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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 142nd International Training Course on "Effective Countermeasures against Overcrowding of Correctional Facilities", which took place from 11 May to 19 June 2009.

In this Course, we welcomed eight Japanese and 14 overseas participants: two from Africa, four from Asia, five from Latin America and the Caribbean, and three from Oceania. Two international observers also attended, both from Asia. The participants and observers included corrections officers, police officers, judges, prosecutors 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.

Correctional administration and the treatment of offenders have developed steadily and shown successful results in many countries, yet overcrowding in correctional facilities remains an issue in many parts of the world. According to the recent World Prison Population List survey, more than 9.25 million persons are detained in penal institutions worldwide, and the number of prisoners has been increasing in many places. Overcrowding brings about obstacles in the living environments of inmates, discipline and order of correctional facilities, and appropriate provision of correctional treatment. Therefore, it is of great importance that smooth and appropriate administration and management of correctional facilities must be secured, maintaining the optimal/controllable number of inmates.

Regarding appropriate administration and management of correctional facilities, the Standard Minimum Rules for the Treatment of Prisoners was adopted in the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955. Also, the Statement of Basic Principles for the Treatment of Prisoners was adopted by the General Assembly in December 1990. Although not formally binding, the Member States have strived to fully implement the said Rules and Basic Principles, but the population growth of correctional facilities has made it increasingly difficult for some Member States to adhere to them.

It is believed that the issue of overcrowding of correctional facilities differs from country to country, and it has always changed in accordance with modern developments. Therefore, it is necessary to explore effective countermeasures to tackle the issue, and cope with changing times. To make this possible, effective countermeasures to alleviate the overcrowding of correctional facilities within the criminal justice system as a whole must be studied. In this context, measures to cope with the growing number of inmates at each stage of criminal justice proceedings should be examined first, and then, measures within the framework of correctional administration should be explored.

In order to avoid detention of an accused or a defendant at a detention or remand centre, measures such as investigation without arrest or subsequent detention of the accused, house arrest, bail on bond, electronic monitoring, suspension of prosecution, etc., need to be effectively utilized. Also, trial should be concluded with as much speed as possible to avoid the undue detention of inmates awaiting a trial (or remand prisoners) in detention facilities. Further, alternative measures to incarceration such as community service orders, intensive probationary supervision, treatment

programme orders, etc., after rendering such criminal sentences as fine, suspension of pronouncement of sentence, suspension of execution of sentence, etc., should be efficiently utilized so as to reduce the number of inmates in detention facilities.

The United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), which were adopted by the United Nations General Assembly on the basis of a recommendation by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, provides guidelines and basic principles for diversified non-custodial measures. Further, the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna in 2000, stressed the importance of effective alternatives to incarceration in order to contain the growth and overcrowding of correctional facilities' populations (Para. 26). In addition, the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in 2005, encourages that Member States prioritize non-custodial measures rather than imprisonment where possible, and it further recommends that Member States utilize measures which can be implemented in the community such as reconciliation among the persons concerned.

It is of great importance that the concerned criminal justice agencies, including the police, prosecution service, judiciary, corrections or prison service, probation service, etc., alleviate the overcrowding of correctional facilities at all stages of criminal justice proceedings. Effective countermeasures against overcrowding of correctional facilities should include diversion, alternatives to incarceration, effective administration of correctional facilities, correctional programmes effective for the prevention of reoffending, and other measures, in order to successfully address the issue. These countermeasures are implemented to accomplish the substantive objectives of correctional facilities to prevent offenders from committing further crimes, to protect society, and to rehabilitate offenders.

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 criminal justice and corrections 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 overcrowding of correctional facilities in the participating countries and existing countermeasures, 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.

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 142nd 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 2009

相泽忠一

Keiichi Aizawa Director, UNAFEI

THE 142ND INTERNATIONAL TRAINING COURSE

"EFFECTIVE COUNTERMEASURES AGAINST OVERCROWDING OF CORRECTIONAL FACILITIES"

Course	Rationale

Correctional administration and the treatment of offenders have developed steadily and shown successful results in many countries, yet overcrowding in correctional facilities remains an issue in many parts of the world. There is no single reason that can explain the population growth of prisons. Possible factors include the growth of crime; changes in legislative and sentencing policy; public preference for punitive reactions to crime; etc. According to the recent World Prison Population List survey, more than 9.25 million persons are detained in penal institutions world-wide, and the number of prisoners has been increasing in many parts of the world.

Overcrowding in correctional facilities may worsen the living conditions of the inmates, and a congested living environment causes stress, which has an unfavourable psychological influence on inmates. Further, overcrowding causes many difficulties in the overall administration and management of correctional facilities. For example, stress due to a congested living environment triggers trouble among inmates and violence against prison officers. In this context, discipline and order in a correctional facility must be prioritized. In addition, overcrowding may hinder the primary objectives of correctional facilities to rehabilitate and re-socialize prisoners. Thus, overcrowding brings about obstacles in the living environments of inmates, discipline and order of correctional facilities, and appropriate provision of correctional treatment. Therefore, it is of great importance that smooth and appropriate administration and management of correctional facilities must be secured, maintaining the optimal/controllable number of inmates.

