

UNAFEI NEWSLETTER

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INSTITUTE FOR THE PREVENTION OF CRIME
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 126th International Senior Seminar on “Economic Crime in a Globalizing Society ~ Its Impact on the Sound Development of the State” which took place from 13 January to 12 February 2004. In this Seminar we welcomed 15 overseas participants: 8 from Asia, 4 from Africa, 1 from the Caribbean, 1 from Oceania, and 1 from South America; and 6 Japanese participants. They included police, public prosecutors, judges, state counselors, planning experts, a probation officer, a correctional officer, and other high-ranking public officials. As this newsletter demonstrates, the Seminar was extremely productive. It consisted of individual presentations, group workshop sessions, visits to relevant criminal justice agencies, and lectures by visiting experts, faculty members and ad hoc lecturers.

During the Seminar the participants diligently and comprehensively examined the current situation and problems of serious economic crime. While participating in workshop sessions they focused their attention on effective countermeasures to combat economic crime, including: preventive measures, such as public awareness, good governance and independent monitoring of organizations; the establishment of an effective legal system, including criminal and administrative sanctions; and the effective investigation and trial of these offences, including the establishment of agencies consisting of experts and immunity for whistleblowers. Through working together the participants were able to share information on the common problems they all faced and come up with solutions that were appropriate for the circumstances of their particular country.

Many countries have promoted free trade as a way to ensure their sound economic development; this has led to rapid economic globalization. Unfortunately this has also led to an increase in global economic crime too. Economic crimes which range from conventional types, such as embezzlement and corruption, to new types such as market manipulation and computer crime, are becoming more complicated and diversified and therefore more difficult to combat. The growth of communications technology in the last decade has further ignited the problem. Economic crime not only affects individuals but also has a very detrimental effect on a country's economy: among other things it reduces investor confidence, leading to less capital investment and distorts market forces.

The United Nations has regarded the prevention of crime as a crucial factor for the establishment of international economic order since its 7th Congress in 1985. At the commissions on crime prevention and criminal justice in the 1990's it granted priority to economic crime, as well as the related problems of transnational crime, organized crime and money laundering. As part of its continuing mission to challenge economic crime the 11th Congress on Crime Prevention and Criminal Justice, to be held in Thailand (Bangkok) in 2005, includes the agenda item “Economic and Financial Crimes: Challenges to Sustainable Development”. In recognition of this UNAFEI (as a United Nations regional institute) decided to focus on economic crime for this 126th International Senior Seminar.

I would like to offer my sincere congratulations to all the participants upon their successful completion of the Seminar, 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

Seminar's success. Furthermore, I appreciate the indispensable assistance and cooperation extended to UNAFEI by 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 Seminar. 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 Seminar.

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 nation's criminal justice systems, and to the benefit of the international society as a whole.

Finally, I would like to reiterate my best regards to the participants of the 126th International Senior Seminar. I hope that the experience they gained during the Seminar 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.

February 2004

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

Kunihiko Sakai
Director, UNAFEI

THE 126TH INTERNATIONAL SENIOR SEMINAR**“ECONOMIC CRIME IN A GLOBALIZING SOCIETY ~ ITS IMPACT ON
THE SOUND DEVELOPMENT OF THE STATE”**

Seminar Rational

Sustainable economic development is an indispensable and critical factor for the prosperity of the state and pursuit of human well-being. In the last 15 years or so, political democratization has infiltrated society throughout the world, and most countries have introduced or further promoted a market economy. Despite the recent depression in the global economy, many countries have tried to reform their socio-economic structure and promote free trade mechanisms to ensure their sound economic development. As a result, the world economy has globalized rapidly. Although the level of economic development varies from county to country, every country aims to protect its national property as well as encourage sound transactions in order to achieve sustainable economic development. However, with economic globalization, economic crimes have also been globalized, and its modus operandi has become more complicated and sophisticated. This has resulted in difficulties in their detection and investigation.

Economic crimes not only harm individuals, but also sometimes causes great loss to public property, and it results in damaging investors' confidence in doing business there and may lead them to invest elsewhere. Thus economic crimes may ultimately undermine the fundamental basis for the sound socio-economic development in each country. Therefore, every country must recognize the importance of fighting economic crime and consider how they can enhance effective countermeasures.

The United Nations has regarded the prevention of crime as a crucial factor for the establishment of international economic order since its 7th Congress in 1985. It has also granted priority to tackling economic crime as well as transnational crime, organized crime and money laundering at the Commissions on Crime Prevention and Criminal Justice in the 1990s. At the 10th Congress in 2000, reaffirming that the choice of preventive measures against crime may often vary depending on the stage of each country's development, a new strategy for combating the increase in crime was discussed under the topic "Effective Crime Prevention: Keeping Pace with New Developments" under the main theme "Crime and Justice: Meeting the Challenges of the 21st Century". The 11th Congress will be held in Thailand (Bangkok) in 2005 and the provisional agenda item "Economic and Financial Crimes: Challenges to Sustainable Development" and a provisional workshop "Measures to Combat Economic Crime, Including Money-Laundering" have been approved.

In addition to the transformation of the socio-economic structure, the recent rapid development in communications technology and transportation have further promoted globalization and diversification of activities in the economic field, which are mostly business/financial transactions, and have increased in quantity tremendously. We can see a myriad of transnational economic activities all over the world. In accordance with such phenomena, economic crimes have globalized, the modus operandi of such crimes has become more advanced, and their scale has been increasing. In the last several years, this trend has been accelerated by the quick proliferation of computers, a rapid increase in the number of customers

for Internet services and the expansion of a credit-card society. Crimes committed by using the Internet as a tool easily transcend national borders and prevail all over the world by their very nature. This makes the investigation of such transnational economic crimes more difficult. Thus, as economic crimes in a globalizing society do not stay in one country but prevail across national borders, they present a menace to international society and hamper the sound development of the world economy. Recognizing such hazards, we have to increase international cooperation to take effective countermeasures against economic crimes.

One of the remarkable characteristics of economic crimes in a globalizing society is that the crimes are well-organized. With globalization, economic crimes are being committed on a larger scale, are more complex, and tend to be committed by well-organized groups. This is one of the factors that makes the prevention and investigation of such crimes tougher. Corporate crime is a typical economic crime committed in a well-organized manner. Corporate related economic crimes usually cause larger-scale damage and have a terrible effect on the economy. We must also not forget the involvement of organized criminal groups in economic crimes. Criminal groups are involved in not only illegal activities such as drug trafficking, smuggling of persons and firearms trafficking, but also the management of companies by disguising legal transactions for illicit proceeds. The United Nations adopted the “Convention against Transnational Organized Crime” and its protocols concerning trafficking in firearms, trafficking in persons and smuggling of migrants, and requires states to take appropriate steps to combat organized crime. Economic crimes committed in a well-organized manner greatly affect society and effective countermeasures should be taken expeditiously.

