

UNAFEI NEWS LETTER

UNAFEI

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AND THE TREATMENT OF OFFENDERES

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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 156th International Senior Seminar on “Protection for Victims of Crime and Use of Restorative Justice Programmes”, which took place from 15 January to 13 February 2014. In this Seminar, we welcomed 7 Japanese participants and 8 overseas participants: 3 from Asia, 2 from Oceania, 1 from North America, 1 from South America, and 1 from Africa. The participants included judges, prosecutors, law enforcement officers, and other high-ranking public officials. As this newsletter demonstrates, the Seminar was extremely productive. It consisted of lectures by visiting experts, ad hoc lecturers, and faculty members, individual presentations, visits to relevant criminal justice agencies, and group-workshop and plenary sessions.

The Seminar provided the participants with the opportunity to review and reflect on the long-established United Nations standards and norms in the field of victim protection. Yet despite the existence of international standards such as *The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* (1985)¹ and *The Vienna Declaration on Crime and Justice* (2000),² major parts of Asian, African and Central and South American countries do not have adequate systems for the protection of victims of crime and do not sufficiently encourage active participation by the victim in the criminal justice process.

UNAFEI, as one of the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, held this Seminar to offer participants an opportunity to clarify and analyse the current situation and to explore more effective ways to protect victims of crime and encourage more active participation by the victim in the criminal justice process, including considering restorative justice approaches. Additionally, the participants were able to share experiences, gain knowledge, and build a human network of counterparts to further international cooperation, which is vital to enhancing the implementation of victim protection and restorative justice measures.

During the Seminar, the participants diligently and comprehensively examined victim support and restorative justice, 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. With the academic and practical input from the visiting experts, ad hoc lecturers and UNAFEI faculty — and the in-depth discussions they had with each other — the participants are now better equipped to cope with the challenges of providing protection and support to crime victims and implementing restorative justice measures in their own countries.

I would like to offer my sincere congratulations to all of the participants upon their successful completion of the Seminar, made possible by their strenuous efforts. My heartfelt gratitude goes out 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 that helped diversify the Seminar.

¹ General Assembly Resolution 40/34 (29 November 1985).

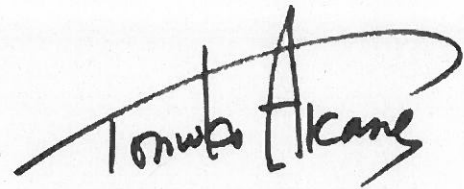
² General Assembly Resolution 55/593 (17 January 2001).

I would also like to express my great appreciation to the Japan International Cooperation Agency (JICA) for its immeasurable support throughout the Seminar. 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 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 nations' criminal justice systems, and towards the benefit of international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 156th 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 2014

A handwritten signature in black ink, reading "Tomoko Akane". The signature is stylized with a large, sweeping "A" and a long horizontal stroke extending to the left.

Tomoko Akane
Director, UNAFEI

THE 156TH INTERNATIONAL SENIOR SEMINAR

PROTECTION FOR VICTIMS OF CRIME AND USE OF RESTORATIVE JUSTICE PROGRAMMES

Seminar Rationale

I. BACKGROUND

In modern criminal justice systems, little attention had been paid to the protection, support, rights, interests and legal status of crime victims. However, a common understanding regarding the necessity of promoting the protection and the support of victims of crime has developed. This development, which mainly took place in Western countries after the 1960s, can be divided into three stages. The first stage was the establishment of a system of monetary support for the victim (1960s). The second stage was the strengthening of immediate and direct support for the victim (1970s). The third stage has brought about the enactment of statutes for the improvement of the legal status of the victim and the establishment of the rights of the victim (from the 1980s).

*The Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*³ was adopted at the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (hereinafter referred to as "the Congress") held in Milan, Italy in September 1985, and subsequently by the United Nations General Assembly on 29 November 1985. The Declaration is the most fundamental instrument adopted by the United Nations in relation to the improvement of the treatment of victims in the crime prevention and criminal justice field. Based on the philosophy that victims of crime should be treated with compassion and respect for their dignity, the Declaration recommends the following measures to be taken on behalf of victims of crime at the international, regional and national levels:

- that victims of crime are entitled to access to the mechanism of justice and fair treatment (Declaration 4-7);
- that fair restitution to victims by offenders responsible for their behaviour should be realized (Declaration 8-11);
- that States should endeavour to provide financial compensation to victims, when compensation is not fully available from offenders (Declaration 12, 13);
- and that victims should receive necessary material, psychological and social assistance (Declaration 14-17).

However, despite the adoption of the Declaration there was little evidence that Member

³ General Assembly Resolution 40/34, 29 November 1985.

