

UNAFEI NEWSLETTER

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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 129th International Senior Seminar on "Crime Prevention in the 21st Century - Effective Prevention of Crime associated with Urbanization based upon Community Involvement and Prevention of Youth Crime and Juvenile Delinquency", which took place from 11 January to 10 February 2005.

In this Seminar we welcomed seventeen overseas participants: eight from Asia, three from Africa, four from the Pacific, one from North America and one from South America; and eight Japanese participants. They included police officers, public prosecutors, judges, probation/parole officers, correctional officers and other high-ranking public officials. As this Newsletter demonstrates, the Seminar was extremely productive. It consisted of individual presentations, group workshop sessions, visits to relevant criminal justice agencies, and lectures by visiting experts, faculty members and ad hoc lecturers.

The rapid urbanization that is taking place, particularly in the developing countries, has brought to the forefront the problems of urbanization, particularly urban crime and the consequent deleterious effects on youths and juveniles growing up in these areas. In recognition of these problems the United Nations has passed a number of instruments and resolutions, including the Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), the Guidelines for the Prevention of Urban Crime and the Economic and Social Council resolution entitled "Action to Promote Effective Crime Prevention". In further recognition of the pressing need to address these problems the 11th UN Congress for Prevention of Crime and Treatment of Offenders, to be held this year in Bangkok, Thailand will hold a workshop on "Strategies and Best Practices for Crime Prevention, in particular in relation to Urban Crime and Youth at Risk". In light of the above, UNAFEI decided to undertake this Seminar.

During the Seminar the participants diligently and comprehensively examined the current situation and problems of urbanization, effective measures for the prevention of urban crime, effective measures for youth at risk, and the role of the community in a holistic approach and the effective establishment of multi-disciplinary collaboration. This was accomplished primarily through a comparative analysis of the current situation and the problems encountered in tackling these issues. The participants' in-depth discussions enabled them to put forth effective and practical solutions, based upon evidence-based practice, which 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 Seminar, made possible by their strenuous efforts. My heartfelt gratitude goes to the visiting experts and ad hoc lecturers who contributed a great deal to the Seminar's success. Furthermore, I appreciate the indispensable assistance and cooperation extended to UNAFEI by various agencies and institutions, which helped diversify the programme.

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

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

Finally, I would like to reiterate my best regards to the participants of the 129th International Senior Seminar. I hope that the experience they gained during the Seminar proves valuable in their daily work, and that the bonds fostered among the participants, visiting experts and UNAFEI staff will continue to grow for many years to come.

February 2005

A handwritten signature in black ink, appearing to read 'Kunihiro Sakai', written in a cursive style.

Kunihiro Sakai
Director, UNAFEI

THE 129TH INTERNATIONAL SENIOR SEMINAR

“CRIME PREVENTION IN THE 21ST CENTURY - EFFECTIVE PREVENTION OF CRIME
ASSOCIATED WITH URBANIZATION BASED UPON COMMUNITY INVOLVEMENT
AND PREVENTION OF YOUTH CRIME AND JUVENILE DELINQUENCY”

Seminar Rational

(1) Changes of Society and Crime Trends associated with Urbanization, Current Countermeasures and Problems Encountered

Economic growth and development of modern industry have promoted migration of people from other areas. The living conditions in urban areas have worsened as a consequence, slum areas have emerged and street crime has expanded. Economic growth and other factors have also altered the social fabric; for instance, the extended family has shifted into a nuclear family, and the erosion of human ties in the community has promoted a breakdown in the traditional form of the community. This has been accompanied by a weakening of normative consciousness in the community and it is a cause of the deleterious change in the community environment.

This enervation of living conditions and social environment accompanied by urbanization has also affected crime trends. For instance, in urban areas, crime such as larceny, robbery, violent crime and drug related crime have drastically increased. At the same time, the type of offences committed by organized criminals, youth, juveniles and foreigners have become more serious. This phenomenon generates "feelings of insecurity" in the majority of people who are living in urban areas. This increase in crime has adversely affected the "quality of life" in the community and it will be a serious cause of hindrance to the sustainable growth of a country.

Governments have faced difficulties to provide timely, necessary and sufficient countermeasures to this quantitative and qualitative change in criminal activity. Criminal justice agencies have not been able to respond to the explosion of the number and seriousness of crimes being committed in terms of the system itself and their budget. Improvement of policies in relation to city planning, immigration and migration and education and welfare for juveniles and youth have also fallen behind.

Responding to the demands of the people and public opinion who seek safety and security, the government has to put an emphasis on repressive approaches such as strengthening law-enforcement and punishment, which directly responds to the public's beliefs and are effective in the short term. For instance, they are making wholesale arrests of street gangs in some metropolitan areas, tearing down slums and imposing harsher penalties on offenders.

It is clear that these countermeasures are necessary and we can expect some positive results from them; however, relying solely on such countermeasures is insufficient to combat the crime associated with urbanization. Because offenders will be back in the community sooner or later and repressive approaches do not take into account prevention of crime and reintegration of offenders into the community.

(2) Fundamental Measures to Combat Crime associated with Urbanization

The phenomenon of an increase in crime due to urbanization has been brought about by many factors as we stated above. Therefore it is difficult for criminal justice agencies to combat such crimes alone. It is essential to establish an "integrated approach" carried out by agencies and organizations concerned and people in the community closely cooperating and collaborating.

In the criminal justice field, in addition to the traditional repressive approaches, we also have to introduce the following measures which emphasize the prevention of crime and reintegration of offenders into the community with the cooperation and collaboration of other agencies and organizations concerned. A series of these countermeasures need to be taken in the form of community involvement (people in the community should come first and be allowed to participate in determining and carrying out policies and measures). It is important that we rebuild communities (which are instrumental in preventing crime and re-offending) during the process of taking these measures. Furthermore it is necessary for the criminal justice agencies to cooperate and collaborate with these efforts.

