

# UNAFEI NEWSLETTER

UNAFEI

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INSTITUTE FOR THE PREVENTION OF CRIME  
AND THE TREATMENT OF OFFENDERS

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**LETTER FROM THE DIRECTOR**

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It is my privilege to inform readers of the successful completion of the 171st International Senior Seminar on the “Criminal Justice Response to Crime Motivated by Intolerance and Discrimination”, which took place from 9 January to 7 February 2019. In this Seminar, we welcomed 6 Japanese participants and 13 overseas participants: 11 from Asia, 1 from Oceania, and 1 from South America. The participants included judges, prosecutors, probation officers, police officers and other public officials involved in the field of crime prevention and criminal justice. As this newsletter demonstrates, the Seminar was extremely productive. It consisted of lectures by visiting experts, ad hoc lecturers, UNAFEI faculty members, individual presentations, visits to relevant criminal justice agencies, and group-workshop and plenary sessions.

In order to suppress intolerance crimes effectively, it is necessary to establish proper legal bases to punish intolerance crimes, such as by adopting penalty enhancement or other substantive offences. During investigation, criminal justice authorities must seek and identify bias indicators, that is, adequate evidence to prove the offender’s intolerant or discriminatory motives. Moreover, it is essential to take steps to build public confidence in law enforcement in order to facilitate cooperation with investigations. This can be done by establishing positive professional relationships with victims and victim communities and by implementing witness protection and other measures that provide broader assistance (e.g. access to victim support services). When crimes are motivated by intolerance or discrimination, imposing a penalty alone may not be sufficient to prevent the offender from committing further crimes. Thus, it is important to administer proper interventions, including those aimed at correcting the offender’s biased or discriminatory thoughts, and utilization of the restorative justice approach.

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 of efforts to combat crimes motivated by intolerance and discrimination in each participating jurisdiction. Additionally, the participants were able to share experiences, gain knowledge, and build a human network of counterparts.

During the Seminar, the participants diligently and comprehensively examined the main theme, 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 enhance the policies and practices related to criminal justice in their respective jurisdictions.

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.

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 home, 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 jurisdictions' 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 171st 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.

March 2019

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Takeshi SETO  
Director, UNAFEI

## THE 171<sup>ST</sup> INTERNATIONAL SENIOR SEMINAR

### ***CRIMINAL JUSTICE RESPONSE TO CRIME MOTIVATED BY INTOLERANCE AND DISCRIMINATION***

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#### **Seminar Rationale**

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The equality norm is a fundamental value that seeks to achieve human dignity and to realize the potential of all people. The United Nations instruments have consistently recognized the importance of the equality norm. The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, provides that everyone is entitled to all the rights and freedoms without distinction of any kind<sup>1</sup>. In 2015, the United Nations General Assembly adopted the 2030 Agenda for Sustainable Development (SDGs)<sup>2</sup>, which emphasize the responsibilities of all States to respect, protect and promote human rights and fundamental freedoms for all without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status (paragraph 19). Moreover, the SDG targets specifically refer to, among others:

- ending all forms of discrimination against all women and girls everywhere (target 5.1);
- eliminating all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation (target 5.2);
- by 2030, empowering and promoting the social, economic and political inclusion of all irrespective of age, sex, disability, race, ethnicity, origin, religion or economic or other status (target 10.2); and
- promoting and enforcing non-discriminatory laws and politics for sustainable development (target 16.b).

However, crimes motivated by intolerance and discrimination of all kinds (hereinafter referred to as “intolerance crimes”) are global phenomena, and cases of intolerance crimes have been reported by many states. Typically, intolerance crimes are violent crimes involving assault, intimidation, property destruction or vandalism motivated by race, ethnicity, religious or sexual-orientation bias. Further, in some cases, intolerant or discriminatory bias has led to more serious offences, such as violence against women (based on gender bias), murder or even terrorism.

Intolerance crimes often cause greater negative impacts on the individual victims as well as on the society at large, as compared to ordinary crimes. First, the individual victim tends to endure more serious mental damage from intolerance crimes, since in such crimes, the criminal commits an offence against the victim merely on the basis of a person’s specific

<sup>1</sup> “*The Universal Declaration of Human Rights*”, General Assembly resolution 3/217 of 10 December 1948, article 2.

<sup>2</sup> “*Transforming our world: the 2030 Agenda for Sustainable Development*”, General Assembly resolution 70/1 of 25 September 2015.

characteristic, which quite frequently is of an inherent nature or represents the person's fundamental values, such as race, gender or religion. Second, intolerance crimes, once committed, may cause fear and anxiety in the victimized community. These negative effects can be even more serious where a group with such characteristics has historically been victimized by discrimination. Furthermore, by creating or emphasizing existing social tensions, intolerance crimes have the potential to cause social division and civil unrest, or may result in negative spirals of violence and retaliation, thus raising security and public order issues<sup>3</sup>.

