-related killing of women was reaching alarming proportion. According to the 2013 global review, 35% of women worldwide experience physical and/or sexual violence, and in 2012, an estimated 50% of these women were killed by an intimate partner or family member. In addition, the Small Arms Survey



Her Royal Highness was greeted by Mr. Ban Ki-moon, the former Secretary-General of the United Nations, on the occasion where Her Royal Highness participated in and delivered a keynote address at the launching event of the Network of Men Leaders to end violence against women which was initiated by the former Secretary-General. The event took place at the United Nations Headquarters in New York on 24 November 2009.

2011 estimated the global extent of femicide at approximately 66,000 victims per year, of which 17 % were found to be intentional homicides.

With the Millennium Development Goals deadline quickly approaching, our meeting here cannot come at a more opportune time. Gender equality and the reduction of gender-based violence should be incorporated as one of the goals in the post-2015 development agenda. After all, gender-based violence, including femicide, should be seen in the broader framework of sustainable human development. We must work together towards ending impunity for the perpetrators of these crimes, while improving methods of investigation, prosecution, and punishment. We should also attach importance to such activities as awareness-raising, law development and research, particularly on the root causes of the killing of women and girls.

In moving forward, I am hopeful that we can develop a set of practical recommendations on the prevention, investigation, and prosecution of gender related killings of women. This will enhance our ability to improve the way gender issues are addressed, specifically highlighting the importance of women's voice, and participation in overcoming these challenges. This meeting serves as a stepping stone in generating the political support needed for a stronger global advocacy of the issue. Concurrently, we will also be able to identify opportunities for cooperation and capacity-building in this area more adequately.

Finally, as we are approaching the 13th United Nations Congress on Crime Prevention and Criminal Justice to be held in Doha, Qatar in April 2015, it is my hope that we will bring the result of our collective and productive work there so as to share with a larger group of criminal justice experts and practitioners. In so doing, we can continue

to stay the course of taking action against gender-related killing of women and girls worldwide. I wish you every success in your deliberations over the next three days.

Thank you very much.

18

Keynote Remarks

at

High-Level Panel Discussion on Violence against Children in the Field of Crime Prevention and Criminal Justice* United Nations Headquarters, New York

21 November 2014

Excellencies,

Distinguished participants,

Ladies and gentlemen,

It is my great honour and pleasure to meet all of you at this important high-level event here in New York. This afternoon we will be discussing a very pressing issue of our time, that is, how to prevent and respond more effectively to violence against children in the field of crime prevention and criminal justice.

First of all, I would like to welcome all the high level representatives and experts that will intervene later on, particularly H.E. Ms. Sophie Karmasin, Federal Minister for

* The draft Model Strategies and Practical Measures for the Elimination of Violence Against Children were due to be adopted by the General Assembly towards the end of 2014. In order to promote adoption and greater awareness of this standard and norm, a high-level panel discussion was organized at United Nations Headquarters in New York. Her Royal Highness was joined by the Minister for Families and Youth of the Republic of Austria in giving the keynote remarks, which was followed by a panel discussion among representatives of UNODC, OHCHR, UNICEF and the Special Representative of the Secretary General on Violence against Children.

keywords: standards and norms, violence against children

Families and Youth of Austria. No doubt, Austria and Thailand have continued to work closely on this issue. Marta, Aldo – it's very good to see both of you again. I also commend the tireless efforts of all the organizations involved in preparing for this event. I am confident that this high level panel discussion will provide an impetus to the international efforts towards protecting the rights and the best interests of the child within the criminal justice system.

Ladies and Gentlemen,

Children represent the most vulnerable sector of our society as they are often defenceless and unable to recognize, react and report acts of violence committed against them. Over the past few years, the international community has increasingly recognized the urgent need to protect children from violence. Despite continued progress in this field, millions of children are still exposed to abandonment, neglect, violence, and crime worldwide, and are susceptible to secondary victimization when they come in contact with the justice system. As we celebrated the 25th anniversary of the Convention on the Rights of the Child yesterday, we need to reaffirm our commitment to the implementation of the Convention, paying special attention to Article 19 on the principle that all children have the right to be protected from violence, abuse, and exploitation.

Undeniably, the consequences of violence against children are damaging to both victims and society as a whole. The recent awarding of the Nobel Peace Prize to Malala Yousafzai and Kailash Satyarthi for their commitment to protect children reminds us that the respect for the rights of the child is crucial for global peace and development. I believe that integrating comprehensive child protection strategies into a broader rule of law effort represents a positive step in this direction.

I am convinced that the criminal justice system represents a key driver for change. We must ensure that the justice system aims to safeguard the best interest of the child at all stages of the justice process, and that it does not tolerate any form of violence against children. Due diligence must be exercised when investigating and punishing the perpetrators, eliminating impunity, and providing assistance to vulnerable children.

The new set of standards and norms entitled United Nations Model Strategies and Practical Measures on the Elimination on Violence against Children in the Field of Crime Prevention and Criminal Justice represents a major benchmark for action. Recognizing the need to address the challenges posed by violence against children, the General Assembly in its resolution 68/189 mandated the UNODC to convene an intergovernmental expert group to develop a new international normative instrument of soft law aimed at ensuring the warranted protection to which children have an unqualified right. Thailand hosted this expert meeting in Bangkok in February 2014. Representatives from UNODC, UNICEF, OHCHR, and the Office of the Special Representative of the Secretary-General on Violence against Children were also involved in this process so as to ensure that the ‘Model Strategies’ meet the highest possible standard.

Subsequently, a resolution containing the ‘Model Strategies’ was presented by Austria and Thailand to the 23rd session of the United Nations Commission on Crime Prevention and Criminal Justice, which adopted it with the support of 44 co-sponsoring Member States. In July 2014 the ‘Model Strategies’ were further endorsed by the Economic and Social Council and they were recently approved also by the Third Committee of the General Assembly, which provided a recommendation for their final adoption by the United Nations General Assembly at its 69th session.

In our view, the ‘Model Strategies’ provide for a comprehensive framework to develop and implement the necessary legal, policy and operational reform for preventing and responding to violence against children. In particular, they uniquely identify concrete means to strengthen the capacity of the criminal justice system to investigate and prosecute violence against children, and to treat child victims, witnesses and offenders in a child-sensitive manner. Moreover, the added value of this instrument is its strong focus on the complementary roles of the justice system and the child protection, social welfare, health, and education sectors. The ‘Model Strategies’ embody an integrated approach, as they are structurally based not only on the Convention on the Rights of the Child and other international human rights instruments, but also on the relevant United Nations standards and norms on crime prevention and criminal justice.

Ladies and gentlemen,

The adoption of the ‘Model Strategies’ by the plenary session of the General Assembly is expected to take place in a matter of days from now. This will send a strong and unequivocal political message that we, the international community, do not tolerate any form of violence against children, that we believe in change from business as usual, and that we are ready to engage to make the world a better place for our children. What better way to celebrate the 25th anniversary of the Convention on the Rights of the Child than to reiterate our resolve towards such a commitment?

Equally important, we should look forward to another anniversary that will take place at the 13th United Nations Congress on Crime Prevention and Criminal Justice in Doha, Qatar in April next year. Known as a bastion of numerous global

standards and norms, the 13th Crime Congress can celebrate its 60th anniversary with the addition of the new Model Strategies on violence against children. I also take this opportunity to mention the overall theme of the 13th Crime Congress, which is ‘integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at national and international levels, and public participation’. Protecting children from violence in the field of crime and justice, I believe, is a direct answer to such a call. But perhaps we should do more in order to ensure that the post-2015 development agenda also takes on board this indispensable aspect.

While we managed to achieve the initial diplomatic success, we should look at the adoption of the ‘Model Strategies’ not as the point of arrival, but rather as the point of departure. Already, Thailand and Austria have joined hands in launching the UNODC-UNICEF Global Programme on Violence against Children for the first time in Vienna last October. Translating the Model Strategies into reality, whether through awareness raising, research, legislation review, capacity-building, and enhanced cooperation among all relevant stakeholders, will be crucial to their successful dissemination and implementation.

In this regard, I would like to report to you that earlier this month UNODC, UNICEF and the Thailand Institute of Justice jointly organized a regional pilot workshop on the ‘Model Strategies’ in Bangkok, in the framework of a broader training event on the treatment of children in contact with the justice system. The workshop aimed to pilot test two training tools on the ‘Model Strategies’ that are in the process of being developed by UNODC in close cooperation with TIJ. I have every confidence that such an exercise will facilitate the understanding and the application of the Model Strategies

within criminal justice systems worldwide. In this, I commend UNODC for having provided its expertise and continued to work with us on this collaborative project.

Ladies and gentleman,

To conclude, I would like to reiterate the commitment of Thailand in promoting the respect for and protecting the human rights of children, especially within the criminal justice system. We will continue to be engaged in activities aimed at strengthening the capacity of criminal justice professionals to prevent and respond to violence against children. After all, the world cannot expect the development goals to be sustainable if the future of our next generation is in peril. We must cultivate the culture of lawfulness so as to create a peaceful and inclusive society that embraces the rule of law. We must mainstream a rights-based approach to the consciousness of our society so as to foil any violent tendency. But we will be unable to achieve such endeavour if we do not do so together. I urge all Member States and UN entities to join hands in building a safer, more secure, and sustainable world for our children.

Thank you very much for your attention.

19

Video Opening Remarks

at

Asia Regional Meeting on Crime Statistics and Victimization Surveys*

Bangkok

1 December 2014

Distinguished participants,

Ladies and gentlemen,

It is an honour and pleasure for me to address the 'Asia Regional Meeting on Crime Statistics and Victimization Surveys'. First of all, I would like to extend a warm welcome to all of you to Bangkok. I also express my sincere appreciation to UNODC, ESCAP, the Korean Institute of Criminology, and the Thailand Institute of Justice for their collective efforts in organizing this important and timely meeting.

As a practitioner in this field, I have always maintained that crime and justice statistics

* Informed development of policy on crime prevention and criminal justice requires empirical research and the collection of crime and justice statistics to identify the scope and emergence of problems, and the impact of policy choices. The United Nations has been a leader in promoting cross-national data collection and analysis, for example through its surveys of crime trends and criminal justice, and the publication of reports on specific issues. Concern has been expressed that in the Asian region, there is a considerable lack of quality data. With this in mind, the UNODC, ESCAP, the Korean Institute of Criminology, and the Thailand Institute of Justice organized the first regional meeting on crime statistics and victimisation surveys.

keywords: crime statistics, victims

is a fundamental component of empirical research as well as harmonization of data among the criminal justice agencies. While we recognize the need to strengthen the capacity of the United Nations and Member States to collect, analyse and disseminate accurate, reliable, and comparable crime data, we must accept the harsh reality that every country faces shortcomings in realizing such an objective. This meeting, therefore, contributes positively to raising awareness of this important aspect.

Where the criminal justice sector is concerned, we must have a clear understanding of the reality on the ground before addressing the challenges. This necessitates the production of information/data and statistics that is accurate, timely, credible, and comprehensive. Without quality data and statistics, we will not understand the current status of the problem, and as a result, our efforts and policy will be rendered ill-prescribed leading to losses of time and financial resources. Further, without accurate indicators, our ability to monitor results is limited, thus not providing a clear picture of what progress has been made and, similarly, what challenges remain.

Within this context, the calls for a 'Data Revolution for the post-2015 Development Agenda' has never been more clear and its importance appreciated. Data and statistics are crucial to understanding contexts. Key debates related to sustainable development must derive from accurate empirical information. Understanding and creating solutions to problems like violence against women and children requires data and statistics that are gender-sensitive in order to better comprehend its extent and impact upon society. Harmonization of crime data and statistics domestically and internationally allows us to not only compare data and properly identify mutual areas of concern, but also extends opportunities for cooperation. Challenges within the criminal justice

are both cause and consequence of factors that transcend man-made geographical boundaries. Having comparable concepts and measurements, data and statistics affords agencies opportunities to craft responses uniformly. Instruments like the International Classification of Crime for Statistical Purposes (ICCS) can help assist in this endeavour by helping countries to speak the same language.

Finally, in order to obtain a more complete understanding and to shed more light upon the dark figure of crime, criminal victimization surveys are of the utmost importance. While administrative data is important, we know that for various reasons, they are incomplete. Sharing insights, successes, and challenges can allow us to improve upon the survey instrument, which can lead to better findings and thus better policy recommendations.

Like UNODC, ESCAP, and the KIC, TIJ is committed to improving the quality of data and statistics on crime and justice. We have been active in promoting data and statistics improvement and even conducted our own domestic version of this meeting to gain a clearer picture of the status of crime and criminal justice statistics. As the coming of the ASEAN Community in 2015 juxtaposes our region to the ever growing challenges of transnational crime, promoting capacity-building in this area can serve both as an immune system and a cure to the problem.

So where do we go from here? This meeting provides an opportunity for experts and practitioners to share their perspectives and experiences with the ultimate goal of improving upon the production, collection, analysis, and dissemination of data and statistics. I am confident that as we learn more from each other, we can determine

the steps forward not only for our individual countries but also collectively. I also hope that we can discuss concrete solutions to building our respective institutional capacities to ultimately produce better data and statistics. With that, I wish you every success in your deliberations over the next three days.

Thank you very much.



Her Royal Highness observed women prisoners who are learning the Thai language as part of education programme the Chiang Mai Women's Correctional Institution, Chiang Mai - 25 January 2018.

20

Opening Remarks

at

Doha Youth Forum on Crime Prevention and Criminal Justice*

Doha, Qatar

7 April 2015

Your Highness Sheikh Hamad Bin Khalifa Al Thani,

Your Highness Sheikha Moza bint Nasser,

Distinguished participants,

Ladies and gentlemen,

It is an honour and pleasure for me to be here today at the Doha Youth Forum. I would like to first express my sincere appreciation to the Qatar Foundation for Education, Science, and Community Development, Qatar's Ministry of Interior, and the United Nations Office on Drugs and Crime for organizing this important and timely event.

* The United Nations Congresses on Crime Prevention and Criminal Justice, which have been organized every fifth year since 1955, are the largest global gathering of policy makers, practitioners, researchers, intergovernmental organizations, non-governmental organizations and other stakeholders in crime prevention and criminal justice. The Thirteenth UN Crime Congress was held in Doha, Qatar in 2015. An innovation made possible by the generosity of the Government of Qatar was the organization of a special Doha Youth Forum in advance of the UN Crime Congress, designed to contribute to the proceedings of the Congress itself.

keywords: culture of lawfulness, rule of law, trafficking in cultural property, violence against children, violence against women

Important because for the first time in the history of the UN Crime Congress, the role the youth of our world in addressing crime and justice challenges is prominently recognized. Youth are not often provided with sufficient opportunities to assist in shaping international law and guide public policy. It is platforms such as the Doha Youth Forum that guarantee the voice of the youth to be heard, and for fruitful and effective dialogue to occur in order to assist our Governments in effectively responding to the problems related to crime prevention and criminal justice.

I am also excited to engage with you on the importance of rule of law within our society and the roles and responsibility of our youth in promoting this fundamental notion. As both a former diplomat and a current practitioner in the fields of crime prevention and criminal justice, I can attest to the fact that the rule of law and sustainable development are inextricably linked, both at national and international levels. The rule of law enables a condition in which any society can achieve peace, security, and sustainable and inclusive development, while its citizens can enjoy their basic and fundamental human rights.

Just think about that for a minute. How can we achieve sustainability when disparity continues to create social tension and security concerns? How can we promote peaceful and inclusive societies when large segments of our population are still denied access to justice, and face exclusion and discrimination?

Global challenges such as transnational organized crime and corruption are impeding developmental efforts, economic growth, access to public resources, and governance and accountability. Gaps in the justice system and ineffective rule of law are at the heart of the problem. States are ultimately responsible for providing equitable access

to justice, and for promoting and protecting the rights of all people, especially society's most vulnerable.

Also, we should not forget that a strong legal system has the ability to foster domestic and foreign investment that is both profitable and ethical. As such, crime prevention and criminal justice, the fundamental issues that we are attempting to address here in Doha and in our own states, are enshrined within the rule of law framework. An acknowledgment of the United Nations norms and standards in these areas is therefore crucial when bringing these issues to the forefront.

At the heart of my work is also the protection of women and children. Children of course represent the most vulnerable sector of our society, often defenceless and unable to recognize, react to and report acts of violence committed against them. Undeniably the consequences of violence against children are damaging to both victims and society because violence can also perpetuate for generations.

Advocacy for the rights of these vulnerable groups is essential. Most notable is the awarding of the Nobel Peace Prize to Malala Yousafzai and Kailash Satyarthi for their commitment to the protection of the rights of children and the promotion of access to education for girls. This reinforces the notion that the rights of the child are crucial for global peace and development, and that youth can be the drivers of the promotion and the protection of such rights. Also, the youth of our society have a role in the prevention of and the response to violence; violence not only in the form of physical violence, but also psychological violence through bullying, discrimination, neglect, and maltreatment.

The other form of violence we must end is violence against women. Deeply rooted in gender inequality and the discrimination that women and girls face in nearly all aspects of their lives, such violence affects women and girls regardless of culture, social class, education, income and ethnicity. It causes millions of women and girls worldwide to be deprived of their childhood, education, health, and personal safety. This must be addressed promptly through practical recommendations and through the assistance of our youth in order to save the innocence of our world. After all, our youth can be the ones setting the standard and leading by example.

UN Women reported in their global review for 2013 that 35 per cent of women worldwide have experienced violence; in some countries, as many as 70 percent of women have experienced sexual and gender-based violence. While these numbers are alarming, sadly most cases of violence against women go unreported and subsequently are not punished. In the European Union roughly only 14 percent of cases of violence are reported. In my country, Thailand, we estimate that less than 10 percent of women victims report violence that has been committed against them. Ending this violence is a common and shared responsibility. It is vital to mainstream a gender-specific and rights-based approach into all criminal justice systems globally.

In addition to national policies, public participation to strengthen crime prevention and criminal justice can also bridge social and economic gaps and promote the rule of law. To address these gaps requires more than strengthening the capacity of governments. A sense of responsibility must be instilled in the public that they, too, have a personal stake in this cause. All citizens must play an active role in promoting trust in the justice system and the belief that laws are fair and apply universally, regardless of socio-economic status.

Every person in society has a role in creating and overseeing the implementation of laws. For example, youth should be involved in the planning and implementation of strategies to prevent crimes in their communities by providing valuable perspectives on the problem. Your role should be considered as vital as that of adults. After all, you are our future, you are the leaders of the next generation and you are the ones who have the ability to implement and succeed in global change. With vision and determination, you can guide policy and make recommendations for permanent solutions. I truly believe that youth are the voice of the future.

I cannot emphasize enough the crucial role of education. Conventional wisdom has it that all human beings should have the right to universal education. In reality, however, many children and youth around the world are not afforded such a basic and fundamental right. This is a serious development problem that needs to be examined critically in the context of the rule of law, crime prevention, and criminal justice. Poverty and illiteracy render youth susceptible not only to becoming offenders or juvenile delinquents, but also to being victimized or trafficked.

I personally believe that prevention is better than cure. The best youth crime prevention is education. We need to make education for the rule of law accessible and relevant. But while education is an important component of national economic and social development plan of any country, the crime prevention aspect often does not figure prominently.

Here is a classic case of why we should advocate for the development of national crime prevention strategies. With such a strategy, we can establish benchmarks and indicators that help inform us of how we are achieving our sustainable development goals of

promoting peaceful and inclusive societies and access to justice for all. I would like to take this opportunity to congratulate the Qatar Foundation for its commendable role in promoting education throughout the world.

In preparing your recommendations for the Congress, I would like to suggest that you challenge yourself by tackling some difficult issues. How about cybercrime? This crime has transformed the conventional approach to addressing crime through law enforcement mechanisms, to a sophisticated standard requiring international cooperation and the implementation of stringent domestic action. It is an emerging form of transnational crime, one where the nature of the crime is seen as borderless; perpetrators of cybercrime and their victims can be located in different regions, and its effects can ripple through societies around the world.

Cybercrime also leads to internet predators. The urgency and need to protect innocent victims from the dangers posed by anonymous internet predators cannot be more evident in this globalized era. Evidently, online sexual exploitation of children is a problem which requires an urgent, dynamic and well-coordinated global response. It is our duty to promote long-term and sustainable capacity building through supporting national structures and State-based action plans to fight this heinous crime. People are no longer safe in the comfort of their own home, so let us change that once and for all.

Trafficking in cultural property is also another emerging crime of concern that must be addressed by your generation. Cultural property is seen as the common heritage of mankind. It is so unique and important a testimony to the evolution and identity of peoples. We have witnessed recently the devastating effects of the looting and destruction

of cultural property on some cultural heritage sites. We need to ask ourselves: How can we deal with the prospect that the next generation of children grows up with a lost history?