On a concrete level, the above-mentioned measures must provide for: the establishment of a social environment that aims to prevent crime; the establishment of an effective policy for petty offences; the introduction of treatment measures for offenders which include new and appropriate measures for persons who commit petty offences; the sound development of youth living in urban areas, especially effective countermeasures for "youth at risk"; and effective reintegration of offenders back into the urban community.

(3) Measures to Combat Crime associated with Urbanization taken by the United Nations and the International Community

In order to address the above-mentioned situation, the General Assembly of the UN adopted the "Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guideline)" in 1990 as a UN guideline for youth at risk (GA Resolution 45/112, 1990). In relation to crime associated with urbanization, the Economic and Social Council adopted "Guidelines for the Prevention of Urban Crime" in 1995 and in the Annex of this, "Guidelines for Cooperation and Technical Assistance in the Field of Urban Crime Prevention" shows the basic policy for countermeasures to such crimes, based upon the viewpoint of primary prevention of crime and prevention of recidivism (secondary prevention, ECOSOC Resolution 1995/9, 49th plenary meeting, 24 July 1995). In following with this, the ECOSOC Resolution entitled "Action to Promote Effective Crime Prevention" was adopted in 2002. In the Annex of this resolution "Guidelines for the Prevention of Crime," it clearly states the policies of the UN and the theoretical framework of crime prevention (definition, positive involvement of the community, etc.), basic principles, organization, methods and approaches, international cooperation (ECOSOC Resolution 2002/13, 24 July 2002). Regarding the crime associated with urbanization and youth at risk (prevention of youth crime and juvenile delinquency), this issue will be discussed in a workshop of the 11th UN Congress for Prevention of Crime and Treatment of Offenders held in Bangkok, Thailand in 2005.

There is also a UN programme that aims for the amelioration of the urban environment from the viewpoint of crime prevention. It is called "the Safer Cities Programme" and it is a technical assistance programme held by the UN Habitat. Under this programme, for prevention of crime associated with urbanization, youth crime and juvenile delinquency, there are a series of plans that consist of assessment, crime prevention, implementation of plans and the establishment of a system. These have been conducted in Kenya, South Africa, Madagascar and Cameroon, etc., with the support of international public organizations and private bodies.

On the basis of the explanations indicated above, in this Seminar, we will examine what kinds of measures can be taken by the criminal justice agencies of the respective countries to solve these problems. When we examine and discuss them, we will concentrate on the current situation of crime associated with urbanization, countermeasures for them and related problems and future prospects from the viewpoint of preventive approaches (i.e., prevention of crime and reintegration of offenders into the community) along with the traditional repressive approaches (i.e., strengthening of law-enforcement and just deserts to offenders). The major topics of this Seminar are as follows.

(1) The Current Situation of Crime associated with Urbanization, Countermeasures and Problems experienced by Participating Countries

- (a) Current situation.
- (b) Measures which have been taken by the current criminal justice systems. by police, prosecution, courts, corrections and rehabilitation services.
- (c) Problems faced.

(2) Effective Measures for Prevention of Crime associated with Urbanization

- (a) Measures that can be taken by the police and prosecution to prevent crime associated with urbanization-community policing and community prosecution.
- (b) How to identify target areas-mapping analysis of reported crimes.
- (c) Situational crime prevention-reduction of crime by the improvement of urban planning.
- (d) Measures for preventing victimization-reduction of risk factors for victims, i.e., target hardening.
- (e) Crime prevention measures in the community by the active participation of community residents increasing the awareness of community residents about their sense of belonging in the community, cooperation and collaboration of agencies, organizations concerned and community residents, utilization of volunteers, i.e., neighbourhood watch activities by community residents as a form of implementation of the "Broken Windows Theory," and the upkeep of parks and other public places by community residents (Adopt-A-Park Programme).

(3) Effective Measures for Youth at Risk

- (a) Integrated approach (multidisciplinary approach) for youth at risk by the cooperation and collaboration of multiple agencies such as the criminal justice system, schools, welfare services, hospitals and others.
- (b) Measures for enlightening youth.
- (c) Early intervention for youth at risk-establishment of an appropriate risk and needs assessment scale and measures for early intervention based upon assessment.

- (d) The establishment and management of a flexible disposition and treatment system/measures to tackle youth offending/juvenile delinquency - examination of various forms of disposition and treatment, establishment and management of diversion programmes (mainly community-based treatment) at the police, prosecution and courts level; i.e., courts which handle specific issues such as "Problem Solving Courts" in the USA, disposition and treatment which are based upon restorative justice approaches such as victim offender mediation programmes in Australia, New Zealand, Canada, USA and others.
- (e) Effective institutional treatment for youth/juveniles
Effective institutional treatment programmes for prevention of recidivism and enrichment of the through care system under cooperation and collaboration with community-based treatment services (probation services).
- (f) Effective community-based treatment for youth/juveniles
Effective community-based treatment programmes for prevention of recidivism, measures that give an active role to the community for the effective rehabilitation and reintegration of offenders in the community and promotion of the through care system under cooperation and collaboration with multiple agencies/organizations and the establishment of a smooth transition programme from the community-based treatment stage by criminal justice agencies to the aftercare stage.

(4) Role of the Community in the Integrated Approach (multidisciplinary approach) and Establishment of an Effective Multi-Agency Cooperation and Collaboration System

- (a) Necessity of the integrated approach (multidisciplinary approach), ways of planning and implementation and agencies which are in charge of this.
- (b) Role of the community in the integrated approach (mainly focused upon prevention of crime and reintegration of offenders into the community) - revitalization of the local community, active participation of the community with the victim and the offender under restorative justice approaches and methods of recruitment and utilization of community resources and citizen volunteers, such as volunteer probation officers.
- (c) Measures for the establishment of an effective integrated approach (multidisciplinary approach) - information sharing with agencies/organizations concerned and improvement of the aftercare system after sentencing/dispositions.

Seminar Summary

Lectures

In total, ten lectures were presented by visiting experts, three by ad hoc lecturers and four by the Professors of UNAFEI. Five 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 Seminar 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 eight and nine.

