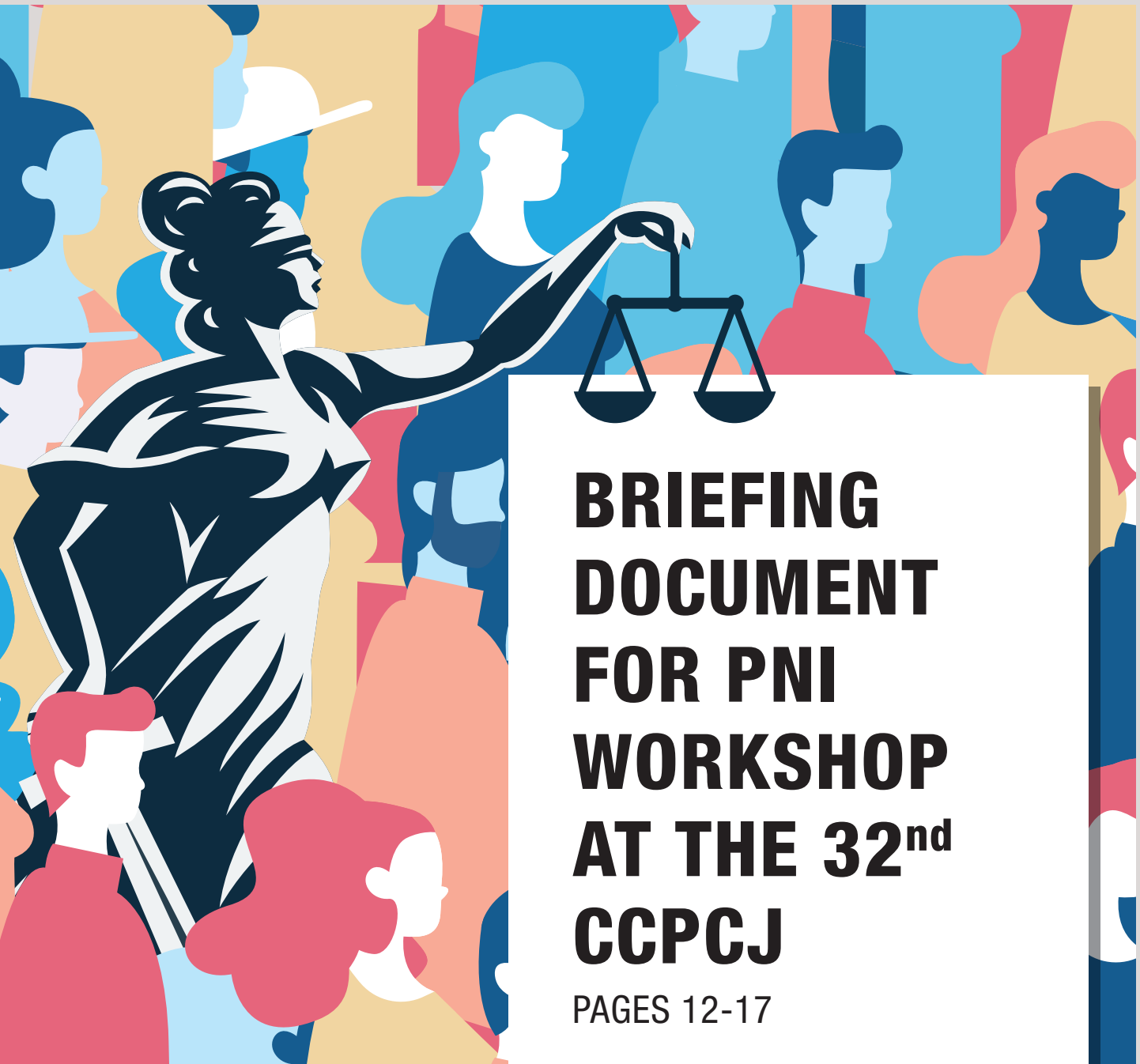

PNI

NEWSLETTER

THE UNITED NATIONS CRIME PREVENTION
AND CRIMINAL JUSTICE PROGRAMME
NETWORK OF INSTITUTES (PNI)

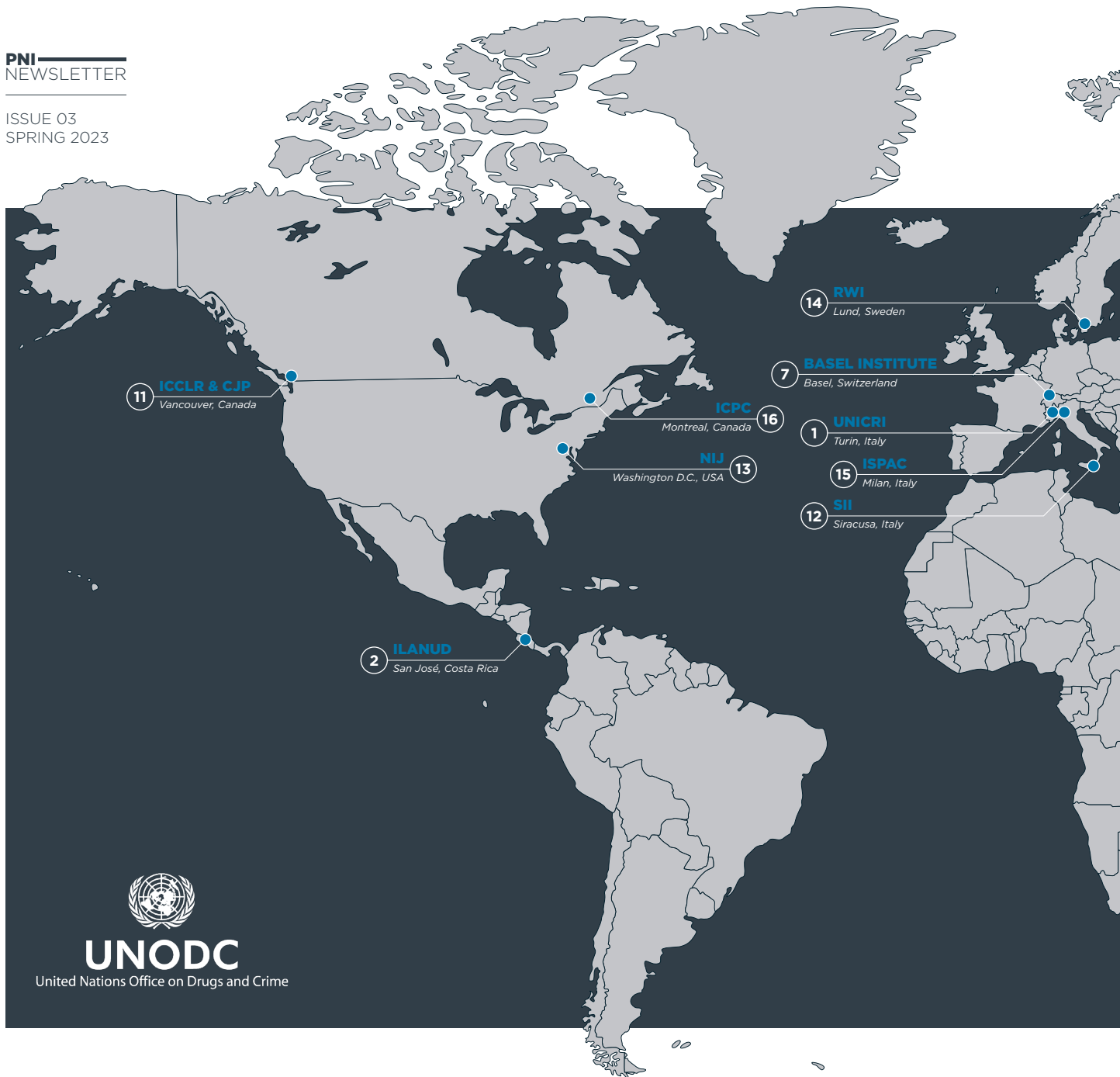
UPDATES ON UN CRIME
PROGRAMME ACTIVITIES
ARTICLES
EXECUTIVE INTERVIEW WITH
NIJ AND UNAFEI

ISSUE 03
SPRING
2023



**BRIEFING
DOCUMENT
FOR PNI
WORKSHOP
AT THE 32nd
CCPCJ**

PAGES 12-17



UNODC

United Nations Office on Drugs and Crime

INTERREGIONAL & REGIONAL INSTITUTES



1 UNICRI
United Nations Interregional Crime and Justice Research Institute; *Turin, Italy*



2 ILANUD
Latin American Institute for the Prevention of Crime and the Treatment of Offenders; *San José, Costa Rica*



3 HEUNI
European Institute for Crime Prevention and Control, affiliated with the United Nations; *Helsinki, Finland*



4 UNAFRI
African regional Institute for the Prevention of Crime and the Treatment of Offenders; *Kampala, Uganda*



5 UNAFEI
Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders; *Tokyo, Japan*



6 NAUSS
Naif Arab University for Security Sciences; *Riyadh, Saudi Arabia*

NATIONAL INSTITUTES



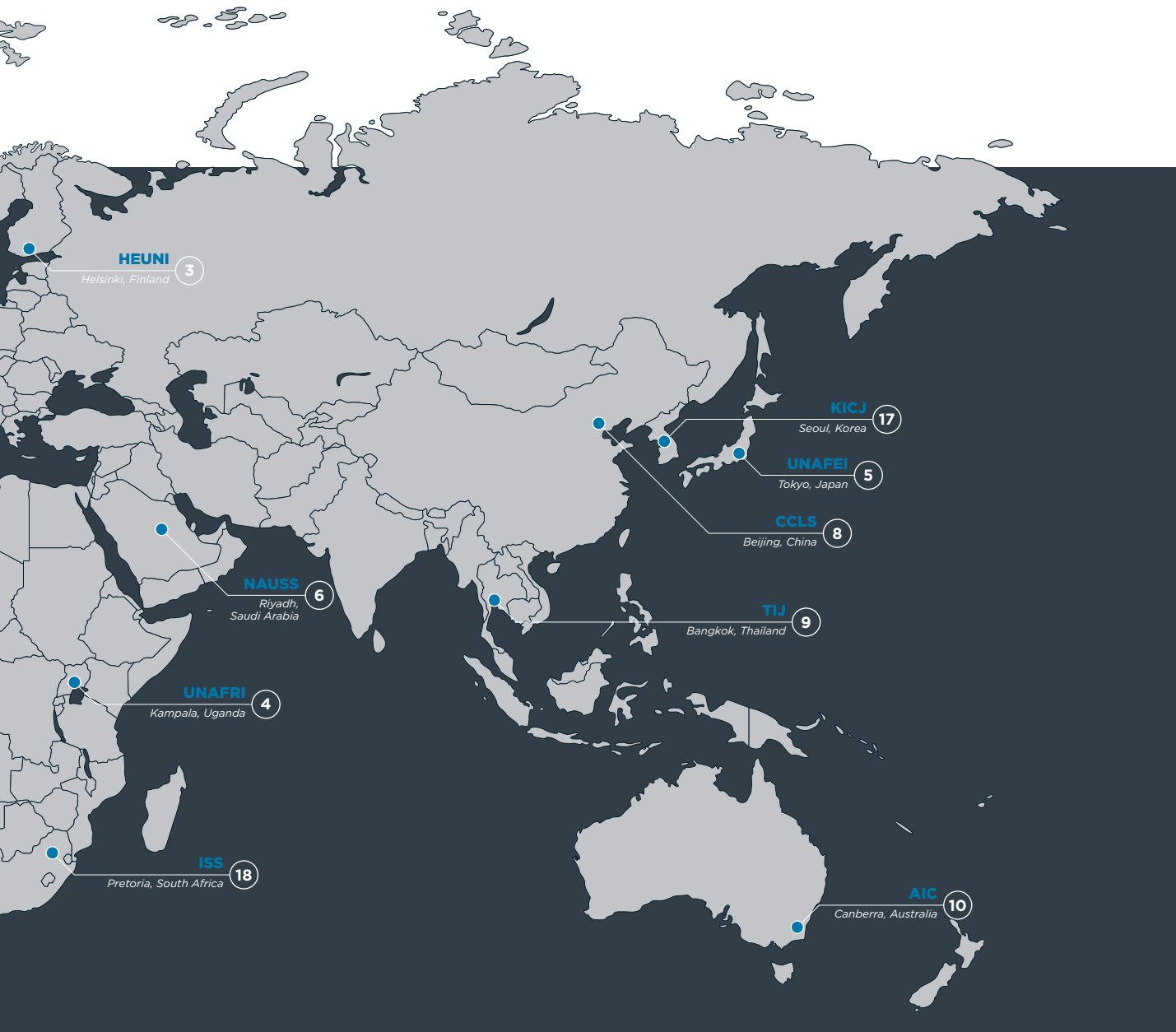
7 BASEL INSTITUTE
The Basel Institute on Governance - (International Centre for Asset Recovery); *Basel, Switzerland*



8 CCLS
College for Criminal Law Science (CCLS); *Beijing, China*



9 TIJ
Thailand Institute of Justice (TIJ); *Bangkok, Thailand*



Australian Government
Australian Institute of Criminology

10 AIC
Australian Institute of Criminology;
Canberra, Australia



13 NIJ
National Institute of Justice;
Washington D.C., USA



**INTERNATIONAL
CENTRE
FOR THE
PREVENTION
OF CRIME**

16 ICPC
International Centre for the Prevention of Crime;
Montreal, Canada



11 ICCLR & CJP
International Centre for Criminal Law Reform
and Criminal Justice Policy; Vancouver, Canada



14 RWI
Raoul Wallenberg Institute of Human Rights
and Humanitarian Law; Lund, Sweden

KICJ Korean Institute of
Criminology and Justice

17 KICJ
Korean Institute of Criminology and Justice;
Seoul, Korea



12 SII
The Siracusa International Institute for Criminal
Justice and Human Rights; Siracusa, Italy

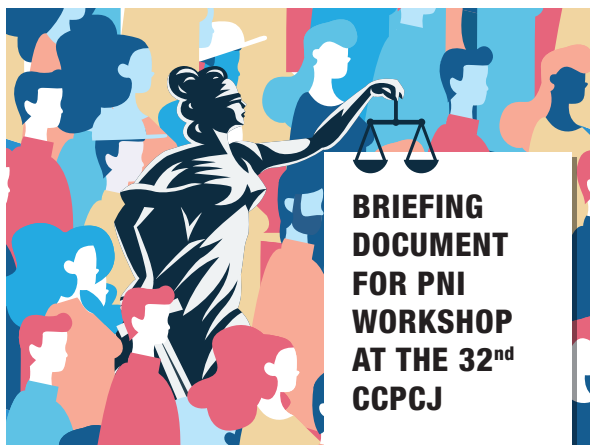


15 ISPAC
International Scientific and Professional Advisory
Council of the United Nations Crime Prevention
and Criminal Justice Programme; Milan, Italy



18 ISS
Institute for Security Studies;
Pretoria, South Africa

ABOUT THE PNI NEWSLETTER



The United Nations Crime Prevention and Criminal Justice Programme Network (PNI) consists of the United Nations Office on Drugs and Crime (UNODC) and 18 institutes and entities around the world. The mission of the PNI is to assist the international community in strengthening cooperation in crime prevention and criminal justice on the global, regional and sub-regional levels, within the framework of the United Nations Crime Programme. In January 2022, the members of the PNI decided to publish a “PNI Newsletter” as a way of sharing information on the contributions of the Network, in a way that could benefit a wide range of international and regional stakeholders as well as the general public. The Newsletter also serves to promote cooperation within the Network as well as with UN entities and with national and international stakeholders, through the dissemination of information and the sharing of knowledge. The Newsletter will be published twice a year, in the spring and the autumn.

The 32nd Session of the Commission on Crime Prevention and Criminal Justice (CCPCJ) is held from the 22nd – 26th May 2023 in Vienna. This third issue of the PNI Newsletter highlights the role of the PNI in organizing the CCPCJ workshop with the briefing document on access to justice and realizing a secure society. This issue also focuses on the PNI contribution to the UN Crime Programme and includes updates on activities undertaken during 2022 and early 2023 in the implementation of the Kyoto Declaration. With an aim to share information and knowledge, this issue contains three short articles: on Comparing the Negotiations on the Proposed UN Cybercrime Convention with Earlier Conventions, by Dr. Matti Joutsen, on restorative justice for sexual offences, by Dr. Siobhan Lawler and on the topic of the collaborative and people-centred approach to justice reform by Dr. Kittipong Kittayarak. To provide a closer look at individual Institutes, this issue features interviews with directors of the National Institute of Justice (NIJ) and the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders (UNAFEI).

