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## Statement submitted by the Government of Japan\*

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## **In Pursuit of the Rule of Law and Sustainable Development Sharing Japan's Tradition of the Culture of Lawfulness**

### **■The importance of the theme of the 13<sup>th</sup> United Nations Crime Congress**

Japan welcomes the overall theme of the 13th United Nations Crime Congress which is to “Integrate crime prevention and criminal justice into the wider UN agenda”. To achieve the sustainable development goals of the United Nations, a safe and peaceful global society is essential. The role of efficient crime prevention and criminal justice is critically important to developing such a society.

Sound and orderly society is the fundamental basis for sustainable development. The key to developing such a society is to permeate the rule of law throughout all levels of society through “good governance”, which is a democratic, effective and efficient governing structure that applies law in accordance with due process.

These elements of sustainable development are closely interrelated to crime prevention and criminal justice. Rule of Law through good governance achieves effective crime prevention and criminal justice. With effective crime prevention and criminal justice in place, people realize that they are protected by the law; it is confidence in the law which cultivates a law-abiding culture within society. At the same time such effective crime prevention and criminal justice strengthens checks and balances against authority and thus reinforces good governance. In this context, the crime prevention and criminal justice perspective is absolutely necessary to achieving the goals of sustainable development, and this Congress is of particular importance in that it focuses on the relationship between sustainable development and crime prevention and criminal justice.

It should further be noted that a society which follows the rule of law as such ensures people of their fundamental rights, and protects them from crimes and other forms of threats. This realizes human security, which is a well recognized concept by the international community, including Japan. As such, citizens benefit greatly from a society that develops sustainability.

Japan has established a liberal and democratic society, and achieved economic growth by permeating the rule of law throughout all levels of society through good governance and realizing effective crime prevention and criminal justice. As it will be further described in detail, we believe that the key to such success is our culture of lawfulness.

### **■Rule of Law and Culture of Lawfulness in Japan**

Japan is a safe country. The crime rate in Japan remains stable at the lowest level in the world. For instance, the murder rate is 0.3 per 100,000 people. Recently, Japan has experienced a 12 consecutive years decline in the number of Penal Law offences.

However, crimes cannot be completely eradicated. Grave and serious crimes continue to occur now and then. It is true that more needs to be done, but nevertheless, the trust and confidence of the Japanese citizens in our public safety remain at high levels.



How do we maintain the level of public safety? It is built on a consistent effort of the people. Vigorous and fair law enforcement contributes to maintaining public safety; however that is not the only element. In addition to having the necessary laws in place, a law-abiding spirit to act in accordance with the laws has to be deeply rooted in the society. Such law-abiding spirit encourages the members of our society to strive for lawfulness and the law enforcement authorities to enforce the laws with fairness. It also keeps the integrity of the judiciary at the highest level. This culture of lawfulness takes deep root in Japanese society.

In 2011, Japan experienced a devastating earthquake. In the midst of cities and towns being wiped out by earthquake and *tsunami*, people evacuated in an orderly manner, assisted and supported each other hand in hand, and confronted the unprecedented disaster. Such orderly response of the public is another example of our culture of lawfulness.

Japan does not take this culture of lawfulness for granted. It has to be protected and fostered by society. Japan attaches importance to law-related education at various levels of society, and it promotes the culture of lawfulness. Even for those who committed crimes, appropriate treatment in a facility as well as advice and support after the release is provided. Such supervision not only prevents them from further committing a crime but also nurtures their law-abiding spirit.

Active and effective engagement of citizens with crime prevention and criminal justice is only possible owing to a culture of lawfulness and the engagement of citizens in the development of the culture. There are several good examples of such engagement, for instance, *Saiban-in* (lay judge) system, which is a form of citizen participation in trial proceedings, and a civil-society-based approach to prevent re-offending, including the volunteer probation officer system in which citizens support and supervise the reintegration of offenders.

The culture of lawfulness greatly contributed to Japan's economic development. It is the underlying element of our safe society that protects human rights and that ensures the economic activities of domestic and foreign entities. Fostering this culture is the key to further development of the international community.