States took adequate measures for the improvement of the treatment of victims, including changes to their legal systems. In consideration of the above, the United Nations Economic and Social Council recognized the need for continuous efforts to do so and to adapt the Declaration to meet the full range of needs and the circumstances of different countries in the preamble of its resolution 1990/22. Moreover, the United Nations Commission on Crime Prevention and Criminal Justice (hereinafter referred to as “the Commission”), at its fifth session in Vienna, adopted a resolution to develop a manual or manuals on the use and application of the Declaration. In the response to that resolution, the Expert Group Meeting on Victims of Crime and Abuse of Power developed *The Handbook on Justice for Victims on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power*⁴ (hereinafter referred to as “the Handbook”) and *The Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse*.⁵

As victim protection and support gained ground, the restorative justice approach also emerged as a new concept to tackle problems which the criminal justice system was failing to address. The restorative justice approach is one which considers the loss caused by crime through the active participation of the victim, offender and the community.

Restorative justice has existed since ancient times, but was rekindled in the West by the establishment of an experimental victim-offender reconciliation programme in Canada in 1974. After that there was a rapid growth of these programmes to more than 1,000 in North America, Europe, countries in the southern hemisphere such as New Zealand, Australia and South Africa. Some Asian countries have also tried to introduce these programmes.

Under these circumstances, *The Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century*⁶ was adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Vienna in April 2000. The Declaration provides that, “We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we encourage the development of restorative justice policies, procedures and programs that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.” Based on this Declaration, the working group of the Commission on Crime Prevention and Criminal Justice has drafted *Basic principles on the use of restorative justice programs in criminal matters*⁷ as a United Nations standard for restorative justice, and the *Handbook on Restorative Justice Programmes*⁸ was published. Different definitions have been developed for restorative justice and the controversy has not been settled yet. Therefore in this Seminar, we did not adopt a specific definition of restorative justice. We followed the *Basic principles on the use of restorative justice programs in criminal matters*. According to this principle, “Restorative Justice Programme” means any programme that uses restorative processes and seeks to achieve restorative outcomes (Section 1). A “Restorative Process” is any process in which the victim, the

⁴ United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999. It can be obtained at the following web site. <http://www.uncjin.org/Standards/standards.html>.

⁵ United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 1999. It can be obtained at the above web site.

⁶ General Assembly Resolution A/55/593.17 January 2001

⁷ Economic and Social Council Resolution 2000/14 U.N. Doc, E/2000/INF/2/Add.2.

⁸ United Nations Office for Drug Control and Crime Prevention, Centre for International Crime Prevention, New York, 2006. It can be obtained at the above web site.

offender and, where appropriate, any other individuals or community members affected by the crime participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator (Section 2). A “Restorative outcome” is an agreement reached as a result of a restorative process (Section 3). Moreover, the Basic Principles provide a variety of principles on the use of restorative justice (after Section 6) The Congress, held in Brazil in 2010, identified the importance of restorative justice in the Salvador Declaration. Thus the improvement of restorative justice programmes is an international trend regarding victim protection and support. In Japan, besides a private association that conducts victim-offender mediation, Japan Legal Support Centre, which is a public corporation established by the Japanese government, set up the system to provide legal support for probationers/parolees who intend to compensate victims. This system is an example of the restorative approach in practice in Japan.

However, we find that major parts of Asian, African and Central and Southern American countries do not have adequate systems for the protection of victims of crime and do not sufficiently encourage active participation by the victim in the criminal justice process. These countries are requested to strengthen their systems for victim protection and support and to develop restorative justice policies, procedures and programmes at the same time.

Taking into consideration various issues, we intend to clarify and analyse the current situation and to explore more effective ways to protect victims of crime and encourage more active participation by the victim in the criminal justice process, specifically considering restorative justice approaches.

II. OBJECTIVES OF THE SEMINAR

The purpose of this Seminar was to offer participants an opportunity to share experiences and knowledge regarding measures for victims of crime. In order to achieve this purpose, the Seminar programme will provide an opportunity to clarify the current situations and problems existing in the respective countries in the field of measures for victims of crime. The participants were also able to build their knowledge of possible ways to enhance measures for victims of crime at all stages of the criminal justice process. In doing so, the participants were expected to use the Declaration as a yardstick, as well as the Handbook and the Guide mentioned above, as their main reference materials. Among the major topics studied were the following:

III. KEY TOPICS OF THE SEMINAR

The following were key topics addressed during the Seminar:

- (1) Introduction
 - a. Understanding the impacts of crime on victims (e.g. material damage, mental damage, secondary victimization)
 - b. Understanding what victims need.
- (2) Current situation and problems victims of crime are facing at the investigation stage
 - a. Consideration of the views and concerns of victims of crime in investigation (e.g.

