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## LETTER FROM THE DIRECTOR

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It is my privilege to inform readers of the successful completion of the 123rd International Senior Seminar on, “The Protection of Victims of Crime and the Active Participation of Victims in the Criminal Justice Process specifically considering Restorative Justice Approaches” held from 14 January to 13 February 2003. In this Seminar, we welcomed 6 Japanese and 16 overseas participants: 11 from Asia, 1 from Oceania, 2 from Latin America, and 2 from North Africa. They included police officers, public prosecutors, judges, correctional officers and other high-ranking public officials. As this newsletter demonstrates, the Seminar was extremely productive. It consisted of Individual Presentations, Group Discussion sessions, visits to relevant criminal justice agencies, and presentations by visiting experts and *ad hoc* lecturers.

During the five-week period, the participants diligently and comprehensively examined the current situation and problems in relation to the protection of victims of crime and the active participation of victims in the criminal justice system considering specifically the possibilities and problems that exist in restorative justice approaches. As you can read in the general discussion paper printed in this newsletter, the participants produced a number of concise and practical recommendations on the issues of both support and protection of victims of crime and restorative justice approaches.

Traditionally victims have been given little attention and paid scant regard in the criminal justice process. Their main role has often been limited merely to being witnesses. Although the term “victimology” came into our vocabulary in the 1940’s, measures for the victim were not really developed until the 1960’s in a number of Western countries. The fundamental need for the criminal justice system to protect victims of crime was recognized by the United Nations by the adoption of the “Principles of Justice for Victims of Crime and Abuse of Power” at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985. This acted as an impetus for the international community to consider the domestic situations of member states in relation to the role, support and protection of victims of crime.

The development of victim support and protection heavily influenced the restorative justice approaches that had been growing, in the modern context, since 1974. Globally, countries are now creating fresh restorative approaches to justice as well as looking to the histories of their own societies where restorative justice was often practiced. Despite this, it has to be recognized that a number of countries throughout the world do not properly encourage the participation of victims in the criminal justice process and these countries need to strengthen their system of victim protection and, in turn, improve their restorative justice policies.

I would like to offer my sincere congratulations to all the participants for their successful completion of the Seminar, made possible by their strenuous efforts. My heartfelt gratitude goes to the visiting experts and *ad hoc* lecturers who contributed a great deal to the Seminar's success. Furthermore, I appreciate the indispensable assistance and cooperation extended to UNAFEI by various agencies and institutions, which helped diversify the programme.

A warm tribute must be paid to the Japan International Cooperation Agency (JICA) for its immeasurable support throughout the Seminar. At the same time, I must express great appreciation to the Asia Crime Prevention Foundation (ACPF) and its branch organizations for their substantial contributions. Lastly, I owe my gratitude to all the individuals whose unselfish efforts behind the scenes contributed significantly to the successful realization of this Seminar.

Upon returning to their home countries, I genuinely believe that, like their predecessors, the strong determination and dedication of the participants will enable them to work towards the improvement of their respective nation's criminal justice systems, and to the benefit of the international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 123rd International Senior Seminar. I hope that the experience they gained during the Seminar proves valuable in their daily work, and that the bonds fostered among the participants, visiting experts, lecturers and UNAFEI staff will continue to grow for years to come.

February 2003

*Kunihiko Sakai*  
Director, UNAFEI

## **THE 123RD INTERNATIONAL SENIOR SEMINAR**

### **“THE PROTECTION OF VICTIMS OF CRIME AND THE ACTIVE PARTICIPATION OF VICTIMS IN THE CRIMINAL JUSTICE PROCESS SPECIFICALLY CONSIDERING RESTORATIVE JUSTICE APPROACHES”**

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#### **Seminar Rationale**

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The status of victims of crime had been given little attention in the criminal justice process from the beginnings of the modern criminal justice system to recent years. However, after the term “victimology” came into the world in the 1940s, based on the research of the actual situation of victims of crime, we had to face the serious problem of how to protect victims of crime in the criminal justice system. The findings showed that, although the victim was the person who was the most strongly affected by the offence, there had been little attention paid to the protection of the rights, the interests and the legal status of the victim in the criminal justice system except in very exceptional cases. A common view regarding the deficiencies in the fairness of the system to victims of crime under the criminal justice system was developed. Policies and measures for the victim were developed in the following three stages, mainly in the Western countries after the 1960s.

The first stage was the establishment of a system of monetary support for the victim (1960s). New Zealand was the first country that enacted a law to give monetary support to the victim and other Western countries followed this. Through these efforts, the basis of monetary support for the victim by the national government was established. The second stage was the strengthening of immediate and direct support for the victim (1970s). From this time, immediate and direct support to the victim was started to be given by non-profit organizations such as Victim Support in the UK, the National Organization for Victim Assistance in the USA and by the governmental sectors. Since various kinds of research was conducted on the actual situation of the victim in this era, the idea was widely accepted that the improvement of the legal status of the victim and the establishment of the rights of the victim were essential for an effective management of the criminal justice system. Based on this principle, the third stage was the enactment of statutes for the improvement of the legal status of the victim and the establishment of the rights of the victim. The Western and some Asian countries realized the following rights through various kinds of laws and statutes such as the right to receive fair treatment, respect of dignity and privacy of the victim in the criminal justice process, the right to receive information about criminal justice proceedings, the right to attend to trials, the right of protection from threats and revenge and the right of compensation and reparation.

In Japan, a law was enacted to give monetary support to the victim in 1980 and laws for the improvement of the legal status of the victim were enacted and amended in 2000. The enactment and amendment of 2000 abolished the limitation period for complaints in sexual offences, allows a victim to make a victim impact statement in the trial process, gives consideration for the victim in the process of examination of a witness and attendance at the trial, gives authority to the court record as an enforceable title of obligation when it records a civil agreement between victim and offender. Furthermore, the information providing system to the victim by the police and public prosecutor’s office has also been upgraded.

Under these circumstances, “The Principles of Justice for Victims of Crime and Abuse of Power” was adopted in the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985. The Principles require nations and nationals to have sympathy and respect for the victim. For example, the Principles provide for the right of swift restoration of loss caused by crime, the right to receive information about the criminal justice procedure and participation in the procedure and consideration for strengthening various kinds of victim support.

As victim protection and support gained ground, the restorative justice approach also emerged as a new concept to tackle problems which the criminal justice system was failing to address. The restorative justice approach is one which considers the loss caused by crime through the active participation of the victim, offender and the community.

Restorative justice has been defined in numerous ways. Professor Umbreit defines restorative justice as “a victim-centered response to crime that provides, opportunities for those most directly affected by crime - the victim, the offender, their families, and representatives of the community - to be directly involved in responding to the harm caused by the crime. Restorative justice is based upon values which emphasize the importance of providing opportunities for more active involvement in the process of offering support and assistance to victims of crime; holding offenders directly accountable to the people and communities they have violated; restoring the emotional and material losses of victims (to the degree possible); providing a range of opportunities for dialogue and problem solving among interested victims of crime, offenders, families, and other support persons; offering offenders opportunities for competency development and reintegration into productive community life; and strengthening public safety through community building.” In this seminar, we shall consider the concept of restorative justice in a manner wider than any strict meaning.

