

Corrections in Asia and the Pacific

Record of the 21st Asian and Pacific Conference of Correctional Administrators

Chiang Mai, Thailand 2001

Introduction

This report is a summary of the proceedings of the Twenty First Asian and Pacific Conference (APCCA) held in Chiang Mai, Thailand, over the period 21 to 26 October 2001. The conference was attended by senior representatives of correctional services of 21 nations or territories in the Asian and Pacific region, most of whom were the Chief Executive, Commissioner or Director General responsible for corrections in each nation or territory. The conference was hosted by Mr Siwa Sangmanee, Director-General of the Department of Thailand and was officially opened by the Thailand Minister of Interior, Professor Dr Purachai Piumsomboon.

The first meeting of the APCCA was held in Hong Kong in 1980. The idea for that meeting developed from discussions between the then Director of the Australian Institute of Criminology and the then Commissioner of the Hong Kong Prison Service. Since 1980 the conference has assembled each year, apart from 1990. For most of that period the conference was assisted by the Australian Institute of Criminology but since 1993 the conference has been supported by the APCCA Coordinator in his private capacity.

After the first assembly of the conference in Hong Kong, in subsequent years the conference has assembled in Bangkok, Tokyo, New Zealand, Tonga, Fiji, the Republic of Korea, Malaysia, Australia (New South Wales and Victoria), India, China (Beijing), Australia (South Australia), Hong Kong, Australia (Northern Territory), Japan, New Zealand, Malaysia, Canada, China (Shanghai) and Australia (New South Wales). Over this period the conference has developed a significant history of traditions or conventional practices, even though it has no formal constitution or rules of procedure. For example, it has always been accepted that the host has the right to select those to be invited. Furthermore, the conference is relatively inexpensive as all the participants pay for their own air fares and accommodation.

As a matter of tradition, however, the host nation provides some hospitality as well as an appropriate venue for the formal meetings. At this conference extensive and generous support was provided by:

The Mayor of the City of Chiang Mai

Management & Training Corporation (MTC) of the United States

Australasian Correctional Management (ACM) of Australia, and

JFE Security of South Africa.

Another tradition that has developed within the framework of the APCCA is that of visiting correctional institutions, especially if they are related to the agenda items under discussion.

Visits to institutions are seen as a useful complement to formal discussions and are generally greatly appreciated by participants as a practical method of exchanging ideas.

For the twenty first conference in Chiang Mai, visits were arranged to the Chiang Rai Central Prison, the Rehabilitation Program for Drug Addicts at Meng Rai, the Chiang Mai Women Correctional Institution and the Prison Products Exhibition of the Northern Region. A number of visits to places of cultural interest were also incorporated into the conference program.

During the afternoon before the formal welcome to the conference a preliminary business meeting was held to finalise a number of the organisational aspects of the conference and to receive, for later discussion, the report of the Working Party which met in Singapore in June 2001 to consider APCCA support services needed in the future. The details of these discussions are summarised under Conference Business later in this report.

A further tradition of the APCCA that was established at the first meeting in 1980 is for a summary report to be drafted while the conference is in progress. Following that practice, a draft report was circulated to all delegates on the evening before the final day of the conference. This was based on the oral presentation made by delegates and also on the written national discussion papers prepared by all participating nations and territories. This draft report will be edited and extended to create a final version in the coming weeks.

Opening Ceremony

The opening ceremony of the conference was preceded by a welcome reception the previous evening hosted by the Mayor of the city of Chiang Mai. The ceremony itself was conducted in the Imperial Grand Hall of the Imperial Mae Ping Hotel in Chiang Mai, in the presence of His Majesty's Minister of Interior, Professor Dr Purachai Piumsomboon. It was a multi-media event, based on the theme of the conference which was the "Flame of Peace" and incorporated a traditional Thai procession, video presentations and a light and sound display, all of which could only be described as spectacular.

The central feature of the opening ceremony was the handing over of the APCCA symbols by Mr. Luke Grant, on behalf of Dr Leo Keliher, the host of the 20th APCCA in Sydney, Australia, in 2000, to Mr Siwa Sangmanee Director General of the Department of Corrections of Thailand. The symbols, a Fijian war club and an Indian brass lamp, were presented to the conference in 1985 and 1988 respectively, and have been held in safe keeping by the conference hosts each year since then. It was explained that the Fijian war club, even though associated with aggression and violence, when surrendered to another person was a symbol of peace, harmony and civilisation, as was the case when Fijian warriors gave their clubs to missionaries. Similarly, the Indian brass lamp is a symbol of learning and enlightenment. Taken together, these symbols represent the enduring values of APCCA and were again reflected in the "Flame of Peace" representation in the ceremony.

Director General Siwa Sangmanee then formally reported to the Minister Professor Dr Purachai Piumsomboon in the following words:-

Your Excellency, Professor Dr Purachai Piumsomboon, Minister of Interior.

On behalf of the organising committee, I would like to express my deepest gratitude to Your Excellency for presiding over this opening ceremony of the 21st Asian and Pacific Conference of Correctional Administrators today.

APCCA conferences are held on an annual basis. Their main objective is to provide an opportunity for administrators from Corrections Departments across the Asian and Pacific region to come together to exchange academic points of view and experiences in correctional administration.

During this week long conference, a series of workshops will be held addressing individual country developments over the past twelve months and other relevant topics for correctional administration. These workshops will be followed by visits to correctional facilities and other relevant organisations in Chiang Mai and Chiang Rai provinces.

Foreign delegates and observers attending the conference, compose of high-ranking correctional officials and criminal justice personnel. There will be representatives from up to 24 countries across the Asia and Pacific region. One of the outcomes of this conference is that the participants will bring back information gained over the week to their respective countries to assist in further developing their services. A report based on the outcomes of this conference will also be presented to the United Nations World Congress on Crime Prevention and Criminal Justice, which is held every 5 years.

The hosting of APCCA conferences occurs on a rotation basis across participating countries and has been done this way for the past 20 years. As Thailand previously hosted the 2nd APCCA in 1984, this will be our second opportunity to hold this event. Hosting this conference will provide a number of benefits to Thailand. Firstly, it will enable the government to show the progress that has been made in the field of corrections. Secondly, it will provide an opportunity to enhance the image of the Thai correctional system. Finally, it will also promote tourism across Thailand and help to stimulate the Thai economy.

I would now like to take this opportunity to call upon Your Excellency to formally open the 21st Asian and Pacific Conference of Correctional Administrators.

The Director General Mr. Siwa Sangmanee then invited the Minister Professor Dr Purachai Piumsomboon to officially open the conference. He did so as follows:-

Chairman of the Organizing Committee, APCCA Coordinators, Distinguished Delegates, Ladies and Gentlemen:

It is my honor to preside over this opening ceremony of the 21st Asian and Pacific Conference of Correctional Administrators today. I have learnt that the Conference has been held consecutively for more than 20 years, of which Thailand has been honored to host this event on one other occasion prior to today. Hosting this conference once again, brings pride to not only the Thai Department of Corrections, but also to the Thai Government and the Thai nation. Moreover, our ability to host this conference successfully, indicates that peace and stability still remain in this country and our region, while the world is in tension.

Thailand is now moving towards the implementation of the 9th National Economic and Social Development Plan, through which the efficiency of the criminal justice administration will be enhanced. Under such a plan, a proactive criminal policy is to thttz

sssssystematically solve existing problems. In particular, the Thai Government recognizes its importance of the correctional services system, especially the current over crowding prisons. In fact, the overcrowding is the result of economic and social factors which have led to an increase in the involvement in corruption, drug, and crimes.

As a result, the Government has launched a policy to overcome these obstacles by declaring war on poverty, corruption, and narcotics with the hope of bringing peace to the society. Of particular focus is the war on narcotics: an area the Thai Government has a strong desire to eliminate completely. 'Drug dealers must be punished, while drug users must be treated' is the main theme of the strategy. Implementation of this plan is currently being carried out at levels such as the restoration of social orders, the control of entertainment business, the promotion of family integrity, and the search for treatment innovations. Such innovations, for

example, include an introduction of compulsory treatment in a boot camp as an alternative to imprisonment. This would help to reduce overcrowding in prisons.

Narcotics are a problem of mankind because they destroy our next generation and effect people throughout the world. Drugs have become a transnational crime because of their global networks. Serious effort of the Thai Government may not be sufficient to contain the problem, and thus we urge the World community to join hands in the fight against drug and not to support any forms of involvement in order to restore a high quality of life to the people in this region.

The Thai Government values this 21st Asian and Pacific Conference of Correctional Administrators, and believes that this forum will provide an opportunity to show the improvements made by Thailand criminal justice administration and the Thai correctional services. Also, it will provide an opportunity for our own correctional officers to exchange views and information among members of the delegates, and to enhance cooperation of member countries in the region. I sincerely hope that this conference will enable us all to be aware of the situation faced by common correctional services and to further develop your understanding of how this services are implemented at large and that the outcome of the conference will lead to a concerted development of correctional services as well as to strengthen friendly ties among correctional administrators in the region.

Before concluding my remarks, I wish to express my much appreciation to the Department of Corrections of Thailand and the organizing committee, for their hard working effort in hosting this conference. It is now my pleasure to declare the 21st Asian and Pacific Conference of Correctional Administrators opened. May I wish all delegates from Asia and Pacific countries every success in this important conference and to wish you all a pleasant stay with us in Thailand.

A further traditional performance followed the Minister's speech, and then the Minister, Director General and all delegates were escorted to the stage of the hall for a group photograph. The Minister then departed the conference.

After a short refreshment break, the conference re-assembled and Mr. Siwa Sangmanee invited the APCCA Coordinator and Rapporteur, Professor David Biles, to introduce the conference business. Professor Biles said:-

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

I would like to add my personal welcome to that offered by our host, Director-General Mr Siwa Sangmanee, and I would also like to congratulate the conference organisers for the excellent preparations they have made for this, the 21st assembly of the Asian and Pacific Conference of Correctional Administrators. Even though I do not have the final figures, as some of the delegates may still be on their way here, all of the indicators are that this will be the largest conference we have yet held with more nations and more delegates than ever before. Very special thanks are due to Ms. Sivakorn Kuratanavej and Mr. Vitaya Suriyawong for the central role they have played in all aspects of the preparation.

Since we last met in Sydney, Australia about twelve months ago, there have been a number of developments which I believe will make the APCCA even stronger and more useful to its members. A very successful meeting has been held in Singapore of the Working Group of

APCCA Support Services, and the report of that meeting will be discussed during this conference. That meeting was convened by Mr. Benny NG of Hong Kong(China) and hosted by Mr. Chua Chin Kiat of Singapore.

Our Internet web site is still operating very successfully and attracting over 2500 visitors each month. I am most grateful to the Australian Institute of Criminology for the excellent work they are doing for us under contract to maintain and develop that site. Furthermore, two excellent editions of the APCCA Newsletter have been published by the New South Wales Department of Corrective Services. Again, many thanks for a job well done.

Over the past few days, the Co-rapporteur, Mr. Neil Morgan, and I have had an opportunity to read some of the national discussion papers and we are both of the view that all that we have seen are at a very high standard as well as being extremely interesting. These papers will certainly make our job of producing a detailed conference report easier, and they also indicate that we are going to have a high quality conference.

Also over the past few days, I have produced a draft report on the correctional statistics of the Asia and Pacific region. That report should be in your conference papers. There is still a small number of data collection forms to be returned, but for the 20 nations that have completed the forms at this stage, it is interesting to note that in this region we have almost exactly two million prisoners, and they are supervised by just over 370, 000 prison officers. These two figures, I suggest, illustrate the significance of this conference and the enormous responsibilities carried by the correctional administrators assembled here today.

The program for this conference represents a blend, or combination, of tradition and innovation. The first agenda item, National Reports on Contemporary Issues in Corrections, will allow all delegations up to ten minutes to report on current developments in their countries, while the next three agenda items will each have a smaller number of presenters and more time will be allowed to encourage informal discussion. These agenda items will focus on Foreign Prisoners and International Transfers, the Psychological and Other Treatment of Drug Offenders, and, the Management of Special Groups of Offenders. Then, as an experiment, on the last day of the conference we will have two simultaneous specialist workshops. These will focus on Correctional Through-care: the Integration of Custodial and Community Treatment, conducted by New Zealand, and Indigenous Offenders and Restorative Justice, conducted by Canada. These workshops will be more informal than our normal conference proceedings, and I am quite confident that they will be a welcome addition to our traditional APCCA meetings. My warm thanks to New Zealand and Canada for offering to conduct these workshops.

I wish you all a professionally rewarding and personally enjoyable conference in this wonderful historic city of Chiang Mai.

Before the discussion of the agenda items, an election for the position of Conference Chair was conducted by Professor Biles. The leader of the delegation from the People's Republic of China proposed Mr. Siwa Sangmanee as Chair, and this was seconded of the leader of the delegation from Malaysia. There being no other nominations, Professor Biles duly declared Mr. Siwa elected and invited him to take the Chair.

Agenda Item One

National Report on Contemporary Issues in Corrections

Introduction

Following the model which has been adopted since 1997, all delegates to this conference were invited to present an overview of the key issues currently facing their nation or territory. These national reports canvassed a very wide range of issues, reflecting the socio-economic and cultural differences across the region. However, there was a broad measure of agreement with respect to most of the key issues.

Socio-Economic and Political Factors and the Effect of Globalisation

There was clear agreement that correctional systems are directly affected by broader socio-economic changes and political considerations. Thailand provided a dramatic example of the effect of political policy changes. A 'war on drugs' has resulted in a dramatic increase in the number of prisoners, with the total prisoner population increasing by around 140 per cent from 1996 to 2000. A large number of these prisoners have been convicted of offences relating to possessing, selling and trafficking in amphetamines-related drugs (see Agenda Item three). Indonesia's report also noted a link between political issues and an increasing number of prisoners, and suggested that there was also a link between political stability and security and control in the prisons. The delegation from the Philippines noted that political decisions affect the funding of corrections and that this is not a priority for government expenditure in that country.

Macau (China) provided another very interesting example of the relationship between political change and correctional administration. It noted that, following the handover to China, there was a concerted attack on organised crime. This saw an increase in the number of prisoners but 'public safety improved significantly'.

Broader socio-economic factors affect both crime rates and correctional administration. Several nations still face some difficulty with respect to the provision of basic food, hygiene and health. For example, Mongolia reported that a large number of prisoners have tuberculosis, however, improved prison and medical facilities are now being developed. Cambodia reported that it had made significant progress in addressing prisoners' needs as a result of international assistance and the support of non-governmental organisations. China noted that "As human history has entered a new century, China has also entered a new historical era. Following the success of the application for sponsorship of the 2008 Olympic Games, China is at the gate of the WTO. With such an optimistic beginning, we should adjust to the situation. In terms of corrections, we should make a more enthusiastic commitment to reduce recidivism and to rehabilitate offenders into law-abiding citizens."