Individual Presentations

During the first week, each Japanese and overseas participant delivered a fifty minute individual presentation, which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled onto a CD Rom and distributed to all the participants. The titles of these individual presentation papers are listed on pages ten and eleven.

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 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 seriously 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 their group discussions. These reports were subsequently presented in the plenary meetings and report-back session, where they were endorsed as the reports of the Seminar. Very brief summaries of the Group Workshop reports are provided on pages twelve through fifteen.

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 sixteen through nineteen.

Lecture Topics

Visiting Experts' Lectures

- 1) Professor Sir Anthony E. Bottoms
 - Crime and Crime Prevention in the Twenty-first Century
 - Crime Prevention for Youth at Risk: Some Theoretical Considerations
- 2) Professor Hans - Jurgen Kerner
 - Crime Prevention, Prospects and Problems: The Case of Effective Institutional Versus Community-based Treatment Programmes for Prevention of Recidivism Among Youthful Offenders
 - Young Delinquents and Youth at Risk: Data and Reflections about a Complex Problem with Regard to Community Level Crime Prevention Efforts
- 3) Professor Irvin Waller
 - Effective Measures for the Prevention of Crime Associated with Urbanization
 - Effective Multi-Agency Systems for Effective Urban Crime Prevention
- 4) Dr. Vincent E. Henry
 - COMPSTAT Management in the NYPD: Reducing Crime and Improving Quality of Life in New York City
 - Managing Crime and Quality of Life Using COMPSTAT: Specific Issues in Implementation and Practice
- 5) Ms. Celia Sanidad-Leones
 - The Current Situation of Crime Associated with Urbanization: Problems Experienced and Countermeasures Initiated in the Philippines
 - Effective Preventive Measures for Youth at Risk in the Philippines

Professor's Lectures

- 1) Mr. Takafumi Sato, *Professor*, UNAFEI
 - Investigation and Prosecution in Japan
- 2) Mr. Iichiro Sakata, *Professor*, UNAFEI
 - The Criminal Justice System in Japan: The Courts

- 3) Mr. Hiroyuki Shinkai, *Professor*, UNAFEI
 - Institutional Corrections in Japan
- 4) Mr. Kei Someda, *Professor*, UNAFEI
 - Community Based Treatment of Offenders in Japan

Ad Hoc Lectures

- 1) Prof. Tsutomu Muramatsu
Professor, Sensyu University
 - Current Situation of Juvenile Delinquency in Japan and Future Tasks
- 2) Mr. Yutaka Harada
Director, National Research Institute of Police Science (NRIPS) Department of Criminology and Behavioral Sciences
 - Mapping and Analysis for Effective Crime Prevention: Attainments and Future Tasks in Japan
- 3) Mr. Keiji Oda
Chairperson, The Alliance of Guardian Angels Japan, Inc.
 - The Guardian Angels: Their Efforts to Prevent Crime and Reconstruct Communities

Individual Presentation Topics

Overseas Participants

- 1) Mr. Anare Bulainacagilaba (Fiji)
 - Country Report
- 2) Mr. Conrado Amulfo Reyes Sagastume (Guatemala)
 - Political and Crime Situation and Prevention Actions in Guatemala
- 3) Mr. Harlan Mardite (Indonesia)
 - Juvenile Justice System in Indonesia
- 4) Mr. Bounsavad Bouphe (Laos)
 - Crime Prevention in Lao PDR
- 5) Mr. Abd Wahab Bin Kassim (Malaysia)
 - Juveniles in Remand: Trends and Practices in Malaysia
- 6) Ms. Robiah Binti Abdul Ghani (Malaysia)
 - Country Report
- 7) Mr. Vincent Peter (Marshall Islands)
 - Country Report
- 8) Mr. Mustapha Hajjam (Morocco)
 - Country Report
- 9) Mr. Nasser Abdulla Al-Riyami (Oman)
 - The Prevention of Urban Crimes "The Experience of the Sultanate of Oman"
- 10) Mr. Fasihuddin (Pakistan)
 - Country Report on Crime Prevention, Community Policing and Juvenile Delinquency in Pakistan
- 11) Ms. Judith Del Socorro Gomez Serrano (Panama)
 - Country Report
- 12) Mr. Victor Isouve (Papua New Guinea)
 - Country Report - Papua New Guinea Perspective
- 13) Ms. Negil Kavu (Papua New Guinea)
 - Country Report
- 14) Mr. Advocate Leonard Nyombi (Tanzania)
 - Country Report - Tanzania's Experience
- 15) Mr. Manat Cheokul (Thailand)
 - Country Report

- 16) Ms. Chirawan Khotcharit (Thailand)
 - The Juvenile and Family Court in Thailand
- 17) Mr. Silence Pondo (Zimbabwe)
 - Country Report

Japanese Participants

- 18) Mr. Kimio Chiba
 - Urbanization and the Japanese Probation Service - Current Situation and Future Prospects
- 19) Mr. Nobuhiko Furuya
 - Country Report
- 20) Mr. Masayoshi Kozawa
 - Changes of Crime Trends Associated with Urbanization and Countermeasures
- 21) Mr. Noboru Nakatani
 - Crime Prevention in the 21th Century - A Police Perspective
- 22) Mr. Souichiro Nishioka
 - Community Based Treatment of Offenders in Japan - Its Roles and Challenges
- 23) Mr. Mitsuaki Takayama
 - The Increase in Vicious Crimes Due to the Advance of Urbanization, Especially by Foreigners and Juveniles and Measures taken by the Courts in Japan
- 24) Mr. Hideki Tanaka
 - Treatment of Inmates in Japanese Corrections
- 25) Mr. Motohiro Yano
 - The Juvenile Delinquency Treatment Plan

