

UNAFEI NEWSLETTER

UNAFEI

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AND THE TREATMENT OF OFFENDERS

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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 172nd International Training Course on the “Criminal Justice Response to Trafficking in Persons and Smuggling of Migrants”, which took place from 15 May to 21 June 2019. In this Course, we welcomed 7 Japanese participants and 21 overseas participants: 6 from Africa, 3 from the Americas, 9 from Asia, 1 from Europe, 1 from the Middle East and 1 from Oceania. The participants included judges, prosecutors, police officers and other public officials involved in the field of crime prevention and criminal justice. As this newsletter demonstrates, the Course 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.

Human trafficking and the smuggling of migrants are serious crimes that cause grievous harm to human dignity, human rights and sustainable development. Transnational organized crime groups deceive victims into believing that they are *en route* to a better life, but they are instead pressed into indentured servitude or outright slavery. In order to suppress these crimes, the United Nations Convention against Transnational Organized Crime was adopted, along with its protocols on trafficking in persons and the smuggling of migrants. These instruments seek to, *inter alia*, harmonize the criminalization of human trafficking and smuggling, to strengthen investigative techniques to counter trafficking and smuggling crimes while maintaining a victim-oriented approach, and enhance international cooperation among States Parties.

UNAFEI, as one of the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, held this Course to offer participants an opportunity to clarify and analyse the current situation of efforts to combat human trafficking and smuggling of migrants in each participating jurisdiction. Additionally, the participants were able to share experiences, gain knowledge, and build a human network of counterparts.

During the Course, 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 human trafficking and smuggling of migrants in their respective jurisdictions.

I would like to offer my sincere congratulations to all of the participants upon their successful completion of the Course, 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 Course’s success. Furthermore, I appreciate the indispensable assistance and cooperation extended to UNAFEI by various agencies and institutions that helped diversify the Course.

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

successful realization of this Course.

Upon returning 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 172nd International Training Course. I hope that the experience they gained during the Course proves valuable in their daily work and that the bonds fostered among the participants, visiting experts and UNAFEI staff will continue to grow for many years to come.

June 2019



Takeshi SETO
Director, UNAFEI

THE 172ND INTERNATIONAL TRAINING COURSE

CRIMINAL JUSTICE RESPONSE TO TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS

Course Rationale

Globalization has provided opportunities for the worldwide expansion of the legitimate exchange of goods, transportation of persons, and transborder financial and information flows. At the same time, globalization has facilitated illegal trade. In fact, one of the negative externalities of globalization is the expansion of transnational criminal organizations. Transnational criminal organizations are active in a variety of illegal conduct for gaining a huge amount of illicit benefits. Such illegal conduct includes trafficking of drugs, firearms, counterfeited products and human beings and smuggling of migrants. Indeed, trafficking in persons and smuggling of migrants are, for perpetrators, lucrative businesses and major forms of transnational organized crime.

The distinctions between trafficking in persons and smuggling of migrants—despite differences in legal definition—are often subtle and sometimes overlap. As for both crimes, since human beings are the subjects that cross the border for the purpose of profiting the criminals, such criminal conduct often involves serious risks or harm to the lives, safety, dignity, property and other fundamental rights and values of the trafficked/smuggled persons. For instance, criminal organizations commit trafficking in persons for a variety of purposes: sexual exploitation, forced labour, slavery and organ removal, etc., thus victimizing the trafficked persons. Smuggling of migrants also exposes the lives of migrants to danger; many smuggled migrants are confined in windowless containers and deprived of food and water. Furthermore, smuggled migrants are forced to pay for assistance when illegally crossing borders. The fees can far exceed their income before migrating, and quite often, they and their families are forced to continue to pay after entering their destination countries.

The international community has been deeply concerned by the negative economic and social implications related to these organized criminal activities and created strong legislative instruments for criminal-justice and other relevant authorities to combat these crimes committed by organized criminal groups, in particular: the United Nations Convention against Transnational Organized Crime (hereinafter referred to as “UNTOC”); the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter referred to as the “Trafficking in Persons Protocol”); and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (hereinafter referred to as the “Smuggling of Migrants Protocol”).

UNTOC obliges its State Parties to establish necessary legal frameworks to ensure collective efforts in combating transnational organized crime and refers to effective investigative and prosecutorial measures. It addresses, *inter alia*, criminalization of participation in organized criminal groups and the laundering of proceeds of crime (articles 5 and 6), confiscation and seizure of proceeds of crime or property and measures for international cooperation (articles 12, 13 and 14), extradition (article 16), mutual legal

assistance (article 18), joint investigations (article 19), special investigative techniques (article 20), protection of witnesses (article 24), measures to enhance cooperation with law enforcement authorities (article 26) and law enforcement cooperation (article 27). The Trafficking in Persons Protocol and the Smuggling of Migrants Protocol supplement UNTOC. The former addresses, *inter alia*, criminalization of trafficking in persons (article 5), and border measures to prevent and detect trafficking in persons, including control of travel and identity documents (articles 11, 12 and 13), and similarly, the latter addresses, *inter alia*, criminalization of smuggling of migrants (article 6) and border measures to prevent and detect smuggling of migrants, including control of travel and identity documents (articles 11, 12 and 13).

