



Inter-Parliamentary Forum on Security Sector Governance
in Southeast Asia
9th Workshop

**“JUSTICE REFORM IN SOUTHEAST ASIAN COUNTRIES:
WHAT ROLE FOR PARLIAMENTS”**

17-18 September 2011
Raffles Hotel Le Royal, Phnom Penh, Cambodia

Organized by



BACKGROUND

The Inter-Parliamentary Forum on Security Sector Governance (IPF-SSG) in Southeast Asia promotes ongoing dialogue and exchange of good practices among parliamentarians in Southeast Asian countries. The Forum aims at enhancing civilian oversight and national parliamentary involvement in security sector governance and features regular workshops, publications as well as activities of national caucuses in participating countries. Its work is led by a Steering Committee composed of Members of Parliament from Cambodia, Indonesia, Malaysia, Philippines and Thailand. The IPF-SSG is supported by the Friedrich-Ebert-Stiftung (FES) and the Geneva Centre for Democratic Control of Armed Forces (DCAF). For further information on the Forum see: www.ipf-ssg-sea.net.

The Forum's 9th workshop will focus on justice reform as an important aspect of security sector governance in Southeast Asia. To be held in Phnom Penh, this workshop is building on previous gatherings which focused on security sector governance topics such as national security policy review, defence budgeting and procurement, police governance and reform, as well as the contribution of parliaments to the implementation of the ASEAN Political-Security Community (APSC).

The objective of the Forum's 9th workshop is to examine the current state of justice reform in Southeast Asia and explore how parliaments can contribute to the reform processes in their own countries. The workshop aims at sharing good practices of various approaches to and strategies for justice reform while at the same time keeping in mind the specific requirements of national and regional contexts.

The justice sector will be understood to encompass the judiciary, prosecution and investigative authorities, the penal system, ministries of justice, professional lawyer's associations as well as oversight institutions including parliament and civil society watchdogs. Justice reform refers to all activities aimed at improving the governance of the justice sector, particularly the accessibility, accountability, transparency and the effectiveness of the sector. The justice sector is based on a legal framework and functions to administer the rule of law. In every country, the justice sector can be confronted with various challenges such as: inaccessibility, inequality before the law, lack of independence, inhuman or indecent treatment of detainees in prisons, politicisation of the justice sector, impunity, corruption and lack of oversight and monitoring. In order to address these challenges, justice reform processes were initiated in many countries, often with mixed results.

In addition, the workshop features reports from national IPF-SSG caucuses as well as briefings by the Secretariats of ASEAN and ASEAN Inter-Parliamentary Assembly (AIPA).

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Conference Venue and Accommodation:

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AGENDA

Friday, September 16th 2011

Arrival of Participants

18:30 – 19:00 Preparatory Meeting of Chairs, Moderators, Speakers

Venue: The Elephant Bar, Lobby Level

19:00 – 21:00 Meeting of Steering Committee

Venue: Le Royal Restaurant, Lobby Level

Saturday, September 17th 2011

08:30 – 09:00 Registration at Le Royal, Lobby Level

09:00 – 09:30 Welcome and Introduction

Stefanie Elies, *Director, Friedrich-Ebert-Stiftung (FES), Office for Regional Cooperation in Asia, Singapore*

Heiner Hänggi, *Assistant Director and Head of Research, Geneva Centre for the Democratic Control of Armed Forces (DCAF)*

09:30 – 10:00 Keynote Speech

Heng Samrin, *President of the National Assembly of Cambodia*

10:00 – 10:30 Group Picture Taking

Coffee/Tea Break

10:30 – 11:00 Plenary Session 1: Key Issues and Challenges of Justice Reform

Herta Däubler-Gmelin, *former Minister of the German Federal Ministry of Justice, former Chair of the Committee on Human Rights and Humanitarian Aid of the Parliament of the Republic of Germany, Honorary Professor, Free University Berlin*

Introduced by

Hans Born, *Senior Fellow, Head of Research Groups on Parliamentary Accountability of the Security Sector and Legal Aspects of Security Sector Governance, DCAF*

Points for Discussion:

- *What are the key issues in justice reform?*
- *What are the main challenges of justice reform?*
- *Why should members of parliament be involved in justice reform? How can they play a meaningful role in promoting good governance of the justice reform?*

