Number 121 March 2026

PREVENTION OF CRIME AND TREATMENT OF OFFENDERS

UNAFEI'S RESOURCE MATERIAL SERIES

RESOURCE MATERIAL SERIES NO. 121

FEATURED ARTICLE

Parole and Probation in the Philippines:
Toward Evidence-based and culturally Grounded Reform
Raymund E. Narag (Philippines)

COURSE REPORTS

The 188th International Training Course
ABE Yuta (UNAFEI)

The 27th UNAFEI UNCAC Traininig Programme
YAMAZAKI Jun (UNAFEI)

SUPPLEMENTAL MATERIAL

Corruption in Finland

International Co-operation in Corruption Cases
Katja Jokela (Finland)

**The United Nations Asia and Far East Institute
for the Prevention of Crime and the Treatment of Offenders**

PREVENTION OF CRIME AND TREATMENT OF OFFENDERS

RESOURCE MATERIAL SERIES NO. 121

UNAFEI

Akishima, Tokyo, Japan **March 2026**

YAMAUCHI Yoshimitsu
Director

United Nations
Asia and Far East Institute
for the Prevention of Crime and
the Treatment of Offenders
(UNAFEI)

2-1-18 Mokuseinomori, Akishima-shi, Tokyo, Japan
unafei@moj.go.jp

CONTENTS

INTRODUCTORY NOTE v

PART ONE

WORK PRODUCT OF THE 188TH INTERNATIONAL TRAINING COURSE

THEORIES OF OFFENDER REHABILITATION AND THEIR EFFECTIVE IMPLEMENTATION

Report of the Course

The 188th International Training Course
by ABE Yuta (UNAFEI) 3

Visiting Expert's Paper

- Parole and Probation in the Philippines: Toward Evidence-Based and Culturally Grounded Reform
by Raymund E. Narag (Philippines) 7

Participants' Papers

- The Role of Correctional Facilities in Enhancing the Rehabilitation of Non-Custodial Offenders in Kenya
by Shadrack Kyengo Kavutai (Kenya) 19

- The Role of Probation Officers in the Juvenile Criminal Justice System in Indonesia
by Miranti Nilasari (Indonesia) 25

- Digital Learning and Vocational Training in Nigerian Custodial Centres: Theoretical Frameworks, Impact and Challenges
by Abbas Adebimpe Hassan (Nigeria) 31

- Management of Correctional Facilities and the Rehabilitation of Offenders: The Penitentiary System of the Republic of North Macedonia
by Marina Mileva (North Macedonia) 39

- Drug Rehabilitation in Probation Services in Thailand
by Thepsuda Foomuangpan (Thailand) 45

- Theories of Offender Rehabilitation and Their Effective Implementation: Relevance for the Kingdom of Tonga
by Ilaisaane Lepolo Fifita (Tonga) 51

PART TWO

WORK PRODUCT OF THE 27TH UNAFEI UNCAC TRAINING PROGRAMME

DETECTING CORRUPTION – LEARNING FROM SUCCESSFUL METHODS, PRACTICES AND TECHNIQUES

Report of the Programme

The 27th UNAFEI UNCAC Training Programme
by YAMAZAKI Jun (UNAFEI) 59

Participants' Papers

- Anti-Corruption Strategies in Brazil: Challenges, Progress and Global Synergies
  by Raquel Tiveron (Brazil) 63
- Detecting Corruption: Learning from Successful Methods, Practices and Techniques
  by Aminath Zidhuna Mohamed Rafeeu (Maldives) 71
- Detecting Corruption: Learning from Successful Methods, Practices and Techniques in Sri Lanka
  by W. M. Thanuja Damayanthi Bandara (Sri Lanka) 79
- Best Practices and Possible Improvements in Detecting Corruption Offences in Ukraine's Justice System
  by Olha Malakhova (Ukraine) 93
- The Detection of Corruption Cases and the Consolidation of Evidentiary Materials in Criminal Proceedings: Challenges and Practices in the Context of Uzbekistan's Experience
  by Temur Uktamovich Safarov (Uzbekistan) 99
- Detecting Corruption: Learning from Successful Methods, Practices and Techniques through a Case Study of Zimbabwe
  by Sheila Chipiwa Mupindu (Zimbabwe) 105

PART THREE

SUPPLEMENTAL MATERIAL

Visiting Experts' Presentations

- Corruption in Finland
  by Katja Jokela (Finland) 117
- International Co-operation in Corruption Cases
  by Katja Jokela (Finland) 129

APPENDIX 135

Photographs

- THE 188TH INTERNATIONAL TRAINING COURSE 137
- THE 27TH UNAFEI UNCAC TRAINING PROGRAMME 137

RESOURCE MATERIAL SERIES INDEX 139

INTRODUCTORY NOTE

It is with pride that the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) offers to the international community this issue of *Prevention of Crime and Treatment of Offenders*, UNAFEI's Resource Material Series No. 121.

This issue contains the work product of the 188th International Training Course on Theories of Offender Rehabilitation and Their Effective Implementation and the 27th UNAFEI UNCAC Training Programme on Detecting Corruption – Learning from Successful Methods, Practices and Techniques. These programmes were held to promote Goal 16 of the 2030 Agenda for Sustainable Development, which underscores the importance of governance and the rule of law in promoting peaceful, just and inclusive societies, as well as to follow-up on the implementation of the Kyoto Declaration adopted at the 14th United Nations Congress on Crime Prevention and Criminal Justice.

I would like to pay tribute to the contributions of the Government of Japan, particularly the Ministry of Justice, the Japan International Cooperation Agency and the Asia Crime Prevention Foundation, for providing indispensable and unwavering support to UNAFEI's international training programmes and other activities.

Finally, I would like to express my heartfelt gratitude to all who so unselfishly assisted in the publication of this series.

March 2026

山内 由光

YAMAUCHI Yoshimitsu
Director of UNAFEI

PART ONE

RESOURCE MATERIAL SERIES
No. 121

WORK PRODUCT OF THE 188TH
INTERNATIONAL TRAINING COURSE

UNAFEI

REPORT OF THE COURSE

THE 188TH INTERNATIONAL TRAINING COURSE

"Theories of Offender Treatment and Their Effective Implementation"

1. Duration and Participants

- From 27 August to 18 September 2025
- 14 overseas participants from 13 countries
- 4 participants from Japan

2. Overview of the Course

This course aims to support the development and refinement of evidence-based rehabilitation strategies by deepening understanding of risk assessment (particularly related to reoffending), effective treatment interventions and evaluation methodologies. The Course also aimed to strengthen the capacity of practitioners responsible for implementing these approaches and to discuss effective collaboration with relevant agencies, thereby contributing to the further development of offender rehabilitation in each participating country.

3. Contents of the Course

(1) Country Presentations

Each participant delivered an Individual Presentation on the current situation, challenges and practices of offender treatment in their own country. The presentations were followed by numerous questions and active discussions among the participants.

(2) Lectures

・ Overseas Experts

"Theories of Offender Rehabilitation: RNR Model"
"Theories of Offender Rehabilitation: Good Lives Model and Desistance Model"
"Treatment Programme Methods of Evaluating Effectiveness: RNR and GLM"
"Introduction of overseas implementation examples: RNR in the Philippine Parole and Probation Administration"
Raymund E. Narag, PhD, Southern Illinois University Carbondale

(3) Lectures by Japanese Experts

A) "Social Investigation by Family Court Investigating Officers in Criminal Cases Involving Juveniles"
KAWAMURA Satoru
Supervising Senior Family Court Investigating Officer, Tachikawa Branch of the Tokyo Family Court

B) "Enhancement of Correctional Treatments Tailored to Inmates"
TSUKAHARA Akihiro
Specialist, Prison Service Division, Correction Bureau, Ministry of Justice
KUMAGAI Wataru
Official in the Ministry of Justice

C) "Community Supervision and New Assessment Tools in Japan"
NAKANO Tomoyuki
Deputy Director, Supervision Division, Rehabilitation Bureau, Ministry of Justice

D) "Motivational Interviewing (Basic Introduction)"
AOKI Osamu
Analyst, Training Institute for Correctional Personnel, Ministry of Justice

(4) Study Visits

The participants visited the following facilities to learn about offender rehabilitation in Japan, including assessment and treatment practices as well as capacity-building for staff:

- Tama Juvenile Training School
- Tokyo West Juvenile Assessment Centre
- Kawagoe Juvenile Prison
- Training Institute for Correctional Personnel

(5) Group Discussion

Participants were divided into three groups and discussed ways to improve effective offender treatment based on the knowledge and experiences gained through individual presentations, lectures and study visits. They examined four major themes:

- assessment,
- effective treatment programmes,
- measurement of outcomes and evaluation of effectiveness and
- capacity-building of staff and multi-stakeholder cooperation.

The results of the discussions were presented to all participants and staff of UNAFEI, followed by question-and-answer sessions.

4. Feedback from the Participants

Most participants expressed a high level of satisfaction with the structure and content of the training course, noting that they were able to gain detailed knowledge of Japan's practices and deepen their understanding of the theories and application of offender treatment. Many participants also developed a strong interest in Japanese culture throughout the training course, and this was recognized as an additional positive outcome of the programme.

5. Comments from the Programming Officer

It is essential that countries implement evidence-based treatment methods and develop more effective ways to measure and evaluate their outcomes, in order to promote offender rehabilitation and ensure a safe society. Although the conditions of their systems and practices differ across countries, quite a few participants have struggled to address these challenges. Under such circumstances, this training course offered a valuable opportunity for them to gather, share their national situations and practices, and explore possible solutions away from their workplaces.

In this course, we covered a wide range of key topics in offender treatment. Participants learned about various rehabilitation theories, assessment, effective treatment methods, measurement and evaluation of outcomes, capacity-building of staff and multi-stakeholder cooperation.

Dr. Raymund E. Narag, as an overseas expert, shared his extensive experience in introducing new assessment tools and treatment programmes, as well as the good practices and challenges encountered throughout those processes. Dr. Narag also took full advantage of the residential nature of the programme by actively engaging with participants outside the official sessions, including in the evenings and on weekends. He exchanged opinions and provided advice, which further enriched the participants' learning experience. Thanks to his contribution, participants were able to deepen their practical understanding. Furthermore, his lectures attracted great interest among officials of the Ministry of Justice, Japan, and provided valuable learning opportunities for Japanese criminal justice practitioners as well.

Japanese experts from the Family Court and the Ministry of Justice introduced the latest systems and practices in Japan, as well as treatment techniques for offenders.

Although many participants were correctional or probation/parole officers, we were also joined by criminal justice practitioners from other professional fields. As a result, the discussions were enriched by diverse perspectives, including questions from legal and institutional viewpoints.

Participants also showed great interest in Japanese culture. It was impressive to see them learning the Japanese language on their smartphones and trying to communicate with Japanese people, including experts and volunteers. After the training, participants shared reports of their achievements and takeaways with their colleagues in their home institutions. Some also contacted us to request additional reference materials. We are sincerely proud of their positive attitudes and motivation. Through this training course, we have

gained many assets, including valuable human relationships, knowledge and experiences.

VISITING EXPERT'S PAPER

PARAROLE AND PROBATION IN THE PHILIPPINES: TOWARD EVIDENCE-BASED AND CULTURALLY GROUNDED REFORM

Raymund E. Narag[*]

ABSTRACT

The Philippine criminal justice system suffers from chronic jail and prison overcrowding, inefficiency and neglect. Established in 1976 to provide community-based alternatives, the Parole and Probation Administration (PPA) has struggled with overwhelming caseloads, outdated models and the absence of validated tools. In response, the PPA partnered with the United Nations Office on Drugs and Crime (UNODC) and the United Nations Asia and Far East Institute (UNAFEI) to introduce the Principles of Effective Probation and Parole Investigation and Supervision (PEPPIS). This initiative represents a paradigm shift toward a more structured, evidence-based, and culturally grounded probation and parole practice.

Drawing from criminological theories—strain, social learning, labelling and cognitive-behavioural approaches—and anchored in the Risk-Need-Responsivity (RNR) framework, PEPPIS was piloted in eight sites nationwide. Reform unfolded through leadership training, creation of technical working groups, development of manuals and tools, training of trainers, pilot implementation and continuous mentoring. Core components included the Classification and Risk Assessment Tool (CARAT), a differentiated supervision framework, structured programmes (I-Care, Hulagpos, LEAP), and standardized case management and documentation.

Findings revealed both promise and fragility. Over 2,700 CARAT assessments allowed officers to rationalize caseloads and link interventions to criminogenic needs. Clients engaged positively in modular programmes, reporting improvements in problem-solving, relapse prevention and livelihood. Documentation improved accountability and transparency, though it remained burdensome. Yet challenges persisted: inconsistent fidelity, limited resources, uneven adoption and cultural barriers to family engagement.

Evaluation underscored that reform is possible but fragile, thriving as a pilot yet vulnerable without institutionalization. Lessons emphasize that evidence-based practice must be localized, mentoring must complement training, documentation must be streamlined, families must be engaged and reforms must be embedded in law, policy and budgets.

PEPPIS demonstrates that parole and probation can become central solutions to mass incarceration in the Philippines. It redefines justice not merely as punishment but as accountability that enables reintegration and human dignity.

I. INTRODUCTION

At the heart of every criminal justice system lies a paradox. The State is expected to deter crime by imposing sanctions, yet it is also obliged to uphold human dignity by offering opportunities for reform. To simply lock people away is to risk further dehumanization; to release them without accountability is to mock justice. It is in this fragile balance between punishment and redemption that community corrections—parole and probation—find their purpose. Rather than consigning individuals to overcrowded and criminogenic institutions, parole and probation attempt to reintegrate them into their communities while still demanding

[*] PhD, Professor of Criminology and Criminal Justice, School of Justice and Public Safety, Southern Illinois University Carbondale.

responsibility for their actions. But such aims can only be realized when supervision is guided by clear principles, grounded in science and embedded in consistent practices (Andrews & Bonta, 2010).

Modern criminological research identifies four interlocking pillars that sustain effective parole and probation: classification and risk assessment, structured programming, supervision and case management, and systematic documentation (Taxman, 2008; Lowenkamp & Latessa, 2005). These are not isolated domains but mutually reinforcing components of a coherent system.

The first pillar—classification and risk assessment—provides a scientific compass of decision-making. Decades of studies confirm that not all clients present the same likelihood of reoffending; some require minimal guidance, while others demand intensive monitoring and targeted interventions (Andrews et al., 1990; Bonta & Andrews, 2017). Validated assessment tools allow officers to classify clients into categories, identify criminogenic needs and tailor supervision accordingly, ensuring that scarce resources are invested where they yield the greatest reduction in recidivism.

The second pillar—programming—refers to deliberate, structured interventions designed to alter behaviour. Effective programmes are built upon the Risk-Need-Responsivity (RNR) framework: matching intervention intensity to risk, targeting dynamic criminogenic needs such as substance use and antisocial peers, and ensuring cultural and cognitive responsiveness (Andrews, Bonta, & Hoge, 1990; Cullen, 2013). Programmes that ignore these principles risk either over-intervening with low-risk clients or failing to reach those most in need.

The third pillar—supervision and case management—bridges assessment and intervention. Supervision cannot be reduced to surveillance or counting contacts. It must engage clients through problem-solving, goal setting and referral to supportive services. Effective case management translates assessment data into concrete strategies, sets measurable objectives and adjusts intensity as circumstances change. Differentiated supervision recognizes that high-risk clients may require electronic monitoring and frequent visits, while low-risk clients may need only supportive counselling and community ties.

The fourth pillar—documentation—though often neglected, is central to accountability and learning. Without consistent records, even the best assessments and programmes cannot be evaluated or improved (Latessa & Lovins, 2019). Standardized forms, digital databases and integrated management systems allow officers to track progress, managers to monitor implementation and policymakers to allocate resources with confidence.

Together, these four pillars create a cycle: assessments inform programming; programming is delivered through supervision; supervision is tracked through documentation; and documentation feeds back into assessments. This cycle defines evidence-based corrections, a model now widely adopted in North America, Australia and Europe.

In the Philippines, the Parole and Probation Administration (PPA), in partnership with UNODC and the UNAFEI, has sought to graft these principles into its operations through the Principles of Effective Probation and Parole Investigation and Supervision (PEPPIS) initiative. PEPPIS represents a paradigm shift away from personality-driven, discretionary supervision toward structured, evidence-based and culturally sensitive practice (Narag & Jones, 2019). Its development and pilot implementation provide a unique opportunity to test how global theories of offender management can be localized, evaluated and refined on Philippine soil.

This paper follows that effort. It traces the intellectual foundations, describes the processes of implementation, examines evaluation findings and reflects on policy implications. It begins with the history of parole and probation in the Philippines, then turns to the theories underpinning modern reform, the methodology of the PEPPIS initiative, its results in practice, and the lessons it offers not only for the Philippines but for other developing nations grappling with the same dilemmas of punishment and reintegration.

II. THE CONTEXT OF PAROLE AND PROBATION IN THE PHILIPPINES

The Philippine criminal justice system has long been burdened with inefficiency, overcrowding and neglect. Nowhere is this more evident than in its prisons and jails, where the State has failed to provide humane conditions for those awaiting trial or serving their sentences. It was in response to these realities that Presidential Decree No. 968 established the Parole and Probation Administration (PPA) in 1976. Its mandate was ambitious: relieve prison congestion, save scarce government resources and offer offenders a second chance at rehabilitation within their communities. Yet almost fifty years later, the promise was only partly fulfilled.

A. Prison and Jail Congestion

The Philippines continues to rank among the world's most overcrowded prison systems, with occupancy rates exceeding 300 per cent in many facilities (ICPR, 2018; BJMP, 2022). In some jails, cells built for ten now hold eighty to a hundred people (Narag, 2018). More than 65 per cent of those confined are not yet convicted but are still awaiting trial, languishing for years in prolonged pretrial detention. In theory, probation and parole were created to ease this congestion, but in practice these alternatives remain underutilized. Courts and agencies often hesitate to impose community supervision, fearing that probation or parole cannot guarantee accountability.

B. High Caseloads and Scarce Resources

Even when granted, parole and probation are undermined by overwhelming caseloads. A single officer may handle 200 or more clients, leaving little time for meaningful case management or rehabilitation work. These officers are expected to investigate, supervise, counsel, document and administer, all with minimal staffing and support. Transportation allowances are insufficient, office facilities are poor and supervision often collapses into paper compliance rather than real engagement. In such conditions, rehabilitation remains more rhetoric than reality.

C. Outdated Models of Supervision

For decades, the Therapeutic Community (TC) Modality dominated Philippine community corrections. While TC offered a structure for group rehabilitation, they often hardened into rigid, one-size-fits-all templates. Officers were evaluated more on the number of sessions delivered than on whether those sessions actually reduced criminogenic risks. Low-risk clients were subjected to unnecessary interventions, while high-risk individuals often failed to receive the intensive services they required. Compliance became the measure of success: did the client report, did the officer record? The deeper work of addressing distorted thinking, substance use or unemployment was often left untouched. Documentation, moreover, remained fragmented, reliant on outdated paper-based systems.

D. Lack of Scientific Tools

Perhaps the most glaring weakness has been the absence of validated scientific instruments. Probation and parole officers were forced to rely on intuition, gut feeling or years of experience when deciding supervision levels and programme assignments. Without structured tools, decisions were inconsistent, interventions mismatched and outcomes difficult to measure. This absence of reliable data also meant that PPA struggled to advocate for reforms, since policymakers lacked hard evidence of its effectiveness.

E. Cultural and Organizational Resistance

Even when reform efforts were introduced, the bureaucracy proved resistant. Many officers remained more comfortable with traditional practices than with evidence-based approaches. A rigid hierarchy and outdated performance metrics discouraged innovation, while limited training opportunities hindered professional development. Institutional memory was weak: once reform-minded officers were transferred, promoted or retired, old practices quickly reemerged. Reform thus became cyclical—introduced with promise, only to wither under organizational inertia.

III. THE RATIONALE FOR INTERVENTION

These systemic weaknesses created an urgent rationale for intervention. Recognizing both the failures and the potential of Philippine community corrections, the PPA partnered with the UNODC and UNAFEI to design a reform agenda that would graft international best practices onto local realities. The goal was not to import foreign models wholesale but to adapt the Risk-Need-Responsivity framework and evidence-based programming into a system sensitive to Filipino culture, resource constraints and community values (Andrews et al., 1990. From this effort emerged the Principles of Effective Probation and Parole Investigation and Supervision (PEPPIS)—a bold attempt to transform Philippine parole and probation into a modern, evidence-driven and culturally grounded alternative to incarceration.

A. Theoretical Foundations and Current Trends in Offender Theories

No criminal justice reform is born in a vacuum. Every tool, programme or supervision model reflects assumptions—whether explicit or implicit—about why people commit crimes and how they can change. For much of the twentieth century, Philippine probation and parole operated less on theory than on tradition and improvisation. Officers leaned on intuition, personal judgment or institutional habits rather than systematic frameworks. Yet the global field of corrections has steadily shifted toward evidence-based practice, anchored in criminological theories that explain offending and guide rehabilitation (Andrews & Bonta, 2010; Cullen, 2013).

The PEPPIS initiative represents the Philippines' attempt to align with these global currents. Drawing heavily from theories developed in the West, it situates them in local realities, producing a hybrid model—global in inspiration, Filipino in application. Four strands in particular—strain theory, social learning theory, labelling theory and cognitive-behavioural approaches—are consolidated within the Risk-Need-Responsivity (RNR) framework, which provides the operational scaffolding (Andrews, Bonta, & Hoge, 1990).

B. Strain Theory and Socioeconomic Pressures

Robert Merton's strain theory argued that crime arises when individuals are blocked from achieving legitimate goals through conventional means (Merton, 1938). In a country like the Philippines, where economic inequality is stark and opportunities scarce, this framework resonates deeply. Many clients under probation and parole supervision report disrupted schooling, unemployment and financial instability. The Livelihood and Employment Assistance Program (LEAP) operationalizes this insight by providing vocational skills and linking clients to jobs or small businesses. LEAP acknowledges poverty as a criminogenic driver and seeks to relieve it through legitimate survival avenues.

C. Social Learning and Peer Influence

If strain explains why some turn to crime, social learning explains how. Edwin Sutherland's differential association theory and Albert Bandura's modelling framework contend that behaviour is learned through interactions with peers who reinforce either criminality or conformity (Sutherland, et al 1992; Bandura & Walters 1977). In a collectivist society like the Philippines, these processes are particularly powerful. The iCare programme embodies this theory: a structured cognitive-behavioural intervention that challenges distorted cognitions, promotes prosocial skills and builds supportive peer environments. By involving families and communities in supervision through Volunteer Probation Assistants and family-based reporting, PEPPIS seeks to replace criminogenic associations with prosocial ties.

D. Labelling, Stigma and Criminal Identity

Howard Becker's labelling theory warned that justice systems can deepen deviance by stigmatizing offenders, who then internalize a criminal identity (Becker, 1963). In the Philippines, where shame and social standing carry enormous weight, this risk is acute. PEPPIS mitigates it through individualized case management and proportional supervision. Clients assessed as low-risk are spared unnecessary interventions that might expose them to higher-risk peers. Structured documentation and the Classification and Risk Assessment Tool (CARAT) replace arbitrary judgments with evidence-based classification. This not only rationalizes decision-making but also reduces the harmful effects of labelling.

E. Cognitive-Behavioural Approaches and Criminogenic Thinking

Among the most empirically supported approaches in modern corrections are cognitive-behavioural

interventions (Lipsey, Landenberger, & Wilson, 2007). Offending is often rooted in distorted beliefs, impulsive choices and poor problem-solving. Programmes grounded in CBT teach clients to recognize risky thoughts, challenge them and practice prosocial alternatives. PEPPIS integrates these principles through iCare and Hulagpos. Hulagpos ("to break free") incorporates relapse prevention strategies for substance use, while iCare helps clients identify "thinking traps" and develop new scripts. These programmes embody international evidence while contextualizing delivery in Filipino idioms and narratives (Narag & Jones, 2019).

F. The Risk-Need-Responsivity (RNR) Model

Tying these theories together is the RNR model, developed by Andrews and Bonta, which synthesizes decades of correctional research (Andrews et al., 1990; Bonta & Andrews, 2017). Risk means matching intervention intensity to reoffending likelihood; Need means targeting dynamic criminogenic factors; Responsivity means tailoring interventions to the client's learning style, motivation and culture. PEPPIS embodies RNR through CARAT risk scoring, modular programmes (iCare, Hulagpos, LEAP) and supervision tables that prescribe frequency and mode of contact. Responsivity is localized: tools are translated into major Philippine languages, content is adjusted to cultural idioms and families are woven into supervision.

IV. CURRENT TRENDS IN OFFENDER THEORIES

Globally, correctional theory is shifting from deficit-oriented models toward strengths-based and desistance perspectives (Ward & Brown, 2004; Maruna, 2001). While RNR remains central, newer approaches stress human flourishing, identity change and natural desistance. The Good Lives Model (GLM), for instance, emphasizes building on strengths rather than just reducing risks (Ward, Mann, & Gannon, 2007). Elements of this are visible in PEPPIS: LEAP restores dignity by empowering clients with legal literacy; supervision incentivizes progress through early discharge mechanisms. Such measures align with desistance research, which highlights the role of positive reinforcement, social bonds and pro-social identities in sustaining change (McNeill, 2006).

A. Theoretical Integration in PEPPIS

What distinguishes PEPPIS is its theoretical pluralism. Strain informs LEAP's focus on employment, social learning undergirds iCare, labelling guides risk-based supervision, and CBT permeates Hulagpos and iCare. These are held together by the operational logic of RNR. In a context as complex as the Philippines—where poverty, peer networks, stigma and cognitive distortions intersect—no single theory suffices. By integrating multiple strands, PEPPIS provides a holistic, evidence-based and culturally adapted framework for offender management.

B. Steps in Implementation

Reform in probation and parole cannot be declared by fiat; it must be built, tested and refined in practice. The PEPPIS initiative exemplifies this slow but deliberate process of institutional transformation. Its methodology combined international expertise with local participation, theory with practice, and planning with feedback. Reform unfolded in phases—each reinforcing the other—designed to ensure that innovation was not only technically sound but also culturally relevant and operationally feasible (Taxman, 2008).

The methodology can best be seen as a continuum: beginning with the capacity-building of leadership, moving into the creation of technical working groups (TWGs), followed by the development of manuals and tools, the designation of pilot sites, and finally, implementation, monitoring and evaluation. At every stage, participatory design, mentoring and iterative refinement were central principles (Latessa & Lovins, 2019).

C. Introductory Training and Capacity-Building

The first phase focused on building awareness and capacity among leadership. Between February and March 2021, thirty-five senior officials—including central office heads and regional directors—underwent intensive online training with support from the UNODC and UNAFEI. These sessions introduced participants to criminological theories, the Risk-Need-Responsivity model, the "Big Eight" criminogenic factors, and international models of risk assessment and supervision (Andrews & Bonta, 2010).

This training served two purposes. First, it familiarized leaders with the logic of evidence-based corrections,

ensuring they grasped the rationale for reform. Second, it cultivated ownership, creating champions of change within their regions. Participants were not passive recipients: they completed examinations, reflections and group outputs, presenting visions for reform across the four pillars of effective probation and parole management—classification and risk assessment, supervision, programming and documentation. Reform began with empowerment rather than imposition.

D. Creation of Technical Working Groups (TWGs)

Following this foundation, TWGs were formed to translate principles into practice. Each group was tasked with one of four domains: risk and needs assessment (CARAT tool), supervision (Supervision Table), programming (Hulagpos, iCare, LEAP) and case management with documentation. The fifty-one TWG members included both the thirty-five trained leaders and sixteen frontline officers, ensuring that reform design reflected both management priorities and ground-level realities.

The TWGs met weekly in what came to be known as the "Wednesday Club," while a smaller group—the "Friday Club"—met to consolidate outputs. Over sixteen weeks, these groups logged ninety-six hours of mentoring, drafting and refining core components of PEPPIS. Crucially, the TWGs were not asked to import ready-made tools but to adapt international models to Philippine realities. The CARAT tool, for example, was grounded in RNR but translated into Filipino languages and adjusted to capture local conditions. The supervision framework incorporated family involvement, consistent with Filipino norms of collective accountability.

E. Development of Tools and Manuals

The TWGs' outputs were consolidated into practical manuals: the CARAT manual for risk assessment, the Supervision Manual for translating scores into supervision intensity, the Programming Manual for structured delivery of interventions and the Case Management and Documentation Manual for standardized record-keeping. These were later refined through a Training of Trainers (TOT) programme conducted from October to December 2021. The same TWG members facilitated nine three-hour sessions, amounting to twenty-seven hours of mentoring. Their modules were critiqued, refined and finalized into training packages for the pilot sites.

F. Selection of Pilot Sites

To test reform in practice, eight pilot sites were selected to represent diverse contexts: Tuguegarao City and Cagayan Province in Luzon, Quezon City and City of Manila in the National Capital Region, Iloilo City and Ormoc City in the Visayas, and Pagadian City and Davao City in Mindanao. Selection criteria included geographic spread, caseload diversity and willingness to innovate. The pilots were designed not merely as testing grounds but as laboratories for learning—allowing reform to be evaluated across urban and rural settings, resource-rich and resource-poor contexts, and progressive versus conservative institutional climates.

G. Pilot Site Training

Between January and May 2022, staff in the pilot sites underwent a four-month training programme, one three-hour session each week, totalling forty-eight hours. Participants studied criminological theories, RNR principles, CARAT administration, supervision models and programme facilitation. They practiced administering the CARAT, conducting sessions and completing documentation. Outputs were incorporated back into the manuals, grounding tools further in practitioner experience.

H. Implementation and Launch

The official launch of the pilot took place in Tagaytay in June 2022, attended by sixty-five participants. From July 2022, the eight sites formally began implementation, each conducting "echo trainings" to cascade learning across their offices. Mentoring and monitoring became defining features of implementation. Over eighteen months, officers logged seventy-five hours of group mentoring and 360 hours of individualized online mentoring. This combination of collective and personalized support-built confidence, allowed local adaptation and promoted fidelity to reform.

I. Site Visits and Data Collection

Mentoring was complemented by site visits to Tuguegarao City, Quezon City, the City of Manila, Ormoc City, and Davao City between late 2022 and early 2023. During these visits, UNODC experts observed programme delivery, reviewed records, and interviewed staff and clients. Focus group discussions captured

qualitative feedback, while records were digitized using Google Forms and Google Sheets for ease of entry. Although convenient, the system revealed its limits: redundancy, lack of integration and data security risks. These lessons later informed calls for a dedicated case management platform.

J. Continuous Review and Refinement

From February 2023 to January 2024, weekly monitoring sessions allowed officers to share challenges and innovations. Issues such as client reluctance to disclose risk factors, scoring inconsistencies in CARAT, and programme attendance difficulties were discussed and addressed. Best practices—such as Davao City's CARAT "dashboard"—were shared across sites. Feedback loops ensured tools were continuously revised, manuals updated, and programmes adapted. This process culminated in a national conference in August 2024, where findings were consolidated and reforms refined: CARAT was translated into five languages, LEP rebranded as LEAP, manuals streamlined and documentation forms simplified.

V. METHODOLOGICAL PRINCIPLES

The methodology of PEPPIS rested on five principles: participatory design (ownership by officers), capacity-building (continuous training), pilot testing (before scale-up), iterative refinement (based on feedback) and evidence-based practice (data-driven decision-making). Together, these ensured that PEPPIS was not a top-down imposition but a collaborative reform grounded in theory, practice and cultural context.

A. Process Evaluation

The implementation of PEPPIS across eight pilot sites generated rich insights into how evidence-based probation and parole can take root in the Philippine context. The findings reveal both promise and growing pains. They show that with training, mentoring and institutional support, probation and parole officers can shift from discretionary, personality-driven supervision toward structured, evidence-based practice. Yet they also expose the operational and cultural challenges that must be addressed before scale-up.

B. Classification and Risk Assessment (CARAT)

The introduction of the Classification and Risk Assessment Tool (CARAT) marked a watershed moment. For the first time, officers had a validated instrument to classify clients by risk level and identify criminogenic needs. Over 2,700 assessments were completed during the pilot phase, yielding data that confirmed global findings: most probationers fell into low (around 60 per cent) or moderate (around 30 per cent) risk categories, while only a small proportion scored high-risk (around 10 per cent) (Andrews & Bonta, 2010).

Additionally, the participants who were initially assessed were followed up after two years, with a cut-off date of 1 January 2024. During this follow-up, parole and probation officers evaluated whether participants had been rearrested, tested positive for drug use or were recommended for programme revocation. Any client who met at least one of these conditions was classified as a failure.

The results reveal a clear gradient of outcomes by risk level. Among low-risk clients, the failure rate was only 3 per cent, compared to 6 per cent for medium-risk clients and 9 per cent for high-risk clients. This means that clients identified as high risk by the CARAT tool were three times more likely to fail compared to low-risk clients. The pattern was particularly pronounced in urban areas and among male participants, underscoring the predictive value of the tool in identifying populations most vulnerable to reoffending or relapse.

This pattern underscored the importance of differentiating supervision intensity, ensuring low-risk clients were not overburdened with intrusive interventions (Lowenkamp & Latessa, 2005).

Furthermore, officers reported that CARAT sharpened their understanding of clients, highlighting needs around substance use, antisocial peers and unemployment. However, implementation revealed challenges. Some clients resisted disclosing sensitive information, leading to incomplete scoring. Others underreported problems to avoid more strict supervision. Officers themselves required continuous mentoring to apply scoring consistently. Despite these hurdles, CARAT was widely seen as an essential step toward evidence-based classification and a foundation for rational case planning (Latessa & Lovins, 2019).

C. Supervision Practices

The supervision manual translated CARAT scores into differentiated contact levels, introducing a structured framework for frequency and mode of supervision. Officers reported that this improved workload management by focusing resources where most needed. High-risk clients received more frequent visits (twice a month) and programme referrals, while low-risk clients were monitored with a lighter touch (once in two months). This shift represented a break from "one-size-fits-all" supervision that had previously consumed resources inefficiently (Taxman, 2008).

Yet adaptation was uneven. Some officers reverted to old habits, applying uniform supervision regardless of risk level. Others struggled with family involvement, a feature deliberately built into PEPPIS to align with Filipino collectivist culture (Narag & Jones, 2019). Families were expected to co-monitor compliance, but stigma and logistical barriers often limited participation. Despite these challenges, most officers agreed that the supervision framework gave structure to their work and clarified expectations for both staff and clients.

D. Programming (iCare, Hulagpos, LEAP)

The PEPPIS pilot tested three modular programmes: iCare, Hulagpos and the Livelihood and Employment Program (LEP, later rebranded LEAP or Livelihood and Employment Assistance Program). Each targeted specific criminogenic needs while embedding cultural responsiveness.

- *Hulagpos* ("to break free") was designed as a cognitive-behavioral intervention for substance abuse. Participants reported learning relapse prevention strategies, emotional regulation and problem-solving skills. Officers praised its structured manual but noted that some modules required adaptation to Filipino idioms and examples. Group dynamics proved powerful, confirming social learning theory's emphasis on peer reinforcement.

- *iCare* addressed distorted cognitions, teaching clients to identify "thinking traps" and adopt prosocial scripts. The programme drew heavily on cognitive-behavioural principles, and early evaluations suggested improvements in self-reflection and decision-making. Officers noted that its title resonated with clients, symbolizing hope for change, consistent with desistance research that emphasizes identity transformation (Maruna, 2001; McNeill, 2006).

- *LEAP* focused on strain-related needs by providing vocational skills, financial literacy and employment linkages. In sites like Iloilo City and Ormoc City, clients completed small livelihood projects ranging from food vending to carpentry. Participants emphasized that gainful activity gave them dignity and reduced reliance on illicit survival strategies, echoing strain theory's logic (Merton, 1938). However, LEAP's impact was constrained by weak labour markets and limited government partnerships.

Together, these programmes reflected the Risk-Need-Responsivity (RNR) principle: intensive, targeted interventions for high-risk clients, while sparing low-risk ones from unnecessary intrusion (Bonta & Andrews, 2017).

E. Case Management and Documentation

One of the most visible shifts under PEPPIS was in documentation. Officers were trained to develop individualized case management plans linking CARAT scores to programme referrals and supervision schedules. Records were standardized through Google Forms and Google Sheets, allowing for digitized entry and cross-site comparison. This was a dramatic departure from the fragmented, paper-based records of the past.

Still, documentation revealed systemic weaknesses. The reliance on non-integrated spreadsheets led to redundancy, security risks and delays. Internet connectivity in remote areas further limited data entry. Officers complained that paperwork consumed valuable time, reducing direct client engagement. Yet despite these frustrations, standardized documentation was widely acknowledged as an essential step toward accountability, transparency and performance monitoring.

F. Client Engagement and Responsivity

A striking feature of the pilot was the variation in client engagement. Some embraced programmes enthusiastically, reporting improvements in relationships, employment and sobriety. Others resisted

participation, citing stigma, work conflicts or transportation costs. Officers noted that family involvement was critical: clients with supportive relatives showed stronger progress. This confirmed responsivity theory, which stresses the importance of tailoring interventions to individual motivation and context (Ward & Brown, 2004).

Overall, the PEPPIS pilot demonstrated that structured, evidence-based probation and parole is both feasible and effective in the Philippines. CARAT provided a scientific basis for classification, supervision frameworks rationalized workloads, programmes addressed criminogenic needs and documentation enhanced accountability. At the same time, challenges of training, consistency, cultural adaptation, family engagement and resource constraints underscored the need for sustained investment. The pilot confirmed that reform is possible but fragile—requiring continuous mentoring, institutional buy-in and cultural sensitivity.

Evaluating the PEPPIS initiative reveals both its achievements and its vulnerabilities. On one hand, the programme demonstrated that probation and parole in the Philippines can be anchored on evidence, structure and cultural responsiveness. On the other, it exposed the institutional fragility of reforms that depend on sustained resources, consistent mentoring and organizational buy-in. In many ways, the evaluation confirms a paradox: PEPPIS succeeded precisely because it was insulated as a pilot project but scaling it to the entire system risks diluting its strengths.

G. Successes

The most visible achievement of PEPPIS was the introduction of structured, scientific practices into a system long driven by discretion. CARAT replaced guesswork with validated risk assessments, providing a rational basis for differentiating supervision levels. This ensured that low-risk clients were spared unnecessary interventions, while high-risk clients received intensive services—consistent with the Risk-Need-Responsivity principle (Andrews & Bonta, 2010; Bonta & Andrews, 2017).

Programme delivery also marked a breakthrough. iCare, Hulagpos and LEAP translated criminological theory into practical interventions that clients could understand and apply. Early outcome data, though limited, indicated improvements in problem-solving, relapse prevention and employment readiness. Officers themselves reported increased confidence in facilitating programmes, underscoring the value of structured manuals and ongoing mentoring (Latessa & Lovins, 2019).

Documentation and case management were also significantly improved. Standardized forms, digitized reporting and structured supervision plans enhanced accountability and transparency. For the first time, officers could systematically link assessment results to supervision and programme referrals, producing a visible chain of decision-making. This allowed for better monitoring of fidelity, progress tracking and policy-level evaluation.

H. Challenges

Yet evaluation also exposed recurring challenges. First, consistency in CARAT administration was uneven. Officers sometimes varied in scoring the same case, reflecting the need for continuous training and calibration. Clients, too, resisted disclosing sensitive information, especially regarding substance use or antisocial peers. This produced underreporting, weakening accuracy (Lowenkamp & Latessa, 2005).

Second, supervision practices were not uniformly adopted. While some officers embraced differentiated contact levels, others defaulted to one-size-fits-all supervision. Cultural barriers complicated family involvement: in collectivist contexts, family monitoring was intended to strengthen accountability, but stigma and logistical obstacles often limited participation (Narag & Jones, 2019).

Third, programme delivery encountered structural limits. In resource-poor areas, LEAP's promise of employment or livelihood was undermined by weak labour markets and insufficient partnerships with local government units or private employers. Hulagpos and iCare required time, space and transportation for group sessions, which were not always feasible in far-flung regions. Officers also reported workload fatigue, noting that programme facilitation added to already heavy caseloads (Taxman, 2008).

Fourth, documentation, though improved, remained burdensome. Officers expressed frustration that digitized forms were redundant, lacked integration and consumed excessive time. Weak internet connectivity

in rural areas further disrupted data entry. As one officer put it, "We are spending more time with the forms than with the clients"—a reminder that technology must support, not replace, human engagement (Latessa, Cullen, & Gendreau, 2002).

I. Institutional and Cultural Lessons

Perhaps the most critical lesson is that reform cannot rely on individual champions alone. PEPPIS thrived because of continuous mentoring, the dedication of TWG members, and the support of UNODC and UNAFEI experts. But without institutionalization, reforms risk collapse once champions are transferred or political winds shift. Embedding PEPPIS into training academies, operational manuals and performance metrics is essential to avoid the cycle of reform and relapse.

Cultural adaptation also emerged as a decisive factor. Programmes resonated because they were contextualized: Hulagpos spoke in Filipino idioms, LEAP targeted livelihood in local markets and supervision integrated families. These are aligned with desistance research, which emphasizes identity change, prosocial roles and cultural meaning (Maruna, 2001; McNeill, 2006). The lesson is clear: global models cannot be transplanted wholesale but must be localized to thrive.

In sum, PEPPIS was evaluated as a promising, evidence-based reform that demonstrated feasibility and effectiveness in pilot sites. Its core strengths were structured assessment, differentiated supervision, modular programming and standardized documentation. Its weaknesses lie in training gaps, uneven fidelity, resource shortages and bureaucratic inertia. For reform to endure, the challenge is twofold: to sustain fidelity while scaling up, and to embed practices into institutional routines rather than relying on temporary projects.

VI. POLICY IMPLICATIONS

The PEPPIS pilot generated more than operational insights; it revealed enduring lessons about how reform can take root in a fragile justice system. These lessons underscore that evidence-based practice is not merely about importing tools but about embedding values, adapting to culture and sustaining change in the face of institutional inertia. They also yield policy implications not only for the Philippines but for other developing countries struggling with overcrowded prisons, underfunded probation services and public scepticism about alternatives to incarceration.

Lesson 1: Reform must be evidence-based and localized

Reform succeeds when grounded in science yet sensitive to context. CARAT, iCare, Hulagpos and LEAP all drew from international models but were translated into local languages, infused with Filipino idioms and adapted to resource constraints. Policy implication: future reforms must be anchored in validated frameworks but indigenized for Filipino realities (Andrews & Bonta, 2010; Ward & Brown, 2004).

Lesson 2: Mentoring is as important as training

Classroom training introduced officers to new concepts, but it was weekly mentoring—via the "Wednesday Club" and site visits—that sustained fidelity. Officers needed guidance in applying tools, calibrating scores and troubleshooting obstacles. Policy implication: institutionalize mentoring as a permanent feature of probation and parole.

