

# UNAFEI NEWSLETTER

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

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## LETTER FROM THE DIRECTOR

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It is my privilege to inform readers of the successful completion of the 139<sup>th</sup> International Training Course on "Profiles and Effective Treatments of Serious and Violent Juvenile Offenders", which took place from 19 May to 27 June 2008.

In this Course, we welcomed eight Japanese and sixteen overseas participants: eight from Asia, five from Latin America and the Caribbean, and three from Africa. They included corrections officers, police officers, judges and other high-ranking public officials.

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.

Juvenile justice systems vary from country to country and it is common for most countries to apply a system different from that applied to adults. However, in instances where juveniles commit very serious and violent offences, many countries do apply the same justice process as that applied to adult penal trials. Such an approach is taken in the interests of the protection of victims, the protection of society, and punitive viewpoints. Even in such serious cases however, we cannot lose sight of the fundamental philosophy of juvenile justice: the rehabilitation of juvenile offenders.

The United Nations has tried to establish rules and regulations for the purpose of proper juvenile justice administration and treatment. "The United Nations Standard Minimum Rules for the Administration of Juvenile Justice" (The Beijing Rules) outlines basic philosophies such as respecting human rights, pursuing the best interest of juveniles and exploiting social resources, and especially, promoting diversion systems.<sup>1</sup>

This rule, together with "The United Nations Convention on the Rights of the Child"<sup>2</sup> and "The United Nations Guidelines for the Prevention of Juvenile Delinquency" (The Riyadh Guidelines),<sup>3</sup> provides that treatment programmes in the community must be prioritized because of their protective and rehabilitative value and that treatment in institutions must be the last resort. "The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty"<sup>4</sup> was enacted to prevent inappropriate treatments and the infringement of the human rights of juveniles.

More than that, the United Nations recognizes the importance of the development of effective treatment programmes for those accommodated in institutions. Paragraph 9 of resolution

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<sup>1</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (1985)

<http://www.un.org/documents/ga/res/40/a40r033.htm> (accessed February 5, 2008).

<sup>2</sup> United Nations Convention on the Rights of the Child (1989),

<http://www.un.org/documents/ga/res/44/a44r025.htm> (accessed February 5, 2008).

<sup>3</sup> United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) (1990)

<http://www.un.org/documents/ga/res/45/a45r112.htm> (accessed February 5, 2008).

<sup>4</sup> United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990)

<http://www.un.org/documents/ga/res/45/a45r113.htm> (accessed February 5, 2008).

45/113 (1990) of the UN General Assembly asserts that it is indispensable for Member States to consider treatment methods for serious and persistent young offenders and requests the UN Secretary-General to report the results of considerations at the Ninth UN Congress on the Prevention of Crime and the Treatment of Offenders.

At the Ninth Congress, Member States discussed the treatment of serious and persistent juvenile offenders at workshop sessions and tried to analyse background factors and practical methods for treatment. According to the background paper of the workshop,<sup>5</sup> it is highly possible for those who have had traumatic experiences like physical or mental abuse, neglect, or inconsistent discipline to commit very atrocious and violent crimes during puberty or early adulthood. Other contributing factors are exposure to materials depicting violence, rapid industrialization and urbanization, and personality disorders or developmental disorders.

The UN Member States have tried to solve these problems; however, the problem of violent crime committed by juveniles remains. There is an urgent need for us to establish proper justice systems and to implement effective assessment and treatment methods for these serious and critical cases.

UNAFEI, as a regional institute of the United Nations Crime Prevention and Criminal Justice Programme Network, decided to hold this Course in order to provide an opportunity for juvenile criminal justice personnel to consider the various issues for the purpose of clarifying challenges and discovering solutions suitable for their own countries.

During the Course the participants diligently and comprehensively examined the current situation of juvenile justice in the participating countries, primarily through a comparative analysis. 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 co-operation 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.

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<sup>5</sup> Crime Prevention Strategies in Particular as Related to Crimes in Urban Areas and Juvenile and Violent Criminality, Including the Question of Victims: Assessment and New Perspectives. (Background Paper for the workshop on urban policy and crime prevention of Ninth UN Congress on the Prevention of Crime and the Treatment of Offenders)(A/CONF. 169/10). [http://www.asc41.com/9th UN Congress on the Prevention of Crime/9th\\_congress.htm](http://www.asc41.com/9th_UN_Congress_on_the_Prevention_of_Crime/9th_congress.htm) (accessed February 5, 2008).

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 international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 139<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 2008

相澤 恵一

*Keiichi Aizawa*  
Director, UNAFEI

## THE 139TH INTERNATIONAL TRAINING COURSE

### "Profiles and Effective Treatments of Serious and Violent Juvenile Offenders"

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#### Course Rationale

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##### Rationale

1. The participants of the 139<sup>th</sup> UNAFEI International Training Course discussed and learned the models of juvenile justice systems and methods of assessment and treatment. Juvenile justice systems vary from country to country, like the Child Welfare Model, which makes much of juveniles' education; the Justice Model, which emphasizes the due process of the law in juvenile cases; the Restorative Justice Model, which takes account of the victims' viewpoints; or the Crime Control Model, which makes much of social protection.<sup>6</sup> However, it is common for most countries to apply a system different from that for adults. Although each country adopts its own justice system specifically designed for the sound development of juveniles, in instances where juveniles commit very serious and violent offences, many of them need to apply the same justice process as that applied to adult penal trials. They do this because they need to take into consideration the needs of juvenile offenders as well as the protection of victims, the protection of society, and punitive viewpoints.

Even in serious cases, we cannot lose sight of the fundamental philosophy of juvenile justice: the rehabilitation of juvenile offenders. The problem areas relevant to those serious crimes have to be clarified in order to create proper justice systems and treatment programmes. The problems of juvenile offenders are seriously complicated, and are deeply rooted in their mental, psychological, family, school and social situations. It is our obligation to continue our efforts to discover the causes of these problems and methods to solve them.

The United Nations has tried to establish rules and regulations for the purpose of proper juvenile justice administration and treatment. "The United Nations Standard Minimum Rules for the Administration of Juvenile Justice" (The Beijing Rules) outlines basic philosophies such as respecting human rights, pursuing the best interest of juveniles and exploiting social resources, and especially, promoting diversion systems.<sup>7</sup> This rule, together with "The United Nations Convention on the Rights of the Child"<sup>8</sup> and "The United Nations Guidelines for the Prevention of Juvenile Delinquency" (The Riyadh Guidelines),<sup>9</sup> provides that treatment programmes in the community

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<sup>6</sup> Corrado, R. R., and Turnbull, S. D. (1992). A comparative examination of the Modified Justice Model in the United Kingdom and the United States. In R. R. Corrado, N. Bala, R. Linden, & M. Le Blanc (Eds.), *Juvenile justice in Canada: A theoretical and analytical assessment* (pp. 75-136). Toronto, ON: Butterworth.

<sup>7</sup> United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (1985)  
<http://www.un.org/documents/ga/res/40/a40r033.htm> (accessed February 5, 2008).

<sup>8</sup> United Nations Convention on the Rights of the Child (1989),  
<http://www.un.org/documents/ga/res/44/a44r025.htm> (accessed February 5, 2008).

<sup>9</sup> United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) (1990)  
<http://www.un.org/documents/ga/res/45/a45r112.htm> (accessed February 5, 2008).

must be prioritized because of their protective and rehabilitative value and that treatment in institutions must be the last resort. Even though we understand that institutional treatment limits the liberty of juveniles, we sometimes need to utilize it in cases of deteriorated criminal tendencies and other problems from which the juvenile may be suffering. "The United Nations Rules for the Protection of Juveniles Deprived of Their Liberty"<sup>10</sup> was enacted to prevent inappropriate treatments and the infringement of the human rights of juveniles. More than that, the United Nations recognizes the importance of the development of effective treatment programmes for those accommodated in institutions. Paragraph 9 of resolution 45/113 (1990) of the UN General Assembly, which adopted the rule, asserts that it is indispensable for Member States to consider treatment methods for serious and persistent young offenders and requests the UN Secretary-General to report the results of considerations at the Ninth UN Congress on the Prevention of Crime and the Treatment of Offenders. That is to say, the UN asserts that Member States need to recognize the importance of considering how to utilize institutional treatments effectively when they must accommodate serious and persistent juveniles in institutions.

