

MAIN ACTIVITIES OF UNAFEI (1 January 2010 - 31 December 2010)

I. ROLE AND MANDATE

The Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) was established in Tokyo, Japan in 1961 pursuant to an agreement between the United Nations and the Government of Japan. Its goal is to contribute to sound social development in Asia and the Pacific region by promoting regional co-operation in the field of crime prevention and criminal justice, through training and research.

UNAFEI has paid utmost attention to the priority themes identified by the Commission on Crime Prevention and Criminal Justice. Moreover, UNAFEI has been taking up urgent, contemporary problems in the administration of criminal justice in the region, especially problems generated by rapid socio-economic change (e.g., transnational organized crime, corruption, economic and computer crime and the reintegration of prisoners into society) as the main themes and topics for its training courses, seminars and research projects.

II. TRAINING

Training is the principal area and priority of the Institute's work programmes. In the international training courses and seminars, participants from different areas of criminal justice discuss and study pressing problems of criminal justice administration from various perspectives. They deepen their understanding, with the help of lectures and advice by the UNAFEI faculty, visiting experts and ad hoc lecturers. This so-called "problem-solving through an integrated approach" is one of the chief characteristics of UNAFEI programmes.

Each year, UNAFEI conducts two international training courses (six weeks' duration) and one international seminar (five weeks' duration). One hundred and forty nine government officials from various overseas countries receive fellowships from the Japan International Cooperation Agency (JICA; an independent administrative institution for ODA programmes) each year to participate in all UNAFEI training programmes.

Training courses and seminars are attended by both overseas and Japanese participants. Overseas participants come not only from the Asia-Pacific region but also from the Middle and Near East, Latin America and Africa. These participants are experienced practitioners and administrators holding relatively senior positions in criminal justice fields.

During its 49 years of existence, UNAFEI has conducted a total of 146 international training courses and seminars, in which approximately 3,521 criminal justice personnel have participated, representing 117 different countries. UNAFEI has also conducted a number of other specialized courses, both country and subject focused, in which hundreds of other participants from many countries have been involved. In their respective countries, UNAFEI alumni have been playing leading roles and holding important posts in the fields of crime prevention and the treatment of offenders, and in related organizations.

A. The 144th International Senior Seminar

1. Introduction

The 144th International Senior Seminar was held from 12 January to 9 February 2010. The main theme was "The Enhancement of Appropriate Measures for Victims of Crime at Each Stage of the Criminal Justice Process". In this Seminar, 14 overseas participants, seven Japanese participants and two Japanese observers attended.

2. Methodology

Firstly, the Seminar participants respectively introduced the current position regarding the role and function of criminal justice agencies in their country in regard to the main theme. The participants were then divided into three group workshops as follows:

Group 1: Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Sex Crimes/Child Victims

Group 2: Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Violent Crime, including Homicide

Group 3: Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Organized Crime

Each Group elected a chairperson, co-chairperson(s), a rapporteur and co-rapporteur(s) in order to facilitate the discussions. During group discussion the group members studied the designated topics and exchanged views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. Later, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the final Plenary Meetings, drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the Groups further refined their reports and presented them in the Report-Back Sessions, where they were endorsed as the Reports of the Seminar. The full texts of these Reports are published in UNAFEI Resource Material Series No. 81.

3. Outcome Summary

(i) Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Sex Crimes/Child Victims

Group One discussed the following issues with reference to their respective countries' experiences: (i) Collection/reception of evidence; (ii) Preservation of evidence; (iii) Improvement of Line Agencies Co-operation; (iv) Providing for the safety and wellbeing of victims.

The group reached a consensus regarding the recommendation of possible countermeasures in the investigation up to the trial stage to protect victims of sex crime, specifically rape.

1. Giving special consideration to the mental and physical needs of victims:

- Development of system/organization (an intake or emergency centre) dealing with medical, social, welfare and psychological needs, and the collection and preservation of evidence, including:
 - (i) Special sections for crime victims in police stations;
 - (ii) The establishment of a One-Stop support centre;
 - (iii) Collaboration with other concerned organizations: such as hospitals, NGOs, police offices, etc.;
 - (iv) Training line agencies' personnel as part of a collaborating mechanism.
- Development of guidelines on investigation methods such as collection of evidence, preservation of evidence, or interview.
- Core-group training among police officers (based on a training of trainers programme) on proper criminal investigation, which includes re-training in basic aspects of investigation as well as the following:
 - (i) Social measures;
 - (ii) Medical measures;
 - (iii) Psychological (mental and emotional) measures;
 - (iv) Religious/community measures (if need be).

2. Providing awareness and enlightenment programmes for vulnerable groups:

- Information dissemination:
 - (i) Raising the awareness of students by police officers and teachers;
 - (ii) Raising the awareness of the community, especially parents, by public health professionals or other officials;

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- (iii) General awareness raising and dissemination of information through the mass media.
3. Allowing for protection of privacy and dignity of victims:
 - Creation of special police units or stations designed for handling sex offences in which the majority of officers are female;
 - Non-disclosure of basic information which would reveal the identity of victims (such as name, address and nationality);
 - Behaviour modification of personnel who come in contact with victims directly in the criminal justice system.
 4. Rendering professional (including psychological) protection and services for crime victims by the State;
 5. Notifying victims and/or immediate family members (when they are not perpetrators) of the status of the case at every stage of the criminal justice process;
 6. Establishing legal frameworks for victim protection and for participation in judicial procedure (including providing the opportunity to make a victim impact statement);
 7. Developing victim advocate programmes for the community. A victim advocate may be one who volunteers to provide:
 - Legal support;
 - Liaison between agencies, etc.;
 - Case process monitoring;
 - Escorting of victims to the police station and to court;
 - Psychological support.

