

**The 171st International Senior Seminar**  
**“Criminal Justice Response to Crime Motivated by Intolerance and Discrimination”**

**1. Duration and Participants**

- From 8 January to 7 February 2019
- 13 overseas participants from 9 countries / jurisdictions
- 6 domestic participants

**2. Programme Overview**

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

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

However, crimes motivated by intolerance and discrimination of all kind (hereinafter referred to as “intolerance crimes”) are global phenomena, and cases of intolerance crimes have been reported by many states. Typically, intolerance crimes are violent crimes involving assault, intimidation, property destruction or vandalism motivated by race, ethnicity, religious or sexual-orientation bias. Further, in some cases, intolerant or discriminatory bias has led to more

serious offenses, such as violence against women (based on gender bias), murder or even terrorism. Intolerance crimes often cause greater negative impacts on the individual victims as well as on the society at large, as compared to ordinary crimes. First, the individual victim tends to endure more serious mental damage from intolerance crimes, since in such crimes, the criminal offends the victim merely on the basis of that person's specific characteristics, which quite frequently is of an inherent nature or represents the person's fundamental values, such as race, gender and religion. Second, intolerance crimes, once committed, may cause fear and anxiety in the victimized community. These negative effects would be even more serious where a group with such characteristics has historically been victimized by discrimination. Furthermore, by creating or emphasizing existing social tensions, intolerance crimes have the potential to cause social division and civil unrest, or may result in negative spirals of violence and retaliation, thus raising security and public order issues.

Given these negative impacts, it is important for the international community to make efforts to prevent and suppress intolerance crimes. In this regard, this program offers participants an opportunity to deepen their understanding and share experiences and knowledge about situations of, and criminal justice responses to intolerance crimes of each participating country. The information shared may include legislation, policies and practices that respond to intolerance crimes, enabling the participants to explore effective practical countermeasures by criminal justice authorities particularly in regard to their investigation, prosecution and adjudication that would fit within the legal system and the cultural and social background of each country.

### **3. Lectures**

The following visiting experts from overseas and ad hoc lecturers from Japan, as well as professors of UNAFEI, gave lectures:

#### ○ Visiting Experts

- Ms. Cristina M. Finch  
Head, Tolerance and Non-Discrimination Department, Office for Democratic Institutions and Human Rights, Organization for Security and Co-operation in Europe
- Dr. Mark Walters  
Professor of Criminal Law and Criminology, School of Law, Politics and Sociology, University of Sussex
- Ms. Santanee Ditsayabut  
Provincial Public Prosecutor, Assistant Secretary to the Deputy Attorney General, Office of Attorney General

- Dr. Dimosthenis Chrisikos  
Crime Prevention and Criminal Justice Officer, the Division for Treaty Affairs,  
United Nations Office on Drugs and Crime
  
- Ad hoc lecturers
  - Mr. Shota Maeda  
Officer, Prison Service Division, Correction Bureau, Ministry of Justice
  - Mr. Kenichi Kikegawa  
Deputy Director, Trial Department, Yokohama Public Prosecutors Office
  - Mr. Yukio Nakajima  
Counsellor, Human Rights Bureau, Ministry of Justice
  - Mr. Takeshi Fujishima  
Deputy Director, Public Security Division, National Police Agency