Restorative justice has existed since ancient times, but was rekindled in the West by the establishment of an experimental victim-offender reconciliation programme in Canada in 1974. After that there was a rapid growth of these programmes to more than 1,000 in North America, Europe, Southern Hemisphere countries such as New Zealand, Australia and South Africa. Some Asian countries have also tried to introduce these programmes. In addition, some countries have introduced restorative justice by statute. For instance, the New Zealand government introduced family group conferences (FGC) for young offenders in the Children and Young Persons Act of 1989. FGCs were made available for adult offenders in New Zealand in 1995. Following that, the United Kingdom also introduced a similar concept in the form of the referral order for young offenders in the Youth Justice and Criminal Evidence Act of 1999. Youth offender panels were introduced which perform the same functions as FGCs.

Under these circumstances, “The Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century” was adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Vienna in April 2000. The Declaration provides that, “We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, .... and we encourage the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.” Based on this Declaration, the working group of the Commission on Crime Prevention and Criminal Justice has drafted “Basic

principles on the use of restorative justice programmes in criminal matters” as a United Nations standard for restorative justice (see attached reference material).

However, we find that major parts of Asian, African and Central and Southern American countries do not have adequate systems for the protection of victims of crime and do not sufficiently encourage active participation by the victim in the criminal justice process. These countries are requested to strengthen their systems for victim protection and support and develop restorative justice policies, procedures and programmes at the same time.

Taking into consideration the various issues, we intend to clarify and analyze the current situation and to explore more effective ways to protect victims of crime and encourage more active participation by the victim in the criminal justice process specifically considering restorative justice approaches.

Giving due consideration to the above mentioned rationale, the Seminar intends to explore more effective ways to protect victims of crime and encourage more active participation by victims in the criminal justice process specifically considering restorative justice approaches in each of the participating counties. By clarifying and analyzing the actual situation, possibilities and problems, sharing a theoretical basis, experiences and information, we will be able to find the most appropriate direction towards effective protection of victims of crime and encourage active participation by the victim in the criminal justice process specifically considering restorative justice approaches.

In the Seminar discussions, focus will be placed upon the following issues:

1. Current situation and problems in relation to the protection of victims of crime and the active participation of victims in the criminal justice process:

(a) Current situation and problems in relation to measures to protect victims of crime;

(1) Swift victim restoration system without recourse to court procedure such as mediation, reconciliation and arbitration, (2) Victims of crime compensation system, (3) Protection of victims and witnesses from offenders (tougher bail conditions, separation of waiting rooms between victims, witnesses and offenders, witness protection programmes, prohibition of access by the offender to the victim), (4) Methods of testimony in order to protect victims and witnesses (confidentiality of information about victims and witnesses, video link, testimony using video tape, guardian ad litem and witness attendants during testimony), (5) Various kinds of services for victims such as immediate and direct support

(b) Current situation and problems in relation to the active participation of victims in the criminal justice process;

(1) The right of complaint for the victim, (2) Private prosecution, (3) System/measures of objection to non-prosecution and dismissal of the case, (4) The hearing of victim statements relevant to the release of offenders (release on bail, home leave, furlough, parole, release on expiration of term of sentence), (5) Victim impact statements and victim impact evidence, (6) Recovery of loss/damage through the criminal justice process (compensation order, reparation order, community service order as a symbolic restitution, reparation order as a condition of a probation order, reconciliation in the criminal process, incidental civil law suit to the trial)

(c) Current situation and problems in relation to providing information for victims of crime;

(1) An information providing system for the victim at each stage of the criminal justice system (situation of investigation, arrest, prosecution/indictment, schedule of trial, location of offender, result of fact finding, sentence, escape, release on bail, home leave, furlough, parole, release on expiration of term of sentence and death of offender), (2) Providing a chance of attendance at the trial, (3) Providing offender's information to the community (such as information of release from a correctional institution and residence in the community of a sex offender)

2. Current situation, possibilities and problems in restorative justice approaches:

(a) General topics of restorative justice - theoretical basis and problems of restorative justice, relation between restorative justice and criminal justice

(1) The aim and goal of restorative justice

(2) The possibilities and problems of the restorative justice approach - protection of the rights of the person concerned in the restorative justice process

(i) The ways of ensuring impartial solutions in the restorative justice process

(ii) Guarantee of due process of law for offenders in the restorative justice process

(b) Particular topics of restorative justice - current situation, possibilities and problems of the management of systems based on restorative justice approaches;

(1) Swift and effective restoration of loss caused by crime through the restorative justice process (including recovery of damage)- active participation of the victim and community in the victim offender reconciliation programme (VORP), victim offender mediation programme (VOM), victim offender dialogue programme and family group conferencing (FGC) process, (2) What are the conditions under which the restorative justice approach as a diversion system functions most effectively (in terms of age, crime, criminal history and other important elements that affect effective management), (3) The relationship between a restorative outcome (agreement based on the restorative process) and the formal criminal procedure, (4) Effective measures for ensuring a restorative outcome (which is based on agreement through the restorative justice process)

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## **Seminar Summary**

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### **Lectures**

In total, 10 lectures were presented by visiting experts and 4 by *ad hoc* lecturers. Five distinguished criminal justice practitioners from abroad served as UNAFEI visiting experts. They lectured on issues relating to the main theme, and contributed significantly to the Seminar by encouraging discussions after their own lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, *ad hoc* lectures were delivered by distinguished senior officials of the Government of Japan. The lecturers and lecture topics are listed on page 8.

### **Individual Presentations**

During the first two weeks, each Japanese and overseas participant delivered a forty-five minute and one-hour Individual Presentation respectively, which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled into a book entitled "COUNTRY REPORTS FOR THE INTERNATIONAL SEMINAR IN CRIME PREVENTION" and distributed to all the participants. The titles of these Individual Presentation papers are listed on pages 10 and 11.

### **General Discussion Sessions**

General Discussion Sessions further examined the subtopics of the main theme. In order to conduct each session effectively, the UNAFEI faculty selected individuals to serve as 'group members' for the sub-topics, based on their response to a questionnaire previously distributed. Selected participants served as chairpersons, co-chairpersons, rapporteurs or co-rapporteurs, and faculty members and visiting experts served as advisers. Each group's primary responsibility was to explore and develop their designated topics in the General Discussion Sessions. The participants and UNAFEI faculty seriously studied the topics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. After the General Discussion Sessions, reports were drafted based on the discussions in the conference hall. These reports were subsequently presented in the Report-Back Session. The General Discussion Paper summarized the vital points of each of the seven general discussion sessions. This General Discussion Paper is printed on pages 12 through 16.

### **Visits and Special Events**

Visits to various agencies and institutions in Japan helped the participants obtain a more practical understanding of the Japanese criminal justice system. In addition to the Seminar's academic agenda, many activities were arranged to provide a greater understanding of Japanese society and culture, with the assistance of various organizations and individuals, including the Asia Crime Prevention Foundation (ACPF). For more detailed descriptions, please refer to pages 17 through 20.