However, whilst globalisation does present some positive opportunities, it also presents a range of challenges. The paper from Canada outlined these challenges. The most obvious is a growth in offences of cyber fraud, organised transnational crime and corruption, a problem also noted by Malaysia. In addition, as our access to knowledge increases through the world wide web, value systems in all societies are likely to undergo some change. Vietnam's report

recognised these tensions: “The social and political situation remains stable, the economy reaches some development, and the material and mental life of people has been improved. However, during the process of falling in line with the international economy, the change in the system and other negative influences have created social evils and some new types of crime.”

Korea provides a particularly interesting example of the link between economic circumstances and correctional systems. During the economic downturn from 1998 to 1999, the number of inmates in Korean prisons increased rapidly, owing to the increase in property crime. However, following an economic recovery, the rate of property crime declined. A number of other nations, including Fiji, Papua New Guinea and Malaysia also noted the link between economic conditions and corrections, with Malaysia expecting its prison population to increase due to the regional economic slowdown.

Prison Population Levels

Prison populations continue to rise across most of the region. As mentioned earlier, Thailand has seen a dramatic increase over the last three years. Over the past twelve months, however, the most dramatic change has occurred in Tonga, where the prison population has almost doubled (from 68 to 124). After a decline in 1999, Brunei Darussalam also had an increase during 2000.

Indonesia reported similar trends; after a level population from 1997 to mid-1999, there was a big increase from mid-1999, and especially during 2000 and 2001. In Australia, prison populations are generally increasing, but the patterns vary across the country; some states such as Victoria still have a much lower rate of imprisonment than others such as Queensland, Western Australia and the Northern Territory. This means that different jurisdictions within Australia face rather different problems. This is also the case in China, where the increase is much higher in some provinces than in others. Other national papers to report an increase were Hong Kong (China), Macau (China), New Zealand, Japan, Malaysia, Fiji, Sri Lanka and Papua New Guinea.

Korea provided an interesting exception to the general trend upwards. Between 1998 and 1999, the number of inmates has risen to over 70, 000. However, it then declined to less than 63, 000 (a drop of over 10 per cent) by June 2000 and has remained constant since then. There appears to be three main factors behind these changes. The first was the improved economic conditions in the country. The second was that the Korean Prosecutor’s Office sought to reduce the number of prisoners held on remand by controlling indictment rates. The third strategy was a broader application of early release on parole.

Two nations reported that their prison population was relatively stable - the Philippines and Canada. In the Philippines, the prison population has been relatively stable since 1995. In Canada, there has been a slight decline in the incarceration rate since 1997.

Prison Population and Overcrowding

Prison overcrowding reflects two factors: the number of prisoners and the capacity of prisons. In most jurisdictions, the increase in prison capacity has not kept pace with the increase in prisoner numbers. For example, in Australia, most jurisdictions are expanding their prison capacity but overcrowding remains a problem. Even in Victoria, which has the lowest rate of

imprisonment in the country, occupancy rates stand at 115 per cent: elsewhere, 'doubling up' is common. In Thailand, the number of prisoners has more than doubled in the last four years, and the population of 245, 000 far exceeds the official capacity of 100, 000. In Tonga, the central prison has a capacity of 28 but a population of 85. In the Philippines, there is congestion in all parts of the system but there is a policy to limit overcrowding to 80 per cent in some areas. Malaysia reported that the prison population exceeds available capacity by around 20 per cent.

The national reports revealed that a range of strategies to attempt to reduce overcrowding. These include expanding parole and early release schemes (Korea and Malaysia) and the prerogative of mercy (Vietnam). However, there is no doubt that, for the foreseeable future, most jurisdictions will need to expand capacity and to modernise their prison estate to accommodate the growing number of prisoners. Ambitious renovation and new prison - building programmes are in progress in Australia, Brunei Darussalam, Cambodia, China, Hong Kong (China), Macau (China), Korea, Malaysia, Mongolia, New Zealand, Papua New Guinea, Philippines, Singapore and Tonga. Thailand is in the unusual position of having constructed a number of prisons but not yet having the funding for staff to allow these prisons to become operational. As a result of expanding capacity and taking other measures, some jurisdictions have been able to reduce levels of overcrowding despite often facing increasing prisoner numbers. For example, Hong Kong (China) has managed to reduce occupancy levels from 140 per cent in 1996 to 114 per cent in 2000/2001.

Overcrowding therefore remains the major issue across the region. Only two jurisdictions were able to report that prison capacity exceeds prisoner numbers. However, they are also now closer to 100 per cent capacity. In Indonesia, occupancy rates are around 99 per cent, compared with 76 per cent in the period from 1996 to 1999.

As discussed in previous APCCA conferences (especially the 1997 conference in Kuala Lumpur), there continues to be different views about the extent to which the private sector should be involved in the provision of this extended prison capacity. New Zealand reported the successful commissioning of a new remand prison (the first privately run prison in New Zealand) and a new privately run prison has opened in Western Australia. Korea reported that legislation has been enacted to permit the operation of a private prison and that a Request for Proposals had been published in August 2001. Thailand is also open to the possible involvement of the private sector in prison management. However, other parts of the region including China, Hong Kong (China), Malaysia and Papua New Guinea remain opposed to such developments in principle.

Prison Populations and Crime Trends

The conference delegates all agreed that prison population levels are not necessarily related to changes in crime rates. For example, Canada noted that reported crime rates are continuing to decline but that this has not been matched by an equivalent decline in incarceration rates. As noted in the Report of the Twentieth APCCA conference in Sydney in 2000, incarceration rates are therefore affected not only by the public perceptions and political responses.

It also appears that some forms of serious criminal activity have increased. This can affect the number of people who are sentenced to terms of imprisonment and the length of sentences imposed by courts, with consequences for prison management. Violent offences (such as assaults and robbery) appear to be on the increase in several jurisdictions, including

Australia, Canada, Hong Kong (China), and Korea. Drug offenders are increasing across much of the region, especially China, Canada, Indonesia, Brunei Darussalam and Thailand. More 'local' problems also arise in some parts of the region, with Mongolia reporting an increase in cattle rustling.

Clearly, these trends can create significant problems for prison management and the provision of relevant treatment programs to address substance abuse, anger management and other issues.

Sentenced and Unsentenced Prisoners

There is considerable regional variation with respect to the number and proportion of unsentenced prisoners. These patterns partly reflect the different investigative procedures and criminal justice traditions across the region. Brunei Darussalam has the lowest proportion of remand prisoners (5 per cent of the prison population). The highest figures are for Thailand (34 per cent), Cambodia (31 per cent) and Malaysia (30 per cent).

In some parts of the region, it is therefore clear that the remand population is having a major impact on the total prison population, as different regimes and procedures should, in principle, apply to such offenders. Australia and New Zealand share some common ground on this. In both jurisdictions, the remand population is lower than in many parts of the region (20 per cent and 15 per cent respectively) but the remand population is growing at a faster rate than the sentenced prisoner population. This may, in part, be the result of more people being charged with more serious offences. However, in both jurisdictions, there has also been a tightening up of bail for certain categories of offenders.

Offender Demographics

All of the national reports make mention of demographic characteristics of prisoners. The report from Canada contained a valuable discussion of the impact of demographic changes and noted that "the identification of future demographical trends can assist in better predicting the profile and size of the offender population and, in turn, anticipate the staff required, the institutional environment and the types of programs and services that would best meet the projected population needs." Similarly, New Zealand is already planning for a demographic bulge in the number of young people, especially of Maori or Pacific Island descent, who tend to be over-represented in certain types of criminal activity.

One of the most striking common trends across the region is an increase in the number of female prisoners. Thailand, for example, noted that the 'war on drugs' had led to a big rise in the number of female prisoners convicted of offences relating to amphetamines. It was a matter of special concern to the conference that the female imprisonment rate is generally increasing faster than the male imprisonment rate. In Hong Kong (China), for example, women constitute 9 per cent of total admissions in 1991 but 28 per cent in 2000. Malaysia, New Zealand, Korea, Mongolia, Japan, Canada and Australia have all witnessed a similar, if less dramatic, trend to that experienced by Hong Kong (China). These trends create some major issues for all nations in the region. Female offenders have, historically, been relatively few in number. The conference recognised that, as their numbers increase, it will be necessary to consider the most appropriate accommodation facilities and more effort will need to be given to the development of treatment programs which address the particular needs of female offenders.

Several nations also expressed concern at the imprisonment rate for different ethnic and indigenous groups. Canada, New Zealand and Australia continue to face major difficulties with respect to Indigenous peoples and in New Zealand the demographic trends are such that the problems are likely to increase in the foreseeable future.

The issue of older prisoners is discussed in this report under Agenda Item four. At this stage, it is sufficient to note that all those jurisdictions which addressed this question noted that there was a significant increase in the number of prisoners aged 40 to 50 and above. As noted by the delegate from Canada, many of those aged 50 or more also tend to be in poor physical and/or mental health and to have a high level of needs.

Standards and Accountability

The Report of the Twentieth APCCA conference in Sydney in 2000 noted that there was an increasing interest across the region in prison standards, including compliance with both domestic laws and general international standards such as the United Nations Standard Minimum Rules for the Treatment of Prisoners. This remained an area of discussion in many of the reports. A number of developing nations, including Mongolia, Cambodia and Vietnam reiterated their commitment to developing and maintaining prisons which meet world-level standards and to ensuring compliance with human rights obligations. China has made particular effort in this regard. It requires prisoners to “respect the offenders’ personality and protect their fundamental rights of living, sanitation, medical treatment, education and work.” China has also taken a policy decision to make prison administration more open to public scrutiny. To that end, it has established ‘Director Inspection Dates’ for prisons and ‘supervision hotline’ for members of the public.

Several national reports, including those from Malaysia, Japan and Korea, also noted that their domestic prison laws had become somewhat out of date and was being redesigned to meet more modern correctional needs, including improved procedures for the treatment of offenders and clearer rules and regulations regarding prisoner classification and discipline.

Integrated Offender Management

Across the region, there is now a clear acceptance of the principles of integrated offender management. This involves the establishment of a systematic approach to the management of offenders from the time of their reception into a prison to their reintegration into the community. The type of approach to integrated offender management must differ across the region to take account of regional and cultural differences and the availability of different treatment programs. However, the New Zealand paper neatly encapsulated integrated offender management under four headings: Induction to the prison, Assessment of an offender’s needs; Sentence Planning and management; and effective Reintegration Services. Similarly, Singapore has recently developed a Strategic Framework for Action based on four focal areas: operational capabilities, integrated incare, staff development and co-ordinated aftercare. Integrated incare involves a clear structure to the custodial part of the sentence and all prisoners are assessed to develop their ‘personal route map’. Considerable effort has been given to the development of more coordinated aftercare to assist in the reintegration of offenders and the CARE Network was formed in 2000 to co-ordinate the efforts of government and non-government agencies. Australia, Canada and Hong Kong (China) have adopted a similarly integrated approach to offender management.

A large number of other jurisdictions are moving towards the some general approach, subject to local needs and conditions. The move towards integrated offender management is closely tied to trends towards new management structures within correctional organisations. For example, Brunei Darussalam, China, Japan and Tonga are now giving a great deal of attention to more efficient management structures. Malaysia has modernised its management structures and, like many other jurisdictions, has seen improvements in effectiveness, efficiency and transparency. It is notable that, in line with these ‘managerial’ changes, many nations are now developing new “mission Statements.” Thailand, for example, is currently reviewing the role and mission of its Department of Corrections. The reports from Canada, Singapore and Hong Kong (China) all tie specific correctional initiatives back to their mission statements. It would appear that carefully crafted mission statements therefore have a useful role to play in ensuring that practices within different departments will pursue a common goal in a coherent and consistent manner.

Conclusion

It is clear that prison population levels and overcrowding remain the predominant concern of correctional administrators in the Asian and Pacific region. The trend across the region, with only a few exceptions, is to higher prisoner numbers. It is not always possible to plan in advance for changes in the prison population because government policies may change with respect to the treatment of certain groups of offenders (such as drug offenders in Thailand) or bail practices (as in Australia and New Zealand). However, planning and integrated offender management remain core objectives. Different jurisdictions face different pressure points, but all jurisdictions face challenges as a result of the growing number of female prisoners.

Although difficulties will remain, it is important to record some of the many positive features and developments. As in 2000, all jurisdictions appear to be effectively meeting the core functions of custody and control. There are also some very positive trends with respect to international standards and integrated offender management.

Agenda Item Two

Foreign Prisoners and International Transfers

Introduction

The Discussion Guide for the Conference suggested that this topic had provoked a wide range of different views in the past and that it was safe to predict that there will still be some marked disagreements on the subject. That prediction was shown to be only partially true, as while the national papers revealed some nations strongly supporting international transfers while others are strongly opposed, the oral presentations and comments were all totally or cautiously supportive. There is overall agreement, however, with the fact that every nation in

the region has among its prisoners a number who are citizens of foreign countries, and the available evidence suggests that the numbers of foreign prisoners seem to be increasing.

There are a number of possible categories of foreign prisoners. Of most concern are criminals who move from one country to another with the specific purpose of committing offences. Drug couriers would fall into this class. A separate group would be genuine tourists, or temporary visitors, who happen to become involved in a criminal activity while in a foreign country, and a third category would be long-term residents of a country who were born in another country, but either have not sought or have not been granted citizenship of the country where they live and where their offences occurred. The possibility of international transfer is relevant to the first two categories, but rarely to the third, as many in this group would have few, if any, relatives or other connections with their country of birth.

A further definitional issue discussed in a number of the national papers, is the distinction between international transfer and the deportation of offenders after they have served their sentences. The two concepts are quite different as transfers are undertaken for humanitarian and rehabilitation reasons, whereas deportation is a means of expelling unwelcome foreigners from any nation. Similarly, the movement of prisoners between nations in the interests of mutual assistance (to give evidence in a legal hearing, for example) is not to be confused with international transfer.

How Many Foreign Prisoners Are There?

The nation which probably has the highest proportion of foreigners in its prisons is Malaysia, for whom the national report indicates that 21 per cent of the total (6118 out of 28891) were foreigners. This is described as an “alarming increase” in recent years. Of the 6118, 55.7 per cent were from Indonesia, 22.3 per cent from the Philippines, and 8.4 per cent from Myanmar. It is noted that illegal immigrants are included in the total of foreign prisoners in Malaysia.

The Australian national paper suggests that for the six states and two territories between eight and ten per cent of prisoners are foreigners, but other information suggests that in the Northern Territory in recent months approximately 21 per cent of all prisoners are Indonesians who have been sentenced for people smuggling. It is noted that in Australia illegal immigrants are held in detention centres rather than prisons unless they have committed other offences. The Australian delegate informed the conference that there were currently 16 Australians in prisons in Thailand.