11:00 – 12:30 Plenary Session 2: Justice Reform and Security Sector Governance

1. Regional Overview on the State of Play of Justice Reform in South East Asia

Suchit Bunbongkarn, *Chair, Political Development Council, Thailand*

2. The Role of Government and Parliament in Justice Reform – a Critical Assessment

Niel C. Tupas Jr., *Chair, Committee on Justice, House of Representatives, Philippines*

3. Justice Reform from a Non-governmental Perspective – a Critical Assessment

Sok Sam Oeun, *Lawyer and Executive Director, Cambodian Defenders Project*

4. The Role of External Assistance in Justice Reform Processes

Herta Däubler-Gmelin, *former Minister of the German Federal Ministry of Justice, former Chair of the Committee on Human Rights and Humanitarian Aid of the Parliament of the Republic of Germany, Honorary Professor, Free University Berlin*

Chair: Mario Mayong Aguja, *Secretary, IPF-SSG; Former Member of Parliament, Professor, Mindanao State University, Philippines*

Points for Discussion:

- *What are different perspectives of the justice sector and its reform, particularly in the context of wider security sector governance?*
- *How are cross-cutting issues such as human rights protection and gender equality mainstreamed into criminal justice and penal reform?*
- *What are the main challenges for the justice sector in Southeast Asia?*
- *What is the role of parliament in justice sector governance?*

12:30 – 13:30 Lunch at Café Monivong

13:30 – 15:00 Moderated Dialogue: What are Current Developments and Key Issues in Justice Reform in Southeast Asian Countries?

1. Accessibility

Geraldine Faith A. Econg, *Judge, Program Administrator, Action Programme for Judicial Reform (APJR), Supreme Court of the Philippines*

Suon Visal, *Secretary General, Cambodian Bar Association*

2. Accountability/Impartiality

Richard Magnus, *Singapore Representative to the ASEAN Intergovernmental Commission on Human Rights*

Brendan Siva, *Chairman, Kuala Lumpur Bar, The Malaysian Bar*

3. Transparency

Donal Fariz, *Researcher, Indonesian Corruption Watch*

Teresita Ang, *Founding Chairperson of the Movement for Restoration of Peace and Order, Philippines*

4. Effectiveness

Thammanoon Phitayaporn, *Judge, Alternative Dispute Resolution Office (ADRO), Supreme Court, Thailand*

Taufik Basari, *Lawyer, Indonesia*

Moderator: Stefanie Elies, *Director, Friedrich-Ebert-Stiftung (FES), Office for Regional Cooperation in Asia, Singapore*

Guiding questions:

- *How is the quality and independence of the justice systems in Southeast Asia guaranteed?*
- *How accessible is the justice sector in Southeast Asia? Are alternative dispute resolution mechanisms in place?*
- *What is the state of affairs concerning justice sector reform projects in Southeast Asia?*
- *Which factors positively or negatively influence justice sector reform in Southeast Asia?*
- *What are the legacies of past (and current) practices in the justice sector? How have challenges of impunity and corruption been handled?*
- *How has internal accountability within the justice system been improved?*
- *How has accountability to external overseers been improved?*

15:00 – 16:30 Mapping Exercise: Identifying Good Practices, Challenges and Gaps in Justice Reform

With inputs from the previous Plenary Sessions and the Moderated Dialogue, Country groups will discuss to identify national good practices, challenges and gaps in justice reform with regards to factors such as but not limited to accessibility, accountability, transparency and effectiveness. The outputs of the discussion would be a multi-grid matrix national map, showing the current state of justice reform in the respective countries.

Facilitator: Janice Lua, *Facilitators Network Singapore*

16:30 – 18:00 ‘Fishbowl’ Conversation: Defining the Role of Parliamentarians in Justice Reform

Through three rounds of "fish-bowl" conversation, stakeholder-specific groups will discuss their perspectives on the role of parliamentarians in justice reform, focusing on what they as a stakeholder group could do and what they think parliamentarians could do to address the challenges of justice reform in Southeast Asian countries.

Facilitator: Janice Lua, *Facilitators Network Singapore*

19:00 – 21:00 Welcome Reception at Poolside, Raffles Hotel Le Royal

Sunday, September 18th 2011

08:00 – 08:30 Registration at Le Royal, Lobby Level

08:30 – 10:00 Plenary Session 3: Justice Reform – Action Planning for National Activities

1. Short Report on National Activities since the last IPF-SSG Meeting

Mario Mayong Aguja, *Secretary, IPF-SSG; Former Member of Parliament, Professor, Mindanao State University, Philippines*

2. Action Planning Exercise

Using the justice reform map and the "fish-bowl" conversations as inputs, country groups will brainstorm to develop a SMART (specific, measurable, achievable, relevant and time-bound) action plan for bringing about progress in justice reform in their countries.