I stand here today to encourage you to empower change in crime prevention and criminal justice. We must cultivate a culture of lawfulness to create peaceful and inclusive societies that embrace the rule of law. We must inculcate our citizens regardless of social class, race, gender and age, so that they trust in the justice system and use the law to improve their lives. In tandem we must also mainstream a rights-based approach into the consciousness of our society.

With the participation of the youth from thirty different nationalities, this Forum will initiate intercultural dialogue, and build networks and friendships. I also hope you will disseminate knowledge and experiences gained from this Forum to inspire you to promote a culture that adheres to the law and be active role models in your communities and in your countries.

I hope this Forum will also encourage you to debate global issues on the most pressing economic and social problems, challenges in criminal justice, raise awareness in the role of youth, strengthen knowledge, and contribute to the development of solutions to these cross-cutting issues. I am confident that with your creativity and enthusiasm, you will contribute and propose practical recommendations for new global action plans.

My colleagues and I look forward to hearing your voices, and witnessing your actions through the implementation of your work. The fate of addressing universal crime

prevention and criminal justice lies with you, in your hands, and it is with you that unlocking human potential through change is possible. Together we can build strong criminal justice systems so that our future generations can benefit from our endeavour.

I encourage you, as the next generation of leaders, to be innovative in your approaches, to see what makes people tick. I also encourage you to be not only citizens of action, but also citizens of reflection. As we fast forward to the future scenario, it would not surprise me that one day we would come to know a new global leader who gives interviews to the press saying that he or she had been part of the Doha Youth Forum back in 2015.

Once again, I look forward to your presentations on the outcomes and recommendations of this Forum at the 13th United Nations Congress on Crime Prevention and Criminal Justice, and wish you the best of luck on your future missions.

Thank you very much.

21

Keynote Address

‘Addressing the needs of women prisoners through effective and sustainable implementation of the United Nations standards and norms’

at

Workshop 1

13th United Nations Congress on Crime Prevention and Criminal Justice*

Doha, Qatar

13 April 2015

Excellencies,

Distinguished delegates,

Ladies and gentlemen,

It is for me a great honour and privilege to speak at Workshop 1 of the 13th UN Crime Congress this morning. First of all, I would like to congratulate the United Nations Office on Drugs and Crime, the Raoul Wallenberg Institute, and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) for their leading efforts in preparing this workshop.

* The Thirteenth UN Crime Congress was held in Doha, Qatar in 2015. The formal proceedings of the Congress, which are the largest global events in crime prevention and criminal justice, involved four agenda items, as well as four workshops, each workshop feeding in to the respective agenda item. The first Workshop, which was organized by the UNODC, the Raoul Wallenberg Institute, and UNAFEI, dealt with the needs of women prisoners, and thus was integrally related to the Bangkok Rules. Her Royal Highness delivered the keynote address opening the Workshop.

keywords: SMRs, standards and norms, women prisoners

The role of the United Nations standards and norms in crime prevention and criminal justice in support of fair and humane and accountable criminal justice systems has always been an inseparable part of the UN Crime Congresses. So as we celebrate the 60th anniversary of the Congresses here in Doha, this gives us an opportunity to reflect upon our achievements and to renew our commitments toward the future.

For many years, the United Nations has been active in developing and promoting standards, norms and guidelines in the field of crime prevention and criminal justice. Derived from the commitment of Member States to keep society safe, secure, and humane, the UN standards and norms have stood the test of time as a global benchmark that guides national governments to strengthen the effectiveness of criminal justice system and their responses to various forms of crime.

Through international consensus a significant number of standards and norms have been adopted by the UN General Assembly and the Economic and Social Council, and disseminated to practitioners globally. These instruments deal with a wide variety of issues ranging from juvenile justice, violence against women, crime prevention, and restorative justice, to the treatment of prisoners. In keeping with the main theme of this Congress on an integrated approach, I hasten to add that these UN standards and norms should be viewed in the larger context of the promotion and protection of human rights in the administration of justice as well.

The first international standard and norm, the United Nations Standard Minimum Rules for the Treatment of Prisoners (referred to as the SMRs), was adopted by the First UN Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and subsequently approved by the UN Economic and Social Council in 1957. Since then, the SMRs have been an important guideline for the treatment of all prisoners and the key point of reference in designing and evaluating corrections laws and policies the world over.



Her Royal Highness delivered keynote remarks at the High Level Debate on Transnational Organized Crime organized by the General Assembly at United Nations Headquarters in New York on 19 June 2017. Her Royal Highness was accompanied by the late Ambassador Virachai Plasai who then served as the Ambassador and Permanent Representative of the Kingdom of Thailand to the United Nations in New York.

After the adoption of the SMRs, many additional standards and norms relevant to the treatment of offenders have continued to flourish. The Milan Congress in 1985, for example, gave birth to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, or the Beijing Rules. The Havana Congress in 1990 approved among many other things, the United Nations Standard Minimum Rules for Non-custodial Measures, or the Tokyo Rules, the Basic Principles for the Treatment of Prisoners, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the United Nations Guidelines for the Prevention of Juvenile Delinquency, or the Riyadh Guidelines.

Despite this progressive development which suggested that the UN recognized various categories and conditions of offenders in light of the SMRs, the fact remains that the overwhelming prison populations are male. In many countries, male inmates account for up to 90 percent of the national prison population. Therefore, correctional facilities in most places were originally designed and built primarily for male prisoners.

However, over the last few decades, the number of women in prison has dramatically increased worldwide. Although smaller in absolute numbers, the percentage of growth in women prisoners is rising faster than that of their male counterparts. Nevertheless, statistics shows that the crimes committed by women are less serious and usually non-violent.

Women prisoners are often referred to as a 'forgotten population'. For a long time, the needs of women prisoners which are very much specific and multi-dimensional have been overlooked. These include personal hygiene, reproductive health needs, and a higher risk of having psychological and mental problems. In most cases, women

prisoners are also mothers with child rearing responsibilities, pregnant and breast-feeding mothers. The fact that prisons do not adequately respond to women's specific needs has caused several challenges, including their vulnerability to re-victimization in prison settings.

Recognizing such a gap, the Government of Thailand initiated an effort to bring this issue under consideration by the United Nations. With support from many Member States, experts and the United Nations Office on Drugs and Crime, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the 'Bangkok Rules', were developed and presented to the international community for the first time at the 12th Congress in Salvador. The Rules were subsequently adopted by the General Assembly in 2010.

The Bangkok Rules represent a significant achievement of the international community in addressing specific needs of women in the criminal justice system. The Rules take into account existing standards and norms such as the SMRs and the Tokyo Rules, while incorporating elements of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. With the mainstreaming of gender sensitivity as the underlying principle, the Bangkok Rules are applicable to all categories of women deprived of their liberty, including untried or convicted women, as well as to women subject to non-custodial measures.

It should also be emphasized that the Bangkok Rules are not intended to replace prior existing standards and norms in any way. On the other hand, they bring further clarity

to existing provisions to ensure that the needs of women and girls in criminal justice systems are adequately and effectively addressed.

From Salvador to Doha, the Bangkok Rules journey has now brought them back to the Crime Congress – this time for a critical evaluation. At this workshop, we will see how the Bangkok Rules have contributed to the work of the prison administration in addressing the treatment and social reintegration of women prisoners, and preventing their recidivism.

I believe we have come a long way in promoting the implementation of the Rules. Today we can find good practices in many correctional facilities around the world. Nevertheless, the Bangkok Rules are soft law which does not impose obligations on States to apply them. In practice, the degree to which States implement standards and norms differs greatly from one jurisdiction to another. In essence, such flexibility is the very beauty of the UN standards and norms.

Although the application of standards and norms may vary due to the respective social and political context of different countries, I take this opportunity to underline some of the necessary key points in which countries should strive in achieving effective and sustainable implementation of the UN standards and norms on women prisoners.

First, efforts should be made to ensure that national legislation and policies are in line with the UN standards and norms. Relevant domestic laws and sentencing policies should emphasize rehabilitation and reintegration. Imprisonment of women should be considered as a last resort. The use of non-custodial measures and alternatives should be encouraged more, in order to reduce overcrowding and stigmatization caused by

imprisonment. Of equal importance is the government's commitment and financial support. This should be long-term in order to ensure sustainability and effectiveness of the fair and humane correctional practices.

Second, awareness of the importance of the UN standards and norms is crucial in boosting their implementation. Through capacity building activities, criminal justice professionals should be given an opportunity to broaden their understanding. For instance, Thailand in cooperation with UNODC hosted the East Asia-Pacific Regional Meeting on the Implementation of the Bangkok Rules in Bangkok in 2013. The meeting was a great example of how countries in the region share their experiences on programme and activities designed for women prisoners, while building a network of cooperation on this front.

In addition, training on gender sensitivity is also an important way to equip criminal justice practitioners with fundamental knowledge in implementing the Bangkok Rules. This kind of training is crucial because we need to build a positive attitude and mind-set of correctional staff to be gender-sensitive when treating women offenders. Clearly, this is one of the key elements in achieving successful prison reform.

Lastly, the Bangkok Rules as well as other UN standards and norms have been used as a point of reference in developing technical tools for institutional staff. Currently there are a variety of practical tools and handbooks developed by UNODC and non-governmental organizations. For instance, Penal Reform International and the Thailand Institute of Justice have jointly published a Guidance Document and an Index of Implementation of the Bangkok Rules as reference documents and resources. Also, UNODC published several handbooks, including a 'Handbook for prison managers

and policymakers on women and imprisonment’ of which the latest edition provides clear explanation and good practices with reference to the Bangkok Rules.

In speaking of the sustainable implementation of the UN standards and norms, I would be remiss not to mention the review of the Standard Minimum Rules for the Treatment of Prisoners. The adoption of the Bangkok Rules at the 12th Congress not only galvanized global attention on a particular category of prisoners, that is women, it also triggered critical momentum on the broader question of the review of the Standard Minimum Rules for the Treatment of Prisoners. As a result, the General Assembly mandated the Commission on Crime Prevention and Criminal Justice to establish an intergovernmental expert group to conduct such a review process so as to reflect the advancement in correctional science.

During the period of 2012 to 2015, the intergovernmental expert group, through its four meetings, took us from Vienna to Buenos Aires, and finally to Cape Town, where it finally completed its work. I am pleased to note that we now have the revised version of the SMRs which shall be known as the ‘United Nations Standard Minimum Rules for the Treatment of Prisoners’ or the ‘Mandela Rules’ in honour of the legacy of the late President Nelson Mandela of South Africa. I hope that momentum can be achieved here in Doha for the new Mandala Rules to be approved by the Crime Commission and the General Assembly within this year.

In conclusion, I would like to emphasize that all UN standards and norms related to crime prevention and criminal justice are useful in assessing needs and gaps in legislation and practice. While a number of standards and norms have been adopted and several

tools are made available, Member States should be urged to use these instruments in order to bring correctional practices into line with international standards and norms, and to fulfil their obligations in promoting and protecting the fundamental human rights of those behind bars.

I would like to take this opportunity to thank all those involved in organizing this important workshop, and look forward to the presentations and a lively and meaningful discussion today.

Thank you very much.

Keynote Remarks

at

High-Level Event on Violence against Children in the Field of Crime

Prevention and Criminal Justice*

13th United Nations Congress on Crime Prevention and Criminal Justice

Doha, Qatar

15 April 2015

Excellencies,

Distinguished participants,

Ladies and gentlemen,

I have the pleasure to participate at the High Level Event on Violence against Children in the Field of Crime Prevention and Criminal Justice, along with other esteemed panellists and colleagues. First of all, let me say that the protection of children against violence is a matter of urgency. No violence against children is justifiable and all violence is preventable.

Children represent the most vulnerable sector of our society. They are defenceless

* The Thirteenth UN Crime Congress was held in Doha, Qatar in 2015. In addition to the four agenda items and the related four workshops, the UN Congresses feature a large number of ancillary events dealing with specific topics. A select few select ancillary events are recognized as High Level Events, attracting wide participation and generating considerable attention. Her Royal Highness delivered Keynote Remarks at the High Level Event on Violence against Children.

keyword: violence against children

and unable to recognize, react to and even report acts of violence committed against them. Millions of children are exposed to abandonment, neglect, violence, and crime worldwide, and are susceptible to secondary victimization when they come in contact with the justice system.

Violence against children takes a variety of forms and is influenced by a wide range of factors, from the personal characteristics of the victim and perpetrator to their cultural and physical environment. However, a majority of this violence remains hidden due to fear, societal acceptance of violence, and the lack of safe and trusted ways in which both children and adults can report it. Our commitment to fighting this inhumane crime is what will drive us to victory.

Upholding the human rights of children is crucial for maintaining global peace and development, and for building a resilient, sustainable society that provides a solid foundation for the rule of law. In fact, the main theme of the 13th Crime Congress calls for ‘integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at national and international levels, and public participation.’ I believe protecting children from violence is a direct answer to such a call.

Let me take you back to the start of the progressive development of UN standards and norms on violence against children. In 2012, the joint report of Office of the United Nations High Commissioner for Human Rights (OHCHR), the UNODC and the Special Representative of the Secretary-General on Violence against Children on prevention of and responses to violence against children within the juvenile justice system was submitted to the Human Rights Council at its 21st session. Later that same year Austria sponsored General Assembly resolution 67/166 on human rights in the

administration of justice, in which it invited the CCPCJ to consider developing a draft set of model strategies for the elimination of violence against children.

In following up on such invitation, the Governments of Thailand and Austria joined hands in seeking the mandate for the UNODC to convene an intergovernmental expert group meeting to focus on this question. I had the privilege to chair that expert group meeting, which was held in Bangkok in February 2014. Experts from all regions of the world participated, along with representatives from various UN entities, particularly UNICEF, the OHCHR, and Special Representative of the Secretary-General Ms. Marta Santos Pais.

Despite a rather difficult and delicate negotiation process, we managed to reach consensus on the ‘United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice’, which was adopted by the General Assembly in its resolution 69/194 later that year.

In putting things in perspective, I would like to make a point that violence against children is as much a human rights issue as it is a crime prevention one. When the international community celebrated the 25th anniversary of the Convention on the Rights of the Child a few months ago, it reaffirmed the commitment to the implementation of the Convention, particularly Article 19 on the principle that all children have the right to be protected from violence, abuse and exploitation. Today as we celebrate the 60th anniversary of the UN Crime Congress here in Doha, we can be proud of our achievement in mainstreaming the rights-based approach in the new UN ‘Model Strategies’.

This new set of standards and norms represents a major benchmark for action towards ensuring the warranted protection to which children have an unqualified right. In our view, the ‘Model Strategies’ provide for a comprehensive framework to develop and implement the necessary legal, policy, and operational reform for ending all forms of violence against children. Moreover, the added value of this instrument is its strong focus on the complementary roles of the justice system and the child protection, social welfare, health and education sectors.

Since Thailand attaches great importance to the rule of law and development nexus, I would like to take this opportunity to talk about Goal 16 of the post-2015 development agenda. Under this overarching goal, there is goal 16.2 which emphasizes ‘ending abuse, exploitation, trafficking and all forms of violence against and torture of children.’ For the first time, we have a possibility of developing targets and evidence-based indicators aimed at measuring how well we perform in protecting children from violence in a larger context of promoting peaceful and inclusive societies, and access to justice for all. This also illustrates that the issues of children and sustainable development is mutually reinforcing.

We should look at the adoption of the ‘Model Strategies’ not as the point of arrival, but rather, as the point of departure. I call upon Member States, UN entities and civil society to take a decisive step forward the implementation of the ‘Model Strategies.’ In order to translate this instrument into reality, we should engage in their wide dissemination, in fostering the political willingness to implement them, in identifying the priorities of countries for action, and in reviewing legislation and building capacity where needed. I would like to express my sincere thanks to the UNODC for developing the Global

Programme on Violence against Children in the Field of Crime Prevention and Criminal Justice jointly with UNICEF, which I am sure Ms Valerie Lebaux, Chief of the UNODC's Justice Section, will further elaborate on. Suffice it to say that the new Global Programme will contribute toward greater awareness-raising, and capacity-building of states in preventing and responding to such violence.

I would also like to report to you that UNODC, in partnership with the Thailand Institute of Justice, has developed two technical assistance tools, the 'Introduction Booklet' and the 'Checklist', with a view to supporting criminal justice professionals in understanding and applying the 'Model Strategies' worldwide.

Some initiatives have already taken place in Thailand. The 'Model Strategies' were presented and discussed during a Regional Workshop for East Asia and Pacific countries last year promoted by Thailand, UNODC, and UNICEF. The Second Meeting of the Asia-Pacific Council for Juvenile Justice to be held in Phuket, Thailand from 5 to 8 May 2015 will prominently feature a discussion on the Model Strategies. In addition, the Office of the Attorney General of Thailand has disseminated the 'Model Strategies' to relevant offices throughout the country and awareness raising campaigns have been launched.

I would like to reiterate Thailand's commitment to promoting respect for the human rights of children, as well as to strengthening the rule of law within this context. The consequences of violence can be devastating. Violence can result in early death, and children who survive violence must often cope with terrible and irreversible physical and emotional scars. Not only the health of children is at risk, but also is their ability

to learn and grow into adults who can create sound families and communities. Unless we can end the violence, this will take away the development and productivity of the entire generation.

On that note, let me end by saying that violence against children has no place in any society. I am pleased that we now have the Model Strategies that can enable states to enhance their ability to prevent and respond to such violence. All efforts must be made in the name of building a resilient, sustainable society with the rule of law as its foundation. Let us work together to build a safer, more secure, and sustainable world for our children.

Thank you very much for your attention.



Her Royal Highness visited the Tangerang Women's Prison at the outskirts of Jakarta. During the visit, Her Royal Highness shared her views and experiences with Indonesian correctional staffs on the implementation of the UN Bangkok Rules - 2 April 2018.

23

Keynote Remarks

at

Ancillary Meeting on ‘Implementing Non-Custodial Measures for Women in Relation to Drug Offences’*

13th United Nations Congress on Crime Prevention and Criminal Justice

Doha, Qatar

16 April 2015

Police General Chatchawal Suksomjit, Permanent Secretary of the Ministry of Justice
of Thailand,

Esteemed panellists,

Distinguished participants,

Ladies and gentlemen,

It is an honour and pleasure for me to be with all of you here today at the ancillary
meeting on ‘Implementing Non-custodial Measures for Women in Relation to Drug

* The Thirteenth UN Crime Congress was held in Doha, Qatar in 2015. In addition to the four agenda items and the related four workshops, the UN Congresses feature a large number of ancillary events dealing with specific topics. One ancillary meeting at the Doha Congress dealt with the promotion of the use of non-custodial measures for women convicted of drug offences.

keywords: alternative development, drug policy, non-custodial measures, women prisoners

Offences'. I would like to first express my sincere appreciation to the Ministry of Justice of Thailand for organising this important and timely event.

The adoption of the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the Bangkok Rules, has developed the pathway for states to implement gender sensitive criminal justice systems. Women are more likely than men to face physical or mental trauma during detention, interrogation and incarceration.

Consequently, the Bangkok Rules have attempted, through rights-based approaches, to address methods to avoid women offenders with less criminal characteristics being sent to prison, as well as to ensure the existence of gender sensitivity during their confinement. In our actions, we should advocate for the application of non-custodial measures for women offenders, particularly girl children in conflict with the law.

This ancillary meeting illustrates the importance of implementing the non-custodial measures part of the Bangkok Rules, as well as the importance of the actions of states to divert women offenders with less serious offences from being sent to prison. It also showcases the work of the 'Inspire Project' which is being supported by my office within the Thai Ministry of Justice.

Originally, the Inspire Project concentrated mainly on the provision of assistance to children of imprisoned mothers, pregnant and breastfeeding mothers. Now it has extended its scope to cover the promotion of non-custodial measures according to the Bangkok Rules. So I would encourage all of you to visit the exhibition booth of the Inspire Project located on the first floor of the Convention Centre.

In many parts of the world, overcrowding of women prisoners has become an extremely dire situation. Yet the fact remains that the majority of women are imprisoned for drug-related offences. In Thailand, for example, 70% of women prisoners have been sent to prison for drug-related offences. More often than not, the drug-related crimes committed by women are not serious ones. In most cases, women are not traffickers themselves; they are simply drug users, or are being used as drug mules by transnational organized criminal groups. This is the vicious cycle that we have to break.

In many respects, it can be argued that the criminal justice system in many countries, including Thailand, still follows the punitive approach in their drug suppression policy. Although such an approach may produce success in responding to drug trafficking in the short term, it has a detrimental impact on prison overcrowding. In the case of correctional facilities for women, the situation has become worse from all perspectives, whether they be human rights, health or criminal justice as a whole. This is certainly one of the main challenges we all face in the implementation of the Bangkok Rules.