At the Ninth Congress, Member States discussed the treatment of serious and persistent juvenile offenders at workshop sessions and tried to analyse background factors and practical methods for treatment. According to the background paper of the workshop,<sup>11</sup> it is highly possible for those who have had traumatic experiences like physical or mental abuse, neglect, or inconsistent discipline to commit very atrocious and violent crimes during puberty or early adulthood. As for social factors, the background paper pointed out that a flood of harmful and violent visual programmes would be the cause of arbitrary rationalization by juveniles that violent behaviour is a useful solution to problems. Also, globalization inflicts rapid industrialization and urbanization, due to which traditional community ties, morals and cultures have seriously deteriorated. As for problems implicit in the mental and inner world, the report pointed out the risks from those suffering from personality disorders or developmental disorders. Behaviour and attitude patterns in particular, like antisocial behaviour, cognitive as well as behavioural impulsivities and cognitive perversion, are highly related to violent crimes and so it is indispensable to analyse these characteristics for the development of effective treatment programmes.

The UN Member States have tried to solve these problems; however, there remain many violent crimes committed by juveniles all over the world, like terrorism, child abuse, domestic violence, gun massacres, gang conflicts, and so on. There is an urgent need for us to establish proper justice systems and to implement effective assessment and treatment methods for these serious and critical cases. In this UNAFEI training course, we are going to examine the following topics for the development of effective measures.

- (1) Justice Models and Procedures
- (2) Assessment Methods
- (3) Treatment Methods
- (4) Prevention Methods

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<sup>10</sup> United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (1990)

<http://www.un.org/documents/ga/res/45/a45r113.htm> (accessed February 5, 2008).

<sup>11</sup> Crime Prevention Strategies in Particular as Related to Crimes in Urban Areas and Juvenile and Violent Criminality, Including the Question of Victims: Assessment and New Perspectives. (Background Paper for the workshop on urban policy and crime prevention of the Ninth UN Congress on the Prevention of Crime and the Treatment of Offenders)(A/CONF. 169/10).

[http://www.asc41.com/9th UN Congress on the Prevention of Crime/9th\\_congress.htm](http://www.asc41.com/9th%20UN%20Congress%20on%20the%20Prevention%20of%20Crime/9th_congress.htm) (accessed February 5, 2008).

UNAFEI, as a regional training institute of the United Nations, aimed to provide the participants of the 139<sup>th</sup> International Training Course with opportunities to be exposed to the issues mentioned above for the purpose of clarifying problematic areas and discovering solutions for serious and violent juvenile offenders in their own countries. The following were concrete discussion topics.

1. Issues and methods of criminal investigation and prosecution in the case of serious and violent juvenile offenders:
  - (a) Investigation and prosecution systems with consideration for the protection of juvenile offenders;
  - (b) Judicial systems with consideration for the protection of juvenile offenders:
    - (i) Characteristics of juvenile justice systems for serious and violent cases;
    - (ii) Pre-trial criminal investigations systems, social inquiry systems, psychological assessment systems;
    - (iii) Adjudication and treatment appropriate for serious and violent juvenile offenders.
2. Effective institutional treatment programmes for serious and violent juvenile offenders:
  - (a) Problems and challenges of assessment techniques, psychological testing, risk-need assessment, interview techniques;
  - (b) Effective treatment programmes for serious and violent juvenile offenders;
  - (c) Treatment programmes taking into consideration the victim's viewpoints;
  - (d) Problems and challenges of through-care programmes.
3. Effective community treatment programmes for serious and violent juvenile offenders:
  - (a) Problems and challenges of continuous treatment programmes from institutional care:
    - (i) Problems and challenges of development of treatment programmes in accordance with assessment results;
    - (ii) Treatment programmes based on the achievement levels of institutional programmes.
  - (b) Effective community treatment programmes for serious and violent juvenile offenders;
  - (c) Relationships with other organizations for effective community treatment;
  - (d) Crime prevention programmes in the community:
    - (i) Screening risk factors in early childhood;
    - (ii) Effective treatment programmes for high risk boys and girls.

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## Course Summary

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### Lectures

In total, six lectures were presented by visiting experts, ten by ad hoc lecturers and seven by the faculty of UNAFEI. Three distinguished criminal justice practitioners from abroad served as UNAFEI visiting experts. They lectured on issues relating to the main theme, and contributed significantly to the 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 8 to 10.

### 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 or 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 11 to 12.

### Group Workshop Sessions

Group Workshop sessions further examined the sub-topics of the main theme. In order to conduct each session effectively, the UNAFEI faculty selected individuals to serve as group members for the sub-topics, based on their response to a questionnaire previously distributed. Selected participants served as chairpersons, co-chairpersons, rapporteurs or co-rapporteurs and faculty members served as advisers. Each group's primary responsibility was to explore and develop their designated topics in the group workshop sessions. The participants 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 meeting 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 13 to 15.

### 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 16 to 19.

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**Lecture Topics**

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***Visiting Experts' Lectures***

- 1) Dr. Robert Hoge
  - Issues in the Assessment of Juvenile Offenders: Part I
  - Issues in the Assessment of Juvenile Offenders: Part II
- 2) Dr. Joseph Ozawa
  - Juvenile Justice: A study of National Judiciaries for the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
- 3) Mr. Ian Blakeman
  - The Youth Justice System of England and Wales

***UNAFEI Professors' Lectures***

- 1) Mr. Junichiro Otani, *Professor*, UNAFEI
  - The Criminal Justice System in Japan: Prosecution
- 2) Mr. Shintaro Naito, *Professor*, UNAFEI
  - The Criminal Justice System in Japan: The Courts
- 3) Mr. Jun Oshino, *Professor*, UNAFEI
  - An Overview of the Juvenile Justice System in Japan: The Courts
- 4) Mr. Tetsuya Sugano, *Professor*, UNAFEI
  - Institutional Corrections in Japan (Juvenile Institutions)
- 5) Ms. Tae Sugiyama, *Professor*, UNAFEI
  - Community Based Treatment of Offenders in Japan
- 6) Mr. Haruhiko Higuchi, *Professor*, UNAFEI
  - Challenges of the Koban (Police Box) System in the 21st Century
- 7) Mr. Takeshi Seto, *Deputy Director*, UNAFEI
  - The UN and Juvenile Justice

*Ad Hoc Lectures*

- 1) Dr. Hiroshi Tomita  
*Psychiatrist, Medical Affairs Section, National Musashino Gakuin*
  - Characteristics and Effective Treatment of Children Committing Serious Crimes and Violent Children
- 2) Mr. Yuzuru Kawabe  
*Director of Classification Division, Fuchu Prison*
  - Mechanism, Profile and Assessment of Serious and Violent Juvenile Offences
- 3) Professor Keiko Honda  
*Professor, Faculty of Education and Integrated Arts and Sciences, Waseda University*
  - How to Implement Anger Management Processes for Violent People?
- 4) Dr. Yuusuke Okamura  
*Deputy Warden, Medical Department, Fuchu Prison*
  - Mental, Behavioural, and Physical Characteristics and Effective Treatment Methods of Serious and Violent Juvenile Offenders
- 5) Mr. Masayuki Oguri  
*Psychiatrist, Superintendent, Miyagawa Medical Juvenile Training School*
  - Effective Treatment Methods for Juveniles Difficult to Treat
- 6) Mr. Shun Ashizawa  
*Chief Family Court Investigator, Tokyo Family Court*
  - The Role of Family Court Investigators in the Investigation of Serious and Violent Juvenile Offences
- 7) Mr. Masanobu Fukuta  
*Director, Juvenile Protection Office, National Police Agency*
  - Present Conditions of Juvenile Delinquency and Police Measures
- 8) Mr. Manabu Kato  
*Judge, Tokyo Family Court*
  - Current Situation of Serious and Violent Juvenile Offenders in Japan
- 9) Ms. Keiko Masaki  
*Assistant to the Chief of the Secretariat, General Affairs Division, Kinki Regional Parole Board*
  - Community Based Treatment in Cases Where Juveniles Have Committed Heinous Crimes

