

# UNAFEI NEWSLETTER

UNITED NATIONS ASIA AND FAR EAST  
INSTITUTE FOR THE PREVENTION OF CRIME  
AND THE TREATMENT OF OFFENDERS

*No. 117*  
*June 2005*

*Established*  
*1961*

## IN THIS ISSUE

	<i>Page</i>
LETTER FROM THE DIRECTOR .....	1
THE 130TH INTERNATIONAL TRAINING COURSE .....	3
INTEGRATED STRATEGIES TO CONFRONT DOMESTIC VIOLENCE AND CHILD ABUSE	
Course Rationale .....	3
Course Summary .....	11
Lecture Topics .....	12
Individual Presentation Topics .....	15
Group Workshop Sessions .....	17
Observation Visits .....	20
Group Study Tour .....	21
Special Events .....	22
Reference Materials Distributed .....	24
Experts and Participants List .....	27
TENTH SPECIAL SEMINAR FOR SENIOR CRIMINAL JUSTICE OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA .....	30
THE FIRST SEMINAR ON CRIMINAL JUSTICE FOR CENTRAL ASIA .....	32
INFORMATION ABOUT FORTHCOMING PROGRAMMES .....	34
Second Training Course on Strengthening the Anti-Corruption Capacity in Thailand .....	34
The 131 <sup>st</sup> International Training Course .....	34
ADMINISTRATIVE NEWS.....	38
Faculty Changes .....	38
Overseas Trips by Staff .....	38
FACULTY & STAFF OF UNAFEI .....	40

**UNAFEI IS AN AFFILIATED REGIONAL INSTITUTE OF THE UNITED NATIONS**

---

## LETTER FROM THE DIRECTOR

---

It is my privilege to inform readers of the successful completion of the 130<sup>th</sup> International Training Course on "Integrated Strategies to Confront Domestic Violence and Child Abuse" which took place from 16 May to 23 June 2005.

In this Course, we welcomed nine Japanese and fourteen overseas participants, and two overseas observers: nine from Asia, four from Africa, two from the Pacific and one from Central America. They included police officers, public prosecutors, a judge, probation officers, correctional officers, a public defender and other high-ranking public officials.

As this newsletter demonstrates, the Course was extremely productive. It consisted of individual presentations, group workshop sessions, visits to relevant criminal justice agencies, and presentations by visiting experts, faculty members and ad hoc lecturers.

Up until fairly recently criminal justice agencies were reluctant to intervene in violence and abuse in the family directed at women and children. Often such behaviour was regarded as nothing more than a marital dispute or a parent's effort to discipline their child. However, due to a growing realization of the seriousness of the effects of such abuse, including severe physical injury, long term psychological damage, economic costs to society and the cycle of violence that is sometimes generated, this issue has become of increasing concern to the international community.

The actions of the United Nations, including establishing many important norms and guidelines, such as the 1978 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the 1989 Convention on the Rights of the Child, CEDAW general recommendations and many General Assembly resolutions calling for action against domestic violence and child abuse, have made the international community aware of its responsibilities. This has led to many governments changing their national policy and in turn making the public aware of the importance of these issues. As a result people's perception of violence in the home has changed. However, there is still a great amount of work that needs to be done to improve the situation and it was hoped that this Course would help provide some solutions.

During the Course the participants diligently and comprehensively examined the situation of domestic violence and child abuse, primarily through a comparative analysis of the current situation. The participants' shared their own experiences, and knowledge of the issues, and identified problems and areas in which improvements could be made. After engaging in in-depth discussions with the UNAFEI faculty and visiting experts, the participants were able to put forth effective and practical solutions that could be applied in their respective countries.

I would like to offer my sincere congratulations to all the participants upon their successful completion of the Course, 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 Course'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 Course. 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 Course.

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 130<sup>th</sup> International Training Course. I hope that the experience they gained during the Course proves valuable in their daily work, and that the bonds fostered among the participants, visiting experts, and UNAFEI staff will continue to grow for many years to come.

June 2005

A handwritten signature in black ink, appearing to read 'Kunihiko Sakai', with a stylized flourish at the end.

*Kunihiko Sakai*  
Director, UNAFEI

## THE 130<sup>TH</sup> INTERNATIONAL SENIOR SEMINAR

### “INTEGRATED STRATEGIES TO CONFRONT DOMESTIC VIOLENCE AND CHILD ABUSE<sup>1</sup>”

---

#### Course Rationale

---

#### Background and Current Situation

Formerly, public authorities, including criminal justice agencies, did not intervene in violence and/or abuse in the family directed at women and children, even though the violence and/or abuse was serious enough to constitute a severe human rights violation and/or a crime. Historically, a patriarchal family system rooted in Roman law has dominated domestic relations. Male domination and control over females, and parents' domination and control over children, were regarded as natural in a society where patriarchy predominated.

The majority of victims, namely, women and children, had little choice because they depended on the perpetrators, namely, men and parents, for their survival. Thus, they were reluctant to accuse the perpetrators. Also, such behaviour was generally recognized as nothing more than a marital dispute and/or a parents' effort to discipline their own children. Criminal justice agencies, as well as the public, believing that the authorities should not interfere in family disputes, were often unwilling to intervene in such private matters.

On the other hand, substantial research has highlighted the adverse effects caused by such violence and/or abuse in the family. In addition to the immediate effects such as physical injury and psychological damage to victims and economic costs to society, there are also less obvious but equally harmful long-term effects. Victims of child abuse<sup>2</sup> tend to experience developmental disturbances both physically and psychologically. And there is evidence that a "Cycle of Violence" is created in which childhood abuse increases the likelihood of future delinquency and adult criminality. In some cases, abusive men are killed by their female victims, who, after years of intolerable abuse, finally get their revenge. Thus, it is entirely fair to say that domestic violence and child abuse are serious problems to be confronted in view of the sound development of youth and in view of crime prevention, especially further family violence of the same kind.

In recent years, due to the seriousness of their effects, domestic violence and child abuse has become an issue of concern to the international community. Although governments make some efforts to alleviate the problem, they are still searching for better solutions. In this context, the sharing of information and experience among nations is highly beneficial.

---

<sup>1</sup> There are several definitions of domestic violence and those of child abuse; some are narrower than others. In this course, however, the term "domestic violence" means violence against women/men by their male/female partners in an intimate relationship. Also, the term "child abuse" means physical, sexual and emotional abuse and neglect of a child by his/her parent(s) or guardian(s).

<sup>2</sup> Including children who have witnessed domestic violence.

## UN Norms and Guidelines

In 1948, the United Nations enumerated basic human rights in the Universal Declaration of Human Rights<sup>3</sup>. However, it was not until the 1970s that the United Nations and the world community really focused on the issue of domestic violence and child abuse. Women's Rights and Victims' Rights, which came to be acknowledged by the international community at that time, fostered a worldwide awareness of the issue. In 1978, the General Assembly adopted the "Convention on the Elimination of All Forms of Discrimination against Women" and the State Parties agreed "to pursue by all appropriate means and without delay a policy of eliminating discrimination against woman"<sup>4</sup>. In 1985, the "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" was adopted by the General Assembly and it was clarified that "a person may be considered a victim ...regardless of the familial relationship between the perpetrator and the victim"<sup>5</sup>.

As regards protection of child abuse victims, the "Convention on the Rights of the Child" in 1989 stated "States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child"<sup>6</sup>. Also, "United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)" in 1990 required governments to tackle the issue of the prevention of domestic violence and fair treatment to victims of domestic violence "within and outside the criminal justice system"<sup>7</sup>.

The General Assembly resolution on "Domestic Violence" urges Member States to establish and implement multidisciplinary policies to confront the issue. In particular, it specified four aspects to be tackled as follows: (a) prevention, (b) treatment and assistance to the victims, (c) increase of awareness and sensitivity and (d) treatment for the offenders<sup>8</sup>.

The Third World Conference on Women held in Nairobi in 1985 and the World Conference on Human Rights held in Vienna in 1993 highlighted the importance of working towards the elimination of violence against women in public and private life. The "Declaration on the Elimination of Violence against Women"<sup>9</sup>, which was adopted by the General Assembly in 1993, clearly stated that violence against women constitutes a violation of the human rights of women<sup>10</sup>. In this declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women whether occurring in public or in private life<sup>11</sup>. It also declares that "States should condemn violence against women"<sup>12</sup>. In 1993, the United Nations produced a manual for practi-

---

<sup>3</sup> General Assembly resolution 217 A (III).

<sup>4</sup> General Assembly resolution 34/180, Article 2.