Article 8 of the Bangkok Declaration, adopted in 2005, reads "We are committed to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international standards". In this context, the rights of inmates detained in correctional facilities as well as efficient administration of institutions must be maintained. This philosophy should be applied and respected even in overcrowded correctional facilities.

Taking into account the treatment of prisoners, the Standard Minimum Rules for the Treatment of Prisoners was adopted in the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955. In the resolution, minimum standards regarding the treatment of prisoners including accommodation, personal hygiene, clothing and bedding, medical services, contact with family members, etc., are described or indicated. Also, the Statement of Basic Principles for the Treatment of Prisoners was adopted by the General Assembly in December 1990, which clarifies the basic principles for the treatment of prisoners, including that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings, believing that the full implementation of the Rules would be facilitated by the articulation of the basic principles underlying them. Although not formally binding, the Member States have strived to fully implement the said Rules and Basic Principles, but the population growth of correctional facilities has made it increasingly difficult for some Member States to adhere to them.

It is believed that the issue of overcrowding of correctional facilities differs from country to country, and it has always changed in accordance with modern developments. Therefore, it is

necessary to explore effective countermeasures to tackle the issue, and cope with changing times. To make this possible, effective countermeasures to alleviate the overcrowding of correctional facilities within the criminal justice system as a whole must be studied. In this context, measures to cope with the growing number of inmates at each stage of criminal justice proceedings should be examined first, and then, measures within the framework of correctional administration should be explored.

In order to avoid detention of an accused or a defendant at a detention or remand centre, measures such as investigation at a residence of the accused, house arrest, bail on bond, electronic monitoring, suspension of prosecution, etc., need to be effectively utilized. Also, trial should be concluded with as much speed as possible to avoid the undue detention of inmates awaiting a trial (or remand prisoners) in detention facilities. Further, alternative measures to incarceration such as community service orders, intensive probationary supervision, treatment programme orders, etc., after rendering such criminal sentences as fine, suspension of pronouncement of sentence, suspension of execution of sentence, etc., should be efficiently utilized so as to reduce the number of inmates in detention facilities.

It is not possible to develop and implement effective correctional/rehabilitative treatment programmes in overcrowded correctional facilities. Also, putting relatively minor offenders into a prison may hamper their smooth reintegration into society after release because of the stigmatization of incarceration. It is considered to be effective to utilize alternative measures to incarceration (or non-custodial sanctions) for such offenders. The United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), which were adopted by the United Nations General Assembly on the basis of a recommendation by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1990, provides guidelines and basic principles for diversified non-custodial measures. Further, the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna in 2000, stressed the importance of effective alternatives to incarceration in order to contain the growth and overcrowding of correctional facilities' populations (Para. 26). In addition, the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in 2002, encourages that Member States prioritize non-custodial measures rather than imprisonment where possible, and it further recommends that Member States utilize measures which can be implemented in the community such as reconciliation among the persons concerned.

As far as correctional administration is concerned, in order to cope with the growing number of prisoners, new prisons have been constructed in some countries, and on the other hand, effective and efficient administration of correctional facilities, through the expansion of accommodation capacity of existing correctional facilities, is strongly demanded in countries where cost reduction is required. A countermeasure to alleviate prison overcrowding that can be taken by the administration of correctional facilities is, for instance, early release from prison by granting remission, time off for good behaviour, parole, pardon, etc. Therefore, the conditions, restrictions, and other related issues required to set up an early release programme should be examined.

It is of great importance that the concerned criminal justice agencies, including the police, prosecution service, judiciary, corrections or prison service, probation service, etc., alleviate the overcrowding of correctional facilities at all stages of criminal justice proceedings. Effective countermeasures against overcrowding of correctional facilities should include diversion, alternatives to incarceration, effective administration of correctional facilities, correctional programmes effective for the prevention of reoffending, and other measures, in order to successfully address the issue. Consequently, these countermeasures are implemented to accomplish the substantive objectives of correctional facilities to prevent offenders from committing further crimes, to protect society, and to rehabilitate offenders.

Objectives

The purpose of this Training Course was to offer participants an opportunity to share experiences and knowledge regarding effective countermeasures against overcrowding of correctional facilities. In order to achieve this purpose, and to successfully cope with the issue, the training programme provided an opportunity to clarify the current situations and problems existing in the respective countries in the field of correctional administration. There was also opportunity to build participants' knowledge of possible measures to alleviate the growth of populations in correctional facilities at all stages of criminal justice proceedings. Among the major topics studied were the following:

- (1) Current situations and problems of overcrowding of detention facilities, and measures taken by the concerned criminal justice agencies at all stages of criminal justice proceedings:
 - (a) Diversion and other measures in the investigation, prosecution, and pre-adjudication stages
 - Bail on bond
 - Electronic monitoring
 - House detention curfew
 - · House arrest
 - Suspension of prosecution, suspension of pronouncement of sentence
 - Intensive probationary supervision, etc.
 - (b) Alternatives to incarceration or non-custodial sanctions as adjudication options
 - Fine
 - Intensive probationary supervision
 - Community (service) order
 - Electronic monitoring
 - Treatment programme order, etc.
- (2) Current situations and problems of prison overcrowding and possible measures taken by correctional administrators:
 - (a) Effective administration of correctional facilities
 - Construction of new prisons including privatized facilities
 - Expansion of accommodation capacity of the existing institutions, etc.
 - Early release programmes (e.g. pardon, remission, furlough, parole, time off for good behaviour, etc.)
 - (b) Correctional programmes effective for the prevention of reoffending
 - Cognitive behavioural therapy
 - Academic/educational training
 - Social skills training
 - Drug abuse treatment
 - Mental health treatment
 - Vocational training
 - Employment support guidance, etc.
- (3) Promotion or enhancement of community-based treatment or after-care programmes in the post-sentencing stage as possible measures to alleviate overcrowding of correctional facilities:
 - Probationary supervision
 - Intermediate institutions (e.g. halfway houses, community correctional centres, community residential facilities, etc.)
 - Drug treatment programmes
 - Community (service) orders
 - Employment support guidance

Enhancement of involvement of the private sector and community, etc.

Course Summary

Lectures

In total, five lectures were presented by visiting experts, nine by ad hoc lecturers and five by the faculty of UNAFEI. Four 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 9.

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 10 and 11.

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 12 to 14.

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 15 to 18.

Lecture Topics

Visiting Experts' Lectures

- 1) Mr. Rob Allen
 - Effective Countermeasures against Overcrowding of Correctional Facilities
- 2) Mr. Peter Ng Joo Hee
 - Offender Rehabilitation, Community Engagement and Preventing Reoffending in Singapore
- 3) Prof. Dr. Dr. h.c. Hans-Jörg Albrecht
 - Sanction Policies and Alternative Measures to Incarceration European Experiences with Intermediate and Alternative Sanctions
 - Trends in Crime and Prison Populations Evidence from Europe
- 4) Prof. Neil Morgan
 - Effective Countermeasures against Overcrowding (Part I): Overcrowding: Causes, Consequences and Reduction Strategies
 - Effective Countermeasures against Overcrowding (Part II): Maintaining Standards, Decency and Human Rights in Overcrowded Times

UNAFEI Professors' Lectures

- 1) Ms. Fumiko Akahane, Professor, UNAFEI
 - The Criminal Justice System in Japan: Investigation and Prosecution
- 2) Mr. Jun Oshino, Professor, UNAFEI
 - The Criminal Justice System in Japan: The Courts
- 3) Mr. Tetsuya Sugano, Professor, UNAFEI
 - Institutional Corrections in Japan (Correctional Administration and Penal Institutions & Correctional Facilities for Juveniles)
- 4) Mr. Haruhiko Higuchi, Professor, UNAFEI
 - Challenges of the Koban (Police Box) System in the 21st Century
- 5) Mr. Toru Kawaharada and Ms. Ayako Sakonji, Professors, UNAFEI
 - Community-Based Treatment of Offenders in Japan

Ad Hoc Lectures

1) Mr. Satoshi Tomiyama

Director, Prison Service Division, Correction Bureau, Ministry of Justice, Japan

• Current Situation of Correctional Treatment in Japan

2) Dr. Kei Someda

Chief of Parole Assessment, Kanto Regional Parole Board, Japan

• Diversification of Community-Based Treatment of Offenders – Effective Measures for the Prevention of Recidivism and Reduction of the Prison Population

3) Mr. Makito Kobiki

Chief of Assessment Section, Fuchu Prison, Tokyo, Japan

• Procedure for Intake Assessment and Examination of Convicted Prisoners – Application of the Assessment Results to Treatment Planning

4) Mr. Kazunobu Eguchi

Attorney, Legislative Affairs Division, Criminal Affairs Bureau, Ministry of Justice, Japan

• Adjustment of the Number of Inmates and Prevention of Repeat Offences

5) Ms. Masako Tashiro

Probation Officer, Yokohama Probation Office, Japan

• Adjustment of the Number of Inmates and Prevention of Repeat Offences

6) Dr. Tetsuya Fujimoto

Professor, Chuo University, Tokyo, Japan

• Characteristics and Issues of Alternative Systems to Custodial Measures at Each Stage of Criminal Justice (Including comparison with international standards and major countries)

7) Dr. Teruyuki Hirota

Professor, Nihon University, Tokyo, Japan

• Educational Methods of Juvenile Training Schools in Japan

8) Mr. Takashi Kubo

Director of the Amnesty Office, Ministry of Justice, Tokyo, Japan

• Community-Based Treatment of Offenders in Japan (Outline of the Rehabilitation System)

9) Mr. Masahiro Takeshima

Senior Engineer, Solution Business Division, Hitachi Ltd., Urban Planning and Development Systems