- 10) Mr. Naoki Koshiba  
*Chief Specialist, Rehabilitation Section, Naniwa Juvenile Training School*
- Serious and Violent Juvenile Offenders: The Responsibility of Adults

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## Individual Presentation Topics

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### *Overseas Participants*

- 1) Ms. Claudina Josette Nathaniel-Morgan (Antigua and Barbuda)
  - Towards Crime Prevention in Antigua and Barbuda - A Special Focus on Juveniles
- 2) Ms. Salma Begum (Bangladesh)
  - Juvenile Justice System: Bangladesh Perspective
- 3) Mr. Wangdi Tshering (Bhutan)
  - Crime Prevention - Treatment of Offenders: Profiles and Effective Treatments of Serious and Violent Juvenile Offenders
- 4) Ms. Gloria Barakanye Dithupa (Botswana)
  - Profiles and Effective Treatments of Serious and Violent Juvenile Offenders
- 5) Mr. Barakanye Kootsene (Botswana)
  - Treatment of Serious and Violent Juvenile Offenders
- 6) Mr. Marcelo Eustaquio Goncalves Cesário (Brazil)
  - Brazilian Justice System for Juvenile Delinquency: An Overview of the Statute of the Child and Adolescent
- 7) Dr. Álvaro Burgos (Costa Rica)
  - Treatment for Juvenile Sex Offenders as a True Alternative to Imprisonment in Costa Rica
- 8) Mr. Alain-Bertin Tobunelo Bekolo (Democratic Republic of Congo)
  - Profiles and Effective Treatment of Serious and Violent Juvenile Offenders in the Democratic Republic of Congo
- 9) Ms. Ina Rose Hunter (Jamaica)
  - The Profile and Treatment of Serious Juvenile Offenders in Jamaica
- 10) Mr. Hazem Naeem Al Smadi (Jordan)
  - The Juvenile Justice System in Jordan in Light of United Nations Standards
- 11) Ms. Grace Yerro Naparato (Philippines)
  - The Philippine Setting in the Context of the Juvenile Justice System
- 12) Ms. Korakod Narkvichetr (Thailand)
  - Juvenile Crime and Treatment of Serious and Violent Juvenile Delinquents in Thailand
- 13) Ms. Gonna Satayathum (Thailand)
  - A Study on the Implementation of Family Group Conferences in Solving Crimes Committed by Juvenile Offenders in Thailand
- 14) Mr. Fernando Oscar Viera Rivero (Uruguay)
  - Overview of Juvenile Offenders Justice Procedures in Uruguay

*Observers*

- 15) Mr. Chi-Wai Samuel Tong (Hong Kong)
  - Profiles and Treatment of Serious and Violent Juvenile Offenders
- 16) Mr. Jaemyung Jung (Korea)
  - Profiles and Effective Treatment of Serious and Violent Juvenile Offenders

*Japanese Participants*

- 17) Mr. Hideaki Gunji
  - Juvenile Criminal Procedure in Japan
- 18) Ms. Mayu Hayashi
  - Effective Institutional Programmes for Serious and Violent Juvenile Offenders
- 19) Ms. Naoko Naito
  - The State Appointed Attendant System for Specific Serious Juvenile Offence Cases
- 20) Mr. Kotaro Nakamura
  - Investigation of Juvenile Crime
- 21) Mr. Masaru Takahashi
  - Assessment of Juvenile Offenders at Juvenile Classification Homes in Japan
- 22) Ms. Akiko Tashiro
  - Effective Community Treatment Programmes for Violent Juvenile Offenders in the Probation Office
- 23) Ms. Kazumi Watanabe
  - On Appropriate Assessments of Serious Juvenile Offenders in the Family Court
- 24) Mr. Yoshihiro Uchida
  - The Planning of Facilities for Serious and Violent Juvenile Offenders

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**Group Workshop Sessions**

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**Group 1**

**ISSUES AND METHODS OF CRIMINAL INVESTIGATION, PROSECUTION,  
AND JUDICIAL PROCEDURES FOR SERIOUS AND VIOLENT JUVENILE  
OFFENDERS**

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<b>Chairperson</b>	Mr. Hideaki Gunji	(Japan)
<b>Co-chairperson</b>	Ms. Gonna Satayathum	(Thailand)
<b>Rapporteur</b>	Mr. Marcelo Eustaquio Goncalves Cesário	(Brazil)
<b>Co-Rapporteur</b>	Mr. Fernando Oscar Viera Rivero	(Uruguay)
<b>Members</b>	Mr. Hazem Naeem Al Smadi	(Jordan)
	Ms. Naoko Naito	(Japan)
	Mr. Kotaro Nakamura	(Japan)
<b>Visiting Expert</b>	Dr. Robert Hoge	(Canada)
<b>Advisers</b>	Prof. Jun Oshino	(UNAFEI)
	Prof. Shintaro Naito	(UNAFEI)
	Prof. Junichiro Otani	(UNAFEI)
	Prof. Haruhiko Higuchi	(UNAFEI)

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*Report*

Group One divided its discussion of the theme into two distinct areas: i) investigation; and ii) the judicial system. Each area was further sub-divided, allowing the Group to focus on the various stages of investigation and court proceedings, and drawing on the professional expertise of the Group Members. Particular consideration was given to the best methods of interviewing and assessing juveniles, deciding on the necessity of detention, and the preservation of familial privacy and relationships.

The Group made the following recommendations. Regarding the investigation procedure: 1. Juvenile offenders should be interviewed in a segregated place, separated from other juveniles, witnesses, or the victim. 2. It is desirable that criminal justice officials who deal with juveniles be specially trained. 3. Whether or not the juvenile's parents may be present should be decided in the best interests of the juvenile and the best interests of the investigation. 4. Bearing in mind the different needs and practices in each country, the period of detention should be as short as possible. 5. The decision to detain a juvenile must balance the protection of society and the protection of the juvenile. 6. With due regard to the gravity of the alleged crime, the decision should reflect the authority's concern for the juvenile. 7. Behavioural and psychological analysis should be integral elements of the investigation. 8. The privacy of the juvenile, his or her family, as well as the integrity of the investigation, should be protected. 9. A complete report of the investigation should be forwarded to the relevant authority.

Regarding judicial procedure: 10. Rehabilitation and re-socialization should be the goal of juvenile justice. 11. The role and duties of parents are important, as is the family as an institution. 12. As each juvenile is an individual, the final disposition of the case should be based on a comprehensive social inquiry and psychological report. 13. The privacy of the juvenile and his or her family should be carefully protected. 14. Victims should, at least, have the opportunity to voice their concerns in court. 15. Detention should be for the minimum period *sufficient to rehabilitate* the juvenile.

**Group 2****EFFECTIVE INSTITUTIONAL TREATMENT PROGRAMMES FOR SERIOUS AND VIOLENT JUVENILE OFFENDERS**


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<b>Chairperson</b>	Dr. Álvaro Burgos	(Costa Rica)
<b>Co-Chairperson</b>	Ms. Salma Begum	(Bangladesh)
<b>Rapporteur</b>	Ms. Claudina Josette Nathaniel-Morgan	(Antigua and Barbuda)
<b>Co-Rapporteur</b>	Ms. Gloria Barakanye Dithupa	(Botswana)
<b>Members</b>	Mr. Wangdi Tshering	(Bhutan)
	Mr. Jaemyung Jung	(Korea)
	Ms. Mayu Hayashi	(Japan)
	Mr. Masaru Takahashi	(Japan)
	Mr. Yoshihiro Uchida	(Japan)
<b>Advisers</b>	Prof. Tetsuya Sugano	(UNAFEI)
	Prof. Ryuji Tatsuya	(UNAFEI)

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*Report Summary*

The agenda was as follows: i) problems and challenges of assessment techniques; ii) effective treatment programmes for serious and violent juvenile offenders; iii) treatment programmes which consider the victim's views; iv) problems and challenges of continuous treatment programmes from institutional care to community treatment; and v) goals and needs to improve effective institutional treatment programmes for serious and violent juvenile offenders.