<sup>5</sup> General Assembly resolution 40/34, Article 2.

<sup>6</sup> General Assembly resolution 44/25, Article 19.

<sup>7</sup> General Assembly resolution 45/112, Article 51. In these guidelines, domestic violence includes child abuse.

<sup>8</sup> General Assembly resolution 45/114, Article 1. In this resolution, domestic violence means violence against children, the elderly and "those especially vulnerable because of disability" as well as women.

<sup>9</sup> General Assembly resolution 48/104.

<sup>10</sup> Ibid. preamble.

<sup>11</sup> Ibid. Article 1.

<sup>12</sup> Ibid. Article 4.

tioners on the subject of domestic violence<sup>13</sup>. A large part of the manual discussed the criminal justice approach.

In 1995, the Fourth World Conference on Women held in Beijing adopted the "Beijing Declaration and Platform for Action". It provides two strategic objectives concerning the issue of violence against women, namely, to "take integrated measures to prevent and eliminate violence against women" and "study the causes and consequences of violence against women and the effectiveness of preventive measures"<sup>14</sup>. In the Twenty-third Special Session of the General Assembly held in New York in 2000, governments and the international community reaffirmed their commitment to the Platform for Action and a common development agenda, with gender equality as an underlying principle.

Such action taken by the United Nations and other international agencies changed the recognition of the international community on the issue of domestic violence and child abuse, namely, it is no more a hidden and perennial social problem to be ignored regardless of its serious consequences. Many governments, on the basis of such renewed recognition, actually started to change their national policy on the issue and introduced preventive measures, including raising public awareness.

### **Focal Points of the Course**

In consideration of the above, it is clear that governments are required to take effective action against domestic violence and child abuse as follows: (a) make a comprehensive plan which fits the reality through reviewing the current situation and clarifying target points to be solved; (b) develop integrated multidisciplinary networking to tackle the issue among related sectors such as criminal justice agencies, health and medical services, educators, social services and the community; (c) have the political will to prioritise the issue, and (d) collaborate on an international level with fellow governments and international agencies such as the United Nations.

Giving due consideration to the above rationale, UNAFEI, as one of the regional institutes of the United Nations for the Prevention of Crime and the Treatment of Offenders, intends to study the issue of domestic violence and child abuse in order to enhance its countermeasures.

The five focal areas of discussion in this training course will be as follows:

#### **(1) Prevention (Primary Prevention)**

Working to prevent domestic violence and child abuse requires a range of educational activities and an information drive; the main purpose of such activities being to raise public awareness. In other words, the public should acknowledge that the issue of domestic violence and child abuse is not just a private, family matter, but a serious human rights violation which needs to be prevented by the community as a whole. In addition, other types of educational activities might prove useful such as training in parenting for parents and soon to be parents and providing educational and vocational training programmes for women to improve their social status.

---

<sup>13</sup> "Strategies for Confronting Domestic Violence: a Resource Manual", United Nations, New York, 1993. In this manual, domestic violence means violence against women, children, the elderly and the disabled within their homes. However, it limits its scope to the violence perpetrated by male partners against their female partners, hoping that the strategies that it presents can also be used against other types of domestic violence.

<sup>14</sup> Ibid. Chapter IV: Strategic Objective and Actions.

## **(2) Intervention (Secondary Prevention) and Protection of Victims**

The authorities are required to stop domestic violence and child abuse as soon as any agency learns it is happening or it is about to happen. Victims or women and children at risk should be identified and these cases need to be reported so that the authorities can take necessary action. Setting up a special drop-in centre for women and children at risk and a hot-line service, which accepts reports from the public, may be useful.

On the other hand, it is often difficult to detect such crimes or dangerous situations early enough for timely intervention, because they usually occur in private. Governments need to be aware that their actions may be considered an unreasonable invasion of family and personal privacy, and parental rights when they intervene in such cases. In consideration of this, governments are required to establish appropriate legislation and guidelines for practice, and to monitor its implementation. In particular, several issues as follows need special attention: entry into private premises by administrative authorities for investigation purposes; victim protection in the form of forbidding any contact between perpetrators and victims; court-ordered tentative restrictions on parental rights; protection orders that restrain the offender from causing further violence to the victim; and sanctions including criminal punishment for breaches of court orders. Criminal justice agencies must balance two expectations which do not necessarily harmonize, namely: prioritising victims' safety by providing them with appropriate and timely protection; and paying sufficient attention to the perpetrators' rights, including ensuring due process and the right of complaint.

## **(3) Criminal Investigation and Sentencing Process (Including Victim Protection)**

Criminal proceedings should be the norm in dealing with cases in which domestic violence and/or child abuse appears to constitute a crime, just like with any other act of violence. However, many such cases present special procedural difficulties. It might be difficult for investigators to decide when, and on which evidence, to initiate a formal investigation and arrest the suspects. Especially, in cases in which the victim is not fully cooperative, it is necessary to determine whether to continue the investigation.

In many cases, such alleged criminal activity is "the tip of the iceberg", namely, just a part of a series of similar victimizations which have been repeated over a long period of time. Investigators should endeavour to pursue the perpetrators with appropriate criminal charges which correspond to the gravity of their behaviour as a whole. Thus investigators are required to clarify the entire course of the perpetrator's wrongdoing and evaluate its gravity even if they can prosecute only one or two particular incident(s) due to a lack of evidence.

A lengthy investigation and judicial process may enable the perpetrator to pressurize and intimidate the victim while the victim may become less willing to continue the proceedings. These factors may mislead the investigator and the court into an inappropriate assessment concerning the seriousness of the alleged criminal activity and the likelihood of further offending. Thus investigators and the courts should continue criminal proceedings without delay.

Victims should be provided sufficient protection during the investigation and court proceedings. There are three main measures in order to achieve this goal as follows: (a) to provide training programmes for the police and prosecutors who deal with cases of domestic violence and child abuse so that they are better able to handle such cases, (b) to establish safeguards for victims who report the perpetrators to the police so that they will not suffer revenge from the accused and social disadvantage, (c) to establish a witness protection programme so that victims who testify in court will be protected from psychological pressure and/or threats by the perpetrator.

#### **(4) Treatment for Perpetrators**

After sentencing, some perpetrators will be imprisoned while others will be put under probationary supervision in the community. Under either treatment framework, namely, the institutional setting or the community setting, the offenders should be punished according to their criminal responsibilities and should also be treated so that they will change their behaviour and attitude. Better results will be achieved if the treatment providers understand the nature of these types of offences and the offenders.

Many of them are perpetrators and, at the same time, victims. In other words, many of them have unresolved psychological conflicts within them, often as a legacy of their childhood victimization. Therefore, in such cases it is not necessarily appropriate to apply to them established treatment methods for offenders in general. Thus, it is important to develop effective and evidenced-based treatment programmes which are tailored to their own needs. Some treatment programmes, using a group format based on the cognitive behaviour approach, appear to be promising.

#### **(5) An Integrated Approach to the Issue of Domestic Violence and Child Abuse**

Given that each stage mentioned above should have consistency and requires integrated networking among related agencies and the community, it is clear that governments should take a national initiative and formulate a comprehensive plan. Governments need to raise the public's awareness so that the issue becomes recognized as an important social problem, and have the political will to prioritise it, and pass the necessary legislation.

Criminal justice agencies are required to develop an integrated approach and to implement it in practice through networking with related sectors such as health and medical services, educators, social services and the community, as well as internal coordination. It is expected that evidence-based research will develop and help to enhance the comprehensive plan mentioned above, in particular, improving both victim protection and a treatment programme for perpetrators.

In consideration of the above mentioned, the participants are required to seek feasible measures to tackle the issue.