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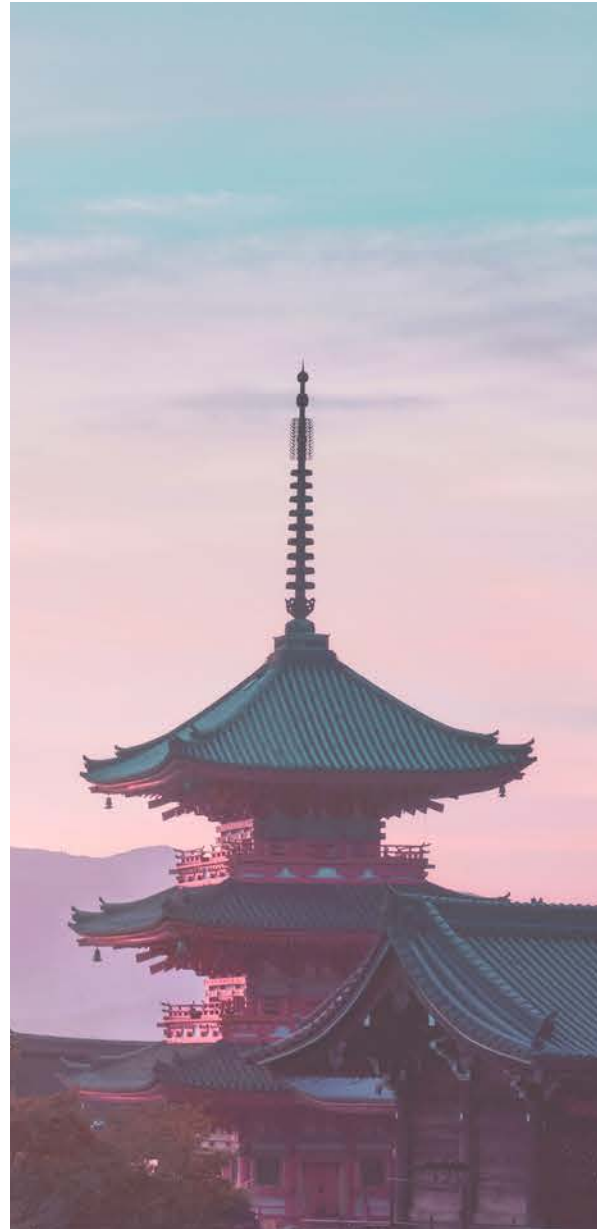
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UPDATES ON PNI ACTIVITIES

UPDATES ON
PNI ACTIVITIES

PNI ACTIVITIES IN SUPPORT OF THE IMPLEMENTATION OF THE KYOTO DECLARATION

The Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development was adopted at the 14th United Nations Crime Congress, held in Kyoto on 7-12 March 2021. The Kyoto Declaration sets out priorities in the international agenda to enhance crime prevention and criminal justice. The following provides a snapshot of some of the key contributions from the PNI to the implementation of the Declaration around the globe during 2022 and early 2023. The presentation of the activities is structured in accordance with the four pillars of the Declaration: I. Advancing crime prevention; II. Advancing the criminal justice system; III. Promoting the rule of law; and IV. Promoting international cooperation and technical assistance to prevent and address all forms of crime.



PILLAR 1: ADVANCING CRIME PREVENTION

In the Kyoto Declaration, Member States agree on a set of key elements to advance crime prevention. The elements in the Declaration include: promoting evidence-based crime prevention; addressing the economic dimension of crime; tailor-made crime prevention strategies; mainstreaming a gender perspective; children and youth in crime prevention; and youth empowerment.

Evidence-Based Crime Prevention

In enhancing evidence-based crime prevention strategies, the **Institute for Security Studies (ISS)** collaborated with the South African Police Services on a new Evidence-Based Policing project using crime statistics. In improving the quality and availability of data on crime trends, the **Australian Institute of Criminology (AIC)** continued to administer a series of statistical monitoring programmes in the field of criminal justice that include annual reports on fraud targeting the Government of Australia, identity crime, homicide, sexual offending, and prisoner deaths in prison and police custody. A new online dashboard was launched to provide quarterly updates on prisoner deaths in custody programmes. The **National Institute of Justice (NIJ)** explored research findings through the “Justice Today” podcast to discuss cutting edge research, practices and how the NIJ is meeting public safety challenges.

Economic Dimension of Crime



The publication “Corporate Compliance on a Global Scale. Legitimacy and Effectiveness” by ISPAC

To develop and implement effective measures to address the economic dimension of crime, the **International Scientific and Professional Advisory Council (ISPAC)** launched the publication “Corporate Compliance on a Global Scale. Legitimacy and Effectiveness”, presenting an innovative and critical analysis of corporate compliance from an interdisciplinary and international perspective. The publication covers historical, cultural and behavioural aspects of

corporate compliance in preventing corporate crimes. The **College for Criminal Law Science (CCLS)** held an

international conference on “Anti-corruption, Asset Recovery and Corporate Compliance” on 10-11 December 2022 with participation by over 120 international experts, including scholars, judges, prosecutors, lawyers and entrepreneurs. To promote the use of non-conviction-based forfeiture as a tool for recovering the proceeds of corruption, the **Basel Institute** held a number of activities under a 24-month project to support stakeholders in ten countries in Africa and Latin America in introducing and applying non-conviction-based forfeiture legislation, including regional workshops and a conference in Lisbon, Portugal. The Institute also held a two-day National Convention of Judges Specialised in Extinción de Dominio (forfeiture) in Peru to advance the use of Peru’s non-conviction-based forfeiture law. The institute’s Green Corruption programme also continued to address environmental crimes and corruption cases by engaging financial investigation and asset recovery specialists to advise government partners in Malawi, Uganda, Peru and Bolivia. The Basel Institute, together with the WWF, TRAFFIC and Transparency International, launched a Practitioners Forum on Countering Environmental Corruption and a related Working Group to tackle the illicit finances of environmental criminals.



Completion of a country project to advance non-conviction-based forfeiture legislation by the Basel Institute



A two-day National Convention of Judges Specialised in Extinción de Dominio in Peru by the Basel Institute to advance non-conviction-based forfeiture legislation



Capacity-building in Zambia by the Basel Institute

To improve anti-corruption measures focusing on proceeds of corruption, the **United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders** (UNAFEI) organized the 24th UNCAC Training Programme in November 2022 in Tokyo, attended by representatives from 22 countries, to



Individual Presentation at the 24th UNAFEI UNCAC Training Programme

discuss the challenges and solutions in identifying, tracing, freezing, seizing, confiscating and recovering proceeds of corruption. The **Basel Institute** held a training programme in Zambia to build the capacity of officials in conducting financial investigations and recovering stolen assets. The Institute's virtual learning platform, **Basel LEARN**, also offered knowledge and skills in intelligence gathering, asset tracing, and analysing suspicious transaction reports for the anti-corruption practitioners. The **AIC** published a report on the monetary returns of investing in programmes to



Basel LEARN, virtual learning platform

reduce the demand for illicit drugs and the annual report of the "Drug use monitoring in Australia" programme. The **United Nations Interregional Crime and Justice Research Institute** (UNICRI) produced the report "Illicit Financial Flows and Asset Recovery in the Eastern Partnership Region: A Mapping of Needs and Recommendations", which sheds light on the damage caused to the EaP region due to unchecked Illicit

Financial Flows (IFFs). The report also highlights the importance of strengthening cross-border relationships within the region to maximize the capture of illicitly obtained assets, allowing for more comprehensive and holistic policy recommendations.

Tailor-Made Crime Prevention Strategies

In promoting tailor-made crime prevention strategies, the ISS coordinated the South African Violence Prevention Forum and engaged with the government and civil society to develop inclusive approaches to violence prevention. The **ISS** also partnered with the Centre des Hautes Etudes de Défense et de Sécurité on policy-informed engagement with Senegalese authorities on risks associated with gold mining, piloted a Workplace Violence Prevention programme in South Africa, raised the alarm on Mali's abductions crisis and launched the first-ever Southern Africa Strategic Organized Crime Risk Assessment in partnership with the GI-TOC. The **Latin American Institute for the Prevention of Crime and the Treatment of Offenders** (ILANUD) designed and implemented an eight-month virtual diploma course on interdisciplinary studies on Violence and Crime Prevention, together with the Institute of Judicial Studies of the Supreme Court of Justice of Argentina. The **International Centre for the Prevention of Crime** (ICPC) published a report with the Quebec Ministry of Public Safety entitled "a practice review on community policing policies" for crime prevention. To help address labour exploitation, the **European Institute for Crime Prevention and Control** (HEUNI) launched its professional services to offer tailor-made solutions and sessions on understanding the risks of labour exploitation, identifying possible exploitation and creating processes to prevent, identify and address labour exploitation in supply chains.

Gender Perspective

To mainstream the gender perspective in crime prevention, the AIC conducted a study on economic insecurity and intimate partner violence against women during the Covid-19 pandemic and a study on different pathways of perpetrators into intimate partner homicide. The **AIC** also published both a qualitative study that interviewed the family and friends of intimate partner homicide victims and a programme of work on sexual violence experienced by dating app users. In addressing domestic violence, the **Thailand Institute of Justice** (TIJ), in collaboration with the Ministry of Social Development and Human Security, the Office of Attorney General and the Royal Thai Police, launched an

online learning programme, “DV Learning”. The curriculum was designed to be a public learning space to promote knowledge and understanding of domestic violence in society and be used as a tool to support the work on helping victims of domestic violence. To ensure women’s safety and access to economic opportunity, **UNICRI** and the Organization for the Prohibition of Chemical Weapons (OPCW) collaborated to amplify women’s voices and increase their participation in the chemical safety and security field. The Institute created the compendium on “Engagement and Advancement of Women in Chemical Safety and Security”, providing guidance on advancing gender inclusivity in the field by highlighting best practices for recruiting, training and promoting gender-inclusive careers.

Youth Crime Prevention and Youth Empowerment

To enable youth participants to explore current international and national issues on criminal justice-related topics and to discuss solutions with other participants, **UNAFEI** organized the Second Youth International Training Course, during which fourteen students from Japan, and ten international students from seven countries discussed child abuse prevention from the perspective of creating inclusive societies. The **ICPC** published a report on the safety of the Montreal shelter environment, with a focus on youth violence prevention.

Recognizing the role of youth as an agent of change, the **TIJ** developed a report on the justice literacy model entitled “So you think you can teach justice: A Curriculum Design Handbook for Incorporating Social Justice” to equip young people with the skills and mindset for promoting social justice. The TIJ also initiated a pilot project to provide information and promote understanding of restorative justice in educational settings. This project allowed over 70 participants, including students, high school teachers and university lecturers, to exchange views on restorative justice and conflict resolution. The TIJ together with the Asia Law Students’ Association co-organized a regional youth forum under the theme “Challenging Distance: A Metaverse World Intertwined”. Youth representatives from all ten member states of the Association of Southeast Asian Nations (ASEAN) participated in the forum. Outcomes and recommendations from the forum were presented to policymakers at the 3rd ASEAN Conference on Crime Prevention and Criminal Justice (ACCPCJ).



Youth forum under the theme “Challenging Distance: A Metaverse World Intertwined” at the 3rd ASEAN Conference on Crime Prevention and Criminal Justice (ACCPCJ)

PILLAR 2: ADVANCING CRIMINAL JUSTICE

Key elements to advance the criminal justice system underlined by the Kyoto Declaration include: safeguarding victims’ rights and protecting witnesses and reporting persons; improving prison conditions; reducing reoffending through rehabilitation and reintegration; addressing the vulnerabilities of children and youth in contact with the criminal justice system; and improving criminal investigation processes.

Safeguarding Victims’ Rights, Protecting Witnesses and Reporting Persons

To support victims’ access to justice, **HEUNI** conducted an EU-funded project, “Safe, Aware, Resilient, Able and Heard (SARAH): protecting and supporting migrant women victims of gender-based violence”, designed to develop an organizational strategy to provide victim-centred support for migrant women victims of gender-based violence.

Treatment of Offenders and Reducing Reoffending through Rehabilitation and Reintegration



Training project on the implementation of the Istanbul Protocol in Costa Rica by ILANUD

In promoting better treatment for offenders, **ILANUD** initiated a training process on the implementation of the Istanbul Protocol in Costa Rica jointly with the National Mechanism for the Prevention of Torture, with the financial support of the OPCAT Fund. ILANUD also supported the creation and implementation of a Penitentiary Information System, which systematized data on the various aspects of the penal system such as admissions, discharges, transfers and legal status. The **AIC** conducted research on the role of family and friends in improving probation and parole outcomes. The **Raoul Wallenberg Institute of Human Rights and Humanitarian Law** (RWI) cooperated with the Academy of Justice in Armenia to provide training for judges and prosecutors on working with torture cases, and provided training on international human rights standards for the Penitentiary Service. Within Kenya, the RWI also supported the development of a new national correctional services policy in compliance with international human rights standards, and initiated a new project involving cooperation with the criminal justice stakeholders to pilot the implementation of the policy. Within Zimbabwe, the RWI also cooperated with the Sierra Leone Correctional Services on development of training, internal inspections and inmate employment systems. The **TIJ** continues to promote the implementation of the United Nations standards and norms on the treatment of offenders. Key activities include: co-organizing, with the Department of Corrections, a training course for Thai senior correctional staff in Thailand on the treatment of prisoners; and co-organizing, with the International Committee of the Red Cross and the Malaysian Prison Department, a training programme on the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the Bangkok Rules). This latter programme was attended by thirty correctional officers in Malaysian correctional



On 6-8 December 2022, ILANUD organized the International Penitentiary Congress "Prisons in Crisis: Old Challenges, New Proposals" in San José, Costa Rica

In order to build effective rehabilitation and reintegration of offenders, **ILANUD** organized the International Penitentiary Congress "Prisons in Crisis: Old Challenges, New Proposals" at which representatives from seventeen Latin American countries and Spain discussed strategies for social integration, strengthening of good prison management and approaches to persons deprived of liberty. The **TIJ** launched a training programme, "Restart Academy" to provide on-site vocational support to ex-prisoners for starting and operating a food business. The **TIJ** also held, in collaboration with the Thailand's Department of Corrections, a workshop on non-fungible tokens (NFT) of artwork for prisoners as part of an effort to support their social reintegration. **UNAFEI** organized the 40th Public Lecture on Criminal Justice Policy (8 Feb 2023) at which 357 participants from 41 countries and regions discussed key issues related to the rehabilitation of offenders. As a continued effort to promote reducing reoffending, UNAFEI organized the 177th International Senior Seminar (12 Jan - 3 Feb 2023) attended by 19 senior criminal justice officials from 12 jurisdictions discussing the prevention of reoffending through a multi-stakeholder approach. UNAFEI also held an event on Reducing Reoffending with PNI Experts (18-21 Oct 2022) at which fourteen experts discussed effective technical assistance for reducing reoffending, and the 60th Anniversary event entitled "Creating Inclusive Societies: Approaches to Reducing Reoffending".

Juvenile Justice

In enhancing the child-sensitive criminal justice system, the **AIC** has conducted research on adverse childhood experiences among young people in the youth justice system, examining trends and issues related to trauma symptoms among diverse groups. The **International Center for Criminal Law Reform and Criminal Justice Policy** (ICCLR) initiated a multi-year project to mitigate the negative impact on the child from parental

incarceration and to support a systemic and cultural change in the way that the best interests of the child are considered in the criminal justice system, including through the promotion of community-based alternatives. **UNAFEI** organized its first International Training Course on Building Inclusive Societies (2-17 Mar 2023) in which thirteen overseas participants from eight jurisdictions discussed the protection of the rights of crime victims including children. To promote rehabilitation and reintegration for children in contact with the criminal justice system, UNAFEI organized the 179th International Training Course (6-29 Sep 2022), at which 24 overseas participants from 16 countries discussed effective measures for the rehabilitation of juveniles in conflict with the law and young adult offenders. At the international level, UNAFEI supported the Kenyan government in organizing an online training seminar for Kenyan officials involved in juvenile justice (7-10 Feb 2023) aimed at training trainers for the Child Care and Protection Officers Training Programme. **ILANUD** established a diploma course on Juvenile Criminal Justice with a restorative approach with the support of the Judicial Training Centre of the Autonomous City of Buenos Aires in Argentina.

Investigation Processes

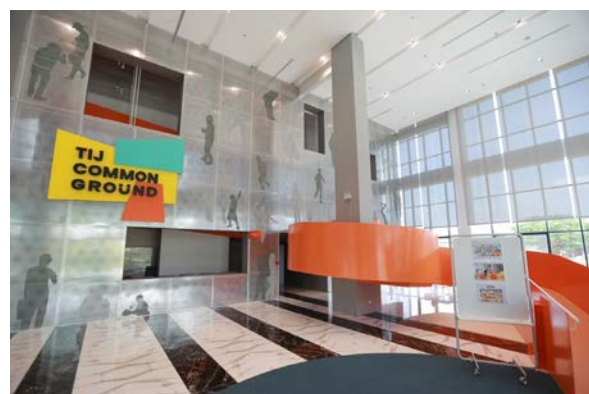
In improving criminal investigation processes, **ICCLR** co-hosted the Nexus Conference on Wrongful Convictions, with the University of British Columbia (UBC) Innocence Project, Innocence Project London, Griffith University Innocence Project with participation from Innocence Canada. The conference provided a forum to discuss challenges, successes, jurisprudence and advances in forensic science, and recommendations for best practices and reform in the post-conviction field. The **RWI** cooperated with the General Prosecutors Academy to deliver training on the Right to Liberty and Security of Person and a workshop on Rules of Evidence in Uzbekistan. **HEUNI** conducted an EU-funded project, “Enhanced Law Enforcement Cooperation and Training on Trafficking in Human Beings (ELECT THB)”, focusing on enhancing the identification and investigation of trafficking in human beings in Estonia, Finland and Latvia, mapping trends in the region.