Therefore, Japan provides assistance with a view to promote and mainstream a culture of lawfulness in the global context. In this context, relevant laws, legal frameworks and legal institutions have to be put in place in the first place; thus Japan has provided assistance in developing laws and facility planning to requesting States. Moreover, laws are meaningless if not upheld by the public, and laws need to be enforced in a just and fair manner. At the same time, the law enforcement officials also need to abide by the law. Thus, technical assistance provided by Japan attaches great importance to capacity building for criminal justice officials including those from the fields of correction and probation.

We firmly believe that such efforts would lead to constant improvement of the world today, and at the same time, are of critical importance to global development.

Despite the joint efforts of the global community, crimes are yet to be eradicated. New and emerging crimes continue to arise. Crimes become more and more transnational in their nature. It is integral for the global community to work together hand in hand to counter these crimes. We must, therefore, provide development assistance that strengthens other States' capacities and efforts to develop, where



necessary, and implement relevant international legal instruments to improve cooperation frameworks. We must actively provide mutual legal assistance in individual cases, and in this regard, Japan's efforts are well acknowledged by our global counterparts.

In the following chapters, Japan's longstanding efforts as well as new and innovative approaches to strengthen our crime prevention and criminal justice system will be introduced in detail. We hope these approaches will be useful to the international community in discussing the way to realize a peaceful and safe society and to achieve sustainable development goals.



## **Main Theme**

“Integrating crime prevention and criminal justice into the wider United Nations agenda to address social and economic challenges and to promote the rule of law at the national and international levels, and public participation”

### **Agenda**

- [ Item 3 ] Success and challenges in implementing comprehensive crime prevention and criminal justice policies and strategies to promote the rule of law at the national and international levels, and to support sustainable development
- [ Item 4 ] International cooperation, including at the regional level, to combat transnational organized crime
- [ Item 5 ] Comprehensive and balanced approaches to prevent and adequately respond to new and emerging forms of transnational crime
- [ Item 6 ] National approaches to public participation in strengthening crime prevention and criminal justice



## Contents

- **Introduction of the *Saiban-in* (Lay Judge) System in Criminal Justice [Agenda Items 3 and 6] .....[Page 7]**
- **Prevention of Re-offending as Supported by the General Public, etc. [Agenda Item 6] .....[Page 9]**
  - Cooperators in the Private Sector Working to Prevent Re-offending in the Community (Volunteer Probation Officers, Offenders Rehabilitation Facilities, Cooperative Employers, etc.)
  - Volunteers in the Correctional Institutions (Voluntary Chaplains, Voluntary Visitors)
  - Promotion of Measures to Prevent Re-offending through Collaboration between the Public and Private Sectors (Measures taken in PFI Prisons)
- **Initiatives to Connect a Culture of Lawfulness with the Future – the Promotion of Law-Related Education [Agenda Item 3] .....[Page 13]**
- **International Cooperation Aimed at Promoting the Rule of Law (Including a Culture of Lawfulness) [Agenda Items 3 and 6] .....[Page 14]**
  - The Capacity Building of Criminal Justice Practitioners
  - Implementation of Training Courses and Seminars Relating to Volunteer Probation Officers by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders
  - Technical Cooperation in the Design and Construction of Correctional Facilities in Other Countries
- **Proactive Implementation of Mutual Legal Assistance in Criminal Matters [Agenda Items 4 and 5] .....[Page 18]**
- **Invitation to Japan in 2020 for the Fourteenth UN Crime Congress .....[Page 20]**



## Introduction of the *Saiban-in* (Lay Judge) System in Criminal Justice

### Agenda Items 3 and 6

#### What is the *saiban-in* (lay judge) system?

The *saiban-in* system is a system where, in principle, three professional judges and six *saiban-in*, who have been selected from ordinary citizens, together form a judicial panel, and carry out fact-finding and sentencing for certain serious criminal cases.

