

UNAFEI NEWSLETTER

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INSTITUTE FOR THE PREVENTION OF CRIME
AND THE TREATMENT OF OFFENDERS

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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 133rd International Training Course on "Effective Prevention and Enhancement of Treatment for Sexual Offenders", which took place from 15 May to 22 June 2006.

In this Course, we welcomed nine Japanese and thirteen overseas participants, and two overseas observers: seven from Asia, two from Africa, two from Central America, one from the Caribbean, one from Europe, one from the Pacific and one from South America. They included police officers, correctional officers, probation officers, public prosecutors, judges, a nurse and other high-ranking public officials. We were very pleased to welcome our first participants from Antigua and Barbuda, Uruguay and Yemen.

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

Sexual offences, probably more so than other offences, provoke outrage in society and calls for harsh punishments. In response to such feelings of outrage, most countries impose severe penal sanctions on perpetrators of such crimes. However, due to the nature of sexual offenders, punishment is often not sufficient, for without proper treatment and preventive measures these offenders are likely to re-offend.

Various international bodies and organizations have taken measures to combat sexual offences, including the United Nations General Assembly's 1993 "Declaration on the Elimination of Violence against Women" and the 1995 "Beijing Declaration and Platform for Action". One of the strategic objectives of the Platform of Action was to take integrated measures to prevent and eliminate violence against women.

Some countries now recognize the need to follow an integrated approach to dealing with sexual offenders and offer treatment programmes for those serving custodial sentences and/or programmes for those living in the community. In addition to treatment, a few countries, such as the United Kingdom, believe that in order to protect their citizens, they must continue to impose various measures and restrictions on those that have committed sexual offences long after they have served their sentences.

There are still many countries however, that for various reasons, offer no treatment programmes for sexual offenders and others that have no measures to help prevent offenders re-offending when they are released back into the community. It was hoped that this Course would lead to more countries following an integrated approach.

During the Course the participants diligently and comprehensively examined the situation of Effective Prevention and Enhancement of Treatment for Sexual Offenders, 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.

I would like to express my great appreciation to the Japan International Cooperation Agency (JICA) for its immeasurable support throughout the Course. At the same time, a warm tribute must be paid to the Asia Crime Prevention Foundation (ACPF) and its branch organizations for their substantial contributions to our activities. 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 133rd 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 2006

田内正宏

Masahiro Tauchi

Director, UNAFEI

THE 133RD INTERNATIONAL TRAINING COURSE**"EFFECTIVE PREVENTION AND ENHANCEMENT OF TREATMENT FOR
SEXUAL OFFENDERS"**

Course Rationale

There are various types of sexual offences in the world. Each jurisdiction has its own definitions and forms of punishment for sexual offences/offenders. Various measures at each stage of the criminal justice system have been taken by each country/ jurisdiction characterized by differences in relevant determinants such as laws related to sexual offences, types of dominant offences in each country, etc. As to sexual offender treatment for rehabilitation and reintegration into society, new types of practices have been introduced in some European and North American countries over the last two decades. Empirical evaluation studies of these practices have also been carried out.

With regard to sexual offender treatment in correctional institutions, various new treatment programs based on cutting-edge behavioural/medical knowledge have been developed and utilized in addition to the basic programmes for rehabilitation such as vocational training, counselling, etc. For instance, programmes for sexual offenders include behavioural therapy using conditioning techniques, medical treatment such as surgical or chemical castration, cognitive-behavioural skills training and relapse prevention programmes, etc. In institutional settings, some countries establish special institutions or units for sexual offenders, and/or provide intensive treatment programmes in order to enhance their treatment effects.

As to treatment for sexual offenders who are convicted but not committed to prison, or have received a community-supervision order, many types of programmes have been introduced, such as group programmes based on the cognitive-behavioural approach, long term probationary supervision, etc. Various Preventive measures have also been developed and implemented such as an electric monitoring system for probationers, a sexual offenders register system, DNA data banks containing the DNA profile of convicted sexual offenders which is utilized for investigation, peace bonds, criminal court orders to set out specific conditions to protect the safety of victims, etc.

In order to achieve and maintain its effectiveness and efficiency, the programme should focus on the particular offender's own problems. As mentioned above, the definitions of sexual offences are not always the same among countries/jurisdictions. Moreover, each offender has his/her own unique problems. Therefore, an accurate and reliable risks and needs assessment for offenders should be done in order to ensure the appropriate delivery of treatment and rehabilitative services. Practices and experiences of these detailed assessments have also been accumulated and evaluated for further improvement of current programmes.

There are some important issues to cover in order to improve prevention and treatment programmes for sexual offenders. For instance, it is necessary to explore possible strategies at each stage of the criminal justice system, from preventive activity, investigation, prosecution to rehabilitation of offenders. Appropriate punishment, a sentencing based upon the offender's risk of re-offending and diversification of disposition should be re-examined. More specifically, stalking orders or other punishment for stalking committed with a sexual motivation, sexual misconduct

with or exploitation of children, etc. should be discussed. Moreover, if a new programme or measure puts emphasis only on prevention of re-offending, it might hinder offenders reintegrating into society or violate their basic human rights. Furthermore, it is also important to consider victims of sexual offences in the criminal justice process.

The United Nations, and various international bodies and organizations, have taken various measures to combat problems related to sexual offences. For instance, in 1993, the General Assembly of the United Nations adopted the "Declaration on the Elimination of Violence against Women". Following this Declaration, in 1995, the Fourth World Conference on Women, held in Beijing, adopted the "Beijing Declaration and Platform for Action". In this conference, "Violence against Woman" was identified as one of the "most important problematic areas" in the "Platform of Action". "To take integrated measures to prevent and eliminate violence against women" was one of the two strategic objectives concerning the issue of violence against woman provided in the "Platform of Action" in which specific actions to be taken by member countries/jurisdictions are illustrated.

Various resolutions, declarations, guidelines, and codes of conduct concerning crime prevention and treatment of offenders adopted by the United Nations should also be taken into consideration. With regard to institutional treatment, the international society and the United Nations have set out certain basic requirements in the United Nations standards and norms such as the "United Nations Standard Minimum Rules for the Treatment of Prisoners", adopted at the First Congress on the Prevention of Crime and the Treatment of Offenders in 1955, and other resolutions, declarations, guidelines and codes of conduct. Each Member State/jurisdiction has made efforts to implement these standards and norms by making the necessary changes to their relevant domestic laws and practices. Similarly, the General Assembly of the United Nations adopted the "United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)" in 1985 for juvenile offenders, and the "United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)" in 1990 for community-based treatment. These rules are also important for Member States to re-examine their current preventive measures and treatment programmes for sexual offenders.