In addition, in 2010, the United Nations General Assembly adopted the “United Nations Global Plan of Action to Combat Trafficking in Persons,” which reiterates the UN’s strong condemnation of trafficking in persons as “a serious threat to human dignity, human rights and development.” Moreover, the 2030 Agenda for Sustainable Development (SDGs) sets four goals specifically relevant in this context: 1. eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation (Goal 5.2); 2. take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms (Goal 8.7); 3. end abuse, exploitation, trafficking and all forms of violence against and torture of children (Goal 16.2); and 4. by 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime (Goal 16.4).

In order to effectively combat trafficking in persons and smuggling of migrants, criminal justice authorities should not be satisfied with investigating and prosecuting rank and file members of criminal organizations. Rather, investigations and prosecutions should aim at going after the masterminds and true beneficiaries, and disrupting and dismantling the entire criminal group. Moreover, because trafficked/smuggled persons enter destination countries illegally, trafficking in persons and smuggling of migrants usually entail the use of falsified travel or identity documents. Therefore, it is also necessary to suppress crimes pertaining to falsified documents such as forgery of passports and identity documents.

In this context, information and expertise of immigration authorities in identifying the authenticity of these documents is essential. Further, trafficked or smuggled persons are often exploited in illegal businesses by sexual exploitation, forced labour and removal of organs. These illegal businesses may be controlled by traffickers and smugglers, or others having relations with trafficking or smuggling organizations. Even some legitimate businesses are involved by using trafficked/smuggled persons as low wage workers, thereby creating a demand for these crimes. Therefore, it is also necessary to investigate and prosecute the demand side, which contributes to producing illicit profits of traffickers and smugglers. Also, taking into account the mercenary nature of these crimes, there is no doubt that deprivation of financial or other benefits is one of the most effective countermeasures against criminal organizations. Therefore, it is of vital importance to identify, trace, freeze, seize and confiscate illicit proceeds acquired through those crimes.

In addition, as the countries of origin, transit and destination are different, aspects of concern and types of evidence vary from country to country. Therefore, each jurisdiction has to tackle trafficking in persons and smuggling of migrants cases responding to the unique

situation in each jurisdiction. With this in mind, to successfully suppress trafficking in persons and smuggling of migrants, law enforcement should conduct effective investigations with full use of all available investigative techniques so that they can reach the masterminds and adequately track down the crime proceeds. In jurisdictions where special investigative techniques, such as undercover operations, electronic surveillance and communications interception, as partly expressed in article 20 of UNTOC, can be used, use of such innovative measures would greatly help identifying and investigating high value targets. In addition, measures that encourage members of criminal organizations to cooperate with law enforcement, such as plea agreements (see article 26 of the UNTOC), can help investigators identify and detect the leaders of criminal organizations.

Effective financial investigation into the money flow is also important. Clarifying the money flow helps to trace the proceeds of crime and gives the investigators clues to discover the main perpetrator who is acting as the mastermind. Moreover, it is crucial for the purpose of depriving the criminals of their illicit gains. Since crime proceeds are concealed and their illicit origins are disguised by exploiting the financial system, anti-money-laundering measures, including enhancing obligations of financial institutions, and measures to identify, trace, freeze, seize and confiscate the proceeds, as well as international cooperation for such purposes, should be in place as provided in UNTOC (articles 6, 7, 12, 13 and 14). Furthermore, information from financial intelligence units is useful for law enforcement agencies to detect money-laundering and its predicate offences. Thus, cooperation between investigative bodies and related agencies, including financial intelligence units, is also necessary.

While varied forms of evidence may serve to establish the offence of trafficking in persons and smuggling of migrants, in many cases, testimony of the trafficked/smuggled persons may be a central piece. Indeed, sometimes this may be the only or the main piece of evidence or the source of the allegation. Even when other kinds of evidence are presented, testimony given by trafficked/smuggled persons is often necessary to explain it. However, law enforcement authorities and prosecutors face many challenges in securing their testimony. There are a number of reasons for which the trafficked/smuggled persons tend to be reluctant to cooperate with criminal justice authorities. In some cases, they are afraid that traffickers/smugglers will harm them or their families. In some cases, they are heavily traumatized through incidents that they had experienced and cannot endure testifying. In fact, they are often exposed to the risk of secondary victimization in the criminal proceedings. In other cases, they are reluctant to cooperate with law enforcement authorities for fear that they may be deported due to their illegal immigration status. In order to overcome these challenges, it is necessary to take appropriate measures to protect victims and witnesses (UNTOC, articles 24 and 25) and to provide trafficking victims with assistance and protection (Trafficking in Persons Protocol, article 6). Also, in this regard, it should be noted that the Doha Declaration emphasizes the importance of taking a “victim-oriented approach”.

The complex, multi-dimensional and international nature of these crimes requires a response with a comprehensive, multidisciplinary and international approach. First, as information and expertise pertaining to immigration issues can play a key role in preventing and suppressing trafficking in persons and smuggling of migrants, and in protecting trafficked/smuggled persons, it is evident that in the investigation and prosecution of these crimes, criminal justice authorities should have high levels of coordination and cooperation with other relevant agencies, in particular with immigration authorities. Second, as trafficking in persons and smuggling of migrants cases often entail transnational elements, strengthening

cooperation and improving coordination among criminal justice and immigration authorities in other jurisdictions has become increasingly important to successfully suppress these offences and deprive the offenders of their illicit proceeds. UNTOC addresses international cooperation, especially article 16 on extradition, article 18 on mutual legal assistance, article 19 on joint investigations, article 27 on law enforcement cooperation, and article 28 on collection, exchange and analysis of information on the nature of organized crime.