In considering each item of the agenda, the Group made careful comparisons of the current systems of each participating country and identified five common challenges: i) an absence of clear classification regulations; ii) the lack of physical infrastructure and financial resources; iii) an insufficient number of institutional programmes which consider the views of victims; iv) a lack of systematic follow-up programmes; and v) inadequate information-sharing between institutional and community treatment authorities.

The Group made the following recommendations. 1. The Group underlined the necessity of identifying the risk of reoffending and the needs of the targeted juvenile. 2. Juveniles should also be assessed for mental disorders, maturity, and level of intellect. 3. Levels of offending behaviour should be categorized to connect assessment and treatment. 4. Assessment should be conducted by specialists from a range of disciplines. 5. Standardized assessment tools which are adaptive to different situations and combine both quantitative and qualitative methods should be introduced. 6. Assessment methods should be properly selected and implemented. 7. Governments should allocate the necessary human and financial resources to juvenile justice. 8. The minimum essential number of institutions should be constructed. 9. Existing resources should be utilized to the best extent possible. 10. All approaches should be culturally and socially sensitive. 11. The juvenile justice system should encompass the needs of the juvenile and the concerns of the victim, and should be administered by qualified personnel in a consistent manner. 12. Consideration should be given to systems of restorative justice to redress the harm that has been done to victims. 13. Development of programmes which integrate institutional and community-based treatment is recommended. 14. An organization with responsibility for both institutional and community-based treatment is desirable. 15. Sharing information between related agencies should be facilitated by the development of electronic data network systems. 16. At an early stage of the period of incarceration, interventions which prepare the juvenile for release should be applied.

**Group 3****EFFECTIVE COMMUNITY TREATMENT PROGRAMMES FOR SERIOUS AND VIOLENT JUVENILE OFFENDERS**


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<b>Chairperson</b>	Ms. Ina Rose Hunter	(Jamaica)
<b>Co-Chairperson</b>	Mr. Barakanye Kootsene	(Botswana)
<b>Rapporteur</b>	Ms. Grace Yerro Naparato	(Philippines)
<b>Co-Rapporteur</b>	Mr. Chi-Wai Samuel Tong	(Hong Kong)
<b>Members</b>	Mr. Alain-Bertain Tobunelo Bekolo	(DR Congo)
	Ms. Korakod Narkvichetr	(Thailand)
	Ms. Akiko Tashiro	(Japan)
<b>Visiting Expert Advisers</b>	Ms. Kazumi Watanabe	(Japan)
	Mr. Joseph Ozawa	(Singapore)
<b>Advisers</b>	Prof. Tae Sugiyama	(UNAFEI)
	Prof. Koji Yamada	(UNAFEI)

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*Report Summary*

Group Three considered the above theme for juveniles who received non-custodial sentences as well as those released from institutions. The Group was also tasked with addressing the problems and challenges of continuous treatment programmes, including assessing the achievement levels of same; the relationships between criminal justice institutions, government agencies, and NGOs; and crime prevention strategies such as screening in early childhood and treatment for high-risk children. The Group emphasized the importance of community-based treatment in the prevention of crime and highlighted the necessity of community support in this endeavour.

The Group made the following recommendations. 1. Every country should introduce non-custodial sentences and aftercare services for juveniles released from institutions. 2. Professionals in each country should seek political support for community-based treatment systems through the introduction of statistically proven research. 3. A network of NGOs, community groups and businesses should be established, with the dual aim of creating financial support for rehabilitation activities and employment opportunities for rehabilitated offenders. 4. Public awareness of the work of probation offices and social workers should be increased to ensure that sufficient numbers of competent staff are recruited. 5. Extensive training should be provided for all officers, especially those who deal directly with juvenile offenders or children in conflict with the law. 6. The establishment of halfway houses, whether government run or supported by civil society, would ease the problems of overcrowding, which hampers treatment programmes currently being implemented. 7. Family-oriented policies should be implemented to create strong families which can support young people. 8. An inter-agency committee which develops consistent treatment programmes, coordinates treatment and, with due respect for privacy, distributes information amongst social welfare services, correctional institutions and probation personnel, would aid the implementation of effective treatment programmes. 9. Juveniles should be individually analysed for risk and need levels and programmes should be tailored accordingly. 10. Vocational training should be relevant to the current jobs market to increase employment opportunities. 11. Benchmarking should be utilized to develop common assessment tools and gauge established practices and programmes in different institutions. 12. High-risk families should be assisted by early intervention programming to assist in cultivating healthy family relationships.

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**Observation Visits**

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<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
May 28	Musashino Gakuin	• Mr Hitoshi Aizawa (Superintendent)
June 4	Tokyo Probation Office	• Mr. Kazuo Kasahara (Director)
	Tokyo District Prosecutors Office	• Mr. Tetsuo Ito (Chief Prosecutor)
June 6	Kanagawa Medical Juvenile Training School	• Dr. Makoto Sugita (Superintendent)
June 11	Tokyo Family Court	• Mr Syouichi Yagi (Deputy Chief Judge)
	The Supreme Court	• Mr. Tatsuo Kainaka (Justice)
June 16	Kawagoe Juvenile Prison	• Atsushi Nakayama (Warden)

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**Group Study Tour**

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<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
June 19	Hiroshima	Hiroshima Juvenile Classification Home	• Mr. Kuniharu Ueda (Superintendent)
June 20	Kyoto	Kyoto Prefectural Police	

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## Special Events

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May 19 *Welcome Party*

May 21, 22, 23 *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The sensei (teacher) was Ms. Tomoko Toriya from JICE.

May 24 *Grand Sumo Tournament and Party hosted by the ACPF, Kisei-Kai Branch*

The participants attended the Grand Sumo Tournament at the *Ryogoku Kokugikan*, Tokyo, and later enjoyed a party hosted by the ACPF, Kisei-kai Branch, at the Daiichi Ryogoku Hotel.

May 31 *Visit to Tokyo Horse Race Course*

The participants were invited to attend Fuchu Horse Race Course as guests of the Rotary Club of Fuchu.

May 29 *Social with Legal Trainees*

The participants enjoyed a reception with trainees from the Legal Research and Training Institute of the Supreme Court, hosted at UNAFEI.

May 30 *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 a racket relay, tug of war, and true or false quiz. Afterwards, the participants enjoyed a party with UNAFEI staff and faculty.

June 2 *Social with Volunteer Probation Officers*

The participants had an opportunity to exchange views with Japanese Volunteer Probation Officers at a social at UNAFEI.

June 4 *Courtesy Call to the Ministry of Justice and  
Reception by the Vice-Minister of Justice*

After visiting the Ministry of Justice a reception was held for the participants by the Vice-Minister of Justice, Mr. Hiroshi Ozu, at the Lawyer's Club, Tokyo.

June 7, 8 *Home Visits*

The ACPF Fuchu Branch kindly organized dinners for the participants at the homes of their members. The hosts were Mr. Yoshiyuki Sakano, Mr. Rinshi Sekiguchi, Mr. Shigeyuki Ogawa, Ms. Keiko Honda, Mr. Shoichi Tuchida, and Ms. Chitose Sashida.

June 12 *Yokohama Cruise*

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

June 14 *The Way of Tea*

The participants enjoyed lunch at Tanaka House in Kyodo-no-Mori Park. This was followed by "cha-no-yu" or "sado", a formal Japanese tea ceremony. These events were kindly hosted by Soroptimist International Tokyo, Fuchu.

June 16 *ACPF Fuchu Branch Party*

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

June 26 *Farewell Party*

A party was held to bid farewell to the participants.