### **ANNEX**

Possible discussion points in this training course will be as follows:

#### **(1) Domestic Violence**

- (a) The current situation and problems concerning the prevalence of domestic violence in the respective countries
- (b) The current legislation and its limitations in the respective countries
  - Outline of legislation
  - Mechanisms for the early identification of domestic violence cases and measures to provide immediate protection to victims/women at risk
  - Legal measures for victims' physical safety

- Legal measures that restrain the perpetrator from causing further violence to the victim
  - A legal framework supporting a perpetrator treatment programme
  - Ensuring due process for perpetrators and their right to make a formal complaint against disadvantageous court dispositions and administrative orders
  - Legal assistance for the victims
  - Victims' participation and representation in the criminal process
  - Offering information to the victim on the status of the case and whereabouts of the accused
  - Victim support, including compensation
  - Outline of applicable punishments and sanctions against perpetrators
- (c) The current situation of criminal proceedings (investigation and sentencing) and their limitations
- When and on which evidence to initiate an investigation
  - Difficulty in dealing with cases in which the victim is the only witness or the other witnesses are all family members
  - Difficulty in collecting evidence in cases in which a series of violence/abuse has been repeated over a long period of time
  - Deciding whether to continue the criminal proceedings when the victim is unwilling to cooperate, despite numerous incidents of violence/abuse
  - Witness protection
  - How to progress criminal proceedings with due process and without delay
  - Fostering networking with related agencies and the community
- (d) The current treatment programmes for perpetrators and their limitations
- Institutional treatment
  - Community-based treatment
  - Promising treatment programmes, including those by other agencies or the private sector

## **(2) Child Abuse**

- (a) The current situation and problems concerning the prevalence of child abuse in the respective countries

(b) The current legislation and its limitations in the respective countries

- Outline of legislation
  
- Mechanisms for the early identification of child abuse cases and measures to provide immediate protection to victims/children at risk
  
- Legal measures for victims' physical safety
  
- Legal measures that restrain the perpetrator from causing further violence to the victim
  
- Legal measures for perpetrator treatment programmes
  
- Ensuring due process for perpetrators and their right to make a formal complaint against disadvantageous court dispositions and administrative orders
  
- Legal assistance for the victims
  
- Offering information to the victim on the status of the case and whereabouts of the accused
  
- Victim support, including compensation
  
- Outline of applicable punishments and sanctions against perpetrators

(c) The current criminal proceedings (investigation and sentencing) and their limitations

- When and on which evidence to initiate an investigation
  
- Difficulty in dealing with cases in which the victim is the only witness or the other victims are all family members
  
- Difficulty in collecting evidence in cases in which a series of violence/abuse has been repeated over a long period of time
  
- Deciding whether to continue the criminal proceedings when the victim is unwilling to cooperate despite numerous incidents of violence/abuse
  
- Issue of confidentiality of child victims such as using closed hearings and limiting media exposure
  
- Witness protection
  
- How to progress criminal proceedings with due process and without delay
  
- Fostering networking with related agencies and the community

(d) The current treatment programmes for perpetrators and their limitations

- Institutional treatment
- Community-based treatment
- Promising treatment programmes, including those by other agencies or the private sector

**(3) Effective preventive measures against domestic violence and child abuse**

(a) Awareness raising and educational activities

(b) Establishing and running a special drop-in centre and/or a hot-line service

(c) A range of services for women and children offered by health and medical services and social services.

(d) How to cope with offenders who have unresolved psychological conflicts within them as a legacy of their childhood victimization

**(4) An Integrated approach to domestic violence and child abuse**

(a) National initiatives as a comprehensive plan

(b) Measures to foster multidisciplinary networking

(c) Measures to enhance collaboration with the community

(d) Evidence-based research which provides a basis for policymaking

---

## Course Summary

---

### Lectures

In total, eight lectures were presented by visiting experts, ten by ad hoc lecturers and six by the professors of UNAFEI. Four distinguished criminal justice practitioners and scholars from abroad served as UNAFEI visiting experts. They lectured on issues relating to the main theme, and contributed significantly to the Course by encouraging discussions after their own lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, distinguished senior officials of the Government of Japan delivered ad hoc lectures. The lecturers and lecture topics are listed on pages 12 to 14.

### Individual Presentations

During the first two weeks, each Japanese and overseas participant delivered an individual presentation, which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled onto a Compact Disc and distributed to all the participants. The titles of these individual presentation papers are listed on pages 15 and 16.

### Group Workshop Sessions

Group Workshop 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 visiting experts and faculty members served as advisers. Each group's primary responsibility was to explore and develop their designated topics in the group workshop sessions. The participants, experts and UNAFEI faculty studied the topics and exchanged their views based on information obtained through personal experience, the individual presentations, lectures and so forth. After the group workshop sessions, reports were drafted based on the discussions in their groups. These reports were subsequently presented in the plenary meetings and report-back session, where they were endorsed as the reports of the Course. Brief summaries of the group workshop reports are provided on pages 17 to 19.

### 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 Course'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 20 to 23.

---

## Lecture Topics

---

### *Visiting Experts' Lectures*

- 1) Dr. Harry Stefanakis (Canada)
  - The Implementation of Programmes for Offenders of Intimate Partner Violence in British Columbia
  - Violence in Intimate Relationships: Working with Offenders
- 2) Dr. Alexander Butchart (WHO)
  - Violence and Public Health: An Integrated, Evidence-based Approach to Preventing Domestic Violence and Child Abuse - Part I
  - Violence and Public Health: An Integrated, Evidence-based Approach to Preventing Domestic Violence and Child Abuse - Part II
- 3) Ms. Kanwaljit Deol (India)
  - Crimes against Women Cells - The Delhi Police Experience
  - Training for Change
- 4) Ms. Celia C. Yangco (Philippines)
  - A Comprehensive Approach to Prevention of Child Maltreatment in the Philippines: Building Partnerships Among Agencies, Organizations and the Community - Part I
  - A Comprehensive Approach to Prevention of Child Maltreatment in the Philippines: Building Partnerships Among Agencies, Organizations and the Community - Part II

### *UNAFEI Professors Lectures*

- 1) Mr. Haruhiko Higuchi, *Professor*, UNAFEI
  - Police of Japan
- 2) Mr. Tomoyuki Noge, *Professor*, UNAFEI
  - Investigation and Prosecution - Criminal Justice System in Japan
- 3) Mr. Ichiro Sakata, *Professor*, UNAFEI
  - The Criminal Justice System in Japan: The Courts

- 4) Mr. Masato Uchida, *Professor*, UNAFEI
  - Institutional Corrections in Japan
- 5) Ms. Tae Sugiyama, *Professor*, UNAFEI
  - Community - Based Treatment of Offenders in Japan
- 6) Ms. Megumi Uryu, *Professor*, UNAFEI
  - UN Work on Domestic Violence and Child Abuse

### *Ad Hoc Lectures*

- 1) Prof. Hidehiko Kawazu, Tamagawa University
  - The Child Welfare System in Japan
- 2) Dr. Eiichi Senoo, Tokyo Institute of Psychiatry
  - Domestic Violence and Child Abuse in Japan: Present Status and Countermeasures
  - Pilot Project of Batterer Programme in Japan
- 3) Ms. Sayoko Nobuta, Director, Harajuku Counselling Centre
  - Violence in Families - Domestic Violence and Abuse - The Actual State of the Domestic Violence Batterer Treatment Programme
- 4) Mr. Takao Kaneko, Chief Family Court Probation Officer, Tokyo Family Court
  - Role of the Family Court in Child Abuse and Domestic Violence
- 5) Prof. Hiroko Goto, Chiba University
  - Legislation on Domestic Violence and Child Abuse
- 6) Ms. Chiho Hatakeyama, Superintendent, National Police Agency
  - Dealing with Domestic Violence Cases
- 7) Mr. Akihisa Maruyama, Superintendent, National Police Agency
  - Dealing with Child Abuse Cases

- 8) Ms. Kazuko Hirakawa, Tokyo Feminist Therapy Centre and Ms. Ritsuko Nomoto, Women's Net Saya - Saya
  - What is Necessary for the Protection of Victims? - Today's Survivors of Domestic Violence in Japan (Process of Self-reliance for the Victims)
- 9) Ms. Akiko Komatsu, Women's Counselling, Kyoto (Study tour lecture)
  - What Should Local Governments do to Address Domestic Violence?