Objectives

On the basis of the explanations indicated above, the purpose of this International Training Course is to offer participants the opportunity to share information on the current situation of sexual offences, punishment, prevention and treatment for sexual offenders; and challenges faced by each country. At the same time, this Course offers opportunities to explore more effective measures and strategies for preventing sexual offences and providing treatment programmes for sexual offenders 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 sexual offences; the legal framework of prevention, punishment, and treatment for sexual offenders; and practices and programmes for prevention and treatment.
 - (a) current situation of sexual offences and other related offences
 - (b) the legal framework of punishment and treatment
 - (c) preventive measures and treatment programmes
- (2) To identify current problems and challenges faced by each country/jurisdiction and their practices concerning prevention of sexual offences, punishment and treatment for sexual offenders.
 - (a) investigation, prosecution, and sentencing procedures (including legislation and punishment)

- (b) institutional treatment programmes
 - (c) community-based treatment programmes and supervision
 - (d) preventive measures
 - (e) inter-agency cooperation
- (3) To explore effective measures and strategies to improve prevention and treatment programmes for sexual offenders at each stage of the criminal justice system.
- (a) best practices and empirical studies
 - (b) effective preventive measures/treatment models at each stage of the criminal justice system
 - (c) inter-agency cooperation to establish an integrated sexual offender treatment model
 - (d) preventive measures/treatment models applicable to each country
 - (e) possible international cooperation.

Course Summary

Lectures

In total, seven lectures were presented by visiting experts, six by ad hoc lecturers and five 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 7 and 8.

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 9 and 10.

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 11 to 13.

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 14 to 17.

Lecture Topics

Visiting Experts' Lectures

- 1) Mr. David Middleton (United Kingdom)
 - The Assessment and Treatment of Sexual Offenders in England and Wales/
The Arrangements for Sentencing in England and Wales
 - The Requirements for Notification by Sexual Offenders in England and Wales
- 2) Dr. William L. Marshall (Canada)
 - Treatment of Sexual Offenders and its Effects: Sexual Offender Treatment
 - Treatment of Sexual Offenders and its Effects: Treatment Outcome
- 3) Dr. J. Ruediger Mueller-Isberner (Germany)
 - Services for Mentally Disordered Offenders: Why a Comprehensive Approach is Needed
 - Differentiated Approaches to Subtypes of Mentally Disordered Offenders
- 4) Dr. Barindra Nath Chatteraj (India)
 - Sex Related Offences and their Prevention and Control Measures: An Indian Perspective

UNAFEI Professors Lectures

- 1) Ms. Megumi Uryu, *Professor*, UNAFEI
 - Investigation and Prosecution - Criminal Justice System in Japan
- 2) Mr. Haruhiko Higuchi, *Professor*, UNAFEI
 - Police of Japan
- 3) Mr. Ichiro Sakata, *Professor*, UNAFEI
 - The Criminal Justice System in Japan: The Courts
- 4) Mr. Hiroyuki Shinkai, *Professor*, UNAFEI
 - Institutional Treatment of Offenders in Japan
- 5) Ms. Tae Sugiyama, *Professor*, UNAFEI
 - Community-Based Treatment of Offenders in Japan

Ad Hoc Lectures

- 1) Mr. Kenichi Sawada
Director of the Prison Service Division, Correction Bureau, MOJ
 - Outline of the Sex Offender Treatment Programme at Penal Institutions

- 2) Mr. Takashi Kubo
Planner and Coordinator of Treatment of Offenders for the Supervision Division, Rehabilitation Bureau, MOJ
 - Sex Offender Treatment Programme in the Community
- 3) Prof. Tetsuya Fujimoto
Faculty of Law, Chuou University
 - Re-offending Prevention Programmes for Dangerous Sex Offenders
- 4) Prof. Hisao Katoh
Professor of Criminology and Medico-Criminal Law, Faculty of Law, Keio University
 - How Treatment of Sexual Offenders with Mental or Personality Disorders should be in Japan and Germany - from a Criminologist Viewpoint
- 5) Dr. P. Bruce Malcolm
Correctional Service of Canada
 - Overview of Sex Offender Assessment
- 6) Mr. Ko Shikata
Senior Police Superintendent, Police Policy Research Centre, National Police Agency
 - Countermeasures against Sex Offences by the Japanese Police

Individual Presentation Topics

Overseas Participants

- 1) Mr. Andi Likaj (Albania)
 - Country Report
- 2) Ms. Junie Agatha Ruddy (Antigua and Barbuda)
 - Country Report
- 3) Mr. Marlon Evandale Allen (Belize)
 - Country Report
- 4) Mr. Auta Moceisuva (Fiji)
 - Country Report
- 5) Mr. Fofana Naby Laye (Guinea)
 - Country Report
- 6) Mr. Miguel Angel Villanueva Andino (Honduras)
 - Country Report
- 7) Mr. Yanuar Utomo (Indonesia)
 - The Treatment of Sexual Offenders from a Public Prosecutor's Perspective
- 8) Mr. Gan Tack Guan (Malaysia)
 - Country Report
- 9) Mr. Khin Maung Maung (Myanmar)
 - Country Report
- 10) Mr. Vuttinone Promnil (Thailand)
 - Country Report
- 11) Ms. Silvia Anabel Blanchet Zamit (Uruguay)
 - Country Report
- 12) Mr. Ajaj Mohammed Ali (Yemen)
 - Country Report
- 13) Ms. Isabella Nyarai Sergio (Zimbabwe)
 - Country Report
- 14) Mr. Lam Kwok Leung (Hong Kong)
 - Country Report
- 15) Mr. Dong Keun Lee (Korea)
 - Country Report

Japanese Participants

- 16) Ms. Naoko Fujiwara
 - Treatment of Sex Offenders in Juvenile Training Schools in Japan
- 17) Mr. Motoki Horiuchi
 - Sex Offender Treatment, Taking the Victim into Consideration
- 18) Mr. Eiji Ibuki
 - The Treatment of Sexual Offenders from a Public Prosecutors Perspective
- 19) Ms. Hiromi Kawaguchi
 - The Programme for Female Sexual Offenders in Japan
- 20) Mr. Kazuya Nagao
 - The New Probationary Treatment for Sexual Offenders
- 21) Mr. Kenichi Nakamura
 - The Treatment of Offenders by the Public Prosecutors in Japan in the Investigation, Prosecution and Trial
- 22) Mr. Hiromi Nishikawa
 - Assessment of Juvenile Sex Offenders in the Family Court
- 23) Mr. Tetsuya Uchida
 - Current Situation and Issues of Punishment for Sexual Offenders in Japan - From a Judge's Viewpoint
- 24) Mr. Kenji Yoshimura
 - The Treatment of Sexual Offenders from a Probation Officer's Perspective

Group Workshop Sessions

Group 1

Investigation, Prosecution, Sentencing Procedures and Preventive Measures

<i>Chairpersons</i>	Mr. Gan Tack Guan	(Malaysia)
<i>Co-chairpersons</i>	Mr. Andi Likaj	(Albania)
	Mr. Kenichi Nakamura	(Japan)
<i>Rapporteur</i>	Mr. Tetsuya Uchida	(Japan)
<i>Co-Rapporteurs</i>	Mr. Eiji Ibuki	(Japan)
	Mr. Miguel Angel Villanueva Andino	(Honduras)
<i>Members</i>	Mr. Khin Maung Maung	(Myanmar)
	Mr. Ajaj Mohammed Ali	(Yemen)
<i>Visiting Expert</i>	Dr. Barinbra Nath Chatteraj	(India)
<i>Advisers</i>	Prof. Megumi Uryu	(UNAFEI)
	Prof. Haruhiko Higuchi	(UNAFEI)
	Prof. Kayo Ishihara	(UNAFEI)
	Prof. Ichiro Sakata	(UNAFEI)

Report Summary

Group One discussed the topic of "Investigation, Prosecution, Sentencing Procedures and Preventive Measures" by looking at the current situation, problems and solutions in each country concerning the: 1) definitions and characteristics of sexual offences and other related offences; 2) the legal framework of punishment and treatment; 3) preventive measures for sexual offences; and 4) inter-agency and international cooperation.