Furthermore, we cannot ignore corruption as one of the economic crimes having a great impact on the national economy. Corruption is a crime itself, as well as a catalyst that promotes other types of economic crimes and also often aids in concealing them. Moreover, corruption undermines the sound development of a market economy as it interrupts fair economic competition. In this regard, the Organization for Economic Cooperation and Development (OECD) adopted the “Convention on Combating Bribery of Foreign Public Officials in International Business Transactions” in 1997 in order to protect international business transactions. Corruption conducted by high-ranking public officials has especially serious consequences. That is, such officials line their own pockets with public funds which should be used for the people’s healthcare services, education and the social infrastructure of the country, etc.

Economic crimes in this globalizing society range from conventional types such as embezzlement and breach of trust to new types such as collusive bidding, cartels, insider trading, market manipulation, financial crime and computer crime which are increasingly getting more diversified, complicated and sophisticated. These new types of economic crimes have characteristics such that the victims and/or the damage cannot be identified nor measured, but this does not mean that the damage is not serious. Because the damage caused by such new types of economic crime may harm consumers in general, and may deprive the country of investors’ confidence and the ability to compete.

Although we will not focus on the money laundering issue in this Seminar, we have to pay considerable attention to the illegal proceeds gained by economic crimes which are laundered in various forms to secure the perpetrator’s illegal earnings. According to a survey conducted by the United Nations and other organizations, it is estimated that approximately 500 billion to 1 trillion U.S. dollars of illegal proceeds are laundered every year. The United Nations Convention against Transnational Organized Crime requires state parties to extend the predicate offences for

moneylaundering from drug offences to other serious offences, including economic crimes.

It is said that “prevention” is second to none in combating crime; therefore all of us need to be well equipped with the appropriate preventive measures to combat economic crimes. It is very important for every sector such as the government, corporations and business to establish a legal and/or organizational system of “good governance” including integrity, transparency, equity and accountability, as well as to apply and implement such laws appropriately. It is also considered effective to establish independent monitoring organizations and/or an ombudsmen system in order to secure good governance.

In the criminal justice field, firstly, from the perspective of substantive law, we have to identify and criminalize new types of economic crimes, which cannot be dealt with by traditional criminal law. Thus, for example, crimes related to “bonds” or “securities”, need to be criminalized as the market economy evolves and economic crimes diversify. We have to carefully consider meaningful sanctions, including alternative administrative measures because criminal punishment alone has a limited effect on offenders or offending corporations as far as corporate crimes are concerned.

Appropriate legal measures and resources should be allocated to law enforcement agencies in order to investigate, prosecute and pursue trials relating to serious economic crimes and money laundering effectively. As for law enforcement agencies, for the purpose of tackling complicated economic crimes, experts in the field of financial transactions and/or computer technology, for example, should be invited to join the investigations or a special investigative unit or agency consisting of experts should be established. Without such expertise, it might be difficult for the investigators to deal with complicated economic crimes. Since influential politicians, high-ranking public officials, financiers and businessmen may be sometimes deeply involved in economic crimes, the independence of the investigative agencies for economic crime should be secured so as not to be influenced by them. As for the investigative method, new types of investigative techniques such as interception of communication and undercover operations as well as traditional techniques should be fully utilized to detect clandestine activities. Moreover, a system of utilizing whistle-blowers and/or immunity could be set up so as to gather information and evidence. Especially in the investigation of economic crimes, transaction records of financial institutions play a critical role in proving guilt; therefore it is necessary for each country to establish enforceable measures to collect such evidence and not to be hampered by bank secrecy laws. To show that economic crimes do not pay, an appropriate legal framework for the forfeiture and confiscation of illegal proceeds should be established and thoroughly enforced.

The cooperation and exchange of information amongst all sectors such as investigative agencies, administrative organizations and private enterprises are also indispensable in carrying out the effective investigation of economic crimes. Such cooperation and information exchange should be conducted both at a national and international level.

At the trial stage, securing testimony is a big concern especially in cases where economic crimes are committed by well-organized groups and the witnesses themselves are involved in the case. In such cases, witnesses tend to refuse to testify due to fear of punishment and/or retaliation by the offender.

In consideration of the above, UNAFEI which is a regional training institute for the prevention of crime and the treatment offenders of the United Nations is holding the 126th Senior Seminar focusing on serious economic crimes in the 21st century.

Giving due consideration to the above mentioned rationale, this Seminar focuses on serious economic crime in a globalizing society, and intends to contribute to the socio-economic development of every participating country. We will explore more effective countermeasures against serious economic crimes by discussing practical examples which the participants will provide.

In the discussions at this Seminar, focus will be placed on the following elements:

1. Current situation and problems of serious economic crimes
2. Effective countermeasures
 - (a) Effective preventive measures
 - (b) Effective legal system (substantive laws, procedural laws, law enforcement agencies, etc.)
 - (c) Effective investigation and trial.

Seminar Summary

Lectures

In total, 9 lectures were presented by visiting experts, 5 by ad hoc lecturers and one by Professor Muira of UNAFEI. Four distinguished criminal justice practitioners and scholars from abroad served as UNAFEI visiting experts. They lectured on issues relating to the main theme, and contributed significantly to the Seminar by encouraging discussions after their own lectures, participating in the discussions of other programmes, and conversing with the participants on informal occasions. Additionally, distinguished senior officials of the Government of Japan delivered ad hoc lectures. The lecturers and lecture topics are listed on pages 8 and 9.

Individual Presentations

During the first week, each Japanese and overseas participant delivered a 50 minute individual presentation, which introduced the actual situation, problems and future prospects of his/her country. These papers were compiled onto a CD Rom and distributed to all the participants. The titles of these individual presentation papers are listed on pages 10 and 11.

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 subtopics, based on their response to a questionnaire previously distributed. 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 room. These reports were subsequently presented in the plenary meetings and report-back session, where they were endorsed as the reports of the Seminar. Very brief summaries of the Group Workshop reports are provided on pages 13 through 15.

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 Seminar'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 16 through 19.

