

REPORT OF THE FOLLOW-UP SEMINAR FOR THE THIRD COUNTRY TRAINING PROGRAMME (TCTP) FOCUSING ON THE DEVELOPMENT OF COMMUNITY-BASED TREATMENT OF OFFENDERS IN THE CLMV COUNTRIES

From 25 to 27 July 2017, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) hosted the Follow-up Seminar for the Third Country Training Programme (TCTP) Focusing on the Development of Community-Based Treatment of Offenders in the CLMV Countries (hereinafter, the "Follow-up Seminar"). This report summarizes the proceedings, country presentations and general discussions held throughout the Follow-up Seminar.

Proceedings

1. MR. SENTA, KEISUKE, Director of UNAFEI, welcomed the participants and thanked the Japan International Cooperation Agency for its sponsorship of the TCTP. Noting that one of the purposes of the Follow-up Seminar is to share and discuss long-term challenges to the implementation of community-based treatment in the participating countries, Director Senta encouraged the participants, as experts and practitioners in the field, to take the initiative to introduce and develop community-based treatment in their countries.
2. MS. ANCHALEE PATTANASARN, Deputy Director-General of the Department of Probation (DOP) of the Ministry of Justice of Thailand, noted the close cooperation between the DOP and UNAFEI in hosting seminars to promote community-based treatment in Southeast Asia, and expressed her belief that this Follow-up Seminar would serve as an opportunity for the participating countries to discuss the progress made since the TCTP and share the needs and interests of each country to plan for future seminars.
3. The Visiting Expert, DR. MANUEL G. CO, Ex Officio Member of the Board of Pardons and Parole and Administrator of the Parole and Probation Administration of the Republic of the Philippines, delivered a presentation on "Formulating parole and probation administration policies using statistics".
4. Country presentations detailing progress made since the first phase of the TCTP were made by the delegations from Cambodia, Laos, Myanmar, and Viet Nam.
5. Keynote speeches were delivered by: (1) PROFESSOR OTA, TATSUYA, Faculty of Law, Keio University, Japan, on "Prevention of re-offending and the importance of community-based treatment of offenders" and (2) MR. IMAFUKU, SHOJI, Director of the General Affairs Division, Rehabilitation Bureau, Ministry of Justice, Japan, on the "Institutionalization and implementation of effective community-based treatment of offenders: strategies and measures".

Visiting Expert's Lecture

6. DR. CO presented on the use of statistics as an evidentiary basis for formulating probation and parole policies. In the Philippines, comprehensive statistical data collected by the Parole and Probation Administration, the Board of Pardons and Parole, and the Bureau of Corrections are crucial for setting the budget and performance targets. They are also used for monitoring and evaluating the success of community-based treatment interventions, as well as the performance of probation and parole officers. For example, the system of probation and parole in the Philippines contains three separate functions: investigation, supervision and rehabilitation. Statistics are collected for each of these functions, and budgets for these services are based in part on the statistics. To ensure that the investigation, supervision and rehabilitation phases are properly conducted, the Board gathers statistical data to monitor the performance of each probation and parole officer. Data collected to measure performance include statistics on the total probation investigation caseload, completed probation investigation cases, court dispositions, etc. Data are also collected on the characteristics of each probationer and parolee, such as age, civil status, educational attainment, criminal offences committed, occupation, etc. The Philippines has

adopted a three-pronged approach to crime prevention and treatment of offenders through the practices of restorative justice, Therapeutic Community, and volunteer support for offenders; statistics are gathered on each of these practices. These data are used by policymakers as the basis for evaluating the programmes, policies, guidelines, etc. to ensure the effectiveness of the community-based intervention. Once the statistics are gathered, they must be analysed in four stages in order to impact policy: Stage 1, identify and understand the issue; Stage 2, set the agenda; Stage 3, formulate policy; Stage 4, monitor and evaluate policy. Dr. Co concluded his presentation by addressing a number of challenges facing the implementation of community-based treatment in the Philippines, including the public outcry for retributive justice among others.