Clearly, there is an inextricable link between the increase in the number of women in prison as well as overcrowding on the one hand, and harsh, punitive drug control laws and policies on the other. The time may have come for the international community to examine such a link not only at the 13th Crime Congress here in Doha, but also within the context of the United Nations General Assembly Special Session on the World Drug Problem (UNGASS) to be held in New York in 2016.

We need to look at this linkage in a comprehensive manner. Thailand has been successful in using alternative development to reduce the availability of illegal drugs. Such a development model introduces a sustainable alternative livelihood for local

villagers as an incentive not to cultivate illicit crops, or be involved in the trafficking. Perhaps we can draw inspiration from that example when it comes to addressing the question of women and drug offences.

Furthermore, we need to look at the reform of the legal framework. This is why I believe we should look to the United Nations and other member states for the exchange of best practices and experiences in the implementation of the Bangkok Rules and how we can do better on the question of non-custodial measures. Workshop 1 of this Congress contributed positively in that regard.

In promoting better outcomes for drug-related women prisoners, let me offer some food for thoughts about the way forward.

First, we need to intensify public relations efforts in order to raise awareness among the public, and within the criminal justice agencies, about the danger and social impact of amphetamine type stimulants.

Second, we need to engage with the criminal justice sector, including the judiciary, on mainstreaming gender considerations in sentencing policy. I am pleased to note that the Thai Court of Appeal is now in the process of revising the sentencing of drug offenders, whereas the Ministry of Justice, through its Office of the Narcotics Control Board, is also revising the narcotics control legislation.

Third, as in the example of the alternative development programme, we need to integrate what is well-known to the Thai people as the ‘sufficiency economy philosophy’ in prison

programming. This includes, for example, vocational training, teaching of moderate work ethics, and the reduction of recidivism, to name a few.

In preventing women from becoming involved in drug problems in the first place, we need to tackle the problem at its root causes, which are poverty, illiteracy and lack of public health services. This is the problem that all states face, and as a result, they will need to do their utmost to find a solution.

We must address the underlining need for developing gender-specific options for diversionary measures and pre-trial and sentencing alternatives, a complexity seen by the majority of states. Leading to this, to the benefit of the state's crime prevention and criminal justice system, is the development of comprehensive and result-oriented research on the causes, impacts and most importantly characteristics that bring women into contact with the criminal justice system, and most specifically drug-related crimes.

Together we can expand on the existing treaty law and rights-based approaches in order to build just and gender sensitive criminal justice systems that address the implementation of non-custodial measures for women in relation to drug offences.

I look forward to the intellectual dialogue that our panellists here will provide.

Thank you very much.

24

Keynote Opening Address

‘The Rule of Law and Development Nexus: A New Deal for Asia?’

at

Asian Society of International Law Intersessional Conference*

Bangkok

4 June 2015

Your Excellency Mr. Hassan Lahdan Saqr Al-Mohannadi, Minister of Justice of the State of Qatar,
General Paiboon Koomchaya, Minister of Justice of Thailand,
Mr. Direk Ingkaninanda, President of the Supreme Court of Thailand,
Professor Dr. Surakiart Sathirathai, President of the Asian Society of International Law,
Distinguished participants,
Ladies and gentlemen,

It is an honour and pleasure for me to be here today at the Asian Society of International Law’s Inter-sessional Conference on the theme ‘The Rule of Law and Development

* In preparation for the Fifth Biennial Conference of the Asian Society of International Law, organized in Bangkok in November 2015, an inter-sessional conference was held in June 2015, also in Bangkok. This inter-sessional conference was opened by Her Royal Highness, who reflected on how the rule of law and development were mutually reinforcing, and used as examples the importance within the ASEAN context of protecting such vulnerable groups as children and women.

keywords: ASEAN, culture of lawfulness, rule of law, standards and norms, sustainable development, violence against children, violence against women

Nexus: A New Deal for Asia?’ First of all, I would like to extend a warm welcome to all participants, both Thai and those traveling from overseas, particularly the distinguished speakers for all plenary sessions. I would like to thank the Asian Society of International Law and the Thailand Institute of Justice, and also the Ministries of Justice and Foreign Affairs of Thailand, and the Faculties of Law of Thammasat and Chulalongkorn universities, for their concerted efforts and hard work in organizing this important conference.

As a student of law and a public prosecutor who practiced in the rural provinces of Thailand, I can attest to you that the nexus between the rule of law and development is ever more real. I have witnessed first-hand the struggle and hard life the rural poor have to go through every day. The situation is often compounded by such factors as lack of access to justice or misallocation of natural resources. I would imagine that this story is familiar also in other countries. So the question for the policymakers and academia to ponder is: How can we instil the culture of lawfulness and reduce disparity in our societies so that we can truly realize sustainable development? My quick answer is that we need to get all the necessary fundamentals right. But perhaps we need to dig deeper.

The rule of law enables a condition in which any society can achieve peace, security, and sustainable and inclusive development, while its citizens can enjoy their basic and fundamental human rights. At the 67th session of the United Nations General Assembly, the UN Member States renewed their commitment to the Declaration of the High-Level Meeting on the Rule of Law at the National and International Levels by recognizing that the rule of law and development are ‘strongly interrelated and mutually reinforcing’.

Global challenges such as transnational organized crime and corruption are impeding developmental efforts, economic growth, access to public resources, and governance and accountability. States are ultimately responsible for providing equitable access to justice, and for promoting and protecting the rights of all people, especially society's most vulnerable. While the justice system is an essential part of the rule of law, every society applies it within its own context, in which the rule of law and human rights are often balanced according to national security and cultural diversity considerations.

The rule of law is a system of rules and norms, a set of institutions, an outcome of development, and a feature of the processes that cut across sectors in order to enable development to advance. Core development functions of the rule of law include: enabling economic development; citizenship and social and economic justice; preventing conflict, crime and violence; strengthening accountability and checks on power, including reducing corruption; enhancing the fair allocation of services; and protecting the environment and natural resources. Understanding these relationships is essential to crafting effective goals and targets.

From my personal view as the former Thai Ambassador to the United Nations at Vienna, I am convinced that the international community has a common and shared responsibility to build a strong foundation for our future generation where 'Peace and Productivity prevail among the Peoples of the Planet'!

Therefore, as we are at the last phase of deliberations on the post-2015 UN development agenda, where the new Sustainable Development Goals, or SDGs, are expected to be unveiled at this year's September Summit in New York, 'now' is a critical juncture where Member States, international organizations and civil society reverberate the

importance of mainstreaming the rule of law, crime prevention and criminal justice in such an agenda. For an international legal forum such as the AsianSIL, it is only natural that we do our fair share to highlight methods in strengthening the rule of law and development nexus in Asia.

Within the overall Asian context, I would like to highlight the role of the Association of South East Asian Nations, or ASEAN. In 2008, the ten Member States committed to the ASEAN Charter which clearly expresses the Association's firm commitment to enhancing the rule of law, good governance, democracy, and constitutional government. ASEAN leaders recognize the crucial role of the rule of law in ensuring justice, equality, stability, and sustainable prosperity, and at the international level, respect for the fundamental principles of international law, including those of the sovereign equality of states. They also reiterated their commitment to implementing their agreed obligations under international treaties to which they are a party.

As the ASEAN Community is ushering the region into a new era of closer integration, more needs to be done on the part of its Member States in order to calibrate a more harmonized legal framework required not only for economic liberalization, international trade and investments, but also for strengthening the rule of law and criminal justice systems to respond effectively to transnational challenges. This is something unprecedented in our preceding generations in Asia. It is therefore imperative that we continue to build a strong foundation in order to keep up with this new regional dynamism.

We need to account for the rule of law and a rights-based justice system to determine the economic success of a country. Here, I would like to highlight the importance of

respect for human rights being integrated into the post-2015 development agenda. This, in turn, will have a bearing on the ASEAN region as a whole. We need to redouble our efforts to assist marginalized groups in order to enable them to gain access to justice and to enjoy their human rights, including the right to development.

Equally important is the implementation of applicable human rights treaty instruments, which are a central pillar for upholding the rule of law. The formal commitments of states to conform national law and practice to the principles contained in these documents are a vehicle through which national actors ensure that their governments uphold the law.

Reform of criminal justice institutions can also benefit immensely from the UN standards and norms. I had also been involved in the process of developing some of the latest ones, such as the UN Bangkok Rules for the treatment of women prisoners, the UN model strategies and practical measures on the elimination of violence against children, and the UN Guiding Principles on Alternative Development, which is aimed at addressing illicit cultivation of narcotic crops.

At the heart of my work is the protection of women and children in the criminal justice system. Undeniably, the consequences of violence against children are damaging to both victims and society because violence can also be perpetuated for generations. The same can also be said about violence against women. Deeply rooted in gender inequality and discrimination, such violence adversely affects millions of women and girls worldwide.

In my view, it is vital that we mainstream gender-specific and child-sensitive dimensions into the criminal justice system. I wish to emphasize here that our failure to protect our



Her Royal Highness delivered a remark in acceptance of an honorary doctoral degree awarded by Wuhan University. The awarding ceremony was organized in conjunction with the International Symposium on Fighting against Transnational Organized Crime and Legal Safeguards for the Belt and Road Initiative organized by Wuhan University and the Government of China in Beijing - 8 September 2017.

women and children, both in public and private settings, can result in a loss in the economic productivity of the entire generation. This essentially hampers national and international efforts to achieve sustainable development.

I am particularly pleased to learn that the Thailand Institute of Justice is also organizing the TIJ Youth Forum in parallel to this conference. This is the new dimension of academic engagement that brings together not only academia and practitioners of international law, but also the voices of the youth who are also the direct beneficiaries of the rule of law and sustainable development nexus. I am very much interested in hearing about the outcome of their deliberations.

The role of youth in preventing crime and violence deserves special attention. This is particularly relevant as Thailand is in the process of developing for the first time the National Crime Prevention Strategy under the auspices of the Ministry of Justice. To fight crime effectively is to address its root causes, which often have to do with the level of development, or lack thereof. Enhancing access to educational and recreational opportunities for children and youth, coupled with poverty reduction measures, can be a successful development-oriented crime control strategy.

Last but not least, public and private participation is also important to strengthening the rule of law and development. Public and private institutions must instil a sense of responsibility that they, too, are contributors to social advancement. All citizens must play an active role in promoting trust in the justice system and the belief that laws are fair and apply universally, regardless of socio-economic status.

We must cultivate a culture of lawfulness to create peaceful and inclusive societies that embrace the rule of law. Our citizens must use the law to improve their lives and guarantee their rights. So, to build on the quick answer to the question I posed earlier, I believe that the promotion of rule of law education, especially among the next generation of Asians, is the way forward. This is a role I am sure both the Asian Society of International Law and the Thailand Institute of Justice stand ready to expand further. But all of you, representatives of various Asian countries, too, should join hands in this common endeavour. Asia cannot become stronger and prosper if it does not do so together, and through its emerging generation of law abiding citizens. This is what I consider to be 'A New Deal for Asia'.

In closing, I would like to emphasize that the nexus between the rule of law and development is growing rapidly within the field of international law. Undoubtedly, Asia has an important voice that can contribute to the emerging international legal literature that shapes the study of international law in the years to come.

Thank you very much for your attention.

25

Panel Presentation

'International Law and the Protection of Women and Children'

in Plenary Session 2

Asian Society of International Law Intersessional Conference 2015*

Bangkok

4 June 2015

Excellencies,

Distinguished participants,

Ladies and gentlemen,

I am pleased to be among all the distinguished panellists in the plenary session on international law and the protection of women and children. If you consider that there are two main international legally binding instruments namely the Convention on the Elimination of Discrimination against Women (CEDAW), and the Convention on the Rights of the Child (CRC), I think this is quite a big subject to cover in ten to twelve minutes.

* In preparation for the Fifth Biennial Conference of the Asian Society of International Law, organized in Bangkok in November 2015, an inter-sessional conference was held in June 2015, also in Bangkok. One of the plenary sessions dealt with international law and the protection of women and children. In her presentation to the plenary session, Her Royal Highness focused on the role of 'soft law', in the form of United Nations standards and laws, in supporting 'hard law' conventions.

keywords: standards and norms, violence against children, violence against women, women prisoners

I would like to concentrate my presentation instead on 'soft law', focusing particularly on the process of developing United Nations standards and norms related to the protection of women and children and the role of Thailand in this regard.

For many years, the United Nations has been active in developing and promoting standards, norms and guidelines in the field of crime prevention and criminal justice. Unlike the 'legally binding' nature of international law, the UN standards and norms have served as a global benchmark that guides national governments to strengthen the effectiveness of criminal justice system and their responses to various forms of crime. The standards and norms should be viewed also in the larger context of the promotion and protection of human rights in the administration of justice.

The most notable and the oldest standard and norm is the United Nations Standard Minimum Rules for the Treatment of Prisoners (the SMRs) adopted by the First UN Crime Congress in Geneva in 1955. The SMRs have stood the test of time in being the key point of reference for the design and evaluation of corrections laws and policies throughout the world. Since then, progressive development has continued on new standards and norms on related issues such as on juvenile justice (the Beijing Rules), on non-custodial measures (the Tokyo Rules), and on juvenile delinquency (the Riyadh Guidelines).

Nevertheless, the fact remains that the overwhelming part of the prison population is male. Correctional facilities in most places were originally designed and built primarily for male prisoners. However, the last few decades have seen a sharp increase in the number of women in prison worldwide. Although smaller in absolute number, the growth rate of women prisoners is rising faster than that of their male counterparts.

Women prisoners, often referred to as a ‘forgotten population’, require specific attention. This includes attention to personal hygiene, reproductive health needs, and a higher risk of having psychological and mental problems. Contributing to this consideration is the fact that in most cases, women prisoners are also mothers with child rearing responsibilities. The fact that prisons do not adequately respond to women’s specific needs, including their vulnerability to revictimization in prison settings, is a cause for concern.

Recognizing the prevailing gender gap, I decided to initiate the project called ‘Enhancing Lives of Female Inmates’ in 2008 with the specific purpose of advancing Thailand’s proposal to develop the new supplementary rules to the SMRs concentrating on women prisoners. As a result of a negotiation process that lasted two years, the new ‘United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders’, or the ‘Bangkok Rules’, were finally adopted by the General Assembly in 2010.

The Bangkok Rules represent a significant achievement of the international community in addressing specific needs of women in the criminal justice system. The Rules take into account existing standards and norms such as the SMRs and the Tokyo Rules, while incorporating elements of the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. With the mainstreaming of gender sensitivity as the underlying principle, the Bangkok Rules are applicable to all categories of women deprived of their liberty, including untried or convicted women, as well as to women subject to non-custodial measures.

Excellencies,
Ladies and gentlemen,

Turning now to the soft law on the protection of children, I am pleased to discuss the role of Thailand in the development of the new ‘United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice’.

First of all, let me take you back to the start of the progressive development of this set of UN standards and norms. In 2012, the joint report of the Office of the High Commissioner on Human Rights (OHCHR), the United Nations Office on Drugs and Crime and the Special Representative of the Secretary-General (SRSG) on Violence against Children on prevention of and responses to violence against children within the juvenile justice system was submitted to the Human Rights Council at its 21st session. Later that same year Austria sponsored General Assembly resolution 67/166 on human rights in the administration of justice, which invited the Commission on Crime Prevention and Criminal Justice to consider developing a draft set of model strategies for the elimination of violence against children.

In following up on this invitation, the Governments of Thailand and Austria joined hands in seeking the mandate for the UNODC to convene an intergovernmental expert group meeting to focus on this question. I had the privilege to chair that expert group meeting held in Bangkok in February 2014. Experts from all regions of the world participated, along with representatives from various UN entities, particularly UNICEF, OHCHR, and SRSG Ms. Marta Santos Pais.

Despite a rather difficult and delicate negotiation process, we managed to reach consensus on the ‘United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice’, which was adopted by the General Assembly in its resolution 69/194 later that year.

In putting things in perspective, I would like to make the point that violence against children is as much a human rights issue as it is a crime prevention one. When the international community celebrated the 25th anniversary of the Convention on the Rights of the Child in November last year, it reaffirmed its commitment to the implementation of the Convention, particularly Article 19 on the principle that all children have the right to be protected from violence, abuse and exploitation. With a strong reference to the CRC throughout the text, it goes to show that the rights-based approach was properly mainstreamed in the new UN ‘Model Strategies’.

Additionally, this new set of standards and norms represents a major benchmark for action towards ensuring the warranted protection to which children have an unqualified right. In my view, the ‘Model Strategies’ provide for a comprehensive framework to develop and implement the necessary legal, policy, and operational reform for ending all forms of violence against children. Moreover, the added value of this instrument is its strong focus on the complementary roles of the justice system and the child protection, social welfare, health, and education sectors.

In conclusion, I would like to emphasize that the international regime governing the protection of women and children should not be viewed as limited only to the implementation of the CEDAW and the CRC. As has been illustrated by the examples

of the Bangkok Rules and the UN Model strategies on violence against children, the process of developing UN standards and norms provides Member States with the flexibility to focus on specific aspects of any issue of concern. The challenge is that they may not be as well-known to scholars and practitioners as traditional international law. As such, a case can be made for the international community to intensify efforts in raising awareness on the use and application of UN standards and norms and in promoting the exchange of good practices among countries.

Thank you very much for your attention.

26

Opening Remarks

at

High-Level Meeting of the 'International Seminar Workshop on the
Implementation of United Nations Guiding Principles on Alternative Development'

International Conference on Alternative Development 2 (ICAD2)*

Bangkok

23 November 2015

Your Excellency General Prayut Chan-o-cha, Prime Minister of Thailand,

Your Excellency Madam Marlene Mortler, Federal Drug Commissioner

of the Federal Republic of Germany,

Mr. Aldo Lale-Demoz, Deputy Executive Director of the United Nations Office

on Drugs and Crime (UNODC),

Excellencies,

Distinguished guests,

Ladies and gentlemen,

* On 19-24 November 2015, the Royal Thai Government, in collaboration with the Federal Republic of Germany, Myanmar, and the UNODC, organized the Second International Seminar Workshop and Conference on Alternative Development. The conference itself, in Bangkok, was preceded by a study visit led by Her Royal Highness to Yawng Kha, in Shan State, Myanmar, as well as to the Doi Tung Development Project and the Nong Hoi Royal Development Project in northern Thailand.

keywords: alternative development, culture of lawfulness, SDGs

Over the past few days, many of us have had the opportunity to participate in the field trips to Yawng Kha, Doi Tung, Nong Hoi and Mon Cham. We have learned about alternative development from people on the ground level. We have heard their voices and we have felt their pride, carried on from generation to generation, on their decisions to choose alternative development and to do away with opium cultivation. Such experience reinforces our conviction that alternative development is crucial and the work we are about to embark upon today is not about making statements or debates, but it actually touches on lives and has a real impact on the ground.

I would like to share with you a few of my personal takeaways from the field trip that may help in your deliberations over the next two days.

Firstly, alternative development must be seen through a holistic and long-term perspective. Alternative development is not simply about reduction of area for opium cultivation, but it is about helping people to help themselves to have access to health, education, basic services, and to earn their livelihoods and most importantly, to live with dignity.

We have seen common conditions before alternative development projects were introduced, be they poverty, illnesses, lack of education, and insecurity, surmounted by unsustainable environment and underdeveloped infrastructure. Given such circumstances, the villagers had no other option but to resort to illicit activities. We have listened to Aunt Penny, who as a young girl did not have a chance to go to school but had this duty of selling bullets. We have listened to Uncle Jakue, who used to be an addict himself and is so happy today as a non-addict with his kids with college education

and employment. Alternative development provides these people with opportunities to engage in legal activities, and gives them options in life.

Yet we need to take a long-term perspective. We have observed the implementation of alternative development in different settings. The Myanmar-Thailand Cooperation on Sustainable Alternative Livelihood Development in Tachilek and Mong Hsat Districts of Shan State, improves livelihoods through agriculture, food security, health care, education, irrigation, and livestock. The Doi Tung and Nong Hoi Development Projects help diversify off-farm income generating activities, add value to the production process to maximize limited resources, and introduce the concept of marketing and supply chains. We can see that, depending on different contexts, alternative development can mean different things. It can be about survival, subsistence, sufficiency, or prosperity. This work is certainly not easy. It takes time and patience. Alternative development needs sustained long-term commitment both from the highest political level to people in the communities.

To ensure that alternative development is sustained, such development must be community-driven. On this point, you will hear more from the report on the workshop and field visits. I only wish to stress here that while the role of the state is important as provider, the role of the villagers and communities themselves is even more important. They must be the ones who design their own lives. In all the sites that we have visited, we can feel the sense of common purpose and ownership shared by the villagers in their community development. The younger generation is even taking a bolder step in adapting to modern changes, addressing issues such as waste management and preserving cultural identity. Women can also play a role as game changers. In the food

security preparedness programme in the Mong Hsat community, village mothers of students are provided vegetable seeds from demonstration plots, together with materials and equipment, so that they can grow vegetables back at home. Women also serve as Village Moms or health volunteers to spread knowledge about public health.