Additionally, article 10 of the Trafficking in Persons Protocol and article 10 of the Smuggling of Migrants Protocol address information exchanges among States Parties, in particular among law enforcement, immigration and other relevant agencies. In order to implement these requirements and enhance international cooperation in the investigation, prosecution and adjudication of trafficking in persons and smuggling of migrants cases, including confiscation of their illicit proceeds, simply having relevant legal instruments in place is not sufficient. Criminal justice and immigration authorities should strengthen their regular and robust relationships with their foreign counterparts, and further, should enhance their capacity, including, *inter alia*, by sharing best practices in capacity-building. With the above mentioned in mind, this programme offered participants an opportunity to share experiences and knowledge focusing on best practices to combat trafficking in persons and smuggling of migrants, and to establish bases for future international cooperation through understanding the laws and systems of other countries.

Main Theme

The main theme of the programme was “Criminal Justice Responses to Trafficking in Persons and Smuggling of Migrants.” The objective of the programme was to identify key elements of best practices in combating trafficking in persons and smuggling of migrants which can be commonly shared among the participants regardless of the differences in their legal systems, cultures and societies. Through a variety of lectures and presentations, discussions, observation tours as well as intensive group workshops, participants learned the policies and practical experiences of other countries. The programme also explored the advantages and/or shortcomings of the participating countries’ systems and practices. With its comparative approach, the programme enabled the participants to acquire new viewpoints on, and inspire them to revisit and consider, possible ways to improve their own systems and practices. The experience of gaining a multifaceted view and understanding by each participant of his or her own system and practices will eventually contribute to renewed or improved policies to counter trafficking in persons and smuggling of migrants in their respective countries. It will also lead to the protection of victims of these offences and will ultimately contribute to the building of stable and peaceful societies based on core values such as human rights and the rule of law. In addition, the programme 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 through the sharing of updated information, thus enhancing international cooperation in the field of crime prevention and criminal justice.

Key Topics of the Course

The following key topics were addressed during the programme:

- 1) Current status of trafficking in persons and smuggling of migrants and related offences (e.g. offences pertaining to falsified travel or identity documents, exploitation of trafficked/ smuggled persons)
 - Identified forms / purposes of trafficking in persons, smuggling of migrants and related

offences, and relevant statistics

- Status of each participating jurisdiction (i.e. whether the jurisdiction is a country of origin, transit or destination) and the situation specific to such status
- Role of transnational organized crime groups in trafficking in persons, smuggling of migrants and related offences

2) Criminalization of trafficking in persons, smuggling of migrants and related offences

3) Investigation, prosecution and adjudication of trafficking in persons and smuggling of migrants cases

a) Challenges in the investigation, prosecution and adjudication of trafficking in persons and smuggling of migrants cases

b) Effective measures to identify, investigate and prosecute the masterminds and the true beneficiaries and to deprive them of their illicit gains

i) Use of special investigative techniques (e.g. undercover operations, electronic surveillance, communications interception, plea agreements)

ii) Financial investigation—Measures to identify, trace, freeze, seize and confiscate proceeds of crime

- Anti-money-laundering measures and cooperation with financial intelligence units

- International cooperation in financial investigations and confiscation

c) Ensuring cooperation of trafficked/smuggled persons and securing their testimony

- Protection of witnesses and assistance to victims at each stage of the criminal proceedings

- Protection of trafficked/smuggled persons in cooperation with other relevant agencies

d) Suppression of related crimes

i) Suppression of offences pertaining to falsified travel or identity documents

- Cooperation with immigration authorities

ii) Investigation, prosecution and adjudication of those who are involved in the exploitation of trafficked/smuggled persons

e) Other effective countermeasures to address the challenges in investigation, prosecution and adjudication

4) International cooperation

- Law enforcement cooperation
- Mutual legal assistance
- Extradition
- Joint investigations
- Cooperation with related agencies (FIUs, immigration authorities) in other jurisdictions

5) Prevention and detection of trafficking in persons and smuggling of migrants

- Border control measures

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.

Course Summary

Lectures

During the Course, the participants attended 31 lectures, including 9 presented by the visiting experts, 4 by ad hoc lecturers, and 6 by the faculty of UNAFEI, as well as a meeting with Japanese Volunteer Probation Officers. Three distinguished criminal justice practitioners served as UNAFEI's visiting experts. They lectured on issues relating to the main theme of the Course 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 Japan Financial Intelligence Center, the National Police Agency, the Immigration Bureau and a professor at Ritsumeikan University. 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 14.

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 15 to 17.