Country Presentations

7. CAMBODIA. The inmate population in Cambodia is growing steadily after an increased commitment to combating drug crimes, for which almost all inmates are incarcerated. Cambodia currently has around 26,338 inmates (as of 25 July 2017), 24,062 of which are male (as of 25 July 2017). Due to the increase in the number of inmates, overcrowding is becoming a greater problem (164% of capacity); meanwhile, only 1% of offenders have been released on judicial supervision at the pre-trial stage. For the sentencing stage, in cases of suspended sentence with probation, the prosecutor is responsible for assigning a person from the community in which the offender lives (such as a police officer, a member of the community council, or education and rehabilitation officer) to supervise the offender in the community. However, Cambodia has not implemented this practice yet. Data is still collected manually in Cambodia, so collecting statistics is a challenge. Human resources are important, particularly in the implementing authority because community-based treatment is still a new concept in Cambodia. Other challenges include insufficient budgetary resources and the lack of social understanding for community-based treatment. Cambodia is in the process of analysing the possibility to pursue a pilot project on alternative sentencing in a province. It was reported that relevant officials welcome the project, but officials expressed serious concerns about public resistance to the implementation of alternative sentencing.
8. LAOS. The delegation from Laos reported that it had gained valuable technical knowledge on probation and community-based treatment from the TCTP. They reported to their minister and are waiting for approval and promulgation of the Penal Code. As of 2016, approximately 9,000 inmates were incarcerated in Laos, with around 6,000 pre-trial detainees. In terms of statistics, the number of inmates has increased by roughly 50% over the past five years. In 2016, it was reported that 76.1% of all inmates were incarcerated for narcotics offences, and female inmates composed 13.7% of the total inmate population. Laos offers a consent-based village mediation programme for adult and juvenile offenders and victims connected with cases of theft, traffic violations, battery, and other cases that do not involve serious harm and do not seriously affect society. The delegation reported that 4,505 cases were referred to village mediation in 2016, and there were 35 cases of conditional release before the end of the inmate's term of imprisonment. Meanwhile, 379 inmates were pardoned on Laos' National Day. Although the Criminal Procedure Law does not provide for clear action by the relevant ministry, offenders are currently being entrusted to the care of state, local and other authorities in order to promote offender rehabilitation. To promote this process, Laos is disseminating information about the law and policies among the public.
9. MYANMAR. The delegation from Myanmar reported that it has not enacted any specific legal framework for the implementation of community-based treatment. However, the Union Judiciary Law currently has provisions which promote understanding and compliance with the law through education and the principle of reforming offenders' moral character when meting out punishment. The Code of Criminal Procedure includes non-custodial measures such as bail, release on probation, release with admonishment, and so on. Myanmar reported a growing prison population with 67,632 sentenced inmates in 2016 and 12,022 inmates awaiting judgement. Through the first phase of the TCTP, Myanmar effectively gained knowledge and awareness of the importance of alternative sentencing, and Myanmar began drafting amendments to the Narcotic Drugs and Psychotropic Substances Law (1993) by adding provisions for community-based treatment and rehabilitation instead of custodial punishment. Section 401 of the Code of Criminal Procedure addresses community-based treatment, giving the President of the Union the authority to suspend or remit sentence with or without conditions, and to cancel the suspension or remission of sentence if the offender fails to fulfil the required conditions. Under this law, Myanmar has released 79,197 inmates since 2011. Community-based treatment is also administered through the Department of Social Welfare under the Ministry of Social Welfare, Relief and Resettlement. DSW

addresses social problems in the community by providing social welfare services with the help of trained social workers using the resources of the community. With respect to children in conflict with the law, the DSW assigns probation officers to assist with social support and community supervision. However, there are not enough probation officers to provide nationwide coverage.

10. VIET NAM. In 2016, about 115,000 convicted prisoners were serving custodial sentences in Viet Nam, while about 50,000 convicted persons were serving sentences in the community, including suspension of sentence, non-custodial sentences, etc. Offenders in the community are supervised by the People's commune committees, and supervisees are required to report once every three months; probationers are required to report once a month. In 2015, Article 66 of the Criminal Code was amended to provide for "early release on conditions" for first-time offenders, a measure similar to parole. The delegation from Viet Nam reported that the first phase of the TCTP was successful at sharing the experiences of Japan and Thailand in the field of community-based treatment, including the implementation of the Tokyo Rules. Challenges to overcome in Viet Nam include limited public awareness, challenging economic conditions, lack of facilities and resources to support supervision, and inadequate human resources. Among other solutions, Viet Nam is seeking further expertise from organizations and jurisdictions in order to deepen Viet Nam's understanding of community-based treatment for the implementation of "early release on conditions".

Plenary Discussion

11. MR. MORINAGA, TARO, Deputy Director of UNAFEI, led a plenary discussion on approaches to persuading policymakers and the general public that community-based treatment is a desirable and effective sentencing option for certain offenders, particularly in light of the common perception that retribution is the fundamental purpose of criminal punishment. He encouraged the participants to revisit the prominent theories of criminal punishment in their respective countries in order to identify persuasive theories and arguments that support community-based treatment.

