

IN THIS ISSUE

	<i>Page</i>
LETTER FROM THE DIRECTOR.....	1
THE 122ND INTERNATIONAL TRAINING COURSE.....	3
THE EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE TO TACKLE TRAFFICKING IN HUMAN BEINGS AND SMUGGLING OF MIGRANTS	
Course Rationale.....	3
Course Summary.....	5
Lecture Topics	6
Individual Presentation Topics	9
Group Workshop Sessions.....	11
Group 1	
Group 2	
Group 3	
Observation Visits.....	14
Group Study Tours.....	15
Special Events	16
Reference Materials Distributed.....	18
Visiting Experts	21
Participants.....	22
INFORMATION ABOUT PROGRAMMES & ACTIVITIES.....	25
Special Training Programmes	25
Juvenile Treatment Systems for Kenyan Criminal Justice Officials	25
Corruption Control in Criminal Justice	25
Recent Activities.....	25
CICP-UNAFEI Pre-Ratification Seminar for the UN TOC Convention	25
UNAFEI's Fortieth Anniversary Ceremony.....	25
Forthcoming Training Programmes	26
The 123rd International Senior Seminar.....	26
The 124th International Training Course.....	29
Indonesia-UNAFEI Joint Seminar	29
Administrative News	30
Overseas Trips by Staff.....	30
FACULTY & STAFF OF UNAFEI	31

LETTER FROM THE DIRECTOR

It is my privilege to inform readers of the successful completion of the 122nd International Training Course on “The Effective Administration of Criminal Justice to Tackle Trafficking in Human Beings and Smuggling of Migrants”, from 2 September to 24 October 2002. In this Course we welcomed 10 Japanese and 13 overseas participants: 10 from Asia, 2 from Africa and 1 from South America. They included members of the police, public prosecutors, judges, probation officers and other high-ranking public officials. As this newsletter demonstrates, this Course was extremely productive. It consisted of Individual Presentations, Group Workshop Sessions, visits to relevant criminal justice agencies, and presentations by visiting experts and *ad hoc* lecturers.

With regard to the course theme, it is generally accepted that human trafficking and smuggling of migrants has become a modern scourge of a rapidly globalizing world. Trafficking and smuggling abuses the basic human rights of trafficked/smuggled persons, upsets the balance of immigration policies around the globe and provides vast profits for transnational organized criminal groups that view such activities as central to their nefarious operations. It is apparent that the causes of the increasing scale of human trafficking and smuggling are numerous mainly due to the great disparities in the economic situations between developing and developed countries and the unstable political situations in various states.

In line with the international community’s concern about the worsening situation, the United Nations has been taking a number of steps. In 1999 the United Nations Centre for International Crime Prevention, in collaboration with the United Nations Interregional Crime and Justice Research Institute developed the Global Programme against Trafficking in Human Beings. The General Assembly of the United Nations, in November 2000, adopted the United Nations Convention against Transnational Organized Crime that is accompanied by 3 protocols. Two of these protocols were specifically directed at human trafficking and smuggling; “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and “Protocol Against the Smuggling of Migrants by Land, Sea and Air.” This Convention and its protocols serve as a blueprint for the international community to tackle transnational organized crime and in particular those crimes of human trafficking and the smuggling of migrants.

UNAFEI has run a number of courses under the general theme of transnational organized crime. The 122nd Course represents UNAFEI’s ongoing commitment to play a role in tackling this global epidemic especially in relation to human trafficking and the smuggling of migrants. The course specifically focused on; the *modus operandi* of human traffickers and smugglers, forms of exploitation, organizations involved in trafficking, investigative and prosecutorial problems, legislative issues, means of smuggling migrants and ways of improving and developing international cooperation.

During the eight-week period, the participants diligently and comprehensively examined measures to prevent and combat trafficking in human beings and smuggling of migrants. This was accomplished primarily through considering the current situation of trafficking and smuggling and analysing its causes, as well as examining the legal frameworks for tackling trafficking and smuggling and formulating best practices. Our in-depth discussions enabled us to put forth effective and practical solutions to the emerging and existing problems of human trafficking and smuggling of migrants in the global society.

I would like to offer my sincere congratulations to all the participants for their successful completion of the Course, made possible by their strenuous efforts. My heartfelt gratitude goes 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 the various agencies and institutions which helped diversify the programme.

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

I am proud to say that during this Course we celebrated the fortieth anniversary of UNAFEI. It is a testament to UNAFEI's success that at the anniversary a large number of UNAFEI alumni attended who are now playing leading roles in their respective nation's criminal justice systems. Upon returning to their home countries, I genuinely believe that, like their predecessors, the strong determination and dedication of the participants to the 122nd International Training Course will enable them to contribute significantly to the improvement of their own criminal justice systems, and to the international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 122nd International Training Course. I hope that the experience they gained during the Course proves valuable in their daily work, and that the human bonds fostered among the participants, visiting experts, lecturers and UNAFEI staff will continue to grow for years to come.

October 2002

Kunihiko Sakai
Director, UNAFEI

THE 122ND INTERNATIONAL TRAINING COURSE
“THE EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE TO TACKLE
TRAFFICKING IN HUMAN BEINGS AND SMUGGLING OF MIGRANTS”

Course Rationale

The situation of trafficking in human beings and smuggling of migrants has become more and more serious these days.

Many factors have been pointed out as the causes of this situation, such as the root causes of poverty, economic disparity in developing countries, the unstable situation of a country caused by conflicts, civil wars, terrorism, political persecution and natural calamities like drought. The globalization in transportation, communication and commerce should be noted as one of the major factors contributing to widespread trafficking and smuggling throughout the world. Moreover, transnational organized crime groups have been heavily involved in trafficking and smuggling, and they have been making huge profits from these activities.

Trafficking and smuggling not only disrupt the established immigration policies of the destination countries, but also pose a threat to the fundamental rights of the persons concerned. The exploitative nature of the trafficking in human beings often amounts to a modern form of enforced servitude, with forced prostitution ranking highest among the means of exploitation.