Visits and Special Events

Visits to various agencies and institutions in Japan helped the participants obtain a more practical understanding of the Japanese criminal justice system. In addition to the Course's academic agenda, many activities were arranged to provide a greater understanding of Japanese society and culture, with the assistance of various organizations and individuals, including the Asia Crime Prevention Foundation (ACPF). For more detailed descriptions, please refer to pages 18 to 20

Lecture Topics

Visiting Experts' Lectures

- 1) Ms. Janice Brennan
 - Effective Advocacy for Human Trafficking and Smuggling of Migrants Cases
- 2) Mr. Martin Fowke
 - UNODC's Activities on Human Trafficking and Smuggling of Migrants
- 3) Mr. Severino H. Gaña Jr.
 - The Strategy and Experience of the Philippines regarding Human Trafficking and Smuggling of Migrants

UNAFEI Professors' Lectures

- 1) Mr. SETO Takeshi, *Director*, UNAFEI
 - Transnational Organized Crime and International Cooperation
- 2) Mr. OTANI Junichiro, *Professor*, UNAFEI
 - Criminal Justice System in Japan: Investigation & Prosecution
- 3) Mr. HOSOKAWA Hidehito, *Professor*, UNAFEI
 - Criminal Justice System in Japan: Criminal Trials
- 4) Mr. WATANABE Hiroyuki, *Professor*, UNAFEI
 - Community Corrections in Japan
- 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. AKIMOTO Shinji
Deputy Director, JAPAN Financial Intelligence Center
 - FIU's Activities in Japan
- 2) Mr. ARAI Jun
Deputy Director, Safety Division, Community Safety Bureau, National Police Agency
 - Cases of Trafficking in Persons in Japan
- 3) Mr. TOGAMI Masakuni
Chief of Inspection, Document Examination Office, Haneda Airport District Immigration Office, Immigration Bureau of Tokyo
 - The Immigration Service Agency's Activities in Japan regarding Human Trafficking and Smuggling of Migrants
- 4) Ms. NAKA Makiko
Professor, College of Comprehensive psychology, Ritsumeikan University
 - Training on Forensic Interview

Individual Presentation Topics

Overseas Participants

- 1) Mr. Julio Cesar De Castilhos Oliveira COSTA (Brazil)
 - Criminalization of Trafficking in Persons, Smuggling of Migrants and Related Offences in Brazil
- 2) Mr. ETTIEN Tiemele (Côte d'Ivoire)
 - Investigation, Prosecution and Adjudication of Trafficking in Persons and Smuggling of Migrants Cases in Côte d'Ivoire
- 3) Ms. Tupa Lituka Bibiche LIFAEFI (D. R. Congo)
 - Criminal Justice Law against Human Trafficking
- 4) Mr. Ahmed Mohamed Abdelaziz OSMAN (Egypt)
 - Egyptian Legal Framework in Combating Human Trafficking and Smuggling of Migrants
- 5) Mr. Riad Amin Mohamed Ahmed MANSOUR (Egypt)
 - Criminal Justice Responses to Trafficking in Persons and Smuggling of Migrants
- 6) Mr. Yustiar NUGROHO (Indonesia)
 - Organizing ISE-HTCA Technical Training to Optimize the Performance of the National Action Plan for Human Trafficking Criminal Action Eradication (NAP-HTCA)
- 7) Ms. Hellen Khandasi MAFUMBO (Kenya)
 - Criminal Justice Response to Trafficking in Persons and Smuggling of Migrants in Kenya
- 8) Mr. Ulanbek KUDAIBERGENOV (Kyrgyz Republic)
 - Combating Smuggling and Trafficking in Human Beings in the Kyrgyz Republic
- 9) Ms. Mithounavanh KONGMANY (Lao PDR)
 - The Effects of Trafficking in Persons and Smuggling of Migrants and the Attempts to Exterminate the Problems in Lao PDR in the Judiciary Sector

- 10) Mr. Benedicto Benedictus CHITSAKAMIRE (Malawi)
 - Criminal Justice Response to Trafficking in Persons and Smuggling of Migrants: A Preview of the Situation in Malawi
- 11) Mr. Muhd Azlan YUSOFF (Malaysia)
 - Illegal Immigrants in Malaysia: Challenges in Investigation & Prosecution
- 12) Mr. Mohammed Nm ASMAR (Palestine)
 - Trafficking and Forced Prostitution of Palestinian Women and Girls
- 13) Mr. Julio Alberto CAMPINES CORDOBA (Panama)
 - The Role of the Attorney General in the Trafficking of People and Migrants as a Transit Route Due to the Geographical Position of Panama
- 14) Ms. Yaranía Grisel RENTERIA MENA (Panama)
 - Prevention and Detection of Trafficking in Persons and Smuggling of Migrants, Border Control Measures
- 15) Mr. Ewai SEGI (Papua New Guinea)
 - Trafficking in Persons and Smuggling of Migrants
- 16) Mr. Antinna Marakkala Ajith Wasantha KUMARA (Sri Lanka)
 - Criminal Justice (Focus on Investigation, Prosecution, Adjudication and International Cooperation)
- 17) Mr. Malwattage Chamath Dileepa PEERRIS (Sri Lanka)
 - Criminal Justice Responses to Trafficking in Persons and Smuggling of Migrants
- 18) Mr. Paulo ANUNO (Timor-Leste)
 - Combating Trafficking in Persons Through Criminal Investigation, Prevention and Cooperation in Timor-Leste
- 19) Mr. Fedir Vyatcheslavovich OLIINYK (Ukraine)
 - Fighting Corruption in Illicit Migration and Trafficking in Ukraine: Practice and Perspectives
- 20) Mr. Bobir Sobirovich TURDIEV (Uzbekistan)
 - Human Trafficking: Challenges and the Way Out

21) Mr. Farrukh TURAKHODJAEV (Uzbekistan)

- Criminal Justice Response to Trafficking in Persons and Smuggling of Migrants: Uzbekistan's Experience and Current Challenges

