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**For the Rule of Law:  
Criminal Justice Teaching and Training @cross the World**

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# Contents

<b>From the Directors of HEUNI and KICJP.....</b>	<b>7</b>
<b>Foreword.....</b>	<b>9</b>
<i>Eduardo Vetere</i>	
<b>Towards a Common Language of Criminal Justice across the World: the International and United Nations Experience.....</b>	<b>17</b>
<i>Kauko Aromaa and Slawomir Redo</i>	
<b>I. MAKING THE RULE OF LAW WORK: SECURITY AND JUSTICE REFORMS IN THE UNITED NATIONS.....</b>	<b>45</b>
<b>The United Nations in the International Security and Criminal Justice Politics: Making the Rule of Law Work.....</b>	<b>45</b>
<i>Jean-Marc Coicaud</i>	
<b>Training and Effective Support of Comprehensive Justice and Security Reforms: Outcomes to Date and Lessons Learned.....</b>	<b>53</b>
<i>Yvon Dandurand, Curt T. Griffiths and Vivienne Chin</i>	
<b>II. INTERNATIONAL CRIMINAL JUSTICE THROUGH DISTANCE LEARNING.....</b>	<b>68</b>
<b>Distance Learning: an Alternative Service Delivery for Criminal Justice Training and Higher Education.....</b>	<b>68</b>
<i>Jacqueline L. Schneider</i>	
<b>Distance Learning as a Tool for the Effective Dissemination of United Nations Criminal Justice Instruments to Future Law Enforcement Officers: the Case of Ethnic and Gender Issues.....</b>	<b>77</b>
<i>Rodrigo Paris-Steffens</i>	
<b>Education via Satellite Technology Applied to Promotion of Non-custodial Measures.....</b>	<b>85</b>
<i>Damásio de Jesus</i>	
<b>III. TEACHING INTERNATIONAL CRIMINAL JUSTICE IN A REAL CLASSROOM.....</b>	<b>93</b>
<b>Teaching Criminal Law in its International Dimension – Where to Start?.....</b>	<b>93</b>
<i>Frank Hoepfel</i>	

<b>Using the Topic of Torture for Interrogation to Teach about International Standards and the Rule of Law.....</b>	<b>103</b>
<i>Philip L. Reichel</i>	
<b>New Ways of Teaching Students about International Criminal Justice.....</b>	<b>116</b>
<i>Michael Platzter</i>	
<b>John Jay’s Bachelor’s Degree in International Criminal Justice.....</b>	<b>131</b>
<i>Mangai Natarajan</i>	
<b>IV. TRAINING EXPERIENCES IN INTERNATIONAL CRIMINAL JUSTICE ACADEMIES .....</b>	<b>143</b>
<b>Opportunities and Challenges in Delivering a Curriculum for International Police Training: the Case of the International Law Enforcement Academy (ILEA) at Roswell, New Mexico (USA).....</b>	<b>143</b>
<i>Joseph D. Serio and Richard H. Ward</i>	
<b>Human Dignity/Human Rights and the Police: Training that Manifests Rule of Law Operations .....</b>	<b>161</b>
<i>Carmen Solis</i>	
<b>Making Criminal Justice Transformation, Teaching and Training Work: Experiences Learned from Central Europe.....</b>	<b>173</b>
<i>Emil W. Pływaczewski</i>	
<b>Education and Training in Four Countries: Getting Rule of Law Messages Across .....</b>	<b>184</b>
<i>Andrew Millie and Dilip Das</i>	
<b>V. INTERNATIONAL CRIMINAL JUSTICE TEACHING AND TRAINING AGENDA .....</b>	<b>203</b>
<b>Culture of Lawfulness Training for Police .....</b>	<b>203</b>
<i>James O. Finckenauer</i>	
<b>A Content Analysis of Comparative and International Issues in Popular Introductory Criminal Justice Texts .....</b>	<b>215</b>
<i>Sheryl L. Van Horne</i>	
<b>Developing an Agenda for International Criminal Justice Teaching and Training .....</b>	<b>227</b>
<i>Jay S. Albanese</i>	

<b>VI. TEACHING AND TRAINING EXPERIENCES IN INTERNATIONAL CRIME PREVENTION .....</b>	<b>234</b>
<b>Criminal Justice Training in Korea - Korean Institute of Criminal Justice Policy and the Development of Training Program for Asian Developing Copuntries .....</b>	<b>234</b>
<i>Joon Oh Jang</i>	
<b>Teaching Cybercrime Prevention: Lessons Learned from Academia.....</b>	<b>245</b>
<i>R.G. Broadhurst</i>	
<b>Why Crime Prevention is an Essential Component of International Training and Technical Assistance: the Experience of the International Centre for the Prevention of Crime.....</b>	<b>269</b>
<i>Margaret Shaw</i>	



## From the Directors of HEUNI and KICJP

Mr Kauko Aromaa and Prof. Dr Sang-Ki Park

In 2004, the United Nations Secretary-General in his report to the Security Council wrote that in articulating “a common language of justice... [c]oncepts such as justice, the rule of law, and transitional justice are essential to understanding the international community’s efforts to enhance human rights, protect persons from fear and want, address property disputes, encourage economic development, promote accountable governance and peacefully resolve conflict...To work together effectively in this field, a common understanding of key concepts is essential”<sup>1</sup>.

We both the directors of European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI, Helsinki, Finland), and Korean Institute of Criminal Justice Policy (KICJP, Seoul, Republic of Korea), two members of the United Nations Crime Prevention and Criminal Justice Programme Network of the Institutes (PNI) are pleased to contribute to the development of a common language of justice with this anthology.

Although the precepts of democratic governance such as fair and speedy justice, transparency, accountability and citizens’ engagement are universal, there is no single recipe for contributing to the development of a common language of justice. Rather a comprehensive approach needs to be adopted.

Therefore this anthology, which comprises 21 contributions written altogether by 26 authors, has been probably one of the few, if not the only one worldwide, that takes up the challenge of developing effectively a comprehensive and common language of justice from an international criminal justice perspective, and seeks to offer very intercultural context to advance its precepts further.

We are looking forward to readers’ criticism, inspiration and their own work in this promising field of international criminal justice education and training. We hope that this pioneering book will contribute useful insights for the international crime prevention and criminal justice community. Ahead of it there are two important international conferences: World Civic Forum – Building Just Societies. From Vision to Action (Republic of Korea, 2009) and The Twelfth United Nations Congress on Crime Prevention and Criminal Justice (Brazil, 2010), both of which, in their own ways, may further contribute to the rule of law in the world.

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<sup>1</sup> S/2004/616, The rule of law and transitional justice in conflict and post-conflict societies, *Report of the Secretary-General*, para. 5.



## Foreword

Eduardo Vetere<sup>1</sup>

Almost at the conclusion of his “*Adventures in Criminology*”, written at the end of his long, distinguished and varied career Sir Leon Radzinowicz commented the following:

“I cannot claim to have been in all parts and corners of the world, or to have studied them all in depth. But I have travelled enough, observed enough, recorded enough, and read enough, to be able to characterize their predominant philosophies and practices. In very many parts of the world, including parts of Europe, the system of criminal justice is amorphous, disjointed and stagnant. In many countries it is torn by chronic turmoil and punctuated by savage convulsions, the inevitable consequences of recurring political and social upheavals. Often there are pious proclamations of goals to be pursued, which are flagrantly contradicted by ugly realities; or else brutality is openly paraded in the hope of maximizing deterrence and fear. Often the system of criminal justice is perceived and enforced as a self-perpetuating bureaucracy, a self-contained machine deliberately cut off from wider influences and reliable reassessments. I am aware that these are harsh statements, but they simply reflect harsh realities. The exceptions to such strictures are very few, accounting for a very small proportion of the countries of the world. At least four-fifths of the world’s population of over 5 billion people are as hungry for elementary criminal justice as they are for essential commodities. The annual reports of Amnesty International and of Human Rights Watch – terrifying but authentic accounts of violations of human rights across the world – are as important, if not more so, as the accounts which reveal the working of criminal justice as a whole. Indeed, one of the most disturbing interconnections brought out since the early 1970s is the one between human rights and penal standards. They condition and influence each other and neither can achieve satisfactory achievement without the other”.

