

UNAFEI NEWSLETTER

UNAFEI

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AND THE TREATMENT OF OFFENDERS

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LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 163rd International Training Course on “Children as Victims and Witnesses”, which took place from 11 May to 22 June 2016. In this Course, we welcomed 7 Japanese participants and 23 overseas participants: 16 from Asia, 6 from Africa and 1 from South America. The participants included judges, prosecutors, police officers and other public officials involved in the field of crime prevention and criminal justice. As this newsletter demonstrates, the Course was extremely productive. It consisted of lectures by visiting experts, ad hoc lecturers, UNAFEI faculty members, individual presentations, visits to relevant criminal justice agencies, and group-workshop and plenary sessions.

For over 25 years, the Convention on the Rights of the Child has set global standards to ensure the protection and safety of children by requiring that States Parties, when taking actions that impact children, do so in the best interests of the child. Although these principles are universally accepted, violence against children remains a worldwide problem. When children are victimized, it is all too common that they experience secondary victimization through participation as victims and witnesses in legal systems that are designed for adults. To fully implement the standards set forth by the Convention and to protect the best interests of child victims and witnesses, criminal justice practitioners should become familiar with the global issues and trends of violence against children. Moreover, practitioners should develop strategies for improved detection and reporting of violence against children, enhance skills in child-sensitive forensic investigation techniques and identify channels for international cooperation in the fight against child abuse, trafficking and violence of all forms.

UNAFEI, as one of the institutes of the United Nations Crime Prevention and Criminal Justice Programme Network, held this Course to offer participants an opportunity to clarify and analyse the current situation of children as victims and witnesses in each participating country and to explore more effective ways to enhance their participation in the criminal justice system. Additionally, the participants were able to share experiences, gain knowledge, and build a human network of counterparts.

During the Course, the participants diligently and comprehensively examined the main theme, primarily through a comparative analysis. The participants shared their own experiences and knowledge of the issues and identified problems and areas in which improvements could be made. With the academic and practical input from the visiting experts, ad hoc lecturers and UNAFEI faculty—and the in-depth discussions they had with each other—the participants are now better equipped to enhance the policies and practices related to children as victims and witnesses in their respective countries.

I would like to offer my sincere congratulations to all of the participants upon their successful completion of the Course, made possible by their strenuous efforts. My heartfelt gratitude goes out to the visiting experts and ad hoc lecturers who contributed a great deal to the Course’s success. Furthermore, I appreciate the indispensable assistance and cooperation extended to UNAFEI by various agencies and institutions that helped diversify the Course.

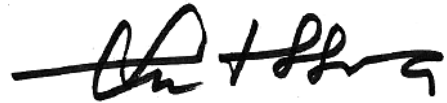
I would also like to express my great appreciation to the Japan International Cooperation Agency (JICA) for its immeasurable support throughout the Course. At the same time, a warm tribute must be paid to the Asia Crime Prevention Foundation (ACPF) and its branch organiza-

tions for their substantial contributions to our activities. Lastly, I owe my gratitude to all the individuals whose unselfish efforts behind the scenes contributed significantly to the successful realization of this Course.

Upon returning to their home countries, I genuinely believe that, like their predecessors, the strong determination and dedication of the participants will enable them to work towards the improvement of their respective nations' criminal justice systems, and towards the benefit of international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 163rd International Training Course. I hope that the experience they gained during the Course proves valuable in their daily work and that the bonds fostered among the participants, visiting experts and UNAFEI staff will continue to grow for many years to come.

June 2016

A handwritten signature in black ink, appearing to read 'Keisuke SENTA', written in a cursive style.

Keisuke SENTA
Director, UNAFEI

THE 163RD INTERNATIONAL TRAINING COURSE

CHILDREN AS VICTIMS AND WITNESSES

Course Rationale

I. THE MAIN THEME OF THE COURSE

It has been 25 years since the Convention on the Rights of Child¹ (hereinafter referred to as “the Convention”) has come into effect, and it has been 15 years since the two optional protocols of the Convention² have been adopted. The Convention clearly declares that each state party shall take measures to protect children from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse. The importance of protecting children from all forms of violence, exploitation and abuse has been repeatedly stressed in international society³, research has been conducted and several guidelines and declarations were drafted⁴.

However, violence against children still exists all over the world in various ways. The mission for us, as criminal justice practitioners, is to implement these declarations and recommendations in the real world consistently with the legal system and social situation in each country.

In this course, through lectures and discussions on the topics described below, we aimed to deepen the understanding of the measures hitherto explored and to promote implementation of these measures consistently with each country’s legal and social system.

II. DEFINITIONS AND THE SCOPE OF THE DISCUSSION

In this course, the words “child” and “violence” were defined according to the Convention, that is, a “child” is “every human being below the age of eighteen years”; “violence” is “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse”. If we consider the term “violence against children” (VAC) based on the definitions stated above, a holistic approach, which covers prevention, intervention and protection, is required to completely eliminate VAC. However, con-

¹ “Convention on the Rights of the Child” (United Nations, *Treaty Series*, vol. 1577, No. 27531).