Lesson 3: Documentation is both burden and backbone

Standardized forms enhanced accountability, yet they also consumed officer time and strained resources. The challenge is to streamline documentation without sacrificing rigor. Policy implication: invest in integrated case management systems that reduce redundancy and enhance usability.

Lesson 4: Family and community engagement are decisive

Community corrections cannot succeed without families and communities. Filipino collectivist culture

makes family engagement essential. Policy implication: expand family-focused interventions, strengthen volunteer networks, and partner with civil society to reduce stigma and foster reintegration.

Lesson 5: Reform is fragile without institutionalization

PEPPIS thrived because of pilot resources and UNODC and UNAFEI support, but reforms risk erosion without institutional embedding. Policy implication: enshrine PEPPIS in law, training curricula, performance standards and budgets.

Lesson 6: Probation and parole are critical to reducing mass incarceration

Overcrowding cannot be solved by building more prisons but by strengthening credible community alternatives. Policy implication: scale up PEPPIS nationwide and use it as a template for regional reforms.

The story of PEPPIS is both a reminder of what is broken in Philippine community corrections and a glimpse of what is possible when reform is pursued with science, culture and commitment. For decades, parole and probation were treated as afterthoughts—underfunded, understaffed and overshadowed by prisons and jails. Officers improvised, relying on discretion and tradition rather than validated tools or structured programmes. Clients cycled through a system that promised rehabilitation but delivered little more than surveillance and stigma (Becker, 1963).

PEPPIS changed that pattern. By introducing CARAT for risk assessment, supervision frameworks tied to criminogenic needs, structured programmes like iCare, Hulagpos and LEAP, and standardized documentation, the pilot demonstrated that probation and parole can be rebuilt on evidence-based foundations. More than technical innovation, PEPPIS showed the value of mentoring, cultural adaptation and family engagement. It proved that reforms succeed when they honour local contexts while drawing from global best practices (Andrews & Bonta, 2010; Narag & Jones, 2019).

At the same time, PEPPIS revealed the fragility of reform. Implementation was uneven, resource shortages were acute, and bureaucratic inertia remained strong. Programmes resonated with clients but were limited by weak labour markets, poor digital infrastructure, and stigma from communities. Above all, the pilot highlighted that reforms dependent on individual champions and external support can falter unless institutionalized.

The implications are clear. If community corrections are to play a decisive role in addressing prison and jail overcrowding, reforms must be scaled up, embedded in policy and sustained through budgets, training, and performance standards. The Philippines cannot build its way out of congestion; it must supervise its way out through credible, evidence-based alternatives. Probation and parole, once treated as secondary, must become central to criminal justice reform.

Ultimately, the conclusion of PEPPIS is not merely technical but ethical. It reaffirms that persons deprived of liberty are more than cases to be processed; they are human beings capable of change. Effective community corrections recognize this dignity while safeguarding public safety. In doing so, they redefine justice: not as endless punishment but as accountability that leads to reintegration. In the Philippines and beyond, the challenge is to ensure that the cycle of reform does not end with a pilot, but becomes a permanent feature of a more humane, more rational and more hopeful justice system (Maruna, 2001; McNeill, 2006).

REFERENCES

Andrews, D. A., Bonta, J., & Hoge, R. D. (1990). Classification for effective rehabilitation. *Criminal Justice and Behavior, 17*(1), 19–52.

Andrews, D. A., & Bonta, J. (2010). *The Psychology of Criminal Conduct.*

Bandura, A., & Walters, R. H. (1977). *Social learning theory* (Vol. 1, pp. 141-154). Englewood Cliffs, NJ: Prentice Hall.

Becker, H. (1963). *Outsiders: Studies in the Sociology of Deviance.*

BJMP. (2022). *Annual Jail Report.*

Bonta, J., & Andrews, D. A. (2017). *The Psychology of Criminal Conduct* (6th ed.).

Cullen, F. T. (2013). Rehabilitation: Beyond "nothing works." *Crime and Justice, 42*(1), 299–376.

Cullen, F. T., & Gendreau, P. (2000). Assessing correctional rehabilitation: Policy, practice, and prospects.

ICPR. (2018). *World Prison Brief.*

Latessa, E. J., & Lovins, B. (2019). *Corrections in the Dommunity.* Routledge.

Lipsey, M. W., Landenberger, N. A., & Wilson, S. J. (2007). Effects of cognitive-behavioral programs for criminal offenders. *Campbell Systematic Reviews, 3*(1), 1-27.

Lowenkamp, C. T., & Latessa, E. J. (2005). Increasing effectiveness of correctional programming through the risk principle. *Crime & Delinquency, 51*(3), 327–338.

Maruna, S. (2001). Making good: How ex-convicts reform and rebuild their lives. *American Psychological Association.*

McNeill, F. (2006). A desistance paradigm for offender management. *Criminology & Criminal Justice, 6*(1), 39-62.

Merton, R. K. (1938). Social structure and anomie. *American Sociological Review, 3*(5), 672–682.

Narag, R. E. (2018). Understanding factors related to prolonged trial of detained defendants in the Philippines. *International Journal of Offender Therapy and Comparative Criminology, 62*(8), 2461-2487.

Narag, R. E., & Jones, C. (2019). How inmates help run prisons: Self-governance in the Philippines. *The Prison Journal, 99*(4), 419–441.

Sutherland, E. H., Cressey, D. R., & Luckenbill, D. F. (1992). *Principles of criminology.* Altamira Press.

Taxman, F. S. (2008). No illusions: Offender and organizational change in Maryland's proactive community supervision efforts. *Criminology & Public Policy, 7*(2), 275–302.

Ward, T., & Brown, M. (2004). The Good Lives Model and conceptual issues in offender rehabilitation. *Psychology, Crime & Law, 10*(3), 243–257.

Ward, T., Mann, R. E., & Gannon, T. A. (2007). The good lives model of offender rehabilitation: Clinical implications. *Aggression and violent behavior, 12*(1), 87-107.

THE ROLE OF CORRECTIONAL FACILITIES IN ENHANCING THE REHABILITATION OF NON-CUSTODIAL OFFENDERS IN KENYA

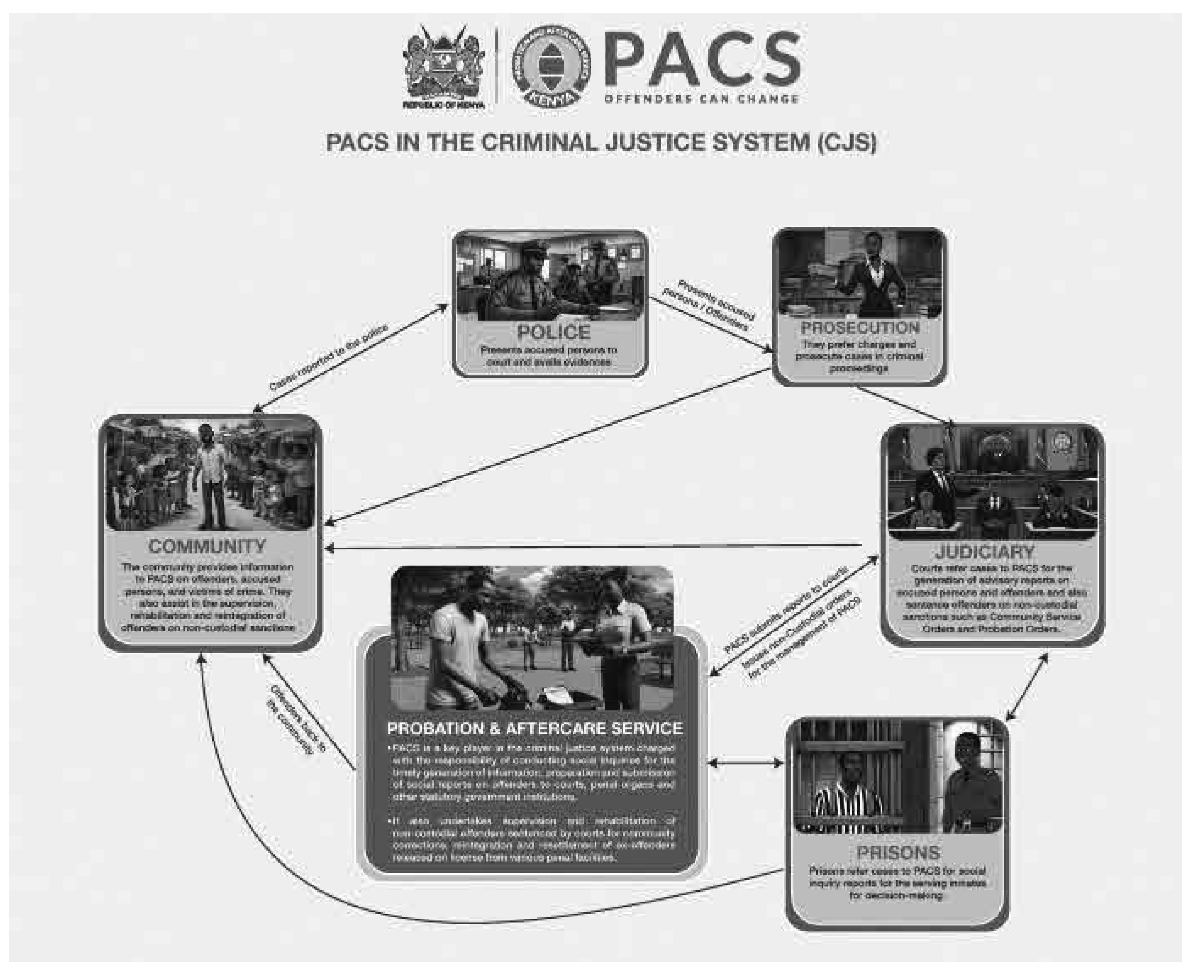
*Shadrack Kyengo Kavutai**

I. CORRECTIONAL FACILITIES FOR NON-CUSTODIAL OFFENDERS

A. Introduction

Kenya's probation system (Probation and Aftercare Service) plays a central role in non-custodial offender management, treatment and administration of justice in Kenya by executing its broader mandate of conducting social inquiries, provision of reports to courts and penal institutions, supervision, rehabilitation, reintegration and resettlement of offenders back to the community. Through its services, PACS ensures adherence to the rule of law and upholding public safety.

Probation officers play key roles, including preparing pre-sentence reports, supervising offenders, facilitating community service, therapeutic interventions and supporting reintegration, among others. They ensure compliance with court orders (Probation Orders, Community Service Orders and Aftercare), liaise with stakeholders and promote restorative justice to reduce reoffending and enhance public safety.



* Director, Probation and Aftercare Service, Office of the Secretary – Finance and Planning, Probation and Aftercare Service, Kenya.

B. Legal Provision on the Establishment of Probation Hostels

The correctional facilities for non-custodial offenders' rehabilitation in Kenya are known as probation hostels. These facilities are temporary homes for probationers whose home environment is not suitable for community rehabilitation. The probation hostels are run by the Probation and Aftercare Service (PACS) department. Probationers are non-custodial offenders placed by law courts to serve probation orders from a minimum period of six (6) months to a maximum period of three (3) years.

The facilities provide abode for probationers who cannot be adequately rehabilitated in their home settings due to various problems provided for by section 5(2) in the Probation of Offenders Act Cap 64, Laws of Kenya.[1]

Probation and Aftercare Service experienced its first placement of an offender (female offender) in a probation hostel in 1957. Later, there were cases of young male offenders or boys who were committed to probation hostels for rehabilitation and training for vocational programmes for self-reliance upon release.

If a case is suitable for a probation order but where the home environment is not conducive for a child or a youthful offender, a probation officer may recommend that the child or the youth be placed in a probation hostel. Before making a recommendation for committal to a probation hostel, the probation officer shall provide the child or youth with information regarding probation hostels and seek the child's consent to reside in a probation hostel.[2]

1. Functions of the Probation Hostels

i) Offer rehabilitative programmes responsive to assessed criminogenic needs of offenders for smooth reintegration and resettlement back to the community to forestall recidivism;

ii) Provide temporary accommodation for needy probationers whose home environments are not conducive; and

iii) To prepare the offender for reintegration into the community.

2. Design and Physical Environment of Probation Hostels

The design and physical environment of probation hostels for young offenders play a crucial role in supporting rehabilitation, ensuring safety and promoting positive behavioural changes. The environment is conducive to personal development, respect for authority, social reintegration and accentuates the beauty of nature as follows:

i) Be as homelike and comfortable as possible, providing young offenders with a sense of dignity and belonging;

ii) Focus on the safety and security of both probationers and staff with secure entrances, effective surveillance systems and protocols to prevent unauthorized access;

iii) Have counselling and accommodation rooms designed to foster positive peer interaction and conflict resolution;

iv) Provide for recreational facilities that promote growth and development;

v) Promote privacy and respect for personal space.

3. Offenders Suitable for Committal to Probation Hostels

Ideally, an offender who is initially deemed suitable for probation may also be considered a potential candidate for placement in a probation hostel. However, to ensure that hostels admit only the most appropriate clients, the following checklist must be observed by the committing stations:

[1] Probation of offenders Act Cap. 64.
[2] NCAJ Throughcare and Aftercare procedures for Statutory Children institutions in Kenya, April 2023

i) Has the probationer provided informed consent to reside in the hostel?

ii) Have the probationer's relatives or significant others consented to the hostel placement?

iii) Has the officer in charge of the station been formally notified of the potential hostel placement?

iv) Was a case conference convened to deliberate on the matter before the case officer recommending hostel committal to the court?

4. Rehabilitation Programmes in Probation Hostels

- Guidance and counselling;
- Life skills training includes; decision making, critical thinking, communication skills, peer resistance skills;
- Treatment programmes such as Pro-Social Modelling, Functional Family Therapy, cognitive behavioural therapy, motivational interviewing, personal awareness, group therapy;
- Vocational training which are responsive to the current market value chains, they include: basic computer, hair dressing, mobile phone repairs, carpentry, masonry, electrical wiring and tailoring;
- Adult basic literacy and continuing education;
- Recreational activities – sports, entertainment, supervised outings;
- Child play therapy.

C. Classification of Probationers in Probation Hostels

The Probation and Aftercare Service (PACS), through a situational analysis, identified key challenges in understanding the underlying drivers of offending behaviour. In current practice, probation officers utilize various tools, most notably the Preliminary Risk Assessment Tool, to assess adult offenders. While this tool has contributed to more structured and informed supervision planning, it remains a basic instrument and is not fully aligned with internationally recognized evidence-based models, as evidenced through the RNR.

Critically, the analysis revealed a significant gap in the assessment of juvenile offenders. The department currently lacks a standardized, evidence-based assessment tool specifically designed to address the developmental, psychological and social needs of children and youths in conflict with the law. Juvenile offending is influenced by unique factors such as peer influences, family dysfunctionality, environmental issues, trauma, lack of role, clear social modelling and identity development elements that require a child-sensitive and developmentally appropriate approach to assessment.

To ensure equitable, effective and efficient rehabilitative outcomes, there is an urgent need to adopt a validated assessment tool specifically tailored to juvenile offenders. Doing so would strengthen case planning, promote individualized interventions and align probation practice with international standards on juvenile justice and child protection.

However, PACS has developed internal procedures and guidelines to identify probationers suitable to be placed in probation hostels. They are classified based on the following:

i) Sex of probationers
There are female probation hostels that are facilities specifically designed for young female offenders, which address the unique rehabilitation needs of young female probationers. Similarly, there are male probation hostels that are facilities specifically designed for young male offenders, which address the unique rehabilitation needs of young male probationers.

ii) Age of probationers
Probationers between the ages of 12 to 17 who need more structured care, education and rehabilitation programmes qualify for admission to probation hostels.

iii) Specialized rehabilitation needs offered by the hostel
Probation hostels have specialized rehabilitation programmes which are specific to the needs of each offender. Some of these programmes include: vocational training, formal education and life skills.

D. Rehabilitation of Offenders

Offenders in probation hostels are expected to be rehabilitated as follows:

i) Probationers residing at probation hostels shall have access to individualized rehabilitation programmes tailored to their needs.

ii) Rehabilitation programmes may include: vocational training, educational programmes: counselling and psychosocial therapy.

iii) Probationers residing at probation hostels shall consent to actively participate in rehabilitation programmes as part of their probation orders.

II. CURRENT SITUATION OF PROBATION HOSTELS IN KENYA

Kenya operates six probation hostels with a combined capacity of approximately 200 residents. These include: Nairobi Boys Hostel in Nairobi, Shanzu Boys Hostel in Mombasa, Kimumu Junior and Senior Hostels in Eldoret, Nakuru Girls Hostel in Nakuru County and Siaya Female Probation Hostel in Siaya County.[3]

It is worth noting that only one of these hostels is designated for female probationers who are teenage mothers, teenagers expecting or teenage nursing mothers who are at Siaya Female Probation Hostel. In addition, teenage mothers who are probationers are allowed to be accompanied by their children who are aged 4 years old and below.

Probation hostels provide a range of services aimed at facilitating the rehabilitation and reintegration of offenders, which include: vocational training, equipping residents with practical skills to enhance employability. Counselling Services: Addressing behavioural and psychological needs, Formal Education Support: Assisting school-going ex-offenders in continuing their education and Social Skills Training: Preparing residents for reintegration into society. These programmes are tailored to address the individual needs of residents, promoting personal development and reducing the likelihood of recidivism.

Theoretical Underpinnings of Probation Hostels: The Risk-Need-Responsivity (RNR) model, developed by Canadian scholars Don Andrews and James Bonta,[4] provides a robust theoretical and practical framework for assessing offenders and designing individualized interventions.

The RNR model is grounded in psychological and criminological theories, particularly social learning theory and cognitive-behavioural theory associated with Albert Bandura and Aaron T. Beck, respectively. It stems from the broader General Personality and Cognitive Social Learning perspective, which emphasizes that criminal behaviour is learned and influenced by individual traits, cognitive patterns and social environments. This perspective views behaviour as a product of interactions between personal characteristics and environmental factors, which can be assessed and modified through targeted interventions. The RNR model operationalizes these insights into a structured, evidence-based approach to risk assessment and offender management.

The Department uses the theoretical frameworks to structure the individualized rehabilitation programmes

[3] www. probation.go.ke

[4] James Bonta and D. A. Andrews, *Psychology of Criminal Conduct*, 2016.

that achieve behaviour modification. In application of the RNR model, the children and youthful offenders committed to probation hostels are whose home environment is not conducive for community rehabilitation or might trigger recidivism.

III. CHALLENGES FACING PROBATION HOSTELS

Despite the progress made, probation hostels in Kenya are faced with a myriad of challenges:

i) Limited Capacity
With only six (6) hostels nationwide, there is insufficient capacity to accommodate all probationers in need.

ii) Gender Disparity
The existence of only two female-designated hostels underscores the need for more gender-sensitive facilities.

iii) Resource Constraints
Inadequate funding and staffing shortages hinder the effective delivery of rehabilitation programmes and supervision of clients. The challenge is further compounded by the fact that PACS only relies on National Government funding to operationalize these facilities.

iv) Lack of Halfway Homes/ Transitional Houses
The absence of halfway homes limits transitional support for offenders moving from institutional care back into the community.

IV. POSSIBLE MEASURES TO ADDRESS THE CHALLENGES

A. Collaboration and Partnership

The Probation and Aftercare Service continues to explore partnerships with development partners, non-governmental organizations, community-based organizations and faith-based organizations to enhance the rehabilitation of offenders. For instance, the Japan International Cooperation Agency (JICA) has partnered with the Kenyan government to establish a community-based probation model focusing on the rehabilitation and reintegration of children and young persons in conflict with the law. The project aims at introducing community probation volunteers who are expected to immensely support the rehabilitation and reintegration of offenders into the community. Similarly, through the JICA volunteer programme, volunteers are being deployed to support rehabilitation programmes at the Nakuru Girls Probation Hostel and the Siaya Female Probation Hostel, fostering international cooperation and cultural exchange.

B. Deployment of Specialized Skilled Officers

PACS recruited and deployed specialized officers in various fields as a strategy for strengthening effective offender rehabilitation. Continuous deployment of such probation officers with specialized skills to various institutions will ensure that probation clients will benefit from improved training, mentorship and capacity-building efforts.

C. Capacity-Building of Probation Hostel Staff

The department should aim at a continuous exercise of capacity building of officers in areas of assessment and classification, particularly using risk, needs and responsivity approaches, motivational interviewing to enhance relational skills and desistance.

D. Development of Juvenile Assessment Tools

This initiative would focus on creating standardized, evidence-based tools to assess the needs, risks and strengths of children and young persons in conflict with the law. These tools would inform appropriate interventions, ensure individualized rehabilitation plans and support decision-making processes within the

juvenile justice system.

V. CONCLUSION

Probation hostels in Kenya play a vital role in the criminal justice system and offender management approaches by providing alternatives and more options for community-based rehabilitation for offenders. This, in the long run, assists in forestalling reoffending. While significant strides have been made in establishing and operating these facilities, challenges such as limited capacity, resource constraints and gender disparities still persist. However, it is worth noting that ongoing efforts, initiatives and international collaborations are important in addressing these issues and enhancing the effectiveness of probation hostels in promoting offender rehabilitation and reducing recidivism.

THE ROLE OF PROBATION OFFICERS IN THE JUVENILE CRIMINAL JUSTICE SYSTEM IN INDONESIA

Miranti Nilasari[*]

I. INTRODUCTION

This paper was written as a response to the 188th International Training Course on Theories of Offender Rehabilitation and Their Effective Implementation, reflecting on the importance of rehabilitation-oriented justice systems and their application in various national contexts. Indonesia serves as a compelling case study in this regard, as its criminal justice system increasingly emphasizes restorative justice, rehabilitation and diversion, particularly in handling juvenile cases.

The Indonesian criminal justice system is structured around four main pillars: the police, the prosecution service (Kejaksaan), the courts (Pengadilan) and correctional institutions (Pemasyarakatan). In place of a punitive approach, the system prioritizes rehabilitative measures, especially for children in conflict with the law. A key component of this approach is the correctional system, which includes the probation office, empowered to act as early as the initial police custody. The role of the probation officer, known locally as *Pembimbing Kemasyarakatan (PK)*, is crucial in this framework. They provide both support and comprehensive social assessments of the offender, offering insight into the underlying causes of criminal behaviour. This assessment is instrumental for judges when making decisions. In juvenile cases, this process is clearly outlined, requiring police to immediately notify and involve the probation office upon arrest.

Law No. 11 of 2012 concerning the juvenile criminal justice system underscores this restorative model. It affirms the community's role not only in crime prevention but also in safeguarding the rights, dignity and developmental needs of children throughout the justice process. Probation officers, therefore, function not only as facilitators of justice but also as agents of social reintegration—embodying the spirit of offender rehabilitation and exemplifying the very principles promoted in the 188th International Training Course.

II. THE INDONESIAN PROBATION OFFICER

Indonesia's juvenile criminal justice system is in line with contemporary theories of offender rehabilitation, which stress that complex social, economic and psychological factors—rather than innate criminality—are frequently the cause of criminal behaviour, especially among juveniles. The significance of treating the underlying causes of criminal conduct and facilitating the offender's reintegration into society as contributing members is emphasized by theories including the Good Lives Model (GLM) and the Risk-Need-Responsivity (RNR) model. While Indonesia's juvenile justice system does not formally cite the RNR or GLM frameworks, it operationalizes many of their core principles through institutional mandates, legal provisions and social work practices These theories are put into practice in Indonesia through a variety of institutional and legislative frameworks, with the juvenile criminal justice system (JCJS) in the forefront. The JCJS uses community-based rehabilitation, restorative justice and diversion in place of a purely punitive strategy. The successful application of these theories depends heavily on Pembimbing Kemasyarakatan's (PK) role. In order to facilitate reconciliation and reintegration, they collaborate with families and communities while implementing risk and needs assessments as probation officers.

Indonesia's commitment to international standards, such as the UN Convention on the Rights of the Child,

[*] Head, Juvenile Client Guidance Section, Correctional Counseling Center Class I Surakarta, Directorate General of Corrections, Indonesia.

has strengthened the framework for implementing rehabilitation-based approaches. By focusing on human rights, child protection and restorative principles, Indonesia's JCJS strives to provide child offenders with a second chance, reduce recidivism and enhance community safety. Indonesia's JCJS aligns with contemporary rehabilitation theories that view juvenile delinquency not as a manifestation of inherent criminal tendencies but as a response to complex socio-economic, environmental and psychological factors. Models such as the principles of restorative justice have influenced global approaches to offender treatment and are increasingly reflected in Indonesian legal and correctional policies.

In Indonesia, the Directorate General of Corrections under the Ministry of Immigration and Correction governs probation services. Probation officers handle pre-sentence investigations, diversion processes, supervision and social reintegration. According to Article 65 of Law No. 11 of 2012 on the Juvenile Criminal Justice System, a probation officer (*Pembimbing Kemasyarakatan*) has the following duties:

a. To prepare a social inquiry report for the purposes of diversion, and to provide assistance, guidance and supervision of the child throughout the diversion process and the implementation of any diversion agreement, including reporting to the court if the diversion is not carried out;

b. To prepare a social inquiry report for the purposes of investigation, prosecution and trial in cases involving children, both inside and outside the court proceedings, including in the Child Special Development Institution (*LPKA*) and the Child Temporary Placement Institution (*LPAS*);

c. To determine the care programme for the child in the LPAS and the development programme for the child in the LPKA together with other correctional officers;

d. To provide assistance, guidance and supervision of the child who, by court decision, is sentenced to a punishment or subject to a specific action; and

e. To provide assistance, guidance and supervision of the child who receives assimilation, parole, pre-release leave or conditional leave.

Based on this article, probation officers have carried out several good practices in the JCJS during the supervision of child clients: assisting children throughout the pre-adjudication, adjudication and post-adjudication stages.

In preparing a social inquiry report, the probation officer must also conduct an assessment of the child client using a Risk Recidivism Instrument (RRI) and a criminogenic factors assessment to determine the child's risk of reoffending and to identify the factors that contribute to their delinquent behaviour. Based on the Risk Recidivism Instrument (RRI) and the Criminogenic Factors Assessment Guidelines issued by the Directorate General of Corrections, the development of risk and needs assessment instruments in Indonesia's correctional system began in 2008, when the Directorate General of Corrections collaborated with New South Wales Corrective Services to develop the Indonesian Risk Recidivism Instrument (RRI) and the Criminogenic Needs Assessment Instrument, which are adaptations of the Level of Service Inventory-Revised (LSI-R).

a. *Diversion:* Indonesia has made great strides in putting in place diversion programmes that, when suitable, settle juvenile cases out of court;

b. *Community Involvement:* Collaboration with local government, local leaders, social workers, NGOs, and families strengthens rehabilitation;

c. *Individualized Care:* Probation officers develop an individual treatment plan considering the juvenile's needs and circumstances.

Central to the implementation of these principles is the role of the probation officers (PK). These professionals perform several roles as justice facilitators, conducting risk and needs assessments, preparing comprehensive social inquiry reports and mediating between offenders, victims, families and community stakeholders. Their work helps ensure that each case receives a response tailored to the child's individual

circumstances, needs and potential for reform, consistent with restorative justice approaches.

These theoretical frameworks emphasize the importance of addressing the root causes of offending behaviour, fostering personal development and facilitating the offender's reintegration into society as a productive, socially responsible individual. In Indonesia, these ideals are operationalized through a legal framework that emphasizes diversion, community-based rehabilitation and restorative justice in lieu of retributive punishment. The passage of Law No. 11 of 2012 on the Juvenile Criminal Justice System was a milestone in this regard, embedding child-friendly justice principles and emphasizing the rehabilitative rather than punitive orientation of juvenile proceedings.

JCJS training is given to law enforcement officers to enhance synergy and collaboration. Probation officers play a vital role in ensuring that children in conflict with the law are treated in accordance with principles of child protection and human rights. Rooted in restorative justice, risk-need-responsivity and desistance theories, their work emphasizes diversion and treatment over punishment, helping young offenders repair harm and return to society as responsible citizens. In order to address the underlying reasons of crime, probation officers monitor community service or other non-custodial measures, conduct social inquiry reports, mediate diversion between victims and offenders and work with families, schools and non-governmental organizations.

Instead of concentrating on punishment, probation officers try to identify and solve the underlying factors that contribute to juvenile offences, which are frequently connected to peer pressure, family dysfunction, poverty or limited educational opportunities. In order to support a child's development and reintegration, they work with families, schools, non-governmental organizations and other stakeholders. They also conduct Social Inquiry Reports (Litmas), recommend diversion programmes and monitor non-custodial sentences like community service. Ultimately, probation officers serve as the bridge between the legal system and the community, ensuring that the JCJS fulfils its goal of protecting children's rights while promoting public safety and social reintegration.

III. CURRENT CONDITIONS AND CHALLENGES

Although there have been encouraging outcomes from good practices like family group conferences and community partnerships, there are still many obstacles to overcome, such as heavy caseloads, scarce resources, social stigma and a lack of interagency cooperation. To overcome these barriers, Indonesia must invest in expanding the number and capacity of probation officers, build stronger community awareness about restorative justice, improve facilities for rehabilitation and strengthen partnerships across the criminal justice system and civil society. Additionally, consistent implementation is hampered by differences in the quality and accessibility of services across urban and rural locations. Due to their frequently excessive caseloads, probation officers are unable to provide the level of involvement and follow-up required for successful rehabilitation. While the legal framework is progressive, implementation in the field presents ongoing challenges. Many probation officers face:

a. Limited resources, as many probation officers work in locations with inadequate facilities, such as a dearth of meeting rooms or limited availability of counselling and rehabilitation services;

b. Stigma against juvenile offenders is still strong in some communities, and many people view children who have broken the law as threats rather than individuals who deserve a second chance. This can make it harder for probation officers to gain community support for non-custodial measures or mediation efforts, which are essential for effective diversion and reintegration;

c. High caseloads and limited staffing, particularly in rural or underserved regions;

d. Lack of adequate training and professional development, especially in applying advanced assessment tools and trauma-informed care;

e. Limited inter-agency coordination, which can hinder holistic support for the child. There are still gaps

in communication and collaboration. One contributing factor is the sectoral ego that sometimes exists among different law enforcement agencies. Sometimes, probation officers are not involved early enough in cases to provide timely input for diversion decisions. Differences in understanding of diversion and rehabilitation between agencies can also cause delays and misunderstandings that affect the child's case;

f. Insufficient public awareness about the role of PKs and restorative justice, which affects community involvement.

Despite these constraints, probation officers remain central to Indonesia's efforts to shift away from punitive approaches and toward a justice system that respects children's rights and developmental needs. Their work is critical in ensuring that children are not further harmed by the justice process, but are instead given a second chance to grow, learn and contribute positively to society.

IV. CONCLUSION

In Indonesia's juvenile criminal justice system, probation officers are essential reform agents. They assist juvenile offenders in reintegrating into society and reducing reoffending cycles by striking a balance between supervision and rehabilitation. Restorative justice principles will be successfully achieved if this function is strengthened through interagency cooperation, community involvement and resource allocation. In conclusion, the Indonesian juvenile criminal justice system is a dynamic attempt to go from punishment to restoration, from exclusion to reintegration and from control to empowerment, even though implementation gaps still exist. In order to create a system that not only protects justice but also creates safer, more inclusive communities, Indonesia is highlighting the importance of community-based treatment and recognizing the developmental needs of young offenders. In essence, *Pembimbing Kemasyarakatan* serve as a bridge between the legal system and the community—balancing accountability with compassion. They uphold not only the legal mandates of the juvenile criminal justice system but also the ethical imperative to treat every child with dignity, hope and the opportunity for change.

REFERENCES

1. Juvenile Criminal Justice System Law No. 11 of 2012

2. Ministry of Immigration and Correctional Regulations

3. The Risk Recidivism Instrument (RRI) and the Criminogenic Factors Assessment Guidelines issued by the Directorate General of Corrections

DIGITAL LEARNING AND VOCATIONAL TRAINING IN NIGERIAN CUSTODIAL CENTRES: THEORETICAL FRAMEWORKS, IMPACT AND CHALLENGES

*Abbas Adebimpe Hassan**

ABSTRACT

The integration of digital learning and vocational training in Nigerian custodial centres plays a crucial role in the rehabilitation and reintegration of inmates into society. This paper examines the role of the National Open University of Nigeria (NOUN) and national examinations such as West African Examinations Council (WAEC), National Examinations Council (NECO) and Joint Admissions and Matriculations Board (JAMB) in enhancing educational opportunities for inmates in custodial facilities. Furthermore, it explores vocational training initiatives—ranging from carpentry and welding to bakery and confectionery—aimed at equipping inmates with employable skills. The study evaluates the effectiveness of these programmes within the framework of the Good Lives Model (GLM) and the Risk-Need-Responsivity (RNR) model, which provide theoretical insights into rehabilitation strategies. Despite the promising impact of these rehabilitation programmes, challenges such as infrastructure deficits, security concerns and funding limitations hinder their optimal implementation. The paper concludes with policy recommendations to strengthen educational and vocational interventions and promote sustainable inmate reintegration.

I. INTRODUCTION

On the 31st day of July 2019, the Nigerian Correctional Service (NCoS) succeeded the former Nigerian Prisons Service, which was established in 1861. Through the enactment of the Nigerian Correctional Service (NCoS) Act 2019, the federal government of Nigeria mandated a comprehensive rehabilitation framework for all categories of inmates. This legislative reform marked a paradigm shift from punitive detention toward a rehabilitative model that emphasizes reintegration. Section 14 of the Act mandates the provision of educational and vocational training opportunities, including modern agricultural techniques, to facilitate the reformation of inmates. Specifically, Section 14 (1) – (3) states that:

> 14. — (1) The Correctional Service shall provide opportunities for education, training vocational training, as well as training in modern farming techniques and animal husbandry for inmates.
> (2) In accordance with the provisions of subsection (1), Correctional Service shall establish and run, in designated Custodial Centres, industrial centres equipped with modern facilities for the enhancement of vocational skills training for inmates aimed at facilitating their reintegration into society.
> (3) Subsections (1) and (2) shall be administered to encourage generation of funds to aid the earning scheme for the inmates, aftercare and other support services towards their rehabilitation.

In addition, Section 10 of the Act expands the responsibilities of custodial centres to include a broad range of rehabilitative services, from risk assessment to behavioural modification and income generation, all aimed at transforming inmates into law-abiding citizens.

As of 28 July 2025, Nigeria's custodial centres house 81,593 inmates, with a disproportionate male-to-female ratio of 98:2 and a convict-to-awaiting-trial ratio of nearly 3:7. In the face of overcrowding and resource limitations, digital education and vocational training have emerged as viable strategies for fostering reform

* Deputy Superintendent of Corrections, General Duty (Human Resources), Nigerian Correctional Service, Nigeria.

and reducing recidivism among offenders. However, the successful implementation of these programmes is dependent on adequate infrastructure, funding and conscientious policy execution.

Drawing on over 16 years of professional experience in correctional facility management, rehabilitation programmes implementation and security classifications across multiple states (Federal Capital Territory (FCT) Abuja, Lagos, Kano, Nasarawa and Oyo states) in Nigeria, this study provides a critical assessment of rehabilitation initiatives, highlighting their impacts, theoretical foundations and implementation challenges.

II. THEORETICAL FRAMEWORKS FOR REHABILITATION

A. Good Lives Model (GLM)

The GLM is a strengths-based rehabilitation approach that emphasizes enhancing inmates' capabilities to achieve meaningful lives through education and skills development. By focusing on inmates' individual goals and values, the GLM promotes prospective reintegration and pro-social identity formation, ultimately reducing recidivism.

B. Risk-Need-Responsivity (RNR) Framework

The RNR model underscores the importance of adapting rehabilitation efforts based on an individual's risk level, criminogenic needs and cognitive abilities. Through targeted educational and vocational interventions, correctional authorities can optimize rehabilitation outcomes, ensuring that resources are allocated to inmates most likely to benefit from structured learning.

C. Integrated Model

The rehabilitation programmes implemented by NCoS often exhibit conceptual heterogeneity, integrating elements of both the RNR model and the GLM. This lack of clarity may compromise the efficacy of the programmes, potentially leading to below average outcomes. Furthermore, this conceptual ambiguity can undermine the effectiveness of programme implementation, creating inconsistencies in inmate treatment and rehabilitation.

III. DIGITAL LEARNING IN CUSTODIAL CENTRES

A. National Open University of Nigeria (NOUN)

NOUN operates study centres within several custodial centres (the author's first experience with NOUN was in Maximum Security Custodial Centre (MaxSCC), Kirikiri, Lagos, Nigeria), offering inmates opportunities to pursue undergraduate and postgraduate degrees through open and distance learning. However, the full realization of NOUN's potential is hampered by limited digital resources, infrastructural gaps and security constraints within correctional facilities.

B. National Examinations: WAEC, NECO and JAMB

In addition to university education, inmates can sit for national secondary-level examinations such as West African Examinations Council (WAEC), National Examinations Council (NECO) and Joint Admissions and Matriculations Board (JAMB) [Medium Security Custodial Centre (MSCC), Ikoyi, Lagos, Nigeria has a registered centre for the three examination bodies]. These qualifications enhance their ability to further their education or seek employment after incarceration. However, logistical issues, such as the absence of dedicated examination centres within custodial centres, funding constraints and access to adequate study materials, pose significant barriers to successful implementation.

IV. VOCATIONAL TRAINING PROGRAMMES IN NIGERIAN CUSTODIAL CENTRES

Besides formal education, vocational training provides inmates with practical skills that enable them to pursue sustainable livelihoods upon release. Common training programmes include carpentry, welding,

tailoring, baking, shoemaking and crafts such as cap knitting and hand fan making. (The author designed and supervised the implementation of some of these vocational training programmes while serving at MSCC, Kirikiri, Lagos and MSCC Goron Dutse, Kano.) These vocational training programmes, however, face shortages of materials, a lack of qualified instructors and limited market access for products made by inmates.

V. SELECTION CRITERIA FOR INMATES IN REHABILITATION PROGRAMMES

In order to ensure the fairness, effectiveness and alignment with correctional (the 3 Rs—reformation, rehabilitation and reintegration) goals, a structured set of objective, security-based and rehabilitative criteria must be applied to the selection of inmates for rehabilitation programmes involving both educational and vocational training. This approach guarantees that resources are optimally utilized for those most likely to benefit and successfully reintegrate into society.

A. General Criteria Across All Programmes

Several important considerations apply to the selection process for both educational and vocational rehabilitation programmes. These are referred to as general criteria in the Nigerian correctional parlance and include:

a) *Security Protocols:* The paramount concern is that the inmate poses no risk to the safety of staff or other inmates. An inmate must be classified as a low or medium security risk to be considered eligible. High security risk inmates such as violent extremist offenders (VEOs) are excluded;

b) *Mental Health Evaluation:* A thorough mental health evaluation ensures that inmates are stable and mentally fit for structured activities, preventing disruptions and ensuring effective participation;

c) *Inclusivity and Equity:* The selection process strives for fair representation across various demographic groups, including age, ethnic and regional backgrounds, promoting inclusivity and equitable access to rehabilitative opportunities. Owing to the fact that Nigeria is a multiethnic (371 groups; 525 languages) and multi-religious society, this balance is considered of great importance;

d) *Institutional Goals:* The selection of programmes and participants must align with the overall rehabilitation plan of the Nigerian Correctional Service and its resource capacity. This is to ensure the sustainability and strategic direction of the programmes;

e) *Post-Release Support Opportunities:* The availability of linkages to support programmes after release is considered. A number of NGOs partner with the NCoS in providing platforms for effective reintegration and follow-up in its aftercare programmes. This ensures that the skills and knowledge gained in the institution can be effectively utilized and sustained in the community, thereby maximizing the long-term impact of the rehabilitation effort.

B. Programme-Specific Criteria—Formal Education

The objective of formal education programmes within correctional facilities is to improve inmates' literacy, critical thinking, and ultimately, their future employability. Selection for these programmes is based on several key criteria. The vital ones that Nigerian correctional officers typically consider are:

a) *Educational Background: Inmates:* This depends on the educational level the inmate is interested in. Generally, inmates are required to possess minimum educational qualifications for the programmes they intend to enrol in. Examples are bachelor's and master's degrees. However, for primary and secondary levels of education, priority is often given to inmates with an incomplete prior academic history, such as those who have not completed primary or secondary school. This is because our main targets are individuals who can gain the most foundational knowledge;

b) *Cognitive Ability:* Basic literacy and numeracy skills are assessed via screening tests to ensure inmates possess the fundamental cognitive abilities required to participate in structured learning. For instance,

an inmate would typically need to demonstrate basic reading comprehension and arithmetic skills to benefit from the curriculum;

c) *Sentence Length:* Inmates must have sufficient time remaining on their sentence to complete the programme or a defined stage thereof. For example, a programme designed for a 12-month duration would require an inmate to have at least 12 months remaining on their sentence. A minimum of six months remaining on the sentence is a general prerequisite for participation in any rehabilitation programme, as indicated in the screening checklist;

d) *Behavioural Record:* A positive disciplinary history and consistent good conduct are essential. Inmates with a recent record of serious misconduct (e.g., within the last six months) would typically be excluded to maintain a conducive learning environment;

e) *Rehabilitation Readiness:* Demonstrated commitment to self-improvement and prior participation in other rehabilitative activities indicate an inmate's readiness to engage in educational pursuits. This can be evidenced by their genuine interest in rehabilitation, as noted in the general eligibility criteria;

f) *Age and Mental Fitness:* Selection is age-sensitive, and inmates must possess the mental capability to participate in structured learning. Medical and mental fitness evaluations are conducted to ensure an inmate can fully engage without undue strain or disruption.

C. Programme-Specific Criteria—Vocational Training

Vocational training programmes aim to equip inmates with practical, marketable skills for successful reintegration into the especially informal or private sector of the economy. The selection criteria for these programmes are as follows:

a) *Security Classification:* These programmes typically require low- or medium-risk inmates who can be trusted with tools and equipment necessary for the training. A history of violence or misuse of tools would disqualify an inmate from programmes involving such equipment;

b) *Employment Potential:* Priority is often given to inmates nearing their release date who have a high likelihood of securing employment or pursuing entrepreneurship post-release. This maximizes the immediate impact of the training;

c) *Previous Experience or Interest:* Demonstrated interest or prior experience in a relevant trade is an advantage. For example, an inmate expressing keen interest in a specific craft or having some rudimentary experience in it would be considered favourably;

d) *Teamwork and Conduct:* The ability to work cooperatively in group settings without posing risks to others is crucial, as many vocational training activities involve collaborative work. Stable and non-disruptive behaviour patterns are therefore essential;

e) *Physical Fitness:* Certain vocational training, such as modern farming (crop/animal production), requires physical fitness for manual or technical work within the respective environments. Inmates must be physically able to undertake the demands of the training.

In summary, a conscientious screening process is a *sine qua non* for all rehabilitation programmes. Selection of inmates are often done utilizing a checklist. This checklist assesses general eligibility criteria and specific programme criteria (formal education, vocational training). For instance, an inmate must demonstrate a genuine interest in rehabilitation and have no recent record of serious misconduct (e.g., within the last six months) to pass the initial screening. These comprehensive criteria ensure that rehabilitation programmes are both impactful for the individual inmates and contribute effectively to broader correctional goals.