PILLAR 3: PROMOTING THE RULE OF LAW

The key elements include: access to justice and equal treatment before the law; access to legal aid; national sentencing policies; effective, accountable, impartial and inclusive institutions; effective anti-corruption efforts; and social, educational and other measures.

Access to Justice and Equal Treatment before the Law

To promote rule of law and enhance access to justice for all, the **AIC** initiated projects under the new Indigenous Justice Research Programme to explore a range of issues associated with the over-representation of Aboriginal and Torres Strait Islander people in the criminal justice system. The **Siracusa International Institute for Criminal Justice and Human Rights** (SII) organized the “International Training Course for Prosecutors on Investigating and Prosecuting Crimes against Journalists and the Protection of Freedom of Expression”, in cooperation with the International Association of Prosecutors (IAP) and UNESCO, attended by prosecutors and representatives of prosecution services training academies from 12 countries. The **TIJ** opened a new office space in Bangkok to serve the public and provide services to the TIJ’s partners and the community. Under the new project entitled “TIJ Common Ground”, TIJ provides a place not only for people to easily access knowledge about Thailand’s criminal justice system and the rule of law but will also facilitate public participation and discussion in wider justice issues.





TIJ Common Ground officially opened on 28 March 2023

Effective, Accountable, Impartial and Inclusive Institutions



ILANUD, in partnership with the Ministry of the Interior of Paraguay, developed a manual on police integrity with a community approach

In order to ensure fair and effective administration and delivery of justice, **ILANUD**, in partnership with the Ministry of the Interior of Paraguay, developed a manual on police integrity with a community approach. ILANUD also supported the Ministry of Justice of Paraguay in the revision of the curriculum of the Higher Technician in Penitentiary Agent career. The **ICPC**, in collaboration with the association Espoir 18, an organization working for the integration and socialization of French working-class young people in Montreal, produced a review of international practice on “Improving dialogue between the police and the public” and hosted a seminar presenting international initiatives undertaken on dialogue between the police and the public.

Anti-Corruption



A conference on “Whistleblowers and Public Integrity” in partnership with the Ombudsperson of British Columbia held by ICCLR’s sub-institute, the Vancouver Anti-Corruption Institute (VACI), in partnership with the Ombudsperson of British Columbia on 8-9 November 2022

To provide support for countering corruption, the **Basel Institute** conducted a range of activities, including the fourth International Collective Action Conference, to explore collaborative ways to counter corruption; jointly launched a Practitioners Forum with WWF, Transparency International and TRAFFIC to bring together the anti-corruption and conservation communities; and published the results of a behavioural pilot intervention that achieved a decrease in bribery in a Tanzanian hospital. Under the Green Corruption programme, the Basel Institute joined a coalition of Indonesian NGOs in launching a new USAID-funded INTEGRITAS project aimed at preventing environmental corruption in Indonesia. Research on environmental corruption was conducted both independently and in collaboration with the Targeting Natural Resource Corruption project. **ILANUD** provided technical assistance to the Ministry of Justice of Costa Rica on compliance with the recommendations on Bribery in International Business Transactions to advance compliance with the provisions of the OECD Anti-Bribery Convention. **ICCLR**’s sub-institute, the Vancouver Anti-Corruption Institute (VACI), co-hosted a major conference on “Whistleblowers and Public Integrity” in partnership with the Ombudsperson of British Columbia. The conference was attended by representatives of the public sector, experts in transparency and anti-corruption, civil society and journalists. ICCLR also continued to organize a monthly series of anti-corruption seminars, in partnership with Transparency International Canada and the Peter A. Allard School of Law at the University of British Columbia. The **SII** organized the first Summer School on “Understanding and Combating Corruption – A Global Perspective”, seeking to provide the capacity to address corruption-related international problems as well as promote awareness of specific contemporary

issues and methods to deal with emergent and on-going concerns.

Culture of Lawfulness

In fostering the culture of lawfulness, the **RWI** partnered with law faculties to develop clinical legal education programmes contributing to increased access to justice through university-based law clinics.

The **ICPC** organized in Paris the seventh International Conference, which focused on Security in Mobility, in collaboration with French, Canadian and Belgian partners, including various ministries of transport and other government agencies. The Conference was designed to provide a space for exchanges between experts in crime analysis and key stakeholders in civil society in the field of mobility and public transport, and to identify avenues for innovation, actions, knowledge transfer and applied research in the field of security in mobility.

PILLAR 4: INTERNATIONAL COOPERATION, AND TECHNICAL ASSISTANCE TO PREVENT AND ADDRESS ALL FORMS OF CRIME

The fourth pillar of the Declaration deals with international cooperation, including through capacity-building and technical assistance; terrorism in all its forms and manifestations; and new, emerging and evolving forms of crime.

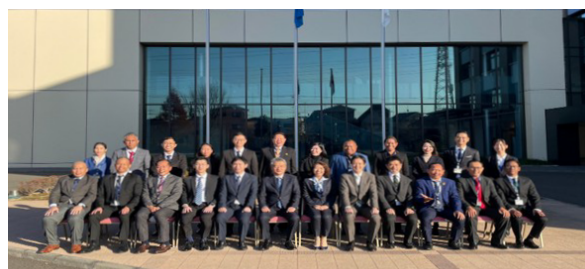
International and Regional Cooperation

In strengthening regional cooperation, the **TIJ** continues to promote the rule of law and to enhance crime prevention and criminal justice in the Southeast Asia region. Under the auspices of ASEAN, the TIJ worked with ASEAN member states and the ASEAN Secretariat in hosting the third ACCPCJ on 22-24 August 2022. The conference addressed three major issues – cybercrime, justice reform and international cooperation – with representatives from all ten ASEAN member states and practitioners from various relevant fields. The TIJ has also, together with the International Committee of the Red Cross and the Malaysian Prison Department, organized a training programme on the Bangkok Rules, attended by thirty correctional officers in Malaysian correctional facilities.



The 3rd ASEAN Conference on Crime Prevention and Criminal Justice (ACCPCJ) held on 22-24 August 2022

UNAFEI held the 16th Regional Seminar on Good Governance for Southeast Asian Countries (14-16 Dec), at which 17 participants from 10 jurisdictions discussed new and emerging forms of corruption and the effective countermeasures. UNAFEI, in collaboration with the UNODC Regional Office for South-East Asia and the Pacific (ROSEAP), organized weekly online training sessions for the Parole and Probation Administration of the Philippines (19 Jan - 11 May) to incorporate newly developed management models into their system. Also, a Pilot Site Training was held in Tagaytay City, the Philippines (29 Jun - 1 Jul), along with subsequent weekly mentoring sessions. UNAFEI also held the Study Tour for Cambodian Officials on Community-based Treatment in collaboration with UNODC ROSEAP (23-31 Aug), at which 14 government officials from Cambodia discussed the implementation of community corrections and visited relevant agencies.



16th Regional Seminar on Good Governance for Southeast Asian Countries

The **RWI** is working regionally in East Africa. Key activities include human rights training in Uganda for prison and probation services, in collaboration with the East African Community (EAC) and together with the African Civil Policing Oversight Forum and the Eastern Africa Police Chiefs Cooperation Organization, on the implementation of EAC Common Standards for Policing.

The **Basel Institute** developed and promoted anti-corruption recommendations for Ukraine's reconstruction, together with Transparency International Ukraine and the RISE Ukraine coalition, including at the Ukraine Recovery Conference in Lugano, Switzerland. The Basel Institute also co-led two democratic cohorts under the Summit for Democracy initiative of President Biden of the United States: Anti-Corruption Policies with the Ministry of Justice of Bulgaria and the Centre for the Study of Democracy, and International Cooperation for Anti-Corruption with the Government of Moldova and Transparency International. Under the International Centre for Asset Recovery (ICAR), the Basel Institute further expanded its training, technical assistance, legal and policy advisory services, with a focus on non-traditional forms of asset recovery and with new partner countries, including Bulgaria, Moldova and the Seychelles.

In promoting international cooperation through technical assistance, **ILANUD** provided technical assistance to the Ibero-American justice bodies in drafting the Common Ibero-American Rules on Restorative Juvenile Justice. The **United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders** (UNAFRI) is processing a request for provision of technical assistance to the Directorate of Public Prosecutions (DPP) of Uganda in the drafting of Uganda's national law on extradition and mutual legal assistance. The **ISS** is working to help Africa's response to organized crime through a range of technical support, including technical assistance to the South African National Prosecuting Authority, the Namibian Interagency Taskforce on arms control, management and disarmament, the Eastern Africa Police Chiefs Cooperation Organization, and the Central African Police Chiefs' Committee. The **SII**, in collaboration with the UNODC, organized a Workshop on Transnational Organized Crime affecting Nigeria and Europe, and provided relevant Nigerian prosecutorial and law enforcement authorities and their counterparts in selected European countries a platform to exchange knowledge and to analyze information related to the emergence of transnational organized criminal groups of Nigerian origin affecting both Nigeria and various



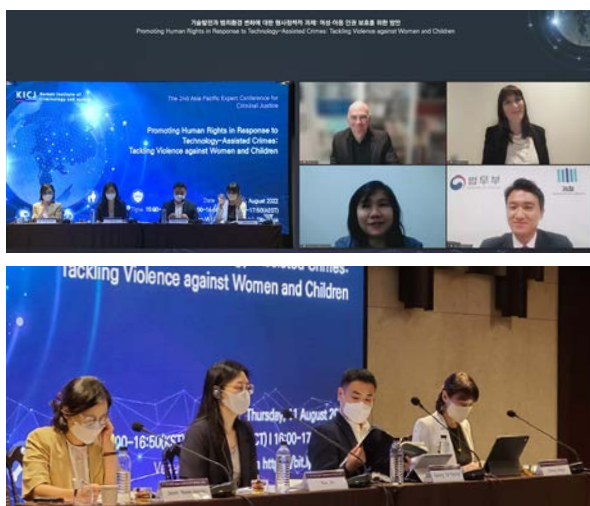
The SII, in collaboration with the UNODC, organized a workshop on Transnational Organized Crime affecting Nigeria and Europe

European jurisdictions. **UNICRI** organized the first regional Peer-to-Peer workshop on regional cooperation mechanisms in the Black Sea region, bringing together representatives from Georgia, Moldova and Ukraine to discuss their systems, capabilities and challenges they faced related to regional cooperation for incidents of radiological and nuclear trafficking.

New, Emerging and Evolving Forms of Crime

In addressing emerging forms of crime, the **AIC** conducted research that covers a range of topics related to cybercrime, such as child sexual abuse, the role of end-to-end encryption on social media sites for facilitating child sexual abuse material (CSAM) distribution, and the use of warning messages to prevent sharing of sexual images, and on data breaches and cybercrime victimization with a focus on ransomware victims. The **ISS** also conducted research on cyberthreats and cyber-resilience in Africa. **UNAFEI** held the 178th International Training Course on Criminal Justice (14 Jun - 7 Jul), at which 28 overseas participants from 14 jurisdictions discussed cybercrime and digital evidence. The **NIJ** published a recent podcast, "Social Media and Domestic Radicalization". The podcast examined how social media has become a potent tool for spreading extremist beliefs and promoting violent extremism, and how scientific research can assist law enforcement and other agencies in understanding and addressing this growing concern. The **Korean Institute of Criminology and Justice** (KICJ) convened the 2nd Asia Pacific Expert Conference for Criminal Justice (APECCJ) on the topic of "Promoting Human Rights in Response to Technology-Assisted Crimes: Tackling Violence against Women and Children". The event was attended by researchers and experts, and discussed the ways in which trends in violence against women and children have changed along with the widespread use of ICT and proliferation of online

activities, and examined specific examples of online sexual exploitation, ICT-facilitated domestic violence and sexual offences in the metaverse.



On 11 August 2022, the KICJ convened the 2nd Asia Pacific Expert Conference for Criminal Justice (APECCJ) on the topic of “Promoting Human Rights in Response to Technology-Assisted Crimes: Tackling Violence against Women and Children”

In response to threats to cultural heritage, **ISPAC** in cooperation with the Catholic University of Milan, organized a Conference on “Criminal law protection of cultural heritage in Italy and ongoing reform proposals”. **ISPAC** also organized a Webinar on “When Green Criminology Encounters Climate Change”, which addressed the criticalities arising from global warming and climate change.

UNAFRI presented a paper on the “Current situation of drug crimes in West African Francophone African Countries and the countermeasures” during the West African Francophone seminar held in Tokyo, Japan. The paper highlighted the increase in trafficking and consumption of drugs in all the four regions of Africa.

In implementing the United Nations Convention against Transnational Organized Crime (UNTOC) and its Protocols, **ICCLR** conducted a national consultation on Canada’s implementation. The inputs have been summarized in a report for the Government of Canada to support its submission to a global review of the responses of countries to suppress transnational organized crime. The report covers the responses of Canadian civil society to the relevant self-assessment questions for Cluster I of the UNTOC Review Mechanism, with a focus on criminalization and jurisdiction. The **ISS** hosted side events on Africa’s

implementation of UNTOC and on the trafficking of weapons at the 11th Session of the Conference of the Parties to UNTOC. The **ISS** also provided support to the Southern African Development Community (SADC) member states on the approved Implementation Action Plan for the SADC Integrated Transnational Organized Crime 2022-26 Strategy, and also partnered with Interpol and the Global Initiative against Transnational Organized Crime (GI-TOC) to enhance knowledge and action in response to organized crime in Africa.

To address the issue of human trafficking, **HEUNI** launched a report on the challenges of the organization of employment services for migrant victims of trafficking in Finland and strengthening their access to employment. The report shows the need for training of employment service staff on identification of human trafficking. **HEUNI** drafted a proposal for a national strategy aimed to comprehensively address labour exploitation and expanded its work to support businesses and public procurement actors to counter labour exploitation and human trafficking through several trainings and sessions. **HEUNI**, with the Inter-Agency Coordination Group against Trafficking in Persons, also organized a side event at the COP 11 on “Preventing Human Trafficking in Procurement and Supply Chains: Policy and Practice”. **ICCLR** developed a legislative guide for policymakers and legislators in the drafting of supply chain transparency legislation in Canada to avoid labour exploitation and human trafficking in their operations abroad, and to report publicly on their due diligence steps and their impact.

Terrorism

The **ISS** carried out activities aimed at preventing and countering terrorism and violent extremism, including research on entry points for engaging with violent extremist groups to resolve crises, and on the role of women mediators in Mali; informed strategies against violent extremism in Mozambique, West Africa and the Sahel; and provided critical input to ongoing law-making processes, including the amendment of South Africa’s Promotion of Constitutional Democracy Against Terrorism and Related Activities Act. The **SIJ**, jointly with the EU AML/CFT Global Facility, organized a Regional Conference in Bahrain on “Strengthening Judicial Cooperation in the MENA Region: Judges and Prosecutors at the Forefront of the Fight against Money Laundering and Terrorism Financing”. The Conference was attended by 83 speakers and participants with the aim of strengthening international judicial cooperation and the efficient application of existing MLA standards and international instruments by judges and

prosecutors. **UNAFRI** held a Regional Workshop in Kampala on judicial cooperation in the prosecution of terrorism and related offences, for Eastern Africa, and also organized a conference on judicial cooperation in the prosecution of terrorism and related offences in West Africa in April 2023. UNAFRI also launched a report on the Regional Training Workshop on Judicial Cooperation in the Prosecution of Terrorism and Related Offences. The **Basel Institute** worked on the 11th Public Edition of the Basel AML Index, which highlighted minimal global progress in countering money-laundering and terrorist financing. In combating violent extremism, the **ICPC**, in collaboration with the UNESCO-PREV Chair, conducted an international exploratory study on improving evaluation of violent extremism. **UNICRI** undertook research with SWISSAID, including more than 130 interviews with community members and traditional authorities, to better understand the linkage between climate change and violent extremism with a focus on Chad. The main productive activities in specific target areas in Chad have been adversely impacted by climate change, subsequently increasing economic and survival pressure in communities which are capitalized by violent extremist groups for recruitment and propaganda purposes. UNICRI is advising Member States and interested stakeholders on how best to respond to the links between organized crime and terrorism by producing initial threat assessments as well as provided recommendations for the design of an integrated programme for neighbouring countries. This is a prelude to a more comprehensive report, in progress, that will identify current sources of Taliban funding, the relationship between the Taliban and foreign terrorist groups, the use of sanctions, regional relations and dynamics, and potential implications for the European security context.