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**Lecture Topics**

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***UNAFEI Professors' Lectures***

- 1) Mr. Toru Miura, *Professor, UNAFEI*
  - The Criminal Justice System in Japan: Investigation, Prosecution and Trial
- 2) Mr. Kenji Teramura, *Professor, UNAFEI*
  - Institutional Corrections in Japan
- 3) Mr. Kei Someda, *Professor, UNAFEI*
  - Community-Based Treatment of Offenders in Japan

***Visiting Experts' Lectures***

- 1) Professor John Braithwaite (Australia)
  - The Evolution of Restorative Justice
  - Restorative Justice: Theories and Worries
- 2) Ms. Sylvia Frey (Germany)
  - Victim Protection in Criminal Proceedings: The Victim's Rights to Information, Participation and Protection in Criminal Proceedings
  - Victim Protection in Criminal Proceeding: Reparation for Damages
- 3) Dr. Kittipong Kittayarak (Thailand)
  - Restorative Justice: The Thai Experience
  - A Brief Outline of the Current Situation of the Protection of Victims of Crime in Thailand
- 4) Mr. Peter Dunn (United Kingdom)
  - Victim Support in the UK: its History and Current Work
  - Victim Support in the UK: Victim Support Services in Detail

5) Ms. Kay M. Pranis (United States of America)

- Restorative Justice in Minnesota and the USA: Development and Current Practice
- Restorative Justice in Minnesota and the USA: Implementation and Outcomes

#### *Ad Hoc Lectures*

1) Professor Takayuki Shiibashi

*Faculty of Law, Chuo University, Japan*

- Situation of the Protection of Victims of Crime in Japan – From the Viewpoint of Criminal Procedure and Comparative Study of Law

2) Professor Akira Yamagami

*Department of Criminal Psychiatry, Division of Social Medicine and Dental University, Japan*

- Victim Support in Japan

3) Mr. Koichi Tachikawa

*Office for Crime Victims, National Police Agency, Japan*

- Police Support for Crime Victims: History and Overview

4) Ms. Yukiko Yamada

*Vice-President, Victim-Offender Dialogue Programme Management Center, Chiba, Japan*  
Current Situation and Challenges of the Victim-Offender Mediation Programme Management Center in Chiba Prefecture

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**Individual Presentation Topics**

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***Overseas Participants***

- 1) Mr. A. K. M. Mahfuzul Haque (Bangladesh)
  - The Protection of Victims of Crime and the Active Participation of Victims in the Criminal Justice Process in Bangladesh
- 2) Mr. Tshering Penjore (Bhutan)
  - Country Report
- 3) Mr. José Castro (Chile)
  - Victimization
- 4) Mr. Ayman Amin Abdel Azeem Shash (Egypt)
  - Country Paper
- 5) Mr. Fritz Gerard Dennery Martinez (El Salvador)
  - Country Report
- 6) Mr. Pagar Butar Butar (Indonesia)
  - A Study of the Protection of Victims of Crime and their Participation in the Criminal Court Process in Indonesia
- 7) Mr. Sida Laukaphone (Laos)
  - Protection of Victims of Crime in Lao PDR
- 8) Mr. Joseph Bernard Dalinting (Malaysia)
  - Country Report
- 9) Mr. Kesab Prasad Bastola (Nepal)
  - Country Report
- 10) Mr. Abdul Latif Khan (Pakistan)
  - Country Report
- 11) Mr. Malik Naveed Khan (Pakistan)
  - Country Report
- 12) Mr. Sarei Noel (Papua New Guinea)
  - Country Report
- 13) Mr. Globert Jabat Justalero (Philippines)
  - Country Report
- 14) Ms. Angkana Boonsit (Thailand)
  - Victim Hearing in Criminal Justice in Thailand

- 15) Ms. Somsri Rhujittawiwat (Thailand)
  - Victims of Crime
- 16) Mr. Nabil Mokdad Daassi (Tunisia)
  - Crime Prevention in Tunisia

### *Japanese Participants*

- 16) Ms. Hitomi Akiyama (Japan)
  - Victim Protection in Prosecution
- 17) Mr. Yasuo Kataoka (Japan)
  - Positive Participation of Criminal Victims in the Criminal Justice Process
- 18) Mr. Hiroyuki Nabana (Japan)
  - Planning of Criminal Justice Facilities from the Viewpoint of Victims
- 19) Mr. Masaharu Ozawa (Japan)
  - Penal Institutions in Japan and Crime Victims Issues
- 20) Mr. Ikuro Toishi (Japan)
  - The Situation and Problems of Participation in the Criminal Justice Process by Crime Victims Especially in Courtrooms
- 21) Mr. Motoshige Yoshida (Japan)
  - The Current Status and Challenges of Systems for Protecting Crime Victims and Encouraging their Participation in Criminal and Legal Procedures

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## General Discussion Paper

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The following section is the produce of the general discussions that were held during the Seminar.

### **Introduction**

The main theme of the 123rd International Senior Seminar which was held at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was “The Protection of Victims of Crime and the Active Participation of Victims in the Criminal Justice Process specifically considering Restorative Justice Approaches.” During this seminar, we had seven general discussion sessions to identify and clarify problems and to find practical solutions and future prospects for various issues related to the protection and support of victims of crime and restorative justice approaches with the active participation of all participants, visiting experts from overseas and UNAFEI faculty members.

The essential parts of the discussions were crystallized as the following selected recommendations.

To implement the recommendations, the relevant agencies of the United Nations and UNAFEI may provide necessary assistance.

### **PART I Support and Protection of Victims of Crime**

There has been little attention paid to victims of crime in criminal justice systems until recently and their main role has been limited merely to being “witnesses”. However, people have acknowledged the importance of support and protection for victims because victims not only face loss of life, physical injury, loss of property and various kinds of damage, but also suffer emotional shock and stress as well as secondary victimization.

Under these circumstances, “The Principles of Justice for Victims of Crime and Abuse of Power” was adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985. The Principles require nations and nationals to have sympathy and respect for the victim.

Therefore, the following goals should be achieved in order to fully implement support and protection for victims of crime.

- a. To give victims due legal status and establish systems for supporting the interests of victims such as participation in criminal proceedings.
- b. To provide immediate medical, material, social and psychological support to victims suffering from post crime trauma.
- c. To ensure that the institutions involved in the process of victim support do not marginalize any segment of society.
- d. To make all kinds of relevant information to victims available promptly and free of cost.
- e. To provide the necessary protective measures for victims/witnesses who are worried about offender’s retaliation in order to ensure their safety and realize

justice.