- reporting crimes and filing complaints);
- b. Ensuring victims' safety and privacy (e.g. prohibition of access by the offender to the victim, separate waiting rooms);
 - c. Providing information for victims of crime (e.g. progress of investigation, available measures for assistance)
- (3) Current situation and problems victims of crime are facing at the prosecution stage
- a. Consideration of the views and concerns of victims regarding prosecution (e.g. private prosecution, measures of objection to non-prosecution and dismissal of the case)
 - b. Providing information for victims of crime (e.g. the prosecutor's disposition and reason for the disposition);
- (4) Current situation and problems victims are facing at the trial/sentencing stage
- a. Consideration of the views and concerns of victims regarding the criminal trial (e.g. victim participation in criminal trials, questioning of witnesses/defendant by the victim, victim impact statement);
 - b. Restitution from offenders through the criminal trial or related process (e.g. compensation orders, reparation orders, reconciliation in the criminal process, *constitution de partie civile*);
 - c. Ensuring the victim's safety and privacy (e.g. confidentiality of victim's identifying information, witness protection programmes);
 - d. Minimizing the burden on victims in testifying as a witness (e.g. video link, testimony using videotape, victims' attendants);
- (5) Current situation and problems victims of crime are facing at the execution-of-sentence stage
- a. Consideration of the views and concerns of victims regarding the treatment of offenders at the post-sentencing stage (e.g. opinion hearing on parole or release, involvement in sessions for the education of offenders on the impact of crime on victims);
 - b. Providing the victim and the community with information concerning the treatment of offenders (e.g. date of release, legal grounds for release and location of sex offenders);
- (6) Current situation and problems victims of crime are facing at all stages of the criminal justice process
- a. State compensation system for victims of crime;

- b. Strengthening cooperation with other criminal authorities or organizations, experts or communities outside of the criminal justice system;
- c. Training on victim matters for criminal justice practitioners
- d. Measures for dealing with victims according to their characteristics (e.g. victims of sex crimes, victims of organized crime, juvenile victims, etc.)

(7) Restorative Justice

- a. Restorative approaches and problems at all stages of the criminal justice process (e.g. the restorative justice programme in each participating country and its legal basis)
- b. Definition and international standard for restorative justice (e.g. United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, 2002, Guidelines for Victim-Sensitive Victim-Offender Mediation, U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime)

Seminar Summary

Lectures

In total, the participants attended 33 lectures, including a special lecture from the Japanese Prosecutor-General, 7 presented by the visiting experts, 6 by ad hoc lecturers and 8 by the faculty of UNAFEI. Three distinguished criminal justice academics and practitioners served as UNAFEI's visiting experts. They lectured on issues relating to the main theme of the Seminar and contributed significantly beyond their lectures by encouraging discussions after their lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, the ad hoc lectures were delivered by a member of the National Police Agency, a medical doctor from the Tokyo Metropolitan Institute of Medical Science, the Director of a Japanese Probation Office, a Japanese attorney, the Chairman of the Board of the Trust Fund for Victims, and the Counselor for Policies on Crime Victims of the Japanese government's Cabinet Office. The lecturers and lecture topics are listed on pages 9 and 10.

Individual Presentations

During the first three weeks, all participants delivered individual presentations which introduced the situation, problems and future prospects of the participants' countries. These papers were compiled onto a USB memory stick and distributed to all the participants. The titles of these individual presentation papers are listed on pages 11 and 12.

Group Workshop Sessions

Group workshop sessions provided the participants with the opportunity to further examine 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. 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 report-back session, where they were endorsed as the reports of the Seminar. Brief summaries of the group workshop reports are provided on pages 13 and 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 Seminar'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 17.

Lecture Topics

Visiting Experts' Lectures

- 1) Dr. Brian Steels
 - Crime, Colonisation and Communities
 - Creating Resorative and Sustainable Environments within a Custodial Setting: Establishing a Template for the Future
 - Restorative and Therapeutic Practices
- 2) Ms. Betty PANG Mo-yin
 - Policies for Victim Protection and Support: Current Situation and Problems Faced by Victims of Crime in Hong Kong
 - Child Protection Policy Unit of the Hong Kong Police Force
 - Cooperation with Other Authorities, Organizations, and Experts to Protect and Support Victims of Crime in Hong Kong
- 3) Prof. Dr. jur. Gerd Ferdinand Kirchhoff
 - Justice for Victims of Crime

UNAFEI Professors' Lectures

- 1) Mr. Naoya Oyaizu, *Professor*, UNAFEI
 - Overview of Japanese Police
- 2) Ms. Yukako Mio, *Professor*, UNAFEI
 - The Criminal Justice System in Japan — Investigation/Prosecution
- 3) Mr. Yusuke Hirose, *Professor*, UNAFEI
 - The Criminal Justice System in Japan: The Courts
- 4) Mr. Toru Nagai, *Professor*, UNAFEI
 - Institutional Corrections in Japan — Penal Institutions and Treatment of Inmates

- 5) Mr. Ryo Tsunoda, *Professor*, UNAFEI
 - Community-Based Treatment of Offenders in Japan
- 6) Mr. Ryo Tsunoda, *Professor*, UNAFEI
 - Volunteer Probation Officers in Japan

Ad Hoc Lectures

- 1) Dr. Kei Someda
Director, Otsu Probation Office
Professor, Waseda Law School
 - Restorative Justice: Theoretical Base, Evidence of Effectiveness and Current Practices in the World
- 2) Ms. Satoko Ikeda
Counsellor for Policies on Crime Victims, Office for Policies on Crime Victims, Cabinet Office
 - Policies on Crime Victims in Japan
- 3) Ms. Tomoko Saito
Deputy Director, Office for Crime Victims, National Police Agency
 - The Police Support for Crime Victims in Japan
- 4) Dr. Nozomu Asukai
Deputy Director General, Tokyo Metropolitan Institute of Medical Science
 - Psychological Trauma in Victims of Violent Crimes
- 5) Mr. Motoo Noguchi
Director of International Cooperation Department, Research and Training Institute of the MOJ
Chair of the Board of Directors, Trust Fund for Victims
 - The Trust Fund for Victims