Technology for Justice

The **SII** seeks to bring the use of technology to the foreground in order to strengthen the criminal justice system. The SII, in cooperation with the Supreme Judiciary Council of Qatar and in partnership with UNESCO, organized two Specialization Training Seminars on “Artificial Intelligence, Criminal Justice and Human Rights”. The training focused on the practical applications of AI in judicial administration and the human rights implications of AI, especially in terms of bias, discrimination, privacy and transparency. The **KICJ** convened the ninth International Forum on “Emerging Technologies and Human Rights: Legal and Ethical Considerations in Regulating Artificial Intelligence”. The event was attended by researchers and experts, and

sought to share trends in global regulatory frameworks designed to mitigate the risk of human rights violations, and to discuss legal and policy issues surrounding the rights-based approach in regulating new and emerging technologies. **UNICRI** continued to enhance knowledge of the role of technology in countering the threats posed by the infiltration of the legitimate supply chain by organized crime. To that end, UNICRI, in partnership with the Kenyan Government Chemists Department of the Ministry of Interior, the International Atomic Energy Agency (IAEA) and the European Union Chemical Biological Radiological and Nuclear Centres of Excellence (EU CBRN CoE), organized the workshop using authentication technologies and nuclear analytical techniques to counter criminal infiltration into the legitimate supply chains. UNICRI also continued to drive innovation within law enforcement, particularly in using new and emerging AI-based tools and technologies to investigate child sexual exploitation and abuse as part of its AI for Safer Children initiative, implemented in cooperation with the United Arab Emirates. Significant progress was made, particularly through the launch of the AI for Safer Children Global Hub. More than 200 law enforcement personnel from 60 Member States have joined the Global Hub using AI-based tools and techniques.



In 2022, the KICJ convened 9th International Forum on “Emerging es and Human Rights: Legal and Ethical Considerations in Regulating Artificial Intelligence”

BRIEFING DOCUMENT FOR THE PNI WORKSHOP

AT THE 32ND SESSION OF THE UNITED NATIONS COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE (CCPCJ)

THIRTY-SECOND SESSION OF THE UNITED NATIONS COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

Briefing Document Workshop organized by the UN Programme Network Institutes (PNI)

Monday, 22 May 2023, from 15:00 to 18:00
Vienna International Centre

Enhancing the functioning of the criminal justice system to ensure access to justice and to realize a safe and secure society

One of the functions of the United Nations Programme Network of Institutes (PNI), is, in cooperation with the United Nations Office on Drugs and Crime and with interested Member States, to assist the United Nations Commission on Crime Prevention and Criminal Justice in its work by organizing, at each session of the Commission, a Workshop related to the theme of the session. The theme of the 2023 session is “Enhancing the functioning of the criminal justice system to ensure access to justice and to realize a safe and secure society”. The Workshop on this theme shall be held on Monday, 22 May 2023, from 15:00 to 18:00.

Work of the PNI on access to justice

As in other sectors of crime prevention and criminal justice, the PNI has been assisting the international community in gaining a better understanding of access to justice, identifying promising practices, and assisting Member States as well as the many other stakeholders on request in technical cooperation projects. In preparation for the Workshop that is to be held at the 2023 session of the Commission, information was collected on publications prepared by the individual institutes that are related to this theme.

The list of PNI publications, podcasts and other sources of information is available here. These sources can be accessed through the websites of the respective institutes. The PNI is prepared to respond to any queries for further information.

The list does not include the many publications that have been prepared by the UNODC Secretariat. Although the earliest PNI publications date back to the 1980s, most of the publications have appeared over the past five years. The PNI publications cover a wealth of issues, and only a few examples are provided below. (These publications can be found in the attached link, by referring to the institute in question and the year of publication provided).

An extensive number of publications has been produced by several institutes (among them UNAFEI, HEUNI, ISPAC, SII, ISS, AIC, NIJ, KICJ and TIJ) related to the **protection of and assistance to victims**, covering issues such as the application of the UN Victim Declaration (e.g. ISPAC 1994, HEUNI 2003, UNAFEI 2006, 2010), assisting special categories of victims (AIC 2014, HEUNI 2019, 2020 and 2021 and a broad range of NIJ publications), victim-centred criminal justice (ISS 2019 and 2020, KICJ 2002), and victim compensation (KICJ 2016 and 2022).

Legal aid, both for victims and for suspects, has also been dealt with in a number of PNI publications. Among the most recent are publications by the NIJ (2021) and ICCLR (2022). A 2011 NIJ report deals with international perspectives in legal aid for the indigent, and in 2011 UNICRI (together with other entities) published a manual on international criminal defence.

In particular, RWI has carried out considerable work related to **human rights in criminal justice**. TIJ has pioneered guidance documents and research on women prisoners (for example 2013, 2014 and 2017), and on gender-responsive justice (2020). SII has a

seminal publication on the protection of human rights under international and constitutional law (1982), and KICJ has recent (2021) publications related to the same theme.

The specific topic of **procedural justice** has been dealt with by NIJ (for example 2015 and 2018), AIC (2018) and KICJ (2000) have examined the protection of **whistle-blowers**. UNAFEI (2011) as well as ISS (2016) are among the many institutes that have considered the broader topic of the **protection of witnesses**.

Several PNI publications deal with **restorative justice**, among them publications prepared by ICCLR (2018), UNAFRI (2018), TIJ (2021) and NIJ (2022). KICJ has examined the strengthening of victim-offender mediation (2016). The Basel Institute has produced many publications and guides focused on the many aspects of **asset recovery**, and UNICRI has produced in particular several country-specific reports on this topic.

The **measurement of access to justice** has been dealt with for example by ICCLR in 2015 and 2017.

What is access to justice?

Access to justice is a basic principle of the rule of law. In the absence of access to justice, people are unable to have their voice heard, exercise their rights, challenge discriminatory treatment, or hold decision-makers accountable.¹

Goal 16 of the Sustainable Development Goals, adopted by the General Assembly in 2015, calls for the promotion of peaceful and inclusive societies for sustainable development, the **provision of access to justice for all**, and the building of effective, accountable and inclusive institutions at all levels. Among the targets set for Goal 16 is ensuring responsiveness, inclusive, participatory and representative decision-making at all levels.

The concept of access to justice has evolved over time. In the criminal justice context, access to justice has widely been understood as the ease with which victims of crime can turn to the law enforcement authorities and the court or other conflict resolution mechanisms in order to protect themselves against the offender and bring him or her to justice, and the ease with which suspects can receive legal assistance when accused of

an offence. The emphasis here was on the access element of “access to justice”. The self-evident remedy suggested was generally to seek to make it easier for a victim to report an offence to the law enforcement authorities, and for the suspect to be advised of his or her rights as a suspect, including the right to obtain legal counsel.

Merely arranging for a consultation with a lawyer or legal aide, however, is insufficient if the criminal justice system itself is ineffective, slow and cumbersome. During the 1960s, there was increased concern in many Member States that the views and concerns of the victim were not being given sufficient consideration within the criminal justice system. In 1985, this concern led the General Assembly to adopt the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, Articles 4 through 7 of which deal with access to justice and fair treatment. Extensive work has been carried out since then to make the criminal justice system more “victim-centred”.

At the same time, there was widespread concern that the internationally recognized rights of suspects and of convicted offenders were not being effectively protected. These concerns, in turn, led to the adoption of a series of United Nations standards and norms, among them the Code of Conduct for Law Enforcement Officials (1979), the Basic Principles on the Independence of the Judiciary (1985), the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment (1989), the Basic Principles on the Role of Lawyers (1990), the Guidelines on the Role of Prosecutors (1990), and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005).

Most directly relevant to the 2023 theme of access to justice, the General Assembly has adopted the Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (2012). These establish minimum standards for the right to legal aid in criminal justice systems and provide practical guidance on how to ensure access to effective criminal legal aid services. The United Nations Commission on Crime Prevention and Criminal Justice has also adopted resolution 25/2 (2016), on promoting legal aid, including through a network of legal aid providers.

During the 1970s and 1980s, the focus expanded to include an examination of how to make the criminal justice system more fair, more efficient and more responsive to the concerns of members of the community. This included managerial reforms (such as

¹ <https://www.un.org/ruleoflaw/thematic-areas/access-to-justice-andrule-of-law-institutions/access-to-justice/>.

improved case management), judicial specialization and an emphasis on plain language. Especially during the 1980s, increasing interest has been paid also in criminal justice to exploring the possibility of “alternative” dispute resolution mechanisms, such as mediation and restorative justice, and of enhancing customary justice and indigenous practices. In 2002, the Economic and Social Council adopted the Basic Principles on the Use of Restorative Justice in Criminal Matters, which was followed up by Commission resolution 27/6 (2018), on restorative justice.

An even more recent approach to access to justice has focused on the justice element of the concept. This involves for example a consideration of the benefits of greater and more effective popular participation in the drafting of laws and the formulation of legal policy, including criminal policy. Such an approach is in line with Goal 16 of the Sustainable Development Goals, and helps to widen the discussion of access to justice from the perspective of the individual victim or suspect needing legal assistance, to structural inequities that may prevent groups and entire communities not just from securing rights in the criminal justice system, but from having those rights recognized in the first place. Access to justice concerns not only the victim and the offender, but also the community, since this access is an essential component of the feeling of security in the community, as well as a contributing factor to confidence in and satisfaction with the agents of criminal justice, and the establishment of a culture of lawfulness. The structural inequalities in question may include discriminatory laws and practices, cultural and language barriers, lack of accessibility, financial constraints, lack of access to information and digital technology, and gaps in education and literacy levels, which may in turn result in a lack of knowledge regarding existing rights, and where to go for advice or assistance in exercising these rights.

The Commission has given attention to the need to strengthen the position of several groups that often meet with structural barriers.

For women victims, the barriers for reporting a crime often begin already with the definition of crimes. Although most manifestations of violence against women are generally recognized in criminal law as offences, the legal institutions are often weak in enforcing the law. Women’s rights may not be sufficiently recognized in patriarchal systems, and women may in practice face considerable difficulties in securing access to justice. These legal difficulties may be tied to social and economic barriers. Women victims may lack legal awareness of their rights and may be uninformed of the legal process. They may lack faith in

the legal system and do not believe that they can be helped. Many women victims are poor and illiterate or come from socially vulnerable communities (such as minority groups and migrants) and, thus, are often unable to seek legal aid.

Children may come into contact with the criminal justice system as victims, witnesses or suspects. Even for adults, dealing with the police, prosecutors and courts can be a bewildering experience. For children, it is even more so. They are usually not aware of their rights, or how to access justice. Even if they are, they are often not prepared to assert these rights in order to secure access, especially if their parents or other figures of authority tell them (often wrongly) that this cannot or should not be done. They may reasonably fear that they would be subjected to violence or intimidation, or abandoned, if they seek their rights.

Migrants, and especially smuggled migrants, are often subjected to exploitation and other criminal acts. Smuggled migrants may be exposed to life-threatening risks, which would require an immediate response to assist and protect them. However, if they are in the host country illegally or clandestinely, they may well be reluctant or even unable to seek help from the authorities. They may also be unable to speak the local language. For them, access to justice may be particularly difficult, and yet it may be a question even of life or death.

In 2018, the General Assembly adopted resolution 73/185, on enhancing the role of the Commission on Crime Prevention and Criminal Justice in contributing to the implementation of the 2030 Agenda for Sustainable Development. In preambular paragraph 12 of this resolution, the General Assembly:

[emphasized] its commitment and strong political will in support of effective, fair, humane and accountable criminal justice systems and the institutions comprising them, encouraging the effective participation and inclusion of all sectors of society, thus creating the conditions needed to advance the wider United Nations agenda, and recognizing the responsibility of Member States to uphold human dignity, all human rights and fundamental freedoms for all, in particular those affected by crime and those who may be in contact with the criminal justice system, including vulnerable members of society, regardless of their status, who may be subject to multiple and aggravated forms of discrimination, and to prevent and counter crime motivated by intolerance or discrimination of any kind.

Among the first steps in demonstrating its commitment and strong political will to do so would be ensuring that all sectors of society have effective means of access to justice. The Programme Network Institutes stand ready to assist Member States on request in this important work. The Workshop being organized at the thirty-second session of the United Nations Commission on Crime Prevention and Criminal Justice provides an opportunity to explore areas where this work can be carried forward.

PNI Workshop presentations

Monday, 22 May 2023, from 15:00 to 18:00
Vienna International Centre

PANEL 1

Access to justice through cultural and linguistic barriers

Dr. Julia Korkman, European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI)



Criminal justice processes become increasingly international, with a growing number of investigations of war crimes, human trafficking and organized crime. As they rely on the efficient communication between witnesses and investigators, an understanding of how culture affects this communication is crucial. In recent years, there has been an increase in research

on developing culturally sensitive ways of hearing and understanding witness statements from persons with diverse cultural backgrounds. Furthermore, the need to ensure quality interpretation in criminal justice processes is a paramount concern, as even the best interview can be undone by poorly conducted interpretation.

The role of law clinics in furthering access to justice in the criminal justice system: A case study of the Midlands State university Legal Aid Clinic

Ms. Chengetai Hamadziripi, Association of University-based Law Clinics in Zimbabwe / Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI)

The provision of legal aid in criminal justice systems is crucial in realizing and protecting the rights of vulnerable and marginalized persons who come in contact with the criminal justice system. However, many governments are failing to meet the overwhelming demand for legal aid services. It is in this context that clinical legal education programmes at university-based law clinics have the potential to play a significant role in complementing the efforts of the government in providing legal aid, especially in the criminal justice system context. This presentation will assess the role of university-based law clinics in providing access to justice in the criminal justice system.



Empowerment and protection of victims of large-scale crimes: The case of economic crimes

Professor Stefano Manacorda, International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme (ISPAC)



Large-scale crimes produce negative consequences for a wide range of victims. Within this broad category are distinct kinds of crimes: international, environmental, and economic. They differ in multiple aspects, such as the context in which they occur, the causal relationship between conduct and events, and the subjective element of the authors of the crimes. In the case of

economic and corporate crimes, some peculiar characteristics arise, such as the connection with (generally) legitimate economic activity, the role played by the organizational nature of the crimes, and the corporate capacity to remedy them. In this scenario, the protection of victims appears surrounded by several critical issues, such as the difficulties in recognizing the victims as victims, assuring their participation in the criminal process, finding the most appropriate forms of remediation, and evaluating the effectiveness and practicability of alternative forms of resolution.

PANEL 2

Examining Access to Justice: Research and Evaluation on Public Defense and Problem Solving Courts

Dr. Linda Truitt, National Institute of Justice (NIJ), U.S. Department of Justice



This panel will highlight from studies on public defense and problem solving court programmes and illustrate how the courts, drugs and crime research portfolios at the National Institute of Justice (NIJ) examine criminal justice system functioning and access to justice. Summary research findings about indigent defense service delivery, procedural

and distributive justice, recidivism outcomes, and cost-efficiency are discussed along with challenges to studying criminal justice reforms. The research supported by NIJ is compatible with UNODC's mission of making the world safer from drugs, crime, corruption and terrorism with a specific focus on U.S. state, local, and tribal jurisdictions.

Legislation and Practice of Whistle-Blower Protection in the Field of Anti-Corruption in China

Professor Wang Xiumei, College for Criminal Law Science (CCLS)

The whistle-blower protection system is essentially the government's commitment to provide protection to "whistle-blowers"; through incentives, mainly to motivate people within the organization to actively exercise their right to report and expose deeper violations of the law. This presentation covers the concept of "whistle-blowers" and the behaviour of



whistle-blowers in China, the theoretical basis of the whistle-blower system (such as the theory of citizen participation) and the development of the legislation in China as well as the practice of whistle-blower protection in the field of anti-corruption in China. In this panel, an attempt is made to propose some models of improvement in this field, hoping to provide suggestions and help for the construction of the

"whistle-blower" protection system in China, so as to better fight against corruption while purifying the social atmosphere.

Legal safeguards for victims of crime:

The challenges of enforcement

Mr. Munanura Andrew Karokora, United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders (UNAFRI)



Many countries across Africa have constitutions and laws that provide their citizens with safety valves in the criminal justice system. The safety valves range from the right to be heard, to full participation in criminal proceedings, protection (both physical and legal), compensation, information etc. However, these safety valves do not offer sufficient protection.

The enforcement of the legal safeguards for victims of crime remains a big challenge. One major factor is corruption, which affects investigations and adequacy of compensation. Other challenges include ignorance, illiteracy and the poverty of the victims of crime, who fail to keep pace etc.

PANEL 3

Evaluation of access to justice in Latin America

Professor Douglas Durán - Chavarría, United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD)

The Kyoto Declaration emphasized, in paragraph 48, the importance of ensuring equal access to justice. In this respect, ILANUD has led a project to evaluate Latin American penal systems with regard to the quality of access to justice, with emphasis on the most vulnerable groups in society. This initiative has been developed jointly with the Conference of Ministers



of Justice of Ibero-America and the Ibero-American Association of Public Prosecutors and, although it is still under development, it has already generated useful

information to launch processes for evaluating and measuring access to justice.

