

*Welcoming remarks*

*Dr. Francisco Legaz Cervantes, IJJO Chairman*

*Second Meeting of the APCJJ Subcommittee for ASEAN*

Dear Authorities,

Your Excellencies, ambassadors and representatives,

Dear Professor Wisit Wisitsora-at, Director General of the Department of Juvenile Observation and Protection of the Ministry of Justice of Thailand,

Dear Representatives from United Nations agencies,

Dear Representatives of the ASEAN,

Dear Members of the Asia-Pacific Council for Juvenile Justice,

Distinguished speakers and experts,

Ladies and gentlemen,

Good morning.

It is a great honour for the International Juvenile Justice Observatory, and for myself, as its chairman, to welcome all of you to the Second Meeting of the APCJJ Subcommittee for ASEAN Member States. We are holding this meeting for the next three days, under the name:

**“Juvenile Justice Regional Guidelines: promoting cross-border safeguards and defining strategies on elimination of violence against children in conflict with the law”.**

I would first of all like to thank the important collaboration in this event's organization of the Department of Juvenile Observation and Protection of the Ministry of Justice of Thailand, especially its Director General, Professor Wisit Wisitora-at, and the Head of Research and Development, Ms. Kattiya Ratanadilok. I would also like to thank the Thailand Institute of Justice, in particular its Director of External Relations and Policy Coordination, Doctor Phiset Sa-ardyen.

In the same way, I would like to emphasize ASEAN's commitment, reflected in the positioning on its agenda, in improving the situation of children in conflict with the law. This is a task carried out by the ASEAN Intergovernmental Commission on Human Rights (AICHR), represented in this meeting by Doctor Seree Nonthasoot, and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children, represented by Ms Heng Keng Chiam, Ms Datin Paduka Intan and Mr Wanchai Rujanawong .

I would also like to express my sincere thanks to Ms Marta Santos Pais, the United Nations Secretary General's Special Representative on Violence Against Children, as well as to the United Nations Office Against Drugs and Crime, especially to Ms Anna Giudice, for their contribution towards this event and many other regional initiatives. And of course, I would like to express my gratitude to the UNICEF's Regional Office, and its representative in this meeting Ms Grace Agcaoili, for all their support.

The International Juvenile Justice Observatory, IJJO, headquartered in Brussels, was founded in 2002 in order to create a space for

development and collaboration, capable of improving systems, policies and practices in the field of juvenile justice, through the implementation of international standards; advocating for a fair, efficient and inclusive juvenile justice, one which guarantees the rights of children.

With the objective of staying close to the realities, needs and main agents of change in the regions, the Observatory has been establishing different Continental Councils for Juvenile Justice, which have produced reports that have had an impact on the different regional agendas. The Councils of Europe, Asia-Pacific, Latin America and North America are currently active, while the Councils of Africa and the Middle East are in development phase. These Councils work within the framework of the IJJO's mission to promote, around the world, a culture of peace, justice and institutional efforts in line with goal 16 of the Sustainable Development Goals.

In 2012, as you know, the Asia-Pacific Council was established with the aim of bringing together representatives of public administrations, the judiciary, academia, and NGOs in the region. All of them are experienced professionals in the various fields of Juvenile Justice, to whom I am thankful for their involvement in this initiative.

Within the framework of its Asia-Pacific Council, the IJJO has constituted this Subcommittee for ASEAN Member States, which emerges as a productive forum for exchange, learning and collaborative work to improve Juvenile Justice in Southeast Asia. Now, with the recent establishment of the ASEAN Economic

Community, we have witnessed a new step in this convergence and integration process that will affect the lives of around 630 million people. This new stage for cooperation and implementation of joint policies in areas such as security, economy, culture and the social sphere, opens before us a unique opportunity for strengthening and improving juvenile justice in the region.

In the IJJO we are aware of the efforts that countries comprising ASEAN are making in improving juvenile justice, promoting legislative reforms and policies that respond to challenges linked to the situation of children and vulnerable youth, in particular regarding young people in conflict with the law. In this space of convergence, we have new opportunities to make improvements for juvenile justice systems, which facilitate new policies and regional cooperation agreements for ASEAN Member States.

The IJJO, through the Subcommittee of its Asia-Pacific Council, has the firm objective of being a facilitator for reflection, the contribution of ideas and the creation of initiatives and projects that promote the construction and implementation of common regional policies in Juvenile Justice. This is to be done in line with international standards and regional rules, accompanying and supporting the different actors involved in this process.

We must also be aware that these policies regarding Juvenile Justice and Rights of the Child will be a key factor in shaping the social future of the ASEAN. Children and young people are the ones who will build the ASEAN of the future, and some are currently immersed in cycles of exclusion and confinement, and require specific policies to address the problems affecting them, and to

promote their appropriate personal and social development. In order to achieve this, those involved in juvenile justice must seek to establish a consensual roadmap, capable of shaping basic principles and priorities, while building a model that responds to the needs and challenges of the region and of each and every state it comprises. This must be an efficient model, capable of preventing crime, while intervening appropriately when it does occur, and reducing recidivism by promoting reintegration.