VI. CHALLENGES IN IMPLEMENTING DIGITAL LEARNING AND VOCATIONAL TRAINING

Despite their proven benefits, rehabilitation programmes in Nigerian custodial centres face multiple challenges, including:

a) *Infrastructure Deficits:* Custodial centres lack reliable electricity, internet access and digital devices to support online learning;

b) *Security Concerns:* Managing digital resources within custodial centres requires strict security protocols;

c) *Funding Limitations:* Educational and vocational programmes suffer from irregular and insufficient funding;

d) *Human Resource Gaps:* There is a shortage of trained educators and vocational trainers willing to work within correctional facilities.

VII. IMPACT ASSESSMENT: MEASURING REHABILITATION OUTCOMES

Studies have shown positive effects of educational and vocational programmes in correctional settings:

a) *Reduced Recidivism:* Inmates who participate in structured rehabilitation programmes demonstrate lower likelihoods of reoffending;

b) *Improved Self-Esteem and Motivation:* Engaging in education and vocational training fosters a sense of purpose and personal growth;

c) *Enhanced Employment Prospects:* Academic qualifications and vocational skills significantly increase employability upon release.

VIII. POLICY RECOMMENDATIONS

To enhance the effectiveness of digital learning and vocational training, the following recommendations should be prioritized:

a) *Infrastructure Development:* Invest in upgrading prison facilities to support digital learning through stable power supply and internet connectivity;

b) *Security Protocols:* Establish clear guidelines for managing digital learning resources securely;

c) *Sustainable Funding:* Secure consistent financial support from government allocations, NGOs and private-sector partnerships;

d) *Staff Training and Capacity Building:* Train correctional educators and vocational trainers to effectively deliver rehabilitation programmes;

e) *Monitoring and Evaluation:* Implement regular impact assessments to ensure rehabilitation programmes achieve desired outcomes.

IX. CONCLUSION

Digital learning and vocational training represent transformative tools for the rehabilitation of inmates in Nigerian custodial centres. When aligned with established correctional models such as GLM and RNR, and supported by adequate infrastructure and policy consistency, these interventions can significantly reduce recidivism and contribute to public safety. A renewed commitment to evidence-based rehabilitation strategies will not only uphold the rights and dignity of inmates but also promote a more inclusive and secure society.

REFERENCES

Andrews, D., & Bonta, J. (Eds.). (2010). *The Psychology of Criminal Conduct* (5th Edition ed.) New Providence, NJ: Matthew Bender & Company, Inc., LexisNexis Group.

Bozick, R., Steele, J., Davis, L. M., Turner, S., (2018). Does providing inmates with education improve post-release outcomes? A meta-analysis of correctional education programs in the United States. *Journal of Experimental Criminology*, 14(3), 389-428

Davis, L. M., Bozick, R., Steele, J. L., Saunders, J., Miles, J. (2013). Evaluating the effectiveness of correctional education: A meta-analysis of programs that provide education to incarcerated adults. Santa Monica: RAND Corporation.

Irogbo, P. U. (2024). The imperatives of inmates' rehabilitation programmes: A study of Delta State correctional centres. *International Journal of Intellectual Discourse*, 7(2), 327–337. DOI:10.58709/niujss.v10i2.1885

McNeill, F. (2012) Four forms of 'offender' rehabilitation: towards an interdisciplinary perspective. *Legal and Criminological Psychology*, 17 (1). pp. 18-36. ISSN 1355-3259

Nigerian Correctional Service Act (2019). Federal Republic of Nigeria. The Federal Government Printer, Lagos, Nigeria. FGP 102/012019/1,200

Nur, A. V., & Nguyen, H. (2022). Prison work and vocational programs: A systematic review and analysis of moderators of program success. *Justice Quarterly*.

Omoruyi, O. L., & Agbontaen, E. S. I. (2024). Nature and effectiveness of rehabilitation programmes in preventing inmates' recidivism in Nigeria Correctional Service. *NIU Journal of Social Sciences*, 10(2), 217–227. DOI: 10.58709/niujss.v10i2.1885

Salisu M. A. (2025). De-Radicalization Programmes and Their Impact on Inmate Behavior: A Pathway to Rehabilitation and Social Integration in Nigeria. *Journal of Arts and Sociological Research*, Vol. 7, 2025. DOI: 10.70382/ajasr.v7i6.010

Steele, J. L., Bozick, R., Davis, L. M. (2016.) Education for incarcerated juveniles: A meta-analysis. *Journal of Education for Students Placed at Risk*, 21(2), 65-89.

MANAGEMENT OF CORRECTIONAL FACILITIES AND THE REHABILITATION OF OFFENDERS: THE PENITENTIARY SYSTEM OF THE REPUBLIC OF NORTH MACEDONIA

Marina Mileva[*]

I. CURRENT SITUATION, SIGNIFICANT ASPECTS AND GOOD PRACTICES

As part of the reforms to the judiciary and criminal legislation and its alignment with European Union standards, the Republic of North Macedonia is also implementing reform of the penitentiary system with the aim of enhancing its effectiveness and efficiency. The reform, which is being conducted in accordance with all international standards regulating this area, as well as the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as noted in the *National Strategy for the Development of the Penitentiary System (2015-2019)*, aims to ensure:

> An effective and professional approach in organizing and supervising the operations of correctional and educational-correctional institutions and establishing a probation system in the country, ensuring the lawful and secure enforcement of sanctions, protection of the rights of persons deprived of liberty, and full respect for their personality and dignity in accordance with international standards, to enable them, upon reintegration into society, to live a more productive life free from crime.[1]

Over the past period, the Republic of North Macedonia has achieved remarkable results in terms of improving the system for executing sanctions, which is seen primarily in the harmonization of domestic legislation with the highest international standards in the field of penology. It is important to mention here that a new *Law on the Execution of Sanctions*[2] was adopted in 2019 and several additional amendments were made, as well as by-laws, strategies and action plans that are enabling the practical application of the envisaged measures aimed at creating a functional system of execution of sanctions that will ensure respect for the human rights and dignity of convicted persons. The resulting reforms have the aim of the successful resocialization and the ability to integrate into society with the best prospects for independent living, which will ultimately contribute to improving security in society as a whole.

The new *Law on the Execution of Sanctions*, which represents a modern document incorporating all international standards for the execution of prison sentences (*United Nations Standard Minimum Rules for the Treatment of Prisoners (the Mandela Rules)* and *the European Prison Rules*), regulates the execution of sanctions imposed for criminal offences and misdemeanours. The law prohibits discrimination on any grounds and stipulates that persons subject to sanctions shall be treated humanely, with respect for their religious beliefs, personal convictions and moral norms, as well as for their human personality and dignity, preserving their physical and mental health, while taking into account the achievement of the objectives of individual sanctions and measures. In accordance with the basic principles, which are mandatory for those implementing the provisions of the law and which ensure the protection of the physical, psychological and moral integrity of the convicted person, their right to personal safety and self-respect, a wide range of measures and activities are foreseen. These measures are directed toward the resocialization of convicted individuals and

[*] Independent, Judicial Adviser, Office of the President, Supreme Court, North Macedonia; LL.M.

[1] The National Strategy for the Development of the Penitentiary System in the Republic of Macedonia (2015-2019), adopted in December 2014.

[2] Law on the Execution of Sanctions („Official Gazette of the Republic of North Macedonia" No. 99/19, 220/19, 236/22 and 74/24, hereinafter: LES).

their preparation for independent living and successful reintegration into society.

The Directorate for the Execution of Sanctions, as a body within the Ministry of Justice and with the status of a legal entity, is responsible for matters related to the execution of sanctions. It also supervises and provides support to convicted individuals who have been conditionally released and to those who have served their sentences. The Directorate is headed by a director appointed and dismissed by the Government of the Republic of North Macedonia upon the proposal of the Minister of Justice, for a term of four years with the possibility of reappointment. The Directorate is also responsible for the implementation of initial and continuous training of employees in prison institutions and the evaluation of their knowledge and skills, with the aim of ensuring a high level of expertise and continuous improvement of knowledge and strengthening of capacities.

In the penitentiary system of the Republic of North Macedonia, the individualization of treatment for the convicted person is foreseen both during their stay in the institution and post-institutionally. This individualization is based on the results of an interdisciplinary study of the convicted person's personality conducted in the reception unit of the institution. The convicted person remains in this unit for up to 30 days for observation after being sent to serve their sentence and admitted to the correctional facility. A professional team consisting of a psychologist, pedagogue, social worker, doctor and other experts as needed, using scientific methods, analyses and synthesizes criminological-penological, socio-medical and psychological-pedagogical assessments of the convicted person. They determine the individual's needs, character traits, habits, psychophysical characteristics, intellectual and cultural level, type of education and work skills, health, social, and material status, as well as other sociological, pedagogical and penological indicators.

Based on the results obtained from the personality study of the convicted person and the risk assessment, the individual is classified into a specific department and an individualized treatment plan is determined. This plan aims to encourage acceptance of responsibility for the committed criminal offence, adaptation within the institution, development of positive qualities and self-respect, and motivation to obey the law, with the ultimate goal of building capacity for an independent life after serving the prison sentence.

For the successful implementation of the individualized treatment programme, several fundamental principles must be respected. In this regard, before any methods are applied, it is necessary to study the biopsychosocial characteristics of each convicted person, their personal and material circumstances, family history, completed education and qualifications, and other data about the individual collected during their stay in the admission unit. Additionally, the criminogenic factors and motives that influenced the commission of the crime, as well as information on prior convictions, must be considered. During the treatment, data related to its progress, the individual's attitude toward the treatment, and potential personal or family issues are also taken into account.

Furthermore, the convicted individual must be continuously engaged and their stay in the institution must be filled with various treatment activities. The overall conduct should be based on respect and trust toward the individual, and on motivating them to acquire certain knowledge, develop positive character traits and skills, and foster a sense of responsibility, ultimately leading to the ability to reintegrate into society and build positive habits that will enhance their personal and social awareness.

The law provides for several general or specific treatment measures and activities that can be included in the institutional treatment programme tailored individually for each convicted person in the process of resocialization. These measures may be implemented individually or in groups, depending on the type and nature of the measure. Such measures include prison labour, education, moral and ethical upbringing and inmate self-organization, leisure activities, sports and recreation for the convicted persons, and medical-psychological treatment.

Work represents an important segment in achieving the process of resocialization, as it enables convicted individuals to develop a positive attitude towards creation and earning through their own labour, fosters and encourages interest in work, promotes respect for general work discipline, cooperation with other inmates in the work group, as well as collaboration with professionals involved in the treatment process. Ultimately, this contributes to increased self-confidence and a sense of belonging. Convicted individuals work in accordance with their physical and mental capacities as determined by the institution's physician. Consideration

may also be given to the inmate's own preferences regarding the type of work, provided the institution's conditions allow it. Vocational training is carried out by instructors and other qualified personnel who, through their influence, contribute to achieving the specific goals defined in the convicted person's individual treatment plan, primarily the transformation of negative attitudes toward work.

The work process is organized based on the type of institution, and, as a rule, is carried out within the facility. However, for convicted individuals placed in open departments, work outside the institution is permitted. In semi-open departments, inmates may work occasionally and under supervision in legal entities and other institutions, provided that the legal conditions for the execution of the prison sentence are met and that minimum technical requirements for work are in place. Convicted individuals have the right to financial compensation for their work. Of this, up to 70 per cent may be used to meet their personal needs, while the remaining 30 per cent is kept as a deposit by the institution and handed over to the inmate upon release from imprisonment. Alternatively, upon request during the sentence, this amount may be given to the inmate's family. For the time that inmates continuously work full-time during their sentence, under the general legal provisions, this period counts toward pension service time, provided that the required contributions are paid from their earnings.

One of the general measures that is particularly important and can significantly contribute to improving the process of resocialization and social adaptation of convicted persons after serving their prison sentence is the implementation of educational programmes for inmates. Depending on individual needs, inmates are provided with opportunities for literacy and completion of formal education. The educational process is organized either within the institution itself or at the institution's headquarters, and inmates who complete the appropriate level and type of education are issued official certificates. Additionally, institutions can organize special forms of vocational training for inmates in the form of courses, seminars and other types of professional development involving practical work. Institutions also have libraries that inmates are allowed to use.

On a voluntary basis, inmates may participate in leisure activities such as IT, drama, music, art, literature, painting and other creative activities, as well as sports, listening to the radio and watching television programmes, attending theatre and cinema performances, publishing newspapers and bulletins, attending lectures, music concerts, and other cultural, artistic and recreational activities.

In addition to general treatment measures, specific treatment programmes may also be implemented for certain categories of convicted persons, based on the identified needs outlined in their individual treatment programme. These include: treatment for inmates who abuse drugs and other psychotropic substances; treatment for alcohol-abusing inmates; treatment of inmates convicted of sexual offences; treatment of violent inmates in prison; treatment of inmates convicted of crimes involving elements of violence; treatment of young adult offenders; treatment of juvenile offenders; treatment of female inmates; treatment of inmates serving long-term or life sentences; treatment of radicalized inmates; treatment of inmates classified as high or very high security risk; and medical-psychological treatment for inmates.

The treatment of convicted persons is subject to change depending on their behaviour, interest and cooperation in the treatment process. In order to encourage good behaviour and develop a sense of responsibility, inmates may be granted certain privileges, such as arranging their living space with personal belongings; receiving packages more frequently or of greater weight; extended or unsupervised visits within the facility; unsupervised phone calls; time with a spouse or partner in a special unsupervised room; visits outside the facility of up to four hours; unsupervised leave from the institution for up to seven hours; leave of up to 15 days per year, or up to 30 days for those referred to an educational-correctional institution (with a maximum of three days per month); and full or partial use of vacation time outside the institution. The decision to award benefits as a reward for the positive behaviour of the convicts, in accordance with the principle of individualization of the execution of the prison sentence, is made by the director of the institution, after previously obtaining an opinion from the Benefits Commission.

Good conduct and respect for the provisions of the house rules of the institution may also be the basis for the progression of convicted persons during the course of serving their sentence, from a closed institution to a semi-open or open type, i.e. in the appropriate departments of the same institution, after meeting all conditions. Such decisions are made by the Director of the Directorate for the Execution of Sanctions upon

the proposal of the director of the institution or upon the request of the convicted person.

All of these measures are designed to have a stimulating effect on inmate behaviour, to ease prison discipline and to promote trust, maintain family and external relationships, strengthen responsibility and self-confidence, and ultimately prepare the inmate for reintegration into society in accordance with the legal system and fulfilment of civic duties.

The convicted person is prepared for the post-penal period by the officers from the Resocialization Sector and the probation service, and when necessary, also by external collaborators, including social workers from the Centers for Social Work. Post-penal assistance depends on the success of the institutional treatment, i.e. on the readiness and ability of the convicted person to reintegrate into society successfully. The assistance provided in this final phase includes moral support in dealing with the challenges the individual faces immediately after release from the institution, as well as temporary accommodation and provision of food, access to necessary medical treatment, help in selecting a new environment to live in, assistance with resolving family matters, finding suitable employment and similar support. This requires cooperation and support from probation officers and other organizations and institutions in the fields of education, employment and social protection.

II. CHALLENGES AND SHORTCOMINGS

Despite the alignment of domestic legislation with international standards and the significant progress made in recent years, certain weaknesses in the system remain evident. These need to be addressed in order to effectively implement the process of resocialization and social reintegration of convicted persons after serving a prison sentence.

A. Challenges Noted in the National Strategy for the Development of the Penitentiary System (2021-2025)

- The Training Strategy is not being implemented, lacking systemic exchange of gained knowledge;
- Inconsistent compliance with the *Law on the Execution of Sanctions* when appointing directors and deputies;
- Insufficient staffing at every level in the Correctional Institutions, Correctional Institutions/Detention Centers;
- Healthcare issues in general, as well as the worryingly low number of health staff;
- Healthcare and long-term solution for treating drug-users;
- Insufficient cooperation with other institutions (ministries, educational institutions, civil society organizations) in the pre-release and post-penal work and care;
- Lack of a clear organizational identity and positive image for the prison staff in the society;
- No obligation for continuous assets control – reporting is mandatory only for the top tiers at the beginning and end of term;
- Lack of coordination between the listed partners and collaborators at the central level;
- Insufficient gender representation;
- Lack of functional education for the sentenced persons.[3]

[3] The National Strategy for the Development of the Penitentiary System in the Republic of Macedonia (2021-2025)

The observed shortcomings most often relate to the lack of professional staff at every level in the correctional institutions, starting from employees in the training sector at the Directorate for the Execution of Sanctions, the rehabilitation sectors, as well as healthcare and other professionals. Not following the criteria foreseen with the *Law on the Execution of Sanctions* when appointing directors and deputies or other staff, is another reason for the problems occurring in the management with these institutions that then reflect on the successful rehabilitation of offenders. The insufficient cooperation between the institutions that supervise the work of prison institutions, but also in the pre-release phase, shows us that the LES is not fully implemented in some crucial matters. There are not enough post-penal protection programmes and institutional cooperation in that regard which also affects the implementation of this process.

Certain irregularities have been noted in the operation of the institutions, and there is the occurrence of violence between convicted persons and problems in dealing with these cases by the prison staff, and cases of inappropriate treatment by the prison staff with convicted persons, cases of corruption, etc. are not excluded. Furthermore, there is overcrowding in prisons, which do not have sufficient accommodation capacity for all persons serving prison sentences. With the help of international projects, renovation and construction of new facilities in four institutions have recently been carried out, in order to improve the conditions for the stay of convicts and increase the accommodation capacities of the institutions, but work remains to be continued in the future to overcome these problems and provide adequate conditions for the accommodation of all convicted persons. The educational process of convicted persons is carried out only in the Idrizovo Correctional Institution, due to a lack of personnel and financial resources, which prevents the successful implementation of this important measure.

B. Possible Countermeasures

Due to the identified problems, the process of resocialization of convicted persons in the institutions is not taking place at a satisfactory level, for which reasons it is necessary to intensify the work and take activities to overcome the identified weaknesses. Having in mind that most of the shortcomings noted above are not related to the legislative framework, but due to the lack of professional staff, first and foremost, it is necessary to increase the number of professional employees. Starting from the Training Center that has only two employees, with the option of providing external trainers with experience in the field. Then the Resocialization Sector and the Health Protection Sector, the number of staff should be increased in accordance with the recommendations of the CPT, with professional and trained prison staff who will perform their duties efficiently, responsibly and professionally in accordance with professional standards. Appointing qualified directors and managers in accordance with the LES criteria, is also very important step for strengthening capacities, as well as continuous training for all types of personnel.

Other measures:

- Increased budget for the fiscal year;
- Construction of new prison facilities and renovation of existing prisons, including healthcare facilities;
- Gender representation in all prison staff positions and promotion;
- Strengthening the mutual cooperation of all institutions that are involved in the process of rehabilitation and post-penal care, especially with the social work institutions;
- Strengthening the capacities of the Department for performing professional supervision over treatment in the prisons and strengthening supervision;
- Providing conditions for a regular educational process, especially for minors in juvenile correctional institutions;
- Ongoing cooperation and exchange of experiences and good practices with other countries;
- One book = One day of freedom.

DRUG REHABILITATION IN PROBATION SERVICES IN THAILAND

*Thepsuda Foomuangpan**

I. INTRODUCTION TO PROBATION SERVICES IN THAILAND

In Thailand, probation services play a crucial role in the country's criminal justice system, particularly in the realm of community corrections. Enhancing public safety, lowering recidivism, and promoting rehabilitation and social reintegration are the main objectives of probation services. Numerous interventions have been created to address reoffending-related issues to accomplish these goals. Rehabilitation programmes within probational services generally combine counselling services, educational assistance and vocational training to support social reintegration, foster personal growth and reinforce long-term abstinence from criminal activity.

The Narcotics Code B.E. 2564 (2021) reflects a paradigm shift in Thailand's approach to drug addiction, prioritizing public health mechanisms over criminal prosecution. The revised legal framework enables individuals with substance use disorders to be treated as patients rather than offenders, particularly for individuals involved in drug use for personal consumption to be placed in community-based treatment instead of being incarcerated. Under the conceptual framework that drug consumers are public health problems, the Narcotics Code emphasizes voluntary participation by outlining several channels for treatment and rehabilitation. Individuals found to possess drugs in amounts not exceeding the legal limit may also voluntarily agree to treatment upon detection. Those who meet the treatment criteria will not face criminal charges. However, those who refuse treatment or exhibit prohibited characteristics are still required to undergo a legal process in which the court may order compulsory treatment as stipulated by law.

Under the new provisions, courts are authorized to impose probationary measures in place of custodial sentences. The rehabilitation process has become an essential part of probation services. Therefore, probation officers are responsible for monitoring compliance and facilitating the rehabilitation and reintegration of offenders. However, this emphasis on rehabilitation within the probation system presents both significant opportunities and substantial challenges. This paper aims to examine the current drug rehabilitation programmes and key challenges to drug rehabilitation within Thailand's probation services and explore evidence-based strategies that could enhance the effectiveness of rehabilitation.

II. DRUG REHABILITATION IN PROBATION SERVICES

Statistical data from the fiscal year 2024 reveal that a significant proportion of individuals entering the probation system in Thailand were involved in drug-related offences. There are 119,276 cases of drug-related offences, accounting for around 61 per cent of the total probation population (Department of Probation, 2025). Most of them have some involvement with illicit drugs or alcohol. Continued engagement in substance use is associated with a significantly elevated risk of criminal recidivism. The study indicated that individuals who use drugs are three to four times more likely to engage in criminal activity compared to non-users across various types of offences (Bennett et al., 2008). Nonetheless, research indicates that granting access to drug abuse treatment can significantly lower recidivism rates. Effective treatment interventions for substance use disorders have been shown to improve behavioural outcomes and reduce reoffending rates (Gossop et al., 2005; Holloway et al., 2006; Prendergast et al., 2002).

Drug rehabilitation programmes provided within probation services in Thailand aim to promote accountability, assist individuals with criminal records in overcoming social stigma and facilitate their

* Probation Officer, Professional Level, Division of Drug Rehabilitation, Department of Probation, Ministry of Justice, Thailand.

reintegration into society. These programmes specifically target adult probationers who have committed drug-related offences, including (1) drug use offences and (2) drug use combined with possession offences.

The Division of Drug Rehabilitation, operating under the Department of Probation, is responsible for designing and implementing these rehabilitation programmes. Each programme is tailored for various subgroups of probationers based on the risk profiles identified during the intake process. The Risks and Needs Assessment Tool is used to categorize probationers into three groups based on their degree of criminogenic risk: low, moderate and high, which guides the placement and intervention of appropriate support. In the context of substance-related issues, the Ministry of Public Health's Substance Involvement Screening Test (V2) is used to assess the degree of substance dependence. This tool categorizes individuals into low-, moderate- or high-risk groups that help choose suitable interventions that match the degree of substance dependence.

In the fiscal year 2025, the Department of Probation provided four different drug rehabilitation programmes, each specifically designed to address the issues of individuals convicted of drug-related offences with a history of substance use. The first programme is the 5-Day Drug Abuse Programme, a brief residential intervention. Participants in this programme are typically assessed as low to moderate risk level of substance dependence based on using the Substance Involvement Screening Test (V2), and they are required to have access to family support as well as stable employment or job prospects. The five-day programme emphasizes self-reflection, building self-esteem and developing problem-solving and decision-making skills.

Another key initiative administered by the Department of Probation is the 15-Day Drug Abuse Programme, a residential treatment programme designed for probationers with a history of substance abuse who are assessed as having a moderate risk level of substance dependence based on the Substance Involvement Screening Test (V2). This programme explicitly targets individuals who lack family support and experience employment instability or unemployment, which are recognized as barriers to successful rehabilitation. Exclusion criteria include an inability to communicate in Thai, significant hearing impairments, acute or severe physical health conditions and the presence of mental health symptoms that pose a risk of harm to self or others. Delivered over 15 days, the programme aims to promote healthier behavioural patterns by addressing cognitive, emotional and prosocial behaviour. The core components of the programme include motivation enhancement, behaviour modification, work-related skills training and relapse prevention.

The 60-Day Drug Rehabilitation Programme is the most intensive residential treatment initiative provided by the Department of Probation, targeting probationers involved in drug-related offences who present a high-risk level of substance dependence, as indicated by the Substance Involvement Screening Test (V2). This programme is designed for individuals with a history of severe drug abuse who lack family support and face significant employment instability or unemployment. The exclusion criteria are consistent with those of the 15-day Drug Abuse Programme. For 60 days, the programme seeks to promote comprehensive personal transformation across six domains: cognitive functioning, behavioural patterns, emotional regulation, spirituality, occupation and education, and essential life skills. Core components of the programme include courses on motivational enhancement, the Therapeutic Community (TC) model, relapse prevention, vocational training and preparation for reintegration into the community.

The Relapse Prevention Programme is a non-residential intervention developed for individuals who have previously completed at least one substance abuse rehabilitation programme but have subsequently experienced a relapse. This one-day programme is designed to provide immediate, targeted support to reinforce self-regulation and prevent future recurrences of substance use. Its primary objectives include strengthening self-discipline, enhancing personal accountability and promoting family engagement as a protective factor in maintaining a drugfree lifestyle. The curriculum addresses relapse prevention by providing interventions that reinforce self-awareness, self-esteem, self-discipline, accountability and drug abuse knowledge. The programme also addresses the role of the family in supporting long-term recovery.

III. EMPLOYING THE RISK-NEED-RESPONSIVITY (RNR) MODEL

As previously mentioned, the recent legal conceptual framework in Thailand prioritizes treatment and

recovery over punitive measures for drug-related offences. Consequently, empirical attention has increasingly focused on identifying the effective treatment and rehabilitation for substance dependence issues, in particular within the corrections system. The Risk-Need-Responsivity (RNR) model is a well-known framework that has been shown to be effective when applied to correctional interventions (Bartol & Bartol, 2019).

The model comprises three interrelated principles: risk, need and responsivity. According to the risk principle, the intensity of intervention should align with an individual's level of risk for recidivism. The need principle focuses on an individual's needs that should be targeted in treatment. The responsivity principle emphasizes the importance of tailoring interventions to an individual's characteristics to maximize engagement and learning in treatment.

Optimal outcomes are most likely achieved when interventions are tailored to the criminogenic needs of individuals. Criminogenic needs refer to dynamic risk factors that contribute to criminal behaviour and are amenable to change through targeted intervention (Bartol & Bartol, 2019). Andrews and Bonta (2010) identified key criminogenic needs linked to criminal behaviour, including substance abuse, antisocial thinking patterns, association with antisocial peers, family and relationship issues, unemployment and lack of involvement in prosocial leisure activities. Probationers who disengaged from criminally involved family members, improved work performance and reduced their alcohol consumption showed the most significant reductions in offending behaviour (Wooditch et al., 2014). Addressing these specific factors in intervention programmes could enhance rehabilitation effectiveness. Conversely, inadequate addressing of these particular principles may diminish the overall efficacy of rehabilitation interventions (Barnes-Lee et al., 2023).

IV. CHALLENGES OF IMPLEMENTING DRUG REHABILITATION

The lack of comprehensive risk assessment tools that evaluate both criminogenic risk and significant clinical factors among drug-involved offenders appeared to be one of the significant challenges in implementing effective drug rehabilitation within probation services. While current screening instruments, such as the Substance Involvement Screening Test (V2), are utilized to determine the severity of substance use and to assign individuals to appropriate treatment programmes, these tools fall short in identifying specific criminogenic needs—dynamic risk factors that contribute to criminal behaviour—and other predictors of recidivism. The absence of such integrated assessments, which are aligned with the principles of the RNR model, could limit the efficacy of interventions delivered in probation services.

Another ongoing challenge in drug rehabilitation within probation services is the insufficient application of evidence-based practices in programme design and delivery. While a range of interventions are in place, many lack alignments with well-researched frameworks known to support behavioural change, such as the Risk-Need-Responsivity (RNR) model or cognitive-behavioural strategies. Without a foundation in empirical evidence, these interventions may not adequately address the underlying factors contributing to substance use or criminal behaviour. Furthermore, the absence of structured, adaptable methods limits the capacity to tailor treatment to individual characteristics such as risk level, cognitive abilities and motivation. Rehabilitation intervention must systematically integrate practices backed by scientific research and tailored to meet the specific needs of the population they serve in order to enhance efficacy and sustainability.

The insufficient integration of diversity into treatment interventions is another significant challenge in drug rehabilitation within probation services in Thailand. Although current programmes primarily categorize participants based on the severity of substance use, they often overlook the heterogeneous nature of substance use and offending behaviours. Factors such as gender, cognitive functioning, mental health status, cultural background and individual learning styles are not adequately addressed in the existing interventions. According to the responsivity principle of the RNR model, the intervention should be customized to be responsive to individuals' unique characteristics. Therefore, the lack of individualized consideration may limit the effectiveness of interventions.

The absence of thorough evaluation procedures that prioritize recovery and reintegration outcomes is another significant challenge. Current assessment frameworks often emphasize quantitative indicators, such as relapse rates or recidivism statistics. It becomes difficult to precisely evaluate the efficacy of rehabilitation

programmes and guide the required service delivery improvements in the absence of strong outcome evaluations that capture these recovery-oriented indicators. To evaluate more meaningful dimensions of success, the procedures may include improvements in psychosocial functioning, employment stability, social reintegration and quality of life.

Several systemic limitations often hinder the effective implementation of drug rehabilitation programmes within probation services. The lack of specialized knowledge among staff in areas crucial to rehabilitation, like addiction treatment, mental healthcare, and therapeutic techniques, is a significant challenge. Many probation officers come from legal or administrative backgrounds and may not have a comprehensive understanding of or receive sufficient training in clinical or rehabilitative approaches. A lack of institutional resources, including funding, programme availability and access to multidisciplinary support teams, exacerbates this expertise gap. Furthermore, probation officers frequently manage high caseloads, which limits the amount of time and focus they can give each person. These factors collectively constrain the capacity of probation services to deliver comprehensive, individualized and evidence-informed interventions, thereby affecting the overall quality and effectiveness of rehabilitation outcomes.

V. POSSIBLE COUNTERMEASURES AND RECOMMENDATIONS

A. Reforming Training and Curriculum

There is a critical need to enhance the capabilities of probation officers by reforming existing training programmes and professional development curricula. Probation staff often lack adequate preparation in areas essential to effective rehabilitation, such as motivational interviewing and trauma-informed care. Incorporating evidence-based practices into training programmes would ensure that personnel are better equipped to address the complex needs of drug-involved offenders, thereby improving treatment outcomes.

B. Development of Assessment Tools

To optimize intervention outcomes, it is essential to develop or adopt evidence-based assessment tools that can identify both criminogenic risks and clinical needs. These tools should be rooted in the principles of the RNR model, which advocates matching the intensity and content of treatment to the offender's risk level, needs and responsivity factors. Furthermore, individual diversity, including cognitive functioning, gender and cultural background, must be considered when utilizing tools to improve effective case planning and resource allocation.

C. Establishing Monitoring and Evaluation Frameworks

Evaluating the effectiveness of drug rehabilitation within probation services necessitates the implementation of comprehensive monitoring and evaluation frameworks. Conventional outcome metrics, like recidivism and relapse rates, provide little information about the overall course of recovery. Indicators like psychosocial stability, housing and work status, social functioning and general quality of life should be part of a more comprehensive assessment strategy. Both quantitative measurements and qualitative evaluations should be used in intervention evaluations to capture the nuanced changes that occur over time. Furthermore, the incorporation of evidence-based feedback mechanisms will support ongoing programme development, ensuring that interventions remain responsive to the evolving needs of the probation population.

REFERENCES

Andrews, D.A., Bonta, J. (2010). *The psychology of criminal conduct*. New Providence, NJ: Anderson.

Barnes-Lee, A. R., Goodson, M. V., & Scott, N. A. (2023). Dynamic risk and differential impacts of probation: Examining age, race, and gender as responsivity factors. *Law and human behavior*, 47(4), 526-537. https://d0i.org/10.1037/1hb0000534

Bartol, C. R., & Bartol, A. M. (2019). *Introduction to forensic psychology: Research and application*. Thousand Oaks: SAGE Publications.

Bennett, T., Holloway, K., & Farrington, D. (2008). The Statistical Association between Drug Misuse and Crime: A Meta-analysis. *Aggression and Violent Behavior*, 13, 107-118.

Department of Probation. (2024). [Unpublished raw data]. Internal report. Division of Drug Rehabilitation, Department of Probation, Bangkok.

Gossop, M., Trakada, K., Stewart, D., & Witton, J. (2005). Reductions in criminal convictions after addiction treatment: 5-year follow-up. *Drug and alcohol dependence*, 79(3), 295— 302. https://doi.org/10.1016/j.drugalcdep.2005.01.023

Holloway, K. R., Bennett, T. H., & Farrington, D. P. (2006). The effectiveness of drug treatment programmes in reducing criminal behavior: a meta-analysis. *Psicothema*, 18(3), 620—629.

Prendergast, M. L., Podus, D., Chang, E., & Urada, D. (2002). The effectiveness of drug abuse treatment: a meta-analysis of comparison group studies. *Drug and alcohol dependence*, 67(1), 53-72. https://d0i.org/10.1016/s0376-8716(02)00014-5

Wooditch, A., Tang, L. L., & Taxman, F. S. (2014). Which Criminogenic Need Changes Are Most Important in Promoting Desistance from Crime and Substance Use? *Criminal justice and behavior*, 41(3), 276-299. https://d0i.org/10.1177/0093854813503543

THEORIES OF OFFENDER REHABILITATION AND THEIR EFFECTIVE IMPLEMENTATION: RELEVANCE FOR THE KINGDOM OF TONGA

*Ilaisaane Lepolo Fifita**

I. INTRODUCTION

Offender rehabilitation plays a vital role in the criminal justice system by aiming to reduce reoffending and promote public safety globally. To achieve this, rehabilitation programmes must be grounded in evidence-based theories that have been tested and proven effective across diverse global, regional and local contexts. Among these, the Risk-Need-Responsivity (RNR) model stands out for its strong empirical foundation and widespread application, including in the Swedish Prison and Probation Service (SPPS), where it informs risk assessment and tailored intervention planning (Sutton, Persson & Danielsson, 2003). The use of the Good Lives Model (GLM) also offers a more culturally congruent framework such as for the Māori offenders in New Zealand as highlighted by Leaming & Wills (2016, pp. 59 – 69). This JICA training programme offered the opportunity to focus on the RNR model as a core framework for offender rehabilitation. This model holds significant potential for Tonga, where probation services currently operate without a formal legislative framework and rely heavily on officer discretion and within legal jurisdictions.

As the well-known saying goes, "It takes a village to raise a child." In Tonga, this sentiment is reflected in the proverb, *'oku 'i ha kolo ke tokoni ki hono tokoni'i ha fakaliliu ha tokotaha.*[1] This perspective aligns with the Tongan *faa'i kavei koula*,[2] which have long shaped Tongan upbringing (Koloto, 2021, pp. 39–51). These four core values are known as *faka'apa'apa, loto tō, mamahi'i me'a* and *tauhi vā*,[3] which are central not only to early education but also provide a strong moral and social foundation for offender rehabilitation. Within this worldview, rehabilitation is not solely the responsibility of the government or probation officers, but it also involves the *kainga*,[4] *siasi*[5] and the broader *kolo*.[6] For rehabilitation to be truly effective in Tonga, it must be deeply rooted in these cultural pillars and further reinforced by Christian faith, which remains a significant influence in everyday life (Kavafolau, 2021). The RNR model complements this approach by offering a structured yet flexible framework that can be culturally adapted to Tonga's context. By aligning risk assessment and intervention planning with Tongan values and social realities, it supports more consistent, targeted and meaningful rehabilitation practices.

This paper examines the current state of offender rehabilitation in Tonga, highlighting its strengths and challenges, and explores how adopting and adapting international models, particularly the RNR model, which can improve local outcomes. It also outlines how participation in the JICA training programme will enhance the capacity of Tonga's probation officers to lead more effective and culturally relevant rehabilitation strategies.

* Senior Probation Officer, Probation Department, Ministry of Justice, Tonga.
[1] "It takes a village to support the rehabilitation of a person."
[2] Four Golden Values
[3] Respect, humility, loyalty and commitment, maintaining and nurturing relationship
[4] Extended family
[5] Churches
[6] Community

II. CURRENT SITUATION OF OFFENDER REHABILITATION IN TONGA

In Tonga, the rehabilitation of offenders is carried out primarily by the Probation Department under the Ministry of Justice. Although there is currently no dedicated Probation Act to formally guide probation work, rehabilitation practices are permitted and directed through court orders (Section 25A of the Criminal Offences Act, Tonga) "where person is convicted of an offence punishable by imprisonment the Court may make a community service order requiring him/her to perform unpaid work for the benefit of the community". The purposes of the Tonga Youth Justice Bill 2024 are to (a) prevent a child or young person alleged to have committed an offence from entering the formal criminal justice system and the adverse consequences which follow; (b) provide an age, developmental and culturally appropriate response to youth offending; (c) reduce pressure on the court system by diverting minor cases from the courts and reduce the likelihood of a child or young person reoffending by addressing the issues that have led to offending behaviour, through the development of an appropriate and monitored Youth Diversion Plan and legal advice from the Attorney General's Office. In the absence of a specific legislative framework, probation officers rely heavily on their professional judgment, experience and informal practices when delivering services.

The Probation Department performs a wide range of duties. These include:

- Preparing pre-sentencing reports for the courts,
- Supervising community work orders and probation conditions,
- Conducting home visits and follow-ups with the probationer,
- Providing counselling and support to both adult and juvenile offenders,
- Collaborating with stakeholders such as families, churches, school and NGOs to support reintegration efforts.

Probation officers in Tonga carry out risk assessments informally by interviewing offenders, gathering background information and consulting with community members to understand an offender's personal history and current circumstances. While these assessments are often based on local knowledge and experience rather than standardized tools, officers use them to evaluate whether the offender is remorseful, engaged in community life and ready to reintegrate. In some cases, officers may recommend specific training, spiritual counselling or rehabilitation programmes to the court. The work of probation officers, however, is becoming increasingly challenging. One major issue is the lack of a formal risk assessment framework, which limits the ability to identify criminogenic needs and match interventions accordingly. The rise in drug-related offences, coupled with a small and overstretched team, further increases the risk of burnout and weakens the department's capacity to monitor probationers effectively. Officers also face safety risks during home visits, especially in volatile or high-risk environments, due to the absence of security support.

Despite these limitations, the strength of the Tongan probation system lies in the dedication of its staff whose vision to live in the family, in a village, in a country, in a Government that all Tongans feel secure, comfort and free also by promoting public safety by making a positive difference in the lives of offenders, families, victims and the community illustrates in their mission to provide access to evidence-based early intervention, supervision, treatment and secure care for offenders so they learn accountability and responsibility, families are strengthened and community safety is enhanced. And the values are to responsibility, fairness, respect caring, trustworthiness and citizenship. These are combined with a strong community-based approach that draws on close family ties and local support networks. These are supported by *kainga*, such as town officers, and *siasi*, such as informal rehabilitation programmes and spiritual counselling by pastors. Non-governmental organizations (NGOs), such as the Salvation Army and the Woman and Children Crisis Centre (WCCC), reflect Tonga's communal values and are recommend by probation to the court depending on the context of the offender's criminal record and chances for rehabilitation. This cultural foundation offers an opportunity to build more structured and effective rehabilitation strategies, especially if combined with evidence-based models such as the RNR and GLM, adapted appropriately to the Tongan context.

III. CHALLENGES HINDERING REHABILITATION PROGRAMME DELIVERY

The delivery and impact of offender rehabilitation services in Tonga face several significant challenges. A key issue is the absence of a formal legal framework, such as a dedicated Probation Act, to clearly define the roles, responsibilities and authority of probation officers. At present, probation work is guided by court orders, the Juvenile Act and occasional legal advice from the Attorney General's office. This legal ambiguity limits the consistency and authority needed to implement structured rehabilitation programmes. A small team of probation officers is responsible for an increasing number of offenders, which can compromise the quality of supervision and follow-up. Officers also operate with limited logistical and security support, placing them at personal risk, especially during home visits.

Another critical gap is the lack of standardized risk assessment tools. Unlike jurisdictions that use evidence-based frameworks like the Risk-Need-Responsivity (RNR) model, Tonga relies on informal interviews and officer discretion, which can lead to inconsistent evaluations and less targeted interventions. These systemic issues are compounded by rising social problems, especially drug-related offences among youth, which increase recidivism risks. Moreover, while Tonga's communal and faith-based culture can support reintegration, it may also contribute to stigma and exclusion of offenders by their families or communities. Addressing these challenges requires rehabilitation programmes that are not only evidence-based but also culturally grounded to ensure their effectiveness and social acceptance within the Tongan context.

IV. SUPPORTING OFFENDER REHABILITATION IN TONGA

Despite facing structural and resource limitations, Tonga possesses several cultural and institutional strengths that offer a solid foundation for effective offender rehabilitation. Central to this foundation is the *siasi*, a powerful institution that shapes community values and individual behaviour. Churches often function as informal yet impactful rehabilitation spaces, offering spiritual guidance, emotional support, and opportunities for reflection and service. Equally vital is the *kainga*, which remains the core support system in Tongan society. Families not only provide emotional encouragement but also offer practical assistance such as housing, employment opportunities and social reintegration. These efforts are grounded in cultural values like *mamahi'i me'a* and *tauhi vā*, kinship responsibility, resonating with evidence-based rehabilitation principles.

The Tongan *faa'i kavei koula* form a solid cultural foundation that is closely aligned with the Risk-Need-Responsivity (RNR) model's emphasis on individualized, respectful and relational approaches to offender rehabilitation. These norms naturally complement structured offender management approaches, such as the RNR model, by incorporating relational accountability into the rehabilitation process. Furthermore, in the absence of formal tools and legal frameworks, probation officers demonstrate strong commitment by providing individualized, culturally sensitive support. Their ability to engage sensitively with clients and build trust exemplifies the RNR model's responsivity principle, which emphasizes the importance of tailoring interventions to individual characteristics. Together, these strengths, community and church engagement, culturally rooted values and dedicated frontline officers form a strong foundation for Tonga to develop more formal, evidence-based rehabilitation practices that are grounded in local realities.

V. STRATEGIC PATHWAYS FOR REFORM AND IMPROVEMENT

Improving offender rehabilitation in Tonga requires a comprehensive and culturally grounded strategy that addresses existing challenges while building on the country's enduring social strengths. Central to this approach is the careful integration of internationally recognized frameworks particularly the Risk-Need-Responsivity (RNR) model and the Good Lives Model (GLM) adapted to resonate with Tonga's deeply held cultural values such as *faa'i kavei koula*. Embedding these principles in rehabilitation programming enhances community relevance, fosters offender engagement and promotes sustainable positive outcomes.