Given these negative impacts, it is important for the international community to make efforts to prevent and suppress intolerance crimes. In this regard, the Doha Declaration, adopted by the Thirteenth UN Congress on Crime Prevention and Criminal Justice in 2015, explicitly addresses this issue. Paragraph 5 of the Doha Declaration<sup>4</sup> states that:

we reaffirm our commitment and strong political will in support of effective, fair, humane, and accountable criminal justice systems and the institutions comprising them, and encourage the effective participation and inclusion of all sectors of society, thus creating the conditions needed to advance the wider United Nations agenda, while respecting fully the principles of sovereignty and territorial integrity of States and recognizing the responsibility of Member States to uphold human dignity, all human rights and fundamental freedoms for all, in particular for those affected by crime and those who may be in contact with the criminal justice system, including vulnerable members of society, regardless of their status, who may be subject to multiple and aggravated forms of discrimination, and to prevent and counter crime motivated by intolerance or discrimination of any kind.

And to that end, it enumerates the following measures that Member States should endeavour to take, such as:

- to conduct further research and gather data on crime victimization motivated by discrimination of any kind and to exchange experiences in and information on effective laws and policies that can prevent such crimes, bring perpetrators to justice and provide support to victims (paragraph 5(p));
- to consider providing specialized training to criminal justice professionals to enhance capacities for recognizing, understanding, suppressing and investigating hate crimes motivated by discrimination of any kind, to help engage effectively with victim communities and to build public confidence and cooperation with criminal justice agencies (paragraph 5(q)); and
- to intensify national and international efforts to eliminate all forms of discrimination, including racism, religious intolerance, xenophobia and gender-related discrimination by, *inter alia*, raising awareness, developing educational materials and programmes, and considering, where appropriate, drafting and enforcing legislation against

<sup>3</sup> Office for Democratic Institutions and Human Rights (ODIHR) (2009) *Hate Crime Laws: A Practical Guide*, Warsaw: OSCE/ODIHR:19-21.

<sup>4</sup> "The Doha Declaration on integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation", Economic and Social Council resolution 2015/19, annex.

discrimination (paragraph 5(r)).

Criminal justice responses to intolerance crimes vary from country to country. When it comes to criminalization of intolerance crimes, there may be several types of approaches. One approach is the *substantive offence* approach, where the law criminalizes a separate offence of intolerance crime that includes the bias motive as an integral element of the offence. Another approach is *penalty enhancement*, where the law does not recognize the bias motive as the constituent element of the offence but as an aggravating factor which increases the penalty for a “base offence” such as murder, sexual violence, assault, on the ground that the crime is committed with such motive. The penalty enhancement approach also includes cases where the law does not explicitly refer to bias motive as an aggravating sentencing factor, but by the use of general sentencing principles, including the proportionality principle, a more severe penalty may be imposed on intolerance crimes.

In jurisdictions where the law specifically refers to intolerance crimes, whether from the substantive offence approach or the penalty enhancement approach, other legal issues may vary from country to country. Such legal issues include: whether an offence is committed against persons, property or both, all constitute substantive offences or aggravating factors; which characteristics should be protected (e.g. race, nationality, religion, gender, political affiliation, ideology, disability); and which standard of proof should be required for the bias elements<sup>5</sup>.

Further, in jurisdictions where neither a substantive offence approach nor a penalty enhancement approach is taken, other measures may be taken to ensure a proportionate penalty is imposed, for example, by relying on the sentencing discretion of the judge.

Regarding investigation, prosecution and adjudication, there are some challenges particularly relevant to intolerance crimes. First, as motivation is a subjective element, it is difficult to collect evidence and prove the bias elements if the offender denies having committed the crime with a bias motive or admits to having had a bias motive but states that there were other decisive ones. Second, it is inevitable for investigation, prosecution and adjudication of intolerance crimes to cooperate with the victim as well as with the community to which the victim belongs since many of these crimes occur within small communities and involved neighbours. However, these victims and witnesses tend to be reluctant to report to and cooperate with law enforcement authorities and prosecutors or testify before the court for a variety of reasons. Some fear retaliation because, if the offence occurred within a community or involved neighbours, the offender usually knows where the victim lives or works. Some have a history of negative experiences involving law enforcement. In some cases, law enforcement has failed to pursue intolerance crimes or has engaged in discrimination or hostility toward the victim based on the victim’s inherent nature or characteristics. This naturally results in distrust of law enforcement, and leads to a lack of cooperation between law enforcement and victims or victim groups. Others fear identification such as having their sexual orientation revealed to family and friends or their status as an illegal migrant coming to the attention of authorities<sup>6</sup>.

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<sup>5</sup> Office for Democratic Institutions and Human Rights (ODIHR) (2009) *Hate Crime Laws: A Practical Guide*, Warsaw: OSCE/ODIHR: 31-48.

<sup>6</sup> Office for Democratic Institutions and Human Rights (ODIHR) (2014) *Prosecuting Hate Crimes: A Practical Guide*, Warsaw: OSCE/ODIHR: 51-55.

Therefore, in order to suppress intolerance crimes effectively, it is necessary for criminal justice authorities to seek adequate evidence that would enable them to prove the offender's intolerant or discriminatory motives. Moreover, it is essential for them to take steps to build public confidence with the victims and victim communities so as to facilitate their cooperation. It is also crucial to take practical measures to encourage the victims and victim communities to report to and cooperate with criminal justice authorities, which include witness protection measures and other measures to provide them with proper assistance in a broader sense (e.g. access to victim support services).