² “Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict” (United Nations, *Treaty Series*, vol. 2171, No. 27531) “Optional Protocol to the Convention on the Rights of the Child on the sale of children child prostitution and child pornography” (United Nations, *Treaty Series*, vol. 2173, No. 27531).

³ “Doha Declaration on integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation” Economic and Social Council resolution 2015/19, annex etc.

⁴ “The Guidelines for Action on Children in the Criminal Justice System”, Economic and Social Council resolution 1997/30, annex, “the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime”, Economic and Social Council resolution 2005/20, annex, “Model Strategies and Practical Measures on the Elimination of Violence against children in the Field of Crime Prevention and Criminal Justice” General Assembly Resolution 69/194, annex, UNODC(2009) “Justice in Matters Involving Child Victims and Witnesses of Crime, Model Law and Commentary”.

sidering that this course was designed for criminal justice practitioners, in order to ensure fruitful discussion on practical issues, the scope of this course was limited as discussed immediately below.

First of all, the course focused on measures undertaken by the criminal justice system to deal with incidents of VAC. Therefore, preventive measures for VAC, inter alia, supporting and overseeing the families in which a high risk of VAC is identified and public awareness-raising of no-tolerance policies on VAC, were not the subject of this course. In addition, though support for the victimized children is essential, this course was designed for officials from organizations which deal with criminal cases. Measures to support the victimized children were discussed only to the extent that they related to the investigation, prosecution or adjudication of criminal cases.

Secondly, violence against children in conflict with law is one of the most important issues to be considered by people who work in the criminal justice system. However, these children in conflict with the law cannot be treated exactly the same as children in contact with the criminal justice system genuinely as victims and witnesses. Thus, the target of the discussion was limited to children in contact with the criminal justice system merely as victims and witnesses. Eliminating VAC in conflict with the law is a topic for future programmes.

III. ISSUES CONSIDERED IN DEALING WITH CASES OF VIOLENCE AGAINST CHILD VICTIMS AND WITNESSES

- a. Violence against children is often unchallenged for several reasons: certain forms of abusive conduct are viewed as acceptable in some cultures; victimized children are too small to recognize or to report the incidents; maltreatment or incidents of violence take place in private places such as their homes; children or their families are afraid of reprisal or stigmatization by reporting; and there may be distrust of the police or public officials. Therefore, it is very important to establish effective detection and reporting mechanisms for VAC. In this stage, to ensure the safety of children is the first priority.

Even when VAC is detected by public officials, resolving all such cases through the criminal justice system is not always the best solution from the perspective of the best interests of the child. It is necessary to scrutinize cases involving VAC (including suspected cases) to determine whether the perpetrators can be or should be punished through the criminal justice system. In order to ensure effective scrutiny, cooperation among multiple agencies inside and outside of the criminal justice system, inter alia, child-welfare, social-welfare, medical services and schools, is indispensable. When we think about multi-agency cooperation, factors which prevent such cooperation and possible countermeasures against them should also be explored.

- b. Once we successfully scrutinize the cases to be dealt with by the criminal justice system, we need to protect the mental well-being, privacy and dignity of children who are brought into the criminal justice system as victims and witnesses. Measures and procedures to prevent re-victimization are essential.

IV. KEY TOPICS OF THE COURSE

In this regard, the following key topics were addressed during the Programme:

- (1) Timely and appropriate criminal justice intervention
 - a. Effective detection and reporting mechanisms for incidents involving VAC (mechanism of reporting VAC, reporting obligations, one-stop services, VAC hotlines, cyber-patrols, etc.)
 - b. Effective protection for child victims of violence (police protection, procedures for removing children from the custody of abusive caregivers)
 - c. Effective procedures for scrutinizing cases involving VAC (specialized person(s) or teams, assessment tools, etc.)
 - d. Measures to avoid further VAC for cases not brought into the criminal justice system
 - e. Effective multi-agency cooperation for detecting and scrutinizing VAC cases (confidentiality, bureaucratic sectionalism)
- (2) Child sensitive criminal justice procedures
 - a. Measures to interview children (appropriate place or person to conduct interviews, special interview techniques (forensic interviews etc., attendance of others)
 - b. Issues in prosecuting cases involving VAC (use of mediation, special programmes for perpetrators)
 - c. Special trial procedures for cases in which child victims and witnesses have to testify. Assuming that there is not a procedure specially designed for child victims or witnesses, other measures to prevent re-victimization (concealing the identity of victims and witnesses, video-link testimony, etc.)
 - d. Capacity building for personnel who work within the criminal justice system (police, prosecutors, judges)

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

Course Summary

Lectures

During the Course, the participants attended 49 lectures, including 5 presented by the visiting experts, 8 by ad hoc lecturers and 8 by the faculty of UNAFEI. Two distinguished criminal justice practitioners served as UNAFEI's visiting experts. They lectured on issues relating to the main theme of the Course and contributed significantly beyond their lectures by encouraging discussions after their lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, the ad hoc lectures were delivered by police officials, a child welfare specialist of the Ministry of Health, Labour and Welfare, a Japanese lawyer, a Family Court Probation Officer, a Family Court Judge, and professors from Japanese universities. The lecturers and lecture topics are listed on pages 7 to 8.