Realizing and Improving Restorative Justice in the Korean Criminal Justice Procedure

Dr. Jea Hyen Soung, Korean Institute of Criminology and Justice (KICJ)



Restorative justice refers to the process in which victims, offenders and other relevant stakeholders of the criminal case actively participate in the resolution of criminal cases through reconciliation and mediation. This process aims for reconciliation and forgiveness among victims and stakeholders, and ultimately reintegration.

One significant aspect of restorative justice is the change of perspective in the offender, who generally maintains that “the victim deserved it” or that “the victim is overreacting to an unintentional act.” On the other hand, the victim would describe their experience of victimization as “excruciatingly painful” or “demeaning and humiliating”. The first step of restorative justice must address this discrepancy in perceptions and include sincere apology and forgiveness from the perpetrator to the victim. The roles and abilities of facilitators are crucial in bringing about this change. This presentation will discuss possible ways of training and cultivating facilitators for restorative justice and how their authority may be underpinned in society.

The PNI Workshop will be moderated by the Executive Director of Thailand Institute of Justice (TIJ), Dr. Phiset Sa-ardyen.



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NEGOTIATING UNITED NATIONS CRIME CONVENTIONS:

COMPARING THE NEGOTIATIONS ON
ON THE PROPOSED UN CYBERCRIME
CONVENTION WITH EARLIER
CONVENTIONS

MATTI JOUTSEN



DR. MATTI JOUTSEN

*Special Advisor of the Thailand Institute of Justice (TIJ)
and Former Director of the European Institute for
Crime Prevention and Control, affiliated with the
United Nations (HEUNI)*

Twenty-five years ago, the Russian Federation introduced a draft resolution in the General Assembly, on cybercrime. This resulted in the adoption of GA resolution 53/70 (1999). Ten years later in 2010, the General Assembly, in a resolution on the outcome of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, requested that the United Nations

Commission on Crime Prevention and Criminal Justice establish an open-ended intergovernmental expert group to study the problem of cybercrime and how Member States, the international community and the private sector respond to it, “with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime” (GA resolution 65/230). A further ten years later, on 27 December 2019, the General Assembly established an ad hoc intergovernmental committee of experts to elaborate a comprehensive international convention on countering the use of information and communications technologies for criminal purposes (“UN Cybercrime Convention”; GA resolution 74/247).

By May 2023, the ad hoc Committee has held six sessions, alternately in Vienna and New York, with a seventh session scheduled for late August in New York. (Each session has lasted for ten days) Alongside these sessions, four sets of intersessional consultations have been held, with a fifth scheduled for June 2023. Progress has been made, but considerable difficulties remain. Some of those participating in the negotiations have become frustrated with the slow process and over the sheer number of disagreements that remain on the table.

In 1998, at about the same time as the General Assembly adopted the resolution mentioned above on cybercrime, it adopted another resolution that established an intergovernmental working group to negotiate an international convention on transnational organized crime (GA resolution 53/111). Less than two years later, the General Assembly was able to adopt the resulting text of the United Nations Convention against Transnational Organized Crime (UNTOC) as well as two protocols, one on the smuggling of migrants and one on trafficking in persons. A third protocol, on trafficking in firearms, was ready for adoption soon afterwards.

UNTOC was followed in three years' time by a second UN crime convention, on corruption (General Assembly resolution 55/61). The United Nations Convention on Corruption (UNCAC) had been negotiated in less than three years, from start to finish.

If a convention on corruption can be negotiated in three years, and a convention on transnational organized crime (plus three separate protocols) in two years, why have the negotiations on the cybercrime convention been so lengthy and so difficult?

In fairness, it must immediately be noted that the negotiators on the cybercrime convention have been working on the draft for only two years. The organizational session of the ad hoc Committee was held in May 2021. It is possible that the negotiators will be able, in the sixth session in the late summer of 2023, to make a breakthrough and reach consensus.

However, when compared to the cybercrime convention negotiations, neither UNTOC nor UNCAC had as long a gestation period, from the first formal calls for their negotiation, to their adoption by the General Assembly. With transnational organized crime, this period was less than a decade. The roots of UNTOC can be traced to the Eighth UN Crime Congress in 1990, and most clearly to the World Ministerial Conference on Organized Crime hosted by Italy in Naples, in 1994. With corruption, the roots can be traced to six different international

conventions on corruption that had been negotiated between 1996 and 2003, starting with the 1996 Inter-American Convention against Corruption, of the Organization of American States.

The question thus is: what, if anything, has changed?

The answer can be found, as so often, in a combination of factors. Among these factors are whether or not Member States are in agreement on the **need for a convention**, the anticipated **substantive scope of such a convention**, and the question of **who should be involved in the negotiations**. There have also been changes in the **negotiating atmosphere** in general in the UN Crime Programme over the past twenty years.

Is there a need for the convention? Even during the late 1990s, disagreement remained on whether or not a convention was needed on transnational organized crime. Those who were sceptical of the need for such a convention argued that the concept of organized transnational crime was too vague, that it appears in too many forms to be dealt with except on a high level of generality, and that existing instruments on extradition and mutual assistance (if promoted and properly implemented) provided a sufficient basis for international cooperation. The focus, in their view, should be on the development and strengthening of practical measures. The sceptics also noted that negotiating a convention was an expensive process, for both the Member States involved and for the UN. The resources needed for this would inevitably be taken away from other projects, perhaps just as deserving.

With the proposed UN cybercrime convention, political disagreement dates back at least to the Twelfth UN Crime Congress in 2010, where there were protracted and at times heated negotiations even on how this issue should be reflected in the wording of the Salvador Declaration. The meetings of the Intergovernmental Expert Group on Cybercrime, starting with the first in January 2011, continued to see considerable disagreement. In comparison, the discussion during the 1990s on the need for a global convention on transnational organized crime, and a few years later on the need for a convention against corruption, was considerably less intense and less politicized.

The main disagreement regarding the need for the proposed UN Cybercrime Convention was between a large number of Member States which argued that existing conventions (and in particular the Council of Europe Convention on Cybercrime from 2001) provided a sufficient, recent and relatively comprehensive basis

for international cooperation.² Several other Member States, in turn, argued that the Council of Europe Convention was a regional convention, and what was needed was a global convention that would meet what they saw as the broader concerns also of other parts of the world.

What should the scope of the convention be? With UNTOC and UNCAC, there were some disagreements over the scope of the convention, but by and large the disagreements were relatively minor. With UNTOC, everyone seemed to be satisfied at the outset that they understood what is meant by “transnational organized crime”, even though it soon became apparent that these different perspectives were not always aligned. Different Member States had different priorities. Nonetheless, this did not appear to be a serious source of discord in the negotiations. Among the disagreements was over whether UNTOC should have extensive provisions on corruption (it was ultimately decided to include only relatively brief articles, and to begin on the drafting of a separate convention on corruption after UNTOC was completed), and whether or not explosives should be included within the scope of the protocol on trafficking in firearms. With UNCAC, in turn, there was some disagreement over which criminalizations should be mandatory, and how these should be drafted, but these were dealt with fairly expeditiously, on the basis of consensus.

In respect of the proposed Cybercrime Convention, several substantive disagreements have arisen, such as the following: What criminalizations should be included in the convention, and in particular should these include distribution of certain criminal content? Should the scope of international law enforcement and judicial cooperation be limited to the offences specified in the convention, or should it be wider? How should the question of transborder access to data be addressed? What are the rights and responsibilities of information and telecommunications companies and service providers? What legal safeguards should be included (for example on privacy and on data protection) to protect the data subject, and how strong should these be? As opposed to the negotiations on UNTOC and UNCAC, these disagreements seem to be becoming intractable.

² Other international conventions include the Shanghai Cooperation Council's Agreement on Cooperation in the Field of Ensuring International Information Security (2009), the League of Arab States Convention on Combatting Information Technology Offences (2010), and the African Union Convention on Cyber Security and Personal Data Protection (the Malabo Convention, 2014).

Who should be involved in the negotiations? At the time that UNTOC and UNCAC were being negotiated, the national delegations were understandably by far the most active in the negotiations. At the same time, however, representatives of a large number of other UN agencies, and intergovernmental and nongovernmental organizations, attended the negotiations as observers. In the case of the Cybercrime Convention negotiations, there were disagreements from the outset over whether representatives of non-governmental organizations, the private sector and academia should have the right to attend the sessions as observers. One concern of the private sector was that the convention would presumably contain provisions that directly concern companies in the field of information and communications technology, and they wanted to be heard. Nonetheless, it was decided to limit the sessions solely to representatives of Member States. Separate “intersessional consultations” were arranged for representatives of other stakeholders, including the private sector.

Has the negotiating atmosphere in the UN Crime Programme changed? The disagreement over whether or not to allow representatives of other stakeholders to attend the negotiating sessions as observers is emblematic of one change that has taken place in the UN Crime Programme. At times, negotiations in the UN Crime Programme today seem to have become more politicized than they were twenty years ago. This shift became quite notable in connection with negotiations over the review of implementation of UNCAC, when two issues in particular became divisive: the rigour of the review process itself, and the extent to which civil society should be involved. Both are complex issues.³ The shift can arguably be traced to changes in the respective roles of substantive experts and diplomats at negotiations within the framework of the UN Crime Programme. Negotiations require both experts and diplomats. The experts can set out the substantive issues and identify the options. The diplomatic representatives, in turn, can identify the political sensitivities, thus showing where compromises might be needed.

Before the restructuring of the UN Crime Programme in 1990-1991, decisions were largely made by individual experts sitting on the UN Committee on Crime

³ See, for example, Matti Joutsen and Adam Graycar, When Experts and Diplomats Agree: Negotiating Peer Review of the UN Convention Against Corruption, in *Journal of Global Governance* 18, 2012, pp. 425-439.

Prevention and Control.⁴ The restructuring replaced the UN Crime Committee with the UN Crime Commission, consisting of 40 Member States. This inevitably led to an increased role for governmental representatives in decision-making in the UN Crime Programme. Nonetheless, throughout the 1990s and the beginning of the new millennium – and thus also during the period when UNTOC and UNCAC were being negotiated – representatives of other stakeholders continued to participate in the process as observers.

During this period, also the delegations of Member States tended to have a mix of experts “from the capitals” and diplomatic representatives based in Vienna. During the 1990s, the UN Crime Commission was convened for only one week each year. It was generally not deemed unreasonable to send experts to Vienna for those few days of meetings. However, once UNTOC and UNCAC entered into force, the number of meetings each year gradually increased. The UN Crime Commission began to organize “reconvened” sessions towards the end of each year, as well as intermittent “intersessional” meetings. Added to this were the “fingov” meetings⁵ as well as various ad hoc expert meetings. It became considerably more difficult to justify the expense of sending experts to Vienna for brief meetings throughout the year. The balance of the responsibility for attending these different meetings fell to the diplomatic representatives.

UN Crime Programme meetings are generally held at the Vienna International Centre (VIC). In accordance with the tradition of the “Spirit of Vienna”, extensive efforts are made to reach consensus and avoid votes. Votes have indeed been rare: over the past fifty years, this had been done only on a few draft resolutions at the Sixth UN Crime Congress in 1980, and on one draft resolution at the Eighth UN Crime Congress in 1990. Over the past few years, however, some Member States have brought some (largely procedural) issues to a vote. It is perhaps emblematic that, with the proposed UN Cybercrime Convention, there was disagreement even over whether the negotiations would be conducted at UN Headquarters in New York, where disagreements on issues are often submitted to a vote, or at UN Headquarters in Vienna where the “Spirit of Vienna”

normally prevails. The compromise was reached to have some of the sessions in New York, and some in Vienna.

Technology also played a role. Mobile telephones were becoming more prevalent during the 1990s. At first the VIC tried to dissuade participants from using their mobiles during meetings. When mobile telephones became not just a luxury but seemingly a necessity, it became much more common to see representatives placing calls while in meetings (or in the corridor outside while a meeting is taking place), presumably in many cases to ask for instructions on how to deal with a specific issue that has suddenly arisen.⁶

The global Covid-19 epidemic has already been forcing another technological shift in UN Crime Programme meetings, the impact of which still needs to be assessed: more participants are attending meetings remotely, by teleconference. This has the potential for allowing in particular on-site diplomatic representatives to consult with their technical experts “back in the capitals” almost as soon as new substantive issues arise. Hybrid meetings, with both in-person and on-line participants, have already been used extensively in the Cybercrime Convention negotiations.

Concluding remarks

Neither UNTOC or UNCAC were easy to negotiate. And yet, once ratified and implemented, they have stood the test of time. Each has contributed to a more uniform and streamlined regime of international cooperation in criminal matters. As global conventions, they have considerably expanded the geographical scope of cooperation. They provide common definitions of certain key offences, and require (or, in some cases, at least encourage) States parties to criminalize these acts. They have standardized and contributed to the development of procedural forms of cooperation.

The UN Cybercrime Convention has proved more difficult to negotiate. Nonetheless, given that so much time and energy have been invested in the process, the negotiations will quite likely lead in time to the adoption of the third convention negotiated within the framework of the United Nations Crime Programme. If so, also it can serve to expand the geographical scope of cooperation, provide common definitions of certain key offences, and help to standardize procedural forms of cooperation also in the digital sphere. International

⁴ Formally, decisions of the UN Crime Committee were submitted to the Economic and Social Council (and at times ultimately to the General Assembly) for approval by the representatives of Member States. However, this approval tended to take place at ECOSOC and the General Assembly with very little substantive discussion.

⁵ A fingov meeting is a meeting of the Standing open-ended intergovernmental working group on improving the governance and financial situation of the United Nations Office on Drugs and Crime. The working group was established in 2009. It meets several times a year, generally for a few hours or at most a day.

⁶ I am indebted to Mr. Chris Ram for pointing out the relevance of mobile telephones in UN Crime Programme negotiations. (Private communication, 16 February 2023).

cooperation can be improved further if the UNODC, the Programme Network Institutes and other potential actors are given the necessary funding to provide technical assistance on request to States parties in the implementation of the provisions of this new Convention.

There are, however, concerns that the convention, once adopted, will not have the same impact on international cooperation that has been the case with UNTOC and UNCAC. Given that there remain major differences of approach among Member States on several key questions, reaching consensus on the contents of the text may require that there are fewer mandatory provisions in the text, and even these are framed in a rather general manner. It is also possible that all the disagreements cannot be overcome, and some Member States will remain hesitant to ratify the convention.

Even if Member States decide to become States parties to the convention, those that are already parties to other international instruments on cybercrime may prefer to continue to apply these, since their practitioners are more familiar with the procedures involved.

A UN Cybercrime Convention appears to be on the horizon, but it may not be the one imagined at the outset.

RESTORATIVE JUSTICE FOR SEXUAL OFFENCES

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Restorative justice is gaining increasing mainstream attention as a pathway for meeting the needs and interests of victim-survivors of sexual harm. Restorative justice is an approach to addressing harm from crime that focuses on healing and meeting the needs of victim-survivors, offenders, relationships and the community (Zehr, 1990). However, in the context of gendered violence, restorative justice is contentious,

and sceptics cite safety as a key concern. Whether or not restorative justice “should” be offered for victim-survivors of sexual violence, the reality is that it has been operating across and outside of traditional criminal justice processes for some time. The evidence-base is beginning to catch up to a practice which provides a voice for those ignored, silenced and disbelieved by conventional criminal justice systems worldwide. This article provides a brief overview of restorative justice for sexual violence, highlighting current practice and evidence in the Australian context, of how it addresses an important collective need for victim-survivor validation and community involvement in justice.

Sexual violence is associated with significant severe and long-lasting trauma, shame and negative outcomes for victim-survivors. It is a widespread problem and a significant public health concern in Australia and internationally, primarily due to the impact on victim-survivors, the high prevalence of victimization in the community, and its social, health and justice consequences (Commonwealth of Australia, 2021). According to the most recent Australian Bureau of Statistics Personal Safety Survey, 2.8 million Australian adults report experiencing sexual violence or abuse since the age of 15. When examined by gender, over one in five Australian women and one in sixteen Australian men have experienced sexual violence and abuse, most likely by someone they knew (Australian Bureau of Statistics, 2023). The impacts of sexual violence and abuse are wide-ranging and damaging to an individual's sense of self and safety, mental health and wellbeing, physical health and day-to-day functioning (Dworkin et al., 2017).

Interest in alternative and innovative justice responses to sexual harm is partly driven by ongoing shortcomings in the traditional criminal justice system in repairing the harm caused by crime and preventing future suffering. It is well documented that there are many challenges for victim-survivors who are seeking justice in the aftermath of sexual violence victimization. Adversarial criminal trials that centre on proof beyond reasonable doubt can be inherently problematic with regard to the nature of sexual violence and abuse, where victim-survivors may be the only witnesses to the crime, many delay reporting, and there is often a lack of physical evidence (Clark, 2010). Rape myths and outdated attitudes about the nature of sexual violence in the community can also bias decision-makers' perceptions of the character and testimony of victim-survivors (Dinos et al., 2015). Despite the high prevalence of sexual violence and abuse, the vast majority of offences are never reported with only 13% of Australian women reporting their experiences of sexual violence and abuse to police (Australian Bureau of Statistics, 2021). In the small proportion of matters that do proceed to trial (around one quarter of reported cases), the experiences of victim-survivors of navigating the criminal justice system are characteristically described as retraumatising and negative (Bright et al., 2021).