In recognition of the gravity of the above-mentioned situation, the international community has been taking steps against it in recent years. In 1999, the Global Programme against Trafficking in Human Beings was designed by the Centre for International Crime Prevention (CICP) in collaboration with the United Nations Interregional Crime and Justice Research Institute (UNICRI).

In November 2000, the General Assembly of the United Nations adopted the United Nations Convention against Transnational Organized Crime (hereinafter referred to as “the TOC Convention”). The TOC Convention is accompanied by its three protocols, two of which were adopted on the same day with the TOC Convention, i.e., “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children” and “Protocol Against the Smuggling of Migrants by Land, Sea and Air.”

The TOC Convention was opened for signature by Member States in December 2000 in Palermo, Italy. More than 120 countries attended the Conference and signed the TOC Convention, which will be open for signature until 12 December 2002, in New York, USA.

As suggested in the above-mentioned international instruments and other international forums, trafficking and smuggling are complex and multifaceted problems. Respective countries and the international community should deal with these problems by alleviating the root causes, by raising awareness of dangers of trafficking and smuggling, by effective immigration control, and by effective criminal justice administration. International co-operation among countries of origin, transit and destination should be encouraged.

Effective tools in the criminal justice system to tackle trafficking and smuggling, especially conducted by transnational organized crime groups, are suggested in the TOC Convention, such as electronic surveillance, immunity, and witness protection programmes. Victims of trafficking and smuggling, who may be considered in violation of immigration laws, should be adequately protected and supported, as trafficking and smuggling have exploitative natures, and their assistance is crucial for successfully prosecuting the traffickers and smugglers.

UNAFEI, as a regional institute affiliated with the United Nations for the prevention of crime and the treatment of offenders, has been undertaking a series of international training courses and seminars under the general theme of “transnational organized crime.” This course is part of UNAFEI’s continuing commitment to this internationally important theme, especially focusing on the two protocols concerning trafficking and smuggling.

Giving due consideration to the above rationale, this training course purports to: (1) analyse the current situation and causes of trafficking in human beings and smuggling of migrants; (2) identify current problems in the detection, investigation, prosecution and punishment of the said offenders, and solutions for them; and (3) explore the effective ways to tackle trafficking and smuggling. Particular focus will be given to the effective implementation of the two protocols concerning trafficking and smuggling. Sharing practical information and experiences on how other countries tackle our common issues will facilitate our efforts in tackling trafficking and smuggling.

In the discussion of this course, focus will be placed on the following elements:

- (1) Overview of the current situation of trafficking and smuggling.
 - (a) *Modus Operandi* and routes of trafficking and smuggling
 - (b) Forms of exploitation of trafficked and smuggled people
- (2) Analysis of the causes of trafficking and smuggling
- (3) Components and legal frameworks for tackling trafficking and smuggling, and their best practices:
 - (a) Border control and travel documents
 - (b) Law enforcement
 - (c) Prosecution
 - (d) Court
 - (e) Legislative issues, e.g. criminalization of trafficking and smuggling
 - (f) International cooperation

Course Summary

Lectures

In total, 11 lectures were presented by visiting experts, 8 by *ad hoc* lecturers and 4 by the UNAFEI faculty. Seven distinguished criminal justice practitioners from abroad served as UNAFEI visiting experts. They lectured on issues relating to the main theme, and contributed significantly to the Course by encouraging discussions after their own lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, *ad hoc* lectures were delivered by distinguished senior officials of the Government of Japan. Lecturers and lecture topics are listed on pages 6 to 8.

Individual Presentations

During the first three weeks, each Japanese and overseas participant delivered a forty-five minute or one-hour Individual Presentation respectively, which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled into a book entitled "COUNTRY REPORTS FOR THE INTERNATIONAL TRAINING COURSE IN CRIME PREVENTION" and distributed to all the participants. The titles of these Individual Presentation papers are listed on pages 9 and 10.

Group Workshop Sessions

Group Workshop Sessions further examined the subtopics 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. 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 seriously 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 the conference hall. These reports were subsequently presented in the Report-Back Session, where they were endorsed as the reports of the Course. Very brief summaries of the Group Workshop reports are provided on pages 11 through 13.

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 14 through 17.

Lecture Topics

UNAFEI Professors' Lectures

- 1) Ms. Sue Takasu, *Professor, UNAFEI*
 - The Prosecution System in Japan
- 2) Mr. Toru Miura, *Professor, UNAFEI*
 - The Criminal Justice System in Japan: the Courts
- 3) Mr. Ryuji Kuwayama, *Professor, UNAFEI*
 - Correctional Administration in Japan
- 4) Ms. Mikiko Kakihara, *Professor, UNAFEI*
 - Community-Based Treatment of Offenders in Japan

Visiting Experts' Lectures

- 1) Ms. Natalia Ollus (Finland)
 - The United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children: a Tool for Criminal Justice Personnel
 - Protocol against the Smuggling of Migrants by Land, Air, Sea, Supplementing the United Nations Convention against Transnational Organized Crime: A Tool for Criminal Justice Personnel
 - International Cooperation against Transnational Organized Crime: the Practical Experience of the European Union
- 2) Dr. Deepa Mehta (India)
 - The Effective Administration of Criminal Justice to Tackle Trafficking in Human Beings and Smuggling of Migrants in India
- 3) Mr. Farooq Azam (Pakistan)
 - The Global Challenge of Human Trafficking and Smuggling

- 4) Mr. Severino H. Gaña, Jr. (Republic of the Philippines)
 - International Cooperation in Combating Trafficking in Human Beings and Smuggling of Migrants
- 5) Mr. Hamish McCulloch (United Kingdom, INTERPOL)
 - The Effective Administration of Criminal Justice to Tackle Trafficking in Human Beings and Smuggling of Migrants
 - Assessing the Involvement of Organized Crime in Human Smuggling and Trafficking
- 6) Mr. Diego Rosero (United Nations High Commissioner for Refugees)
 - Forced Migration and Refugee's Rights
- 7) Mr. Richard Hoffman (United States of America)
 - The Present Situation of the United States Relating to Trafficking in Human Beings and Smuggling of Migrants
 - Effective Countermeasures against the Trafficking of Human Beings and Smuggling of Migrants

