

PRESENTATION

by Mr. YAMASHITA Terutoshi, UNAFEI Director

Re: Implementing the Doha Declaration: paving the way to Japan

Thank you, Mr. Chairman,

I. IMPORTANCE OF IMPLEMENTATION

The 13th Crime Congress and the resulting Doha Declaration place importance on the significance of promoting the rule of law and combating and addressing crimes such as corruption, terrorism, violence, trafficking in persons, etc. The Doha Declaration is a strong global statement on the need to promote the rule of law and the importance of the UN standards and norms in the field of crime prevention and criminal justice. As many states have noted, the next step is the “implementation” of measures ensuring that the rule of law is respected throughout the world.

II. LESSONS FROM JAPAN’S EXPERIENCE

But implementation is easier said than done. Beginning in the late 1800s, Japan modernized its legal system in two stages over the course of 80 years. Japan’s first modern legal system—based on principles of civil law—took 50 years to develop. The present system, which combined the civil law system with aspects of the legal system of the United States, took a further 30 years since the 1940s to develop. Japan now embraces the rule of law and judicial independence. Japan was fortunate because it had sufficient time to catch up with the global trends. These days, however, developing countries need to modernize their justice systems more quickly.

III. POINTS OF TECHNICAL ASSISTANCE

International cooperation, technical assistance and capacity building in the field of crime prevention and criminal justice play important roles in the promotion of the Doha Declaration and the UN standards and norms. Technical assistance will help developing countries overcome challenges facing their criminal justice systems as well as shorten the period of implementation if done efficiently and properly, as follows.

First, technical assistance should only begin when a recipient country

recognizes its necessity and significance. This is related to the issue of “national ownership”. Recipient countries must maintain ownership of their own development, and donors must provide assistance by maintaining and promoting recipient-country ownership throughout assistance projects. In the legal field, ownership must be respected; otherwise the sovereignty of each recipient country would be infringed.

Second, duplication of technical assistance should be avoided. Since one donor cannot provide all technical assistance in the legal field to a recipient country, several donors are invited to assist the recipient. When donors offer assistance in the same field, there is a risk that certain training programmes might contradict each other. Likewise, if a donor stops technical assistance in the course of a project, the recipient country tends to revert to its old practices. To avoid these problems and to seek the possibility for seamless technical assistance, donor coordination is also necessary. Moreover, cooperation among donors would create opportunities for assistance when a project is difficult for one donor alone. Thus, donor coordination and cooperation are inevitably needed. At the end of this presentation, I will touch upon this point by sharing an example of a joint-technical-assistance project to be carried out by the UNODC and UNAFEI.

Third, in order for technical assistance to be accepted and to take root, it should be tailor made for the recipient society. This view is shared among donor countries, but this is not the case for some legal counsel dispatched as experts to recipient countries. Some have said that technical assistance was easy because success in an Eastern European country would be applicable to an Asian country. However, social conditions, like history, economy, culture and customs, are different from one country to another. These differences entail a unique approach and a transition period prior to achieving the expected goals. This approach will enable recipient countries to understand and accept the technical assistance received, and will help the assistance become rooted in the recipient society. This will result in facilitating recipient-country ownership and sustainable development, even after donors end their technical assistance.

IV. UNAFEI'S CONTRIBUTION

Let me move on to the activities and contributions of UNAFEI.

A. About UNAFEI

For those unfamiliar with UNAFEI, we are a United Nations regional institute, established in 1962 by agreement between the United Nations and the Government of Japan, with the aim of promoting the sound development of criminal justice systems and mutual cooperation. As a United Nations Crime Prevention and Criminal Justice Programme Network Institute, UNAFEI, relying on the administrative and budgetary support of the government of Japan, has supported the UNODC primarily by providing training courses and seminars for criminal justice personnel.

In selecting the themes of its courses and seminars, UNAFEI matches the needs of the participating countries with the priority areas of the United Nations Crime Prevention and Criminal Justice Programme, as identified by the General Assembly, the Economic and Social Council, and the Commission.

UNAFEI's alumni form a strong international network, which now consists of more than 5,000 former participants from over 135 countries. Many alumni have been serving in important positions within their governments and have been playing leading roles in the field of criminal justice.