After discussing the above topics in detail, the Group made the following recommendations:

- 1) In order to encourage the reporting of sexual crimes a victim friendly atmosphere should be created at police stations with staff especially trained to deal with such cases.
- 2) The capacity of forensic laboratories should be improved so they are able to produce quick and accurate results.
- 3) Existing laws should be amended to enable the criminal justice system to intervene in crimes, such as stalking, that could lead to serious sexual offences.
- 4) Nationwide criminal record systems should be improved and a DNA database of convicted criminals considered.
- 5) A proper monitoring system, such as in England and Wales, should be established so probation officers and the police can monitor offenders after their release.
- 6) Potential victims of sexual crimes, such as women and children, should be provided with knowledge about crime prevention and self-defence.
- 7) The police and the community should collaborate by, for example, sharing information, making safety maps and promoting environmental design to reduce crime.
- 8) The police, prosecutors, correctional officers and probation officers should cooperate by sharing information on sexual offenders, having regard for privacy issues.
- 9) International cooperation should be enhanced by establishing a regional network to share information on sexual offenders.

Group 2**Preventive Measures and Community-based Treatment Programmes**

<i>Chairperson</i>	Mr. Lam Kwok Leung	(Hong Kong)
<i>Co-Chairperson</i>	Mr. Motoki Horiuchi	(Japan)
<i>Rapporteur</i>	Ms. Junie Agatha Ruddy	(Antigua & Barbuda)
<i>Co-Rapporteur</i>	Mr. Marlon Evandale Allen	(Belize)
<i>Members</i>	Ms. Silvia Anabel Blanchet Zamit	(Uruguay)
	Mr. Fofana Naby Laye	(Guinea)
	Mr. Kazuya Nagao	(Japan)
	Mr. Kenji Yoshimura	(Japan)
<i>Visiting Expert</i>	Mr. David Middleton	(United Kingdom)
<i>Advisers</i>	Prof. Tae Sugiyama	(UNAFEI)
	Deputy Director Keisuke Senta	(UNAFEI)
	Prof. Koji Yamada	(UNAFEI)
	Prof. Satoko Ikeda	(UNAFEI)

Report Summary

Group Two agreed that with the increased prevalence in sexual crimes in its respective countries, it has become important for society to look at positive ways to re-integrate sexual offenders back into their families and the community.

The Group studied preventive measures and community based treatment programmes, including supervision and inter-agency co-operation.

They started by looking at the current situation in their respective countries and the challenges faced. They then looked at effective measures and strategies to improve prevention and treatment programmes for sexual offenders at each stage of the criminal justice system. Group Two also looked at the possibility of international cooperation.

The Group went on to make the following recommendations: 1) Identify suitable probation officers in each area as sex offender treatment personnel - in order that they can use their expertise to conduct group therapy sessions, etc. incorporating the viewpoint of the victim. 2) Involve the community through focus groups to raise public awareness. 3) Change social attitudes towards the control of pornography. 4) Incorporate victim protection measures into the criminal justice system. 5) Motivate probationers to participate in community-based treatment. 6) Provide probation officers with training from experts of various disciplines. 7) Families and friends should be more involved in treatment. 8) A system similar to MAPPA (Multi-Agency Public Protection Arrangements) should be adopted. 8) Community leaders/professionals should form a focus group to attract common concern for sex offences. 9) The "Good Lives Model" should be incorporated in the treatment regime. 10) Achievements should be measured by data analysis and surveys. 11) Governments should provide subsidies to employees to employ offenders, thereby providing a mechanism within the community to support offenders.

Group 3**Institutional Treatment of Sexual Offenders**

<i>Chairperson</i>	Mr. Auta Moceisuva	(Fiji)
<i>Co-Chairpersons</i>	Mr. Dong keun Lee	(Korea)
	Mr. Hiromi Nishikawa	(Japan)
<i>Rapporteur</i>	Ms. Isabella Nyarai Sergio	(Zimbabwe)
<i>Co-Rapporteurs</i>	Ms. Naoko Fujiwara	(Japan)
	Ms. Hiromi Kawaguchi	(Japan)
<i>Members</i>	Mr. Yanuar Utomo	(Indonesia)
	Mr. Vuttinone Promnil	(Thailand)
<i>Visiting Experts</i>	Dr. William L. Marshall	(Canada)
	Dr. Bruce Malcolm	(Canada)
	Dr. J. Ruediger Mueller-Isberner	(Germany)
<i>Advisers</i>	Prof. Masato Uchida	(UNAFEI)
	Prof. Hiroyuki Shinkai	(UNAFEI)
	Prof. Tomoyuki Noge	(UNAFEI)

Report Summary

There was a consensus amongst the group that it is important to consider institutional and community treatment of sexual offenders to reduce recidivism.

The Group went on to look at the current situation of treatment in the respective countries. They then considered the purpose of treatment and referred to Art. 65 and Art. 62 of the United Nations Standard Minimum Rules for the Treatment of Prisoners and Art. 10.1 of the U.N. Standard Minimum Rules for Non-Custodial Measures.

Taking into consideration the above Articles all members agreed that there are three purposes of sex offenders' treatment: protection of society by preventing recidivism, rehabilitation of sex offenders, and the need to address victims' sentiments. After discussing these three purposes, they then looked at assessment and effective treatment programmes, both institutional and community based. The group then studied the problems of implementing treatment and various countermeasures.

The Group concluded by stating that individual countries have diverse problems in terms of the prevention and treatment of offenders and that while some countries have advanced in the development of modern treatment models others are trying to introduce treatment programmes relative to their social and economic conditions.

The Group made the following recommendations: 1) Countries that have no treatment programmes in place should start raising awareness in their countries. 2) There is need to review or introduce legislation that addresses the necessity of offender treatment in participating countries. 3) The introduction of scientific tools of assessment for treatment of sex offenders should be considered. 4) The introduction of effective treatment programmes for sex offenders, such as cognitive behavioural therapy, should be considered. However, its limitations should be recognized and alternatives for those unable to benefit from such therapy considered. 5) A central information bureau for collection and distribution of sex offender information for stakeholders should be established. 6) Appropriate training programmes should be developed and used to train all stakeholders in the treatment programmes, to develop, implement and monitor the assessment and rehabilitation of sex offenders.