This system was introduced in the hopes of making trials more familiar and easily comprehensible for ordinary citizens and to gain the deeper understanding and trust of the general public towards justice.

The *saiban-in* system was launched in May 2009, and since its introduction, rulings have been rendered in the *saiban-in* trials for a total of 6,408 cases as of the time of August 31, 2014. The number of citizens who have served as *saiban-in* has reached 39,173.

#### Reform of the trials and resulting outcomes

1) In traditional Japanese criminal trials, legal professionals composed of professional judges, public prosecutors and lawyers applied meticulous proof, and a detailed ruling was rendered after a considerable period of time. Therefore, when introducing the *saiban-in* system, so that the members of the general public, who are not experts in law will be able to properly review and make decisions in a case, the judges, public prosecutors and lawyers have been repeatedly consulting with one another, and devising ways to present evidence in trials that will help the members of the general public understand the cases more easily. Efforts have also been made to speed up the trials such as, where possible, arranging for consecutive trial dates so that members of the general public will be able to participate in the *saiban-in* trial with little interference with their jobs.

2) As a result of these reforms, 96% of the people who served as a *saiban-in* gave their assessment that they were able to understand the contents of the trial. In addition, the percentage of people who gave a positive evaluation of their experience of serving as a *saiban-in* had increased substantially from approximately 33% prior to their selection to approximately 95% after their selection.

#### Changes in people's impressions of justice

The results of the survey clearly indicate that owing to these reforms of the criminal trials, not only people who have served as a *saiban-in* themselves, but ordinary citizens increasingly feel that criminal trials have become more familiar to them and that procedures have become faster and easier to understand when compared to those before the introduction of the *saiban-in* system.

#### Summary

The *saiban-in* system is generally being positively perceived and is becoming rooted in society. One major influencing factor is thought to be that Japanese citizens



already enjoy a culture of lawfulness acquired through their education and lives. At the same time, as is indicated by the changes in the impressions of the general public towards criminal trials following the introduction of the system, owing to the operation of this system, criminal justice has become more and more familiar to ordinary citizens, and can be said to have further penetrated into public consciousness.

While it is true that there remain various issues that need to be addressed, the *saiban-in* system is a useful tool to help build a better society, and we would like to further maintain and develop it in the future.



## **Prevention of Re-offending as Supported by the General Public, etc.**

### **Agenda Item 6**

#### **Current state of re-offending**

Although the number of reported cases of violation of general Penal Code offenses is on the decline, the percentage of repeat offenders to the number of persons arrested (repeat offenders rate) has been rising consistently since 1997, and by 2013 came to account for about 50% of the total. In addition, about 60% of the newly imprisoned inmates in 2013 comprised repeat inmates who had a past prison record.

In today's Japan, preventing re-offending by released inmates is a major issue in terms of reducing crime and building a society where people can live safely and securely. In 2012, the Japanese government formulated the "Comprehensive Strategy for Re-offending Prevention", which outlined its policy on efforts to prevent re-offending to be taken over the next 10 years together with specific numerical targets (that is, reducing the percentage of re-imprisonment of offenders within two years of their most recent release from correctional facilities by at least 20% within 10 years). In the following year, 2013, "The Strategy to Make Japan - the Safest Country in the World", which prescribes the security measures to be taken by Japan for the Olympic and Paralympic Games to be held in Tokyo in 2020, was approved by the Cabinet, and the prevention of re-offending has been incorporated as one of its pillars.

#### **The background of re-offending and volunteers involved in supporting the rehabilitation of released inmates**

Taking a look at the background of re-offending, about 70% of the inmates who re-offend and end up back in prison are unemployed, and it is apparent that the number of unemployed persons who re-offend is four times higher than those who are gainfully employed. Moreover, around 6,500 former inmates are released every year from prison with no place to go, of which one in three return to prison within two years.

Therefore, since securing work and a home in society is the key to stop reoffending, in Japan, the state and volunteers coordinate to provide support for the rehabilitation of released inmates.