In Hong Kong (China) some nine per cent of prisoners are “other nationals” with the highest numbers coming from Vietnam, Pakistan and the Philippines. In Canada, some five per cent (or 1100) of all offenders under the jurisdiction of Correctional Services of Canada (800 in custody and 300 on conditional release in the community) are foreigners, the overwhelming majority coming from the United States. In Japan at the end of 2000, 6.5 per cent of all prisoners were foreigners, or Class F prisoners, and this proportion had increased 2.3 times in the previous decade.

Thailand has also experienced an increase in the number of foreign prisoners in recent years and at 30 August 2001 that number was 6710, or 2.7 per cent of the total, with the highest proportion coming from Myanmar and other Asian nations. In the Republic of Korea, the number of foreign prisoners has increased from 306 to 480 in the past five years with the

largest numbers coming from China, East Asian countries and the Middle East. In the Peoples' Republic of China, 685 prisoners were foreign citizens, or 0.047 per cent of the total. The report from the tiny Pacific nation of Tonga indicates that even in that remote location there are currently three foreign prisoners, one each from China, Australia and New Zealand.

Special Problems of Foreign Prisoners

The delegates from Japan, Australia, Fiji, Canada, Thailand and Hong Kong (China) all referred to the particular difficulties experienced by foreign prisoners if they came from countries with a different language, different dietary practices and different culture to that of their home nations. They also referred to the pressures this created for correctional staff who tried to treat them fairly and equitably. Other delegates referred to the stress experienced by the relatives of offenders who were imprisoned in nations other than where they lived, and reference was also made to the extra work foreign prisoners created for the consular staff of diplomatic missions in caring for the welfare of their fellow nationals in custody.

The Malaysian paper referred to overcrowding, security risks (for example gang fights), long delays before deportation, the introduction of diseases, and communication problems all associated with the holding of foreign prisoners. The paper indicated, however, that foreign prisoners in Malaysia were treated with due respect and dignity "to avoid sensitive issues...with countries in the neighbouring region." It is apparent that the treatment of foreign prisoners is potentially a subject of relevance to broader international relations.

In Japan, all foreign prisoners are given the opportunity to attend Japanese language classes, and a centralised system endeavours to locate books for foreigners in their own languages. In two prisons, Fuchu and Osaka, international affairs sections have been established to provide services, including interpretation and translation if required, to foreign prisoners.

Treaties for International Transfers

There are two different types of treaties or conventions which form the basis of the international transfer of prisoners. Multilateral treaties are legal agreements between a number of nations, the best known of which in relation to foreign prisoners is the Council of Europe Convention on the Transfer of Sentenced Persons. This convention has been signed by some 44 nations, including Canada. Other multilateral treaties are the Commonwealth of Nations Scheme for the Transfer of Convicted Offenders, signed by seven nations, and the Inter-American Convention on Serving Criminal Sentences Abroad, signed by six nations.

In contrast, bilateral treaties are agreements between two nations and may incorporate special conditions to meet particular needs. Hong Kong (China), Thailand and Canada have all signed bilateral treaties with a considerable number of other nations. Australia signed a bilateral treaty with Thailand earlier in 2001, but no transfers will take place until the legislation is considered further by the Commonwealth Government.

Eligibility for Transfer

The international treaties which make the transfer of prisoners possible all require that the prisoner seeking transfer makes a request or application. Prisoners are not to be moved between nations against their will under any of these treaties. Two other requirements are

also specified. These are the agreement of the governments of both the sending and receiving nations. (In federated nations such as Australia, where the administration of prisons is the responsibility of the states and territories, the agreement of the relevant state or territory government is also required. Similarly in Canada, for offenders sentenced to less than two years, the approval of the relevant provincial or territorial government is also required.)

It is also a general requirement of eligibility that a prisoner will only be considered for transfer after all appeals have been settled and he or she has no further legal matters pending. Furthermore, the prisoner must have at least six months of the sentence to serve after the transfer has been completed.

Some nations also impose a further condition on eligibility by requiring that a specified proportion of the sentence must be served in the nation where the offence occurred before a prisoner may be transferred to his or her home nation. For example, Thailand requires that the proportion of the sentence to be served in Thailand depends on the length of the sentence imposed.

Arguments in Favour of International Transfers

Those nations which support the international transfer of prisoners are largely motivated by humanitarian concerns. For example, the Canadian national paper refers to the “undue hardships” suffered by offenders serving sentences abroad, but points out that parents, siblings, spouses and children of the offenders may also suffer in these circumstances. The Canadian paper also points out that it is often the relatives of the offender who offer the only hope of successful rehabilitation. Therefore the international transfer of prisoners is seen as contributing to the reduction of reoffending as well as reducing the personal hardships of foreign prisoners and their families.

It could also be argued that some of the problems listed above, such as the challenges posed by foreign prisoners to correctional officers and to diplomatic staff, may also be relieved to some extent by these programs, but these considerations are generally seen as of less importance than the humanitarian and crime-reducing aspects of international transfers.

Arguments Against International Transfers

The national paper prepared by New Zealand argued that it opposed the international transfer of prisoners as, in its case, there was little humanitarian pressure as the majority of New Zealanders imprisoned abroad were in Australia where there were no significant language or cultural differences. Furthermore, New Zealand argued that transfer schemes might seriously compromise the deterrent effect of sentencing, particularly in the case of drug offenders. The latter argument was also made by the delegations from Malaysia and Singapore. The national paper of the Peoples’ Republic of China stated that, as a matter of principle, every person is equal before the law and therefore foreign prisoners have the same rights and bear the same liabilities as Chinese prisoners. (The Chinese paper, however, concluded with a statement that it wanted to learn from the experience of other nations at the conference on this subject.)

The national report from Japan stated that Japan had not been enthusiastic about international transfers because of the “considerable differences in criminal legislation among nations”, but because of the increasing numbers of foreign prisoners and the severity of the difficulties they face with regard to rehabilitation, Japan has now started preparations for the ratification of

the international transfer convention of 1999. Similarly, even though reluctant in the past, Korea is currently developing a system of international transfers which is described as in its infancy. A similar position, which was described as “cautious support”, was also stated by Fiji.

International Transfers in Practice - the Numbers Involved

The evidence presented to the conference suggests that the actual number of transfers that have taken place to date is relatively small. The most detailed information on actual numbers was offered by Canada. This showed that over the 24 year period 1978 to 2001 a total of 871 prisoners had been transferred to Canada from 26 different nations, while over the same period a total of 116 prisoners had been transferred from Canada to six different nations. From these figures it can be calculated that on average Canada gained approximately 36 prisoners each year and lost approximately five. The net additional burden was thus only approximately 31 extra prisoners per year.

The Canadian data also show that the nations returning most prisoners to Canada were the United States (686), Mexico (49), Peru (26), United Kingdom (21) and Thailand (15), while the nations receiving most prisoners from Canada were the United States (105), the Netherlands (6) and United Kingdom (2).

The second most active nation in the region in the international transfer of foreign prisoners is Thailand, and data given in the Thai national paper indicate that between 1984 and late 2001 a total of 239 foreign prisoners had been transferred to their home nations. The largest numbers went to Hong Kong (China) (66), United States (65), Spain (29), France (20), Great Britain and Canada (18 each), and Sweden (15). Over this period a total of only four Thai citizens imprisoned in foreign countries were transferred back to Thailand.

Who Pays the Escort and Travel Costs of Transfers?

The Canadian paper states that transferring countries are responsible for costs incurred on their respective territories, but receiving nations can recuperate some of the costs from the transferees (the prisoners being transferred) if this is permitted by the relevant legislation. The delegation from Thailand explained that the matter of costs was one of the issues that was negotiated before bilateral treaties were signed, but the usual practice was for the receiving country to send escorting officers at their expense to take their fellow nationals home.

Conclusions

The overall picture to emerge from the consideration of this agenda item is that there is general agreement that many foreign prisoners experience considerable difficulties in coping in prison, but there are still strong differences of opinion on the question of international transfers. There seems, however, to be a noticeable increase in the number of nations in the region who are considering the establishment of international schemes, and in at least two cases the national papers indicated that the discussions at this conference would help them make a decision in the future about whether to support international transfers or not.

At the conclusion of the discussion of this agenda item, Mr Siwa Sangmanee suggested from the Chair that the most direct way to reduce the number of foreign prisoners was to do

everything possible to encourage foreign visitors not to break the law. He also suggested that we should all encourage our governments to support international transfers, and that, at least within the 21 nations or territories represented at the conference agreement on this issue would go a long way to reducing the problem.

Agenda Item Three

Drug Offenders: Psychological and Other Treatment

Introduction

There is no doubt that one of the major problems facing all nations is that of substance abuse. Some substances which are legal (such as tobacco and alcohol), can cause serious health problems. Some, such as alcohol, also contribute to the commission of public order offences and offences of violence. Illegal drugs are seen to pose an even greater threat to the well-being of society. Since the detection and prosecution of drug offenders depends on enforcement practices and decisions about the allocation of police resources, this is an area which is particularly susceptible to changes in government policy. Thus, Thailand's prison population has more than doubled over the past four years, reflecting the government's commitment to wage "war on drugs." Malaysia has experienced similar, but less dramatic developments.

An effective and strategic attack on substance abuse requires multi-agency involvement, including education and health services as well as criminal justice agencies. Several nations, including Cambodia and Korea noted that the problem of illicit drugs is also one which extends beyond national boundaries and that effective long-term strategies will require international co-operation. Given this backdrop, it is clear that correctional administrators become involved in cases only at a late stage, generally after offenders have become heavy substance abusers. Consequently, there are limits to the extent to which correctional departments can be expected to solve the problem. Nevertheless, the discussion of this agenda item revealed some interesting and potentially useful developments within the field of corrections.

Cambodia, Canada, China, Hong Kong (China), Malaysia and Singapore made formal presentations on this topic. This was followed by a lively and interesting discussion of a range of issues relating to the treatment of drug offenders.

Drug Offenders: Numbers, Trends and Types of Drugs

Although the focus was on illicit substances such as opiates and amphetamine-based drugs, it should be recorded that several jurisdictions noted that alcohol abuse is a contributing factor to certain types of offences and may require treatment just as much as illicit drug abuse. Mongolia noted that, whilst illicit drugs were not a problem in that country, alcohol abuse

posed serious difficulties. In New Zealand, Australia and Canada, alcohol abuse has had a particularly detrimental impact on Indigenous peoples and has played a huge role in their over-representation in the criminal justice system.

It is extremely difficult to measure the precise extent of the illicit drug problem amongst prisoners. Some have committed offences which are directly drug-related, such as the possession of drugs or involvement in drug dealing and trafficking. Others may have been convicted of offences which do not involve drug possession but which were committed in order to finance a drug habit (such as theft, robbery or burglary). Some of the national reports tended to identify “drug offenders” by reference to their commission of a drug offence. Others tended to use broader criteria, based on interviews with and assessments of prisoners. Further, on interviews with and assessments of prisoners, some took a broader definition of substance abuse (including alcohol) than others who focused on illicit drugs. Given the different patterns of drug use across the region and these different measuring posts, there are wide regional variations in official figures on the number of drug offenders in prison. China gave a figure of around 60,000 drug-related prisoners, or 4.6 per cent of the prison population. This was at the bottom of the range. Thailand, which measured the number by reference to conviction of a drug offence, recorded a much higher figure of 65 per cent. Canada concluded that 70 per cent of federal offenders have drug and/or alcohol problems, and Australia reported that 80 per cent of men and 90 per cent of women who return to prison reported that they had a substance abuse problem (including alcohol). New Zealand estimated that 83 per cent of the prison population had a problem with drugs or alcohol at some point in their lives compared with around 32 per cent of the general population. Most of the other jurisdictions which attempted to quantify the problem, put the figure at between 30 per cent and 50 per cent. These included Hong Kong (China) 30 per cent; Japan 30 per cent; Singapore 40 per cent and Malaysia 47 per cent.

Patterns of drug use clearly vary across the region and will, to some extent depend on availability. For example, if heroin is in short supply, there may be an increase in the use of marijuana or amphetamines. Drug use is also affected by “fashion trends.” Several nations noted that the use of amphetamines had increased and now presented a greater problem than heroin. The most dramatic example of this was Thailand. Australia, Singapore and Malaysia also expressed concern about growing amphetamine abuse.

Prison Health, Safety and Security

Drug use presents obvious problems with respect to security (i.e. the problem of drugs being smuggled into prison); the safety of prisoners and staff (e.g. the risk of the transmission of diseases); and health (e.g. the needs of prisoners who need to be detoxified). The papers and the discussion ranged over a broad range of such issues. In terms of security, it was clear that different parts of the region experience problems. The paper produced by Tonga noted that perimeter security fencing is not always secure, generating obvious difficulties. The representative of New South Wales, Australia, noted that contact visits are permitted to prisoners and that this means drugs can sometimes be transferred from visitors to prisoners. However, contact visits are regarded as an important humanitarian feature of the Australian system. Some other jurisdictions adopt a more restrictive approach to prison visits, especially where there are concerns about the possibility of smuggling drugs. Most jurisdictions are extending the use of technology to attempt to combat the problem. For example, Canada uses ION scanners and Japan is increasing the use of X-rays. Canada has also introduced a policy of searching all people who enter prisons, including prison staff.

In terms of the health and safety of staff and inmates, it should be recorded that HIV/AIDS has not become the problem which was, at one time feared. There also appear to be few recorded incidents involving the use of syringes as weapons in prisons. However, shared syringes are contributing to problems of Hepatitis C infection.

Prisoners with drug problems tend to require high levels of medical and other assistance. For example, they tend to be high users of prescription drugs as well as illicit drugs. Evidence is also emerging which shows that ex-prisoners face particular health risks in the period immediately following release. Recent research in Victoria, Australia has shown that 25 per cent of all heroin-related deaths in that State involved ex-prisoners, and occurred within a short time of release.

Diversion of Drug Offenders to Special Treatment Facilities

Most nations adopt the philosophy that some offenders who face drug addiction problems should undertake programs in special drug rehabilitation centres or in special facilities within normal prisons. Cambodia classifies drug offenders into two groups. Group One consists of offenders who have committed a drug offence but who have not used or been addicted to drugs. Group Two consists of drug offenders who are users or addicts. Group Two prisoners are to be treated and managed separately from others. Non-government organisations have been active in trying to establish treatment centres. Hong Kong (China) and Singapore have for many years operated drug rehabilitation centres under the management and direction of their corrections departments. Hong Kong operates two Drug Addiction Treatment Centres and Singapore has a number of Drug Rehabilitation Centres. Both of these systems place a strong focus on offenders taking personal responsibility for their addiction and combine psychological treatment and counseling with a tough physical regime. Since the aim is to promote the offender's reintegration into society, careful attention is given to community support (from family, government and non-government agencies) upon release. In Hong Kong (China), a Board of Review has been established to consider the inmate's progress at regular intervals. Korea has established two institutions for drug addicts; the Yuijungbu Correctional Institution (which commenced in February 2001) and the Kimchon Correctional Institution for Juveniles. Indonesia is also considering the establishment of a new institution for drug rehabilitation.