If I quoted extensively from a Great Teacher and Scholar, one of the Fathers of Comparative Research in Criminal Law and Criminology, it was not only because I wanted to pay a tribute to Sir Leon as one of my predecessors in the United Nations Secretariat

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<sup>1</sup> Former Director of the Division for Treaty Affairs, United Nations Office on Drugs and Crime (Vienna, Austria); Director of the Centre for International Crime Prevention (United Nations Office on Drug Control and Crime Prevention, Vienna, Austria); Executive Secretary of the eighth (1990), ninth (1995) and eleventh United Nations congresses on crime prevention and criminal justice (2005).

who contributed in the early days of the Organization to the establishment of what later became the Crime Prevention and Criminal Justice Programme, but because I firmly believe that what he so authoritatively stated almost ten years ago is equally valid, relevant and crucially true also today. This is why I consider this book as an 'essential commodity' for its future readers, not to be limited to the academic and scientific community, or to graduate and post-graduate university students in Law, Sociology and Political Science or to criminal justice practitioners – from police officers to judges, prosecutors, lawyers, prison officials and other correctional personnel - but to reach a much wider audience, from policy-makers and diplomats to educators, social workers, instructors and activists, particularly in view of the growingly evident inextricable nexus between 'human rights and penal standards', as well as of the increased awareness of the need for their universal protection and application, without double standards, at home and abroad, nationally and internationally.

There are, however, other reasons for which I felt honoured to have been invited to write this foreword: firstly, before becoming an 'international bureaucrat', I started my career at the University and - with respect to a widespread campaign of public education for the internalisation of values which emphasize the importance of international standards and norms towards a culture of lawfulness - I am convinced that the role of academic institutions is fundamental; secondly, I have a profound esteem for the editors of this book, with whom I have been working together for so many years, and who should be congratulated not only for their initiative in conceiving the idea, but also for their stamina and perseverance in bringing it up to its end with successful results; thirdly, many of the contributors are very good and old friends, with whom I truly enjoyed being associated in different ventures and challenging projects and who have always been extremely generous and enthusiastic in providing their advice and support to the United Nations; fourthly, the book is a rare example of the comparative and cross-cultural multidisciplinary approach in the criminal justice field, with the various contributions covering very topical subjects, whose technical and theoretical aspects are admirably blended with their practical implications and pragmatic outcomes; and, last but not least, in reading through its six sections about the various experiences across the world related to teaching and training, very important memories started to emerge related to the context in which most of the United Nations standards and norms were formulated, all the excitement and hopes when they were developed, all the anxiety and fears till the moment of their final approval, the challenges to be faced to promote their implementation, the problems and difficulties still to overcome to ensure their application, the gradual but ineluctable shift from the so called soft law consensus-building towards the long gestation process and the relatively short but painstaking negotiations of

more comprehensive and mandatory international instruments, such as the United Nations Convention against Transnational Organized Crime with its three Protocols<sup>2</sup> and the United Nations Convention against Corruption<sup>3</sup>.

There is no doubt that first the United Nations Committee of Experts on Crime Prevention and Control and after the Commission on Crime Prevention and Criminal Justice, together with the quinquennial United Nations Congresses, played a very important role in preparing the ground and in crafting most of those instruments for their final more formal approval or endorsement by the General Assembly or the Economic and Social Council<sup>4</sup>.

I was fortunate enough to service most of the meetings of those bodies, witnessing therefore every moment of this fascinating and complex process, starting as an incredulous and almost lost young professional officer at the Fifth Congress at Geneva in 1975, which approved the United Nations Declaration against Torture and Inhuman or Degrading Treatment or Punishment, through all the successive ones, including as their Executive Secretary, up to the last Eleventh Congress in Bangkok (2005).

While it has been a long, unbelievable and unforgettable experience, with all the related satisfactions, trepidations and frustrations - especially during the few parentheses of peace-keeping missions in Cambodia, Iraq and Western Sahara - it is also undoubted that I was lucky enough to find inspiration,

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2 General Assembly resolution 55/25 of 8 January 2001 (United Nations Convention against Transnational Organized Crime; Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementing the United Nations Convention against Transnational Organized Crime); General Assembly resolution 55/255 of 8 June 2001 (Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime). See further: [http://www.unodc.org/unodc/en/crime\\_cicp\\_convention.html#final](http://www.unodc.org/unodc/en/crime_cicp_convention.html#final).

3 General Assembly resolution 58/4 of 31 October 2003 (United Nations Convention against Corruption). See further: [http://www.unodc.org/unodc/en/crime\\_convention\\_corruption.html](http://www.unodc.org/unodc/en/crime_convention_corruption.html).

4 For the history of the United Nations Crime Prevention and Criminal Justice Programme, see: Benedict S. Alper with a Foreword by William Clifford, *Crime: International Agenda. Concern and Action in the Prevention of Crime and Treatment of Offenders, 1846-1972*, Lexington, Mass., Toronto, London, Lexington Books, D. C. Heath and Company, 1972; Manuel Lopéz-Rey, *A Guide to United Nations Criminal Policy*, Brookfield, Vt., Gower Publishing Company, 1985; Roger S. Clark, *The United Nations Crime Prevention and Criminal Justice Program. Formulation of Standards and Efforts at Their Implementation*, Philadelphia, University of Pennsylvania Press, 1994; Reece Walters, *Social defence and international reconstruction: Illustrating the governance of the post-war criminological discourse*, *Theoretical Criminology*, vol. 5 (2)/2001, 203-221.

encouragement and support from two exceptional persons, who have always and consistently been available to provide advice and help: the late Professor Gerhard Mueller and Professor Cherif Bassiouni. Both of them deserve a particular mention here, for the powerful mark they have left in the United Nations work in the field of crime prevention and criminal justice, for their most impressive and innovative academic publications and scholarly articles, which have been breaking new grounds - influencing entire new generations of lawyers and criminologists around the world - and for their engagement in the international scientific community, as well as for their acclaimed and widely recognized standing as Teachers and Educators.

In his textbooks "*Criminology*" and "*Criminal Justice*", published in 1994 and co-authored with his dear spouse Freda Adler and William Laufer, in addition to several 'windows of the world' covering specific United Nations activities, Gerhard includes an entire chapter devoted to 'Comparative Criminology' and to 'International and Comparative Criminal Justice', respectively, of which I would like to highlight the following passages:

"In view of the globalization of the world - brought about by recent technological advances and the enormous increase in international commerce, both legal and illegal - comparative studies in criminology have become a necessity...There are a number of requirements for successful comparative research: studying foreign law, understanding foreign criminal justice systems, learning about a foreign culture, collecting reliable data, engaging in comparative research, and, when needed, doing cross-cultural empirical research. The accomplishments of criminologists who have engaged in comparative studies form the foundation for further research. The tools of comparative criminology should prove useful in helping both individual nations and the United Nations solve some of their common crime problems. The United Nations and its agencies continue to do very practical work to help nations to deal with crime on a worldwide basis"...U.N. activities in crime prevention and criminal justice are broad-ranging. Many aim at assisting individual countries in their own crime prevention and criminal justice efforts. Some are designed to provide technical assistance by improving the capacity of governments to deal with their domestic crime problems in a humane manner; others are directed at dealing with international and transnational crime. Of particular significance are the norms, guidelines, principles, standards and models pertaining to a wide range of criminal justice issues...Considering that only forty years ago there was no agreement among the governments of the world as to what constitutes humane criminal justice

procedures, the world has come a long way in a short period of time. The countries of the world have agreed on a basic set of standards for the humane administration of criminal justice. These standards extend to all areas of criminal justice, from crime prevention to policing to prosecution and adjudication to corrections. Some countries have taken the standards very seriously, by enacting them into law or by adjusting their laws accordingly, and by using them in the training of officials. Some have ignored them. And some are undergoing change.”

While Cherif, in his ‘Introduction’ to the “*Compendium of United Nations Norms and Standards*” entitled “The Protection of Human Rights in the Administration of Criminal Justice”, also published in 1994, writes the following:

“This compilation brings together, for the first time, all the procedural norms and standards applicable to criminal processes, whether national, regional or international. The instruments are systematically arranged. The listing is in chronological order by category, irrespective of the legal source of the given instrument and the United Nations organ or body that produced it. Some of these instruments are embodied in multilateral conventions binding on their signatory states. Others are still at the stage of resolutions. But these enunciated human rights may also be binding on states by their reaching the level of customary international law or ‘general principles of international law’, or both.

The procedural instruments contained in this compilation are exhaustive, and some additional commentary and explanatory material is added on a selective basis, thus providing the reader with a single comprehensive source of all the norms and standards.