Individual Presentation Topics

Overseas Participants

- 1) Ms. Cyntia Cristina De Carvalho E Silva (Brazil)
 - The Role of the Victims in the Criminal Process and the Use of Restorative Justice Practices in Brazil
- 2) Ms. Veronica Guadalupe Uriarte Flores (El Salvador)
 - Protection for Victims of Crime in El Salvador
- 3) Mr. Diallo Amadou Tanou (Guinea)
 - Explanation of the Guinean Legal and Police Systems
- 4) Mr. Bhirawa Braja Paksa (Indonesia)
 - Restorative Justice Approach in Indonesia
- 5) Mr. Alex Ndrasal (Papua New Guinea)
 - Victims of Crime and Restorative Justice in Papua New Guinea
- 6) Mr. Philip Kaya Welia (Papua New Guinea)
 - Assisting Victims of Crime and Restoration of the Criminal Justice System in Papua New Guinea
- 7) Ms. Chirawan Khotcharit (Thailand)
 - The Thai Criminal Justice System and Protection for Victims of Crime and the Use of Restorative Justice Programmes

Course Counsellor

- 8) Dr. Boonsit Angkana (Thailand)
 - Restorative Justice in Thailand

Japanese Participants

- 9) Mr. Akagi Kazuo
 - The Present Situation of Specific Fraud (*Tokushu Sagi*) as a Form of Phone Fraud (*Furikome Sagi*) and Victims Support
- 10) Mr. Ito Manase
 - “Education from the Victim’s Viewpoint” as a Correctional Measure in Japan

- 11) Ms. Kikuchi Shizuka
 - Victim Protection and Support in Japan
- 12) Mr. Kobayashi Atsuo
 - Current Situation and Issues of Measures for Crime Victims as a Part of Japanese Offender Rehabilitation Services
- 13) Ms. Ota Reiko
 - Current Situation and Problems Victims of Crime are Facing at the Trial and Post-Conviction Stages
- 14) Mr. Ota Tomohiko
 - Protection System for Victim of Crime at the Trial Stage
- 15) Ms. Tajima Kayoko
 - Current Situation and Challenges of Policies and Measures for Victims of Crime in Probation Offices

Group Workshop Sessions

Group 1**SUPPORT FOR VICTIMS**

Chairperson	Mr. Philip Kaya WELIA	(Papua New Guinea)
Co-Chairperson	Mr. OTA Tomohiko	(Japan)
Rapporteur	Mr. AKAGI Kazuo	(Japan)
Co-Rapporteur	Ms. Chirawan KHOTCHARIT	(Thailand)
Members	Ms. Veronica URIARTE	(El Salvador)
	Mr. DIALLO Amadou Tanou	(Guinea)
	Ms. KIKUCHI Shizuka	(Japan)
	Ms. TAJIMA Kayoko	(Japan)
Adviser	Prof. MIO Yukako	(UNAFEI)

Report Summary

Group 1 addressed the issue of support for victims based on the following agenda: (1) access to the criminal justice system, (2) victim compensation and restitution and (3) prevention of secondary victimization and re-victimization. The group reported that current criminal justice systems tend to focus on the rights of the perpetrators without considering the rights of the victims. The group members agreed that more attention must be paid to crime victims and their family members because they are required to participate in the criminal justice system in order to prosecute criminal cases.

Lack of access to the criminal justice system is a serious problem faced in many countries, and common causes are corruption and lack of manpower and financial support. To ensure that victims have access to the justice system, victims must be informed of their rights and the developments in their cases. They must also be involved in the decision to prosecute, and victims should be able to participate in the trial.

With respect to victim compensation and restitution, the group found that court-ordered restitution is a concept similar in most countries. However, the group reported that offenders often have insufficient funds to fully comply with restitution orders. Therefore, the group emphasized the necessity of State compensation programmes to reimburse crime victims for shortfalls in restitution payments, including expenses such as doctor's bills, transportation costs, and other expenses. Additionally, the group concluded that one of the best ways an offender can restore the damage caused to the community is by learning practical job skills and finding a job upon release.

Group 1 explained that secondary victimization occurs when a victim continues to suffer from the harm caused by the offender; this includes the psychological stress of having to relive the experience each time the victim answers questions related to the crime. Re-victimization occurs when an offender re-commits a crime against a victim. To minimize these forms of victimization, criminal justice systems should adopt the following strategies: (1) protect the confidentiality of the victim's personal information and address during investigation and trial, (2) ensure the safety of victims by escorting them to and from court, (3) courts should issue restraining orders to prohibit the offender from contacting the victim, (4) alleviating victims' burdens by collaboration with the private sector, and (5) implementing training on victimization for the police, prosecutors and the judiciary.

In conclusion, the group agreed that victim participation in the criminal justice system is fundamental to achieving the objective of a society without crime. If the needs of victims are not considered during the criminal justice process, victims will be less likely to cooperate with the authorities, and the criminal justice system will suffer. Therefore, creating a safer society is closely connected with supporting victims throughout the criminal justice process.