(ii) Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Violent Crime, including Homicide

Group Two participants identified five major needs of the victims of violent crime including homicide:

The financial need of such victims; then the psychological need of such victims; the physical safety of the victim; access to information; and finally available facilities for medical treatment. The group discussed existing legal and regulatory frameworks specifically for victims, where such exist, in the participating countries.

They considered the treatment of victims at the investigation stage of the criminal process, including the ability of first responders to relate well to victims and to develop a bond of trust and confidence. The participants felt that such ability was lacking in many of their countries.

The group likewise considered measures for victims at the prosecution stage, as well as alternative methods of dispute resolution in addition to formal prosecution. They sounded a note of caution about the quality of justice rendered under certain historical methods of dispute resolution.

In most of the represented countries, with the exception of Japan, a codified mechanism for presenting the views and concerns of victims is lacking. In Japan, the victim is consulted in the case of probation and parole. The victim has also the right to express his or her grievances at the trial stage and also in the victim impact statement.

The issue of compensation and restitution was thoroughly discussed by each participant.

Finally, most of the participants agreed that there is a misconception in many countries that the role of victim is finalized at the sentencing stage when in fact there are many issues in the post-sentencing stage which are directly related to victims of crime.

After the comprehensive discussions, the following recommendations were made.

1. Each state may establish a separate national institution responsible for planning and execution of national victim policy.

2. There is need for specific laws providing for victims' rights to information, compensation and restitution and other allied services.
3. Each state should create a victim support fund for all categories of victims of crime, but especially for women and children. Those states with the requisite financial resources are recommended to institute a system of fine surcharge; some percentage of fines collected from offenders must be added to the victim support fund.
4. Each state may incorporate victim impact statements in its criminal justice system.
5. General practitioners should receive training in issues which commonly arise in dealing with victims, and advanced training should be mandatory for specialized units, such as those dealing with crisis interventions.
6. There must be proper infrastructure and systems to provide information to crime victims, including separate offices and facilities.
7. The information-gathering procedure should be simplified with the provision of a "one-stop shop" service for crime victims.
8. The nation state must establish a balance between offenders' and victims' rights at each stage of the criminal justice process, without prejudice the rights of suspects or offenders.
9. Each state must inculcate sensitivity to the rights of victims in its national educational policies.
10. The media should avoid secondary victimization of crime victims by adhering to international codes of ethics for media practitioners.
11. Communities should be involved in victims' issues through awareness, motivation and participation campaigns.
12. Each state may encourage public-private partnerships for victim support.
13. Research on victims' concerns should be both governmental and academic, and modifications in the criminal justice system can be undertaken in view of given policy recommendations. Independent sources within each state should undertake a national survey of crime victims.
14. States should focus on the 3Ms Formula: man, material and method. Capacity building of human resources, separate infrastructure and modified procedure and practice will lead to a fairer and more just system for victims of crime.

(iii) Measures for Victims of Crime at Each Stage of the Criminal Justice Process with Special Attention to Victims of Organized Crime

Group Three participants considered this topic with particular reference to human trafficking and recommended both short-term and long-term measures. The group discussed: the current situation with regard to the treatment of victims of human trafficking in participating countries; and measures and counter-measures in place to alleviate the sufferings of victims of human trafficking.

Japanese participants were of the view that Japan could be a destination country for the victims of human trafficking, and that amidst growing global concern regarding the issue, the Japanese government should adopt a proactive approach in order to identify the victims thereof in Japan and provide them with necessary assistance before their respectful deportation to their countries of origin. The group shared the concern that the trafficked persons, when detained in transit or destination countries, are, invariably, treated as illegal residents (immigrants). They are subjected to the same kind of harsh and inhuman treatment that is meted out to the offenders, which make them victims of secondary victimization at the hands of law enforcement authorities.

The group unanimously agreed that existing laws are not sufficient to protect the victims and witnesses at all stages of criminal justice process with respect to organized crimes. Even if laws do exist, their enforcement is defective. The main emphasis of the law enforcement agencies is to arrest, prosecute and punish offenders (agents) of trafficking-related offences. Little attention is paid to the sufferings and plight of victims, particularly at the investigation stage, which renders them victims of secondary victimization. The group opined that new legislation was required which should be aimed at protecting the victims of this organized crime.

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The group made the following recommendations:

Short-term measures:

1. States should establish special units to protect victims of and witness to organized crime.
2. Criminal justice officials, especially investigators, should be sensitized to the suffering of victims of human trafficking.
3. Co-ordination and co-operation among various agencies and organizations, including NGOs, should be streamlined by a national commission for prevention of human trafficking.
4. Vulnerable groups should be targeted in awareness-raising campaigns which highlight the dangers to life and health caused by human trafficking.
5. Weak and vulnerable groups should in no way be treated as offenders. If and when detained, they should not be confined and should be afforded all possible material assistance and be informed of their rights.
6. Affected countries should post representatives on a reciprocal basis to liaise and oversee treatment provided in each country.