Ad Hoc Lectures

- 1) Mr. Kenji Higashikawa
Chief Liaison Officer, International Affairs Department, National Police Agency, Japan
 - Overview of the Police in Japan
- 2) Mr. Toshihiko Itami
Director, General Affairs Division, Immigration Bureau, Ministry of Justice, Japan
 - Current Situation of Immigration Administration and the Problems Faced
- 3) Mr. Michio Kitamura
Director, Internal Security Department of Tokyo District Prosecutors Office, Japan
 - Current Situation of Crimes Committed by Illegal Immigrants in Japan
- 4) Mr. Yasuro Morita
Non-Fiction Writer, Japan
 - Smuggling of Human Beings with Particular Focus on the Snakehead organization and the Secret Flow of Money

- 5) Mr. Yozo Yokota
Professor of International Law, Chuo University, Special Adviser to the Rector, United Nations University, Tokyo, Japan
 - Human Smuggling and Illegal Immigrants as Seen from the Human Rights Point of View
- 6) Mr. Hisashi Horiuchi
Assistant Director, Second Organized Crime Control Division, National Police Agency, Japan
 - An Overview of the Boryokudan
- 7) Mr. Shoichiro Yamada
Senior Executive Director, Osaka International House Foundation, Japan
 - The Culture and Economy of Osaka and the Kansai Area
- 8) Ms. Yoko Hosoi
Professor, Toyo University, Japan
 - Policies, Practices and Crises of the Sexual Exploitation and Trafficking of Women and Girls: Victims Perspective

Individual Presentation Topics

Overseas Participants

- 1) Mr. Man Ju-you (China)
 - The Organization of China's Entry and Exit Administration and its Chief Functions
- 2) Mr. Ahmed Mohamed Youssef Ahmed Wahdan (Egypt)
 - Trafficking in Persons and Smuggling of Migrants: New Forms of Transnational Organized Crime
- 3) Mr. Lambok Marisi Jakobus Sidabutar (Indonesia)
 - Administration of Criminal Justice in Indonesia
- 4) Mr. Dzainal Syarief (Indonesia)
 - Country Report
- 5) Mr. Coulibaly Souleymane Kafana (Ivory Coast)
 - Country Report
- 6) Mr. Rajvong Xaysana (Laos)
 - Trafficking in Women and Children in Laos
- 7) Ms. Radziah Basir (Malaysia)
 - Illegal Entry of Immigrants/Foreign Nationals from a Corruption Prevention Perspective
- 8) Mr. Kiran Paudel (Nepal)
 - Trafficking in Human Beings and Smuggling of Migrants: Situation and Solutions in the Context of Nepal
- 9) Ms. Narcisa Holgado Guevarra (Philippines)
 - Trafficking in Woman and Children and Smuggling of Migrants: the Situation in 2002 – Part 2
- 10) Ms. Jeorgette Ceniza Paderanga (Philippines)
 - Trafficking in Woman and Children and Smuggling of Migrants: the Situation in 2002 – Part 1
- 11) Mr. Pongson Kongtreekaew (Thailand)
 - Country Report
- 12) Mr. Pattanachai Yodpayung (Thailand)
 - Trafficking in Human Beings and Smuggling of Migrants: the Provision of Laws in Thailand and Problems of Law Enforcement
- 13) Mr. Becerra Niño Juan Antonio (Venezuela)
 - Country Report

Japanese Participants

- 14) Mr. Tadashi Asano (Japan)
 - Case Study of Foreign Youths and Adults Detained in Juvenile Classification Homes and Prisons in Japan
- 15) Mr. Shinji Miyamoto (Japan)
 - Current Situation of Illegal Immigration and Countermeasures against them by the Japan Coast Guard
- 16) Mr. Kunio Morita (Japan)
 - Collective Stowaway Crimes and a Case of Prostitution Involving Trafficked Women
- 17) Mr. Kyosuke Nagao (Japan)
 - Countermeasures against the Smuggling of Migrants and the Trafficking in Persons and the Protection of Victims of Trafficking in Deportation Procedures
- 18) Mr. Takehiko Okada (Japan)
 - Law against Collective Stowaways and Recent Trend of Judicial Precedents in Japan
- 19) Mr. Satoshi Onodera (Japan)
 - The Involvement of International Criminal Organizations in People Smuggling in Japan and the Role of the Public Security Investigation Agency in Countermeasures against People Smuggling
- 20) Mr. Takeru Sato (Japan)
 - Sentencing Trends in Trafficking and Smuggling Offences in Japan
- 21) Mr. Takeo Shiohara (Japan)
 - The Immigration Control Administration of Japan: Current Issues and their Countermeasures
- 22) Ms. Mika Shiraki (Japan)
 - Probation and Parole Services and Crime Prevention Activities in Japan
- 23) Mr. Masato Takahashi (Japan)
 - Concerned Organizations in Smuggling and Trafficking Cases
- 24) Mr. Shigeru Uchiyama (Japan)
 - Coexistence Project in Toyota City

Group Workshop Sessions

The following section very briefly summarizes the Group Workshop Session reports. The full text of the reports will be included in UNAFEI Resource Material Series No. 61.

Group 1 **TRAFFICKING IN HUMAN BEINGS,
ESPECIALLY WOMEN AND CHILDREN**

Chairperson	Mr. Pongson Kongtreekaew	(Thailand)
Co-Chairperson	Mr. Takehiko Okada	(Japan)
Rapporteur	Ms. Jeorgette C. Paderanga	(Philippines)
Co-Rapporteur	Ms. Mika Shiraki	(Japan)
Members	Mr. Coulibaly Souleymane Kafana	(Ivory Coast)
	Mr. Becerra Nino Juan Antonio	(Venezuela)
	Mr. Kyosuke Nagao	(Japan)
	Mr. Masato Takahashi	(Japan)
Advisers	Prof. Toru Miura	(UNAFEI)
	Prof. Kenji Teramura	(UNAFEI)
	Prof. Mikiko Kakihara	(UNAFEI)

Report Summary

This group firstly considered a definition of the term “trafficking in persons” and the general world situation of illegal migration was then looked at. The group deliberated at length on the root causes of trafficking in human beings, reflecting, in particular, on the so-called ‘push and pull factors’ of trafficking and the opportunities provided for corruption to flourish in the trafficking chain. The *modus operandi* of human trafficking was paid particular attention. The group also examined the various forms of exploitation that is apparent in human trafficking such as sexual and labor exploitation. The problems and solutions in the detection, investigation, prosecution, trial and punishment of trafficking in women and children were further highlighted. The group saw trafficking as a multi-dimensional issue and appropriate legislation should encompass both a criminal and a human rights perspective. Finally the group considered cooperation amongst domestic agencies of a governmental and non-governmental nature.