Group 2

**ISSUES CONCERNING INTRODUCTION OF RESTORATIVE JUSTICE
PROGRAMMES IN CRIMINAL AND JUVENILE JUSTICE SYSTEMS**

Chairperson	Ms. Cyntia Cristina DE CARVALHO	(Brazil)
	E SILVA	
Co-Chairperson	Mr. ITO Manase	(Japan)
Rapporteur	Ms. BOONSIT Angkana	(Thailand)
Co-Rapporteur	Mr. Bhirawa Braja PAKSA	(Indonesia)
Members	Mr. Alex NDRASAL	(Papua New Guinea)
	Mr. KOBAYASHI Atsuo	(Japan)
	Ms. OTA Reiko	(Japan)
Adviser	Prof. TSUNODA Ryo	(UNAFEI)

Report Summary

Examining the topic of restorative justice, the group embraced the United Nations' definition of a restorative justice programme as a process in which a victim, an offender, and other affected individuals or community members work together to resolve matters arising out of a crime. The process is intended to achieve restorative outcomes such as restitution and community service to meet the individual and collective needs of those involved.

The group reported that restorative justice is an old concept rooted in many cultures and customs, but it is new in terms of applying it to formal criminal justice institutions. Beginning with an examination of current practices, the group found that restorative justice practices are used either formally or informally in each of the participating countries. After reviewing existing practices, the group proposed possible new programmes that could be considered by each of the participating countries. These programmes include expansion of existing programmes, application of programmes to juvenile offenders and increased training for criminal justice professionals. The details of existing practices and possible new programmes are presented in Group 2's Group Workshop Report.

The discussions among the group members resulted in general agreement on a number of issues. First, the group concluded that restorative justice must be voluntary, but it can be applied to all types of crime and at any stage of the criminal justice system. Second, such programmes are equally applicable to adult and juvenile offenders. Third, restorative justice programmes can be used to achieve the dual purposes of (i) diversion and (ii) restoring relations, economic loss and emotional damage. However, it was stressed that the type of programme and the scope of participants will be impacted by factors such as the intention of the victim, the intention of the offender, the severity of the damages, and the relationship between the victim and the offender.

Emphasizing that restorative justice is not only applicable to petty crimes, the group also discussed restorative justice approaches in the context of serious crimes, including domestic violence, rape, fatal and serious traffic accidents, and murder. Victim-Offender Mediation (VOM) and Family Group Conferences (FGC) were considered as potentially effective practices to help offenders recognize the seriousness of the damage they caused and to allow victims or their family members to interact directly with the offender and to obtain answers to questions they have about the crime. Qualified and trained mediators who are able to remain impartial are key to the success of this process. Mediators must possess knowledge about restorative justice, psychology and social work, and they must be sensitive to the social and economic contexts of the parties.

The group concluded that the philosophy of restorative justice must first be understood before systems are adopted that best match the situations of the countries in which they are implemented.

Observation Visits

<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
24 Jan.	Supreme Court	• Mr. Yoshinobu Onuki (Justice)
29 Jan.	Tokyo District Court Tachikawa Branch	• Mr. Toshio Yamada (Chief Prosecutor)
31 Jan.	Tokyo District Public Prosecutors' Office	• Mr. Toshihiko Itami (Chief Prosecutor)
	Ministry of Justice	• Mr. Sadakazu Tanigaki (Minister of Justice)
3 Feb.	Fuchu Prison	• Mr. Tadayoshi Matsumoto (Warden)
4 Feb.	Fuchu Police Station	• Mr. Toshihiko Kishimoto (Director)

Group Study Tours

<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
5 Feb.	Hiroshima	•Chugoku Regional Parole Board •Hiroshima Probation Office	• Mr. Masatoshi Ebihara (Chair) • Mr. Fumiaki Nagai (Director)
6 Feb.	Kyoto	Kyoto Victim Support Centre	• Mr. Minoru Oya (President)
7 Feb.	Kyoto	Kyoto Prefecture General Family Support Centre	• Ms. Junko Matsumura (Director)

Special Events

15 Jan. *Welcome Party*

17, 20, 22 Jan. *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The *sensei* (teachers) were Ms. Mariko Hirano and Ms. Yoshiko Nakayama from *Nihongo-no-kai*.

21 Jan. *Meeting and Social with Volunteer Probation Officers*

Seven Japanese Volunteer Probation Officers visited UNAFEI and made presentations on their activities to the participants. In addition, a friendship party was held to allow the participants a chance to chat informally with the Japanese Volunteer Probation Officers.

24 Jan. *Public Lecture
and
Social with UNAFEI Alumni*

The Public Lecture Programme is conducted annually to increase social awareness of criminal justice issues through comparative international study. The public lecture, 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 156th International Senior Seminar.

This year, Dr. Brian Steels, from the Centre for Aboriginal Studies, Curtin University, and Ms. Betty Pang Mo-yin, from the Crime Support Group, Crime Wing, Hong Kong Police, were invited as speakers. They presented papers entitled "Restorative and Therapeutic Practices" and "Child Protection Policy Unit of the Hong Kong Police Force", respectively.