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## Reference Materials

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### A. UN Conventions, Standards and Norms in Juvenile Justice, and Related Materials

1. United Nations Convention on the Rights of the Child, 1989
2. Standard Minimum Rules for the Treatment of Prisoners (1<sup>st</sup> UN Congress)
3. United Nations Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (Beijing Rules)
4. United Nations Guidelines for the Prevention of Juvenile Delinquency, 1990 (the Riyadh Guidelines)
5. United Nations Rules for the Protection of Juveniles Deprived of their Liberty, 1990
6. Guidelines for Action on Children in the Criminal Justice System, 1997
7. Crime Prevention Strategies, in Particular as Related to Crimes in Urban Areas and Juvenile and Violent Criminality, including the Question of Victims: Assessment and New Perspectives
8. United Nations Standard Minimum Rules for Non-Custodial Measures, 1990 (The Tokyo Rules)
9. Juvenile Justice, Criminal Justice Assessment Toolkit, 2006, UNODC

### B. Juvenile Justice System

1. Hoge, R.D. and Andrews, D.A. *Assessing the Youthful Offender*. New York, Plenum Press, 1986. Chapters 1-3 pp.1-42.
2. Loeber, L. and Farrington, D. (Eds). *Child Delinquents*. California, Sage Publications Inc., 2001. Chapter 13 pp. 305-322, Chapter 14 pp. 323-338.
3. Champion, D.J. *The Juvenile Justice System*. 2nd ed. New Jersey, Prentice Hall, Chapter 1 pp. 1-30, Chapter 3, pp.73-110.
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### C. Assessment of Juvenile Offenders

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2. Hoge, R.D. *The Juvenile Offender*. Boston, Kluwer Academic Publishers, 2001. Chapter 6, pp. 153-192.
3. Gendreau, P., Goggin, C. and Little, T. *Predicting Adult Offenders Recidivism: What Works!* Public Works and Government Services, Canada.
4. Taylor, G. Offender Needs Providing the Focus for Our Correctional Interventions. *Compendium 2000 on Effective Correctional Programming*. Correctional Service of Canada.
5. Bonta, J. Offender Assessment: General Issues and Considerations *Compendium 2000 on Effective Correctional Programming*. Correctional Service of Canada.
6. Borum, R. Assessing Violence Risk among Youth. *Journal of Clinical Psychology*, Vol. 56 (2), pp. 1263-1288 (2000). Borum, R. Managing At-Risk Juvenile Offenders in the

- Community. *Journal of Contemporary Criminal Justice*, Vol. 19 (1), (2003) pp. 114-137.
7. Webster, C.D., Douglas, K.S., Eaves, D., and Hart, S.D. *HCR-20 Violence Risk Management Companion Guide*. Mental Health, Law, and Policy Institute, Simon Fraser University, 1997. pp. 13-71.
  8. Loeber, L. and Farrington, D. *Child Delinquents*. California, Sage Publications, Inc, 2001. Chapter 7-11, pp. 137-272.
  9. Dahllberg, L.L., Toal, S.B., Swahn, M., and Behrens, C.B. *Measuring Violence-Related Attitudes, Behaviours, and Influences Among Youths: A Compendium of Assessment Tools*. 2nd ed. Atlanta, GA, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control.
  10. Borum, R., Bartel, P., and Forth, A. *Manual for the Structured Assessment of Violence Risk in Youth (SAVRY)*. University of South Florida, 2003. pp. 1-20.

#### **D. Treatments of Juvenile Offenders**

1. Hoge, R. D. *The Juvenile Offender*. Boston, Kluwer Academic Publishers, 2001. Chapter 8-10, pp. 225-324.
2. Loeber, L., and Farrington, D. *Serious & Violent Juvenile Offenders*. California, Sage Publications, Inc., 1999. Chapter 13-15, pp. 313-388.
3. Webster, C.D., Douglas, K.S., Eaves, D., and Hart, S.D. *HCR-20 Violence Risk Management Companion Guide*. Mental Health, Law, and Policy Institute, Simon Fraser University, 1997. pp. 73-160.
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#### **E. Prevention of Serious and Violent Juvenile Offences**

1. Loeber, L., and Farrington, D. *Serious & Violent Juvenile Offenders*. California, Sage Publications, Inc., 1999. pp. 197-283.
2. Tonry, M., and Farrington, D. P. *Building a Safer Society: Strategic Approaches to Crime Prevention*. London: The University of Chicago Press, Ltd., 1995. pp. 1-89.

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## Experts and Participants List

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### Visiting Experts

Dr. Robert Hoge	Emeritus Professor of Psychology and Distinguished Research Professor Carleton University Canada
Dr. Joseph Ozawa	Senior Deputy Director Family and Juvenile Justice Centre Subordinate Courts of Singapore
Mr. Ian Blakeman	Head of Group Women and Young People's Group HM Prison Service United Kingdom

### Overseas Participants

Ms. Claudina Josette Nathaniel-Morgan	Corporal Rape Unit CID Royal Police Force Antigua and Barbuda
Ms. Salma Begum	Additional Superintendent (Training) Police Headquarters Bangladesh
Mr. Wangdi Tshering	Staff Officer to Chief Royal Bhutan Police Bhutan
Ms. Gloria Barakanye Dithupa	Superintendent Prisoners Administration and Rehabilitation Botswana Prison Service Botswana
Mr. Barakanye Kootsene	Senior Social Welfare Technician Social and Community Development North West District Council Botswana
Mr. Marcelo Eustaquio Goncalves Cesário	Police Chief Civil Police of the Federal District Brasilia Brazil

Dr. Álvaro Burgos	Magistrate Superior Juvenile Criminal Court Costa Rica
Mr. Alain-Bertin Tobunelo Bekolo	Director Inspector of Scientific Field Justice Department Democratic Republic of Congo
Ms. Ina Rose Hunter	Educational Co-ordinator Department of Correctional Services Ministry of National Security Jamaica
Mr. Hazem Naeem Al Smadi	Judge Amman First Instance Court Jordan
Ms. Grace Yerro Naparato	Chief Women and Child Protection Center Police Regional Office Calabarzon IV-A Philippine National Police
Ms. Korakod Narkvichetr	Director Nakornratchasima Probation Office Department of Probation Ministry of Justice Thailand
Ms. Gonna Satayathum	Judge Nakorn Panom Provincial Court Juvenile and Family Division Office of the Judiciary Thailand
Mr. Fernando Oscar Viera Rivero	Assistant to Director Police Instructor National Police School Uruguay
<b>Observers</b>	
Mr. Chi-Wai Samuel Tong	Principal Officer Correctional Service Department Hong Kong
Mr. Jaemyung Jung	Correctional Supervisor Prison Industry Section Anyang Corrections Institution Korea

**Japanese Participants**

Mr. Hideaki Gunji	Assistant Judge Tokyo District Court
Ms. Mayu Hayashi	Chief Specialist Haruna Juvenile Training School for Girls
Ms. Naoko Naito	Assistant Judge Tokyo District Court
Mr. Kotaro Nakamura	Public Prosecutor Toyama District Public Prosecutors Office
Ms. Akiko Tashiro	Probation Officer Yokohama Probation Office
Mr. Masaru Takahashi	Chief Specialist Chiba Juvenile Classification Home
Ms. Kazumi Watanabe	Family Court Probation Officer Tokyo Family Court
Mr. Yoshihiro Uchida	Facilities Planning Officer Facilities Division Minister's Secretariat Ministry of Justice

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

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The Fourth Seminar on Criminal Justice for Central Asia was held from 25 February to 14 March 2008 at UNAFEI. The Seminar was entitled "Countermeasures for Drug Offences and Related Crimes and Treatment for Drug Abusers in the Criminal Justice Process". Fourteen participants attended.