As the world community’s commonly shared values coalesce around a basic human interest sought to be protected, we witness its inclusion in a more specific instrument, and, as the need and opportunity arises, the right is embodied in a legally binding instrument or it receives the same level of recognition as part of customary international law or ‘general principles of international law’. This dynamic evolutionary process has been on the move since the Universal Declaration of Human Rights. It is likely to continue in the years to come, probably with a greater focus on implementation, now that the ideological confrontation between East and West has ended. However, the challenge of enforcement is going to be greater than that of enunciating norms and standards. This decade will therefore witness an unprecedented vitality and growth of

enforcement mechanisms and procedures. They, too, like the elaboration of norms and standards, will undergo an evolutionary stage which is likely to culminate in the establishment of an international criminal court which will adjudicate the more serious depredations”.

We now we have the International Criminal Court, functioning and in operation. But, how can we dissociate its establishment from all that Cherif Bassiouni did to transform this idea into reality? He managed to prepare the ground for this to happen through a number of international meetings and seminars hosted by his *Istituto Superiore Internazionale di Scienze Criminali* (International Institute for Higher Studies in Criminal Sciences) in Siracusa (Italy); continuing to develop and refine the underlying concepts; channelling and expanding the required political support, gradually but steadily; chairing the drafting committee during the Rome Conference; and energizing the coordination work for the follow-up activities necessary to promote the entry into force of the Rome Statute.

In fact, further to the creation of the International Tribunals for the former Yugoslavia and Rwanda in 1994, and as Kofi Annan emphasised in his last report on the Work of the Organization (A/61/1), “the establishment of the International Criminal Court in 2002 was the realization of a long effort to end impunity and undertake through the rule of law that those who commit the crime of genocide, crimes against humanity and war crimes will no longer be beyond the reach of justice. This important step demonstrated the international community’s commitment to a permanent and universal mechanism to ensure that, as regards those most serious crimes, impunity will not be tolerated”<sup>5</sup>.

And this leads me to a crucial issue, which is touched upon in most of the contributions contained in this volume, and that is so well enunciated and elaborated by Mr. Aromaa and Dr. Redo in the introductory chapter: “the global criminal justice message” which we should transmit is “the importance of the rule of law in teaching and training”.

While in the past different interpretations had been given to the concept of the rule of law as originally conceived by A. P. Dicey in his “Introduction to the Study of the Law of the Constitution” (1885) – including: common ethics, supremacy of the law, restraint of arbitrary power, separation of powers, the principle of ‘habeas corpus’, the principle ‘nulla poena sine lege’, the principle of proportionality, judicial independence, equality before the law, state protection for all, supremacy of civilian authority, prohibition of summary justice, and this listing could still continue – from a United

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5 Doc. A/61/1, Report of the Secretary-General on the Work of the Organization, para. 108.

Nations perspective it was Secretary-General Boutros Boutros-Ghali who, for the first time in his “Agenda for Peace” in 1992, recognized that “there is an obvious connection between the rule of law and...the achievement of true peace and security in any new and stable political order”<sup>6</sup>.

We owe to his successor Kofi Annan to have ‘articulated a common language of justice’, using the words of Kauko and Slawomir, in his report submitted to the Security Council in 1994 entitled “The rule of law and transitional justice in conflict and post-conflict societies”(S/2004/616), which elaborated on previous material contained particularly in his Millennium Report “We the people”(A/54/2000), as further refined in a major report submitted five years later to the General Assembly entitled “In larger freedom: Towards development, security and human rights for all” (A/59/2005), which was also drawing on the recommendations made by a High Level Panel on “Threats, Challenges and Change”(A/59/565). In such reports, as well as in other remarkable statements, Kofi Annan has been periodically and regularly reminding us – as the conscience of the world – that “every nation that proclaims the rule of law at home must respect it abroad and that every nation that insists on it abroad must enforce it at home”, stressing the need to restore and extend it throughout the world as a “framework in which rather than might making right, right would make might” and as one of the main “legal principles that constitutes our Organization’s foundation”.

At this point, it is very legitimate to pose the following question: If the rule of law constitutes the ‘foundation’ of the United Nations - which is concerned with many other priority issues, from international security to development, from disarmament to environmental protection just to mention the first ones that came to my mind – why the rule of law cannot be the main message to transmit at the global level in our teaching and training programmes in crime prevention and criminal justice? In this connection, we would have a short memory if we would forget that the Ministerial Meeting held in Versailles in 1991 in its ‘*Statement of Principles and Programme of Action of the United Nations Crime Prevention and Criminal Justice Programme*’ solemnly stated that “We believe that justice based on the rule of law is the pillar on which civilized rests. We seek to improve its quality. A humane and efficient criminal justice system can be an instrument of equity, constructive social change and social justice, protecting basic values and peoples’ inalienable rights. Every right of the individual should enjoy the protection of the law against violation, a process in which the criminal justice system plays an essential role” (GA res. 46/156,

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6 Doc. A/47/277 - S/24111, An Agenda for Peace Preventive Diplomacy, Peacemaking and Peace-Keeping, Report of the Secretary-General, para. 59.

Annex, op. paragraph 2 and Doc.A/46/703). Similarly, how to forget that at the Ninth United Nations Congress, held in Cairo in April 1995, there was a substantive agenda item on “International cooperation and practical technical assistance for strengthening the rule of law”(A/CONF.169/4)? As a matter of fact, the Congress also adopted a resolution on this topic in which the Commission on Crime Prevention and Criminal Justice was invited to encourage the Secretary-General, as a way of strengthening the rule of law, to include the reestablishment and reform of criminal justice systems in peace-keeping operation, as well as to call on all relevant international, intergovernmental and non-governmental organizations to continue cooperating with the United Nations in developing manuals and training curricula and in organizing courses in the various areas of crime prevention and criminal justice (A/CONF.169/16/Rev.1).

Five years later, the Tenth Congress also had a specific agenda item on “Promoting the rule of law and strengthening the criminal justice system (A/CONF./187/3) and the relevant recommendations contained in the “Vienna Declaration on Crime and Justice: Meeting the challenges of the Twenty-first Century”, endorsed by the General Assembly in its resolution 55/59, reflect the rich discussions that took place in Vienna in April 2000 on that occasion (A/CONF.187/15/Rev.1). Finally, the last Congress also made specific recommendations in its “Bangkok Declaration” expressing support for a “more integrated approach within the United Nations in relation to the provision of assistance for building capacity in crime prevention and criminal justice, and in cooperation in criminal matters of a transnational character, as a contribution to the establishment and strengthening of the rule of law” (A.CONF.203/18).

To conclude, the rule of law is not only important for education and training, but also fundamentally necessary to reduce the “hunger for elementary criminal justice”, thus permitting to conjugate more effectively security with legality, as well as reconciling public safety with respect for individual rights and freedoms.

# Towards a Common Language of Criminal Justice across the World: The International and United Nations Experience

Kauko Aromaa<sup>1</sup>  
Slawomir Redo<sup>2</sup>

## Introduction

The world is one. But delivering one criminal justice message across it has never been an easy task, even now in the era of globalization of education (Palermo 2004; Evans 2005; Tomasevski 2005). That one global criminal justice message is about the importance of the rule of law in teaching and training.

This article reviews international and United Nations experience in this field. It addresses traditional and modern teaching and training approaches and techniques. In conclusion, it seeks to contribute to the emerging need to consolidate the global educational and training agenda on which there seems to be too little common work to deliver more effectively one criminal justice message in the name of the rule of law.

In 2000, in the United Nations Millennium Declaration Member States resolved to strengthen respect for the rule of law in international as in national affairs, and the capacity of all our countries to implement the principles and practices of democracy and respect for human rights (A/RES/55/2, para. 24). In 2004, the Secretary-General of the United Nations in the report to the Security Council noted that in articulating a common language of

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1 Director of the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI, Helsinki, Finland). The author was a researcher/senior research officer/research, Director of the Finnish National Research Institute of Legal Policy (1970-1999), President of the Scandinavian Research Council for Criminology (2000-2003), Chief Editor of the *Journal of Scandinavian Studies in Criminology and Crime Prevention* (1999-2002); Chairman of the Research and Validation Committee of the European Union Crime Prevention Network (2006); President of the European Society of Criminology (2006-2007); invited Emeritus Professor of the University of the Cataratas (Foz de Iguassu, Brazil, 2005). Edited/co-edited 6 books, authored/co-authored two criminology textbooks, and authored about 60 articles and about 150-200 other reports/publications.