#### **Creating a society where all members of society help support rehabilitation**

In 2014, the government formulated the declaration, "Don't Go Back To Crimes, Don't Let Them Go Back To Crimes" – the aim of which is the creation of a society where people who have committed a crime or juvenile delinquency are not excluded nor isolated but are naturally re-accepted as a responsible member of society (RE-ENTRY), with the state and volunteers working together to publicize their activities throughout the entire community.



- **Cooperators in the Private Sector Working to Prevent Re-offending in the Community (Volunteer Probation Officers, Offenders Rehabilitation Facilities, Cooperative Employers, etc.)**

In order to prevent reoffending, it is important to arrange the environment for persons who have committed a crime or juvenile delinquents to rehabilitate and live in the local community, and to this end, the involvement of extensive groups of citizens is essential.

Firstly, there are volunteer probation officers from the private sector who bring with them a variety of life experiences such as employers, teachers, and others, who have been commissioned by the Minister of Justice based on their social trustworthiness and dedication towards offenders rehabilitation activities. Collaborating with probation officers, volunteer probation officers are responsible for the probation of released inmates and support their rehabilitation, as well as engaging in crime prevention activities in the local community.

While Japan has about 1,000 probation officers, approximately 48,000 volunteer probation officers throughout the country contribute to preventing re-offending by supporting the rehabilitation of the released inmates in the local community.

As well as taking steps to secure a variety of appropriate candidates to serve as volunteer probation officers, the government has been implementing measures to support volunteer probation officers by establishing offenders rehabilitation support centers, which serve as a hub for the activities of volunteer probation officers.

Secondly, Japan has been working on securing housing for released inmates who do not have a place to return to by commissioning approximately 100 privately-run “offenders rehabilitation facilities” to provide accommodation. Currently, about one-quarter of the released inmates on parole from penal institutions are housed in offenders rehabilitation facilities. Offenders rehabilitation facilities play an indispensable role in preventing re-offending and help released inmates reintegrate into society. Therefore, the Japanese government is striving to reinforce the functions of the offenders rehabilitation facilities such as by promoting the placement of professional staff specializing in welfare support and treatment for drug addiction.

In addition, it is also important for released inmates to acquire a foundation in their lives and opportunities in society through employment. Therefore, in Japan, there are about 13,000 “cooperative employers” registered with the probation offices, who support the rehabilitation of the released inmates by employing them with full understanding of their criminal records. As given date, around 470 cooperative employers actually employ released inmates, and thereby, contribute to the prevention of re-offending. The government provides support to the cooperative employers so as to increase opportunities for employment.

Moreover, the Women’s Associations for Rehabilitation Aid, which support the rehabilitation of released inmates with their perspective, and the Big Brothers and Sisters Associations, groups of young volunteers who befriend juvenile delinquents and relate to them, as well as other volunteers actively participate in preventing re-offending.



- **Volunteers in the Correctional Institutions (Voluntary Chaplains, Voluntary Visitors)**

Voluntary chaplains are nongovernmental volunteers, who conduct religious teachings for those inmates who are committed to correctional institutions throughout the country (prisons, juvenile training schools, etc.) in accordance with their denomination upon a request being made by the inmate.

Religious teachings refer to activities related to religion which are not allowed to be conducted by government officials owing to the provisions in the Constitution stipulating the separation of religion and state, and they are carried out in order to ensure the right of the inmates committed to the correctional institutions to the freedom of religion, and also bring stability to their prison lives by affording spiritual relief and stabilizing their mental state.

The religious activities are carried out in a variety of ways such as in the form of religious ceremonies, worship, visits and sermons, and these activities can be broadly divided into group teachings and individual teachings.

As of the end of December 2013, there were 2,060 voluntary chaplains volunteering at the correctional institutions across the country.

Voluntary visitors are private volunteers who provide visits, guidance and education for the inmates committed to the correctional institutions throughout the country at each of the facilities, and who help with their rehabilitation and social reintegration.

Treatment, such as guidance and education, is also provided by the government officials to the inmates committed to the correctional institutions, but where specific treatment is required, such as in areas which require special expertise or in areas where new challenges have arisen owing to changes in society or because of the times, or where it is considered that treatment provided by the private sector will be more effective than that provided by the government, voluntary visitors provide help.