Mr. Ametov Bek	Chairman of the Collegium West Kazakhstan Regional Court Kazakhstan
Mr. Maksimgereev Baglan Alkenovich	Senior Public Prosecutor General Prosecutor's Office Kazakhstan
Mr. Nurmukhamedov Marat Beibetovich	Senior Public Prosecutor General Prosecutor's Office Kazakhstan
Mr. Yeshtay Akzhan	Judge Supreme Court of Kazakhstan Kazakhstan
Mr. Abdukul Uulu Mavlen	Head Division Division on Legal Support Analysis and Strategy Department Ministry of Justice Kyrgyzstan
Mr. Barannikov Sergey	Senior Officer/Investigator Ministry of Internal Affairs Kyrgyzstan
Mr. Dononbaev Marat	Prosecutor Office of the General Prosecutor of the Kyrgyz Republic Kyrgyzstan
Mr. Tashkarev Kanat	Senior Investigator Drug Control Agency of the Kyrgyz Republic Kyrgyzstan
Mr. Kamolov Saifiddin Ismonovich	Lawyer of Tursun Zadee Court of Tursun Zadee Tajikistan

Mr. Mirzoev Abdulhakim Latifovich	Vice Chief Court of Ismoeru Somoni Dushonhe City Tajikistan
Mr. Okilov Bakhtiyor Davronovich	Head of the Kayrokhum Court Court of Kayrokhum Tajikistan
Mr. Shomusalomov Saidmusalam	Chairman Gorno-Badakhshan Autonomous Oblast Court Tajikistan
Mr. Hanmukamedov Begench Amanmuhamedovich	Chief of Department Investigative Department Ministry of Foreign Affairs Turkmenistan
Mr. Egamberdiev Muzaffar Shermamatovich	Head of Investigation Department Prosecutors Office of Tashkent City Uzbekistan

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

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The 13<sup>th</sup> Special Seminar for Senior Criminal Justice Officials of the People's Republic of China was held from 3 to 19 March 2008 at UNAFEI. Nine participants and two course counsellors attended. The theme of the Seminar was "Reform of the Criminal Justice System: Introducing the Views of Crime Victims and Improving Offender Treatment, Taking into Account the Risks and Needs of Offenders."

Mr. Zha Quingjiu	Vice Director General Office Ministry of Justice
Mr. Qi Tengjuan	Deputy Chief Prosecutor The People's Procuratorate of Yunnan Province
Ms. Song Jinying	Programme Officer Department of Judicial Assistance and Foreign Affairs Ministry of Justice
Mr. Li Shouwei	Director Criminal Legislation Department Legislative Affairs Commission Standing Committee of NPC China
Mr. Huang Yong	Senior Section Member Criminal Legislation Department Legislative Affairs Commission Standing Committee of NPC China
Mr. Li Ruiyi	Judge Fifth Criminal Tribunal of the Supreme People's Court of the PR of China
Mr. Li Jian	Judge Fourth Criminal Tribunal of the Supreme People's Court of the PR of China
Mr. Xu Chuangye	Division Chief of Office The People's Procuratorate of Chinqing
Mr. Fang Baofeng	Police Legal Affairs Department Ministry of Public Security

Ms. Sun Jianying

Vice President  
Institute of Judicial Administration  
Ministry of Justice

Mr. Geng Zhichao

Division Director  
Department of Judicial Assistance and  
Foreign Affairs  
Ministry of Justice

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**THE THIRD COUNTRY SPECIFIC TRAINING  
COURSE ON REVITALIZING THE  
VOLUNTEER PROBATION AIDE  
PROGRAMME FOR THE PHILIPPINES**

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The Third Country Specific Training Course on Revitalizing the Volunteer Probation Aide Programme for the Philippines was held from 15 to 25 April 2008. Twelve participants attended.

Mr. Rodolfo Pastor Pascua	Assistant Regional Director Cordillera Administrative Region Parole and Probation Administration Department of Justice
Ms. Cecilia Gaddi	Chief Administrative Officer Parole and Probation Administration Department of Justice
Ms. Twila Garingan Dela Cruz	Chief Probation and Parole Officer Boyombong City Parole and Probation Office Region 2 Parole and Probation Administration Department of Justice
Mr. Rene Saldon Remollo	Supervising Parole and Probation Officer Tanjay City Parole and Probation Office Region 7 Parole and Probation Administration Department of Justice
Ms. Hyacinth Verzosa Castanos	Supervising Probation and Parole Officer Community Services Division Parole and Probation Administration Department of Justice
Mr. Wilfred Dang-ao Gonnay	Supervising Probation and Parole Officer Baguio City Parole and Probation Office Cordillera Administrative Region Parole and Probation Administration Department of Justice
Mr. Joel Romano Cabatos Arjinal	Senior Probation and Parole Officer Santa Rosa City Probation Office Region 4 Parole and Probation Administration Department of Justice
Mr. Juan Raymundo Claraval Angangan	Probation and Parole Officer II

	Cauayan City Parole and Probation Office, Region 2 Parole and Probation Administration Department of Justice
Ms. Mary Ann Claver Aranca	Probation and Parole Officer II Tabuk City Parole and Probation Office Cordillera Administrative Region Parole and Probation Administration Department of Justice
Mr. Gideon Michael Rodriguez Patricio	Volunteer Probation Aide Roxas City Region 6 Parole and Probation Administration Department of Justice
Mr. Margarito Tanagon Pacilan	Volunteer Probation Aide Dapitan City Region 9 Parole and Probation Administration Department of Justice
Ms. Virginia Matias Peralta	Volunteer Probation Aide Santa Rosa City Region 4 Parole and Probation Administration Department of Justice

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## INFORMATION ABOUT FORTHCOMING PROGRAMMES

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### 1. The Second Regional Seminar on Good Governance for Southeast Asian Countries

The Second Regional Seminar on Good Governance for Southeast Asian Countries, entitled "Corruption Control in Public Procurement", will be held from 23 to 25 July 2008 in Bangkok, Thailand. The Seminar will be co-hosted by UNAFEI, the Office of the Attorney General of Thailand and the UNODC Regional Centre for East Asia and the Pacific. Participants from seven Southeast Asian countries will attend.

### 2. The 140<sup>th</sup> International Training Course

The 140<sup>th</sup> International Training Course, entitled "The Criminal Justice Response to Cybercrime" will be held from 1 September to 10 October 2008.

#### Rationale

#### 1. The Increasing Threat of Cybercrime and the Necessity to Take Countermeasures

The revolution in information and communication technologies (ICT) is transforming society and human life drastically and fundamentally. ICT, especially computers and computer networks, are now considered indispensable resources for further development; they are seen as tools of management and communication in various social and economic activities.

Despite the tremendous benefits of ICT advancement, regrettably, it has also facilitated various types of crimes, whether as the target of crime (e.g., unauthorized access and damage to, or the modification of, computer data or programmes) or as an instrument of crime (e.g., fraud, forgery, child pornography, defamation, infringement of intellectual property). ICT advances give opportunity not only to mischievous hackers to satisfy their personal interest in intrusive actions, but also to organized criminal groups to profit economically by identity theft, counterfeit credit-card fraud, illicit trafficking, etc. ICT can be used for identity-related wrongdoing, such as computer intrusion, phishing and skimming, not only endangering the privacy of individuals but also creating potential for further economic crime. Illegal or harmful material, such as child pornography, as well as websites assisting violent crime, drug crime, economic crime and sex crime, or websites promoting racism, terrorism or suicide, are now easily accessible. Cyber-attacks on infrastructure can have immediate and serious repercussions for national social and economic systems, as well as profound transnational effects. Thus, cybercrime may in various ways threaten society as a whole and human rights, including rights to property, privacy, dignity and even life.

In order to cope with such a situation, some characteristics of cybercrime (which is defined in this course as crimes in which computers or computer networks are the target or the instrument) should be noted. Cybercrime often involves invisible, intangible, volatile and changeable information data with advanced technology and a borderless network; therefore, investigators sometimes face difficulties in tracing it. Internet anonymity may become a licence to lie. At low risk to themselves and without any geographic or time constraints, cybercrime offenders may execute attacks causing instant harm to the general public. Copycat criminals are not uncommon.