Individual Presentations

During the second week of the course, all participants delivered individual presentations which introduced the situation, problems and future prospects of the participants' countries. These papers were compiled onto a USB memory stick and distributed to all the participants. The titles of these individual presentation papers are listed on pages 9 to 11.

Group Workshop Sessions

Group workshop sessions provided the participants with the opportunity to further examine the sub-topics of the main theme. In order to conduct each session effectively, the UNAFEI faculty selected individuals to serve as group members for the sub-topics, based on their responses to a previously distributed questionnaire. Selected participants served as chairpersons, co-chairpersons, rapporteurs or co-rapporteurs, and faculty members served as advisers. Each group's primary responsibility was to explore and develop their designated topics in the group workshop sessions. The participants and UNAFEI faculty studied the topics and exchanged their views based on information obtained through personal experience, the individual presentations, lectures and so forth. After the group workshop sessions, reports were drafted based on the discussions in their groups. These reports were subsequently presented in the plenary report-back session, where they were endorsed as the reports of the Course. Brief summaries of the group workshop reports are provided on pages 12 to 14.

Visits and Special Events

Visits to various agencies and institutions in Japan helped the participants obtain a more practical understanding of the Japanese criminal justice system. In addition to the Course's academic agenda, many activities were arranged to provide a greater understanding of Japanese society and culture, with the assistance of various organizations and individuals, including the Asia Crime Prevention Foundation (ACPF). For more detailed descriptions, please refer to pages 15 to 17.

Lecture Topics

Visiting Experts' Lectures

- 1) Dr. Sita SUMRIT
 - Global Situation of Violence against Children
 - International Standards and Norms Related to the Elimination of Violence against Children
 - Violence against Children in Southeast Asia: the case of child sex tourism in Thailand, Lao PDR and Cambodia
 - Women and Access to Justice in Southeast Asia: Challenges and Solutions for Sustainable Development
- 2) Ms. Tracy LIU
 - The Child Exploitation and Online Protection Centre (CEOP) tackling child sexual abuse

UNAFEI Professors' Lectures

- 1) Ms. WATANABE Ayuko, *Professor*, UNAFEI
 - Japanese Criminal Justice Procedure
 - Legislation on Violence against Children in Japan
 - Measures to Protect Abused Children
- 2) Mr. YUKAWA Tsuyoshi, *Professor*, UNAFEI
 - Criminal Justice System in Japan: Investigation, Prosecution and Trial
- 3) Mr. TSUJI Takanori, *Police Superintendent, Adjunct Professor*, UNAFEI
 - Crime Situation in Japan and Activities of Japanese Police
- 4) Mr. HIRANO Nozomu, *Professor*, UNAFEI
 - Juvenile Justice in Japan

Ad Hoc Lectures

- 1) Mr. WATANABE Kazuhiro
Associate Professor, Senshu University
 - Regulatory Approach to Violence Against Children from the Perspective of Criminal Law
- 2) Mr. KAMIMURA Ikuo
Child Welfare Specialist, Ministry of Health, Labour and Welfare
 - Trends and Issues of Child Abuse Prevention Measures
- 3) Mr. HAMADA Takehisa
Lawyer
 - Practice and Issues of Criminal Justice Intervention in Cases of Violence against Children – from a Lawyer’s Point of View
- 4) Ms. MITSUYOSHI Keiko
Judge, Tokyo Family Court
 - Child Abuse and the Family Court

Ms. TAKAGI Misao
Senior Family Court Investigating Officer, Tokyo Family Court

 - Investigation of Cases Related to Article 28 of the Child Welfare Act and Cases Regarding Loss of Parental Authority
- 5) Dr. NAKA Makiko
Professor, Hokkaido University
 - Forensic Interviewing Training
- 6) Mr. TANAKA Toshio
Police Superintendent, National Police Agency
 - Measures Against Child Abuse Taken by the Police
- 7) Mr. KOBAYASHI Toshio
Police Superintendent, Osaka Prefectural Police
 - Measures Against Child Abuse ~ Challenges of Osaka Prefectural Police ~

Individual Presentation Topics

Overseas Participants

- 1) Ms. LIZA Mahfuza (Bangladesh)
 - Children as Victims and Witnesses: Bangladesh perspective
- 2) Mr. DORJI Urung (Bhutan)
 - Children as Victims and Witnesses in Bhutan
- 3) Mr. SUIAMA Sergio Gardenghi (Brazil)
 - Children as Victims and Witnesses in the Brazilian Criminal Justice System
- 4) Ms. N'GORAN Marie Estelle Bomo (Cote d'Ivoire)
 - Status of Child Victims and Witnesses in Ivorian Criminal Justice
- 5) Mr. MORSY Abdelalim Farouk (Egypt)
 - Children as Victims and Witnesses under the Egyptian Legal System: Prospects and Challenges
- 6) Mr. DANSOKO Dondon (Guinea)
 - Violence Against Children in Guinea
- 7) Mr. ALMAJALI Ref'at Nayel (Jordan)
 - Children as Victims and Witnesses in Jordan
- 8) Ms. GICHANA Zipporah Wawira (Kenya)
 - Protection of Children Victims of Violence by the Children Court in Kenya
- 9) Ms. MWANGI Maryanne Njeri (Kenya)
 - Best Interest of the Child in the Justice System
- 10) Mr. CHANTHAPANYA Vanhnakone (Lao PDR)
 - Protection of Children as Victims and Witnesses in the Lao PDR
- 11) Ms. YUSOF Zamrosni (Malaysia)
 - Criminal Justice System in Malaysia
- 12) Ms. YUSOP Yusnany (Malaysia)
 - Child Abuse in Malaysia: Legal Measures for the Prevention of Crime and Protection of the Victim