A number of jurisdictions have established special treatment units within prisons. For example, Canada operates Intensive Support Units in seven institutions across the country. These units are designed in recognition of the fact that, despite security measures, drugs are sometimes available in the mainstream prison setting. Intensive Support Units involve a positive drug-free setting and require inmates to enter a contract to remain drug-free and to comply with the conditions of the Unit. New Zealand has pursued a similar strategy and has 18 Drug Free Units. A number of Australian States are moving in a similar direction.

Overall, therefore, there was general agreement that effective drug rehabilitation programs require a multi-faceted approach and that the traditional prison environment may not be the most effective approach. In recognition of this, Thailand has embarked on an ambitious "Boot Camp" initiative, under which drug offenders will undertake a program involving elements of military training combined with drug counseling and vocational training. Delegates to the conference were able to visit one of these camps, the Meng Rai Military Camp.

Dealing with Offenders who are “In Denial”

All jurisdictions face some problems with respect to drug offenders who do not accept that their drug abuse is a problem and are therefore resistant to treatment programs. China noted that long-term drug abusers may “lack a sense of guilt” and have “anti-punishment feelings”; for these reasons, “rehabilitation has to endure a more difficult process.” However, the delegations from China, Hong Kong (China), Canada, Singapore and Australia commented that motivational interviewing and counseling can be of some assistance in getting offenders to acknowledge their drug abuse as a problem and to undertake treatment programs. In a number of jurisdictions, such counseling forms an important part of the initial assessment process when prisoners first enter prison. There was a general agreement that this is an area requiring further research and evaluation.

Psychological and Counseling Programs

Most jurisdictions adopt a mixture of treatment approaches, with a primary focus on psychological and other forms of counseling. In Hong Kong (China), for example, Drug Addiction Treatment Centres (DATCs) employ psychologists and other counselors. DATCs also encourage family involvement. This has the dual purposes of improving family understanding of the offenders’ problems and assisting in their rehabilitation. Malaysia adopts a “multi-disciplinary psychosocial model” and Japan aims to combine educational and psychological programs. Like Hong Kong (China), Singapore has a highly structured program involving several stages. In Singapore, failure at one stage can result in the person returning to an earlier stage in the treatment process.

It is clear that substance abuse programs must cater for the specific needs of individual offenders. In the words of the Canadian report, there should be a “differential treatment model rather than a *‘one size fits all’* approach.” Similarly, the Australian and New Zealand papers referred to the specific needs of female and Aboriginal prisoners. For example, many of the issues faced by a middle-aged alcohol abuser may well differ from those faced by young amphetamine users. Several contributions suggested that integrated offender management holds the key to the successful targeting of programs.

It is not possible in this report of the conference proceedings to describe the models which are adopted in each jurisdiction but the national papers provide a valuable resource for detailed study. However, two other themes can be highlighted: program delivery and accreditation.

Program Delivery and Accreditation

The most common model is for programs to be developed by psychologists, but for their delivery to be entrusted to other appropriately trained personnel operating under the general supervision of psychologists. In most cases, these other personnel are drawn from the ranks of correctional services staff, supplemented by other trained counselors. For example, both China and Canada have a large number of trained correctional staff who take a great deal of responsibility for program delivery, under the general supervision of psychologists.

These arrangements raise some interesting questions. The first is whether treatment staff are employees or whether these services are contracted out. It is interesting to observe that in Australia, the public sector prisons tend to contract out the provisions of many treatment programs but the private sector tends to employ treatment staff directly.

The second question relates to accreditation. Several jurisdictions, including Australia, Canada, Hong Kong (China) and Singapore noted that there is a need to ensure “quality control” of people employed in program delivery. This is important both for the integrity of the programs themselves and because a person’s response to treatment program can affect his or her prospects of release on parole. The report from Canada contains detailed discussion of the process of program accreditation which is adopted in that country, involving a panel of international experts. This process is extremely thorough and may be out of the reach of many parts of the region. However, there is clearly an opportunity for further dialogue between APCCA nations on these difficult questions.

Pharmacological Intervention

Most of the reports and presentations focused on psychologically-based treatment of drug offenders. However, the conference discussion moved onto the question of pharmacological interventions. A number of jurisdictions make use of Methadone (including Australia, Canada and Hong Kong (China)). Some are also using Naltrexone. Methadone is essentially a “substitute drug” for heroin and can generate its own problems of addiction. However, it is generally recognised to be a safer alternative. The representative from New South Wales, Australia, also noted that the use of Methadone for some prisoners had reduced the risks of prisoners acquiring blood-borne diseases through the sharing of needles.

Naltrexone operates in a different way. It is an “antagonist” which blocks a person’s craving for a drug. It has particular use in the context of heroin but research is also being conducted in its use for other drugs. The delegation from Singapore gave a most useful summary of that country’s extensive experience with Naltrexone. They reported that, when used in conjunction with integrated counseling and other forms of treatment, Naltrexone appears to be very successful. However, there are some risks. In particular, people who cease Naltrexone and who then take heroin are at very high risk of overdose due to the lingering antagonistic effects of the drug.

In summary, the basic message is that a coordinated approach to drug treatment may involve the use of both psychologically-based programs and pharmacological interventions. However, the evidence suggests that pharmacological intervention is, in itself, insufficient.

Post-Release Issues

There was agreement that effective drug treatment requires a coordinated approach involving both prison and post-release phases. In Hong Kong (China), for example, DATC inmates are subject to a mandatory period of 12 months’ supervision upon release. During this period, they are subject to regular urine testing and to follow-up counseling. The reported success rate is good with 68 per cent of males and 78 per cent of females successfully completing the 12-month supervision period.

Several other papers also referred to the importance of effective post-release strategies and the continuity of care. As noted by Malaysia and Australia, this can involve partnerships with community-based organisations as well as families. This focus on the “throughcare” of drug offenders is consistent with the increasing focus, across the region, on integrated offender management (see the report of Agenda Item One).

Conclusion

Drug offenders will continue to pose many challenges for correctional authorities in the years to come. It is not easy to discern the most likely future trends and challenges, but they appear to be as follows:-

Greater focus on programs specific to the needs of the individual offender through integrated offender management and careful assessment.

An extension in the use of drug-specific facilities in the form of specialist rehabilitation centres or units within existing prisons.

More extensive use of pharmacological interventions in the form of drugs such as Naltrexone and Methadone.

Ensuring “quality control” in the delivery of programs.

Program accreditation and benchmarking.

More detailed evaluations of the success (or otherwise) of different forms of treatment.

The conference discussions provided a valuable platform for the exchange of information and experiences between APCCA members. It is to be hoped that further discussions will ensue and build on this foundation.

Agenda Item Four

The Management of Special Groups of Offenders

Introduction

There are a number of special groups of offenders in prisons across the Asian and Pacific region. Some of these groups are specific to countries or regions. For example, some jurisdictions face difficult issues with respect to indigenous peoples and ethnic minorities. However, there are several other groups which cause concern across the whole region. These include young people; older prisoners; people suffering from a mental illness; people with an intellectual disability or brain damage; dangerous prisoners and members of gangs.

The discussion guide invited a wide ranging discussion and both the reports and the conference debates reflected this diversity. The most popular topics within the nation paper were young and older prisoners and those with mental illness or intellectual disability. A significant number also address the problems relating to gang members in prison. A smaller number referred to the problems of indigenous prisoners, prisoners with HIV/Aids and the control of dangerous prisoners. During the conference discussions, the Chairman also raised the difficult question of children who are either born in prison or who live with their mother in prison.

Brunei Darussalam, Indonesia, Korea, New Zealand and Singapore spoke formally on this topic and many other nations contributed to the ensuing debates. It would have been possible to devote an entire session to each of the special groups identified above. Consequently, this summary cannot do justice to the complexity of the issues raised by each group. However, it will attempt to provide a brief summary of the issues relating to the most widely-discussed groups. This may provide the basis for future APCCA conference topics. It will first attempt to draw out some common themes which affect the treatment of all these special groups.

Integrated Offender Management

There are so many “special groups” of offenders that it could almost be said that every offender falls into one special group of some sort. The New Zealand presentation therefore emphasises the importance of “a systematic, evidence-based approach to managing offenders throughout their sentence” and to the development of individualised sentence plans. Similar sentiments were expressed by a range of other contributors. This approach permits an assessment of the person’s risk, criminogenic needs and best treatment options, and a more efficient targeting of resources and programs.

Inter-Agency Collaboration

Many of these special groups of offenders present with a range of problems which require inter-agency collaboration. For example, some offenders who have an intellectual disability and/or a mental illness which is exacerbated by substance abuse. These offenders present very difficult problems, especially when it comes to their release into the community. During the conference debates, the point was made that it is not always easy to secure the necessary collaboration between different agencies. For example, an efficient management plan upon release may require involvement from mental health as well as correctional authorities. Unfortunately, such involvement can be costly. Certainly, Australia, New Zealand and Canada often find that health agencies are rather unwilling to take responsibility for potentially difficult clients. This can result in correctional departments having to face the responsibility and the cost of managing such offenders. Issues can also arise in terms of the coordination of educational and correctional objectives for young offenders (see below).

It was suggested by one of the delegations that the issue of multi-agency collaboration might be a suitable topic for more detailed discussion at a future APCCA conference. It does appear to be an issue which is likely to assume increasing importance given the greater focus on integrated offender management and through-care. It also appears to be an area in which APCCA members could explore potential strategies.

Young Offenders

The issues surrounding the treatment of young offenders were fully debated at the Nineteenth APCCA Conference in Shanghai, China in 1999. There do not appear to have been many major innovations and initiatives during the intervening two years, but some key themes did emerge from the various papers and from the presentations by Brunei Darussalam, Indonesia, Korea, New Zealand and Singapore:

Segregation

It is accepted across the region that younger offenders should, as far as possible, be segregated from older offenders. In Tonga, this is achieved by placing juvenile offenders on a separate island. More commonly, it is achieved by establishing separate institutions or units. There appears to be an expansion of such initiatives across the region. The delegate from Canada noted that the policy of segregation can sometimes give rise to anomalies. For example, there are some offenders who are adults in terms of their physical age but, due to their limited maturity or intellectual capacity, they might be better suited to placement in a "juvenile" institution rather than a prison. However, such a placement would be in breach of international obligations under the Convention on the Rights of the Child and the International Covenant on Civil and Political Rights.

Inter-Agency Collaboration

The delegation from Singapore gave an interesting presentation on the recently-established Kaki Bukit Centre (KBC). This represents an example of inter-agency co-operation, backed up by a collaborative management structure. The school is managed in partnership between a superintendent and a school principal, thus ensuring that the aims of custody, control and education are fully met.

The “Intermediate Age Group”

In all jurisdictions, there is a “cut-off” point at which people will be dealt with in adult courts as adult rather than juvenile offenders. However, in several parts of the region, there have been initiatives to provide an alternative custodial placement for those who fall into the “intermediate” age group. New Zealand reported that, in 1999, the government approved significant policy changes to allow specialist “Youth Units” to be built. Young people under the age of 17 will automatically be assigned to such units and they can also house people between the ages of 17 and 20. In Australia, practices differ across the country. In most jurisdictions, offenders aged 18 and above must serve their sentence in ordinary prisons. However, Victoria has a dedicated Youth Unit for 17 to 25 years old (with preference for 17 to 21 years old) and Tasmania permits some adults to be held in Juvenile detention facilities.

The “Short, Sharp, Shock”

Many penal systems have experimented during the past 50 years, with the concept of the “short, sharp, shock” approach to juvenile offenders. In other words, establishing a short but very harsh regime to deter young people from returning to custody. However, this approach now seems less popular and it is worth recording that New Zealand has abandoned the “short, sharp, shock” sentence of Corrective Training due to the extremely high recidivism rates.

Older Prisoners

Most jurisdictions noted an increase in the number of older prisoners. This reflects a number of factors. First, the life expectancy of people is generally increasing. Secondly, in many parts of the region, there has been an increase in the number of older sex offenders. Often, this reflects the fact that they are charged with and convicted of intra-familial offences which occurred many years ago.

The increase in the number of older prisoners brings a range of problems for correctional administrators. They include the following:

Physical Facilities

Older prisoners may require different physical facilities within the prison system. A number of reports noted that this had necessitated building modifications. The most recent prison to open in Western Australia contains a special geriatric unit and other jurisdictions (including Japan and Korea) have specially modified cells for elderly prisoners.

Health Needs

As noted by Japan, “Old inmates tend to impose a burden for ordinary institutions because of their physical condition.” During the conference discussions, it was also noted that, because of their previous lifestyle, many prisoners present with health problems, which are typical of older people. For example, some 40-year-old prisoners have the problems which are more typically faced by 50 to 60 years old in the broader community. The report from Thailand noted that these physical problems (such as eyesight and dental health) can be exacerbated by mental problems and family problems. In order to comply with their duty of care to older prisoners, several jurisdictions ensure that there are regular check-ups and appropriate testing. Obviously, the costs associated with such testing and treatment can be very expensive.

Staff Training

As the prisons come to house more elderly inmates, the role of staff may undergo some changes and it may be necessary to provide specialist training for staff. Canada has recently decided to target people with gerontology expertise in staff recruitment campaigns.

Prisoners with Mental Illness or Intellectual Disability

In all jurisdictions across the region, a significant number of offenders suffer from some form of mental impairment. This impairment can result from a mental illness (a psychiatric disorder such as schizophrenia), an innate intellectual disability or brain damage resulting from trauma or substance abuse. It also appears to be a growing problem. In some jurisdictions, governments have pursued a strategy of 'deinstitutionalisation' in the areas of mental health and intellectual disability. This has resulted in prisons having to cope with people for whom there are few other secure or supervised facilities. Most jurisdictions also face increasing problems of mental disorder associated with drug abuse, such as drug-induced psychosis.

Each of the categories raises rather different issues and would be worthy of discussion in its own right but, for present purposes, they are discussed together. All of the papers which discussed this topic expressed concern about the difficulties associated with the management and treatment of such people, including the following:

• Identification, Assessment and Treatment of Offenders

Prisoners may have disabilities which have not previously been identified by other government agencies. This means that prison systems may have to arrange for detailed psychiatric and/or other assessments to be undertaken. It may be necessary for specific management regimes to be put in place whilst these assessments are undertaken and for the remaining period of incarceration. It will also be necessary to ensure that suitable supports are in place for the prisoner upon release. As with other special groups of offenders, this may require careful inter-agency collaboration. The Australian paper noted that particular problems arise where the offender is in the 'borderline' area, and especially where that person has certain deficits but does not qualify for full support from government agencies concerned with intellectual disability.