The participants joined UNAFEI alumni at an informal gathering in the Ministry of Justice following the Public Lecture Programme.

28 Jan. *UNAFEI International Table Tennis Tournament*

The UNAFEI Table Tennis Tournament was held in the auditorium. Mixed teams of international participants, Japanese participants and UNAFEI faculty and staff were formed, and competed against each other. All participants, faculty and staff celebrated later in Lounge B.

31 Jan.

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

At the conclusion of their courtesy visit to the Minister of Justice, Mr. Sadakazu Tanigaki, a reception was held for the participants by the Vice-Minister of Justice, Mr. Nobuo Inada, at the Danwa-shitsu lounge on the 20th floor of the ministry building, overlooking Hibiya Park.

1 Feb.

Home Visits

The Volunteer Probation Officers Association in Support of UNAFEI's Activities kindly organized lunches for the participants at the homes of their members. The hosts were Ms. Beppu and Mr. Shimamura.

13 Feb.

Farewell Party

A party was held to bid farewell to the participants.

Reference Materials

**UNAFEI 156TH INTERNATIONAL SENIOR SEMINAR
LIST OF REFERENCE MATERIALS**

A. United Nations**1. Standards and Norms and related materials**

- (1) Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice: Part Three: Crime prevention and victim issues: II victims (including UN Declarations of Basic Principles of Justice for Victims of Crime and Abuse of Power (1985, A/RES/40/34), UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (2004, Annex I, E/CN.15/2005/14/Add.1))
<http://www.unodc.org/pdf/compendium/compendium_2006_part_03_02.pdf>.
- (2) Criminal Justice Assessment Toolkit: cross cutting issues: victims and witnesses (2006)
<http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng/3_Victims_Witnesses.pdf>.
- (3) Handbook on Justice for Victims on the Use and Application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1999)
<<http://www.uncjin.org/Standards/9857854.pdf>>.
- (4) Guide for Policy Makers on the Implementation of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (1999)
<<http://www.uncjin.org/Standards/policy.pdf>>.
- (5) Handbook on Restorative Justice Programmes (2006) (including UN Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters (2002, E/CN.15/2002/L.2/Rev.1))
<http://www.unodc.org/pdf/criminal_justice/06-56290_Ebook.pdf>.
- (6) Basic principles on the use of restorative justice programmes in criminal matters (ECOSOC Resolution 2002/12).

B. Other International or Regional Instruments and Related Materials**1. International Criminal Court**

- (1) Rome Statute of the International Criminal Court (2002)
<http://www.icc-cpi.int/NR/rdonlyres/EA9AEFF7-5752-4F84-BE94-0A655EB30E16/0/Rome_Statute_English.pdf>.
- (2) Helping Victims make their voice heard
<<http://www.icc-cpi.int/NR/rdonlyres/01A26724-F32B-4BE4-8B02-A65D6151E4AD/282846/LRBookletEng.pdf>>.

2. Council of Europe

- (1) European Convention on the Compensation of Victims of Violent Crimes (1983,

Council of Europe)

<<http://conventions.coe.int/Treaty/en/Treaties/Word/116.doc>>.

- (2) Recommendation Rec(2006)8 of the Committee of Ministers to member states on assistance to crime victims (Council of Europe)

<<https://wcd.coe.int/ViewDoc.jsp?id=1011109&Site=CM#RelatedDocuments>>.

3. Others

- (1) Handbook for Implementation of Legislation and Best Practice for Victims of Crime in Europe (Victim Support Europe)

<http://victimsupporteurope.eu/activeapp/wp-content/files_mf/1385974688NewVersionVSEHandbookforImplementation.pdf>.

- (2) Raising the Global Standards for Victims: the Proposed Convention on Justice for Victims of Crime and Abuse of Power. Proceedings of the 4th Symposium of the Tokiwa International Victimology Institute.

- (3) What is Victimology (Dr. Gerd Ferdinand Kirchhoff).

- (4) Restorative Justice: Theory and Worries (Dr. John Braithwaite).

- (5) The Evolution of Restorative Justice (Dr. John Braithwaite).

- (6) Best Practice Guidance for Restorative Practice (2011, Restorative Justice Council)

C. Others

1. United Kingdom

<<http://www.cjsonline.gov.uk/victim/>> (link only).

- (1) The Victims Charter (2004, Criminal Justice System, UK)

<<http://www.homeoffice.gov.uk/documents/victims-charter?view=Binary>>.

- (2) The Code of Practice for Victims of Crime (2013 October Ministry of Justice UK)

<https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/254459/code-of-practice-victims-of-crime.pdf>.

- (3) 2013 Restorative Justice Action Plan for the Criminal Justice System (2013 Ministry of Justice UK).

- (4) Restorative Justice Action Plan for the Criminal Justice System- Report on Progress One Year On (2013 Ministry of Justice UK).

2. United States

<<http://www.ojp.usdoj.gov/ovc/welcovc/welcome.html>> (link only).