Group Workshop Sessions

Group 1

**EFFECTIVE MEASURES FOR THE PREVENTION OF CRIME ASSOCIATED WITH
URBANIZATION**

Chairperson	Mr. Nobuhiko Furuya	(Japan)
Co-Chairperson	Ms. Chirawan Khotcharit	(Thailand)
Rapporteur	Mr. Nasser Al-Riyami	(Oman)
Co-Rapporteur	Mr. Conrado Reyes Sagastume	(Guatemala)
Members	Mr. Fasihuddin	(Pakistan)
	Mr. Mayoshi Kozawa	(Japan)
	Mr. Advocate Leonard Nyombi	(Tanzania)
	Mr. Vincent Peter	(Marshall Islands)
	Mr. Victor Isouve	(Papa New Guinea)
Visiting Expert	Ms. Celia Sanidad-Leones	(Philippines)
Advisers	Prof. Keisuke Senta	(UNAFEI)
	Prof. Takafumi Sato	(UNAFEI)

Report Summary

Group One concentrated its efforts on measures that could be taken by the police, the prosecution and other related agencies to prevent crime associated with urbanization.

The group began by looking at community policing. It was noted that Japan and Tanzania have a well established system of community policing in the form of the Koban and Police Post, respectively. The group also looked at how the community could be more involved in crime prevention; for example, by establishing and joining Neighbourhood Watch schemes. It appeared that most of the group's countries had some form of such scheme, albeit informal in some cases. Crime mapping and spatial analysis were also looked at on the assumption that an understanding of where and why crimes occur can improve attempts to fight crime and help to improve urban planning. The group then identified problems and countermeasures. Common problems were a lack of financial and human resources; lack of knowledge by law enforcement of the new laws to combat these new crimes; and corruption.

The group then looked at measures taken by the prosecution. They noted that presently prosecutors bear in mind two factors in deciding whether to prosecute: the evidential test and the public interest test. It was further noted that the concept of Community Prosecution was gaining ground, which adds the ingredient of crime prevention to the prosecutor's mission. However, only Japan has introduced this concept, but the group acknowledged that the concept could be useful in their respective countries.

The group then went on to look at measures taken by other agencies. They looked at Situational Crime Prevention such as making it more difficult for thieves to commit crime, for example by installing better locks, burglar alarms and street lighting. The group also looked at inter-agency cooperation. It was suggested that a comprehensive anti - crime programme should be planned in order to have many governmental organizations as well as non - governmental

organisations share information and work together. The group concluded by stating that the criminal justice system could never succeed without the support of the community and that partnerships between the police, prosecution and the community need to be fostered. In addition more cooperation between government organisations was also necessary.

Group 2

EFFECTIVE MEASURES FOR YOUTH AT RISK

Chairperson	Mr. Silence Pondo	(Zimbabwe)
Co-Chairperson	Ms. Robiah Abdul Ghani	(Malaysia)
Rapporteur	Mr. Noboru Nakatani	(Japan)
Co-Rapporteur	Ms. Judith Gomez Serrano	(Panama)
Members	Mr. Harlan Mardite	(Indonesia)
	Mr. Bounsavad Boupha	(Laos)
	Mr. Kimio Chiba	(Japan)
	Mr. Hideki Tanaka	(Japan)
Advisers	Deputy Director Tomoko Akane	(UNAFEI)
	Prof. Iichiro Sakata	(UNAFEI)
	Prof. Masato Uchida	(UNAFEI)
	Prof. Tamaki Yokochi	(UNAFEI)

Report Summary

Group Two concentrated its discussion on Effective Measures for Youth at Risk. It was noted that the problem of juvenile misconduct was worsening. The group went on to discuss the various factors that were responsible for this phenomenon, including individual factors, family factors, and environmental factors. The group then looked at early intervention for youth at risk: educational initiatives, including improving parenting skills, counselling of students and moral education; and educating the community, with an emphasis on poor areas, providing criminal data to the community and providing moral education for schools. The group then discussed the early identification of Juvenile delinquents and its advantages and noted that it worked because it diverted attention away from the narrow issue of crime.

The group then looked at the establishment of a Flexible Disposition and treatment system. They discussed each countries present system of dealing with juveniles within the justice system and the advantages and disadvantages of a flexible disposition. It was pointed out that the United Nations Standard Minimum Rules for the Administration of Juvenile Justice require consideration to be given to diversion, wherever appropriate.

The group went on to discuss effective institutional treatment. They recommended that individual treatment corresponding to the juveniles' own characteristics should be developed, as in Japan. Next the group looked at community based treatment, where they recommended an integrated/multi-disciplinary approach and the encouragement of the community to be more involved in their neighbourhood youth.

The group made a number of recommendations for new initiatives, for example: better staff training; overcoming negative perceptions about juvenile offenders; the provision of public forums

for young people to tell their stories and highlight the positive outcomes of their experiences; extensive diversionary measures; the provision of vocational training programmes that reflect the current and future job demand; the close coordination of youth correctional facilities to connect youth to appropriate support services prior to their release; and the development of common goals through a multi-disciplinary approach.

Group 3

ROLE OF THE COMMUNITY IN THE REINTEGRATION OF VICTIMS AND OFFENDERS INTO THE COMMUNITY

Chairperson	Mr. Mustapha Hajjam	(Morocco)
Co-Chairperson	Mr. Souichiro Nishioka	(Japan)
Rapporteur	Ms. Negil Kauvu	(Papua New Guinea)
Co-Rapporteurs	Mr. Mitsuaki Takayama	(Japan)
	Mr. Anare Bulainacagilaba	(Fiji)
Members	Mr. Abd Wahab Bin Kassim	(Malaysia)
	Mr. Manat Cheokul	(Thailand)
	Mr. Motohiro Yano	(Japan)
Visiting Experts	Prof. Sir Anthony E. Bottoms	(United Kingdom)
	Prof. Irvin Waller	(Canada)
Advisers	Prof. Kei Someda	(UNAFEI)
	Prof. Motoo Noguchi	(UNAFEI)
	Prof. Hiroyki Shinkai	(UNAFEI)

Report Summary

Group Three stated their desire to report on the holistic and restorative justice approach to the reintegration of offenders and victims into society. The reason for adopting such an approach was their belief that since the causes of crime are multiple, criminal justice agencies alone cannot solve the issue. The group believed that it required the cooperation of all relevant agencies, organizations and community institutions; it was this cooperation that was lacking in the participants' countries.