Japanese Participants

22) Mr. Hiroki IKEDA (Japan)

- A Response to Human Trafficking and Smuggling of Immigrants ~ From the Perspective of the Japan Coast Guard ~

23) Ms. Takako KAMATA (Japan)

- The Saitama Prefectural Police's Countermeasures against Trafficking in Persons

24) Mr. Koshiro MANSO (Japan)

- Difficulties Identifying Trafficking Victims

25) Mr. Yasuyuki MIZOTA (Japan)

- Case Study: Illegal Employment Brokering

26) Mr. Yoshinori MURONE (Japan)

- Human Trafficking and Smuggling of Migrants from the Viewpoint of the Immigration Services Agency in Japan

27) Mr. Godai OGUCHI (Japan)

- Case Study of Witness Protection at Trial

28) Mr. Yudai SUZUKI (Japan)

- The Report of a Case of Trafficking in Persons that Happened in a Japanese Resort Town

Group Workshop Sessions

Group 1

EFFECTIVE MEASURES TO ENSURE COOPERATION OF WITNESSES AND TO SECURE THEIR TESTIMONY

Rapporteur: Mr. Koshiro Mansho (Japan)

Co-Rapporteur: Mr. Mohammed Asmar (Palestine)

Chairperson	Mr. Bobir Turdiev	(Uzbekistan)
Co-Chairperson	Mr. Godai Oguchi	(Japan)
Members	Mr. Benedicto Chitsakamire	(Malawi)
	Ms. Hellen Khandasi Mafumbo	(Kenya)
	Mr. Ulanbek Kudaibergenov	(Kyrgyz Republic)
	Mr. Ewai Segi	(Papua New Guinea)
	Mr. A.M.A. Wasantha Kumara	(Sri Lanka)
Advisers	Prof. Machiko Watanabe	(UNAFEI)
	Prof. Takuya Furuhashi	(UNAFEI)

Report Summary

Group 1 addressed the topic of witness cooperation and witness protection in the context of trafficking in persons and smuggling of migrants (“TIP/SOM”). Securing witness cooperation is fundamental to the criminal justice process and is vitally important to the successful prosecution of TIP/SOM crimes. However, the group reported a number of challenges that prevent or discourage witnesses from cooperating with law enforcement, such as the failure to report trafficking crimes, legal and procedural obstacles and challenges that prevent international cooperation.

Victims and witnesses fail or refuse to report trafficking crimes for a number of reasons. These include lack of knowledge about the reporting process, distrust of the criminal justice system, fear of retaliation or punishment, language, cultural and social barriers, etc. Moreover, victims are discouraged from reporting due to the physical harm and psychological trauma arising from the crime, including the secondary victimization that results from proceeding through the criminal justice system. Legal and procedural obstacles, such as the failure to recognize trafficked persons as victims, the lack of legal support, etc., discourage victims and witnesses from cooperating with authorities. The group recommended the following countermeasures: (i) establishing multi-agency and private-sector reporting channels that accommodate multiple languages; (ii) establishing victim/witness protection and support programmes; (iii) creating national strategies, specialized units, and standards of operation for combating TIP/SOM; (iv) overcoming legal challenges through the use of immunity in exchange for testimony and video recording of testimony and (v) enhancing international and inter-agency cooperation during investigations and in the provision of victim support.

Too often, the evidence collected from victims and witnesses is insufficient to prove the case against the defendants in court. Numerous challenges related to the credibility of victim testimony were discussed, including the cross-border nature of TIP/SOM cases, vulnerability due to age, psychological status, fear of physical harm or reprisal, etc. At the same time, the criminal justice system faces the challenges of improperly obtained evidence, insufficient investigator skill or experience, insufficient testimony from forensic experts, etc. Ultimately, these challenges can result in false or fabricated evidence being presented in court or insufficient evidence to obtain conviction. Accordingly, the group stressed the importance of corroborative evidence. Additionally, new investigative techniques and forensic examination can provide credible and corroborative evidence, and the investigation and trial process must be speedy in order to avoid memory lapses of the testifying victims and witnesses. Finally, capacity-building of investigators and prosecutors must be increased.

Group 2**PREVENTION AND DETECTION OF TRAFFICKING IN PERSONS AND
SMUGGLING OF MIGRANTS, INCLUDING SUPPRESSION OF
RELATED CRIMES****Rapporteur:** Ms. Yaranía Grisel Rentería Mena (Panama)**Co-Rapporteur:** Mr. Hiroki Ikeda (Japan)

Chairperson	Mr. Yasuyuki Mizota	(Japan)
Co-Chairperson	Mr. Riad Amin Mohamed Ahmed Mansour	(Egypt)
Members	Ms. Tupa Lituka Bibiche Lifaefi	(D.R. Congo)
	Mr. Muhd Azlan Yusoff	(Malaysia)
	Mr. Malwattage Chamath Dileepa Peeris	(Sri Lanka)
	Mr. Fedir Oliinyk	(Ukraine)
	Mr. Farrukh Turakhodjaev	(Uzbekistan)
	Mr. Yoshinori Murone	(Japan)
	Prof. Ryo Futagoishi	(UNAFEI)
Adviser	Prof. Mika Kitagawa	(UNAFEI)

Report Summary

The members of Group 2 focused on the prevention and detection of TIP/SOM, noting the importance of prosecuting such crimes in order to suppress both supply and demand. Specifically, group 2 addressed immigration issues including (i) entry by legal means, (ii) illegal entry across unmanaged borders, and (iii) illegal entry with fake documents.