• Prison Management and Specialist Units

When mentally impaired people are housed in mainstream prisons, a number of management issues arise. At one end of the spectrum, there will be prisoners who are particularly vulnerable and who therefore require special protection in the institution. At the other end of the scale, some may pose a risk of violence towards staff and other inmates. The New Zealand delegation noted that traditional prisons are not effectively organized to meet the needs of those with intellectual impairments and there appears to be an increasing emphasis, across the region, on the establishment of special units or special institutions. Japan has a number of 'medical prisons' which cater for those with mental illness and other disabilities. The paper from Hong Kong (China) provided a valuable and detailed analysis of the operation of the Siu Lam Psychiatric Centre. This Centre adopts the philosophy that 'offenders with mental disabilities, having lost their liberty, are deserving consumers of quality treatment.'

• **Access to Treatment Programs**

One of the most intractable problems is that people with an intellectual impairment are often unable to undertake mainstream programs to address their offending behaviour. This may be because they lack the intellectual capacity to absorb the content of such programs or because their behaviour renders them unsuitable for group treatment. There are no easy solutions to this problem, though a number of jurisdictions have developed and trialed programs which are designed to meet the needs of such offenders.

• **Co-ordinated Inter-Agency Approaches**

There was general agreement that a co-ordinated, multi-agency approach is essential with this group of offenders. As mentioned earlier, this can be difficult to achieve but effective long term management should not be regarded as solely, or primarily, the responsibility of correctional services.

Gang Members

The papers revealed some interesting differences in the extent to which gangs are seen as a problem within the prison system, the types of gangs and the management responses.

• **The Nature and Extent of Gangs**

There are wide regional variations in the extent to which gangs are seen to present a problem and in the type of gangs which operate. For example, Tonga reported that there are no gangs in that nation. On the other hand, in much of the region, gangs are said to pose a very significant threat.

In part, these differences reflect different historical and societal arrangements which are themselves reflected in the different nature of gangs. The papers revealed that gangs sometimes represent highly organised criminal activity, involving activities such as corruption, drug dealing and extortion rackets. These professional groupings often have an established history and a clear hierarchy and structure. However, other so-called 'gangs' are far less structured and more transient groupings, often consisting of younger people who are primarily involved in more petty street crime.

There are also clearly differences of perception and definition. For example, most Australian jurisdictions did not identify gang activity as a serious issue within the prison system. However, Western Australia, managed to identify '29 different gangs operating within the prison system' - a remarkably high number given that its total prison population is only around 3000 people - and saw gangs as a real management problem.

Given these definitional problems and the secret nature of many gang activities, it is therefore very difficult to measure the extent of the gang problem or to generalise across the region. However, New Zealand estimated that around 8% of male inmates are gang 'patch members' (ie full gang members). Another 8% have gang affiliations. Around 14% of female prisoners have gang affiliations. Canada estimates around 7.5% of the prison population are gang members. Japan stated that organised crime members constitute over 20% of the prison population. Korea put the proportion of gang members at less than 3%.

• **Types of Gangs**

The papers revealed four main categories of gangs. Most jurisdictions have organised crime groups and street gangs and a large number have 'bikers'. Some (especially Canada and New Zealand) also have gangs drawn from Indigenous groups. The proportion of people from different gang groups who are in prison will differ from the proportion in the community at large. For example, organised crime groups tend to be under-represented in prison compared with their general level of activity in the community. On the other hand, the more visible activities of street gang members tend to lead to their apprehension and imprisonment.

• **Prison Management Issues**

The papers showed that gangs can pose serious problems in terms of the management of prisoners. These can include intimidation, extortion and violence; the distribution of drugs and the recruitment of new members. In addition, the presence of organised gangs may result in the intimidation and / or corruption of correctional staff. A number of techniques have been developed to attempt to limit these influences and problems. First, all jurisdictions seek to dissipate the influence of gangs by spreading prisoners around institutions rather than allowing them to be concentrated. This can be assisted by intelligence gathering and computerised tracking of prisoner placements. Secondly, where gangs adopt certain regalia (eg the 'patches' favoured by Bikers) the wearing of such regalia is banned. Thirdly, gang membership may be a factor which influences decisions about security ratings, work placements and prison leave. The paper from Korea noted that gang members are less likely to be granted parole. In addition, some jurisdictions endeavour to provide counseling and other services for prisoners in order to encourage and support them in severing their gang affiliations. Japan reported that 17% of gang members had participated in such programs and that 60% of these participants had decided not to return to their organisation.

Conclusion

Special groups will continue to pose a range of difficult issues for prison management. It would appear that, in most jurisdictions, almost all prisoners fall into one 'special group' or another. It is therefore important to continue to develop appropriate regimes for all prisoners. It appears likely that there will be an increasing focus, in the foreseeable future, on separate institutions or separate units for some groups of offenders.

Specialist Workshops

For the first time in the history of the APCCA, the conference in Chiang Mai incorporated two specialist workshops which were conducted simultaneously and thus, with smaller numbers of participants, were able to provide more opportunity for an exchange of views than is possible in the full conference. This development follows the successful presentation of a workshop on classification at the 20th APCCA in Sydney in 2000.

1. Correctional Through-care

The delegation from New Zealand gave a presentation of approximately 25 minutes duration and this was followed by a lively question and discussion session. Mr Mark Byers introduced the presentation, stressing the importance which New Zealand places on an integrated approach to the through-care of prisoners in order to facilitate their transition back into society. Ms Katrina Casey, with contributions from Mr Byers, then presented a paper which

outlined the process which has been developed. She noted that this process generally starts with pre-sentence assessments by the Community Probation Service and ends with the person's release to community supervision by the same service. In between, the responsibility for the prisoner's management and rehabilitation lies with the Public Prisons Service. Consequently one of the key correctional management imperatives is to ensure effective collaboration between prison authorities and those responsible for community supervision. The overall aim is to reduce offending through a seamless process from sentencing to release and a process of active management through individualized sentence planning.

As soon as a prisoner enters a prison in New Zealand, the pre-sentence assessment from the Probation Service is available. Following an induction program (which addresses issues such as health and prison rules and regulations), the prisons conduct a further assessment. This draws on the Probation assessment but is more detailed and is geared to the specific issues surrounding the person's period of imprisonment. The assessment examines criminogenic needs, needs related to Maori culture, living, education, employment and reintegration needs, health issues and security classification. Inmates are then streamed into four categories, reflecting different management objectives. The objective with the intervention category is to provide programs to address the causes of offending behaviour. With the motivation category, the aim is to motivate inmates to address offending behaviour. The other categories are maintenance (to minimise the adverse effects of imprisonment) and functional support (to improve the person's functioning so they can be safely managed).

These assessments and classifications then feed into the development of a sentence plan for each prisoner. The four cornerstones are: safe and secure containment; rehabilitation; education and employment; and reintegration and the aim, throughout the sentence, is to work towards the person's release. By placing a high priority on integrated offender management, New Zealand has also developed clear procedures and protocols for collaboration between prisons and a range of community based services. For example, the Community Probation Service has formal agreements with other key government agencies, including the Housing Corporation, Career Services, the Department of Work and Income, Tenancy Services and the Inland Revenue.

Following the presentation by New Zealand, representatives of numerous delegations made contributions or raised matters for discussion (including Singapore, China, Hong Kong (China), Thailand, Australia, Papua New Guinea and the representative from UNAFEI). First, there was general agreement that education and skills training programs should be made available, as necessary, to staff as well as prisoners. Another matter which arose was the need to ensure that people of a suitable caliber are appointed to positions involving sentence planning. In order to address this issue, New Zealand has developed a process whereby qualified psychologists supervise the administration of assessment tools. This is not cheap (it involves some 80 full time psychologists) but is seen as integral to the success of the system. Delegates also discussed whether it is possible for prisons to address the needs of all prisoners. Particular concern was expressed about psychopaths who are not susceptible to treatment. At present, the strategy in New Zealand is to target interventions and programs to those who can benefit from them; consequently, identified psychopaths may well be excluded from treatment programs.

The workshop provided a valuable opportunity for delegates to gather in a less formal setting and to share information on a theme which is of great importance across the region. The New Zealand model provides an excellent example of an integrated approach to through-care and

give delegates much to consider. It is clear that models for through-care cannot simply be transplanted and must be adapted to suit local concerns. In this regard, it was interesting that New Zealand had evaluated some Canadian models for the integrated management of offenders but had decided that it needed to develop its own system, especially in view of the particular issues surrounding Maori peoples. However, whilst there will be local variations in the models which are adapted, it is likely that we will see greater uniformity of aims across the region in the next decade.

2. Indigenous Offenders and Restorative Justice

This workshop was presented by Mr Pieter de Vink of Canada who opened his remarks by stating that the current condition of Aboriginal people is an embarrassment to the Canada Government. He explained that when European people first arrived on the West coast of Canada, they were welcomed by the native peoples (who were mistakenly referred to as 'Red Indians'), but approximately 80 per cent of them died from smallpox infection within a relatively short period of time. He also explained that the Indigenous people previously had had a rich culture of arts and crafts; they were skilled at fishing; and, on the West coast alone, they had at least 32 different languages. Aboriginal reserves were established to protect the Indigenous people, but idleness and the consumption of alcohol became common on the reserves. The Aboriginal people became an under-educated and marginalised minority in Canadian society to the point where it is now the case that they comprise three per cent of the total population, but 17 per cent of the prison population.

Mr de Vink explained that the concept of restorative justice was deeply embedded in traditional Aboriginal culture. If a wrong was done, there had to be a healing of the whole group, including the victim, the offenders and their families. This was contrasted to the operations of a Western judicial system where the emphasis was on the determination of guilt and holding offenders accountable, with little attention being paid to victims and their families.

Mr de Vink then showed a video which contained many examples of mediation between offenders and victims based on restorative justice principles. The video clearly showed that a restorative justice approach was not a 'soft option' for offenders as there was a great deal of emotion involved and some offenders may well take the view that a simple punishment imposed by a court may be less stressful for them.

At the conclusion of the video, there was some discussion about the appropriate terminology to use for Indigenous people, and Mr de Vink explained that in Canada the expression 'First Nation peoples' was now favoured. Delegates from the Philippines and Hong Kong then described approaches in their jurisdictions where offenders and victims were brought together and members of the broader community were involved in the operation of the system. At the conclusion of the workshop, all persons present expressed their sincere appreciation to Mr de Vink for his efforts.

Preliminary Business Meeting

On the afternoon of Sunday 21st October, before the welcome reception and official opening, a preliminary business meeting was held to discuss a number of details about the conference program. The meeting was attended by the heads of all delegations which had arrived at that time. At the meeting the APCCA Coordinator, Professor David Biles, reminded delegates that a call would be made before the close of the conference for Nations to offer themselves as future hosts, and he pointed out that the host had not been settled for the year 2003. The meeting also was reminded of the arrangements for the production of a draft report before the conference closed, and presenters were identified for agenda items two, three and four. The arrangements for the selection of agenda items for the 22nd APCCA were reviewed and it was agreed that suggestions would be submitted in writing and that an ad hoc agenda sub-committee would meet on the afternoon before the final day to make recommendations on this subject to the full conference.

The meeting then considered the report of the working group which met in Singapore in June 2001 to make recommendations on APCCA support services needed for the future. This report was outlined by Mr Benny NG from Hong Kong, the convenor of the working group. A summary of the working group report is reproduced as Appendix E of this report.

The meeting noted with appreciation the report of the APCCA Finance Sub-committee (reproduced as Appendix F), and also recorded its appreciation for the work that had been done in the past year in relation to the APCCA Newsletter (by New South Wales) and the APCCA internet web site (by the Australian Institute of Criminology under contract).

Hosts for Future Conferences

At the final session devoted to APCCA Business on Friday 26 October the subject of hosts for future conferences was raised again. The delegation from Indonesia confirmed the offer that they made at the 20th APCCA in Sydney to host the 22nd APCCA in Denpasar, in the Province of Bali in the year 2002. This offer was warmly welcomed by the conference.

The representative of Fiji then informed the conference that, subject to confirmation by his Minister, Fiji would like to be the host in the year 2003, and this was also warmly welcomed by the conference. The leader of the delegation from Singapore then reconfirmed its offer to be the host in the year 2004, and this, again, was warmly welcomed by the conference.

The leader of the delegation from New Zealand then indicated that New Zealand could possibly be the host in 2006, and the leader of the delegation from the Republic of Korea made a similar offer for 2005. Both of these offers were also warmly welcomed.

In summary, subject to confirmation, the future APCCA hosts will be:

2002 Indonesia

2003 Fiji

2004 Singapore

2005 Korea

2006 New Zealand

It was observed by a number of delegates that APCCA could look to the future with more confidence than at any other time in its history.

Agenda Items for the 22nd APCCA

Following the earlier request for suggested agenda items to be submitted in writing, a total of 15 suggestions were received, as shown on the following list:

Hong Kong (China)

1. Correctional Standards, Service Quality and Benchmarking

2. Recruitment, Training and Career Development of Correctional Staff
3. Prison Discipline and Grievance Procedures Singapore
4. Prison Industries
5. Privatisation of Prisons - Outsourcing of Services
6. The Prison Department's Role in the Aftercare of Inmates in Australia
7. The Measurement of Risk of Re-offending
8. Contemporary Developments in the Treatment of Drug Offending China
9. Community Participation in Corrections
10. The Entry Management and Education of Offenders
11. Pre-release Preparation of Offenders
12. The Correction of Offenders on the Basis of Classification
13. The Rehabilitation of Offenders with Long Sentences Canada
14. The Management of Elderly Offenders
15. Offenders Who Require Multi-Agency Support

The ad hoc Agenda Committee considered this list and noted that there was considerable overlap between a number of the suggestions. The ad hoc Committee, after lengthy discussion, settled the recommendations that it would make to the full conference in relation to the first three agenda items and two specialist workshops, but requested the APCCA Coordinator to have further discussions with the Chinese delegation (who were unfortunately unable to be present at the meeting) in order to settle the wording of the proposed fourth agenda item. Those discussions were held on the following morning, and the program outlined below was subsequently recommended to the full conference and accepted without dissent or amendment.

1. National Report on Contemporary Issues in Corrections

This would follow the practice established in recent years and all nations would be expected to make presentations. However, the APCCA Coordinator was asked to make it even more clear in the Discussion Guide that the maximum time allowed for each presentation would be ten minutes and the Conference Chair would be asked to strictly enforce this time limit.

