

6th JOINT JUDICIAL CONFERENCE
OPENING ADDRESS

Thursday, 22 July 2021

The Honourable the Chief Justice Sundaresh Menon
Supreme Court of Singapore

The Right Honourable Chief Justice Dato Seri Paduka Steven Chong Wan Oon, Chief Justice of Brunei Darussalam,

The Right Honourable Chief Justice Tun Tengku Maimun binti Tuan Mat, Chief Justice of Malaysia,

The Right Honourable Justice Tan Sri Rohana binti Yusuf, President of the Court of Appeal of Malaysia,

The Right Honourable Justice Tan Sri Dato' Sri Azahar bin Mohamed, Chief Judge of Malaya,

The Right Honourable Justice Dato' Abang Iskandar bin Abang Hashim, Chief Judge of Sabah and Sarawak,

Fellow Judges, Friends and Colleagues from Brunei Darussalam, Malaysia, and Singapore, Ladies and Gentlemen:

1. A very good morning. I am delighted that we are able to gather for this 6th Joint Judicial Conference, or JJC, of the Judiciaries of Brunei, Malaysia, and Singapore as close friends and colleagues, even if only virtually, given

the challenging times that we find ourselves in. This is the first time that we have had to conduct the JJC virtually, and I would like to acknowledge the work of Chief Justice Steven Chong and his team in making this event possible. I was reminded in preparing for this event that it has been a full decade since the first iteration of the JJC was conceived and held in 2011, and how time has flown!¹ Over the years, the JJC has served as a valuable platform for our Judiciaries to come together periodically to affirm and deepen our relationships, and to share our views and insights candidly on salient issues concerning the law and the administration of justice. We have covered themes and topics of extraordinary breadth, ranging from substantive legal areas such as international criminal and commercial laws, to issues of legal heritage such as the development of an autochthonous legal system independent of our English law roots, and to practical issues about court administration, technology, and the future of legal practice.

2. This year's topics build upon the discussions that we have had in the past, and if I may say so, they are particularly well curated given the challenges that we face in the wake of the ongoing COVID-19 pandemic.

3. The first and second sessions deal respectively with child protection

¹ The 1st JJC was hosted by the Malaysian Judiciary in Putrajaya, Malaysia on 19 March 2011. Altogether, 15 members of the Singapore Judiciary, including The Honourable the Chief Justice Chan Sek Keong, participated in this JJC: see "Highlights of Judges' Events" at p 29 of the Supreme Court of Singapore Annual Report 2011.

in cross-border issues, and the rise in human trafficking cases in the criminal and sentencing context. I mention them together because the two sessions share, in my view, a common core concern, which is the greater vulnerability of some segments of society in a world that is characterized by ever increasing cross-border linkages. This can expose victims to a greater risk of exploitation and abuse. In respect of human trafficking, in February this year, the United Nations Office on Drugs and Crime (“UNODC”) reported that internationally, the number of detected victims of both genders had increased over the course of the last 15 years.² Yet, at the same time, there are signs that the global justice system is evolving to better address these issues. More than 90% of countries in the world today have criminal legislation in line with the Protocol to Prevent, Suppress, and Punish Trafficking in Persons (“the Trafficking Protocol”), and conviction rates under these laws per 100,000 population has nearly tripled since 2003.³ The same trends can be observed in the East Asia and the Pacific region, within which our jurisdictions are classified, with the UNODC observing that most jurisdictions here have introduced legislation dealing directly with human trafficking following the entry into force of the Trafficking Protocol in 2003.⁴ But while these are promising signs, the issue of

² See UNODC, *Global Report on Trafficking in Persons 2020*, accessible at <https://www.unodc.org/documents/data-and-analysis/tip/2021/GLOTiP_2020_15jan_web.pdf> (“UNODC Report”) at p 15.

³ UNODC Report at p 16.

⁴ UNODC Report at p 154.

human trafficking has taken on greater urgency because the COVID-19 pandemic has weakened the social and financial support structures for many individuals who were already at risk.⁵ Similarly, in respect of child protection, the pandemic has significantly disrupted the environments in which our children grow, learn, and develop,⁶ and for children of transnational families, the policies that Governments have had to put in place such as those on social distancing and travel restrictions have without doubt made the past year even more difficult.

4. As we stand now, well over a year since the onset of the pandemic, there is no immediate or clear end in sight. This is an opportune time – and indeed, a necessary exercise – to review the legal aspects of those two social problems, to consider the adequacy of the current systems in place, and to think carefully about what we in the Courts, as part of the national legal infrastructure, can do to improve the societal safety nets for these vulnerable persons. What have courts done so far, and what else can they do to continue to ensure access to justice in cases of child or family violence despite the

⁵ See UNODC Report at pp 4-5; see also Council of Europe, Group of Experts on Action against Trafficking in Human Beings (GRETA), *10th General Report on GRETA Activities*, accessible at <<https://rm.coe.int/10th-general-report-greta-activities-en/1680a21620>> at pp 5-6.

⁶ See The Alliance for Child Protection in Humanitarian Action, *Technical Note: Protection of Children during the Coronavirus Pandemic (version 1, March 2019)*, accessible at <[https://www.unicef.org/media/65991/file/Technical%20note:%20Protection%20of%20children%20during%20the%20coronavirus%20disease%202019%20\(COVID-19\)%20pandemic.pdf](https://www.unicef.org/media/65991/file/Technical%20note:%20Protection%20of%20children%20during%20the%20coronavirus%20disease%202019%20(COVID-19)%20pandemic.pdf)>.

pandemic restrictions and the related move towards remote hearings? How might we accurately triage cases that are urgent and need to be dealt with as a matter of priority, whatever the constraints imposed by the pandemic might be? Should court proceedings and evidential requirements be adjusted at all, to deal with new challenges arising from this pandemic? My colleagues, Justice Valerie Thean and Justice Debbie Ong, will speak on these issues later.

5. The third session held this morning bears a provocative title: “The rise of the machines: Judges versus Artificial Intelligence”. It evokes images of Hollywood blockbusters in which sentient robots seek the termination of all human life, except that in this case, the question is whether such artificial intelligence can bring about our premature retirement as Judges. Speaking for myself, I am sure that AI will never be able to replace human Judges, for the simple reason that despite all our flaws and weaknesses, humans tend to trust the judgment of other humans more than we do algorithms. And the more complex and nuanced an issue, the more this is likely to be the case. But the nature of our judicial work, the type of judicial skills that will be required, and the way we go about doing that work, will all likely be dramatically different a decade from now. Some of us may recall that at the previous JJC, we had an insightful discussion on the subject of technology-driven innovation in the field of judicial administration. The third session today builds on that discussion, and my colleague, Justice Aedit Abdullah, who is the Judge-in-charge of

Transformation and Innovation of our Judiciary, will offer our perspectives on the changes that are to come.

6. Let me close by expressing once again our deepest gratitude, on behalf of the Singapore Judiciary, to Chief Justice Chong and his team for organizing and hosting this Conference. Virtual events might seem convenient especially for the attendees, but this is so only because of the tremendous work done by the organisers behind the scenes and because of the care they have taken to iron out all the tedious details in advance. I am deeply grateful for the effort and thank you once again, to the Supreme Court of Brunei Darussalam, for hosting this virtual Conference.

7. I am confident that we can look forward to an insightful and energizing discussion today, and I wish all of you, as well as your families, safety and good health.

8. Thank you very much.