In the case of entry by legal means, immigrants enter the country legally but then overstay their visas. Additionally, the group identified the practice of using forged or fraudulent documents in the visa application process. Countries should enhance inter-agency cooperation to ensure that fraudulent visa applications are identified, and training in TIP/SOM should be provided to relevant government officials in order to facilitate detection. It was also pointed out that TIP victims are likely to be included among those persons who overstay their visas. Thus, it is important to identify these victims and to obtain information from them on the criminal organizations that trafficked them.

Whether a landlocked or an island nation, national borders are always challenging to control. Illegal entry across unmanaged borders occurs when a person crosses a national border without undergoing an immigration check. Such border crossings are criminalized, as is providing assistance to those who cross. In many cases, criminal organizations facilitate such crossings, and a number of persons trafficked are exploited by being pressed into forced labour or prostitution. To counter this threat, the group recommended the criminalization of illegal hiring, the use of high-tech tools to manage borders, working with the community to gather intelligence and leads, to pursue the leaders of criminal organizations (i.e., the “big fish”) and to secure testimony through plea bargaining and grants of immunity.

Finally, illegal entry with fake documents involves entering based on fraudulent information or by assuming the identity of another (spoofing). Thus, more effort needs to be placed on procedures that ensure the passport holder is its true holder. Forgery has become difficult due to the use of IC chips in passports, so bribery of immigration officers has become a common practice. To counter corruption, the group recommended improving recordkeeping in electronic databases to identify corrupt officials and enhancing ethics education and training.

In conclusion, the group recommended enhanced efforts in the following areas to prevent and detect TIP/SOM: (i) the adoption of legislative measures to ensure the protection of victims; (ii) strengthening of international cooperation, particularly in terms of information sharing on visa overstays between the country of residence and the immigrant’s home country; (iii) law enforcement officer training and introduction of modern technologies; and (iv) public awareness campaigns in countries of origin.

Group 3**INTERNATIONAL COOPERATION, FOCUSING ON THE DEPRIVATION OF
ILLICIT PROFITS****Rapporteur:** Mr. Yustiar Nugroho (Indonesia)**Co-Rapporteur:** Ms. Takako Kamata (Japan)

Chairperson	Ms. Mithounavanh Kongmany	(Lao PDR)
Co-Chairperson	Mr. Julio Alberto Campines Cordoba	(Panama)
Members	Mr. Julio Cesar De Castilhos Oliveira Costa	(Brazil)
	Mr. Ettien Tiemele	(Cote d'Ivoire)
	Mr. Ahmed Mohamed Abdelaziz Osman	(Egypt)
	Mr. Paulu Anuno	(Timor-Leste)
	Mr. Yudai Suzuki	(Japan)
Adviser	Prof. Junichiro Otani	(UNAFEI)
	Prof. Hidehito Hosokawa	(UNAFEI)
	Prof. Takeshi Morikawa	(UNAFEI)

Report Summary

Group 3 addressed the issue of international cooperation for the purpose of depriving criminals of their illicit profits obtained through TIP/SOM crimes. In doing so, the group considered financial investigations, informal cooperation and formal cooperation. To properly identify, trace, freeze, seize or confiscate proceeds of crime, law enforcement agencies need to know the type, location, ownership, and transfer histories of relevant assets. However, in conducting financial investigations, the group reported that bank secrecy is one of the challenges to obtaining relevant financial information. To enhance the use of financial investigation, the group encouraged states to: (i) develop more training courses for financial analysis/investigation on TIP/SOM and (ii) improve their official websites to share more information with other countries.

Informal cooperation is useful in financial investigations because it facilitates the exchange of information that can be used as leads and to complete investigations without having to resort to formal requests for assistance. However, this information generally cannot be used at trial. To enhance the use of informal cooperation, the group encouraged states to: (i) develop more cooperation frameworks with other countries, especially those with shared or related languages; (ii) exchange information through FIUs etc.; (iii) create information sharing networks among law enforcement officers.

Finally, formal cooperation is governed by domestic legislation, bilateral agreements, etc. It is a time-consuming process, as diplomats act as intermediaries between the law enforcement agencies of the requesting and the requested countries. Each country selects a "central authority" to serve as the primary point of contact for mutual legal assistance (MLA) requests. Accordingly, it is always recommended to communicate with the requested central authority prior to submitting the request. In order to facilitate formal cooperation, regional associations and joint investigations have also been used. To enhance the use of formal cooperation, the group encouraged states to: (i) consider UNTOC as a legal basis for extradition; (ii) accept MLA requests flexibly; (iii) contact counterparts in advance (exchanging MLA drafts); (iv) participating in international meetings to develop cooperation frameworks; (v) stationing legal/police attachés abroad; (vi) preparing updated manuals on MLA and conducting training programmes for officers on other legal systems.