## **Recommendations**

1. In the countries from where the participants come, the areas of concern in victim support are so wide and varied that in order to embark on a programme of such magnitude would be too ambitious and the scant resource availability will be a serious impediment. As such it is recommended that in each of the countries only those areas should initially be targeted which are of very high concern and carry serious sensitivity. These programmes could then be gradually expanded to cover other areas as awareness amongst the public takes place and resources are available.
2. With due consideration to each country's context, we need to set up pilot projects for victim support and assistance. These should include governmental and non-governmental organizations and involve the local communities. Balance, coordination, collaboration, and networking in service delivery among relevant agents would be the keys in addressing individual needs of victims.
3. Since better development of victim support and assistance requires better understanding of victims, there is need to plan and conduct systematic training of facilitators. Experts from countries with advanced victim support systems, e.g., the U.K., the U.S., etc. should be invited with help from the donor countries for imparting training to trainers of facilitators. Services of locally available experts, e.g., psychiatrists and sociologists, should be utilized as well.
4. As the formal intervention tends to require a lot of resources, where appropriate, we may utilize more informal support and assistance by communities. Traditional wisdom and customs should not be disregarded or disqualified since community development and mobilization may have potentialities to extend more appropriate services for victims of crime than institutionalized systems. In several developing countries, the informal social support systems are very strong and dependable but may with time whither away without being replaced by better or more effective ones. Therefore there is need to strengthen and formalize the traditional systems. Relying purely on borrowed concepts would prove detrimental to the values propounded by the United Nations Declaration on the subject.
5. Basic information about criminal proceedings (such as arrest of offender, prosecution, schedule of trial, release on bail, sentence, escape and release of offender from custody or correctional institutions) should be provided to victims by the competent authorities like the police, public prosecutor, court or correctional institution through any such means that are accessible to the victim i.e. letter, fax, email etc. Other information should be provided upon request by an application of victims and decided by the police, public prosecutor, the court, or correctional institution considering that disclosure of some information could hinder criminal investigation and proceedings and violate the rights to privacy of offenders and others, and have a negative impact on victims themselves and society.
6. The criminal justice system exists not only for punishing the criminals but also helping the victims of crime. Every country recognizes that victims should be given the opportunity to play a more active role at every stage of criminal proceedings. In order to positively reflect victims' rights at trial, we recommend the introduction of "private

accessory prosecutions" if necessary, where the victims can participate in criminal trials as private prosecutors in addition to public prosecutors. To what extent the victim can exercise their rights at trial should be discussed in respective countries based on their own criminal justice systems.

7. Besides, in order to secure the victims' rights and prevent abuse of power and ensure judicious use of discretion by public prosecutors, we have to establish adequate measures or systems in cases where public prosecutors have decided not to prosecute the suspect. Private prosecution is one thing, and a review system of non-prosecution cases is another thing. Every country where a private prosecution system is adopted has to pay meticulous attention so that a victim should not be placed in a disadvantageous situation because of poverty and/or lack of legal expertise. In countries where private prosecutions are not available, there should be some appropriate measures to complain or appeal against the decision of non-prosecution by public prosecutors. The decision of non-prosecution by public prosecutors should be reviewed by other appropriate authorities in the countries concerned. As characteristics of society and culture differ from country to country, we have to carefully consider which system is suitable to be adopted in our respective societies.
8. The police and other criminal justice related authorities should provide protective measures to victims/witnesses in danger such as escort services, quick response to their calls and necessary arrangements to hide them from offenders who threaten witnesses.
9. All countries are aware of the responsibility to protect victims from intimidation, harassment, retaliation and/or any harm by offenders, because victims are part of our society and justice cannot be realized without cooperation and participation of victims. We should introduce some measures to protect victims such as providing separated waiting rooms between offenders and victims/witnesses, and partitions in courtrooms. Video link should also be introduced if the financial circumstances of respective countries enable this.

## **PART II Restorative Justice Approaches**

As victim protection and support gained ground, the restorative justice approach also emerged as a new concept to tackle problems which the criminal justice system was failing to address. The restorative justice approach is one which considers the loss caused by crime through the active participation of the victim, offender and the community.

“The Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century” was adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Vienna in April 2000. It encourages the development of restorative justice policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties. Based on this Declaration, the working group of the Commission on Crime Prevention and Criminal Justice has drafted "Basic principles on the use of restorative justice programmes in criminal matters" as a United Nations standard for restorative justice in 2002.

Although restorative justice has been defined in numerous ways, we reached a common understanding about restorative justice from practical aspects as follows. Restorative justice provides a process with opportunities for victims, offenders and the community affected by a

specific offense and is a means to collectively identify and address harms, needs, and obligations, in order to heal and put things as right as possible.

We also identified the aims and goals of restorative justice as follows:

- (1) Healing victims of crime and all parties affected by a crime
- (2) Repair the harm caused by a crime
- (3) Reintegration of victims and offenders into the community
- (4) Asking an offender to be accountable
- (5) Deliberative democracy (decision making process)

Based upon the above-mentioned definition, the aims and goals of restorative justice and discussion on various issues related to the practical application of restorative justice approaches, we chose the following recommendations for the vital points of introducing and utilizing restorative justice approaches.

### **Recommendations**

1. When each country initiates restorative justice approaches, pilot programmes which correspond with problem-oriented approaches should be started, considering the feasibility and efficacy of such approaches.
2. Each country should consider the following points in practicing restorative justice approaches:
  - (1) The state should try to solve general problems such as ignorance and constraints of resources when introducing restorative justice approaches.
  - (2) The state should ensure a fair process and outcome for the parties concerned in restorative justice approaches.
  - (3) The state should take effective measures ensuring justice and ensure parties have equal bargaining powers.
  - (4) The state should protect the human rights of offenders under the due process of law such as:
    - (a) The right to equal protection under the law
    - (b) The right to freedom from torture and cruel treatment
    - (c) The right to be presumed innocent
    - (d) The right to be tried by an impartial court
    - (e) The right to assistance of legal counsel
3. Though the research so far conducted has proved that restorative justice approaches are useful in prevention of re-offending, and provided results to the satisfaction of the parties to a large extent, yet there is a need for more research on restorative justice approaches and practices widening the scope particularly in the field of domestic violence.
4. Since restorative justice is a new concept, adequate information about restorative justice should be provided not only to the general public but also persons working for the criminal justice system in order to enhance awareness. Appropriate training should be given to facilitators and the persons concerned with restorative justice approaches.
5. When the restorative justice process such as the victim offender reconciliation programme (VORP), victim offender mediation programme (VOM), victim offender dialogue

programme (VOD) and family group conferencing (FGC) are implemented, the following guidelines should be observed in these programmes and conferences;

- a. Participation should be voluntary.
- b. Appropriate preparation should be done for each particular situation.
- c. Trained facilitators and mediators should guide the process.
- d. Appropriate follow-ups should be done to confirm the implementation of the agreement.
- e. There should be feedback loops to determine the impact of the process of the participants.

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**Observation Visits**

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<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Jan 22	Tokyo District Public Prosecutors Office	• Mr. Kunitaro Saida Chief Prosecutor
Jan 22	Ministry of Justice	• Ms. Mayumi Moriyama Minister of Justice
Jan 28	Tokyo Regional Immigration Bureau	• Mr. Masashi Shimazu General Affairs Division
Feb 3	Sapporo Prison	• Mr. Shinsuke Ota Warden
Feb 3	Shimei Juvenile Training School for Girls	• Mr. Toru Okochi Superintendent
Feb 10	Fuchu Police Box	• Mr. Yuichi Usui Director
Feb 10	Ome Toshiba Factory	• Mr. Kensuke Adachi Plant Manager
Feb 12	Supreme Court	• Mr. Naoto Otani Chief of Secretarial Section
Feb 12	Tokyo District Court	• Mr. Osamu Ikeda Deputy Chief Judge, Criminal Division

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**Group Study Tour**

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<u><i>Date</i></u>	<u><i>Group</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Feb 2~4	Hokkaido	<ul style="list-style-type: none"><li>• Sapporo Prison</li> <li>• Shimei Juvenile Training School for Girls</li></ul>	<ul style="list-style-type: none"><li>• Mr. Shinsuke Ota Warden</li> <li>• Mr. Toru Okochi Superintendent</li></ul>

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## Special Events

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January 14

*Welcome Party*

January 16, 17, 20, 21, 23 & 24

*Japanese Conversation Classes*

The overseas participants attended Japanese conversation classes provided by JICA. They learned practical Japanese expressions. The Sensei (teachers) were Ms. Mieko Terao and Ms. Setsuko Iwasaki.