---

**Individual Presentation Topics**

---

***Overseas Participants***

- 1) Mr. Lim Thong (Cambodia)
  - Country Report
- 2) Mr. Hossam Eldin Mohamed Aly Abo Helw (Egypt)
  - Country Report
- 3) Mr. Jioape Tukitoga Caginidaveta (Fiji)
  - Brief Overview on Domestic Violence and Child Abuse in Fiji
- 4) Ms. Ligia Yvette Turcios Torres (El Salvador)
  - Domestic Violence and the Intervention of the Salvadorian State
- 5) Ms. Irene Putrie (Indonesia)
  - Domestic Violence and Child Abuse
- 6) Ms. Rosemary Nanjala Nabwana (Kenya)
  - Country Report
- 7) Ms. Nor Azilah Hj. Jonit (Malaysia)
  - Country Report
- 8) Mr. Thuya Thein Tun Aung (Myanmar)
  - Country Report
- 9) Mr. Akbar Nasir Khan (Pakistan)
  - Country Report
- 10) Mr. Hilbert Macagaling Flor (Philippines)
  - Country Report
- 11) Mr. Peleniseaila Ifo (Samoa)
  - Country Report
- 12) Mr. Delana Mudiyansele Sarath Abayagunawardana (Sri Lanka)
  - Country Report
- 13) Mr. Lameck M.H. Bankobeza (Tanzania)
  - Country Report
- 14) Ms. Foelane Chipu Muronda (Zimbabwe)
  - Country Report
- 15) Mr. Chi Keung Kan (Hong Kong)
  - Country Report

- 16) Mr. Jae Ho Lee (Korea)  
• Country Report

*Japanese Participants*

- 17) Mr. Hiroshi Aoki  
• Report from the Prosecution on the Measures against Domestic Violence
- 18) Mr. Tomoyuki Hatakeyama  
• Treatment of Abused Delinquents in Juvenile Training Schools
- 19) Mr. Katsuhiro Kasai  
• Outline of System and Practice of Protection Orders in the Law for the Prevention of Spousal Violence and the Protection of Victims
- 20) Mr. Koji Miura  
• Treatment For Perpetrators of Domestic Violence and Child Abuse in the Japanese Correctional Institutions
- 21) Mr. Masaki Nagai  
• Effective Treatment for Child Abuse - Current Situation and Problems of Child Abuse (Art. 28 of the Child Welfare Law) Cases
- 22) Mr. Hiroki Sugimoto  
• Domestic Violence and Child Abuse in Probation/Parole Cases - Future Prospects of the Japanese Probation Offices
- 23) Mr. Eiichi Suzuki  
• Parole Supervision of Domestic Violence Offenders in Japan
- 24) Ms. Asako Takashima  
• Criminal Law Regarding Children and its Enforcement in Japan
- 25) Mr. Hironori Yokoyama  
• Current Situation and Problems with Criminal Trials in Regard to Domestic Violence Cases and Child Abuse Cases

---

**Group Workshop Sessions**

---

**Group 1**

**Effective Criminal Justice Responses to Child Abuse and to Domestic Violence**

---

<b>Chairpersons</b>	Mr. Lim Thong	(Cambodia)
	Mr. Hossam Eldin Mohamed	(Egypt)
	Aly Abo Helw	
<b>Rapporteur</b>	Ms. Irene Putrie	(Indonesia)
<b>Co-Rapporteurs</b>	Ms. Foelane Chipso Muronda	(Zimbabwe)
	Mr. Hironori Yokoyama	(Japan)
<b>Members</b>	Mr. Hiroshi Aoki	(Japan)
	Mr. Masaki Nagai	(Japan)
	Ms. Ligia Yvette Turcios Torres	(El Salvador)
<b>Visiting Expert</b>	Ms. Kanwaljit Deol	(India)
<b>Advisers</b>	Prof. Satoko Ikeda	(UNAFEI)
	Deputy Director Keisuke Senta	(UNAFEI)
	Prof. Motoo Noguchi	(UNAFEI)
	Prof. Tomoyuki Noge	(UNAFEI)

---

*Report Summary*

In order to pursue the above assigned topic Group 1 agreed to the following agenda for discussion: the problems inherent in the investigation and adjudication of Child Abuse (CA) and Domestic Violence (DV); ways to encourage reporting and appropriate responses; technical improvements of criminal justice procedures; and effective dispositions.

After discussing the above the Group agreed on the importance of education and public awareness of the mechanisms of abuse. Insofar as criminal justice agencies were concerned, the Group agreed: 1) On the importance of treating DV and CA as criminal acts. 2) The need for a multidisciplinary approach to victim protection and support. 3) Victim protection should not compromise the offender's right to due process and speedy criminal procedure. 4) The need to rehabilitate offenders to prevent them re-offending.

The Group then made the following recommendations: 1) Criminalize DV and CA acts to ensure the purposes underlined by the relevant UN instruments. 2) Train and educate criminal justice personnel who deal with DV/CA. 3) Cooperate and collaborate with other agencies outside of the criminal justice system. 4) Develop suitable programmes to treat offenders having regard to the available resources. 5) Utilize experts and technology to improve the performance of criminal justice agencies.

**Group 2****Protective Measures for Victims of Child Abuse and Domestic Violence**


---

<b>Chairperson</b>	Mr. Jioape Tukitoga Caginidaveta	(Fiji)
<b>Co-Chairpersons</b>	Mr. Katsuhiro Kasai	(Japan)
	Mr. Sarath Abayagunawardana Delana Mudiyansele	(Sri Lanka)
<b>Rapporteur</b>	Ms. Nor Azilah Hj. Jonit	(Malaysia)
<b>Co-Rapporteurs</b>	Ms. Asako Takashima	(Japan)
	Mr. Akbar Nasir Khan	(Pakistan)
<b>Members</b>	Mr. Tomoyuki Hatakeyama	(Japan)
	Ms. Rosemary Nanjala Nabwana	(Kenya)
<b>Visiting Experts</b>	Dr. Alexander Butchart	(WHO)
	Ms. Celia C. Yangco	(Philippines)
	Ms. Kanwaljit Deol	(India)
<b>Advisers</b>	Prof. Megumi Uryu	(UNAFEI)
	Prof. Haruhiko Higuchi	(UNAFEI)
	Prof. Tae Sugiyama	(UNAFEI)
	Prof. Ichiro Sakata	(UNAFEI)

---

*Report Summary*

Group 2 agreed to the following agenda for discussion: raising public awareness through publicity and education; minimizing victimization by encouraging reporting; interdisciplinary coordination to respond to reports of DV and CA.; ensuring the safety of victims; and legal and policy solutions.

After extensive discussion of the above topics the Group came up with the following recommendations: 1) To promote general prevention the role of education and public awareness is critical and media and private sector participation is very important. 2) The target of these awareness raising campaigns should be people from all strata of society. 3) In order to encourage reporting, protection of the source of information should be ensured and professionals dealing with victims should be exempted from confidentiality. 4) Depending on the individual country's social and cultural circumstances, a system of mandatory reporting may be implemented to encourage the public to report domestic violence and child abuse. 5) Maximum channels should be available to the public to seek relief and an interdisciplinary coordination mechanism can result in providing immediate and direct relief to the victims. 6) Timely and appropriate level of intervention is vital to ensure the safety of victims. 7) Counselling is not only important for victims but perpetrators should also be targeted to improve their behaviour and break the cycle of violence. 8) Public education is a major way of minimizing secondary victimization by the community. Moreover, criminal justice practitioners should also be aware of the plight of victims and equipped with skills to deal with them appropriately. 9) A Legal framework for effective and prompt protective orders should be in place and violations of these orders should be criminalized. 10) A holistic approach e.g. Unified Family Courts is an alternative solution to the problem but its practical difficulties should be taken into account. The most important thing is to provide relief and protection for victims and this should be at the forefront of existing and future judicial arrangements.

**Group 3****Treatment Programmes for Perpetrators**


---

<b>Chairperson</b>	Mr. Jae Ho Lee	(Korea)
<b>Co-Chairpersons</b>	Mr. Hiroki Sugimoto	(Japan)
	Mr. Lameck M.H. Bankobeza	(Tanzania)
<b>Rapporteur</b>	Mr. Chi Keung Kan	(Hong Kong)
<b>Co-Rapporteurs</b>	Mr. Koji Miura	(Japan)
	Mr. Hilbert Macagaling Flor	(Philippines)
<b>Members</b>	Mr. Eiichi Suzuki	(Japan)
	Mr. Thuya Thein Tun Aung	(Myanmar)
	Mr. Peleniseaila Ifo	(Samoa)
<b>Visiting Expert</b>	Dr. Harry Stefanakis	(Canada)
<b>Advisers</b>	Prof. Tamaki Yokochi	(UNAFEI)
	Prof. Hiroyuki Shinkai	(UNAFEI)
	Prof. Masato Uchida	(UNAFEI)

---

*Report Summary*

In order to fully cover the above topic Group 3 agreed to discuss possible treatment programmes for DV/CA perpetrators in the respective countries (the "Programme") under the following headings: purposes, target participants, setting, methodology, time frame, funding, staffing arrangements and schedule of the Programme.

After extensive discussion Group 3 agreed that the perpetrators of DV/CA need to undertake a special perpetrators programme, and used the "Common Hybrid Model" as a guideline. In order to implement this programme/guideline in each field (community and institutional), the different settings in the respective countries would have to be considered.