• IT Based System for Penal Institutions

Individual Presentation Topics

Overseas Participants

- 1) Ms. Marialda Lima Justino Cruz (Brazil)
 - Current Legal Regime of Imprisonment in Brazil and the Effective Countermeasures Against Overcrowding of Correctional Facilities
- 2) Ms. Aurea Francisca Rodrigues de Moraes (Brazil)
 - Discussions Concerning the Minimum Procedures Necessary for Good Penitentiary Administration in Brazil, Focusing on the Effective Countermeasures Against Overcrowding of Correctional Facilities
- 3) Mr. Oleskyenio Enrique Florez Rincon (Colombia)
 - Management and Rehabilitation of Infringing on Crime Prevention in Colombia
- 4) Mr. Jean Claude Ngoie Mutombo (Democratic Republic of the Congo)
 - Crime Prevention
- 5) Ms. Marta Raquel Flores Ramirez (Guatemala)
 - Crime Prevention-The Treatment of Offenders
- 6) Ms. Vanna Ladavia Lawrence (Jamaica)
 - Effective Countermeasures Against Overcrowding of Correctional Facilities
- 7) Mr. Ben Siambango Buchane (Namibia)
 - The Effective Countermeasures Against Overcrowding of Correctional Facilities
- 8) Mr. Ritendra Thapa (Nepal)
 - Remission of Imprisonment: A Major Countermeasure Against Overcrowding of Correctional Institutions in Nepal
- 9) Mr. Mahendra Nath Upadhyaya (Nepal)
 - Overcrowding of Prisons: Nepalese Perspective
- 10) Mr. Salim M. A. Qawariq (Palestine)
 - · Criminal Prevention in Ministry of Social Affairs
- 11) Mr. Allen Maliki (Solomon Islands)
 - Correctional Service of Solomon Islands
- 12) Mr. Ricky Iomea (Solomon Islands)
 - The Treatment of Offenders Under The Solomon Islands' Criminal Justice System, in Correctional Facilities and After Release
- 13) Ms. Sumithra Rahubaddhe (Sri Lanka)
 - · Overcrowding of Prisons in Sri Lanka

- 14) Mr. Henele Telefoni (Tonga)
 - Effective Countermeasures Against Overcrowding of Correctional Facilities

Observers

- 15) Mr. Andy Che Leung Lam (Hong Kong)
 - Effective Countermeasures Against Overcrowding of Correctional Facilities
- 16) Mr. Kyuyeon Park (Republic of Korea)
 - Research on Solutions to Prison Overcrowding as the Conditions of Corrections Improvement

Japanese Participants

- 17) Mr. Masami Goda
 - Enhancement of Guidance and Support for Employment of Offenders
- 18) Mr. Hiroyuki Hayashi
 - The Sex Offender Treatment Programme in Tokyo Probation Office
- 19) Mr. Kentaro Hirate
 - The Role of Judges in Pre-sentence Detention and Bail of Offenders in Japan
- 20) Ms. Misae Kato
 - The Educative Actions of the Family Court
- 21) Mr. Hiroshi Suda
 - Alternatives to Detention at the Investigation Stage
- 22) Mr. Takahiro Sumikawa
 - Suspension of Prosecution
- 23) Mr. Yuichiro Wakimoto
 - Countermeasures for Prison Overcrowding Correctional Interventions that can Reduce Recidivism
- 24) Mr. Masaya Yamamoto
 - Effective Countermeasures against Overcrowding of Correctional Facilities

Group Workshop Sessions

Group 1

EFFECTIVE COUNTERMEASURES AGAINST OVERCROWDING OF CORRECTIONAL FACILITIES

Chairperson	Mr. Oleskyenio Enrique Florez Rincon	(Colombia)
Co-chairperson	Mr. Hiroshi Suda	(Japan)
Rapporteur	Mr. Ricky Iomea	(Solomon Islands)
Co-Rapporteur	Ms. Marialda Lima Justino Cruz	(Brazil)
Members	Mr. Jean Claude Ngoie Mutombo	(DR Congo)
	Mr. Mahendra Nath Upadhyaya	(Nepal)
	Mr. Takahiro Sumikawa	(Japan)
Advisers	Prof. Naoyuki Harada	(UNAFEI)
	Prof. Fumiko Akahane	(UNAFEI)

Report Summary

The group discussed the above subject by dividing the matter into three subtopics: (i) alternatives to pre-trial detention; (ii) diversion from criminal justice procedure; and (iii) speedy trial measures.

With regard to subtopic (i), the group discussed police power to release suspects on bail; house arrest or police detention; placing a suspect under the supervision of a person or institution; electronic monitoring; prohibiting a suspect from leaving a particular area; investigation without arrest; prohibiting a suspect/accused from going to particular places or meeting named individuals; confiscation of the suspect's passport; and release with an order to pledge financial or other property, such as bail.

Regarding subtopic (ii), the group discussed absolute or conditional discharge; decriminalization; and restorative justice. Regarding absolute or conditional discharge, it was argued that victims should be able to request independent review of such decisions. Regarding decriminalization, the group agreed that while it can be effective, public opinion must be obtained and considered before any decision is made. Regarding restorative justice, the group identified its merits (alleviates overcrowding; saves time and money; lessens the workload of criminal justice personnel; satisfies victims; and avoids stigmatizing offenders) and demerits (lack of specific and general deterrence; does not halt recidivism; risk of injustice to some offenders; and public insecurity). The group agreed that while the definition of what constitutes a minor offence differs from country to country, restorative justice should only be used for minor cases, according to the jurisdiction in which the offence was committed. The group recommended that the establishment of an independent and neutral mediating body in the process is fundamental.