Lecture Topics

Visiting Experts' Lectures

1) Mr. Parmajit Singh

- Economic Crime: Emerging Threats and Responses-Singapore's Experience, Part I
- Economic Crime: Emerging Threats and Responses-Singapore's Experience, Part II

2) Dr. Deepa Metha

- Economic Crime in a Globalizing Society: Its Impact on the Sound Development of the State
- Tackling Corruption: An Indian Perspective

3) Mr. Peter Kiernan

- The Role and Responsibilities of the Serious Fraud Office in Fighting Fraud within the United Kingdom
- Fraud Investigation and Prosecution in the United Kingdom
- Learning from the Past: Practical Lessons from UK Cases

4) Mr. Dimitri Vlassis

- The United Nations Convention against Corruption: Overview of its Contents and Future Action
- The United Nations Convention against Corruption: Origins and Negotiation Process

Professor's Lecture1) Mr. Toru Miura, *Professor*, UNAFEI

- The Criminal Justice System in Japan: Investigation, Prosecution and Trial

Ad Hoc Lectures

- 1) Mr. Katsuhiko Hama
Attorney, Civil Affairs Bureau, Ministry of Justice, Japan
 - Improvement of Corporate Governance in Japan- The Amendment of Corporate Laws, etc.
- 2) Mr. Katsutaka Tomioka
Deputy Director, Consumer and Environmental Protection Division, Community Safety Bureau, National Police Agency, Japan
 - Consumer Fraud
- 3) Mr. Kensaku Iuchi
Director, Special Investigations Department, Tokyo District Public Prosecutors Office, Japan
 - Organization of the Special Investigations Department of the Tokyo District Public Prosecutors Office and Serious Economic Crime Dealt with by this Department
- 4) Mr. Nobuo Gohara
Deputy Director, Tokyo District Public Prosecutors Office, Hachioji Branch, Japan
 - Strengthening Japan's Antitrust Sanctions Regime
- 5) Mr. Toshihide Endo
Director, Enforcement Division, Securities and Exchange Surveillance Commission, Japan
 - An Overview of SESC Enforcement

Individual Presentation Topics

Overseas Participants

- 1) Ms. Prudence Tangham Dohgansin (Cameroon)
 - Economic Crime in Cameroon: Its Impact on the Sound Development of the State
- 2) Mr. Hesham Mostafa Abd El kader Abo Salem (Egypt)
 - Economic Crimes
- 3) Mr. Bright Oduro (Ghana)
 - Country Report
- 4) Mr. Suharto (Indonesia)
 - Country Report
- 5) Mr. Kongchi Yangchue (Laos)
 - Economic Crime in Lao PDR
- 6) Mr. Amarsaikhan Delegchoimbol (Mongolia)
 - Economic Crime Situation in Mongolia, Measures Taken for their Prevention and Detection
- 7) Mr. Dilli Raman Acharya (Nepal)
 - Country Report
- 8) Mr. Simon Kauba (Papua New Guinea)
 - The Economic Crime Situation in Papua New Guinea
- 9) Mr. Isidro Castillo Perez jr. (Phillipines)
 - Graft and Corruption in the Phillipines: The Most Serious Economic Crime
- 10) Mr. Ian Montclair Queeley (Saint Christopher and Nevis)
 - Country Report
- 11) Ms. Ayesha Jinsena (Sri Lanka)
 - Country Report
- 12) Mr. Sutthi Sookying (Thailand)
 - Department of Special Investigation (DSI): A Newly Established Agency for Fighting Economic Crimes and other Special Crimes in Thailand
- 13) Mr. Hasan Dursun (Turkey)
 - Economic Crime and its Impact on the Sustainable Development of Turkey
- 14) Mr. Luis Celestino Garcia Figueroa (Venezuela)
 - Economic and Financial Problems in Venezuela

- 15) Mr. Samson Mangoma (Zimbabwe)
 - Country Report

Japanese Participants

- 16) Mr. Keiji Uchimura (Japan)
 - Third Party Responsibility for Crime Control- Telecoms and Financial Policing
- 17) Mr. Yutaka Oya (Japan)
 - Community-Based Treatment of Offenders and Economic Crime in Japan, Focusing on Underground Banks and Countermeasures against Them
- 18) Mr. Yuji Saito (Japan)
 - Correctional Education in Japanese Prisons and Juvenile Training Schools
- 19) Mr. Tsutomu Sunada (Japan)
 - Police Efforts in Response to the Information Age
- 20) Mr. Tomoyuki Mizuno (Japan)
 - The Situation and Problems of Criminal Justice Regarding Economic Crimes in Japan
- 21) Mr. Daisuke Moriyama (Japan)
 - Practical Examples of the Investigation against Serious Economic Crimes

Group Workshop Sessions

The 126th Senior Seminar was divided into three group workshops. Each group was given the same topics to be discussed as below. All the groups, consisting of 6 countries, were requested to summarize the current situation and the problems of serious economic crime in the participating countries (I), and each group was requested to select at least one topic from the following (II, III and IV) to be discussed in its group workshop.

I. The Current Situation and the Problems of Serious Economic Crime in Participating Countries

II. Problems and Countermeasures in Regard to the Investigation and Trial of Economic Crime

- A. The Investigative Apparatus
- B. Collection of Information in Order to Initiate the Investigations
- C. Collection of Evidence and Securing an Appropriate Adjudication

III. Prevention of Economic Crime

- A. Regulations of Economic Activities
- B. Corporate Governance
- C. Establishment and Implementation of a Corporate “Compliance Programme”
- D. Establishment of a System to Monitor Economic Activities
- E. Public Awareness and Others

IV. Strengthening the Legal Framework and Countermeasures of Economic Crime

- A. Criminalization of New Types of Harmful Economic Activities
- B. Ratification and utilization of International Standards such as UN Conventions
- C. Corporate Sanctions
- D. Review of the Criminal Procedure and/or Evidential Law
- E. Recovery of Damage

The following section very briefly summarizes the group workshop session reports. The full reports will be included in the UNAFEI Resource Material Series.

Group 1

ECONOMIC CRIME IN A GLOBALIZING SOCIETY ~ ITS IMPACT ON THE SOUND DEVELOPMENT OF THE STATE

Chairperson	Ms. Prudence Tangham Dohgansin	(Cameroon)
Co-Chairperson	Mr. Kongchi Yangchue	(Laos)
Rapporteur	Mr. Bright Oduro	(Ghana)
Co-Rapporteur	Mr. Tsutomu Sunada	(Japan)
Members	Mr. Hesham Mostafa Abd El kader Abo Salem	(Egypt)
	Mr. Suharto	(Indonesia)
	Mr. Tomoyuki Mizuno	(Japan)
Advisers	Prof. Sue Takasu	(UNAFEI)
	Prof. Keisuke Senta	(UNAFEI)
	Prof. Kei Someda	(UNAFEI)

Report Summary

The Group concentrated its efforts on the investigation apparatus and collection of evidence to secure an appropriate adjudication.

In regard to the investigative apparatus the group acknowledged that many countries had established special investigative bodies to deal with serious economic crime, however they were hampered by a lack of independence and expertise and inadequate resources.

In regard to the collection of evidence and securing an appropriate adjudication the group looked at: search and seizure; banking transactions and confidentiality; securing and protecting witnesses; and the questioning of suspects.