Moreover, since intolerance crimes are motivated by discrimination or intolerance, imposing a penalty alone may not be sufficient to prevent the offender from committing future crimes. It is also necessary to deliver proper interventions, including those aimed at correcting the offender's biased or discriminatory thoughts.

In this regard, this programme offered participants an opportunity to deepen their understanding and share experiences and knowledge about the situations of, and criminal justice responses to, intolerance crimes in each participating country. The information shared included legislation, policies and practices that respond to intolerance crimes, enabling the participants to explore effective practical countermeasures by criminal justice authorities, particularly in regard to their investigation, prosecution and adjudication, that would fit within the legal system and the cultural and social background of each country.

### **Main Theme of the Seminar**

The main theme of the Seminar was the "Criminal Justice Response to Crime Motivated by Intolerance and Discrimination". This Seminar was designed to guide each participating country on the development and improvement of its criminal justice response to intolerance crimes. The expected outcome was the identification of key elements of best policies and practices to respond to intolerance crimes in the field of crime prevention and criminal justice which can be commonly shared among the participating countries regardless of the differences in their legal systems, culture and society.

Through a variety of lectures, presentations, discussions, observation tours as well as intensive group workshops, participants learned the theories, principles and practical experiences of other countries. The programme also explored the advantages and/or shortcomings of the participating countries' systems and practices concerning criminal justice and the treatment of criminal offenders in light of the UN standards and norms, embodying key values and concepts.

With its comparative approach, the programme enabled participants to acquire new and different viewpoints, and inspired them to revisit and consider possible ways to improve their own systems and practices.

While the experiences of countries which have been successful in countering intolerance crimes can serve as good examples to be studied by other countries, the challenges that countries face in suppressing intolerance crimes can also inspire other countries towards overcoming similar challenges and problems.

Such experience of gaining a multifaceted view and an understanding by each participant of his or her own system and practices will eventually contribute to renewed or improved policies concerning the administration of criminal justice and its implementation to

counter intolerance crimes in his or her own country. Further, it will lead to enhanced crime prevention and rehabilitation of criminal offenders and their reintegration into society, which ultimately contributes to the building of peaceful and inclusive societies based on core values such as human rights and the rule of law.

In addition, the Seminar promoted the formation of a personal and professional network among the participants, which will benefit each one of them and their respective countries in the future by the sharing of updated information, thus enhancing international cooperation in the field of crime prevention and criminal justice.

### **Key Topics of the Seminar**

The following key topics were addressed during the Seminar:

- 1) Current situation of intolerance crimes
  - Types of intolerance crimes that are prevalent in the participating countries; types of “base offences” (e.g. murder, sexual violation, assault, etc.), and types of motivation or bias elements (e.g. racism, religious intolerance, xenophobia, gender-related discrimination)
  - Statistical information on the current situation of intolerance crimes and other effective methods taken to obtain precise information (e.g. surveys)
- 2) Legislation and legislative approaches against intolerance crimes
  - Criminalization of intolerance crimes and the construction of the offences (whether intolerant or discriminatory motive is a constituent element of the offence)
  - Approaches taken to consider the intolerant or discriminatory motives (e.g. separate offence approach, penalty enhancement approach) and types of protected characteristics of the victims that are considered (e.g. race, nationality, religion, gender, political affiliation, ideology, disability)
  - Standard of proof for intolerant/discriminatory motives and other legal issues
- 3) Effective measures to investigate, prosecute and adjudicate intolerance crimes
  - Type of evidence that is useful to prove intolerant/discriminatory motives (e.g. evidence indicating connections to an organized hate group, and communications with others by e-mails, social media, etc. indicating biased thoughts) and effective measures to collect them
  - Measures to encourage victims and witnesses in the community to report to and cooperate with criminal justice authorities
    - witness protection measures
    - measures to ensure adequate assistance for victims and victim communities
    - measures to ease the victim’s or the victim community’s security concerns
    - measures to protect the victim from identification
    - measures to build public confidence and cooperative relationships with community groups that are vulnerable to intolerance crimes
  - Measures to ensure a proportionate penalty



4) Effective treatment of offenders of intolerance crimes including delivering proper interventions

Each participant was required to submit an Individual Presentation Paper regarding the above-mentioned topics as they apply to his or her country, and to explain and discuss these topics in his or her individual presentation.

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## **Seminar Summary**

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### **Lectures**

During the Seminar, the participants attended 31 lectures, including 9 presented by the visiting experts, 4 by ad hoc lecturers, and 5 by the faculty of UNAFEI, as well as a meeting with Japanese Volunteer Probation Officers. Four distinguished criminal justice 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 officers of the Correction Bureau, the Yokohama District Public Prosecutors' Office, the Human Rights Bureau and the National Police Agency. The lecturers and lecture topics are listed on pages 10 to 11.

### **Individual Presentations**

During the second week of the course, 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 12 to 13.

### **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, based on their responses to a previously distributed questionnaire. 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, each group prepared a presentation based on the group discussions. These were subsequently presented in the plenary report-back session, along with individual action plans of each participant for implementation upon returning home. Brief summaries of the group workshop reports are provided on pages 14 to 16.