2 Doctor of Law; United Nations Office on Drugs and Crime, Vienna, Austria. Author of three books, co-editor of three books. Authored about 45 articles on various crime prevention and criminal justice issues, mostly covered by the United Nations treaty and customary law. The views contained in this article do not necessarily reflect the views of the United Nations Secretariat.

justice for the United Nations, concepts such as the rule of law, justice and transitional justice are essential to understanding the international community's efforts to enhance human rights, protect persons from fear and want, address property disputes, encourage economic development, promote accountable governance and peacefully resolve conflicts (S/2004/616, para. 3).

For more than half a century the international community has worked to articulate collectively the substantive and procedural requirements for those concepts. There is now massive documentation and literature, numerous global, regional and sub-regional standards and norms, and an unaccountable number of reports, books, articles and other publications.

Within the United Nations alone, as a computer search of its optical disk system<sup>3</sup> shows, there are about 1,000 various United Nations documents on human rights education. Over the past 30 years (1987-2006), the General Assembly adopted every year one resolution on human rights education. In some of those resolutions there were consolidated recommendations for a follow up through the "*United Nations Decade for Human Rights Education, 1995-2004*"<sup>4</sup> and the "*World Programme on Human Rights Education*".<sup>5</sup>

In response to those resolutions, numerous outputs emerged. While it would be impossible here to list them all, just in the way of example one should mention a series of the human rights training and educational material, covering also the criminal justice field, prepared in cooperation with the United Nations Office on Drugs and Crime (UNODC)<sup>6</sup>.

Some of these recommendations have been followed not as "material" (publications), but on a joint programme basis, *i.e.*, "*The Global Human Rights Cities Program*" (2005-2008) by the UNODC, the Office of the United Nations High Commissioner of Human Rights (UNHCHR) and other United Nations agencies.<sup>7</sup> This *Program* is carried out with the involvement of the "Global Compact" - a voluntary corporate citizenship initiative of more than 1,000 largest corporations. The initiative has two objectives: mainstream business activities around the world; and catalyse corporate action in support of the United Nations goals, including fighting human rights abuses and corruption. With over US \$

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3 <http://www.ods.un.org>.

4 A/RES/58/181, "United Nations Decade for Human Rights Education", 1995-2004.

5 *E.g.*, A/RES/59/113B, "World Programme on Human Rights Education".

6 See: Office of the High Commissioner for Human Rights, Publication list, December 2006, <http://www.ohchr.org/english/about/publications/docs/pubEn.pdf>

7 The United Nations Environment Programme, the International Labour Organization; the United Nations Development Programme, the United Nations Industrial Development Organization. See further: [http://www.citiesprogramme.org/programme\\_history.php](http://www.citiesprogramme.org/programme_history.php).

5,000,000 budget, including funds for training in a new vocation of “human rights community educators”, the *Program* has not only entered the national agendas but also city agendas (UNDP 2003; Jahan 2004).<sup>8</sup>

The above resolutions and follow up action document very advanced, comprehensive, elaborate and practical coverage of educational issues in the field of human rights. They do and should serve as a model on which one can act in pursuing specific actions relevant to the education in the criminal justice field.

This is important, because there are less resolutions on human rights in the administration of justice. In principle, in the past 30 years, they were adopted every second year.<sup>9</sup> In that time, there were even fewer (nine) resolutions directly on anti-drug education<sup>10</sup> (as a follow-up to the two General Assembly resolutions of 1990 and 1998 containing political declarations and global programme of action)<sup>11</sup>. Last but not least, there is only one General Assembly resolution on criminal justice education.<sup>12</sup> In effect, there are very few United Nations educational manuals, books, reports or other publications on either anti-drug or criminal justice education, but there are numerous on “grass roots” training and public awareness for substance abuse prevention.<sup>13</sup>

This article, and, generally, this book, is an attempt to make a targeted contribution to international and United Nations crime prevention and criminal justice education and training at the undergraduate/graduate and post-graduate level. It focuses on education and training throughout the world, in terms of programmes, projects or other initiatives (ideas) that may contribute to a more effective and humane treatment of offenders and victims of crime, and to crime prevention. The articles in this book seek to advance instrumentally the aforementioned common language of justice - in fact, criminal justice - by looking into the modalities of

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8 The goals of the programme include instilling in communities a sense of ownership over human rights as a way of life; enhancing democracy, peace, security, and social justice; and strengthening the infrastructure that supports human, social, and economic development (Jahaan 2004, 4).

9 In the period 1984-2005, the General Assembly adopted sixteen resolutions on “Human rights in the administration of justice”.

10 A/RES/59/163 and A/RES/60/178, “International cooperation against the world drug problem.”

11 A/RES/S-17/2 of 23 February 1990 and A/S-20/4 of 10 June 1998.

12 A/RES/45/122, “Criminal justice education”. However, in the same year when this General Assembly resolution was adopted, the Economic and Social Council (ECOSOC) also adopted the resolution on “Prison education” (1990/20) and on “Education, training and public awareness in the field of crime prevention” (1990/24).

13 Among various guides, written in a reader-friendly manner, there are a number on youth drug abuse prevention programmes. See further: UNODC publications at: <http://www.unodc.org>.

delivering the rule of law message in the two settings: academic and training, both in terms of real (physical/personal) and virtual (indirect) contact with the audience; in short, through distance learning. Distance learning is, perhaps, the greatest change in contemporary higher education, aside from the advent of personal computers (Lanier 2006: 244). It led to “several social and economic trends ...that are driving the interest in its development and shaping the political debate about its implementation” (Rubiales *et al.* 1998: 31).

There are six substantive sections in this book. The general section which opens it, is the first one to tackle very challenging policy issues surrounding the topic of the rule of law internationally and in the United Nations, in terms of the relationships between security and justice issues (and *vice versa*), and as far as delivery of the precepts of the rule of law in practice is concerned. The second section deals with an innovative technique for getting across the world the essential part of the rule of law message, that is international precepts of criminal justice and crime prevention through distance learning. The third section deals with the same challenge but in a real classroom setting where more experiences have been gathered to share them with the reader. The fourth section shares the experiences in training in various criminal justice academies in Europe and the United States. The fifth section addresses the substantive international criminal justice training and teaching agenda. The last section deals with training experiences in crime prevention, including cybercrime, thus taking the book back to the point where virtual academy training is a top priority, in view of rapid and dynamic evolution and expansion of this form of computer crime which cannot only be effectively counteracted by traditional teaching and training methods (real academy).

The idea for preparing this book on real and virtual teaching and training emerged in 2005 in Toronto (Canada) at the annual meeting of the American Society of Criminology, a non-governmental organization with consultative status with the United Nations Economic and Social Council. One of the editors of this book, then on a sabbatical leave from the United Nations, through a number of specially focused panels with papers of criminal justice academic researchers and practitioners involved in training and teaching issues, collected their contributions to this volume. Subsequently, throughout 2006-7, additional contributions were made to this anthology which now includes altogether 21 articles.

Particular contributions to this book, while all of them clearly international, in their contents reflect, however, various degrees of the common language of criminal justice.<sup>14</sup> This language is

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14 For an interdisciplinary analysis of the concept of a common language of justice, see Slawomir Redo, “For a common language of justice: translating

integrated to a various extent in criminal justice education and training across the world. It appears that neither the international criminal justice community at large nor the United Nations community have yet attained a sufficient degree of comprehensiveness in technically dealing with criminal justice education and training in one common language. Europe and North America may be exceptions, for on both continents the integration processes have been so much advanced beyond the economic sphere, that also human rights and criminal justice education have been there more commonly and jointly articulated and pursued than in any other continent (Eskridge 2003; Bufkin 2004).

## Human Rights and Criminal Justice

The above suggests that, in principle and practice, there is no difference between the concepts of teaching and training in human rights and criminal justice, in the sense that whatever is in the field of criminal justice, it is, or may be, also addressed in the field of human rights. In this sense, both are interrelated and complimentary.

Whatever the Human Rights Council (earlier the Commission on Human Rights) and the Commission on Crime Prevention and Criminal Justice (earlier the Committee on Crime Prevention and Control), whatever other United Nations policy making fora have separately or jointly contributed to the United Nations standards and norms in crime prevention and criminal justice, has always been a mutually reinforcing and complimentary process.