The Group concluded as follows: 1) States are obliged to promote treatment programmes for DV/CA perpetrators. 2) Treatment programmes must address the risks, needs and characteristics of target perpetrators. 3) States must consider the status of perpetrators such as inmates, probationers/parolees. 4) States can utilize programmes which are proven to be effective based on research evidence. States may change such programmes depending on their own particular conditions. 5) State government needs to co-operate with other stakeholders, such as, civil organizations, etc. 6) Staff competency is important for successful treatment programmes, therefore, appropriate training is essential. 7) Proper evaluation of the treatment programmes is important. 8) Safety of victims and their family members should be considered in developing treatment programmes.

---

**Observation Visits**

---

<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
May 25	Tokyo Family Court	• Mr. Takao Kaneko (Family Court Probation Officer)
May 30	Tokyo District Public Prosecutors Office	• Mr. Yasutoshi Murakami (Deputy Director, General Affairs Department)
	Ministry of Justice	• Ms. Chieko Nohno (Minister of Justice)
May 31	Tokyo Metropolitan Child Guidance Centre	• Mr. Satoshi Ohno (Team Leader, Project Section)
June 7	National Police Agency	• Mr. Tetsuro Ito (Director General of the Community Safety Bureau)
June 16	Fuchu Prison	• Mr. Hideo Sato (Senior Researcher)
June 21	Tokyo District Court	• Mr. Seishi Kanetsuki (Chief Judge)
	Supreme Court	• Mr. Tatsuo Kainaka (Justice)
June 22	Aiko Juvenile Training School for Girls	• Ms. Nobuko Murai (Superintendent)

---

**Group Study Tour**

---

<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
June 2 - 4	Hiroshima and Kyoto	<ul style="list-style-type: none"><li>• Hiroshima Probation Office</li><li>• Shimotonoda Police Box</li></ul>	<ul style="list-style-type: none"><li>• Mr. Kiyoshi Tadano (Officer in Charge of General Affairs)</li><li>• Mr. Hidetoshi Hatsutory (Police Inspector)</li></ul>

---

## Special Events

---

May 16 *Welcome Party*

May 18, 19, 23 *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The Sensei (teacher) was Ms. Kumiko Yanagisawa.

May 20 *Ping-Pong Tournament*

The participants enjoyed a ping-pong tournament at UNAFEI in which the staff and faculty members of UNAFEI also participated. This was followed by a friendship party and prize-giving.

May 25 *ACPF Minoru-Kai Party*

The ACPF Minoru-Kai hosted an enjoyable party at the Sunshine Sixty building in central Tokyo.

May 27 *UNAFEI Olympics*

The UNAFEI Olympic Games were held on the grounds of the Training Institute for Correctional Personnel. The participants competed in such events as racket relay, tug of war and the true or false quiz. Afterwards, there was a friendship party at UNAFEI.

May 30 *Courtesy Visit to the Ministry of Justice and  
Reception by the Vice-Minister of Justice*

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

June 9 *Meeting with Volunteer Probation Officers and Friendship Party*

A discussion session was arranged to exchange views between the Volunteer Probation Officers (VPOs) and the participants. It was organized by UNAFEI and the Rehabilitation Bureau of the Ministry of Justice. It was followed by dinner and a friendship party at UNAFEI.

June 11 and 18 *Home Visits*

ACPF Fuchu Branch organized dinners for the participants and visiting experts in the homes of members from the Fuchu International Exchange Salon, Tokyo Fuchu Rotary Club and Soroptimist International of Tokyo, Fuchu. The hosts were Mr. Yoshiyuki Sakano, Ms. Chitose Sashida, Mr. Yasuhiro Momota, Ms. Yuriko Ishizuka and Mr. Shigeyuki Ogawa.

June 12 *UNAFEI Barbecue Party*

The participants and UNAFEI staff enjoyed a Sunday afternoon barbecue party on the lawn at UNAFEI. Entertainment was provided by the new UNAFEI band.

June 16 *ACPF Fuchu Party*

The ACPF Fuchu branch hosted an enjoyable party for the participants and their host families at UNAFEI.

June 18 *The Way of Tea*

The participants enjoyed lunch at Tanaka House in Kyodo-no-Mori park. This was followed by "Chan-no-yu" or "Sado", a formal Japanese tea ceremony hosted by Soroptimist International Tokyo, Fuchu.

June 22 *Suntory Brewery Visit*

The participants visited the Suntory brewery where they were given a guided tour. Afterwards the Fuchu Rotary Club hosted a very enjoyable party.

June 23 *Farewell Party*

---

## Reference Materials Distributed

---

### I. UN Conventions, Standards and Norms

U.N. 1948 G.A.Res. 217IIIA. Universal Declaration of Human Rights.

U.N. 1978 G.A.Res. 34/180 Convention on the Elimination of All Forms of Discrimination against Women.

U.N. 1985 G.A.Res. 40/34 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.

U.N. 1989 G.A.Res. 44/25. Convention on the Rights of Child.

U.N. 1990 G.A.Res. 45/112 Art. 51. United Nations Guidelines for Prevention of Juvenile Delinquency (The Riyadh Guidelines).

U.N. 1990 G.A.Res. 45/114 Art. 1. Domestic Violence.

U.N. 1993 G.A.Res. 48/104. The Declaration on the Elimination of Violence against Women.

U.N. 1993 Strategies for Confronting Domestic Violence: a Resource Manual.

U.N. 1995 Beijing Declaration and Platform for Action (Violence against women).

U.N. 2003 G.A. Res. 58/147 Elimination of Domestic Violence against Women.

### II. Overviewing the Existing Problems

Kevin Browne & Martin Herbert. 1997. Introduction and Ch. 1 "Forms of family violence and levels of prevention" in Preventing Family Violence, pp. 1-22.

WHO. 2002. Ch. 3 "Child abuse and neglect by parents and other caregivers" in The World Report on Violence and Health, pp. 59-86.

WHO 2002. Ch. 4 "Violence by intimate partners" in The World Report on Violence and Health, pp. 89 - 121.

Ministry of Justice, Japan 2003. Ch. 2 "Overview of domestic violence" in Study Concerning Perpetrators of Domestic Violence (DV) Research Department Report 24, pp. 8-19.

Lundy Bancroft & Jay G. Silverman. 2003. Ch. 2 "Power parenting: The batterer's style with children" in The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics, pp. 29-53.

Kevin Browne & Martin Herbert. 1997. Ch. 4 "Predicting spouse maltreatment" In Preventing Family Violence, pp. 60-84.

Kevin Browne & Martin Herbert. 1997. Ch. 6. "Predicting and preventing child maltreatment" in Preventing Family Violence, pp. 111-145.

WHO. 2004. Ch. 2 "Costs of interpersonal violence" in The Economic Dimensions of Interpersonal Violence, pp. 13-27.

Sylvia Walby. 2004. The Cost of Domestic Violence.

Suzette Fromm. 2001. Total Estimated Cost of Child Abuse and Neglect in the United States.

Ministry of Justice, Japan. 2003. Excerpt from Ch. 5 Perpetrator Study Conducted by the Research Department of the Research and Training Institute of the Ministry of Justice in Research and Training Institute, Research Department Report 24, pp. 31-32, 209-217.

Theodore Cross et. al. 2003. "Prosecution of Child Abuse: A Meta - Analysis of Rates of Criminal Justice Decisions" in Trauma, Violence, & Abuse, Vol. 4, No. 4, Oct. 2003, pp. 323-340.

### **III. Effective Responses to Victims (including prevention)**

Audrey Mullender. 2000. Briefing Note "Reducing Domestic Violence... What works?: Meeting the Needs of Children".

Lundy Bancroft & Jay G. Silverman. 2002. Ch. 9 "Improving community responses to the parenting of batterers" in The Batterer as Parent: Addressing the Impact of Domestic Violence on Family Dynamics, pp. 188-213.

Kevin Browne & Martin Herbert. 1997. Ch. 11 "Preventing the cycle of violence" In Preventing Family Violence, pp. 246-270.

Kevin Browne & Martin Herbert. 1997. Ch. 5 "Preventing spouse maltreatment" In Preventing Family Violence, pp. 85-110.

Zweig and Burt. 2003. "Effects of interactions among community agencies on legal system responses to domestic violence and sexual assault in STOP - Funded communities" in Criminal Justice Policy Review June 2003, pp. 249-272.

### **IV. Legal and Social Changes**

Boston College Third World Law Journal Book Review. 2004. Criminalizing Marital Rape in Indonesia: Violence against Women in Asian Societies. Edited by Lenore Manderson and Linda Rae Bennett, Boston College Third World Law Journal, Spring 2004, pp. 421-441.

Irene Fernandez. 1992. "Mobilizing on All Fronts: A Comprehensive Strategy to End Violence Against Women in Malaysia" in Freedom from Violence: Women's Strategies from Around the World, pp. 199-212.