Long-term measures:

1. An administratively and financially autonomous national level committee should be established to ensure provision of immediate assistance to victims of organized crime, particularly human trafficking. The committee should address rehabilitation and restitution or compensation.
2. Best practices of treatment of victims should be replicated even if they do not relate specifically to victims of human trafficking.
3. A national committee for prohibition of human trafficking, comprising legislators, academics, intellectuals, representatives of I/NGOs and experienced criminal justice practitioners, should reassess existing anti-human trafficking laws and suggest amendments as necessary.
4. Countries of origin, transit and destination should maintain close co-ordination and should sign bilateral or multi-lateral MOUs to ensure that victims are treated with compassion and respect, even though they may be *prima facie* offenders.
5. These MOUs should provide for informal mechanisms of information-sharing to identify and protect victims of human trafficking.
6. Private sector participation should be ensured to extend social assistance to victims of human trafficking.
7. An independent national institute should be established to study victimology, with reference to human trafficking.
8. To compensate victims, governments should create a victims' fund from fines collected from all offenders.
9. Items recovered or confiscated from offenders should also be used to compensate victims.

B. The 145th International Training Course

1. Introduction

The 145th International Training Course was held from 12 May to 18 June 2010. The main theme was "Effective Resettlement of Offenders by Strengthening 'Community Reintegration Factors'". In this Course, 10 overseas participants, two international observers and eight Japanese participants attended.

2. Methodology

The objectives of the Course were primarily realized through the Individual Presentations and Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of their country with respect to the main theme of the Course. The Group Workshops further examined the subtopics of the main theme. To facilitate discussion, the participants were divided into two groups to discuss the following topics under the guidance of faculty advisers:

Group 1: Measures to Strengthen Community Reintegration Factors of Offenders with Difficulty in Finding jobs and Securing Accommodation and/or Establishing Social Relationships

Group 2: Community Reintegration Factors of Offenders with Addiction or Difficult Personality

The two groups elected a chairperson, co-chairperson(s), rapporteur and co-rapporteur(s) to organize the discussions. The group members studied the designated subtopics and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth. During the course, Plenary Meetings were held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the final Plenary Meeting the drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the Groups further refined their reports and presented them in the Report-Back Sessions, where they were endorsed as the reports of the Course. The full texts of the reports are published in full in Resource Material Series No. 82.

3. Outcome Summary

(i) *Measures to Strengthen Community Reintegration Factors of Offenders with Difficulty in Finding jobs and Securing Accommodation and/or Establishing Social Relationships*

The group conducted its discussion in accordance with the following agenda: 1) Basic/common obstacles to the reintegration of offenders into society; 2) New approaches for effective resettlement of offenders in the different stages of criminal proceedings. The group agreed that the following four impediments were common to all countries in their attempts to reintegrate offenders:

1. Stigmatization
2. Overcrowded Prisons
3. Lack of Skills and Motivation
4. Economic Conditions.

Following its comprehensive discussions, which are detailed in full in Resource Material No. 82, some basic *conclusions* were agreed among the members of the group; these can be considered “common ground” between the countries and the basis of the results of the discussion.

Some legal systems of the countries represented inside the group pursue the punishment of offenders as a main objective whereas other countries focus on rehabilitation as the objective of the criminal system.

Methods for the treatment of offenders during their incarceration process and afterwards do exist and extensive experience has been gained in this regard. Differences in legal systems do not represent an unsurpassable obstacle for countries without these specific programmes to consider their adoption and adaptation to each one’s reality and characteristics.

Some countries lack reinsertion/rehabilitation specific programmes designed to provide offenders with basic needs upon their release from imprisonment and aimed at an effective decrease in recidivism, such as those provided in Hong Kong, Japan, Singapore and the United Kingdom, whose experience in this field can be traced back many years.

The group made the following recommendations:

Recommendations applicable to all stages of the criminal justice process:

The relevant authorities should:

1. Seek possible reintegration as early as possible.
2. Change the mindsets of staff members, inmates and the community.
3. Include re-education in the process of retribution.
4. Cultivate relationships or co-operation between all involved facilities.
5. Support suspects/accused/offenders in finding work and accommodation.
6. Create and/or utilize social resources.

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At the pre-adjudication stage, the relevant authorities should:

1. Impose non-custodial measures on first offenders.
2. Reinforce the role of the prosecution service, both in terms of the scope of its investigations and conclusions and the exercise of discretion in disposing cases.

At the adjudication stage:

1. Judges should consider the reintegration of the offender by consulting pre-sentencing reports and/or other information regarding the offender's background and personal circumstances.

At the post-adjudication stage, the relevant authorities should:

1. Seek to improve the inmate's skills (including basic education, motivation, vocational training, and relationship skills).
2. Seek to improve the skills of staff members to ensure that they execute their duties accurately) and re-evaluate social work techniques employed in the care of offenders.
3. Assess obstacles to promoting more effective reintegration of offenders.

In the community sphere, the relevant authorities should implement public relations campaigns and activities to raise the awareness of the general public about how the criminal justice system treats offenders and the correctional treatment provided to them, as well as encouraging the community's participation in reintegrating offenders.

(ii) Community Reintegration Factors of Offenders with Addiction or Difficult Personality

The agenda of Group Two's discussions included:

- Challenges affecting measures to strengthen community reintegration factors of offenders with addiction or difficult personality;
- Existing measures or good practices that should be strengthened; and
- Suggested measures.