- (1) Attorney General Guidelines for Victim and Witness Assistance

<http://www.justice.gov/olp/pdf/ag_guidelines2012.pdf>.

- (2) First Response to Victims of Crime (2010, OVC, US)
<http://www.ojp.usdoj.gov/ovc/publications/infores/pdfxt/2010FirstResponseGuidebook.pdf>.
- (3) Guidelines for Victim-Sensitive Victim-Offender Mediation: Restorative Justice through Dialogue (2000, U.S. Department of Justice Office of Justice Programs Office for Victims of Crime).
- (4) Guide for Implementing the Balanced and Restorative Justice Model (1998, U.S. Department of Justice Office of Justice Programs Office of Juvenile Justice and Delinquency Prevention).

3. Japan

- (1) Basic Act on Crime Victims (2004)
<http://www.japaneselawtranslation.go.jp/law/detail/?printID=&ft=3&re=01&dn=1&bu=16&x=27&y=23&ky=&page=12&vm=03>.
- (2) Code of Criminal Procedure (Chapter 1&2) (2006 version, data only)
<http://www.japaneselawtranslation.go.jp/law/detail/?printID=&ft=3&re=01&dn=1&bu=16&x=27&y=23&ky=&page=4&vm=02>.
- (3) For Victims of Crime (Public Prosecutors Office)
<http://www.moj.go.jp/ENGLISH/CRAB/crab-02.html>.
- (4) Police Support for Crime Victim (National Police Agency, 2009) (data only)
<http://www.npa.go.jp/english/kyuuyo1/Police%20Support%20for%20Crime%20Victims.pdf>.

Expert and Participant List

Visiting Experts

Dr. Brian Steels

Director
 Asia Pacific Forum for Restorative Justice
 Senior Research Fellow
 Centre for Aboriginal Studies
 Curtin University
 Australia

Ms. Betty Pang Mo-yin

Senior Superintendent of Police
 Crime Support Group, Crime Wing
 Hong Kong Police

Dr. Gerd F. Kirchhoff

Professor
 Tokiwa International Victimology Institute

Course Counsellor

Dr. BOONSIT Angkana

Inspector
 Department of Probation
 Ministry of Justice
 Thailand

Overseas Participants

Ms. Cyntia Cristina DE CARVALHO E
 SILVA

Police Chief
 Department of Police Station
 Civil Police of the Federal District
 Brazil

Ms. Veronica Guadalupe URIARTE
 FLORES

Head of Paracentral Region
 Paracentral Region
 National Police of El Salvador
 El Salvador

Mr. DIALLO Amadou Tanou

Head of Section
Second Civil Chamber
Ministry of Justice
Guinea

Mr. Bhirawa Braja PAKSA

Chief
Bureau of Human Resource Development
Jambi Police Region
Indonesia

Mr. Alex NDRASAL

Provincial Police Commander
Police Department
Royal Papua New Guinea Constabulary
Papua New Guinea

Mr. Philip Kaya WELIA

Provincial Police Commander
Police Department
Royal Papua New Guinea Constabulary
Papua New Guinea

Ms. Chirawan KHOTCHARIT

Judge
Thon Buri Criminal Court
Court of Justice
Thailand

THE 16TH UNAFEI UNCAC TRAINING PROGRAMME

The 16th UNAFEI UNCAC Training Programme was held from 9 October to 13 November 2013. Twenty-five participants attended: 18 overseas participants and 7 Japanese participants. The main theme of the programme was *Effective Measures to Prevent and Combat Corruption and to Encourage Cooperation between the Public and Private Sectors*.

Overseas Participants

Mr. Faycal Touti	Examining Magistrate Chlef Court-Ain Defla Tribunal Ministry of Justice Algeria
Mr. Mohammad Golam Rabbani	Director Legal and Prosecution Unit Anti-Corruption Commission Bangladesh
Mr. Mohammad Saidur Rahman	Director Anti-Corruption Commission Bangladesh
Mr. Vladimir Barros Aras	Federal Prosecutor Secretary for International Legal Cooperation Federal Public Prosecution Service of Brazil Brazil
Mr. Norith Nuon	Deputy Director General General Department of Operation Anti-Corruption Unit Cambodia
Mr. Abraham Kipkoech Kemboi	Technical/ Surveillance Officer Investigation and Asset Tracing Ethics and Anti-Corruption Commission Kenya

Mr. Obuo Martin Otieno	Attorney Evidence Analysis Ethics and Anti-Corruption Commission Kenya
Ms. Evah Wacuka Thingini	Forensic Investigator/ Adult Investigation Ethics and Anti-Corruption Commission Kenya
Mr. Wambugu David Gathii	Acting Director Directorate National Anti-Corruption Campaign Steering Committee Kenya
Mr. Oleg Crismaru	Senior Criminal Investigative Officer Department for Criminal Prosecution National Anticorruption Centre Moldova
Mr. Alexandru Donciu	Senior Investigative Officer Office for Prevention and Fights Against Money Laundering National Anticorruption Centre Moldova
Ms. Khin Myat Tar	Staff Officer Law and Procedure Department Supreme Court Myanmar
Mr. Myo Khaing Swe	Director Legal Opinion and Prosecution Branch Bureau of Special Investigation Myanmar
Mr. Abraham Nikolous Ihalua	Senior Investigation Officer Investigation and Prosecution Anti-Corruption Commission Namibia