While listening to the villagers at the Doi Tung Project, I also recognized that the villagers promote among themselves the culture of lawfulness. They do not wait for laws to be enforced, but they instil among themselves the sense of communal responsibility and respect for public order and they find their own ways to keep community members in check to ensure that law and order is maintained. Empowering the community is the best immunity against illicit activities.

For me personally, alternative development has always been very close to my heart. I have drawn my inspiration from His Majesty the King and the Princess Mother. In 1969, His Majesty said ‘If we are able to help the hill tribe people to grow useful crops, they will stop growing opium.’ His Majesty the King’s long-term commitment to improving the well-being of hill-tribe people takes time and patience; more than half of His Majesty’s lifetime. The Princess Mother’s initiative of ‘Cultivating Land, Cultivating People’ resulted decades later in improved quality of life for the ethnic minority living in Doi Tung, and in the protection of watersheds. As Ambassador in Vienna, I was deeply involved in the work of the Commission on Narcotic Drugs (CND). I also worked hard with colleagues from various countries in Vienna to push for the adoption of the UN Guiding Principles on Alternative Development. Now that the UN Guiding Principles are in place, we want to make sure that they do not remain simply on paper, but actually lead to changes and impacts on the life of villagers where needed.



Her Royal Highness addressed the Doha Youth Forum on Crime Prevention and Criminal Justice on 7 April 2015. The event was organized by the Government of Qatar as part of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice held in Doha, Qatar.

Finally, I would like to stress here that alternative development should not be seen as a segmented approach of tackling illicit crop cultivation. Alternative development should be seen as part of a broader picture, and as integrated into broader national development strategies. Alternative development is in fact integral to the UN Sustainable Development Goals. Today our world is faced with problems far too complex for us to work in a silo, in a compartmentalized manner. We need to put all the pieces of the puzzle together to see the big picture and to address all issues in a holistic manner. We cannot solve one problem just to find out later that we have left another end loose or allowed another problem to emerge. We need to change our mind-set.

In closing, I do hope that you would bring back home experiences and aspirations from this International Conference on Alternative Development and make this little journey a bigger step in your country.

Thank you.

Keynote Remarks

at

**TIJ-UNODC Joint Side Event of the Second International Conference on
Alternative Development (ICAD 2)**

**‘The Rule of Law and Alternative Development: Strengthening the Rule of Law
to Achieve Sustainable Development in Areas of Illicit Crop Cultivation’***

Bangkok

24 November 2015

Excellencies,

Distinguished participants,

Ladies and gentlemen,

May I begin by extending my appreciation to the UNODC and the Thailand Institute of Justice for organizing this important side event. This morning I had the opportunity to address the linkages between security and alternative development, and elaborated on

* On 19-24 November 2015, the Royal Thai Government, in collaboration with the Federal Republic of Germany, Myanmar, and the UNODC, organized the Second International Seminar Workshop and Conference on Alternative Development. The events were designed to promote the implementation of the UN Guiding Principles on Alternative Development. The events provided the global community with an opportunity to learn of Thailand’s longstanding experiences and best practices in alternative development. In her Keynote Remarks at a side event held at the Conference, Her Royal Highness emphasized the importance of the rule of law in sustainable development.

keywords: alternative development, culture of lawfulness, law enforcement, rule of law, SDGs

how insecurity and crime can hinder the success of alternative development and curtail access for implementing agencies. I also discussed the important relationship between development and crime reduction.

At this event I am pleased to further elaborate on the purpose of the rule of law in illicit cultivation areas and how the rule of law is an effective tool to achieve sustainable alternative development.

Ladies and gentlemen,

There are inherent linkages between the rule of law and alternative development. The rule of law can help strengthen the capacity of communities to develop legitimate means of income and end their dependency on illicit opium poppy, coca bush and in some cases cannabis cultivation. Here we should consider the rule of law not only as a principle, but also go beyond the abstract and discuss how it can actually be applied on the ground as a tool for alternative development.

It is widely recognized that alternative development is accepted as a development-led approach to address the root causes of illicit crop cultivation. However, it is crucial to note that the success of alternative development must not be measured solely by the level of reduction in illicit cultivation. In this context, human development indicators are the most important because the key driver of illicit cultivation is almost always human insecurity that stems from poverty, lack of development and marginalization. As we know, alternative development aims to address the motivating factors that drive illicit crop cultivation. While it is hard to single out one particular factor, there are a host of common conditions and an amalgam of factors, ranging from poverty,

unemployment, lack of access to markets, violence and dominance of drug networks, to weak governance including ineffective policing and judicial systems and lack of infrastructure and social services. As it is often the case, the main stakeholders who gain most of the profit are non-state armed groups and criminal networks. Small-scale farmers, who are socially and geographically isolated, are actually the victims in this vicious cycle who are trapped in the drug supply chain.

Ladies and gentlemen,

Alternative development programmes can be successful only if communities are integrated into the economic and social mainstream. Tangible improvements to the quality of their lives must be measured, prior to the use of law enforcement. I must stress that flexible law enforcement is fundamental to alternative development – where law enforcement is applied to communities cultivating illicit crops only when the basic conditions for acceptable alternative living standards are achieved.

Taking these aspects of alternative development into consideration, the challenge for all of us here today is to transform the rule of law into a meaningful tool for alternative development in order to improve the lives of affected communities. Foremost, we need to recognize that the purpose of the rule of law for alternative development is to reduce the inequality, including the inequalities between urban and remote communities. Within the rule of law context, such socio-economic disparities may be tackled through the active promotion of equal access in securing fundamental rights. We must ensure that human dignity is always at the heart of our conscious efforts to adhere to the principle of equality before the law, regardless of race, gender, and religion. The rule of

law will then provide an effective safeguard against arbitrary use of power and promote responsible policymaking. In this way, the rule of law can become an important tool for remote communities suffering from poverty and lack of opportunity and where livelihoods are dependent on growing illicit opium poppy and coca bush.

Ladies and gentlemen,

The rule of law and alternative development are mutually reinforcing. I believe that communities cannot be mainstreamed into national development plans and lifted out of poverty without the synergy created by the rule of law and alternative development.

The rule of law can be used as an effective tool to promote key elements of alternative development efforts, particularly those that rely on inclusiveness, accountability and justice for all. In more operational terms, I would like to focus on the following aspects of the rule of law that should be strengthened: the legal frameworks, institutional capacity, and legal empowerment. We can strengthen the laws and improve the implementation of policies in ways that support equal access to justice, advance gender equality, create legal identity, promote land rights, and provide greater access to economic opportunities.

Strengthening laws and legal frameworks can bring about clarity and predictability, reduce corruption, and enhance economic development by providing equal access to markets and financial services. Laws can also promote gender equality, human rights and fair access to government benefits and services, land rights, access to water, sanitation, and electricity.

Enhancing institutional capacity is not just about the State's willingness to allow provision of alternative livelihoods prior to arrest and crop eradication initiatives, but it is also about its ability to provide equitable access to social services such as health and education as a pre-condition for the use of law enforcement. Alternative development programmes can also devise mechanisms to collaborate with the State and other stakeholders, including communities and implementing partners to strengthen land registries, social welfare systems, local government entities, and small businesses with the goal of improving the lives of rural and marginalized small-scale farmers.

Legal empowerment could also be utilized to help resolve disputes peacefully and to increase trust between the people and state institutions. Legal assistance and access to information laws can be powerful tools for individuals and the communities. To this end, we must promote legal literacy, provide legal aid, strengthen informal justice mechanisms, and raise awareness of rights.

Ladies and gentlemen,

My firm conviction is that the rule of law and sustainable development go hand in hand in our efforts to create better and more prosperous societies. The application of the rule of law is also fundamental for poverty reduction and building peace. The rule of law is not just the outcome we wish to achieve. It is an important enabler of development. I am confident that the outcome of today's discussions will help further promote the rule of law and alternative development in our countries and globally.

Thank you very much.

28

Keynote Opening Address

at

5th Biennial Conference of the Asian Society of International Law*

Bangkok

26 November 2015

Professor Dr Surakiart Sathirathai, President of the Asian Society of International Law,
Excellency Judge Hisashi Owada, Judge and Former President of International
Court of International Justice and Founding President of the Asian Society
of International Law,
Excellency Shaukat Aziz, Former Prime Minister of Pakistan,
Excellency Jose Isidro Camacho, Managing Director and Vice Chairman of Credit
Suisse Asia Pacific and Former Secretary of Finance of the Philippines,
Excellency Judge Xue Hanqin, Judge of the International Court of Justice,
Former President of the Asian Society of International Law,
Excellency Dr AKP Mochtan, ASEAN Deputy Secretary-General,

* The Asian Society of International Law brings together lawyers and legal practitioners from throughout the region for the promotion of research, education and practice of international law. The Society held its fifth conference in Bangkok in November 2015, two months after the adoption by the General Assembly of the 2030 Agenda on Sustainable Development. Her Royal Highness, in opening the conference, stressed the importance of the rule of law and legal development for the ASEAN countries and for the Asian region in general.

keywords: ASEAN, legal development, rule of law, SDGs, sustainable development

Distinguished participants,

Ladies and gentlemen,

It gives me a great pleasure to preside over the opening ceremony of the 5th Biennial Conference of the Asian Society of International Law, held here in Bangkok today. I would like to extend a warm welcome to all participants both from Asia and outside the region and wish you all a very pleasant stay in Thailand.

I understand that the Biennial Conference of the Asian Society of International Law has now become one of the major gatherings of lawyers, legal scholars and professions in the Asian region. Looking at the number of distinguished speakers, lawyers, and legal scholars present in this hall, I think the Conference this year can attest to that claim. And looking at the theme, the topics and the number and the titles of all the papers selected as well as the number of participants, I have no doubt whatsoever about the fruitfulness and the success of this 5th Biennial Conference.

The Asian Society of International Law, albeit being founded a little later than some of its sister societies, has proved to be a very useful forum for representing the views and opinions of Asian approaches to international law and other bodies of law based on our practice and oriental custom and wisdom. The world today is both increasingly borderless and interdependent. Our daily lifestyle is increasingly international in its nature. The law today, the system of law, the approaches to different bodies of law as well as the rule of law can no longer remain strictly confined to the old paradigm of thinking. Today's lawyers and legal scholars need to be more open to and heedful of what is happening elsewhere around them, around the region and around the world at large. The increasing calls for the universality of the principles of several branches of

law to guarantee minimum justice for people of all nationalities, races and genders are becoming more common.

Lawyers, lawmakers, legal scholars and professions as well as government officials today are expected to be more cognizant and knowledgeable of the different approaches, practices and custom in the legal process and legal thinking in different parts of the world and different parts of the region. This wider knowledge and awareness are important to enable the redesign, readjustment or redrafting of new sets of law that are more universally suitable, more appropriate and more just for the society. The presence of regional societies of law and a meeting such as this should therefore be encouraged more and more, as they are becoming indispensable for modern day legal practice, law making and the development of law.

I am more pleased to learn that this conference also hosts a session on the Dialogue with Regional Societies of International Law where all the leaders of societies of international law from every continent will discuss their cooperation not only between themselves but with other conference participants. I believe that such an exercise that provides cooperation between societies of international law will be very useful for the development process of law, not merely international law, but the body of law as a whole for the benefit of the general public and all stakeholders. I wish to urge for more of this kind of exercise that allows for exchanges of views and practices that leads to more cooperation between different societies as well as the International Law Association in the future conferences.

From the theme of this 5th Biennial Conference, it is assumed that Asia has been and is going through a wide range of changes in so many aspects, both gradually and

rapidly. For these changes to be effectively implemented, it may be necessary that some laws and legislations be amended, while others should be redrafted, accordingly and appropriately. Any newly founded regional or international integration would similarly need to be accompanied by readjustment and redrafting of pertinent law. For economic integration, this may involve commercial and trade law, customs and excise, banking, investment and competition law, labour movements, and transportation, to name but a few fields. For political, social and security integration, immigration, organized crime, cultural heritage, and transboundary pollution are some of the relevant legal issues that may need to be reviewed.

The ASEAN Community is an example on this point. By the beginning of next year when all the three pillars of the ASEAN Community, namely, the ASEAN Economic Community, the ASEAN Political and Security Community and the ASEAN Socio-Cultural Community come into operation, all ASEAN Member States must prepare for a more harmonized legal framework. The law concerning economic liberalization, international trade and investment, movement of labour, and so on must somewhat become harmonized. At the same time to strengthen the other two pillars, ASEAN member states must strengthen the rule of law, respect for human rights and the criminal justice system in order to create a stronger and more cohesive ASEAN society. The ASEAN community dynamism depends on how quickly ASEAN member states can adjust and harmonize their relevant legal framework.

Cyberspace is another area of the law that needs to be rapidly developed to catch up with the changes in technology and everyday lifestyle. The implementation of regional integration and the increasing importance of cyberspace mean that modern day legal transactions and activities are less territory-bound. Transboundary transactions and



Her Royal Highness led the international participants of a study visit in a tour at the self-learning corner of the Chiang Mai Women's Correctional Institution, Chiang Mai, 25 January 2018. The study visit was jointed organized by the Thailand Institute of Justice and UNODC.

online electronic transactions are making the question of overlapping jurisdiction a looming and pressing legal issue for serious consideration. International legal cooperation is needed to ensure that modern day transboundary transactions are properly conducted and protected.

Lawyers and legal experts these days are burdened with the tasks of ensuring that law can catch up with all the changes in the economic, political, social, and even cyberspace landscape. Law must be kept alive and must change with the changes. It is our responsibility as lawyers and legal scholars to ensure that citizens and the society will not become victims of archaic and outdated law and pieces of legislation simply because lawyers, legal experts and lawmakers fail to realize the important linkages between all the changes and the law.

I hope that this conference will serve as a wake-up call for all concerned to remind all lawyers and those in the legal professions of their duty to keep the law in line with all the changes for the benefit of our people. But that having been said, it must be emphasized also that the private sector, all stakeholders and the rest of the public must also be parts of such a process. Public and private participation in the law-making process and the promotion of justice in the social system is an important ingredient of a healthy society and social harmonization. And on their part, governments of all nations, too, must be quick to respond and expedite the necessary amendments of the law whenever this will benefit their people.

As we are referring to all the changes in Asia, today, Asia remains a continent where a majority of countries and the population are still poor and developing. Today, Asia stands as one of the continents that will greatly benefit from the recently

adopted United Nations Sustainable Development Goals or SDGs, which, for the first time, stipulate the nexus between the rule of law and sustainable development. Goal 16 specifically deals with peace, justice and strong institutions. For sustainable development to be attained, inclusive societies must be promoted, where access to justice for all is equally available. The rule of law and sustainable development is proved to be significantly interrelated and mutually reinforcing at both the national and international level.

Earlier in June this year, the Asian Society of International Law and Thailand Institute of Justice or TIJ successfully organized the Intersessional Conference on the nexus between the rule of law and development in Asia. I believe the report and the outcome of that conference will provide a good reference whenever we address the questions of law and the changing landscape in Asia. It reiterates how the rule of law enables a society to achieve sustainable development while its citizens enjoy basic and fundamental human rights. I wish to urge those of you who are interested in this matter to consider the report and the discussions of this Intersessional Conference and help disseminate the thoughts and the ideas concerning the rule of law and sustainable development both at policy level and non-policy levels.

But in reaching for sustainable development and in changing the law to adapt to the changing political and economic landscape, we also have the responsibility to ensure that the marginalized will not get pushed further to the fringes or the edge of society. All efforts must be made to bring sustainable development to the marginalized groups and to enable them to gain proper access to justice, and benefit from the rule of law and the right to development. My work in the Office of Public Prosecution has brought me to experience on countless occasions the hard life of

the rural countrymen and women whose hardship has been exacerbated day by day by the lack of access to justice, misallocation of natural resources and human rights abuses.

The reform of the criminal justice institutions can also help to further uphold the rule of law and contribute towards sustainable development. The United Nations has been very instrumental in adopting standards and norms in this regard. The adoption of the UN Rules for Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, also known as the Bangkok Rules, where I happened to be actively involved, the UN model strategies and practical measures on the elimination of violence against children, and the UN Guiding Principles on Alternative Development, which is aimed at addressing illicit cultivation of narcotic crops, could further advance Goal 16 of the UN SDGs.

But the relation between law and sustainable development is not confined merely to Goal 16 of the SDGs. In almost every one of the 17 SDG goal targets, law must also be an important element to ensure the achievements of the SDGs. Poverty and hunger eradication, climate change, inequality reduction, and gender equality are issues in other Goal Targets of the SDGs that require appropriate adoption of law for effective implementation. Economic growth that could produce sustainable development must be growth based on equitable access to justice and must not be impeded by transnational organized crime, narcotic drugs, and the lack of rule of law. I take note with great pleasure that the topics of discussions for this two-day conference also cover so many of the SDG issues. While the SDGs are expected to bring about changes in Asia and the world, appropriate adjustment of the law will help make those changes possible.

I am also pleased to learn that alongside this 5th Biennial Conference, the AsianSIL

Youth Forum is also organized with law and non-law undergraduate students from 14 Asian countries. During the AsianSIL Intersessional Conference where a Youth Forum was also organized, I stressed the importance of the voices of the youth. Participation in this Youth Forum should allow them to be exposed to new ideas and knowledge. They should be allowed to exercise their own wisdom in coming up with their own recommendations, suggestions and innovative thinking. The mix of law and non-law students will make their recommendations even more interesting and more realistic. I hope that an activity like a youth forum during important law conferences such as this present AsianSIL Biennial Conference will also help instil and cultivate the culture of lawfulness among the younger generation to help achieve sustainable development as envisaged in the UN Sustainable Development Goals.

I shall eagerly look forward to the recommendations of the Youth Forum and the conclusion report of this Biennial Conference with great interest.

Finally, I wish to congratulate the Executive Council of the AsianSIL and the Organizing Committee of this Conference for making this Biennial Conference such an interesting and landmark event. I am certain that the Bangkok Biennial Conference of the Asian Society of International Law will further enhance the opportunity for cooperation amongst Asian and non-Asian lawyers and scholars to work together for the development of law that appropriately responds to changes for the benefit of peace, prosperity, and sustainable development of all mankind.

On that note may I declare open the 5th Biennial Conference of the Asian Society of International Law and wish the Conference every success.

Thank you very much for your attention.

29

Keynote Address

at

High-Level Seminar on Promoting the Rule of Law for Sustainable Development Cooperation: Perspectives from China and Thailand*

Beijing

13 May 2016

Excellency Chen Jiping, Executive Vice-President of the China Law Society,
Excellency Zhang Mingqi, Vice-President of the China Law Society, and Chairman
of the China-ASEAN Legal Research Centre,
Excellency Li Lin, President of the Institute of Law of the Chinese Academy of Social
Sciences, Vice-President of the China Law Society, and Executive Vice-President
of the China Academy of Jurisprudence,
Excellency Fu Zitang, President of the Southwest University of Political Science and
Law, and Vice-President of the China Academy of Jurisprudence,
Professor Zhang Xiaojun, President of the School of Law of the Southwest University

* The adoption by the General Assembly of the 2030 Agenda for Sustainable Development highlighted the importance of the rule of law, as well as regional cooperation in the implementation of the SDGs. The China Law Society, together with the Thailand Institute of Justice, organized a seminar in Beijing that focused on Chinese and Thai perspectives. Her Royal Highness, in her Keynote Address, shared her experience in the role of justice institutions and criminal justice in sustainable development, in particular from the point of view of vulnerable groups.

keywords: Bangkok Rules, culture of lawfulness, rule of law, SDGs, sustainable development, vulnerable groups, women prisoners

of Political Science and Law,

Professor Dr Surakiart Sathirathai, Chairman of the Asian Peace and Reconciliation Council,

Dr Kittipong Kittayarak, Executive Director of the Thailand Institute of Justice,

Distinguished participants,

Ladies and gentlemen,

May I above all first extend my sincere appreciation to the China Law Society and the Thailand Institute of Justice for jointly hosting this seminar and for welcoming this dialogue as part of the 'China-ASEAN Legal Forum.' This seminar is also possible through support from the Institute of Law of the Chinese Academy of Social Sciences, the Southwest University of Political Science and Law, and the China-ASEAN Legal Research Centre. I would like to also extend my personal gratitude to the Ministry of Foreign Affairs of the People's Republic of China and the China People's Institute of Foreign Affairs for the warm hospitality extended to me during my visit in Beijing.

This Forum provides a much needed platform for knowledge sharing and dialogue that would serve to build momentum for reaching a broader understanding on the link between the rule of law and sustainable development.

What I would like to share with you today is perhaps my personal take on such linkage: how the rule of law provides the necessary environment for countries and people to reap the benefits from development efforts, and how the strengthening of the justice institutions and legal systems also depends on having a balanced approach to development.