Observation Visits

<u>Date</u>	<u>Agency/Institution</u>	<u>Main Persons Concerned</u>
May 22	Kawagoe Juvenile Prison	• Mr. Manabu Nakajima (Director of General Affairs Section)
May 24	Tokyo Probation Office	• Ms. Haruko Otani (Probation Officer)
	Tokyo District Public Prosecutors Office	• Mr. Masafumi Sakurai (Chief Prosecutor)
	Ministry of Justice	• Mr. Seiken Sugiura (Minister of Justice)
June 12	Tama Juvenile Training School for Boys	• Ms. Midori Syoji (Special Assistant to the Superintendent)
June 14	Tokyo District Court	• Mr. Seishi Kanetsuki (Chief Judge)
	Supreme Court	• Mr. Tatsuo Kainaka (Justice)
June 16	Saitama Prefectural Police Headquarters	• Mr. Takahiro Hata (Police Inspector)
June 21	Fuchu Prison	• Mr. Kenji Sawada (Senior Researcher)

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 4	<i>Kyoto</i>	• Kyoto District Prosecutors Office	• Mr. Sanpei Tsuda (Chief Prosecutor)
June 5	<i>Kyoto</i>	• Kyoto Juvenile Classification Home	• Mr. Kiyokazu Hanaoka (Director)
June 6	<i>Hiroshima</i>	• Hiroshima Probation Office	• Mr. Kenkichi Shirahama (Director)

Special Events

May 15 *Welcome Party*

May 17, 19, 23 *Japanese Conversation Classes*

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

May 20 *Bus Tour to Nasu Highlands and Party Hosted by the ACPF, Kisei-kai Branch*

The participants visited the Stained Glass Gallery and Nasu Animal Kingdom Animal Show and later enjoyed a party hosted by the ACPF, Kisei-kai Branch.

May 24 *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. Toshaki Hiwatari at the Lawyers Club, Tokyo.

May 26 *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 *ACPF Fuchu Party*

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

June 3 *The Way of Tea and Planetarium Show at Kyodo no Mori Museum*

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. Later the participants enjoyed a Planetarium show at Kyodo no Mori Museum. These events were kindly hosted by Soroptimist International Tokyo, Fuchu.

June 10 and 17

Home Visits

ACPF Fuchu Branch organized dinners for the participants in the homes of members from the Fuchu International Exchange Salon and Tokyo Fuchu Rotary Club. The hosts were Mr. Tatso Kochi, Ms. Reiko Morioka, Ms. Chitose Sashida, Mr. Yasuhiro Momota, Ms. Yukiko Yamasaki and Mr. Rinshi Sekiguchi.

June 14

ACPF Yokohama Cruise

The participants enjoyed a sunset cruise and dinner aboard the Marine Rouge hosted by ACPF Yokohama branch.

June 21

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 22

Farewell Party

A party was held to bid farewell to all the participants.

Reference Materials Distributed

A. United Nations Standards and Norms

1. Universal Declaration of Human Rights.
2. Standard Minimum Rules for the Treatment of Prisoners (1st UN Congress).
3. Procedures for the effective implementation of the Standard Minimum Rules of the Treatment of Prisoners (1984/47).
4. Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (A/RES/43/173).
5. Basic Principles for the Treatment of Prisoners (A/RES/45/111).
6. United Nations Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules) (A/RES/45/110).
7. Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/RES/3452XXX).
8. Code of Conduct for Law Enforcement Officials (A/RES/34/169).
9. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.
10. Basic Principles on the Independence of the Judiciary (A/RES/40/32 and 40/146).
11. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34).
12. Basic Principles of the Role of Lawyers (8th UN Congress).
13. Guidelines on the Role of Prosecutors (8th UN Congress).
14. Vienna Declaration on Crime and Justice (10th UN Congress).
15. Beijing Declaration and Platform for Action.

B. United Nations Conventions

1. International Covenant on Civil and Political Rights (A/RES/2200A XXI).
2. Optional Protocol to the International Covenant on Civil and Political Rights (A/RES/2200A XXI).
3. Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (A/RES/44/128).
4. Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/RES/39/46).
5. Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/RES/57/199).
6. Discrimination against convicted persons who have served their sentence.

C. Treating Sexual Offenders

1. Chapter 1-Description of Disorder. (William L. Marshall, Liam E. Marshall, Geris A. Serran, Yolande M. Fernandez).
2. Chapter 2-Overall Description of Treatment Strategy. (William L. Marshall, Liam E. Marshall, Geris A. Serran, Yolande M. Fernandez).

D. The Juvenile Sex Offender

1. An Introduction to the Juvenile sex Offender: Terms, Concepts, and Definitions.
2. The Effects of Child Sexual Abuse and Family Environment (Howard E. Barbaree, and Calvin M. Langton).
3. Social and psychological Factors in the Development of Delinquency and Sexual Deviance (Stephen W. Smallbone).
4. Assessment and Treatment of Criminogenic Needs (Gary O'Reilly and Alan Carr).
5. Risk of Sexual Recidivism in Adolescents Who Offend Sexually: Correlates and Assisment (James R. Worling and Niklas Langstrom).
6. Legal Consequences of Juvenile Sex Offending in the United States (Elizabeth J. Letournean).
7. A Reevaluation of Relapse Prevention with Adolescents Who Sexually Offend: A Good-Lives Model. (Jo Thakker, Tony Ward and Patrick Tidmarsh).
8. Pharmacological Treatment of the Juvenile Sex Offender (John M. W. Bradford and Paul Fedoroff).

E. The Psychology of Criminal Conduct (D. J. Andrews, James Bonta)

1. Chapter 1- An Overview of the Psychology of Criminal Conduct.
2. Chapter 2- Defining Criminal Behavior and Exploring Variability in Criminal Conduct.

F. Compendium 2000 on Effective Correctional Programming (Correctional Service of Canada <http://www.csc-scc.gc.ca>)

1. Principles of Effective Correctional Programs (Donald A. Andrews).
2. Offender Assessment: General Issues and Considerations (James Bonta).
3. Treatment Responsivity: Reducing Recidivism by Enhancing Treatment Effectiveness (Sharon M. Kennedy).
4. Obstacles to Effective Correctional Program Delivery (Paul Gendreau, Claire Goggin, and Paula Smith).
5. Implementation of Effective Correctional Programs (Alan W. Leschied).
6. The Assessment and Treatment of Sexual Offenders (William L. Marshall and Sharon Williams).

G. Research Brief (Correctional Service of Canada <http://www.csc-scc.gc.ca>)

1. Homicide, Sex, Robbery and Drug Offenders in Federal Corrections: An end of 2004 Review.
2. Homicide, Sex, Robbery and Drug Offenders in Federal Corrections: An end of 2003 Review.