Because of these issues, the dominant criminal justice paradigm has been criticized as inadequate or unsuitable to respond to victim-survivor needs and interests. Commonly reported justice needs or interests expressed by victim-survivors of sexual harm include participation and voice (e.g. decision-making, feeling

heard, asking questions and getting information), validation of their version of events, vindication, responsibility and accountability for offenders, and preventing future harm. Victim-survivor justice-needs are diverse, vary depending on the individual and relate to motivations, experiences and desired outcomes from the justice process (Daly, 2017). In contrast, conventional criminal justice systems tend to be offender-centric and risk-focused, aiming to prevent reoffending and meet community demands for justice.

Restorative justice has emerged as a promising alternative in addressing victim-survivor needs specifically by providing a more holistic response to this complex social challenge. Innovative justice mechanisms such as restorative justice have the potential to provide victim-survivors with a voice, greater participation in the justice process, and validation of their experiences. The United Nations (2016) defines restorative justice as programmes that use restorative processes to respond to crime and meet the needs of all those impacted (victim-survivors, offenders and the community) with the aim of achieving restorative outcomes. Restorative justice is commonly described as a process or mechanism for justice where people who have been impacted or affected by a crime come together to discuss the impacts and collectively decide how to repair the harm. This involves identifying the harm that has occurred, who is responsible and who has been affected, what the needs of the people involved are and what can be done to meet these needs (Zehr, 1990).

Either as an alternative or complementary response to conventional criminal justice, restorative justice can operate at a range of points throughout the criminal justice process. The process does not proceed without the voluntary informed consent of participants (i.e. victim-survivors and offenders) and offenders must accept some level of responsibility for the offence to be eligible. Restorative justice can take a range of process and programme formats which apply restorative principles (e.g. do no further harm, work with people), although the traditional approach, and the one used most commonly in Australia, is the victim-offender conferencing model. This is where the victim-survivor and the person responsible for the harm meet to engage in structured dialogue with the aim of coming up with a solution to address and repair the harm. Conferences can be face-to-face, virtual or indirect, such as writing a letter.

While early versions of these programmes focused on low level offending, the process is increasingly being applied to more serious crimes, including sexual

violence and abuse. However, there has been considerable academic discussion around the suitability of restorative justice as a response to sexual violence (Daly and Stubbs, 2017). The main concerns relate to power imbalances between victims and offenders, and the issues of victim-survivor safety (physical and psychological) and the risk of retraumatization are frequently raised. Sexual offenders as a group are often described as deniers and minimizers, and there is concern that the restorative justice process is susceptible to manipulation by perpetrators to cause further harm. Additionally, services supporting victim-survivors are characteristically stretched and underfunded, leading some advocates to question whether resources would be better spent boosting the capacity of existing specialist services rather than funding potentially ineffective, or even harmful, restorative justice responses (Stubbs, 2014).

However, an Australian study interviewing practitioners and service providers about the utility of restorative justice for gendered violence highlights the failings of the conventional system to meet victim justice-needs and signals openness on behalf of participants to the potential benefits of restorative justice (e.g. Jefferies, 2021). The research shows that practitioners supporting victim-survivors can have legitimate concerns about the challenges about this space, as well as hold the view that these can be overcome by a victim-centred approach, adequate preparation and training. Certainly, a specialized skill set is required for facilitators to be able to safely engage potential participants, and identify and manage the power imbalances in each unique case. Other programme requirements include rigorous risk assessment, collaboration with experts in sexual offending, appropriate preparation of victim-survivors and participation in targeted treatment by offenders (Bolitho and Bruce, 2017).

In Australia, restorative justice for sexual violence is provided across a range of states and territories through both criminal justice and community-based avenues. In South Australia, restorative justice conferencing (including for sexual harm) has been available since 1994 through the South Australian Family Conferencing model as a diversionary measure for young people under the Young Offenders Act 1993 (SA). Professor Kathleen Daly's work in South Australia leading the Sexual Assault Archival Study (SAAS) constitutes the most significant contribution to understanding of restorative justice and youth sexual offending. This research compared conferencing to court for 385 cases involving young people who had engaged in harmful sexual behaviours. The findings indicated many benefits of conferences over court,

including faster processes, tailored agreements between victims and offenders, and increased participation in therapy by offenders (Daly and Curtis-Fawley, 2006).

In Victoria, the South Eastern Centre Against Sexual Assault and Family Violence (SECASA) has been providing restorative justice and accepting community and criminal justice referrals for sexual violence for over two decades, with no restrictions on participation in respect of the seriousness of the matter. While the small-scale evaluation of the pilot programme found there were some mixed outcomes for participants, the programme was able to meet many of the justice needs of victims (e.g. safety) and all participants reported that they would recommend it to others in similar situations (Loff, Naylor and Bishop, 2019).

The Australian Capital Territory (ACT) Restorative Justice Unit (RJU) has been accepting criminal justice referrals for family and sexual violence since 2018 under the Crimes (Restorative Justice) Act 2004 (ACT). Consistent with restorative justice principals, the Restorative Justice Scheme in the ACT is a voluntary, victim-centric programme, which means that the needs of the victim-survivor are the priority and the process does not go ahead without their participation and consent. This reflects a best-practice approach to providing restorative justice for gendered violence more broadly. Once a case has been found eligible for the programme, there is a lengthy preparation phase where convenors work with participants to conduct a needs and risk assessment as part of determining suitability for a conference to take place. Restorative justice conferences involve the victim-survivor and the offender meeting in a safe and respectful space to discuss the harm caused by the crime, and to identify ways in which these harms can be repaired. Participants may be supported by family members, specialists, relevant service providers and advocates. The Australian Institute of Criminology is currently conducting an evaluation of the processes and outcomes of the programme for family, domestic and sexual violence matters. This is expected to be finalized around mid-2023.

Despite a long history of practice and an increasing body of supporting literature, the idea of providing restorative justice for sexual violence continues to be fiercely debated. While restorative justice may provide an important alternative pathway for victims, critics continue to highlight additional risks in the gendered violence context and argue that the shortcomings of the current criminal justice system in responding to gendered violence still need to be addressed. In the meantime, the emerging evidence suggests that

restorative justice has significant potential as a mechanism for achieving justice for victim-survivors of sexual violence.

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REIMAGINING JUSTICE IN THAILAND:

TOWARDS A COLLABORATIVE AND PEOPLE-CENTRED APPROACH⁷

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When you seek to reform the justice system, you should adhere to certain principles in order to achieve your goal. The key reform principles that can shine a light on a new dawn for the justice system for Thailand can be summarized with two concepts: collaboration, and

people-centredness. These principles derive from two significant insights. First, the community and broader cross-sectoral collaboration are powerful catalysts in fostering sustainable human development. Second, although justice services have a compartmentalized structure, the justice needs of an individual person do not.

Community collaboration

When implementing a collaborative approach to reforming Thailand's justice system, a key consideration is that the justice system needs to work in partnership

⁷ From the special lecture by Dr.Kittipong Kittayarak at the Ministry of Justice of Japan on 11 November 2022

with the community. This realization came about as a result of the Partnership Model Project established by the Thai Department of Probation at the Ministry of Justice that had the objective of reducing the number of inmates serving sentences for drug-related offences with limited budget and resources. One of the key success factors of this campaign hinged significantly on the concept of the Volunteer Probation Officer (VPO) model to assist drug addicts in returning to society and starting a new life. The VPO model, which originated in Japan, was an inspiration in realizing the untapped potential of collaboration between the community and justice agencies. This collaboration relies on the efforts of community volunteers who share the goal of making the community a drug-free and safe zone and of helping addicts relinquish their habits.

This project has shown that if the community is primed and ready to participate in rehabilitation and reintegration, then the authorities need play only a facilitating role in the process. This not only frees up resources, but it also allows more efficient use of resources, as well as buy-in from the community. In turn, this ensures a much smoother transition from addiction to rehabilitation. There are a host of other resources within the community that are valuable and that are needed by the offenders. Examples include neighbourhood temples, local schools and community leaders, whose services can all be mobilized to help meet larger goals.

The Partnership Model Project resulted in a significant reduction of the number of inmates in drug-related offences, from over 200,000 down to 160,000 in a period of three to four years, as well as the creation of the Community Justice Network to facilitate cooperation between the justice system and the local community across Thailand, as partners. This success is a testament to the fact that regulators and administrators underestimated the immense power and influence that the community and leaders wield in justice delivery. Although they are on the outside of the formal system of justice, they can help solve many problems regarding justice delivery. Furthermore, the inspirational seed of the VPO model highlighted the importance of collaboration between the justice sector and other sectors more broadly, and in particular the importance of the cross-sectoral approach to creating a just and sustainable society.

This project involving the VPO model has, therefore, served to inspire the use of collaboration between the justice sector and other sectors more broadly, and in particular the importance of the cross-sectoral approach to creating a just and sustainable society.

Presently, this collaboration approach functions not only within the context of the community and the prevention of drug-related offences, but also within the context of strengthening the rule of law and reforming the justice system.

Collaboration is currently at the heart of the rule of law and reforming the justice system in Thailand and beyond. Since justice is a matter that concerns everyone, collaboration across sectors is essential. The core belief is that, through knowledge and partnership synergy, creative change and sustainable development can be achieved. However, for this powerful partnership synergy to happen amidst the Covid recovery and economic downturn, “trust” between the authorities, particularly the justice sector, and the stakeholders and communities, needs to be rebuilt. To achieve this trust, the government must collectively rally its resources together and respond to the needs of the community accordingly. In other words, the government must put itself in the shoes of the person to whom its services are being delivered and adopt a people-centred approach.

A People-Centred Approach

The principle of people-centredness revolves around how justice services can truly be able to respond to the needs of the people it is designed to serve. The way forward is therefore to empower people by increasing their legal literacy and awareness, and by involving them directly in the design of the justice system. The ideas that have been increasingly prevalent in the field of criminal justice throughout the world include designing justice systems that work for different vulnerable groups; identifying the role that government and other actors play in creating these systems, such as providing access to technology, or simplifying rules and process.

Importantly, authorities must try to understand how the people perceive the justice system. Most of the time, people cannot differentiate between the many discrete components of government such as the Health Ministry, the Social Development Ministry, the Ministry of Justice, and so on. To facilitate this understanding, the government must look through the lens of the people to whom services are being delivered, the victim, persons in contact with the law, the witness, the homeless, or the youth and children who are at risk of falling into the cycle of violence. All of these people are the “users” of the justice system. Once the government perspective is realigned, the concept of people-centred justice naturally emerges.

In all these core ideas, a paradigm shift in thinking is called for. This involves, for instance, acknowledging the power of the communities as a social support networks and as a core stakeholder in the justice system; capitalizing on collaboration among stakeholders; recognizing the need to reposition the state's perspective to the point of view of the user; appreciating the intrinsic relationship between criminal justice reform and rule of law; and the importance of opening up to public participation.

Project Showcases

Collaboration and people-centredness have informed the work of the TIJ and will continue to do so, as evidenced by the projects that the institute has undertaken. These projects occupy different points in the spectrum of crime prevention, rehabilitation and offender reintegration, and demonstrate the TIJ's efforts at designing a people-centred justice system by looking at different users, with vastly different vulnerabilities and needs.

• The Bangkok Rules

One of the key examples of the user-centred approach being implemented is the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, or the Bangkok Rules, which encapsulate the spirit of collaboration and people-centeredness through their mandate to rehumanize the prison to be more gender-sensitive and responsive to the needs of prisoners and communities (Bangkok Rules, 2011, paras 3-42).

Within the sphere of a people-centred approach, the concepts within the Bangkok Rules extend beyond the traditional scope of work in the administration of justice to address the needs of women offenders. These rules encourage stakeholders to adopt a more holistic approach to address the needs of specific groups of prisoners in the rehabilitative process and proactively engage with the criminal justice system to overturn the mindset that prisons are a place to discipline and punish criminals.

• Hygiene Street Food

Another key project of the TIJ is the Hygiene Street Food project. This project aims to support former prisoners with training and equip them with necessary skills to pursue a career in the street food industry.

Looking from the perspective of former prisoners, the major obstacles that prevent them from re-entering society are limited skills, capabilities, and opportunities when they interview for jobs after imprisonment. Through training and coaching, the programme empowers the selected former prisoners to run their own small businesses, without having to rely on external support, thus allowing them to be self-sufficient (Office for the Bangkok Rules and Treatment of Offenders, 2021).

The project is operated as a collaborative effort between public and private sectors and civil society organizations. In addition, a number of collaboration projects with the private sector have been undertaken to assist the ex-prisoners with reintegration back into society with pride and self-esteem, ranging from upskilling them in digital and financing literacy, growing inner power and healing mentally. Equally important, the project echoes to the broader community the message on the importance of forgiving and giving a second chance and how a slight pivot from the point of view of the authorities to the point of view of the user can fundamentally alter society's perception of justice delivery.

• Smart Policing

This project involves the use of technology to enhance the capacity of the police. It is a flagship project initiated out of the Rule of Law and Development (RoLD) Program which utilizes technology to understand the needs of the community and as a mean to create more efficient collaboration. Survey results suggested that the primary concern of the public was safety. Due to the police force being short-staffed and having a limited budget, CCTV cameras can be used as a substitute for the eye of the policeman, using machine learning technology to train the CCTV network to analyse data. When the network detects suspects, suspicious vehicles, weapons and emergencies, an alert is sent via a surveillance system to the control room. This allows the police to reach the scene faster and track down the offenders to prosecute them promptly and allows the people within the community to feel safe.

This project also shows that collaboration across sector, in particular with private sector could bring in new technology to enhance crime prevention and can help reduce cost and human resource in the justice system. Apart from CCTV, there are other technology-based solutions such as a chatbot that aims to assist gender-based violence survivors in seeking legal help, and provide a predictive tool modelled from over a

thousand data points that help nurses and doctors identify patients who are at risk of being a victim of domestic violence before the violence escalates to a fatal situation.

Key takeaways

When looking back on how the reform principles work to improve the criminal justice system and through the project case studies, the following key takeaways can be made:

Firstly, the justice system is not restricted to the formal concept of justice and to traditional stakeholders, such as the police, judges, regulatory authorities, prisons and so on. The scope of stakeholders could only grow as society becomes increasingly complex. The key to accomplishing the objective of reform is to identify at least three extended and external stakeholders that could revolutionize justice delivery, including interdisciplinary academic partners, financial and civic sector investors, and social innovators. The list can go on endlessly, as long as a collaboration-first mindset is adopted.

Secondly, justice must be seen as a holistic concept that pervades every aspect of life, since people intersect with justice at various junctures, in various forms, and through various entities. When thinking about problems and solutions relating to the justice sector, it would be counter-intuitive to restrict the considerations to the formal justice system alone. With this notion in mind, the necessity of better intra-agency coordination is no less important than inter-agency collaboration.

Thirdly, it must be recognized that the user in each problem case might be different. Users who are victims, offenders or members of society at large will have different needs. Thus, the justice system should be sufficiently dynamic and adaptable to address the needs of all these different users, depending on the circumstances.

Lastly, the ecosystem of a well-functioning criminal justice system is not a space occupied only by laws, lawyers and judicial officers. It relates to broader issues of democracy and governance of the country. In order to solve the problems in the criminal justice system, fixing the laws that govern the system or the structure of the institutions that implement the law would be insufficient. Instead, the rule of law needs to be instilled into the system. Without the rule of law, any laws and even the whole justice system itself, could be used as a tool of those in power at the expense of the opposition.

Despite the lack of a definitive answer as to how the criminal justice system can be fixed, the key is perhaps to make the complex criminal justice issues and the concept of the rule of law more approachable to the general public in order to ensure that the rule of law is not the rule of lawyers. Ultimately, it comes down to the fact that improving the justice system is not the exclusive role of the authorities, but of the general public as well. This is the collective vision of the TIJ - to bring people-centred justice to Thailand.

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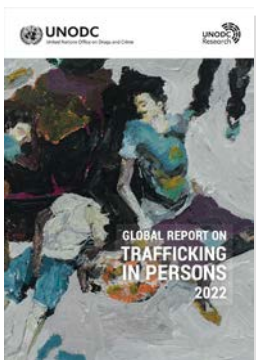
General Assembly resolution 65/229. United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (2011) paragraphs 3-42 Available At: https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf.

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RECENT PNI PUBLICATIONS

PUBLICATIONS OF THE UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC)

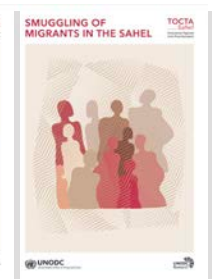


The Global Report on Trafficking in Persons 2022 (released on 24 January) is UNODC's flagship publication on trafficking in persons which is published biennially and provides comprehensive analysis on the patterns and trends of trafficking globally, regionally and at national level.