**Group 2 THE EFFECTIVE ADMINISTRATION OF CRIMINAL JUSTICE TO
TACKLE THE SMUGGLING OF MIGRANTS**

Chairperson	Mr. Man Ju-you	(China)
Co-Chairperson	Mr. Pattanachai Yodpayung	(Thailand)
Rapporteur	Ms. Narcisa Guevarra	(Philippines)
Co-Rapporteur	Mr. Takeo Shiohara	(Japan)
Members	Mr. Dzainal Syarief	(Indonesia)
	Mr. Kiran Paudel	(Nepal)
	Mr. Shinji Miyamoto	(Japan)
	Mr. Kunio Morita	(Japan)
Advisers	Prof. Yuichiro Tachi	(UNAFEI)
	Prof. Sue Takasu	(UNAFEI)
	Prof. Kei Someda	(UNAFEI)

Report Summary

This group started their deliberations by looking at the global situation of human smuggling (especially the economics of smuggling, the routes used and the causes of smuggling). The *modus operandi* used by organized criminal groups was classified into two categories; the deception of immigration officers and the avoidance of immigration checkpoints. The group explored the problems of detection, investigation, prosecution and punishment of offences of human smuggling. The types of immigration policies followed by countries was highlighted as were the legislative issues that are faced by countries. The group concluded by making a number of recommendations.

**Group 3 INTERNATIONAL COOPERATION AGAINST HUMAN
TRAFFICKING AND SMUGGLING OF MIGRANTS**

Chairperson	Ms. Radziah Basir	(Malaysia)
Co-Chairperson	Mr. Ahmed Mohamed Youssef Wahdan	(Egypt)
Rapporteur	Mr. Shigeru Uchiyama	(Japan)
Co-Rapporteur	Mr. Takeru Sato	(Japan)
Members	Mr. Rajvong Xaysana	(Laos)
	Mr. Lambok Marisi Jakobus Sidabutar	(Indonesia)
	Mr. Satoshi Onodera	(Japan)
	Mr. Tadashi Asano	(Japan)
Advisers	Deputy Director Tomoko Akane	(UNAFEI)
	Prof. Yasuhiro Tanabe	(UNAFEI)
	Prof. Ryuji Kuwayama	(UNAFEI)

Report Summary

This group began their discussions by looking at the effective exchange of information and informal and formal legal assistance as factors which are instrumental in tackling human trafficking and smuggling of migrants. Informal channels include; personal channels, legal attachés and INTERPOL. Formal channels include; letters rogatory, mutual legal assistance and extradition. The group made a number of recommendations on international cooperation. As for governmental cooperation the group considered; the creation of common standards, assets confiscation, direct contact network, moderate rule application, victims protection, technical assistance and establishment of regional organizations. In terms of non-governmental cooperation the group concentrated on the exchange of information, enhancing awareness and support activities for victims.

Observation Visits

<i>Date</i>	<i>Agency/Institution</i>	<i>Main Persons Concerned</i>
Sept. 10	Tokyo District Court	• Mr. Kei Yamamuro District Court Judge
Sept. 17	Tokyo District Public Prosecutors Office	• Mr. Kunitaro Saida Chief Prosecutor
Sept. 17	Ministry of Justice	• Ms. Mayumi Moriyama Minister of Justice
Sept. 18	Tokyo Immigration Office (Narita Branch)	• Mr. Osamu Sato Director of Narita Branch Tokyo Immigration Office
	Tokyo Customs Office (Narita Branch)	• Mr. Hiroyuki Tanahashi Director of Narita Branch Tokyo Customs Office
Oct. 22	Fuchu Prison	• Mr. Takao Yoshizawa Head of General Affairs Section
Oct. 23	Fuchu Ninth Elementary School	• Mr. Takahiro Sakai Principal
Oct. 23	Supreme Court	• Mr. Norio Kameyama Supreme Court Justice

Group Study Tours

<u>Date</u>	<u>Group</u>	<u>Agency/Institution</u>	<u>Main Persons Concerned</u>
Sept. 23 ~ 24	Nagano	<ul style="list-style-type: none"> • Nagano ACPF Friendship Seminar • Nagano Toyota • Nagano Ariake-Kougen-Ryo Juvenile Training School • Matsumoto Police Station • Ote-Koban 	<ul style="list-style-type: none"> • Mr. Kiyomi Imai Organizer, Nagano ACPF • Mr. Gen Utsunomiya Director of Nagano ACPF • Mr. Hiroshi Ito Superintendent • Mr. Masaaki Osada Head of the Police Station • Mr. Yuji Yamada Head of the Police Box
Oct. 9 ~ 12	Hiroshima- Kansai	<ul style="list-style-type: none"> • Sixth Regional Coast Guard Headquarters • Osaka High Public Prosecutors Office • Osaka District Public Prosecutors Office • Nishi Nihon Immigration Centre 	<ul style="list-style-type: none"> • Mr. Hiroki Tsukiji Chief of Guard Division • Mr. Yuki Kawachi Superintending Prosecutor • Mr. Takashi Kobayashi Deputy Chief Prosecutor • Mr. Seiji Iwamoto Director of the General Affairs Division

Special Events

Sep. 2

Welcome Party

Sept. 4, 5, 6, 9, 11, 13, 20 and 25

Japanese Conversation Classes

The overseas participants attended Japanese conversation classes provided by JICA and the ACPF. They learned practical Japanese expressions. The sensei (teachers) were Ms. Mariko Kambayashi, Ms. Kimiko Hiraiwa, Ms. Sayuri Satake and Ms. Mieko Terao. *Iroiro Arigato Gozaimashita.*

Sept. 7

Kyurinso Garden

The Rotary Club of Fuchu invited the participants to a luncheon at Fuchu-bayashi where the participants were treated to traditional Japanese music and dancing played by a local Fuchu band. The participants were also able to enjoy a walk around Kyurinso Garden in Fuchu.