January 16

*Computer Class*

A basic explanation of how to use a personal computer and how to access the internet was given in the UNAFEI library by Professor Someda.

January 18

*Tour of Tokyo*

The participants were given a tour of the metropolitan area of Tokyo. They were able to visit areas of Tokyo such as Akihabara and Asakusa.

January 22

*Courtesy Visit to the Minister of Justice*

Minister of Justice, Ms. Mayumi Moriyama greeted the participants during their visit to the Ministry of Justice.

*Reception Hosted by Vice-Minister of Justice*

After visiting the Ministry of Justice, a reception was held by the Vice-Minister of Justice, Mr. Keiichi Tadaki at the Lawyers Club, Tokyo.

January 25

*Tour of Lake Kawaguchi*

The participants enjoyed some time at Oshino hakkai (Oshino eight ponds park), Narusawa Icicle Lava Cave and Oishi park where they were able to enjoy magnificent views of Mount Fuji over Lake Kawaguchi.

January 27

*ACPF Nangoku-kai Party*

The Asia Crime Prevention Foundation (ACPF) Nangoku-kai Branch, affiliated with ACPF Headquarters, hosted a dinner party in the Emerald Hall of the Hotel Pacific Meridien Tokyo, Shinagawa, in honor of the participants.

January 29

*Bowling Tournament*

A Bowling Tournament was held in Fuchu for all of the participants. After the Tournament the participants were able to enjoy a party at UNAFEI.

January 31 *Public Lecture Programme*

The Public Lecture Programme is conducted annually to increase social awareness of criminal justice issues through comparative international study. The Programme, sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI, was held in the Grand Hall of the Ministry of Justice and was attended by distinguished guests, UNAFEI alumni and the participants of the 123<sup>rd</sup> International Seminar.

This year, Professor John Braithwaite (Chair, Regulatory Institutions Network Research School of Social Science, the Australian National University) and Ms. Sylvia Frey (Executive Assistant, Section on Criminal Procedure, Federal Ministry of Justice, Germany) were invited as speakers to the Programme. They presented papers on, “Restorative Justice: Justice of the Future” and “Victim’s Rights in Germany – Information and Participation in Criminal Procedure, Reparation and Practical Assistance” respectively.

January 31 *UNAFEI Alumni Reception*

A reception was held to introduce the participants to UNAFEI Alumni residing in Japan, hosted by the UNAFEI Alumni Association at the Lawyers Club, Tokyo.

February 2~4 *Hokkaido Study Tour*

In addition to the observation visits, the participants were able to enjoy trips to the Sapporo TV Tower, the Sapporo Brewery and Lake Shikotsu where they observed the Ice Statue Festival. On their final day in Sapporo, the participants visited Odori Park where they enjoyed the Snow Festival. The ACPF Sapporo Branch also put on a party for the participants on 3 February.

February 7 *Koto Music Concert*

The participants were treated to a performance from the Ensemble 21<sup>st</sup> Century where the Koto (Japanese harp) and the Shakuhachi (vertical bamboo flute) were played.

February 8 *Nabe (Japanese Hotpot) Party*

A *Nabe* Party was held for the participants at UNAFEI for them to taste traditional Japanese hotpot.

February 13 *Farewell Party*

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**EXPERTS & PARTICIPANTS LIST**

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*Visiting Experts*

Professor John Braithwaite	Chair, Regulatory Institutions Network Research School of Social Science, The Australian National University
Ms. Sylvia Frey	Executive Assistant, Section on Criminal Procedure, Federal Ministry of Justice, Germany
Dr. Kittipong Kittayarak	Director General, Department of Probation, Ministry of Justice, Thailand
Mr. Peter Dunn	Head of Research and Development, Victim Support National Office, United Kingdom
Ms. Kay M. Pranis	Restorative Justice Planner, Minnesota Department of Corrections, United States of America

*Overseas Participants*

Mr. A. K. M. Mahfuzul Haque	Deputy Commissioner of Police, Detective Branch, Dhaka Metropolitan Police, Bangladesh
Mr. Tshering Penjore	Superintendent of Police, Royal Bhutan Police Division II, Punakha, Bhutan
Mr. José Castro	Chief Prefect, International Airport Control Dept., Director of Immigration and International Police Department, Chile
Mr. Ayman Amin Abdel Azeem Shash	Chief Judge, Esmallia Court, Cairo, Egypt

Mr. Fritz Gerard Dennery Martinez	Police Chief, Investigation Division for the West Region of El Salvador
Mr. Pagar Butar Butar	Personal Staff of Director General of Corrections, Ministry of Justice and Human Rights, Jakarta, Indonesia
Mr. Sida Laukaphone	Director, Law Research Centre, Ministry of Justice, Vientiane, Laos
Mr. Joseph Bernard Dalinting	Legal Officer/Prosecutor, Head of Legal Division, Forestry Department, Malaysia
Mr. Kesab Prasad Bastola	Under Secretary (Law) His Majesty's Government, Cabinet Secretariat, Kathmandu, Nepal
Mr. Abdul Latif Khan	Deputy Inspector General of Police, Mardan, Pakistan
Mr. Malik Naveed Khan	Director, Federal Investigation Agency, Peshawar Zone, Interior Division, Ministry of Interior, Pakistan
Mr. Sarei Noel	Rehabilitation Officer, Correctional Service of Papua New Guinea
Mr. Globert Jabat Justalero	Prosecutor, Office of the Provincial Prosecutor, Iloilo City, Philippines
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**FIFTH TRAINING COURSE ON CORRUPTION  
CONTROL IN CRIMINAL JUSTICE**

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The Fifth Training Course on Corruption Control entitled, "Corruption Control in Criminal Justice" was held from 28 October to 21 November 2002. In this course, thirteen foreign officials and three Japanese officials engaged in corruption control comparatively analyzed the current situation of corruption, methods of corruption prevention, and measures to enhance international cooperation in this regard.