The group acknowledged that the flow of the criminal justice system of participating countries is diverse. However a consensus was reached to group procedures into the following five stages: 1. Investigation; 2. Prosecution; 3. Adjudication; 4. Institutional corrections/prisons; 5. Community corrections, which include probation, parole and aftercare services. The group then discussed each of these stages in turn, as well as the following: partnership or collaboration with other agencies within or without the criminal justice system; regulatory framework systems and human resources; and corruption.

The group identified existing beneficial measures for offenders with addition or difficult personality and recommended that such practices be strengthened. Such measures include: diversion; medical prisons; family units for overnight visits; voluntary probation officers; victim involvement/restoration; victim participation at trial; and victim compensation.

Regarding suggested effective measures, the group recommended the following:

1. Criminal justice systems should comply with established international standards such as the UN Standard Minimum Rules for the Treatment of Prisoners; the UN Standard Minimum Rules for Non-Custodial Measures (The Tokyo Rules); etc.
2. Governments should establish regulatory systems for partnership and collaboration that clearly spell out the roles of partners and that ensure the integrity of services delivered.
3. Introduce holistic assessment of offenders to facilitate appropriate classification and treatment, especially for offenders with addiction or difficult personalities.
4. Through continuous training, enhance human resources and capacity of staff throughout the entire criminal justice system to ensure and sustain the delivery of rehabilitation treatment programmes.
5. Establish an information sharing system and common database to ensure the flow of appropriate information regarding the offender.

6. Improve linkages between partners of the criminal justice system to facilitate “through-care”, enforce aftercare, and sustain a seamless system.
7. A pre-sentence report can be useful for offenders with addiction or personality problems.
8. Create special drug courts for offenders with drug addictions.
9. Employ stringent measures to curb the supply of drugs and other substances in prisons/correctional institutions and implement regular urine testing.
10. Identify potential private partners and develop their capacity to understand their role in rehabilitating offenders. Where possible, encourage community-based or faith-based groups to facilitate reintegration. (e.g. volunteer probation officers; co-operative employers (who should be given adequate subsidies); etc.
11. Where appropriate, the criminal records of ex-offenders should be expunged or protected and not used against them as an obstacle to employment or reintegration, especially where there is no recidivism.
12. Sensitize the community and gain its support in dispelling prejudices and stigma against offenders.
13. The community should be involved in all stages of the criminal justice system where it is appropriate for them to be so involved.
14. Where possible, introduce combined sentences, utilizing electronic monitoring, and night-time and weekend imprisonment for low-risk offenders.
15. Restorative justice that involves both the community and victims is important to facilitate community reintegration. This encompasses both the individual or particular victim and the community or society and makes the offender firstly aware of his or her offensive behaviour and secondly take responsibility for it.

C. The 146th International Training Course

1. Introduction

The 146th International Training Course was held from 25 August to 1 October 2010. The main theme was “Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures”. Nine overseas participants, two overseas observers and nine Japanese participants attended.

2. Methodology

The participants of the 146th Course endeavoured to explore the topic of attacking the proceeds of crime. This was accomplished primarily through a comparative analysis of the current situation and the problems encountered. The participants’ in-depth discussions enabled them to put forth effective and practical solutions.

The objectives were primarily realized through the Individual Presentations and the Group Workshop sessions. In the former, each participant presented the actual situation, problems and future prospects of their country with respect to the main theme of the Course. To facilitate discussions, the participants were divided into two groups.

Each Group elected a chairperson, co-chairperson, rapporteur and co-rapporteur(s) to organize the discussions. The group members studied the situation in each of their countries and exchanged their views based on information obtained through personal experience, the Individual Presentations, lectures and so forth.

Group 1: Effective Measure to Deprive Criminals and Criminal Organizations of Crime Proceeds

Group 2: Effective Measure to Prevent, Detect and Punish Money Laundering

Plenary Meetings were later held to discuss the interim outline of the Group Workshop reports and to offer suggestions and comments. During the Plenary Meetings, drafts of the Group Workshop reports were examined and critiqued by all the participants and the UNAFEI faculty. Based on these discussions, the

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Groups further refined their reports and presented them in the Report-Back Sessions, where they were endorsed as the reports of the Course. The reports will be published in full in UNAFEI Resource Material Series No. 83.

3. Outcome Summary

(i) Effective Measure to Deprive Criminals and Criminal Organizations of Crime Proceeds

The group conducted its discussion in accordance with the following agenda: 1) Measures to encourage persons or bodies that have useful information on corruption, etc. to supply the information to, and co-operate with, investigative and prosecutorial authorities; 2) Proactive measures to collect information and/or evidence; 3) Identifying and tracing crime proceeds; 4) Seizure, freezing and confiscation.

Regarding topic 1) they began with a discussion of the current situation of each country with regard to Financial Intelligence Units (FIUs); Suspicious Transaction Reports (STRs); asset disclosure requirements; cooperation and information sharing among relevant authorities domestically and internationally; and international cooperation. With the exception of Tanzania, all participating countries are members of the Egmont Group, which facilitates international cooperation. However, international cooperation is also possible on a one-to-one, voluntary basis.

Regarding topic 2) the group discussed legislation for rapid freezing/seizure of property; protection of the rights of *bona fide* third parties; and again, international co-operation in freezing and seizure, which is conducted via mutual legal assistance or through previously concluded agreements.