Equally important is the development of culturally appropriate assessment tools that move beyond informal interviews and officer discretion. These tools should incorporate Tongan communication styles, social values and the significance of extended family networks. A mixed-methods design, combining quantitative data with narrative and relational insights, will allow for more personalized and accurate rehabilitation plans. Simultaneously, building the capacity of probation officers through ongoing training is critical. This training should encompass the practical use of models like RNR and GLM, alongside cultural competence, trauma-informed care, ethical practice and personal safety, especially during community-based work. These investments will enhance service quality, support staff well-being and strengthen public trust in the system. In Tonga, reintegration is a deeply social process shaped by communal values such as the Tongan four golden pillars. Offending is often seen as bringing shame not only to the individual but also to their family and village, which can result in rejection and social exclusion. Trusted institutions like the church, extended family and community organizations are essential in bridging this gap. Through restorative practices, spiritual guidance and collective responsibility, these partnerships reduce stigma, rebuild trust and create a supportive environment where rehabilitation and reintegration are genuinely possible and culturally meaningful.

To ensure the sustainability and effectiveness of these reforms, this means regularly looking at things like how many people stay out of trouble, how well they fit back into their communities and how satisfied they feel with the support they get. It's also important to involve many groups, such as government, NGOs and community leaders, so they can help provide resources, policies and services that offenders need. At the same time, we need to be aware of challenges like limited funding or resistance to change, and find ways to address these so the reforms can be successfully put into practice and make a real difference. Participation in the JICA training programme offers a unique and timely opportunity to support these goals. As potentially the first female probation officer from Tonga to attend, I recognize the importance of gender diversity in this field. The programme equipped me with the knowledge and skills to lead reforms that are culturally sensitive and inclusive, helping to build a more effective, equitable and sustainable probation service for Tonga.

VI. CONCLUSION

Tonga's probation system plays a vital role in supporting offender rehabilitation and community safety, yet it faces substantial structural and operational challenges. The absence of a formal legislative framework, limited resources and the lack of standardized assessment tools constrain the system's effectiveness. Despite these barriers, Tonga holds powerful cultural strengths such as the influence of the church, the support of extended families and the guiding values of respect and maintaining relationships that offer meaningful foundations for reform. By adapting evidence-based models such as the RNR model to align with Tonga's cultural context, the probation system can offer more consistent, responsive and inclusive support to offenders. This includes the development of culturally appropriate assessment tools, enhanced training for probation officers, and stronger collaboration with families, churches and community organizations. Gaining knowledge and skills through the JICA training programme will be instrumental in supporting these reforms. The training not only strengthened our technical understanding of rehabilitation models but also equipped the Probation Division with international perspectives and practical strategies to lead change. By bridging global best practices with local values, we can create a more just, inclusive and sustainable rehabilitation system that benefits both individuals and communities.

REFERENCES

Koloto, M. L. (2021). Contextualizing Tonga inclusive special education policy in a global inclusive education policy. *International Education Journal: Comparative Perspectives, 20*(2), 39-51.

Kavafolau, V. (2021). Gender. In K. R. Ross, K. Tahaafe-Williams, & T. M. Johnson (Eds.), *Christianity in Oceania* (pp. 298–308). Edinburgh University Press. http://www.jstor.org/stable/10.3366/j.ctv21pts6j.35

Leaming, N., & Willis, G. M. (2016). The good lives model: New avenues for Maori rehabilitation. *Sexual Abuse in Australia and New Zealand, 7*(1), 59-69.

Sutton, L. C. S., Persson, B. N., & Danielsson, M. (2023). Predicting intimate partner violence recidivism using the Swedish Prison and Probation Service's Risk-Need-Responsivity Assessment (RNR-A). *Nordic Journal of Criminology, 24*(1), 1–20. https://doi.org/10.18261/njc.24.1.4

Criminal Offence Law, Tonga, Section 25A. https://ago.gov.to/cms/images/LEGISLATION/PRINCIPAL/1924/1924-0010/CriminalOffencesAct_2.pdf

Tonga Youth Justice Bill 2024 https://parliament.gov.to/en/media-centre/latest-news/the-standing-committee-on-legislation-public-consultation-on-the-tonga-youth-justice-bill-2024

PART TWO

RESOURCE MATERIAL SERIES No. 121

Work Product of the 27th UNAFEI UNCAC Training Programme

UNAFEI

REPORT OF THE PROGRAMME

THE 27TH UNAFEI UNCAC TRAINING PROGRAMME

"Detecting Corruption – Learning from Successful Methods, Practices and Techniques"

1. Duration and Participants

- From 23 October to 19 November 2025
- 22 overseas participants from 16 countries
- 5 participants from Japan

2. The Purpose of the Programme

This training programme was centred on the theme: "Detecting Corruption – Learning from Successful Methods, Practices and Techniques". The objectives were as follows:

a. To examine and share knowledge on the current regimes, existing challenges, countermeasures, best practices and effective methods in the participating countries for detecting corruption;

b. To discuss strategies for effectively translating identified corruption leads into investigative and prosecutorial actions;

c. To promote mutual understanding and trust among participants and to establish a network aimed at improving practices within each country and facilitating ongoing information exchange.

3. Contents of the Course

(1) Lectures

- Overseas Experts

A) "Anti-corruption regime in Finland"
Mäntysalo Venla, Senior Specialist, Department of Criminal Policy and Criminal Law, Ministry of Justice, Finland

B) "Corruption in Finland", "International co-operation in corruption cases"
Jokela Katja, Senior Specialised Prosecutor, Prosecution District of Southern Finland

- Lectures by Japanese Experts

A) "Investigative techniques to detect corruption"
Yasuhiro TANIWAKI, National Police Agency

B) "Detection, Investigation and Prosecution of Major Corruption Cases, Focusing on Proceedings with Investigation – From my experience at the Special Investigation Department of the Tokyo District Public Prosecutors Office-"
Shintaro SEKIGUCHI, Director, Special Trial Division, Tokyo District Public Prosecutors Office

C) "Whistleblower Protection Act"

Tomoko IWATA, Senior Specialist for Policy Planning, Office of Counsellor for Whistleblower Protection and Consumer-business Partnerships, Consumer Affairs Agency

Yutaka KAWASAKI, Researcher, Office of Counsellor for Whistleblower Protection and Consumer-business Partnerships, Consumer Affairs Agency

D) "Legal System for Preventing Bid Rigging and Case Examples of Uncovering Bid Rigging"

Yasunori OHYA, Special Investigation Coordinator, Investigation Bureau, General Secretariat, Japan Fair Trade Commission

E) "Anti-corruption Seminar"
Kenichi KINUGAWA, Lawyer, TMI Associates

F) "JICA's Anti-Corruption Effort"

Kaoru OCHI, Deputy Director, Compliance Division, Legal and Compliance Department, Japan International Cooperation Agency (JICA)

Risa KAWAHARA, Assistant Director, Compliance Division/Legal Division, Legal and Compliance Department, JICA

G) "Toyota's anti-corruption activities"
Toru OGAWA, Legal Department, TOYOTA Motor Corporation

H) "Involvement of Japanese Lawyers in Facilitating the Detection of Corruption and Misconduct – with a Focus on Collaboration with Investigation Authorities –"

Members of the Anti-Bribery Committee Japan (ABCJ)
Tatsuya INAGAWA, Lawyer
Rie KUWABARA, Lawyer
Nobuhiro MATSUO, Lawyer
Rumi TABATA, Lawyer

(2) Individual Presentations

Each participant made an "Individual Presentation" describing the current situation and challenges in the participant's country. Participants asked many questions to the presenters and active discussions were held.

(3) Study Visit

a. The participants visited the Tokyo District Court. In addition to observing court proceedings, they received explanations from court officials regarding Japan's witness (including whistle-blowers) protection measures in criminal trials—such as shielding and video-link systems—and observed the actual facilities.

b. Participants visited the Tokyo District Public Prosecutors Office to observe a mock interrogation room to learn about Japan's interrogation environment, in case participants' country request Japan to interview an individual through mutual legal assistance.

(4) Group Discussion

Based on the knowledge gained through individual presentations, lectures and study visits, the participants were divided into three groups to discuss: (a) effective methods for protecting whistle-blowers, (b) the potential use of artificial intelligence (AI) to detect corruption and (c) action-oriented approaches to fostering a culture of lawfulness. In addition, participants worked on a hypothetical corruption case to examine suspicious facts that could lead to detecting corruption, and they discussed possible investigative techniques. The outcomes of these discussions were then presented in a group work presentation session.

4. Feedback from the Participants

Most participants commented that the training was well-structured and provided valuable learning opportunities. In particular, the group work based on a hypothetical case was highly regarded, as it allowed participants to gain insights into the practical approaches of different countries through concrete examples. Some participants suggested that using different hypothetical cases for each group would make the exercise even more effective.

5. Comments from the Programming Officer

Through this training programme, it became clear that methods for detecting corruption significantly vary depending not only on differences in legal systems and areas where corruption is most severe, but also on factors such as overall public awareness of compliance, social norms and even the size of a country. For example, in countries with small populations where most citizens know each other and traditionally resolve matters within closed communities, whistle-blower systems tend to be less accepted. Conversely, in countries where corruption is extremely pervasive, there are cases where whistle-blowing is actively encouraged without hesitation.

Acknowledging these differences, the participants thoroughly examined—through individual presentations, lectures, and group work—what measures or initiatives could be implemented in their own countries and how such implementation could be achieved. Moreover, as noted above, the training offered an opportunity to think about topics without a definitive answer, such as the potential use of AI to detect corruption and whether whistle-blowers should be financially rewarded. This strengthened the capacity of participants to think proactively and develop broader perspectives. It is worth highlighting that discussion on these issues also offered valuable insights for Japan's own practices.

The training also placed emphasis on the importance of a "culture of lawfulness." No matter how effective investigations may be, the reality is that corruption cannot be eradicated by law enforcement alone. At a deeper level, it is essential to build a society, culture and environment where corruption does not occur and is not tolerated—and the responsibility for this lies with each individual citizen. Accordingly, participants were asked to reflect on what a culture of lawfulness means and how it can be instilled from their respective positions. What was impressive in this regard was that the overseas expert Katja Jokela, a Finnish prosecutor, explained how Finland has built its reputation as one of the least corrupt countries in the world: *"Respect for the law and trust in the state are ingrained within each individual."* As the training progressed, terms such as "culture that does not accept corruption" and "culture of lawfulness" were increasingly heard from participants, signalling raised awareness.

The training enabled participants not only to engage in practical discussions on investigative techniques for detecting corruption, but also to adopt a long-term perspective on building societies where corruption does not arise. The author also learned a great deal from the participants. It is our sincere hope that each participant will apply the knowledge and perspectives gained through this programme to enhance and develop the anti-corruption regimes and practices in their respective countries.

PARTICIPANTS' PAPERS

ANTI-CORRUPTION STRATEGIES IN BRAZIL: CHALLENGES, PROGRESS AND GLOBAL SYNERGIES

*Raquel Tiveron**

I. CORRUPTION AS A SYSTEMIC PHENOMENON

Corruption constitutes a global challenge that transcends borders, negatively impacting socio-economic development, especially in emerging countries and with the potential to undermine public confidence in their democratic institutions.

Corruption in Brazil is not limited to isolated incidents; it is characterized by a systemic nature, deeply rooted in government and business spheres. This Brazilian peculiarity generates substantial socio-economic impacts (especially affecting its poor population), distorts markets and imposes significant barriers to progress, as demonstrated by the two most emblematic cases below.

II. OPERATION PANDORA'S BOX

Operation *Pandora's Box* was launched on 27 November 2009 and revealed one of the largest corruption schemes in the country's capital, Brasília, involving the payment of bribes to district deputies, secretaries and political allies of the then governor.[1] The scheme worked as follows: technology entrepreneurs, hired by the local government to provide services, paid bribes to secure public contracts. The money was then passed on to members of parliament and allies of the governor, delivered in envelopes or suitcases.

Videos recorded by the whistle-blower in the scheme, the Federal District's Secretary of Institutional Relations, showed the delivery of bundles of cash to representatives, aides and the governor himself. In these videos, members of parliament are seen stuffing the money they received into bags, jackets and socks and even "praying" over the money, thanking God for the bribe.[2]

The scandal ousted the local governor, who was placed under preventive arrest, sparked political intervention in the Federal District and opened criminal and civil proceedings, dragged on for over a decade. Several district representatives were charged with passive corruption. However, more than fifteen years after the events, the lawsuits were dismissed due to limitation.[3]

Operation *Pandora's Box* was a landmark in the fight against corruption in Brazil and revealed how it is structured within political and business circles. *Pandora's Box* anticipated investigative techniques that would be used years later in Operation *Car Wash*, such as plea bargains, the use of hidden videos, cooperation between the police and the public prosecutor's office and the need to focus on systemic corruption.[4]

---

* Public Prosecutor, 6th Criminal Enforcement Prosecutor's Office, Public Prosecutor's Office of the Federal District and Territories (MPDFT), branch of the Public Ministry of the Union (MPU), Brazil.

[1] G1. *Operation Pandora's Box: understand the scandal that led to Arruda's arrest*. Rio de Janeiro: G1, November 27, 2009. Available at: https://g1.globo.com/ . Accessed on: 27 July 2025.

[2] O GLOBO. *Videos show deputies receiving money from Durval Barbosa*. Rio de Janeiro: O Globo, 28 November 2009.

[3] PUBLIC PROSECUTOR'S OFFICE OF THE FEDERAL DISTRICT AND TERRITORIES (MPDFT). *Report on institutional action in the Pandora's Box case*. Brasília: MPDFT, 2010.

[4] GOMES, Luiz Flávio. *Systemic corruption and criminal response*. São Paulo: Saraiva, 2015; LOPES JR., Aury. *Criminal procedural law and its constitutional conformity*. 6th ed. São Paulo: Saraiva, 2017.

III. OPERATION CAR WASH

Operation *Car Wash* revealed the largest known corruption case in the country, consisting of a complex network of bribes and embezzlement that extends across various sectors of the economy and politics, at the federal level.[5]

It began in March 2014 with a money laundering investigation at a small petrol station, again in the country's capital. The investigation expanded and uncovered a massive corruption scheme within the Brazilian federal government, with a particular focus on state-owned companies such as "Petrobras – Petróleo Brasileiro S/A", the country's largest oil company and the fifteenth largest in the world.[6]

The investigation, conducted by a team of prosecutors from the Federal Public Prosecutor's Office, revealed that Petrobras was used as an instrument to embezzle billions of public funds, involving construction companies, politicians and directors of the state-owned company.[7]

Construction companies formed a cartel to rig Petrobras bids and paid millions in bribes to Petrobras directors and politicians in exchange for inflated contracts. The money was diverted to an illicit fund and then laundered through small businesses, including car washes and petrol stations, to finance political campaigns, bribe politicians and personally enrich the businesspeople.

Operation *Car Wash* led to the recovery of 25 billion reals (approximately US$4.5 billion) in fines and restitution of embezzled funds. It resulted in more than two hundred convictions for crimes such as corruption, money laundering and abuse of the international financial system. For these convictions, the "plea bargain" law was once again crucial, encouraging executives and businesspeople to provide information that broadened the scope of the investigations.[8]

However, by subsequent decision of the Supreme Federal Court, all convictions were overturned, citing procedural irregularities and the judge's bias in handling the cases. The cases were restarted in Brasília and, for the most part, dismissed due to statute of limitations or lack of admissible evidence. The annulment of the cases undermined the credibility of the justice system, caused a setback in institutional cooperation, demobilized the anti-corruption system and generated a sense of impunity among the country's citizens.[9]

The impact of *Operation Car Wash* was far-reaching and involved millionaire businesspeople, members of parliament, senators, governors, ministers and the president.

The judicial setback and the annulment of evidence in *Operation Car Wash* and *Pandora's Box* highlight a critical point in the fight against corruption in Brazil: that the battle against corruption in Brazil is not limited to the discovery of illicit acts, but also to the procedural legitimacy of investigations, the sustainability of convictions and the effective recovery of misappropriated funds.

Excessive investigations, the impartiality of judges and the constant shifting of the Supreme Court's interpretations reveal inconsistencies and divergences among actors that can undermine the legal certainty, effectiveness and public legitimacy of anti-corruption efforts.

---

[5] CORRUPTION IN BRAZIL: the scandal that arrested politicians. YouTube, 2017. Available at: https://www.youtube.com/watch?v=6eyBWX3hVaE . Accessed on: 27 July 2025.
[6] COUNCIL ON FOREIGN RELATIONS. *Brazil's Corruption Fallout*. Available at: https://www.cfr.org/backgrounder/brazils-corruption-fallout . Accessed on: 27 July 2025.
[7] 7 OPERATION CAR WASH. *Wikipedia* . Available at: https://en.wikipedia.org/wiki/Operation_Car_Wash . Accessed: July 27, 2025.
[8] DEPARTMENT OF JUSTICE (USA). *J&F Investimentos SA pleads guilty and agrees to pay over $256 million*. Available at: https://www.justice.gov/archives/opa/pr/jf-investimentos-sa-pleads-guilty-and-agrees-pay-over-256-million-resolve-criminal-foreign . Accessed on: 27 July 2025.
[9] BBC BRAZIL. *Supreme Court annuls Lava Jato convictions*. Available at: https://www.bbc.com/portuguese/brasil-56444662. Accessed: 22 July 2025.

It is therefore necessary to balance the tension between aggressive investigative tactics, necessary to unravel complex schemes and strict adherence to due process. In this regard, the balanced performance of the Public Prosecutor's Office, with its teams of prosecutors and the judiciary, is essential to ensure both effectiveness and legitimacy, preventing procedural errors from undermining substantive justice. Otherwise, they create vulnerabilities for legal challenges and reversals of decisions, compromising the system's ability to deliver justice consistently.

The "silver lining" of these judicial overturns is that they also created opportunities for systemic change and for deeper public debate on corruption, with a demand for greater accountability.[10]

IV. FRUITS AND EXPERIENCE THAT DESERVE TO BE SHARED

The public nature of these scandals, amplified by the media, contributed to a greater demand for transparency, accountability and responsibility. This public pressure acts as a check, albeit not institutionalized, on corruption, driving legislative reforms for better law enforcement.[11]

From then on, anti-corruption strategies in Brazil focused on preventive action, through the creation of laws and institutional reforms. The country has a constantly evolving regulatory framework, examples of which include the Corporate Anti-Corruption Law, the State-Owned Companies Law (Law No. 13,303/2016) and the Anti-Crime Package (Law No. 13,964/2019), mentioned below. Due to their significant importance, these laws deserve further detail and explanation.

The Corporate Anti-Corruption Law (Law No. 12,846/2013) came into effect in 2014 and holds companies civilly and administratively liable for acts of corruption against public administration, regardless of fault. It encourages compliance programmes and allows for leniency agreements with agencies such as the CGU (Comptroller General's Office).[12]

The Leniency Agreement Framework (Decree No. 11,129/2022) regulated the Anti-Corruption Law, generating greater legal certainty and established clear criteria for companies to collaborate in exchange for benefits and reduced sanctions.[13]

The State-Owned Enterprises Law (Law No. 13, 303/2016) established strict rules for governance, tendering and risk management in public companies. It seeks to protect state-owned companies from political interference and illegal practices.[14]

The new Bidding and Contracts Law (Law No. 14,133/2021) replaced the previous one (Law 8,666/1993) and introduced modern control and accountability devices, such as the requirement for integrity programmes in large-scale contracts and greater transparency and oversight.[15]

The Anti-Crime Package (Law No. 13, 964/2019) reformed the Penal Code, the Code of Criminal Procedure and the Penal Enforcement Law. It introduced the non-prosecution agreement (ANPP) into the legal system, which requires a recorded confession from the accused, provided clearer rules for plea bargains and created the guarantee judge to avoid nullities based on the argument of the judge's impartiality.[16]

---

[10] GOMES, Luiz Flávio. *Systemic corruption and criminal response*. São Paulo: Saraiva, 2015.

[11] ARANTES, Rogério B. Public Prosecutor's Office and Politics in Brazil. São Paulo: Educ, 2002.

[12] BRAZIL. Law No. 12,846 of 1 August 2013. Provides for the administrative and civil liability of legal entities. Available at: https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/l12846.htm

[13] BRAZIL. Decree No. 11,129 of 11 July 2022. Regulates Law No. 12,846/2013. Available at: https://www.in.gov.br/en/web/dou/-/decreto-n-11.129-de-11-de-julho-de-2022-416887933

[14] BRAZIL. Law No. 13,303 of 30 June 2016. Establishes the legal status of state-owned companies. Available at: https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/l13303.htm

[15] BRAZIL. Law No. 14,133 of 1 April 2021. New Law on Public Tenders and Administrative Contracts. Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/lei/l14133.htm

[16] BRAZIL. Law No. 13,964 of 24 December 2019. Anti-Crime Package. Available at: https://www.planalto.gov.br/ccivil_03/_

This package of laws allows the Public Prosecutor's Office to negotiate collaboration agreements with those under investigation without the participation of the judge, bringing greater speed in the recovery of assets and putting an end to the claim of impartiality of the judge, since he does not participate in the act.[17]

In addition to modernizing the aforementioned legislative framework, Brazil began to use technological platforms and mechanisms such as artificial intelligence to combat corruption.

For example, the "Fala.BR" platform was created to connect the public and unify reporting channels and access information on public contracts. Other platforms, such as the Public Integrity System (SIP),[18] the Correction Dashboard, Anti-Corruption Radar and the "+Brasil" Platform, integrate data on agreements, transfers and sanctions applied to companies. These data are also available for public consultation, providing greater transparency into the use of public resources.[19]

Bodies responsible for preventing and combating corruption, such as the CGU – Comptroller General of the Union, COAF – Financial Activities Control Council (COAF), the Federal Police and the Public Prosecutor's Office, already existed, but began to use artificial intelligence and big data in audits and investigations and were strengthened with integrated actions, through ENCCLA.[20]

ENCCLA – the National Strategy to Combat Corruption and Money Laundering – is a permanent and inter-institutional forum, which brings together more than 90 bodies from the three branches of government (Prosecutor's Office, Federal Police, CGU, COAF, Federal Revenue Service, among others) designed to discuss, formulate and propose public policies aimed at preventing and repressing corruption, money laundering and related crimes.[21]

Each year, ENCCLA holds plenary meetings with representatives from participating agencies. These meetings define concrete actions to be implemented in the following year, known as ENCCLA actions. ENCCLA's actions and results include the enactment of Law No. 12,683/2012 – which reformed the Money Laundering Law; the creation of the Bank Transactions Investigation System (SIMBA); and proposals to regulate lobbying and conflicts of interest between the public and private sectors.[22] ENCCLA is cited by organizations such as the OECD, FATF and UNODC as a good Brazilian institutional practice, due to its form of inter-institutional cooperation and focus on results.[23]

Other examples are the technological tools developed by the Comptroller General of the Union – CGU, ROSIE and ALICE, created to detect signs of irregularities and corruption.[24]

---

ato2019-2022/2019/lei/l13964.htm

[17] BRAZIL. Law No. 13,964 of 24 December 2019. Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/l13964.htm . Accessed on: 22 July 2025.

[18] CGU – Comptroller General of the Union. *Fala.BR – Integrated Ombudsman and Access to Information Platform*. Available at: https://falabr.cgu.gov.br. Accessed on: 27 July 2025.

[19] CGU – Comptroller General of the Union. *Systems and Panels*. Available at: https://www.gov.br/cgu/pt-br/governanca/integridade-publica. Accessed on: 27 July 2025.

[20] CGU – Comptroller General of the Union. *Anti-Corruption Radar*. Available at: https://www.gov.br/cgu/pt-br/governanca/integridade-publica/radar-anticorrupcao. Accessed on: 27 July 2025.

[21] ENCCLA – National Strategy to Combat Corruption and Money Laundering. *About ENCCLA*. Available at: https://enccla.camara.leg.br. Accessed: 27 July 2025.

[22] BRAZIL. Law No. 12,683 of 9 July 2012. Amends Law No. 9,613 of 3 March1998. Available at: https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2012/lei/l12683.htm. Accessed on: 27 July 2025.

[23] OECD. *Implementing the OECD Anti-Bribery Convention: Phase 4 Report – Brazil*. Paris: OECD Publishing, 2017. Available at: https://www.oecd.org/corruption/anti-bribery/Brazil-Phase-4-Report-ENG.pdf . Accessed: 27 July 2025.

GAFI/FATF. *Brazil Mutual Evaluation Report*. Paris: FATF, 2010. Available at: https://www.fatf-gafi.org . Accessed on: 27 July 2025.

UNODC. *Country Review Report of Brazil – UNCAC Implementation Review Mechanism*. Vienna: UNODC, 2016. Available at: https://www.unodc.org . Accessed on: 27 July 2025.

[24] CGU – Comptroller General of the Union. *Technology in Corruption Prevention: Rosie, Alice and Other Innovations*. Brasília, 2022. Available at: https://www.gov.br/cgu/pt-br . Accessed on: 27 July 2025.

ROSIE – Systematic Observation Robot of the Structured Internet is an automated system created to monitor and analyse public expenditure, with a special focus on federal parliamentarians' spending. It scans data on funds remitted to parliamentarians and detects suspicious patterns such as duplicate reimbursements, suspicious invoices and unusual expenses on food, fuel and car hire, using machine learning algorithms and predefined rules.[25] ROSIE has already helped identify, for example, the misuse of the parliamentary quota, such as deputies who reimbursed meals at times incompatible with their working hours or in locations far from their parliamentary residence.[26]

ALICE – Bid and Contract Analysis is a system that uses artificial intelligence to analyse public notices, contracts and bids, identifying risks of corruption, overpricing or fraud. It automatically analyses the texts of notices and contracts published on the Transparency Portal and the +Brasil Platform and flags generic or overly restrictive terms in contracts (which may bias the contract towards a particular company), the lack of objective contracting criteria or the absence of broad competition. ALICE has already helped prevent problematic contracts and guides public administrators on best practices, as well as assisting in focusing CGU audits, optimizing team allocation.[27]

The Anti-Crime Law Package, ENCCLA, Rosie and Alice are examples of tools for improving the performance of anti-corruption and oversight agencies. They focus on transparency, efficiency and integrity and contribute to the detection of illicit activities and crime prevention. They are the result of Brazil's experience in combating corruption that deserve to be shared.[28]

V. LEARNING TO ADVANCE: THE IMPORTANCE OF SHARING KNOWLEDGE AND EXPERIENCES

Although *Operation Car Wash* brought unprecedented accountability to the country, subsequent criticism and the annulment of all resulting legal proceedings undermine the long-term credibility of the justice system. This legal uncertainty could hinder future anti-corruption efforts and, by extension, weaken the very democratic institutions that uphold the rule of law.

Throughout its history, Brazil has implemented several initiatives to combat corruption. An analysis of the strategies adopted reveals a complex landscape, characterized by notable progress and persistent challenges. The emergence of new corruption cases, even after the implementation of significant measures, suggests that existing strategies may be insufficient or easily circumvented. In this scenario, international cooperation and the exchange of experiences with other countries emerge as valuable components for a more effective criminal response.

---

[25] Ibid.

[26] CGU – Comptroller General of the Union. *Rosie Robot: CGU uses artificial intelligence to monitor the use of the parliamentary quota* . Brasília, 2019. Available at: https://www.gov.br/cgu/pt-br . Accessed on: 27 July 2025.

[27] CGU – Comptroller General of the Union. *ALICE Tool: CGU uses artificial intelligence to analyze bidding notices*. Brasília, 2020. Available at: https://www.gov.br/cgu/pt-br . Accessed on: 27 July 2025.

[28] ENCCLA – National Strategy to Combat Corruption and Money Laundering. *Reports and Actions*. Available at: https://enccla.camara.leg.br . Accessed: 27 July 2025.

REFERENCES

ARANTES, Rogério B. *Public Ministry and politics in Brazil*. São Paulo: Educ, 2002.

BBC BRAZIL. *Supreme Court annuls Lava Jato convictions*. Available at: https://www.bbc.com/portuguese/brasil-56444662 . Accessed: 22 July 2025.

BRAZIL. Decree No. 11,129 of 11 July 2022. Available at: https://www.in.gov.br/en/web/dou/-/decreto-n-11.129-de-11-de-julho-de-2022-416887933. Accessed on: 22 July 2025.

BRAZIL. Law No. 12,683 of 9 July 2012. Amends Law No. 9,613 of March 3, 1998. Available at: https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2012/lei/l12683.htm. Accessed on: July 22, 2025.

BRAZIL. Law No. 12,846, of 1 August 2013. Available at: https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2013/lei/l12846.htm. Accessed on: 22 July 2025.

BRAZIL. Law No. 13,303, of 30 June 2016. Available at: https://www.planalto.gov.br/ccivil_03/_ato2015-2018/2016/lei/l13303.htm. Accessed on: 22 July 2025.

BRAZIL. Law No. 13,964 of 24 December 2019. Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2019/lei/l13964.htm . Accessed on: 22 July 2025.

BRAZIL. Law No. 14,133, of 1 April 2021. Available at: https://www.planalto.gov.br/ccivil_03/_ato2019-2022/2021/lei/l14133.htm. Accessed on: 22 July 2025.

CGU – Comptroller General of the Union. *Fala.BR – Integrated Ombudsman and Access to Information Platform*. Available at: https://falabr.cgu.gov.br. Accessed on: 27 July 2025.

CGU – Comptroller General of the Union. *ALICE Tool: CGU uses artificial intelligence to analyse bidding notices*. Brasília, 2020. Available at: https://www.gov.br/cgu/pt-br . Accessed on: 27 July 2025.

CGU – Comptroller General of the Union. *Anti-Corruption Radar*. Available at: https://www.gov.br/cgu/pt-br/governanca/integridade-publica/radar-anticorrupcao. Accessed on: 27 July 2025.

CGU – Comptroller General of the Union. *Rosie Robot: CGU uses artificial intelligence to monitor the use of the parliamentary quota*. Brasília, 2019. Available at: https://www.gov.br/cgu/pt-br. Accessed on: 27 July 2025.

CGU – Comptroller General of the Union. *Systems and Panels*. Available at: https://www.gov.br/cgu/pt-br/governanca/integridade-publica. Accessed on: 27 July 2025.

CGU – Comptroller General of the Union. *Technology in Corruption Prevention: Rosie, Alice and Other Innovations*. Brasília, 2022. Available at: https://www.gov.br/cgu/pt-br. Accessed on: 27 July 2025.

CORRUPTION IN BRAZIL: the scandal that arrested politicians. YouTube, 2017. Available at: https://www.youtube.com/watch?v=6eyBWX3hVaE . Accessed on: 27 July 2025.

COUNCIL ON FOREIGN RELATIONS. *Brazil's Corruption Fallout*. Available at: https://www.cfr.org/backgrounder/brazils-corruption-fallout . Accessed on: 27 July 2025.

DEPARTMENT OF JUSTICE (USA). *J&F Investimentos SA pleads guilty and agrees to pay over $256 million*. Available at: https://www.justice.gov/archives/opa/pr/jf-investimentos-sa-pleads-guilty-and-agrees-pay-over-256-million-resolve-criminal-foreign . Accessed on: 27 July 2025.

ENCCLA – National Strategy to Combat Corruption and Money Laundering. *Reports and Actions*. Available at: https://enccla.camara.leg.br . Accessed on: 27 July 2025.

ENCCLA – National Strategy to Combat Corruption and Money Laundering. *About ENCCLA*. Available at: https://enccla.camara.leg.br. Accessed on: 27 July 2025.

FILHO, Aury Lopes Jr. *Criminal Procedural Law and its Constitutional Conformity* . 6th ed. São Paulo: Saraiva, 2017.

GAFI/FATF. *Brazil Mutual Evaluation Report*. Paris: FATF, 2010. Available at: https://www.fatf-gafi.org . Accessed on: July 27, 2025.

G1. *Operation Pandora's Box: understand the scandal that led to Arruda's arrest* . Rio de Janeiro: G1, November 27, 2009. Available at: https://g1.globo.com/ . Accessed on: July 27, 2025.

GOMES, Luiz Flávio. *Systemic corruption and criminal response*. São Paulo: Saraiva, 2015.

LOPES JR., Aury. *Criminal procedural law and its constitutional conformity*. 6th ed. São Paulo: Saraiva, 2017.

O GLOBO. *Videos show deputies receiving money from Durval Barbosa*. Rio de Janeiro: O Globo, 28 November 2009.

OECD. *Implementing the OECD Anti-Bribery Convention: Phase 4 Report – Brazil* . Paris: OECD Publishing, 2017. Available at: https://www.oecd.org/corruption/anti-bribery/Brazil-Phase-4-Report-ENG.pdf . Accessed on: 27 July 2025.

OPERATION CAR WASH. *Wikipedia*. Available at: https://en.wikipedia.org/wiki/Operation_Car_Wash . Accessed on: 27 July 2025.

PUBLIC PROSECUTOR'S OFFICE OF THE FEDERAL DISTRICT AND TERRITORIES (MPDFT). *Report on institutional action in the Pandora's Box case*. Brasília: MPDFT, 2010.

TRANSPARENCY INTERNATIONAL. *Brazil: The Big Clean-Up That Wasn't*. Available at: https://www.transparency.org/en/news/brazil-the-big-clean-up-that-wasnt. Accessed on: 27 July 2025.

UNODC. *Country Review Report of Brazil – UNCAC Implementation Review Mechanism*. Vienna: UNODC, 2016. Available at: https://www.unodc.org. Accessed on: 27 July 2025.

DETECTING CORRUPTION: LEARNING FROM SUCCESSFUL METHODS, PRACTICES AND TECHNIQUES

*Aminath Zidhuna Mohamed Rafeeu**

I. INTRODUCTION

The Anti-Corruption Commission of the Maldives (Anti-Corruption Commission) was established under the 2008 Constitution as an independent institution, with the mandate to investigate corruption crimes and prevent corruption in the country. The first ever corruption related legislation in the country was the Prevention and Prohibition of Corruption Act, which came into effect in 2000.[1] The Anti-Corruption Commissions' Act defines the main functions of the commission, which include investigation and prevention of corruption, as mentioned earlier. The Act specifically states that the Commission shall inquire into all allegations of corruption.[2] The Maldives ratified the United Nations Convention Against Corruption in March 2007.[3]

As emphasized by the Secretary General of the United Nations, Kofi A. Annan, in 2003, on the adoption by the General Assembly of the United Nations Convention against Corruption, the evil phenomenon, which is corruption, is found in all countries, and the effects of it are most destructive in the developing world.[4] This demonstrates the high emphasis Maldives should place in detecting and successfully combating corruption, as a developing country.

The Anti-Corruption Commission has faced numerous challenges in detecting corruption over the years. The Anti-Corruption Commission receives complaints of corruption in different ways. This includes, phone calls, letters, emails, among other means. The Anti-Corruption Commission receives a large volume of alleged corruption complaints every year, and a significant amount of these complaints are not registered for various reasons which include, but are not limited to, the complaint not being related to a corruption crime and the complaint not containing enough information to carry out an investigation. The large volume of complaints that fall outside the scope of the Commissions' responsibilities pose a significant hindrance in detecting real instances of corruption, given the resource limitations faced by the Commission.

Corruption is widespread in the Maldives, which is evident in Maldives' gradual decline in points in the Corruption Perceptions Index (CPI) of Transparency International. The Maldives scored 43 points in 2020, and 40 points in both 2021 and 2022, 39 points in 2023 and 38 points in 2024.[5] The steady decrease in the Country's CPI is alarming as it indicates that corruption is getting worse in the country. In this paper I will be highlighting the challenges and barriers faced by the Anti-Corruption Commission, in successfully detecting corruption, the best practices the commission adopts in detecting corruption and the ways in which the link between detection and investigation of corruption can be made stronger.

---

* Senior Investigation Officer (Section Head), Investigation Department, Anti-Corruption Commission, Maldives.

[1] Prevention and Prohibition of Corruption Act (Act No. 2/2000), available at: https://old.mvlaw.gov.mv/pdf/ganoon/chapterVIII/2-2000.pdf

[2] The Anti-Corruption Commissions' Act (Act No. 13/2008), available at: https://mvlaw.gov.mv/dv/legislations/184/consolidations/1262

[3] United Nations Treaty Collection, available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-14&chapter=18&clang=_en

[4] Statement by the Secretary General, available at: https://www.unodc.org/corruption/en/uncac/preparatory-and-negotiating-sessions/secretary-general-speech.html

[5] Corruption Perceptions Index, Transparency International, available at: https://www.transparency.org/en/cpi/2024

II. ISSUES AND CHALLENGES IN DETECTING CORRUPTION

There are various challenges and barriers faced by the Anti-Corruption Commission in detecting corruption. Some of these challenges stem from the anti-corruption framework and current anti-corruption regulations of the Maldives, while others stem from the public perception and societal attitudes towards corruption. In this paper, I intend to explore in detail, the main challenges faced by the Anti-Corruption Commission in efficiently and effectively detecting corruption.

A. Challenges in Protecting Whistle-Blowers

The effective implementation of whistle-blower protection measures in the Maldives is, thus far, highly questionable. One of the most significant corruption scandals in the history of the country is the Maldives Marketing and Public Relations Corporation (MMPRC) scandal. The MMPRC scandal alleged that senior officials including then President, Abdulla Yameen Abdul Gayyoom and then Vice President, Ahmed Adeeb Abdul Gafoor, misappropriated a huge amount of public funds for private gain. When the scandal came to light in 2015, Niyaz Ibrahim, who served as the Auditor General of the Maldives from May 2011 to November 2014, revealed that he had flagged irregularities about MMPRC in a 2014 audit report. Niyaz Ibrahim also claimed that 14 members of his family received death threats.[6] Instead of being protected for his efforts to expose the corruption of MMPRC, Niyaz Ibrahim was removed from the position of Auditor General. This indicates that there is limited institutional support and effective protection for whistle-blowers in the Maldives.

A few years down the line, the Maldives began enforcing the Whistleblower Protection Act, on 17 October 2019. The objectives of the said Act include the following. First, to instate clear and accessible procedures for whistle-blowing. Second, to ensure that all disclosures made under the Whistleblower Protection Act are adequately investigated and that appropriate action is taken in a timely and effective manner. Third, to provide comprehensive protection and ensure the safety of whistle-blowers. Fourth, to promote and strengthen a culture of accountability, transparency and integrity. Fifth, to encourage responsible use of the rights and protections afforded by the Act, while taking necessary measures to prevent their misuse or abuse.[7]

Article 3 of the Whistleblower Protection Act outlines the circumstances that constitute whistle-blowing. These include the disclosure of information related to corruption and abuse of public office. Article 6 of the said Act specifies the categories of individuals eligible for whistle-blower protection, which include employees of public entities, employees of private entities and separate legal entities. However, the Act excludes members of the public from its scope. This means individuals who are not employed by either public or private entities are not entitled to the protection provided by the Whistleblower Protection Act. This undermines the public's interest in reporting corruption thereby hindering the Commission's efforts to detect corruption promptly.[8]

The Whistleblower Protection Act provides protection to whistle-blowers. Article 9 of the Whistleblower Protection Act states that no person or entity shall retaliate or take any form of reprisal against an individual who has made a whistle-blowing disclosure, or is about to do so, or is believed to be intending to do so. Article 10 of the said Act defines retaliation to include any act or omission in the workplace that discriminates against whistle-blowers. This includes dismissal, demotion, transfer, changes to duties or working hours, unjustified probation, denial or delay of allowances, restrictions on promotion or training, issuance of threats or warnings, or any other action intendent to punish or deter whistle-blowing.[9]

It is also important to acknowledge the positive developments resulting from the implementation of the Whistleblower Protection Act. One of the most positive developments which resulted from the implementation of the said Act, is the establishment of the Whistleblower Protection Unit. The Whistleblower Protection

[6] Ex Auditor General weighs in on Maldives' biggest corruption scandal, Maldives Independent, available at: https://maldivesindependent.com/feature-comment/ex-auditor-general-weighs-in-on-maldives-biggest-corruption-scandal-122385
[7] Whistleblower Protection Act (Act No. 16/2019), available at: https://mvlaw.gov.mv/dv/legislations/139/consolidations/167
[8] Ibid.
[9] Ibid.

Unit is established within the Human Rights Commission of the Maldives.[10] The Whistleblower Protection Unit, in February 2025, imposed the first-ever fine of MVR 900,000.00 on Maldives Post Limited for dismissal of an employee who had exposed alleged corruption involving the senior management of the Company.[11]

In 2021, the Anti-Corruption Commission established procedures to be followed in protecting the rights of whistle-blowers who disclose information related to corruption to the Commission.[12] However, the effectiveness of the measures the Anti-Corruption Commission is taking in protecting whistle-blowers remains highly questionable. The National Corruption Perception Survey 2023 highlighted this concern, revealing that a staggering 81 per cent of respondents believe that strengthening whistle-blower protection is essential and must be treated as a priority in the fight against systemic corruption in the country.[13]

This highlights the need to implement measures aimed at improving public trust in the whistle-blower protection mechanisms provided by the Anti-Corruption Commission and the Whistleblower Protection Unit. However, the limited budget available to the Whistleblower Protection Unit hinders its ability to carryout essential operations. The 2023 and 2024 annual reports of the Whistleblower Protection Unit noted that they were forced to cancel events intended to mark the World Whistleblower Protection Day in both years, due to budgetary constraints. Additionally, the reports also noted that a dedicated portal for the Whistleblower Protection Unit could not be developed, due to limited funding.[14]

B. Lack of Political Will to Detect and Fight Corruption

The lack of political will to combat corruption in the Maldives has long been a matter of public concern. It is widely argued that elected officials and politicians often lack genuine commitment to detecting and preventing corruption. The National Corruption Perception Survey 2023 reinstated this view as it revealed that the public believes politicians and elected officials are more likely to commit corruption crimes. According to the survey, 92 per cent of the respondents believed that elected representatives and politicians influence the career advancement of public servants based on patronage rather than merit. Additionally, 86 per cent of respondents believed that politicians influence the awarding of government contracts to companies or individuals close to them. Notably, 76 per cent believed that elected representatives accept bribes or gifts in exchange for influencing public decisions and contracts. Furthermore, 73 per cent of respondents believed that politicians misuse public funds or property for personal or family gain.[15] These findings show that elected officials and politicians, who are the main policymakers, have a limited, if any, will in detecting and fighting corruption.