The international community has begun to recognize that the rule of law, peace, justice and security are intrinsically linked to sustainable development, and that such an interrelationship is mutually reinforcing. As noted in General Assembly resolution 70/1 of 25 September 2015 entitled ‘Transforming our world: the 2030 Agenda for Sustainable Development’, adopted as the outcome document of the United Nations summit for the adoption of the post-2015 development agenda, ‘There can be no sustainable development without peace and no peace without sustainable development.’

The new 2030 Agenda transforms such recognition into a well-defined matrix that will help the international community to measure success and monitor the efforts in transforming our world. Of particular note is the fact that the Sustainable Development Goals now include a specific set of targets and indicators on the rule of law. Goal 16 calls for the promotion of peaceful and inclusive societies, access to justice for all, and effective, accountable and inclusive institutions at all levels. In operational terms, it means that for the first time, the world has duly recognized that we need to attach a greater priority to our attempts to reduce violence, promote the rule of law and ensure equal access to justice for all.

We have now committed to this course together.

As someone who has long been committed to the rule of law for development, and has personally taken part in promoting such recognition, the adoption of the Sustainable Development Goals along with justice and the rule of law-related goals, was a significant milestone. But it also meant a great deal to me personally.

Back in November 2013, amid the uncertainty in the political situations in Thailand, the Thai Government took a bold step and supported the initiative by the Thailand

Institute of Justice in hosting the Bangkok Dialogue on the Rule of Law. I was very much involved in the preparation for the meeting, and it proved to me that a seemingly formidable task such as championing the rule of law for the post-2015 development agenda could be accomplished, if we are committed to a common goal while making incremental efforts.

Of course, agreeing on the importance of the rule of law in support of sustainable development is one thing, but taking the actual concrete steps to translate such goals and aspirations into reality for the people is quite another.

One of the difficult challenges often ascribed to the promotion of the rule of law is that there is no exhaustive definition of the rule of law, nor is there general agreement on what constitute its components, requirements, and constraints. Governments, intergovernmental organizations, international financial institutions, development agencies, non-governmental organizations, academics, and other civil society entities refer to the rule of law in various different contexts, and often what they mean is slightly different.

As a student of law, I found the conceptual debate on the rule of law fascinating but often perplexing and sometimes frustrating. But I soon realized that while there is room for debate about the proper interpretation of the rule of law, this is perhaps also true with respect to most of the important concepts we encounter in our legal profession, be it 'justice', 'fairness', 'equity', or even 'law' itself. In fact, we benefit from such debate as it reminds us with clear examples of how complex things are in reality.

One of the effective antidotes to such an argument-led approach, again from my experience, is action! We can occasionally or professionally indulge ourselves in

deep intellectual conversation or debate on what exactly the rule of law means, but we can pause the thinking and start doing something as well. And by taking action, and reflecting on it, we can deepen our appreciation of the concept and the reality surrounding such concept.

For me, I have long found the antidote in my engagement with relevant stakeholders to help women prisoners in Thailand gain access to the basic services they deserve, but more importantly to help them realize their inner potential to change themselves, to become stronger and to return to society as productive members. From an initial attempt to provide the much needed help for incarcerated mothers and pregnant female inmates through the Kamlangjai or Inspire Project, I soon realized that criminal justice systems around the world face similar challenges in providing gender-sensitive treatment for women offenders.

Inadequate responses by the institutions to meet the basic - but often specific needs of women in custody can render the whole justice system prone to becoming inaccessible, ineffective and sometimes inhumane. When the justice system is thus unresponsive to the needs of vulnerable groups, it is difficult to ensure that the society as a whole is inclusive and that access to justice is ensured for all.

Through my work in support of incarcerated mothers, I became convinced of the need for the rule of law and the protection of basic human rights for all. From such recognition emerged an international campaign that called for the development of a new set of standards and norms that addresses gender specificity in the treatment of offenders. On 21 December 2010, after a three-year long campaign both outside and inside the United Nations system and with support from countless individuals – experts, practitioners, and diplomats – the General Assembly, in its resolution 65/229, adopted the United Nations

Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders and recommended that the rules should be known as ‘the Bangkok Rules’.

With the Bangkok Rules as the new benchmark, I believe an important cornerstone has been laid that will guide and support the international community so we can all work together and help each other so as to make the criminal justice systems better equipped to comply with and thus strengthen the rule of law.

From such experiences, I become more convinced that we can tackle the issue of the rule of law and put the concept into ‘operation’ from various angles and perspectives. Mine was associated with the criminal justice response to the protection of women and children, but others may identify the rule of law components in other areas such as health, employment, anti-corruption, conflict prevention, environment protection, or poverty reduction.

Through actions, even by smallest steps or scale, we can descend from grand rhetoric to stand firmly on the ground. Of course, I do NOT wish to undermine the arguments as what exactly the rule of law means or why it matters. My point, and very much a personal one, is that we CAN do both exercises in thinking and in action. And by taking action, we may become closer in reaching a better understanding and more balanced appreciation of what the rule of law means, in our own terms.

Having been fortunate enough to serve as a public prosecutor and a diplomat, and having been actively engaged in pursuit of better access to justice for vulnerable groups, and having seen the impact of such empowerment on the people, I can attest to you that the nexus between the rule of law and development is tangible.

The impediments to development cannot be overcome overnight. But guided by the principles of the rule of law, I believe we can achieve much by investing in not only domestic but also global efforts to tackle such barriers. Indeed, the rule of law would have to be associated with not only domestic but also regional and global development. China's commendable initiative on the One Belt, One Road is meant to bring development to several Asian countries and beyond, along the new land and maritime Silk Road. Yet, the success of this initiative might be lessened without due regard to the implementation of the rule of law along the line. China and ASEAN, on the other hand, in fostering greater cooperation for sustainable cooperation, should explore how to supplement each other with their respective rule of law and culture of lawfulness experiences. Also, such an effort should include a robust campaign to educate the broad public about the importance and relevance of the rule of law in practical terms and in daily life. The rule of law requires broad-based public understanding as well as appropriate laws and effective justice sector institutions so that it can be strengthened in sustainable ways.

We must work together to cultivate a culture of lawfulness at the foundation of peaceful and inclusive societies that embrace the rule of law. Our citizens must be empowered to use the law to improve and guarantee their rights for a better life.

To conclude, I would like to commend the government of China for its unwavering commitment to the rule of law. I believe today we are witnessing a united will to make the law work for the greater good of all peoples and for sustainable development.

Thank you very much for your attention.

30

Keynote Address

at

First ASEAN Conference on Crime Prevention and Criminal Justice

Item 4: Effective Offender Rehabilitation
and Prison Reform for Vulnerable Groups*

Bangkok

10 November 2016

Distinguished delegates,

Ladies and gentlemen,

It is for me a great honour and privilege to speak at the First ASEAN Conference on Crime Prevention and Criminal Justice and to share my views on the topic of Effective Offender Rehabilitation and Prison Reform for Vulnerable Groups, which is very close to my heart.

* The member states of the Association of Southeast Asian Nations (ASEAN) decided to establish a new regional forum for discussions on the improvement of national and regional crime prevention and criminal justice. The first ASEAN Conference on Crime Prevention and Criminal Justice was held in Bangkok in November 2016, with wide attendance from ASEAN countries and other stakeholders.

keywords: ASEAN, Bangkok Rules, SMRs, standards and norms, sustainable development, vulnerable groups, women prisoners



Her Royal Highness delivered keynote remarks at the High Level Event on Violence against Children in the Field of Crime Prevention and Criminal Justice organized by the United Nations Office on Drugs and Crime and related United Nations agencies at the margin of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice in Doha, Qatar - 15 April 2015.

At the outset, I would like to commend the decision by the ASEAN Member States to establish the ASEAN Conference on Crime Prevention and Criminal Justice as a new regional platform to promote the exchange of views and promising practices among various stakeholders working in the field of crime prevention and criminal justice. I am confident that the broad-based support for the new ASEAN Conference will make this forum a suitable platform where innovative approaches for regional cooperation can be explored in order to ensure the safety of the people and the prosperity of the ASEAN community.

Ladies and gentlemen,

Effective offender rehabilitation has always been an important function of the criminal justice systems. In recent years, attention has also been accorded to issues related to the adequate treatment of vulnerable groups in contact with the justice system. In my view, the two topics are inter-related and both are closely linked to the broader issue of sustainable development for an inclusive and just society. And I wish to share with you today some of the key considerations in this regard.

In most countries in the ASEAN region, the size of the general prison population and the imprisonment rate have been increasing in recent years. The exception may be Singapore, where a decline in the rate of imprisonment has been noted since 2004. Also, in most countries the occupancy rate in prisons is much above the prison capacity. As a result, prison overcrowding has become the main challenge in justice administration and has hindered efforts in this region to implement effective national correctional policies as well as relevant international standards and norms.

For many years, the United Nations has been actively working with Member States to develop, disseminate, and promote standards, norms, and guidelines in the field of treatment of offenders. Several international instruments have been adopted by the General Assembly with a view to promoting and protecting human rights in the administration of justice.

Among various international standards and norms, the United Nations Standard Minimum Rules for the Treatment of Prisoners or the SMRs was the first instrument adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and was subsequently approved by the Economic and Social Council in 1957. Since then, the SMRs have served as an important set of guidelines for the treatment of prisoners and as the key point of reference in designing and evaluating corrections laws and policies all over the world.

After being implemented for almost 60 years, the review process of the SMRs took place from 2012 to 2015. The intergovernmental expert group that has been established to undertake the review process completed its work after four meetings that took place in Vienna, Buenos Aires, and Cape Town. I myself had the privilege to be part of this process on several occasions. Thanks to the extensive deliberation which took into account key developments in the correctional sciences and emerging good practices in recent years, the revision process was successfully completed, and the updated version of the SMRs was adopted by the UN General Assembly in December 2015. The Rules are now known as the 'Revised United Nations Standard Minimum Rules for the Treatment of Prisoners' or the 'Mandela Rules' in honour of the legacy of the late President Nelson Mandela of South Africa.

While the prison regimes are tasked with an important mission to promote effective reintegration of the prisoners back into society, within the prison population, there are also particular categories of prisoners who require additional support and are more vulnerable than others due to their age, mental and physical conditions, and their backgrounds. These include, for instance, juvenile offenders, women prisoners, elderly prisoners and foreign national prisoners. Knowledge and awareness of the specific needs of these prisoners can be a powerful tool for the prison regimes in developing adequate treatment programmes. Therefore, their specific needs should be understood by prison staff and taken into account when developing criminal justice policies, sentencing guidelines, and prison rules and regulations.

After the adoption of the SMRs, many additional standards and norms relevant to the treatment of specific groups of offenders have continued to flourish. This includes the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or the Beijing Rules, the United Nations Standard Minimum Rules for Non-custodial Measures or the Tokyo Rules, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, and the United Nations Rules on the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders or the Bangkok Rules.

Creating effective, rights-based penal systems which take into account the specific needs of all vulnerable groups in prisons is important for any society, not only for the reason that we have already discussed, but also as a crucial element in overall human development policy. This is because in 2015, with the adoption of the 2030 Agenda for Sustainable Development or the SDGs, the world has come to accept that sustainable development cannot be achieved without access to justice for all and the creation of accountable and inclusive criminal justice institutions, including police, courts, and

prisons. This principle is set out in Goal 16 of the Sustainable Development Goals. By implementing the United Nations standards and norms and responding to the special needs within prisons, the ASEAN Member States not only uphold the principle of equal access to justice, but our efforts can also lead to several achievements in respect of the 2030 Sustainable Development Goals. For instance, Goal 5 on gender equality can be achieved by addressing specific needs of female inmates and understanding their pathways to prison. Providing hygienic conditions and appropriate health care for prisoners with HIV or mental health problems can contribute to Goal 3 on healthy lives and well-being for all. In addition, Goal 10 on reduced inequalities can be fulfilled by developing skills for prisoners and preparing them for employment after release in order to reduce stigma and discrimination when they return to society.

Last but not least, I would like to emphasize that while there is a growing consensus on the need for the improvement of prison conditions and penal reform, significant efforts are still needed to reduce prison overcrowding, develop appropriate infrastructure and train prison staff on practical ways to implement international instruments in the local context. As prisons in all countries are trying their best to fulfil international commitments, it is equally important for the governments to ensure that prisons are used as measure of the last resort and that prison is a place to provide opportunities for change.

With my firm belief that this First ASEAN Conference on Crime Prevention and Criminal Justice will provide us with an opportunity to further discuss the possible ways to enhance correctional practices in the ASEAN region towards the creation of sustainable and inclusive society, I conclude my remarks, and I thank you all for your kind attention.

31

Video Message Remarks

at

Joint Event on ‘Jointly supporting gender mainstreaming in the implementation
of the 2030 Sustainable Development Agenda’

60th Session of the United Nations Commission on Narcotic Drugs*

Vienna International Centre, Vienna

2 December 2016

Excellencies,

Distinguished participants,

Ladies and gentlemen,

It is a great honour for me to be part of this joint event by the Commission on Narcotic Drugs and the Commission on the Status of Women to support gender mainstreaming in the implementation of the 2030 Agenda for Sustainable Development.

* The United Nations Commission on Narcotic Drugs is a functional Commission of the Economic and Social Council and is the central drug policy-making body within the United Nations system. The Commission holds annual sessions in Vienna. In 2016, following adoption by the General Assembly of the 2030 Agenda on Sustainable Development, the Commission, together with the Commission on the Status of Women, organized a joint event on gender mainstreaming in the implementation of the SDGs. In view of the large number of women who come into contact with the criminal justice system in connection with drug offences, Her Royal Highness addressed the joint event in order to stress the importance of finding the proper balance between drug policy, human rights and gender sensitivity.

keywords: drug policy, gender equality, rule of law, SDGs

The sustainable development goals provide a comprehensive framework upon which we can devise our development policies and practices for a better future. While all SDGs goals and targets are intertwined and mutually reinforcing, Goal 5 focuses specifically on achieving gender equality and empowering all women and girls.

Gender equality is one of the central pieces of the development puzzle. It cuts across many important issues that we are dealing with today, including how to build an effective policy in response to the world drug problems.

It is also true that gender discrimination remains a critical problem and is one of the underlying causes of violence against women and girls.

In this regard, it is crucial that we acknowledge that women are not homogenous; there are significant differences among women. Any efforts to mainstream gender into development policies and programs must attempt to comprehend the specific needs of particular groups of women, as well as the context in which their vulnerabilities appear.

In the realm of drug policy, we often find that punitive laws and policies often pose a heavy burden on women and, in turn, on the children, the elders and the disabled for whom women are often the principal caregivers. Far too often, women who are involved with drugs, whether as users, couriers, detainees, or convicted offenders, have endured persistent stigma and suffered from discrimination. Their needs have been overlooked and their pathways to drug involvement are far from being adequately understood.

Significant efforts are needed to understand and address risk factors and conditions which render women and girls vulnerable to trafficking, to other drug-related crimes and even to drugs themselves. Broader perspectives in respect of socio-economic conditions and such cultural biases as gender inequality need to be taken into account when designing any prevention measures. I note with grave concern that more and more women have been imprisoned for drug-related offences. In many instances, they are couriers for their partner. To a large extent, this could be a manifestation of gender inequality, and a result of women being in a disadvantaged position in society.

It is indispensable that efforts be made and sustained by Member States and the relevant stakeholders to put forward gender-responsive drug policies which allow women to fully exercise their rights. Drug policies and programs that are designed using a gender-mainstreaming approach and that are implemented with gender-responsive measures, have a far better chance to achieve sustainable outcomes.

In operational terms, we can start by paying attention to the specific needs of women and girls, whether they are in the community or in detention, especially in relation to access to health care and services, including HIV prevention. We can draw useful guidelines from the international standards and norms, including the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, also known as the Bangkok Rules.

We can also seek to subject the existing punitive measures to review, with a more thorough understanding of the contextual factors and pathways of women who become involved with drugs, and of those who come into contact with the justice system.

We can ensure that women themselves are involved at all stages of drug policies, from design and development to implementation as well as assessment.

The challenge is how to strike the right balance.

On the one hand, we need robust and effective international and national drug policies, institutions and mechanisms in place in order to allow us to tackle the serious threats of drug problems. And we are all aware that building, maintaining, and utilizing these institutions and mechanisms in itself requires enormous resources.

On the other hand, we must seek to mainstream human rights, particularly women's rights approaches to these policies. Rights-based approaches help free and empower people, thus liberating the economic potential of any society which, in turn, can contribute to mobilizing the resources that are necessary to maintain our public institutions.

While each country will have to make difficult choices and deal with costs and trade-offs on their own in trying to achieve the right balance, there is also room for cooperation at the international and regional levels in addressing this important challenge.

It is therefore very timely that this joint event by the Commission on Narcotic Drugs and the Commission on the Status of Women provides us with an opportunity to discuss concrete means to promote such cooperation.

There are still many women out there who are struggling to find their way out of drug dependency and drug-related crime.

I hope that the steps we take today will lead to an improvement in our drug policy which contributes to a more sustainable development trajectory that benefits women worldwide.

Thank you, and I wish you every success in your deliberations.

**Public announcement of acceptance of the position as
UNODC Regional Goodwill Ambassador for the Rule of Law in Southeast Asia*
30 January 2017**

I am honoured to accept the role of UNODC Regional Goodwill Ambassador for Southeast Asia. My appointment offers great opportunity for me to champion the rule of law and fairness in criminal justice systems. And, in doing so, help achieve the bold vision of the 2030 Agenda for Sustainable Development.

My experiences as a practitioner convinced me that peace, justice and inclusive institutions under Goal 16 of the SDGs can empower and transform lives.

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 global efforts and discussions to strengthen the rule of law.

Working together, we can achieve the 2030 Agenda within a generation.

I am proud to be part of these global efforts.

* In 2017, Her Royal Highness was honoured with appointment as United Nations Office on Drugs and Crime Regional Goodwill Ambassador on the Rule of Law for Southeast Asia.

keywords: rule of law



Her Royal Highness presided over a welcome reception for international participants of a study visit at Doi Tung Development Project, Mae Fah Luang Art and Cultural Park, Chiang Rai, 24 January 2018. The study visit was jointly organized by the Thailand Institute of Justice and UNODC.

33

Special Keynote Address

at

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

United Nations Conference Centre, Bangkok

22 February 2017

Mr. Luc Stevens, United Nations Resident Coordinator and UNDP Resident Representative,

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

Dr. Kittipong Kittayarak, Executive Director of the Thailand Institute of Justice,
Distinguished speakers,

Ladies and gentlemen,

It is a great honour for me to speak at the TIJ Public Forum on the Rule of Law and Sustainable Development. This event is both timely and important as we undertake to implement the Sustainable Development Agenda. It also gives me an opportunity to

* In order to promote awareness of the importance of the rule of law in sustainable development, and more generally of the Sustainable Development Goals, the Thailand Institute of Justice launched a series of public fora, designed to bring together practitioners, policy-makers, researchers and other stakeholders, both in Thailand and internationally, for public discussions. Her Royal Highness presented the Special Keynote Address at the first such public forum, held in cooperation with the UNODC and UNDP at the United Nations Conference Centre in Bangkok.

keywords: alternative development, culture of lawfulness, MDGs, rule of law, SDGs, sustainable development

fulfil my new role as the UNODC Regional Goodwill Ambassador for Southeast Asia by addressing the topic of the rule of law and its connection with the broader issue of sustainable development.

The world has learned many good lessons in finding the path toward sustainable development. The Millennium Development Goals provide a powerful framework for the international community by setting clear targets to guide our efforts in tackling extreme poverty, hunger, and disease while ensuring environmental sustainability. The MDGs were successful in many aspects. But there were also some setbacks. Many believe our efforts would have been more successful if more attention had been given to issues such as justice and the rule of law, as they are important underpinnings of sustainable development.

The international community has now agreed to do things differently when it comes to the SDGs. We recognize that the rule of law, peace, justice, and security are part of our jobs in realizing sustainable development. The rule of law has become one of the clear targets in guiding our efforts to transform the world we live in.

As other distinguished speakers have already pointed out, the rule of law does not stand only as a goal, in and for itself. It also provides an enabling environment for the achievement of other goals. When effective, the rule of law provides a society with a clear sense of assurance that the use of coercive power by the government, the utilization of natural resources, and the promotion of economic development, to name but a few, will be for the benefit of everyone.

In the broad sense, the rule of law also provides a condition in which the citizens enjoy their fundamental rights without fear of discrimination. Indeed, the rule of law forms an indispensable part of our endeavour to achieve sustainable development.

While its significance is broadly accepted, when it comes to the meaning, or rather meanings, of the rule of law, a consensus is clearly lacking. Most of us subscribe to the notion that for the rule of law to exist, there must be certain elements, such as the supremacy of law and due process. Some prefer to extend its scope to encompass the protection of fundamental rights. And the list can go on.