Sept. 12

UNAFEI Olympics

The UNAFEI Olympic Games were held on the grounds of the Training Institute for Correctional Personnel. The participants competed in such events as the three-legged race, racket relay and the true-false quiz. Afterwards, there was a friendship party at UNAFEI.

Sept. 17

Reception by Vice-Minister of Justice

After visiting the Ministry of Justice, a reception was held by the Vice-Minister of Justice, Mr. Keiichi Tadaki, at the Lawyers Club.

Sept. 23 ~ 24

Nagano Trip

During the Nagano Trip the participants visited the Zenko-ji Temple and apple garden. They also enjoyed a friendship party with the ACPF Nagano Branch.

Sept. 27

UNAFEI International Bowling Tournament

The participants enjoyed bowling at the Fuchu bowling centre. After this, there was a small party held at UNAFEI.

Sept. 28 and Oct. 5

Home Visits

ACPF Fuchu Branch organized dinners for the participants in the homes of members from the Fuchu International Exchange Salon, Tokyo Fuchu Rotary Club and Soroptimist International of Tokyo, Fuchu. The hosts were Ms. Masuko Suzuki, Mr. Yoshiyuki Sakano, Mr. Yasuhiko Mori, Mr. Rinshi Sekiguchi, and Mr. Takeo Ozawa.

Oct. 2 ~ 4 *UNAFEI's 40th and ACPF's 20th Anniversaries and Commemorative Symposium*

UNAFEI and the ACPF celebrated their 40th and 20th anniversaries respectively. In order to mark this occasion a commemorative symposium was held at the same time as the ACPF's 9th World Conference in the Ministry of Justice and the Institute for International Cooperation, Tokyo. During the symposium the participants listened to commemorative speeches followed by panel discussions on themes such as combating transnational organized crime, poverty and terrorism and criminal justice challenges in the age of globalization. During the three day symposium the ACPF hosted two parties at the Lawyers Club and at the Hotel Pacific where participants could meet with delegates to the symposium.

Oct. 7 *Koto Concert*

The Ensemble 21st Century, a group of volunteer musicians, performed traditional Japanese 'Koto' music for the participants at UNAFEI.

Oct. 9 ~ 12 *Hiroshima-Kansai Study Tour*

Hiroshima: On their first day, the participants visited the Peace Memorial Museum and Peace Memorial Park in Hiroshima. The next day, the participants visited the Coast Guard Academy and Miyajima Island, located in the Seto Inland Sea near Hiroshima.

Kyoto: After their arrival in Osaka, the participants were treated to a party hosted by the ACPF Osaka Branch. On their third day, the participants visited the Osaka Nakanoshima National Government Building after which they visited the Osaka Public Prosecutors Office. The next day, the participants went on a guided bus tour to Nijo Castle, Kinkaku Temple and the Kyoto Imperial Palace.

Oct. 13 *Chofu City Fireworks Display*

Chofu City Volunteer Probation Officers Association invited the participants to the Chofu City fireworks display where they held a friendship party.

Oct. 15 *VPOs' International Training*

Ten Volunteer Probation Officers (VPOs) visited UNAFEI for an International Training Programme. It was jointly organized by UNAFEI and the Rehabilitation Bureau of the Ministry of Justice of Japan. A discussion session and friendship party were arranged to exchange views between the VPOs and the participants.

Oct. 17 *T.I.C.P. Friendship Party*

The Training Institute for Correctional Personnel held a friendship party for the participants at their Institute. The participants saw a variety of entertainment and participated in various Japanese and other songs during the party.

Oct. 21 *Suntory Musashino Brewery*

At the invitation of the Fuchu Rotary Club, the participants visited the Suntory Musashino Brewery and were given a guided tour. Mr. Shinichi Miyazawa, President of the Fuchu Rotary Club hosted a party afterwards at the Brewery.

Oct. 24 *Farewell Party*

Reference Materials Distributed

United Nations Convention against Transnational Organized Crime and the Protocols thereto

- (1) United Nations Convention against Transnational Organized Crime
- (2) Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
- (3) Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime
- (4) Signatures-Tuesday, 12 December to Friday, 15 December 2000
- (5) Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the work of its first to eleventh sessions (United Nations General Assembly 20 March 2001, A/55/383/Add.2)
- (6) Interpretative notes for the official records (*travaux préparatoires*) of the negotiation of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime (United Nations General Assembly 21 March 2001, A/55/383/Add.3)
- (7) Summary of the United Nations Convention against Transnational Organized Crime and Protocols thereto (UNODCCP)
- (8) After Palermo: An Overview of what the Convention and Protocols Hope to Accomplish (UNODCCP)
- (9) Overview of the Provisions of the United Nations Convention against Transnational Organized Crime and its Protocols (Mr. Dimitri Vlassis, Visiting Expert in the 119th International Training Course, UNAFEI)
- (10) The Global Situation of Transnational Organized Crime, The Decision of the International Community to Develop an International Convention and the Negotiation Process (Mr. Dimitri Vlassis, Visiting Expert in the 119th International Training Course, UNAFEI)
- (11) Efforts of the Centre for International Crime Prevention to Promote Expeditious Entry into Force of the United Nations Convention against Transnational Organized Crime and its Protocols and Expected Impact of These New Instruments (Mr. Dimitri Vlassis, Visiting Expert in the 119th International Training Course, UNAFEI)

Other Documents

- (1) Global Programme against Trafficking in Human Beings (E/CN.15/1999/CRP.2)
- (2) Trafficking in Humans (UPDATE, UNODCCP, January 2000)
- (3) G8 Communiqué Birmingham 1998
- (4) G8 Communiqué Okinawa 2000
- (5) Recommended Principles and Guidelines on Human Rights and Human Trafficking (Report of the United Nations High Commissioner for Human Rights to the Economic and Social Council)
- (6) Trafficking in Persons Report (U.S. Department of State, 2002)
- (7) Victims of Trafficking and Violence Protection Act 2000 (Trafficking in Persons Report (July 2001, Department of State, U.S.A.)