The group went on to look at the current measures for the effective treatment of offenders being practiced in the respective countries. They then identified various common problems and their countermeasures. Their recommendations included better aftercare and support of offenders, including substance abuse treatment; improving the training of personnel that provide support services; legislation to establish policy guidelines to improve the collaboration between agencies; and evidence-based practice.

They then discussed measures for victim support using a holistic approach. It was their view that their respective countries did not sufficiently consider the views of victims in most circumstances. The group referred to the U.N. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, which recognizes that crime is not just against the state but also inflicts loss on its immediate victims and families. Countermeasures were then discussed, including the incorporation of U.N. principles in domestic legislation; victim assistance programmes; the education of those that have close contact with victims, such as the police, lawyers, doctors and

the public in general; and research and surveys to assess the extent of crime victimization.

The group then looked at restorative justice (RJ) and its practice in the group's countries. They noted that the RJ approach balances the needs of the victim, offender and the community; however, the modern RJ approach must ensure that the fundamental rights of the persons concerned are protected. They recommended that facilitators be given professional training; RJ programmes be developed; an agency be mandated to implement RJ outcomes; and legislation be developed to provide a basic RJ framework.

Observation Visits

<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Jan 19	Tokyo District Public Prosecutors Office	• Mr. Rokuro Tsuruta, Chief Prosecutor
Jan 19	Ministry of Justice	• Ms. Chieko Nouno, Minister of Justice
Jan 25	Supreme Court	• Mr. Tatsuo Kainaka, Justice
Jan 25	Tokyo District Court	• Mr. Toshiaki Nagai, Chief Judge
Jan 31	Shinjuku Police Station - Kabuki-cho Police box	• Mr. Yuichi Kato, Assistant Police Inspector, NPA
Feb 8	Koshin-kai Halfway House	• Mr. Tsuneo Furuhata, Board Director
Feb 8	Tachikawa Child Guidance Centre	• Mr. Takashi Toyooka, Director

Group Study Tour

<u><i>Date</i></u>	<u><i>Group</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Feb 3 - 5	Sapporo, Hokkaido	<ul style="list-style-type: none">• Sapporo Prison and Sapporo Branch Prison• Shimei Juvenile Training School for Girls	<ul style="list-style-type: none">• Mr. Naobumi Sugita, Warden• Mr. Toru Okouchi, Superintendent

Special Events

Jan 11 *Welcome Party*

Jan 13, 21 and 24 *Japanese Conversation Classes*

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

Jan 14 *Table Tennis Tournament*

The participants and staff held an exciting table tennis tournament followed by a prize giving ceremony and a small party.

Jan 15 *Tour to Akihabara*

The participants spent an afternoon touring the famous Akihabara "Electric Town".

Jan 19 *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. Toshiaki Hiwatari at the Lawyers Club, Tokyo.

Jan 22 *Japanese Nabe (Hot Pot Party)*

The participants enjoyed a traditional Nabe (hot-pot) party at UNAFEI.

Jan 25 *ACPF Nangoku-Kai Party*

The ACPF hosted an enjoyable party, with a magic show, for the participants at the Pacific Hotel, Tokyo.

Jan 26 *Koto Music Concert*

The Ensemble 21st Century, a traditional Japanese music group, presented a Koto and Shakuhachi concert for the participants at UNAFEI. The participants were also given an opportunity to play the instruments themselves.

Jan 28

Public Lecture Programme

The Public Lecture Programme is conducted annually to increase social awareness of criminal justice issues through comparative international study. The Programme sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI, was held in the Grand Hall of the Ministry of Justice and was attended by distinguished guests, UNAFEI alumni and the participants of the 129th International Seminar. This year, Dr. Vincent E. Henry (Associate Professor, Department of Homeland Security, Long Island University, United States) and Prof. Hans-Jurgen Kerner, (Professor of Tubingen University, President, Institute of Criminology, Tubingen University) were invited as speakers to the programme. They presented papers on "COMPSTAT Management in the NYPD: Reducing Crime and Improving Quality of Life in New York City" and "Young Delinquents and Youth at Risk: Data and Reflections about a Complex Problem with Regard to Community Level Crime Prevention Efforts", respectively.

Jan 28

UNAFEI Alumni Reception

The UNAFEI Alumni Association held an enjoyable reception for the participants at the Lawyers Club.

Feb 3~5

Hokkaido Study Tour

In addition to the observation visits, the participants were able to enjoy trips to the Sapporo TV Tower, the Sapporo Brewery and Lake Shikotsu for the Ice Statue Festival. The participants also visited Odori Park where they enjoyed the exhibits of the Snow Festival. On the 4th of February the ACPF Sapporo branch held an enjoyable party for the participants.

Feb 7

The National Museum of Emerging Science and Innovation

The participants enjoyed a visit to the National Museum of Emerging Science and Innovation.

Feb 8

Toshiba Oume Factory

The participants visited the Toshiba Oume factory where they were given a guided tour.

Feb 8

Appreciation Party

The participants kindly invited all the Professors and staff members to an appreciation party held at UNAFEI. The participants organized a very enjoyable party which included a Bingo game, quiz and a presentation ceremony; this was followed by singing and dancing in lounge B.

Feb 9

Farewell Party

Reference Materials Distributed

I. General Information related to the Main Themes of the 129th International Senior Seminar

- (a) Theory
- (b) Practice
- (c) Research, Evidence-based Practice
- (d) United Nations (Standards and Norms and other issues).