Group 1 then turned their attention to public awareness as a preventive tool and studied the measures to boost public awareness. They then looked at strengthening the legal framework, focusing on criminalizing new types of harmful economic activities and recovery of damage.

Group 1 concluded by looking at countermeasures to economic crime and made the following recommendations: empower criminal courts to make compensation orders; keep civil and criminal actions separate and allow consolidation in cases in which the criminal procedure was favourable; establish a legal support system; ratify existing international instruments relevant to recovery of damages; and empower the courts to make provisional execution of damages orders.

Group 2**PROBLEMS AND COUNTERMEASURES IN REGARD TO THE INVESTIGATION AND TRIAL OF ECONOMIC CRIME**

Chairperson	Mr. Daisuke Moriyama	(Japan)
Co-Chairperson	Mr. Simon Kauba	(Papua New Guinea)
Rapporteur	Mr. Ian Montclair Queeley	(St. Christopher & Nevis)
Co-Rapporteur	Mr. Dilli Raman Acharya	(Nepal)
Members	Mr. Amarsaikhan Delegchoimbol	(Mongolia)
	Mr. Isidro Castillo Perez Jr.	(Philippines)
	Mr. Yuji Saito	(Japan)
Advisers	Prof. Yasuhiro Tanabe	(UNAFEI)
	Prof. Kenji Teramura	(UNAFEI)
	Prof. Tamaki Yokochi	(UNAFEI)

Report Summary

Group 2 began by each participant discussing the problems with the investigative apparatus in their own country. The investigative apparatus was chosen because it was recognized as being an integral part of the mechanism required to initiate meaningful changes in combating economic crime. Although each group participant's country suffered from a variety of economic crimes it became clear that corruption was the most prevalent.

The Group discovered that in the case of Mongolia and Papua New Guinea the police are the sole investigative body; the remaining countries all had separate and specialized agencies.

From their discussions it was apparent that common problems existed within each country. They then identified each of these problems and suggested practical countermeasures. The problems included: a lack of skilled manpower; lack of financial and physical resources; insufficient coordination between enforcement agencies; lack of an effective management audit system; and a lack of substantial legislation on economic crimes.

The Group went on to look at the prevention of economic crime concentrating on the regulation of economic activities (and the enforcement of such regulations) and public awareness. They then looked at strengthening the legal framework and countermeasures of economic crime focusing on: asset recovery; international cooperation, including multilateral agreements, conventions and extradition agreements; obstruction of justice, including witness protection programmes; and countermeasures, such as the ratification of the UN convention against corruption.

Group 2 concluded by recommending that all countries should eventually have a separate and independent agency for fighting serious economic crime and acknowledged the need for greater international cooperation, which they believed would be achieved through greater public awareness.

Group 3**ECONOMIC CRIME IN A GLOBALIZING SOCIETY ~ ITS IMPACT ON THE SOUND DEVELOPMENT OF THE STATE**

Chairperson	Mr. Sutthi Sookying	(Thailand)
Co-Chairperson	Mr. Samson Mangoma	(Zimbabwe)
Rapporteur	Ms. Ayesha Jinasena	(Sri Lanka)
Co-Rapporteur	Mr. Keiji Uchimura	(Japan)
Members	Mr. Hasan Dursun	(Turkey)
	Mr. Luis Celestino Garcia Figueroa	(Venezuela)
	Mr. Yutaka Oya	(Japan)
Advisers	Deputy Director Tomoko Akane	(UNAFEI)
	Prof. Toru Miura	(UNAFEI)
	Prof. Hiroyuki Shinkai	(UNAFEI)

Report Summary

Group 3 chose to look at the problems and countermeasures at the Investigative stage. It became evident to the group that among other things, a lack of expertise and a lack of cooperation among law enforcement agencies had impeded the successful investigation of such crime. A lack of liaison between departments had also led to duplication of efforts. To combat these problems they suggested: the establishment of an effective investigative body; the use of experts; special training for law enforcement personnel; improving the methods of collecting information and the protection of whistle blowers.

The Group then went on to look at the prevention of economic crime, focusing on public awareness. Numerous surveys had revealed that the victimization of the public was due to ignorance. From this the Group concluded that it was imperative that public awareness be improved. Recognizing that this could not be achieved overnight they proposed that a campaign be launched which would include the following: information gathering; dissemination of information; cooperation with law enforcement agencies; the establishment of a "Third Eye" (an independent body to monitor the public affairs handled by government officials); and education campaigns.

Group 3 observed that victims of economic crime were naturally most concerned with whether they would be able to recover their lost assets. It was therefore necessary to strengthen the legal framework for the recovery of damage. Subject to the individual State's circumstances the Group proposed the following solutions: encouraging reconciliation and settlements that could be recorded in court; evidence and findings of criminal courts be adopted in civil court; encouragement of law enforcement personnel to concentrate on the seizure of property; and the introduction of a legal aid system.

Observation Visits

<u><i>Date</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Jan 21	Tokyo District Public Prosecutors Office	• Mr. Akio Harada Prosecutor-General
Jan 21	Ministry of Justice	• Mr. Daizou Nozawa Minister of Justice
Jan 23	Supreme Court	• Mr. Tatsuo Kainaka Justice
Jan 23	Tokyo District Court	• Mr. Osamu Ikeda Deputy Chief Judge of the Tokyo District Court, Criminal Division.

Group Study Tour

<u><i>Date</i></u>	<u><i>Location</i></u>	<u><i>Agency/Institution</i></u>	<u><i>Main Persons Concerned</i></u>
Feb 2nd- 4th	Sapporo, Hokkaido	<ul style="list-style-type: none">• Sapporo Prison	<ul style="list-style-type: none">• Mr. Naobumi Sugita, Warden
		<ul style="list-style-type: none">• Shimei Juvenile Training School for Girls	<ul style="list-style-type: none">• Mr. Toru Okouchi, Superintendent

Special Events

Jan 13 *Welcome Party*

Jan 10 to Jan 27 *Japanese Conversation Classes*

The overseas participants attended 5 Japanese conversation classes provided by JICA. They learned practical Japanese expressions. The *Sensei* (teachers) were Ms. Mari Kawakami and Ms. Mieko Terao. *Iroiro Arigato Gozaimashita.*

Jan 16 *Bowling Tournament*

The participants enjoyed an evening of bowling at the Fuchu bowling centre. Afterwards there was a small party held at UNAFEI.

Jan 17 *Tour to Akihabara*

The participants spent an afternoon touring the famous Akihabara “Electric Town”.

Jan 21 *Courtesy Visit to the Ministry of Justice and
Reception by the 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, Tokyo.

Jan 24 *Japanese Nabe (Hot Pot Party)*

The participants enjoyed a traditional Nabe (hot-pot) party at UNAFEI.