This is probably best reflected in the General Assembly resolutions on "human rights in the administration of criminal justice". There, all legal substantive and procedural requirements worked out and adopted in the United Nations within its human rights programme, and all such requirements coming from its crime prevention and criminal justice programme are the same. Further, in more than sixty years of development of both programmes in the United Nations, there has been a continuous mutually reinforcing process of elaborating and strengthening the precepts of the rule of law. However, technically (that is not in the sense of the aforementioned legal procedural requirements), the human rights and criminal justice programmes have partly different aims and working modalities.

They also address partly different aspects of the global crime and justice picture. The eventual aim from the human rights perspective is their full observance in crime prevention, criminal justice and beyond – in the social, economic and cultural sphere. The eventual aim from the crime prevention and criminal justice perspective (in short: criminal justice perspective), is, perhaps, best encapsulated in a strategic mandate of the UNODC, capturing the essence of its programme, which is working “*Towards security and justice for all: Making the world safer from drugs, crime and terrorism*”,<sup>15</sup> in a humane and effective way, and using in that process United Nations legal instruments, its own and other international best practices.

The most recent and best example how both human rights and criminal justice approaches are blended together is the development of a “common justice package”, that is *Model Codes for Postconflict Criminal Justice*, as a follow up to the so called “Brahimi Report” on peace keeping operations which reflected upon the practical and legal difficulties that had been faced by the United Nations in delivering justice in postconflict States on the United Nations Peace Operations (Report of the Panel, para. 81).

Based on consultations that took place after the publication of that report, the United States Institute of Peace and the Irish Centre for Human Rights, in cooperation with the Office of the High Commissioner for Human Rights and the United Nations Office on Drugs and Crime, launched that *Model Codes* project, the ultimate aim of which was to create a set of model codes that could be used as tools by both international and national actors engaged in the criminal law reform process in postconflict states around the world. In pursuit of this aim, the model codes were drafted in a way that takes into account their potential cross-cultural application and use, in addition to the inevitable exigencies of a postconflict environment. The substantive provisions of the codes were inspired by a variety of the world’s legal systems, which were blended to create a coherent body of criminal laws tailored to these exigencies.

This “common justice package” consists of four codes: the *Model Criminal Code*, the *Model Code of Criminal Procedure*, the *Model Detention Act* and the *Model Police Act*. The *Model Criminal Code* is a “criminal code” or “penal code” similar to those found in many states that focus on substantive criminal law. Substantive criminal law regulates what conduct is deemed to be criminal, the conditions under which a person may be held criminally responsible and the relevant penalties that apply to a person convicted of a

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15 See further, UN doc. CTOC/COP/2006/ CRP.4, *Towards security and justice for all: Making the world safer from drugs, crime and terrorism*, Note by the Secretariat, [http://www.unodc.org/unodc/organized\\_crime\\_untoc\\_2006.html](http://www.unodc.org/unodc/organized_crime_untoc_2006.html).

criminal offence. The *Model Code of Criminal Procedure* focuses on procedural criminal law, which is a body of rules and procedures that governs how a criminal case will be investigated and adjudicated. The *Model Detention Act* governs the laws and procedures to be applied by the criminal justice system to persons who are detained prior to and during a criminal trial and also to persons who are convicted of a criminal offence. Finally, the *Model Police Powers Act* sets out relevant powers and duties of the police in the sphere of criminal investigations, in addition to relevant procedures to be followed in investigating criminal offences. Moreover, the *Model Police Powers Act* contains additional provisions on police powers and duties and the relevant procedures to be followed by police in the maintenance of public order.

As of this writing, the model codes are due to be published in a three-volume series in 2007/2008. The already published first volume contains the *Model Criminal Code* and its accompanying commentaries. The second volume consists of the *Model Code of Criminal Procedure* with commentaries. Finally, the third volume comprises of the *Model Detention Act* and the *Model Police Powers Act* and their accompanying commentaries. Each of the three volumes include the “User’s Guide to the Model Codes”. The model codes will also be available online, once published.<sup>16</sup>

What has already been fully published is the *Criminal Justice Assessment Toolkit*,<sup>17</sup> a standardized and cross-referenced set of tools to enable United Nations agencies, government officials engaged in criminal justice reform, as well as other organizations and individuals to conduct comprehensive assessments of criminal justice systems; to identify areas of technical assistance; to assist agencies in the design of interventions that integrate United Nations standards and norms in crime prevention and criminal justice; and to assist in training on those issues. It should be noted in particular that the assessment of criminal justice systems in postconflict societies may present additional challenges, therefore – in the anticipation of those challenges – the *Toolkit* draws also on the model codes.

## Criminal Justice Education and Training or Continuous Criminal Justice Education?

At first sight, the concepts of education and training may imply that “education” is restricted to the academic environment and “training”

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16 [http://www.nuigalway.ie/human\\_rights/Projects/model\\_codes.html](http://www.nuigalway.ie/human_rights/Projects/model_codes.html).

17 *Criminal Justice Assessment Toolkit*, United Nations Office on Drugs and Crime, Organization for Cooperation and Security in Europe, Vienna – New York, 2006, [http://www.unodc.org/pdf/criminal\\_justice/INTERNATIONAL\\_COOP.pdf](http://www.unodc.org/pdf/criminal_justice/INTERNATIONAL_COOP.pdf).

to the post-academic environment. This book does not strictly follow this division, at least as far as the first concept is concerned. This is because of a more encompassing concept of continuous criminal justice education – a part of a “life long learning society” (Gorard and Selwyn 2005) – which extends to post-graduate trainees, the concept demonstrated in this book.

## International Criminal Justice on the Training and Academic Scene

The book starts with the present introductory article, in which the current authors review various training projects of the UNODC (the United Nations Secretariat’s administrative and conceptual follower of the United Nations Crime Prevention and Criminal Justice Programme and of the United Nations International Drug Control Programme). In its contents, the article touches on traditional and modern teaching and training techniques, hence the references in the text of the book to “real” and “virtual” academies.

## The United Nations Drugs and Crime Programme

The general mandate for the UNODC education and training efforts originates from the United Nations standards and norms in crime prevention and criminal justice. Currently, all these standards and norms amount to 3 drug control conventions, 2 conventions against transnational organized crime, and corruption, 13 universal conventions against terrorism, and over 55 soft law instruments.<sup>18</sup> Through them the UNODC addresses interrelated issues of drug control, crime prevention and international terrorism. This mandate is pursued largely through a set of global programmes and projects generally organized around the thematic areas (drugs, crime and terrorism).

Formally, initial results of the implementation of this general mandate (and the specific, afore mentioned, 1990 General Assembly and ECOSOC resolutions) have only emerged in 1995. In that year, within the United Nations Crime Prevention and Criminal Justice Programme,<sup>19</sup> the manual on “*Basic Education in Prisons*” (1995) was published. The manual has not been used for a specific field project but was and still may be seen as a general reference material. But, in fact, the United Nations Crime

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18 See further: <http://www.unodc.org/unodc/index.html>.

19 Established by the United Nations Assembly in its resolution 46/152 (Annex) of 18 December 1991. See further: <http://www.un.org/documents/ga/res/46/a46r152.htm>.

Prevention and Criminal Justice Programme, and the UNODC as a component part of it, has been for many more years involved in criminal justice education and training, both at the headquarters and field level.

Numerous training courses for law enforcement officers, prosecutors, judges and prison officials on the topic of United Nations standards and norms in crime prevention and criminal justice were conducted by the UNODC in its Headquarters (Vienna, Austria). Although this entity is not a training establishment *per se*, it clearly is a place where authoritative (if not also original) course syllabi have been developed and implemented on the subjects covered by its mandate.

The multitude and number of the UNODC HQ training activities makes difficult to present them in this article. However, a few observations may be helpful. Namely, that the UNODC responds to a great variety of calls for training. The response addresses professional needs of the entire international and domestic crime prevention and criminal justice sector, including law enforcement officials, defence lawyers and specialists in forensic medicine, the diplomatic community, the public health sector (drug and HIV/AIDS professionals), urban authorities and non-governmental and other civic community members, including media representatives. UNODC has thus a very broad institutional and international expertise enabling it to review and consolidate its diversified and long-developed experience. This may enable new proposals how best to advance the international and United Nations criminal justice teaching and training justice agenda that may be of interest to other agencies and institutions, including universities and training schools around the world.