B. UNAFEI's Contributions in the Coming Years

1. Rehabilitation of Offenders and Public Participation

The Doha Declaration stresses the need to implement UN standards and norms. In this regard, UNAFEI has been focusing on the implementation of the Bangkok Rules and helped co-organize Workshop 1 at the 13th Congress. UNAFEI will do its part to promote and disseminate the Doha Declaration, as well as the official report and panelists' papers of Workshop 1.

The Doha Declaration announced that the 14th Crime Congress will be hosted by the government of Japan in 2020. As the PNI member in the host country, UNAFEI hopes to play an active role in the preparations for the next Congress, including the coordination and planning of workshops, as UNAFEI has done for past congresses.

This year marks the 25th anniversary since the adoption of the Tokyo

Rules on non-custodial measures by the United Nations General Assembly. UNAFEI is very proud of its involvement in formulating the first draft of those rules. Therefore, it comes as no surprise that UNAFEI has continued to focus on the implementation of non-custodial measures and community-based treatment as some of the most important issues in the field of crime prevention and criminal justice.

In July 2014, UNAFEI hosted the First Asian Volunteer Probation Officers Meeting, which is the first known gathering of volunteer probation officers from the Asian region and beyond. In February 2015, UNAFEI and the Thai government jointly held a seminar on promoting community-based treatment in the ASEAN region. The seminar motivated the countries in attendance to further develop public participation in community-based treatment. UNAFEI is well aware that continuous activities in this field are expected by the regional members to enhance and promote the rehabilitation of offenders.

2. Juvenile justice system

Workshop 1 also discussed various issues relating to children in conflict with the law. In the context of the vulnerability of youth, juvenile justice systems and treatment of juvenile offenders should be subjects of deeper discussion in consideration with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"). Thus, UNAFEI will hold international training courses and seminars on juvenile justice next year.

3. Promotion of the rule of law, the culture of lawfulness and anti-corruption

Government officials must gain the public trust by maintaining their integrity; otherwise the rule of law will collapse. The rule of law will be upheld and maintained when both government officials and citizens abide by the law. In this sense, a culture of lawfulness should be promoted not only as a part of school education but also as a part of life-long education.

Considering the importance of anti-corruption measures, UNAFEI has conducted anti-corruption training, known as the UNAFEI UNCAC Training Programme, for 15 years since 2000. Furthermore, UNAFEI began holding the "Regional Seminar on Good Governance for Southeast Asian Countries" in 2007. The seminars have been held in Bangkok, Manila, Tokyo and Kuala Lumpur, twice

in each location, through 2014. These are on-going programmes, and the Japanese government fully recognizes their significance.

All of these programmes provide for the capacity building, training and development of government officials, and they broadly promote the rule of law and a culture of lawfulness that support human rights..

C. Country-focused trainings and seminars and donor cooperation

In addition to international courses and seminars, which involve government officials from many different countries, UNAFEI has also provided country-focused technical assistance, for example, to the People's Republic of China, Kenya, the Philippines, and so on. A regional training course focusing on eight countries in West Africa was also held in 2014 and again this spring.

Now I would like to touch upon our most recent country-focused technical assistance, which is an example of donor cooperation between UNAFEI and the UNODC.

The UNODC had launched an overall criminal justice reform programme for a country in Southeast Asia; including prison reform which requires a particularly discreet and subtle approach because of the sensitivity of the subject matter. UNAFEI had already gained a certain amount of trust from the country's prison authorities through the participation of some officers in several international training courses. UNAFEI was willing to provide concrete support for improving the capacity of the country's prison personnel. Through the continual exchange of information, the UNODC and UNAFEI decided to collaborate on this project. This project came about because of the overall reform programme agreed to between high level officials of both the UNODC and the recipient country, as well as the good working relationship between UNAFEI and the recipient country's prison department.

At present, what has been decided is to hold a seminar this year, the aim of which is to improve prison management in line with international standards by enhancing the capacity of senior and mid-level staff of the country, including the updated version of the Standard Minimum Rules (SMR). Thus, the seminar will contribute to the development of the prison system in the country as well as

promote the rule of law in line with the Doha Declaration. We hope this first step will result in close collaboration in the future.

In closing, let me reassure you of UNAFEI's continued support for the UN Crime Prevention and Criminal Justice Programme.

Thank you very much for your attention.