Voluntary visitors are of all ages and come from all walks of life such as teachers, lawyers, psychological counselors, and instructors of flower arranging, dance, music and computer skills.

As of the end of December 2013, there were 1,730 voluntary visitors volunteering at the correctional institutions across the country.

- **Promotion of Measures to Prevent Re-offending through Collaboration between the Public and Private Sectors (Measures taken in PFI Prisons)**

In recent years, measures aimed at preventing re-offending have been taken in Japanese prisons through collaboration between the public and private sectors, using the expertise and know-how possessed by the private sectors in the guidance and support offered to inmates.

There are also some private companies which, as part of their corporate social contributions, offer integrated programs ranging from the provision of vocational training to the inmates, the provision of prison-work and employment following their release.



In order to expand these measures and to build a society where the support for employment offered by companies to the inmates is valued as an activity which makes a contribution to society, the government has been endeavoring to publicize the social value of employing people who have committed a crime or juvenile delinquency as well as measures for rehabilitation support, and encouraging companies to work on facilitating the proactive employment of former inmates, based on the abovementioned declaration, "Don't Go Back To Crimes, Don't Let Them Go Back To Crimes".



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## **Initiatives to Connect a Culture of Lawfulness with the Future – the Promotion of Law-Related Education**

### **Agenda Item 3**

Law-related education is education which aims to help members of the general public, who are not experts in law, understand the laws, the justice system and the underlying values, and to encourage them to familiarize themselves with legal concepts, and it is extremely effective in terms of promoting the rule of law and protecting the law and order of society. Moreover, it also takes on added importance in that ordinary citizens, who are to play a role in the criminal justice system such as through participating in the *saiban-in* system, are able to familiarize themselves with legal perspectives and concepts from an early age such as from childhood.

Therefore, Japan has been studying the role of law-related education in relation to the many legal fields, including criminal justice, and has been developing educational materials to be used in schools based on research and surveys conducted on the manner in which law-related education lessons are taught in schools. These educational materials were adapted so that students could learn more effectively about the need for rules as well as ways to resolve problems based on rules through the use of familiar topics such as incidents that take place in school. Moreover, when so requested by the schools, officials from the Ministry of Justice were sent to the schools as instructors in order to teach law-related lessons, which explain the thinking of legal concepts, to the students and the teachers, and in FY 2013, approximately 3,000 lessons were taught, attended by a total of about 10,000 participants.



## **International Cooperation in Promoting the Rule of Law (including a Culture of Lawfulness)**

### **Agenda Items 3 and 6**

- **Capacity Building of Criminal Justice Practitioners**

The Government of Japan proactively provides support for capacity-building projects being implemented by the United Nations Office on Drugs and Crime (UNODC) in areas such as fighting corruption, trafficking in persons and cybercrime via contributions to the United Nations Crime Prevention and Criminal Justice Funds within the UNODC. Moreover, as part of its ODA efforts, the Government of Japan has been proactively engaged in providing technical assistance in the fields of crime prevention and criminal justice through the activities conducted by the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI). UNAFEI is a United Nations regional institute, established in 1962 by agreement between the United Nations and the Government of Japan, which has the aim of promoting the sound development of criminal justice systems and mutual cooperation in countries around the world with a focus on Asia and the Pacific Region, and the Government of Japan is responsible for UNAFEI's operations in terms of funding and personnel. UNAFEI works proactively in tandem with the UNODC, and has been cooperating in the implementation of a wide range of training courses, seminars and workshops relating to crime prevention and criminal justice issues.

UNAFEI annually organizes two international training courses and one international senior seminar for personnel responsible for crime prevention and criminal justice administration, and also conducts numerous other country-specific or theme-specific training courses and seminars. Over the years, the number of participants in the training courses and seminars has reached a total of 5,023 participants from 136 countries, not only from Asia and the Pacific Region but as widespread as Africa, Latin America, the Caribbean countries and Eastern European countries.