UNODC's competence is reinforced by the accomplishments of the institutes of the afore mentioned United Nations Crime Prevention and Criminal Justice Programme. They have made their own inroads into the criminal justice education and training field.

The United Nations Interregional Crime and Justice Research Institute (Turin, Italy), one of 15 such institutes of the global Programme Network of Institutes (PNI),<sup>20</sup> has recently announced its Masters of Law Programme on "International Organizations, International Criminal Law and Crime Prevention".<sup>21</sup>

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20 [http://www.icclr.law.ubc.ca/Site%20Map/Related%20Sites/United\\_Nations\\_Network.htm](http://www.icclr.law.ubc.ca/Site%20Map/Related%20Sites/United_Nations_Network.htm). PNI operates in the framework of the International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme (ISPAC, Milan, Italy), established in 1990 by the General Assembly of the United Nations (resolution 45/107, Annex, para. 28).

21 <http://www.ilm-guide.com/university/537/unicri-united-nations-interregional-crime-and-justice-research-institute>.

UNICRI's educational Programme intends to provide participants with specific competencies in the field of international criminal law; in-depth knowledge of the international instruments for the prevention and punishment of international and transnational crimes as well as of acts of terrorism; and insights into the United Nations and other international organizations' activities and policies. This 1,500 hour, 6-module programme will cover International Organisations; Institutions and Sources of Law; The United Nations System; International Treaties in the Field of Criminal Law; International Criminal Law; International Criminal Jurisdictions; Interstate Co-operation on Criminal Matters; Relationship between International Criminal Law and National Legislations.

UNICRI, in partnership with the University of Turin, the European Institute for Crime Prevention and Control, affiliated with the United Nations (HEUNI, Helsinki, Finland), and the Dutch Centre for International Police Co-operation (NCIPS) has recently completed a training programme targeting trafficking in human beings, developed for international law enforcement personnel. Three three-day training sessions for personnel deployed or to be deployed in peace-support operations in the Balkan area were conducted at the UNICRI HQ in Turin, Italy, in May-June 2006. These involved a total of 35 participants from 17 European countries. The programme also comprised a Trainers' Guide (UNICRI 2006).<sup>22</sup>

International criminal justice education and training has also been the mandate of another member of the PNI - the International Institute for Higher Studies in Criminal Sciences (IIHSCS, Siracusa, Italy). In its work programme the Institute has annual specialization courses (40 contact hours) in international criminal law for young penalists (up to 35 years of age). These courses include moot courts where participants take part in simulated court proceedings, that include drafting briefs and participating in oral argument. The institute provides also technical assistance regarding rule of law, due process, criminal procedure issues and human rights. Officials from a number of different countries including Iraq, Afghanistan, Egypt, former Yugoslav Republic of Macedonia were involved in the training.<sup>23</sup>

The United Nations Asia and Far East Institute on the Prevention of Crime and the Treatment of Offenders (UNAFEI, Fuchu, Tokyo, Japan), the oldest of all United Nations-related institutes, since its establishment in 1962 until now has staged 135 international training courses on various international crime and justice topics.

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22 UNICRI: Trafficking in Human Beings and Peace-Support Operations. Pre-deployment/In-service Training Programme for International Law-enforcement Personnel. 1st edition 2004, 2nd edition 2006, available from UNICRI.

23 <http://www.isisc.org>.

So far, more than 3,200 law enforcement and criminal justice officials from 113 countries (including Japan) have attended these courses.<sup>24</sup>

Limited space prevents from even a cursory review of their contents. However, as in the case of UNODC HQ courses, they addressed United Nations topics which before the emergence of the two United Nations conventions against transnational organized crime (2000) and corruption (2003), covered earlier United Nations standards and norms in crime prevention and criminal justice, starting with the Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders (1955).<sup>25</sup> Topics ranging from offenders and victims of crime through criminal justice management, crime and drug prevention to computer crime have been before and after adopting the conventions by the General Assembly very often at the focus of training, as they are nowadays. Training material (experts' and trainees' papers) is regularly published and distributed, and is also available through UNAFEI's web site.

The United Nations Latin American Institute on the Prevention of Crime and the Treatment of Offenders (ILANUD, San José, Costa Rica), another member of the PNI, has hosted a number of regional and national training seminars on human rights and penitentiary systems in Latin America.<sup>26</sup> Some of such seminars were co-organized by the International Centre for Criminal Reform and Criminal Justice Policy (ICCRCJ, Vancouver, British Columbia, Canada), and the Raoul Wallenberg Institute (University of Lund, Sweden) - other members of the PNI.

Separately, these two institutes have been involved on their own or with other partners in criminal justice training. In addition to the training on human rights and penitentiary systems (for Chinese and Ugandan officials), ICCRCJ conducted regional training seminars on the control of money laundering, and terrorism. Technical cooperation with China has been especially dynamic. The Centre published in Chinese books that were employed as instructional texts in the Legal Aid Centre's National Legal Aid Training Project

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24 <http://www.unafei.or.jp/english/pages/Distributionparticipants.htm>.

25 For a review of most of these standards and norms see: *The Application of United Nations Standards and Norms in Crime Prevention and Criminal Justice*, Peace Centre, Castle Schlaining, Stadtschlaining, Burgenland, Austria, 10-12 February, 2003, UNODC and the Ministry of Justice, Austria, 2003, <http://www.unodc.org/pdf/crime/publications/standards%20&%20norms.pdf>. The entire set of United Nations standards and norms in crime prevention and criminal justice (55 instruments) appeared in the "Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice" (UNODC, Vienna, 2007).

26 Programme on Penitentiary Systems and Human Rights, [http://www.ilanud.or.cr/derechoshumanos/actividades\\_e.htm](http://www.ilanud.or.cr/derechoshumanos/actividades_e.htm).

sponsored by the United Nations Development Program in ten cities in China. The Centre's Legal Aid Project was the foundation for the development of a China-Canada bilateral Legal Aid and Community Legal Service Project that started in 2004.<sup>27</sup>

The Centre's international training workshops, in turn, involved, for example, the International Criminal Court Technical Assistance programme, held in 2000-2002 in the Pacific Islands (Cook Islands/New Zealand), in Central Africa (Cameroon), the Caribbean (Jamaica). The workshops were also organized for the Southern African Development Community (Namibia), and for the Economic Community of West African States (Cote d'Ivoire). Cumulatively through these five workshops, the three pillars (government, civil society and media) have worked together to directly sensitize and provide training and assistance to approximately 400 delegates from 80 countries.

Concerning the Raoul Wallenberg Institute, every year it organises international training programmes on human rights in Lund, with funding from the Swedish International Development Cooperation Agency. About 25 participants from developing countries are admitted to each one of these programmes. The primary profile of participants aimed for is key persons, such as policy makers, decision makers on different levels and trainers, at institutions with a human rights mandate, mainly government institutions involved in the administration of justice.<sup>28</sup>

HEUNI conducted a series of training courses for police and other practitioners on violence against women, starting from Poland (1997), next addressing Lithuania (1999), and, finally, Estonia (2001 and 2002). Furthermore, HEUNI has developed another form of technical assistance, the so-called HEUNI stipendiate programme in the framework of which already more than 170 junior experts and practitioners, mostly from Eastern European countries, have been able to make study tours where they have had the opportunity to visit Finnish experts and authorities relevant for their particular interests in criminal justice and crime control issues.

HEUNI's principal profile is targeting officials and academic researchers, producing research-based information and analytical work on topical crime prevention and control issues. Typical representatives of such work are the periodic analytic reports on the United Nations Surveys on Crime and Criminal Justice (comprising Europe and North America), and research reports on, to name some recent examples, a global inventory of what is known about trafficking in human beings, a study of the smuggling of people into the European Union, or a global comparative survey on violence against women.

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27 [http://www.icclr.law.ubc.ca/Site%20Map/Programs/China\\_Program.htm](http://www.icclr.law.ubc.ca/Site%20Map/Programs/China_Program.htm).

28 <http://www.rwi.lu.se/coop/itp/overview.shtml>.

These kinds of education and training activities, pursued also by other United Nations institutes, have all been implemented at the sites of those institutes or at the host venues. These, in their own way, “real criminal justice academies”, have been until now the core of the education and training activities of the United Nations Crime Prevention and Criminal Justice Programme.