### **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 17 to 19.

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**Lecture Topics**

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***Visiting Experts' Lectures***

- 1) Ms. Cristina M. Finch
  - Introduction to Hate Crime
  - Recognizing and Investigating Hate Crime
  - Prosecuting Hate Crime
- 2) Mr. Mark Walters
  - Understanding the Harms of Hate Crime
  - Hate Crime and Restorative Justice
- 3) Ms. Santanee Ditsayabut
  - Crimes Motivated by Gender Discrimination in Thailand
- 4) Mr. Dimosthenis Chrysikos
  - International Efforts to Follow-up on the Doha Declaration of the 13th Congress
  - Crimes Motivated by Intolerance and Discrimination of all Kind: Overview of Trends and Response at National and International Levels

***UNAFEI Professors' Lectures***

- 1) Mr. FUTAGOISHI Ryo, *Professor*, UNAFEI
  - Criminal Justice System in Japan: Investigation & Prosecution
- 2) Mr. HIRANO Nozomu, *Professor*, UNAFEI
  - Criminal Justice System in Japan—Criminal Trials
  - Criminal Justice System in Japan—Fair Sentencing Practices
- 3) Ms. KITAGAWA Mika, *Professor*, UNAFEI
  - Community Corrections in Japan
- 4) Ms. YAMAMOTO Mana, *Professor*, UNAFEI
  - Management of Violent Extremists

- 5) Mr. FURUHASHI Takuya, *Professor*, UNAFEI
  - Corrections in Japan
- 6) Mr. YOKOTA Naoyuki, *Assistant Commissioner, Adjunct Professor*, UNAFEI
  - Criminal Justice System in Japan: Police

***Ad Hoc Lectures***

- 1) Mr. MAEDA Syota  
*Officer, Correction Bureau in the Ministry of Justice*
  - The Current Situation of Treatment of Convicts
- 2) Mr. KIKEGAWA Kenichi  
*Deputy-Director of the Trial Department, Yokohama District Public Prosecutors Office*
  - A Case of Crime Motivated by Intolerance and Discrimination in Japan
- 3) Mr. NAKAJIMA Yukio  
*Human Rights Bureau, Ministry of Justice*
  - Measures to Address and Prevent Discrimination
- 4) Mr. FUJISHIMA Takeshi  
*Deputy Director in charge of information on right-wing groups, Public Security Division, National Police Agency*
  - Trends of Right-Wing Civic Groups and Countermeasures

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**Individual Presentation Topics**

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*Overseas Participants*

- 1) Mr. Andre Lopes LASMAR (Brazil)
  - Criminal Justice Response to Crime Motivated by Intolerance and Discrimination — The Brazilian Legislation and Experience
- 2) Mr. Ahmed SHUHAD (Maldives)
  - Maldives Justice System and the Legal Framework on Discrimination and Gender-Based Violence
- 3) Ms. Raufa HAIDAR (Maldives)
  - Violence against Women in Maldives
- 4) Mr. Win Myint Zaw (Myanmar)
  - Criminal Justice Response to Crime Motivated by Intolerance and Discrimination
- 5) Mr. Shahid JAVED (Pakistan)
  - Presentation on Criminal Justice Response to Crimes Motivated by Intolerance and Discrimination
- 6) Mr. Tufail AHMED (Pakistan)
  - Violence against Women in Pakistan
- 7) Mr. Jimmy Puieki ONOPIA (Papua New Guinea)
  - Crimes of Intolerance and Discrimination—PNG Perspective
- 8) Mr. Salvador Jr Mamauag TRONO (Philippines)
  - Crimes Motivated by Intolerance and Discrimination in the Philippines
- 9) Mr. Ranga Srinath Abeywickrema DISSANAYAKE (Sri Lanka)
  - Sri Lankan Response to Combating Crimes Motivated by Intolerance and Discrimination
- 10) Mr. Waruna Sanjeeva Ekanayake JAYASUNDARA (Sri Lanka)
  - Criminal Justice Response to Crime Motivated by Intolerance and Discrimination

- 11) Mr. Kodir Voithanovich ASKAROV (Uzbekistan)
  - Crime Prevention and Criminal Justice in Namangan/Chust Region of Uzbekistan
- 12) Mr. Istam Rustamovich ASTANOV (Uzbekistan)
  - Discrimination: Theoretical and Practical Aspects
- 13) Mr. Hai Ngoc NGUYEN (Viet Nam)
  - The Current Situation of Intolerance Crimes in Vietnam and the Criminal Justice Response

*Japanese Participants*

- 14) Ms. Rana FUJITA (Japan)
  - Domestic Violence Restraining Orders in Japan — Anne and Ben's Case
- 15) Ms. Shizu ICHIHARA (Japan)
  - Victim Protection in Intolerance Crime Cases
- 16) Mr. Takuro HIMEDA (Japan)
  - Treatment of Offenders in Japanese Prison
- 17) Mr. Kotaro KADOWAKI (Japan)
  - Applying the Violence Prevention Programme to the Offenders Who Have Committed Violent Hate Crimes
- 18) Mr. Teruhide NUMAMAE (Japan)
  - Victim Protection in Japan: Measures to Support Victim Testimony at Trial
- 19) Mr. Koji TAMADA (Japan)
  - Case Study: A Hate Crime in Nagoya