Regarding topic 3) the group addressed conviction-based confiscation; non-conviction-based confiscation; administrative forfeiture; ex-parte confiscation; shifting the burden of proof to the defendant; the taxation of criminal proceeds; and finally international co-operation in the above procedures, where applicable. All participants agreed that in their countries international cooperation on confiscation is possible through MLA or previous agreements. In all countries, except Vietnam, a judicial order of confiscation from the requesting country is required to accompany the request.

Regarding topic 4), the participants discussed returning the proceeds of crime and asset sharing. All participants' countries have provisions to return the proceeds of crime to individual victims, but in Japan recovery is only possible for victims of organized crime and money laundering offences – the scope of recovery of proceeds of crime is limited. As to international asset recovery, with the exception of Thailand, all participants' countries have a system to return the proceeds of crime to requesting countries. Regarding asset sharing, only Sri Lanka has provisions for this procedure, while in other countries asset sharing is possible depending on the individual countries' agreement. However, in Thailand asset sharing is not possible.

The group agreed recommendations under the five subtopics, summarized below.

I. Measures to identify and trace proceeds of crime:

1. FIUs should be free of political interference.
2. FIUs should focus on analysis and dissemination of information, rather than investigation.
3. Threshold reporting requirements for financial institutions should be relative to the economy of each respective country.
4. Suspicious transaction reports should be clearly defined, either in law, or by guidelines.
5. Where appropriate, public officials should be required to disclose assets; the information should be at least accessible to the competent authorities.

II. Measures to freeze/seize proceeds of crime:

1. Competent authorities should be empowered to quickly but temporarily freeze property as an administrative measure; the owner of the property should have the right of appeal.
2. All countries should adopt a system of confidentiality regarding freezing and seizure. Court

procedures to register requests should be simple, and orders of competent authorities ought to be executable in requested countries.

III. Confiscation/deprivation of the proceeds of crime:

1. Countries should consider allowing the collection of sums of equivalent value where crime proceeds have been transformed, converted, or intermingled with legitimately acquired property.
2. All countries should consider adopting a system of non-conviction based confiscation.
3. If countries adopt administrative forfeiture, limitations similar to the US model should be considered, and if challenged, the government must bear the costs of the case.
4. If the burden of proof is reversed, the government should set certain requirements to be met by the prosecutor before the burden of proof can be shifted to the accused.
5. Countries are urged to consider either adopting or adapting a system of taxing the proceeds of crime.
6. Countries should lower their pre-conditions to providing international co-operation.

IV. Recovery of confiscated proceeds of crime:

1. Where necessary, countries should broaden the scope for returning recovered assets to victims and should consider a compensatory fund for victims similar to the USA model.
2. All countries should consider legislating to comply with Art. 57 of the UNCAC.
3. Countries should consider legislating for, or otherwise regulating, asset sharing.
4. If facing obstacles in international co-operation, countries should seek technical assistance from organizations such as the Basel Institute on Governance.

V. Capacity building:

Training is imperative, and turnover of personnel should be infrequent. The experience and expertise of organizations such as UNAFEI should be utilized.

(ii) Effective Measures to Prevent, Detect and Punish Money Laundering

Group Two discussed the above topic according to the following agenda: 1) the basic legal framework to address money laundering; 2) advanced legal frameworks and practices to prevent and detect money laundering; 3) investigation and punishment of money laundering; and 4) promotion of international co-operation.

Under topic 1), the participants compared the situation in each represented country with regard to the criminalization of money laundering; the retention of bank records for a substantial period of time; establishing and empowering FIUs; establishing a suspicious transaction reporting system and securing compliance with it; and utilizing information gathered and analysed by FIUs.

Under topic 2), the participants addressed the following matter: extension of the STR system to designated non-financial businesses and professions; increasing the capacities of FIUs and financial/non-financial institutions to detect money laundering, including development of typologies; conducting enhanced scrutiny of accounts of “politically exposed persons”; asset disclosure requirements for certain public officials; co-operation and information-sharing among relevant authorities; and measures to prevent and detect cash smuggling, including border control.

Under topic 3), the group covered three areas: effective and proactive enforcement of anti-money laundering legislation; special investigative techniques, including controlled delivery, communications interceptions and undercover/sting operations; and capacity building of investigators in financial investigation.

Under topic 4), the group focused on: international exchange of information among relevant agencies, including FIUs; mutual legal assistance and extradition in cases of money laundering; joint investigation with other countries or agencies; and obtaining technical assistance provided by international organizations.

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The group made the following recommendations under each of the four subtopics:

I. Regarding the basic legal framework:

1. FATF Rec. 1 should be used as a minimum standard to criminalize money laundering.
2. Bank records and other reports should be retained for at least five years.
3. To enhance their analysis, FIUs should have access to a wide variety of information; FIUs and law enforcement authorities (LEAs) should establish a good working relationship; FIUs must be spared political interference and must have adequate human resources and efficient organizational structure.
4. Reporting entities must be aware of STR requirements; legislation may be required to ensure compliance.
5. To ensure that information is fully utilized, FIUs should: (i) be staffed by personnel with varied specialist backgrounds; (ii) have their own permanent staff; (iii) provide their staff with adequate training; (iv) provide reporting entities with necessary information; (v) develop their IT systems; (vi) improve the quality of STRs disseminated to LEAs.