H. FORUM on Corrections Research (Correctional Service of Canada <http://www.csc-scc.gc.ca>)**I. Vol. 8 No. 2 Managing Sex Offenders**

1. Profiling the Canadian federal sex offender population (Larry Motiuk, Ray Belcourt).
2. A profile of Aboriginal sex offenders in Canadian federal custody (Teresa A. Nahanee).

3. Sex offender risk predictors: A summary of research results (R. Karl Hanson and Monique T. Bussiere).
4. Improving prediction of sex offender recidivism: A proposed study (Jean Proulx, Luc Granger, Marc Ouimet, Andre McKibben, Christine Perreault and Michel St-Yves).
5. Mental health and psychosexual disorders among federal sex offenders (Manasse Bambonye).
6. Millhaven's specialized sex offender intake assessment: A preliminary evaluation (P. Bruce Malcolm).
7. Sex offender recidivism prediction (Nathalie Belanger, Christopher Earls).
8. Characteristics of sexual assaults on female prison staff (Karl D. Furr).
9. An innovative treatment approach for incestuous fathers (Line Bernier, Marielle Mailloux, Gilles David and Helene Cote).
10. Sex offender treatment priority: An illustration of the risk/need principle (Terry P. Nicholaichuk).
11. A national strategy for managing sex offenders (Sharon M. Williams).
12. Applying the risk principle to sex offender treatment (Arthur Gordon and Terry Nicholaichuk).
13. Female sex offenders: A literature review (Jill L. Atkinson).
14. Managing sex offenders: Some thoughts and suggestions (R. J. Konopasky).

II. Vol. 1 No. 1 Managing Sex Offenders: What Do We Know?

15. Research on Sex Offenders: What do we know? (David Robinson).

III. Vol. 13 No. 2 Reintegration Levers

16. Group versus individual treatment of sex offenders: A comparison (Roberto Di Fazio, Jeffrey Abracen and Jan Looman).

IV. Vol. 10 No. 3 Dynamic Factors

17. Offender needs - Providing the focus for our correctional interventions (Gilbert Taylor).
18. The Case Needs Review Project: Background and research strategy (Shelley L. Brown).
19. Using dynamic factors to better predict post-release outcome (Larry Motiuk).
20. Dynamic factors and recidivism: What have we learned from the Case Needs Review Project? (Shelley L. Brown).

V. Vol. 12 No. 2 "What Works" in Corrections

21. Defining correctional programs (James McGuire).
22. Offender assessment Offender Assessment: General issues and considerations (James Bonta).
23. Treatment responsivity: Reducing recidivism by enhancing treatment effectiveness (Sharon M. Kennedy).
24. Treatment resistance in corrections (Denise L. Preston).
25. Assessment and treatment of sexual offenders (W. L. Marshall & Sharon Williams).

VI. Research Reports No. R-48 1996

26. Sex Offender Assessment, Treatment and Recidivism: A Literature Review.

I. The Centre for Sex Offender Management (The Office of Justice Programs (OJP), U.S. Department of Justice <http://www.csom.org>)

1. Sex Offender Registration: Policy Overview and Comprehensive Practices.
2. Glossary of Terms Used in the Management and Treatment of Sexual Offenders.
3. Myths and Facts About Sex Offenders.
4. An Overview of Sex Offender Management.
5. The Collaborative Approach to Sex Offender Management October 2000.
6. Public Opinion and the Criminal Justice System: Building Support for Sex Offender Management Programs.
7. Managing Sex Offenders in the Community: A Handbook to Guide Policymakers and Practitioners through a Planning and Implementation Process.
8. Identifying Resources for Managing Sex Offenders.
9. Recidivism of Sex Offenders.
10. Key Considerations for Reunifying Adult Sex Offenders and their Families.

J. The Institute for Psychological Therapies (<http://www.ipt-forensics.com/>)

1. The Vilification of Sex Offenders: Do Laws Targeting Sex Offenders Increase Recidivism and Sexual Violence? (Wakefield, H.).
2. Sex Offender Treatment Requiring Admission of Guilt (Underwager R. & Wakefield, H.).
3. Sex Offender Treatment (Hollida Wakefield & Ralph Underwager).
4. Wrongful Convictions and Accountability (William F. McIver II, Ph.D).

K. Attachment and Sexual Offending (Phil Rich)

1. The Foundation of Attachment: Attunement and Human Connection.
2. Implications for Treatment.
3. Conclusions: Getting Connected.

L. Juvenile Sex Offenders (Phil Rich)

1. Working with Juvenile Sexual offenders: Framing the Ideas and the Tasks.
2. Sexually Abusive Behaviours, Victims, and Perpetrators.
3. The Juvenile Sexual Offender: Commonalities and Characteristic.
4. Forensic Mental Health Treatment.
5. Overview of Treatment.
6. Rehabilitation: Treatment in Practice.
7. Principals and Practices: Psychodynamic, Cognitive, and Behavioural Treatment.
8. Common Factors and Evidence-Based Treatment.

M. Other Sources

I. A Report for the Home Office by the STEP Team - Anthony Beech, Dawn Fisher and Richard Beckett

1. Step: 3 An Evaluation of The Prison Sex Offender Treatment Programme.

II. Findings (Home Office)

2. The Prison-based Sex Offender Treatment Programme - an Evaluation.

III. Juristat 2002, vol. 23 no. 6 Released July 25, 2003

3. Sexual Offences in Canada.

Experts and Participants List

Visiting Experts

Mr. David Middleton (United Kingdom)	Head of Sex Offender Strategy and Programmes, Public Protection & Licensed Release Unit, National Offender Management Service & National Probation Directorate, Home Office
Dr. William L. Marshall (Canada)	Research Coordinator Rockwood Psychological Services, Kingston, Ontario
Dr. J. Ruediger Mueller-Isberner (Germany)	Director Haina Forensic Psychiatric Hospital
Dr. Barindra Nath Chatteraj (India)	L.N.J.N. Chair Professor of Criminology L.N.J.N. National Institute of Criminology and Forensic Science, Ministry of Home Affairs

Overseas Participants

Mr. Andi Likaj	Specialist of Crime and Drugs Tirana Police Directory Albania
Ms. Junie Agatha Ruddy	Head of Probation Department Citizen Welfare Division Ministry of Social Transformation Antigua and Barbuda
Mr. Marlon Evandale Allen	Inspector Government of Belize Police Department Belize
Mr. Auta Moceisuva	Superintendent of Prisons Administration/HQ, Fiji Prisons Service, Fiji
Mr. Fofana Naby Laye	Commissaire Central Commissaire Central de Ratoma Guinea