Observation Visits

<u>Date</u>	<u>Agency/Institution</u>	<u>Main Persons Concerned</u>
17 May	Yokohama District Court	• Mr. SUGIHARA Norihiko (President)

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>
12 Jun.	Hiroshima	Hiroshima Coast Guard	• Mr. KATSUYAMA Kiyoshi (Commander)
13 Jun.	Kyoto	Kyoto Prison	• Mr. FUJIOKA Takanari (Director of General Affairs Department)
14 Jun.	Kyoto	Kyoto District Public Prosecutors Office	• Ms. TANAKA Motoko (Chief Prosecutor)

Special Events

15 May *Welcome Party*

17 May *Yokohama Dinner Cruise*

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

20, 21, 22, 23 May *Japanese Conversation Classes*

The overseas participants attended four Japanese conversation classes and learned practical Japanese expressions. The *sensei* (teachers) were Ms. NAGATOSHI, Ms. SAYAMA, Ms. OKAMURA and Ms. SHIMIZU from EP academy.

25 May *Grand Sumo Tournament Visit and ACPF Kisei-kai Branch Party*

Following a tour of Ryogoku, including a visit to the Edo-Tokyo Museum, the participants attended the Grand Sumo Tournament at the Ryogoku Kokugikan, Tokyo. They later enjoyed a party hosted by the Kisei-kai Branch of the ACPF held at the Daiichi Ryogoku Hotel.

29 May *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. YAMASHITA Takashi, a reception was held for the participants by the Vice-Minister of Justice, Mr. TSUJI Hiroyuki, at the Danwa-shitsu lounge on the 20th floor of the ministry building, overlooking Hibiya Park.

31 May *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.

19 Jun. *Farewell Party*

A party was held to bid farewell to the participants.

Reference Materials

**UNAFEI's 172ND INTERNATIONAL TRAINING COURSE
LIST OF REFERENCE MATERIALS**

1	United Nations Convention against Transnational Organized Crime
2	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
3	Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime
4	Global Report on Trafficking in Persons 2018 (Executive Summary)
5	Global Study on Smuggling of Migrants 2018 (Executive Summary)

Expert and Participant List

Visiting Experts

Ms. Janice Brennan	Barrister United Kingdom
Mr. Martin Fowke	Team Leader, Normative & Policy Human Trafficking & Migrant Smuggling Section Division of Treaty Affairs United Nations Office on Drugs and Crime
Mr. Severino H Gaña, Jr.	Former Senior Deputy State Prosecutor Department of Justice Republic of the Philippines

Overseas Participants

Mr. Julio Cesar De Castilhos Oliveira COSTA	Federal Prosecutor Office of Federal Prosecution in Espirito Santo State Federal Prosecution Service Brazil
Mr. ETTIEN Tiemele	Public Prosecutor Tribunal of Bouna Ministry of Justice and Human Rights Côte d'Ivoire
Ms. Tupa Lituka Bibiche LIFAEFI	Prosecutor's Assistant Prosecutor Justice Department Public Justice D.R. Congo
Mr. Ahmed Mohamed Abdelaziz OSMAN	Chief Prosecutor International Cooperation Division of the Prosecutor General Office Public Prosecution Egypt
Mr. Riad Amin Mohamed Ahmed MANSOUR	Chief Judge Technical Bureau Office Egyptian Court of Cassation Egypt
Mr. Yustiar NUGROHO	Head of the Organizer Division Supreme Court Judicial Training and Research Centre Supreme Court Indonesia

Ms. Hellen Khandasi MAFUMBO	Senior Children's Officer Children's Services Ministry of Labour & Social Protection Kenya
Mr. Ulanbek KUDAIBERGENOV	Senior Specialized Intelligence Officer of High Profile Cases, Expert of Smuggling & Trafficking in Human Beings Criminal Police Service, Department of Combating Organized Crimes Ministry of Internal Affairs Kyrgyz Republic
Ms. Mithounavanh KONGMANY	Director, First Instance Court Judge Department of Planning and International Relations People's Supreme Court Lao PDR
Mr. Benedicto CHITSAKAMIRE	Benedictus Principal Resident Magistrate Judicial Magistracy Malawi Judiciary Malawi
Mr. Muhd Azlan YUSOFF	Co-Ordinations Officer for People Smuggling Operation Special Branch Royal Malaysia Police Malaysia
Mr. Mohammed Nm ASMAR	Prosecutor Jenin Prosecution Office Public Prosecution Palestine
Mr. Julio Alberto CORDOBA	CAMPINES Circuit Prosecutor Decision and Early Litigation Section in Bocas del Toro Public Ministry Panama
Mr. Ewai SEGI	Senior Investigator Criminal Investigation Division Royal PNG Constabulary Papua New Guinea
Mr. Antinna Marakkala Ajith Wasantha KUMARA	Judicial Officer Magistrate's Court of Nugegoda Judicial Service Commission Sri Lanka

Mr. Malwattage Chamath Dileepa PEERRIS	Deputy Solicitor General Criminal Division Attorney General's Department Sri Lanka
Mr. Paulo ANUNO	Investigator Criminal Investigation Unit Anti-Corruption Commission Timor-Leste
Mr. Fedir Vyatcheslavovich OLIINYK	Senior Detective Main Department of Detectives National Anti-Corruption Bureau Ukraine
Mr. Bobir Sobirovich TURDIEV	Senior Prosecutor Academy of General Prosecutor's Office Uzbekistan
Mr. Farrukh TURAKHODJAEV	Judge Criminal Court of Mirzo Ulugbek District Tashkent City Uzbekistan

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. 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”. Government officials from across Southeast Asia and other parts of the world, including Japan, and visiting experts and lecturers will attend.