II. Regarding advanced legal frameworks:

1. The STR system should be extended to Designated Non-Financial Businesses and Professions.
2. FIUs and financial and non-financial institutions must be in open and continuous communication.
3. With regard to PEPs, every country should implement FATF Recs. 6 and 12, which should be extended to PEPs discharging prominent domestic public functions. It is important to have a more specific international definition of PEPs.
4. Investigative authorities should have access to asset disclosures by public officials.
5. To observe FATF Rec. 31, comprehensive co-operation and information-sharing mechanisms should be implemented between relevant authorities.
6. To detect cash smuggling, countries should implement information-sharing mechanisms between their respective border control agencies.

III. Investigation and punishment of money laundering:

1. Countries should effectively and proactively enforce anti-money laundering legislation.
2. Investigators need constant training on complex special investigative techniques; it is also critical that investigators utilize IT.
3. FIUs and LEAs should provide constant training to develop their human resources.

IV. Promotion of international co-operation: The group affirmed the importance of:

1. International exchange of information among relevant agencies, including FIUs, as urged under the UN Conventions and FATF Recs. 35-40.
2. Informal channels of communication; they should be utilized to make more effective use of the formal MLA channels.
3. The need for and usefulness of joint investigations such as Operation Mantis.
4. Receiving technical assistance from international organizations such as the International Centre on Asset Recovery.

D. The 13th International Training Course on the Criminal Justice Response to Corruption

The 13th International Training Course on the Criminal Justice Response to Corruption was held from 18 October to 12 November 2010. In this Course, 17 overseas participants and six Japanese participants, all of whom were officials engaged in corruption control, comparatively analysed the current situation of corruption, methods of combating corruption, and measures to enhance international co-operation.

E. The Fourth Regional Seminar on Good Governance for Southeast Asian Countries

The Fourth Regional Seminar on Good Governance for Southeast Asian Countries, jointly hosted by UNAFEI and the Department of Justice of the Republic of the Philippines was held from 7 to 9 December 2010 in Manila, the Philippines. The main theme was “Securing Protection and Co-operation of Witnesses and Whistle-blowers”. Twenty-two senior criminal justice officials from eight Southeast Asian countries, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, the Philippines, Thailand and Vietnam, and two visiting experts attended. UNAFEI will publish a full report of the Seminar in the latter half of 2011.

F. Special Seminars and Courses

1. The Tenth Training Course on the Juvenile Delinquent Treatment System for Kenya

The Tenth Training Course on the Juvenile Delinquent Treatment System for Kenya was held from 15 February to 11 March 2010. The main theme of the Course was “Development of a Child Care and Protection Officers’ Training System”. Twelve criminal justice officials from Kenya and one Japanese JICA Long-Term Expert attended.

2. The Sixth Seminar on Criminal Justice for Central Asia

The Sixth Seminar on Criminal Justice for Central Asia was held from 3 to 18 March 2010. The main theme was “Effective Criminal Justice Measures against Drug Offences and Related Crimes and Prevention of International Drug Trafficking”. Nine criminal justice officials from Central Asian countries (Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan) attended.

3. The Fifth Country Specific Training Course on Community-Based Treatment of Offenders through the Holistic Approach to Volunteer Resource Development for the Philippines

The Fifth Country Specific Training Course on Community-Based Treatment of Offenders through the Holistic Approach to Volunteer Resource Development for the Philippines was held from 22 June to 2 July 2010. Ten participants, who comprised Parole and Probation Officers and Volunteer Probation Aides, discussed measures to improve the probation system, and the promotion of Volunteer Probation Aides.

4. The 16th Seminar on Crime Prevention and Criminal Justice for the People’s Republic of China

The 16th Seminar for Senior Criminal Justice Officials of the People’s Republic of China was held from 16 November to 3 December 2010. The main theme was “Expert Analysis of Forensic Evidence”. Fifteen criminal justice officials from the People’s Republic of China attended.

III. UNAFEI’S CONTRIBUTION TO THE TWELFTH UN CRIME CONGRESS

The Twelfth United Nations Congress on Crime Prevention and Criminal Justice was held in April 2010, in Salvador, Brazil. The over-all theme of the Congress was “Comprehensive strategies for global challenges: crime prevention and criminal justice systems and their development in a changing world”. More than 3,000 government and NGO representatives from approximately 100 countries, including Ministers of Justice and Attorneys General, participated.

UNAFEI co-ordinated the planning and implementation one of the five official workshops of the Congress. UNAFEI’s workshop addressed the topic of “Strategies and Best Practices against Overcrowding in Correctional Facilities”, and consisted of four presentations and three panel discussions by international experts representing countries from Africa, Asia, Europe, Latin America and Oceania, as well as some of UNAFEI’s sister institutes of the United Nations Crime Prevention and Criminal Justice Programme Network. In all, 16 prominent experts from all over the world contributed to the Workshop, which was attended by Congress delegates from across the globe. The delegates and panellists interacted via the panel discussions.

The workshop produced a 16-point set of conclusions and recommendations, which later contributed to the discussions of the Congress. Based on its discussions and deliberations, the Congress adopted the Salvador Declaration, which reflects the political will of the participating states, and which was submitted to the United Nations Commission on Crime Prevention and Criminal Justice as a policy recommendation.

UNAFEI published a comprehensive report of the Workshop in March 2011, which is also available on the UNAFEI website.

IV. TECHNICAL CO-OPERATION

A. Regional Training Programmes

1. Short-Term Expert in the Philippines

Professor Sakonji was dispatched from 4 to 10 July 2010 as a JICA Short-Term Expert to participate in the Training Course for Volunteer Probation Aides.