Another indicator of poor political will in detection and prevention of corruption is that of the frequent changes in public finance regulations. The rules, methods and thresholds for public procurement in the Maldives, are set out in the Public Finance Regulation, brought into effect by the Ministry of Finance of the Maldives. The Maldives public procurement system study 2020 revealed that the public procurement rules are subject to change quickly and easily.[16] One of the most significant instances of this was the 11th amendment to Public Finance Regulation, made effective on 28 May 2015. The amendment permitted special projects of the state to be authorized by the Economic Council of the Cabinet, to State Owned Enterprises or listed companies without carrying out an open tender process. The said amendment increased the risk of corruption in public procurement. It also had major implications for transparency. The Anti-Corruption Commission of the Maldives expressed serious concerns over the said amendment.[17] It is worth noting that following this

---

[10] Information about Whistleblower Protection Unit, available at: https://hrcm.org.mv/en/departments/wbpu

[11] Whistleblower Unit slaps Maldives Post with landmark first fine, Maldives Independent, available at: https://maldivesindependent.com/politics/whistleblower-unit-slaps-maldives-post-with-landmark-first-fine-e3ae

[12] Procedures to be followed by the Anti-Corruption Commission in protecting whistleblowers, available at: https://acc.gov.mv/dv/media/downloads/26

[13] National Corruption Perception Survey 2023, Anti-Corruption Commission of the Maldives, available at: https://acc.gov.mv/en/publications/228

[14] Annual Reports of the Whistleblower Protection Unit, available at: https://hrcm.org.mv/en/departments/wbpu

[15] National Corruption Perception Survey 2023, Anti-Corruption Commission of the Maldives, available at: https://acc.gov.mv/en/publications/228

[16] Maldives Public Procurement System Study 2020, Transparency Maldives, available at: https://transparency.mv/downloads/maldives-public-procurement-system-study-2020/

[17] Press Release by the Anti-Corruption Commission of the Maldives, available at: https://archive.acc.gov.mv/en/2016/07/anti-corruption-commission-has-expressed-its-concerns-over-the-11th-amendment-to-the-public-financial-regulation/

major amendment, the public finance regulation was revoked, and a new public finance regulation was brought into effect. Such frequent and unjustified changes to the Public Finance Regulation increases corruption risks and complicates efforts to detect corruption.

C. Limited Cooperation from State Officials and the Public in Detecting and Fighting Corruption

The mandate of the Anti-Corruption Commission is to prevent and combat corruption in all arms of the State and to promote integrity. The Anti-Corruption Commission is responsible for inquiring into and investigating all allegations of corruption, including any information, complaints received by the commission. Additionally, the Commission is tasked with carrying out all actions necessary to fulfil its responsibilities and mandate.[18] The Anti-Corruption Commission has the authority to exercise its power on all branches the government, including executive legislative and judiciary, as well as government funded companies, political parties and other organizations receiving public funds. The Commission has the authority to enter, search and seize evidence, summon witnesses and suspects, conduct interrogations, obtain written statements, check and freeze bank accounts, restrain persons being interrogated from departing from the Maldives.[19] However, it is important to note that, as set out in the Criminal Procedure Act, the Commission can only search a public place without a court order. A private place can only be searched, and property can only be seized, with a court order. A court order is also required to freeze bank accounts or restrain suspects leaving the country.[20]

It is worth emphasizing that there is limited cooperation from State officials and the public, in detecting and fighting corruption. The public's limited willingness in helping detect corruption could be attributed to losing trust in state institutions and law enforcement authorities among various contributing factors. The National Corruption Perception Survey 2023 revealed that the majority of the respondents believe that over the past three years, corruption had worsened in the Maldives. It is important to note that, in relation to the Parliament, government ministries and departments, state owned enterprises, courts/tribunals and local councils, this opinion is stronger.

The 2023 Annual Report of the Anti-Corruption Commission highlighted that the primary challenge in the complex investigation process is the acquiring of evidence. The Commission further stated in the said Annual Report that certain institutions do not fully cooperate in providing necessary documents to the Commission. It was further noted that some individuals summoned to the commission failed to attend, which hindered the investigations of the Commission.[21] This shows that there is a lack of cooperation from the public as well as state institutions which in turn affects the Anti-Corruption Commission's effort to detect and investigate corruption efficiently.

D. Lack of Public Recognition of the Duty to Report Corruption and Limited Awareness of Corruption Crimes

Transparency Maldives observed that even though it is difficult to determine the crime economy of the Maldives, it is evident from national and international corruption assessments, media reports and grand corruption cases such as the MMPRC case, that the effort to counter and prevent corruption needs to be undertaken using a whole-of-society approach.[22] However, there is a general lack of willingness by the public in reporting corruption crimes to relevant authorities. Research conducted by Transparency Maldives revealed that most young people interviewed did not report the incidences of corruption for reasons such as limited awareness of the procedures and not wanting to report against the people in powerful positions.[23] Another reason for lack of coordination from the public could be the lack of confidence in the State to solve problems, as revealed by the National Corruption Perception Survey 2023, which found that 67 per cent of

---

[18] Organizational information about Anti-Corruption Commission of the Maldives, available at: https://acc.gov.mv/en/about/organization

[19] An Assessment of the Anti-Corruption Commission Maldives – June 2014, UNODC, available at: https://acc.gov.mv/files/f4b8db6a-bd79-42e0-b91d-7ff7804e1f40/UNODC-Assessment-of-ACC-Maldives_2014.pdf

[20] Criminal Procedure Act (Act No. 12/2016) Available at: https://mvlaw.gov.mv/dv/legislations/128/consolidations/1272

[21] Anti-Corruption Commission Annual Report 2023, available at: https://acc.gov.mv/en/publications/287

[22] An Assessment of Business Integrity Practices in the Maldives, Transparency Maldives, available at: https://transparency.mv/wp-content/uploads/2023/02/Assessment-report-print.pdf

[23] Youth, Opportunities and Corruption in Maldives 2015, Transparency Maldives, available at: https://saruna.mnu.edu.mv/server/api/core/bitstreams/eb2ced3c-1bb1-43f4-b253-164327ca851d/content

the respondents do not confide in the State to solve problems of the State.[24] This poses a great challenge to the Commission's efforts to detect Corruption.

Furthermore, the Corruption Perception of Civil Servants Survey Report 2014 revealed that the majority of the civil servants in Maldives are less likely to report occurrences of corruption. The survey further revealed that the reasons for this include, lack of confidence in law enforcement, delay or lack of justice, lack of action taken by relevant authorities, no witness protection for the person reporting, fear of work environment threats and fear of losing job.[25] This shows that there is a general hesitation among civil servants, who make up the largest segment of workforce in the Maldives, to report corruption instances to the Anti-Corruption Commission. This significantly undermines the Commission's ability to effectively detect corruption. It is important to note that no survey has been conducted since 2014, specifically addressing the perception of corruption among civil servants in the Maldives, highlighting the limited availability of up-to-date resources on this subject.

The Anti-Corruption Commission receives a huge volume of corruption complaints each year and a significant amount of these complaints are not registered by the Commission. In 2022, a total of 758 corruption complaints were submitted to the Commission, out of which 272 complaints were not registered.[26] The year 2023 saw a surge in complaints submitted to the Commission as the Presidential Election was held during that year. In 2023, a total of 1151 complaints were submitted to the Commission out which 501 complaints went unregistered.[27] Given the limited number of resources at the Commission's disposal, such a huge volume of unnecessary and unrelated complaints deters the efforts of the Anti-Corruption Commission to successfully detect corruption.

It is also important to note that, since the establishment of the Anti-Corruption Commission, there is a common belief that battling corruption is the sole responsibility of the Commission.[28] This means much less, if any, work is done by the government in raising awareness among the public about corruption. Thus, the public has limited knowledge of corruption, the ill effects of corruption on society and mostly fail to recognize their duty to report corruption cases timely. This makes effective and efficient detection of corruption, a hard task for the Anti-Corruption Commission.

III. BEST APPROACHES OF DETECTING CORRUPTION IN MALDIVES

There are effective and efficient approaches followed by the Anti-Corruption Commission in detecting corruption. One of such approaches is the proactive investigation of corruption. The Anti-Corruption Commissions' Act entrusts the Commission with the power to initiate investigations independently, without requiring a formal complaint. The Anti-Corruption Commission proactively registered 23 corruption cases in 2024.[29] This represents an increase from 16 cases registered proactively in 2023.[30] This proactive approach suggests that the Commission is actively monitoring sources such as social media and other public channels to identify possible instances of corruption. This initiative driven approach represents a significant advancement in the proactive detection and effective addressing of corruption. Notably, several cases investigated on the Anti-Corruption Commission's own initiative, have been successfully concluded. In one such case, the Anti-Corruption Commission found that the Ministry of Health had procured four ambulances that did not meet the pre-established requirements and that the bid committee members had misused their official authority and granted an undue advantage to the bidder. As a result, the Anti-Corruption Commission

[24] National Corruption Perception Survey 2023, Anti-Corruption Commission of the Maldives, available at: https://acc.gov.mv/en/publications/228
[25] Corruption Perception of Civil Servants Survey Report 2014, Anti-Corruption Commission of The Maldives, available at: https://archive.acc.gov.mv/wp-content/uploads/2014/12/CS-CorruptionPerceptionReport.pdf
[26] Statistics Book 2022, Anti-Corruption Commission of the Maldives, available at: https://acc.gov.mv/dv/publications/184
[27] Statistics Book 2023, Anti-Corruption Commission of the Maldives, available at: https://acc.gov.mv/dv/publications/249
[28] National Integrity System Assessment Maldives 2014, Transparency Maldives, available at: https://acc.gov.mv/dv/publications/203
[29] Anti-Corruption Commission Annual Report 2024, available at: https://acc.gov.mv/dv/publications/306
[30] Anti-Corruption Commission Annual Report 2023, available at: https://acc.gov.mv/dv/publications/247

referred the case to the Prosecutor General's Office to press charges against the bid committee members.

One of the most successful means of detecting corruption is through the audits of State bodies. In 2024, a total of 732 cases were registered by the Anti-Corruption Commission, of which 97 cases were submitted to the Commission by State authorities.[31] This shows that State authorities are proactive in alerting the Commission when potential cases of corruption are identified. One of the most notable corruption scandals in Maldives, in recent years was the Dhuvaafaru Council case. This case was referred to the Commission by the Local Government Authority (LGA), which oversees local councils, after carrying out an audit of the Dhuvaafaru Council. In the audit carried out by the LGA, they observed that council members and some of the administrative staff at the Council were misusing public funds in violation of the Public Finance Regulation. Following the referral of the case to the Commission by LGA, a team of investigators of the Commission travelled to R.Dhuvaafaru, to collect information, evidence and interview witnesses and suspects. The Anti-Corruption Commission carried out a swift investigation and concluded that six of the seven council members of Dhuvaafaru Council, along with two senior administrative staff had misused public funds, some of which were used for personal gain. The case was forwarded to the Prosecutor General's Office for prosecution in court.[32]

Another important area worth highlighting is the role of the Auditor General in referring suspicious cases to the Anti-Corruption Commission, following audits. The Auditor General is appointed by the President of the Maldives, in accordance with the 2008 Constitution of the Maldives.[33] The Auditor General's Office operates as an independent institution and reports directly to the Parliament. The Auditor General audits and reports on the finances of government ministries, agencies and departments under the executive, legislative and judicial branches, as well as independent commissions and independent offices established in accordance with the Constitution and laws. According to the Auditor General's Office, there are five main types of audits carried out: financial audits, compliance audits, special audits, performance audits and information systems audits.[34]

The Auditor General's Office collects necessary information and documents from relevant authorities to conduct audits and if corruption is suspected, the case is forwarded to the Anti-Corruption Commission. This is a crucial practice in detecting and addressing potential corruption. A recent example is the alleged corruption scandal involving the Police Corporative Society (POLCO) which was brought to the attention of the Commission through an audit report, which revealed that the Police Housing Project (Blues Housing Project) had resulted in a huge financial loss for the government.[35] The Commission is currently investigating the matter.

One of the most significant steps the Commission has taken in effectively detecting corruption is allowing individuals to submit complaints anonymously. In 2024, the Commission received a total of 1171 corruption complaints, of which 689 were submitted anonymously.[36] In comparison, in 2023, the Commission received 1151 corruption complaints, with 516 submitted anonymously.[37] The high number of anonymous submissions shows that the public is eager to combat corruption, even if they prefer to do so anonymously. Through this system, the AntiCorruption Commission can effectively detect credible corruption threats and respond with appropriate measures.

---

[31] Anti-Corruption Commission Annual Report 2024, available at: https://acc.gov.mv/en/publications/306
[32] ACC Sends Dhuvaafaru Corruption Case to PGO for Prosecution, Press Release, available at: https://acc.gov.mv/dv/media/news/280
[33] Constitution of the Republic od Maldives 2008, available at: https://www.agoffice.gov.mv/files/English-constitution.pdf
[34] Types of Audits, Auditor General's Office, available at: https://audit.gov.mv/webpage.aspx?pageID=37
[35] Special Audit Report of Police Housing Project (Blues Housing Project), Auditor General's Office, available at: https://audit.gov.mv/Uploads/AuditReports/2025/01January/5._Special_Audit_Report_of_Police_Housing_Project_(Blues_Housing_Project).pdf
[36] Anti-Corruption Commission Annual Report 2024, available at: https://acc.gov.mv/en/publications/306
[37] Anti-Corruption Commission Annual Report 2023, available at: https://acc.gov.mv/dv/publications/247

IV. ENHANCING DETECTION OF CORRUPTION AND COORDINATION BETWEEN DETECTION AND INVESTIGATION

There are several measures the Anti-Corruption Commission of the Maldives can adopt to enhance detection of corruption and the link between the detection and investigation of corruption cases. One of the most significant measures the Commission can take is to conduct comprehensive risk assessment research across various areas of state institutions and state-owned enterprises. Such assessments would help identify systematic vulnerabilities and loopholes that create opportunities for corrupt practices and abuse of power. This would help the Commission to understand the areas where corruption risks are most prevalent. Thus, the Anti-Corruption Commission can implement targeted strategies and approaches which can help in effectively detecting and preventing such activities. It should also be noted that comprehensive risk assessment research can play an important role in strengthening the link between detection and investigation of corruption cases by systematically identifying where corruption is likely to occur and guiding the allocation of investigative resources more efficiently and effectively.

Another important measure the Anti-Corruption Commission can take to strengthen the link between the detection and investigation off corruption is to increase the human capital, particularly by expending the number of trained investigators. The Anti-Corruption Commission receives a huge number of corruption complaints each year but operates with a limited number of investigators. In the year 2024 alone, the Commission received 1171 corruption complaints, and the Commission has less than 60 investigators to investigate the cases.[38] Such imbalances create a significant backlog, leading to delays between the registration of a case and the actual investigation. Such delays hinder the timely collection of information and evidence and make it more difficult to obtain accurate witness and suspect statements, as significant time may have elapsed since the alleged incident took place. All these factors affect the Anti-Corruption Commission's efforts to effectively detect corruption and timely investigate corruption cases.

It is important to recognize the increasingly complex nature of corruption in recent years. Individuals, institutions and corporations involved in corruption have been employing complex financial instruments and channels that leave minimal trace. This makes detection and investigation of corruption more challenging for the Anti-Corruption Commission. To successfully detect and strengthen the link between the detection and investigation of such cases, the Anti-Corruption Commission must train its investigators particularly in areas such as complex financial auditing, forensic accounting, and advanced evidence collection techniques. Building expertise in these areas is important to keep pace with evolving corruption tactics. It would also ensure that detection and investigation processes remain efficient and responsive.

Another important step in enhancing detection of corruption and strengthening the link between detection and investigation of corruption is enhancing cooperation between the Anti-Corruption Commission and other state and independent institutions. Currently, the Anti-Corruption Commission receives Suspicious Transaction Reports from the Financial Intelligence Unit, which is the central national agency for receiving, analysing and disseminating information concerning activities related to money laundering, terrorism financing and proceeds of crime, in the Maldives.[39] Similarly, the Auditor General refers suspected corruption cases to the Anti-Corruption Commission, following audits of state institutions and state owned enterprises. The LGA, a state institution established under the Decentralisation Act, to regulate and oversee the functioning of local councils, also alerts the Anti-Corruption Commission of alleged corruption instances, after carrying out audits of the local councils.[40] It is important to establish mechanisms for sharing such information with the Anti-Corruption Commission in a faster and more efficient manner, allowing investigations to begin promptly without undue delay. Such measures would enhance the effectiveness of detecting corruption and strengthen the link between detection and investigation of corruption.

One of the most important measures the Anti-Corruption Commission can take in effectively detecting corruption and strengthening the link between detection and investigation of corruption is to establish and

[38] Anti-Corruption Commission Annual Report 2024, available at: https://acc.gov.mv/en/publications/306

[39] The Prevention of Money laundering and Financing of Terrorism Act (Act No 10/2014), available at: https://mvlaw.gov.mv/dv/legislations/77/consolidations/85

[40] The Decentralization Act (Act No. 07/2010), available at: https://mvlaw.gov.mv/dv/legislations/193/consolidations/1281

implement mechanisms to protect whistle-blowers. The Anti-Corruption Commission shall carryout research to identify the gaps in legislation that undermine whistle-blower protection and deficiencies in enforcement that render whistle-blower protections ineffective. Such research would help the Anti-Corruption Commission in successfully combating the factors that undermine whistle-blower protection in the Maldives and thus help in timely detection of corruption. It would also enhance the link between detection and investigation of corruption.

It is worth noting that the Anti-Corruption Commission has undertaken efforts to educate the public and raise awareness regarding corruption. As part of these efforts, the Anti-Corruption Commission recently established the Maldives National Anti-Corruption Academy with the objective to educate and create awareness on corruption, among the public. This initiative will help in addressing the prevailing lack of public recognition and awareness of corruption. Furthermore, it will enhance the link between the detection and subsequent investigation of corruption.

V. CONCLUSION

Corruption is usually hidden in plain sight. Due to the hidden nature of corruption, detection of corruption is not an easy task. The Anti-Corruption Commission faces numerous challenges in efficiently detecting corruption. The Commission, mandated with fighting and preventing corruption in Maldives, shall first identify the main challenges the Commission faces in detecting corruption. These challenges include the limited and ineffective protection provided to whistle-blowers, lack of political will to fight corruption and limited cooperation from state institutions and state employees. To increase the effectiveness of the Anti-Corruption Commission in detecting corruption and to strengthen the link between effective detection and investigation of corruption crimes, the Commission shall formulate strategies, both short term and long term, to address the challenges faced by the Commission in detecting and effectively investigating corruption. These strategies should focus on increasing cooperation between the Commission and other state institutions, enhancing whistle-blower protection mechanisms and increasing the capacity and productivity of investigators of the Anti-Corruption Commission, among other factors.

DETECTING CORRUPTION: LEARNING FROM SUCCESSFUL METHODS, PRACTICES AND TECHNIQUES IN SRI LANKA

W. M. Thanuja Damayanthi Bandara[*]

I. INTRODUCTION

This paper studies the current situation of corruption in Sri Lanka, with a particular focus on the roles and responsibilities of various government stakeholders in detecting, preventing and tracking corrupt practices. It analyses how each actor contributes to or combats corruption within their designated role. The discussion is framed through the Water System Analogy, offering a conceptual lens to better understand the systemic nature and cascading impact of corruption through a holistic approach.

In addition, the current situation of detection of corruption in the country, best practices in country in detecting corruption, including reporting and audits key methods such as whistle-blower and citizen reporting, media investigations, internal and external audits, digital forensics, and cooperative tools like plea bargaining, international response to enhance the capacity of Sri Lanka to detect corruption, including international cooperation, approaches to strengthening the links between detection and investigation, issues, barriers and challenges on detection of corruption, and possible solutions , and the paper evaluates the legal and institutional mechanisms available to address corruption, drawing from Sri Lanka's national framework as well as relevant international best practices, focus areas including strengthening the link between detection and investigation, promoting robust whistle-blower protection, and addressing legal and institutional weaknesses. The paper offers recommendations for legislative reforms initiatives essential to embedding integrity, transparency, and public trust in governance.

By implementing these measures, Sri Lanka can not only safeguard its resources but also uphold democratic values, ensure justice, and lay the foundation for a more equitable and sustainable future.

II.TRACING THE FLOW OF CORRUPTION: A HOLISTIC FRAMEWORK FOR GOVERNANCE ACCOUNTABILITY USING THE WATER SYSTEM ANALOGY

Bribery and corruption are not challenges confined to any one nation, they are global issues that impact public and private sectors alike. Around the world, these practices wear down public trust, weaken institutions, hinder inclusive development and constrain economic growth. Sri Lanka, like many other nations, continues to confront the complex and deeply rooted consequences of corruption across multiple levels of governance.

Corruption represents a serious obstacle to achieving the Sustainable Development Goals (SDGs). It results in the misuse of scarce public resources and creates barriers to equitable and sustainable progress. Therefore, addressing corruption is not merely a matter of legality, it is a national priority with direct implications for social justice, economic stability and public confidence in institutions.

Sri Lanka has experienced numerous transformations over its more than 2,500-year history, growing from ancient monarchies to its present-day system of democratic governance. The country's legal framework reflects a blend of diverse cultural influences and colonial legal traditions, notably Portuguese, Dutch and British, which have been integrated into a common law system, supplemented by local legal practices.

[*] Assistant Director General, Commission to Investigate Allegations of Bribery or Corruption, Sri Lanka.

Since gaining independence in 1948, Sri Lanka has seen significant political and economic changes, particularly after the late 1970s, when the nation began transitioning toward a more liberalized and open economy. Together with these changes, the written legal framework related to bribery and corruption initiating from the Penal Code of 1883[1] has progressively advanced to respond to address domestic challenges and align with international norms and standards, culminating in the enactment of the Anti-Corruption Act No. 9 of 2023.[2]

To fully grasp the current context, it is essential to analyse Sri Lanka's current political economy landscape, as well as the organizational structure and responsibilities of state institutions. A special focus should be placed on how these institutions are tasked with anti-corruption efforts, as effective enforcement is crucial to promoting sustainable economic development and achieving greater social justice.

As a democratic republic, Sri Lanka's 1978 Constitution[3] places sovereignty with the people (Articles 3) distributing legislative, executive and judicial powers accordingly (Article 4). Public officials act as trustees of public property, which belongs to the people, making corruption a direct breach of constitutional trust. Fundamental rights and electoral participation empower citizens to hold governance accountable, as the ultimate holders of sovereignty. Public servants are entrusted with managing public resources and authority as custodians, not owners. Corruption undermines this trust and the constitutional framework that upholds transparency and accountability. Parliament, which controls public finances (Article 148), has a particular duty to safeguard national wealth through responsible oversight.

As trustees of the power entrusted by the people and stewards of public resources, public officials across the executive, legislative and judicial branches have a fundamental duty to manage those resources responsibly. Under the public trust doctrine, they are obligated to ensure that the benefits of public assets are returned to the people. In this context, achieving the Sustainable Development Goals (SDGs) depends on managing the nation's resources in a manner that is fair, lawful, transparent and accountable.

In recent years, Sri Lanka's socio-economic challenges, including its financial crisis, have drawn attention to structural weaknesses in governance. Reports by the International Monetary Fund (IMF)[4] and other international institutions have highlighted how persistent corruption, inefficiency and weak compliance mechanisms have contributed to fiscal instability. Revenue generated through taxes, customs duties and foreign aid must be collected and distributed fairly. If these processes are mismanaged or compromised, the resulting burden falls disproportionately on citizens particularly the most vulnerable and undermines public services and long-term national development.

A. Water System Analogy: Anti-corruption Roles in a System of Governance

To better understand the role of anti-corruption mechanisms including all stakeholders within governance, consider the analogy of a large lake that supplies water to an entire farming community. This lake symbolizes the public treasury, replenished by various revenue streams such as taxes, fees, foreign aid, state enterprises, and other channels. The water in the lake is intended to benefit everyone, including future generations.

Sri Lanka has long been celebrated for its advanced and well-planned tank and irrigation systems, dating back more than two millennia. These ancient engineering marvels showcase a deep understanding of water management, designed to ensure that even the smallest drop of water was effectively collected, stored and utilized.

At the heart of this system are tanks, man-made reservoirs that collect water from multiple sources. These tanks were typically protected by robust earthen embankments and formed the backbone of irrigation across vast agricultural regions. What is particularly remarkable is how a single tank could reliably irrigate surrounding paddy fields throughout the year, even in the dry zone regions of the country.

[1] Penal Code, https://hrlibrary.umn.edu/research/srilanka/statutes/Penal_Code.pdf
[2] Anti-Corruption Act No. 9 of 2023, https://parliament.lk/uploads/acts/gbills/english/6296.pdf
[3] Sri Lanka's Constitution, Article 3 & 4 https://www.parliament.lk/files/pdf/constitution.pdf
[4] Sri Lanka Governance Diagnostic Assessment September 2023, https://www.elibrary.imf.org/downloadpdf/view/journals/002/2023/340/article-A000-en.pdf

Oversight and maintenance were entrusted to local officials such as the "*Gamarala*", whose dedication ensured the smooth functioning of the entire network. Water pressure was regulated using engineered structures like the queen's enclosure locally known as "*Bisokotuwa*", and water was released in a controlled manner through sluices. From there, it flowed through a well-structured network of canals and dams, ensuring fair and equal distribution to all the paddy fields dependent on that tank.

On the other hand, the Cascade System, can be identified as the highest level of resource management. The Tank Cascade System[5] locally known as the Ellanga system, is a series of small to medium-sized tanks hydrologically interconnected within the same catchment area.

An ancient Sri Lankan king captures this wisdom perfectly: "Let not a single drop of rainwater go unused or flow to the sea in vain." These ancient systems exemplify sustainable and equitable resource management.

In much the same way, we can draw a parallel to the modern State's financial system. Public expenditure symbolized by the flow of water through canals and irrigation channels is meant to reach every corner of society. These channels represent the budgetary allocations for health, education, transportation, welfare, pensions and infrastructure.

However, just as a blocked or mismanaged canal prevents water from reaching distant fields, corruption disrupts the delivery of public services. Whether through misappropriation, favouritism or bureaucratic inefficiency, when governance is compromised, essential resources fail to reach the most vulnerable. This results in unequal access, public frustration and a weakening of the social contract. Thus, safeguarding integrity in public finance is as crucial today as regulating water flow was in ancient times.

Effective governance relies on the smooth and coordinated functioning of a comprehensive fiscal ecosystem, where multiple key institutions play vital and interconnected roles. At the centre of this system are the Executive, Legislature and Judiciary, each upholding the principles of separation of powers while ensuring checks and balances. Alongside these branches, specialized bodies such as tax collection authorities and the Central Bank are responsible for managing revenue generation and monetary stability, which are fundamental for sustainable economic growth.

Equally important are institutions like the National Procurement Commission, which oversees fair and transparent government purchasing processes, and various implementing government agencies and public officials who are tasked with executing policies and delivering public services efficiently. Oversight institutions, including the Auditor General and anti-corruption agencies such as the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), serve as watchdogs to monitor compliance, investigate irregularities, and uphold accountability throughout the system.

For governance to be effective, these institutions must work in close coordination to ensure that national budgets are not only credible but also properly planned, allocated and executed with transparency. Procurement processes should be open and accountable to prevent misuse of funds and favouritism, while investments must be guided by principles of social equity to promote inclusive development that benefits all segments of society.

Transparency mechanisms such as open contracting and full disclosure of public debt are crucial for building and maintaining public trust in financial governance. Likewise, tax policies need to be designed and implemented fairly and efficiently, ensuring sustainable revenue collection without imposing undue burdens on vulnerable populations.

Beyond institutional roles, public participation and continuous monitoring by civil society, media and citizens are essential for reinforcing accountability. When citizens are engaged and informed, they become active partners in governance, helping to identify issues and encourage reforms.

When all these components function cohesively executing their responsibilities competently, efficiently and transparently, they form a robust governance structure that upholds integrity, enhances public confidence,

[5] http://www.sacep.org/pdf/Reports-Technical/hls/Cascade_Systems_and_Sustainable_Land_Management.pdf

and fosters sustainable development.

Importantly, to safeguard this system from corruption, it is critical to integrate targeted prevention and detection measures at every institutional level and throughout every process. This means assessing risks specific to each agency and procedure, implementing appropriate controls, encouraging whistle-blower mechanisms and promoting a culture of ethical conduct. Only by embedding anti-corruption efforts within the daily operations of all institutions can a transparent, accountable and resilient governance framework be sustained.

III. CURRENT SITUATION OF DETECTION OF CORRUPTION IN THE COUNTRY

A. Sri Lanka's Legal and Policy Framework Against Corruption & Detection

Sri Lanka has taken significant steps in recent years to strengthen its legal and institutional framework to combat bribery and corruption. A review of the Constitution, legislations, regulations, circulars and legal literature reflects a growing and deliberate commitment to good governance, financial integrity and the realization of sustainable development goals.

At the core of this framework is the Constitution of the Democratic Socialist Republic of Sri Lanka, which entrusts sovereignty to the people and mandates the protection of public property, transparency in the use of public funds and the establishment of independent commissions. These constitutional provisions lay the foundation for public accountability and empower key institutions in the fight against corruption.

Sri Lanka ratified the United Nations Convention Against Corruption (UNCAC) in 2004. Its principles have since been firmly embedded in domestic law through the enactment of the Anti-Corruption Act, No. 9 of 2023,[6] a comprehensive statute that modernizes the country's anti-corruption framework in line with international standards. This law significantly enhances the powers of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), expanding its role beyond investigation and prosecution to include prevention, education, policymaking and international relations. It also mandates asset declarations for public officials to promote transparency, introduces protections for whistle-blowers and witnesses, and enables international cooperation and cross-border asset recovery. Additionally, the Act addresses conflicts of interest in public and fosters integrity across the public and private sectors, the judiciary and public finance management.

More recently, the Proceeds of Crime Act, No. 5 of 2025[7] has further strengthened CIABOC's institutional framework and bolstered the country's asset recovery mechanisms, enhancing Sri Lanka's ability to trace, seize and repatriate illicitly obtained assets both domestically and internationally.

In addition to the landmark Anti-Corruption Act of 2023, Sri Lanka's legal framework is supported by several other important statutes and instruments that collectively provide a robust foundation against corruption. The Bribery Act No 11 of 1954,[8] once the principal anti-corruption law, has now been superseded by the 2023 Act. The Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994, originally established the institutional structure and powers of CIABOC. The Declaration of Assets and Liabilities Law, No. 1 of 1975, requires public officials to disclose their financial interests, serving as a deterrent against conflicts of interest. These provisions have now been modernized and incorporated into Part II of the Anti-Corruption Act, No. 9 of 2023. The updated law expands the scope of declarations to include not only assets and liabilities, but also income, expenditures and beneficial ownership. Furthermore, it emphasizes the need for a more detailed and transparent system, including mechanisms for public disclosure and greater accountability.

The Prevention of Money Laundering Act, No. 5 of 2006, criminalizes illicit financial flows and authorizes the seizure of unlawfully acquired assets. Transparency is further reinforced by the Right to Information

[6] Anti-Corruption Act, No. 9 of 2023, https://parliament.lk/uploads/acts/gbills/english/6296.pdf
[7] Proceeds of Crime Act, No. 5 of 2025, https://www.parliament.lk/uploads/acts/gbills/english/6378.pdf
[8] The Bribery Act No 11 of 1954 https://www.ciaboc.gov.lk/images/Publications/Bribery_Act_english.pdf

Act, No. 12 of 2016,[9] which grants citizens the right to access government-held information. Oversight of public finances is strengthened by the National Audit Act, No. 19 of 2018,[10] which empowers the National Audit Office to conduct independent audits of government institutions.

Sri Lanka's Financial Regulations[11] provide detailed administrative guidelines for the management of public funds, ensuring compliance, internal control and financial discipline across all levels of government, Additionally, the Public Financial Management Act, No. 44 of 2024,[12] has modernized the planning, execution, and accountability of public financial management, promoting efficiency and financial responsibility across government operations. Complementing these legal instruments.

Protections for individuals who report or appear against corruption are safeguarded through the Assistance to and Protection of Victims of Crime and Witness Protection Act, No. 4 of 2015,[13] along with the updated Act No. 10 of 2023,[14] providing legal protection and safety to victims and cooperating witnesses.

Additional legal and regulatory support comes from various sources, including the Companies Act, No. 07 of 2007,[15] which governs corporate accountability and transparency, and Public Procurement Guidelines[16] that ensure fairness and minimize discretionary power in government contracting. The constitutional authority of the Auditor General, under Article 153, grants essential financial oversight over public institutions. Furthermore, the Offences Against Public Property Act, along with certain provisions of the Penal Code of Sri Lanka, addresses financial crimes such as cheating, criminal misappropriation and breach of trust. These laws play a vital role in the legal framework for combating corruption and safeguarding public assets.

Moreover, Internal Affairs Units have been established in accordance with a circular issued by the Presidential Secretariat on 18 February 2025, aligning with the National Anti-Corruption Action Plan. These circulars and administrative guidelines promote ethical conduct and compliance across government agencies. They also provide guidance for identifying corruption-related offences within institutions and for receiving complaints from the general public.

A significant policy milestone is the National Anti-Corruption Action Plan 2025–2029,[17] approved by the Cabinet in March 2025. This strategic plan sets national priorities focused on prevention, integrity education, public engagement, enforcement, strengthening institutional capacity, and comprehensive law and policy reforms. Its goals include enhancing institutional coordination, promoting integrity in public service, increasing transparency and accountability, and fostering active citizen participation in anti-corruption initiatives.

Additionally, case law and judicial literature provide important guidance for detecting and addressing corruption. A recent example is the SC/FR 168, 176, 184 & 277/2021 – "Mv X-Press Pearl Marine Environmental Pollution Case[18] decided by the Supreme Court of Sri Lanka, which issued directives to the Criminal Investigation Department (CID) and anti-corruption agencies to take appropriate action. Such judicial interventions play a critical role in reinforcing accountability and clarifying the responsibilities of enforcement bodies.

Together, these laws, policies and administrative measures form a comprehensive and evolving framework

---

[9] Right to Information Act, No. 12 of 2016 https://www.rticommission.lk/web/images/pdf/act/rti-act-en-13122018.pdf

[10] National Audit Act, No. 19 of 2018 https://www.srilankalaw.lk/gazette/2018_pdf/19-2018_E.pdf

[11] Sri Lanka's Financial Regulations https://www.treasury.gov.lk/web/resource-center/section/fr%20manual

[12] Public Financial Management Act, No. 44 of 2024 https://www.parliament.lk/uploads/acts/gbills/english/6352.pdf

[13] Assistance to and Protection of Victims of Crime and Witness Protection Act, No. 4 of 2015 https://www.parliament.lk/uploads/acts/gbills/english/6297.pdf

[14] Assistance to and Protection of Victims of Crime and Witness Protection Act No, 10 of 2023 https://www.parliament.lk/uploads/acts/gbills/english/6297.pdf

[15] Companies ACT, No. 07 OF 2007 https://www.parliament.lk/uploads/acts/gbills/english/3776.pdf

[16] Public procurement Guidelines https://nprocom.gov.lk/guidelines/

[17] National Anti-Corruption Action Plan 2025–2029 https://www.ciaboc.gov.lk/media/attachments/2025/04/08/english_action-plan-2025.pdf

[18] *SC/FR 168, 176, 184 & 277/2021 – "mv x-press pearl marine environmental pollution case, https://supremecourt.lk/?melsta_doc_download=1&doc_id=3b6f6e7b-53d9-4c75-8428-e27159491296&filename=sc_fr_168_176_184_277_2021.pdf*

to combat and detect corruption in Sri Lanka. While the country's legislative architecture increasingly aligns with international standards, the effectiveness of these measures depends heavily on implementation, coordination among agencies and sustained political will. The combination of constitutional mandate, precise legislation, strategic planning and administrative oversight constitutes the backbone of Sri Lanka's modern efforts to fight corruption and rebuild public trust. In addition to that, institutional architecture and support are vital to effectively implementing the above-mentioned measures.

B. Institutional Architecture for Tracking, Detecting and Prevention Corruption in Sri Lanka

Sri Lanka's fight against corruption is supported by a comprehensive institutional framework, with multiple agencies tasked with oversight, detection, investigation and enforcement. Central to these efforts is the Commission to Investigate Allegations of Bribery or Corruption (CIABOC),[19] empowered under the Anti-Corruption Act No. 9 of 2023 to prevent, investigate and prosecute corruption cases.

The National Audit Office[20] plays a critical role by auditing public institutions and reporting directly to Parliament, thereby enhancing financial transparency. Parliamentary oversight is further ensured through committees such as the Committee on Public Enterprises (COPE)[21] and the Committee on Public Accounts (COPA),[22] which scrutinize government expenditures and the operations of state-owned enterprises.

Financial crimes are monitored by the Financial Intelligence Unit (FIU)[23] under the Central Bank, which inquire about suspicious transactions linked to money laundering and other illicit activities. The Attorney General's Department[24] handles prosecutions, while the Sri Lanka Police, Criminal Investigation Department (CID),[25] Financial Crime Investigation Division,[26] and Fraud Bureau enforce criminal investigation.

The Ministry of Finance[27] oversees budget preparation, revenue collection and public financial management, ensuring prudent and transparent use of resources. The National Procurement Commission[28] regulates government procurement processes, promoting fairness, transparency and competition in public contracting to reduce opportunities for corruption.

The Right to Information (RTI) Commission[29] facilitates public access to government-held information, empowering citizens and the media to hold public officials accountable. Additionally, Internal Affairs Units[30] within ministries and public agencies work to enforce internal compliance and inquire about misconduct.

Together, these institutions form a coordinated and robust architecture for tracking, detecting and preventing corruption, underpinning Sri Lanka's commitment to integrity, transparency and good governance.

[19] Commission to Investigate Allegations of Bribery or Corruption (CIABOC) https://www.ciaboc.gov.lk/images/Publications/Commission_Act_english.pdf

[20] National Audit Office http://auditorgeneral.gov.lk/web/index.php/en/2-uncategorised/183-nao-members-area

[21] Committee on Public Enterprises (COPE) https://www.parliament.lk/component/committees/commitee/showCommittee?id=%209&lang=en

[22] Committee on Public Accounts (COPA) , https://www.parliament.lk/component/committees/commitee/showCommittee?id=%208&lang=en#:~:text=This%20is%20one%20of%20the,to%20meet%20the%20public%20expenditure.

[23] Financial Intelligence Unit (FIU) https://fiusrilanka.gov.lk/

[24] Attorney General's Department https://www.attorneygeneral.gov.lk/

[25] Sri Lanka Police, Criminal Investigation Department (CID) https://www.police.lk/

[26] Financial Crime investigation Division https://www.police.lk/

[27] Ministry of Finance https://www.treasury.gov.lk/

[28] National Procurement Commission https://nprocom.gov.lk/

[29] See n. 9.

[30] Internal Affairs Units https://www.treasury.gov.lk/web/mof-internal-affairs-unit/section/internal%20affairs%20unit%20(iau)

IV. BEST PRACTICES IN DETECTING CORRUPTION IN SRI LANKA, KEY METHODS INCLUDING WHISTLE-BLOWER REPORTING, AUDITS, MEDIA INVESTIGATIONS, DIGITAL FORENSICS, AND LEGAL COOPERATION LIKE PLEA BARGAINING

A. Legal Framework for Detecting Corruption in Sri Lanka: Provisions of the Anti-Corruption Act

Sri Lanka has recently modernized its anti-corruption legal framework through the enactment of the Anti-Corruption Act No. 9 of 2023.[31] This legislation consolidates and strengthens the role of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC),[32] providing it with comprehensive powers to conduct preliminary inquiries and investigations into allegations of bribery, corruption and related offences. Section 41[33] of the Act mandates CIABOC to initiate investigations upon receiving any complaint, information, or material that discloses the commission of an offence. Section 42[34] further elaborates that such action may be triggered by formal complaints, anonymous tips, self-initiated action by the Commission (*ex mero motu*) or the receipt of relevant materials such as audit findings or digital forensic reports.

Further, the Anti-Corruption Act, No. 9 of 2023 significantly enhances Sri Lanka's capacity to detect and investigate corruption by empowering authorities with a range of advanced investigating tools and legal provisions. All offences under the Act are classified as cognizable, allowing law enforcement to initiate investigations and make arrests without prior court approval. Notably, Section 55[35] authorizes the use of special investigation techniques, such as permitting a whistle-blower to give or receive a bribe under Commission supervision, conducting surveillance and observation, engaging in undercover operations, video recording, use of bugging devices, and controlled deliveries. The Act also includes prohibitions on dealing with property located outside Sri Lanka, reinforcing international accountability. Further investigative powers include obtaining information from service providers (Section 57),[36] interception of communication (Section 58),[37] and unlocking of encrypted data or digital devices (Section 59).[38]

These robust legal measures align with global best practices and are designed to facilitate intelligence-led investigations while ensuring greater accountability, faster response and stronger enforcement in the fight against corruption. Moreover, these provisions are especially critical in a context where corruption is often revealed through non-traditional sources such as whistle-blowers, media investigations, or spontaneous reports by citizens. The law thus creates a strong foundation for proactive and responsive detection measures.

B. Reporting as a Primary Method of Detection

Reporting remains one of the most essential and effective means of detecting corruption. In Sri Lanka, under the new Anti-Corruption Act, any person can report corruption be it a public official, private citizen, whistle-blower or journalist. Notably, the CIABOC is also empowered to take up cases based on anonymous complaints, which is crucial in a country where fear of retaliation or political interference can deter individuals from coming forward. In addition, the 21st Amendment to the Constitution of Sri Lanka[39] supports the independence and initiative of oversight bodies by enabling own-motion investigations, allowing authorities to act even in the absence of external reporting. This framework aligns with international norms under the United Nations Convention Against Corruption (UNCAC),[40] which urges states to encourage and protect those who report corruption. The integration of both reactive (complaints-based) and proactive (own-motion) mechanisms gives Sri Lanka a dynamic system for uncovering hidden acts of corruption.

---

[31] See n. 4.
[32] See n. 17.
[33] Section 41 of the Anti-Corruption Act, No. 9 of 2023.
[34] Section 42 of the Anti-Corruption Act, No. 9 of 2023.
[35] Section 55 of the Anti-Corruption Act, No. 9 of 2023.
[36] Section 57 of the Anti-Corruption Act, No. 9 of 2023.
[37] Section 58 of the Anti-Corruption Act, No. 9 of 2023.
[38] Section 59 of the Anti-Corruption Act, No. 9 of 2023.
[39] 21st Amendment to the Constitution of Sri Lanka https://www.parliament.lk/uploads/acts/gbills/english/6261.pdf
[40] United Nations Convention Against Corruption (UNCAC) https://www.unodc.org/corruption/en/uncac/learn-about-uncac.html

C. The Role of Audits in Uncovering Corruption

Auditing, whether internal or external is a cornerstone of financial accountability and one of the most effective tools in detecting corruption. In both public and private sectors, audits play a vital role in identifying anomalies, fraud and procedural violations, serving as the first point of reference for investigative authorities like the Commission to Investigate Allegations of Bribery or Corruption (CIABOC).

- **Public Sector Audits**

  In Sri Lanka's public sector, internal audits are carried out by internal audit divisions within ministries, departments and public enterprises. External audits are conducted by the National Audit Office, empowered by the National Audit Act, No. 19 of 2018 and the Constitution (Chapter XVII on Public Finance). These audits routinely review compliance with public finance regulations, procurement procedures and financial reporting standards. Discrepancies and suspected malpractices identified through audits are often the foundation for referrals to CIABOC or other law enforcement agencies.