In selecting the themes of the training courses and seminars, UNAFEI is careful to pay due attention not only to the needs of each country in the region, but also the priority areas of the United Nations crime prevention and criminal justice programs determined by the United Nations Commission on Crime Prevention and Criminal Justice, the Economic and Social Council and the United Nations General Assembly. Moreover, UNAFEI provides cooperation in the planning and implementation of policies on global crime prevention and the treatment of offenders, which is one of the objectives of the United Nations. The activities of UNAFEI related to this Congress's substantive agenda include the following.

#### **Promotion of international cooperation for measures against transnational organized crime and corruption**

In recent years, UNAFEI has been focusing on the United Nations Convention against Transnational Organized Crime (UNTOC), and has been implementing training courses which focus on important themes in measures against transnational organized crime such as "Attacking the Proceeds of Crime: Identification, Confiscation, Recovery and Anti-Money Laundering Measures" (146<sup>th</sup> training



course, 2010), “Measures to Secure Protection and Cooperation of Witnesses and Whistle-blowers” (149<sup>th</sup> training course, 2011), “Trafficking in Persons – Prevention, Prosecution, Victim Protection and Promotion of International Cooperation” (150<sup>th</sup> seminar and 152<sup>nd</sup> training course, 2012). Moreover, with regard to the corruption measures obligated by the United Nations Convention against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC), UNAFEI has been conducting international training courses on criminal justice responses to corruption since 1998, and moreover, since 2007, has been holding annual regional seminars on good governance for Southeast Asian countries in order for the participants to be able to exchange information and discuss anti-corruption measures. Further, other topics featured in the discussions in the above-mentioned training courses and seminars are international cooperation in such areas as mutual legal assistance in criminal matters and extradition of fugitives, which are becoming rapidly more important due to the globalization of crime, and these discussions contribute to the building of a network, which serves as the foundation for the taking of effective measures to counter transnational organized crime and corruption and to promote international cooperation.

### **Training courses on crime prevention**

The theme of one of the international training courses held in 2010 was the effective rehabilitation of offenders, in relation to which the participants discussed specific methods to enable offenders to smoothly reintegrate into society such as the provision of support to find employment and collaboration with the local community. The international senior seminar held in 2011 focused on the theme of “Community Involvement in Offender Treatment” where the participants identified good practices for collaboration between the government agencies and the local community, NGOs and companies and the promotion of community involvement in the treatment of offenders. In addition, training courses were conducted on the prevention of specific crimes such as drug offences and sexual offences.

### **Contributions to improved treatment for female offenders**

With the aim of improving treatment for female offenders, UNAFEI has been striving to publicize the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules). An international senior seminar was held in 2013 on the theme of the treatment of female offenders, during which the participants discussed the measures being taken by each country. Her Royal Highness Princess Bajarakitiyabha of the Kingdom of Thailand was invited to give a special lecture. In addition, in 2014, within the scope of special needs offenders, the topic of the treatment of female offenders was once again taken up. In addition to sharing the recognition of the importance of this issue among the participating countries, effective approaches were examined.

UNAFEI, as an institute of the UN Crime Prevention and Criminal Justice Programme Network (PNI), is supporting a workshop on the theme of juvenile delinquents and female offenders at the 13th Congress. In planning and preparing for this workshop, UNAFEI held a preparatory meeting that comprised of international experts on the treatment of female offenders, and is committed to contributing to the success of the 13th Congress through the outcomes and recommendations of the workshop.



- **Implementation of Training Courses and Seminars for Volunteer Probation Officers at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders**

The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) has helped to draft the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules) adopted by the UN General Assembly in 1990 and has been promoting the treatment of offenders within society during its international training courses and seminars, and has especially been making such contributions as introducing the Japanese system of volunteer probation officers to the world,

In particular, UNAFEI has been providing a forum for opinion exchanges between the criminal justice practitioners of other countries and Japanese volunteer probation officers through the “International Seminar for Volunteer Probation Officers” held on an annual basis since 1985, and has been introducing the activities of Japanese volunteer probation officers.