Regarding subtopic (iii), the group made the following recommendations. 1. There is a need to set fixed timeframes for investigation and prosecution; however, there should be a provision to allow for extensions of the timeframe depending on the nature of each case. 2. There should be flexibility in the recruitment procedure or policies and appointment of sufficient numbers of judges. 3. The use of summary proceedings is recommended to avoid wasting time and resources. 4. There is a need to utilize pre-trial preparation/arrangement.

Group 2

SENTENCING AND ALTERNATIVE PUNISHMENT

Chairperson	Ms. Sumithra Rahubaddhe	(Sri Lanka)
Co-Chairperson	Mr. Masaya Yamamoto	(Japan)
Rapporteur	Ms. Vanna Ladavia Lawrence	(Jamaica)
Co-Rapporteur	Mr. Kentaro Hirate	(Japan)
Members	Ms. Marta Raquel Flores Ramirez	(Guatemala)
	Ms. Misae Kato	(Japan)
	Mr. Ritendra Thapa	(Nepal)
	Mr. Salim M. A. Qawariq	(Palestine)
Visiting Expert	Prof. Dr. Dr. h.c. Hans-Jörg Albrecht	(Germany)
Advisers	Deputy Director Takeshi Seto	(UNAFEI)
	Prof. Jun Oshino	(UNAFEI)
	Prof. Junichi Watanabe	(UNAFEI)

Report Summary

The above topic was subdivided for discussion as follows: (i) alternative punishments to custodial sanction, including their functions and dysfunctions, sentencing policy, and difficulties in implementing non-custodial measures; (ii) alternative punishments and other interests; (iii) other issues relative to justice policy.

The group discussed the above topic with consideration for the diverse cultural, political and socio-economic background of each participant's country, and its recommendations also take into consideration each country's readiness for change. At the outset, the group recommended that the Tokyo Rules 8.1 and 8.2 give a sample of the alternative sentences which could be implemented by countries according to need.

The group agreed that overcrowding exists in the correctional facilities of each of the represented countries, and that measures to reduce overcrowding should begin even at the sentencing stage. Utilizing alternatives to imprisonment is a sustainable way of effecting behavioural change within the community, and serves the interest of both the offender and society.

Regarding the above topic, the group made the following recommendations. 1. Each noncustodial sentence has its own merits and demerits; the most appropriate sentence should be imposed on a case-by-case basis with due regard for all circumstances of the case. 2. All agencies in the criminal justice system, including NGOs, should collaborate to ensure that the system works smoothly and seamlessly when implementing and utilizing non-custodial measures. 3. Open dialogue in a public forum is required to increase the public's understanding of the functions/dysfunctions and pros and cons of custodial and non-custodial sentences. 4. The public should be informed of the respective costs of imprisonment and non-custodial sanctions. 5. Countries which cannot immediately establish a large probation service should utilize the skills of reputable members of the community who are willing to serve as voluntary probation officers, under a core team of professional advisers. 6. An offender's ability to pay a fine should be assessed at the sentencing stage. The offender should be permitted to make the payment in instalments if unable to pay the total amount at once. 7. Social enquiry reports can be an important tool for deciding an appropriate sentence. 8. Certain offences should be decriminalized; thus, persons who commit such offences would be directed to undergo rehabilitation rather than imprisoned. 9. Speedy trial should be implemented as a feature of the law as it is the most important step to prevent unnecessary detention. 10. To facilitate the introduction of alternative sanctions, many legal systems must make administrative changes and amend their laws.

POST SENTENCING DISPOSITION AND TREATMENT MEASURES

Chairperson	Mr. Andy Che Leung Lam	(Hong Kong)
Co-Chairperson	Ms. Aurea Francisca Rodrigues de Moraes	(Brazil)
Rapporteur	Mr. Ben Siambango Buchane	(Namibia)
Co-Rapporteur	Mr. Henele Telefoni	(Tonga)
Co-Rapporteur	Mr. Yuichiro Wakimoto	(Japan)
Members	Mr. Hiroyuki Hayashi	(Japan)
	Mr. Masami Goda	(Japan)
	Mr. Kyueon Park	(Korea)
	Mr. Allen Maliki	(Solomon Islands)
Visiting Expert	Prof. Neil Morgan	(Australia)
Advisers	Prof. Tetsuya Sugano	(UNAFEI)
	Prof. Toru Kawaharada	(UNAFEI)
	Prof. Ayako Sakonji	(UNAFEI)

Report Summary

Group 3

Group 3 divided its discussion into two parts: (i) post-sentencing dispositions (which lower prison populations); and (ii) effective treatment programmes (which lower recidivism). The group also addressed evaluation of treatment programmes.

Under subtopic (i) the group addressed parole; halfway houses; work/study release; remission; pardon; other measures related to early release; and other forms of early release. Participants agreed on the effectiveness of all schemes in reducing prison populations. Concerns were raised about victims' negative attitude to early release and the risk of releasing dangerous offenders, the latter requiring accurate scientific identification of offenders. The group considered the administrative measures necessary for remission and made the following recommendations: computerization of records and the creation of a sufficient database; monitoring; public education; and the setting of conditions of eligibility.