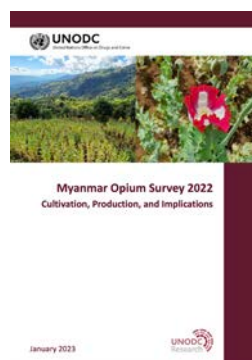
Haiti's criminal markets: Mapping trends in firearms and drug trafficking – The study provides an assessment of illicit firearms and drug trafficking in Haiti and sheds light on the trafficking flows enabling gangs in that country.



Transnational Organized Crime Threat Assessment in the Sahel, and three separate chapters on **trafficking in medical products**, **firearms trafficking**, **fuel trafficking** and **smuggling of migrants** were released in the first quarter of 2023.



The Global Report on Cocaine 2023 - Local dynamics, global challenges is a UNODC flagship publication on drugs which was released on 16 March 2023 and provides unique knowledge on recent supply and demand trends regarding cocaine.



Myanmar Opium Survey 2022: Cultivation, production, and implications – is a survey report which provides information about the latest trends on poppy cultivation and opium production in Myanmar.

PUBLICATIONS OF THE UNITED NATIONS LATIN AMERICAN INSTITUTE FOR THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS (ILANUD)



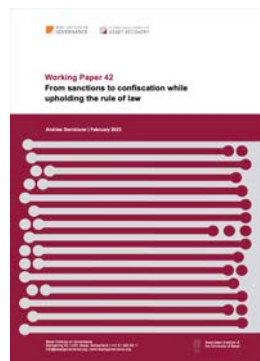
Latin American criminal law: foundations, criticism and projections

Instituto de Estudios e Investigaciones Jurídicas (INEJ), Instituto Latinoamericano de las Naciones Unidas para la Prevención del Delito y el Tratamiento del Delincuente (ILANUD), El Derecho penal latinoamericano: fundamentos, crítica y proyecciones, Editora Novo Art, S.A, 2022.

PUBLICATIONS OF THE BASEL INSTITUTE ON GOVERNANCE

2023 Working Paper 42 Andrew Dornbierer, From sanctions to confiscation while upholding the rule of law

Written in the light of recent world events, the Working Paper explores whether it is justifiable to confiscate assets frozen under financial sanctions in order to redirect them to the victims of state aggression. The paper proposes several options to do this by enhancing the effectiveness and scope of established asset recovery measures.



2023 Case Study 10: Using full legal means to confiscate illicit assets in a time of war

The case study describes how Switzerland is putting to the test a rarely used but powerful law in order to confiscate assets connected to Ukraine’s 2014 Revolution of Dignity, with the aim of returning these to Ukraine. The case involves around CHF 130 million in assets linked to the regime of former Ukrainian president Viktor Yanukovich.

2022 Simon Marsh, Case Study 9: The Kiamba case: achieving a civil asset forfeiture order and criminal prosecution

The case study describes how authorities in Kenya achieved both a civil asset forfeiture order and a criminal conviction against a former public official involved in corrupt procurement deals. The case shows how civil proceedings can often complement criminal proceedings and lead to the recovery of significantly greater amounts of assets.



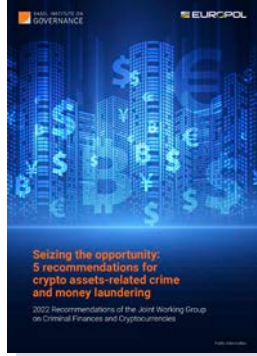
2023 Claudia Baez Camargo, Research case study 1: Targeting corrupt behaviours in a Tanzanian hospital: A social norms approach

The research case study describes how a pilot behavioural anti-corruption intervention succeeded in reducing “gift giving” in a Tanzanian hospital. It targeted deeply ingrained social norms while also leveraging the social networks of key staff members. The case study illustrates how behavioural approaches can complement law enforcement/criminal justice approaches to addressing corruption challenges.

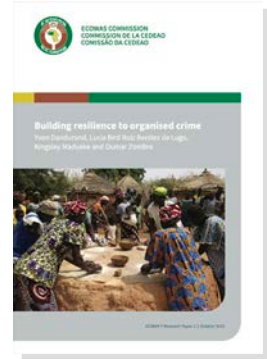


2022 Seizing the opportunity: 5 recommendations for crypto assets-related crime and money laundering

The five recommendations highlight broad approaches and best practices in addressing crime and money laundering related to cryptocurrencies and other virtual assets. They are jointly published by the Basel Institute on Governance and Europol following their 6th Global Conference on Criminal Finances and Cryptocurrencies in September 2022.



remains a gap in stakeholder understanding of the elements of community resilience to organized crime, particularly in unstable settings. This report, co-authored by ICCLR Senior Associate Yvon Dandurand, starts to address this gap, by analysing key drivers of community resilience – identified as social capital, community capacity, the role of women, economic capital and infrastructure – in four communities in Nigeria, Guinea-Bissau and Burkina Faso.



2022 Liza Young, Policy Brief 11: Fighting corruption in West African coastal states: how Collective Action can help

The Policy Brief looks at the role of the private sector and civil society in combating corruption in West African states, as a complement to government enforcement efforts. It emphasizes

anti-corruption Collective Action initiatives that bring together stakeholders from across the public and private sectors and civil society. It is available also in French.



Working Paper 41: Targeting unexplained wealth in British Columbia

The Commission of Inquiry into Money Laundering in British Columbia outlined 101 recommendations to reduce the amount of illicit funds flowing into British Columbia, and to more effectively seize those that do. In this new Working Paper, co-authors Andrew Dornbierer and Vancouver Anti-Corruption Institute (VACI) expert Jeffrey Simser analyse the Cullen Commission's recommendation to introduce unexplained wealth legislation in British Columbia. This initiative is a collaboration between the Basel Institute on Governance and the VACI. The Working Paper is now available in VACI's online publications library.

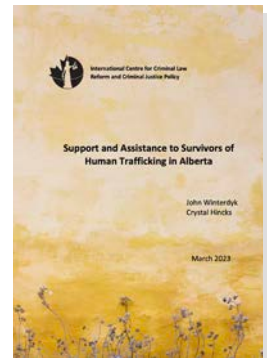
PUBLICATIONS OF THE INTERNATIONAL CENTRE FOR CRIMINAL LAW REFORM AND CRIMINAL JUSTICE POLICY (ICCLR)

Building Resilience to Organized Crime

State-centric approaches to building resilience to organized crime must be complemented with community-based, context-specific responses that challenge organized crime and violence at a local level. Local communities are key elements of the necessary response to the destabilizing impacts of organized crime in conflict as well as post-conflict settings. There

Support and Assistance to Survivors of Human Trafficking in Alberta

ICCLR conducted a qualitative survey and analysis to determine the types of services and supports that are most needed by survivors of labour and sex trafficking, including the relative usefulness and effectiveness. The study examines service delivery models, source of referrals, models of inter-agency collaboration and accessibility of relevant services in British Columbia and Alberta for meeting the needs of labour and sex



trafficking survivors (including those who are at risk of or are currently being trafficked). This report represents the findings of the survey and interviews conducted in Alberta.

PUBLICATIONS OF THE INTERNATIONAL SCIENTIFIC AND PROFESSIONAL ADVISORY COUNCIL (ISPAC)

Corporate Compliance on a Global Scale: Legitimacy and Effectiveness



The book results from a two-year international and multi-disciplinary research project on corporate compliance. The book addresses the history, definition, features, and theoretical and practical dimensions of corporate compliance, with specific attention to the new roles played by corporate stakeholders and the judicial system in stimulating prevention and forcing remedial

activities. The book shows lights and shadows in the current trends of corporate compliance and offers valuable suggestions for academia, companies and public authorities.

PUBLICATIONS OF THE NATIONAL INSTITUTE OF JUSTICE (NIJ)

The National Institute of Justice (NIJ) publishes the **NIJ Journal** several times a year. Its featured articles assist criminal justice policymakers and practitioners in staying informed about new developments. The NIJ Journal presents research-based information that can help inform policy



decisions and improve understanding of the criminal justice system. Each issue focuses on a single theme, allowing the articles to dive into one specific topic from different scientific points of view. The most recent issue, no. 284, includes the following articles:

Truitt, L. (2022). NIJ's Courts Research: Examining Alternatives to Incarceration for Veterans and Other Policy Innovation.

Novak, M. (2022). Improving the Collection of Digital Evidence.

Martin, E. & Garcia, M. (2022). Reentry Research at NIJ: Providing Robust Evidence for High-Stakes Decision-Making.

Zarwell, L. & Dutton, G. (2022). The History and Legacy of the Latent Fingerprint Black Box Study.

Chakraborty, R. (2022). A New View of Jails: Exploring Complexity in Jails-Based Research.

Merritt, N. (2022). Courtroom Communities: Criminal Case Processing and Sentencing Reform.

THE NIJ AND UNAFEI IN FOCUS

A CLOSER LOOK
AT INDIVIDUAL PNIs

INTERVIEW WITH NANCY G. LA VIGNE

Director of the National Institute of Justice
(United States Department of Justice)



WHAT IS YOUR ROLE AT THE NATIONAL INSTITUTE OF JUSTICE AND HOW LONG HAVE YOU WORKED THERE?

The National Institute of Justice (NIJ) is the scientific research, development and evaluation agency of the United States Department of Justice. NIJ advances justice by strengthening the scientific tools and discoveries that support the American criminal justice system. Most of our work is conducted through the issuance of research grants to colleges, universities and research institutes.

I assumed the role of NIJ director after my appointment by President Joseph R. Biden in March 2022. I am a PhD researcher by training with a background in public policy and experience leading research teams in both government and non-profit settings. Becoming director of NIJ was a homecoming for me. More than two decades ago, I was a senior social scientist at NIJ and developed and led a centre dedicated to research on the spatial analysis of crime and criminal behaviour. I have dedicated my career to developing and using research evidence to improve the effectiveness and fairness of the justice system.

NIJ is mandated by the U.S. Congress to provide objective and independent knowledge and resources that inform the decision-making of justice system actors, particularly at the state and local levels. My role as director is to ensure that the institute invests in research that addresses today's problems while working toward a safer future, then disseminating that research widely.

HOW MANY PEOPLE WORK AT NIJ AND WHAT IS THE MIX OF ROLES?

We currently have over 60 federal staff positions and dozens of contractors and are growing rapidly, bringing on many new staff thanks to President Biden's strong support of NIJ's mission. Our staff include an array of experts — social scientists, engineers, physical and forensic scientists, computer scientists, and others — who help determine the research we will seek to fund and ensure that the research we have funded remains on track. Staff scientists also engage in their own research.

Our agency's grant managers work with NIJ funding recipients to ensure that they meet the performance goals of their grants while complying with statutory, regulatory, and agency rules and guidelines. NIJ's administrative and budget staff track and help formulate NIJ's annual budget and manage contracts

and overall operations. And NIJ's communications team works with science staff to disseminate new research to justice system policymakers and practitioners. Our criminal justice stakeholders use the science shared by NIJ to inform improvements to justice policies and practices.

WHO ARE NIJ'S KEY STAKEHOLDERS AND HOW DO YOU INTERACT WITH THEM?

NIJ has several key stakeholders, and the nature of our interaction with them varies.

Our primary stakeholders are justice system professionals at the state, local, federal and tribal levels. NIJ closely collaborates with law enforcement, correctional agencies, tribal justice agencies, victims' rights groups, school safety organizations and others to develop research that helps articulate their needs and deliver evidence-based solutions.

Another key stakeholder is the U.S. Department of Justice, led by Attorney General Merrick Garland. NIJ works closely with components and agencies within the Justice Department to inform issues of great importance for the criminal justice system in the United States. NIJ regularly responds to priority information requests from the White House, briefing staff on pressing issues and important research findings and pursuing research areas reflecting the president's priorities and interests.

The U.S. Congress funds NIJ operations and congressional committees mandate and fund research on specific subject matters. NIJ regularly briefs congressional committees and staff on issues of interest, reports on research findings, and provides annual reports to Congress.

WHAT DREW YOU TO YOUR CURRENT ROLE?

I feel very fortunate to have been appointed to this position. This is a highly influential role that enables me to set priorities not just for research investments but also for how research is conducted and disseminated. It's a tremendous opportunity to make a real difference in the world!

WHAT DOES A REGULAR DAY LOOK LIKE FOR YOU?

We have a fast-paced and varied work environment at NIJ, so no two days are alike. I lead strategic planning

for the agency, develop and implement internal policies, engage with my counterparts across the federal government and do a fair amount of travel, presenting to our various research and practitioner stakeholders throughout the country.

WHAT RESEARCH/TEACHING AREAS WILL BE KEY FOR NIJ OVER THE NEXT 12 MONTHS?

Research and presentations reflecting NIJ's new research priorities will be a primary focus over the next year. My priorities are to:

- Foster rigorous research to promote safer communities and more equitable justice systems
- Promote inclusive research that engages people closest to the issues, such as community members, crime survivors, criminal justice practitioners and people who have experienced incarceration
- Elevate studies that apply a racial equity lens
- Ensure that evaluations of justice programmes and policies include attention to implementation fidelity and unintended consequences
- Encourage interdisciplinary research
- Ensure that research evidence is translated into actionable information

WHAT'S THE MOST INTERESTING RESEARCH NIJ HAS UNDERTAKEN RECENTLY?

The findings of an NIJ-sponsored study on new forensics methods that forensic medical examiners can use to detect bruising on victims of assault who have dark skin pigmentation more accurately are extremely compelling to me. The study found that an alternative method using violet light and yellow goggles is five times more likely to detect bruising on women with dark skin colour. The study raises important questions about the degree to which forensic methodologies were developed by and for white people, resulting in unequal justice system outcomes for people with darker skin tones. When a woman with dark skin pigmentation reports her experience as an assault victim and traditional methodologies do not afford nurse practitioners with the ability to detect and document the nature of her injuries, investigations are compromised and cases are less likely to be prosecuted.

The study itself is a prime example of the value of interdisciplinary research — in this case drawing from both the forensic and social sciences. Employing a randomized controlled trial design enabled researchers to discern statistically significant differences in outcomes with no threats to internal validity. Importantly, the

elegant study design enabled documentation of the impact of employing different coloured lights and goggles, varying their use on women of different skin tones and tracking detection accuracy over time as bruising changed in colour and size. It is also notable that the study team included people with first-hand experience as forensic nurse practitioners and thus understood that bruises manifest differently on different skin pigmentations and over time.

Finally, these research findings make a strong case that forensic examinations and documentation should be approached through a racial equity lens using the correct methodology for each individual. It is essential that these findings and pigmentation-specific methods are disseminated throughout the United States to ensure that justice is served for all victims and not just those with light skin tones.

WHAT WOULD YOUR “ELEVATOR PITCH” BE TO PROMOTE THE WORK OF NIJ?

NIJ fosters research that can improve the criminal justice system and promote greater safety and equity for all. Literally thousands of NIJ research projects over our 50-plus year existence have made a meaningful difference for law enforcement officers, victims of crimes, courts and their staff, correctional facilities, and those who are incarcerated or serving community confinement. Just a few examples would be advancements in forensic DNA identification technology; enhancement of ballistic vests and materials; studies driving evidence-based reforms of law enforcement policy and practice; development of model programming to identify and support crime victims and their rights; critical school safety research; cutting-edge studies on the causes, effects, and potential answers to gun violence; scientific approaches to stopping terrorism and domestic extremism; and the creation and refinement of hundreds of forensic tools and programmes to fight crime on U.S. streets.

ARE THERE ANY MAJOR EVENTS INVOLVING NIJ IN THE NEXT 12 MONTHS?

For the first time in more than a decade, NIJ will be hosting a national research conference in May 2023. This is a tremendous undertaking, but we are all excited about it. The theme of the conference is “evidence to action,” and our goal is to bring researchers and practitioners together to learn about the latest research evidence and how it can be implemented to promote safety, equity and justice.

WHAT NEW OR EMERGING AREAS OF RESEARCH ARE YOU INTERESTED IN EXPLORING?

Broadly speaking, and without excluding other areas of interest, I have a strong interest in research that approaches issues and problems through an equity lens. That means that researchers should be intentional in examining potential structural inequalities that may generate disparate outcomes based on one’s gender, race, ethnicity, religion, sexual identity or citizenship status, regardless of the research topic.

WHAT NEW AREAS OF TEACHING AND LEARNING ARE YOU INTERESTED IN EXPLORING?

I’m interested in promoting the extraordinary value of mixed-methods research that combines both quantitative and qualitative approaches. Quantitative research analyses specific information in terms of quantities or numbers. Even the finest quantitative research, however, lacks context absent engagement with people who are closest to the research or problem under study. Qualitative research — such as interviews, case studies, and observational studies — can help inform the interpretation of quantitative findings. This type of “numbers plus narratives” approach creates a human narrative and enables us to gain insights that quantitative analysis alone cannot achieve.