Remarks by JICA

12. MR. EDAGAWA, MITSUSHI, Senior Adviser and Attorney-at-Law, Industrial Development and Public Policy Division, Japan International Cooperation Agency, closed the session by extending his gratitude to the participants for their participation in the Follow-up Seminar. In his role as a criminal defence attorney, he stressed the importance of empowering offenders who have been isolated from society for years, lost jobs, and lost connections with their families. This can be achieved through the implementation of the Tokyo Rules, and by sharing practices and experiences among practitioners from different countries.

Keynote Speeches

13. PROFESSOR OTA emphasized the importance of community-based treatment for the prevention of reoffending. In Japan, due to the vicious cycle of reoffending, roughly 30% of all offenders commit 60% of all crimes. Although it is important to punish offenders in proportion to their criminal responsibility, statistics on recidivism demonstrate that incarceration is not a sufficient answer to reducing reoffending. Professor Ota introduced the case of one habitual drug offender whose family refused to support him. The offender was released directly into society without community-based support for employment or housing, and he murdered two innocent strangers seventeen days after his release. With proper community support, these murders may never have happened. Parole and conditional release are two measures that can monitor the offender and provide necessary support, yet the public often criticizes their use, particularly when an offence is committed while on parole. It is important to note that this criticism is generally misplaced because nearly 50% of released offenders without parole supervision recommit crime within 5 years of release. Thus, parole should be viewed as a form of risk management; if a parolee reoffends while under supervision, he most certainly would reoffend within 5 years of release without supervision, and it is likely that the crime committed would be more serious than that which is committed while under supervision. Professor Ota explained several sentencing models, including the Split Sentence Model and Partial Suspended Execution of Sentence, which, while technically different models, serve the purpose of sentencing an offender to a prison term followed by a lengthy term of supervised or unsupervised release in the community. In Japan, legislation establishing the sentence of partial suspended execution of sentence took effect in 2016, and the sentence is used to provide longer periods of community supervision particularly for drug offenders. Finally, Professor Ota proposed implementation of a team-oriented treatment approach involving probation officers and volunteer probation officers, as well

as other professionals such as doctors, lawyers, psychotherapists and career consultants.

14. MR. IMAFUKU presented on successful strategies in Japan for the implementation of community-based treatment, noting that new policy initiatives require strategic planning to set the desired policy as a national priority. Other considerations include preparing the legal system for implementation of the policy and ensuring the proper allocation of human and material resources. These goals will not be achieved without taking a variety of factors into consideration, including: (1) providing prompt solutions to meet immediate political needs; (2) understanding societal changes and conforming policies thereto; (3) implementing policies in line with current research and statistics; (4) adoption of effective practices from the field; (5) taking a multi-disciplinary approach to rehabilitation; (6) incorporating desired policy positions in national guidelines; and (7) enhancing public awareness of the desired policy. With respect to the implementation of community-based corrections, these factors share a number of common themes. First, national commitment to the policy is important to its ultimate success, and new national policies must be responsive to the needs and concerns of legislators and the public by ensuring that community-based treatment measures emphasize making society safer. Second, evidence-based research and statistics are important in terms of determining the purpose of the policy, estimating human resources and budgetary needs, determining the effectiveness of specific measures, etc. Third, the prevention of reoffending requires a multi-agency, multi-disciplinary approach that offers reintegration solutions involving community supervision, social welfare support, employment support, etc. Finally, the promotion of public awareness, particularly among the youth, is important to obtaining the participation and support of the public in realizing the goals of community-based treatment.