Jan 26 *ACPF Nangoku-Kai Party*

The ACPF hosted a very memorable party, with a magic show, for the participants at the Pacific Hotel, Tokyo.

Jan 28 *Table Tennis Tournament*

The participants and staff held an exciting table tennis tournament followed by a prize giving ceremony and a small party.

Jan 30

Public Lecture Programme

The Public Lecture Programme is conducted annually to increase social awareness of criminal justice issues through comparative international study. The Programme sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI, was held in the Grand Hall of the Ministry of Justice and was attended by distinguished guests, UNAFEI alumni and the participants of the 126th International Seminar.

This year, Mr. Peter Kiernan (Assistant Director, Serious Fraud Office, London) and Dr. Deepa Mehta, Inspector General of Police, Delhi Metro Rail Corporation) were invited as speakers to the programme. They presented papers on “The Role and Responsibilities of the Serious Fraud Office in Fighting Fraud within the United Kingdom” and “Tackling Corruption: An Indian Perspective”, respectively.

Jan 30

UNAFEI Alumni Reception

The UNAFEI Alumni Association held an enjoyable reception for the participants at the Lawyers Club.

Jan 31

Tour to Lake Kawaguchi

The participants visited Oshino Hakkai, Narusawa Icicle Lava Cave and Oishi park where they were able to enjoy magnificent views of Mount Fuji over Lake Kawaguchi.

Feb 2~4

Hokkaido Study Tour

In addition to the observation visits, the participants were able to enjoy trips to the Sapporo TV Tower, the Sapporo Brewery and lake Shikotsu for the Ice Statue Festival. The participants also visited Odori Park where they enjoyed the exhibits of the Snow Festival. On the 3rd of February the ACPF Sapporo branch held an enjoyable party for the participants.

Feb 9

Koto Music Concert

The Ensemble 21st Century, a traditional Japanese Music group, presented a Koto and Shakuhachi concert for the participants at UNAFEI. The participants were also given an opportunity to play the instruments themselves.

Feb 10

Suntory Brewery Visit

The participants visited the Suntory Brewery where they were given a guided tour of the factory. Afterwards the Tokyo Fuchu Rotary Club hosted a very enjoyable party.

Feb 12

Farewell Party

Reference Materials Distributed

No.	Title	Author, Edition, etc	Pages, etc.
1	White Paper On Crime 2000 (Japan)	Reseach & Training Institute MOJ in Japan	P.6 251-62
2	Economic Crime (Council of Europe)	Council of Europe 1981	
3	Discussion Guide for the 11th UN Congress (UN General Assembly)	UN	
4. 1	Swedish National Economic Crimes Bureau Combating Economic Crime	Swedish National Economic Crimes Bureau	
4. 2	A New Concept For Fighting Economic Crime (Sweden)	Mr. Håkan Öberg	
5. 1	The Negotiation of a Convention against Corruption (UN General Assembly)	UN	
5. 2	HP of the Convention against Corruption	UN	
5. 3	Signatories of the Convention against Corruption	UN	
5. 4	Resolution 55/61 (UN General Assembly)	UN	
5. 5	Resolution 56/260 (UN General Assembly)	UN	
5. 6	Resolution 57/169 (UN General Assembly)	UN	
5. 7	Revised draft United Nations Convention against Corruption (UN General Assembly)	UN	
6	Convention on Combating Bribery of Foreign Public Officials in International Business Transactions	OECD	
7	United Nations Convention against Transnational Organized Crime	UN	
8	Identity Fraud: A Critical National and Global Threat	Dr.G.R.Gordon Mr.N. A.Willox, Jr.	
9	The Growing Global Threat of Economic and Cyber Crime	The Nat. Fraud Center, Inc	
10	Measures to Combat Economic Crime, Including Money Laundering (UNAFEI Brainstorming Session)	Bronwyn Someville Consultant, APG Secretariat	
11	Measures to Combat Economic Crime, including Money Laundering (UNAFEI Brainstorming Session)	R. G. Smith Australian Inst. Criminology	
12	Economic Crime and its Impact on the Sound Economic Development of Japan	Prof. S.Takasu (UNAFEI)	
13	Corporate Governance in the Asia/Pacific Region 18th Biennial Conference of LAWASIA 2003 In conjunction with the 10th Conference of the Chief Justices of Asia and the Pacific		
14	Financial Crime : Emerging Challenges in Contemporary Society (Korea)	Choi, Insub Korean Inst.of Criminology	
15	The Forty recommendations. Financial Action Task Force		
16	Serious Fraud In Australia and New Zealand	Australian Inst. of Criminology	
17	Controlling Fraud on the Internet: A CAPA Perspective	Australian Inst. of Criminology	
18	Recent Trends of Economic Crime In Europe	Ernesto U. Savona	
19	Counting the Costs of Crime in Australia	P. Mayhew Australian Inst.of Criminology	
20	Counting the Costs of Crime in Australia: Technical Report	P. Mayhew Australian Inst. of Criminology	
21	White-collar Crime	R.G. Smith Australian Inst. of Criminology	
22	Convention on Cybercrime		
23	The Role of Ombudsman and its connection with the Control of Corruption	Anand Satyanand	

Experts and Participants List

Visiting Experts

Mr. Parmajit Singh	Assistant Director, Commercial Affairs Department, Singapore Police Force, Singapore
Dr. Deepa Mehta	Inspector General of Police, Chief Vigilance Officer, Delhi Metro Rail Corporation, India
Mr. Peter Kiernan	Assistant Director, Serious Fraud Office, London, United Kingdom
Mr. Dimitri Vlassis	Officer-in-Charge, Crime Conventions Section, United Nations Office on Drugs and Crime, Vienna

Overseas Participants

Ms. Prudence Tangham Dohgansin	Deputy Attorney General, Legal Department of the Court of Appeal for the Centre Province, Ministry of Justice, Cameroon
Mr. Hesham Mostafa Abd El kader Abo Salem	Judge, Primary Court of Mansoura, Ministry of Justice, Egypt
Mr. Bright Oduro	Accra Regional Crime Officer, Criminal Investigations Department, Ghana Police Service, Ghana
Mr. Suharto	Chief of Planning and Administration Bureau, CID Police Headquarters, Indonesia