These phenomena now pose significant problems in developed countries, and they also have critical implications for developing countries. Cybercrime can now be committed from or through jurisdictions which have at least minimal telecommunications services but have legal frameworks and law enforcement infrastructure too weak to counter cybercrime. Countries where ICT technologies are being initially deployed and maintained may face threats for which they are unprepared. In order to fully utilize ICT for the further development of society, building proper defences against cybercrime is an inevitable challenge.

The threat posed by the proliferation of cybercrime to the sound development of individual nations, as well as to the international community, has been underestimated. However, considering

the instant extensive damage that can be caused worldwide by crime facilitated by ICT, a proper and immediate response by criminal justice agencies to cybercrime is indispensable. Nevertheless, since such crimes are relatively new to many countries, not every country has established the necessary legal frameworks. Even if such legal frameworks are effectuated, due to criminal justice officials' limited knowledge of cybercrime and associated technological problems, difficulties will ensue in the investigation, prosecution and adjudication of these crimes, in particular with the identification of offenders and the collection of evidence. In addition, the complexity of the challenges specific to cybercrime necessitates international co-operation, which ultimately requires countries to be equipped with the necessary legal, procedural and regulatory tools.

Thus, the appropriate stringent control and prevention measures for cybercrime should be introduced as soon as possible. To this end, it is imperative for criminal justice agencies to understand thoroughly the current situation of cybercrime; to establish a proper legal framework to address such crimes; to develop more advanced techniques and tools commensurate with the nature of these crimes; and to enhance international criminal justice co-operation in this regard.

## 2. International Efforts to Combat Cybercrime

Because of the borderless nature of cybercrime, many efforts have been made at various levels for international harmonization or co-operation to tackle the issue. At the international level, many organizations such as the United Nations Office on Drugs and Crime (UNODC), the International Criminal Police Organization (Interpol), the Group of Eight (G8), the European Union (EU), the Council of Europe (CE), the Organization of American States (OAS) and Asia-Pacific Economic Cooperation (APEC) provide the political and technical expertise necessary to foster international co-operation.

### (i) Efforts by the United Nations

Beginning with the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, the United Nations has been actively involved in addressing various aspects of computer-related developments. In 1994, the United Nations Manual on the Prevention and Control of Computer-related Crime was published. In 2000, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) assisted with the organization and implementation of a workshop on crimes related to the computer network at the Tenth UN Congress on the Prevention of Crime and the Treatment of Offenders. The UN General Assembly invited States to take into account the measures to combat computer misuse contained in its resolutions on Combating the Criminal Misuse of Information Technology (55/63 (2000) and 56/121 (2001)). The United Nations Convention against Transnational Organized Crime (UNTOC), which came into effect in 2003, indirectly deals with cybercrime when carried out by organized criminal groups. The Eleventh UN Congress on Crime Prevention and Criminal Justice held a workshop on computer-related crime and adopted the "Bangkok Declaration" which welcomed efforts to enhance and supplement existing co-operation to prevent, investigate and prosecute high-technology and computer-related crime and invited the Commission on Crime Prevention and Criminal Justice to examine the feasibility of providing further assistance in that area under the aegis of the United Nations in partnership with other similarly focused organizations. In 2007, the Sixteenth United Nations Commission on Crime Prevention and Criminal Justice discussed identity-related fraud.

### (ii) Other International Efforts

In 1997, the G8 established the Subgroup on High-Tech Crime under the framework of a group of senior experts on transnational organized crime, known as the Lyon Group, and adopted the Ten Principles in the Combat against Computer Crime, aiming to ensure that no such criminal receives safe haven anywhere in the world. The G8 Subgroup on High-Tech Crime established and expanded 24-Hour Contacts for International High-Tech and Computer-Related Crime, a list of

computer crime units available to law enforcement agencies 24 hours a day, seven days a week.

The Council of Europe (CE) opened the Convention on Cybercrime (2001) for signature by Member States and selected non-member states in January 2001. The Convention, which took effect in 2004, is the first and currently only binding international instrument on this issue and serves as a framework for international co-operation between States Parties to this treaty and as a guideline for any country developing comprehensive national legislation against cybercrime. It requires States Parties to harmonize national laws that define substantive offences. These include (i) Offences against the confidentiality, integrity and availability of computer data and systems (illegal access, illegal interception, data/system interference, misuse of devices); (ii) Computer-related forgery, computer-related fraud; (iii) Content-related offences (child pornography); and (iv) Offences related to infringements of copyright. In 2004, the Convention's Additional Protocol, concerning the criminalization of acts of a racist and xenophobic nature committed through a computer system, came into effect. In addition, the Convention requires an important set of procedural powers, including production orders, preservation orders, search and seizure of stored computer data, and real time collection of computer data. There are also provisions to establish a rapid and effective system of international co-operation, including mutual assistance, and 24/7 networks and extradition.

In 2002, the Commonwealth Law Ministers adopted "The Model Law on Computer and Computer Related Crime", which shares a common framework with the Convention on Cybercrime. In 2004, the Fifth Meetings of Ministers of Justice or of the Ministers or Attorneys General of the Americas (REMJA V) recommended member states of the Organization of American States (OAS) to evaluate the advisability of implementing the principles of the Convention on Cybercrime (2001), and to consider the possibility of acceding to that Convention. In 2005, the Sixth Asia-Pacific Economic Cooperation (APEC) Ministerial Meeting on the Telecommunications and Information Industry encouraged "all economies to study the Convention on Cybercrime (2001) and to endeavour to enact a comprehensive set of laws relating to cyber-security and cybercrime that are consistent with international legal instruments, including UN General Assembly Resolution 55/63 (2000) and the Convention on Cybercrime (2001)." The International Criminal Police Organization (Interpol), which has been providing technical guidance in cybercrime detection, investigation and evidence collection for law enforcement, including development of a 24/7 network, recommended the Convention on Cybercrime (2001) as providing the international legal and procedural standard for fighting cybercrime at the 7<sup>th</sup> International Conference on Cyber Crime.

In this context, for criminal justice authorities or legislators who wish to explore the way to strengthen legal frameworks against cybercrime in respective countries, it is advisable to evaluate internationally developed materials such as guidelines, legal and technical manuals and model legislation, especially the Convention on Cybercrime (2001).

With regard to criminalization, this Course will mainly deal with the most common types of cybercrime which are stipulated in the Convention on Cybercrime (2001) and its Additional Protocol, as a starting point for discussion. However, there are many other illegal or harmful activities in which computers and computer networks are used as targets or instruments. These include a range of fraudulent activities using ICT, such as auction fraud, non-delivery fraud, and significant increases in credit and debit card fraud. This course may discuss such kinds of cybercrime in which ICT is the target or the tool of other crimes.

### 3. Legal or Practical Issues in Investigation, Prosecution and Adjudication of Cybercrime

Needless to say, strengthening legal procedural tools and the capacity of law enforcement to investigate cybercrime is a critical task in combating cybercrime; however, it is also important that the prosecutors who will bring those cases, and the judges who will hear those cases, understand the current situation and challenges in order to appropriately punish offenders and promote confidence in the safety and security of the online environment.

In the investigation stage, strengthening mechanisms for gathering initial information on cybercrime should be considered. Victims of cybercrime often encounter difficulties in where and how to report the offences. Victims of content-related cybercrime such as child pornography usually have no opportunity to report the offences perpetrated against them. After acquiring initial information, a timely and appropriate response is indispensable to trace the source or the route of the crime, to identify offenders and to collect evidence, since electronic evidence can be deleted or destroyed more easily than physical documents. To do this effectively, investigators need to be familiar with various types of cybercrime and related technologies and the government is required to take measures to strengthen the capabilities of investigative authorities to combat cybercrime. Without the necessary co-operation from other relevant private sector agents and technical experts, including Internet service providers, it is difficult to preserve, collect and analyse intangible and volatile digital evidence properly and without delay. In such a situation, whether, how, to what extent, and what kind of compulsory measures the investigative authority can use to preserve, collect or analyse stored computer data (traffic data or content data), or computer data in real time, may be the most critical issues. These critical issues include the necessity, target, scope and the method of execution of a warrant for compulsory measures relating to large amounts of computer data, unanticipated data or encrypted data. On the other hand, in collecting digital evidence, due process should be ensured, since such investigations often conflict with the right to privacy and other fundamental human rights. It should be noted that data collection and subsequent retention are charged with the conflicting interests and values of various stakeholders, and it may be advisable to seek a balance among the diverse legitimate interests.