Facilitator: Janice Lua, *Facilitators Network Singapore*

Chair: Hans Born, *Senior Fellow, DCAF*

10:00 – 10:30 Coffee/Tea Break

10:30 – 12:00 Plenary Session 4: Recent Developments Related to ASEAN (APSC/ AIPA/ AICHR)

1. Mely Caballero-Anthony, *Director of External Relations, ASEAN Secretariat*

2. Antonio Cuenco, *Secretary-General of AIPA, Former Member of Parliament, Philippines*

3. Richard Magnus, *Singapore Representative to the ASEAN Intergovernmental Commission on Human Rights, former Senior District Judge, Singapore*

Chair: Heiner Hänggi, *Assistant Director and Head of Research, DCAF*

Points for Discussion:

- *What progress has been made in the implementation of the ASEAN Political Security Community (APSC) Blueprint?*
- *How could ASEAN Inter-Parliamentary Assembly (AIPA) contribute to the development of the APSC and the strengthening of the AICHR in particular?*
- *What are the achievements to date of the ASEAN Intergovernmental Commission on Human Rights (AICHR)?*

12:15 – 12:45 Closing Session: Wrap up and the Way Ahead

12:45 – 13:45 Lunch at Café Monivong

13:45 – 17:30 Exposure Programme: Tuol Sleng Genocide Museum (S21) and Killing Fields of Cheong Euk

19:00 – 21:00 Farewell Dinner on Mekong River Cruise

Monday, September 19th 2011

Departure of Participants

THE ORGANIZERS



The Inter-Parliamentary Forum on Security Sector Governance (IPF-SSG) in Southeast Asia aims to promote ongoing dialogue between Southeast Asian parliamentarians, with the intention of increasing civilian oversight, public accountability and national parliamentary involvement in security sector governance. The Forum features dialogue, publications and workshops which elaborate on systemic and current affairs issues related to parliamentary oversight of the security sector in Southeast Asia. Participants include members of parliament, parliamentary staffers, government and security sector officials, academic experts and civil society representatives from Cambodia, Indonesia, Malaysia, the Philippines, Singapore and Thailand; as well as representatives of the ASEAN Secretariat and international experts. Supported by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the Friedrich Ebert Stiftung's (FES) Singapore-based Regional Office for Co-operation in Asia, the Forum is led by a Steering Committee.

The goals of the IPF-SSG in Southeast Asia are:

- To promote the parliamentary dimension of security sector governance in Southeast Asia;
- To promote an improved understanding of the role that parliaments can play in security sector governance;
- To foster a regional dialogue on the role of parliaments in security sector governance and to encourage regional confidence-building through greater parliamentary involvement in SSG.

www.ipf-ssg-sea.net



The **Friedrich-Ebert-Stiftung (FES)** was founded in 1925 as a political legacy of Germany's first democratically elected president, Friedrich Ebert. Since the beginning of the foundation's work in South, Southeast and East Asia the focus has been the promotion of democracy and the strengthening of the social dimension of economic development. In its work the foundation co-operates with a number of governmental institutions, trade unions, political parties, social movements, NGOs, media and scientific institutions, as well as international organizations.

The role of the Office for Regional Cooperation in Asia based in Singapore is to support the social dimension of Southeast and East Asian co-operation and integration, the Asia-Europe dialogue and partnership activities in the ASEAN member states. The office's activities include dialogue programmes, international and regional conferences, Asia-Europe exchanges, research, as well as programmes with trade unions. www.fes-asia.org



DCAF is an international foundation established in 2000 on the initiative of the Swiss Confederation as the 'Geneva Centre for the Democratic Control of Armed Forces'. DCAF contributes to enhancing security sector governance through security sector reform. The Centre's work to support effective, efficient security sectors which are accountable to the state and its citizens is underpinned by the acknowledgement that security, development and the rule of law are essential preconditions for sustainable peace. DCAF is guided by the principles of neutrality, impartiality, gender sensitivity and local ownership as the basis for supporting legitimate, sustainable reform processes. <http://www.dcaf.ch/>