
CORRECTIONS IN ASIA AND THE PACIFIC

Record of the Thirteenth
Asian and Pacific Conference
of Correctional Administrators
Hong Kong
November 1993



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David Biles and Richard Harding



Australian Institute of Criminology

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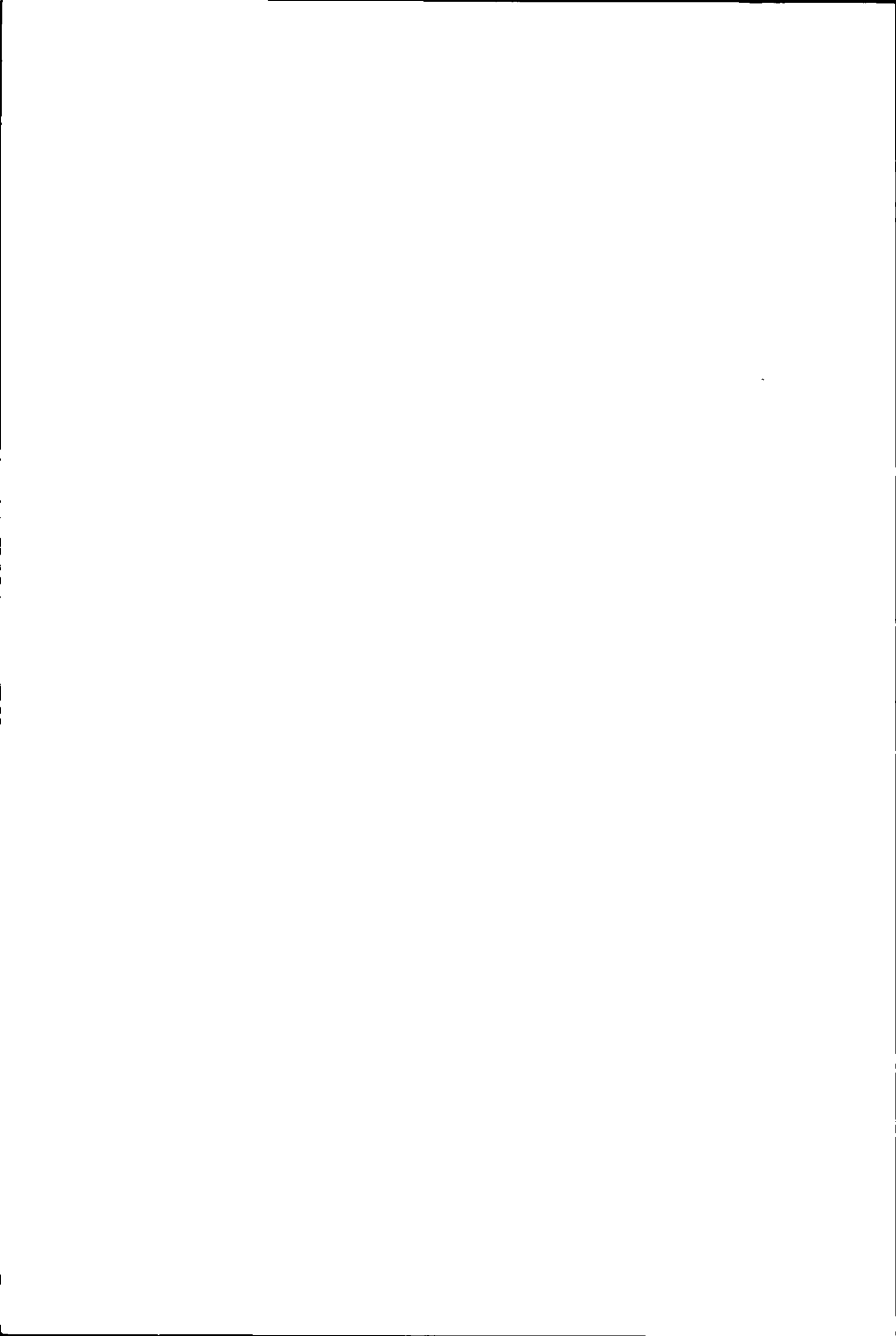
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Introduction

This report is a summary of the proceedings of the 13th Asian and Pacific Conference of Correctional Administrators (APCCA) held in Hong Kong over the period 14-19 November 1993. The Conference was attended by senior representatives of 19 nations and territories in the Asian and Pacific Region, generally the chief executive responsible for corrections in each nation. The Conference was also attended by the APCCA Coordinator from the Australian Institute of Criminology, a former APCCA Coordinator, now the Director of the Crime Research Centre of the University of Western Australia, and a representative of the Economic and Social Commission for Asia and the Pacific. A full list of participants is provided in Appendix A.

The first meeting of the Asian and Pacific Conference of Correctional Administrators 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 for the Hong Kong Prison Service. Since 1980 the Conference has been held each year, apart from 1990. Throughout that period the Australian Institute of Criminology has provided coordination, secretariat support and general advice.

After the first Conference in Hong Kong, in subsequent years the Conference met in Bangkok, Tokyo, New Zealand, Tonga, Fiji, the Republic of Korea, Malaysia, Australia (New South Wales and Victoria), India, China and Australia (South Australia). Over this period the Conference has developed a significant history of traditions and conventional procedures. Even though the Conference has no formal constitution or rules of procedure, it has always been accepted that the host for each Conference has the absolute right to select the invitation list. Furthermore, the Conference is relatively inexpensive compared with many other international meetings as all participants in APCCA meetings pay for their own air fares and accommodation. As a matter of tradition, the host nation generally endeavours to provide some hospitality as well as an appropriate venue for each formal meeting.

The further tradition that has developed within the framework of APCCA meetings is that of visiting relevant correctional institutions, especially if they are related to the topics of the discussion. Visits to institutions are seen as providing an appropriate contrast to formal discussion and are generally greatly appreciated by participants as a practical method of exchanging ideas. For the 13th Conference in Hong Kong, visits were arranged by the Correctional Services Department to the Lai Chi Kok Reception Centre, the Hei Ling Chau Drug Addiction Treatment Centre, the Lai Sun Correctional Institution and the Stanley Prison. The visit to Stanley Prison included an inspection of a Passing Out Parade at the Staff Training Institute. Delegates to the Conference also visited the Pik Uk Prison and the Pik Uk Correctional Institution and the Conference concluded with a formal Mess Night at the Senior Officers' Mess in the Officers' Club. Delegates expressed their warm appreciation to the host of the Conference, Mr Eric McCosh, Commissioner of

Correctional Services, Hong Kong, and his staff for the courtesy in giving permission and making the necessary arrangements for these visits to take place.

A further tradition of APCCA, one established since the first meeting in 1980, is for a summary report to be prepared while the Conference is in progress. This report is an attempt to maintain that tradition.

Opening Address

**The Honourable the Chief Secretary of Hong Kong
Sir David Ford, KBE, LVO, JP**

I am delighted to be here today to open the 13th Asian and Pacific Conference of Correctional Administrators. On behalf of the Hong Kong Government, I would like to extend a very warm welcome to you all.

This is the second time Hong Kong has hosted this very important Conference. Indeed, we had the privilege of playing host to the inaugural Conference in February 1980. Your organisation has grown considerably in both size and stature since then. At that first Conference there were 27 participants from 13 countries. This Conference has some 60 participants from around 20 countries. Quite an achievement, and one in which all of you can take pride and satisfaction.

More importantly, though, the growth of APCCA is yet another indicator of the emergence of this region over the last decade or so, not just as an economic powerhouse which sets an example to the rest of the world, but as an area where there is a lively market place in ideas and innovations which are helping our very diverse communities shape a modern and progressive identity. This Conference is but one illustration of how cooperation and experience-sharing benefits us all.

I know that from first-hand experience of our own fine service here in Hong Kong. We have, for example, recently implemented a new "Personal Encounter with Prisoners" program, which brings together school students and young offenders which we hope will contribute towards reducing the level of juvenile crime. We borrowed this idea from Victoria, Australia, and are adapting it to suit our own circumstances.

We are also currently operating an exchange scheme with Western Australia in order to give our officers a different perspective of how correctional services are carried out in a different culture. We have sent our officers to courses and conferences and on training attachments to Japan, China, Malaysia and Singapore; and have welcomed visits from service colleagues from Australia, Canada, China, Japan, the Republic of Korea, Macau, Singapore, Thailand and Vietnam. I am sure most of you here today have experience of similar exchanges.

I believe this is worth stressing, because in this world of instant communication, where live TV news pictures are bounced instantly into our living rooms from all over the world via satellite, the more we work together on common problems, the better we can hope to solve them.

All of us are only too well aware that the development of our communities in a material sense, seem to go hand in hand with an increase in social problems, including crime. Not only is crime on the increase, but we are faced with a growing sophistication in the ways by which crime is committed. All this offers even greater challenges to law enforcement agencies.

A community generally views correction as a means of segregating offenders from society and preventing them from posing a further threat. Very often public interest focuses on the sensational details surrounding the arrest of a criminal and the subsequent court case, but interest quickly subsides once that criminal is sentenced to a term of imprisonment. There is, however, a need for the community to recognise that these offenders must eventually return to society and be assured that correctional programs are designed to make this return as successful as possible.

Some hold the view that incarceration per se cannot combat crime, nor can it prevent it. Correctional work however involves much more than the locking up of an offender. An effective correctional service provides opportunities for offenders to develop a sense of responsibility towards society and respect for the law, culminating in successful re-integration into the community.

To achieve this, correctional administrators must work closely with other law enforcement bodies, the courts and the social and welfare service agencies. There is a need to be progressive, receptive to change, and to work under public scrutiny. Administrators must also be more conscious of public expectations and perceptions of their service and how best that service can be delivered.

But since correctional activities have extended and moved far beyond the confines of the penal setting, and as community involvement plays an increasingly significant role in the correction of offenders, there is much the community itself can contribute to the success of the service. It is important therefore that the community is aware of what is provided. In this way we can secure greater public confidence in the service and win support for the re-integration of people back into society.

This brings me back to the point of cooperation. Individual administrations working in isolation simply cannot keep pace with the challenges of today. A group of professionals, exchanging ideas and developing new initiatives, in the way you will do at this Conference over the next five days, must benefit all of our communities. I am certainly confident that this Conference will enable those taking part to forge stronger ties and create even closer cooperation.

Commissioner, ladies and gentlemen, I now have pleasure in declaring the 13th Asian and Pacific Conference of Correctional Administrators open.

Opening Ceremony

After a welcoming cocktail party on the evening of Sunday 14 November 1993, the Conference was formally opened by the Chief Secretary of Hong Kong, Sir David Ford who presented an address which had been reproduced in the preceding chapter. Sir David also joined delegates for morning tea before his departure.

Following the departure of Sir David Ford, Mr David Biles, Deputy Director of the Australian Institute of Criminology, took the chair and called for nominations for the position of Conference Chairperson. The representative of Malaysia, Datuk Mohd. Yassin bin Hj. Jaafar moved and Mr Jeong Dong Jin, the delegate from the Republic of Korea, seconded the proposition that Mr Eric McCosh should be elected Chairperson. This motion was carried unanimously by acclamation from all delegates. Before handing the chair to Mr McCosh, Mr Biles suggested that Professor Harding, the Director of the Crime Research Centre of the University of Western Australia, may be willing to be elected as co-rapporteur. This was moved by Mr Apolosi Vosanibola of Fiji and seconded by Mr John Duggan of Canada and carried by acclamation. Mr Biles then invited Mr McCosh to formally take the chair and congratulated him on his appointment.