- 13) Ms. THOIFA Mariyam (Maldives)
 - Criminal Justice Focus on Investigation, Prosecution, Adjudication and International Cooperation
- 14) Mr. FOFANA Bandiougou (Mali)
 - Child Protection: Children as Victims and Witnesses in Mali
- 15) Ms. NYAMSUREN Munkhtuya (Mongolia)
 - Some Provisions of the Criminal Procedure Code in Relation to Under Aged Victims: A Need to Develop Some Regulations
- 16) Mr. Soe Myint Lay (Myanmar)
 - Children as Victims and Witnesses in Myanmar
- 17) Mr. SHARMA Yadunath (Nepal)
 - Children as Victims and Witnesses in Nepal
- 18) Mr. MAJEED Rashid (Pakistan)
 - Children as Victims and Witnesses in Pakistan
- 19) Mr. KUMARARATNAM Prabakaran (Sri Lanka)
 - Children as Victims and Witnesses in Sri Lanka
- 20) Ms. SANGVIROON Soracha (Thailand)
 - *Fleur and Jus*
- 21) Mr. VIPOLCHAI Nisit (Thailand)
 - The Current Situation of Challenges Concerning the Real Problems of Protecting Child Victims and Witnesses in Thailand
- 22) Mr. KHUSANOV Anvar (Uzbekistan)
 - Children as Victims and Witnesses: Key Principals and the Situation in Uzbekistan
- 23) Mr. NGUYEN Hoanh Dat (Viet Nam)
 - New Provisions Applying to Juveniles as Victims or Witnesses According to the 2015 Criminal Procedure Code of Viet Nam

Japanese Participants

- 24) Ms. NODA Ayaka
 - Measures Against Child Abuse Taken by Japanese Police
- 25) Ms. SAKURAI Tomoko
 - Efforts to Start Multi-Disciplinary Teams in OSAKA
- 26) Mr. TAKAI Kentaro
 - Issues in Trial Procedures Involving Children
- 27) Mr. HOSONO Takahiro
 - Japanese Trial Procedures to Prevent Re-victimization When Children are Victims or Witnesses
- 28) Ms. KOBAYASHI Reiko
 - Criminal Justice Procedure to Prevent Re-victimization When Children are Victims or Witnesses
- 29) Mr. AKISHINO Kuniharu
 - Child Sensitive Criminal Justice Procedures for Witnesses
- 30) Mr. NAKAMIZO Tsukushi
 - The Japan Coast Guard and Violence Against Children at Sea

Group Workshop Sessions

Group 1

**SPECIAL MEASURES IN DEALING WITH CHILD VICTIMS AND WITNESSES
IN THE CRIMINAL JUSTICE PROCESS**

Chairperson	Mr. SUIAMA Sergio Gardenghi	(Brazil)
Co-Chairperson	Ms. YUSOF Zamrosni	(Malaysia)
Rapporteur	Ms. THOIFA Mariyam	(Maldives)
Co-Rapporteur	Mr. MAJEED Rashid	(Pakistan)
Members	Mr. ALMAJALI Ref ² at Nayel	(Jordan)
	Mr. FOFANA Bandiougou	(Mali)
	Mr. VIPOLCHAI Nisit	(Thailand)
	Mr. AKISHINO Kuniharu	(Japan)
	Ms. NODA Ayaka	(Japan)
	Ms. KOBAYASHI Reiko	(Japan)
Advisers	Prof. WATANABE Ayuko	(UNAFEI)
	Prof. HIRANO Nozomu	(UNAFEI)

Report Summary

Group 1 reviewed the status of special measures for the protection of child victims and witnesses in each of the participating countries and proposed detailed recommendations for such special measures that should be considered for adoption. The recommendations are intended to ensure that the criminal justice system is sensitized to child victims and witnesses.

The group identified weaknesses in investigation and adjudication of cases involving violence against children (VAC) that are common among many countries. VAC is under-reported and under-detected. Many countries lack training and special procedures for investigating VAC cases, as well as special provisions to protect child victims and witnesses. Likewise, the adjudicatory process lacks training and special provisions that elicit credible testimony from children, such as child-friendly hearing rooms, video-link testimony, etc.

To improve detection and reporting, the group recommended a number of measures. Increasing public awareness is important for effective reporting, and countries are encouraged to identify target groups, focus on issues of VAC that are relevant to the country and use social media and other marketing strategies to reach the public. Also, countries should identify the risk factors and indicators of VAC using an evidence-based approach. Reporting should be confidential and easily accessible by establishing a 24/7 toll-free helpline, and mandatory reporting of VAC should be legally required.