*Participants*

Mr. Fakhriyar Jabbarov	Chief Specialist, International Legal Cooperation Department, Ministry of Justice, Azerbaijan
Ms. Nasreen Begum	Joint Secretary and Director, National Legal Aid Services Organization, Ministry of Law, Justice and Parliamentary Affairs, Bangladesh
Mr. Wang Gyeltshen	Government Prosecutor, Office of Legal Affairs, Bhutan
Mr. Lomjaria Levan	Head of Division for International Treaties, Ministry of Justice, Georgia
Mr. Amanbaev Anarkul	Senior Investigator, Ministry of Internal Affairs, Kyrgyz
Mr. Sonesavanh Seng Aphay	Investigator, The Office of Public Prosecutor, Laos
Ms. Fariza Binti Hamzah	Deputy Public Prosecutor, Legal and Prosecution Division of the Anti-Corruption Agency, Malaysia
Mr. Mohamed Naeem	Judge, Criminal Court, Male', Maldives

Mr. Mansoor Qadir	Assistant Director, Directorate of Anti-Corruption Establishment, Punjab, Pakistan
Ms. Mirta Rika Miyasaki Miyamae	Attorney's Assistant, State Attorney General's Office, Paraguay
Ms. Alina Dorobant	Head of Public Law Division, Department of Drafting Legislation, Ministry of Justice, Romania
Mr. Sakulyouth Horpibulsuk	Senior State Attorney, Office of the Attorney General, Thailand
Mr. Guerrero Cabrera Julio Cesar	Inspector, Homicide Department, Police Criminal of Venezuela, Venezuela
Mr. Mitsuru Horiuchi	Judge, Nagoya High Court, Japan
Mr. Isao Shimamura	Public Prosecutor, Yamagata District Public Prosecutors Office, Sakata Branch, Japan
Mr. Masafumi Tsuji	Public Prosecutor, Mito District Public Prosecutors Office, Tsuchiura Branch, Japan

### ***General Discussion Paper***

#### **Introduction**

The objective of this course is to analyze the current situation of corruption, to explore the current problems related to corruption in the criminal justice system including at the investigation, prosecution and trial stages, to explore the general measures in combating corruption and to enhance international cooperation in fighting corruption.

Corruption threatens the rule of law, democracy, social and economic stability. It undermines the public trust in the government and public administration. It is also a widespread phenomenon, which transcends all boundaries. It has now become a global

concern – a theme of everyday decision and debate. Therefore, there is a need to analyze this problem in its various aspects and to come up with an effective solution that will benefit all parties involved in this training course.

### Analysis of the Current Situation of Corruption

It has been revealed that corruption exists in every part of society, ranging from the political level, corporate sector, administration, down to daily life. Corruption impedes the economic situation of countries and has a direct impact on development and may discourage foreign investments and foreign aid. Corruption in the judiciary has the power to cripple the democracy system of a country.

There are numerous causes of corruption, including the inefficiency of the legislative, judiciary and executive system, and acceptance of corruption as being part of a society's culture and greed, in particular:

- The economic situation with its various aspects: poverty, transition period, globalization, uneven distribution of wealth, inadequate remuneration of public officials;
- The lack of education and inappropriate level of morality among public officials;
- The lack of proper and efficient legislation in particular the need to establish a code of conduct for public officials;
- The lack of an efficient monitoring system;
- The lack of public awareness on the danger of corruption and the acceptance of corruption as a culture;
- The ineffectiveness of the criminal justice system and law enforcement agencies;
- Abuse of power and political influence over the judiciary;
- Abuse of power and excessive political influences over financial institutions and state-owned companies.

### General Measures for Prevention of Corruption

- Effective and comprehensive anti-corruption policies and strategies and establishing a national forum comprising of all relevant authorities and agencies and representative of the community;
- Enhancing the transparency and accountability of the government;
- Improving law and regulation fighting corruption and establishing efficient law enforcement agencies, to enable effective investigation, prosecution and a fair trial;
- Strengthening and maintaining the independence of the judiciary;
- Strategies on improving economic and financial situations, focusing on giving adequate salary for public officials;
- The necessity to establish a code of conduct for public officials governing matters pertaining to conflicts of interest, abuse of power, an objective standard for recruitment and promotion, training and education for public officials on the dangers of corruption, scrutinizing the officials property, creating an obligation upon the public officials to report corruption, promoting professionalism of the public service and providing technical support facilities for investigators;

- The need to have a check and balance system by establishing an internal and external auditing system, independent ombudsman or any other similar bodies to streamline the government procedures and procurement;
- The necessity to increase public awareness on the evil of corruption through education at all levels and encouraging the public to report corruption, using the mass media and internet, supporting the involvement of NGOs;
- Promoting and safeguarding human rights, especially the freedom of media as a tool for maintaining democracy and ensuring checks and balances on each institution's power;

### Problems relating to Legal Matters on Substantive Law and their Solutions

It has been agreed that the definition of "corruption" is to be left to the national legislation. It has been agreed further that a proper enforcement of the law and proportionate and efficient punishments for corruption offences are more important in combating corruption. Furthermore, it is necessary to regulate appropriate statutes of limitation for all corruption offences in the event that the national law of that country provides it.

Apart from that, it is also necessary to regulate corruption offences as predicate offence for money laundering and to adopt specific legislation on confiscation of assets. The relationship between corruption and organized crime has also been recognized and it is recommended to increase the punishment for corruption committed by a criminal organized group.

There is also a need for regulating laws for witness protection in order to encourage the co-operation of the public with the authorities, including the possibilities of granting immunity to offenders who cooperate with the authorities. Persons who report acts of corruption in good faith should be protected from undue negative consequences. The necessity of criminalizing corruption in the private sector is universally recognized.

### Problems relating to Investigation, Prosecution and Trial (Procedural Law) and their Solutions

Cooperation between the investigators and prosecutors represent one of the most important factors in an investigation of a corruption case. The need to establish an independent agency or commission for fighting corruption depends on the situation of the country and public opinion and public awareness of such need. What is really important is to maintain the professionalism, independence, integrity and credibility of the persons involved in the investigation and prosecution.

Corruption is one of the most difficult crimes to investigate, therefore it is necessary to give adequate and sufficient investigative powers to the investigators to facilitate smooth investigations. There is also the need to improve the investigation methods and the need to have a technical support system for investigators, for example undercover agents, intelligent agencies, surveillance, interception of communications, etc.

It has also been recognized by all participants that there is a necessity to encourage the public to report any corruption cases as it is often an offence committed in secret or of a secret nature and report centers should be established which operate 24 hours.

There should exist a check and balance mechanism between investigation and prosecution. There is also a need for common legal interpretations of the procedural laws by the investigators, prosecutors and judges of their respective national laws. The procedures involved need to be simplified in order to accommodate the investigation. It is also important to maintain the independence and the integrity of the court as being the last and the most important chain in the justice system.

### International Cooperation

It is important first of all, to have a proper and efficient national legislation recognizing the relevant offences on corruption, to have international bilateral agreements and to participate in international forums, conventions and organizations, especially on drafting the United Nations Convention Against Corruption.

There is a necessity to enhance international cooperation through exchange of information, mutual legal and technical assistance, extradition, etc. Presently, tracing and confiscating assets of corruption are the most debated issues at the international level, therefore the participants expressed their opinion on this issue and reached a consensus on the necessity to return the assets to the country of origin.

### Conclusion

The effort taken by UNAFEI to organize this type of training course specializing in corruption control in criminal justice is highly appreciated as being part of promoting international cooperation among the participating countries and the host country.

It has been agreed that to combat corruption effectively, there is a need to have proper national legislation, efficient law enforcement agencies, and appropriate and comprehensive policies from various aspects and focusing especially on creating public awareness on the evil of corruption. Apart from that, it is very important to have a positive, effective and strong political will to make the eradication of corruption possible.

There is no single solution to combating corruption as it varies from one country to another, according to the specific situation of that particular country, however, it is important to share and exchange experiences, knowledge and best practices. International cooperation is indispensable to combat corruption and promote accountability, transparency and the rule of law.