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**Group Workshop Sessions**

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**Group 1**

**THE CHALLENGES AND BEST PRACTICES TO ENCOUNTER CRIMES  
MOTIVATED BY INTOLERANCE AND DISCRIMINATION**

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<b>Chairperson</b>	Mr. Ahmed Shuhad	(Maldives)
<b>Co-Chairperson</b>	Mr. Jimmy Puieki Onopia	(Papua New Guinea)
<b>Rapporteur</b>	Ms. Rana Fujita	(Japan)
<b>Co-Rapporteur</b>	Mr. Win Myint Zaw	(Myanmar)
<b>Members</b>	Mr. Tufail Ahmend	(Pakistan)
	Mr. Teruhide Numamae	(Japan)
<b>Advisers</b>	Prof. Takuya Furuhashi	(UNAFEI)
	Prof. Junichiro Otani	(UNAFEI)
	Prof. Masahiro Yamada	(UNAFEI)

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*Report Summary*

Group 1 explored challenges faced by the participating countries in combating crimes motivated by intolerance and discrimination (hereinafter, “intolerance crimes”), as well as best practices to respond to such crimes. Recognizing that gender-based violence is a common problem in all countries, the group reported that some countries face unique intolerance crimes (such as those related to ethnicity, political ideology, sorcery and tribal conflict). The group offered recommendations to enhance the response to intolerance crimes, stressing the importance of establishing legal frameworks to overcome them.

There are a number of underlying problems which limit the ability of criminal justice authorities to respond to intolerance crimes. These problems include: the lack of specific legal frameworks, making it difficult to prosecute and impose appropriate sentences; lack of recognition by some within criminal justice systems that violence against women (VAW) and domestic violence (DV) are crimes; the prevalence of revictimization; social stigma against victims of abuse; lack of gender sensitivity; and lack of skilled human and financial resources.

To respond to these problems, specific recommendations were offered in reference to the following categories: (1) legal framework and political will; (2) human resources and staff training; (3) monitoring and reporting of intolerance crimes; (4) inclusion of victims’ perspectives in policymaking; and (5) public awareness and access to victim support services. Further, it was noted that social barriers—such as socio-cultural beliefs, attitudes toward domestic violence, lack of awareness of legal rights and options, and fear of retaliation—weaken efforts to counter intolerance crimes.

Group 1 stressed the importance of establishing legal frameworks to overcome intolerance crimes. Each of the countries participating in the group relied on international conventions, constitutional provisions, penal codes, and domestic violence legislation. Several countries have established national action plans to respond to intolerance crimes, while others have adopted specific legislation focused on vulnerable groups in need of protection.

**Group 2****CRIMES MOTIVATED BY INTOLERANCE AND DISCRIMINATION: PROBLEMS AND THEIR RESOLUTION**

<b>Chairperson</b>	Mr. Andre Lopes Lasmar	(Brazil)
<b>Co-Chairperson</b>	Mr. Shahid Javed	(Pakistan)
<b>Rapporteur</b>	Mr. Waruna Sanjeewa Ekanayake Jayasundara	(Sri Lanka)
<b>Co-Rapporteur</b>	Ms. Shizu Ichihara	(Japan)
<b>Members</b>	Mr. Istam Rustamovich Astanov	(Uzbekistan)
	Mr. Takuro Himeda	(Japan)
<b>Adviser</b>	Prof. Ryo Futagoishi	(UNAFEI)

*Report Summary*

The members of Group 2 conducted a comprehensive review of the victim and witness protection measures and legislative approaches to addressing intolerance crimes in the participating countries. Noting that intolerance crime is a global problem, each country reported challenges, particularly in terms of public awareness of victim and witness protection measures, lack of public confidence in the effectiveness of such measures, and lack of public and professional understanding of laws enacted to counter intolerance crimes.

The group's analysis focuses on intolerance crimes and responses in all five participating countries. While the specific forms of intolerance crime and the target groups of these crimes vary from country to country, the group agreed that intolerance crimes are a global problem. Target groups include religious minorities, immigrants, racial minorities, the LGBT community, indigenous communities, among many others.

The group's review of key measures taken to counter intolerance crimes focused on legislative measures to enhance victim and witness protection and legislative measures to criminalize or enhance punishment of intolerance crimes. Regarding victim and witness protection, the challenges identified include: (1) the lack of victim and witness protection programmes in some countries, (2) lack of public awareness of victim and witness protection measures, (3) lack of faith in the effectiveness of such measures, resulting in less cooperation from the public in law enforcement investigations, and (3) insufficient human and financial resources.

From the perspective of legislative measures to criminalize or punish intolerance crimes, some countries have elected to create new substantive offences to criminalize intolerance crimes, while other have opted for penalty enhancement. Challenges identified include (1) lack of understanding of the new laws and reluctance to prosecute, (2) lack of sentencing parameters for judges, and (3) restrictive definitions of protected groups.