Under subtopic (ii) the group addressed assessment and classification of inmates; evidence-based treatment programmes; other effective programmes (e.g. family visits, sports, educational/vocational training, mental health services, etc.); administrative structures; and functions and dysfunctions of correctional programmes. The seriousness of the crime committed, types of offences, length of sentence and security risk to staff and other prisoners must be considered in assessing and classifying inmates.

On the subject of evaluation of treatment programmes, the group noted that evaluation informs authorities of the effectiveness of their programmes; maintains the quality of programmes; and verifies for the taxpayer the effectiveness of programmes. Weaknesses are that success can be defined ambiguously and that standards of evaluations are not easily set. Using third parties and widely accepted standards could help to address these weaknesses.

The group agreed that all post-sentencing dispositions and treatment programmes discussed were effective in tackling overcrowding and recommended development and endeavour in the following areas: 1. Acquisition of support from government authorities. 2. Exploration of resources. 3. Soliciting of public acceptance of and support for rehabilitation of offenders. 4. Comprehensive, complementary, and aligned strategies to ensure that post-sentencing dispositions, treatment programmes and publicity campaigns are mutually reinforcing and reflect the aims of reducing overcrowding and rehabilitating offenders.

Observation Visits

<u>Date</u>	Agency/Institution	Main Persons Concerned
20 May	Tokyo District Public Prosecutors Office	• Shuji Iwamura (Chief Prosecutor)
29 May	Kawagoe Juvenile Prison	• Mr. Masafumi Sagawa (Deputy Warden in charge of Education)
4 June	Yokohama Probation Office	• Ms. Masako Tashiro (Probation Officer)
15 June	Fuchu Prison	• Mr. Hideo Fujimoto (Special Assistant to the Warden)
16 June	Hitachi Solution LAB	• Mr. Masahiro Takeshima (Senior Engineer)
	The Supreme Court	• Mr. Yuuki Furuta (Justice)
	Tokyo District Court	

Group Study Tour

<u>Date</u>	Location	Agency/Institution	Main Persons Concerned
11 June	Hiroshima	With Hiroshima Halfway House	• Kanichi Yamada (Deputy Director)
	Hiroshima	Mine Rehabilitation Program Center	• Mr. Tezuka Fumiya (Warden)
12 June	Kyoto	Kyoto Prefectural Police	

Special Events

11 May

Welcome Party

13, 14, 15 May

Japanese Conversation Classes

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

16 May 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.

20 May

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.

22 May

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.

23, 24 May

Home Visits

The ACPF Fuchu Branch kindly organized dinners for the participants at the homes of their members. The hosts were Mr. Toshihiro Nagamine, Ms. Hisako Morita, Ms. Fujiko Kato, and Mr Tadayuki Oka.

25 May

Social with Volunteer Probation Officers

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

28 May

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.

4 June

Yokohama Cruise

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

6 June

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.

8 June

ACPF Fuchu Branch Party

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

13 June

Visit to Tokyo Horse Race Course

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

18 June

Farewell Party

A party was held to bid farewell to the participants.

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THE FIFTH SEMINAR ON CRIMINAL JUSTICE FOR CENTRAL ASIA

The Fifth Seminar on Criminal Justice for Central Asia was held from 23 February to 6 March 2009 at UNAFEI. The Seminar was entitled "Effective Measures against Drug Offences and International Co-operation in the Criminal Justice Process". Eleven participants from four Central Asian countries, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, attended.

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THE 14TH SPECIAL SEMINAR FOR SENIOR CRIMINAL JUSTICE OFFICIALS OF THE PEOPLE'S REPUBLIC OF CHINA

The 14th Special Seminar for Senior Criminal Justice Officials of the People's Republic of China was held from 2 to 19 March 2009 at UNAFEI. Ten participants and three course counsellors attended. The theme of the Seminar was "Enhancement of Community-Based Alternatives to Incarceration at All Stages of the Criminal Justice Process."

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INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. The Fourth Country Specific Training Course on the Revitalization of the Volunteer Probation Aide System for the Philippines

The Fourth Country Specific Training Course on Revitalizing the Volunteer Probation Aide Programme for the Philippines will be held from 29 June to 9 July 2009. The number of participants, who are Parole and Probation Officers and Volunteer Probation Aides, will be fourteen. They will discuss measures to improve the probation system and the promotion of Volunteer Probation Aides.

2. The Twelfth International Training Course on the Criminal Justice Response to Corruption

The Twelfth International Training Course on the Criminal Justice Response to Corruption will be held from 13 July to 7 August 2009. In this Course, Japanese and overseas officials engaged in corruption control will comparatively analyse the current situation of corruption, methods of combating corruption and measures to enhance international co-operation.

3. 143rd International Training Course

The 143rd International Training Course is scheduled for 28 September to 6 November 2009. The main theme of the Course is "Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials". Twelve overseas participants and five Japanese participants will attend.

Rationale

If the politicians and public officials who bear the responsibility of sustaining the foundation of their country lack integrity, and bribery is pervasive, the basis of democracy will be endangered. History has already proven that a society based on corrupt economic, political and social systems will inevitably perish. One of the most important duties of a criminal justice system is to detect corruption and impose appropriate punishment on corrupt politicians and public officials.