We believe that the active participation on drafting the United Nations Convention Against Corruption and the ratification of this international instrument will contribute to effectively fighting corruption at the international level.

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**INDONESIA-UNAFEI JOINT SEMINAR**

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The Indonesia-UNAFEI Joint Seminar was held in Jakarta on the theme of “Criminal Justice Reform” from 18 December to 20 December 2002. The Government of the Republic of Indonesia, JICA and UNAFEI organized the Seminar.

The Joint Seminar was attended by high-ranking Indonesian government officials, representing all sectors of the criminal justice system as well as NGO members. The UNAFEI delegation comprised of the Director, Deputy Director, three professors, the Linguistic Adviser, two members of the secretariat and an officer from the National Police Agency of Japan.

The Joint Seminar considered the below-mentioned topics, subdivided into presentations by UNAFEI and Indonesian participants. The participants heard presentations, reactions and open forums on the following five topics:

Topic One    Effective Administration of the Police

Topic Two    Restoring the Integrity of the Criminal Justice System – Elimination of Corruption in Criminal Justice

Topic Three   Reform of the Legal Training System

Topic Four    Judicial Reform

Topic Five    Reform of the Treatment of Offenders – Community Involvement

On the final day of the Joint Seminar, a draft of recommendations was drafted by the Working Group. These recommendations were submitted to the final plenary meeting where they were adopted in their entirety.

The final recommendations, as adopted by the Joint Seminar, were as follows:

1. As state agencies responsible for maintaining the rule of law, criminal justice agencies should have guiding principles applicable to all. The main principles that should be incorporated within the system are: Fairness and Due Process of Law, the Principle of Legality, Accountability, Transparency, Effectiveness and Efficiency, and Simplicity and Expediency.
2. Coordination and cooperation among agencies must be promoted to ensure the just and expeditious administration of justice, thus avoiding the oft-cited conflicting policies, which reduce the quality of the criminal justice system.
3. Sufficient attention should be given to protect the fundamental human rights of persons who fall under the criminal justice system by complying with international instruments including the United Nations standards and norms.
4. As Indonesia is struggling towards a more professional and democratic criminal justice system, each criminal justice agency (the police, the prosecutors office, the judiciary and the correctional agency) should strive towards improving their

- performances, especially in matters related to management, both human resources and operation management.
5. The participation of the community must be ensured to enhance the performance of the criminal justice system in various ways. The formation of community-based groups would be of great assistance not only for crime prevention-related activities, but also for educating the public at large on criminal justice issues.
  6. A strong framework should be established to guarantee the independence of the judiciary. Appropriate mechanisms should be established to ensure every judge is not subject to undue influence, inducements, pressures, threats or interferences, direct or indirect.
  7. Every effort should be made to make the courts more reliable, effective and accessible so as to respond properly and speedily to the needs of society.
  8. Access to information about justice including statutes and judicial precedents should be actively promoted.
  9. Recognizing the importance of securing competent criminal justice professionals, such as judges, public prosecutors, practicing lawyers, police officers and so on:
    - (i) Candidates to be legal professionals should be provided with broad and adequate legal education, at the under-graduate stage and beyond;
    - (ii) A fair and proper procedure for selecting, recruiting and appointing legal professionals should be established;
    - (iii) Legal professionals should be provided with continuing and on-the-job training to improve their professional skill and knowledge in times of rapid development in science and technology, and globalization;
    - (iv) To enhance the promotion of a “one roof” judicial system of education.
  10. Investigation against, and prosecution of, corruption should be free from undue political, economic and other improper influences.
  11. An effective control mechanism is required for law enforcement agencies to promote law and justice for the people. There should be an adequate number of professionals, necessary resources and sufficient remuneration. An ethics mechanism including a code of conduct, strict internal and external controls should be established.
  12. The proper and necessary equipment required to operate is imperative since much misbehavior committed by criminal justice personnel is alleged to be a result of a lack of facilities in the respective agencies.
  13. The role of the legislature in promoting the work of the criminal justice system should be emphasized through its law-making process, where public participation is a necessity.
  14. A trustworthy relationship between the police and the public is the basis of effective police administration, especially of effective criminal investigation. So the police should maintain the confidence of the public in various ways such as honestly handling citizens’ requests, responding quickly to citizens’ complaints, providing proper victim protection and support and so on.
  15. Organized investigations and forensic investigations are essential to effective police criminal investigations. To achieve this end, the police should establish an organized investigation system and introduce various scientific techniques such as fingerprint identification, DNA testing and so on.
  16. To promote the reintegration of offenders into society, the enhancement of greater community involvement in the management of corrections and probation services should be encouraged.

17. The conditions in correctional institutions and services accorded to inmates should be improved to protect the basic human rights and to promote the rehabilitation of offenders.

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**INFORMATION ABOUT PROGRAMMES & ACTIVITES**

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***Forthcoming Programmes*****1. The 124th International Training Course**

The 124th International Training Course, entitled “Effective Prevention and Enhancement of Treatment for Drug Abusers in the Criminal Justice Process”, is scheduled to be held from 15 April to 15 June 2003. The 124th International Training Course will examine the current situation of drug abuse, extract the current problems and challenges faced by each jurisdiction and explore effective measures and strategies for further improving prevention and treatment of drug abusers at every stage of the criminal justice process.

**Rationale**

Drug abuse is a global problem in our societies. Many serious problems derive from such a global phenomenon. First of all, illicit drugs make significant profits for international organized criminal groups through such activities as illegal cultivation, synthesization, and trafficking. They threaten the peaceful order and economic/political stability of our societies with increases in crimes, corruption, damages to various social resources, etc. Also, in some countries, drug abusers are one of the major factors contributing to overcrowding in prisons and other correctional facilities, which pressurize the management and smooth operation of rehabilitative programmes. Moreover, drug abuse and drug addiction increases the susceptibility to HIV/AIDS, hepatitis, and other infectious diseases, thereby damaging the health and welfare of a wide range of people from adolescents to adults and impairs sound development among individuals, families, and communities. Finally, numerous pieces of empirical research demonstrate that drug abuse is one of the significant predictors for re-offending. From a practical point of view, it is often the case that drug abusers commit various crimes in order to obtain money for drugs or because they are under the influence of drugs. Therefore, drug abuse problems have huge impacts on all the fields of the criminal justice administration from crime prevention to treatment of drug offenders.

In view of the seriousness of drug-related problems, each country has taken specific measures in combating drug abuse problems. In addition, various international bodies and organizations such as the G8 summit ad-hoc meeting of drug experts and the United Nations have developed various countermeasures against drug abuse problems. At present, there are the following three multilateral treaties adopted by the UN: *Single Convention on Narcotic Drugs* (1961), *Convention on Psychotropic Substances* (1971), and *the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (1988). Through such international instruments, more effective measures such as enhanced control of illicit drugs including precursor chemicals, and international cooperation in drug control, have been launched. In response to such movements, each jurisdiction has made every effort to systematically implement suppressive measures for drug trafficking and drug supply reduction policies by rearranging relevant domestic laws and practices.