**Group 3****BEST PRACTICES FOR SUPPORTING VICTIMS OF CRIME MOTIVATED BY INTOLERANCE AND DISCRIMINATION**


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<b>Chairperson</b>	Mr. Ranga Srinath Abeywickrema Dissanayake	(Sri Lanka)
<b>Co-Chairperson</b>	Mr. Kotaro Kadowaki	(Japan)
<b>Rapporteur</b>	Mr. Hai Ngoc Nguyen	(Viet Nam)
<b>Co-Rapporteur</b>	Ms. Raufa Haidar	(Maldives)
<b>Members</b>	Mr. Koji Tamada	(Japan)
	Mr. Salvador Mamauag Trono Jr.	(Philippines)
	Mr. Kodir Voithanovich Askarov	(Uzbekistan)
<b>Adviser</b>	Prof. Mika Kitagawa	(UNAFEI)
	Prof. Nozomu Hirano	(UNAFEI)
	Prof. Hidenori Ohinata	(UNAFEI)

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*Report Summary*

Group 3 reviewed the current situation of intolerance crime in the participating countries and identified best practices to support victims. Intolerance crimes target persons and groups based on ethnicity, race, disability, religious beliefs, etc. and include gender-based violence. To counter these crimes, the group stressed the need to protect victims and witnesses throughout all stages of the criminal justice process.

In response to intolerance crimes, a number of approaches used in various jurisdictions were reported: legislative measures to protect victims and witnesses, special laws for gender-based violence, the creation of special victim and witness protection agencies and specific police units for gender-based violence, and measures to protect victims and witnesses throughout the judicial process, including when giving testimony. While victim and witness protection measures do encourage cooperation with law enforcement authorities, the group found that cooperation can be limited due to lack of confidence in the criminal justice system, fear of revictimization, the attitude of the victims (including economic dependency, community norms, etc.), and insufficient levels of victim support.

To ensure sufficient support for victims and witnesses, their unique needs during the pre-trial, trial and post-trial stages must be addressed. Throughout all stages, the confidentiality of victims' identities should be maintained in order to prevent revictimization. During the pre-trial stage, measures to facilitate reporting of crime include providing interpreters, psychological and legal support, providing hotlines for reporting crimes and utilization of specialized units for handling intolerance crimes. To facilitate police investigations, the group recommended establishing safehouses and interview rooms suitable to victims, judicial and police protection, and the provision of financial support to victims. During the trial stage, the group recommended a number of measures including the use of video-link and witness screening equipment, providing personal and legal support, etc. During the post-trial stage, the group stressed the importance of ensuring adequate victim compensation. Further, the group recommended providing psychological support, safehouses, and keeping the victim appropriately informed of the status of the offender's conviction and sentence.

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**Observation Visits**

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<b><u>Date</u></b>	<b><u>Agency/Institution</u></b>	<b><u>Main Persons Concerned</u></b>
11 Jan.	Training Institute for Correctional Personnel	• Dr. Manabu Nakajima
16 Jan.	Japan Legal Support Centre	• Mr. Syunsuke Marushima • Ms. Satoko Tomita
24 Jan.	Supreme Court Tokyo District Court	• Mr. MIURA Mamoru (Supreme Court Judge)

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**Group Study Tours**

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<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
30 Jan.	Hiroshima	Halfway House WITH HIROSHIMA	• Mr. KAYA Susumu
31 Jan.	Kyoto	Kyoto District Public Prosecutors Office	• Ms. SUZUKI Mariko (Deputy Chief Prosecutor)
1 Feb.	Kyoto	Kyoto Prefectural Police Headquarters	• Mr. UTSUMI Hideaki

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### Special Events

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12 Jan. *Welcome Party*

16, 17, 23 Jan. *Japanese Conversation Classes*

The overseas participants attended three Japanese conversation classes and learned practical Japanese expressions. The *sensei* (teachers) were Ms. NAGAI Yae and Ms. KIMURA Keiko from EP academy.

18 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. KANEDA Katsutoshi, a reception was held for the participants by the Vice-Minister of Justice, Mr. KUROKAWA Hiromu, at the Danwa-shitsu Lounge on the 20th floor of the ministry building, overlooking Hibiya Park.

20 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.

24 Jan. *Social with Volunteer Probation Officers*

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

28 Jan. *Home Visits*

The Volunteer Probation Officers Association in Support of UNAFEI's Activities kindly organized a home visit programme. The hosts were Mr. ISHIZAKI Toshikazu, Mr. SHIMADA Koichiro, Mr. TANAKA Kimio, Ms. SHIBATA Kazuko and Mr. YATO Ichiro. They kindly invited the participants to their homes.

9 Feb. *Farewell Party*

A party was held to bid farewell to the participants.

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**Reference Materials**

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**UNAFEI's 171<sup>ST</sup> INTERNATIONAL SENIOR SEMINAR  
LIST OF REFERENCE MATERIALS**

1	Transforming our world: the 2030 Agenda for Sustainable Development
2	The Doha Declaration on integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation
3	Penal Code (Data Only)
4	Code of Criminal Procedure (Data Only)
5	Prosecuting Hate Crimes (ODIHR) (Data Only)
6	Criminal Justice in Japan (Data Only)

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**Expert and Participant List**

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**Visiting Experts**

Ms. Cristina M. Finch	Head Tolerance and Non-Discrimination Department Office for Democratic Institutions and Human Rights (ODIHR) Organization for Security and Cooperation in Europe (OSCE)
Mr. Mark Walters	Professor of Criminal Law and Criminology School of Law, Politics and Sociology University of Sussex United Kingdom
Ms. Santanee Ditsayabut	Provincial Public Prosecutor Assistant Secretary to the Deputy Attorney General Office of Attorney General Thailand
Mr. Dimosthenis Chrysikos	Crime Prevention and Criminal Justice Officer United Nations Office on Drugs and Crime (UNODC) Division for Treaty Affairs