Current Situation of Trafficking in Human Beings and Smuggling of Migrants

- (1) Child trafficking in West and Central Africa an Overview
(23 February 2001, Dr. Rima Salah, UNICEF Regional Director for West and Central Africa)
- (2) Organized Crime and People Smuggling/Trafficking to Australia
(May 2001, Ms. Rebecca Tailby, Australian Institute of Criminology)
- (3) INTERPOL/ International Criminal Police Review, Number 487-488
(Special issue: Combating the traffic in human beings);
 People Smuggling in Australia (D. Cook and T. McInerney)
 Migrant Smuggling in Canada (G. William)
 Organized Smuggling in China and Countermeasures (Interpol Beijing)
 Italy: Organized crime from the Balkans (T. Terrible)
 Traffic in Human Beings for Sexual Exploitation Purposes in Spain
 (the Spanish Ministry of the Interior)
 Traffic in Human Beings in Nigeria (M. A. Adamu)
 The Situation in the Russian Federation (S. Avdienko)
- (4) The Current Situation of and Countermeasures against Transnational Organized Crime in the Republic of the Philippines (Severino H. Gana, Jr., Visiting Expert in the 119th International Training Course, UNAFEI)

United Nations Convention on the Rights of the Child and the Protocols thereto

- (1) United Nations Convention on the Rights of the Child
- (2) Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography
- (3) Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict

Japanese Legislation

- (1) Immigration Control and Refugee Recognition Act
- (2) Law for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters
- (3) Law concerning Interception of Communications for the purpose of Criminal Investigation
- (4) Law concerning Prevention of Unjust Acts by Boryokudan Members
- (5) The Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children

Money Laundering

- (1) The Forty Recommendations (Financial Action Task Force on Money Laundering, FATF), 1990 (revised in 1996)
- (2) FATF Report on Money Laundering Typologies 2000-2001 (FATF, 1 February 2001)
- (3) FATF Annual Report 2000-2001 (FATF, 22 June 2001); Summary, Annual Report, Annexes, Review to Identify Non-Cooperative Countries or Territories: Increasing the Worldwide Effectiveness of Anti-Money Laundering Measures

Mutual Legal Assistance and Extradition

- (1) Model Treaty on Mutual Assistance in Criminal Matters (United Nations General Assembly Resolution 45/117 of 14 December 1990)
- (2) Report of the Intergovernmental Expert Group Meeting on Mutual Assistance in Criminal Matters, held at Arlington, Virginia, United States of America, from 23 to 26 February 1998 (E/CN.15/1998/7)
- (3) Complementary provisions for the Model Treaty on Mutual Assistance in Criminal Matters (United Nations General Assembly Resolution 53/112 of 9 December 1998)
- (4) Model Treaty on Extradition (United Nations General Assembly Resolution 45/116 of 14 December 1990)
- (5) Report of the Intergovernmental Expert Group Meeting on Extradition, held at Siracusa, Italy, from 10 to 13 December 1996 (E/CN.15/1997/6)
- (6) Complementary provisions for the Model Treaty on Extradition (United Nations General Assembly Resolution 52/88 of 12 December 1997)
- (7) Manual on the Model Treaty on Extradition and Manual on the Model Treaty on Mutual Assistance in Criminal Matters; An Implementation Guide (International Review of Criminal Policy, Nos. 45 and 46, 1995)
- (8) International Cooperation against Transnational Organized Crime: The General Development (Dr. Matti Joutsen, Visiting Expert in the 119th International Training Course, UNAFEI)
- (9) International Cooperation against Transnational Organized Crime: Extradition and Mutual Legal Assistance in Criminal Matters (Dr. Matti Joutsen, Visiting Expert in the 119th International Training Course, UNAFEI)
- (10) International Cooperation against Transnational Organized Crime: The Practical Experience of the European Union (Dr. Matti Joutsen, Visiting Expert in the 119th International Training Course, UNAFEI)
- (11) Extradition and Legal Assistance: The Philippine Experience (Mr. Severino H. Gaña, Jr., UNAFEI Resource Material Series No.57, at 50, 2001)
- (12) International Cooperation in Criminal Matters – Extradition and Mutual Legal Assistance (Mr. Mikinao Kitada, UNAFEI Resource Material Series No.51, at 291, 1997)
- (13) Treaty on Extradition between Japan and the United States of America (Treaty No.3 of 1980)
- (14) Treaty on Extradition between Japan and the Republic of Korea

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INFORMATION ABOUT PROGRAMMES AND ACTIVITIES

Recent Activities

1. Training Programme: Juvenile Delinquent Treatment Systems

UNAFEI is conducting its Third Special Training Course on the Juvenile Delinquent Treatment System for Kenyan criminal justice officials who are working for the prevention of delinquency and the treatment of juvenile delinquents in their country. The training course, entitled “Juvenile Delinquent Treatment Systems”, starts on 28 October and will end on 20 November 2002. The course exposes Kenyan officials to the workings of the Japanese juvenile justice and treatment system through lectures and observation visits to relevant agencies. As a result of this comparative study, the officials will successfully develop action plans for the implementation and development of institutional and community-based treatment systems for juvenile delinquents in Kenya.

2. Training Programme: Corruption Control in Criminal Justice

UNAFEI is conducting its Fifth Training Course on Corruption Control entitled “Corruption Control in Criminal Justice” from 28 October to 21 November 2002. In this course, thirteen foreign officials and three Japanese officials engaged in corruption control will comparatively analyze the current situation of corruption, methods of corruption prevention, and measures to enhance international cooperation in this regard.