Meanwhile, in order to effectively cope with drug abuse problems, drug demand reduction policies should be incorporated in comprehensive and well-balanced strategies against drug abuse, in addition to control and reduction in the supply side. In this connection, the General Assembly of the UN at the 20th special session in 1998 recognized that drug demand reduction programmes should be one of the key elements of a comprehensive strategy combating drug abuse and trafficking, and adopted '*the Declaration on the Guiding Principles of Drug Demand Reduction.*' More specifically, paras.13-14 put emphasis on focusing on the special needs of clients in prevention and treatment, and paras.15 and 17 encourage scientifically reliable information and evaluation:

13. Demand reduction programmes should be designed to address the needs of the population in general, as well as those of specific population groups, paying special attention to youth. Programmes should be effective, relevant and accessible to those groups most at risk, taking into account differences in gender, culture and education.

14. In order to promote the social reintegration of drug-abusing offenders, where appropriate and consistent with the national laws and policies of Member States, Governments should consider providing, either as an alternative to conviction or punishment or in addition to punishment, that abusers of drugs should undergo treatment, education, aftercare, rehabilitation and social reintegration. Member States should develop within the criminal justice system, where appropriate, capacities for assisting drug abusers with education, treatment and rehabilitation services. In this overall context, close cooperation between criminal justice, health and social systems is a necessity and should be encouraged.

15. Information utilized in educational and prevention programmes should be clear, scientifically accurate and reliable, culturally valid, timely and, where possible, tested with a target population....

17. Demand reduction strategies and specific activities should be thoroughly evaluated to assess and improve their effectiveness. The evaluations should also be appropriate to the specific culture and programme involved. The results of these evaluations should be shared with all those interested.

Thus, the early detection and prevention of drug abuse, and the appropriate delivery of treatment and rehabilitative services addressed to individual risks and needs of drug abusers are critical issues for drug demand reduction strategies, which should also be scientifically reliable, valid, and effective. These are the main reasons to set up this training programme that explores 'Effective Prevention and Enhancement of Treatment for Drug Abusers in the Criminal Justice Process.' More specific explanations are as follows:

Firstly, the preventive strategies for drug abuse may be analyzed at multiple levels: i.e., '*primary prevention*' which is directed at the general public population for enhancing awareness, '*secondary prevention*' which is directed at specific high-risk groups who have increased susceptibility for drug abuse, and '*tertiary prevention*' which is directed at drug abusers who could relapse into subsequent drug use. Moreover, effective preventive strategies would require early detection and intervention for high-risk individuals as one of the core elements. In this context, various practices have been accumulated by the police and other criminal justice agencies.

On the other hand, with regard to the enhancement of treatment for drug abusers, diversified intervention programmes have been utilized although specific measures taken by each jurisdiction are characterized by differences in relevant determinants such as laws related to drug offences, types of dominant drugs used in each country, etc. For instance, programmes for drug abusers include detoxification, prescription of substitute drugs, therapeutic community (TC) model approaches, psycho-social intervention by multi-disciplinary teams, group counseling, boot camp treatment, relapse prevention programmes, cognitive-behavioral skill trainings and a variety of support for smooth reintegration into society. Moreover, if we examine responses at each stage of criminal justice system, some countries have developed various diversion programmes at the police, prosecution, and court levels, in order to intensify alternatives for imprisonment and/or to conduct early intervention. Furthermore, in institutional settings, some countries utilize special institutions or units for drug abusers, and/or provide intensive treatment programmes based upon individual risks and needs of drug abusers. These experiences and practices in each country might be re-examined in terms of such viewpoints as applicability, sustainability, cost effectiveness, results of evaluative studies and Evidence-Based Practices (EBP). Knowledge and experience in these practices can be accumulated as a useful knowledge base, which may be reflected in further improving current practices and strategies of treatment of drug abusers in each country.

On the basis of the explanations indicated above, the purpose of this International Training Course is to offer participants opportunities to share information on the current situation of drug abuse; punishments; prevention and treatment for drug abusers; and challenges faced by each country. At the same time, this course offers opportunities to explore more effective measures and strategies for preventing drug abuse and treating drug abusers to promote their reintegration into society.

In summary, among the major topics to be discussed are the following items:

- (1) To examine and analyze the current situation of drug abuse; the legal framework of prevention, punishment, and treatment for drug abusers; and practices and programmes for prevention and treatment.
- (2) To extract current problems and challenges faced by each jurisdiction and their practices concerning prevention of drug abuse, punishment and treatment for drug abusers.
- (3) To explore effective measures and strategies for further improving prevention and treatment of drug abusers at each stage of the criminal justice system based upon promising practices and relevant empirical studies in each country.

## **2. The 125th International Training Course**

The theme of the 125th International Training Course is, as yet, undecided. It is scheduled to be held from 8 September to 31 October 2003.

### **3. Eighth Special Seminar for Senior Criminal Justice Officials of the People's Republic of China**

The Eighth Special Seminar for Senior Officials in criminal justice in the People's Republic of China, "International Cooperation in Crime Prevention and Criminal Justice – to Focus on the Implementation of the UN Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988 and the UN Convention against Transnational Organized Crime", is scheduled to be held at UNAFEI from 24 February to 14 March 2003. Ten senior criminal justice officials and UNAFEI faculty will discuss contemporary problems faced by China and Japan in relation to the above theme.

### **4. Second Seminar on Judicial System for Tajikistan**

The Second Seminar on Judicial System for Tajikistan will be held from 3 March until 21 March 2003 at UNAFEI. The objectives of this course will be to study the Tajikistan criminal justice system from a comparative perspective, including an overview of the Japanese criminal justice system and to study the current situation, problems and countermeasures in respect of transnational crime.

#### *Overseas Trips by Staff*

Ms. Mikiko Kakihara (Professor) and Mr. Kenji Teramura (Professor) attended an international conference on "Offender Rehabilitation in the 21<sup>st</sup> Century" in Hong Kong as speakers from 1 to 6 December 2002.

Mr. Kunihiko Sakai (Director) attended the Coordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network in Turin, Italy from 3 to 10 December 2002.

Ms. Sue Takasu (Professor) gave a lecture at a symposium on "Preventing Organized Crime" in Abu Dhabi, the United Arab Emirates, which was held by the Ministry of the Interior, UAE from 12 to 19 December 2002.

Ms. Mikiko Kakihara (Professor) visited the Philippines to conduct research into the issue of volunteer probation officers from 12 to 15 January 2003.

Mr. Kunihiko Sakai (Director), Ms. Tomoko Akane (Deputy Director), Mr. Toru Miura (Professor), Mr. Yuichiro Tachi (Professor) Mr. Kei Someda (Professor), Mr. Sean Eratt (Linguistic Adviser), Mr. Makoto Nakayama and Mr. Takahiro Ihara (Staff) represented UNAFEI at the Indonesia-UNAFEI Joint Seminar on "Criminal Justice Reform" held from 18 to 20 December 2002 in Jakarta, Indonesia.

Mr. Toru Miura (Professor) visited Jakarta, Indonesia from 29 January to 5 February 2003 in order to conduct a survey of the needs for legal and judicial reform in Indonesia.

Mr. Yuichiro Tachi (Professor) and Mr. Yoshiyuki Fukushima attended the ICAC-Interpol Conference in Hong Kong from 21 to 25 January 2003.

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