Mr McCosh then moved that Mr Biles should be elected as rapporteur for the Conference and this was again confirmed by acclamation. Mr McCosh then called upon Mr Barry Apsey from South Australia, on behalf of the host of the 12th APCCA meeting in Adelaide in 1992, to hand over the symbols of the organisation. Mr Apsey drew attention to the two symbols which were on display. These are a Fijian war club, similar to a parliamentary mace, that was presented to the Conference by the representative of Fiji in 1985, and the second is a symbolic brass and wooden lamp presented by the representative of India in 1989. Mr Apsey handed the symbols to Mr McCosh for the safe keeping by the current host of APCCA. Mr McCosh undertook to provide appropriate safe keeping for these symbols until the next meeting of APCCA.

Mr McCosh then presented a welcoming address in which he presented an outline of the operations of the Hong Kong Department of Correctional Services. He also gave an outline of the procedure that would be followed during the Conference, the institutions that were to be visited and the arrangements had been made for social activities. Mr McCosh then introduced individually the senior staff from his department who had undertaken the preparatory work for this Conference. This staff members were Mr Raymond Lai, Deputy Commissioner, Mr Cheng Chi-leung, Assistant Commissioner (Operations), Mr Kelvin Pang, Assistant Commissioner (Inspectorate & Management Service), Mr Edward Yau, Civil Secretary, Miss Pauline Chan, Senior Superintendent (Treatment/Program Development), Mr Tommy Tang, Departmental Secretary, Mr Lee Gar-san, Superintendent (Correctional Services Industries, Business Manager 2), Mr Chow Tak-wah, Superintendent (Aftercare). He also mentioned the support given by Mr Frank Hui, Chief Officer (Research) to the Organising Committee. Finally,

Mr McCosh expressed his appreciation to two commercial organisations, Chubb Hong Kong Ltd and 3M Hong Kong Ltd, which had provided sponsorship for the Conference.

Mr McCosh then invited Mr David Biles to present a summary report of the first meeting of the APCCA Advisory Committee that was held in Kuala Lumpur in August 1993. In his report Mr Biles drew particular attention to the need for the hosts of future conferences to be identified as early as possible and also to invite suggestions for agenda items for discussion at future conferences. The full report of the APCCA Advisory Committee is attached as Appendix C to this report. Mr Biles also proposed that a short meeting of the Advisory Committee be held before the conclusion of the Conference in Hong Kong.

The Chairman of the Conference, Mr Eric McCosh, then resumed control of the meeting and guided delegates from all of the nations in the region through the discussion on the four substantive agenda items which were summarised in the following pages.

Agenda Item 1

The Rights and Treatment of Unconvicted Prisoners

Conference discussion focussed on problems associated with the numerically most significant category of unconvicted prisoners—those remanded in custody pending trial. It was considered that other categories of prisoners whose cases were awaiting final disposition—for example, convicted but unsentenced prisoners, and sentenced prisoners whose cases were awaiting appeal—posed no particular problem from the point of view of correctional administrators.

There was widespread agreement that unconvicted prisoners, in this primary sense, should be treated differently, in terms of the custodial regime applicable to them, from convicted offenders. Every delegation in fact supported this view, even though their particular modes of implementing this viewpoint differed to some extent in detail. The point was frequently emphasised, however, that cost constraints within correctional systems prevented administrators from implementing programs which were ideal.

The main areas which were identified in discussion as requiring different approaches, where possible, were as follows:

- (i) work;
- (ii) visits;
- (iii) correspondence and communications;
- (iv) food; and
- (v) clothing.

Work

Almost every delegation said that work within the prison was voluntary for unconvicted prisoners. However, Singapore reported that work was not generally available to such prisoners, even on a voluntary basis except for domestic work within the institution. Where work was undertaken, the prisoners were remunerated in exactly the same way as convicted prisoners. Hong Kong reported, however, that only about 5 per cent of such prisoners actually chose to carry out available work. The view was generally expressed that idleness of prisoners added to the general management problems for prison administrators and that accordingly, unconvicted prisoners should be encouraged to work. Normally time spent in custody as an unconvicted prisoner would be taken into account in either the sentence itself or when parole or release was being considered; however, the delegate from Philippines reported that this would only be so if the prisoner had cooperated in work programs prior to his conviction.

Visits

Most delegations reported that visiting arrangements for the families of unconvicted prisoners were much more liberal than for convicted prisoners. It was generally the case that access to unconvicted prisoners by their legal representatives was reasonably unrestricted.

Correspondence and Communications

There were varying practices in relation to freedom of correspondence in and out of the prison. Some jurisdictions, for example Japan, reported that there were no restrictions on inward or outward mail, nor was there any censorship. However, other delegates reported that there were restrictions as to the frequency of incoming mail and in some cases the imposition of censorship in these situations. Clearly practices differed according to the local perceptions of security. Nevertheless, it was true to say as a generalisation that the rights of unconvicted prisoners were greater than those of convicted offenders.

With regard to telephone access, situations similarly varied. The delegate from Thailand, for example, reported that there was no telephone access at all; whereas at the other end of the spectrum—for example, in Australia—such access was readily available.

Food

Several delegations reported that unconvicted prisoners could have their own food brought in by members of their families in preference to eating food supplied by the prison authorities. Delegations reporting this included Macau and Sri Lanka. On the other hand, some delegations considered that such arrangements cut across even-handed and orderly management of prisons; this was the case, for example, in Australia and Hong Kong. Practice in each state seems to be very much governed by the prevailing culture and traditions.

Clothing

Management practices in relation to clothing able to be worn by unconvicted prisoners varied in much the same way as in relation to available food. There seemed to be no prevailing management practice or standard in this regard.

Delegates noted with concern that, virtually everywhere, the problem of unconvicted prisoners was growing and the numbers increasing. In at least three countries—Bangladesh, India and Sri Lanka—at any given time, unconvicted prisoners constituted more than half of the daily average prison population. In several other countries—

Indonesia, the Republic of Korea, Malaysia and Thailand—the proportion of such prisoners in the daily average population exceeded 20 per cent. These figures were either getting worse or certainly getting no better; and in any case as the general level of prison populations was increasing in absolute terms, the absolute numbers of such prisoners continue to increase.

The only country which reported that the situation was satisfactory and likely to remain so was the Solomon Islands. The delegate from that country reported that the courts are acutely conscious of the issues and problems raised by unnecessary remands in custody, and that these are therefore exceptional. Delays before trial were also short, a period of five months being the maximum in any given case in that delegate's own memory.

It was widely agreed that the increasing levels of remand populations were largely a product of decisions and practices made in other parts of the criminal justice system—by the police and subsequently the courts in relation to bail, and by the courts in permitting trial delays. There was widespread agreement with the view that stronger coordination was urgently required between the various elements of the criminal justice system to bring about a reduction in unconvicted prisoner populations. One delegate from India indicated her view that the Conference should consider passing a resolution urging their respective governments to set up a task force or coordinating committee, as appropriate, to consider the question of unnecessary or excessively long remands in custody and that such committees should include representatives of all relevant agencies in the criminal justice system. It was agreed that this matter would be discussed more formally at the business session.

Several points were made as to ways in which the problem may be mitigated in the future. An Australian delegate referred to the fact that several states were setting up ministries of justice and that within these umbrella ministries the activities of the courts and corrective services departments could be brought into closer alignment. The delegate from Malaysia reported his view that use of publicity through the press was an extremely valuable way of sensitising ministers and other officials to this problem. It was his practice to send a monthly list of remandees and the period of their remand to the superior courts. The delegate from India reported that local efforts were being made in particular areas to address this problem. For example in Delhi the Chief Justice of the High Court had agreed that the People's Court should sit in the prison itself in relation to less serious offences with a view to expediting trials.

However, there was widespread agreement that all such measures were palliative only and that a broader, cross-agency perspective was urgently required. The management problems of corrective services departments were demonstrably being driven by failures or omissions within other agencies, and this point needed to be brought home more forcibly at the appropriate national level.

The point was also made that in several countries the sentencing outcome in relation to many prisoners who had been remanded in custody was to impose a non-custodial sentence. In particular, Hong Kong, New Zealand, Canada and Australia emphasised this point. It was unclear whether this was being done because these prisoners had committed the sorts of offences which did not in any case merit custodial sentences or whether the courts were implicitly taking the view that they had been punished enough by what was in

effect a custodial sentence already and therefore chose not to impose a further sentence requiring custody.

This led to the point raised by the New Zealand delegate when he asked: what is the purpose of remand in custody anyhow? The primary purpose, he said, was to ensure that the accused came to trial; though of course it was agreed that custody should be used so as to ensure that an accused did not commit more crimes while awaiting trial and also to ensure that there was no interference with witnesses. In this regard, several delegations had made the point in earlier discussion that foreign prisoners, in the light of their possibly greater propensity to try to avoid trial, posed a particular problem.

Many delegates raised the question of whether or not unconvicted prisoners should be housed in separate facilities and described the situation in their own countries. It was evident that cost factors influenced this question considerably, it simply not being feasible in most countries to consider the establishment of completely separate remand prison facilities. Exceptions to this proposition were voiced by the delegates from Australia, Thailand in relation to prisoners awaiting trial in Bangkok, and New Zealand in relation to a prison which was about to be constructed. However, all delegates reported that efforts were made in their countries to accommodate unconvicted prisoners in separate areas of prisons which were also being used for convicted prisoners. This was considered to be managerially desirable, particularly in the light of the different custodial regimes described above.

The question was raised whether in any case it was desirable to attempt to have separate prisons for this class of prisoner. Reference was made to a recent report in the U.K. which indicated that in a purpose-built remand prison a great deal of idleness had developed, prisoner apathy was endemic, and available education and other programs of a high quality were simply not being used. The Conference did not express a concluded view upon this matter, noting that it was an issue which should be borne in mind for future planning.

Generally, most delegations reported that their domestic statute law, national regulations and the like reflected, as far as was appropriate to local conditions, the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations. At previous meetings of the Asian and Pacific Correctional Administrators it has, of course, been agreed that these rules cannot be applied literally and comprehensively but must take account of local conditions and issues.

In summary, there was widespread agreement that the financial costs of allowing the numbers of unconvicted prisoners held in custody to grow were considerable, that the management difficulties that ensued from this were tangible though certainly not insuperable, and that coordinated planning within the criminal justice system including corrective services departments was necessary to begin the long process of reversing the trends identified.

Agenda Item 2

The Effective Treatment of Different Types of Offenders

The discussion of this item at the Conference, as well as the written statements included in the discussion papers prepared by most nations, revealed a number of interesting differences and similarities in relation to treatment programs that were offered. The discussion of this item also revealed a number of very frank admissions that further work was needed on this subject in a number of different nations in the region.

While there was no disagreement with the general proposition made by a number of delegates to the effect that a wide variety of programs were needed to meet the special needs of different types of offenders, a number of delegates reported on the difficulties that were encountered in achieving this goal. For example, the delegate from Bangladesh referred to the extraordinarily high proportion of unconvicted prisoners in his country, sometimes held in prison for many years before trial and their relatively primitive classification system based on that which was inherited from Britain. Similarly, the delegate from Solomon Islands made the strong point that there is an obligation upon correctional administrators to do everything possible to encourage prisoners to follow a law-abiding life after release. This was not an easy business as good order needed to be maintained in institutions and many prisoners are unstable in their behaviour and attitudes.

On the other hand, the delegates from a number of nations reported quite elaborate programs of classification and assessment of individual prisoners which formed the basis for the development of individualised treatment. The delegate from the People's Republic of China referred to a basic classification based on the type of offence for which the individual was convicted: property crime; sex crime; violent offence; and all others, which was supplemented by special treatment for offenders who had had repeated their offences together with the psychological needs of each offender being taken into account. Also, the discussion paper prepared by the delegation from the People's Republic of China drew attention to the fact that in recent years prison education programs and lectures to prisoners had been adapted according to the needs of individual prisoners.