During investigation and trial, special measures should be implemented to protect child victims and witnesses from re-victimization and to ensure the credibility of their statements. Skilled and trained investigators are needed to conduct child-sensitive forensic interviews. At trial, children should be permitted to testify from special rooms by video link so that the child cannot see the accused, and questions directed to the child should be asked by a qualified expert.

Throughout the criminal justice process, special protective measures should be used to safeguard the best interest of the child. To do so, the group also pointed out that the rights of the suspect/defendant must not be taken for granted. Only when necessary and as a last resort, the child should be placed in temporary protective custody with a relative, foster family, shelter for victims of abuse, etc. All relevant criminal justice and social welfare agencies should be involved in this process, and guidelines should be developed to monitor the status of the child. Additionally, the child's identity should be protected by the issuance of a non-disclosure order by the court, and court proceedings related to children should be conducted as closed hearings.

Group 2**IDEAL MEASURES TO PROTECT CHILDREN AS WITNESSES
IN THE INVESTIGATION AND TRIAL PHASES**

Chairperson	Mr. MORSY Abdelalim Farouk	(Egypt)
Co-Chairperson	Mr. HOSONO Takahiro	(Japan)
Rapporteur	Ms. MWANGI Maryanne Njeri	(Kenya)
Co-Rapporteur	Ms. NYAMSUREN Munkhtuya	(Mongolia)
Members	Mr. DORJI Urung	(Bhutan)
	Mr. DANSOKO Dondon	(Guinea)
	Ms. YUSOP Yusnany	(Malaysia)
	Mr. SHARMA Yadunath	(Nepal)
	Mr. KHUSANOV Anvar	(Uzbekistan)
	Ms. SAKURAI Tomoko	(Japan)
	Adviser	Prof. YAMADA Masahiro
Assistant	Ms. OGAKI Mutsumi	(UNAFEI)

Report Summary

Group 2 considered measures to protect child witnesses during the investigation and trial phases. The group agreed to focus on child witnesses because such laws, measures and practices are particularly lacking in many jurisdictions, whereas legislation on violence against children is more prevalent. Throughout the workshop, the group drew on a number of international resources, particularly the Convention on the Rights of the Child and the United Nation's Model Law on Justice in Matters involving Child Victims and Witnesses of Crime and Related Commentary, as well as the best practices of the participating countries.

The purpose of the investigation phase is to obtain the best evidence possible to secure a conviction and to secure justice for the child. This can only be accomplished if child witnesses receive the necessary support. For child witnesses, the prevention of re-victimization, e.g., reliving a traumatic experience that was endured or observed by the child in multiple interviews, takes high priority. The group found that victim support agencies and specially trained support persons are necessary to provide care, comfort and counselling to child witnesses throughout the criminal justice process. Likewise, specially trained investigators are needed to conduct child-sensitive forensic interviews to elicit a complete and credible account of the offence and to protect the child's psychological well-being. Other measures to be employed during the investigation stage include the use of child-friendly interview rooms, the use of technical communication aids, e.g., dolls, to help the child explain what happened, and the limitation of the number and duration of interviews, based on the age and mental state of the child.

Child witnesses also require support during the trial phase. It is important to protect a child's privacy by prohibiting the disclosure of his or her identity through the criminal justice process. Further, the child's physical safety and mental state should be protected by avoiding direct contact with the offender, which can be achieved through measures such as witness shielding and the admission of video-recorded testimony into evidence. Additionally, child-friendly waiting areas are important to ease the child's state of mind so that he or she can testify comfortably.

The group offered the following recommendations for the protection of child witnesses: (1) enacting special laws that provide for measures such as limiting the number of interviews, requiring that questioning of children be conducted according to the child's age and mental capacity, requiring in camera sessions, removal of the accused from the courtroom during the child's testimony, etc., (2) establishing special agencies to support child witnesses during and after the judicial process, (3) initiating training for personnel dealing with child witnesses, (4) providing experts to assist in interviewing child witnesses and (5) providing separate child-friendly investigation and waiting rooms.

Group 3**IMPROVING SKILLS AND PRACTICES IN INTERVIEWING CHILD VICTIMS AND WITNESSES DURING INQUIRY AND TESTIMONY**

Chairperson	Ms. GICHANA Zipporah Wawira	(Kenya)
Co-Chairperson	Mr. KUMARARATNAM Prabaharan	(Sri Lanka)
Rapporteur	Mr. TAKAI Kentaro	(Japan)
Co-Rapporteur	Ms. SANGVIROON Soracha	(Thailand)
Co-Rapporteur	Mr. NGUYEN Hoanh Dat	(Viet Nam)
Members	Ms. LIZA Mahfuza	(Bangladesh)
	Ms. N'GORAN Marie Estelle Bomo	(Cote d'Ivoire)
	Mr. CHANTHAPANYA Vanhnakone	(Lao PDR)
	Mr. SOE Myint Lay	(Myanmar)
Adviser	Mr. NAKAMIZO Tsukushi	(Japan)
	Prof. YUKAWA Tsuyoshi	(UNAFEI)

Report Summary

Group 3 focused on improving skills and practices for interviewing child victims and witnesses. The group noted that for many years, child victims and witnesses were treated in the same manner as adults. As many adults find the criminal justice processes to be intimidating and difficult to comprehend, this is particularly true for children. In response, many countries have adopted special procedures to ease the burdens on children who take part in the criminal justice system, but further measures are needed to address their unique needs as witnesses.