  Audit findings frequently uncover unauthorized or unexplained payments, misuse of public funds, irregular procurement processes, conflicts of interest and abuse of power. These red flags, when verified through further inquiry, can trigger formal investigations and prosecutions for corruption and financial crime.

- **Private Sector and Forensic Audits**

  In the private sector, audits conducted by independent accounting firms play a similar role in flagging financial anomalies. These are often reported to the Financial Intelligence Unit (FIU) or forwarded to regulators and law enforcement. Forensic audits go a step further, applying specialized techniques such as data analytics, transaction tracing, and digital recovery to unearth hidden assets and detect laundering schemes. However, the effectiveness of audits depends on the independence, integrity and professional capacity of auditors. In highly corrupt environments, audit findings may be manipulated or suppressed. Therefore, robust oversight and protection of auditors are essential to ensure their role in detecting corruption remains impactful.

D. Digital Forensics and Financial Intelligence

The growing digitization of transactions and communication has opened new frontiers for detecting corruption through digital forensics and financial intelligence. Digital forensics involves the recovery and analysis of electronic data, such as emails, financial records, encrypted files and deleted communications, which may serve as evidence of corrupt acts. In Sri Lanka, forensic experts, along with the Financial Intelligence Unit (FIU),[41] contribute to corruption detection by analysing suspicious transaction reports (STRs), identifying unusual banking patterns and tracking illicit financial flows. These technical methods have proven indispensable in tracing the digital footprints of corrupt transactions, especially in complex financial fraud cases and cross-border money laundering. Strengthening the capacity of local forensic labs and ensuring timely access to digital evidence are critical for the success of this detection mechanism.

E. Use of Deferred Prosecution Agreements and Plea Bargaining

One of the most promising legal innovations introduced under the Anti-Corruption Act, No. 9 of 2023 is the provision for Deferred Prosecution Agreements (DPAs). These agreements are governed by Section 71 of the Act and allow the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) to enter into binding agreements with individuals or corporate entities accused of committing corruption-related offences under Sections 106 and 108. Through DPAs, the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) may suspend or defer criminal proceedings for a period of five to ten years, contingent upon the accused meeting certain strict conditions. These conditions may include issuing a public apology, paying compensations to victims, making a pledge to abstain from future misconduct and compensating the State for losses incurred. To ensure legitimacy and oversight, all agreements must be submitted for approval by the High Court. If the agreed conditions are fulfilled within the stipulated period, criminal proceedings are discontinued; otherwise, the indictment process resumes. DPAs are a powerful tool that promote early cooperation, reveal hidden information and strengthen detection efforts in high-level corruption cases.

[41] See n. 21.

In addition to DPAs, recent amendments to the Code of Criminal Procedure, through the Code of Criminal Procedure (Amendment) Act, No. 25 of 2024,[42] have formally introduced plea bargaining into Sri Lanka's legal system. These amendments significantly enhance judicial discretion, particularly in allowing courts to recognize time spent in remand custody prior to conviction as part of the final sentence. Where this is not applied, the magistrate or judge must record valid reasons. However, this provision does not apply where mandatory minimum sentences are prescribed by law. This reform provides a tangible incentive for accused persons to cooperate early with investigative authorities such as by disclosing insider knowledge or testifying against co-conspirators in exchange for fairer sentencing outcomes.

Together, the introduction of DPAs under Act No. 9 of 2023 and plea bargaining under Act No. 25 of 2024[43] marks a progressive shift in Sri Lanka's anti-corruption and criminal justice landscape. These complementary tools not only improve the efficiency and speed of investigations and prosecutions but also create a more equitable legal process that rewards meaningful cooperation. As such, they are instrumental in uncovering complex corruption networks and promoting a culture of accountability and justice.

F. Protection for Whistle-Blowers and Informants: A Critical Pillar in Corruption Detection

Whistle-blowers and informants play a vital role in uncovering corruption, especially in environments where institutional controls are weak or where interference hampers official investigations. In Sri Lanka, the detection of corruption is increasingly reliant on disclosures by insiders, public officials, professionals, contractors and even private citizens who take personal risks to expose abuse of power and financial mismanagement. Although Sri Lanka has not yet enacted a standalone whistle-blower protection act, its legal framework offers an evolving patchwork of protections across various statutes, regulations and constitutional guarantees.

At the constitutional level, Article 14(1)(g)[44] of the 1978 Constitution protects the right to freedom of speech and expression, creating a foundational right for public interest disclosures. Article 12[45] guarantees equality before the law, shielding whistle-blowers from discriminatory or retaliatory treatment, while Article 13[46] supports ethical action by affirming the right to freedom of conscience.

The most robust legislative protections are embedded in the Anti-Corruption Act, No. 9 of 2023,[47] which aligns with international standards such as the United Nations Convention Against Corruption (UNCAC), UNGASS Political Declaration and the Kyoto Declaration. Sections 73–78[48] of the Act address whistle-blower and informant protection in detail. These include confidentiality of identity, immunity from prosecution or civil liability, protection against retaliation (including threats, harassment, demotion or termination), and specific penalties for those who intimidate or penalize whistle-blowers. Under Section 74(2), those found guilty of victimizing whistle-blowers may be sentenced to up to seven years' imprisonment and/or a fine of LKR 1 million, reinforcing the seriousness of whistle-blower protection.

Complementary protection is provided by the Assistance to and Protection of Victims of Crime and Witnesses Act, No. 10 of 2023,[49] which establishes a statutory authority and outlines procedures to ensure the safety, anonymity and legal support for witnesses, many of whom are also whistle-blowers. The Right to Information Act, No. 12 of 2016,[50] empowers citizens to access public records and reinforces whistle-blowers' ability to gather and disclose critical information. Additionally, the Personal Data Protection Act, No. 9 of 2022,[51] secures the digital privacy and identity of whistle-blowers, particularly in the context of electronic or online disclosures.

[42] Code of Criminal Procedure (Amendment) Act, No. 25 of 2024 https://www.parliament.lk/uploads/acts/gbills/english/6343.pdf
[43] Personal Data Protection Act, No. 9 OF 2022 https://www.parliament.lk/uploads/acts/gbills/english/6242.pdf
[44] Article 14(1)(g) of the Constitution Of The Democratic Socialist Republic Of Sri Lanka 1978.
[45] Article 12 of the Constitution Of The Democratic Socialist Republic Of Sri Lanka 1978.
[46] Article 13 of the of the Constitution Of The Democratic Socialist Republic Of Sri Lanka 1978.
[47] See n. 4.
[48] Section 73- 78 of Anti-Corruption Act, No. 9 of 2023.
[49] See nn. 12-3
[50] See n. 9.
[51] See n. 37.

Recent developments have further strengthened the framework. The Proceeds of Crime Act, No. 5 of 2025, includes Section 31,[52] which explicitly provides protections to individuals who disclose information leading to asset recovery and enables non-conviction-based forfeiture. These protections are especially relevant for cases involving illicit enrichment and cross-border financial crimes. Similarly, the National Audit Act, No. 19 of 2018,[53] encourages disclosures within public institutions and protects auditors acting in good faith.

From an evidentiary standpoint, Sri Lanka's Evidence Ordinance (Chapter 14)[54] incorporates several critical safeguards that support whistle-blower disclosures and protect witnesses in corruption-related and other cases. Section 32 permits courts to admit statements from individuals unable to testify in person such as deceased or otherwise unavailable witnesses, so long as the statements relate directly to facts in issue or relevant circumstances. This provision is particularly important for whistle-blowers who may face threats or constraints preventing in-person testimony. Recognizing the growing role of digital evidence, Section 114A formally accepts electronically produced or stored records, which are often crucial in whistle-blowing cases involving emails, messages or audit trails. While initially established under the Evidence (Special Provisions) Act No. 14 of 1995[55] and reinforced through later amendments, these rules remain vital in addressing corruption in the digital age. Importantly, the Evidence Ordinance empowers courts to hold in-camera hearings, private sessions that protect the identities of vulnerable witnesses, including whistle-blowers, thereby enabling sensitive testimony without risking confidentiality or safety. Collectively, these provisions create a balanced evidentiary framework that safeguards the integrity of judicial proceedings while ensuring protection for those who expose wrongdoing. They facilitate the lawful use, thorough examination, and secure handling of disclosures that reveal corruption, whether made by whistle-blowers, journalists or forensic experts.

G. A Crucial Case of Audit-Based Corruption Detection and Whistle-Blowing: The Story of Lalith Ambanwela

A powerful example of audit-driven corruption detection and whistle-blowing in Sri Lanka is the case of Lalith Ambanwela, former Deputy Auditor General. In 2002, Ambanwela conducted several high-impact audits, including uncovering a Rs. 12 million fraud in the Central Province Education Department's computer procurement project. His meticulous audit work directly led to corruption investigations and subsequent legal proceedings.

However, his integrity came at a great personal cost. In retaliation for exposing fraud, Ambanwela was the victim of a brutal acid attack, which left him partially blind and caused severe facial injuries. Despite continuous threats, bribe offers and intimidation, he remained committed to justice and continued to support prosecutors by providing critical audit evidence.

After a lengthy legal process, in 2012,[56] seven individuals were convicted by the High Court and sentenced to rigorous imprisonment ranging from 10 to 70 years. The presiding judge emphasized the vital role of public officials in protecting state resources and underscored the need for strong punitive action in such cases.

Ambanwela's contributions extended beyond this case. One of his most impactful investigations was the Carrom Board Distribution Fraud (Case No: HC/PTAB 2/02/2019),[57] which exposed the misuse of over Rs. 53 million in public funds for distributing sports equipment ahead of the 2015 presidential election. His audit findings led to the 2025 conviction of former ministers Mahindananda Aluthgamage and Nalin Fernando, who were sentenced to 20 and 25 years of rigorous imprisonment, respectively.

---

[52] Section 31, Proceeds of Crime Act, No. 5 of 2025.
[53] See n. 26.
[54] Sri Lanka's Evidence Ordinance (Chapter 14) , https://www.lawnet.gov.lk/wp-content/uploads/cons_stat_up2_2006/2001Y1V14C.html
[55] Evidence (Special Provisions) Act No. 14 of 1995 https://www.parliament.lk/uploads/acts/gbills/english/3114.pdf
[56] Judgement promoting good governance, https://www.tisrilanka.org/judgement-promoting-good-governance/
[57] Case No: HC/PTAB 2/02/2019, https://ciaboc.gov.lk/media-centre/latest-news/105-the-person-who-indicted-recently/781-case-against-former-minister-of-sports

Ambanwela's relentless pursuit of accountability also uncovered procurement fraud in the National Printing Department, misappropriations in the Ministry of Agriculture and even wildlife trafficking involving baby elephants.

In recognition of his courage and contribution, he was honoured with the National Integrity Award by Transparency International Sri Lanka. His legacy stands as a powerful reminder of both the human cost of confronting corruption and the urgent need for systemic protections for whistle-blowers in Sri Lanka.

V. INTERNATIONAL RESPONSE TO ENHANCE THE CAPACITY OF STATES TO DETECT CORRUPTION, INCLUDING INTERNATIONAL COOPERATION

A. Legal Provisions

International cooperation plays a critical role in enhancing the capacity of states to detect, investigate and combat corruption. Multilateral frameworks such as the United Nations Convention against Corruption (UNCAC) provide legal and institutional foundations for mutual assistance, information exchange and joint investigations across borders.

Sri Lanka's Anti-Corruption Act No. 9 of 2023 reflects these international principles by not only establishing provisions for local inter-agency cooperation, including joint investigations, but also enabling international cooperation.[58] The Act facilitates mutual legal assistance (MLA), extradition and the sharing of investigative intelligence with foreign counterparts, strengthening Sri Lanka's role in the global fight against corruption.

While the Anti-Corruption Act No. 9 of 2023 incorporates many of the principles outlined in the United Nations Convention against Corruption (UNCAC) particularly through provisions for international cooperation, enforcement coordination and institutional strengthening, it is further complemented by the newly enacted Proceeds of Crime Act No. 5 of 2025. This legislation provides a comprehensive legal framework for the identification, freezing, seizure and confiscation of assets obtained through unlawful means. It significantly enhances Sri Lanka's capacity to trace and recover illicit wealth, especially in transnational corruption cases, and aligns with international asset recovery standards.

In addition, other legal instruments such as the Mutual Assistance in Criminal Matters Act No. 25 of 2002[59] and its amendments and the Prevention of Money Laundering Act provide critical support for cross-border cooperation, further strengthening Sri Lanka's ability to collaborate with international partners in the fight against corruption.

B. Case Example: Airbus SE Corruption Case

An international example that highlights the use of modern detection techniques and international cooperation is the Airbus SE corruption case, which spanned multiple countries and jurisdictions. The Airbus SE corruption case[60] highlights the use of modern detection techniques and international cooperation, which spanned multiple countries. This case was detected through a combination of forensic audits, and inter-agency and international cooperation. CIABOC and CID have been investigating the local dimensions of this case, utilizing forensic audit trails, institutional disclosures, and both formal and informal cooperation with several jurisdictions. Further The case demonstrated how DPAs and other cooperation mechanisms can compel institutions to provide detailed evidence, even about historical corruption. The Airbus investigation also underlined the importance of international legal cooperation, the role of digital forensics, and the pivotal contribution of media and whistle-blowers in exposing systemic corruption.

---

[58] Section 63 of the Anti Corruption Act No 9 of 2023.

[59] Mutual Assistance in Criminal Matters Act No. 25 of 2002 & it's amendments, https://www.vertic.org/media/National%20Legislation/Sri%20Lanka/LK_Mutual_Assistance_Crim_Matters_Act.pdf https://www.moj.gov.lk/images/pdf/other/amend24-2018_E.pdf

[60] Case No: U20200108, https://www.judiciary.uk/wp-content/uploads/2020/01/Director-of-the-Serious-Fraud-Office-v-Airbus-SE-1.pdf

VI. APPROACHES TO STRENGTHENING THE LINKS BETWEEN DETECTION AND INVESTIGATION

Effective anti-corruption enforcement depends not only on robust detection mechanisms, such as international cooperation, but also on strong inter-agency cooperation and seamless coordination between detection and investigation phases. Recognizing this, the Anti-Corruption Act, No. 9 of 2023 introduces several provisions to strengthen collaborative efforts among enforcement bodies. Section 60[61] enables assistance in investigations, allowing relevant authorities to support each other in gathering evidence and conducting inquiries. Section 61[62] provides for joint investigations, either through agreements between the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) and other domestic investigative agencies, or between Sri Lanka and foreign states. This facilitates a unified approach to complex cases involving multiple jurisdictions or agencies. Additionally, Section 62 promotes the revealing and sharing of information between institutions, which is essential for building comprehensive case files, reducing duplication and enhancing investigative efficiency. These provisions reflect a positive step toward a more integrated and collaborative anti-corruption framework in Sri Lanka, aligned with international standards and practices.

Accordingly, the Anti-Corruption Act, No. 9 of 2023 introduces legal provisions aimed at consolidating the previously fragmented network of anti-corruption agencies operating in Sri Lanka. In addition to centralizing enforcement functions, the Act underscores the importance of strengthening internal complaint-handling systems, building public confidence in protection mechanisms and aligning domestic practices with international standards.

In support of this, the Presidential Secretariat issued Circular PS/SB/Circular/2/2025, directing all public institutions to establish Internal Affairs Units (IAUs).[63] These units are mandated to receive and process complaints confidentially, provide protection to whistle-blowers, and share relevant information with CIABOC, the Sri Lanka Police or other appropriate enforcement authorities.

Despite the strengthening of Sri Lanka's legal framework through the Anti-Corruption Act, No. 9 of 2023, significant practical barriers and institutional inertia continued to hinder meaningful progress. The Establishment Code,[64] specifically Chapter XLVII, limits public officers from making public disclosures or statements without prior authorization, often conflicting with their constitutional right to freedom of expression. This conflict between bureaucratic control and constitutional freedoms has been challenged in several notable legal cases.

In SC FR/76/2012, teacher P.S. Manohari Pelaketiya[65] was unlawfully interdicted after publicly disclosing systemic sexual harassment in her school. The Supreme Court held that her right to free expression and gender justice overrode bureaucratic restrictions.

In contrast, SC FR/371/2022, involving Dr. Chamal Sanjeewa,[66] was dismissed by the Court. He had highlighted severe malnutrition in Hambantota through media interviews. The judgment emphasized procedural compliance and reaffirmed the limitations imposed by the Establishment Code, reflecting the legal tension between public interest disclosures and administrative discipline.

To address these issues, the Anti-Corruption Act provides specific protections for informants and whistle-blowers. Under Section 73(6),[67] informants are shielded from adverse employment consequences, retaliation,

[61] Section 60 of the Anti-corruption Act No 9 of 2023.
[62] Section 61 of the Anti-corruption Act No 9 of 2023.
[63] Circular PS/SB/Circular/2/2025 https://www.presidentsoffice.gov.lk/wp-content/uploads/2025/02/PS_SB_Circular_2_2025.pdf
[64] Establishment Code https://pubad.gov.lk/web/index.php?option=com_content&view=article&id=45&Itemid=192&lang=en
[65] P.S Manohari Pelaketiya Vs. H. M. Gunasekera and Others SC/FR/No. 76/2012 https://supremecourt.lk/?melsta_doc_download=1&doc_id=68c6985d-0cda-4be5-8f64-3cd632407619&filename=scfr_76_2012_ed.pdf
[66] Dr. Galmangoda Guruge Chamal Sanjeewa Vs. Dr. Keheliya Rambukwella and Others. SC FR/371/2022 https://supremecourt.lk/?melsta_doc_download=1&doc_id=39e5b528-bdf7-4bf3-9f9b-359242b4eb0e&filename=sc_fr_371_2022.pdf
[67] Section 73(6) of the Anti-Corruption Act No 9 of 2023.

harassment and other forms of harm. Section 74[68] further ensures that no disciplinary action may be taken against a whistle-blower for providing information related to bribery or corruption. While these are positive developments, their scope is currently limited to offences under the Anti-Corruption Act, revealing the need for a comprehensive, national whistle-blower protection framework that applies across all sectors.

Another factor that has been identified as affecting and hindering inter-agency cooperation is the impediment to information sharing in the Audit Act. Section 9 of the National Audit Act.[69] which restricts the National Audit Office from directly sharing audit findings with investigative bodies such as the CIABOC.

VII. ISSUES, BARRIERS AND CHALLENGES TO DETECTION OF CORRUPTION, AND POSSIBLE SOLUTIONS

A. Issues, Barriers and Challenges to Detection of Corruption

Sri Lanka faces several significant challenges in its efforts to strengthen anti-corruption measures and protect whistle-blowers. Notably, the country lacks a dedicated whistle-blower protection act, leaving individuals who expose wrongdoing vulnerable to retaliation such as harassment or dismissal. This risk is exacerbated by institutional resistance rooted in the Establishment Code, which often discourages disclosures by requiring prior authorization and limiting transparency. Furthermore, a low level of public awareness and a weak institutional culture around whistle-blowing continue to suppress reporting.

A particularly critical impediment exists in Section 9 of the National Audit Act,[70] which restricts the National Audit Office from directly sharing audit findings with investigative bodies such as the CIABOC, instead limiting such disclosures to Parliament. The International Monetary Fund (IMF) has identified this restriction as a key obstacle to improving Sri Lanka's anti-corruption framework and recommends removing or amending this provision to enable seamless information sharing between auditing and investigative agencies.

Additionally, Sri Lanka currently lacks a dedicated legal framework mandating the registration and disclosure of beneficial ownership information. This legislative gap significantly hampers efforts to combat corruption, money laundering and the concealment of illicit assets. Without a centralized beneficial ownership registry, authorities face substantial difficulties tracing the true individuals behind companies, trusts and other legal entities used to hide corrupt proceeds or engage in fraudulent activities. This opacity undermines transparency in corporate structures and weakens the capacity of investigative and regulatory bodies to effectively identify and prosecute financial crimes.

B. Possible Solutions

Addressing these challenges is essential to enhancing transparency, institutional cooperation and the overall effectiveness of corruption detection and prosecution in Sri Lanka. A key priority should be the enactment of comprehensive whistle-blower protection legislation that addresses the gaps identified above and aligns with international best practices. Such legislation should include the establishment of an independent authority responsible for receiving and investigating whistle-blower disclosures. It must also ensure robust protection measures for whistle-blowers, including legal safeguards, guarantees of secrecy and confidentiality, and where necessary, the provision of safe houses and protective support for those at risk. These measures are critical not only for safeguarding individuals who expose corruption but also for fostering a culture of accountability and public trust in the integrity of governance systems.

Furthermore, the process of identifying and addressing gaps in the Audit Act should be considered an urgent priority, as also emphasized in the recent IMF report. Moreover, Expediting the enactment of laws on beneficial ownership and taking prompt action to establish a comprehensive registration system should be prioritized.

[68] Section 74 of the Anti-Corruption Act No 9 of 2023.
[69] National Audit Act See 9. https://www.srilankalaw.lk/gazette/2018_pdf/19-2018_E.pdf
[70] National Audit Act See 9. https://www.srilankalaw.lk/gazette/2018_pdf/19-2018_E.pdf

The National Anti-Corruption Action Plan 2025–2029,[71] approved by Cabinet in March 2025 (Cabinet Decision No. 25/0482/801/008), prioritizes the development of a unified legal and institutional system for whistle-blower protection, along with other key measures such as the enhancement of interagency cooperation. While considering these and other strategies and actions, effective implementation of this Action Plan could enable Sri Lanka to address the major challenges currently hindering corruption detection, thereby strengthening transparency, accountability and the overall integrity of governance.

VIII. CONCLUSION

Corruption remains one of the most pressing governance challenges facing Sri Lanka today. As this paper has highlighted, its impact extends far beyond the financial cost; it weakens public trust, diverts national resources from critical services and impedes the nation's ability to achieve sustainable development. Drawing from Sri Lanka's own history, the paper used the ancient tank and cascade irrigation systems as a metaphor for effective, equitable and sustainable resource management. These systems, built on principles of transparency, accountability and shared responsibility, provide a timeless lesson for modern governance: that every drop or every rupee must be protected, managed and used for the common good.

Effective detection and prevention of corruption require more than legal frameworks and institutional mandates; they demand genuine coordination among all actors across the public sector. From the Executive, Legislature and Judiciary, to oversight institutions such as CIABOC, the Auditor General's Department and the National Procurement Commission, each must fulfil its role with professionalism, integrity and independence. But equally important is the role of civil society, the media and individual citizens, whose participation and vigilance are vital to maintaining accountability.

The success of anti-corruption efforts lies in embedding prevention and detection mechanisms within the daily functions of every institution. This means identifying risks at every level, strengthening internal controls, safeguarding whistle-blowers, enabling citizen reporting, promoting ethical leadership and fostering a culture of zero tolerance for corruption.

International cooperation, knowledge exchange and adoption of best practices such as open contracting, digital forensics and independent audits can enhance national capacity. Still, the greatest impact will come from a collective commitment to building systems that are transparent, inclusive and robust.

Finally, Sri Lanka must ensure that individuals who come forward in good faith are protected, their concerns are thoroughly investigated and their constitutional rights are upheld. Institutional regulations must never override ethical accountability. Legislative reforms, coupled with strengthened institutional capacity, are vital to embedding integrity, transparency and public trust in governance, thereby fostering a robust and resilient anti-corruption framework. By doing so, Sri Lanka can not only protect its resources but also uphold its democratic values, ensure justice for its people and pave the way toward a more equitable and sustainable future.

[71] The National Anti-Corruption Action Plan 2025–2029 https://www.ciaboc.gov.lk/highlights/national-action-plan

BEST PRACTICES AND POSSIBLE IMPROVEMENTS IN DETECTING CORRUPTION OFFENCES IN UKRAINE'S JUSTICE SYSTEM

*Olha Malakhova**

I. GENERAL OVERVIEW OF CORRUPTION DETECTION IN UKRAINE

Corruption remains one of the key threats to the effective functioning of state institutions in Ukraine, particularly the justice system. Despite the creation of new bodies, the introduction of electronic services and open registries, mechanisms for detecting corruption offences often fail to deliver the expected results. At the same time, positive practices are emerging in Ukraine, such as electronic declarations, public procurement systems and financial monitoring, which create opportunities for earlier detection of corruption. This paper aims to describe the current state of corruption detection in Ukraine, analyse best practices and identify ways to improve this process. Particular attention is paid to a practical case study that shows how existing mechanisms work in practice and what difficulties the justice authorities face. According to Transparency International's Corruption Perceptions Index for 2024, Ukraine ranked 104th out of 180 countries, indicating significant challenges in combating corruption. The level of public trust in the judicial system directly depends on how effectively it is able to respond to such crimes. Early detection of corruption prevents the loss of evidence, minimizes damage to the state and ensures that those responsible are brought to justice more quickly. This process is crucial not only for internal security, but also for Ukraine's international image and increasing its investment attractiveness.

II. CURRENT SITUATION IN THE FIELD OF DETECTING CORRUPTION OFFENCES IN UKRAINE

Ukraine has a number of bodies and instruments that are directly or indirectly aimed at detecting corruption offences. These include:

- NABU (National Anti-Corruption Bureau of Ukraine) – investigates top-level corruption crimes.
- NACP (National Agency for Corruption Prevention) – monitors e-declarations and conflicts of interest.
- DBR, National Police, SBU – detect and investigate corruption crimes among law enforcement officers and officials.
- Financial monitoring (State Financial Monitoring Service, NBU, banks) – detects suspicious financial transactions.
- Civil society organizations and journalistic investigations, which often serve as the initial source for official proceedings.

Despite the existence of these mechanisms, the rate of actual detection and prosecution of corruption crimes remains low. Problems arise at the stage of gathering primary information and converting it into admissible evidence. Ukraine lacks a single coordination centre or platform that would combine data from e-declarations, Prozorro analytics, banking monitoring and criminal proceedings. As a result, information about potential corruption is often duplicated, processed with delays or does not reach the court in the proper form. This creates gaps in the evidence-gathering stage and affects the court's ability to make a lawful and reasoned decision.

---

* Judge, Shevchenkivskyi District Court of Kharkiv, Ukraine.

III. BEST PRACTICES IN UKRAINE

Despite the difficulties, several tools and practices can be identified that demonstrate effectiveness:

- Electronic declarations and automated monitoring of officials' lifestyles. These allow for comparison of the income and expenses of civil servants. There have been cases where discrepancies in declarations have led to investigations.

- The Prozorro and BI Prozorro systems in the field of public procurement. The public nature of tenders allows journalists and civil society organizations to identify violations. There are examples where open data helped to quickly identify suspicious contracts and pass the information on to investigators.

- Cooperation with financial institutions and international partners. Bank monitoring helps to track suspicious transfers related to bribery or money laundering. Ukraine has begun to make more active use of international channels for the exchange of financial information.

Public oversight and journalistic investigations. Investigations published in the media often become the first step towards official criminal proceedings.

One of the most notable success stories is the Prozorro system, which in 2023 helped identify dozens of questionable tenders, particularly in the areas of construction and equipment supply for state owned enterprises. Thanks to open access to data, journalists and analysts from civil society organizations were able to quickly pass on information to law enforcement agencies, leading to the opening of criminal proceedings.

The Prozorro system was launched in 2014–2015 after the Revolution of Dignity as a response to corruption and lack of transparency in public procurement. A team of anti-corruption volunteers, businesses and the Ministry of Economy developed a new system to transfer procurement to an electronic format and ensure maximum transparency. The public e-system was intended to replace the old paper-based procedures, which allowed for numerous abuses. In the first two years of its operation, the state saved approximately $1.9 billion.

Prozorro is a hybrid electronic system: at its core it is a state database and auction module, while interfaces for buyers and suppliers are provided by authorized commercial platforms. All information about tenders—from planning to contract execution—is stored in a central database and synchronized with the platforms in real time. After the auction is completed, all data is disclosed: participants, their bids, the tender committee's decisions, documents, etc., according to the principle of "everyone sees everything". BI modules (bi.prozorro.org and bipro.prozorro.org) have been created for analysis, allowing anyone to conduct in-depth procurement analytics.

The legal framework for the reform was developed by the Ministry of Economic Development and Trade (now the Ministry of Economy). The central electronic database and auction module are administered by the state-owned enterprise Prozorro. The ministry remains the sole coordinator of the system's development. Commercial platforms provide an interface for participants to work, while civil society organizations carry out anti-corruption monitoring.

The system's motto, "everyone sees everything", means that Prozorro is open to everyone. Journalists and civil society organizations actively use the data for investigations, but there are no restrictions for businesses or citizens. After the rights to the system were transferred to a state-owned enterprise, all tenders since 2016 have been conducted through Prozorro, so anyone can view the tender documentation, prices and decisions.

Prozorro itself does not punish corrupt officials; it ensures data transparency. Suspicious tenders are monitored by state auditors and public initiatives. In just three years, the DoZorro community (a network of public monitors) analysed and flagged 21,000 tenders as problematic; about 30 per cent of them were resolved, 1,200 tenders were reviewed, 59 criminal cases were opened and 198 sanctions were imposed. During testing, the DOZORRO AI tool developed by Transparency International Ukraine made it possible to detect tenders

with unjustified selection of winners 26 per cent more often, with unjustified disqualification 37 per cent more often and with collusion between participants 298 per cent more often. The State Audit Service uses 35 risk indicators to automatically check procedures.

Prozorro uses open-source code and publishes data in accordance with the Open Contracting Data Standard (OCDS) recommended by international organizations, which complies with the principles of the UN Convention against Corruption. The project is supported by the World Bank, the EBRD and other partners, and its "golden triad" model (government, business, civil society) is considered by the United Nations and the OECD as a leading example of transparency in public procurement. Prozorro has become a key reform that has radically changed the public procurement sector in Ukraine. The system provides open access to tender data, increases competition and allows the public to identify corruption risks. It is managed by the Ministry of Economy through the state-owned enterprise Prozorro. The data is available to everyone without exception, and the active participation of journalists and civil society organizations makes Prozorro an effective tool for anti-corruption control and early detection of suspicious purchases.

IV. PROBLEMS AND CHALLENGES IN APPLYING BEST PRACTICES

- Insufficient data integration between agencies. There is no single database that combines the results of audits by the NACP, financial monitoring and other agencies.

- Problems with the admissibility of evidence. Information from open sources or the media cannot always be used by the court without proper procedural formalities.

- Delays in transferring cases from the "detection" stage to the "investigation"' stage. Due to bureaucracy and poor communication, evidence is lost or devalued.

- Lack of specialized analytical skills in some agencies. Financial or electronic data is often not analysed properly.

A separate problem is the lack of adequate protection for whistle-blowers, which reduces the number of reports of corruption offences. Legislative guarantees exist, but in practice whistle-blowers often face pressure from former employers or colleagues. In addition, courts do not have full access to some closed financial databases, which makes it difficult to verify the sources of funds and links between those involved in cases. Much of the communication between investigative bodies takes place in paper format, which causes delays in the transfer of materials and the loss of evidentiary value of certain documents.

V. CASE STUDY

A. The Essence and Circumstances of the Incident

The Department of Education of the Dniprovskyi district of Kyiv purchased over 300 drums for children for almost 900 thousand hryvnias. The musical instruments are intended for psychological relief of children in shelters during air raids. Journalists drew attention to this while monitoring the website of the electronic public procurement system Prozorro.

People were outraged that significant funds were spent on toys, while the condition of more than 80 per cent of the shelters is unsatisfactory. Publicity in the media did not allow the conclusion of the disputed contract.

At the same time, law enforcement officers drew attention to the director of the aforementioned Department of Education. Based on the results of monitoring her lifestyle, the application of the civil confiscation mechanism was initiated (in early September, the High Anti-Corruption Court imposed an arrest on the official's property).

Civil confiscation of unfounded assets is a mechanism that allows the State to return property that was acquired illegally, without the need to prove a crime. Civil confiscation, or the seizure of unclaimed assets, was introduced in Ukraine at the end of 2019, after the relevant law entered into force on 28 November 2019 and is used in countries such as the United Kingdom, Canada, Georgia, Italy, Greece and Ireland.

The application of civil confiscation in accordance with the norms of the Civil Procedure Code of Ukraine is possible if the value of the assets exceeds the subsistence minimum for able-bodied persons by seven hundred and fifty times or more, established by law on the date of entry into force of the said law, but does not exceed the limit established by Article 368-5 of the Criminal Code of Ukraine.

Civil confiscation is effective and almost ideal in its simplicity:

1. Presumption of unfoundedness of assets. The legislation establishes that the court recognizes assets as unfounded if there is no evidence of their legal origin. This presumption is rebuttable: the defendant must provide evidence of the legality of the acquisition of assets.

2. Burden of proof. According to Article 290 of the Civil Procedure Code of Ukraine (hereinafter referred to as the CPC of Ukraine), the burden of proof is shifted to the defendant if:

   -there is confirmation of the connection of the assets with an official;

   -there is a significant difference between the value of the assets and the legal income (the minimum threshold is UAH 1,003,500).

3. Standard of proof. The court makes a decision based on the preponderance of the evidence standard. This means that the decision is made in favour of the party that provided a more convincing set of evidence.

The main feature of civil confiscation is the absence of the need to establish the guilt of a person in committing an offence as a result of which he received certain assets.

In such cases, the use of criminal law mechanisms to combat corruption is not always justified and is complicated by the high latency (concealment) of corruption. After all, if an official nevertheless received an illegal benefit, and this remained unnoticed by law enforcement agencies or with their assistance, it is not easy to prove the facts underlying the criminal offence in court, since criminal proceedings have a high standard of proof.

In contrast, civil confiscation provides that the court recognizes assets as unfounded if there is no evidence of their legal origin. This presumption is rebuttable: the defendant must provide evidence of the legality of the acquisition of assets. That is, people who live an honest life have nothing to worry about because their income has a legal origin.

VI. POSSIBLE IMPROVEMENTS

- Standardization of the collection and transfer of information on potential corruption offences.

- Strengthening analytical capabilities (financial analysis, electronic evidence) in investigative bodies and courts.

- Better interaction between courts and detection agencies. Development of joint protocols on evidence that can be used in proceedings.

- International cooperation. Use of other countries' experience in integrating open data, protecting whistle-blowers and algorithms for automatic detection of suspicious transactions.

- Training for judges. Familiarization with best practices in order to avoid excessive formalism when assessing evidence in cases involving signs of corruption while adhering to the principle of legality.

The first step should be to create a single national portal for the automatic exchange of information on potential corrupt practices between all authorized bodies. This will allow real-time verification of data from e-declarations, financial transactions and tender purchases. The second real change could be the expansion of financial monitoring functions with the possibility of blocking suspicious assets even before the official investigation stage, similar to EU practices. In addition, mandatory training of investigators and judges in the field of working with electronic evidence and large data sets, which is already used in many OECD member countries, is necessary. This will improve the quality of investigations and allow courts to make more informed decisions.

VII. CONCLUSION

Ukraine has already created a number of tools and mechanisms for detecting corruption offences, including an electronic declaration system, public procurement through Prozorro, financial monitoring tools and specialized anti-corruption bodies. At the same time, the effectiveness of these mechanisms remains limited due to the lack of a unified national strategy, fragmented communication between agencies, shortcomings in the procedural formalisation of evidence and delays in the transfer of information from the detection stage to the investigation stage. As a result, a significant proportion of corruption cases either do not reach court or collapse during court proceedings due to a lack of sufficient evidence or procedural errors. This undermines public confidence in the justice system and reduces the deterrent effect of anti-corruption measures. To achieve tangible progress, Ukraine needs a comprehensive and coordinated approach to detecting corruption. This involves creating a single national platform to integrate all available data sources, establishing rapid information exchange between agencies, strengthening whistle-blower protection, and developing the analytical capabilities of investigators and judges in the areas of financial analysis and working with electronic evidence. The use of international best practices proven in other jurisdictions will help reduce systemic gaps that currently allow corruption offences to go unpunished.

THE DETECTION OF CORRUPTION CASES AND THE CONSOLIDATION OF EVIDENTIARY MATERIALS IN CRIMINAL PROCEEDINGS: CHALLENGES AND PRACTICES IN THE CONTEXT OF UZBEKISTAN'S EXPERIENCE

Temur Uktamovich Safarov[*]

I. INTRODUCTION

Since 2020, a number of institutional and legal mechanisms for the early detection of corruption cases have been improved in Uzbekistan. In particular, on the initiative of the President of the Republic of Uzbekistan, the Anti-corruption Agency was established at the national level with the mandate to consolidate and coordinate anti-corruption practices across the country.[1]

Unlike similar bodies established in certain foreign countries, this agency, in its activities, primarily focuses on detecting corruption cases through the review of public procurement processes and citizen complaints, and on transmitting the collected documentation to the prosecutorial authorities for the purpose of conducting investigative actions.

In addition, taking into account that, in the period prior to 2020, the volume of corruption-related complaints submitted to the prosecutorial authorities had been increasing year by year, a Presidential Decision of the Republic of Uzbekistan adopted in 2021 mandated the establishment of internal anti-corruption control units (anti-corruption compliance divisions) within state bodies and organizations.[2]

The activities of these units are regulated, in accordance with the international ISO 37001 standard[3] and the recommendations of the Financial Action Task Force (FATF),[4] by a model statute approved by the Anti-corruption Agency in August 2021. Their primary mandate is to ensure the early detection and prevention of corruption cases, to eliminate their causes and enabling conditions, to prevent conflicts of interest and to implement measures aimed at fostering a culture of zero tolerance towards corruption.[5]

According to analytical data, to date, internal anti-corruption control units have been established in 114 state bodies and organizations, as well as in banks, comprising a total of 1,477 staff positions.[6] However, following a critical review of their performance in light of the President of the Republic of Uzbekistan's address of 5 March 2025, the heads of the anti-corruption compliance divisions in these 114 state bodies and organizations were dismissed.[7] Subsequently, by Presidential Decree No. PQ–147 of 21 April 2025, measures

---

[*] Prosecutor, Scientific and Educational Center for Combating Corruption, Law Enforcement Academy, Uzbekistan.

[1] The Anti-corruption agency of the Republic of Uzbekistan // https://anticorruption.uz/en/about (accessed: 23.07.2025).

[2] Resolution of the President of the Republic of Uzbekistan On additional measures for the effective organization of anti-corruption efforts on 6 July 2021, No. RP-5177 // https://lex.uz/docs/5495538 (accessed: 23.07.2025).

[3] T. Safarov (2024) Improvement of internal anti-corruption mechanisms (by the example of the Ministry of Justice of the Republic of Uzbekistan) abstract of doctoral thesis (PhD) on legal sciences. Tashkent - P.40-42 // https://library.ziyonet.uz/ru/book/131522 (accessed: 23.07.2025).

[4] Uzbekistan's progress in strengthening measures to tackle money laundering and terrorist financing // https://www.fatf-gafi.org/en/publications/Mutualevaluations/fur-uzbekistan-2023.html.

[5] "Model Regulation on the Activities of Internal Anti-Corruption Control Units (registered by the Ministry of Justice of the Republic of Uzbekistan on 8 September 2021, registration No. 3319) https://lex.uz/docs/5621185 (accessed: 23.07.2025).

[6] The national anti-corruption report in the republic of Uzbekistan // https://anticorruption.uz/en/ozbekiston-respublikasida-korrupsiyaga-qarshi-kurashish-togrisida-milliy-maruza.

[7] A meeting of the National Anti-Corruption Council held// https://uza.uz/en/posts/a-meeting-of-the-national-anti-corruption-council-held_694861 (accessed: 23.07.2025).

were adopted to improve the functioning of these units.[8]

In addition, over the past five years, anti-corruption legislation has introduced a number of legal mechanisms aimed at the early detection of corruption and the implementation of effective investigative measures. These include the monitoring of transparency in the activities of state institutions, the regulation of conflicts of interest, the assessment of corruption-related risks and the regulation of the acceptance of gifts by public civil servants.

The effectiveness of these measures has contributed to the early detection of corruption in certain sectoral areas. For example, in 2023, 4,349 compliance control checks conducted by these bodies revealed embezzlement of funds in the amount of 342.6 billion Uzbek soums, as well as financial violations totalling 928.9 billion Uzbek soums in the spheres of public procurement, wage payments and other sectors. The collected documentation was transmitted to law enforcement authorities for legal assessment.[9]

However, the absence of legal foundations for certain corruption-related offences in compliance and investigative practice constitutes a major obstacle to the application of legal measures against such conduct. Examples include the promise of a bribe, illicit enrichment, the disclosure of insider information to counterparties, conflicts of interest involving persons who are not close relatives and the adoption of corrupt decisions by supervisory boards of legal entities. In the initial stage, such corrupt acts are most often encountered by the anti-corruption compliance divisions of state institutions, which are unable to provide a legal qualification for them, resulting in various problematic situations during the subsequent investigation of the corruption incidents.

The paper will examine the application of internal investigation measures, actions and corruption prevention mechanisms in the absence of legislative prohibitions on certain types of corruption as stipulated in international instruments.

II. ANALYSIS OF THE SITUATION

In Central Asia, traditional practices such as gift-giving, family loyalty and clan networks are part of everyday life. While these customs are culturally important, they often lead to corruption when they replace fair procedures or laws. Many people don't see these actions as wrong, because they are considered part of "normal" life. To fight corruption, it is not enough to change the law—it is also necessary to change public attitudes and promote transparency.

Strain and rational-choice theories help explain individual motives. General Strain Theory suggests that when social pressures (economic hardship, inequality, limited opportunity) mount, individuals may turn to corruption as a coping mechanism. Central Asian officials often face heavy demands from extended family and community – pressures not accounted for by meritocratic salaries. Engaging in bribery or patronage can be a rational response to these strains. Rational-choice models view corrupt acts as calculated decisions: if the benefits of favour-trading outweigh expected punishments, and the informal system of reciprocity provides network support, then such behaviour is "cost-effective" for the actor. Indeed, as Steenberg notes, many so-called corrupt practices are "rational and ethically sound choices" given one's social context. The existence of parallel norms effectively lowers the perceived cost of corruption for insiders (family loyalty is rewarded by the group) even as formal penalties loom. Cultural criminology and socio-legal perspectives emphasize that corruption is defined by culture. In Central Asia, gift-exchange and loyalty are cultural imperatives, so bribe-taking can carry no stigma within that frame.[10]

[8] Resolution of the President of the Republic of Uzbekistan On measures to ensure the independence and enhance the efficiency of internal anti-corruption control units within state bodies and organizations on April 21, 2025, No. RP-147 // https://lex.uz/docs/7486316 (accessed: 23.07.2025).
[9] The national anti-corruption report in the republic of Uzbekistan // https://anticorruption.uz/en/ozbekiston-respublikasida-korrupsiyaga-qarshi-kurashish-togrisida-milliy-maruza (accessed: 23.07.2025).
[10] R. Urinboyev. Living Law, Legal Pluralism, and Corruption in Post-Soviet Uzbekistan.