3. United Nations Centre for International Crime Prevention (CICP)-UNAFEI Pre-Ratification Expert Group Seminar for the UN Convention against Transnational Organized Crime and its Protocols

Senior criminal justice officials from 21 countries in the Asia-Pacific region and visiting experts from all over the world were invited to this seminar which was held at the Osaka branch of UNAFEI on 22 and 23 August 2002. The purpose of the seminar was to support the ratification of the TOC Convention and it was jointly organized by CICP and UNAFEI.

4. UNAFEI’s Fortieth Anniversary Ceremony and Commemorative Symposium

UNAFEI celebrated its fortieth anniversary since its establishment in 1962. As the ACPF also celebrated its twentieth anniversary, a joint ceremony and symposium was held from 2 to 4 October 2002 at the Ministry of Justice and the Institute for International Cooperation, Tokyo. Senior criminal justice officials, experts and many UNAFEI alumni attended this event.

Forthcoming Training Programmes

1. The 123rd International Senior Seminar

The 123rd International Senior Seminar, entitled “The Protection of Victims of Crime and the Active Participation of Victims in the Criminal Justice Process specifically considering Restorative Justice Approaches” is scheduled to be held from 14 January to 14 February 2003. The 123rd International Seminar will examine the current situation and problems in relation to the protection of victims of crime and the active participation of victims in the criminal justice process specifically considering the possibilities and problems that exist in restorative justice approaches.

Rationale

The status of victims of crime had been given little attention in the criminal justice process from the beginnings of the modern criminal justice system to recent years. However, after the term “victimology” came into the world in the 1940s, based on the research of the actual situation of victims of crime, we had to face the serious problem of how to protect of victims of crime in the criminal justice system. The findings showed that, although the victim was the person who was the most strongly affected by the offence, there had been little attention paid to the protection of the rights, the interests and the legal status of the victim in the criminal justice system except in very exceptional cases. A common view regarding the deficiencies in the fairness of the system to victims of crime under the criminal justice system was developed. Policies and measures for the victim were developed in the following three stages, mainly in the Western countries after the 1960s.

The first stage was the establishment of a system of monetary support for the victim (1960s). New Zealand was the first country that enacted a law to give monetary support to the victim and other Western countries followed this. Through these efforts, the basis of monetary support for the victim by the national government was established. The second stage was the strengthening of immediate and direct support for the victim (1970s). From this time, immediate and direct support to the victim was started to be given by non-profit organizations such as Victim Support in the UK, the National Organization for Victim Assistance in the USA and by the governmental sectors. Since various kinds of research was conducted on the actual situation of the victim in this era, the idea was widely accepted that the improvement of the legal status of the victim and the establishment of the rights of the victim were essential for an effective management of the criminal justice system. Based on this principle, the third stage was the enactment of statutes for the improvement of the legal status of the victim and the establishment of the rights of the victim. The Western and some Asian countries realized the following rights through various kinds of laws and statutes such as the right to receive fair treatment, respect of dignity and privacy of the victim in the criminal justice process, the right to receive information about criminal justice proceedings, the right to attend to trials, the right of protection from threats and revenge and the right of compensation and reparation.

In Japan, a law was enacted to give monetary support to the victim in 1980 and laws for the improvement of the legal status of the victim were enacted and amended in 2000. The enactment and amendment of 2000 abolished the limitation period for complaints in sexual offences, allows a victim to make an victim impact statement in the trial process, gives

consideration for the victim in the process of examination of a witness and attendance at the trial, gives authority to the court record as an enforceable title of obligation when it records a civil agreement between victim and offender. Furthermore, the information providing system to the victim by the police and public prosecutor's office has also been upgraded.

Under these circumstances, "The Principles of Justice for Victims of Crime and Abuse of Power" was adopted in the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in 1985. The Principles require nations and nationals to have sympathy and respect for the victim. For example, the Principles provide for the right of swift restoration of loss caused by crime, the right to receive information about the criminal justice procedure and participation in the procedure and consideration for strengthening various kinds of victim support.

As victim protection and support gained ground, the restorative justice approach also emerged as a new concept to tackle problems which the criminal justice system was failing to address. The restorative justice approach is one which considers the loss caused by crime through the active participation of the victim, offender and the community.

Restorative justice has been defined in numerous ways. Professor Umbreit defines restorative justice as "a victim-centered response to crime that provides, opportunities for those most directly affected by crime - the victim, the offender, their families, and representatives of the community - to be directly involved in responding to the harm caused by the crime. Restorative justice is based upon values which emphasize the importance of providing opportunities for more active involvement in the process of offering support and assistance to victims of crime; holding offenders directly accountable to the people and communities they have violated; restoring the emotional and material losses of victims (to the degree possible); providing a range of opportunities for dialogue and problem solving among interested victims of crime, offenders, families, and other support persons; offering offenders opportunities for competency development and reintegration into productive community life; and strengthening public safety through community building." In this seminar, we shall consider the concept of restorative justice in a manner wider than any strict meaning.

Restorative justice has existed since ancient times, but was rekindled in the West by the establishment of an experimental victim-offender reconciliation program in Canada in 1974. After that there was a rapid growth of these programs to more than 1,000 in North America, Europe, Southern Hemisphere countries such as New Zealand, Australia and South Africa. Some Asian countries have also tried to introduce these programs. In addition, some countries have introduced restorative justice by statute. For instance, the New Zealand government introduced family group conferences (FGC) for young offenders in the Children and Young Persons Act of 1989. FGCs were made available for adult offenders in New Zealand in 1995. Following that, the United Kingdom also introduced a similar concept in the form of the referral order for young offenders in the Youth Justice and Criminal Evidence Act of 1999. Youth offender panels were introduced which perform the same functions as FGCs.

Under these circumstances, "The Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century" was adopted by the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Vienna in April 2000. The Declaration provides that, "We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for

mediation and restorative justice, and we encourage the development of restorative justice policies, procedures and programs that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.” Based on this Declaration, the working group of the Commission on Crime Prevention and Criminal Justice has drafted “Basic principles on the use of restorative justice programs in criminal matters” as a United Nations standard for restorative justice (see attached reference material).