Mr. Kongchi Yangchue	Judge, Head of Criminal Chamber, The People's Supreme Court, Laos
Mr. Amarsaikhan Delegchoimbol	Section Chief, Criminal Police Division For Combating Corruption and Economic Crime, National Police Agency, Mongolia
Mr. Dilli Raman Acharya	Joint-Attorney, Office of the Attorney General, Nepal
Mr. Simon Kauba	Metropolitan Superintendent, Lae Metropolitan Police Command, Papua New Guinea
Mr. Isidro Castillo Perez Jr.	Deputy Chief/Director, Inspectorate and Legal Office, Philippine Public Safety College, Philippines
Mr. Ian Montclair Queeley	Inspector of Police, Police Headquarters, Saint Christopher and Nevis
Ms. Ayesha Jinasena	State Counsel, Attorney General's Department, Sri Lanka
Mr. Sutthi Sookying	Acting Director of Financial and Banking Crime, Department of Special Investigation, Ministry of Justice, Thailand
Mr. Hasan Dursun	Planning Expert, Prime Ministry State Planning Organisation, Turkey
Mr. Luis Celestino García Figueroa	Chief Inspector, Chief of the Detector Dog Section, Metropolitan Police, Venezuela

Mr. Samson Mangoma
Deputy Officer Commanding,
C.I.D. Serious Fraud Squad,
Department of Zimbabwe Republic Police,
Zimbabwe

Japanese Participants

Mr. Keiji Uchimura
Professor of Applied Technology,
Police Info-Communications Academy,
National Police Agency,
Japan

Mr. Yutaka Oya
Chief of General Affairs Division,
Tokyo Probation Office,
Japan

Mr. Yuji Saito
Deputy Superintendent,
Aiko Juvenile Training School for Girls,
Japan

Mr. Tsutomu Sunada
Deputy Director,
Info-Communications Planning Division,
Info-Communications Bureau,
National Police Agency,
Japan

Mr. Tomoyuki Mizuno
Judge/Professor,
Legal Training and Research Institute,
Japan

Mr. Daisuke Moriyama
Public Prosecutor,
Special Investigation Department,
Tokyo District Public Prosecutors Office,
Japan

**FOURTH SPECIAL SEMINAR FOR KENYA ON
JUVENILE DELINQUENT TREATMENT SYSTEMS**

UNAFEI held the Fourth Special Seminar for Kenyan criminal justice officials who are working for the prevention of delinquency and the treatment of juvenile delinquents in their country. The Seminar, entitled “Juvenile Delinquent Treatment Systems”, was held from 4 November to 28 November 2003. The Seminar exposed Kenyan officials to the workings of the Japanese juvenile justice and treatment systems through lectures and observation visits to relevant agencies.

Mr. Ahmed Hussein Ahmed	Deputy Director, Children's Dept. Ministry of Home Affairs
Ms. Jacinta Chemweno Murgor	Chief Children's Officer, Children's Dept. Ministry of Home Affairs
Ms. Carren Morangi Ogoti	Manager, Kirigiti Girls Rehabilitation School
Ms. Judy Tuda Oduor	District Children's Officer, Busia Kenya District Children's Office
Mr. Eliab Musembi Mulili	District Children's Officer, Laikipia District Children's Office
Mr. Ibrahim George Milimu	Manager, Wamumu Rehabilitation School
Mr. Tobias Onyango Odera	Manager, Dagoretti Rehabilitation School
Ms. Sophia Barongo	Manager/ Volunteer Children's Officer, Ngando Preparatory School
Ms. Asenath Nyaboke Ongeru	Senior Resident Magistrate, The Judiciary
Mr. Alfred Omweri Ondieki	Police Inspector, Kisumu Police Station

**SIXTH SPECIAL TRAINING COURSE ON
CORRUPTION CONTROL IN CRIMINAL JUSTICE**

UNAFEI conducted the Sixth Special Training Course entitled “Corruption Control in Criminal Justice” from 4 November to 28 November 2003. In this course, Japanese and foreign officials engaged in corruption control comparatively analyzed the current situation of corruption, methods of corruption prevention, and measures to enhance international cooperation.

Mr. Mohammad Mohiuddin	Assistant Secretary, Legislative Drafting Wing, Ministry of Law, Justice and Parliamentary Affairs
Ms. Yara Patricia Esquivel Soto	Prosecutor, Supreme Court of Justice
Mr. George Svanidze	Head of Division for Expertize of Contracts, Ministry of Justice
Mr. Ramji Lal Koli	Joint Secretary and Legal Adviser, Department of Legal Affairs, Ministry of Law and Justice
Mr. Purbatua Hutabarat	KA Unit, Derektorat Pidana Korupsi / White Collar Crime
Mr. Zulqarnain Bin Hassan	Deputy Public Prosecutor, Anti Corruption Agency, Prime Minister's Department
Mr. Kedar Prasad Chalise	District Judge (Additional), Kathmandu District Court
Mr. Daniel Isaac Centeno Espinoza	Legal Adviser, National Assembly of Nicaragua
Mr. Roberto Javier Moreno	General Secretary, Republic's Auxiliary, Attorney's Office, Public Ministry
Mr. Jim Wala Tamate	Senior State Prosecutor, Public Prosecutors Office, Department of Attorney General

Ms. Deana Penaflorida Perez	Public / State Prosecutor, Department of Justice
Ms. Wassa Chaimanee	State Attorney (Public Prosecutor), Office of Chonburi Provincial State Attorney
Mr. Mwape Dancewell Bowa	Senior Prosecutions Officer, Anti Corruption Commission
Mr. Shin Hashimoto	Public Prosecutor, Osaka District Public Prosecutor's Office
Mr. Yosuke Kodama	Public Prosecutor, Tokyo District Public Prosecutor's Office
Ms. Mihoko Tanabe	Judge, Nagoya District Court
Ms. Chadarat Anakkaorn	Senior Investigator, The Office of the National Counter Corruption Commission
Mr. Piset Nakhaphan	Senior Investigator, The Office of the National Counter Corruption Commission
Mr. Salem Oustas	Senior Investigator, The Office of the National Counter Corruption Commission
Ms. Sirirat Vasuvat	Senior Investigator, The Office of the National Counter Corruption Commission
Ms. Lalaina Rakotoarisoa	Member, Superior Council of the Fight against Corruption

**INFORMATION ABOUT FORTHCOMING
PROGRAMMES**

1. Ninth Special Seminar for Senior Criminal Justice Officials of the People's Republic of China

The Ninth Special Seminar for Senior Criminal Justice Officials of the People's Republic of China will be held from 21 February to 11 March 2004. The theme of the Seminar will be "Effective Criminal Justice Administration in Accordance with United Nations Standards and Norms: The Proper Way for the Protection of Rights and Punishment of Crimes".

2. Third Seminar on the Judicial System for Tajikistan

The Third Seminar on the Judicial System for Tajikistan will be held from 1 March to 19 March 2004 at UNAFEI. The Course will focus on measures for preventing juvenile crime, treatment of juvenile offenders in correctional facilities and support for reintegration of offenders into society after release.