The group reviewed the current status of interviewing child victims and witnesses, finding that current practices often jeopardize the collection of credible evidence. Children are routinely interviewed multiple times, which causes re-victimization of the child and can result in inconsistent statements due to the fact that children face the obstacles of language, mental development and maturity. Moreover, children are particularly susceptible to the power of suggestion. Often due to a lack of training, many investigators lack sufficient interviewing skills, and many cases are dismissed when the investigator fails to elicit credible evidence from the child. Additionally, many countries lack child-friendly interviewing rooms, which are necessary to provide an environment in which the child feels comfortable explaining how he or she was victimized. In situations where the child is forced to confront the perpetrator before the interview or giving testimony, the child is likely to be overcome by fear, and the child may refuse to give the statement. Meanwhile, delays in the criminal justice procedure can cause memories to fade, making it impossible to collect credible evidence. Lacking in many jurisdictions, support services for child victims and witnesses are crucial to adequate fact-finding because these services provide children with the sense of security they need to tell their stories and the counselling they need to heal.

To overcome these challenges, the group identified 12 recommendations to improve interviewing of child victims and witnesses: (1) the drafting of standard operating procedure manuals, (2) reducing the time gap between the first interview and the giving of testimony, (3) establishing multi-disciplinary investigation teams, (4) use of separate interview rooms for children, (5) providing interviewers with relevant training, (6) introduction of child-friendly practices, (7) asking questions designed to measure the child's memory, (8) asking open-ended questions during interviews, (9) audio or video recording of interviews, (10) use of video-link technology during trial testimony, (11) enhancing legal aid for children, and (12) conducting regular debriefing for officers to reduce burnout. Finally, because children are less likely than adults to report abuse by filing a formal complaint, law enforcement agencies require legislative support to investigate abuse based on suspicion.

Observation Visits

<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
25 May	Ministry of Justice	• Mr. IWAKI Mitsuhide (Minister of Justice)
27 May	Yokohama District Court	• Mr. TAKAHASHI Hironori (Senior Officer)
	Yokohama District Family Court	• Mr. KAWAHARA Toshiya (Judge)
2 Jun.	Tokyo Metropolitan Comprehensive Child and Family Services Centre	• Mr. KURIHARA Hiroshi (Section Head)
10 Jun.	<i>SHISEI GAKUEN</i> Children's Home	• Mr. TAKAHASHI Hisao (Executive Director)

Group Study Tours

<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
10 Jun.	Hiroshima	Hiroshima Juvenile Classification Home	• Mr. OKINAKA Yuzo (Director)
11 Jun.	Osaka	Osaka High Public Prosecutors Office	• Mr. ITAMI Toshihiko (Superintendent Public Prosecutor)
		Osaka District Public Prosecutors Office	• Mr. UENO Yuji (Superintendent Public Prosecutor)
12 Jun.	Osaka	Osaka Prison	• Mr. WATANABE Shotaro (Warden)

Special Events

18 May *Welcome Party*

20, 23, 24 May *Japanese Conversation Classes*

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

21 May *Grand Sumo Tournament Visit and ACPF Kisei Branch Party*

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

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

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

27 May *Yokohama Dinner Cruise*

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

28 May *Horse Racing*

The participants enjoyed watching horse racing at Tokyo Racecourse, kindly hosted by Mr. MORI Yasuhiro, ACPF member.

3 Jun. *UNAFEI International Table Tennis Tournament*

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

7 Jun. *The Way of Tea (Tea Ceremony)*

The participants participated in a “*cha-no-yu*” or “*sado*”, a formal Japanese tea ceremony, kindly hosted by Soroptimist International Tokyo, Fuchu.

22 Jun. *Farewell Party*

A party was held to bid farewell to the participants.

Reference Materials

**UNAFEI'S 163RD INTERNATIONAL TRAINING COURSE
LIST OF REFERENCE MATERIALS****I. United Nations Conventions and Related Documents**

1. United Nations Convention on the Rights of the Child (UNCRC)
 - 1-2 Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
 - 1-3 Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
2. Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime
3. Justice in Matters Involving Child Victims and Witnesses of Crime Model law and Related Commentary
4. United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice

II. Japanese Law

1. Penal Code
2. Code of Criminal Procedure
3. Rules of Criminal Procedure (Excerpt)
4. Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children
5. Act on the Prevention, etc. of Child Abuse
6. Child Welfare Act
7. Civil Code (Excerpt)

Expert and Participant List

Visiting Experts

Dr. Sita SUMRIT	Chief of Women and Children Empowerment Programme Thailand Institute of Justice (TIJ) Thailand
Ms. Tracy LIU	Child Protection Advisor NCA CEOP Command / Child Protection Team United Kingdom