However, if the criminal justice system itself is corrupt, there is a grave danger to democracy. In particular, corruption in the judiciary, prosecutorial authorities and law enforcement authorities, which have the important role of maintaining the rule of law, not only decreases the capacity of a country to curb corruption, but also deteriorates the morale of the people and their trust in the justice system. Although many forms of corruption are difficult to detect and prosecute, judicial corruption is especially so. Thus, investigations into allegations of criminal wrongdoing by judges are often only conducted when the corruption is blatant, and therefore many cases may go undetected. In addition, when a corrupt judge is investigated by a law enforcement agency over which the judge has jurisdiction, there is a possibility that he or she may be privy to information regarding their own wrongdoing and thus the investigation may be hindered.

Taking into account all these matters, as regards corruption control of the judiciary and prosecutorial authorities, priority should be placed on prevention. In this context, appropriate guidelines for judges and prosecutors, e.g. codes of conduct, are useful. It is also necessary for judges and prosecutors to be selected from individuals of integrity and ability, with appropriate training and qualifications in law. In this respect, an educational framework for maintaining the integrity of the judiciary and prosecutorial authorities, such as education and training, etc., is indispensable. At the same time, in order to balance independence and integrity, appropriate procedural regulations, such as disqualification, recusal and impeachment systems, should be established. In so doing, public confidence in the integrity and impartiality of the judiciary and

prosecutorial authorities is preserved, and judges and prosecutors are regulated independent of political influence.

As for law enforcement authorities, it should be noted that, in most countries, they have the primary responsibility for the investigation of crime. Moreover, they have more human resources than the judiciary and prosecutorial authorities. Considering the fact that law enforcement authorities are also a critical component of the criminal justice system and that they often have large labour forces, the above-mentioned measures to maintain integrity, such as codes of conduct and internal training, are of great importance for law enforcement officials as well.

The United Nations and other international organizations have for a long time made efforts to promote judicial integrity, and have adopted several relevant documents. The United Nations Convention against Corruption is fundamental amongst them. Article 11, paragraph 1 of the Convention states that "[b]earing in mind the independence of the judiciary, and its crucial role in combating corruption, each State Party shall, in accordance with the fundamental principles of its legal system and without prejudice to judicial independence, take measures to strengthen integrity and to prevent opportunities for corruption among members of the judiciary. Such measures may include rules with respect to the conduct of members of the judiciary." Paragraph 2 states that "[m]easures to the same effect as those taken pursuant to paragraph 1 of this article may be introduced and applied within the prosecution service in those States Parties where it does not form part of the judiciary but enjoys independence similar to that of the judicial service." Article 11 is based on the universal recognition that the judiciary and prosecutorial authorities should have a crucial role in preventing corruption and their independence and integrity should be secured in order to prevent corruption.

In addition to the Convention, there are other essential standards and norms in regard to judicial integrity. There are, for example, the "Basic Principles on the Independence of the Judiciary" ², "Procedures for the Effective Implementation of the Basic Principles on the Independence of the Judiciary" ³, and the "Bangalore Principles of Judicial Conduct" ⁴, etc. As for prosecutorial authorities, whose duties are closely related to the activities of the judiciary, the "Guidelines on the Role of Prosecutors" ⁵ is a useful reference, and the "Standards of Professional Responsibility and Statement of the Essential Duties and Rights of Prosecutors" ⁶ should be taken into consideration. With regard to law enforcement officials, there is, for example, the "Code of Conduct for Law Enforcement Officials" ⁷ and the "Guidelines for the effective implementation of the Code of Conduct for Law Enforcement Officials" ⁸. These international standards and norms provide an effective framework for controlling corruption in the judiciary, prosecutorial authorities and law enforcement authorities.

¹ General Assembly resolution 58/4 of 31 October 2003, annex.

² Adopted by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August – 6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chapter 1, section D.2, annex, and endorsed by General Assembly resolutions 40/32 of 29 November 1985 and 40/146 of 13 December 1985.

³ Economic and Social Council resolution 1989/60 of 24 May 1989, annex.

⁴ Economic and Social Council resolution 2006/23 of 27 July 2006, annex.

⁵ Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August – 7 September 1990: report prepared by the Secretariat (United Nations publication, Sales No.E.91.IV.2), chapter 1, section C.26, annex.

⁶ Commission on Crime Prevention and Criminal Justice Resolution 17/2 of 18 April 2008, annex.

⁷ General Assembly Resolution 34/169 of 17 December 1979, annex.

⁸ Economic and Social Council resolution 1989/61 of 24 May 1989, annex.

Objectives of the Programme

This training programme is not only to develop human resources but also to deepen the mutual understanding of the situation which the respective countries face in regard to ethics problems in the judiciary, prosecutorial authorities and law enforcement authorities, and through discussion of the issues raised by each participant, to search for best practices in order to improve the situation.