Plenary Discussion

15. MS. AKASHI, FUMIKO, Professor of UNAFEI, moderated a plenary discussion on the promotion of public understanding, establishing cooperative relationships with other agencies and the effectiveness of statistical data for the implementation and use of community-based treatment measures. She explained that: (i) the use of community sanctions is more strongly correlated with the policy commitment of the implementing jurisdiction rather than other factors such as the crime rate, the seriousness of crime, public support for such measures, etc. (Joutsen, 2015); (ii) expenditures in England and Wales for institutional corrections are ten times as great as those for community corrections; (iii) Rule 18 of the Tokyo Rules emphasizes the importance of public understanding and support for community-based treatment; and (iv) statistics are used in Japan to demonstrate the effectiveness of criminal justice policies by providing data on individualized and effective community-based treatment, promoting measures and policies of the government, and dealing with human resources and budget requests.
16. MR. MINOURA, SATOSHI, Professor of UNAFEI, moderated a discussion on planning for the second phase of the TCTP and the third phase of the ASEAN Roadmap, beginning with a review of the needs and interests expressed during the individual country consultations: (i) Cambodia expressed interest in suspended sentence with supervision and social investigation and stated that it needs lectures on social investigation procedure, enhancing public participation in offender rehabilitation, and developing treatment plans and evaluating supervision; (ii) Laos expressed interest in parole systems and administrative structures and stated that it needs lectures on supervision skills and organizational structures, as well as opportunities to observe offender supervision; (iii) Myanmar expressed interest in identifying appropriate systems for parole supervision and stated that it needs to learn from other developing countries based on the concern that the Japanese and Thai systems are too advanced; (iv) Viet Nam expressed interest in monitoring of parolees, staff training, and enhancing public understanding and stated that it needs opportunities to learn from other countries through field work observation.
17. MS. TARUATA KLAEWKLA explained that the second phase of the TCTP will tentatively be held from 8 to 19 January 2018 in Thailand, and the CLMV countries will be asked (i) to review the progress since the first phase of the TCTP in establishing effective agencies for community corrections, (ii) to clarify the duties, responsibilities, authority and roles of probation officers based on the concept of community corrections, (iii) to observe Thai probation practice, and so on.
18. MR. WATANABE, HIROYUKI, Professor of UNAFEI, presented on the purpose, background and establishment of Offenders Rehabilitation Support Centres in Japan. He explained that the centres were introduced in 2008 in response to public criticism about the systematic failure of community-based treatment. The

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purpose of these centres is to provide support and assistance, including meeting space in a public facility, to Volunteer Probation Officers for their supervision of offenders in the community. The centres have become hubs of VPOs activities, and they amplify each VPO's ability and effectiveness.

Study Visit

19. At the conclusion of the Follow-up Seminar, the participants visited the Ota City Offender Rehabilitation Support Centre.

27 JULY 2017
FUCHU, TOKYO, JAPAN

ANNEX

1. LIST OF PARTICIPANTS
2. THE FOLLOW-UP SEMINAR SCHEDULE

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List of Participants, The Follow-up Seminar of the Third Country Training Programme (TCTP)
for Development of Effective Community-Based Treatment of Offenders in the CLMV Countries
国連アジア極東犯罪防止研修所
CLMV諸国を対象とした犯罪者の社会内処遇推進研修(JICA第三国研修)フォローアップセミナー参加者名簿
(合計 17名)
(In total 17)

Country 国名	Name 氏名	Sex(M/F) 性別	Title and Organization 所属及び職名
1 Cambodia カンボジア	SENG Rithy セン・リティ	M 男	Judge Phnom Penh Municipality Court of First Instance プノンペン始審裁判所 判事
2 Cambodia カンボジア	Savna NOUTH サブナ・ヌース	M 男	Deputy Director General Directorate General of Prisons Ministry of Interior 内務省 矯正局 副局長
3 Cambodia カンボジア	TY Vichet ティ・ビチェット	M 男	Deputy Director Department of Legal Affairs and Statistic in Criminal Matters Ministry of Justice 司法省 刑事法制・統計部門 次長
4 Laos ラオス	Nosavanh SIHALATH ノサバン・シハラ	M 男	Deputy Director Prisons Inspection Department Office of the Supreme People's Prosecutor 最高人民検察院 矯正監査局 副局長
5 Laos ラオス	Sy Amphone INKEO サイ・アムポン・インケオ	M 男	Head of Administration Office Department of Prisons and Rehabilitation Police Ministry of Public Security 治安維持省 矯正・社会復帰局 事務部門 部長
6 Laos ラオス	Santhisouk PHANTHANALAY サンティスク・パンタナライ	M 男	Head of Criminal Law Division Legislation Department Ministry of Justice 司法省 法制局 刑事法部門 部長
7 Myanmar ミャンマー	Ko Ko Naing コ・コ・ナイン	M 男	Director General Office of the Supreme Court of the Union Supreme Court of the Union 連邦最高裁判所 事務局長
8 Myanmar ミャンマー	Moe Zaw モー・ゾー	M 男	Director Mandalay Division Office, Prisons Department Ministry of Home Affairs 内務省 行刑局 マンダレー矯正管区 管区長
9 Myanmar ミャンマー	Su Thwe WIN ス・トゥ・ウイン	F 女	Assistant Director Child Law and National Convention on the Rights of the Child Section Department of Social Welfare Ministry of Social Welfare, Relief and Resettlement 社会福祉・救済復興省 社会福祉局 児童法と児童の権利に関する国際条約部門 次長
10 Viet Nam ベトナム	HOANG Xuan Du ホアン・スアン・ドゥ	M 男	Deputy Director, Department for Rehabilitation and Re-integration General Department of Police for Criminal Sentence Execution and Judicial Support Ministry of Public Security 公安省 刑事判決執行及び司法援助のための警察総局 更生・社会復帰部 副部長
11 Viet Nam ベトナム	LE Van Dao ル・ヴァン・ダオ	M 男	External Officer, International Cooperation Division General Department of Police for Criminal Sentence Execution and Judicial Support Ministry of Public Security 公安省 刑事判決執行及び司法援助のための警察総局 国際協力課 事務官
12 Viet Nam ベトナム	LE Van Minh ル・ヴァン・ミン	M 男	Deputy Head General Affairs Section, Department of Criminal and Administrative Law Ministry of Justice 司法省 刑事及び管理法局 総務部門 次長