Overseas Participants

Ms. LIZA Mahfuza	Assistant Superintendent of Police Police Headquarters Bangladesh Police Bangladesh
Mr. DORJI Urung	Officer Commanding Royal Bhutan Police Bhutan
Mr. SUIAMA Sergio Gardenghi	Federal Prosecutor Rio de Janeiro Prosecution Service Office Federal Prosecution Service of Brazil Brazil
Ms. N'GORAN Marie Estelle Bomo	Deputy State Prosecutor at the Court of Adzope Office of the Prosecutor at the Court of Abidjan Ministry of Justice Cote d'Ivoire
Mr. MORSY Abdelalim Farouk	Senior Public Prosecutor Supreme State Security Prosecution Public Prosecution Egypt

Mr. DANSOKO Dondon	Deputy Central Police Superintendent Central Police Station of the Commune of Dixinn Ministry of Security and Civil Protection Guinea
Mr. ALMAJALI Ref'at Nayel	Head of Planning and International Cooperation Division Public Security Secretariat Public Security Directorate Jordan
Ms. GICHANA Zipporah Wawira	Resident Magistrate Children's Court - Family Division Kenya
Ms. MWANGI Maryanne Njeri	Principal Prosecution Counsel County Affairs and Regulatory Prosecution Office of the Director of Public Prosecution Kenya
Mr. CHANTHAPANYA Vanhnakone	Director of Legal Opinion Division Legal Affairs Department Ministry of Justice Lao PDR
Ms. YUSOF Zamrosni	Senior Investigation Officer Crime Investigation Department Royal Malaysia Police Malaysia
Ms. YUSOP Yusnany	Investigation Officer Crime Investigation Department Royal Malaysia Police Malaysia
Ms. THOIFA Mariyam	Unit Head Prosecution Department, Family and Child Unit Prosecutor General's Office Maldives

Mr. FOFANA Bandiougou	Republic Attorney Tribunal of Mopti Ministry of Justice Mali
Ms. NYAMSUREN Munkhtuya	Specialist Legal Reform Department Ministry of Justice Mongolia
Mr. Soe Myint Lay	Assistant Director Law Department Bureau of Special Investigation Myanmar
Mr. SHARMA Yadunath	District Attorney District Government Attorney, Palpa Office of the Attorney General Nepal
Mr. MAJEED Rashid	District and Sessions Judge, Bagh High Court (Government of AJK) Pakistan
Mr. KUMARARATNAM Prabakaran	Deputy Solicitor General Criminal Attorney General's Department Sri Lanka
Ms. SANGVIROON Soracha	Judge Nakhonratchasima Provincial Court Court of Justice Thailand
Mr. VIPOLCHAI Nisit	Public Prosecutor The Office of Provincial Wiengsra The Office of the Attorney General Thailand

Mr. KHUSANOV Anvar	Chairman Judge Yashnabad District Court on Criminal Matters Uzbekistan
Mr. NGUYEN Hoanh Dat	Vice Head of Division of Mutual Legal Assistance Department for International Cooperation and Mutual Legal Assistance Supreme People's Procuracy of Viet Nam Viet Nam

Japanese Participants

Mr. AKISHINO Kuniharu	Specialist for New Psychoactive Substances Narcotic Control Department Kanto-Shinetsu Regional Bureau of Health and Welfare
Mr. HOSONO Takahiro	Judge Osaka High Court
Ms. KOBAYASHI Reiko	Judge Tokyo District Court
Mr. NAKAMIZO Tsukushi	Coast Guard Officer 11th Regional Coast Guard Headquarters
Ms. NODA Ayaka	Chief Inspector National Police Agency
Ms. SAKURAI Tomoko	Public Prosecutor Osaka District Public Prosecutors Office
Mr. TAKAI Kentaro	Public Prosecutor Yamagata District Public Prosecutors Office

INFORMATION ABOUT FORTHCOMING PROGRAMMES

1. The Joint Study on the Legal Systems of Japan and Viet Nam 2016 RTI - SPP Exchange Programme (Japan Session)

In July 2016, UNAFEI will host The Joint Study on the Legal Systems of Japan and Viet Nam 2016 RTI - SPP Exchange Programme in Tokyo, Japan. The Programme will explore the recent amendments to the Vietnamese Code of Criminal Procedure.

2. The Tenth Good Governance Seminar for Southeast Asian Countries

From 26 to 28 July 2016, UNAFEI will host the Tenth Good Governance Seminar in Yogyakarta, Indonesia. The main theme of the Seminar is “Contemporary Measures for Effective International Cooperation”. Government officials from across Southeast Asia and Japan as well as visiting experts and lecturers will attend the seminar to present on the status of corruption in their countries, and they will share best practices and strategies to counter corruption through international cooperation.

3. The 164th International Training Course

From 17 August to 23 September 2016, UNAFEI will host the 164th International Training Course in Tokyo, Japan. The main theme of the Course is “Effective Measures for Treatment, Rehabilitation and Social Reintegration of Juvenile Offenders”. Government officials from across Southeast Asia and other parts of the world, including Japan, and visiting experts and lecturers will attend.