Hina Jilani. 1992. "Whose Laws?: Human rights and violence against women in Pakistan" in Freedom from Violence: Women's Strategies from Around the World, pp. 62-74.

Radhika Coomaraswamy. 1992. "Of Kali Born: Women, violence and the law in Sri Lanka" in Freedom from Violence: Women's Strategies from Around the World, pp. 49-61.

Sheelagh Stewart. 1992. "Working the System: Sensitizing the Police to the Plight of Women in Zimbabwe" in *Freedom from Violence: Women's Strategies from Around the World*, pp. 157-171.

Mark Irving. 2002. "Fourth annual review of gender and sexuality law: Violence law chapter: Domestic violence" *The Georgetown Journal of Gender and the Law*, Fall 2002, pp. 451-488.

## **V. Modifying and Improving Criminal Justice**

Ruth Lewis. 2004. "Making Justice Work", *British Journal of Criminology* Vol. 44. No. 2 2004, pp. 204-224.

Luiza Nagib Eluf. 1992. "A New approach to law enforcement: The special women's police station" in *Freedom from Violence: Women's Strategies from Around the World*, pp. 101-120.

International Bureau for Children's Rights. 2003. *Canada Guidelines on Justice for Child Victims and Witnesses of Crime*, pp. 4-15.

Allison Turke and Christina Shaw. 2003. "Strategies for handling cases where children witness domestic violence." In *Update* Vol. 16, No. 2, 2003.

Tracy Bahm. 2004. DV 101.

Washington State Center for Court Research. 2004. *An Evaluation of Unified Family Court Pilot Sites in Washington State Executive Summary*.

Cook et. al. 2004. *Evaluation of Specialist Domestic Violence Courts/Fast Track Systems*, March 2004, pp. 1-27, pp. 142-153.

Meghan Scahill. 1999. *Representation of Children: Prosecuting Attorneys in Dependency Proceedings in Juvenile Court: Defining and Assessing a Critical Role in Child Abuse and Neglect Cases*, *Journal of the Center for Children & the Courts*, Vol.1, pp. 73-99.

Ellen Pence & Michael Paymar. 1993. Ch. 2 "The project design" in *Education Groups For Men Who Batter: The Duluth Model*, pp. 17-27, 185.

Melanie Shepard. 1993. Ch. 6 "Evaluation of domestic abuse intervention programs" in *Education Groups for Men Who Batter: The Duluth Model*, pp. 163-168.

Tineke Ritmeester. 1993. Ch. 7 "Batterers' programs, battered women's movement, and issues of accountability". in *Education Groups For Men Who Batter: The Duluth Model*, pp. 169-178.

National Institute of Justice. 2003. *Batterer Intervention Programs: Where Do we Go From Here?*

Audrey Mullender & Sheila Burton. 2000. *Policing & Reducing Crime Briefing Note "Reducing Domestic Violence... What works? Perpetrator Programmes"*.

Ministry of Justice, Japan. 2003. Ch. 6 "Measures for perpetrators of domestic violence" in *Study Concerning Perpetrators of Domestic Violence (DV) Research Department Report 24*, pp. 218-226.

Donald Dutton. 2001. Ch. 9: *The Treatment of Wife Assault in The Domestic Assault of Women-- Psychological and Criminal Justice Perspectives*, UBC Press, pp. 250-279.

---

## Experts and Participants List

---

### Visiting Experts

Dr. Harry Stefanakis (Canada)	Registered Psychologist Private Practice, Vancouver, B.C.
Dr. Alexander Butchart (World Health Organisation)	Coordinator, Prevention of Violence Department of Injuries and Violence Prevention, Non - communicable Diseases and Mental Health, World Health Organization, Geneva, Switzerland
Ms. Kanwaljit Deol (India)	Joint Commissioner of Police Headquarters, PHQ, New Delhi Police, India
Ms. Celia C. Yangco (Philippines)	Undersecretary for Operations Department of Social Welfare and Development, Project Director, Early Childhood Development Project, Philippines

### Overseas Participants

Mr. Lim Thong	Central Department of Justice Police Commissariat General of Cambodian National Police, Ministry of Interior, Cambodia
Mr. Hossam-Eldin Mohamed Aly Abo Helw	Judge Chief of a Family Court - Alexandria Court, Ministry of Justice, Egypt
Ms. Ligia Yvette Turcios Torres	Public Defender Prowraduria General Office, Public Ministry, El Salvador

Mr. Jioape Tukitoga Caginidaveta	Prison Officer (Officer in Charge) Fiji Prisons Service, Prisons Headquarters, Fiji
Ms. Irene Putrie	Public Prosecutor/Attorney General Attorney of the Republic of Indonesia, Republic of Indonesia
Ms. Rosemary Nanjala Nabwana	Senior Probation Officer/Manager Probation Girls' Hostel, Nakuru Probation Department, Ministry of Home Affairs, Kenya
Ms. Nor Azilah Hj. Jonit	Head Sexual Investigation Unit, Criminal Investigation Department, Royal Malaysia Police, Malaysia
Mr. Thuya Thein Tun Aung	Director Prison Department, Ministry of Home Affairs, The Union of Myanmar
Mr. Akbar Nasir Khan	District Police Officer Chitral Police Service of Pakistan, Pakistan
Mr. Hilbert Macagaling Flor	Jail Chief Inspector (Jail National Training Institute), Bureau of Jail Management and Penology, Department of the Interior and Local Government, Philippines
Mr. Peleniseaila Ifo	Senior Constable Criminal Investigation Branch, Ministry of Police Prisons and Fire Services, Samoa
Mr. Delana Mudiyansele Sarath Abayagunawardana	Commissioner Department of Probation and Child Care Services, Ministry of Women's Empowerment and Social Welfare, Sri Lanka

Mr. Lameck M.H. Bankobeza	Prison Officer, Legal and Welfare Officer Tanzania Prisons Service, Prisons Headquarters, Tanzania
Ms. Foelane Chipo Muronda	Public Prosecutor Attorney General's Office, Zimbabwe
Mr. Chi Keung Kan	Chief Officer (Penal Operations) Headquarters, Correctional Services Department, Hong Kong
Mr. Jae Ho Lee	Education Specialist Education and Reform Division, Daejeon Correctional Institute, Korea
<b>Japanese Participants</b>	
Mr. Hiroshi Aoki	Public Prosecutor Osaka District Public Prosecutors Office
Mr. Tomoyuki Hatakeyama	Chief Specialist Ichihara Juvenile Training School
Mr. Katsuhiro Kasai	Assistant Judge Tokyo District Court
Mr. Koji Miura	Investigation Specialist Tokyo Detention House
Mr. Masaki Nagai	Family Court Probation Officer Chiba Family Court
Mr. Hiroki Sugimoto	Probation Officer Nagoya Probation Office
Mr. Eiichi Suzuki	Probation Officer Kanto Regional Parole Board
Ms. Asako Takashima	Public Prosecutor Yokohama District Public Prosecutors Office
Mr. Hironori Yokoyama	Assistant Judge Tokyo District Court

---

**TENTH SPECIAL SEMINAR FOR SENIOR CRIMINAL JUSTICE  
OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA**

---

The Tenth Special Seminar for Senior Criminal Justice Officials of the People's Republic of China was held from 23 February - 11 March 2005. The Theme of the Seminar was "Protection of human rights for suspects and defendants in criminal proceedings and utilization of non-custodial measures in the criminal justice system".

Sixteen senior criminal justice officials and the UNAFEI faculty comparatively discussed contemporary problems faced by China and Japan in relation to the above theme.