The delegate from Canada drew attention to the fact that in his country the philosophy which was predominant some years ago, based on the belief that "nothing works", had now been totally replaced by a much more optimistic and constructive attitude, and this philosophy was echoed by the delegates from Australia, New Zealand, and elsewhere. The Canadian delegate also emphasised the point that the needs of individual offenders must be identified at a very early stage of imprisonment and that sentence management plans needed to be developed in full partnership with the individual offender.

It became apparent during the discussion of this agenda item that some delegates use the concept of "different types of offenders" as a reference to the security level that had been decided upon by the classification system while other delegates use that term to refer

to the type of offence that had been committed and had resulted in conviction. Furthermore, other delegates used that terminology to refer to prisoners of different gender, age or citizenship.

Therefore, in their oral and written statements, delegates gave a great deal of information about programs relating to female prisoners, young prisoners and foreign prisoners. Some also gave details of programs that had been developed for mentally handicapped prisoners. The delegate from the Republic of Korea also provided details of programs provided in his country for drug offenders as well as the special treatment that had been devised for offenders involved with organised crime.

In relation to female prisoners, the clear majority of delegates reported some degree of special treatment for this category. There were differences, however, in the provisions that were made in relation to babies and young children of female prisoners. In some countries female prisoners are allowed to keep their babies in prison with them up until the age of three years or beyond, but in other countries the age at which the baby must leave the prison was considerably younger. In most nations it seems to be the case that female prisoners receive some degree of special treatment in that their cells are well furnished, as in the case of the Republic of Korea, and that they are given special training tasks such as cookery, dressmaking and embroidery.

In relation to young offenders there were also significant differences between the nations represented at the Conference. For example, the delegates from Sri Lanka reported that offenders age 16 years or more were held in prisons but below that age were dealt with by the social welfare authorities. Other nations reported a higher age for eligibility admission to adult prison systems. The Sri Lanka delegate also reported that in his country prison overcrowding was so acute, sometimes up to 300 per cent, that it became impossible to provide differential programs for the majority of prisoners according to their needs. The delegate from Thailand, and a number of others, reported that special efforts were made to provide education programs for young prisoners, especially those who had not completed compulsory education before their conviction. These special programs for young offenders in Hong Kong were reported in considerably detail.

In relation to foreign prisoners, a topic that was discussed further under a later agenda item, there were again some significant differences between nations in the way that this category of prisoners is handled. For example, it was reported by the delegate from Bangladesh that foreign prisoners in his country would be regularly provided with better facilities than would be provided to local prisoners. In contrast, however, the delegate from Sri Lanka reported there were no special provisions made for foreign prisoners in his country. The delegate from the Republic of Korea reported there were relatively large numbers of United States Armed Forces personnel in the prison system of his country and that these prisoners were given a degree of special treatment as required by a Status of Forces Agreement. It was generally recognised that in situations where there was a major difference in the culture, health services and dietary habits of offenders and the prisons in which they were held, foreign prisoners may suffer acute distress unless special provision is made for their needs.

A further category of offenders requiring special treatment identified by a number of delegates was that of the mentally handicapped. The delegate from the Republic of Korea reported, for example, that the law in his country required that such offenders should

receive reduced sentences. The delegate from Thailand reported that mentally ill offenders in his country would be treated in special wards, and reference was made by the delegate from Macau to providing for the health, psychological and social welfare needs of all prisoners, especially those who are mentally ill.

The final special category of offenders that was mentioned by a number of delegates as requiring special treatment was that of drug offenders. The delegate from Hong Kong provided considerable detail on this subject as did the delegate from the Republic of Korea. The delegate from Malaysia described the treatment program pursued in his system and pointed out that approximately 58 per cent of all prisoners in Malaysian prisons were incarcerated for drug-related offences. He explained that the treatment philosophy in Malaysia was based on imposed discipline and self-discipline together with counselling and spiritual awareness. He also referred to the recent development of a therapeutic community in one of his prison. A similar approach to drug offender was described by the delegate from Singapore.

It can perhaps be concluded that the discussion of this agenda item revealed a fundamental conflict between the need to treat all offenders on an equitable basis while at the same time providing for individual needs and problems. The two fundamental positions of equal treatment and differential treatment are in fundamental opposition to each other, but the majority view of the Conference clearly supported differential treatment even though a number of delegates openly and honestly admitted that they had not been able at this time to develop differential treatment to the extent that might seem necessary. While a wide variety of different treatment program are being offered in many countries, the delegate from New Zealand made a plea for all such programs to be fully and vigorously evaluated to ensure, on a scientific basis that their effectiveness in reducing recidivism can be established.

Later in the Conference proceedings, the delegate from India made a slide presentation of participatory management arrangements in Delhi prison (India's largest prison with an average daily muster of about 8500 prisoners). These arrangements involved the inmates organising and leading, under the general supervision of the staff, a large number of creative activities, including literacy programs, religious education and for women prisoners the management of creche facilities for their children. These activities all crucially depended upon a large measure of community support and input, and in this regard the presentation was also relevant to agenda item number 3.



Agenda Item 3

Public Awareness and Support for Corrections

Discussion of this agenda item revealed a high level of consensus. Virtually all contributors to the discussion of this topic made the point that successful correctional work, or rehabilitation, was not possible without the full support of the public, but many of the delegates observed that this was difficult to achieve as the general public has little accurate information about the operation of correctional systems. Furthermore, the media tended to present a negative image of crime and punishment. For example, it was suggested by a number of delegates that the media gives greater prominence to bad news in relation to corrections than they do to good news.

Reference was also made by a number of delegates to the fact that both politicians and the general public tended to the view that sentences imposed by the courts were too lenient and that prison conditions are too soft. It was suggested that to overcome this false perception all correctional administrators should develop carefully planned strategies for the release of accurate information about the operation of correctional systems under their control. It was suggested that these strategies should incorporate a procedure whereby information may be released to the community when crises, such as escapes and riots, occurred in a prison system. The representative from New Zealand suggested that at times of crisis the media will frequently behave as if they were in a state of "feeding frenzy" in the demand for information. The only professional response to this was for senior administrators, or their spokesperson, to provide comprehensive details of the problems that had occurred without encouraging further sensationalising of the events.

It was suggested by the delegate from the Solomon Islands that when very serious problems occur in the prison system, the general public has every right to lose faith in the prison system and the criminal justice system in general. He also pointed out that hard work and professional management is required to overcome such a situation. On a similar note, the delegate from Malaysia made the point that the reality of the level of crime in any community must be taken into account in the development of a media campaign seeking public support for corrections. One could not expect the general community to be supportive and sympathetic towards progressive correctional programs if they were genuinely in fear of their lives and property. Similar, one of the delegates from Australia observed that in his country there were frequent outbursts of anger by the general public in relation to the perceived leniency of sentences imposed upon serious offenders. Here again, the general point was made that support for corrections would only come from a public which has a reasonable degree of faith in the criminal justice system.

At a more mundane level, many delegates suggested that, when there were no prison disturbances which tended to create headlines in the media, every effort must be made to seek media coverage of the positive achievements within the correctional system, particularly in relation to education and training and arts and crafts. For example, the

delegate from Japan reported that local communities in his country gave strong support to special events in prisons including fairs or festivals at which the public could purchase prison made products. It was also reported from Thailand that in that country approximately 200,000 members of the public each year attended an annual prison craft exhibition at which the sale of prison products was allowed. Details were also given to the Conference of an family days held twice a year for inmates in Thailand at which approximately 100,000 relatives of prisoners came inside the prison for special events. A similar procedure was reported from the Republic of Korea where the families of convicted prisoners are allowed inside the prisons for sporting and religious gatherings. Other delegates provided details of programs which bring leading citizens, religious leaders and theatrical performers into the prisons as these individuals' presence can create something approaching a normal atmosphere in the prison.

The need for openness and honesty in dealing with both the general public and the media was suggested by a number of delegates. The delegate from Hong Kong expressed the issue succinctly when he said "opening up and reaching out are the key to success". Similarly the delegate from Brunei Darussalam as well as the delegate from Macau made the point that accurate information for distribution to the media was absolutely essential as a first step to gaining public support. Other delegates mentioned the production of quarterly magazines and the delivery of talks and lectures as other methods of aiming to achieve this same end. The delegate from the People's Republic of China reported that the News office of the State Council was used in his country to provide understanding and support for correctional work. A White Paper was recently issued which provided details of the treatment of prisoners in China. Also, the delegate from Singapore reported on the organisation by his department of a musical extravaganza for public appreciation as well as private businesses assisting with both job placement and the provision of accommodation for discharged inmates.

In relation to the work of volunteers in developing public awareness and support, the representative of the Economic and Social Commission for Asia and the Pacific (ESCAP) reported on the work of non-government organisations (NGOs) in relation to the United Nations. He particularly drew attention to the fine work that was being done in Japan by the Asia Crime Prevention Foundation and reported that a branch of this foundation had been recently established in Malaysia. He reported that this foundation gave strong support of UNAFEI. He expressed the hope that branches of the Asia Crime Prevention Foundation would eventually be established in all nations in the region. The delegate from the Philippines also referred to the important part which NGOs played in the rehabilitation of prisoners, particularly the Church and educational groups.

Toward the end of the discussion of this agenda item there was an interesting exchange of views in relation to the details of education strategies that might be appropriate for politicians and the general public. The delegate from Canada argued that as correctional administrators are professionals in this field they had a duty to do their utmost to provide accurate information to the public in relation to the futility of endeavouring to reduce crime by providing more and more prison places. It was suggested by the leader of the Australian delegation that politicians in particular needed education as they can have a profound effect on the number of prisoners when they change the law. For example, he reported on the impact of the introduction of "truth in sentencing" in New

South Wales in 1988 and on the impact of the imprisonment of fine defaulters in his jurisdiction. In this regard, it was observed that politicians frequently responded to the results of public opinion polls which clearly suggested that the courts were too lenient with the imposition of sentences on serious offenders and that prison conditions were too soft. However, it was suggested that if one conducted public opinion polls addressed to particular cases, the public may not be as punitive as it seems to be when they asked general questions about the appropriate response to crime.

In pursuing this discussion, the delegate from New Zealand reported that in his country provision has recently been made for citizen initiated referenda. This allows for a referendum to be conducted on any issue if 200,000 people or more formally requested that to be done. The delegate observed that it was highly likely that the New Zealand public would be asked to vote on a referendum in relation to a more strict law and order policy and this would encourage, and in fact require, politicians to act on the basis of public opinion expressed in that way.

The delegate from India observed that it was not only politicians and the general public that needed to be educated, or at least receive further information, in relation to criminal justice policy, but also the senior members of other government departments. He gave as an example the possibility that a Railway Authority decided on a policy of clamping down on "ticketless travellers" could have the effect of immediately creating 1000 or more prisoners. Other delegates gave similar examples.

Overall, the discussion of this agenda item produced a wide range of interesting observations and illustrations in relation to the general proposition that the operation of correctional systems was, to a very large, extent dependent on the attitudes of the general public and their support. The delegate from Indonesia emphasised that, to gain public support, there must be integrated efforts by correctional managers, members of the public and convicted offenders themselves. We cannot escape the fact that members of a general society expect the criminal justice system in general, and prisons in particular, to be places of punishment for serious offenders. Nevertheless, all delegates agreed that accurate information about the operation of prison systems would certainly provide a climate which would lead to an understanding of the strength and weaknesses of corrections as a mechanism for the control of illegal behaviour.