3. The 127th International Training CourseRationale

The United Nations adopted the "Standard Minimum Rules for Treatment of Prisoners" at the First Congress on the Prevention of Crime and the Treatment of Offenders (hereinafter referred to as "Congress") in 1955, and has adopted so far more than fifty resolutions, declarations, guidelines and codes of conduct concerning crime prevention and criminal justice.¹ In addition to the topic of the treatment of offenders, they now cover very wide and diverse subjects, such as: juvenile justice; the code of conduct of law enforcement officials; independence of the judiciary; prevention of crimes, such as corruption and urban crime; protection of victims; restorative justice; and so on.

Such resolutions, declarations, guidelines and codes of conduct (hereinafter referred to as "United Nations standards and norms in crime prevention and criminal justice") aim at materializing the contents of "the Universal Declaration of Human Rights"² in the field of crime prevention and criminal justice. They do not bind Member States as treaties or conventions do to the signatory states;³ however, the United Nations and Member States have been endeavoring to promote their use and application for many years.

At the first General Assembly of the United Nations of the new century, Member States declared as follows:

¹ Most of these resolutions, declarations, guidelines, and so on, are included in the following compendium. "Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice." United Nations, NY. 1992. It can be obtained at the following Internet site. <http://www.uncjin.org/Standards/Compendium/compendium.html>.

² "Universal Declaration of Human Rights." General Assembly Resolution 217A (III). 10 December 1948.

³ Aust, Anthony. "Modern Treaty Law and Practice." Cambridge University Press. Cambridge, UK. 2000: p.44.

We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. [...] We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administrative procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.⁴

Also, the United Nations Commission on Crime Prevention and Criminal Justice supported the application of the United Nations standards and norms “as an important means by which Governments could upgrade criminal justice administration, across sectors, improving professional performance, while safeguarding basic elements of human rights in an integrated manner”.⁵

Therefore, the Member States are required to evaluate their practices and to build a fair and effective criminal justice system based on United Nations standards and norms in crime prevention and criminal justice. Many countries endeavor to incorporate United Nations standards and norms in their domestic laws and make use of them in their practice.⁶ It is not an exaggeration to state that the United Nations standards and norms greatly contribute to the improvement of criminal justice systems and their practices, and they now have an undeniably large impact on each state’s administration of criminal justice.

In regard to the treatment of offenders, “The United Nations Standard Minimum Rules for Treatment of Prisoners (hereinafter referred to as “the SMR”)",⁷ which was adopted 50 years ago, has great importance among the United Nations standards and norms that have relevance in the field.

The SMR stipulates minimum standards in regard to every aspect of the treatment of all kinds of prisoners and the administration of institutions, such as: provision of adequate accommodation; provision of adequate clothing and medical care; prohibition of cruel punishment; prisoner’s right to lodge complaints to the head of the institution; communication with the family; confirmation of the fundamental principle that the treatment of prisoners should aim at their reintegration into society; individualization of treatment and classification, and so on. Many countries promulgate their laws based upon the SMR, and the use and application of the SMR has contributed to the improvement of institutional treatment of offenders.

The importance of the SMR can also be found in the fact that various United Nations standards and norms that are subsequently adopted repeatedly mention that the spirit of the SMR should be reflected.⁸ Moreover, although the United Nations had maintained the position that the

⁴ “Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century.” General Assembly Resolution A/55/593. 17 January 2001: Para. 22.

⁵ United Nations. Commission on Crime Prevention and Criminal Justice. “Use and application of United Nations standards and norms.” E/CN.15/2002/3. 26 February 2002: p.4.

⁶ http://www.unodc.org/unodc/en/crime_cicp_standards.html

⁷ “World Social Situation.” ECOSOC Resolution 663 (XXIV). (Annex: Standard Minimum Rules for the Treatment of Prisoners.) 31 July 1957.

⁸ Examples include “United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)”, 4.1; “United Nations Standard Minimum Rules for Administration of Juvenile Justice (The Beijing Rules)”, 27; and “United Nations Rules for the Protection of Juveniles Deprived of their Liberty”, preamble.

implementation of the SMR should be left to each country's efforts, it adopted the "Procedure for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners"⁹ in 1984 and set out practical procedures (dissemination of the SMR; reflection of it in the domestic laws; technical assistance; strengthening of the reporting procedure of the implementation of the SMR in each state; remedies and review and elaboration of the Rules) in order for the basic principles of the SMR to be incorporated into administration of penal confinement institutions. Additionally, in 1990 the General Assembly adopted the "Basic Principles for the Treatment of Prisoners"¹⁰ and clarified the basic principles of the treatment of prisoners, such as all prisoners should "be treated with respect due to their inherent dignity and value as human beings", "believing that full implementation of the SMR would be facilitated by the articulation of basic principles underlying them".¹¹ It also strengthened the contents of the SMR.

When we turn our attention to the actual situation of the treatment of offenders, there are circumstances that impede effective use and application of the United Nations standards and norms in crime prevention and criminal justice, including the SMR, in many countries in the world. The notable increase in the population of various penal confinement institutions is one example. A recent study indicated that 8.75 million people are incarcerated in prisons and the prison population is increasing in many countries.¹²

The capacity of accommodation in prisons cannot catch up with the increased number of prisoners; therefore, overcrowding has become a major issue in many countries. In fact, a report of the Secretary-General stated that "[u]ntil the problem of overcrowding was resolved, efforts to improve other aspects of prison reform were unlikely to have any meaningful impact".¹³ The issues caused by overcrowding have thus become serious.

Even in the situation of overcrowding, however, the responsibilities of a penal institution, as a public organization, are not diminished. These include the responsibility to provide prisoners with a humane environment and treatment programmes that assist their reintegration into society, adequate mechanisms to safeguard their legal rights because prisons are closed institutions and inaccessible. For the general public, the responsibilities of a penal institution include securing confinement of the prisoners and maintaining transparency and accountability as regards the administration of the institution. As the SMR and other United Nations standards and norms that support it include many clauses for such issues, they are still very significant and relevant to the current prison situations.

In view of improving the treatment of offenders, it is not efficient to confine all offenders to penal institutions in order to punish them, regardless of the type of offenders or the types of crime. It is very difficult to provide offenders with effective treatment if the prisons are overcrowded. To incarcerate offenders for minor infractions stigmatizes them unnecessarily, and thus prevents them from reintegrating into society. In such a situation, the introduction of alternatives to incarceration is more appropriate and effective.

⁹ "Procedure for the effective implementation of the Standard Minimum Rules for the Treatment of Offenders." ECOSOC Resolution 1984/47. 25 May 1984.

¹⁰ "Basic principles for the treatment of prisoners." General Assembly Resolution 45/111. 14 December 1990.

¹¹ *Ibid.*

¹² Walmsley, Roy. "Findings 188: World Prison Population List (Fourth Edition)." Home Office, UK. 2003.