Mr. Yan, Jun-xing	Deputy Director Research Office, Ministry of Justice
Ms. Wang, Qian	Director Criminal Legislation Department, Legislative Affairs Commission of Standing Committee of NPC
Mr. Wu, Xiao-hua	Director Criminal Legislation Department, Legislative Affairs Commission of Standing Committee of NPC
Mr. Zhao, Jian-ji	Chief staff Research Office, Ministry of Justice
Ms. Zhao, Yang	Programme Officer International Division, Department of Judicial Assistance and Foreign Affairs, Ministry of Justice
Ms. Zhuang, Chun-ying	Deputy Division Director Research Office, Ministry of Justice
Mr. Miao, You-shui	Judge Supreme Court of China
Ms. Song, Chu-xiao	Judge Supreme Court of China

Mr. Cao, Feng	Supervisor/Senior Prosecutor Prosecution Department for Imprisonment and Reformatory, Supreme People's Procuratorate of China
Mr. Zhou, Chang-zhi	Supervisor/Senior Prosecutor Rail Transportation Prosecution Department, Supreme People's Procuratorate of China
Mr. Wang, Da-min	Deputy Section Chief Public Security Ministry
Mr. Zhou, Li-hua	Division Chief Police Supervision Bureau, Ministry of Public Security
Mr. Wang, Jue	Director General Department of the Guidance of the Grass-roots Work, Ministry of Justice
Mr. Wu, Ming-de	Deputy Director General Department of the Guidance Lawyers' and Notaries' Work, Ministry of Justice
Mr. Han, Jia-yi	Secretary General Criminal Trial Commission of All China Lawyers' Association
Mr. Zhou, Yong	Division Director Institute for Crime Prevention, Ministry of Justice

---

**THE FIRST SEMINAR ON CRIMINAL JUSTICE FOR  
CENTRAL ASIA**

---

The first Seminar on Criminal Justice for Central Asia was held from 28 February to 17 March 2005 at UNAFEI. The seminar was entitled a Comparative Study on the Criminal Justice Systems of the participating countries and Japan for the establishment of a fair and efficient Criminal Justice system. Sixteen participants from Central Asian countries participated.

Mr. Askar Narimanovich Okapov	Deputy Head of the Department of Investigation Ministry of Internal Affairs, Kazakhstan
Ms. Raushan Kasenovna Zhabakova	Deputy Head of the Department of International Relations General Prosecutor's Office, Kazakhstan
Mr. Melis Asanbekovich Asanbekov	Senior Prosecutor of Department General Prosecutor's Office, Kyrgyzstan
Ms. Damira Uzgenovna Kaimova	Senior Prosecutor General Prosecutor's Office, Kyrgyzstan
Mr. Askat Sharshekovich Sydykov	Chairman Court of Sverdlovskiy District, Bishkek City, Kyrgyzstan
Mr. Kanybek Joldoshbekovich Turdumambetov	Deputy of the Head Department for Investigation of Serious Crime Cases, General Prosecutor's Office, Kyrgyzstan
Ms. Dilbar Sohobovna Goibova	Chief Specialist Juridical Section, President's Office, Tajikistan
Mr. Muhamadjon Khairulloevich Khairulloev	Head Department of Control of Legality of Court Decisions, Office of Public Prosecutors, Tajikistan

Mr. Naim Mullaevich Mansurov	Chairman Court of Justice by the Name of Sino, Dushanbe City, Tajikistan
Mr. Koyunly Akoyliyev	Deputy Chairman Court of Balkan Region, Turkmenistan
Mr. Ataberdi Batyrovich Annaguliyev	Chairman Kopetdag District Court of Ashgabat, Turkmenistan
Mr. Tuvaknazar Sopiyeu	Member of Criminal College Supreme Court, Turkmenistan
Mr. Fayzulla Abdullaevich Abduazimov	Judge Supreme Court, Uzbekistan
Mr. Muradjan Kabilovich Karimov	Chief of Department Ministry of Internal Affairs, Uzbekistan
Mr. Murad Malikovich Khakimov	Head of the International Legal Department Ministry of Justice, Uzbekistan
Mr. Bakhtier Tairovich Samukov	Senior Prosecutor of Department General Prosecutor's Office, Uzbekistan

---

## INFORMATION ABOUT FORTHCOMING PROGRAMMES

---

### **1. The Second Training Course on Strengthening the Anti-Corruption Capacity in Thailand**

The Second Training Course on Strengthening the Anti-Corruption Capacity in Thailand will be held from 27 June - July 21, 2005. Twenty participants from the office of the National Counter Corruption Commission, Thailand will attend.

### **2. The 131<sup>st</sup> International Training Course**

The 131<sup>st</sup> International Training Course entitled "The Use and Application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power<sup>15</sup> - Twenty Years after of Its Adoption" will be held from 29 August - 6 October 2005.

#### Rationale

Considerable attention has deservedly been paid to ensuring due process and establishing fundamental rights for suspects and defendants. In contrast, under modern criminal justice systems, victims of crime were "forgotten persons" until the middle of the twentieth century. Despite the fact that they were most adversely affected by crime, little attention was paid to their protection, support, rights, interests and legal status in the criminal justice system. However, a common understanding regarding the necessity of promoting the protection and the support of victims of crime has developed. This development, which mainly took place in Western countries after the 1960s, can be divided into three stages. The first stage was the establishment of a system of monetary support for the victim (1960s). The second stage was the strengthening of immediate and direct support for the victim (1970s). After the second stage there was a realization that the victim in the criminal justice process had very few rights and the actual process sometimes victimized them a second time and this led to the third stage. The third stage has brought about the enactment of statutes for the improvement of the legal status of the victim and the establishment of the rights of the victim (from the 1980s).

It was not until the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (hereinafter referred to as "the Congress") in 1980 that the United Nations really focused on the issue of the protection of victims, when the Congress discussed this issue under the agenda item "Crime and the abuse of power: offences and offenders beyond the reach of law". Five years later, "The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" (hereinafter referred to as "the Declaration") was adopted at the Seventh Congress held in Milan, Italy in August and September 1985, and subsequently by the United Nations General Assembly on 29 November 1985. The Declaration is the most fundamental instrument adopted by the United Nations in relation to the improvement of the treatment of victims in the crime prevention and criminal justice field. The Declaration is divided into two parts, namely Part A: Victims of Crime and Part B: Victims of Abuse of Power. In summary, based on the philosophy that victims of crime should be treated with compassion and respect for their dignity, Part A recommends the following measures to be taken on behalf of victims of crime at the international, regional and national levels: that victims of crime are entitled to access to the mechanism

---

<sup>15</sup> General Assembly Resolution 40/34, 29 November 1985.

of justice and fair treatment; that fair restitution to victims by offenders responsible for their behaviour should be realized, where appropriate; that States should endeavour to provide financial compensation to victims, when compensation is not fully available from offenders; and that victims should receive the necessary material and psychological and social assistance. Part B proposes that states should consider incorporating into their national law norms prescribing abuses of power and providing remedies to victims of such abuses.

However, despite the adoption of the Declaration there was little evidence that adequate measures for the improvement of the treatment of victims, including changes to their legal systems, were taken by Member States. In consideration of the above, the United Nations Economic and Social Council recommended that Member States take the necessary steps to give effect to the provisions contained in the Declaration in its resolution 1989/57 of 24 May 1989, and recognized the need for continuous efforts to do so and to adapt the Declaration to meet the full range of needs and the circumstances of different countries in the preamble of its resolution 1990/22 of 24 May 1990. Moreover, the United Nations Commission on Crime Prevention and Criminal Justice, at its fifth session, adopted a resolution to develop a manual or manuals on the use and application of the Declaration, which was subsequently adopted as ECOSOC resolution 1996/14 of 23 July 1996. In response to that resolution, the Expert Group Meeting on Victims of Crime and Abuse of Power was established, and it developed "The Handbook on Justice for Victims on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power"<sup>16</sup> (hereinafter referred to as "the Handbook") and "The Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power"<sup>17</sup> (hereinafter referred to as "the Guide"). The Guide points out a big discrepancy between the implementation and the philosophy of the Declaration by stating in its introduction "There is probably no jurisdiction where the treatment of victims of crime and abuse of power is fully in accordance with the Declaration". In addition, the Vienna Declaration on Crime and Justice in 2000 also declared that "... we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in addition to developing and implementing witness protection policies."<sup>18</sup> Thus, twenty years since its adoption, its time for Member States to take necessary measures in accordance with the Declaration.

Giving due consideration to the above mentioned rationale, UNAFEI, as a regional institute of the United Nations Crime Prevention and Criminal Justice Programme Network, will explore in this Course various issues that relate to victims of crime and abuse of power, mainly in accordance with the Declaration.

In regard to victims of crime, the restorative justice approach has been frequently discussed in recent years. "Basic Principles on the Use of Restorative Justice Programmes in Criminal

---

<sup>16</sup> "The Handbook on Justice for Victims on the Use and Application of Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999. It can be obtained at the following web site: <http://www.uncjin.org/Standards/standards.html>.

<sup>17</sup> "The Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power." United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999. It can be obtained at the above web site.

<sup>18</sup> "Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century." General Assembly Resolution A/55/593. 17 January 2001: Para 27.

Matters"<sup>19</sup>, which is also a United Nations instrument, should be referred to, when the restorative justice approach is discussed as a related issue to victims of crime in this Course, although the restorative justice approach is not the focal point of this Course.