4. The 19th UNAFEI UNCAC Training Programme

From 12 October to 17 November 2016, UNAFEI will host the 19th UNAFEI UNCAC Training Programme in Tokyo, Japan. The theme of the Programme is “Effective Anti-Corruption Enforcement (investigation and prosecution) in the area of procurement”. Visiting experts, lecturers and government officials from Japan and around the world will attend.

ADMINISTRATIVE NEWS

Faculty Changes

Mr. YAMASHITA Terutoshi, formerly the Director of UNAFEI, was transferred to the Supreme Public Prosecutors Office on 11 April 2016.

Mr. SENTA Keisuke, formerly the Chief Prosecutor of the Saga District Public Prosecutors Office, was appointed as Director of UNAFEI on 11 April 2016. He was Deputy Director of UNAFEI from 2005 to 2007.

Mr. MORIYA Kazuhiko, formerly a professor of UNAFEI, was transferred to the Kurume Branch of the Fukuoka District Public Prosecutors Office on 1 April 2016.

Mr. YAMADA Masahiro, formerly manager at the Itami branch of the Kobe District Public Prosecutors Office, was appointed as a professor of UNAFEI on 1 April 2016.

Mr. HIROSE Yusuke, formerly a professor of UNAFEI, was transferred to the Tachikawa Branch of the Tokyo District Court on 1 April 2016.

Mr. HIRANO Nozomu, formerly a judge in the Nagoya District Court, was appointed as a professor of UNAFEI on 1 April 2016.

Mr. NAGAI Toru, formerly a professor of UNAFEI, was transferred to Chiba Prison on 1 April 2016.

Ms. YAMAMOTO Mana, formerly a psychologist in the classification division at the Fuchu Prison, was appointed as a professor of UNAFEI on 1 April 2016. She is an alumna of the 151st International Training Course.

Overseas Trips by Staff

Deputy Director MORINAGA Taro and Professor YOSHIMURA Koji visited Bangkok, Thailand and Yangon, Myanmar to research the criminal justice systems in Myanmar and to discuss the “Myanmar Country Programme” with related organizations.

Professor YUKAWA Tsuyoshi visited Hanoi, Viet Nam and Yogyakarta and Jakarta, Indonesia to discuss the “Tenth Regional Seminar on Good Governance for Southeast Asian Countries” with related organizations.

Professor YOSHIMURA Koji visited Seoul, Korea from 13 to 19 March 2016 to attend the 5th Asian Conference of Correctional Facilities Architects and Planners (ACCFA).

Professor YUKAWA Tsuyoshi visited Bangkok, Thailand from 11 to 13 May 2016 to attend the Expert Meeting on the Nexus between Organized Crime and Terrorism as a threat to Security and Development hosted by the United Nations Interregional Crime and Justice Research Institute (UNICRI) and the Thailand Institute of Justice (TIJ).

Director SENTA Keisuke and Deputy Director MORINAGA Taro visited Vienna, Austria from 23 to 27 May 2016 to attend the 25th Session of the Commission on Crime Prevention and Criminal Justice.

FACULTY AND STAFF OF UNAFEI

Faculty:

Mr. SENTA Keisuke	Director
Mr. MORINAGA Taro	Deputy Director
Ms. WATANABE Ayuko	Professor 163rd Course Programming Officer
Mr. YAMADA Masahiro	Professor 163rd Course Deputy Programming Officer
Mr. YUKAWA Tsuyoshi	Professor Chief of Training Division
Mr. HIRANO Nozumu	Professor
Mr. YOSHIMURA Koji	Professor
Mr. WATANABE Hiroyuki	Professor Chief of Information and Public Relations
Ms. YAMAMOTO Mana	Professor Chief of Research Division
Mr. MINOURA Satoshi	Professor
Ms. AKASHI Fumiko	Professor
Mr. Thomas L. SCHMID	Linguistic Adviser

Secretariat:

Mr. JIMBO Katsuhiko	Chief of Secretariat
Mr. SHOJIMA Naoki	Chief of General and Financial Affairs Section
Mr. ITO Jin	Chief of Training and Hostel Management Affairs Section

General and Financial Affairs Section:

Mr. MIYAGAWA Wataru	Senior Officer
Mr. OZAWA Yoichi	Officer
Ms. ODA Michie	Officer
Mr. FURUHASHI Yasuhiko	Officer

Training and Hostel Management Affairs Section:

Mr. UEKI Katsuhiko	Senior Officer
Ms. SATO Marie	Senior Officer
Ms. HANDO Mayumi	Senior Officer
Mr. OHNO Kuniaki	Officer

Ms. EMA Ayako Officer
163rd Course Assistant Programming Officer

International Research Affairs Section:

Mr. HANEDA Jun Officer
Ms. IWAKATA Naoko Librarian

Secretarial Staff:

Ms. YAMADA Hisayo Officer

Kitchen:

Ms. ODAGIRI Maki Chef

JICA Coordinators for the 163rd International Training Course:

Ms. KITA Chizuko JICA
Ms. YAMAMOTO Miki JICA

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