We should not allow the somewhat disputed nature of the concept of the rule of law, to discourage us. After all, the debate over the definition of a complex idea such as the rule of law can be a normal and healthy process. While we can benefit from engaging in theoretical discussion, we can also be pragmatic. We can attempt to find linkages between the rule of law and the concrete endeavours that we undertake. We can connect and anchor the concept with specific spheres of what we do, and thus gradually deepen its roots within our society.

In my line of work as a public prosecutor and in my duty to uphold the law, I come across, almost on a daily basis, stories of those who come into contact with the justice system. Each story is unique, but they also testify to the fact that knowledge of the law is important. But perhaps more important is the attitude and awareness of the people. They need to regard the law as something that should be respected. A society where its members share this kind of awareness is a society that firmly adheres to the rule of law, and this is a solid ground upon which we should build our development efforts.

Ladies and gentlemen,

I believe we can all agree that a shared belief among people that the law should be respected, is a crucial requirement for robust rule of law, and also for development. But such an attitude cannot be generated easily. In some cases, it takes generations, with constant efforts, for such an attitude to take root. But it is possible.

The story about how constant efforts can help bring communities previously faced with tremendous challenges, to build such a robust culture of lawfulness, may be useful as an illustration here.

This story has often been told as the story of alternative development, pioneered and championed by many, including His Majesty King Bhumibol Adulyadej. To me, it is also a story about how the rule of law helped bring about sustainable development, and vice-versa. Alternative development may be unique in that it is a development-led approach to deal with illicit crop cultivation. But at its core, it also illustrates how development initiatives need to be based on a clear understanding of the needs of the people and should help the disempowered to gradually re-build their community and strengthen the rule of law.

For how is the law to be enforced, when faced with the stories of these hill-tribe villagers whose lives had long depended on illicit crop cultivation, and whose lives clearly lacked basic necessities?

Clearly, the answer was not simple. But what was crucial is the recognition that it made no sense to demand strict adherence to the formal legal rules from these

people when they were still lacking almost all fundamental means for livelihoods. Only when these basic needs were met, can there be a proper place for law and order considerations. With a clear focus on helping these people regain their ability to earn 'licit' livelihoods, the initiatives by His Majesty the late King provided basic underpinnings for the rule of law to take root.

I have visited these villages on several occasions, and what I saw convinced me that these people have truly transformed. The process may be slow, lasting over forty-something-years after His Majesty the late King first set foot in those areas, but the kind of awareness I mentioned earlier has clearly taken deep root in the communities. When I talked to the village leaders and the younger members of the community, I saw their pride. While listening to these villagers, I came to recognize that they have already promoted among themselves a culture of lawfulness. They do not wait for the laws to be enforced. They rediscover the power of traditions and other norms to keep community members in check to ensure that the law is respected.

Ladies and gentlemen,

Through this concrete example, I hope to convince you that the issue of the rule of law and sustainable development can and should be addressed at all levels. As Goodwill Ambassador, I look forward to working with the UNODC to bring about such recognition and to assist in the efforts by the Office to enhance the rule of law in Southeast Asia. The collaboration among nations in this region have been progressively strengthened in most sectors, thanks to joint commitments to build the strong and resilient ASEAN Community. As such, I believe there is plenty of

potential and opportunities to work closely with stakeholders and to address the issue of common interest within the ASEAN framework and among its member countries.

In moving forward, please allow me to summarize a few lessons learned from the example that I have shared with you on the alternative development initiatives.

Firstly, the rule of law is not only for lawyers. Nor should it be limited to the purview of the judiciary or the justice system. As we have seen, the rule of law is an essential part of people's lives. It can be felt and realized by the people in remote places, regardless of their stance with respect to access to economic opportunities, public services or legal identity. The linkage between the rule of law and sustainable development may be complex or interlinked in various ways. But, for this very reason, it is crucial that we ourselves appreciate such interplay at work.

I am very glad that today we will have a chance to learn from distinguished speakers on the linkage between the rule of law and sustainable development from various perspectives, from international development, to human rights and community development. I hope that this type of inter-disciplinary discussion and exchange of ideas will continue, as we build this important body of knowledge from broad perspectives.

Under the framework of the rule of law and sustainable development, there remain a number of cross-cutting issues that we can discuss, such as the fight against corruption, or mutual assistance in addressing transnational crimes, for example. Wider discussion in Thailand and in the region will help to strategize our plans to overcome challenges in attaining the Sustainable Development Goals.

Secondly, as the rule of law and sustainable development are inter-disciplinary in nature, the involvement of people from all sectors is needed. In this regard, I would like to congratulate the network of emerging leaders from public and private sectors who have come together in the TIJ Executive Programme on the Rule of Law and Development. This type of network will allow the exchange of views and ideas and will help us translate those ideas into actions. I am looking forward to seeing more networks of actors join hands and work together.

Lastly, as an individual, I believe that there is no standard to-do list in strengthening the rule of law for sustainable development. Our focus and efforts should also reflect the specific contexts and situations where we work. Different areas of interest also lead to different perspectives. Mine was in the area of criminal justice, but others may find that they can contribute more on health, employment, anti-corruption, environmental protection, or poverty reduction.

Although our perspectives may be different, I believe we all share the common values. Everyone knows that the rule of law is about lawfulness, fairness, equality, non-discrimination, non-violence, and respect for human rights. Any action we take to uphold these values would already serve as our contribution - as individuals - to achieve sustainable development.

On that note, I conclude my remarks, and I thank you all very much for your kind attention.

34

Statement

at

Opening Session of

60th Session of the United Nations Commission on Narcotic Drugs*

Vienna International Centre, Vienna

13 March 2017

Madam Chairperson,

Excellencies,

Distinguished participants,

Ladies and gentlemen,

I am honoured to address the 60th Session of the Commission.

Two notable developments have emerged since I last had the honour of serving this Commission as the First Vice-Chair for its Fifty-Seventh Session. First, the adoption of the 2030 Agenda for Sustainable Development, and second, the adoption last year, also by the General Assembly, of the outcome document of the UNGASS on the world drug problem.

* The United Nations Commission on Narcotic Drugs is a functional Commission of the Economic and Social Council and is the central drug policy-making body within the United Nations system. The Commission holds annual sessions in Vienna. Her Royal Highness addressed the Commission in her new role as UNODC Regional Goodwill Ambassador, and used the occasion to stress the importance of the 2030 Agenda on Sustainable Development.

keywords: drug policy, SDGs, vulnerable groups

I believe the two developments are instrumental in guiding our efforts to address the world drug problem through a balanced, comprehensive, and integrated approach. By stressing the complimentary and mutually reinforcing nature of our efforts to achieve the SDGs and to effectively address the world drug problem, we can strive to meet the common and aspired objectives. We strive to secure the health, safety and well-being of individuals, families, and society, while ensuring that no one is left behind.

The two sets of goals and targets provide us with tremendous opportunity. As UNODC's Goodwill Ambassador, I believe it is my responsibility to explore such an opportunity to work with other stakeholders towards our common goals. Therefore, I am grateful for having had the opportunity to participate – through a video message – in the joint event organized by this Commission and the Commission on the Status of Women in December last year on gender mainstreaming in the implementation of the Sustainable Development Agenda. The event was just an example of how we can unite and enhance coordination across different sectors and stakeholders.

Being also a practitioner in the criminal justice system, I can appreciate the enormity of the challenges we face in tackling drug-related problems. Among other things, I have witnessed how drug control policies - and the criminal justice systems that enforce such policies - can impact citizens and institutions alike.

In many jurisdictions, including Thailand, one such impact is the high proportion of people brought into contact with the justice system as a result of drug control efforts. In Thailand, drug control accounts for almost one half of the children, and eighty percent of the women, brought into contact with the criminal justice system. Through empirical research, we learn that many of these women are mothers, who

come from poor socio-economic backgrounds with limited education. The root causes are multiple, and, in most cases, intertwined. But at a deeper level, most are related to attitudes and awareness of the people involved, which brings us again to the broader issue of development.

This is perhaps the reason why in the case of alternative development, we really need to focus on addressing the existing gaps in our knowledge, in order for this kind of development-led drug control intervention to be successful. We need to understand why it is crucial to promote research and other types of activities to produce evidence that will keep us informed and guide our efforts. In many cases, knowledge of and appreciation for the specific needs of the vulnerable members of societies makes a great difference.

In Thailand, long before the world came to know alternative development as we know it today, many including His Majesty King Bhumibol Adulyadej, focused on gathering adequate knowledge and came to realize that for many villagers living in rural mountainous areas, not much choice existed except to cultivate illicit opium poppy. Only with a clear understanding of people's needs, can a comprehensive and long-termed development-led approach be effectively realized in response to such illicit cultivation.

What we have learned from alternative development may be applicable to drug-related challenges in other contexts, including in urban settings, assuming that the root causes for involvement in drugs or criminal activities are often related to poverty and lack of opportunity. This is an area worth exploring, but again, the

knowledge gap needs to be filled with carefully obtained empirical evidence. One of the keys to the development puzzle that we must solve in order to achieve balanced and sustainable drug control, and sustainable development at large, may be found in knowledge about the people and the power that can be harnessed from such awareness.

On that note, I conclude my remarks, and I wish you all every success in your deliberations.

35

Opening Remarks

at

Opening Ceremony for Thailand's Exhibition

60th Session of the United Nations Commission on Narcotic Drugs*

Vienna International Centre, Vienna

13 March 2017

Mr. Yury Fedotov, Executive Director, United Nations Office on Drugs and Crime,
His Serene Highness Bhisadej Rajani, President of the Royal Project Foundation of
Thailand,

Ladies and gentlemen,

It is an honour to welcome you to Thailand's exhibition at the 60th Session of the CND which commemorates His Majesty the late King Bhumibol Adulyadej's seventy-year journey. It is a journey which took a man to remote and under-developed regions in the country and to discover first-hand the everyday struggles of farmers. Our late King appreciated many of the socio-economic problems as an

* The United Nations Commission on Narcotic Drugs is a functional Commission of the Economic and Social Council and is the central drug policy-making body within the United Nations system. The Commission holds annual sessions in Vienna.

His Majesty the late King Bhumibol Adulyadej had, throughout his seventy-year reign, been one of the first to put the concept of alternative development into practice, and his innovative work led to the eradication of illegal cultivation of the opium poppy in Thailand. In commemoration of his achievements, Thailand organized a special exhibit on his work, featured prominently in the Vienna International Centre.

keywords: alternative development, drug policy, sustainable development, vulnerable groups



Her Royal Highness delivered a special keynote address at the TIJ Public Forum on the Rule of Law and Sustainable Development, organized by the Thailand Institute of Justice (TIJ), in cooperation with the United Nations Office on Drugs and Crime Regional Office for Southeast Asia and the Pacific, at the United Nations Conference Centre, Bangkok - 22 February 2017.

inter-related set of issues, which required multi-faceted solutions specific to the needs of each region and community.

Similar to farmers in other regions, the ethnic minorities growing illicit opium poppy in the mountains of Northern Thailand were also challenged by human insecurity that stemmed from poverty and lack of opportunity. Learning and adapting from his previous and ongoing development projects, the late King guided and initiated the first alternative development programmes in Thailand.

Alternative development programmes were developed based on a holistic and people-centric approach that focused on addressing basic needs and providing adequate livelihood alternatives, prior to the use of law enforcement. As a result, alternative development connected the once marginalized to the mainstream. It provided access to opportunities for all regardless of ethnicity, age, gender, or legal status. Alternative development was also integrated as part of a long-term national development strategy where its success was measured by human development indicators along-side the reduction of opium poppies.

Hopefully through this exhibition, we can trace the late King's footsteps and come up with our own lessons. For me, I learned that working with a 'silo mentality' cannot fully address the development complexities of a nation. I encourage you to also look at the good practices and lessons learned from Thailand that can be used to guide sustainable development efforts around the world. I believe these are the lessons that closely align with the 2030 Agenda for Sustainable Development.

Thank you for your time and please enjoy the exhibition.

36

Keynote Remarks

at

High-Level Side Event

**‘Human Security and the Rule of Law: Alternative Development’s Contribution
to the 2030 Agenda for Sustainable Development’**

60th Session of the United Nations Commission on Narcotic Drugs*

Vienna International Centre, Vienna

14 March 2017

Excellencies,

Distinguished guests,

Ladies and gentlemen,

Welcome and thank you for joining our human security and the rule of law side event to discuss the contributions of alternative development to the 2030 Agenda for Sustainable Development.

This side event is organized to discuss alternative development, or alternative

* The United Nations Commission on Narcotic Drugs is a functional Commission of the Economic and Social Council and is the central drug policy-making body within the United Nations system. The Commission holds annual sessions in Vienna. An increasingly important part of the sessions are the various side events organized by member states and other entities. In connection with the 2017 session, a high level side event was organized on alternative development and the 2030 Agenda.

keywords: alternative development, drug policy, rule of law, SDGs, sustainable development

development as a sustainable development approach to address human insecurity. Our panellists will exchange research, views and national experiences from Colombia, Peru and Germany. They will also discuss the importance of developing indicators to measure the success of alternative development and the SDGs.

There will also be a discussion on how alternative development aligns with many of the UN Sustainable Development Goals and how the strengthening of the rule of law is an important key to open the door to sustainable development.

I believe the recommendations adopted at last year's UNGASS on the world drug problem, the UN Guiding Principles on alternative development and the 2030 Agenda for Sustainable Development are instrumental documents in charting the course ahead for Member States and the UNODC to address the world drug problem in complementarity with the SDGs.

The 2030 Agenda for Sustainable Development sets to achieve a more sustainable world by recognizing the rule of law, security and justice. Therefore, the rule of law serves as the golden thread that weaves through all the SDGs. In the context of alternative development, the rule of law can contribute to peace and good governance by strengthening institutions, enhancing the State's capacity, and trust at all levels of stakeholders. The rule of law also empowers communities by providing them knowledge of legal frameworks, access to justice, and understanding their rights within their society.

If implemented in accordance with the UN Guiding Principles, alternative development programmes can also connect the once marginalized to the

mainstream, reducing inequality. Alternative development can also provide access to opportunities for all, regardless of ethnicity, age, gender, or legal status in aligning with many of the SDGs.

I would like to underscore that through a balanced, comprehensive, and integrated approach, we can reach our common objective of protecting the health, safety and well-being of individuals, families, and societies to live a life with dignity.

37

Keynote Speech
at
UNODC Regional Conference on Cross-Border Criminal Justice
Cooperation
in Southeast Asia*
Bangkok
22 March 2017

Mr. Jeremy Douglas, UNODC Regional Representative for Southeast Asia and the Pacific,

Your Excellency Mr. Glyn Davies, Ambassador of the United States to Thailand,

Mr. Isra Sunthornvut, Secretary General of the ASEAN Inter-Parliamentary Assembly,

Distinguished participants,

Ladies and gentlemen,

It is a great pleasure for me to address you at this important conference.

* The Thailand Institute of Justice works closely with the UNODC, and especially with the UNODC field office for Southeast Asia and the Pacific. Both the UNODC and ASEAN have sought to promote closer law enforcement and judicial cooperation among the countries in the region. In March 2017, a special regional conference was organized to foster closer partnerships in preventing and responding to transnational crime.

keywords: ASEAN, extradition, mutual legal assistance, rule of law, transnational organized crime

Before I begin, I would like to thank the UNODC Regional Office for Southeast Asia and the Pacific for organizing this platform to promote the exchange of views among experts and practitioners from countries in the ASEAN region and the ASEAN Dialogue Partners as well as other key partners.

In the era of globalization and regional integration, various forms of crime are no longer bound by national borders. As a result, countries, including those in our region, face tremendous challenges in tackling transnational crime. We do not have much choice but to look for practical solutions by working together. Failing to do so will have consequences.

By a conservative estimate, we learn that each year 100 billion US dollars are being generated by transnational criminal groups in the region and neighbouring countries. This is a conservative estimate because it takes into accounts only the forms of transnational crime for which states could provide baseline data.

This size of economy well exceeds the gross domestic product or GDP of several countries in this region, and its impacts cannot be overlooked. Transnational organized criminal groups in this region profit from a wide range of illicit activities, from drug and precursor trafficking, trafficking in persons, smuggling of migrants, to trafficking in timber and endangered species. They certainly do not respect national borders and national institutions or governments, and more importantly, they do not respect the lives of the people they impact.

At the same time, we are reminded of the international nature of terrorism and terrorist incidents on a regular basis.

The prevention and control of crime which has become increasingly transnational in nature, requires that national prosecution and law enforcement authorities cooperate beyond national borders.

Ladies and gentlemen,

Over the years, the international community has invested significant amount of resources to strengthen the cooperation in response to transnational crime. A number of international or regional instruments and other frameworks have been adopted to guide our efforts to deal more effectively with these cross-border threats.

Mutual legal assistance and extradition are the two major legal tools available for us to build cooperation among national authorities. They are the key features of several international frameworks, particularly the United Nations Conventions related to crime, including the UN Convention against Transnational Organized Crime and the UN Convention against Corruption. These are complemented by international counter-terrorism instruments that similarly incorporate extensive provisions on mutual legal assistance and extradition.

In addition, member states of ASEAN have been working closely to enhance criminal justice cooperation at the regional level. In fact, the adoption of the ASEAN Treaty on Mutual Legal Assistance in Criminal Matters signifies a joint commitment among ASEAN member states to enhance regional criminal justice cooperation.

It should be noted that as a tool, the effectiveness of mutual legal assistance or extradition will depend on the extent to which the actual practices can overcome the differences between countries, domestic governance systems, hierarchies, traditions, and approaches.

In Southeast Asia there is a great deal of variability in terms of capacity and experience in practicing mutual legal assistance and extradition, in addition to different languages. In fact, it would not be an overstatement to say that criminal justice cooperation in Southeast Asia is still at an early stage of development in comparison to other regions.

Southeast Asia as a region is also economically developing and integrating quickly, as is evidenced by the establishment of the ASEAN Community in 2015. This integration is possibly occurring more quickly, and with wider disparity between states than other regions.

In recent years, the launch of the ASEAN Economic Community 2015 has brought freer flows of goods, services, labour, and money. The expansion of legitimate economic flows will certainly be positive for the region, but they will also facilitate transnational criminal activities. It is a well-established fact that illicit flows and movements mirror and travel alongside legal flows and movements, and that the expansion of illicit flows and the criminal groups that benefit from them can undermine governance, law enforcement, and criminal justice systems of countries in the region.

I believe it is inevitable that we need to work together to develop criminal justice responses at the regional level with improved mutual legal assistance and extradition practices.

On the one hand, practical knowledge about different practices that exist in the region and the network of practitioners with mutual trust and willingness to get things done will be crucial.

On the other hand, we also need to be guided by a common set of values, in order for us to overcome differences in practice. To this end, I believe awareness and respect for norms such as equality, non-discrimination, and the protection of fundamental human rights will be crucial in bringing us closer towards the common goals, without being trapped by the countless differences. I am speaking of the rule of law, but in its very broad sense, and in conjunction with development.

In this regard, our mutual effort in combatting transnational organized crimes and terrorism would therefore strengthen the foundation for the rule of law to thrive, and thus would support sustainable development which is our ultimate goals. As UNODC Regional Goodwill Ambassador on the Rule of Law for Southeast Asia, I look forward to working with you to build a resilient community for ASEAN, as envisioned in the ASEAN Community Vision 2025 and the 2030 Agenda for Sustainable Development.

So this conference is both highly relevant and needed, bringing the right people together to advance regional cooperation in criminal justice matters to deal with the challenges of transnational crime and terrorism. I am confident that it will help build momentum for central authorities to network and enhance their understanding to more effectively counter transnational crime and terrorism.

In closing I wish the conference well.

Thank you very much.

Keynote Remarks

at

High-Level General Assembly Debate on Transnational Organized Crime*

United Nations Headquarters, New York

19 June 2017

Mr. Secretary-General,

Mr. Executive Director,

Excellencies,

Distinguished participants,

It is my great honour and pleasure to be invited to speak at this High-Level Thematic Debate of the UN General Assembly on Transnational Organized Crime as the United Nations Office on Drugs and Crime Regional Goodwill Ambassador on the Rule of Law for Southeast Asia.

We live in a rapidly integrating world. Although integration is largely beneficial for economies and societies, it also presents challenges for the rule of law and security. This

* In 1972, Judge Giovanni Falcone, a tireless investigator of organized crime, was assassinated. To commemorate the passing of 25 years since this tragic event, a special high-level debate was organized at the General Assembly on transnational organized crime. Her Royal Highness was invited to address the high-level debate, and she used the occasion to emphasize the lasting legacy of Judge Falcone in the prevention of and response to organized crime.

keywords: MDGs, transnational organized crime



Her Royal Highness sifted the paper mulberry bark onto the frame during a study visit at Doi Tung Development Project in Chiang Rai. Her Royal Highness was leading a group of international participants to learn how the Project under the Mae Fah Luang Foundation continues to support local villagers through sustainable livelihoods in the area once known for illicit opium poppy cultivation, Chiang Rai - 26 January 2018.

is why today's High-Level Thematic Debate is important: it shows that we recognize that the global community must continue to look for solutions to these challenges.