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II. Effective Measures for Prevention of Crime associated with Urbanization

- (a) Measures that can be taken by the police and prosecution to prevent crime associated with urbanization - community policing and community prosecution
 - (b) How to identify target areas (mapping analysis, etc.)
 - (c) Situational crime prevention
 - (d) Measures for preventing victimization (target hardening, etc.)
 - (e) Crime prevention measures in the community (the active participation of community residents, cooperation and collaboration of agencies and community residents, utilization of volunteers).
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III. Effective Measures for Youth at Risk

- (a) Integrated approach (multidisciplinary approach) for youth at risk by the cooperation and collaboration of multiple agencies
 - (b) Measures for enlightening youth
 - (c) Early intervention for youth at risk (establishment of an appropriate risk and needs assessment scale etc.)
 - (d) The establishment and management of a flexible disposition and treatment system/measures to tackle youth offending/juvenile delinquency (various forms of disposition and treatment, establishment and management of diversion programmes and restorative justice approaches)
 - (e) Effective institutional treatment for youth/juveniles
 - (f) Effective community - based treatment for youth/juveniles (rehabilitation and reintegration of offenders in the community, promotion of the through care system with multiple agencies and a smooth transition programme for the aftercare stage)".
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IV. Role of the Community in the Integrated Approach (multidisciplinary approach) and Establishment of an Effective

Multi-Agency Cooperation and Collaboration System

- (a) Necessity of the integrated approach (multidisciplinary approach), ways of planning and implementation and agencies which are in charge of this
 - (b) Role of the community in the integrated approach (mainly focused upon prevention of crime and reintegration of offenders into the community) - revitalization of the local community, active participation of the community with the victim and the offender under restorative justice approaches and methods of recruitment and utilization of community resources and citizen volunteers, such as volunteer probation officers
 - (c) Measures for the establishment of an effective integrated approach (multidisciplinary approach) - information sharing with agencies/organizations concerned and improvement of the aftercare system after sentencing/dispositions.
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Visiting Experts

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Professor Hans-Juergen Kerner	Professor of Tubingen University President, Institute of Criminology Tubingen University, Germany
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Ms. Celia Sanidad-Leones	Commissioner National Police Commission, Republic of the Philippines

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Mr. Vincent Peter	Police Lieutenant Department of Public Safety, Republic of the Marshall Islands, Marshall Islands
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Mr. Advocate Leonard Nyombi	Officer in charge of Lindi Region Tanzania Police Force, Tanzania

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Mr. Mitsuaki Takayama
 Judge
 Tokyo District Court

Mr. Hideki Tanaka
 Principal Programme Supervisor
 International Affairs Division,
 Fuchu Prison

Mr. Motohiro Yano
 Public Prosecutor/Professor
 The Third Training Department,
 Research and Training Institute,
 Ministry of Justice

**THE FIFTH TRAINING COURSE ON THE JUVENILE
DELINQUENT TREATMENT SYSTEM FOR KENYA**

UNAFEI held the Fifth Training Course on the Juvenile Delinquent Treatment System for Kenya from 12 October to 4 November 2004. The participants comprised officials working for the prevention of delinquency and the treatment of juvenile delinquents in Kenya including the children's department, the children's court, the police, probation officers, corrections officers and volunteer children's officers. The Course exposed Kenyan officials to the workings of the Japanese juvenile justice and treatment systems through lectures, a practicum and observation visits to relevant agencies.

Ms. Josephine Kemunto Oguye	Provincial Children's Officer Rift Valley Province
Ms. Alice Katila Barasa	District Children's Officer Kisumu District, Nyanza Province
Mr. Jemin Otieno Onyango	District Children's Officer Nyamira District, Nyanza Province
Mr. P. N. Yahuma Okoko	Volunteer Children's Officer Siaya District, Nyanza Province
Mr. Christopher Ndegwa Kago	Senior Superintendent Bungoma Police
Ms. Margaret Agutu Mlangi	Senior Resident Magistrate Nairobi Children's Court
Ms. Hellen Akinyi Ajwalah	Divisional Probation Officer/Probation Officer I Ukwala Divisional Office
Mr. Bison Khadiagala Madegwa	Chief Officer I/Officer in Charge Youth Corrective Training Centre
Ms. Kellen Thumuni Karanu	Assistant Director Children's Dept. Ministry of Home Affairs
Mr. Mwasiwa Juma Boga	Manager/Children's Officer I Likoni Rehabilitation School
Mr. Daniel Nzei Musembi	Manager Getathuru Children Reception Centre

Mr. Livingstone A. Oruuko	Education Coordinator Children's Dept. Ministry of Home Affairs
Ms. Zipporah Gatiria Mboroki	Inspector Kenya Police College, Kiganjo
Ms. Winfridah Boyani Mokayah	Senior Resident Magistrate Kisumu Law Court
Mr. George Njuguna Njane	Manager Nairobi Probation Hostel
Mr. Andrew Okoth Ojal	Senior Superintendent of Prisons/Officer in charge Shikusa Borstal Institution

**SEVENTH INTERNATIONAL TRAINING COURSE ON
CORRUPTION CONTROL IN CRIMINAL JUSTICE**

UNAFEI conducted the Seventh Special Training Course entitled "Corruption Control in Criminal Justice" from 18 October to 12 November 2004. In this course, Japanese and foreign officials engaged in corruption control comparatively analyzed the current situation of corruption, methods of corruption prevention, and measures to enhance international cooperation.