The criminal procedure in Uzbekistan is governed primarily by the Criminal Procedure Code. It sets out the principles of legality, equality before the law, adversarial process, presumption of innocence and protection of human rights. Corruption crimes are defined mainly in Chapter 34[1] of the Criminal Code, including bribery (Art. 210–212), abuse of power (Art. 205–206), and embezzlement or misuse of public funds (Art. 167). Investigations and prosecutions are carried out by specialized departments of the Prosecutor General's Office, the Anti-Corruption Agency, and sometimes the State Security Service when national interests are involved. Before a formal case is opened, law enforcement authorities verify information about possible corruption offences. This stage includes: analysis of reports, audit results, or complaints; operational-search activities; coordination by prosecutors duration: 10–30 days (under Articles 324–325 CPC).

Example №1

A corruption case has been officially reported against the republican "Yoshlik" Physical Culture and Sports Society. However, government assessments of the physical culture and sports sector in Uzbekistan point to systemic weaknesses—especially in procurement, use of budget funds and organization of sports events—which create typical corruption risks for youth sports structures. In 2024 Uzbekistan even introduced criminal liability for corruption in sport, confirming the relevance of these risks for all sports organizations, including "Yoshlik" Physical Culture and Sports Society.

"Yoshlik" works with budget money + youth contingents + events across regions, the classic risk nodes are: *1. Procurement and services:* buying sports equipment, uniforms, inventory at inflated prices; choosing "their" supplier without open competition; splitting purchases to avoid e-procurement; *2. Travel, tournaments, mass events:* overstating the number of participants; fictitious expenses for transport/feeding/accommodation; "preferred" contractors for catering or transport; *3. Repair and small construction of sports sites:* price padding, low-quality work, paying for work not done; *4. Membership/fee money and sponsorship:* not entering part of payments into accounting; non-transparent spending of sponsor help meant for children.

Source – complaint from parents/coach, or mismatch in figures found by internal corruption department.

Checking process – the supervising ministry (jismoniy tarbiya va sport tizimi) or prosecutors compare documents versus actual participants, prices, scope of work. In the sports sector the centre already said "there are systemic shortcomings," so such checks are expected (in one month).

Qualification – if damage to the State is found, it is referred for a criminal case (embezzlement, abuse of office, falsification of documents). After 2024, if there is bribery or corrupt influence around competitions/events—that can fall under the new sport-corruption norm. All of these are exactly the kinds of situations for which Uzbekistan introduced tougher responsibility in sport in 2024–2025. A criminal case is initiated when sufficient grounds exist that a crime has been committed (Art. 329 CPC). The prosecutor or investigator issues a resolution and registers it in the Unified Register of Pre-Trial Investigations.

This is the longest and most complex phase in corruption cases. Investigators collect evidence, question witnesses and conduct expert examinations (e.g., financial or forensic audits).

Given the involvement of officials, the process requires coordination with multiple agencies and adherence to procedural guarantees.

Standard duration: General rule—up to 2 months (Art. 353 CPC); may be extended: up to 6 months by the district prosecutor, up to 12 months in complex corruption cases by the regional or republican prosecutor.

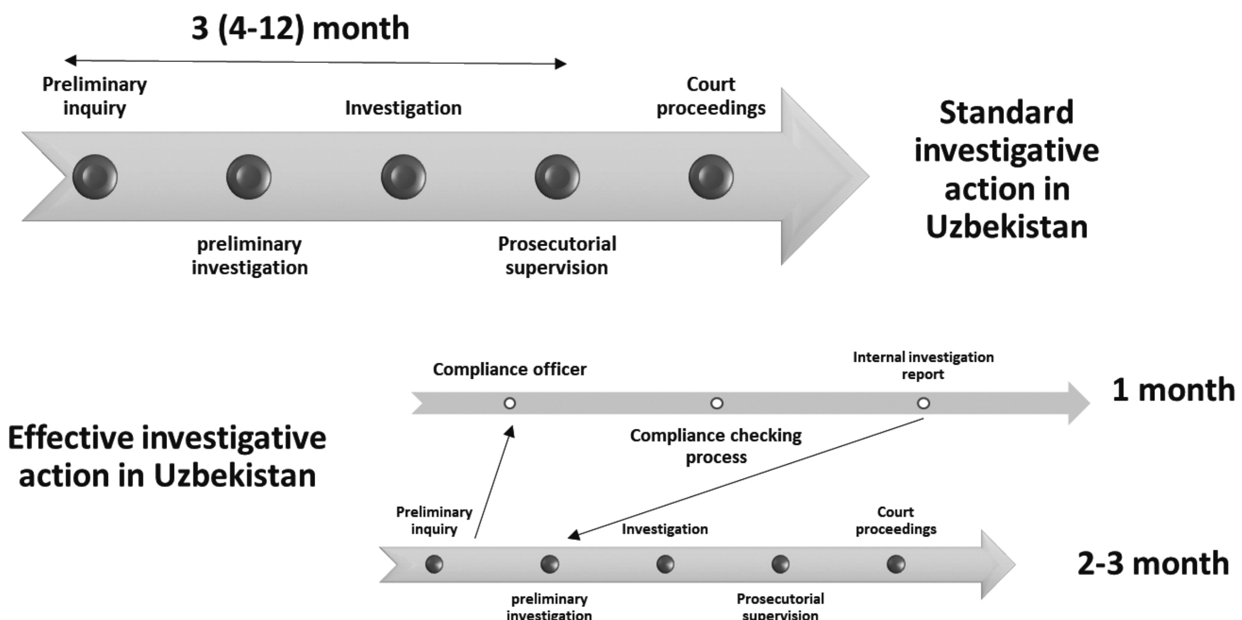
Average in practice (based on internal statistical reviews): 5–9 months for medium-level corruption; up to 12–18 months for major cases involving several defendants.

Organizational outcome – head is disciplined or replaced; financial discipline and procurement rules for the society are tightened.

The creation of internal anti-corruption departments within government agencies represents a transformative institutional reform in Uzbekistan's public administration system. These units, operating

under ministerial and departmental structures, function as first-line mechanisms of internal control and rapid response to integrity violations. Their primary advantage lies in the reduction of procedural latency traditionally associated with inter-agency referrals between law-enforcement bodies and administrative institutions. By enabling in-house detection, verification and documentation of corruption indicators at the earliest stage, these departments significantly accelerate the pre-investigative process, ensuring that preliminary evidence is collected in accordance with procedural standards before being transmitted to the Prosecutor General's Office or the Anti-Corruption Agency. Furthermore, the integration of compliance, audit and disciplinary resources within one institutional framework enhances coordination efficiency and minimizes duplication of investigative functions, thereby shortening the overall time frame of case consideration. In essence, the decentralization of anti-corruption control through internal departments contributes to the operationalization of preventive and investigative measures, transforming anti-corruption policy from a reactive enforcement model into a proactive system of institutional self-cleansing consistent with the principles of good governance and administrative efficiency.

Detecting corruption in criminal process (corruption crimes)



III. CONCLUSION

Effective detection of corruption requires a systemic and multi-level approach that combines contextual understanding with institutional mechanisms of control.

First, a contextual analysis of the country must be conducted to identify structural, socio-economic and cultural factors that generate corruption risks. Such analysis serves as the empirical foundation for policy design and enables differentiation between systemic vulnerabilities and isolated incidents.

Second, it is essential to establish corruption-trigger mechanisms—institutional "traps" or early-warning indicators capable of revealing corrupt behaviour within both public and private sectors that interact with the State. These may include conflict-of-interest declarations, red-flag algorithms in procurement systems and anomalies in asset reporting.

Third, an effective balance between internal and external control mechanisms must be maintained. Internal control ensures the integrity of institutional processes within organizations, while external control—carried out by independent inspection bodies and audit institutions—guarantees impartial assessment. In

administrative areas where comprehensive oversight is difficult, mechanisms of public control and civic monitoring should serve as compensatory safeguards of transparency.

Fourth, law enforcement agencies should perform the specialized function of detection and verification based on documented information, financial intelligence and legally obtained evidence, transforming raw data into prosecutable findings.

Together, these four interrelated pillars form a coherent national integrity system that allows for both preventive and reactive detection of corruption, ensuring accountability, transparency and sustainable governance.

REFERENCES

1. The Anti-corruption agency of the Republic of Uzbekistan // https://anticorruption.uz/en/about (accessed: 23.07.2025).

2. Resolution of the President of the Republic of Uzbekistan On additional measures for the effective organization of anti-corruption efforts on July 6, 2021, No. RP-5177 // https://lex.uz/docs/5495538 (accessed: 23.07.2025).

3. T. Safarov (2024) Improvement of internal anti-corruption mechanisms (by the example of the Ministry of Justice of the Republic of Uzbekistan) abstract of doctoral thesis (PhD) on legal sciences. Tashkent - P.40-42 // https://library.ziyonet.uz/ru/book/131522 (accessed: 23.07.2025).

4. Uzbekistan's progress in strengthening measures to tackle money laundering and terrorist financing // https://www.fatf-gafi.org/en/publications/Mutualevaluations/fur-uzbekistan-2023.html.

5. "Model Regulation on the Activities of Internal Anti-Corruption Control Units (registered by the Ministry of Justice of the Republic of Uzbekistan on 8 September 2021, registration No. 3319) https://lex.uz/docs/5621185 (accessed: 23.07.2025).

6. The national anti-corruption report in the republic of Uzbekistan // https://anticorruption.uz/en/ozbekiston-respublikasida-korrupsiyaga-qarshi-kurashish-togrisida-milliy-maruza.

7. A meeting of the National Anti-Corruption Council held// https://uza.uz/en/posts/a-meeting-of-the-national-anti-corruption-council-held_694861 (accessed: 23.07.2025)

8. Resolution of the President of the Republic of Uzbekistan On measures to ensure the independence and enhance the efficiency of internal anti-corruption control units within state bodies and organizations on April 21, 2025, No. RP-147 // https://lex.uz/docs/7486316 (accessed: 23.07.2025)

9. The national anti-corruption report in the republic of Uzbekistan // https://anticorruption.uz/en/ozbekiston-respublikasida-korrupsiyaga-qarshi-kurashish-togrisida-milliy-maruza (accessed: 23.07.2025)

10. R. Urinboyev. Living Law, Legal Pluralism, and Corruption in Post-Soviet Uzbekistan/

DETECTING CORRUPTION: LEARNING FROM SUCCESSFUL METHODS, PRACTICES AND TECHNIQUES THROUGH A CASE STUDY OF ZIMBABWE

Sheila Chipiwa Mupindu[*]

I. INTRODUCTION

Corruption is a rampant challenge that undermines governance, economic development and social cohesion in many countries, including Zimbabwe.[1] The United Nations considers corruption to be a significant worldwide concern, and one of its seventeen Sustainable Development Goals is to combat it.[2] Defined as the abuse of power for personal gain,[3] corruption in Zimbabwe manifests in various forms, including bribery, nepotism, favouritism, extortion, fraud, clientelism, embezzlement, speed money (money given to government officials for speeding up their consideration of a business matter falling within their jurisdiction) and abuse of power.[4]

This study looks into the strategies for detecting and combating corruption in Zimbabwe, focusing on detection methods: reporting systems, auditing processes, digital forensics and cooperation mechanisms. Additionally, the research will assess the present state of corruption, highlight effective practices, examine the challenges faced and suggest possible countermeasures to enhance the effectiveness of anti-corruption efforts.

II. BACKGROUND TO THE STUDY

In the legal framework of Zimbabwe, the fight against corruption is anchored primarily in the Criminal Law (Codification and Reform) Act [Chapter 9:23] and the Money Laundering and Proceeds of Crime Act [Chapter 9:24]. Under Chapter IX of the Code, the law criminalizes various forms of corrupt conduct, including bribery (Section 170), the corrupt use of false documents (Section 171), and the concealment of transactions or personal interests from a principal (Sections 172 and 173), with these offences carrying penalties of up to 20 years' imprisonment. These are augmented by Section 136 (Fraud) and Section 137 (Forgery), which provide for stringent sentences of 35 and 15 years, respectively. Furthermore, the Money Laundering and Proceeds of Crime Act strengthens the State's asset forfeiture capabilities through Section 8 (Money Laundering) and Section 37B, which empowers the issuance of Unexplained Wealth Orders.

The enforcement cycle is a multi-institutional process beginning with specialized investigative bodies, namely the Financial Intelligence Unit (FIU), the Zimbabwe Anti-Corruption Commission (ZACC) and the Zimbabwe Republic Police (ZRP). Upon the conclusion of investigations, cases are referred to the National Prosecuting Authority (NPA). Guided by Section 258 of the Constitution of Zimbabwe, the NPA under the leadership of the Prosecutor General, the Honourable Justice Loice Matanda-Moyo exercises its mandate to

---

[*] Principal Public Prosecutor, Anti-Corruption Unit, National Prosecuting Authority, Zimbabwe.

[1] Mandisodza, Takudzwa, Corruption and Economic Growth in Developing Countries: Case of Zimbabwe- a Review of Literature (3 February 2024). Available at SSRN: https://ssrn.com/abstract=4871320 or http://dx.doi.org/10.2139/ssrn.4871320

[2] E.A., Samsudin, R.S. and Othman, Z., 2018. Public sector auditing and corruption: A literature. *Asian J. Financ. Account., 10*, pp. 226-241.

[3] Kim K. Jeppesen, The role of auditing in the fight against corruption, The British Accounting Review, Volume 51, Issue 5, 2019.

[4] Mandisodza (n. 1 above).

determine prosecutorial viability and provide essential legal guidance to investigators. Once a matter is deemed ready for trial, the NPA initiates proceedings through the judicial system, primarily via the High Court or the specialized Regional Anti-Corruption Courts, ensuring a rigorous legal response to corruption matters.

Corruption remains a widespread and persistent issue worldwide, especially in developing countries. Despite constant efforts to prevent it, it is pervasive in Zimbabwe in several sectors, including resource management, public procurement and law enforcement. It has ingrained itself firmly in the nation's institutional structure, primarily among senior administrators but also extending to lower-level officials who have taken advantage of the systemic breakdown to commit corrupt acts.[5]

Zimbabwe has a wealth of natural resources, including substantial amounts of valuable minerals like gold, platinum and diamonds. However, the utilization of these natural resources has been significantly undermined by entrenched corruption, manifesting in extensive smuggling activities, misappropriation of funds and illicit financial flows (IFFs).[6] The Marange diamond fields, for instance, have been a hotspot for large-scale corruption, with allegations of revenue misappropriation. Furthermore, corruption has significantly impacted public service delivery, within some instances citizens often being required to pay bribes to access essential services such as driver's licenses, healthcare and police protection.[7]

This corrupt environment has contributed to a culture of dishonesty and undermined the effective functioning of public institutions. This has a negative impact on the country which ended up scoring 21 points out of 100 on the 2024 Corruption Perceptions Index reported by Transparency International as of 2024, demonstrating a high perceived degree of public sector corruption.[8]

III. METHODS OF DETECTION: APPLICATION AND EFFECTIVENESS.

A. Reporting Mechanisms

Effective detection of corruption starts with robust reporting mechanisms. Various methods exist for this purpose, including reports from the media, citizens, whistle-blowers and self-reporting. The public often acts as the first line of defence against corruption, particularly within public services, where they may witness or experience unethical practices.[9] To enhance the reporting of corruption, citizens can utilize established crime-reporting channels at both national and local levels, such as police services. In response, many governments have introduced more streamlined avenues for the public to report corruption, encouraging greater citizen engagement in the fight against this issue.

Journalism and the media are essential in the reporting, exposure and mitigation of corruption.[10] Media coverage can act as a catalyst for corruption detection, prompting organizations and law enforcement agencies to initiate or deepen investigations into allegations. Additionally, media reports can facilitate the collection of further information and the assessment of cases where corruption has been identified and warrants additional scrutiny.

1. Current Situation in Zimbabwe

Until 2022, Zimbabwe lacked comprehensive legislation specifically dedicated to the protection of whistle-blowers, despite their critical role in exposing corruption, maladministration, fraud and other forms of misconduct. Existing legal provisions were insufficiently robust to ensure full protection for individuals who

[5] Mantzaris, E., and Saruchera, M. (2024). The Realities of Anti-Corruption and Whistleblowing: The Case of Zimbabwe. *Africa Review* 16, 3, 279-301, Available From: Brill https://doi.org/10.1163/09744061-bja10128 [Accessed 04 July 2025].
[6] https://www.tizim.org/wp-content/uploads/2024/12/TIZ-HUMAN-RIGHTS-BOOKLET.pdf
[7] Mandisodza (n. 1 above).
[8] Ibid.
[9] United Nations Office on Drugs and Crime (UNODC). (2015). Anti-Corruption Module 6: Key Issues - Detection Mechanisms: Auditing and Reporting.
[10] Mantzaris (n. 5 above).

reported such malpractice.[11] Notably, Section 14 of the Prevention of Corruption Act (2004) criminalized the victimization of persons disclosing information related to corrupt activities, including fraud, theft and maladministration. However, it was only with the enactment of the Public Interest Disclosure Protection of Whistle Blowers Bill in 2022 that Zimbabwe established a more explicit and encompassing legal framework to safeguard whistle-blowers. This legislative development marks a significant advancement in the country's anti-corruption strategy, reinforcing the National Prosecuting Authority's efforts to detect and address corruption through enhanced protection mechanisms for those who courageously expose wrongdoing.

Furthermore, the Zimbabwe Independent Complaints Commission was established with the mandate to investigate complaints filed by persons or on their behalf about misconduct by personnel of the security forces while performing or purported to execute their duties.[12] This endeavour is an extra step in the effort to discover corruption in the security sector.

In an effort to encourage citizens to report corruption, the Government of Zimbabwe, through institutions like the National Prosecuting Authority of Zimbabwe (NPAZ) and the Zimbabwe Anti-Corruption Commission (ZACC), has implemented campaigns to educate citizens about the detrimental effects of corruption and the importance of reporting. According to Transparency International's evaluation of the National Anti-Corruption Strategy, anti-corruption awareness initiatives ran from 2021 to 2024, engaging a total of 5,998,558 people. During the four-year period, 4,123,494 citizens took part in religious anti-corruption awareness campaigns, both virtual and in-person.[13] These coordinated efforts are purposefully meant to highlight the negative consequences of corruption and emphasize the importance of reporting illegal activities to appropriate authorities. Such measures have clearly resulted in a positive shift in cultural perceptions and popular support for anti-corruption initiatives.

Various channels exist for whistle-blowers, including anonymous hotlines, online platforms in ZACC, NPAZ and other anti-corruption stakeholders. The assessment also revealed a rise in reported corruption cases via channels such as the ZACC's anti-corruption hotline and various digital platforms.[14] This trend indicates that the public is increasingly participating in the fight against corruption, reflecting a growing trust in institutions like the ZACC, the police and other anti-corruption entities such as ZIMRA.

2. Issues, Barriers and Challenges

Despite the established frameworks, Zimbabwe encounters significant obstacles that hinder the effectiveness of its corruption reporting mechanisms. A notable legal deficiency arises from the inadequacy of whistle-blower protection legislation. This legislative gap leaves potential whistle-blowers in a precarious position. The then ZACC Chairperson Hon. Justice Matanda-Moyo bemoaned in 2022 the practice of "catch and release" cases, which she claimed were fostered by "witnesses shunning coming to court because they were scared."[15] John Makamure, the spokesperson for ZACC at the time, added that the lack of laws protecting witnesses and witness intimidation were the primary causes of the low prosecution rate in high-profile cases.[16]

Moreover, the most significant challenge lies in the widespread lack of public trust and an intense fear of retaliation. Whistle-blowers encounter considerable risks, including financial, psychological and professional pressures from the very individuals or organizations they report, often their employers. This atmosphere discourages the sharing of crucial information needed for effective corruption detection.

3. Possible Countermeasures

To significantly enhance the effectiveness of corruption detection through reporting mechanisms in Zimbabwe, a multi-faceted approach addressing legal, institutional and cultural barriers is imperative.

---

[11] Ibid.
[12] Section 4 of the ZIMBABWE INDEPENDENT COMPLAINTS COMMISSION ACT [CHAPTER 10:34] (No. 5 of 2022).
[13] SEMINAR PAPER #2 2024: REFLECTIONS ON THE NATIONAL ANTICORRUPTION STRATEGY (NACS-1 2020-2024) AND PROPOSED IMPROVEMENTS FOR THE SUCCESSOR STRATEGY
[14] N. 7 above.
[15] 25 November 2022, Lack of Zimbabwe witness protection law hampers fight against corruption, by Marko Phiri, *the Mail Guardian*.
[16] Ibid.

Adoption of comprehensive whistle-blower protection legislation is needed. This legislation should include protections for witnesses' families and be broad enough to include diverse sorts of whistle-blowing. The legislature should make the Whistle-blower Bill a top priority. Another measure will be the establishment of an independent whistle-blower protection body. This organization should be specifically charged with protecting whistle-blowers, guaranteeing their anonymity and shielding them from any potential backlash from powerful parties.

Increasing public awareness and confidence is another measure. Crucially, demonstrating the successful protection of whistle-blowers and highlighting successful prosecutions resulting from provided information are two ways to foster trust. Cooperation with independent media and civil society must be strengthened. Offering practical guidelines and resources for journalists regarding source protection and digital security can enhance their capacity for effective investigative work.

B. Internal and External Audits

Auditing is the systematic and impartial study of a company's data, financial statements, reports, operations and overall performance to determine whether they accurately reflect the company's financial status and meet international reporting requirements.[17] Internal and external audits serve distinct objectives. Internal audits primarily assess the effectiveness of an organization's safeguards against fraud and corruption, while external audits typically concentrate on evaluating the organization's financial statements and ensuring compliance with applicable laws and regulations.[18]

Audits are important to detect financial abnormalities that may suggest corruption.[19] Auditing is regarded one of the eight pillars of a national integrity system, which can prevent corruption.[20] It can be used as a preventive and investigative tool in the fight against corruption. These functions are interconnected because, although successful prevention lessens the need for detection, the discovery of corruption can serve as a deterrent, preventing similar incidents in the future. These audits can be done internally or by external auditors.

1. Current Situation in Zimbabwe

In Zimbabwe, the Office of the Auditor-General (OAG) is legally mandated to audit public-sector companies,[21] and its findings greatly improve legislative scrutiny of state revenue and expenditure. Public audits are carried out in accordance with the Westminster system, which requires the Auditor General to examine government institutions' financial statements and report the results to Parliament.[22] Annual OAG reports regularly reveal instances of financial mismanagement, noncompliance and lax internal controls, serving as vital warning signs for investigating bodies. Furthermore, internal audits within ministries and state-owned firms are essential, and forensic audits are increasingly being used when specific suspicions arise. The Constitution's Section 309 (2)[23] and Section 10 of the Audit Office Act[24] mandate that the Auditor General examine the public accounts filed in accordance with Sections 35 (6) and (7) of the Public Finance Management Act.[25] After that, by 30 June of each year, the Auditor General is required to draft and provide a report to the Minister of Finance. When corrupt activities are discovered, the Parliament then recommends that anti-corruption organizations conduct further investigations.[26]

Within Zimbabwe's public sector, certain forensic audits have been carried out, demonstrating their efficacy in identifying important problems. One well-known example is the forensic audit conducted by AMG Global at the National Social Security Authority (NSSA), which found issues with corporate governance, poor management and suspected corruption, including unapproved allowances and unapproved benefit

[17] Wolf, 2010)
[18] UNDOC (n. 9 above).
[19] Ibid.
[20] Jeppesen (n. 3 above).
[21] The office of the Auditor general is established in section 309 of the Constitution of Zimbabwe.
[22] The Role of Public Sector Audits in the Anti-Corruption Agenda 21 November 2020.
[23] The Constitution of Zimbabwe Amendment (No. 20) Act, 2013.
[24] Audit Office Act [Chapter 22:18].
[25] Public Finance Management Act [Chapter 22:19].
[26] The Role of Public Sector Audits in the Anti-Corruption Agenda 21 November 2020.

disbursements. This NSSA audit showed that focused enquiries can reveal significant corruption, suggesting that the difficulty is not that there are not corrupt practices, but rather that the traditional scope of audits and the ability to thoroughly investigate and address these findings within the law is constrained.

2. Issues, Barriers and Challenges

There is a discernible "audit expectation gap" in Zimbabwe, which indicates a growing discrepancy between the public's expectations of the OAG such as its proactive role in detecting and preventing fraud and the actual responsibilities performed by the Supreme Audit Institution. Since detecting fraud is typically not the main goal of traditional financial audits, this disparity arises from conflicting views regarding the scope of external audit responsibilities. The public becomes disenchanted and loses faith in the accountability system as a result of this discrepancy.

Moreover, persistently failing to implement audit recommendations is directly associated with a lack of respect for established institutional structures and resistance from corrupt individuals or institutions, not just a technical or resource-related issue. Because the public's need for accountability is not met, this systemic vulnerability makes the audit expectation gap worse and erodes trust.

3. Possible Countermeasures

First and foremost, the Auditor General's Office's (OAG) competency must be strengthened. Legislative reforms are required to completely secure the OAG's constitutional authority, including independent recruiting processes.

Second, it is critical to demand and enforce the application of audit recommendations. Comprehensive management audit action plans should be prepared for all audited entities, together with strong follow-up processes. Clear repercussions must be set for ministries and entities that fail to implement OAG recommendations, including punishments for noncompliance.

Third, improving forensic auditing capabilities is critical. Incorporating sophisticated technology, such as data analytics, into audit processes will aid in the detection of intricate fraud schemes that older approaches may miss.

Fourth, efforts should be focused on overcoming the audit expectation gap. This can be accomplished through public awareness and education campaigns that focus on understanding the OAG's varied functions and responsibilities, as well as the many sorts of audits. Transparent disclosure about audit processes and findings can assist in managing public expectations while increasing accountability.

C. Digital Forensics

Digital forensics is similar to investigative work, but it is more focused on computers, mobile devices and other digital technology. The identification, preservation, analysis and presentation of digital evidence for use in court cases are the focus of this field. The advancement of technology has made digital forensics a critical tool in corruption detection. Corruption schemes have become more sophisticated, using computerized transactions.

1. Current Situation in Zimbabwe

The Financial Intelligence Unit (FIU) in Zimbabwe is a key player, analysing suspicious transaction reports to trace illicit financial flows.[27] Data on all financial transactions in Zimbabwe's financial markets and institutions is gathered centrally by the FIU. It oversees conducting an extensive evaluation of the information gathered to find any possible signs of corruption or money laundering. After processing, this data is converted into useful financial intelligence. Disseminating this intelligence to anti-corruption stakeholders, such as law enforcement and the National Prosecuting Agency (NPA), for additional research and action is another crucial responsibility of the FIU.

The Zimbabwe Republic Police (ZRP) also have specialized units, including Cybercrime Units, that investigate economic crimes with digital components. Private forensic investigation firms also offer digital

[27] Chitimira, Howard & Torerai, Elfas & Jana, Vimbai. (2024). An Exploration of Selected Anti-Money Laundering Role-Players in Zimbabwe. Potchefstroom Electronic Law Journal. 27. 10.17159/1727- 3781/2024/v27i0a19030.

forensics services.

Zimbabwe has also taken measures towards conducting forensic investigations effectively, ethically and within legal boundaries.

2. Issues, Barriers and Challenges

Despite the acknowledged importance of digital forensics in Zimbabwe's anti-corruption efforts, a number of significant hurdles prevent its efficient implementation. The forensic accounting profession, like digital forensics, is hindered by limited resources and inadequate investment in technology. There is an urgent need for more investment for new technologies like data analytics, artificial intelligence and blockchain, which are critical for successful fraud detection and investigation in the digital age. Without such investments, the state may slip behind sophisticated corrupt actors.

Furthermore, the use of digital technology in vital areas like investigations creates serious questions about privacy, security and ethical data management. Achieving an adequate balance between conforming to data privacy requirements and avoiding excessive restrictions that could impede effective corruption detection and investigation is a significant challenge. This demands a dynamic legal and ethical framework.

Finally, while Zimbabwe has passed the Cyber and Data Protection Act, establishing admissibility and preserving the chain of custody for electronic evidence remains a concern. Electronic evidence must be collected, processed and kept in line with international standards to ensure its integrity and admissibility in court. Strict compliance with chain of custody protocols is critical to avoid evidence from being tainted or contested in court proceedings, as illustrated in *S v Japajapa SC 41/24*.[28]

3. Possible Countermeasures

To effectively increase digital forensics capabilities and improve corruption detection in Zimbabwe, a systematic and comprehensive strategy is required. Strategic investment in technology and infrastructure is crucial. Strong ethical and regulatory frameworks for data utilization must also be established. In order to maintain a balance between conducting efficient investigations and safeguarding privacy and fundamental rights, legal frameworks must be regularly examined and revised to keep up with the quick advances in technology. It is also crucial to create reliable data ecosystems that ensure completeness, accuracy, accessibility and interoperability between public and commercial sources.

Lastly, Zimbabwe's skills can be greatly increased by utilizing technical help and international cooperation. Building capacity, creating specialized training programmes, and promoting the use of standardized techniques and solutions in digital forensics can all be accomplished by actively seeking technical assistance and information sharing from international organizations like UNODC and INTERPOL. Zimbabwe will be able to fight sophisticated, digitally enabled corruption more successfully due to this cooperative approach.

D. Use of Cooperation Mechanisms

The successful detection and prosecution of corruption, particularly in its grand and sophisticated forms, often depend on obtaining crucial insider information that can unravel complex schemes and networks. Mechanisms such as plea bargaining and cooperation agreements are increasingly utilized to combat corruption. These tools aim to expedite investigations and promote collaboration among law enforcement agencies. Plea bargaining involves an accused person agreeing to plead guilty to a lesser charge in exchange for a reduced sentence. Even though it is not a direct method of detecting corruption, it can be very helpful in identifying and dealing with it by encouraging collaboration from individuals engaged in corrupt practices. Plea agreements encourage people to come forward with information that could otherwise go unreported and to expose larger corruption networks by giving reduced charges or lesser penalties in exchange for guilty pleas and useful information. This mechanism has gained global traction as a criminal justice reform, adopted by diverse nations such as the United Kingdom, Australia, India, Germany and the USA,[29] and even

[28] The Supreme Court case of *S v Japajapa* [2023] in Zimbabwe, although not explicitly focused on corruption, provides valuable insights into the utilization of digital evidence, which is highly pertinent to the detection and prosecution of corruption.

[29] Sood, Raunak C Raval, Dimple. (2025). A Global Perspective on Plea Bargaining: Comparative Analysis of India, USA, Australia, Germany, and the UK. *SSRN Electronic Journal*. 1. 206-217.

utilized by international criminal courts.

1. The Current Situation in Zimbabwe

Zimbabwe is a State Party to the UN Convention against Corruption (UNCAC),[30] which establishes a framework for international cooperation in criminal matters. This includes provisions for mutual legal assistance in gathering and transferring evidence, the extradition of offenders, and measures for tracing, freezing, seizing and confiscating the proceeds of corruption. Zimbabwe has taken steps to codify a significant portion of its anti-corruption legislation to align with these UNCAC obligations.

Zimbabwe's affiliation with the Egmont Group (which includes its FIU) and the Asset Recovery Inter-Agency Network for Southern Africa (ARINSA) enhance its capacity for mutual legal assistance, intelligence exchange regarding suspicious transactions and cross-border asset recovery. These frameworks are essential for tracing illicit financial flows and prosecuting transnational corruption effectively.

At the domestic level, the Zimbabwe Anti-Corruption Commission (ZACC) engages in extensive collaboration with various agencies, including the National Prosecuting Authority, Police and Financial Intelligence Unit (FIU), facilitated by Memoranda of Understanding (MOUs) that promote information sharing and joint investigations.

However, a crucial point regarding cooperation mechanisms is, at the time of publication, Deferred Prosecution Agreements (DPAs). Plea bargaining is a judicial procedure that was newly included into Zimbabwe's criminal court system.[31] The Judicial Service Commission (JSC) has identified the adoption of Alternative Dispute Resolution (ADR) mechanisms, specifically including plea bargaining in criminal cases, as a key reform initiative. This came as part of legal reforms announced by Zimbabwe's Chief Justice Luke Malaba at the opening of the 2025 legal year. This initiative is aimed at boosting efficiency within the justice system, increasing public confidence and improving access to justice for all citizens. This signifies a notable shift in policy direction, recognizing the potential benefits of such mechanisms for efficiency and caseload management.

2. Challenges

The application of cooperation procedures such as plea bargaining in developing countries, particularly in environments with high levels of corruption, presents considerable obstacles, which are particularly relevant to Zimbabwe. A major problem is the erosion of public trust and the perception of impunity. Other countries' experiences, such as Nigeria's, show that plea bargaining, particularly when it results in shorter prison sentences for top offenders, can dramatically undermine public trust in the judiciary and anti-corruption organizations. The possibility of contradictions in judicial decisions complicates this matter even more. There is a possibility that an individual's economic situation will excessively affect sentence decisions.

Furthermore, plea bargaining can have a coercive effect, raising major questions about the right to a fair trial. Defendants, especially those with minimal financial resources or legal understanding, may be persuaded to accept guilt, even if the evidence against them is poor or they are innocent. This not only increases the likelihood of false convictions, but it also transfers major power from impartial courts to prosecutors, who have extensive discretion in proposing plea bargains. Another difficulty is the lack of transparency that is often connected with plea bargaining. These agreements are frequently negotiated "behind closed doors," limiting public monitoring and diminishing the importance of unbiased judgment.

3. Possible Countermeasures

To ensure that cooperation mechanisms, particularly plea bargaining, properly contribute to Zimbabwe's anti-corruption operations without jeopardizing public faith or justice, a precisely planned and robust framework is required. The plea-bargaining mechanism must be based on clear statutory criteria. The adoption of mandatory sentencing guidelines and increased transparency is critical. Establishing obligatory *sentencing guidelines* for corruption cases will reduce judicial discretion and help to avoid discrepancies caused by political or economic motives. Finally, *public education and engagement* are critical for increasing

10.2139/ssrn.5362151.

[30] UN General Assembly, United Nations Convention Against Corruption, A/58/422, 31 October 2003.

[31] Mhukayesango T, *the introduction of plea bargaining in Zimbabwean courts and its benefits*, Zimsphere Legal.

trust in these processes. Targeted public awareness efforts should be implemented to explain the reasoning, benefits and, most crucially, the safeguards built into the plea-bargaining process. This will assist to clarify the mechanism and refute views of selective justice, ultimately increasing public trust in its fair administration.

IV. CASE STUDIES

A. Air Zimbabwe Insurance Fraud Scheme (2014)

In 2014, a significant case of corporate fraud and corruption emerged at Air Zimbabwe, resulting in considerable financial losses for the national airline. This scheme, which unfolded over four years, involved high-level management personnel, including company secretary Grace Pfumbidzayi and Munesu Munodawafa, the Secretary for Transport. The fraudulent activities focused on unauthorized and inflated payments made to Navistar Insurance Brokers for aviation insurance services.

A forensic audit conducted by BCA Forensic Audit Services revealed significant misconduct. The audit identified discrepancies in financial records and involved a thorough review of contracts, procurement documents and transaction histories to uncover irregularities indicative of corrupt practices. Additionally, testimonies from employees and stakeholders were utilized as witnesses in the criminal proceedings. The auditors analysed financial data for unusual patterns, discovering payments that did not correspond to the services rendered, with some payments described as "outrageous." The total estimated losses amounted to €5,895,695.49 and US$1,298,827.88. Pfumbidzayi was identified as a central figure in the scheme, having authorized these payments without adhering to proper procedures or justifications. This case, referenced in legal proceedings such as *S v Peter Chikumba*.[32]

The principal bottleneck in this case was the inadequacy of the legal framework. Although the accused were convicted in the magistrates' court, the matter was ultimately dismissed by the High Court on a technicality: the individuals did not fall within the statutory definition of "public officer" under the Criminal Law (Codification and Reform) Act. This outcome arose because Air Zimbabwe, while wholly owned by the State and funded in part by taxpayers' money, is legally constituted as a private company and therefore did not meet the Act's definitional threshold.

B. Hurungwe Rural District Council Scandal

The case of *S v Luke Kalavina & Ors*[33] outlines a complex fraud and money-laundering scheme that targeted the Hurungwe Rural District Council. Between April 2022 and May 2023, a group of four individuals and the company Marloshac Investments (Pvt) Ltd, engaged in a series of deceptive acts. They deceived the Hurungwe Rural District Council into believing that the fifth accused had completed the construction of the Kaspikiri Causeway Bridge, resulting in an unauthorized payment of USD 18,800. Furthermore, from 1 December 2022 to 30 March 2023, they falsely represented the need for plumbing materials for Chiedza Clinic, despite the absence of requisite facilities, subsequently diverting these materials for personal gain. Additionally, from 1 December 2022 to 31 May 2023, they misleadingly claimed that building materials were required for the clinic, fully aware that similar materials were already in stock at Chiedza Primary School. This misrepresentation led the Council to approve a payment of ZWL 5,707,970 (approximately USD 8,501.09) for materials that were ultimately misappropriated. The fraud was discovered through an internal audit, resulting in criminal charges against the five individuals for four counts of fraud and one count of money laundering.

In the initial count of fraud, accused 2, 3 and 4 each received a sentence of 18 years' imprisonment. Furthermore, accused 3 and the implicated company were jointly ordered to pay a fine of USD $5,000. Regarding the second count of fraud, accused 2 and 3 were each sentenced to 6 years' imprisonment; however, 6 months of this sentence were suspended contingent upon the offender providing restitution in the amount of USD $1,297. In the third count of fraud, accused 2, 3 and 4 each received a sentence of 18 years' imprisonment, with 6 months of the sentence suspended on the condition that restitution is made in the sum of USD $1,215.20. Additionally, the implicated company was ordered to pay a fine of USD $2,500. Finally, in

[32] *HH 74-24.*
[33] *HCHACC 47/24.*

the last count of fraud, accused 1, 2 and 3 were each sentenced to 10 years' imprisonment, with 6 months of each sentence suspended pending restitution in the amount of USD $2,834. The same audit method was used.

V. CONCLUSION

In conclusion, Zimbabwe has established the foundation for fighting corruption through its institutional and legal frameworks; nevertheless, ongoing systemic issues continue to erode its efficacy. Relying on audits and reporting procedures has been the most successful in identifying corrupt activities, indicating the possibility of significant responsibility when these systems are put in place correctly. Nonetheless, the continued disregard for audit recommendations emphasizes how urgently reform is needed.

A diversified strategy that incorporates a range of methods and encourages cooperation among stakeholders is necessary to address these issues. Zimbabwe can improve its efforts to detect corruption by establishing targeted countermeasures and adopting best practices. In the end, encouraging openness, responsibility and honesty will create a more just society, rebuild public confidence and guarantee that the war on corruption is successful and long-lasting.

REFERENCES

1. Audit Office Act [Chapter 22:18]

2. Chitimira, Howard & Torerai, Elfas & Jana, Vimbai. (2024). An Exploration of Selected Anti-Money Laundering Role-Players in Zimbabwe. *Potchefstroom Electronic Law Journal*. 27. 10.17159/1727-3781/2024/v27i0a19030.

3. E.A., Samsudin, R.S. and Othman, Z., 2018. Public sector auditing and corruption: A literature. *Asian J. Finance. Account, 10*, pp.226-241.

4. https://www.tizim.org/wp-content/uploads/2024/12/TIZ-HUMAN-RIGHTS- BOOKLET.pdf

5. Kim K. Jeppesen, The role of auditing in the fight against corruption, *The British Accounting Review*, Volume 51, Issue 5, 2019,

6. Lack of Zimbabwe witness protection law hampers fight against corruption *by Marko Phiri the Mail Guardian*

7. Mandisodza, Takudzwa, Corruption and Economic Growth in Developing Countries: Case of Zimbabwe- a Review of Literature (February 03, 2024). Available at SSRN: https://ssrn.com/abstract=4871320 or http://dx.doi.org/10.2139/ssrn.4871320

8. Mantzaris, E., and Saruchera, M. (2024). The Realities of Anti-Corruption and Whistleblowing: The Case of Zimbabwe. ("Revamping the Zimbabwe Anti-Corruption Commission (ZACC)") *Africa Review* 16, 3, 279-301, Available From: Brill https://doi.org/10.1163/09744061-bja10128 [Accessed 04 July 2025]

9. Mhukayesango T, *The introduction of plea bargaining in Zimbabwean courts and its benefits*, Zimsphere Legal.

10. Public Finance Management Act [Chapter 22:19]

11. Sood, Raunak & Raval, Dimple. (2025). A Global Perspective on Plea Bargaining: Comparative Analysis of India, USA, Australia, Germany, and the UK. ("(PDF) VBCL LAW REVIEW - Academia.edu") *SSRN Electronic Journal*. 1. 206-217. 10.2139/ssrn.5362151.