* The capital letters indicate surname.
大文字表記は姓を表す。

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Country 国名	Name 氏名	Sex 性別	Title and Organization 所属及び職名
13 Thailand タイ	Anchalee PATTANASARN アンチャリー・パタナサーン	F 女	Deputy Director General Department of Probation Ministry of Justice 法務省 保護局 副局長
14 Thailand タイ	Saifon JANTAPROM サイフォン・ジャンタプロム	F 女	Probation Officer, Professional Level Chiang Rai Probation Office チェンライ保護観察所 保護観察官
15 Thailand タイ	Taruata KLAEWKLA タルアタ・クラエウクラ	F 女	Probation Officer, Practitioner Level Foreign Affairs and Research Group, Probation Development Bureau Department of Probation Ministry of Justice 法務省 保護局 保護観察開発課 国際調査グループ 保護観察官
16 Thailand タイ	Anyamane TANRATTANA アニヤマニー・タンラッタナ	F 女	Probation Officer, Practitioner Level Foreign Affairs and Research Group, Probation Development Bureau Department of Probation Ministry of Justice 法務省 保護局 保護観察開発課 国際調査グループ 保護観察官
17 Philippines (Observer) フィリピン (オブザーバー)	Janette Santos PADUA ジャネット・サントス・パドゥア	F 女	Assistant Regional Director, Special Assistant to the Administrator Parole and Probation Administration Department of Justice 司法省 保護局 管区長補佐兼局長特別補佐官

* The capital letters indicate surname.
大文字表記は姓を表す。

Visiting Expert 客員専門家

Country 国名	Name 氏名	Sex 性別	Title and Organization 所属及び職名
1 Philippines フィリピン	Manuel Goloso CO マニエル・ゴロソ・コー	M 男	Administrator Parole and Probation Administration Department of Justice 司法省 保護局 局長

* The capital letters indicate surname.
大文字表記は姓を表す。

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The Follow-up Seminar of TCTP (Tentative)

		Seminar (AT UNAFEI)				
	Mon 24	Tue 25	Wed 26	Thu 27	Fri 28	
AM	Arrival of participants	9:30-9:40 9:40-9:50	9:30-10:30	9:30-10:30	9:30-10:30	Departure of participants
	Registration Orientation	Opening Remarks by UNAFEI Director Ministry of Justice, Thailand (Break) Presentation by Visiting Expert Dr. Manuel Golloso Co (Administrator, Parole and Probation Administration, Department of Justice, Republic of the Philippines) Formulating parole and probation administration policies using statistics	Keynote Speech Prof. OTA Tatsuya (Faculty of Law, Keio University, Japan) Prevention of Re-offending and the Importance of Community-Based Treatment of Offenders (Break) Keynote Speech Mr. IMAFUKU Shoji (Director of the General Affairs Division, Rehabilitation Bureau, Ministry of Justice, Japan) Institutionalization and implementation of effective community-based treatment of offenders: Strategies and measures	Plenary Discussion (Needs and interests for the second phase of TCTP) (Break) Feedback Session Lecture and Discussion (UNAFEI)	Plenary Discussion (Needs and interests for the second phase of TCTP) (Break) Feedback Session Lecture and Discussion (UNAFEI)	
PM	Lunch (UNAFEI)	12:00-12:00	12:00-12:00	12:00-12:00	12:00-12:00	
		Country Presentations Cambodia Laos (Break) Myanmar Vietnam (Break) Plenary discussion Remarks by JICA	13:15-14:00 14:00-14:45 15:00-15:45 15:45-16:30 16:50-17:50 17:50-18:00	Lecture and Discussion (UNAFEI) (Break) Individual Consultations Cambodia Laos Myanmar Vietnam	Field Trip Offender Rehabilitation Support Centre	14:30-16:30
			Welcome Reception			
	(Stay at UNAFEI)	(Stay at UNAFEI)	(Stay at UNAFEI)	(Stay at UNAFEI)	(Stay at UNAFEI)	