**Overseas Participants**

Mr. Andre Lopes LASMAR	Federal Prosecutor Office of Federal Prosecution in Sao Paulo Federal Prosecution Service Brazil
Mr. Ahmed SHUHAD	Head of Northern Operations Command Divisional Operations Command Maldives Police Service
Ms. Raufa HAIDAR	Assistant Legal Officer Protocol Division Supreme Court Maldives
Mr. Win Myint Zaw	Deputy Director Division against Transnational Crime Myanmar Police Forces

Mr. Shahid JAVED	Deputy Inspector General of Police Punjab Police Pakistan
Mr. Tufail AHMED	Senior Superintendent of Police Central Police Headquarters Gilgit Baltistan Police Pakistan
Mr. Jimmy Puieki ONOPIA	Director Prosecutions Crimes Division Police Department Papua New Guinea
Mr. Salvador Jr Mamauag TRONO	Senior Tactical Officer Philippine National Police Academy
Mr. Ranga Srinath Abeywickrema DISSANAYAKE	Judicial Officer Magistrate Court-Fort Judicial Service Commission Sri Lanka
Mr. Waruna Sanjeeewa Ekanayake JAYASUNDARA	Director In Charge Counter Terrorism and Investigation Division Sri Lanka Police
Mr. Kodir Voithanovich ASKAROV	Deputy Prosecutor Chust District Prosecutor's Office Uzbekistan
Mr. Istam Rustamovich ASTANOV	Assistant Professor of Academy Department of Supervision over the Struggle against Crime Academy General Prosecutor's Office Uzbekistan
Mr. Hai Ngoc NGUYEN	Deputy Director Research Centre for Criminology and Criminal Investigation The People's Police Academy Ministry of Public Security Viet Nam

### **Japanese Participants**

Ms. Rana FUJITA	Judge Ryugasaki Branch Mito District Court
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Ms. Shizu ICHIHARA

Judge  
Kobe District Court

Mr. Takuro HIMEDA

Chief of General Affairs Section  
Maebashi Prison

Mr. Kotaro KADOWAKI

Deputy Director  
Sendai Probation Office

Mr. Teruhide NUMAMAE

Public Prosecutor  
Tokyo District Public Prosecutors Office

Mr. Koji TAMADA

Public Prosecutor  
Nagoya District Public Prosecutors Office



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### The 21st UNAFEI UNCAC Training Programme

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The 21st UNAFEI UNCAC Training Programme was held from 11 October to 16 November 2018. Thirty-five participants attended: 27 overseas participants and 7 Japanese participants. The main theme of the programme was the *Criminal Justice Response to Corruption*.

#### Overseas Participants

Mr. Daniel Silvestre de LIMA	Federal Police Chief Police Station to Combat Corruption/Diversion of Public Resources Police Superintendence in Pernambuco Brazil Federal Police
Mr. Gustavo NOGAMI	Federal Prosecutor/Administrative Chief Prosecutor Federal Prosecution in Mato Grosso State Federal Prosecution Service of Brazil
Ms. Leakena SAUT	Official Department of Legal Affairs, Complaint and International, Anti-Corruption Unit Cambodia
Mr. Mohamed Shaaban KASSEM	Chief Prosecutor Public Funds, Public Prosecution Egypt
Mr. Dulat OMAR	Chief Prosecutor Prosecutor's Office of Korgalzhyn District Kazakhstan
Mr. Abdulhamid Farooque LOW	Senior Investigations Officer Asset Tracing, Ethics and Anti-Corruption Commission Kenya
Mr. Khamsone Sone PHIMMASONE	Acting Chief of Inspection Division Inspection Department, Ministry of Justice Lao PDR
Mr. Tsiry Harivelo RAZAFIMANDIMBY	Inspector and Advisor General Direction, Independent Anti-Corruption Bureau Madagascar

Mr. Chrispin K.C KHUNGA	Director/Head of Legal and Prosecution Anti-Corruption Bureau Malawi
Mr. Westmoreland Anak AJOM	Assistant Commissioner Forensic Division/Forensic Accounting Unit Malaysian Anti Corruption Commission Malaysia
Mr. Ismail NADEEM	Deputy Head General Investigation Department/Crime Investigation Command Maldives Police Service Maldives
Mr. Pascoal Francisco JUSSA	Second Criminal Section Nampula Superior Court of Appeal Mozambique
Mr. Myo Zaw Win	Director Bureau of Special Investigation Ministry of Home Affairs Myanmar
Mr. Gokul BANSTOLA	Under Secretary Special Investigation Division, Commission for the Investigation of Abuse of Authority Nepal
Mr. Sada MOUSSA	Deputy Prosecutor Specialized Judicial Centre Niger
Mr. Abid Hussain KHAMISANI	Deputy District Public Prosecutor Criminal Prosecution Service Department of Law Province of Sindh Pakistan
Mr. Pare Kupson KUIAP	Legal Officer Fraud & Anti-Corruption, Police Papua New Guinea
Mr. Christopher Thomas Bautista MESA	Executive Officer Cagayan Valley Regional Office (CAVRO) National Bureau of Investigation Philippines