Mr. Miguel Angel Villanueva Andino	Subofficial Criminal Investigator General Direction of Criminal Investigation, Honduras
Mr. Yanuar Utomo	Head of Sub Section Division of Foreign Affairs of Legal Bureau, The Attorney General's Office, Indonesia
Mr. Gan Tack Guan	Deputy Superintendent Police The Head of Serious Crime, Kuala Lumpur Police, Malaysia
Mr. Khin Maung Maung	Deputy Director Prosecution Department, Office of the Attorney General, Myanmar
Mr. Vuttinone Promnil	Professional Nurse Medical Correctional Institution, Thailand
Ms. Silvia Anabel Blanchet Zamit	Chief of Sectional 7 Montevideo Police, Uruguay
Mr. Ajaj Mohammed Ali	Head of Information Section Administration of Anti-terrorism and Organized Crime, Yemen
Ms. Isabella Nyarai Sergio	National Coordinator (Victim Friendly Unit) Zimbabwe Republic Police, Zimbabwe
Mr. Lam Kwok Leung	Head Sha Tsui Detention Centre, Hong Kong
Mr. Dong Keun Lee	Inspector (Manager) Seoul Detention Centre, Korea

Japanese Participants

Ms. Naoko Fujiwara	Chief Specialist Kifunehara Juvenile Training School for Girls
Mr. Motoki Horiuchi	Assistant Judge Tokyo District Court
Mr. Eiji Ibuki	Public Prosecutor Osaka District Public Prosecutors Office
Ms. Hiromi Kawaguchi	Chief Specialist Chikushi Juvenile Training School for Girls
Mr. Kazuya Nagao	Probation Officer Nagoya Probation Office
Mr. Kenichi Nakamura	Public Prosecutor Tokyo District Public Prosecutors Office
Mr. Hiromi Nishikawa	Family Court Probation Officer Tokyo Family Court
Mr. Tetsuya Uchida	Assistant Judge Tokyo District Court
Mr. Kenji Yoshimura	Probation Officer Kumamoto Probation Office

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

The Eleventh Special Seminar for Senior Criminal Justice Officials of the People's Republic of China was held from 20 February - 9 March 2006. The Theme of the Seminar was "Towards a Criminal Justice System that can meet the Challenges of Globalization and Respect the Citizen's Point of View".

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

Mr. Wu Qiuzhen	Deputy Director General Ministry of Justice
Ms. Wang Bei	Division Chief Financial Department of Ministry of Justice
Mr. Bu Fancheng	Section Chief Criminal Legislation Department, Legislative Affairs Commission, Standing Committee of NPC China
Ms. Wang Ning	Deputy Director Criminal Legislation Department, Legislative Affairs Commission, Standing Committee of NPC China
Mr. Cheng Yongsheng	Judge Supreme People's Court of P.R. China
Mr. Zhou Gang	Judge Supreme People's Court of P.R. China
Mr. Dai Xianyi	Deputy Director Prosecutions Department of People's Procuratorate of Zhejiang Province
Mr. Wang Dong	Deputy Division Chief Tianjin Municipal People's Procuratorate
Ms. Zou Yang	Deputy Director-General Department of Justice of Guizhou Province
Ms. Liu Ya	Professor Institute of Crime Prevention of the Ministry of Justice

Mr. He Hairen

Assistant Professor
China Social Science Academy

Mr. Li Hongwei

Section Chief
Department of Judicial Assistance and
Foreign Affairs of the Ministry of Justice

**SECOND SEMINAR ON CRIMINAL JUSTICE
FOR CENTRAL ASIA**

The Second Seminar on Criminal Justice for Central Asia was held from 27 February to 16 March 2006 at UNAFEI. The seminar was entitled "A Criminal Justice System that Meets the Needs of the New Epoch". Fourteen participants from Central Asian countries participated.

Mr. Serik Abdykarimov	Deputy Head, Department of Astana City Committee of Criminal Execution System, Ministry of Justice, Kazakhstan
Mr. Kurgan Kamzabayev	Head Department of Legality Control of Judgement, General Prosecutors' Office, Kazakhstan
Mr. Askar Sekishev	Judge Criminal Council, The Supreme Court, Kazakhstan
Mr. Ulanbek Asakeev	Head Bishkek City Department of Prosecutor's Office, Kyrgyzstan
Mr. Pamirbek Asanov	Head Investigation Department, Regional Office of Internal Affairs of Chuy Region, Kyrgyzstan
Mr. Nurlan Dosmambetov	Judge The Supreme Court, Kyrgyzstan
Mr. Shodmon Aliev	Chairman The Court of Nurek City of Khatlon Region, Tajikistan
Mr. Gayrat Sanginov	Chairman The Court of Isfara City of Soghd Region, Tajikistan

Mr. Faizmakmad Yorov	Chairman Court of Ismoil Somoni District of Dushanbe City, Tajikistan
Mr. Chary Hojamuradov	Chairman The Regional Court of Dashoguz, Turkmenistan
Mr. Hangeldy Serdarov	Chairman The Regional Court of Lebap, Turkmenistan
Mr. Gaybulla Alimov	Head Department of Human Rights and Cooperation with International Organizations, Ministry of Internal Affairs, Uzbekistan
Mr. Bakhtiyor Miralimov	Judge The Supreme Court, Uzbekistan
Mr. Vakhitjan Sharipov	Judge The Court of Tashkent City, Uzbekistan

**THE THIRD TRAINING COURSE ON STRENGTHENING THE
ANTI-CORRUPTION CAPACITY IN THAILAND**

The Third Training Course on Strengthening the Anti-Corruption Capacity in Thailand was held from 6 to 27 April, 2006. Sixteen participants from the office of the National Counter Corruption Commission, Thailand attended.

Mr. Pas Passatta	Senior Investigator Corruption Suppression Bureau 1
Mr. Tinnakorn Khamavichanurat	Senior Investigator Corruption Suppression Bureau 1
Mr. Vittaya Arkompituk	Senior Investigator Corruption Suppression Bureau 2
Mr. Wanlop Yutidhammadamrong	Senior Investigator Corruption Suppression Bureau 2
Mr. Kittii Limpong	Senior Investigator Corruption Suppression Bureau 2
Mr. Boonsaeng Cheerapakorn	Senior Personnel Officer Personnel Division
Mr. Utit Buasri	Senior Legal Officer Policy and Planning Bureau
Mr. Sittipong Phungvongsanurak	Senior Investigator Report Division
Mr. Anant Petchmai	Senior Intelligence Officer Intelligence Unit
Ms. Pornphan Yuthrattana	Junior Investigator Corruption Suppression Bureau 2
Mr. Vachirachai Rattanachoe	Junior Inspector Asset Inspection Bureau 1
Ms. Sunanta Jampa-ngoen	Junior Inspector Asset Inspection Bureau 2
Ms. Chantira Patanakornsitanont	Junior Legal Officer Legal Affairs Bureau
Mr. Jakkrit Tunlerd	Junior Investigator Corruption Suppression Bureau 1

Ms. Visra Ratanasamai

Senior Administrative Officer
Administrative Section

Mr. Thanachot Pairoh

Head of Foreign Affairs Section
Policy and Planning Bureau

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. The First Country Specific Training Course on the Revitalization of the PPA Volunteer Probation Aides System

The First Country Specific Training Course on the Revitalization of the PPA Volunteer Probation Aides System for the Philippines will be held from 27 June to 11 July 2006. Twelve Parole and Probation Officers from the Philippines will attend.