2. Short-Term Experts in Kenya

Professor Kawaharada and Professor Wakimoto were dispatched to Kenya, from 31 July to 12 September 2010, to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

3. Short-Term Experts in Latin America

Deputy Director Ukawa and Professor Yanaka visited Costa Rica from 2 to 12 August 2010. In Costa Rica they jointly hosted, with ILANUD, a course on Criminal Justice Reform in Latin America in which seven countries were represented. Professor Yanaka then visited Honduras from 12 to 14 August 2010 to attend a follow-up seminar on the specific situation in that country.

V. INFORMATION AND DOCUMENTATION SERVICES

The Institute continues to collect data and other resource materials on crime trends, crime prevention strategies and the treatment of offenders from Asia, the Pacific, Africa, Europe and the Americas, and makes use of this information in its training courses and seminars. The Information and Library Service of the Institute has been providing, upon request, materials and information to United Nations agencies, governmental organizations, research institutes and researchers, both domestic and foreign.

VI. PUBLICATIONS

Reports on training courses and seminars are published regularly by the Institute. Since 1971, the Institute has issued the Resource Material Series, which contains contributions by the faculty members, visiting experts and participants of UNAFEI courses and seminars. In 2010, the 80th, 81st and 82nd editions of the Resource Material Series were published. Additionally, issues 131 to 133 (from the 144th Seminar to the 146th Course respectively) of the UNAFEI Newsletter were published, which included a brief report on each course and seminar and other timely information. These publications are also available on UNAFEI's web site <http://www.unafei.or.jp/english>.

VII. OTHER ACTIVITIES

A. Public Lecture Programme

On 29 January 2010, the Public Lecture Programme was conducted in the Grand Conference Hall of the Ministry of Justice. In attendance were many distinguished guests, UNAFEI alumni and the 144th International Senior Seminar participants. This Programme was jointly sponsored by the Asia Crime Prevention Foundation (ACPF), the Japan Criminal Policy Society (JCPS) and UNAFEI.

Public Lecture Programmes increase the public's awareness of criminal justice issues, through comparative international study, by inviting distinguished speakers from abroad. This year, Ms. Kim Herd, Chief of the Victim Witness Assistance Unit, United States' Attorney's Office for the District of Columbia, USA, and Ms. Martina Peter, Director of Division RB 2 of the Federal Ministry of Law, Germany, were invited as speakers. They presented papers entitled "Assistance for Federal Crime Victims at All Stages of the Criminal Justice Process" and "Measures to Protect Victims in German Criminal Proceedings: A Summary with Special Focus on the Key Points of the Second Victims' Rights Reform Act" respectively.

B. Assisting UNAFEI Alumni Activities

Various UNAFEI alumni associations in several countries have commenced, or are about to commence, research activities in their respective criminal justice fields. It is, therefore, one of the important tasks of UNAFEI to support these contributions to improve the crime situation internationally.

C. Overseas Missions

Ms. Ayako Sakonji (Professor), Mr. Toru Kawaharada (Professor), and Mr. Kenichiro Koiwa (Staff) visited Manila and Cavite, the Philippines, from 10 to 16 January 2010 to attend the “Monitoring, Evaluation and Interaction Workshop” held by the Parole and Probation Administration of the Philippines.

Deputy Director Haruhiko Ukawa and Mr. Masaaki Kojitani (Staff) visited Seoul, Korea from 1 to 5 March 2010 to visit the Korean Institute of Criminology (KIC) and other important criminal justice organs in South Korea, such as the Legal Research and Training Institute and the Supreme Prosecutors Office.

Professor Junichi Watanabe visited Salvador, Brazil and Vancouver, Canada from 13 to 21 March 2010 to make final preparations for the workshop on the topic of “Effective Countermeasures against Overcrowding of Correctional Facilities”, organized by UNAFEI, which was held during the Twelfth United Nations Congress on Crime Prevention and Criminal Justice.

Director Masaki Sasaki, Professor Junichi Watanabe, Professor Ayako Sakonji, Mr. Kazuyuki Nagata (Staff) and Mr. Hideo Takahashi (Staff) visited Salvador, Brazil from 9 to 22 April 2010 to attend the Twelfth United Nations Congress on Crime Prevention and Criminal Justice. Deputy Director Haruhiko Ukawa attended from 14 to 19 April. The UNAFEI delegation organized a Congress workshop on the topic of “Strategies and Best Practices against Overcrowding of Correctional Facilities”, held on 16 April 2010.

Mr. Ryuichi Nishitani (Staff) visited China from 16 to 21 March 2010 as a member of a delegation of officers from the Ministry of Justice of Japan. The delegation visited the Supreme Court, the Supreme Public Prosecutors Office, and Shantan Province Prison and Public Prosecutors Office. The delegation also visited Chinfu University, where they engaged in discussion with Chinese law students.

Director Masaki Sasaki and Mr. Fumihiko Yanaka (Professor) visited Vienna, Austria from 16 to 21 May 2010 to attend the 19th Session of the Commission on Crime Prevention and Criminal Justice. The Director made a statement to the Commission.

Deputy Director Haruhiko Ukawa and Mr. Yuichi Tada (Professor) visited China from 29 June to 8 July 2010 to meet Chinese criminal justice officials in preparation for the 16th Seminar on Crime Prevention and Criminal Justice for the People’s Republic of China, which was held at UNAFEI in November 2010.