In addition, the first Asia Volunteer Probation Officers Meeting was held in 2014 where participants from countries in Asia, which have implemented a system of volunteer probation officers, described the current situation of the activities conducted by the volunteer probation officers in their country and exchanged views on related issues, and upon the conclusion of the discussions, the “Tokyo Declaration of the Asia Volunteer Officers Meeting” was adopted.

In other areas, UNAFEI held an international senior seminar focusing on the key topic of “Public Participation in Community Corrections” and the “Seminar on Promoting Community-Based Treatment in the ASEAN Region” co-hosted by JICA, the Department of Probation of the Ministry of Justice of the Kingdom of Thailand and the Thailand Institute of Justice in 2015.

- **Technical Cooperation in the Design and Construction of Correctional Facilities in Foreign Countries**

Since the technology used in constructing the correctional institutions plays an important role in maintaining public safety, Japan has been applying the advanced technology and experiences that it has developed in the design and construction of correctional facilities in its provision of international cooperation, and has been providing technical cooperation in this field to other countries and holding opinion exchanges on the occasion of international conferences.

**Architectural design and operational support for Sirindhorn Juvenile Vocational Training School of the Kingdom of Thailand**

In response to a request received from the Kingdom of Thailand for cooperation in the construction and operation of facilities in association with a plan for construction of a juvenile training school with a focus on vocational training, in 1991, as part of its ODA, Japan provided technical assistance for facility development by executing the basic design of a juvenile vocational training school and dispatching experts in the field of correctional facilities architecture, and



provided technical assistance by dispatching experts in the field of correctional education in order to give guidance on methods of teaching vocational training and on operation of the vocational training programs through the Japan International Cooperation Agency (JICA), and gave support in terms of the construction and management of Sirindhorn Juvenile Vocational Training School located in Nakornpathom Province, the suburbs of Bangkok.

In addition, the Japanese government has been inviting trainees from Thailand to come to Japan since 1996 over the course of 11 years, and has been implementing training courses relating to technology concerning aspects of the construction and operation of correctional institutions, and has been providing technical instruction on Japanese correctional facilities architecture and institutional operations.

Sirindhorn Vocational Training School, which was completed through support provided by Japan, commenced operations in 1996, and has since been utilized in providing education for the social rehabilitation of juveniles, and it has helped to improve the development of the juvenile corrections system in the country by serving as a model facility for juvenile correctional facilities throughout the Kingdom of Thailand.

#### **Asian Conference of Correctional Facilities, Architects and Planners**

Through providing international cooperation for the development of correctional institutions when constructing Sirindhorn Vocational Training School in the Kingdom of Thailand, the need for technical assistance to be provided by the Japanese correctional facilities architecture sector to other countries primarily in the Asian region was reaffirmed, and moreover, on account of the fact that technical assistance in this field not only helps maintain the public security of these countries but makes a substantial contribution to their economic and social development, Japan proposed the establishment of an Asian Conference of Correctional Facilities, Architects and Planners with the aim of providing technical assistance and sharing information in the field of correctional facilities architecture.

Correctional facilities architects and planners in the Asian countries (government officers involved in the planning, design and maintenance of correctional institutions) participate in the conference, and each presents and studies ways to effectively realize the functions required of a correctional institution and the problems to be faced in their realization, resulting in a compilation of technical studies.

The first conference was held in Japan (2012), the second in the Kingdom of Thailand (2013), the third in Malaysia (2014) and the fourth in Republic of the Union of Myanmar (2015), attended by the correctional architects and planners of the Asian countries.



## Proactive Implementation of Mutual Legal Assistance

### Agenda Items 4 and 5

In a world where people, money, things and information frequently move across national borders, reference has long been made to the globalization of crimes such as organized crimes, drug crimes and terrorism, and we are now faced with a serious situation where these global crimes are becoming much more complex and sophisticated. Moreover, we are faced with threats of increasingly more serious cybercrimes which constitute a new type of transnational crime. Under such circumstances, as a member of the international community, Japan has the responsibility to play a proactive role to eradicate transnational crime, and therefore has been implementing a variety of initiatives in order to reinforce international collaboration and to appropriately respond to transnational crimes; one of which is the proactive implementation of mutual legal assistance.