On their face, these activities merely represent a number of topics, hours, participants, outcomes, etc. But in reality each and every one is a very different activity which needs to be customized to the needs of its audience. The student audience of the UNICRI Master of Law Programme (graduates and young professionals) differs in composition and age and from the IJHSCS’s young penalists and middle ranking criminal justice officials. And so is with the UNAFEI’s Asian and other countries’ official audience, and HEUNI’s audience of officials and academic researchers.

The other part of the United Nations drugs and crime mandate - the United Nations International Drug Control Programme<sup>29</sup> - began its own training in a different area and with a different method. The area is e-learning for drug control and crime prevention, and the method is an interactive computer-based training (CBT).

CBT is a part of a broader training strategy - the “UNODC Global e-Learning for Drug Control and Crime Prevention” initiative. UNODC defines e-learning as “a structured, purposeful use of electronic systems or computers in support of the learning process” (UNODC 2006: 3).<sup>30</sup>

CBT started in 1995 with a regional and thematic focus by a project “Enhancement of Drug Law Enforcement Training in East Asia”. It was a part of a larger law enforcement program between UNODC and, at the beginning, six South East Asian countries – Cambodia, China, Laos, Myanmar, Thailand and Vietnam. The project now covers 6 training centres, in: Cambodia, Fiji, Jamaica, Nigeria, Thailand and Turkey where it is highly popular and in great demand (*ibidem*).

In Turkey, the CBT has been carried out within the international training programme by the Turkish International Academy against Drugs and Organized Crime (TADOC), established in 2000 in partnership with the UNODC. TADOC provides training to law enforcement in Turkey and also to countries of the Economical Cooperation Organization, Black Sea Economical Cooperation, and other countries that have mutual cooperation agreements signed with Turkey. Training in TADOC ends with “Kirkpatrick's Four

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29 Established by the General Assembly resolution 45/179 of 21 December 1990, see further: [http://www.unodc.org/unodc/en/resolution\\_1990-12-21\\_1.html](http://www.unodc.org/unodc/en/resolution_1990-12-21_1.html).

30 Courses delivered through Internet, intranets and extranets, presented on interactive CD-ROMs or lessons delivered via television are examples of e-learning.

Levels of Evaluation” (Kirkpatrick 1994).<sup>31</sup> “TADOC has effectively reached its targets with respect to envisaged trainings and international cooperation, and accomplished achievements in a very short period of time” (Turkish Drug Report 2005: 63).

In all UNODC-related training centres, training aimed at enhancing basic skills and knowledge relevant to successful drug interdiction (land controls, airports, seaports), including risk management for senior managers, controlled deliveries, and drug identification. Over time, the project has expanded to include other topical training issues such as money laundering and human trafficking.

More than 50,000 law enforcement officials (1995-2006) have so far been trained. Over an 11-year period, it was delivered through 157 training centres in 26 countries in 13 languages (IEU BRIEF 2006). The training is available on a continuous basis, which allows personnel to be trained relatively quickly. The computer is the trainer, which means training is not dependent on the availability of expert consultants.

The CBT component of e-learning was evaluated (*Ibidem*: 3). Among the major findings, the following ones are particularly relevant for this book:

1. At the pre-training phase, one should conduct a needs assessment to help shape the training milieu;
2. Concerning student selection, it presently appears to be a function of participants’ supervisors. While this may be adequate, a more systematic approach may be needed for additional or advanced training;
3. There is a need to provide a sufficient number and variation of training courses in order to provide opportunities for a progressive training plan, including refresher courses;
4. The programme has resulted in a more integrated approach to training, one that recognizes the need to include participants from multiple agencies. It has facilitated inter-agency cooperation;
5. There is consistent evidence that the CBT programme is valuable and has filled a need for basic law enforcement training across regions and countries;
6. The positive impact from the training appears to be significant as reflected in increased knowledge and skills, and in on-the-job behavioural changes;

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31 In the sequential order: “Reactions”, “Learning”, “Transfer”, “Results”. According to this four-level model, evaluation should always begin with level one, and then, as time and budget allows, should move sequentially through levels two, three, and four. Information from each prior level serves as a base for the next level’s evaluation. Thus, each successive level represents a more precise measure of the effectiveness of the training program, but at the same time requires a more rigorous and time-consuming analysis.

7. Data from student surveys and other sources show a high level of satisfaction with all aspects of the CBT.

Realistically, it should be noted that the UNODC e-learning initiative to date consists solely of the CBT. Soon, however, the lessons learned from the CBT project may benefit another component of the UNODC's e-learning initiative, a virtual anti-cybercrime forum.

The latter initiative only emerges in a consolidated form from an array of various initiatives separately pursued before and at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (2005). At that event, the impulse for creating the virtual anti-cyber-crime forum came from the Congress' general workshop on "Measures to combat computer-related crime" (A/CONF. 203/14), and a special training by public and private sector (Asian Development Bank/*Microsoft*) in the framework of the "International workshop on cyber-crime and digital forensics". In effect, in 2006, the first expert meeting on the creation of a virtual anti-cyber-crime research and training forum was organized by the Korean Institute of Criminal Justice Policy, member of the United Nations Crime Prevention and Criminal Justice Programme Network of institutes, in cooperation with the UNODC (Report 2006).

Implementing the mandate given after the Congress by the United Nations Commission on Crime Prevention and Criminal Justice, the expert meeting discussed possible contents of a technical assistance project, the scope of which would be the development of a model training course for law enforcement personnel from developing countries with a rolling curriculum that included cyber-crime control and prevention. The project would include a virtual expert forum under the auspices of UNODC to facilitate the exchange of information on new trends and approaches in the fight against cyber-crime.

The experience of the United Nations University (UNU, Tokyo, Japan) with online learning opportunities (including its Water Virtual Learning Centre, developed by the UNU's International Water, Environment and Health Programme) has been considered by the above expert meeting.

## The Way Ahead: Three Objectives

One of the recommendations of the expert meeting on a virtual anti-cyber-crime forum held in 2006 was to encourage the creation of such fora on other criminal justice and crime prevention topics (Report 2006). This book seeks to contribute to this objective. But there is also another one for this book: assistance in enhancing

criminal justice teaching and training in real academies. Finally, this book documents that there is a need to move from the level of anthology (as this one) - perhaps the first of its kind in the world - through, hopefully, many and various monographs on international criminal justice teaching and training, to putting on the global decision-making agenda the criminal justice teaching and training issues and proposing action-oriented solutions. They should move the topic ahead, in terms of more coordinated, concrete and incisive promotion and development of the rule of law. And this not only in real and virtual academies, but also in the field of project-based humanitarian operations across the world.

Getting the criminal justice message across the globe implies extending it beyond real and virtual academies into the field of humanitarian operations. In short, into peace keeping and peace building missions that are now so many, involving police personnel from 112 countries. The United Nations and the Organization for Security and Cooperation in Europe are among those which have been working on civil policing issues with their national police counterparts. In these issues the lack of common language of criminal justice and crime prevention among police officers recruited for these missions from so many countries and cultures, is a serious impediment to a more effective delivery of law enforcement services. In dangerous and highly politicized environments characterized by conflicting guidance and limited or non-existent judicial systems, this lack is not only hazardous, but also counter-productive to joint work (Schoenhaus 2002: 5-7).<sup>32</sup>

The answer to the absence of a common criminal justice language does not lie in the uniformization of education or training. Two approaches should be pursued parallelly: content- and experienced-based.

The content for the common language is provided by the United Nations standards and norms in crime prevention and criminal justice. These standards and norms - soft and treaty law - are also a common denominator for all 192 Member States of the United Nations. While sometimes they are regarded as “the lowest common denominator” (hence, as if not applicable in more advanced domestic legal systems), they do also declare or even stipulate the requirements above those existing in those systems, not only domestically, but regionally (Redo 2003). These standards and norms offer content-based information allowing to draw from a common substantive source.

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32 See also: United States Institute of Peace, *Progress in Peacebuilding. The Work of the U.S. Institute of Peace*, Washington, D.C., 2006, and Duncan Chappell, John Evans, *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations*, Schlaining Working Papers 1/99.

The second approach is common sharing of experience-based information for education and training of very diversified audiences. Although the United Nations strives for a common language of justice, such audiences need to be taught or trained in that language in their own specific ways. More often than not the audience is very sensitive to their national concerns, sometimes (*i.e.*, especially when high-ranking officials take part in the activity) to the point of reacting to arguments of political nature. Science and politics, especially when it comes to security issues, may create a volatile solution – quite a counterproductive context for teaching and training in the name of a common language of justice. That is why, in order to support the common language of justice, there is a need to go beyond a mere set of internationally developed criminal justice curricula or programmes. Special pedagogical approaches, extra-curricular activities may have to accompany teaching and training in order to facilitate a mutual understanding and successful outcome.