For agenda items 2, 3 and 4, while all nations would be asked to prepare written reports, presentations at the conference would only be expected from six or seven nations for each item in order to allow more time for discussion and the exchange of views.

2. Outsourcing of Correctional Services

This agenda item will provide an opportunity for delegations to provide details, together with explanations, of any arrangements whereby correctional agencies either purchase or sub-contract with other agencies for the provision of specified goods or services. For example, in some small institutions arrangements may be made for meals for prisoners to be supplied by a local shop or restaurant rather than having the cooking done in the prison. Similarly, in the interests of maintaining high standards, arrangements may be made for health services to be provided by a regional or municipal hospital rather than the prison itself. A number of nations also have cooperative arrangements with business or industry for the administration of prison industries which are seen as mutually beneficial. In other situations, some aspects of prison security, including the transport and escort of prisoners, may be undertaken under contract by agencies other than the prison itself, and, ultimately, in some nations the complete management of some correctional institutions may be undertaken by private agencies. Even in those nations where private prisons are philosophically not acceptable, some elements of outsourcing of correctional services may still be observed.

3. Recruitment, Training and Career Development of Correctional Staff

Proposed by Hong Kong (China) this agenda item obviously focuses on an issue of central concern to correctional administrators from all nations, as no correctional service will be better than the staff who do the job. It is noted that recruitment, training and career development are three separate concepts, even though they are closely related. It is also noted that the term 'correctional staff' could apply to people working in community correctional services, such as probation and parole, as well as those working in custodial settings, such as prisons and remand centres, and also to those working in semi-custodial settings, such as periodic detention and home detention, in those nations where these options are in use. With at least two, and perhaps three, quite different types of correctional work, the question arises of whether or not different forms of recruitment and training are needed for different types of work, or whether an integrated correctional workforce is possible and desirable. Also, the relevance of higher education at university level to correctional work is a subject that may provoke some differences of opinion.

4. The Reception and Classification of Prisoners as the Key to Rehabilitation

The original version of this agenda item, which is an amalgamation of different suggestions, contained the term 'entry management'. This term has been replaced by the more familiar 'reception', but it is accepted that the original wording, even though unfamiliar, had the advantage of emphasising that the reception of prisoners into prisons, especially for first-time prisoners, is a process requiring management if it is to be the start of a constructive and positive experience for the offenders involved. Furthermore, the integration of reception and classification procedures, leading to appropriate placement, as well as education, training, treatment and work experiences, with the full cooperation of the offender, may be seen as the ideal of any modern correctional system.

Specialist Workshops

In addition to the main conference program outlined above, it was proposed that two specialist workshops be conducted simultaneously at an appropriate time during the conference. These will address:

Correctional Standards, Service Quality, Benchmarking and the Measurement of the Risk of Reoffending and Community Participation and Engagement in Corrections.

It is proposed that the first of these workshops be presented by New Zealand and the second by a panel comprising representatives of Hong Kong (China), Singapore and Canada.

Conference Resolutions

In relation to the report of the working group which met in Singapore to consider future APCCA support services, the following resolution was moved by Australia, seconded by New Zealand and carried by a majority of the delegates present.

- "1. The Recommendations of the Working Party be accepted and implemented.
2. The APCCA Coordinator and his Co-rapporteur continue in the proposed new roles of Rapporteur and Co-rapporteur on terms and conditions outlined in the Working Party report for three years, after which the processes in the Working Party report will be accepted.
3. A working group be tasked to address possible arrangements for putting APCCA on a clearer footing for the future. APCCA members to indicate who wishes to participate and a team be chosen from those so interested."

In relation to finance the following resolution was moved by New Zealand, seconded by Canada and passed unanimously.

"The report of the APCCA Finance Sub-committee be accepted with appreciation of the work done by the Convenor and Members of that Sub-committee. It was also noted that Australia would appoint a replacement Member for Dr Leo Keliher who was about to leave his present position."

Further to the resolution in relation to the Working Group report on future APCCA support services, the following resolution was moved by New Zealand, seconded by Canada and passed by a majority of delegates present.

"The matter of an appropriate honorarium for the Rapporteur (and Co-rapporteur) be considered by the Finance Sub-committee, reported to the Advisory Committee and settled before the next conference."

Before closing the final business session of the conference, the Chair, Mr Siwa Sangmanee, offered his warm thanks to Professor Biles and Mr Morgan for their work in producing a draft report of the conference. He also thanked all delegates and accompanying persons for their cooperation. He then wished Indonesia well in running the conference in 2002 and expressed the hope that he would be able to attend. And he invited all present to enjoy the Closing Ceremony later that evening.

The Closing Ceremony of the Conference was conducted in the Mae Ping Khan Toke Garden of the Imperial Mae Ping Hotel in the presence of Mr Chanasak Yuvapurna, the Permanent Secretary of the Ministry of Interior of Thailand. The ceremony itself comprised a spectacular light and sound show, incorporating a traditional Thai procession and a dramatic presentation of the history of Chiang Mai. This was greatly appreciated and admired by all delegates present. The ceremony also incorporated the formal removal of the APCCA symbols, the Fijian war club and the Indian brass lamp, for safe-keeping by Thailand for twelve months, before being presented to the host of the 22nd APCCA in Indonesia in 2002.

At the conclusion of the ceremony, the APCCA Coordinator, Professor David Biles, was asked to move a vote of thanks to the conference host, Mr Siwa Sangmanee and his staff. Professor Biles said that he had attended 13 assemblies of the APCCA and, from every point of view, the 21st in Chiang Mai was undoubtedly the best ever. He said from the brilliant opening ceremony, the memorable evening at the home of Mr and Mrs Sangmanee, and the dramatic closing ceremony, as well as many other wonderful events, the hospitality at this conference had been absolutely second to none. He also observed that formal aspects of the conference were marked by excellent presentations and a valuable exchange of views. Also, for the first time the conference had included two simultaneous specialist workshops led by Canada and New Zealand, as well as informative presentations by two private companies involved with aspects of correctional work. Furthermore, all parts of the conference organisation had run like clockwork as a result of the hard and dedicated work of scores of staff members of the Thai Department of Corrections. Above all else, he said, this conference had been marked by a level of friendliness and cooperation that was outstanding and unforgettable.

Professor Biles then asked the leaders of a number of delegations, nominated by the conference organising committee, to each make brief comments. The first of these was Ms Liu Guoyu of the People's Republic of China, who was followed by Mr James Ryan from Australia. Mr Donald Wee from Malaysia spoke next, followed by Mr Pieter de Vink from Canada. Finally, Mr Ambeg Paramarta from Indonesia repeated his invitation for all present to meet again in Bali next year. The representatives of these nations were all appreciative of the wonderful hospitality that they had received and also appreciated the high level of organisation of the conference. Professor Biles then observed that if every nation present had been asked to speak at this time all would have been equally full of praise for the work done by Mr Siwa and his staff.

Mr Siwa Sangmanee then identified the members of his staff who had worked hard to ensure that the conference was a success. He also thanked all the delegates for their cooperation and wished them all a safe return to their home nations. He then formally declared the 21st Asia and Pacific Conference of Correctional Administrators closed.

Appendix B

Program of the 21st APCCA 21 - 26 October 2001 Chiang Mai, Thailand

Sunday, 21 October 2001

Arrival of Delegates

14.00 Registration of Delegates at the Imperial Mae Ping Hotel
Meeting of APCCA Finance Sub-committee (Imperial 4)

15.00 - 17.00 Preliminary Business Meeting (Imperial 4)

- Report of Singapore Working Party
- Selection of presenters for agenda items
- Suggested agenda items for APCCA 2002
- Report on APCCA Finance Committee
- APCCA Website
- APCCA Newsletter

19.00 Welcome Reception hosted by the Mayor of Chiang Mai Dress Code: Casual (Imperial 3)

Monday, 22 October 2001

08.30 Opening Ceremony - Presided over by the Minister of Interior
Dress Code: Business Attire (The Imperial Grand Hall)

09.15 Official photograph

09.30 - 10.00 Refreshment Break

10.00 - 10.15 Conference Business (The Imperial Grand Hall)

- Election of Conference Chair
- Welcome address by Director General of Corrections
Department of Thailand
- Introduction of Conference Business by Prof. David Biles

10.15 - 10.45 Discussion on Report of Singapore Working Party

10.45 - 12.00 Agenda Item 1: National Report on Contemporary Issues in Corrections

12.00 - 13.00 Lunch (Imperial 3)

13.00 - 15.00 Agenda Item 1 (Continued)

15.00 - 15.15 Refreshment break

15.15 - 16.15 Presentations by private correctional agencies

- Australian Correctional Management (ACM), Australia

- JFE Security, South Africa

19.00 Welcome Dinner hosted by the Minister of Interior

Dress Code: Lounge Suit or National Dress

(The Imperial Grand Hall)

Tuesday, 23 October 2001

08.30 - 10.00 Agenda Item 2: Foreign Prisoners and International Transfers

Dress Code: Business Attire (The Imperial Grand Hall)

10.00 - 10.30 Refreshment Break

10.30 - 12.00 Agenda Item 3: Drug Offenders - Psychological and Other Treatment

12.00 - 13.00 Lunch (Imperial 3)

13.00 - 14.30 Agenda Item 4: The Management of Special Groups of Offenders

14.30 - 14.45 Preparation before leaving

14.45 - 15.00 Leave the Hotel for the Exhibition

15.00 - 16.30 Visit Prison Products Exhibition of Northern Region

Dress Code: Smart Casual

16.30 - 16.45 Return to the hotel

19.00 - 21.00 Traditional dinner hosted by the Director General of Department of Corrections, Thailand

Dress Code: Traditional shirt (Baan Song Boon)

Wednesday, 24 October 2001

07.00 - 10.00 Depart from the Hotel for Chiang Rai
Dress Code: Casual

10.00 - 10.15 Refreshment

10.15 - 10.30 Brief Information by Director of Chiang Rai Central Prison

10.30 - 12.00 Tour of Chiang Rai Central Prison

12.00 - 12.30 Leave Chiang Rai Central Prison

12.30 - 13.30 Lunch (Dusit Island Resort Hotel)

13.30 - 13.45 Depart for Meng Rai Military Camp

13.45 - 14.15 Visit rehabilitation program for drug addicts at Meng Rai Military Camp

14.15 - 15.00 Depart for the Golden Triangle

15.00 - 15.30 Visit the Opium House and the Golden Triangle

15.30 - 16.00 Leave the Golden Triangle for Mae Sai

16.00 - 16.30 Visit Mae Sai (The Top North of Thailand)

16.30 - 18.00 Return to Chiang Mai

18.00 - 20.30 Dinner in a Loy Krathong Festival atmosphere (Suanthip Vana Resort)

20.30 - 22.00 Return to the Imperial Mae Ping Hotel

Thursday, 25 October 2001

08.30 - 08.45 Leave the Hotel
Dress Code: Casual

08.45 - 10.00 Visit Chiang Mai Women Correctional Institution

10.00 - 10.30 Depart for Wat Pra-Thart Doi Suthep

10.30 - 11.30 Visit Wat Pra-Thart Doi Suthep

11.30 - 12.00 Return to Chiang Mai

12.00 - 13.30 Lunch (Chai Tong Heng Restaurant)

13.30 - 14.00 Return to the hotel

15.00 - 16.00 APCCA Advisory Committee Meeting (Imperial 4)

- Recommendation of agenda items for 2002

Dress Code: Smart Casual The rest of the evening Free

Friday, 26 October 2001

08.00 - 08.30 Leave the Hotel to Mae Sa Elephant Camp

Dress Code: Casual

08.30 - 11.00 Elephant riding and elephant training shows

11.00 - 12.00 Visit Mae Rim Orchid and Butterfly Farms

12.00 - 12.30 Depart for Green Valley Golf Club

12.30 - 13.30 Lunch (Green Valley Golf Club)

13.30 - 14.00 Return to Hotel

14.00 - 15.00 Specialist Workshops (Concurrent)

Topic 1: Correctional Through-care: the Integration of

Custodial and Community Treatment Conducted by Representative from New Zealand
(Imperial 3)

Topic 2: Indigenous Offenders and Restorative Justice Conducted by Representative from
Canada

(Imperial 4) Dress Code: Smart Casual

15.00 - 16.00 APCCA Business (The Imperial Grand Hall)

- Future APCCA hosts
- Agenda items for 22 APCCA
- Conference resolutions

Dress Code: Smart Casual

19.00 Conference Dinner

Dress Code: Casual (Mae Ping Khan Toke)

Saturday, 27 October 2001

Departure of Delegates

Spouses Program

Sunday, 21 October 2001

Arrival of Delegates and Spouses

14.00 Registration at the Imperial Mae Ping Hotel

19.00 Welcome Reception hosted by the Mayor of Chiang Mai
Dress Code: Casual (Imperial 3)

Monday, 22 October 2001

09.30 - 12.00 Chiang Mai city tour: National Museum and Temples
Dress Code: Casual

12.00 - 13.00 Lunch (Rain Forest Restaurant)

13.00 -15.30 Visit Baan Tavai Handicraft Center

15.30 - 16.30 Return to the Hotel

19.00 Welcome Dinner hosted by the Minister of Interior
Dress Code: Laugh Suit or National Dress (The Imperial Grand Hall)

Tuesday, 23 October 2001

09.00 - 09.30 Visit Ban Bo Sang Handicraft Village
Dress Code: Casual

09.30 - 10.30 DD Leather

10.30 - 11.30 Thai Shop Bronze Ware

11.30 - 12.30 Parasol/ Umbrella Factory

12.30 - 13.30 Lunch (Maitree Cotton Fabric House)

13.30 - 14.30 Shinavattra Thai Silk

14.30 - 15.00 Return to the city of Chiang Mai

15.00 - 16.30 Visit Prison Products Exhibition of Northern Region

16.30 - 16.45 Return to the Hotel

19.00 - 21.00 Traditional dinner hosted by the Director General of

Department of Corrections, Thailand

Dress Code: Traditional shirt (Baan Song Boon)

Wednesday, 24 October 2001

07.00 - 10.00 Depart from the Hotel for Chiang Rai

Dress Code: Casual

10.00 - 10.15 Refreshment

10.15 - 10.30 Brief Information by Director of Chiang Rai Central Prison

10.30 - 12.00 Tour of Chiang Rai Central Prison

12.00 - 12.30 Leave Chiang Rai Central Prison

12.30 - 13.30 Lunch (Dusit Island Resort Hotel)

13.30 - 13.45 Depart for Meng Rai Military Camp

13.45 - 14.15 Visit rehabilitation program for drug addicts at Meng Rai

Military Camp

14.15 - 15.00 Depart for the Golden Triangle

15.00 - 15.30 Visit the Opium House and the Golden Triangle

15.30 - 16.00 Leave the Golden Triangle for Mae Sai

16.00 - 16.30 Visit Mae Sai (The Top North of Thailand)

16.30 - 18.00 Return to Chiang Mai

18.00 - 20.30 Dinner in a Loy Krathong Festival atmosphere (Suanthip Vana Resort)

20.30 - 22.00 Return to the Imperial Mae Ping Hotel

Thursday, 25 October 2001

08.30 - 08.45 Leave the Hotel

Dress Code: Casual

08.45 - 10.00 Visit Chiang Mai Women Correctional Institution

10.00 - 10.30 Depart for Wat Pra-Thart Doi Suthep

10.30 - 11.30 Visit Wat Pra-Thart Doi Suthep

11.30 - 12.00 Return to Chiang Mai

12.00 - 13.30 Lunch (Chai Tong Heng Restaurant)

13.30 - 14.00 Return to the hotel

The rest of the evening Free

Friday, 26 October 2001

08.00 - 08.30 Leave the Hotel to Mae Sa Elephant Camp

Dress Code: Casual

08.30 - 11.00 Elephant riding and elephant training shows

11.00 - 12.00 Visit Mae Rim Orchid and Butterfly Farms

12.00 - 12.30 Depart for Green Valley Golf Club

12.30 - 13.30 Lunch (Green Valley Golf Club)

13.30 - 14.00 Return to Hotel

19.00 Conference Dinner

Dress Code: Casual (Mae Ping Khan Toke)

Saturday, 27 October 2001

Departure of Delegates and Spouses

Appendix C

Discussion Guide for the 21st APCCA

Chiang Mai, Thailand, October 2001

David Biles*

This Discussion Guide has been prepared in order to assist the preparation of background papers for the 21st Asian and Pacific Conference of Correctional Administrators which is scheduled to be held in Chiang Mai, 21 to 26 October 2001. (The abbreviated title of the conference is 21st APCCA, Chiang Mai.)