12. S v Japajapa SC 41/24

13. S v Luke Kalavina HCHACC47/24

14. S v Peter Chikumba HH 74-24

15. Seminar Paper #2 2024: Reflections on The National Anticorruption Strategy (Nacs-1 2020-2024) and Proposed Improvements for the Successor Strategy

16. The Role of Public Sector Audits in the Anti-Corruption Agenda 21 November 2020

17. UN General Assembly, United Nations Convention Against Corruption, A/58/422, 31 October 2003

18. Zimbabwe Independent Complaints Commission Act [Chapter 10:34] (No. 5 Of 2022)

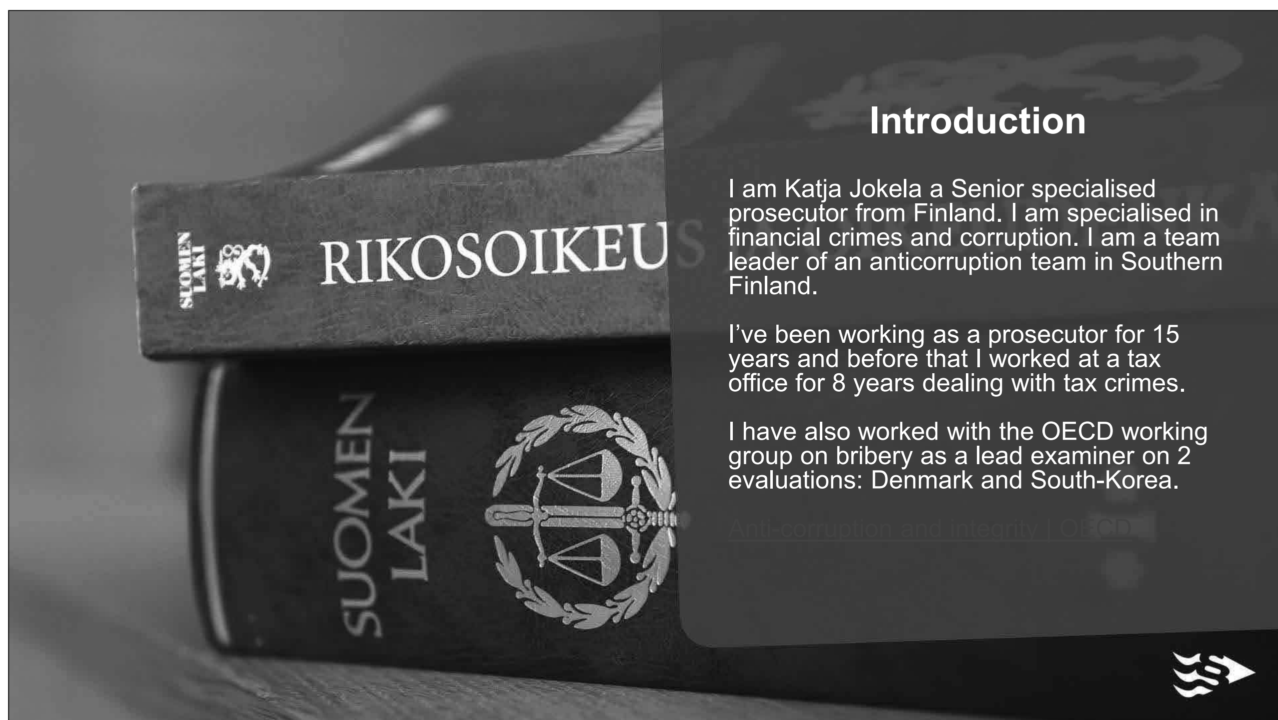
PART THREE

RESOURCE MATERIAL SERIES No. 121

Supplemental Material

UNAFEI

Corruption in Finland
Senior specialised prosecutor
Katja Jokela
6.11.2025


Introduction
I am Katja Jokela a Senior specialised prosecutor from Finland. I am specialised in financial crimes and corruption. I am a team leader of an anticorruption team in Southern Finland.
I've been working as a prosecutor for 15 years and before that I worked at a tax office for 8 years dealing with tax crimes.
I have also worked with the OECD working group on bribery as a lead examiner on 2 evaluations: Denmark and South-Korea.
Anti-corruption and integrity | OECD

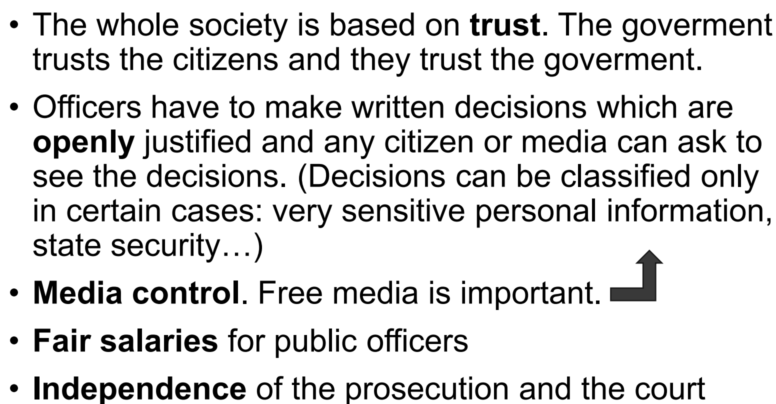
Is there corruption in Finland?

- Transparency international: Finland is on the 2nd place on the corruption perceptions Index (2024)
- Transparency international research measures “street level” corruption, which we have a little of. Corruption in Finland is more complex: conflict of interest, cartels, bribes, nepotism and favouritism.

  High risk sectors:

  * Construction
  * Public procurements and competitive tendering
  * Community planning
  * Political funding and decision making
  * Foreign trade
  * Development co-operation
  * Sports

Main reasons why we have less corruption compared to many other countries



- The whole society is based on **trust**. The goverment trusts the citizens and they trust the goverment.
- Officers have to make written decisions which are **openly** justified and any citizen or media can ask to see the decisions. (Decisions can be classified only in certain cases: very sensitive personal information, state security…)
- **Media control**. Free media is important.
- **Fair salaries** for public officers
- **Independence** of the prosecution and the court

Corruption in Finland

- In Finland we do not have a separate corruption division in the police or in the procecution office. Corruption cases are handeled by regular district prosecutors or specialised prosecutors depending on the case.
- We don't have corruption as a separate crime. Corruption cases can be handled as: giving or taking bribes, fraud, breach of trust… and because of that, it is difficult to get specific statistics of corruption cases.

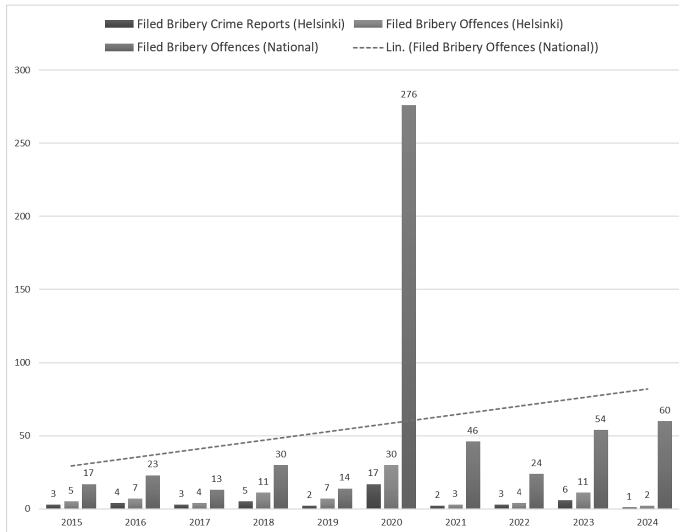
How do we supervise that the decisions of public officer's are lawful and just?

- We have two independent authorities who supervise legality in activities and actions of all public authorities. **Anyone** can file a complain to the Parliamentary Ombudsman or the Chancellor of Justice. They can also investigate matters by they own initiative or review penalty judgements. They serve as the supreme guardian of the law.

  These authorities are independent from any political influence! They are independent authorities and are not working under any ministry.

  There are, of course, also normal appeal measures for parties in their own cases.

Corruption Investigation Overview (20.8.2024)



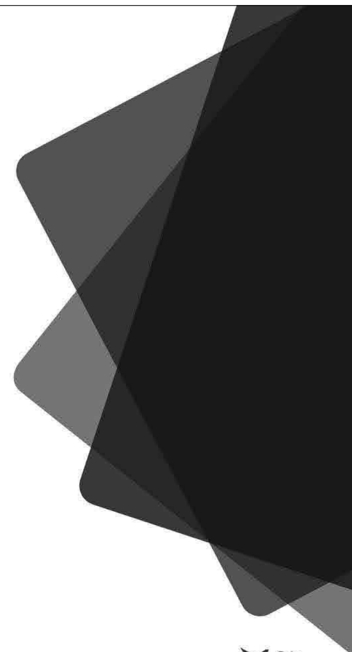
© Museovirasto

7

DETECTION OF CORRUPTION CASES

- Detection of corruption cases is very difficult, because parties obviously want to hide these cases.
- The main sources on how the cases come up are:

  * Police has another investigation ongoing and they discover that there might be also a corruption case
  * Anonymous report (to police or other authorities)
  * Internal audit
  * Tax audit
  * Media



- Finland is improving on confidential corruption reporting channels: internal and external. The goal is to increase reports and detect corruption and other malpractices more effectively. We have also impelemented EU's whistleblower protection directive.

  Whistleblower protection | Anti-corruption.fi

  Centralised external reporting channel – the Office of the Chancellor of Justice | Chancellor of Justice

- We do not yet have experiencies about how well these new channels work and if this is helping us more effectively detect corruption.

Finnish investigation in general

- Compared to many other countries, the police has investigative power in Finland. But the police has to work in co-operation with the prosecution office.
- Most important cases are investigated by the police's National Bureau of Investigation. They also monitor the corruption phenomenon in Finland in general.

Police

- Opens the investigation, but has to inform prosecutor about the case. The police has to start an investigation if there is reason to believe that a crime has been done. Every investigation is assigned to a prosecutor.
- Police has the power to apply a judicial warrant (search and seizure) or imprisonment, but they have to inform the prosecutor about it. The decision of seizuring and imprisonment are made by the court.
- After the investigation, the case is transferred to the prosecutor.
- Police can close the case only if it is clear that there is no crime, but if the matter needs evaluation of evidence, the decision must be made by the prosecutor.

SYSTEM IS BASED ON CO-OPERATION AND TRUST BETWEEN THE POLICE AND THE PROSECUTOR

Prosecutor

Takes part on the investigation in co-operation with the police.

Can ask for further investigation, when needed. This can be done during the investigation or after that. There is no time limit for this.

In the investigative phase, the prosecutor has power in some international co-operation issues (European arrest warrant and European investigation order, seizure in other European countries)

Decides if the charges are pressed or not

CASE STUDIES

Case Soap

Case Violin

Case Espoo

Case Soap

- Private sector bribery case
- About 80 cases have been in court.
- Bribes 50–30.000 EUR/per person =360.000 e (1 euro is 1 dollar)
- The company that gave bribes went bankrupt and the administrator started to inspect the bookkeeping and noticed that there were a lot of purchases that didn't seem to belong to the company. The company sold detergents (soap, washing powder etc.) but they had also bought a lot of electronics and travel vouchers.
- Administrator reported the case to the police.

13

Case Soap

- The police found out that the company offered electronics (televisions, smart watches…) or travel vouchers to the people that bought from them. These were usually sent to a person's private address, and the buying company did not know that these "presents" were being given. (Bribes)
- The presents were not normal subscriber bonuses. They were more valuable. Presents were given to the individual person who made the orders, not to the company who bought the products.
- The present's value was normally 10-30 % of the order's amount
- Court also considered the reason for these presents (intention).

14

Case Soap

- Company's CEO (chief executive officer) was convicted on bribing in business, bookkeeping crime and tax fraud following 2 years and 6 months imprisonment.
- People who took the bribes were convicted on taking a bribe in business.

15

Case Violin

- This case was revealed while investigating a human trafficking case.
- In Finland anyone can pick berries in any forest. It does not matter who owns the forest. Many people from Thailand come to Finland to pick these berries. They work for Finnish companies.
- The officer who took bribes, worked in the ministry of employment and the economy. He could influence on how many employees a company can have from Thailand. (There are some quotas for how many people can come to Finland = working visas)

16

Case Violin

- The officer asked the CEO of one of the berry companies to buy an expensive violin that his son could use. His son is a good musician and plays the violin. The CEO bought the violin and the officer's son used it. They said that the berry company actually owns the violin, and the son only uses it. At some point the officer wanted to "upgrade" the violin and an even better one was bought. The value of the violin was 5.000 euros, and the upgrade cost 4.900 euros.

17

Case Violin

- The officer and the CEO claimed that the berry company only **sponsored** the minor son's hobby, and it had nothing to do with influencing the officer's duties. **The court did not believe this**.
- Bribe can be given also to someone close to the officer.
- The officer was convicted for taking a bribe and breach of duties as an officer to a 1 year suspended sentence .The CEO was convicted to 8 months suspended sentence for giving a bribe. The company was sentenced to pay 50.000 euros as a corporate liability fine.

18

Case Espoo

- This case was revealed by an officer who inspected the bills in Espoo city. Although the crime was able to go on for long time before anyone noticed it. The bill inspection process did not work as well as it should have.
- Mr N worked in an Espoo city owned establishment. N made construction deals with Mr X from a construction company. Mr N did not have the authority to do that. He could only make contracts up to 9.000 euros. Espoo city had a list of companies that should have been used. (public procurement process)
- Mr N's duty was to inspect the bills and then send them to his superiors for the final approval.

19

Case Espoo

- The construction company overbilled Espoo city and the extra money went to bribes given to Mr N or his wife. Mr N knew that the bills were too high, but he still accepted them and sent them to his superiors to finally approve the bills.
- Mr N ordered different materials and services for his private use and the construction company paid the bills. There were also direct money transfers from the construction company to Mr N and his wife.
- The overbilled amount was 905.345 euros (based on what Mr X admitted).

20

Case Espoo

- Mr N was convicted on aggravated taking on bribe and aggravated fraud for 4 years 4 months of imprisonment.
- Mr X was convicted on aggravated giving a bribe and aggravated fraud for 2 years 6 months of imprisonment. The sentence was mitigated because of his co-operation.

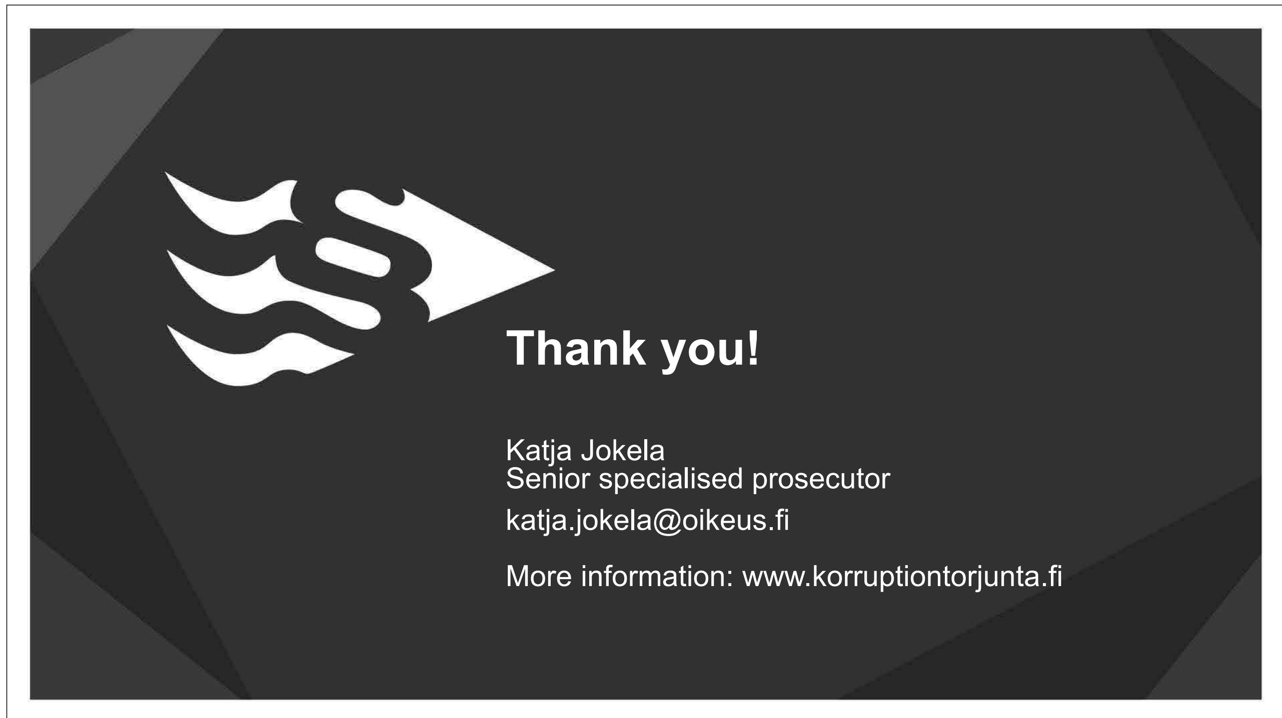
21

Challenges in corruption cases

* How to detect the cases?

* Sometimes it is difficult to get convictions on corruption cases in Finland.

*OECD report 2017: "The evidentiary threshold required to prove a briber's intent seems unreasonably high, appearing to require direct evidence of the defendant's knowledge of all aspects of the crime."


Thank you!
Katja Jokela
Senior specialised prosecutor
katja.jokela@oikeus.fi
More information: www.korruptiontorjunta.fi

CO-OPERATION IN THE EUROPEAN UNION

In the EU we have special instruments that make international co-operation easier between EU-countries. Ireland and Denmark do not apply these.

EU countries: Austria, Belgium, Bulgaria, Croatia, Republic of Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

EIO and EAW goes straight from the prosecutor to the other countries authorities. The Ministry of Justice has no role in European instruments.

EIO

- **EIO=European investigation order**
- This is based on an EU directive.
- This has to be done by the prosecutor or court, not the police.
- We use this if we need **evidence** from an other EU country. It can be hearing of a withness or more concrete evidence.
- The other country is obliged to give assistance. They can refuse only for certain reasons.
- There is a deadline of 90 days (but it can take longer, you just have to inform the other country of the delay).

EAW

- **EAW= European arrest warrant** (there is also NAW=Nordic arrest warrant)
- This is based on an EU directive.
- This has to be done by the prosecutor or court, not the police.
- We use this, if we want some defendant to be **extradited** to Finland from other EU country.
- The other country is obliged to give assistance. They can refuse only for certain reasons.
- This works very well!

JIT

- **JIT=Joint investigation team**
- Two or more countries investigate cases at the same time. The evidence can be shared freely without EIO or MLA. **Finland can make a JIT with any country**. It does not have to be an EU country!
- In Finland the police, the customs or the bourder control can make a JIT agreement, but the prosecution is also involved as a party to the agreement.
- The JIT agreement must be made. Normally there is a certain period (deadline) for investigation agreed. It can be extended, when needed.
- JIT works well in cases that involve two or more countries. (International organised crime, foreign bribery cases?)

Organisations

- EUROJUST

  Every EU country has a prosecutor representative in EUROJUST. EUROJUST helps us to coordinate investigations with other countries and can also help to get answers to EIO or EAW more quickly. **EUROJUST has contact persons also outside EU.**

- INTERPOL

  Interpol helps police to coordinate investigations and analyse materials.

EPPO

- **E**uropean Public **P**rosecutor's **O**ffice
- It is an independent prosecutor's office. It has authority in certain cases: Corruption that damages, or is likely to damage, the **EU's financial interests**.
- The EPPO undertakes investigations, carries out acts of prosecution and exercises the functions of prosecutor in the competent courts of the participating EU country. (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.)

CO-OPERATION WITH OTHER COUNTRIES

- **MLA=Mutual Legal Assistance**
- When we work with countries outside EU, we have to use MLA. Police can ask for MLA, but the ministry of justice sends the MLA request to the other country.
- It depends on the other country how long the prosess takes. Sometimes it takes a long time or we don't get an answer at all.

CASE THAILAND

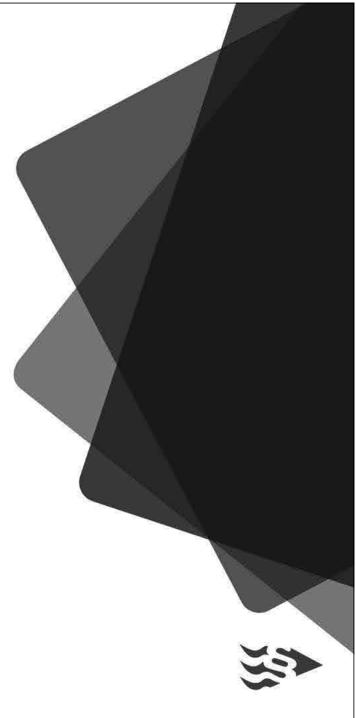
- This case was revealed while investigating a human traffickig case. The same berry picking case we talked about yesterday. In this case there were indications that Finnish companies had given bribes to public officers in Thailand.
- Police co-operated closely with authorities in Thailand.
- Thailand could not take part in a JIT because of their legislation, but they could do very similar co-operation. Finnish police went to Thailand and could take part in hearings and got also other kinds of evidence.
- Because there was no JIT, the police had to make MLA requests, so that they could officially get the evidence and so that it could be used as evidence in Finnish court.

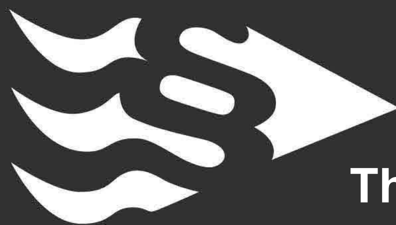
CASE THAILAND

- Because the police had done close co-operation with authorities in Thailand, the MLA requests were just a formality and they got the information quickly.
- In these cases it is important to build mutual trust between the countries and different authorities. We have different legislation, but if there is a will there is a way…
- Finnish police is very pleased with the co-operation with Thailand in this case!

Questions for discussion

- What kind of legal instruments do you have in your country for international co-operation?
- Have you used them or have they been used in your cases?
- How do they work?
- What are the main problems in international co-operation?
- How can we improve international co-operation?
- Good practices?





Thank you!

Katja Jokela
Senior specialised prosecutor
katja.jokela@oikeus.fi

More information: www.korruptiontorjunta.fi

RESOURCE MATERIAL SERIES
No. 121

APPENDIX

UNAFEI

PHOTOGRAPHS

THE 188TH INTERNATIONAL TRAINING COURSE

THE 27TH UNAFEI UNCAC TRAINING PROGRAMME

RESOURCE MATERIAL SERIES INDEX			
Vol.	Training Course Name	Course No.	Course Dates
1	Public Participation in Social Defence	25	Sep-Dec 1970
2	Administration of Criminal Justice	26	Jan-Mar 1971
3	[Corrections]	27	Apr-Jul 1971
	[Police, Prosecution and Courts]	28	Sep-Dec 1971
4	Social Defence Planning	29	Feb-Mar 1972
	Treatment of Crime and Delinquency	30	Apr-Jul 1972
5	United Nations Training Course in Human Rights in the Administration of Criminal Justice	n/a	Aug-Sep 1972
	Administration of Criminal Justice	31	Sep-Dec 1972
6	Reform in Criminal Justice	32	Feb-Mar 1973
	Treatment of Offenders	33	Apr-Jul 1973
7	[Administration of Criminal Justice]	34	Sep-Dec 1973
8	Planning and Research for Crime Prevention	35	Feb-Mar 1974
	Administration of Criminal Justice	36	Apr-Jun 1974
9	International Evaluation Seminar	37	Jul 1974
	Treatment of Juvenile Delinquents and Youthful Offenders	38	Sep-Nov 1974
10	The Roles and Functions of the Police in a Changing Society	39	Feb-Mar 1975
	Treatment of Offenders	40	Apr-Jul 1975
	NB: Resource Material Series Index, Nos. 1-10 (p. 139)	n/a	Oct 1975
11	Improvement in the Criminal Justice System	41	Sep-Dec 1975
12	Formation of a Sound Sentencing Structure and Policy	42	Feb-Mar 1976
	Treatment of Offenders	43	Apr-Jul 1976
13	Exploration of Adequate Measures for Abating and Preventing Crimes of Violence	44	Sep-Dec 1976
14	Increase of Community Involvement	45	Feb-Mar 1977
	Treatment of Juvenile Delinquents and Youthful Offenders	46	Apr-Jul 1977
15	Speedy and Fair Administration of Criminal Justice	47	Sep-Dec 1977
	Prevention and Control of Social and Economic Offences	48	Feb-Mar 1978
	Report of United Nations Human Rights Training Course	n/a	Dec 1977
16	Treatment of Offenders	49	Apr-Jul 1978
	Dispositional Decisions in Criminal Justice Process	50	Sep-Dec 1978
17	Treatment of Dangerous or Habitual Offenders	51	Feb-Mar 1979
	Community-Based Corrections	52	Apr-Jul 1979
18	Roles of the Criminal Justice System in Crime Prevention	53	Sep-Dec 1979
19	Arrest and Pre-Trial Detention	54	Feb-Mar 1980
	Institutional Treatment of Adult Offenders	55	Apr-Jul 1980
20	Institutional Treatment of Adult Offenders	55	Apr-Jul 1980
	Integrated Approach to Effective and Efficient Administration of Criminal Justice	56	Sep-Nov 1980
	NB: Resource Material Series Index, Nos. 1-20 (p. 203)		Mar 1981
21	Crime Prevention and Sound National Development	57	Feb-Mar 1981

	Integrated Approach to Effective Juvenile Justice Administration (including Proposed Guidelines for the Formulation of the Standard Minimum Rules for Juvenile Justice Administration: A draft prepared by UNAFEI on the basis of the reports of the study groups at the 58th International Training Course)	58	May-Jul 1981
22	Contemporary Problems in Securing an Effective, Efficient and Fair Administration of Criminal Justice and Their Solutions	59	Feb-Mar 1982
	Securing Rational Exercise of Discretionary Powers at Adjudication and Pre-adjudication Stages of Criminal Justice Administration	60	Apr-Jul 1982
23	Improvement of Correctional Programmes for More Effective Rehabilitation of Offenders	61	Sep-Nov 1982
24	Promotion of Innovations for Effective, Efficient and Fair Administration of Criminal Justice	62	Feb-Mar 1983
	Community-Based Corrections	63	Apr-Jul 1983
25	The Quest for a Better System and Administration of Juvenile Justice	64	Sep-Dec 1983
	Documents Produced during the International Meeting of Experts on the Development of the United Nations Draft Standard Minimum Rules for the Administration of Juvenile Justice	n/a	Nov 1983
26	International Cooperation in Criminal Justice Administration	65	Feb-Mar 1984
	Promotion of Innovation in the Effective Treatment of Prisoners in Correctional Institutions	66	Apr-Jul 1984
27	An Integrated Approach to Drug Problems	67	Sep-Dec 1984
28	Contemporary Asian Problems in the Field of Crime Prevention and Criminal Justice, and Policy Implications	68	Feb-Mar 1985
	Report of the Fifth Meeting of the Ad Hoc Advisory Committee of Experts on UNAFEI Work Programmes and Directions	n/a	Mar 1985
	Report of the International Workshop on the Role of Youth Organizations in the Prevention of Crime Among Youth	n/a	Jul 1985
	Follow-up Team for Ex-Participants of UNAFEI Courses	n/a	Dec 1985
	Community-Based Corrections	69	Apr-Jul 1985
29	In Pursuit of Greater Effectiveness and Efficiency in the Juvenile Justice System and Its Administration	70	Sep-Dec 1985
30	Promotion of Innovation in Criminal Justice Administration for the Prevention of New Criminality	71	Feb-Mar 1986
	The Quest for Effective and Efficient Treatment of Offenders in Correctional Institutions	72	Apr-Jul 1986
31	Economic Crime: Its Impact on Society and Effective Prevention	73	Sep-Nov 1986
	Report of the International Seminar on Drug Problems in Asia and the Pacific Region	n/a	Aug 1986
32	Advancement of Fair and Humane Treatment of Offenders and Victims in Criminal Justice Administration	74	Feb-Mar 1987
	Non-institutional Treatment of Offenders: Its Role and Improvement for More Effective Programmes	75	Apr-Jun 1987
33	Evaluation of UNAFEI's International Courses on Prevention of Crime and Treatment of Offenders, and Drug Problems in Asia	76	Aug-Sep 1987
	Crime Related to Insurance	77	Oct-Dec 1987

	Report of the Sixth Meeting of the Ad Hoc Advisory Committee of Experts on UNAFEI Work Programmes and Directions	n/a	Sep 1987
	Report of the Workshop on Implementation Modalities for the Twenty-Three Recommendations Adopted by the International Seminar on Drug Problems in Asia and the Pacific Region	n/a	Sep 1987
34	Footprints, Contemporary Achievements and Future Perspectives in Policies for Correction and Rehabilitation of Offenders	78	Feb-Mar 1988
	Search for the Solution of the Momentous and Urgent Issues in Contemporary Corrections	79	Apr-Jul 1988
	Resolution of the Asia and Pacific Regional Experts Meeting	n/a	Mar 1988
	Report of the Meeting of Experts on the United Nations Draft Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules)	n/a	Jul 1988
35	Quest for Effective International Countermeasures to Pressing Problems of Transnational Criminality	80	Sep-Nov 1988
36	Advancement of the Integration of Criminal Justice Administration	81	Feb-Mar 1989
	Innovative Measures for Effective and Efficient Administration of Institutional Correctional Treatment of Offenders	82	Apr-Jul 1989
	Report of the Expert Group Meeting on Adolescence and Crime Prevention in the ESCAP Region	n/a	Aug 1989
37	Crime Prevention and Criminal Justice in the Context of Development	83	Sep-Nov 1989
	International Workshop on Victimology and Victim's Rights	n/a	Oct 1989
38	Policy Perspectives on Contemporary Problems in Crime Prevention and Criminal Justice Administration	84	Jan-Mar 1990
	Wider Use and More Effective Implementation of Non-custodial Measures for Offenders	85	Apr-Jun 1990
39	Search for Effective and Appropriate Measures to Deal with the Drug Problem	86	Sep-Dec 1990
40	Development of an Effective International Crime and Justice Programme	87	Jan-Mar 1991
	Institutional Treatment of Offenders in Special Categories	88	Apr-Jul 1991
	NB: Resource Material Series Index, Nos. 21-40 (p. 333)	n/a	n/a
41	Effective and Innovative Countermeasures against Economic Crime	89	Sep-Dec 1991
42	Quest for Solutions of the Pressing Problems of Contemporary Criminal Justice Administration	90	Jan-Feb 1992
	Further Use and Effectual Development of Non-Custodial Measures for Offenders	91	Apr-Jul 1992
43	Quest for Effective Methods of Organized Crime Control	92	Sep-Nov 1992
44	Policy Perspective for Organized Crime Suppression	93	Feb-Mar 1993
	Current Problems in Institutional Treatment and Their Solution	94	Apr-Jul 1993
45	Effective Countermeasures against Crimes Related to Urbanization and Industrialization—Urban Crime, Juvenile Delinquency and Environmental Crime	95	Sep-Dec 1993
46	Promotion of International Cooperation in Criminal Justice Administration	96	Jan-Mar 1994

	Effective Treatment of Drug Offenders and Juvenile Delinquents	97	Apr-Jul 1994
47	Economic Crime and Effective Countermeasures against It	98	Sep-Dec 1994
48	The Effective Administration of Criminal Justice: Public Participation and the Prevention of Corruption	99	Jan-Mar 1995
	The Institutional Treatment of Offenders: Relationships with Other Criminal Justice Agencies and Current Problems in Administration	100	Apr-Jul 1995
49	The Fair and Efficient Administration of Criminal Justice: The Proper Exercise of Authority and Procedural Justice	101	Sep-Dec 1995
50	Crime Prevention through Effective Firearms Regulation	102	Jan-Mar 1996
51	Improvement of the Treatment of Offenders through the Strengthening of Non-custodial Measures	103	Apr-Jul 1996
	International Cooperation in Criminal Justice Administration	104	Sep-Nov 1996
52	The Effective Administration of Criminal Justice for the Prevention of Corruption by Public Officials	105	Jan-Feb 1997
	The Quest for Effective Juvenile Justice Administration	106	Apr-Jul 1997
53	The Role and Function of Prosecution in Criminal Justice	107	Sep-Nov 1997
	The Ninth Meeting of the Ad Hoc Advisory Committee of Experts on UNAFEI Work Programmes and Directions	n/a	Oct 1997
54	Current Problems in the Combat of Organized Transnational Crime	108	Jan-Feb 1998
	Effective Treatment Measures for Prisoners to Facilitate Their Reintegration into Society	109	Apr-Jul 1998
55	Effective Countermeasures against Economic and Computer Crime	110	Aug-Nov 1998
	The Role of Police, Prosecution and the Judiciary in the Changing Society	111	Jan-Feb 1999
56	Participation of the Public and Victims for More Fair and Effective Criminal Justice	112	Apr-Jul 1999
	The Effective Administration of Criminal Justice for the Prevention of Corrupt Activities by Public Officials	113	Aug-Nov 1999
57	International Cooperation to Combat Transnational Organized Crime—with Special Emphasis on Mutual Legal Assistance and Extradition	114	Jan-Feb 2000
	Current Issues in Correctional Treatment and Effective Countermeasures	115	May-Jun 2000
58	Effective Methods to Combat Transnational Organized Crime in Criminal Justice Processes	116	Aug-Nov 2000
	Current Situation and Countermeasures against Money Laundering	117	Jan-Feb 2001
59	Best Practices in the Institutional and Community-Based Treatment of Juvenile Offenders	118	May-Jul 2001
	Current Situation of and Countermeasures against Transnational Organized Crime	119	Sep-Nov 2001
60	Effective Administration of the Police and the Prosecution in Criminal Justice	120	Jan-Feb 2002
61	Enhancement of Community-Based Alternatives to Incarceration at all Stages of the Criminal Justice Process	121	May-Jul 2002

62	The Effective Administration of Criminal Justice to Tackle Trafficking Human Beings and Smuggling of Migrants	122	Sep-Oct 2002
63	The Protection of Victims of Crime and the Active Participation of Victims in the Criminal Justice Process Specifically Considering Restorative Justice Approaches	123	Jan-Feb 2003
64	The Effective Prevention and Enhancement of Treatment for Drug Abusers in the Criminal Justice Process	124	Apr-Jun 2003
65	Effective Countermeasures against Illicit Drug Trafficking and Money Laundering	125	Sep-Oct 2003
	Sixth International Training Course on Corruption Control in Criminal Justice	6th UNCAC	Nov 2003
66	Economic Crime in a Globalizing Society—Its Impact on the Sound Development of the State	126	Jan-Feb 2004
67	Implementing Effective Measures for the Treatment of Offenders after Fifty Years of United Nations Standard Setting in Crime Prevention and Criminal Justice	127	May-Jun 2004
	Measures to Combat Economic Crime, Including Money Laundering	128	Aug-Oct 2004
68	Crime Prevention in the 21st Century—Effective Prevention of Crime Associated with Urbanization Based upon Community Involvement and Prevention of Youth Crime and Juvenile Delinquency	129	Jan-Feb 2005
69	Integrated Strategies to Confront Domestic Violence and Child Abuse	130	May-Jun 2005
	Seventh Special Training Course on Corruption Control in Criminal Justice	7th UNCAC	Oct-Nov 2005
70	The Use and Application of the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power—Twenty Years after Its Adoption	131	Aug-Oct 2005
71	Strengthening the Legal Regime for Combating Terrorism	132	Jan-Feb 2006
	Eighth International Training Course on Corruption Control in Criminal Justice	8th UNCAC	Oct-Nov 2005
72	Effective Prevention and Enhancement of Treatment for Sexual Offenders	133	May-Jun 2006
73	Challenges in the Investigation, Prosecution and Trial of Transnational Organized Crime	134	Aug-Oct 2006
	Ninth International Training Course on Corruption Control in Criminal Justice	9th UNCAC	Oct-Nov 2006
74	Promoting Public Safety and Controlling Recidivism Using Effective Interventions with Offenders: An Examination of Best Practices	135	Jan-Feb 2007
75	Effective Measures for the Treatment of Juvenile Offenders and their Reintegration into Society	136	May-Jun 2007
76	Corporate Crime and the Criminal Liability of Corportate Entities	137	Sep-Oct 2007
	Tenth International Training Course on the Criminal Justice Response to Corruption	10th UNCAC	Oct-Nov 2007
77	Effective Legal and Practical Measures for Combating Corruption: A Criminal Justice Response	138	Jan-Feb 2008
78	Profiles and Effective Treatment of Serious and Violent Juvenile Offenders	139	May-Jun 2008

79	The Criminal Justice Response to Cybercrime	140	Sep-Oct 2008
	Eleventh International Training Course on the Criminal Justice Response to Corruption	11th UNCAC	Oct-Nov 2008
	The Improvement of the Treatment of Offenders through the Enhancement of Community-Based Alternatives to Incarceration	141	Jan-Feb 2009
80	Effective Countermeasures against Overcrowding of Correctional Facilities	142	May-Jun 2009
	Twelfth International Training Course on the Criminal Justice Response to Corruption	12th UNCAC	Jul-Aug 2009
	Ethics and Codes of Conduct for Judges, Prosecutors and Law Enforcement Officials	143	Sep-Nov 2009
81	The Enhancement of Appropriate Measures for Victims of Crime at Each Stage of the Criminal Justice Process	144	Jan-Feb 2010
82	Effective Resettlement of Offenders by Strengthening "Community Reintegration Factors"	145	May-Jun 2010
83	Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures	146	Aug-Oct 2010
	The 13th International Training Course on the Criminal Justice Response to Corruption	13th UNCAC	Oct-Nov 2010
84	Community Involvement in Offender Treatment	147	Jan-Feb 2011
85	Drug Offender Treatment: New Approaches to an Old Problem	148	May-Jun 2011
86	Securing Protection and Cooperation of Witnesses and Whistle-blowers	149	Aug-Sep 2011
	Effective Legal and Practical Measures against Corruption	14th UNCAC	Oct-Nov 2011
87	Trafficking in Persons—Prevention, Prosecution, Victim Protection and Promotion of International Cooperation	150	Jan-Feb 2012
88	Evidence-Based Treatment of Offenders	151	May-Jun 2012
89	Trafficking in Persons—Prevention, Prosecution, Victim Protection and Promotion of International Cooperation	152	Aug-Sep 2012
	Effective Legal and Practical Measures against Corruption	15th UNCAC	Oct-Nov 2012
90	Treatment of Female Offenders	153	Jan-Feb 2013
91	Stress Management of Correctional Personnel—Enhancing the Capacity of Mid-Level Staff	154	May-Jun 2013
92	Effective Collection and Utilization of Evidence in Criminal Cases	155	Aug-Oct 2013
	Effective Measures to Prevent and Combat Corruption and to Encourage Cooperation between the Public and Private Sectors	16th UNCAC	Oct-Nov 2013
93	Protection for Victims of Crime and Use of Restorative Justice Programmes	156	Jan-Feb 2014
94	Assessment and Treatment of Special Needs Offenders	157	May-Jun 2014
95	Measures for Speedy and Efficient Criminal Trials	158	Aug-Sep 2014
	Effective Measures to Prevent and Combat Corruption Focusing on Identifying, Tracing, Freezing, Seizing, Confiscating and Recovering Proceeds of Corruption	17th UNCAC	Oct-Nov 2014
96	Public Participation in Community Corrections	159	Jan-Feb 2015
97	The State of Cybercrime: Current Issues and Countermeasures	160	May-Jun 2015
98	Staff Training for Correctional Leadership	161	Aug-Sep 2015
	Effective Anti-Corruption Enforcement and Public-Private and International Cooperation	18th UNCAC	Oct-Nov 2015

99	Multi-Agency Cooperation in Community-Based Treatment of Offenders	162	Jan-Feb 2016
100	Children as Victims and Witnesses	163	May-Jun 2016
101	Effective Measures for Treatment, Rehabilitation and Social Reintegration of Juvenile Offenders	164	Aug-Sep 2016
	Effective Anti-Corruption Enforcement (Investigation and Prosecution) in the Area of Procurement	19th UNCAC	Oct-Nov 2016
102	Juvenile Justice and the United Nations Standards and Norms	165	Jan-Feb 2017
103	Criminal Justice Procedures and Practices to Disrupt Criminal Organizations	166	May-Jun 2017
104	Rehabilitation and Social Reintegration of Organized Crime Members and Terrorists	167	Aug-Sep 2017
	Effective Measures to Investigate the Proceeds of Corruption Crimes	20th UNCAC	Nov-Dec 2017
105	Enhancing the Rule of Law in the Field of Crime Prevention and Criminal Justice: Policies and Practices Based on the United Nations Conventions and Standards and Norms	168	Jan-Feb 2018
106	Criminal Justice Practices against Illicit Drug Trafficking	169	May-Jun 2018
107	Treatment of Illicit Drug Users	170	Aug-Sep 2018
	Effective Criminal Justice Practices through International Cooperation and Engagement of Civil Society for Combating Corruption	21st UNCAC	Oct-Nov 2018
108	Criminal Justice Response to Crimes Motivated by Intolerance and Discrimination	171	Jan-Feb 2019
109	Criminal Justice Responses to Trafficking in Persons and Smuggling of Migrants	172	May-Jun 2019
110	Tackling Violence against Women and Children through Offender Treatment: Prevention of Reoffending	173	Aug-Sep 2019
	Detection, Investigation, Prosecution and Adjudication of High-Profile Corruption	22nd UNCAC	Oct-Nov 2019
111	Prevention of Reoffending and Fostering Social Inclusion: From Policy to Good Practice	174	Jan-Feb 2020
112	n/a (Training programmes postponed due to the Covid-19 pandemic)	n/a	n/a
113	Tackling Emerging Treats of Corruption in the Borderless and Digitalized World	23rd UNCAC	Sep-Oct 2021
	Treatment of Women Offenders	175	Oct-Nov 2021
	Achieving Inclusive Societies through Effective Criminal Justice Policies and Practices	176	Nov-Dec 2021
114	Preventing Reoffending through a Multi-stakeholder Approach	177	Jan-Feb 2022
	Protection of the Rights of Crime Victims Including Children	1st Inclusive Societies	Mar 2022
	Cybercrime and Digital Evidence	178	Jun-Jul 2022
115	Juvenile Justice and Beyond Effective Measures for the Rehabilitation of Juveniles in Conflict with the Law and Young Adult Offenders	179	Sep 2022
	Chair's Summary, Enhancing Technical Assistance to Reduce Reoffending and Promote Inclusive Societies	n/a	Oct 2022

	UNAFEI's 60th and ACPF's 40th Anniversary Event	n/a	Oct 2022
	Identifying, Tracing, Freezing, Seizing, Confiscating and Recovering Proceeds of Corruption: Challenges and Solutions	24th UNCAC	Nov 2022
116	Promoting Legal Aid for Offenders and Victims	180	Jan-Feb 2023
	Rehabilitation and Social Reintegration of Offenders with Substance Use Disorders	2nd Inclusive Societies	Mar 2023
	Countermeasures against Transnational Organized Crime – The 20th Anniversary of UNTOC –	181	May-Jun 203
117	Effective Support for Reintegration of Released Inmates – Towards Seamless Support for Employment, Housing and Medical Care	182	Sep 2023
	Effective Corruption Investigation Utilizing International Cooperation	25th UNCAC	Nov 2023
	Symposium on a Comparative Approach to a Culture of Lawfulness	Side Event, ASEAN-Japan Special Meeting of Justice Ministers	Jul 2023
118	Management of Correctional Institutions in the 21st Century – With a Focus on the Nelson Mandela Rules	183	Jan-Feb 2024
	Effective Measures for Preventing and Responding to Domestic Violence	3rd Inclusive Societies	Mar 2024
	Countermeasures against Trafficking in Persons, with a Focus on Trafficking in Persons for Sexual Exploitation	184	May-Jun 2024
119	Preventing Inmate Abuse and Corruption in Correctional Facilities: Creating a Rehabilitative Prison Environment	185	Sep 2024
	Strengthening Prevention, Detection and Prosecution of Corruption, and Public-Private Partnership	26th UNCAC	Nov 2024
120	Utilizing New Tools for Effective Mutual Legal Assistance (MLA Session) Countermeasures against Overpopulation of Prisons within the ASEAN Region, with a focus on Challenges and Developments regarding Non-custodial Measures and the Treatment of Offenders (OTR Session)	1st AJCJS	Dec 2024
	Criminal Justice Issues Regarding Youth Involved in Terrorism	186	Jan-Feb 2025
	Current Challenges and Effective Countermeasures in the Fight against Money-Laundering	187	May-Jun 2025
121	Theories of Offender Rehabilitation and Their Effective Implementation	188	Aug-Sep 2025
	Detecting Corruption–Learning from Successful Methods, Practices and Techniques	27th UNCAC	Oct-Nov 2025

ISSN 0256-5471
ISBN 978-4-87033-353-6

Printed in Japan by KITAJIMA Co., LTD.