2. The 134th International Training Course

The 134th International Training Course entitled "Challenges in the Investigation, Prosecution and Trial of Transnational Organized Crime" will be held from 28 August to 5 October 2006.

Rationale

1. Response to the Increasing Threat of Transnational Organized Crime by the International Community, in Particular, the United Nations

Advances in communications and technology have shrunk distances between states, made state frontiers porous and opened up previously unimaginable opportunities for commercial, political and social interaction, and consequently have dramatically expanded legitimate international commercial transactions. This process of globalization has also led to unprecedented opportunities for illegitimate activities by criminal organizations. Transnational criminal organizations have been among the first to take advantage of the new global reach made possible by the revolutions in communications, transportation and commerce. The rapid growth and geographical extension of organized crime in its various forms have been undermining the development process and impairing the safety and quality of life of citizens.

Following the increased threat of transnational crime, since the mid-1990s, the international community began to recognize the gravity of the threat posed by transnational organized crime to the political, economic and social fabric of society. Subsequently, after several years of negotiations by the United Nations, in November 2000, the General Assembly adopted the United Nations Convention against Transnational Organized Crime (hereinafter referred to as "the Transnational Organized Crime Convention" or "the Convention"), together with its two following protocols as a historic step forward in countering this threat: (i) Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter referred to as "the Trafficking in Persons Protocol") and (ii) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter referred to as "the Migrant Protocol").

Moreover, in May 2001, the General Assembly adopted a third protocol, the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (hereafter "the Firearms Protocol").

Many states, having taken this threat seriously, moved swiftly towards the ratification of the Convention and the Protocols. Consequently, the Convention, the Trafficking in Persons

Protocol, the Migrant Protocol and the Firearms Protocol entered into force on 29 September 2003, 25 December 2003, 28 January 2004, and 3 July 2005, respectively. By the end of 2005, more than 100 states became parties to the Convention, nearly 100 to the Trafficking in Persons Protocol and the Migrant Protocol, and nearly 50 to the Firearms Protocol. Many other states are in the ratification process.

Following the entry into force of the Convention, pursuant to Article 32 therein, the Conference of the Parties was established to improve the capacity of States Parties to combat transnational organized crime and to promote and to review the implementation of the Convention and its Protocols. The first and the second sessions of the meetings of the Conference of the Parties were held in 2004 and 2005, respectively, in which representatives of the State Parties, signatories and non-signatories participated. Subsequent sessions will be held in order to review the implementation of the Convention and the Protocols.

In addition, various bodies of the United Nations have deemed the fight against transnational organized crime as a high priority issue. In particular, the United Nations Office on Drugs and Crime (UNODC) has undertaken a series of activities to promote the ratification and implementation of the Convention and its Protocols, and to provide technical assistance to States as its top priority.

2. The Significance of the Transnational Organized Crime Convention and its Protocols in the Investigation, Prosecution and Trial of Transnational Organized Crime

One of the most important tasks for the criminal justice system is to detect, investigate, prosecute and punish organized criminals effectively. However, organized criminals often remain undetected and beyond arrest because of the difficulties and complexity inherent to the investigation of organized crime. In particular, it is difficult to penetrate the core of organized criminal groups and catch the ringleaders. As professionals of crime, organized criminals quite often conceal the tracks of their illegal activities in a methodical and sophisticated way. Also, the ringleaders are usually involved behind the scenes and behind closed doors. Moreover, those who can supply key information and evidence to the law enforcement authorities are subject to potential retaliation or intimidation by the criminal organization. Further, the increase in the transnational aspect of their illegal activities has made these tasks more complex and difficult, due to gaps in national law, jurisdictional problems or a lack of accurate information about the full scope of organized criminal groups' activities. Therefore, in order for law enforcement officials to reach such criminals, they need to implement fully the use of innovative legal weapons.

By the use of the Convention and its Protocols, States Parties are able to rely on one another in investigating, prosecuting and punishing crimes committed by organized criminal groups where either the crimes or the groups who commit them have some element of transnational involvement. This should make it much more difficult for offenders and organized criminal groups to take advantage of the difficulties inherent in the investigation, prosecution and trial of cases involving several jurisdictions.

In addition to dealing with the fight against organized crime in general, the Convention deals with some of the major activities in which transnational organized crime is commonly involved, such as money laundering and the obstruction of justice. To supplement the Convention, the three Protocols also tackle specific areas of transnational organized criminal groups' activities that are of particular concern to UN Member States.

In detail, the Convention and its Protocols apply to "serious crimes" (i.e. offences

punishable by a maximum deprivation of liberty of at least four years or a more serious penalty, Articles 3.1(b) and 2(b), the Convention) and several other specific acts of which the Convention and the Protocols require criminalization (Article 3.1(a), the Convention). These acts are:

- (i) Participation in an organized criminal group (Article 5, the Convention);
- (ii) Laundering of proceeds of crime (Article 6, the Convention);
- (iii) Corruption (Article 8, the Convention);
- (iv) Obstruction of justice (Article 23, the Convention);
- (v) Trafficking in persons (Article 5, the Trafficking in Persons Protocol);
- (vi) Smuggling of migrants (Article 6, the Migrant Protocol);
- (vii) Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition (Article 5, the Firearms Protocol); and
- (viii) Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms (Article 5, the Firearms Protocol).

In order to suppress these crimes, the Convention and its Protocols provide for a variety of remarkable measures to investigate, prosecute and try transnational organized crime effectively.

As one of the significant investigative measures, Article 20 of the Convention provides for the use of special investigative techniques, such as controlled delivery, electronic surveillance and undercover operations, and their use at the international level. Such measures could enable law enforcement authorities to obtain evidence behind closed doors. Also, as an effective tool in order to reach the organized criminals, in particular, the core of the criminal organization, Article 26 refers to granting immunity from prosecution and mitigating punishment for a person who participates or has participated in an organized criminal group and provides substantial cooperation in the investigation or prosecution.

In order for the criminals that have been detected and investigated to be prosecuted, tried and punished effectively, further measures are needed to secure the testimony of witnesses. In this regard, Articles 24 and 25 provide for witness and victim protection measures, including the use of physical protection and testimony through the use of video links, etc.

As the most crucial element for combating transnational organized crime, the Convention comprehensively addresses the issue of international cooperation. In particular, Articles 16 and 18 provide for elaborated mechanisms for extradition and mutual legal assistance, respectively. Additionally, Article 13 specifically addresses international cooperation for purposes of confiscation in detail. Moreover, the Convention refers to methods to accelerate trans-border investigation, such as joint investigations in Article 19 and law enforcement cooperation in Article 27.

Although some of the measures are not in the mandatory clauses of the Convention, the use of these measures could enhance the capacity of the competent authorities in the investigation, prosecution and trial of organized criminals who seek to take advantage of gaps in traditional laws and the differences in the criminal justice systems and legislation.