Mr. Georgi Antonov Rupchev	Head of International Legal Cooperation Department Ministry of Justice, Bulgaria
Ms. Ana Maria Rosero Rivas	Consulting Attorney Procuraduria General Del Estado, Ecuador
Ms. Mariana Lara Palacios	State Attorney (Civil Area) Procuraduria General de la Nacion, Guatemala
Ms. Soraya Lizette Morales Romero	Fiscal Especial Contra la Corruption Ministerio Publico, Honduras
Mr. Souphy Norintha	Deputy Director Criminal Enforcement Division, Ministry of Justice, Enforcement Department Laos
Mr. Kaspars Dreimanis	Investigator Corruption Prevention and Combating Bureau, Latvia
Mr. Jacques Randrianasolo	Director Inspection of Justice, Ministry of Justice Madagascar
Mr. Ganesh Babu Aryal	Deputy Attorney Commission for the Investigation of Abuse of Authority, Nepal
Mr. RANA Zahoor Ahmad	Deputy Secretary (Administrarion) Ministry of Law, Justice and Human Rights, Pakistan

Mr. Raymundo Julio Abad Olaguer	Director Prosecution Bureau I, Office of the Special Prosecutor/Ombudsman, Philippines
Mr. Fred Saeni	Officer Commanding Corruption Squad, Criminal Investigation Department, Royal Solomon Islands Police, Solomon Islands
Mr. Sukit Chua-Intra	Judge Dusit District Court, Thailand
Mr. Thammarat Limkulpong	Divisional Public Prosecutor Office of the Attorney General, Thailand
Mr. Masato Saito	Judge Osaka District Court, Japan
Mr. Masahiro Tashiro	Prosecutor Yokohama District Public Prosecutors Office, Odawara Branch, Japan
Mr. Kan Tomita	Prosecutor Saga District Public Prosecutors Office, Japan

**THE THIRD SEMINAR ON THE REVITALIZATION OF THE
VOLUNTEER PROBATION AID SYSTEM FOR THE PHILIPPINES**

The Third Seminar exposed the Parole and Probation Officers from the Philippines to the administration of the Japanese Volunteer Probation officer System, to help them improve their own volunteer programme. The Seminar was held from 6 to 14 December 2004 and attended by ten participants from the Philippines, including the Administrator of the PPA, PPOs and two VPAs.

Mr. Ismael J. Herradura	Director II (Officer-in-charge/Administrator) Parole and Probation Administration, Department of Justice
Ms. Vilma V. Carmona	Chief (Human Resource Management Officer V) Training Division, Parole and Probation Administration, Department of Justice
Mr. Richard L. Salaya	Probation and Parole Officer I Bataan Parole and Probation Office, Region III, Department of Justice
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Mr. Pol Vincent Q. Perocho	Probation and Parole Officer I Pilot Project-Holistic Approach to the Rehabilitation and Treatment of Offenders, Parole and Probation Administration, Department of Justice
Mr. Pedro T. Teodoro	Human Resource Management Assistant Pilot Project-Holistic Approach to the Rehabilitation and Treatment of Offenders, Parole and Probation Administration, Department of Justice

Ms. Rosana V. Solite	Senior Probation and Parole officer Biliran Parole and Probation Office Region VIII, Department of Justice
Ms. Ma. Emelita T. Valenzona	Psychologist II Regional Office, Region XI, Department of Justice
Mr. Norvic D. Solidum	Volunteer Probation Aide Laguna
Mr. Cesar L. Villamaria	Volunteer Probation Aide Laguna

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. Tenth Special Seminar for Senior Criminal Justice Officials of the People's Republic of China

The Tenth Special Seminar for Senior Criminal Justice Officials of the People's Republic of China will be held from 21 February to 10 March 2005. The theme of the Seminar will be "Advancement of the Rights of Suspects or Accused Persons and Enhancement of Non-Custodial Measures in the Criminal Justice Process".

2. The First Seminar on the Criminal Justice System for Central Asia

The First Seminar on the Criminal Justice System for Central Asia will be held from 28 February to 17 March 2005 at UNAFEI. The Seminar will be entitled a "Comparative Study of the Criminal Justice Systems of Central Asian Countries and Japan: From the Viewpoint of the Establishment of a Fair and Effective Criminal Justice System".

3. The 130th International Training Course

The 130th International Training Course entitled "Integrated Strategies to Confront Domestic Violence and Child Abuse¹" will be held from 16 May to 23 June 2005.

Rationale

Background and Current Situation

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

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

On the other hand, substantial research has highlighted the adverse effects caused by such violence and/or abuse in the family. In addition to the immediate effects such as physical injury

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

and psychological damage to victims and economic costs to society, there are also less obvious but equally harmful long-term effects. Victims of child abuse² tend to experience developmental disturbances both physically and psychologically. And there is evidence that a "Cycle of Violence" is created in which childhood abuse increases the likelihood of future delinquency and adult criminality. In some cases, abusive men are killed by their female victims, who, after years of intolerable abuse, finally get their revenge. Thus, it is entirely fair to say that domestic violence and child abuse are serious problems to be confronted in view of the sound development of youth and in view of crime prevention, especially further family violence of the same kind.

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

UN Norms and Guidelines

In 1948, the United Nations enumerated basic human rights in the Universal Declaration of Human Rights³. However, it was not until the 1970s that the United Nations and the world community really focused on the issue of domestic violence and child abuse. Women's Rights and Victims' Rights, which came to be acknowledged by the international community at that time, fostered a worldwide awareness of the issue. In 1978, the General Assembly adopted the "Convention on the Elimination of All Forms of Discrimination against Women" and the State Parties agreed "to pursue by all appropriate means and without delay a policy of eliminating discrimination against woman"⁴. In 1985, the "Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power" was adopted by the General Assembly and it was clarified that "a person may be considered a victim... regardless of the familial relationship between the perpetrator and the victim"⁵.

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

The General Assembly resolution on "Domestic Violence" urges Member States to establish and implement multidisciplinary policies to confront the issue. In particular, it specified four aspects to be tackled as follows: (a) prevention, (b) treatment and assistance to the victims, (c) in-

² Including children who have witnessed domestic violence.

³ General Assembly resolution 217 A (III).

⁴ General Assembly resolution 34/180, Article 2.

⁵ General Assembly resolution 40/34, Article 2.

⁶ General Assembly resolution 44/25, Article 19.

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

crease of awareness and sensitivity and (d) treatment for the offenders⁸.