However, we find that major parts of Asian, African and Central and Southern American countries do not have adequate systems for the protection of victims of crime and do not sufficiently encourage active participation by the victim in the criminal justice process. These countries are requested to strengthen their systems for victim protection and support and develop restorative justice policies, procedures and programs at the same time.

Taking into consideration the various issues, we intend to clarify and analyze the current situation and to explore more effective ways to protect victims of crime and encourage more active participation by the victim in the criminal justice process specifically considering restorative justice approaches.

Giving due consideration to the above mentioned rationale, the Seminar intends to explore more effective ways to protect victims of crime and encourage more active participation by victims in the criminal justice process specifically considering restorative justice approaches in each of the participating countries. By clarifying and analyzing the actual situation, possibilities and problems, sharing a theoretical basis, experiences and information, we will be able to find the most appropriate direction towards effective protection of victims of crime and encourage active participation by the victim in the criminal justice process specifically considering restorative justice approaches.

In the Seminar discussions, focus will be placed upon the following issues:

1. Current situation and problems in relation to the protection of victims of crime and the active participation of victims in the criminal justice process:

(a) Current situation and problems in relation to measures to protect victims of crime

(1) Swift victim restoration system without recourse to court procedure such as mediation, reconciliation and arbitration, (2) Victims of crime compensation system, (3) Protection of victims and witnesses from offenders (tougher bail conditions, separation of waiting rooms between victims, witnesses and offenders, witness protection programs, prohibition of access by the offender to the victim), (4) Methods of testimony in order to protect victims and witnesses (confidentiality of information about victims and witnesses, video link, testimony using video tape, guardian ad litem and witness attendants during testimony), (5) Various kinds of services for victims such as immediate and direct support

(b) Current situation and problems in relation to the active participation of victims in the criminal justice process

(1) The right of complaint for the victim, (2) Private prosecution, (3) System/measures of objection to non-prosecution and dismissal of the case, (4) The hearing of victim statements relevant to the release of offenders (release on bail, home leave, furlough, parole, release on expiration of term of sentence), (5) Victim impact statements and victim impact evidence, (6) Recovery of loss/damage through the criminal justice process (compensation order, reparation

order, community service order as a symbolic restitution, reparation order as a condition of a probation order, reconciliation in the criminal process, incidental civil law suit to the trial)

(c) Current situation and problems in relation to providing information for victims of crime

(1) An information providing system for the victim at each stage of the criminal justice system (situation of investigation, arrest, prosecution/indictment, schedule of trial, location of offender, result of fact finding, sentence, escape, release on bail, home leave, furlough, parole, release on expiration of term of sentence and death of offender), (2) Providing a chance of attendance at the trial, (3) Providing offender's information to the community (such as information of release from a correctional institution and residence in the community of a sex offender)

2. Current situation, possibilities and problems in restorative justice approaches

(a) General topics of restorative justice - theoretical basis and problems of restorative justice, relation between restorative justice and criminal justice

(1) The aim and goal of restorative justice

(2) The possibilities and problems of the restorative justice approach - protection of the rights of the person concerned in the restorative justice process

(i) The ways of ensuring impartial solutions in the restorative justice process

(ii) Guarantee of due process of law for offenders in the restorative justice process

(b) Particular topics of restorative justice - current situation, possibilities and problems of the management of systems based on restorative justice approaches

(1) Swift and effective restoration of loss caused by crime through the restorative justice process (including recovery of damage)- active participation of the victim and community in the victim offender reconciliation program (VORP), victim offender mediation program (VOM), victim offender dialogue program and family group conferencing (FGC) process

(2) What are the conditions under which the restorative justice approach as a diversion system functions most effectively (in terms of age, crime, criminal history and other important elements that affect effective management)

(3) The relationship between a restorative outcome (agreement based on the restorative process) and the formal criminal procedure

(4) Effective measures for ensuring a restorative outcome (which is based on agreement through the restorative justice process)

3. The 124th International Training Course

UNAFEI will hold the 124th International Training Course from May to July 2003. The theme of this course is currently under consideration.

Forthcoming Activities

1. Indonesia-UNAFEI Joint Seminar

The Indonesia-UNAFEI Joint Seminar will be held in Jakarta under the theme of "Criminal Justice Reform" from 18 to 20 December 2002. The Government of Indonesia, JICA and UNAFEI will organize the Joint Seminar.

ADMINISTRATIVE NEWS

Overseas Trips by Staff

Mr. Toru Miura (Professor) and Mr. Ryuji Kuwayama (Professor) visited Costa Rica from 13 to 27 July 2002 where they presented lectures on behalf of UNAFEI at the Fourth International Training Course on the Improvement of Prison Conditions and Correctional Programmes.

Mr. Kunihiko Sakai (Director), Ms. Sue Takasu (Professor), Mr. Yasuhiro Tanabe (Professor) and Mr. Masuo Tanaka (Staff) visited the People's Republic of China from 21 to 28 July 2002 for the purpose of fostering international exchange between the respective criminal justice administrations.

Mr. Kei Someda (Professor) and Mr. Kenji Teramura visited Kenya as short-term experts, as part of a JICA international assistance scheme providing special support to the Children's Department of Kenya from 24 July to 25 August 2002.

Ms. Tomoko Akane (Deputy Director) participated in the Twentieth Cambridge International Symposium on Economic Crime and the Seventh Annual Conference and General Meeting of the International Association of Prosecutors in Cambridge and London respectively from 7 to 16 September 2002.

Mr. Yasuhiro Tanabe (Professor) attended the Fifth International Conference on Computer Crime organized by the ICPO-INTERPOL in Seoul, Korea from 13 to 16 October 2002 where he gave a presentation on UNAFEI's activities in the fight against computer-related crime.

Mr. Ryuji Kuwayama (Professor) acted as an observer at the 22nd Asian and Pacific Conference of Correctional Administrators which was held in Bali, Indonesia from 12 to 20 October 2002.

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