Moreover, cybercrime easily crosses borders of jurisdiction and sovereignty; in such cases, it is crucial for successful investigation to utilize international co-operation, including immediate information sharing and mutual assistance among investigative authorities in different jurisdictions. Ordinary bilateral mutual assistance is not sufficient to trace cybercrime across many jurisdictions. If a case of cybercrime is serious enough, even extradition should be considered, which may raise other issues such as dual criminality. For international co-operation to function effectively, substantive offences and procedural powers in one jurisdiction should be compatible with those in another. In this context, it is also advisable to assess the provisions of procedural law and international co-operation proposed in the Convention on Cybercrime (2001).

In the prosecution stage, many issues may arise in regard to substantive and/or procedural law, especially when prosecutors try to apply provisions designed for physical goods to the intangible and ephemeral world of digital goods. Prosecutors have to examine the interpretation carefully in deciding whether and whom to prosecute and must frame charges appropriately.

In the trial stage, difficulties in reconciling procedural law and digital evidence may arise. In jurisdictions where there are strict rules governing the admissibility of evidence, or even in jurisdictions where there are no such explicit rules, disputes may arise as to whether or how judges or fact finders can examine intangible data evidence. Cybercrime cases involving large volumes of evidence may also pose new questions for practitioners. Cybercrime offences usually require criminal intent, and the way such intent is proved may vary from jurisdiction to jurisdiction. Since such offences are relatively new to judges, it is advisable to study trends and aggravating or mitigating factors in sentencing in other jurisdictions in order to sentence cyber criminals appropriately.

We will focus on these legal and practical issues relating to cybercrime and explore effective measures to address them in this Training Course.

#### 4. Objectives

This Training Course aims at exploring ways to improve the criminal justice system to combat cybercrime in the respective countries, by examining and analysing the current situation, problems and challenges in regard to the following subtopics:

- (1) Current situation and issues in the respective countries of illegal or harmful activities in the field of information and communication technology (ICT), especially concerning the

criminalization of cybercrime (crimes in which computers or the computer network are the targets or the instruments) listed below:

- (a) Offences defined in the Convention on Cybercrime (2001) and its Additional Protocol:
  - Offences against the confidentiality, integrity and availability of computer data and systems (illegal access, illegal interception, data/system interference, misuse of devices);
  - Computer-related forgery, computer-related fraud;
  - Content-related offences (child pornography, racism and xenophobia);
  - Offences related to infringements of copyright.
- (b) Other offences in which computers or computer networks are the targets or the instruments (e.g. identity-related offences, fraud using the Internet, inducing or assisting violent, drug, economic or sex crimes using e-mails or websites, defamation).

(NB: for the purpose of preparing their individual presentation papers, participants are requested to mention whether offences listed in (a) above are criminalized in their respective countries. In regard to the definition of each offence, please refer to the Convention on Cybercrime (2001) and its Additional Protocol.)

- (2) Legal or practical issues and measures for investigation, prosecution and adjudication of cybercrime.
  - (a) Issues and measures concerning cybercrime investigation:
    - (i) Initial information gathering (reporting system, cyber patrol, etc.);
    - (ii) Tracing and identifying criminals (co-operation with other public/private agencies, establishing 24-hour co-operation networks, etc.);
    - (iii) Preserving and collecting evidence (fair and timely search and seizure of stored computer data (e.g. large amounts of data, unanticipated but related data, encrypted data), preservation, production or recovery of data, real-time collection of traffic data, interception of content data, etc);
    - (iv) Digital forensic analysis of evidence (specialized units, expert investigator);
    - (v) International co-operation (mutual legal assistance, joint investigation, 24/7 contact point network, extradition).
  - (b) Issues and measures concerning cybercrime prosecution (factors deciding whether, where and whom to prosecute, framing appropriate charges, jurisdictional issues).
  - (c) Issues and measures concerning cybercrime trial, adjudication and sentencing:
    - (i) Evidential issues (admissibility of the evidence, managing large volumes or encrypted evidence, expert witness);
    - (ii) Proving criminal intent;
    - (iii) Methods and factors to decide appropriate sanction.

(NB: for the purpose of preparing their individual presentation papers, participants are requested to explain their existing legal regimes and mechanisms to investigate, prosecute and adjudicate cybercrime in their respective countries).

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**ADMINISTRATIVE NEWS**

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**Faculty Changes**

Ms. Kayo Ishihara, formerly Professor of UNAFEI, was transferred and appointed to the Ministry of Justice on 1 April 2008.

Mr. Junichiro Otani, a public prosecutor, joined UNAFEI as a Professor on 1 April 2008.

**Overseas Trips by Staff**

Director Keiichi Aizawa and Mr. Junichiro Otani (Professor) visited Vienna, Austria from 13 to 20 April to attend the 17<sup>th</sup> Session of the Commission on Crime Prevention and Criminal Justice. The Director made a statement to the Commission.

Ms. Tae Sugiyama (Professor) visited Canada from 29 April to 4 May to attend an International Meeting of Experts at the International Centre for Criminal Law Reform and Criminal Justice Policy. The topic of the meeting was "International Study of Suspension, Recall and Revocation Legislation, Policies, Practices and Processes".

Deputy Director Takeshi Seto and Mr. Jun Oshino (Professor) visited China from 7 to 17 May to meet with personnel from various criminal justice organizations and to prepare for the 2009 Special Seminar for Senior Criminal Justice Officials of the People's Republic of China.

Director Keiichi Aizawa visited the Republic of the Philippines from 28 to 31 May to prepare for the Third Regional Seminar for Southeast Asian Countries, to be held in 2009.

Mr. Shintaro Naito (Professor) visited Busan and Seoul, Korea from 8 to 13 June to attend the High Level Prosecutors Meeting of the 5<sup>th</sup> International Association of Prosecutors Asia-Pacific Regional Conference.

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**FACULTY AND STAFF OF UNAFEI**


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**Faculty:**

Mr. Keiichi Aizawa	Director
Mr. Takeshi Seto	Deputy Director
Mr. Motoo Noguchi	Professor
Mr. Haruhiko Higuchi	Professor
Ms. Tae Sugiyama	Professor, Chief of Information and Library Service Division
Mr. Tetsuya Sugano	Professor, Chief of Research Division, 139 <sup>th</sup> Course Programming Officer
Mr. Jun Oshino	Professor, Chief of Training Division
Mr. Ryuji Tatsuya	Professor
Mr. Koji Yamada	Professor
Mr. Shintaro Naito	Professor
Mr. Junichiro Otani	Professor
Ms. Grace Lord	Linguistic Adviser

**Secretariat:**

Mr. Sakumi Fujii	Chief of Secretariat
Mr. Hitoshi Nakasuga	Co-Deputy Chief of Secretariat
Mr. Masato Fujiwara	Co-Deputy Chief of Secretariat

**General and Financial Affairs Section:**

Mr. Masaaki Kojitani	Chief
Mr. Fumihiko Nakayasu	
Mr. Atsushi Takagi	
Ms. Kayoko Ono	

**Training and Hostel Management Affairs Section:**

Mr. Etsuya Iwakami	Chief
Mr. Yuichi Kitada	
Mr. Ikuo Kosaka	
Mr. Yuichi Shirakawa	139 <sup>th</sup> Assistant Course Programming Officer
Ms. Akane Uenishi	

**International Research Affairs Section:**

Mr. Kenichiro Koiwa	Chief
Ms. Masumi Tomita	Librarian

**Secretarial Staff:**

Ms. Miki Usuki
Ms. Aiko Ota

**Kitchen:**

Mr. Yuji Matsumoto      Chef

**JICA Co-ordinator for the 139<sup>th</sup> International Training Course:**

Ms. Kazue Obayashi      JICA