Ms. Ayako Sakonji (Professor) was dispatched to the Philippines from 4 to 10 July 2010 as a Short-Term JICA Expert for the Training Course for Volunteer Probation Aides.

Mr. Toru Kawaharada (Professor) and Mr. Yuichiro Wakimoto (Professor) were dispatched to Nairobi, Kenya, from 31 July to 12 September 2010, and from 31 July to 7 September 2010, respectively, to provide technical assistance to the Project for Capacity Building of Child Care and Protection Officers in the Juvenile Justice System of Kenya.

Deputy Director Haruhiko Ukawa and Mr. Fumihiko Yanaka (Professor) visited Costa Rica from 2 to 7 August 2010, and 2 to 12 August 2010, respectively. In Costa Rica, they jointly hosted, with ILANUD, a course on Criminal Justice Reform in Latin America in which seven countries were represented. Professor Yanaka then visited Honduras from 12 to 14 August 2010 to attend a follow-up seminar on the specific situation in that country.

Ms. Ayako Sakonji (Professor) visited Beijing, China from 3 to 6 August 2010 to attend the International Forum on Halfway Houses.

Mr. Yuichiro Wakimoto (Professor) visited Vancouver, Canada from 2 to 10 October 2010 to attend the 30th Asian and Pacific Conference of Correctional Administrators. Professor Wakimoto delivered a presentation at the Conference.

Mr. Junichi Watanabe (Professor) attended the 12th International Corrections and Prisons Association Annual General Meeting and Conference in Ghent, Belgium from 23 to 31 October 2010.

MAIN ACTIVITIES OF UNAFEI

Director Masaki Sasaki, Deputy Director Haruhiko Ukawa, Mr. Naoyuki Harada (Professor), Ms. Kumiko Izumi (Professor), Ms. Yoshiko Chihara (Staff), Mr. Takayuki Suzuki (Staff), Mr. Shinichi Inoue (Staff), and Ms. Grace Lord (Linguistic Adviser) went to Manila, the Philippines, to attend the Fourth Regional Seminar on Good Governance for Southeast Asian Countries, which was held from 7 to 9 December 2010. The topic of the Seminar was “Securing Protection and Co-operation of Witnesses and Whistleblowers”. UNAFEI and the Department of Justice of the Republic of the Philippines co-hosted the Seminar.

Mr. Yuichi Tada (Professor) visited Courmayeur, Italy, from 9 to 12 December 2010 to attend the annual Co-ordination Meeting of the United Nations Crime Prevention and Criminal Justice Programme Network and the ISPAC International Conference.

D. Assisting ACPF Activities

UNAFEI co-operates and corroborates with the ACPF to improve crime prevention and criminal justice administration in the region. Since UNAFEI and the ACPF have many similar goals, and a large part of ACPF’s membership consists of UNAFEI alumni, the relationship between the two is very strong.

E. Country-Focused Training Course for Nepal

UNAFEI contributed to the programming of a Country-Focused Training Course for Nepal, entitled “Seminar for Comparative Study on Criminal Justice Systems and Criminal Procedure”, which was conceived by the International Co-operation Department of the Ministry of Justice of Japan. Deputy Director Ukawa, Professors Higuchi, Harada, Izumi, Yanaka, Tada, Watanabe and Sakonji delivered lectures on the Japanese criminal justice system. Two ad hoc lecturers from the Ministry of Justice of Japan also delivered lectures. UNAFEI also organized a visit for the participants to Fuchu Prison.

VIII. HUMAN RESOURCES

A. Staff

In 1970, the Government of Japan assumed full financial and administrative responsibility for running the Institute. The Director, Deputy Director and approximately nine professors are selected from among public prosecutors, the judiciary, corrections, probation and the police. UNAFEI also has approximately 15 administrative staff members, who are appointed from among officials of the Government of Japan, and a linguistic adviser. Moreover, the Ministry of Justice invites visiting experts from abroad to each training course and seminar. The Institute has also received valuable assistance from various experts, volunteers and related agencies in conducting its training programmes.

B. Faculty Changes

Mr. Tetsuya Sugano, formerly a professor of UNAFEI, was transferred and appointed Principal Expert of Nara Juvenile Classification Home on 1 April 2010.

Ms. Fumiko Akahane, formerly a professor of UNAFEI, was transferred and appointed Chief of the General Planning Division on Staff Attorneys, Japan Legal Support Center on 1 April 2010.

Mr. Jun Oshino, formerly a professor of UNAFEI, was transferred and appointed a judge of Tokyo District/Summary Court on 1 April 2010.

Mr. Yuichi Tada, formerly a judge of Osaka District Court, was appointed a professor of UNAFEI on 1 April 2010.

Ms. Kumiko Izumi, formerly a prosecutor of Tokyo District Public Prosecutors Office, was appointed a professor of UNAFEI on 1 April 2010.

Mr. Fumihiko Yanaka, formerly a prosecutor of Yokohama District Public Prosecutors Office, Odawara Branch, was appointed a professor of UNAFEI on 1 April 2010.

Mr. Yuichiro Wakimoto, formerly a psychologist at Hiroshima Juvenile Classification home, joined UNAFEI as a professor on 1 April 2010.

IX. FINANCES

The Ministry of Justice primarily provides the Institute's budget. UNAFEI's total budget for its programmes is approximately ¥70 million per year. Additionally, JICA and the ACPF provide assistance for the Institute's international training courses and seminars.