There are many reasons to honour Judge Giovanni Falcone during this debate. I would like to focus on one: his legacy.

The death of Judge Falcone is testimony to the sacrifices that are often made by judicial, prosecutorial, and law enforcement practitioners in responding to transnational organized crime, sacrifices which can extend to family members and others close to them.

Judge Falcone was one of the first to successfully 'follow the money trail' and to rely on the evidence of informants who were members of organized criminal groups. He recognized the importance of sharing information; he was a proponent of legislation to strengthen measures against organized crime; and he realized the importance of engaging the public, in particular future generations, in the fight against criminality.

But Mr. Falcone has left perhaps an even more important and enduring legacy: he was instrumental in bringing about the strongest tool we, as the United Nations, have at our disposal to continue his work, namely the United Nations Convention against Transnational Organized Crime. One month before his death, he attended and spoke at the very first session of the United Nations Commission on Crime Prevention and Criminal Justice, UNTOC. Among the resolutions adopted at that session was one on organized crime. This, and the World Ministerial Conference on Organized Transnational Crime in Naples in November 1994, were stepping stones towards the drafting and adoption of UNTOC, an instrument which incorporated many of the ideas and tools used so effectively by Mr Falcone.

Mr. President,

UNTOC - which was opened for signature in Judge Falcone's home town of Palermo - has already become one of the most widely ratified international conventions, with 187 states parties to the Convention itself, and similarly high numbers for each of its three protocols. This shows the growing global understanding of the need to take joint action against transnational organized crime, as well as the expanded and deepened scope of cooperation to address such crime.

The Convention has provided common definitions of key offences, and it has helped to set standards for international law enforcement and judicial cooperation. UNTOC essentially provides the global framework for the response of the international community.

As a result, over the past fifteen years, an impressive amount of work has been carried out around the world to develop and amend legislation, improve domestic and international cooperation, develop policies, and adapt the structure of criminal justice systems to changing needs. I would like in particular to commend the work that the UNODC has done, assisting regions and countries to adopt, and adapt to, UNTOC, and to develop policies, capacities and systems to address organized crime.

Mr. President,

UNTOC was opened for signature in the autumn of 2000, three months after the adoption of the Millennium Development Goals or MDGs. Importantly, UNTOC itself recognizes 'the negative effects of organized crime on society in general, in

particular on sustainable development'. That said, the MDGs did not address crime or challenges to state security and stability.

It is therefore fundamental for the success of our work against transnational organized crime that the recently adopted 2030 Sustainable Development Agenda contains Goal 16, with its emphasis on the rule of law and security. Organized crime impairs our ability to meet the other goals, whether related to our youth, education, community development, gender equality, or the protection of the environment. In the ASEAN region, my country Thailand, and the UNODC regional team are working with this in mind.

Mr. President,

Today we are debating transnational organized crime twenty-five years after the passing of Judge Falcone. He made an undeniable contribution to UNTOC and saw more than most the importance of international law enforcement, judicial cooperation, financial investigations, and witness protection. And he knew that the only way to address forces such as organized crime that damage society is to work together in a common way, keeping pace with the challenges.

We can all benefit from, and contribute to, the legacy of Judge Falcone by working together to promote the implementation of UNTOC around the world. It is our responsibility to address negative forces such as organized crime that challenge security and stability, to bring the offenders to justice, to support victims, and to protect our communities and countries. We should continue on the road laid out by Judge Giovanni Falcone.

Thank you, Mr. President.

39

Opening Remarks

at

Ancillary event on Transnational Organized Crime Challenges and Responses in Southeast Asia*

United Nations Headquarters, New York

19 June 2017

Excellencies,

Distinguished participants,

I would like to begin by thanking the UNODC regional office for Southeast Asia and the Pacific, and in particular Mr Jeremy Douglas, the UNODC Regional Representative, for organizing this side event on ‘Transnational Organized Crime Challenges and Responses in Southeast Asia’. As the UNODC Regional Goodwill Ambassador on the Rule of Law for Southeast Asia, I welcome this opportunity to focus specifically on the situation in our region, against the backdrop of the global discussions here at the United Nations High Level General Assembly Debate on Transnational Organized Crime.

The UNODC regional office for Southeast Asia and the Pacific is one of the oldest UNODC regional offices. Over the years that I have worked together with Mr Douglas and the highly capable staff at the regional office, I have been very impressed with their

* In June 2017, a high-level debate was organized at the General Assembly on transnational organized crime. In connection with this, a separate event was held at United Nations Headquarters to examine the challenges posed by transnational organized crime in Southeast Asia, and the responses that are needed.

keywords: transnational organized crime

dedication, their professionalism and their energy.

I am in particular pleased that the Government of Thailand, and the Thailand Institute of Justice, have developed a close working relationship with the UNODC regional office. To cite just two examples, last November, a series of ASEAN Conferences on Crime Prevention and Criminal Justice was launched. The first such Conference, in Bangkok, sought to identify priority issues in the ASEAN region, and chart the way forward.

The UNODC regional office has also joined with the TIJ and the United Nations Interregional Crime and Justice Research Institute in preparing a study on emerging threats and challenges of transnational organized crime.

The Southeast Asian region has for some time been undergoing exceptionally rapid economic and social transformation. We have also seen the emergence of the Association of Southeast Asian Nations as one of the world's major economic communities and trading blocs, which involves initiatives to ease border controls on people, capital and goods, and more broadly to strengthen economic and infrastructure integration. We welcome the new development opportunities that this brings, and yet we are well aware that the differences and disparities between our nations provide a highly attractive area of operations for transnational organized crime.

Some of these challenges have been long-standing, such as drug trafficking, trafficking in persons, the smuggling of migrants, money laundering and corruption. We have also seen a growth in trafficking in wildlife and timber, trafficking in firearms, trafficking in hazardous wastes, trafficking in cultural property, forgery

of documents and counterfeiting. Along with economic, social and technical development, we have been faced with a growth in intellectual property offences, and perhaps most notably in various manifestations of cybercrime.

At the beginning of this millennium, the international community responded by opening the United Nations Convention on Transnational Organized Crime for signature. It has become among the most widely ratified international conventions, and for example all ASEAN member states have ratified or acceded to it, as they have also to the ASEAN treaty on Mutual Legal Assistance in Criminal Matters. In my travel as the UNODC Goodwill Ambassador for Southeast Asia, I have had occasion to speak with many practitioners and policymakers, and they have all welcomed the entry of UNTOC and the ASEAN treaty into force.

And yet, implementation of such international treaties meets with many challenges, which vary considerably by country and by sector. The legal systems are different, as are the national and local capacities, which the TIJ-UNICRI study encapsulates by referring to four 'M's': money, manpower, material and management. Cross-border cooperation in law enforcement, in mutual legal assistance, in extradition and in asset recovery is needed, but too often it remains ad hoc, or even rests on an informal basis, which leads to mixed results.

Beyond these legal challenges, I would point out other challenges, in particular that of strengthening cooperation to assist and protect the victims of transnational organized crime, and of raising the awareness of the community. In my work as prosecutor, and in my travels as UNODC Goodwill Ambassador, I have seen first-hand the importance of a comprehensive approach to transnational organized crime, an approach that ensures that the criminal justice system has the support of the community, and that the

government in turn ensures the protection and support of the victims, and more widely of vulnerable groups in our community.

For this reason, I stress the importance of ASEAN Vision 2025 and the United Nations Agenda for Sustainable Development. These two documents offer a bold vision of where we should be in some ten years' time. They both emphasize the need for rule of law, peace, and stability as precursors of sustainable development.

The UN Agenda 2030 and the ASEAN Vision 2025 share a commitment to promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels.

My experience as a practitioner has convinced me that peace, justice and inclusive institutions under Goal 16 of the SDGs can empower and transform lives. I have seen this when I come face to face with women prisoners, with persons caught up in the trafficking in persons, with the victims of terrorism. I understand the need of such persons for access to equitable justice, and for the support of the community.

I also understand the need for improving the effectiveness and fairness of our criminal justice system, including the development of alternatives to imprisonment.

I look forward to working with the UNODC Southeast Asia team, and with all of you, to reduce crime and protect vulnerable groups, while contributing to global efforts to strengthen the rule of law.

Thank you.

Video Message Remarks
for
Third TIJ Public Forum on the Rule of Law and Sustainable Development*
Bangkok
17 July 2017

It is my privilege to serve as the UNODC Regional Goodwill Ambassador on the Rule of Law for Southeast Asia. In that capacity, I have had the opportunity to meet many persons.

The concerns, hopes and dreams that they have shared with me are familiar to us all. We all want a good education, a good job, and an affordable and comfortable home, and we all want to safeguard the health of our family. And yet, many persons have met with difficulties in securing these and other basic needs.

Against this backdrop, I have become increasingly convinced of the importance of the rule of law in the development of our societies. To some persons whom I have met, the concept of the ‘rule of law’ may seem something distant from their

* In order to promote awareness of the importance of the rule of law in sustainable development, and more generally of the Sustainable Development Goals, the Thailand Institute of Justice organized a series of public fora, designed to bring together practitioners, policy-makers, researchers and other stakeholders, both in Thailand and internationally, for public discussions. Her Royal Highness, in her capacity as UNODC Regional Goodwill Ambassador on the Rule of Law for Southeast Asia, recorded a video message which was presented at the third TIJ Public Forum under the theme of ‘Understanding the Legacy of H.M. King Bhumibol Adulyadej’, held at the Dusit Thani Hotel in Bangkok.

keywords: rule of law, SDGs

everyday life. I have sought to explain to them that the rule of law is much more than court cases and lawyers. The rule of law is needed to make our educational system, our working life, our housing and our health care institutions more effective, accountable and inclusive.

For example, our right to own land and a home depends on a fair and clear system of ownership. When ownership is based on law – and on the rule of law – it is predictable. It can be registered and recognized by the local community and the state. Education and employment are other examples where elements of the rule of law such as access, fairness and equality play a crucial role.

In 2015, the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development. This Agenda recognizes the importance of many different sectors, such as those that I have mentioned. It also recognizes the overarching importance of the rule of law, together with the importance of a peaceful and stable society that responds effectively to crime.

In my work as a prosecutor, I often meet persons who have chosen the wrong path in life, and committed crime. It is important to bring offenders to justice, but we should ensure that the justice system itself follows the rule of law, by full application of such principles as gender sensitivity, and by finding an outcome that best ensures reintegration of the offender into society.

In the longer term, we should tackle the factors that may lead to crime. For example, in remote areas of Thailand, we have had success in reducing illegal opium poppy cultivation. Under the guidance of His Majesty the late King Bhumibol Adulyadej, we

adopted a people-centred ‘alternative development’ approach to support persons and communities facing difficulties in obtaining ordinary livelihoods. We were able to show them that, when given the opportunity, they can choose to turn away from opium, and produce and market legal crops such as coffee - that they can help strengthen peaceful and just communities where the rule of law helps them achieve their goals, not work against them.

The Sustainable Development Goals extend to 2030. Achieving these goals requires trust and confidence in the law that is not so different from the trust and confidence felt by the local communities in the context of alternative development. It also requires that we all work together – as citizens, as public officials, as people in the private sector. We need to foster that trust in many sectors, which are interrelated with one another and which rest on the foundation of the rule of law.

It is in this spirit that we should continue to work together, for the benefit of all.

41

Introduction*

to

TIJ Report on Women as Justice Makers

Bangkok

August 2017

The importance of gender equality and the empowerment of women has been recognized in international instruments, for example in the Universal Declaration of Human Rights, the International Covenant in Civil and Political Rights, and the Convention on the Elimination of All Forms of Discrimination against Women. It is also reflected in Goal 5 of the United Nations Sustainable Development Goals, adopted by the General Assembly in 2015.

Many countries, including all ASEAN countries, have reflected these norms in their laws, and in many cases in their national constitution. All too often, however, implementation of the norms in practice is hampered by misogynist attitudes (‘women are weak and inferior’) as well as cultural stereotypes (‘women should stay at home and care for the children’).

The international instruments call on governments to overcome these difficulties, in particular by ensuring that women have access to justice. But what if the problems

* Her Royal Highness contributed a special introduction to the report of the Thailand Institute of Justice on the challenges of women seeking to enter and advance in the legal professions in ASEAN countries, and on the empowerment of women.

keywords: ASEAN, gender equality

appear in the justice system itself? What if women face difficulties in entering and advancing in the legal profession? Without a critical mass of women justice professionals on all levels, those responsible for interpreting and applying laws related to gender equality run the risk of not recognizing or understanding the day-to-day difficulties that women encounter in securing the right to an education, the right to equal pay for equal work, the right to equal consideration in promotion, and more generally the right to protection against discrimination at work.

The Thailand Institute of Justice, as part of its Women and Children Empowerment Programme, has produced a landmark study on the empowerment of women in the justice systems of the ASEAN countries. The study lays out the reasons why it is important for democracy and justice to have women on all levels and in all functions in the justice system, as a reflection of one half of humanity. It recognizes the commitment of ASEAN countries to gender equality, and pays tribute to the work that governments have carried out in order to increase the number of women in the justice system.

At the same time, however, the study reveals the structural inequalities that keep many women in low-level and marginal roles in the justice system, as a result of both overt and hidden discrimination. It does so in particular by giving voice to the women justice makers themselves. As a public prosecutor and practitioner in the justice system, I found the abundant use of citations from interviews with women in the ASEAN countries particularly revealing, as they show the main challenges, such as male-defined standards for work performance ('taking care of children is the woman's responsibility – but if you are absent from work to take care of your children, you are not sufficiently committed to your work'), the pigeon-holing of women ('women are nurturers, and as a woman you should be working on family law matters') and stereotyping ('lawyers



Her Royal Highness visited the Tangerang Women's Prison at the outskirts of Jakarta. During the visit, Her Royal Highness shared her views and experiences with Indonesian correctional staffs on the implementation of the UN Bangkok Rules - 2 April 2018.

should be aggressive – and since you are a woman, you are not aggressive, and you cannot effectively argue cases in court.’)

The interviews also show the strategies that women in the different ASEAN countries use when confronted by these challenges: how they try to influence their co-workers, how they try to change the rules of the game to secure equal and fair treatment, and how they seek to inspire young women through networking, mentoring and leadership. The study provides an excellent analysis of these strategies, an analysis that I believe will speak not only to practitioners in the ASEAN countries, but to practitioners around the world who have encountered gender-based discrimination.

The study also provides clear recommendations which, although prepared in the context of the ASEAN countries, should prove of value to practitioners and policy-makers around the world who are working on the implementation of Goal 5 of the Sustainable Development Goals. As noted by the UN Committee on the Elimination of Discrimination Against Women, improving women’s professional participation in the justice sector is key to enhancing women’s access to justice, and by extension, achieving women’s equality, democracy, and the rule of law.

This is in the interests of all of us, men and women, throughout ASEAN and around the world.

42

Acceptance of an Honorary Doctoral Degree

at

Wuhan University*

Wuhan

8 September 2017

Professor Dou Xiankan, President of Wuhan University,
Director-General Xu Hong of the Department of Treaty and Law, Ministry
of Foreign Affairs, People's Republic of China,
Professor Feng Guo, Dean of Wuhan University School of Law,
Distinguished members of the School of Law and of other faculties of
Wuhan University,
Ladies and gentlemen,

I stand before you today with pleasure and pride that Wuhan University has decided to confer on me the honorary degree of Doctor of Law.

* Wuhan University was originally founded in 1893, and is ranked among the top universities in China, and in the Asian region. In 2017, Her Royal Highness received an honorary doctoral degree from Wuhan University.

keywords: rule of law, vulnerable groups

The pleasure is because I take this as recognition of my work and more widely, the work of the United Nations, in promoting the rule of law.

The pride is because the recognition of this work has been extended by Wuhan University.

The rule of law is fundamental to sustainable development, and I am pleased that Wuhan University, in conferring this honorary degree, is in a way underscoring the importance of Goal 16 of the Sustainable Development Goals. In my capacity as UNODC Goodwill Ambassador for the Rule of Law in Southeast Asia, I meet with repeated reminders of the importance of having a functioning and equitable justice system, one that can ensure that the benefits of development are shared by all, including the vulnerable groups in our societies: the poor, the children, the victims of crime and abuse of power, the unemployed, those forced from their home by war, civil unrest or natural catastrophes.

We who work in the field of law, as academics and as practitioners, have an obligation to these vulnerable groups to provide them with access to justice and ways to have their voice heard in the halls of power, when their rights and concerns are at issue. We have an obligation to ensure that our governmental and judicial institutions are effective, accountable and inclusive. This is not a matter only of criminal justice, but an obligation that extends to fields as disparate as health, education, gender rights, and the protection of the environment. The International Symposium that we are attending today is an example of how we can contribute to discussions that look at the intersection between economic development, international trade and transnational crime, and see how development efforts have an impact on crime and more widely on the daily lives of citizens and on the sustainability of communities.

The pride I feel is, as I mentioned, because this honour is bestowed by Wuhan University.

Wuhan University has a proud tradition in the teaching and study of law, and has produced many eminent jurists in criminal law, civil law, commercial law, and international law. The School of Law has achieved international recognition as a centre of legal education and research. Its work on international law, environmental law, constitutional law, administrative law, and human rights and development in particular can help new generations in the promotion of the Sustainable Development Goals for the benefit of us all.

I humbly thank Wuhan University for this great honour.

43

Keynote Address

at

**International Symposium on Fighting Against Transnational Organized Crime
and Legal Safeguards for the Belt and Road Initiative***

Taikang Business Academy, Beijing

8 September 2017

Director-General Xu Hong of the Department of Treaty and Law, Ministry
of Foreign Affairs, People's Republic of China,

Professor Kennedy Gastorn, Secretary-General of the Asian-African
Legal Consultative Organization,

Professor Dou Xiankan, President of Wuhan University,

Professor Dr Surakiart Sathirathai, Chairman of the Asian Peace and
Reconciliation Council,

Professor Dr Kittipong Kittiyarak, Executive Director of the Thailand Institute
of Justice,

* The Belt and Road Initiative launched by President Xi Jinping is a mammoth project that spans Asia and extends into Africa and Europe. It is designed to improve infrastructure in over 60 countries, and promote international trade. It will have a significant impact on national and international development. The Ministry of Foreign Affairs of China, together with Wuhan University, organized an international symposium to address the prevention of, and response to, transnational organized crime that may be associated with the Belt and Road Initiative.

keywords: SDGs, sustainable development, transnational organized crime

Distinguished participants,

Ladies and gentlemen,

It is an honour and a privilege for me to address this symposium.

Please allow me to begin by expressing my appreciation to the sponsors of the symposium: the Department of Treaty and Law of the Ministry of Foreign Affairs, People's Republic of China, and Wuhan University for their kind invitation for me to participate in this important forum. I appreciate the opportunity to share my views on the linkage between development and the rule of law and other legal safeguards in the context of the Belt and Road Initiative, while paying attention to the threats of transnational organized crime.

Ladies and gentlemen,

The Belt and Road Initiative, originally proposed by President Xi Jinping during a visit to Kazakhstan in September 2013, is unprecedented in scope.

The initiative calls for investment of over one trillion US dollars in shared infrastructure in over 60 countries in Asia, the Middle East and Africa, linking networks of roads and railways, as well as harbours, factories, mines, and industrial zones. The initiative also seeks to reduce physical and regulatory barriers to trade, allowing raw materials, components and finished products to move more efficiently, rapidly and cheaply from one country to another.

An undertaking as vast as the Belt and Road Initiative has the potential to significantly improve the economies and standard of living in the countries to which it extends. Many persons will be provided employment and lifted out of poverty.

At the same time, such a torrent of investment into so many countries, each at different levels of economic development, and with different legal and administrative systems, cultures and traditions, inevitably entails a multitude of risks. The Chinese authorities, of course, are aware of the considerable financial and operational risks, and have taken steps to alleviate these, for example by developing the national law on investment and the protection of investors, and by negotiating a number of bilateral and multilateral investment treaties with other countries.

There are also legal risks. I note that also in this respect China has sought to strengthen its national capacity to use the court system, most clearly with the adoption by the Supreme People's Court in June 2015 of the Several Opinions Concerning Judicial Services and Safeguards Provided by the People's Courts for the 'Belt and Road' Construction.

As for the environmental risks, the Asia Infrastructure Investment Bank or the AIIB, which plays a central role in financing many Belt and Road Initiatives, is considering a new development model that is designed to balance conflicts between development and the protection of the environment.

The attention paid by China and the AIIB to such risks is welcome, and should be emulated by all other countries and financial institutions involved in the Belt and Road Initiative in their own development and investment policy.