The Third World Conference on Women held in Nairobi in 1985 and the World Conference on Human Rights held in Vienna in 1993 highlighted the importance of working towards the elimination of violence against women in public and private life. The "Declaration on the Elimination of Violence against Women"⁹, which was adopted by the General Assembly in 1993, clearly stated that violence against women constitutes a violation of the human rights of women¹⁰. In this declaration, the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women whether occurring in public or in private life¹¹. It also declares that "States should condemn violence against women"¹². In 1993, the United Nations produced a manual for practitioners on the subject of domestic violence¹³. A large part of the manual discussed the criminal justice approach.

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

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

Focal Points of the Course

In consideration of the above, it is clear that governments are required to take effective action against domestic violence and child abuse as follows: (a) make a comprehensive plan which fits the reality through reviewing the current situation and clarifying target points to be solved; (b) develop integrated multidisciplinary networking to tackle the issue among related sectors such as

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

⁹ General Assembly resolution 48/104.

¹⁰ Ibid. preamble.

¹¹ Ibid. Article 1.

¹² Ibid. Article 4.

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

¹⁴ Ibid. Chapter IV: Strategic Objective and Actions.

criminal justice agencies, health and medical services, educators, social services and the community; (c) have the political will to prioritise the issue, and (d) collaborate on an international level with fellow governments and international agencies such as the United Nations.

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

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

(1) Prevention (Primary Prevention)

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

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

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

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

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

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

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

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

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

(4) Treatment for Perpetrators

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

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

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

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

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

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

ANNEX

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

(1) Domestic Violence

- (a) The current situation and problems concerning the prevalence of domestic violence in the respective countries
- (b) The current legislation and its limitations in the respective countries
 - Outline of legislation
 - Mechanisms for the early identification of domestic violence cases and measures to provide immediate protection to victims/women at risk
 - Legal measures for victims' physical safety
 - Legal measures that restrain the perpetrator from causing further violence to the victim
 - A legal framework supporting a perpetrator treatment programme
 - Ensuring due process for perpetrators and their right to make a formal complaint against disadvantageous court dispositions and administrative orders
 - Legal assistance for the victims
 - Victims' participation and representation in the criminal process
 - Offering information to the victim on the status of the case and whereabouts of the accused
 - Victim support, including compensation
 - Outline of applicable punishments and sanctions against perpetrators
- (c) The current situation of criminal proceedings (investigation and sentencing) and their limitations
 - When and on which evidence to initiate an investigation
 - Difficulty in dealing with cases in which the victim is the only witness or the other witnesses are all family members
 - Difficulty in collecting evidence in cases in which a series of violence/abuse has been repeated over a long period of time

- Deciding whether to continue the criminal proceedings when the victim is unwilling to cooperate, despite numerous incidents of violence/abuse
 - Witness protection
 - How to progress criminal proceedings with due process and without delay
 - Fostering networking with related agencies and the community
- (d) The current treatment programmes for perpetrators and their limitations
- Institutional treatment
 - Community - based treatment
 - Promising treatment programmes, including those by other agencies or the private sector

(2) Child Abuse

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

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

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

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

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

(3) Effective Preventive Measures Against Domestic Violence and Child Abuse

(a) Awareness raising and educational activities

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

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

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

(4) An Integrated Approach to Domestic Violence and Child Abuse

(a) National initiatives as a comprehensive plan

(b) Measures to foster multidisciplinary networking

(c) Measures to enhance collaboration with the community

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

ADMINISTRATIVE NEWS

Overseas Trips by Staff

Mr. Keisuke Senta (Professor) and Mr. Masaki Iida (Deputy Chief of Secretariat) visited Kuala Lumpur, Malaysia from 10 to 14 October, 2004 to attend the Second Anti-Corruption Agency Forum.

Mr. Keisuke Senta (Professor) and Mr. Masaki Iida (Deputy Chief of Secretariat) visited Bangkok, Thailand from 15 to 19 October 2004 to prepare for the In - Country Training Course under the three-year project on "Strengthening of Anti-Corruption Capacity in Thailand".

Mr. Hiroyuki Shinkai (Professor) visited Beijing, China from 24 to 29 October 2004 to participate in the 6th Annual General Meeting and Conference of the International Corrections and Prisons Association.

Ms. Tomoko Akane (Deputy Director), Mr. Keisuke Senta (Professor), Mr. Takafumi Sato (Professor) and Mr. Tatsufumi Koyama (International Training Course Specialist) visited Bangkok, Thailand from 18 to 27 November 2004 to coordinate and attend the In-Country Training Course under the three-year project on "Strengthening of Anti-Corruption Capacity in Thailand". Mr. Kunihiko Sakai (Director) joined them from 18 to 24 November 2004.

Mr. Kunihiko Sakai (Director) visited Macau from 24 to 26 November to attend the ACPF World Conference and gave a presentation on the "Specific Objectives to be achieved at the Eleventh United Nations Congress in Bangkok".

Mr. Motoo Noguchi (Professor) visited Hong Kong from 25 to 28 November to attend the International Association of Prosecutors, Second Asia and Pacific Regional Conference - "Dealing with Drug Offenders" and gave a presentation on "The Situation of Drug Abuse in Japan".

Ms. Tamaki Yokochi (Professor), Mr. Rosei Tada (Staff), Ms. Minako Fujimura (Staff) and Ms. Yukari Ishikawa (Staff) visited the Philippines from 16 to 20 January 2005, with nine Volunteer Probation Officers, to conduct interaction meetings with Filipino Volunteer Probation Aids at San Pedro, Bacolod and Iloilo.

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Mr. Keisuke Senta	Professor, Chief of Training Division
Mr. Masato Uchida	Professor, Chief of Research Division
Mr. Kei Someda	Professor, Chief of Information and Library Science Division, 129 th Seminar Programming Officer
Mr. Motoo Noguchi	Professor
Mr. Takafumi Sato	Professor
Ms. Megumi Uryu	Professor
Mr. Iichiro Sakata	Professor
Ms. Tamaki Yokochi	Professor
Mr. Hiroyuki Shinkai	Professor, 129 th Seminar Sub - Programming Officer
Mr. Simon Cornell	Linguistic Adviser

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Mr. Masaki Iida	Deputy Chief of Secretariat

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