Agenda Item 4

International Cooperation for Corrections

There were two main dimensions to the discussion arising under this agenda item :

- (a) issues of practical importance to correctional administrators, such as training and information exchange by way of international cooperation, and
- (b) legal and international law and treaty issues, such as possible arrangements for the transfer of prisoners and matters relating to mutual assistance in criminal proceedings.

The New Zealand delegate made the preliminary point that, in all matters of international cooperation, it was absolutely essential that nations should move away from the dependency model which had previously characterised some aspects of cooperation particularly in the South Pacific region. International cooperation must be seen to be a matter of mutual benefit and enlightened self-interest.

Training

Delegates from all nations reported in detail, both in their written documentation and verbally, the various initiatives that had occurred, particularly since this matter had been discussed at the twelfth APCCA Conference in 1992. It was evident that a wide variety of arrangements had been made on a bilateral basis between nations, as well as by utilising the services of specialist agencies such as UNAFEI and the United Nations Development Program (referred to in detail by the delegate from Sri Lanka). Yet it was also evident that there were still significant hiatuses in those arrangements which had been made and that some countries, particularly from the developing world, were still suffering from inadequate training opportunities. This was particularly so in relation to middle management and senior management.

For example, the delegate from Bangladesh stated that his country would very much welcome assistance from ESCAP, UNAFEI and the Australian Institute of Criminology to provide training facilities which would otherwise not be available to his own correctional service. The delegate from Sri Lanka reported that a training program which involved sending officers to Hong Kong had been reluctantly abandoned by his country for financial reasons. Moreover, neither Australia nor the United Kingdom had recently offered training opportunities for correctional staff from his country. The delegate from Thailand echoed the view that ESCAP, UNAFEI and the Australian Institute of Criminology should in his view endeavour to offer greater technical and expert assistance in this respect.

However, several bilateral arrangements which appeared to be working satisfactorily were reported. For example, the delegate from Indonesia stated that arrangements whereby some of his staff went to the Northern Territory of Australia for training purposes was appreciated by his government and had so far been beneficial. The delegate from the Republic of Korea referred to bilateral arrangements with the New Zealand Department of Justice as well as with Japan. The delegate from Brunei Darussalam referred to his country's long-standing arrangements for Malaysia and Singapore to help in the training of officers. The delegate from Singapore referred to the fact that his department sent officers overseas for training from time to time and imported training modules and courses from the United Kingdom. And, as a final example, the delegate from Hong Kong referred to recent exchange arrangements which had been made with Western Australia which had been beneficial to training for middle management personnel in his correctional service.

On the other hand, the point was stressed by the delegate from India that training was best conducted in one's own country as this tended to reflect particular local needs. The delegate from the Solomon Islands gave broad support to this viewpoint, emphasising that the considerable training needs of his country would best be met within the Pacific region. In that context, the law enforcement section of the South Pacific forum had discussed this matter at its meeting earlier in 1993. The delegate from Fiji reported that the Australian Government was making funds available through AIDAB for training of middle managers in Fiji in 1994.

There was general agreement, encapsulated by the statement from the delegate from the People's Republic of China, that international cooperation in training would be beneficial in the long run to the administration of corrections but that all such training must take account of different cultures and needs within the various nations of the Asia and Pacific region. The delegate from Macau emphasised that the differing cultural backgrounds of the region must be acknowledged in the formulation and delivery of training programs.

Information exchange

There now appears to be a considerable amount of information exchange between nations, though much of it appears to occur on an ad hoc basis rather than systematically. Several delegates noted with appreciation that the most systematic way in which information was exchanged was through the annual meetings of APCCA itself. For example, the delegate from India in the course of the discussion as to international transfer of prisoners stated that he had previously not been fully aware of the extent of negotiations and developments in this area and that, in the light of the information coming forth from the Conference, he would be prepared to look at this issue more closely in the context of his own jurisdiction's practices.

In discussion, several delegates expressed appreciation of the fact that the Australian Institute of Criminology was now publishing and distributing a regular series relating to prisoner trends in countries of Asia and the Pacific. There was general agreement that benefits could be gained by all countries if the collection and distribution of information of

mutual interest was somewhat more comprehensive. The delegate from Hong Kong went so far as to suggest that the Conference should consider urging the setting up of some kind of Regional Resource Centre which could be the depository and distribution point for valuable research material and information emanating from countries in the region. He suggested that UNAFEI might possibly play a role in such a resource centre. The delegate from India considered that sub-regional information (for example, in India's own case involving Bangladesh and Sri Lanka) might be more useful; nevertheless, he supported the view that some core institution such as ESCAP or the Australian Institute of Criminology might be asked to take responsibility for the collection and dissemination of relevant material to APCCA nations.

The delegate from Japan stressed that there was great value in less formalised means of exchanging information, particularly by way of visits of correctional staff to and from each other's countries. His country had received many visitors from other correctional agencies over the years, and Japanese personnel visited overseas countries. It was widely agreed that there was great potential benefit in this level of information exchange and that, within their own financial capacities, nations should continue to encourage such arrangements. Various reports indicated that such visits were in fact fairly frequent within the region, though somewhat ad hoc in nature. The delegate from the People's Republic of China referred to arrangements which his country had made with the Republic of Korea for the exchange of information and indicated that these were developing in a mutually satisfactory way.

Mutual assistance in criminal proceedings

Several countries reported that their governments had quite recently passed legislation providing for mutual assistance in criminal proceedings. Such arrangements enabled participating nations to take evidence and examine witnesses whose testimony was of relevance to proceedings in the place of intended trial of an accused person. Mostly these cases related to drug trafficking and other types of international crime. Although strictly speaking such matters did not generally fall within the direct jurisdiction of correctional service departments, nevertheless they were indicative of a greater recognition by governments of the need for international cooperation. Moreover, there was a spillover effect, albeit of a quite minor extent, on the operation of correctional systems. Developments along these lines had been facilitated by the United Nations instrument [Resolution on Organised Crime, paragraph 1(a)(iii)] discussed and agreed upon at the Seventh Congress for the Prevention of Crime and the Treatment of Offenders held in Milan in 1985.

International transfer of prisoners

The point was made, and generally accepted, that the appropriate terminology was that of "transfer" rather than exchange or extradition. "Exchange" had the connotation of only accepting prisoners as a sort of trade-off for other prisoners; "extradition" referred to

arrangements whereby persons were sent to other countries for trial and in relation to which the prevailing principles were well established and quite different from those relevant to the transfer of convicted prisoners.

With regard to 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 in which 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.

Countries which reported that they were at present reluctant to enter into such arrangements included: Fiji; Japan; Macau; Malaysia; New Zealand; the Solomon Islands; and Sri Lanka. Countries which already had an active program of international transfer in place included: Canada; Hong Kong; the Republic of Korea; and Thailand. Countries which had the matter under active review included: Australia; Brunei Darussalam; the People's Republic of China; India and Singapore. Those countries reporting that they already had an active program in place found that the model developed by the Council of Europe was the most convenient for this purpose.

The delegate from Malaysia stated that his country considered that it was a matter of sovereignty as well as an aspect of an effective deterrence policy that foreigners committing crimes in Malaysia should serve their sentences in Malaysia. He noted that, whilst the number of foreign tourists was increasing dramatically, the number of foreign law-breakers had been gradually diminishing, and considered that this indicated the success and appropriateness of his country's policies. The delegate from the Solomon Islands considered that as a matter of principle offenders who breached the law of his country should serve their sentences there, regardless of their nationality. The delegate from Fiji indicated that, although his government was opposed in principle to the international transfer of prisoners, it recognised that some foreign prisoners suffered unusual hardship when serving sentences in Fiji and that, accordingly, they would quite often be released early and deported to their country of origin.

In his presentation the delegate from the People's Republic of China referred to the fact that, although no treaty had yet been made with any country with regard to international transfer, there was willingness to discuss this issue with the countries concerned, and that discussions had been proceeding with the Republic of Korea and Thailand. He set out the principles that should underlie any such discussion as follows :

- (i) the principle of respecting the wish of the person sentenced;
- (ii) the principle of favouring the person sentenced;
- (iii) the principle of mutual respect for sovereignty of the transferring country and the receiving country; and
- (iv) the principle of equality and mutual benefit.

He emphasised that such arrangements possessed great political sensitivity and accordingly it was appropriate to proceed in this area with caution. Against this background he stated: "It is our view that the transfer of foreign prisoners not only conforms with the aim of criminal punishment initiated by modern criminal policy and the principle of humanitarianism but also fully represents the spirit of mutual assistance and mutual benefit among various countries."

The delegate from Japan also stressed how important it was to proceed with caution in this area. He stated: "So far Japan has not made a decision with regard to international transfer, because it is still not easy to adjust the discrepancies between two countries when there are substantial differences in statutory penalty, sentencing policy and execution of punishment." The delegate from Macau referred to the complexities of this matter, in her country's case partly arising out of the constitutional issues to be resolved in 1999. However, she indicated their willingness to discuss the issue with other countries.

The countries which had already begun to carry out international transfers reported no particular difficulties at this early stage. However, it was noted that some countries were more likely to be recipient than exporting countries, and that this factor raised issues for correctional administrators.

Finally, on this matter, the data available suggested that the numbers of foreign prisoners in most countries were increasing somewhat and that the likely projection for the future was that they would continue to do so. For example, Japan reported an increase of 150 per cent in foreign prisoners in the last ten years. Thailand reported that there were approximately 2000 foreign inmates comprising some 80 nationalities in Thai prisons at the present time. It was agreed that the whole question was one of such importance that it should be kept under regular review.



Conference Business

A preliminary meeting to consider APCCA business was held on Thursday, 18 November 1993. This meeting considered the items listed below.

Host for XIV APCCA 1994

The Chair of the Conference invited delegates to indicate any offers that might be made to host the conference in 1994 and in subsequent years. Mr Doug Owston, on behalf of the Government of Northern Territory in Australia, offered to host the 1994 conference and this offer was enthusiastically accepted by acclamation.

In relation to 1995 and 1996, the delegate from New Zealand indicated that his government would be willing to consider acting as host for 1996, and later the delegate from Japan indicated that it was possible that Japan could be the host in 1995. Both of these proposals were warmly welcomed by the Conference.

Agenda Items for Future Conferences

The Chair of the Conference called for proposals for agenda items that might be appropriate for the conference in 1994. The following is list of 17 proposals that were put forward. The name of the proposing nation is indicated in parenthesis after each topic.

1. Striking a balance between rights and discipline, care and control (Hong Kong)
2. Imprisonment as a deterrent to crime (Hong Kong)
3. Treatment of drug abuse (Hong Kong)
4. Staff training and development (Hong Kong)
5. Aftercare and supervision of adult offenders (Hong Kong)
6. Staffing structures (Australia)
7. Indigenous/ethnic minorities—treatment and care (Australia)
8. Female offenders—classification, treatment and programs (Australia)

9. Corrections and the community—costs and public relations (Australia)
10. Deaths in custody (Australia)
11. Handling intractable offenders (Australia)
12. The application of technology to corrections (Australia)
13. Classification and sentence management (Australia)
14. Transfer and treatment of foreign prisoners (India)
15. Prison management (India)
16. The management of prisoners requiring protection (Professor Harding)
17. Community corrections (New Zealand)

The Chairman thanked delegates for these proposals and indicated that a short meeting of the Advisory Committee would be held in order to recommend a firm list of agenda items for the 1994 conference.

After its meeting the APCCA Advisory Committee recommended the following items for 1994.