In regard to victims of abuse of power the Declaration states "Victims' (of abuse of power) means persons, who have suffered... substantial impairment..., through acts or omissions that do not yet constitute violations of national criminal laws but of internationally recognized norms relating to human rights". However, the term victims of abuse of power, is such a broad and ambiguous concept that sometimes it is argued that this concept includes, for example, abuse of power between states or between races, and even economic exploitation of employees and consumers by large enterprises. However, in this Course, we will concentrate on abuse of power in the criminal justice process, including even when such abuse constitutes a violation of national criminal laws. For example, we will deal with issues related to acts or omissions, including torture or inhumane treatment, by officials of criminal justice agencies, such as the police, prosecutors, judges, and correctional officers, which violate the fundamental human rights of suspects, defendants, offenders, etc.

### 3. Objectives

The focus of discussion in this Course will be as follows.

Participants are expected to study and analyse the current situation, problems and effective countermeasures concerning victims of crime and abuse of power. In doing so, the participants are expected to use the Declaration as a yardstick and the Handbook and the Guide, mentioned above, as their main reference materials.

1. Current situation, problems and effective countermeasures in relation to the protection of victims of crime and the active participation of victims in the criminal justice process in the respective countries

(a) Measures to protect victims of crime

(1) A swift victim restoration system, without recourse to civil litigation against the offender, such as mediation, reconciliation and arbitration (including the restorative justice approach). (2) A compensation system for victims of crime. (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, provision of victims' attendants and procurators). (5) Various kinds of support for victims, including immediate and direct support, for example, shelter, counselling, assistance in completing victim compensation claims, etc.

(b) 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, reconciliation in the criminal process, constitution de partie civile,

---

<sup>19</sup> Economic and Social Council Resolution 2000/14 U.N. Doc, E/2000/INF/2/Add. 2.

etc.).

(c) Providing information for victims of crime

(1) An information providing system for the victim at each stage of the criminal justice system (for example progress 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 an opportunity to attend the trial. (3) Providing the community with information concerning the release of an offender.

2. Current situation, problems and effective countermeasures in relation to the protection of victims of abuse of power in the respective countries (especially victims of abuse of power in the criminal justice process)

(a) Measures to protect victims of abuse of power in the criminal justice process

(1) Restitution. (2) Compensation. (3) Material, medical, psychological and social assistance and support.

(b) Effective preventive measures against abuse of power in the criminal justice process

(1) Signature, ratification and accession of related international legal instruments (International Covenant on Civil and Political Rights<sup>20</sup>, Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment<sup>21</sup>, etc.) and use and application of United Nations standards and norms in crime prevention and criminal justice<sup>22</sup> in domestic laws and regulations. (2) Effective measures for the establishment of transparency and accountability of criminal justice agencies. (3) Various measures and systems for guaranteeing fundamental human rights of suspects, defendants and offenders (including grievance mechanisms).

---

<sup>20</sup> General Assembly Resolution 2200A (XXI), 16 December 1966.

<sup>21</sup> General Assembly Resolution 39/46, 10 December 1984.

<sup>22</sup> United Nations standards and norms in crime prevention and criminal justice is a generic term for more than fifty resolutions, declarations, guidelines and codes of conduct concerning crime prevention and criminal justice, which has been adopted by the United Nations. Most of these resolutions, declarations and so on are included in the following compendium: "Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice." United Nations, NY 1992. It can be obtained at the same website as above (see footnote 2).

---

**ADMINISTRATIVE NEWS**

---

**Faculty Changes**

Ms. Tomoko Akane formerly Deputy Director of UNAFEI was transferred and appointed Professor at Nagoya University Law School and Professor at the School of Law, Tokyo University on 1 April 2005.

Mr. Kei Someda formerly Professor of UNAFEI, was transferred and appointed Director, Case Management Division of Tokyo Probation Office on 1 April 2005.

Ms. Tae Sugiyama, formerly Deputy Director of the General Affairs Section of Kanto Regional Parole Board's Secretariat, joined UNAFEI as a Professor on 1 April 2005.

Mr. Tomoyuki Noge, formerly a prosecutor with Tokyo District Public Prosecutors Office, joined UNAFEI as a Professor on 1 April 2005.

Ms. Satoko Ikeda, formerly a prosecutor with Chiba District Public Prosecutors Office, joined UNAFEI as a Professor on 1 April 2005.

Mr. Haruhiko Higuchi, formerly a Professor and Director for Special Police Studies at the Police Policy Research Centre, National Police Academy joined UNAFEI as a Professor on 11 April 2005.

**Overseas Trips by Staff**

Mr. Kunihiko Sakai (Director) and Mr. Keisuke Senta (Professor) visited Washington, D.C. to prepare for Workshop 5 of the 11th U.N. Congress on Crime Prevention and Criminal Justice from 1 to 6 March 2005.

Ms. Tomoko Akane (Former Deputy Director) visited Manila, the Philippines to observe the progress of the revitalization of the Volunteer Probation Officers and had meetings with JICA Philippines from 8 to 11 March 2005.

Mr. Kunihiko Sakai (Director), Mr. Keisuke Senta (Deputy Director), Mr. Hiroyuki Shinkai (Professor) and Mr. Seiji Yamagami (Secretariat Officer) visited Bangkok, Thailand to co-host Workshop 5 of the 11th U.N. Congress on Crime Prevention and Criminal Justice from 14 to 26 April 2005.

Mr. Motoo Noguchi (Professor) visited Bangkok, Thailand for the 11th U.N. Congress on Crime Prevention and Criminal Justice from 14 to 26 April 2005 to attend a Working Group on the Role of Criminal Justice in Minimizing Socio-economic Damage Subsequent to National Disaster, jointly held by the ACPF, the Attorney General's Office of Thailand and UNAFEI. He also attended an Ancillary meeting entitled Crime Prevention and Criminal Justice in the Context of National Disasters: Lessons Learned, organized by the ACPF and ISPAC.

Mr. Takafumi Sato (Professor) visited Bangkok, Thailand and presented a paper at Workshop 1 of the 11th Congress on Crime Prevention and Criminal Justice 1 from 17 to 26 April 2005.

Mr. Kunihiko Sakai (Director) and Mr. Takafumi Sato (Professor) visited Vienna, Austria to attend the U.N. Commission on Crime Prevention and Criminal Justice to present a report on Workshop 5 of the 11th U.N. Congress from 22 to 29 May 2005.

Mr. Motoo Noguchi (Professor) visited The International Criminal Court in The Hague, Netherlands, as a Visiting Professional from 4 June to 7 July 2005.

---

**FACULTY AND STAFF OF UNAFEI**

---

**Faculty:**

Mr. Kunihiko Sakai	Director
Mr. Keisuke Senta	Deputy Director
Mr. Motoo Noguchi	Professor
Mr. Haruhiko Higuchi	Professor
Ms. Tae Sugiyama	Professor, Chief of Information and Library Science Division
Mr. Hiroyuki Shinkai	Professor
Ms. Tamaki Yokochi	Professor, 130 <sup>th</sup> Course Programming Officer
Mr. Takafumi Sato	Professor, Chief of Training Division
Mr. Masato Uchida	Professor, Chief of Research Division
Mr. Tomoyuki Noge	Professor
Ms. Megumi Uryu	Professor
Mr. Iichiro Sakata	Professor
Ms. Satoko Ikeda	Professor, 130 <sup>th</sup> Deputy Course Programming Officer
Mr. Simon Cornell	Linguistic Adviser

**Secretariat:**

Mr. Junichi Ebara	Chief of Secretariat
Mr. Masaki Iida	Deputy Chief of Secretariat

**General and Financial Affairs Section:**

Mr. Kazunari Arakawa	Chief
Mr. Takanobu Sano	
Mr. Takayuki Aizawa	
Mr. Yuki Yoshi Tatsuda	
Mr. Mitsuo Dai	Driver
Ms. Tomoko Inamasu	

**Training and Hostel Management Affairs Section:**

Mr. Ryousei Tada                      Chief  
Mr. Seiji Yamagami  
Ms. Ayako Kamiya  
Ms. Yukari Ishikawa                130<sup>th</sup> Assistant Course Programming Officer  
Mr. Hideyuki Inoue

**International Research Affairs Section:**

Mr. Masayuki Tanuma              Chief  
Ms. Keiko Noda                      Librarian

**Secretarial Staff:**

Ms. Tomomi Matsuoka  
Ms. Kumiko Yanagisawa

**Kitchen:**

Mr. Misao Saito                      Chef

**JICA Coordinator:**

Ms. Yuriko Minemura

**UNAFEI Home Page:** <http://www.unafei.or.jp/>

**UNAFEI E-mail:** [unafei@moj.go.jp](mailto:unafei@moj.go.jp)