To date, Japan has concluded six treaties/agreements on mutual legal assistance in criminal matters, and mutual legal assistance requests are being exchanged with the designated “Central Authorities” of a total of more than 30 countries/regions (the United States, South Korea, China, Hong Kong, Russia and the EU countries) based on such mutual legal assistance treaties/agreements. Japan also concluded the Convention on Cybercrime which has been ratified by more than 40 states. Moreover, even with regard to other countries, requests are exchanged through diplomatic channels on the basis of reciprocity, and therefore Japan proactively promotes international cooperation in the field of criminal justice.

When a request for mutual legal assistance is made by a foreign country, to the extent possible, Japan first receives a draft request, and by means of pre-inspection and coordination based on the draft request, Japan promptly and smoothly provides mutual legal assistance after the request has been formally accepted.

The number of cases where a request was made by the Japanese authorities (outgoing cases) or received by the Ministry of Justice (incoming cases) for mutual legal assistance in a criminal case in the past three years is as given in the table below. Compared to 10 years ago (21 outgoing cases and 21 incoming cases in 2003), the number of outgoing and incoming cases has been increasing significantly in recent years, and the percentage of requests to and from treaty partners has become a lot higher. In addition, the evidence was provided within half a month at the earliest, and within three months in 30% of all the incoming cases since the formal request was received by the Ministry of Justice (outcomes in 2013).

Year	Outgoing cases	Incoming cases
2011	56 (42)	55 (37)
2012	79 (49)	98(78)
2013	155 (107)	76 (62)

\* The number given in parentheses indicates the number of cases to/from treaty partners.



Japan regularly holds consultations at the practitioner level between the central authorities with the United States, South Korea and Russia, which are Japan's mutual legal assistance treaty partners. In a consultation the practitioners of mutual legal assistance get to see each other face-to-face and, in a free and candid environment, discuss issues relating to ongoing mutual legal assistance cases and evaluate past cases, and therefore these consultations contribute to the implementation of faster and smoother mutual legal assistance and help to maintain and develop good relations between the treaty partners.

Japan also proactively facilitates investigative cooperation among law enforcement agencies, including the police authorities. For example, the numbers of cases for which the National Police Agency of Japan made/accepted requests for investigative cooperation to/from other member countries over the past three years through ICPO-Interpol, an international organization whose constituent members are the police authorities of each country, are listed in the following table. When compared to 10 years ago (817 outgoing cases and 985 incoming cases in 2003), the number of incoming cases has increased substantially in recent years.

Year	Outgoing cases	Incoming cases
2011	412	2,343
2012	504	2,752
2013	473	2,920

In addition, Japan has been participating proactively in the Cybercrime Convention Committee, which is held regularly among the member states of the Convention on Cybercrime, to strengthen cooperation with the other member states in countering cybercrime, which is a major emerging transnational crime.



## **Invitation to Japan in 2020 for the Fourteenth UN Crime Congress**

In 1970, Japan hosted the UN Crime Congress in Kyoto, under the main theme of “*Social defense policy in relation to development, Participation of the public in crime prevention and crime control*”. As the outcome of the deliberations, the Congress adopted the Kyoto Declaration, which highlighted public participation and international technical assistance, these points remain relevant to the theme of the current Crime Congress.

We are honored to have hosted such a visionary meeting that addressed issues that are still of importance today.

After 50 years, Japan has offered to host the 2020 Crime Congress along with the Tokyo Olympics and the Paralympics, and to invite participants from all over the world. Here in Japan, we hope to demonstrate Japan’s 50-year effort to establish a mature society where the rule of law permeates society through a culture of lawfulness.

We are looking forward to welcoming you in Japan, “the safest country in the world” where the culture of lawfulness is most deeply rooted.