Agenda Item 1—Management of Intractable and Protection Prisoners

It was suggested that this item, which is taken from one of the proposals from Australia and the proposal of Professor Richard Harding, could also incorporate a consideration of striking the balance between rights and discipline as proposed by Hong Kong. It was suggested that consideration of this topic could include the issue of deterrence to crime, particular deterrence to further criminality or indiscipline of offenders while they are in prisons. In essence this topic will address the management issues concerned with those prisoners who are likely to kill other prisoners or staff and those who are likely to be killed unless they are appropriately handled.

Agenda Item 2—The Application of Technology and Information Systems in Corrections

It was considered this topic would cover the use of television systems, computers and other electronic equipment in the management of offenders, both in prisons and elsewhere. Some particular applications that might be considered would be closed circuit television for the surveillance high risk offenders, the use of electronic bracelets, perhaps in

association with home detention, and the broad question of computer record system for prisons and other forms of correctional care. The latter consideration may be extended to include the question of what information should be collected about offenders to enable the scientific evaluation of the effectiveness of correctional programs.

Agenda Item 3 —Care and Control of Minority Groups in Prison

This agenda item has been deliberately worded in a broad fashion so that it can include issues surrounding the management of indigenous and ethnic offenders in prisons, as was proposed by Australia, but can also include other minority groups, such as female and young offenders. To the extent of that, the issue of deaths in custody has been of particular concern in relation to indigenous minorities in some nations in the region, the Advisory Committee suggested that it would be not inappropriate for this issue to be raised briefly in consideration of this topic.

Agenda Item 4—Staffing and Management Systems in Corrections

It is proposed that this topic cover both custodial and non-custodial correctional services and that consideration should be given to professional staff as well as security officers. The appropriate ratio between professional and other staff is an important question under this topic. Also details of recruiting standards and procedures, pre-service training required for admission to correctional work and in-service training for advancement within the profession are relevant considerations for presentation under this agenda item. Of particular interest would be staffing structures in any form of corrections which seem to be more cost effective than tradition procedures. Finally, issue of staff management and discipline may be considered under this topic.

It was noted that the APPCA Coordinator would provide a Discussion Guide at a later date which would provide more details of what was expected in the preparation of papers on each of these agenda items.

Response to Draft Report

A draft report of the Conference was distributed to all delegates late on the evening of Thursday 18 November 1993 and discussed at the final meeting which was held the following morning. This draft had been prepared by Mr Biles and Professor Harding with secretarial support provided by the Hong Kong Department of Correctional Services.

Delegates proposed a number of minor amendments to the draft which were all accepted by the Rapporteurs. The leader of the delegation from Malaysia then formally moved that the report, with amendments, be endorsed by the Conference and he warmly commended the hard work of Mr Biles and Professor Harding. This motion was carried by acclamation.

Mr Biles then explained that it would still be possible for further amendments to be made as the editing, which would be done at the Australian Institute of Criminology, would not be completed for a further two weeks. (An arrangement was later made for the printing and distribution of the report to be undertaken by the Hong Kong Department of Correctional Services.)

APPCA Advisory Committee

The Conference agreed that for the next 12 months the Advisory Committee would continue with the same membership. That is it would comprise delegates from China, India, Malaysia and Fiji, together with the outgoing Conference host and the incoming conference host (now Hong Kong and the Northern Territory, Australia) and a representative of the Australian Institute of Criminology. It was agreed that this membership would be further considered at the 1994 conference. Mr Biles indicated that it would probably not be necessary for the Advisory Committee to meet before the 1994 conference.

Regional Correctional Statistics

It was proposed by the delegate from India that the statistics produced by the Australian Institute of Criminology *Prisoners in Asia and the Pacific 1993* be incorporated as an appendix to the report of the Conference. This proposal was supported by the delegate from New Zealand who raised the question of whether the terminology used in relation to probation and parole was consistent. Mr Biles suggested that there may well be some inconsistency in relation to the use of these words and suggested that a revised version of the statistics be produced without the statistical table indicating the use of these two measures in the region. He also indicated that some additional data had been received which made it necessary to extend the information already circulated. The proposal to include this information as an appendix to the report was then accepted by the Conference.

Frequency of Conference Meetings

The delegate from New Zealand reported that there had been some discussion in the past of the desirability of holding conferences once every year or, perhaps, once every two years. He suggested that in view of the high level of commitment to the Conference expressed during this meeting that, at least for the time being, the conference be held every year. This was supported by all delegates present.

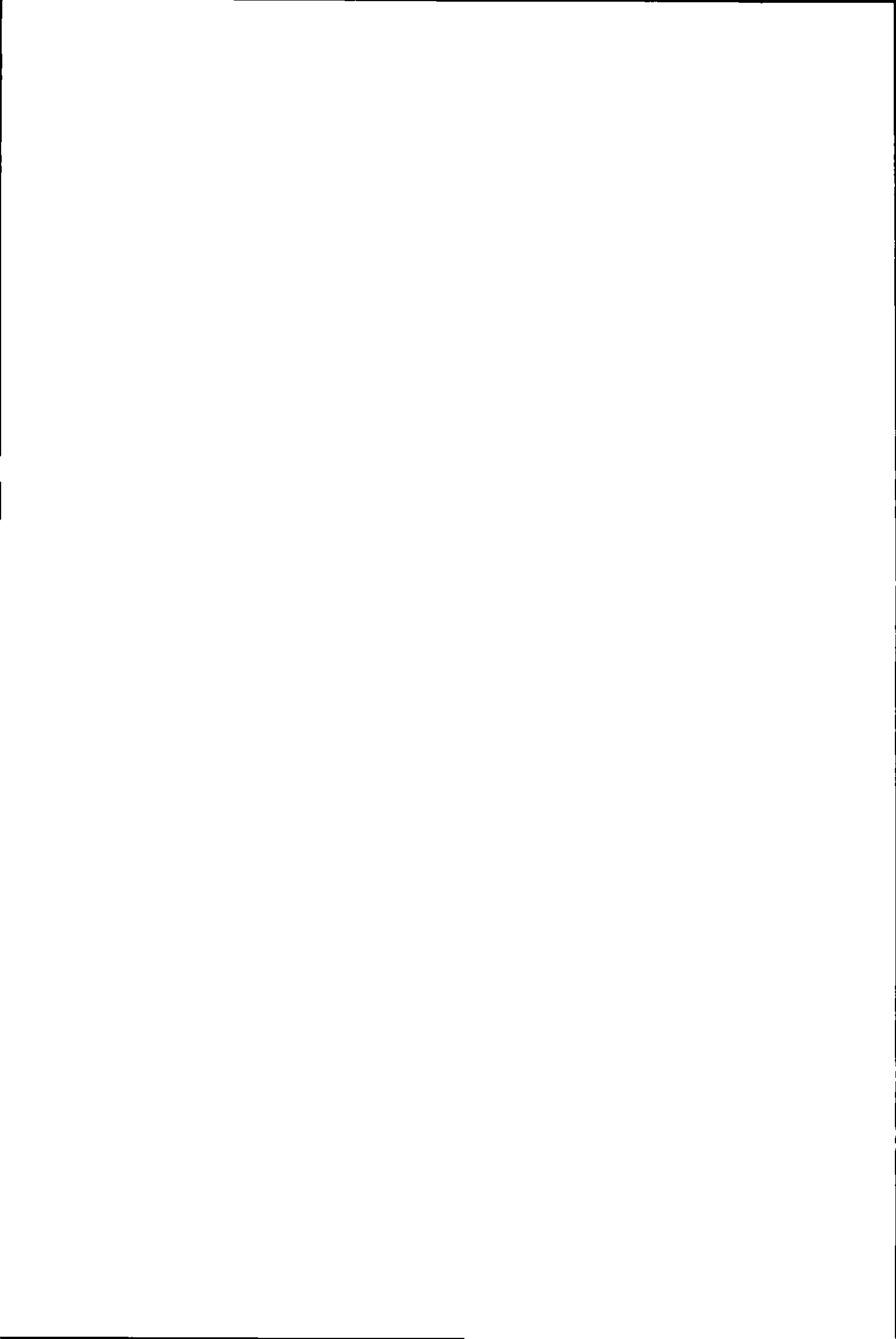
Conference Resolution

Following the discussion of agenda item No. 1, the following resolution was proposed by

the delegate from Malaysia and seconded by the delegate from India. It was carried unanimously by the conference.

The resolution reads as follows:

The 13th APPCA noted with concern the increasing problems for correctional management and the proper administration of the criminal justice system which arose out of excessive numbers of unconvicted prisoners being held in custody. It resolved respectfully to suggest that delegates might request their national government to set up task forces or coordinating committees, as appropriate, to consider ways in which this problem may be alleviated.



Closing Ceremony

For the conduct of the Closing Ceremony Mr Eric McCosh invited Mr David Biles to take the chair. Mr Biles first called upon the leader of the Australian delegation, Mr Neville Smethurst, address the meeting.

In his remarks Mr Smethurst observed that this had been an extremely valuable and cost effective conference. He said that we had all gained ideas from each other and that this was most important as we were all going through periods of great change in relation to correctional administration. He suggested that it had been most valuable to meet old friends and to learn from each other even though we came from different systems. He offered very special thanks to the Chair of the Conference, Mr Eric McCosh, and commended him and his staff for the excellent organisation and attention to detail. He made particular reference to the very high standard of the Passing Out Parade of officers at the Staff Training Institute, and observed that the conference next year in Darwin would be quite different as it would not involve the same level of formality. He also encouraged all delegates to do their best to attend the 1994 conference in Darwin and indicated that other Australian States would do their best to assist the Northern Territory in this venture.

The Chair then called upon another Australian delegate, Mr Barry Apsey from South Australia. Mr Apsey repeated the warm thanks expressed by Mr Smethurst and then presented to Mr McCosh as a personal memento, an Australian didgeridoo. Mr Apsey explained the origin and use of such a musical instrument and invited Mr McCosh to display his musical aptitude with the instrument. Mr McCosh responded appropriately.

The delegate from Canada, Mr John Duggan, then endorsed the remarks that had been made by the Australian speakers. He observed that the week had passed very quickly and that all delegates had become good friends. He then presented to Mr McCosh two copies of a book about Canada, one to be retained by Mr McCosh personally and the other by his department. Mr McCosh accepted these gifts and responded appropriately.

The leader of the delegation from India, Mr V.K. Malhotra, then spoke endorsing the comments from the Australian and Canadian delegates. He observed that the Conference had achieved an excellent balance between business and pleasure and had been extremely rewarding and enjoyable. He commended the two rapporteurs, Mr Biles and Professor Harding, on their fine work. One of the delegates from Macau, Mrs Teresa Lapas, then spoke endorsing the remarks that had been made by the previous speakers and wishing APCCA every success for the future.

Finally the delegate from the Republic of Korea, Mr Jeong Dong Jin, endorsed the previous remarks and warmly congratulated Mr McCosh and his staff on their outstanding work in the preparation and organisation of the Conference.

Mr McCosh then expressed his warm appreciation to all delegates for their participation in the Conference. He also thanked his staff for their fine work and the two Rapporteurs for producing a draft report in such a short period of time. He expressed the hope that all delegates would have a safe journey to their home countries and then formally declared the Conference closed.