Giving due consideration to the significance of the Convention and its Protocols and the necessity of their effective implementation in the fight against transnational organized crime as mentioned above, UNAFEI, as a regional institute of the United Nations Crime Prevention and Criminal Justice Programme Network, believes that it is of vital importance to make full use of the countermeasures provided in the Convention and the Protocols in order to combat this threat. It has been several years since the international community first recognized the threat of transnational organized crime and each state has started to strengthen its legal regime to combat it both domestically and internationally in line with the Convention and the Protocols. In order to

facilitate such efforts, which are still in progress in many countries, it is time to review how each country's criminal justice system has in practice dealt with transnational organized crime, and what problems and challenges it faces. UNAFEI, therefore, will explore in this Course various practical issues that relate to the investigation, prosecution and trial of transnational organized crime, with special attention to the Convention and its three Protocols.

3. Objectives

This Training Course aims at examining and analyzing the current situation, problems and challenges in the investigation, prosecution and trial of transnational organized crime. The objectives and their subtopics are as follows:

- (1) Current situation of transnational organized crime in the respective countries and their existing legal regime to investigate, prosecute and try it, in particular, the offences listed below (NB: for the purpose of preparing the individual presentation paper, participants are requested to focus on any one or more of these offences):
 - Participation in an organized criminal group;
 - Money laundering;
 - Obstruction of justice;
 - Trafficking in persons;
 - Smuggling of migrants;
 - Illicit manufacturing of and trafficking in firearms, their parts and components and ammunition;
 - Falsifying or illicitly obliterating, removing or altering the marking(s) on firearms; and
 - Others (i.e. "serious crimes", as defined in Article 2(b) above).

Please note that corruption offences, as defined in Article 8 of the Convention, are excluded from the scope of this Training Course, since the incorporation of corruption into the Convention offences was intended mainly to facilitate international cooperation between State Parties, and more detailed measures were left to the UN Convention Against Corruption.

- (2) Current situation of, and problems and challenges in the investigation, prosecution and trial of the above mentioned offences, in relation to collecting key evidence
 - (i) Problems and challenges in the use of special investigative techniques
 - a) controlled delivery b) electronic and other forms of surveillance c) undercover operations d) other special investigative techniques e) use of special investigative techniques at the international level.
 - (ii) Problems and challenges in obtaining information and testimony by key witnesses and victims
 - a) protection measures for witnesses and victims (e.g. relocation, non-disclosure of identity, testimony through video links) and its use at the international level b) measures to encourage persons who participate(d) in organized criminal groups to supply information and to cooperate with the law enforcement authorities (e.g. granting immunity from prosecution).

(NB: Participants are also encouraged to include in their presentation any examples of success stories on the above issues, which could serve as best practices for other participants).

- (3) Current situation of, and problems and challenges in, the investigation, prosecution and trial of the above mentioned offences, in relation to international cooperation
- (i) Problems and challenges in obtaining and providing mutual legal assistance, including for purposes of confiscation
 - (ii) Problems and challenges in the use of other types of international cooperation
 - a) joint investigations
 - b) law enforcement cooperation (e.g. exchange of information).

Please note that since extradition mainly entails legal issues rather than practical ones, extradition issues are excluded from the main scope of this Course, which focuses on practical issues pertaining to investigation, prosecution and trial of transnational organized crime.

ADMINISTRATIVE NEWS

Faculty Changes

Ms. Tamaki Yokochi, formerly Professor of UNAFEI, was transferred and appointed Parole Officer for Kanto Regional Parole Board on 1 April 2006.

Mr. Koji Yamada, formerly Chief of the Rehabilitation Service Development Section of Okayama Probation Office, joined UNAFEI as a Professor on 1 April 2006.

Overseas Trips by Staff

Mr. Motoo Noguchi (Professor) visited Kotakinabalu, Malaysia to act as Co-Rapporteur at the ACPF Workshop on the Guidelines on the Role of Criminal Justice to Minimize Socio-economic Damage Ensuing from Natural Disasters from 10 to 13 March 2006.

Mr. Iichiro Sakata (Professor) visited Vienna from 19 to 24 March 2006 to attend the "Intergovernmental Expert Group Meeting of the U.N. Commission on Crime Prevention and Criminal Justice to Develop a Questionnaire on Standards and Norms Primarily Related to Crime Prevention".

Mr. Masahiro Tauchi (Director) and Mr. Iichiro Sakata (Professor) visited Vienna to attend and make presentations at the UN Commission on Crime Prevention and Criminal Justice from 23 to 29 April 2006.

Mr. Masato Uchida (Professor) visited Canada from 1 to 15 May 2006 to carry out research on the sexual offender treatment programmes in Canada. Mr. Uchida met with officials from the Correctional Service of Canada and travelled to Ontario, Quebec and British Columbia.

Mr. Keisuke Senta (Deputy Director) visited Hong Kong, SAR to attend the Third ICAC Symposium: Corporate Corruption, Integrity and Governance, from 8 to 12 May 2006.

Mr. Koji Yamada (Professor) visited Manila, the Philippines from 9 to 13 May 2006 to meet Mr. Ismael Herradura, the Administrator of the Parole and Probation Administration, Philippines and visit the offices of several government departments.

Ms. Kayo Ishihara (Professor) visited Bangkok, Thailand from 5 to 9 June 2006 to attend the UNODC Regional Expert Group meeting on Witness Protection and to moderate a group work session.

FACULTY AND STAFF OF UNAFEI

Faculty:

Mr. Masahiro Tauchi	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
Mr. Koji Yamada	Professor
Mr. Masato Uchida	Professor, Chief of Research Division, 133rd Course Programming Officer
Mr. Tomoyuki Noge	Professor
Ms. Megumi Uryu	Professor, 133rd Deputy Course Programming Officer
Ms. Kayo Ishihara	Professor
Mr. Iichiro Sakata	Professor, Chief of Training Division
Ms. Satoko Ikeda	Professor
Mr. Simon Cornell	Linguistic Adviser

Secretariat:

Mr. Junichi Ebara	Chief of Secretariat
Mr. Kazuyuki Kawabe	Co-Deputy Chief of Secretariat
Mr. Hitoshi Nishimura	Co-Deputy Chief of Secretariat

General and Financial Affairs Section:

Mr. Hideshi Ohashi	Chief
Ms. Ayako Tanaka	
Ms. Chiemi Matsuura	
Mr. Keiji Matsui	Driver
Ms. Tomoko Inamasu	

Training and Hostel Management Affairs Section:

Mr. Seiji Yamagami	Chief
Mr. Masayuki Tanuma	
Ms. Yukari Ishikawa	
Ms. Tomomi Matsuoka	
Mr. Hideyuki Inoue	133rd Assistant Course Programming Officer

International Research Affairs Section:

Mr. Etsuya Iwakami	Chief
Ms. Masumi Tomita	Librarian

Secretarial Staff:

Ms. Yoko Hosoe
Ms. Kumiko Yanagisawa

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