¹³ United Nations. Commission on Crime Prevention and Criminal Justice. "Use and application of United Nations standards and norms." E/CN.15/2002/3. 26 February 2002: p.12.

By reducing the number of prisoners, the burden of prisons will be mitigated and the proper correctional treatment can be given to those who remain incarcerated. Non-custodial measures are more conducive to social integration of offenders and facilitate their rehabilitation by allowing them continuous contact with the community. They have advantage of: reducing offender stigmatization; avoiding escalation in deviant behavior when new offenders are mixed with hardened criminals; and if the offender remains in employment, allowing him/her to continue contributing towards his/her family in particular, and society in general.

In consideration of the above, in 1990 the General Assembly, based upon the recommendations of the Eighth Congress, adopted “United Nations Standard Minimum Rules for Non-Custodial Measures (hereinafter referred to as “the Tokyo Rules”).¹⁴ The Tokyo Rules indicate guidelines and standards concerning various non-custodial measures. They aim at alleviating problems arising from overcrowding in prisons and at streamlining the administration of criminal justice by promoting less use of confinement, through enhancing the use of alternative measures that can be exercised in society. In this sense, the Tokyo Rules complement the SMR.

However, the current world situation in which many countries face a prison population increase and overcrowding, implies that enhancement of non-custodial measures indicated in the Tokyo Rules have not been fully implemented in such countries.

Giving due consideration to the above rationale, UNAFEI, as one of the regional institutes of the United Nations for Prevention of Crime and for the Treatment of Offenders, intends to study the current situation of the treatment of adult offenders both in institutions and in the society and will explore their improvement for this training course. This will be accomplished mainly referring to the SMR and the Tokyo Rules among numerous United Nations standards and norms in crime prevention and criminal justice.

Thus, the participants are required to: review the history of the respective countries where the United Nations standards and norms concerning treatment of offenders, *inter alia* the SMR and the Tokyo Rules, have been incorporated in practice or in legislation; confirm the extent that the current system and situation of the practice conform to the United Nations standards and norms; and study the reasons, both the social as well as legal backgrounds if the practice deviates from the United Nations standards and norms. Moreover, the training course will explore measures for effective use and application of United Nations standards and norms by sharing and discussing lessons and successful examples that are provided by the participants.

The focus of discussion in this training course will be as follows:

- (1) The current situation and problems of the treatment of offenders in the respective countries
- (2) Problems and countermeasures concerning the use and application of United Nations standards and norms in crime prevention and criminal justice (mainly the SMR and the Tokyo Rules)
 - (a) Incorporation of United Nations standards and norms in domestic laws and regulations
 - (b) Organizations for the treatment of offenders (inspection, transparency, accountability, etc.)

¹⁴ “United Nations Standards and Minimum Rules for Non-Custodial Measures (Tokyo Rules).” General Assembly Resolution 45/110. 14 December 1990.

- (c) Personnel in charge of treatment of offenders (recruitment, training, guidance and supervision, etc.)
 - (d) System for the treatment of offenders
 - Systems that guarantee offenders' rights, including grievance mechanisms
 - Maintenance of discipline and order
 - Provision of effective treatment programmes
 - (e) Understanding and participation of the public
- (3) Promotion of international cooperation for development of United Nations standards and norms
- (a) An effective system of reporting to the United Nations
 - (b) Technical cooperation

ADMINISTRATIVE NEWS

Overseas Trips by Staff

Mr. Yasuhiro Tanabe (Professor) visited Hong-Kong from 4 to 7 November 2003 to give a presentation at the Second Asian Cyber Crime Summit at the Hong-Kong University.

Ms. Tomoko Akane (Deputy Director) visited Courmayeur, Italy from 26 November to 2 December 2003 to attend the: 18th coordinating meeting of the UN Programme Network Institutes; the 10th ISPAC Plenary Meeting; and the ISPAC International conference on Crime and Technology: New Frontiers for Regulation, Law enforcement and Research.

Ms. Sue Takasu (Professor) visited Bangkok, Thailand from 27 November to 2 December 2003 to attend the ACPF Working Group Meeting on the Plans of Action in Asia for the Implementation of the Vienna Declaration on Crime and Justice as a speaker of one of the sessions on the theme of “Economic and Financial Crimes: Challenges to Sustainable Development”.

Mr. Kenji Teramura (Professor) visited Hong Kong from 1 to 6 December 2003 and Thailand between 6 to 14 December to conduct a survey concerning the effective prevention of drug abuse and treatment of drug abusers among Asian countries.

Mr. Kei Someda (Professor) visited Singapore from 1 to 6 December 2003 and Thailand between 6 to 14 December to conduct a survey concerning the effective prevention of drug abuse and treatment of drug abusers among Asian countries.

Mr. Hiroyuki Shinkai (Professor) and Mr. Wataru Inoue (Staff) visited Hong-Kong from 6 to 13 December 2003 to participate in the 23rd Asian and Pacific Conference of Correctional Administrators.

Ms. Tamaki Yokochi (Professor) and Ms. Shinobu Nagaoka (Staff) visited the Philippines from 21 to 27 January 2004 with 9 Volunteer Probation Officers to conduct interaction meetings with Filipino Volunteer Probation Aids at Cabuyao, Laguna and Ceba.

Mr. Keisuke Senta (Professor) and Mr. Horoyuki Shinkai (Professor) visited Bangkok, Thailand from 21 to 28 January 2004 for a consultation with the National Counter Corruption Commission of Thailand concerning a technical cooperation project with UNAFEI.

FACULTY AND STAFF OF UNAFEI

Faculty:

Mr. Kunihiko Sakai	Director
Ms. Tomoko Akane	Deputy Director
Mr. Toru Miura	Professor, Chief of Training Division
Mr. Kenji Teramura	Professor, Chief of Research Division
Mr. Kei Someda	Professor, Chief of Information and Library Science Division
Mr. Yasuhiro Tanabe	Professor
Mr. Keisuke Senta	Professor
Ms. Sue Takasu	Professor, 126th Course Programming Officer
Ms. Tamaki Yokochi	Professor
Mr. Hiroyuki Shinkai	Professor
Mr. Simon Cornell	Linguistic Adviser

Secretariat:

Mr. Kiyoshi Ezura	Chief of Secretariat
Mr. Yoshiyuki Fukushima	Deputy Chief of Secretariat

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Mr. Wataru Inoue	
Ms. Chika Yamashita	
Mr. Osamu Miyakawa	
Mr. Mitsuo Dai	Driver
Mr. Teruo Kanai	Maintenance
Mr. Noboru Kaneko	Maintenance
Ms. Emiko Aruga	

Training and Hostel Management Affairs Section:

Mr. Makoto Nakayama	Chief
Mr. Tatsufumi Koyama	126 th Course Assistant Programming Officer
Ms. Akiko Masaki	
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