Appendix A

List of Delegates

Australia

Major General Neville Smethurst
Commissioner
NSW Department of Corrective Services
Rodden Culter House
24 Campbell Street
Sydney NSW 2000
Australia
Fax No. 61 2 2891051

Mr John Paget
Director
Co-ordination Policy & Planning
NSW Department of Corrective Services
Rodden Culter House
24 Campbell Street
Sydney NSW 2000
Australia Fax No. 61 2 2891051

Mr John Douglas Tucker
Senior Policy Advisor
Attorney General and Minister for Justice
Level 20 Goodsell Building
8—12 Chifley Square
Sydney NSW 2000
Australia Fax No. 61 2 2287301

Mr Doug Owston
Secretary
Department of Correctional Services
GPO Box 3196
Darwin NT 0801
Australia Fax No. 61 89 895580

Mr Barry David Aspey
Executive Director
Department of Correctional Services
GPO Box 1747
Adelaide SA5001
Australia Fax No. 61 82 269160

Mr John Van Groningen
Director, Correctional Services
Correctional Services Division
Department of Justice
20 Albert Road
South Melbourne VIC 3205
Australia Fax No. 61 36 999851

Bangladesh Brigadier Mohammad Abul Hossain
Inspector General of Prisons
Dhaka
Bangladesh Fax No. 880 2863715

Brunei Darussalam Mr Chin Nyuk Foon, Christopher
Deputy Director of Prisons
Prisons Department
Ministry of Home Affairs
P.O. Box 2256
Bandar Seri Begawan 1922
Negara
Brunei Darussalam Fax No. 673 2660380

Mr Zainal bin Haji Ismail
Chief Officer
Prisons Department Jerudong
Jerudong Prisons House
Ministry of Home Affairs
Brunei 2013
Negara
Brunei Darussalam Fax No. 673 2660380

Canada

Mr John Duggan
Deputy Commissioner of Pacific Region
Correctional Service of Canada
32560 Simon Avenue
Clearbrook
British Columbia
Canada V2T 5L7 Fax No. 1 604 8542430

**China, People's
Republic of**

Mr Du Zhongxing
Deputy Director
Reform-through-labour Bureau
Ministry of Justice
No. 14, Dong Chang An Street
Beijing
China Fax No. 86 14677351

Mr Wang Hengqin
Deputy Director
Bureau of Justice
Correctional Bureau
Jilin Province
No. 19—1 Bei An Road Changcun
China

Mr He Tingyin
Director
Correctional Bureau
Ningxia Autonomous Region
No. 48, Jiefang Xijie
Ningcuan Shi Ningxia Autonomous Region 0750001
China

Mr Luo Songgui
Director
Reform-through-labour Bureau
Hunan Province
c/o Ministry of Justice
Beijing
China Fax No. 86 14677351

Ms. Chen Min
Official
Foreign Affairs Department
c/o Ministry of Justice
Beijing
China

Fax No. 86 14677351

Fiji

Mr Apolosi Vosanibola
Commissioner of Prisons
Fiji Prisons Service
PO Box 114
Suva
Fiji

Fax No. 679 302523

India

Mr V.K. Malhotra
Joint Secretary
Ministry of Home Affairs
North Block
New Delhi
India

Fax No. 91 113015750

Dr. Kiran Bedi
Inspector General of Prisons
Central Jail
Delhi
India

Dr. G. Sasikumara Pillai
Director
Regional Institute of Correctional Administration
(R.I.C.A.)
Vellore
India 632002

Indonesia

Mr Baharuddin Lopa
Director General of Corrections
Department of Justice
Jalan Veteran No. 11
Jakarta
Indonesia

Mr Abdui Wahab
Chief Sub Directorate for Treatment of Remandees
Department of Justice
Jalan Veteran No. 11
Jakarta
Indonesia

Japan

Mr Akira Kiyohara
Director of the Security Division, Correction Bureau
Ministry of Justice
1—1—1 Kasumigaseki
Chiyoda-ku
Tokyo 100
Japan

Fax No. 81 355117208

Mr Nobuyuki Kunou
Industry Coordinator, Correction Bureau
Ministry of Justice
1—1—1 Kasumigaseki
Chiyoda-ku
Tokyo 100, Japan

Fax No. 81 355117208

Republic of Korea

Mr Kim Taek Soo
Director General & Chief Public Prosecutor
Correction Bureau
Ministry of Justice
Seoul 427-760
Republic of Korea

Fax No. 82 25037083

Mr Jeong Dong Jin
Deputy Director
Correction Division
Correction Bureau
Ministry of Justice
Seoul 427-760
Republic of Korea

Fax No. 82 25037083

Mr Lee Jung Kyou
Correctional Supervisor, Correction Division
Correction Bureau
Ministry of Justice
Seoul 427-760
Republic of Korea Fax No. 82 25037083

Macau

Mrs Bertina Lopes Coias Tome
Superior Officer of Psycho-social Area
Justice Department
Estabelecimento Prisional de Coloane
Estrada de Cheoc-Van - Coloane
Macau

Mrs Ines Roseira Dias
Superior Officer of the Education Sector
Justice Department
Estabelecimento Prisional de Coloane
Estrada de Cheoc-Van - Coloane
Macau

Mrs Maria Teresa Lapas
Chief of Probation and Aftercare Department
Justice Department
Departamento de Reinser_ão Social
Estr. Adolfo Loureiro, 4-6, r/c
Macau Fax No. 853 523925

Miss Carla Figueiredo
Director of Institute of Minors
Justice Department
Instituto de Henores
Estrada de Choc Van
Coloane
Macau

Mr Carlos Manuel Lopes Malvas
Senior Officer
(Parole & other non-residential measures)
c/o Direcção De Serviços De Justiça
Rua da Praia Grande n° 26
Edificio B.C.M. 8°, 9°, 10° andares
Macau

Malaysia

Datuk Mohd. Yassin bin Hj. Jaafar
Director-General
Prison Department of Malaysia
Bukit Wira
P.O. Box 212
43000 kajang, Selangor
Malaysia

Fax No. 60 38368545

Mr Abdullah bin Abu Bakar
Director of Security
Prison Department of Malaysia
Bukit Wira
P.O. Box 212
43000 kajang
Selangor
Malaysia

Fax No. 60 38368545

Mr Khairuddin bin Hj. Md. Sari
Director of Finance & Personnel
Prison Department of Malaysia
Bukit Wira
P.O. Box 212
43000 kajang
Selangor
Malaysia

Fax No. 60 38368545

Mr Mastafa Osman
Director, Johor Bahru Prison
Prison Department of Malaysia
Bukit Wira
P.O. Box 212
43000 kajang
Selangor
Malaysia

Fax No. 60 7244466

Mr Zaidi bin Hj. Mohd. Hashim
Commandant, Malaysian Prison College
Prison Department of Malaysia
Bukit Wira
P.O. Box 212
43000 kajang
Selangor
Malaysia

Fax No. 60 38368545

New Zealand

Mr Mel Smith
Deputy Secretary for Justice
General Manager, Criminal Justice Development
Department of Justice
Private Box 180
Wellington
New Zealand Fax No. 64 4 4727486

Mr Tim Bannatyne
General Manager, Corrections Operations
Department of Justice
Private Box 1206
Wellington
New Zealand Fax No. 64 4 4995636

Philippines

Mr Jesus P. Villanueva
Assistant Director
Bureau of Corrections
Department of Justice
Muntinlupa
Metro Manila
Philippines

Singapore

Mr Chua Cher Yak
Deputy Director
Prisons Department
Ministry of Home Affairs
407 Upper Changi Road North, 20 Km
Singapore 1750 Fax No. 65 5420425

Mr Ng Ching Soon
Assistant Superintendent of Prisons
Prisons Department
Ministry of Home Affairs
407 Upper Changi Road North, 20 Km
Singapore 1750 Fax No. 65 5420425

Solomon Islands Mr C.M. Saungao
Controller of Prisons
Prison Service Headquarters
Rove Creek
Honiara
Solomon Islands Fax No. 677 20858

Sri Lanka Mr J.B. Bulumulla
Deputy Commissioner of Prisons
Prison Headquarters
150 Baseline Road
Colombo
Sri Lanka Fax No. 94 1695206

Thailand Lt. Col. Kamol Prachuabmoh
Director-General
Department of Corrections
Nonthaburi 1, Suan-Yai
Nonthaburi 11000
Thailand Fax No. 66 25266740

Mr Vivit Chatuparisut
Deputy Director General
Department of Corrections
Nonthaburi 1, Suan-Yai
Nonthaburi 11000
Thailand Fax No. 66 25251581

Mr Wisai Plueksawan
Director
Office of the Corrections Health Care
Department of Corrections
Chuonchom Arcade
Ngamwongwan Road
Bangkok 10900
Thailand Fax No. 66 25894923

Mr Kobkiat Kasivivat
Penologist, Chief of Foreign Affair Section
Department of Corrections
Nonthaburi 1, Suan-Yai
Nonthaburi 11000
Thailand Fax No. 66 25915512

Ms. Pacharaporn Vejevongvan
Penologist
Department of Corrections
Nonthaburi 1, Suan-Yai
Nonthaburi 11000
Thailand Fax No. 66 25915512

Hong Kong

Mr Eric McCosh
Commissioner
Correctional Services Department
24/F Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong Fax No. 852 8020184

Mr Raymond Lai
Deputy Commissioner
Correctional Services Department
24/F Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong Fax No. 852 8020184

Mr Cheng Chi-leung
Assistant Commissioner
Correctional Services Department
24/F Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong Fax No. 852 8020184

Mr Kelvin Pang
Assistant Commissioner
Correctional Services Department
24/F Wanchai Tower

12 Harbour Road
Wanchai
Hong Kong

Fax No. 852 8020184

Mr Peter Pi
Chief Superintendent
Lai Chi Kok Reception Centre
c/o Correctional Services Department
24/F Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong

Fax No. 852 8020184

Mr Charles Tsung
Senior Superintendent
Correctional Services Department
24/F Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong

Fax No. 852 8020184

Mr Samson Chan
Superintendent
Stanley Prison
c/o Correctional Services Department
24/F Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong

Fax No. 852 8020184

Mr Cheng Man-wai
Superintendent
Lai Sun Correctional Institution
c/o Correctional Services Department
24/F Wanchai Tower
12 Harbour Road
Wanchai
Hong Kong

Fax No. 852 8020184

**Economic and
Social Commission
for Asia and the
Pacific**

Mr Kosuke Tsubouchi
Regional Adviser on
Crime Prevention and Criminal Justice
Social Development Division
ESCAP, United Nations
Rajadamnern Avenue
Bangkok 10200
Thailand

Fax No. 66 2829602

**Australian
Institute of
Criminology**

Mr David Biles
Deputy Director
Australian Institute of Criminology
GPO Box 2944
Canberra ACT 2601
Australia

Fax No. 61 6 2740201

Co-rapporteur

Professor Richard W. Harding
Director
Crime Research Centre
University of Western Australia
Nedlands, Perth, WA 6009
Australia

Fax No. 61 9 3801034

Appendix B

Discussion Guide for the Thirteenth Asian and Pacific Conference of Correctional Administrators David Biles¹

For all of the previous meetings of APCCA the participating nations have been asked to provide short papers on each of the agenda items selected for the Conference. On each occasion the papers have been copied by the Conference host and have been made available to all Conference delegates. It is proposed that this procedure be followed again for the XIII APCCA in Hong Kong in November 1993.

The papers are intended to provide the basis for the actual discussion at the Conference, even though experience has shown that there is never enough time for them to be presented in full. (It would be appreciated if a short executive summary, which could be the text of a presentation to the Conference, is included.) Many conference delegates in the past have expressed the view that the complete set of papers provide a useful resource that may assist with the training of senior staff or be used to contribute to the development of penal policy in the region.

It is common for national papers prepared for APCCA meetings to include introductory statements which present the basic facts about the nation's correctional system. While this is not specifically required, it is useful for the reader to have general information about the correctional system, such as the numbers of convicted and unconvicted prisoners, the numbers of offenders serving non-custodial correctional orders, etc. as well as a short description of the political system of the nation. This should not be more than one or two paragraphs in length unless there are new developments to report or a nation is participating for the first time.