The APCCA held its first meeting in 1980 and its most recent meeting was in November 2000 in Sydney, Australia. Most meetings of APCCA are attended by senior correctional officials and observers from 20 or more nations in the region. They represent nearly one half of the total population of the world.

Between 1980 and 2000 the APCCA has developed a number of traditions, one of which is that conference delegates prepare papers on each of the substantive agenda items selected for discussion. The papers are generally used as a basis for the presentations to the conference (even though it is not customary for them to be read in full to the assembled conference), and they have also been used to assist with the training of senior correctional staff in some nations in the region. Some of the national discussion papers are also published on the APCCA

Internet web site when specific approval has been given.

At the 16th APCCA in New Zealand in 1996 it was agreed that there would be a slight change in the format of the conference in the following year in order to provide more time for discussion and the exchange of views. Specifically, it was agreed that the first agenda item should be a national report from each delegation covering any matters of current interest in each nation or territory. All delegations would be expected to produce a written report and also to address the conference for up to 10 minutes on their reports.

Three other conference agenda items would also be specified and, while all delegations would be asked (if appropriate) to prepare papers on each of these items, they would be asked to formally address the conference on only one of these three items. Thus all delegations will be given two opportunities to make formal presentations to the conference, and all will have adequate time to ask questions and enter into discussions. This format was followed at the 17th APCCA in Malaysia, the 18th APCCA in Canada, the 19th APCCA in China and the 20th APCCA in Sydney and met with the general approval of the delegates.

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It is therefore requested that for agenda items 2,3 and 4, the national discussion papers clearly indicate if these items are regarded as high, medium or low priority.

At all recent conferences the national discussion papers have been copied by the conference hosts and circulated to all delegates in attendance. It has been observed by many delegates that the collection of national papers is so informative and factual that it constitutes an invaluable reference for penal policy in the Asia and Pacific region.

As indicated in previous Discussion Guides the papers themselves need not be very long, the actual length being entirely a matter for individual delegates to decide, but it is common for papers from each nation to include an introductory statement which presents the basic facts about the relevant correctional system. This might include information on the numbers of prisoners, prisons and staff, and also describe any recent changes in general policy or practice. (In order to facilitate the copying of papers for distribution it is suggested that if possible they be prepared on plain paper approximately the same size as this Discussion Guide.)

At the 20th APCCA in Sydney, Australia, the delegates proposed a large number of possible agenda items for the next conference in Chiang Mai, Thailand. The list of suggested items was initially considered by the APCCA Advisory Committee and later considered by the full assembly of conference delegates. The full conference finally approved the four agenda items which are outlined in the following pages.

Following a highly successful workshop on the Classification of Prisoners and Prisons at the 20th APCCA in Sydney it was also decided that provision should be made for optional workshops at the 21st APCCA in Chiang Mai. The topic proposed for these workshops are:

Indigenous Offenders and Restorative Justice, and

Correctional Through-care: the Integration of Custodial and Community

Treatment

Participation in these workshops will be optional and national papers are not expected to cover these topics. It is likely that nations other than the host nation will be invited to take the lead in the presentation of these workshops.

This document is no more than a guide to some of the issues that may be discussed in relation to each agenda item. Delegates should feel free to put their own interpretations on the items. Also, it is recognized that not all of the issues will be equally relevant to all the nations participating in the conference.

1. National Report on Contemporary Issues in Corrections

As indicated above, this agenda item was selected in order to provide an opportunity for conference delegates to report on and discuss any matters of current interest in correctional policy and practice in their own nations or territories. Therefore, the contents of reports are entirely at the discretion of each delegation.

However, it may be useful if reports included an outline of trends in crime and in prison populations, and, (if relevant) trends in community - based correctional populations.

In providing these basic facts it may be helpful if explanations are given of the correctional statistics which are supplied separately. For example, in federated nations it would be helpful to know if offenders held in provincial or local jails, including police facilities, are counted in the total numbers of prisoners that are reported for each nation. (It is specially requested that in federated nations an effort be made to provide a general national picture of the use of custody or detention so that valid comparisons can be made with mono-jurisdictional nations.) Similarly, it would be of interest to know if persons accused of committing offences and who are held in custody (perhaps known as remandees, detainees or on-trials) are counted as prisoners. The same question arises in relation to persons serving periodic or weekend detention orders.

Furthermore, relevant details of the structure or composition of prison populations would be of interest, particularly if any changes or trends have been noticed. For example, are there any changes in the proportions of the total prison populations who are identified as female, indigenous, foreigners, etc.? Is the average age of prisoners increasing? Are there more prisoners serving sentences for particular types of crimes, such as drug offences? And, are there proportionately more or fewer prisoners who have special needs, such as the need for medical isolation because of infectious disease, or need to be protected from other prisoners.

It would also be appropriate if national reports prepared for this agenda item referred to any new or proposed legislation which has had, or may have in the future, an impact on the size of prison populations. Legislation abolishing the granting of remissions to prisoners for good conduct and industry, for example, has in some jurisdictions had a major impact on the total number of prisoners, but this has not always been the case. It would be of interest to know if

legislation of this type was seen as reflecting the attitudes of the general public who may be demanding that offenders must be seen to be severely punished. Any other legislative changes or proposals, such as proposals for treaties facilitating the international transfer of prisoners or the introduction of private prisons, whether or not they have an impact on the total number of prisoners, might also be outlined in the national report.

National report may also provide details of any new treatment or training programs that have been recently introduced or are being planned. Of particular interest here would be programs which aim to correct specific types of offending behaviour, such as drug and alcohol treatment programs, sex offender programs, anger management counselling, and new approaches to dealing with intoxicated and other irresponsible driving of motor vehicles. If any programs of this type have been evaluated, either internally or by external consultants, the results of such evaluations would be of considerable interest.

Any issues relating to staffing may also be considered appropriate for mention in national reports. For example, is it difficult to attract and retain suitable people to work in prisons (and community corrections), what type of pre-service training is provided, and is in-service training also arranged? The negotiation of staff pay scales and working conditions and the influence of correctional staff unions, particularly if there have been recent changes, may be of particular interest to delegates at the conference.

It is suggested that national reports should make reference to current problems and challenges, as well as to positive or successful initiatives, and therefore it would be appropriate for reports to mention matters which are causing concern, such as overcrowding, escapes, deaths in custody, etc.. For each of the problem areas it may also be possible for information to be provided on approaches or initiatives that have been, or will be, introduced to resolve these problems, in either the short or long term.

Finally, while it is suggested that national reports should primarily focus on the general picture of correctional administration in each nation or territory, reference may also be made to some of the specific issues which are scheduled for consideration under later agenda items. In other words, a subject needs not be excluded from the national report simply because it is discussed in more detail under a separate agenda item.

2. Foreign Prisoners and International Transfers

This subject, in one form or another, has been considered by the conference on many different occasions. In 1981 and 1986 there was specific reference in the agenda to either prisoner exchange arrangements or the international transfer of prisoners within the Asia and Pacific region. Also, in 1993 and 1996, the topic was discussed again within a broader consideration of international cooperation. A possible reason for the popularity of this topic within APCCA is the fact that it provokes a wide range of different views as shown by the following extract from the report of the 13th APCCA in Hong Kong in 1993.

With regard to the international transfer of prisoners, it became apparent that there were divergent philosophies and practices. Some nations were currently opposed to such arrangements for a variety of reasons, including the strongly held view that to maintain the integrity of the penal system, convicted offenders should serve their sentences in the place where they were convicted. Other countries expressed the view that the difficulties faced by

foreign prisoners were often such that, as a matter of humanity and with a view to achieving the aims of rehabilitation in the course of serving prison sentences, they should be repatriated to their own cultural background if this could be done consistently with justice and respect for domestic criminal laws.

The report then listed seven nations which at that time were reluctant to support international transfers of foreign prisoners, four nations with active international transfer programs, and five nations which had the subject under consideration. Since that time it is likely that more nations now support the notion of international transfer, but it is safe to predict that there will still be some marked disagreements on this subject.

There are three principal arguments that have been made in favour of international transfer. First, it is claimed to be a humanitarian measure that removes the additional suffering that foreign prisoners may experience as a result of the differences in language, culture, diet, health services, etc.. These considerations do not apply to prisoners serving sentences in their own nations. Secondly, it is claimed that repatriation may contribute to rehabilitation in that it enables the prisoners concerned to maintain closer contact with their families through visits and telephone calls. This argument is based on the belief that prisoners are less likely to reoffend if they have close family ties. Thirdly, it is claimed that international transfers remove some of the difficulties experienced by prison officers in managing foreign prisoners. This may also apply to consular staff in diplomatic missions who endeavour to provide services for their own nationals in foreign countries, as well as the relatives of foreign prisoners who sometimes feel that it is necessary for them to travel to the foreign nation where the offender is in custody in order to assist with legal matters or the provision of dietary or health needs.

Against these arguments, those who oppose the international transfer of foreign prisoners may argue that for justice to be seen to be done the offender must serve the sentence in the nation where the offence was committed, and it may be seen as unfair or unequal if an offender is allowed to go to his home country and suffer less harsh conditions just because the person is a foreigner. Also, there may be a belief that if a foreign prisoner is allowed to return to his or her home nation, the sentence that was imposed will not be enforced as rigorously as would be the case in the nation where it was imposed. (An example of this would be the lenient treatment by the French authorities of the offenders in the Rainbow Warrior case in New Zealand.) Furthermore, it may be argued that the deterrent effect of punishment may be reduced if it is perceived that offences committed in foreign countries are not treated equally. Some nations are also concerned that they may receive more of their own nationals back from foreign nations than are transferred out, and thus it would contribute to increased costs and overcrowding.

In practice, the transfer schemes that are in operation only apply to relatively small numbers of prisoners as there are always eligibility criteria that have to be met before any transfer can take place. The multi-lateral Council of Europe convention, which seems to be the most popular around the world, requires that a foreign prisoner would only be eligible for transfer if:

Both the sending and receiving nation accept the application made by the prisoner,

The prisoner is serving a known sentence which is not subject to appeal, and,

The prisoner will have at least six months more to serve after return to his or her home nation.

Some nations, such as Thailand, require that a fixed proportion of the sentence imposed must be served in Thailand before applications for transfer will be considered, the proportion varying according to the length of the sentence imposed.

In addition to the Council of Europe convention dealing with international transfer, the Commonwealth of Nations has published a multi-national treaty, but this has not attracted the same level of support as the Council of Europe convention. In many parts of the world, however, individual nations have negotiated bi-lateral treaties with other individual nations. These endeavour to reflect the particular needs or circumstances of the two nations involved. Also, in some of the very small Pacific nations, it has been reported that some transfers have been made without any legal treaties having been signed by the two nations involved.

One of the many aspects of the international transfer of foreign prisoners that must be resolved in treaties is the precise nature of the sentence that will be served by the prisoner in his or her home nation. The choice is between continuous enforcement or sentence conversion. The first option, which seems to be generally preferred, requires the prisoner to serve the actual sentence that was imposed in foreign nation, while the second option allows the sentence to be adjusted to ensure that it is consistent with sentences imposed for similar offences in the home nation. If the sentencing nation makes wide use of sentence-reducing strategies such as the granting of pardons or reprieves, this may be taken into account within the general philosophy of continuous enforcement.

Another matter that needs to be resolved in treaties is that of costs. This is apparently often a matter for negotiation in individual cases, but the general practice is for the sending nation to pay the transport and escort costs to the international border of the receiving nation. The receiving nation then provides the escorts to take the prisoner to a designated prison, and also meets the costs of keeping the prisoner there for the required period.

It can be seen from this summary of some of the issues associated with the international transfer of prisoners that there are a number of complicated and controversial aspects of the scheme. It is therefore suggested that delegates to the conference may choose to present the general views of their governments without necessarily trying to resolve all of the details.

The complexity of transfer schemes is even greater for federated nations where at least two levels of government are involved. In Australia, for example, after several years of discussion, the national parliament passed legislation in 1997 which provided for transfers to take place, but it was not until late 2000 that reciprocal legislation was passed by each of the six states and two territories where prisoners are held. At the time of writing (February 2001), it will still be necessary for treaties, either multi-national or bi-lateral, to be settled, administrative arrangements to be made, and regulations to be promulgated, before any actual transfers, either into or out of Australia, will be possible.

3. Drug Offenders - Psychological and Other Treatment

Over the past 20 years the APCCA has discussed many aspects of the treatment of offenders and it has become apparent from these discussions that the treatment of drug offenders has been a cause of considerable concern. However, on only one previous occasion, in 1983 in New Zealand, has there been an agenda item specifically directed at drug offenders in prison.

The term “drug offenders” can be defined either narrowly or broadly. A narrow definition might suggest that the term should only be applied to offenders who are addicted to illicit drugs, while a broad definition might suggest that the term is used appropriately when it is applied to persons who have committed offences which are in any way related to drugs. Thus, a broad definition would include growers, manufacturers, suppliers, couriers (whether these individuals are addicted or not) as well as the very large number of offenders who commit robberies, burglaries and thefts in order to obtain money to buy drugs. For the latter group of offenders there may be no reference to “drugs” on the criminal records, and whether or not they are addicts may not be known. (Another definitional issue is the question of whether or not alcohol should be regarded as a drug in this discussion.)