Among the major topics to be included are the following:

- 1. Codes of conduct and other measures for corruption control
 - (a) Codes of conduct for judges and prosecutors;
 - (b) Codes of conduct for law enforcement officials;
 - (c) Monitoring of implementation;
 - (d) Effective measures against corruption in the judiciary, prosecutorial authorities and law enforcement authorities.
- 2. Education and training:
 - (a) Legal education for judges and prosecutors regarding legal ethics;
 - (b) Education and training for law enforcement officials regarding professional responsibility.
- 3. Procedural regulations:
 - (a) Requirement and procedure for disqualification and recusal of judges and prosecutors in criminal cases;
 - (b) Impeachment and disciplinary procedures for judges and prosecutors;
 - (c) Internal regulation for law enforcement officials to avoid a bias or conflict of interest.

ADMINISTRATIVE NEWS

Faculty Changes

Ms. Tae Sugiyama, formerly a Professor of UNAFEI, was transferred and appointed a Senior Probation Officer of Tokyo Probation Office on 1 April.

Mr. Junichiro Otani, formerly a Professor of UNAFEI, was transferred and appointed an attorney of the Criminal Affairs Bureau of the Ministry of Justice on 1 April.

Mr. Ryuji Tatsuya, formerly Professor of UNAFEI, was transferred and appointed Chief of the International Affairs Division of Fukushima Prison.

Mr. Koji Yamada, formerly Professor of UNAFEI, was transferred and appointed a Senior Probation Officer of Matsuyama Probation Office.

Ms. Fumiko Akahane, formerly a public prosecutor of Tokyo District Public Prosecutors Office, joined UNAFEI as a Professor on 1 April.

Mr. Toru Kawaharada, formerly a Senior Probation Officer of Utsunomiya Probation Office, joined UNAFEI as a Professor on 1 April.

Ms. Ayako Sakonji, formerly a probation officer of Osaka Probation Office, joined UNAFEI as a Professor on 1 April.

Mr. Junichi Watanabe, formerly a specialist of the Legal Affairs Section of the Correction Bureau of the Ministry of Justice, joined UNAFEI as a Professor on 1 April.

Overseas Trips by Staff

Former Professor Otani and Mr. Nakasuga (former Co-Deputy Chief of the Secretariat) visited Singapore from 15 to 20 February to undertake research on community-based treatment alternatives to incarceration in preparation for the United Nations Congress on Crime Prevention and Criminal Justice which will be held in Brazil in 2010.

Director Keiichi Aizawa visited Korea from 11 to 13 March to attend the International Seminar and Ceremony to Commemorate the 20th Anniversary of the Korean Institute of Criminology. Mr. Aizawa made a speech to the Seminar on the topic of "Criminal Justice Policy and International Co-operation".

Deputy Director Takeshi Seto, Professor Harada and Mr. Kosaka (Staff) visited Manila, the Philippines from 24 to 28 March to prepare for the Third Regional Seminar on Good Governance for Southeast Asian Countries, which will be held in Manila in December 2009, co-hosted by The National Prosecution Service, Department of Justice of the Philippines, the United Nations Office on Drugs and Crime (UNODC) Regional Centre for East Asia and the Pacific, and UNAFEI.

Director Keiichi Aizawa, Professor Harada, former Professor Sugiyama and former Professor Otani visited Vienna, Austria from 16 to 24 April to attend the 18th Session of the Commission on Crime Prevention and Criminal Justice. The Director made a statement to the Commission and Ms. Sugiyama sat as a panellist in the Plenary Discussion Session on "Penal Reform and the Reduction of Prison Overcrowding".

FACULTY AND STAFF OF UNAFEI

Faculty:

Mr. Keiichi Aizawa Director

Mr. Takeshi Seto Deputy Director

Mr. Motoo Noguchi Professor Mr. Naoyuki Harada Professor Ms. Fumiko Akahane Professor

Mr. Jun Oshino Professor, Chief of Training Division

Mr. Haruhiko Higuchi Professor

Mr. Toru Kawaharada Professor, Chief of Information and Library

Service Division

Mr. Tetsuya Sugano Professor, Chief of Research Division,

142nd Course Programming Officer

Ms. Ayako Sakonji Professor Mr. Junichi Watanabe Professor

Ms. Grace Lord Linguistic Adviser

Secretariat:

Mr. Masahiro Iida Chief of Secretariat

Mr. Masato Fujiwara Co-Deputy Chief of Secretariat Mr. Koji Kobayashi Co-Deputy Chief of Secretariat

General and Financial Affairs Section:

Mr. Masaaki Kojitani Chief

Mr. Kei Saito

Mr. Yuichi Shirakawa

Ms. Kayoko Ono

Training and Hostel Management Affairs Section:

Mr. Kenichiro Koiwa Co-Chief Ms. Yoshiko Kawashima Co-Chief

Mr. Ikuo Kosaka 142nd Assistant Programming Officer

Ms. Miki Usuki Mr. Ryuichi Nishitani

International Research Affairs Section:

Mr. Hideo Takahashi Chief Ms. Naoko Iwakata Librarian

Secretarial Staff:

Mr. Kazuyuki Nagata

Ms. Aiko Ota

Kitchen:

Mr. Teruo Sotozaki Chef

JICA Co-ordinator for the 142nd International Training Course:

Ms. Kazue Obayashi JICA

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