The actual length of the papers is a matter for delegates to decide, but it is suggested that papers need not be very long. The most important thing is to draw attention to those aspects of the agenda items which are of particular interest to each nation. (In order to facilitate the copying of papers for distribution it is suggested that if possible they should be prepared on plain paper approximately the same size as this discussion guide.)

At the XII APCCA in Adelaide, the delegates proposed a total of 19 topics to be considered as agenda items for the XIII APCCA in Hong Kong. The APCCA Advisory Committee, elected at the Adelaide meeting, considered the 19 suggested items and, after careful discussion and by amalgamating a number of the suggestions, decided on four topics for 1993. At the closing ceremony of the Adelaide conference the selection of the four agenda items as topics for discussion in Hong Kong was endorsed by all delegates.

¹ Deputy Director, Australian Institute of Criminology, GPO Box 2944, Canberra ACT 2601
AUSTRALIA

The following notes are intended to assist the preparation of papers for these four agenda items.

1. The rights and treatment of unconvicted prisoners

All societies have a right to protect themselves from dangerous offenders and therefore people who are charged with committing serious offences are frequently held in custody, while awaiting trial or sentence, even though they have not been convicted and the offence is not yet proved. A person in this situation may be described as a remandee, a pre trial detainee, on trial, or an unconvicted prisoner.

Research undertaken in some nations shows that a high proportion of unconvicted prisoners, perhaps a majority, are not sentenced to prison after trial as they are either acquitted or are sentenced to non-custodial correctional orders. These facts have prompted some commentators to ask why it was thought necessary to hold these people in prison at all. Others have suggested that an offender who has spent a considerable period in prison while awaiting trial may not be required to serve any further time after conviction because he or she has been punished sufficiently by the time in prison already served.

These arguments raise the question that must be faced by correctional administrators: what are the appropriate conditions for holding an unconvicted person in custody, and should these conditions be different for convicted prisoners? Specifically, should unconvicted prisoners be given greater privileges in relation to visits from lawyers, family and friends? Should they be permitted to send and receive letters, with or without censorship, and should they be permitted free use of a telephone?

In some parts of the world persons remanded in custody are permitted to wear their own clothes, to have food of their choice sent into the prison for them and even to have wives and families stay with them. Many correctional administrators would argue, however, that it would be impossible to run an efficient institution if such privileges were allowed.

Other aspects of this topic that might be discussed at the conference are whether or not unconvicted prisoners should be either required or permitted to work in prison industries or be required to undergo counselling or treatment if they would benefit from such programs. Also, consideration might be given to whether unconvicted prisoners should have the same access to prison education and training programs as do prisoners serving sentences.

At a broader level, consideration might be given to the question of whether or not there should be a very clear distinction between prisons and remand centres, with only convicted offenders being held in prisons and all unconvicted persons who are required by the courts to be in custody being held in remand centres. Perhaps correctional officials should only be responsible for convicted offenders while unconvicted suspects should be the responsibility of officials from the courts. Such a suggestion, however, would undoubtedly be more expensive than current practices and therefore is unlikely to be politically acceptable.

In order to set the scene for a discussion of these issues it would be useful to know for each nation the average length of time an accused person is held in custody before

trial, what proportion of remandees are convicted and what proportion are sentenced directly to prison.

2. Public awareness and support for corrections

All experienced correctional administrators will be aware of the fact that it is difficult to gain the support of the general public for the constructive and rehabilitative work that takes place in corrections, both custodial and non-custodial. This may be partly due to the media (newspapers, radio and television) in some nations seeming to be more interested in reporting bad news than good news. Prison escapes and riots are always given prominent coverage, but the results of prison industries, education and training programs are rarely mentioned. The difficulty in gaining public support may also be due to a general belief, perhaps an unstated belief, that people who break the law must be punished and do not deserve to be offered assistance towards rehabilitation.

There are many different approaches that can be pursued to overcome these difficulties and achieve a level of support from the general population which will make the correctional system more effective. In the first place efforts can be made to encourage newspapers and the electronic media to take a positive view of correctional work. This may be achieved by allowing journalists into correctional institutions for special events or displays and by providing journalists with accurate information, by the use of official media releases, when problems occur in the system.

At a broader level, members of the general public could be encouraged to learn more about corrections through the wide distribution of brochures and pamphlets which explain what the prisons and non-custodial programs aim to achieve and what activities they provide for offenders under sentence. There could also be films and television programs which would aim to increase public awareness of the realities of correctional work.

Individual members of the public who are of good character and who have particular skills and personal attributes could be encouraged to play an active part in corrections on a voluntary basis. This could include prison visiting, especially for prisoners whose families are unable to visit and for members of ethnic minorities who may feel deprived of their cultural supports while in prison. Voluntary participation in corrections could also involve participation in sporting events and entertainment as well as providing instruction in arts and crafts.

In the non-custodial area a number of nations have gained wide support from members of the public who are appointed as voluntary or honorary probation officers. Others provide unpaid supervision and guidance to offenders serving community service or work orders. Representatives of religious groups can also play an active role in both prisons and in non-custodial corrections.

There are many other possible paths that could be followed to encourage increased public awareness and support for corrections, and it is hoped that these will be discussed at the conference. Probably the most important aspect of this topic is the fact that correctional work cannot be fully effective unless it is integrated with the general needs and aspirations of the total community.

3. The effective treatment of different types of offenders

In the past one or two decades correctional administrators have devoted increasing attention to the development of programs to meet the needs of different types of prisoners. In the first place attention was focussed on women prisoners, whose numbers are generally quite low compared with the numbers of men in prison, and on ethnic minorities, especially indigenous people who are over represented in many correctional systems. Other groups to receive special attention have been young prisoners, those who are mentally ill or intellectually disadvantaged, and foreign prisoners, who face particular difficulties if they do not speak the language of the nation where they are imprisoned. A further small group that has come to attention very recently is that comprising prisoners who are old and possibly senile.

The development of special programs or approaches for these groups of prisoners has been motivated to a large extent by recognition of the fact that it is unfair and ineffective to try to treat all prisoners in exactly the same way. The focus of this approach has been the attempt to meet the special needs of these minority groups. There is, however, a separate development in correctional thinking which focuses on the different types of criminality which resulted in the imposition of the sentences of imprisonment.

There are many different types of offenders in every correctional system and some of these types may have a reduced probability of returning to prison if they receive special treatment. In many systems a very large group of offenders, perhaps the majority, are those who committed offences as a result of their addiction to drugs or alcohol. The offences may have been committed while under the influence of drugs or alcohol or may have been motivated by the need to obtain money to support a drug or alcohol habit. Whatever the particular circumstances it is clear that in these cases there is little chance of reducing further criminality unless there is a reduction in the dependence on drugs or alcohol. Treatment programs for addicts take many different forms and there is no guarantee of success. Nevertheless, the conference would benefit from learning about the programs that are offered in the Asia and Pacific region.

A small group of offenders who are receiving special treatment in some systems is that comprised of sex offenders. There are many different types of sex offenders, however, and different approaches are needed for each type. For example, paedophiles, peeping toms and rapists represent quite distinct sub categories within the overall group. Details of any programs in this area would also be of interest to the conference.

A further group of offenders who have received special attention in some systems in recent years comprises those convicted of violent offences, especially domestic or family violence. Counselling or therapeutic programs aimed at anger management have been shown to produce worthwhile results in some systems. Programs of this type are not necessarily limited to prisoners and have been developed for offenders serving non-custodial orders in some nations.

Notwithstanding these positive developments, in many correctional systems the largest numbers of offenders are those convicted of offences relating to property. Stealing, burglary and robbery are very common in many nations and yet less effort seems to have been made to develop programs which aim to reduce the probability of these

people reoffending than is the case with other offence categories. The general thoughts of conference participants on this issue would be welcome.

4. International cooperation in corrections

This agenda item was discussed at the XII APCCA in Adelaide in 1992 and it provoked such interest that it was decided to give it further consideration in Hong Kong. At the Adelaide conference discussion focussed on three sub topics: international assistance with training, the exchange of information and the international transfer of foreign prisoners. Details of these discussions are reported in the record of the XII APCCA.

In relation to training the role of three organisations was seen to be of particular relevance. These are the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders in Japan (UNAFEI), the Economic and Social Commission for Asia and the Pacific (ESCAP) and the Australian Institute of Criminology (AIC). The question was asked of whether or not it would be possible for these organisations to expand their role. There may well be other organisations in the region that could also assist with the training of senior correctional staff.

In relation to the exchange of information, the work of the Republic of Korea in producing the APCCA newsletter, edited by a co-founder of the organisation, was greatly appreciated. It was also suggested that the exchange of other information between nations would be of assistance and interest.

The third sub-topic that was discussed in Adelaide, the international transfer of foreign prisoners, revealed a wide divergence of opinion with some nations being highly supportive of the idea and others opposed. Reports on progress in this area would be appreciated.



Appendix C

Report of Meeting of APCCA Advisory Committee held in Kuala Lumpur, 17 and 18 August 1993

Attendance

The following 11 persons attended this meeting, the first six as elected members of the committee and the remainder as invited observers.

Datuk Mohd. Yassin bin Hj Jaafar (Malaysia)
Mr David Biles (Australian Institute of Criminology)
Mr Frederic McCosh (Hong Kong)
Mr Du Zhongxing (China)
Ms Chen Min (China)
Mr Apolosi Vosanibola (Fiji)
Mr Kosuke Tsubouchi (ESCAP)
Mr Yusuf bin Mohd Noor (Malaysia)
Mr Abdullah bin Abu Bakar (Malaysia)
Mr Khairuddin bin Hj. Md. Sari (Malaysia)
Mr Donald Wee May Keun (Malaysia)

An apology was received from the host of the XII APCCA in South Australia, Mr John Dawes, and it was noted with regret that a representative from India was not present.

Election of Chairperson

At the proposal of Mr David Biles, APCCA Coordinator, seconded by Mr Apolosi Vosanibola from Fiji, Datuk Mohd. Yassin bin Hj Jaafar was elected as Chairperson of the meeting. Yassin graciously accepted his election.

Adoption of the Agenda

The agenda prepared by Mr Biles and circulated to members with supplementary papers was unanimously accepted by the meeting. Before outlining the details of the agenda, Mr Biles expressed his deep appreciation of the preparations for the meeting that had been made by the Malaysian hosts. He also expressed the view that the most important items

on the agenda were those related to the progress report for the preparation of the XIII APCCA in Hong Kong, the identification of hosts for each conference, the definition of Asia and the Pacific and the question of how often conferences should be held. He also indicated that any decisions made by the Advisory Committee would be seen as no more than recommendations for the business section of the full conference when it next met in Hong Kong.

Progress Report on preparations for XIII APCCA

At the invitation of the Chair, Mr Eric McCosh from Hong Kong presented a detailed report on the preparations made to date for the 13th meeting of the conference in Hong Kong. He reported that at this time 21 nations had formally indicated their intention to participate in the conference and there had been 57 registrations of individual participants. He anticipated that the final number of registrations would be approximately 70. This would be considerably larger than any conference in the series to date.

Mr McCosh explained that the Conference would be held in the main government conference hall and that simultaneous translation for Mandarin and English would be available. He outlined the provisional program which aimed to be a little less formal than on previous occasions. Some time would be made available for visiting correctional institutions, particularly those related to the topics under discussion, and also to visit Hong Kong commercial centres for shopping and sightseeing. Mr McCosh explained that the Acting Governor of Hong Kong would probably perform the official opening and that the program would also include the passing out parade at the Stanley Prison complex as well as a formal dinner at the Officers' Mess.

All members of the Advisory Committee expressed sincere appreciation for the preparations made to date by McCosh and his staff.