In some jurisdictions, some prisoners have been identified (albeit in relatively small numbers) who exaggerate the level of their drug consumption in the (probably mistaken) belief that if they are classified as drug addicts they will be treated more leniently as they are in need of treatment rather than punishment. Therefore the initial assessment of suspected drug offenders requires considerable skill and experience by classification staff.

The number of prisoners who are identified as drug offenders in any correctional system will depend, to a large extent, on the type of definition that is used, but it is almost certainly the case that, whatever definition is used, the proportion of any prison population who are so identified will have increased significantly in the past one or two decades. It would be of interest to know for all nations in the Asia and Pacific region what proportion, or percentage, of prisoners are thought to be drug offenders, even if the figures are based on estimates rather than precise statistics.

Of even greater interest to the conference would be details of the treatment programs that are pursued for drug offenders. Some nations in the region, such as Singapore, Malaysia and Hong Kong (China), have had many years of experience in the treatment of drug offenders, particularly through the use of intensive programs of physical activity and the medical treatment of the symptoms of illness that occur during detoxification.

A different approach to the treatment of drug offenders (which may or may not be associated with organized physical activity) makes use of other drugs which aim to eliminate any pleasant sensations that may be associated with the consumption of illegal drugs. For example, methadone is claimed to mask the effect of heroin and therefore remove the motivation for the individual to take heroin. This approach has been the subject of controversy, as methadone itself is a drug of addiction, which also has some negative side effects. It has been suggested that to use methadone as a treatment for heroin users is simply to replace one unwelcome drug with another. In recent years, another drug, naltraxone, which is claimed to be non-addictive, has been used with some drug users in nations such as Singapore with considerable success.

A third approach to the treatment of drug offenders makes use of psychological counseling, which may be offered to individuals or to groups, and may also be a supplement to either of the other two approaches mentioned above. In fact, it is sometimes claimed that

psychological treatment is more effective if it is just one part of a comprehensive program which incorporates different strategies and methods.

Whatever approach, or combination of approaches, is followed in the treatment of drug offenders, there is a pressing need for rigorous evaluation of the effectiveness of what is offered. At this stage of human knowledge, no-one would claim to be one hundred per cent successful in treating drug offenders, and realistically, if a treatment program can be shown to reduce recidivism, re-offending or relapse from, say, 70 per cent to 30 per cent, that may be as successful and worthwhile as can be achieved. Even lower reductions in expected recidivism may be commendable if the programs are able to quantify the lives that have been saved and the financial and human costs that have been avoided. The results of any evaluation studies would be of great interest to the conference.

Other aspects of the problems caused by drug offenders in prisons are the efforts made by security staff to keep drugs out by the searching of prisoners, visitors and staff, as well as the searching of cells and other areas within the prison. Sniffer dogs and random urinalysis of prisoners may also be used to detect drugs or drug use. An extremely controversial measure adopted in some prisons in the world is the provision of needle exchange arrangements. This has been done where it is recognised that drugs cannot be kept out, and it is argued that it is better to reduce the risk of infection being spread from the use of dirty needles.

Psychological treatment in correctional institutions can be applied, of course, to many other types of offenders other than drug offenders, and considerable progress has been made in recent years with psychological input into sex offender programs, anger management and cognitive skills programs as well as general mental health counseling. Psychologists who work in prisons, however, spend a great deal of their time in writing reports for the courts or for classification authorities, including providing advice on the prevention of suicide or self-harm, and therefore the time that they have available to provide treatment services is often quite limited.

4. The Management of Special Groups of Offenders

This agenda item is intended to provide an opportunity for delegates to exchange views about the different approaches that may be adopted to manage special groups of offenders, such as the young, the elderly, members of gangs or triads, those in need of protection, those with physical or mental disabilities, etc.. Women prisoners will not be included on this occasion as they were discussed at the 20th APCCA in Sydney, and foreign prisoners will also be excluded as they have been considered earlier in the current program.

In the past decade, the APCCA has listed a number of agenda items which are similar to this one. In 1993, for example, the 13th APCCA in Hong Kong considered the effective treatment of different types of offenders, and the following year in Darwin, Australia, the 14th APCCA considered the care and control of minority groups in prison. This apparent repetition is not surprising as the provision of appropriate treatment programs for the wide range of different types of offenders who come to prison must be one of the most challenging and difficult tasks of any prison administrator.

Of all of the identifiable groups of prisoners needing special attention, probably the young are of most concern and challenge, as the consequences of success or failure are greater than is

the case with any other group. A young offender who is deterred from further crime will save considerable human and financial costs to the community. That would not be the case with an older offender. For this reason, nearly all prison systems have special programs and facilities for young offenders, even though the definition of what is “young” varies from place to place. An outline of what is done for young offenders in each jurisdiction would be appropriate in the national papers on this item.

At the other end of the age range, many prison systems are being faced with the challenge of managing increasing numbers of old, and even very old, prisoners. As a result of mandatory sentencing, and similar measures, the discretion of judges to take into account the age or health of offenders has been reduced in some jurisdictions. In these situations very long, even life, sentences are unavoidable for those who are convicted a number of times, even if the offences are not at the most serious level. For these and other reasons, prisoners over the age of 80 years are to be found in many systems and their safe custody in traditional prison facilities is very difficult. Any special measures that have been adopted to deal with this problem would be of interest to the conference.

The management of gangs or triads in prison is an issue that is relevant in some nations but not others. Similarly, the proportion of the prison population that is in need of protection from other prisoners varies widely from one nation to another. Nevertheless, all conference delegates would be interested to learn how these problems are tackled in those nations where they are relevant. More common to all prison systems is the challenge of dealing with prisoners who are either physically or mentally disadvantaged and consequently may require special care and attention. There may well be other special groups of prisoners for whom particular care is needed. If so, these could be discussed in national papers in this item.

Appendix D

Summary of Substantive Agenda Items at Conferences No 1 to 21

1. Hong Kong, 1980

- 1) Trends and Problems
- 2) Alternatives to Imprisonment and Effects of Prison Management
- 3) Management Services
- 4) Sixth UN Congress - Implications for Asia and Pacific

2. Thailand (Bangkok), 1981

- 1) Prison Industry
- 2) Remands

- 3) The Status of Prison Officers and Human Rights
- 4) Prisoners Exchange Arrangements in Asia and the Pacific
- 5) The Problem of Drug Offenders in the Prisons of Asia and the Pacific

3. Japan (Tokyo), 1982

- 1) Staff Development
- 2) Release Under Supervision
- 3) Vocational Training
- 4) Classification and Categorization of Prisons

4. New Zealand (Wellington), 1983

- 1) Developing Public Awareness in Corrections
- 2) Novel and New Problems and Programs in the Regions
- 3) Young Offenders in Corrections
- 4) The Problem of Drug Offenders in Prison
- 5) Prison Health Services
- 6) Prison Industries

5. Tonga, 1984

- 1) The Use of Technology in Prisons
- 2) The Role of Volunteers in Prisons in Relation to Programs for Inmates
- 3) Problems of the Physically and Mentally Handicapped in Prison
- 4) Mechanism Used by Various Jurisdictions to Monitor Crime and Incident Rates in Prisons
- 5) The Definition of Recidivism

6. Fiji (Suva), 1985

- 1) Investigations of Incidents in Prisons

- 2) Facilities and Programs for Female Prisoners Including Those Inmates with Children
- 3) Extent and Use of Minimum Force in Prisons
- 4) Recruitment and Development Training
- 5) Changing Responsibilities of Correctional Administrators

7. Republic of Korea (Seoul), 1986

- 1) Remandees: Management, Accommodation and Facilities
- 2) Draft Standard Minimum Rules for the Treatment of Prisoners
- 3) Educational Opportunities in Prison, with Particular Reference to Primary and Reintegrative Education
- 4) International Transfer of Prisoners within Asia and the Pacific
- 5) Providing Employment for Inmates

8. Malaysia (Kuala Lumpur), 1987

- 1) Counter Measure to Overcrowding in Prisons
- 2) Work Release and Associated Matters
- 3) Effective Links between Prison Industry and the Private Sector
- 4) Impact on Prison Management of External Monitoring
- 5) Regional Cooperation for the Training of Prison Officers

9. Australia (Sydney and Melbourne), 1988

- 1) Trends and Patterns in Penal Populations: Size, Composition, Type and Characters
- 2) Inter-agency Co-operation within the Criminal Justice System, namely between Corrections and Other Agencies
- 3) Safeguarding Human Rights within the Penal System
- 4) The Media, its Power and Influence upon Corrections Systems

10. India (New Delhi), 1989

- 1) Current Penal Philosophy
- 2) Current Alternatives to Prison

- 3) Changing Work Role of Prison Staff
- 4) Current Crisis Management Techniques

11. People's Republic of China (Beijing), 1991

- 1) Correctional Statistics Research and Development
- 2) Prison Education, Training and Work
- 3) Discipline and Grievance Procedures
- 4) Prison and Community

12. Australia (Adelaide), 1992

- 1) Prison Health Issues
- 2) New Developments in Community Corrections
- 3) Private Industry and Prison Management
- 4) International Co-operation in Corrections

13. Hong Kong, 1993

- 1) Rights and Treatment of Unconvicted Prisoners
- 2) The Effective Treatment of Different Types of Offenders
- 3) Public Awareness and Support for Corrections
- 4) International Co-operation for Corrections

14. Australia (Darwin), 1994

- 1) Management of Intractable and Protection Prisoners
- 2) The Effective Treatment of Different Types of Offenders
- 3) Public Awareness and Support for Corrections
- 4) Staffing and Management Systems in Corrections

15. Japan (Tokyo and Osaka), 1995

- 1) Prison Health Issues

- 2) Contemporary Issues in Correctional Management
- 3) Classification and Treatment of Offenders
- 4) Impact of External Agencies on Correctional Management

16. New Zealand (Christchurch), 1996

- 1) Community Involvement in Corrections
- 2) Provision of Food and Health Services in Prisons
- 3) Special Issues Relating to the Management of Female Offenders
- 4) International Co-operation at the Global, Regional and Sub-Regional Levels

17. Malaysia (Kuala Lumpur), 1997

- 1) National Report on Contemporary Issues
- 2) Vocational Training and the Work of Prisons
- 3) Private Sector Involvement in Corrections
- 4) Prison Staff: Recruitment, Training and Career Development

18. Canada (Vancouver), 1998

- 1) National Report on Contemporary Issues in Corrections
- 2) Best Practice in the Treatment of Offenders
- 3) Creating and Sustaining the Interest of the Community and Government in Corrections
- 4) The Application of Technology in Prison Design and Management

19. People's Republic of China (Shanghai), 1999

- 1) National Report on Contemporary Issues in Corrections
- 2) The Correction or Re-education of Young Offenders
- 3) Defining and Clarifying the Role and Functions in Prisons with a View to:
 - a) Reducing Recidivism;

b) Reducing the Negative Impact of Prison on the Families of Convicted and Unconvicted Criminals; and

c) Enhancing the Use of Community Corrections

4) Corrections in the New Millennium: Challenges and Responses

20. Australia (Sydney), 2000

1) National Reports on Contemporary Issues in Corrections

2) Women Prisoners

3) Community Involvement in Corrections

4) Health Issues in Corrections

21. Thailand (Chiang Mai), 2001

1) National Report on Contemporary Issues in Corrections

2) Foreign Prisoners and International Transfer

3) Drug Offenders-Psychological and Other Treatment

4) The Management of Special Groups of Offenders

Appendix E

Working Group on APCCA Support Services

Summary of Recommendations

Rapporteur

To recruit a rapporteur to prepare discussion guide, facilitate discussion and assist the conference host to lead discussion and compile conference reports.

The rapporteur to serve for an initial term of three years.

Subject to satisfactory performance, one extension of two-year to be considered by the Advisory Committee.

An honorarium, set at a level commensurate with duties outlined in the Rapporteur's Charter, to be awarded on an annual basis from the APCCA Fund.

Member countries/jurisdiction to recommend suitable candidates to the Advisory Committee.

Advisory Committee to shortlist for endorsement by the full Conference.

Permanent APCCA Secretariat

To set up a permanent APCCA Secretariat to take up most of the off annual conference duties of the current APCCA Coordination

The Secretariat to serve as the administrative arm of APCCA between conferences, as well as the advisory Committee.

The Secretariat to act as focal point of contact for member countries/jurisdictions and others external bodies.

The Secretariat be sponsored by a member country/jurisdiction which will need to absorb associated staffing and operational costs (alternatively, two, but not more than two, countries/jurisdictions may co-sponsor), such arrangement to be on trial for two years. In the case of a multi-sponsorship arrangement, division of responsibility to be based on separate and distinct functions of an administrative and technical nature.

Supervision of APCCA Web-site

The APCCA web-site be placed under day to day supervision of the Permanent Secretariat.

Consideration be given to co-locate the web-site server with the Permanent Secretariat and a technical evaluation be conducted to examine the feasibility.

Production of the APCCA Newsletter

Production of the APCCA Newsletter be taken up by Secretariat with actual production material costs to be met from the APCCA Fund

Administration of the APCCA Fund

Secretariat to take up the routine administration of the Fund, under the supervision of the Finance Sub-committee.

The idea of setting up an “APCCA New Host Sponsorship Program’ under the APCCA Fund not to be pursued.

Advisory Committee

To include sponsor country/jurisdiction of the Permanent Secretariat on the Advisory Committee.

Membership of the Advisory Committee to be further reviewed to reduce its size and enhance efficiency.

Program Sub-committee to be established under the Advisory Committee.

Assistance to Future Hosts in Conference Preparation

Outgoing host to forward to incoming host a brief checklist of main preparatory work and schedules in respect of the last conference organized by the former.

Outgoing host to draw incoming host’s attention to follow-up actions to be dealt with for next conference.

An ‘APCCA Conference Planning Guide’ (sample at Annex II of the discussion paper) be made available to future hosts.

The APCCA Fund and Finance Sub-committee

To adjust the object of the APCCA Fund as proposed except the “New Host Sponsorship Program”.

Rotating the membership of the Finance Sub-committee not necessary as discretion is limited.

Other Issues

A separate working group with a clear mandate from the APCCA be set up to address the fundamental issues raised during the WG meeting and those highlighted in the paper submitted by SPS’ including (a) the adoption of a formal constitution with a clear mission statement ; (b) the establishment of a Governing Board to set policy directions and strategic goals; (c) the replacement of current system featuring voluntary agreement to host and prerogative to invite attendance; and (d) revamping the mode of conducting Conference.