HOW DOES THE COVID-19 EPIDEMIC IMPACT THE WORK OF YOUR ORGANIZATION? AND THE RESPONSE OF YOUR ORGANIZATION IN ADDRESSING CHALLENGES POSED BY COVID-19?

Covid-19 dramatically impacted the workforce in the United States, including the federal government. When Covid-19 restrictions began in March 2020, the totality of NIJ’s workforce shifted from fully operating in an office environment to fully operating in a remote, telework situation literally overnight. NIJ had to quickly identify the best solutions to successfully transition an entire workforce from an office environment to a home environment, with the safety and health of our staff as a top priority. The challenges consisted of both internal and external issues. Internally, NIJ immediately established new communication protocols to ensure connectivity and camaraderie among our staff; discussed flexible working hours and arrangements to accommodate the many different situations our staff faced; identified technical support and solutions to our newly mobile staff; and set expectations to help us all navigate this new environment.

Externally, NIJ ensured that we continued to meet the needs of our grantees and contractors, who were also pivoting and adjusting to a new normal. For example, researchers could no longer conduct in-person data collection, participate in onsite visits or conduct other typical research activities. NIJ helped our grantees and contractors shift to other data collection methods such as electronic surveys or telephone interviews to keep their research and evaluation work as active as possible. I'm pleased to report that NIJ has successfully kept its research and evaluation activities on track and prevented the loss of critical data.

APART FROM THE CHALLENGES, DO YOU FIND ANY OPPORTUNITIES HAVE ARISEN FROM THE COVID-19 SITUATION?

So many good things arose from the Covid-19 experience! Most importantly, we learned that as a collective we were able to address incredibly challenging situations. The NIJ team learned how to leverage each other's strengths to identify creative and innovative solutions to never-before encountered problems. As a result, the NIJ team has increased its confidence in tackling new issues and has become more solution driven. Covid also presents an opportunity to support research on natural experiments that resulted from the pandemic, such as its impact on crime and how the pandemic's expedited release of people from correctional settings affected outcomes for those individuals specifically and public safety in general.

WHAT ARE THE ADVANTAGES/OPPORTUNITIES OF BEING A MEMBER OF THE PNI?

NIJ serves as one of 18 Programme Network Institutes worldwide for the United Nations Crime Prevention and Criminal Justice Programme Network (UN PNI). Currently, NIJ is the only PNI within the United States. As a PNI, NIJ has a significant opportunity to assist the international community in strengthening cooperation in crucial areas of crime prevention and criminal justice and stands ready to engage in information exchange, research consultation, training provision and public education. For example, this May NIJ will be co-coordinating with the Thailand Institute of Justice to convene a workshop at the Commission on Crime Prevention and Criminal Justice titled Enhancing the Functioning of the Criminal Justice System to Ensure Access to Justice and to Realize a Safe and Secure Society. NIJ will use this opportunity to network extensively with international criminal justice research and practice colleagues. We hope to identify strategies

being used successfully in other countries — such as matters related to addressing the opiate epidemic, human trafficking and other topical areas where international efforts have experienced successes — that could advance similar efforts in the United States and inform NIJ's research and strategic investments. NIJ not only assists our fellow PNI partners in providing these services, but we are also tremendously fortunate to benefit from theirs!

ARE YOU WORKING WITH OTHER PNI PARTNERS AT THE MOMENT?

In addition to what I just discussed above, NIJ and the Korean Institute of Criminology and Justice signed a Memorandum of Understanding in November 2019. The MOU details commitments from NIJ and KICJ to collaborate beyond our agencies' current efforts as PNI partners. Both of our institutes support research that is critical to improving public safety and the criminal justice system in our nations. As an example, NIJ and KICJ are collaborating on a research panel for the annual meeting of the American Society of Criminology. Our continued collaboration is essential as NIJ continues to foster a relationship with KICJ and our other international partners.

WHAT ARE THE CHALLENGING PARTS OF YOUR JOB?

It is my personal philosophy that there are no real challenges, just different types of opportunities. I look forward to seizing opportunities through my role as NIJ director to promote the relevance and impact of science on all those affected by the U.S. justice system.

INTERVIEW WITH MORINAGA TARO

Director of United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI)



WHAT IS YOUR ROLE AT UNAFEI AND HOW LONG HAVE YOU WORKED THERE?

Director since July 2021. Before that, I was the Deputy Director from April 2014 to September 2017.

TELL US ABOUT YOUR PROFESSIONAL BACKGROUND AND HOW YOU CAME TO WORK AT UNAFEI?

I started my career as a prosecutor and government attorney back in 1994. It was in 2003 when I first went out of the prosecutorial service to work as a member of the International Cooperation Department, Research and Training Institute of the Ministry of Justice (ICD) engaging in technical assistance to developing countries. From May 2004 to March 2007, I served as the chief advisor of the Japan International Cooperation

Agency's Vietnam Legal Cooperation Project Office in Hanoi. From 2008 to 2012, I was again with the ICD, working on technical assistance activities for a number of client countries, including Vietnam, Laos, Cambodia, Indonesia, Timor-Leste, Mongolia and more. After serving as the Deputy Chief Prosecutor of the Saga District Public Prosecutor's Office from 2012 to 2014, I was back again in the international field as the Deputy Director of UNAFEI. My last position before becoming UNAFEI Director was as the Director of the ICD. I guess the Ministry thought that they could make use of my relatively long experience in international cooperation by placing me here at UNAFEI.

BASED ON YOUR EXPERIENCE IN THE FIELD OF INTERNATIONAL COOPERATION, WHAT LESSONS HAVE YOU LEARNED ABOUT PROVIDING TECHNICAL ASSISTANCE AND WORKING WITH PARTNER COUNTRIES?

"One-size-fits-all" never works. You are working with countries and people having their own backgrounds, systems and practices. There is always "path dependency." You have to have a good understanding of your partners' characteristics. But at the same time, you have to look at yourself and have an even better understanding of your own system and practice in order to be able to compare them with those of your partners. What your counterpart is thinking and doing is a "mirror" of what you, in your country, are thinking and doing. It is always a comparative study by way of inter-cultural communication in the area of law and justice. But at the same time, you must firmly uphold the core values of law and justice, which are universal. They should not be rattled or shaken by the overwhelming diversity of legal history and culture you may encounter.

HOW MANY PEOPLE WORK AT UNAFEI AND WHAT IS THE MIX OF ROLES?

Including myself and our Deputy Director, there are eleven members. Among them, five are prosecutors, one is a judge, two are coming from corrections and two from probation. They are supported by 26 administrative staff members who are in charge also of administrative affairs of the ICD. They, too, are from different sections of the Ministry, such as prosecution, corrections, probation, immigration and so on. And needless to say, we have Tom Schmid, Esq., our linguistic advisor, who's been with us already for more than ten years.

WHO ARE UNAFEI'S KEY STAKEHOLDERS AND HOW DO YOU INTERACT WITH THEM?

Within the Japanese Government, our supervising agency is the Research and Training Institute, and the Ministry of Justice is above it. UNAFEI interacts on a daily basis with the rather new division in the Ministry, the International Affairs Division in the Minister's Secretariat, which deals with all international affairs of the Ministry and promotes the policy called "justice diplomacy".

As to the implementation of our major training courses and some other technical assistance activities, the Japan International Cooperation Agency (JICA), under the supervision of the Ministry of Foreign Affairs, is our biggest partner. JICA is the key institution for the implementation of Japanese official development assistance. Most of our international training courses are funded by JICA and implemented under the framework of JICA's "Knowledge Co-Creation Programme".

UNAFEI's activities are also supported by the Asia Crime Prevention Foundation (ACPF), which is a foundation established by private sector donors in 1982 in order to support the activities of UNAFEI and to universally promote "prosperity without crime". UNAFEI is in frequent contact with ACPF and co-organizes important conferences and other events several times a year. ACPF also supports UNAFEI with its training courses by hosting receptions and cultural events for overseas participants.

Regarding international stakeholders, I guess I do not need to tell you that UNAFEI is a part of the UN Crime Prevention and Criminal Justice Programme Network managed by the UNODC. Indeed, UNAFEI is proud of being the oldest PNI. We have frequent contact with our colleagues in the Network, exchanging information and working together on many occasions, such as the annual CCPCJ and the quinquennial UN Crime Congresses. There is extensive exchange of expertise and experiences through mutually providing human resources – experts – in seminars and workshops as well as training courses, etc. conducted by each of the PNI members.

UNAFEI's interaction even goes beyond the scope of the PNI. We have established close relationships with a number of other international and inter-governmental institutions by concluding memoranda of cooperation – the International Criminal Court (ICC) and the Confederation of European Probation (CEP) being recent examples. But perhaps one of the biggest assets

of UNAFEI is the UNAFEI Alumni Network composed of more than 6,000 people from more than 140 countries all over the world. They themselves are invaluable resources for UNAFEI as supporters and also as experts contributing to our activities.

HOW HAS COVID-19 IMPACTED THE WORK OF YOUR ORGANIZATION? HOW DID YOUR ORGANIZATION ADDRESS THE CHALLENGES POSED BY COVID-19?

Covid-19 did actually have a serious impact on our activities. Indeed, in the first year of the Covid-19, almost all training courses and regular seminars had to be either cancelled or postponed for an indefinite term. Restrictions everywhere in the world made it very difficult for us to travel abroad or to invite experts to Japan, and that hindered also our research activities. Many of us were forced to do remote work from home, and up until late 2022, training courses and seminars as well as research activities all had to be done online. But it was then when we developed our practical skills and techniques to make better use of computer technology, such as online meeting tools and classroom apps. Now, everyone here at UNAFEI is very much used to utilizing these techniques which may, even in the post-Covid era, be quite useful as quick communication tools. We designed our training courses so as to make it as easy as possible to participate from different parts of the globe, for example by making each session concise and dividing participants into groups in accordance with their time zones, while maintaining the quality of the course as high as possible. In this way, I believe we were able to generate fairly good results.

Still, although web conferences and e-learning are quick and useful measures under certain circumstances, they can be quite frustrating – it feels like "scratching your itchy foot over the sole of your shoe", as an old Chinese proverb says. Now we are so happy that our training courses and seminars have returned to the in-person format.

WHAT TRAINING PROGRAMMES AND OTHER ACTIVITIES WILL UNAFEI BE INVOLVED WITH OVER THE NEXT 12 MONTHS?

Five regular international courses are waiting to be implemented. The 181st International Training Course in May will deal with measures against transnational organized crime. Actually, 2023 marks the 20th anniversary of UNTOC coming into effect. The 182nd International Training Course, handling issues of

offender rehabilitation, will discuss seamless support to offenders released from prison, focusing on securing housing, jobs and medical care. The UNCAC Training Programme in November will probably target issues relating to a multi-sector approach in the fight against corruption. In January next year, the 183rd Senior Seminar will revisit the Nelson Mandela Rules. The rather new training course which is the 3rd International Training Course on Prevention of Reoffending and Protection of Victims in March next year will pick up issues regarding prevention of and response to domestic violence. Two regional seminars will also be held, the Good Governance Seminar for Southeast Asian Countries in December, and the Training Course for Criminal Justice Practitioners from Francophone African Countries, most probably in February next year.

UNAFEI will also be busy with conducting a variety of seminars and workshops for specific client countries here and there. Clients include the Philippines, Malaysia, Cambodia and Timor-Leste in the area of corrections and rehabilitation, Kenya on juvenile justice, Nepal and Vietnam on criminal procedure and Uzbekistan on crime statistics.

There are also other important events upcoming, such as the International Youth Forum and a training course for youth related to the ASEAN-Japan Special Meeting of Justice Ministers in July, the UNAFEI side-event at that Special Meeting on “a culture of lawfulness”, and the Public Lecture on Criminal Justice Policy in January next year. These public lectures are regularly co-hosted by UNAFEI, ACPF and the Japan Criminal Policy Society.

WHAT NEW OR EMERGING AREAS OF RESEARCH AND TRAINING IS UNAFEI EXPLORING?

As a part of the activities regarding the implementation of the Kyoto Declaration, UNAFEI is at the moment focusing on reducing reoffending more than ever. In collaboration with JICA, UNAFEI started the already mentioned International Training Course on Prevention of Reoffending and Protection of Victims. Further, for the purpose of supporting the ongoing work of the UNODC for drafting the Model Strategies on Reducing Reoffending, we organized here at UNAFEI a PNI event in October last year, and exchanged opinions on good practices aimed at reducing reoffending. I am grateful that many of our PNI colleagues kindly gathered here in person. We had a wonderful discussion, and I hope the result will in some way contribute to the work of the UNODC.

WHAT ADVICE WOULD YOU GIVE TO A NEW PROFESSOR OR STAFF MEMBER ASSIGNED TO UNAFEI?

Well, we know that you are excited to be here at UNAFEI, but also quite nervous. But never mind. Everyone was once a beginner. You will very soon realize how much fun it is to work in an international environment and rapidly get used to that. Try to be curious about everything and do not confine yourself in your assignment. Your expertise is our precious asset. Try to make best use of it. If you do that, it will make your job even more interesting and rewarding, and you will love your work. This time, an old Japanese saying – “loving it is being good at it”.

WHAT ARE THE ADVANTAGES/OPPORTUNITIES OF BEING A MEMBER OF THE PNI? ARE YOU WORKING WITH OTHER PNI PARTNERS AT THE MOMENT?

Being a PNI member brings us pride and confidence as an institution which heightens our motivation to contribute to the realization of global common values. And of course, for everyone here at UNAFEI, it is such a joy and excitement to be given the chance to work with esteemed organizations all over the world.

Actually, we learn so much, and receive so much help, from other PNI members through daily information exchanges, mutual visits, co-organized events and more. There are so many occasions where we are in want of foreign expertise or insights from diverse points of view, for example in a training course or a seminar where we handle issues regarding which Japanese experience is insufficient or comparative discussions are needed. In such situations, we always consult and seek help from other PNI members, and they all provide us with their sincere responses. Yes, PNI members are truly a great help for us. I hope that we are doing enough to repay their kind cooperation.

HOW HAS CRIMINAL JUSTICE CHANGED DURING YOUR CAREER – BOTH IN JAPAN AND GLOBALLY?

A lot has changed, both in the legal framework and practice. And also the way practitioners work.

In Japan, a large-scale reform in the justice sector started in 1999, which led to a speedier judicial process, enhanced public participation, better access to justice and a drastic reform in capacity building, including the Japanese-style law school system. Coping with globalization was also a part of it, which not only propelled the system and practices to adapt themselves

to international standards, but also became a driving force to enhance technical assistance in the law and justice to developing countries. In the criminal justice system, driven by the introduction of saiban-in (lay-judge) trials, Japanese criminal justice rapidly changed from what was called “precision justice” to “core-focused justice”. In the past, the judiciary, trying to clarify the whole truth, very much put energy into finding each and every fact related to the case in detail, which naturally resulted in a huge amount of overly detailed documentary evidence, including the written statements of the accused. And the judges would prefer to read these documents carefully in their chambers. Inevitably, trials were prolonged because judges needed time to do so. But in saiban-in trials, the luxury of taking so much time was not available anymore, because you cannot keep those randomly selected lay judges tied up for so long and read all those lengthy documents. Thus, the courts started to focus on oral proceedings in the courtroom and went on to limit the use of documentary evidence. The examination process was largely condensed and today, courts allow only a minimum amount of highly relevant evidence into the courtroom. That of course changed the way prosecutors work.

Globally, I think the international conventions and treaties as well as the soft laws are gaining more and more importance in parallel with the rapid globalization of crime. Countries are much more than ever trying to harmonize their systems and practices with regional and international standards. Mutual legal assistance and extradition have become more and more frequent, and the institutional and personal capacity needed is rapidly being enhancing.

On the other hand, what bothers me is that I feel a considerable risk of polarization of the world even in the field of law and justice. It is not only liberal democratic states versus authoritarian states, but also those rigid punitive thoughts and theories sometimes supported by populism versus those rehabilitative thoughts sometimes going too far. I hope that I am wrong with such a perception, but that is what I am a bit concerned about at the moment.

And of course, in both domestic and global settings, the development of computer and information technology has had an immeasurable impact also on the field of law and justice. But I don't think I need to tell you about that. Believe it or not, when I became a rookie prosecutor, there was no computer of any kind in my office room, nor did I have a mobile phone. I had no idea what “internet” was. Interrogation protocols were handwritten. Now, I am sure that no one can do anything without a computer or a smartphone.

WHAT DO INTERNATIONAL COOPERATION AND TECHNICAL ASSISTANCE MEAN TO YOU?

Joy and fun. It is really an interesting and exciting area of professional work. I have been involved in this work for more than seventeen years, and still I encounter new issues and find surprising foreign systems and practices rapidly evolving. It requires mobilizing all of my personal knowledge and experience, but that is what makes this job so meaningful and rewarding to me. It is truly one of the greatest jobs one could ask for as a lawyer. I wish I could continue to be involved in such activities even after my retirement.

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