Hosts for future conferences

In discussing this item all members of the Advisory Committee had available to them the letters forwarded to Mr Biles from member nations expressing their own views. It was noted that a number of nations expressed the view that all members should act as hosts before a "second round" was undertaken, but it was also noted that some of the smaller nations would have some difficulty in providing the sort of support that was necessary for a major conference. The view was also noted that conferences located at central locations generally saved travel expenses for participants.

As none of the letters to Mr Biles had included specific offers to host future conferences, the Advisory Committee, after considerable discussion, decided to take the initiative and make specific suggestions in relation to the immediate future. It was noted that the Commonwealth Correctional Administrators conference was to be held in Tonga in 1994 and it was suggested that Mr Biles write to the relevant Minister in Tonga suggesting that consideration be given to holding a combined Commonwealth and Asian and Pacific Correctional Administrators Conference for that year. Also Mr Biles was

asked by the Advisory Committee to write to the relevant authorities in Singapore and suggest that they may consider offering themselves as host for 1995.

Frequency of conferences

This matter had been discussed in consideration of the previous item, but the Committee formally resolved that there should be no change in the frequency of conferences at this time. Even though it was recognised that there was a considerable number of participating nations who favoured having a conference once every two years, it was suggested that to make this change would lose the momentum and enthusiasm that had been built up to date. It was agreed that the issue of frequency of conferences would be reconsidered at a later time.

Definition of Asia and the Pacific

Consideration of this item was also assisted by the views expressed in letters to Mr Biles which had been made available to all members. All members also had available to them a list of countries in the Asian and Pacific region as adopted by the Economic and Social Commission for Asia and the Pacific (ESCAP). A copy of this is attached.

After very careful consideration, the Advisory Committee resolved that it should advise the full Conference that all nations that have attended previous conferences should be eligible to attend future conferences as full members, but that new nations seeking to attend should be acceptable to the host of the next conference and also receive the approval of the Advisory Committee. The convention that hosts of conferences have an absolute discretion in relation to invitation lists was thus confirmed by the Advisory Committee.

Discussion Guide for XIII APCCA

All members of the Advisory Committee expressed their gratitude to Mr Biles for the preparation of this Discussion Guide. It was suggested, however, that some very small changes should be made to the introductory statement to ensure that participating nations were encouraged to keep their papers to a manageable size and to include an executive summary where appropriate. Mr Biles agreed to make the changes that were suggested and thanked the members for their kind remarks.

Regional correctional statistics

The Advisory Committee accepted with enthusiasm the data collection form that had been prepared by Mr Biles and had been used in 1992 for the compilation of statistics in relation to prisoners in the South Pacific region. It was suggested, however, that consideration be

given to an additional item on the data collection form indicating the number of juvenile prisoners in each jurisdiction. Mr Biles agreed to make this amendment and to endeavour to have a preliminary compilation before the XIII APCCA in Hong Kong.

Other Business

Under this agenda item some brief consideration was given to the question of the appropriate format for the conduct of conferences. There was a general view that a higher level of interaction between participants was desirable but the view was also expressed that language difficulties tended to encourage a more formal approach to the exchange of ideas. It was observed that at the XII APCCA in Adelaide there had been a higher level of interaction in discussion than at previous conferences. It was agreed that the issue of the format of conferences be further considered in the future.

There was also some discussion at this point in the meeting on the question of whether or not it was essential for the draft report of the Conference to be available to delegates before their departure. It was suggested that this practice placed a considerable burden on the rapporteur and that a report soon after the conclusion of the Conference might be acceptable. Mr Biles commented that it would be undesirable to break the tradition that had been established since the beginning of the APCCA and that, from his point of view, the burden was not unreasonable. Moreover, at the Hong Kong conference he anticipated being assisted by Professor Richard Harding who had indicated his willingness to be co-opted as co-rapporteur.

Close of meeting

In closing the meeting the Chair, Datuk Mohd. Yassin bin Hj Jaafar, expressed his appreciation to all members for the way in which they had contributed to this valuable meeting. Mr Eric McCosh on behalf of all members and observers expressed his warm thanks to Yassin and his staff for the outstanding preparations for the meeting. Mr Biles seconded those thanks and also expressed the view that the meeting had been a very valuable one from his point of view.

Suggested List Of Countries In The Asian And Pacific Region As Adopted By Escap

East Asia

China
Hong Kong
Japan
Mongolia
Republic of Korea

South-East Asia

Brunei Darussalam
Democratic Kampuchea
Indonesia
Lao People's Democratic Republic
Malaysia
Myanmar
Philippines
Singapore
Thailand
Vietnam

South Asia

Afghanistan
Bangladesh
Bhutan
India
Islamic Republic of Iran
Maldives
Nepal
Pakistan
Sri Lanka

Pacific

Australia
Commonwealth of the Northern Mariana Islands
Cook Islands
Federates States of Micronesia
Fiji
Guam
Kiribati
Nauru
New Zealand
Niue

Papua New Guinea
Republic of the Marshall Islands
Republic of Palau
Samoa
Solomon Islands
Tonga
Tuvalu
Vanuatu

Appendix D

Prisoners in Asia and the Pacific 1993

The Advisory Committee of the Asia and Pacific Conference of Correctional Administrators (APCCA), at a meeting held in Kuala Lumpur in August 1993, requested that the Australian Institute of Criminology (AIC) endeavour to collect and compile relevant correctional statistics from the region for distribution at the XIII APCCA in Hong Kong in November 1993.

Subsequently, the co-operation of all nations in the region was sought and a draft bulletin was prepared for the Hong Kong conference. This has been now extended with the addition of more data. The statistical tables included in this publication represent a summary of the information that was received. Unless otherwise indicated the dates reflect the situation as at 30 June 1993.

Table 1
Prisoners, by Gender, and Imprisonment Rates, Asia and the Pacific, June 1993.

Nation	Male	Female	Total	General population ('000)	Rate per 100,000 population
Australia	15,127	768	15,895	17,560	90.5
Bangladesh	38,284	1,255	39,539	108,000	36.6
Brunei Darussalam	179	7	186	268	69.5
Canada	29,739	920	30,659	26,360	116.3
Fiji	720	11	731	758	96.4
Hong Kong	9,684	892	10,576	5,902	179.2
India ^(a)	190,428	5,793	196,221	840,000	23.4
Indonesia ^(b)	40,302	819	41,121	189,548	21.7
Japan	43,146	2,037	45,183	124,452	36.3
Kiribati	78	3	81	72	112.0
Korea	59,690	3,021	62,711	43,663	143.6
Macau	545	55	600	381	157.5
Malaysia	21,354	1,119	22,473	18,500	121.5
New Zealand	4,525	169	4,694	3,490	134.5
Philippines ^(a)	15,676	446	16,122	54,000	29.9
Singapore	6,177	243	6,420	2,800	229.3
Solomon Islands	179	-	179	320	55.9
Sri Lanka	9,767	703	10,470	17,405	60.2
Thailand	83,907	6,957	90,864	57,000	159.4
Western Samoa	188	9	197	162	121.6

^(a) as at August 1993

^(b) as at September 1993

From the figures in this table the weighted average imprisonment rate has been calculated as 39.4 per 100,000 population.

Imprisonment Rates, Asia and the Pacific, June 1993

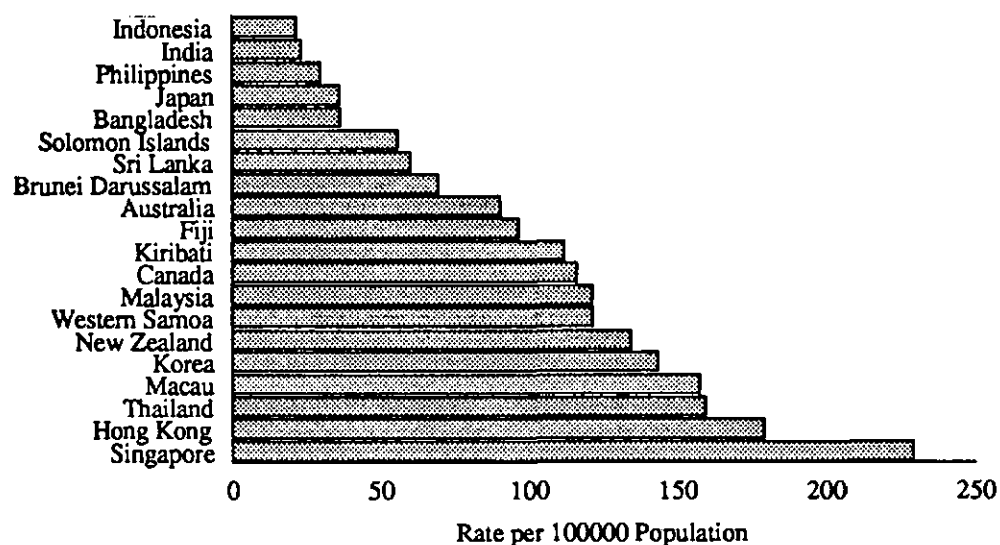


Table 2
Unconvicted Remandees, Percentage and Rate, Asia and the Pacific, June 1993.

Nation	Unconvicted Remandees	Per cent Remandees	Remand rate per 100,000 population
Australia	1,972	12.4	11.2
Bangladesh	25,628	64.8	23.7
Brunei Darussalam	14	7.5	5.2
Canada	4,947	16.1	18.8
Fiji	58	7.9	7.6
Hong Kong	1,194	11.3	20.2
India	135,260	68.9	16.1
Indonesia	13,082	31.8	6.9
Japan	7,842	17.4	6.3
Kiribati	20	24.7	27.7
Korea	30,812	49.1	70.6
Macau	152	25.3	39.9
Malaysia	6,326	28.1	34.2
New Zealand	448	9.5	12.8
Philippines	-	-	-
Singapore	1,505	23.4	53.8
Solomon Islands	20	11.2	6.3
Sri Lanka	6,387	61.0	36.7
Thailand	32,081	35.3	56.3
Western Samoa	19	9.6	11.7

Data were also collected on the numbers of offenders in each nation who were serving probation or parole supervision orders. This information has not been reproduced here as doubts have been expressed about the uniformity of the interpretation of these terms.

Compiled by David Biles and Dianne Dagger 24 November 1993

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Appendix E

National Participation In Asian And Pacific Conference Of Correctional Administrators, 1980 - 1992

	1980 Hong Kong	1981 Bangkok	1982 Tokyo	1983 NZ	1984 Tonga	1985 Fiji	1986 Korea	1987 Maia	1988 Aust	1989 India	1991 China	1992 Aust	1993 Hong Kong
Australia	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Bangladesh										✓			✓
Brunei						✓	✓	✓	✓	✓			✓
Canada	✓	✓					✓				✓	✓	✓
China										✓	✓	✓	✓
Cook Islands				✓	✓	✓		✓		✓	✓		
Fiji		✓	✓	✓	✓	✓	✓					✓	✓
Hong Kong	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
India		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
Indonesia	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Japan	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Kiribati					✓	✓	✓	✓	✓			✓	
Korea D.P.R.											✓	✓	
Korea, Rep				✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Macau	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
Malaysia	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Nepal										✓			
New Zealand		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓
Pakistan										✓			
Papua New Guinea	✓		✓	✓		✓		✓	✓		✓		
Philippines	✓	✓	✓				✓		✓	✓			✓
Singapore	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓
Solomon Islands				✓				✓	✓				✓
Sri Lanka	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓
Thailand	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Tonga	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
Vietnam											✓		
Western Samoa	✓			✓	✓								
Total	14	12	14	17	17	17	18	17	18	17	19	17	19