The meeting which begins today is articulated around three main themes: the development of regional guidelines to promote the implementation of cross-border safeguards, strategies for the elimination of violence against children in conflict with the law, and the United Nations "Global Study" on children deprived of liberty. These particularly relevant issues for the region will be addressed by promoting the exchange of knowledge and the development of joint initiatives in the region.

The first issue on the agenda will be cross-border cooperation in ASEAN. We will discuss various experiences on the development of regional guidelines on transnational judicial cooperation, in order to establish a common strategy on cross-border safeguards for children in conflict with the law. The goal is to ensure that these young people achieve a common minimum level of rights in all Member States. The document 'Cross-Border Safeguards for Children in Conflict With the Law', produced by the APCJJ, will be used as a starting point in order to explore this issue, and each country will present their current situation and the challenges yet to overcome.

The strategies for the elimination of violence against children, and specifically those that take place in the field of justice systems, will be another key issue in this meeting. Two landmark documents will shape the debate. On the one hand, the "ASEAN Regional Plan of Action on Elimination of Violence Against Children" will be analysed. This plan recognizes that violence is a concern that goes beyond borders, while identifying and promoting the need for national, bilateral and regional mechanisms for cross-border cooperation. Our meeting will provide a forum for exchanging experiences and best practices of the ASEAN member states, and will help support the implementation of the plan.

On the other hand, the meeting will address 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 offers key recommendations for the implementation of plans which integrate international standards on minimum guarantees in this area.

Likewise, the meeting will analyse the deprivation of liberty by presenting the United Nations "Global Study" on children deprived of liberty. Its aim is to investigate the global situation regarding the various forms of deprivation of liberty in which children are. It is therefore expected that the study will provide valuable data, which can be used as a basis for promoting alternatives and actions to reduce the number of children in detention, while improving the conditions in which they take place, and consolidating the guarantees it must offer. For this analysis, we count on the presence of the Special Representative of the United Nations, Ms Marta Santos Pais, who will carry out a workshop in relation to the Global

Study in order to share information, provide data and develop methodologies that help advance the work of this important study.

At this point, I would like to highlight the situation of young people who are deprived of liberty as a result of being sentenced for committing a crime, as well as those in pre-trial detention. This is a fact that we must analyse within the framework of ASEAN in order to guarantee that this deprivation of liberty is carried out with appropriate models, as well as monitoring and control structures that show respect for the rights of these young people.

Since the Convention on the Rights of the Child to the document aforementioned on Model Strategies on the Elimination of Violence Against Children, it is a basic principle to consider that the deprivation of liberty of children should only be used "as a measure of last resort and for the shortest appropriate period of time".

These documents also signal that systems have to ensure the best interests of the child and that the measures taken must respect the rights of minors, be adapted to the age and circumstances of children and young people, and promote the acquisition of skills that foster their personal development and social reintegration.

In this regard, we must address fundamental issues such as age groups regarding criminal responsibility, the justice system and legal safeguards (law enforcement, judiciary, administration sectors), maximum duration of detention (both pre-trial and after a sentence), architectural models for detention facilities or spaces, models for educational intervention, the profile and specialization of the professionals who intervene at each stage of the whole process (judges, public prosecutors, lawyers, psychologists, educators, etc.),

and the strategies for reintegration. Equally important, will be the establishment of indicators and monitoring systems that facilitate monitoring and evaluation of the model and its improvement, both in the respect for fundamental rights as in the effectiveness of the intervention.

Similarly, I would like to emphasise that cross-border policies towards minors who have not committed a crime should not contemplate deprivation of liberty measures as an option. We need to move towards the proper placement of these young people instead of detention, which often results from a lack of resources or frameworks for care and protection.

As chairman of the Observatory, I cannot miss this opportunity to highlight these realities, since we are at a crucial time in which ASEAN can move towards a joint system of juvenile justice that can become an international benchmark and example. We must analyse and put to value the good practices of the Member States of the region, as well as other international initiatives of proven effectiveness that can be adapted to the needs of ASEAN.

I cannot conclude my words of welcome without highlighting the role of these meetings in the present and in the future of juvenile justice in the Asia-Pacific region, and specifically in the countries that integrate ASEAN. The Observatory has a firm commitment and will to continue collaborating and fostering a space for meeting, dialogue and joint work that contributes to ensure a fair juvenile justice in the region.

In these times of development and consolidation of ASEAN as a prosperous, peaceful, egalitarian and inclusive community, an



example of unity in diversity, we are certain that by working together we can build and implement a juvenile justice model which can become an example of best practices to the world.

Thank you all for your commitment and participation.