Ms. Justine Nduuviteko Namukwambi	Chief Investigation Officer Investigation and Prosecution Anti-Corruption Commission Namibia
Ms. Oris Idalmis Jaen Fernandez	Commissioner Disciplinary Superior Board Panama National Police Panama
Mr. Apichai Thongprasom	Deputy Provincial Chief Public Prosecutor Samutprakan Provincial Public Prosecution Office Office of the Attorney General Thailand
Mr. Rosito Amaral	Senior Investigator Investigation Anti-Corruption Commission Timor-Leste

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. The Tenth Follow-Up Seminar on Criminal Justice for Central Asia

From 5 to 18 March 2014, UNAFEI will host the Tenth Follow-Up Seminar on Criminal Justice for Central Asia in Tokyo, Japan. The theme of the Seminar is “Addressing Corruption which Hinders Countermeasures against Drug Offences: Focusing on Ethics and Codes of Conduct for Judges, Prosecutors, and Law Enforcement Officials”. Government officials from Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan, and Japan, as well as visiting experts and lecturers, will attend.

2. The 157th International Training Course

From 11 May to 20 June 2014, UNAFEI will host the 157th International Training Course in Tokyo, Japan. The theme of the Course is the *Assessment and Treatment of Special Needs Offenders*. Government officials from across Southeast Asia, including Japan, and visiting experts and lecturers will attend.

3. The 158th International Training Course

From 20 August to 26 September 2014 (tentative dates), UNAFEI will host the 158th International Training Course in Tokyo, Japan. The Course will address issues related to conducting speedy trials through effective and efficient investigation. Government officials from across Southeast Asia, including Japan, and visiting experts and lecturers will attend.

ADMINISTRATIVE NEWS

Staff Change

Ms. Sae Sakai left her position as kitchen chef at UNAFEI on 1 November 2013 and was replaced by Ms. Maki Odagiri.

Overseas Trips by Staff

Professor Koji Yoshimura and Officer Masato Honda visited Delhi, India from 22 to 27 September 2013 to attend the 33rd Asian and Pacific Conference of Correctional Administrators (APCCA). Professor Yoshimura made a presentation entitled "Mission and Future Challenges of UNAFEI" as a Specialist Presentation.

Professor Tashiro visited the United Kingdom from 7 to 15 October 2013 to attend the 1st World Congress on Probation and to conduct research on the criminal justice system in the UK.

Professor Toru Nagai visited Colorado Springs, U.S.A from 26 October to 3 November 2013 to attend the 15th Annual Conference of the International Corrections and Prisons Association (ICPA).

Director Tomoko Akane visited Bangkok, Thailand from 14 to 15 November 2013 to attend the Bangkok Dialogue on the Rule of Law.

Deputy Director Kenichi Kiyono visited Panama City, Panama from 25 to 27 November 2013 to attend The Fifth Conference of the States Parties to the United Nations Convention against Corruption.

Director Tomoko Akane visited Courmayeur, Italy from 11 to 15 December 2013 to attend the Co-ordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network and the ISPAC International Conference.

FACULTY AND STAFF OF UNAFEI

Faculty:

Ms. Tomoko Akane	Director
Mr. Kenichi Kiyono	Deputy Director
Ms. Yukako Mio	Professor
	156th Seminar Programming Officer
Mr. Ryo Tsunoda	Professor
	156th Seminar Deputy Programming Officer
Mr. Toru Nagai	Professor
	156th Seminar Deputy Programming Officer
Mr. Koji Yoshimura	Professor
Ms. Akiko Tashiro	Professor
Mr. Kazuhiko Moriya	Professor
Mr. Shinichiro Iwashita	Professor
Mr. Yusuke Hirose	Professor
Mr. Naoya Oyaizu	Professor
Mr. Thomas L. Schmid	Linguistic Adviser

Secretariat:

Mr. Hiromitsu Ando	Chief of Secretariat
Mr. Seiichi Sugiyama	Chief of General and Financial Affairs Section
Mr. Ryosei Tada	Chief of Training and Hostel Management Affairs Section

General and Financial Affairs Section:

Ms. Aoi Hichiguro	Senior Officer
Ms. Keiko Nishi	Officer
Mr. Keiji Hayasaka	Officer

Training and Hostel Management Affairs Section:

Mr. Yasushi Toyoda	Senior Officer
	156th Seminar Assistant Programming Officer
Mr. Yoshiki Fukuta	Senior Officer
Ms. Rie Suzuki	Officer
Mr. Takuya Furuhashi	Officer

International Research Affairs Section:

Mr. Masato Honda	Officer
Ms. Naoko Iwakata	Librarian

Secretarial Staff:

Ms. Hisayo Yamada	Officer
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Kitchen:

Ms. Maki Odagiri	Chef
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JICA Coordinator for the 156th International Training Seminar:

Ms. Miki Yamamoto	JICA
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