2. The 22nd UNAFEI UNCAC Training Programme

From 9 October to 15 November 2019, UNAFEI will host the 22nd UNAFEI UNCAC Training Programme in Tokyo, Japan. The main theme of the Programme is “Detection, Investigation, Prosecution and Adjudication of High-Profile Corruption”. Approximately 30 overseas participants and several Japanese participants will attend.

3. The 13th Regional Seminar on Good Governance for Southeast Asian Countries

From 17 to 19 December 2019, UNAFEI will hold the Thirteenth Regional Seminar on Good Governance in Tokyo, Japan. The main theme of the Seminar will address anti-money-laundering measures and asset recovery. Among other participants, 20 anti-corruption practitioners from the 10 ASEAN countries are expected to attend as official delegates.

ADMINISTRATIVE NEWS

Faculty and Staff Changes

Ms. WATANABE Machiko, formerly an attorney, General Affairs and Planning Department, Research and Training Institute of the Ministry of Justice, was appointed a professor of UNAFEI in April 2019.

Mr. HOSOKAWA Hidehito, formerly a judge, Kumagaya Branch, Saitama Family Court, was appointed a professor of UNAFEI in April 2019.

Mr. MORIKAWA Takeshi, a probation officer of the Tokyo Probation Office, was appointed a professor of UNAFEI in April 2019.

Mr. YAMADA Masahiro, formerly a professor of UNAFEI, was transferred to the Yamaguchi District Public Prosecutors Office in April 2019.

Mr. HIRANO Nozomu, formerly a professor of UNAFEI, was transferred to the Nagoya District Court in April 2019.

Mr. OHINATA Hidenori, formerly a professor of UNAFEI, was transferred to the Second Training Department, Research and Training Institute of the Ministry of Justice in April 2019.

Mr. KOSEKI Takahiro, formerly an officer of the Tokyo District Prosecutors Office, was appointed a chief of the Training and Hostel Management Affairs Section of UNAFEI in April 2019.

Mr. ONDA Keisuke, formerly an instructor of the Kakogawa Juvenile Training School, was appointed a senior officer of the Training and Hostel Management Affairs Section of UNAFEI in April 2019.

Mr. KONDO Tomohiro, formerly an officer of the International Cooperation Department, Research and Training Institute of the Ministry of Justice, was appointed a officer of the Training and Hostel Management Affairs Section of UNAFEI in April 2019.

Ms. KIKUCHI Yoshimi, formerly a chief of the Financial Affairs Section of UNAFEI, was transferred to the Finance Division, Minister's Secretariat, Ministry of Justice in April 2019.

Mr. KIGUCHI Ryo, formerly a senior officer of the Financial Affairs Section of UNAFEI, was transferred to the Tokyo District Public Prosecutors Office in April 2019.

Mr. OTA Masaru, formerly an officer of the Financial Affairs Section of UNAFEI, was transferred to the Kasamatsu Prison in April 2019.

Ms. TSUJII Yayoi, formerly an officer of the General Affairs Section of UNAFEI, was transferred to the Kansai Airport District Immigration Office in April 2019.

Mr. TOYODA Yasushi, formerly a chief of the Training and Hostel Management Affairs Section of UNAFEI, was transferred to the International Cooperation Department, Research and Training Institute of the Ministry of Justice in April 2019.

Ms. NAGAHAMA Arisa, formerly a senior officer of the Training and Hostel Management Affairs Section of UNAFEI, was transferred to the International Affairs Division, Minister's Secretariat, Ministry of Justice in April 2019.

Ms. ODA Michie, formerly an officer of the Training and Hostel Management Affairs Section of UNAFEI, was transferred to the Tokyo High Public Prosecutors Office in April 2019.

FACULTY AND STAFF OF UNAFEI

Faculty:

Mr. SETO Takeshi	Director
Ms. ISHIHARA Kayo	Deputy Director
Mr. OTANI Junichiro	Professor
	172nd Course Programming Officer
Mr. FUTAGOISHI Ryo	Professor
	172nd Course Deputy Programming Officer
Ms. WATANABE Machiko	Professor
Mr. HOSOKAWA Hidehito	Professor
Mr. WATANABE Hiroyuki	Professor
Ms. KITAGAWA Mika	Professor
Dr. YAMAMOTO Mana	Professor
	Chief of Research Division
Mr. FURUHASHI Takuya	Professor
Mr. MORIKAWA Takeshi	Professor
	Chief of Information and Public Relations
Mr. Thomas L. SCHMID	Linguistic Adviser

Secretariat:

Mr. FUJITA Takeshi	Chief of Secretariat
Mr. KOSEKI Takahiro	Chief of Training and Hostel Management Affairs Section

Training and Hostel Management Affairs Section:

Ms. MATSUDA Mariko	Officer
	172nd Course Assistant Programming Officer
Mr. ONDA Keisuke	Senior Officer
	172nd Course Assistant Programming Officer
Mr. SAITO Masato	Senior Officer
Mr. KONDO Tomohiro	Officer
Ms. IINUMA Hazuki	Officer

International Research Affairs Section:

Ms. IWAKATA Naoko	Librarian
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Secretarial Staff:

Ms. YAMADA Hisayo	Officer
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Kitchen:

Ms. ODAGIRI Maki

Chef

JICA Coordinators for the 172nd International Training Course:

Ms. KITA Chizuko

JICA

Ms. MINASE Kaoru

JICA

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