Mr. Adrian Bernard Conrad SAMUELS	Prosecutor Prosecutions, Anti-Corruption Commission Sierra Leone
Ms. Kankanamge Medhavi Anuradha SIRIWARDHANA	Assistant Director Legal Division, Commission to Investigate Allegations of Bribery or Corruption Sri Lanka
Mr. Mahir Abdallah SHALLAKEY	Director Society Security Police, Khartoum State Police Sudan
Mr. Parviz ODINAMAHMADZODA	Main Inspector Main Department on Prevention of Corruption Agency under the state financial control and fight against corruption Tajikistan
Mr. Henrique Lopes SOARES	Prevention Specialist Prevention, Anti-Corruption Commission Timor-Leste
Ms. Anna DZHAVAHA	Chief Specialist — Legal Counsel International Law Division/Legal Department National Anti-Corruption Bureau Ukraine
Mr. Oleksii GEIKO	Senior Detective Main Detectives Department National Anti-Corruption Bureau Ukraine
Mr. Matchanboy Sadullayevich MATCHANOV	Judge Mirabad District Court Supreme Court Uzbekistan
Ms. Yen Hai HOANG	Head of Criminal Law Division Criminal Law Faculty Hanoi Procuratorate University Viet Nam
Ms. Charity MATUMBI	Acting General Manager Legal Services Department Zimbabwe Anti-Corruption Commission Zimbabwe

**Japanese Participants**

Mr. NAGANO Kiminori	Judge Hiroshima High Court, Okayama Branch
Ms. KURODA Maki	Judge Niigata District Court
Mr. NISHIGAYA Yusuke	Prosecutor Osaka District Public Prosecutors Office
Mr. BONO Yoshitaka	Prosecutor Nagoya District Public Prosecutors Office Toyohashi Branch
Mr. NAKAJIMA Kenichi	Prosecutor Fukuoka District Public Prosecutors Office
Mr. SUGITA Mitsuhiro	Chief Inspector Organized Crime Department, Criminal Affairs Bureau National Police Agency
Mr. MURAKAMI Kaoru	Securities Investigator Securities and Exchange Surveillance Commission

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**INFORMATION ABOUT FORTHCOMING PROGRAMMES**

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**1. The Comparative Study of Myanmar and Japan to Improve Prison Management**

From 25 February to 7 March 2019, UNAFEI will host the Comparative Study of Myanmar and Japan to Improve Prison Management in Tokyo, Japan. Ten Myanmar prison officials will participate in the study on the topic of prison management, including prison work and vocational training.

**2. The Comparative Study of the Criminal Justice Systems of Japan and Nepal**

From 5 to 16 March 2019, UNAFEI will host the Comparative Study on Criminal Justice Systems of Japan and Nepal in Tokyo, Japan. Ten Nepalese participants will attend to study and discuss “Challenges to the Implementation of the New Criminal Procedure Code and the Sentencing and Execution Act in Nepal”.

**3. The 172nd International Training Course**

From May to June 2019, UNAFEI will host the 172nd International Training Course in Tokyo, Japan. The main theme of the course is the “Criminal Justice Responses to Trafficking in Persons and Smuggling of Migrants”. Government officials from across Southeast Asia and other parts of the world, including Japan, and visiting experts and lecturers will attend.

**4. The Follow-up Seminar of the Third Country Training Programme for the Development of Effective Community-Based Treatment of Offenders in the CLMV Countries**

UNAFEI has provided significant resources for the Third Country Training Programme (TCTP) for the Development of Effective Community-Based Treatment of Offenders in the CLMV Countries since the first phase of the TCTP in 2017. To follow-up on the third phase of the TCTP, which was held in December 2018 in Thailand, UNAFEI will host the Follow-up Seminar from 22-24 April 2019. The purpose of the follow-up seminar is to review the strategic plans for the establishment of effective community-based treatment of offenders in Cambodia, Laos, Myanmar, and Viet Nam (the “CLMV” countries) which were developed during the second phase of the TCTP.

**5. The 173rd International Training Course**

From August to September 2019, UNAFEI will host the 173rd International Training Course in Tokyo, Japan. The main theme of the course is “Tackling Violence against Women and Children through Offender Treatment: Prevention of Reoffending (tentative)”. Government officials from across Southeast Asia and other parts of the world, including Japan, and visiting experts and lecturers will attend.

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**FACULTY AND STAFF OF UNAFEI**


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**Faculty:**

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Mr. YAMADA Masahiro	Professor
Mr. HIRANO Nozomu	Professor
Mr. OHINATA Hidenori	Professor
Mr. WATANABE Hiroyuki	Professor Chief of Information and Public Relations
Dr. YAMAMOTO Mana	Professor Chief of Research Division
Mr. FURUHASHI Takuya	Professor
Mr. Thomas L. SCHMID	Linguistic Adviser

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Mr. TOYODA Yasushi	Chief of Training and Hostel Management Affairs Section
Ms. KIKUCHI Yoshimi	Chief of General and Financial Affairs Section

**General and Financial Affairs Section:**

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Ms. IWAKATA Naoko	Librarian

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Ms. YAMADA Hisayo	Officer
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**Kitchen:**

Ms. ODAGIRI Maki	Chef
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**JICA Coordinator for the 171st International Training Course:**

Ms. IDE Wakako	JICA
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