Today, I would like to speak of a different set of risks in the context of the Belt and Road Initiative, risks that are related to crime in general, and to transnational organized crime in particular. I welcome the opportunity to do so, and I am very pleased that the organizers of this symposium have made such a discussion possible.

Ladies and gentlemen,

We know from past experience in many countries that massive economic investment has a wider social impact.

In my daily work as a public prosecutor in charge of providing legal aid and counselling to community members in Rayong Province of Thailand, I have witnessed the complex interplay between various sectors as the result of massive and rapid industrial development and how considerable tension can arise from such interactions. While some areas may be lifted from poverty, other areas may be marginalized, and some communities may be forced to relocate to allow for the construction of roads and factories, and for the excavation or harvesting of natural resources. Factors such as these may feed the root causes of crime, and social unrest.

In the case of economic integration, such as that envisaged by the Belt and Road Initiative, the concern becomes an international one: crime may flow across borders along with trade and investment, as the organised crime groups may seize new opportunities to expand their cross-border illicit activities.

I believe other speakers at this symposium will be able to provide a more detailed analysis of the possible impact of the Belt and Road Initiative on transnational organized crime.

I therefore shall limit myself to noting a few of the risks, so that I can focus more on what measures are required on the local, national and international level from the point of view of the rule of law and sustainable development.

I first note that there is the risk that the Belt and Road Initiative may increase the amount of crime, nationally and internationally. There are many factors that may contribute to this.

First, unless there are rigorous controls on all levels, the investment, construction, and development envisaged by the initiative opens up the opportunity for corruption in the awarding of projects, and embezzlement and fraud in their implementation. Without adequate safeguards, the increased demand for construction may also contribute to environmental crime.

Second, the flow of investment has the potential to raise the standard of living of tens of millions of people, which of course is highly desirable. However, increased wealth may drive consumer demand not only for legally obtainable products, but also for such illicit products as recreational drugs and narcotics, endangered wildlife, and counterfeit products.

And third, once the Belt and Road Initiative is in operation, organized criminal groups may attempt to take advantage of the relaxing of restrictions on the international movement of goods, services and persons in order to seek out new criminal opportunities in other countries, either on their own or by forming new criminal networks. Facilitation of legal trade will be accompanied by more illegal trade and greater movement of organized criminal groups. These groups may change the profile

of their illegal activities by turning to new forms of crime, and they may change their base of operations to where they believe they can operate more safely and with a greater profit.

Moving on to the second half of my address, I would like to invite you to consider how we can anticipate and respond to these risks, while paying attention to the importance of sustainable development.

On the national level, the Asian, Middle East, and African countries that will benefit from the Initiative need to be sufficiently prepared for the possibility of an accompanying increase in crime and changes in the profile of crime. It is true that the Belt and Road Initiative has stressed a public-private partnership paradigm that is based on a multi-stakeholder approach. However, the stakeholders in question tend to represent the public sector and the private sector. The danger exists that the focus of governments is on economic development, and insufficient attention is paid by governments to social inclusion, to risk resilience and – above all – to sustainable development.

In 2015, the United Nations General Assembly adopted seventeen Sustainable Development Goals. Goal 8 calls for sustained, inclusive, and sustainable economic growth. Goal 9, in turn, calls for the building of resilient infrastructure, and the promotion of inclusive and sustainable industrialization. Both are primary motivators of the Belt and Road Initiative.

However, what is important is that the General Assembly has emphasized that the different goals – which include for example Goal 10 on the reduction of inequality, Goal 11 on making cities and human settlements inclusive, safe, resilient and sustainable,



Her Royal Highness led participants of the 2nd International Workshop and Conference on Alternative Development (ICAD2) to visit the Tea Oil and Plant Oils Development Center in Mae Sai, Chiang Rai 18 November 2015. The Center is run by the Chaipattana Foundation in cooperation with Mae Fah Luang Foundation.

Goal 13 on taking urgent action to combat climate change and its impacts, and Goal 16 on the rule of law – are all interconnected. We need to be aware that what we do in one sector has an impact on other sectors, for better or for worse.

The Belt and Road Initiative should therefore be seen within the context of these Sustainable Development Goals, and the individual countries involved should anticipate and respond to the risks of increased and changed crime.

Many governments have sought to respond to crime through stronger law enforcement and tougher penalties. This in itself may not be enough, and an increased level in the punitive responses, without the rule of law, may even be counter-productive. The increase in crime may well overtask the limited resources of law enforcement on the national level, and may lead to many cases remaining unreported and insufficiently investigated, to longer periods of pre-trial detention, to further delays in court, and to the expansion of the prison population.

Again, in my previous capacity as the public prosecutor in the Department of Narcotic Litigation, I have seen how the so-called ‘war on drugs’ policies, when coupled with inadequate resources and capacities, can result in prison overcrowding in general, and in less gender-sensitive responses in certain circumstances. I believe, therefore, that more attention should be paid to the various possibilities of prevention, such as situational crime prevention, community-based prevention, early intervention, mediation and so on.

On the international level, the Asian, Middle East, and African regions need to be sufficiently prepared for the possibility that the Belt and Road Initiative may be accompanied by an increase in crime. Most countries in these regions have ratified the

UN Convention against Transnational Organized Crime, the UN Convention against Corruption and the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. Most of the Belt and Road countries are also members for example of Interpol, and of the Financial Action Task Force.

There has been some growth in bilateral and multilateral law enforcement cooperation, for example in the coordination of investigations, and in the analysis of intelligence.

I note with pleasure that the Ministry of Public Security of China has sought cooperation with law enforcement authorities in other countries, both in the form of memoranda of understanding and in the form of joint operations, for example in the pursuit of fugitives, joint patrols in border regions such as in the upper reaches of the Mekong and in controlled delivery operations involving drugs.

Moreover, particular mention can be made of the fact that China has also signed regional international instruments that specifically address transnational organized crime, such as the Memorandum of Understanding between China and ASEAN on Cooperation in the Field of Non-Traditional Security Issues, which was recently extended to 2021.

Not with standing these promising examples, I should note that regional integration of law enforcement in Asia, the Middle East, and Africa remains rather limited, and so is the capacity of national law enforcement bodies to cooperate internationally.

The efforts undertaken by China to respond to the risk of transnational organized crime should be studied by other countries. More widely, the planning and implementation of the Belt and Road Initiative should incorporate security considerations from top down.

On the international level, the design of the infrastructure and transport projects themselves should seek to minimize security risks.

On the national and local level, environmental and social risk assessments should be carried out. Policies and plans should be developed to anticipate and mitigate the impact of crime on society.

I have noted the interest of the AIIB in incorporating social and environmental considerations into projects. In Southeast Asia, where the Asian Development Bank and the World Bank have provided financing for infrastructure projects and economic integration, protective safeguards have been created to prevent projects from damaging the environment, generating negative social impacts and exacerbating climate change.

For example, the World Bank requires its clients to implement the Environmental and Social Assessment and Management System, in order to identify and manage potential environmental and social risks. More consideration, however, could be given to the impact of transnational organized crime. We need a stronger consensus at the international level on priorities in addressing crime in order to provide a better platform for action to protect our people and reduce impunity for organized crime.

Most importantly, there is a need to approach the Belt and Road Initiative within the context of the Sustainable Development Goals. Economic growth is important, but consideration must be paid, for example, to the impact on vulnerable groups. We need to integrate a culture of prevention into the Belt and Road Initiative. We need to consider alternative policies that would disrupt criminal markets and reduce demand through the reorientation of consumer choices.

And in line with Goal 16 of the Sustainable Development Goals, we need to integrate the rule of law into the Belt and Road Initiative on a number of levels.

First, plans for the Road and Belt Initiative should be made in accordance with transparent procedures, involving all of the stakeholders. The stakeholders are not limited to the governmental authorities, the private sector and the financial institutions in question. There should also be wider consultation with the different communities involved.

Second, the groups and communities affected by decisions of public authorities should be assured access to justice, since certain types of decision, for example, on the granting of exploration and exploitation permits for natural resources, or on the construction of roads, railways and other installations, can have significant impact on the lives of people in the community.

This is, in particular, the case for ethnic minorities and members of vulnerable groups, who may have concerns over land rights, displacement, and the environmental impact of projects.

Third, construction and operation of facilities within the framework of the Road and Belt Initiative should be done in accordance with the rule of law. States should have in place legal safeguards that require businesses to identify, prevent, mitigate and account for the negative impacts that their decisions and operations have on the local community. This legal framework should also allow for administrative, civil and criminal sanctions against businesses that violate their legal obligations. On the other hand, businesses should exercise due diligence and respect their corporate social responsibility. Victims

of business abuses should have equal and effective access to justice.

Fourth, the rule of law is important also in law enforcement and the operation of the criminal justice system: it is the basis for trust between the authorities of different countries, and thus also for effective law enforcement and judicial cooperation between the authorities of different nations.

Ladies and gentlemen,

I opened my address by referring to the announcement in 2013 by President Xi Jinping of the Belt and Road Initiative. I would like to close by once again referring to a statement made by him, this time in speaking before the Uzbek Supreme Assembly in June 2016, and I quote:

‘We will, on the basis of the principles of voluntarism, equality and mutual benefit, join hands to build a win-win cooperation network for the Belt and Road Initiative featuring pragmatism, enterprise, inclusiveness, mutual learning, openness, innovation and common development, and contribute to the revitalization of the global economy.’

President Xi Jinping is surely correct in emphasizing that the Belt and Road Initiative can be a win-win situation. This can be the case not just for the governments, companies and investors involved, but also for the peoples and the communities touched by the initiative.

In order to ensure this, we must indeed work on the basis of such principles as inclusiveness, mutual learning and openness.

We need to anticipate all of the possible risks and, to the extent possible, mitigate them.

One of the risks is that the initiative inadvertently encourages organized crime. By ensuring that our plans, from the local level through the national level, and on to the international level, fully take into consideration the Sustainable Development Goals, we can succeed in doing this together.

I thank you for your kind attention.

Introductory Remarks

at

**UNODC-TIJ Study Visit and Colloquium on Empowering Vulnerable
Communities and Women for Sustainable Development*
Chiang Mai Women's Correctional Institution, Chiang Mai
25 January 2018**

Excellencies,

Distinguished guests,

Ladies and gentlemen,

I am delighted to join you today at the Chiang Mai Women's Correctional Institution. It is my privilege to serve as the UNODC Goodwill Ambassador on the Rule of Law for Southeast Asia. In this capacity, I have had the opportunity to meet many people, including women prisoners, and to listen to their concerns, their hopes and their dreams. These concerns, hopes and dreams are familiar to all of us. We all want to receive a good education, find and keep a good job, live in an affordable and comfortable home, and safeguard the health of our family. Still, some of us – including some of the women you will meet today - may have met with difficulties and frustrations to meet these basic

* The Thailand Institute of Justice, together with the United Nations Office on Drugs and Crime, organized a study visit and colloquium for diplomats, senior officials and representatives of international organizations in Thailand, to examine Thai experiences with the implementation of the Bangkok Rules, and with alternative development. The study visit and colloquium were led by Her Royal Highness.

keywords: alternative development, rule of law, sustainable development, women prisoners

needs and aspirations. Some feel that they are being dealt with by a system that they see as neglecting their needs. At the same time, I have spoken with many dedicated public officials who have their own difficulties and frustrations in providing such services, due, for example, to lack of resources, infrastructure, or proper training of their staff.

I have become increasingly convinced of the importance of the rule of law in the development of our societies. To some of the persons with whom I have met, the concept of the 'rule of law' may be strange, something seemingly distant from their everyday life. What I have sought to explain to them is that the rule of law is much more than court cases and lawyers. The rule of law is needed to make our educational system, our working life, our housing and our health care institutions, and of course, our justice system more effective, accountable, and inclusive.

Over the course of the next two days, I hope you will find examples of how the rule of law is relevant to our lives. Also, I hope you will be able to draw useful lessons from the experiences of Thailand in its efforts to improve the treatment of offenders by applying relevant international standards, and to improve the quality of lives for certain members of society by applying a sustainable development approach. I believe these are concrete examples of how empowering the people is crucial for sustainable results.

I would like to commend the on-going efforts by the Department of Corrections of Thailand to introduce and implement several reform initiatives in the treatment and rehabilitation of offenders, including prison-based vocational programmes and community-based opportunities. These efforts can contribute to broader aspirations to achieve the Sustainable Development Goals by lowering the prison population and providing opportunities for community development as a means of crime prevention.

At this facility, I invite you to witness and explore the possibilities this centre offers, as one of Thailand's model prisons in implementing the UN Bangkok Rules. At the heart of this centre is its people, and through a development-led approach by prison officials, their programming aspires to rehabilitate and prepare prisoners for their reintegration into society.

Tomorrow, we will visit the Doi Tung Development Project in Chiang Rai. The Project is known as for its distinctive approach that has been introduced several decades ago to put an end to opium poppy cultivation in the Doi Tung mountains by alleviating poverty and improving the well-being of marginalized ethnic minorities. This project is one of several that rests on the sufficiency economy philosophy developed by His Majesty, the late King Bhumibol Adulyadej. His Majesty took a personal interest in why, for example, poor farmers here in northern Thailand would choose to grow opium poppies for use in the production of illegal heroin. Instead of condemning them and regarding this as a criminal matter that should be punished, he encouraged them and supported them in developing alternative livelihoods. The approach, known today as 'alternative development,' seeks to address the social, economic, and environmental vulnerabilities in the area and empowers communities in moving towards a resilient and sustainable future.

This holistic development project in Doi Tung is an example of sustainable development initiatives in Thailand that address interrelated sectors within a community. The Sustainable Development Goals extend to 2030, and achieving these goals in Southeast Asia will require the long-term commitment of citizens, public officials, and the private sector in working together to achieve these goals.

I hope that you will enjoy this unique study tour and embrace the overarching importance of the rule of law, together with the importance of a peaceful and stable society, one in which we all seek to work together in order to prevent conflicts and crime. I look forward to accompanying you on the study tour.

Thank you.

45

Opening statement

at

High-Level Conference on Sustainable Development, Crime Prevention and Safe Societies*

United Nations Conference Centre, Bangkok

5 March 2018

Executive Director Yury Fedotov,

Deputy Prime Minister Air Chief Marshal Prajin Juntong,

Vice Minister Hiromu Kurokawa,

Secretary-General Isra Sunthornvut,

Your Excellencies,

Distinguished participants,

Ladies and gentlemen,

It is my honour to address this High-Level Conference on Sustainable Development,

* The 2030 Agenda for Sustainable Development was adopted by the General Assembly in 2015, soon after the holding of the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha, Qatar. Preparations are currently underway for the holding of the Fourteenth UN Crime Congress, in Kyoto, Japan, in April 2020. The theme of the next Congress focuses on advancing crime prevention, criminal justice and the rule of law, in order to achieve the 2030 Agenda. In March 2018, a high-level conference was held in Bangkok to consider sustainable development, crime prevention and safe societies.

keywords: MDGs, rule of law, SDGs, sustainable development

Crime Prevention, and Safe Societies, in particular in my role as the UNODC Goodwill Ambassador for this region. I am also very pleased that the themes to be discussed have brought together so many senior officials, ambassadors, diplomats, and academics from around East and Southeast Asia. I am looking forward to your insights into how, on the local, national, and international level, we can strengthen sustainable development along with crime prevention and criminal justice, and in this way contribute to safer societies developing under the rule of law.

I am also very pleased that the Conference has been organized by the UNODC and the Thailand Institute of Justice and with participation from Governments, international organizations and civil society. Partnerships are crucial for the success of the 2030 Sustainable Development Agenda, and the partnership in organising this event is a good example of how we can – and should – work together.

The programme of this Conference follows a clear structure. The first session, with its focus on challenges to the rule of law in Southeast Asia, sets the stage for the discussion in the second session where participants are invited to examine how implementation of the Sustainable Development Goals can promote the rule of law, and why these SDGs should also be placed at the core of criminal justice policies. Then in the last session, we turn our discussion to identifying concrete steps that we can work more effectively together in partnerships.

The challenges are, undoubtedly, considerable but they can be overcome.

Earlier this year, I took part in a study visit that the UNODC and the TIJ organized in Northern Thailand, where the participants had the opportunity to learn about pilot projects designed to help, respectively, in the reintegration of women prisoners, and in



Her Royal Highness addressed the diplomats, representatives of international organizations and senior correctional staffs from Southeast Asian countries participating in a study visit at the Chiang Mai Women's Correctional Institution organized by the Thailand Institute of Justice and UNODC, 25 January 2018.

the empowerment of vulnerable communities located in an area that was formerly well known for the production of illegal drugs.

During that visit, I spoke with individual prisoners, and with individual villagers. I was struck in particular by their courage, and by their determination to turn their life around. None of the prisoners had wanted to become offenders, and none of the villagers had wanted to see their community involved in drugs. But until these projects were initiated, they had lacked the opportunity for, and the hope brought by, sustainable development.

Those two projects were examples of how on one hand, crime prevention and criminal justice – and more broadly, the entire justice system – and, on the other, sustainable development are intertwined and mutually reinforcing. In the course of the Study Visit and Regional Workshop, we learned of similar pilot projects and initiatives from other countries in the region. With this in mind, I am pleased that we have with us the Vice Minister of Justice of Japan, representing the host country of the 2020 Crime Congress, where we will have an opportunity to present experiences from East and Southeast Asia to the world, and correspondingly to learn from other regions.

Ladies and gentlemen,

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.

In the past, and as recently as with the Millennium Development Goals, the focus in development plans has been on economic, environment, health, and education indicators, or so-called traditional development issues. This has resulted in criminal justice and law enforcement stakeholders being left out of the discussions and out of the formulation of development policy.

With the adoption of the Sustainable Development Goals, the member states and the other key stakeholders have acknowledged the importance of justice and security issues and challenges in development, and of the key institutions that deliver on these issues. This is a significant shift in perspective from the Millennium Development Goals, and it provides a transformative change to how we address the challenges to law enforcement and justice systems posed by transnational organized crime, drugs, human trafficking, terrorism and corruption. As a criminal justice practitioner, I understand the importance of considering how our justice institutions can provide for a fair and just society.

The inclusive UN 2030 Agenda sets the stage for success in this.

This emphasis on addressing challenges to the rule of law as an essential and integral part of development efforts goes to the heart of the work of the UNODC, and is also why the TIJ has been established and is now a UN Crime Programme Network Institute. And this is why it is a particular honour for me to join as Goodwill Ambassador in advocating for the promotion of the rule of law here in the region, and to assist states in addressing challenges to the rule of law.

It is with these things in mind that we are today reflecting on how we can ensure that we are drawing on the right expertise. One challenge that we continue to face globally,

including here in Asia, is the tendency to work in isolation, with a ‘silo mentality’. It is too often the case that those concerned with justice, governance, and development, work in isolation from one another. Events such as this High-Level Conference bring these groups together to discuss the relationship between the rule of law and development, and show that times are changing – for the better.

It is for this reason that this Conference comes at an opportune moment to both build momentum for the inclusion of criminal justice and law enforcement institutions as partners in achieving the 2030 development agenda, while also providing momentum for building up to the 2020 Crime Congress in Japan.

I shall be looking forward to the results of the discussions.

Keywords

Chapters

alternative development	6, 8, 23, 26, 27, 34, 35, 36, 44
ASEAN	9, 11, 24, 28, 30, 37, 41
ASPC	8
Bangkok Rules	1, 3, 5, 10, 11, 29, 30
crime statistics	19
culture of lawfulness	20, 24, 26, 27, 29, 33
drug policy	8, 23, 34, 35, 36
extradition	37
gender equality	31, 41
gender sensitivity	1, 2, 3, 5
human development	1
human security	1
law enforcement	27
legal development	28
MDGs	6, 8, 10, 13, 17, 33, 45
mutual legal assistance	37
non-custodial measures	23

Keywords

Chapters

restorative justice	1
rule of law	6, 8, 9, 12, 13, 20, 24, 27, 28, 29, 31, 32, 33, 36, 37, 40, 42, 44, 45
SDGs	8, 12, 13, 26, 27, 28, 29, 31, 33, 34, 36, 40, 43, 45
SMRs	21, 30
smuggling of migrants	4
standards and norms	1, 3, 14, 15, 16, 18, 21, 24, 25, 30
sufficiency economy	1
sustainable development	6, 8, 13, 24, 28, 29, 30, 33, 35, 36, 43, 44, 45
trafficking in cultural property	20
trafficking in persons	1, 4
transnational organized crime	6, 8, 13, 37, 38, 39, 43
UN Crime Congress	8
victims	1, 4, 19
violence against children	14, 15, 16, 17, 18, 20, 22, 24, 25
violence against women	1, 2, 3, 10, 13, 17, 20, 24, 25
vulnerable groups	1, 4, 5, 6, 7, 29, 30, 34, 35, 42
women prisoners	1,3, 5, 7, 10, 11, 21, 23, 25, 29, 30, 44



Thailand Institute of Justice
affiliated with the United Nations