This is quite a dynamic and long process. It has limits. One of the tools for its enhancement is the evaluation of the programmes. There are no publicly available results of their evaluation. It may be worthwhile to make an effort across the Programme's network to develop a common basis for such evaluation, provide it publicly and move together ahead with recommendations on the standardization of the United Nations criminal justice education and training. The recent review of the administration of justice activities of the United Nations Office of the Higher Commissioner for Human Rights (Flintman and Zwamborn 2003), is a good demonstration of evaluation, for which there is also an increasing number of tools (UNODC 2004).

In conclusion, in teaching and training, using a common language of criminal justice requires both content- and experience-based information. This book is a contribution towards this end.

## Review of the Contents of the Book

The book goes now into a broader theme of the rule of law and transitional justice. It informs the readership what these concepts mean internationally, taking into account that the United Nations is one of the key providers of the precepts of the rule of law and transitional justice. In the article by Jean-Marc Coicaud (*"The United Nations in the international security and criminal justice politics: making the rule of law work"*), where he explains these concepts, the author emphasizes that "the rule of law", although a self-evident concept at the heart of the United Nations mission, beyond it may still remain a peripheral concept. That is why the title of the book is *"For the Rule of Law"*, since it seeks to advance it

rather than taking it for granted. This article documents how difficult it is to deliver the precepts of the rule of law in practice. The same applies to the article on *“Training and effective support of comprehensive justice and security reforms: Outcomes to date and lessons learned”* by Yvon Dandurand, Curt T. Griffiths, and Vivienne Chin. These two articles document how difficult it is to deliver the precepts of the rule of law in practice.

The latter article takes this issue from the difficult realm of politics into the not less difficult realm of technical assistance. Their authors emphasize that “although aid institutions engaged in rule-of-law assistance do attempt some ‘lessons learned’ exercises, many of the lessons produced are superficial and even those are often not really learned”. Moreover, there is “the unwillingness of aid organizations to invest sufficient resources in evaluations, and the tendency of both academics and lawyers not to pursue systematic empirical research on rule-of-law programming.” Nonetheless, based not only on their own experience, but also on the experience of many others, including the experience of the UNHCHR and the United Nations Development Programme, the authors share the lessons learned from the rule-of-law programmes, which indeed seem to be useful for successful technical assistance delivery.

To meet this objective, new methods need to be found, and clearly distance learning is one of them.<sup>33</sup> Jacqueline Schneider, the author of the article *“Distance learning: An alternative service delivery for criminal justice training and high education”*, points, however, to the many new problems distance learning brings. Emphasizing that distance learning is a very lucrative university business, she also stresses that its impact on students and faculty staff is very poorly researched and evaluated.<sup>34</sup> Profits must be weighed against the other potential problems that may underline the new system of delivering higher education. She finally argues that only in the United Kingdom the evaluation of distance learning courses has reached a level that other countries do not have.

Rodrigo Paris Steffens (*“Distance learning as a tool for the effective dissemination of United Nations criminal justice instruments to future law enforcement officers: The case of ethnic and gender issues”*) argues two points. First that, although the new methods enable to modify the distance learning course syllabi easily by including in them information on international legal

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33 One of the biggest distance learning providers in the world (250,000 students) is the University of South Africa (UNISA). It offers a diverse choice of study fields at levels from certificate to degree, ranging from animal health, agriculture, law, business, education, humanities (<http://www.unisa.ac.za>).

34 And indeed this may be confirmed by e.g., Lanier (2006), cited also later in this article. See also Snell and Penn 2005: 19-36.

instruments not really known, at least, by a part of the audience, the course instructor in the United States must persuasively explain the relevance of such instruments for the practitioners of criminal justice there. Secondly, that one has also be aware of the fact that the new medium unfortunately facilitates misreading of instructor's comments, which may be taken as abuse of students' human rights. The author speaks in this sense of the "minefield", but there are also on the students' side reasons to be worried about (weak motivation/cheating), as other already published research has shown.

This first point, but generalized (*i.e.*, as the need for developing genuinely international and progressive criminal justice course syllabus), has been taken up further by Jesus Dámasio. He explains in his article how his law school in Brazil teaches alternatives to imprisonment via satellite (*"Education via satellite technology applied to promotion of non-custodial measures"*). The promotion of alternatives to imprisonment by the United Nations is an important issue for the United Nations. Since 1990 (adoption of the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)), adopted by General Assembly resolution 45/110 of 14 December 1990), this may be considered equally important, as since 1955 has been the promotion of the implementation of the United Nations Standard Minimum Rules for the Treatment of Prisoners.

The need for developing genuinely international and progressive criminal justice course syllabus, has also been addressed by a number of other authors in this book writing about it in the context of a real academic classroom setting.

Frank Hoepfel, the next contributor to this volume, opens its next section by addressing the topic of *"Teaching criminal law in its international dimension – Where to start?"*. Before reading the answer, one has to explain that development of criminal law in its international dimension is a part of progressive development of international law in general, as stipulated by the Charter of the United Nations (art. 13 (a)).<sup>35</sup> The mandates of the United Nations drugs and crime programme include various international criminal law instruments with which it pursues much of its work against organized crime, including illicit drug trafficking, corruption and terrorism, thus also contributing to the implementation of the Charter. Over recent years, in line with the progressive development of international law, the two new conventions (against transnational organized crime and corruption), have been added to the three already operating United Nations anti-drug conventions (Chawla and Pietschmann 2005; Joutsen 2005). All of them expand the international criminal law field enormously, hence there is a real

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35 See also Corell (2002).

need to teach the students about its new complexities, in a way that is effective. The author emphasizes therefore, that to get the message through to the students, it needs to be an attractive subject at law schools. That will only work, when it is not too complex. Given the steady movement of the contents of this matter, it actually is less feasible to teach it, and to pre-process it in terms of introducing it into textbooks.

In the article by Philip Reichel on *“Using the topic of torture for interrogation to teach about international standards and the rule of law”*, the author reports that he surprisingly found out that there were really no effective legal arguments that could change students’ support for using torture as a means of interrogation, despite an innovative interactive innovative method which he used in the class.<sup>36</sup> Clearly, this finding is as “explosive” as the “minefield” through which another academic had to go while teaching students human rights in the administration of criminal justice – the second point mentioned above.

Next, Michael Platzer in his article *“New ways of teaching students about international criminal justice”* writes about even more moving experience gathered in Austrian and Australian universities, initially developed through a case study method. After enhancing it with the new experiences observed and discussed with his Australian colleagues, Platzer in his article shares a great deal about new teaching techniques. Applying these techniques, reports Professor Rosita Dellios, one of the evaluators of Platzer’s criminal justice course at the Bond University in Australia, “is a real bonus for students... The students assessed him as “very knowledgeable about the United Nations. [H]is many personal stories that are relevant and interesting...allowed detailed discussions...encouraged debate and student input”.

Subsequently, Mangai Nataranjan, describes in her article *“John Jay’s Bachelor’s Degree in International Criminal Justice”*, a criminal justice college of The City University of New York (USA), which teaches students from 135 countries in the world. This article is another contribution to the challenging but growing effort of internationalization of the criminal justice academic agenda in the United States. This international educational agenda has now expanded to one-third of the criminal justice colleges there (Cordner *et.al.* 2000). As the editor and author of a spearheading anthology on international criminal justice (Nataranjan 2005), her present article,<sup>37</sup> reflecting the approach of that book, explains the component parts of the international criminal justice curriculum which is now applied to teach some 300 students.

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36 See also Huggins and Coghalan 2004: 414-415; Reichel 2005.

37 See also Nataranjan 2002: 480-498.

Moving to the training arena, in the next article by Dick Ward and Joe Serio (*“Opportunities and challenges in delivering a syllabus for international police training: The case of the International Law Enforcement Academy (ILEA) at Roswell, New Mexico (USA)”*), both authors describe the curriculum of the Academy and share their first-hand experience in training middle ranking foreign law enforcement officials. The Academy in Roswell is a part of a program of the U.S. Department of State, Bureau for International Narcotics and Law Enforcement Affairs. Speaking before the United Nations General Assembly at its 50th Anniversary on 22 October 1995, then-President Clinton called for the establishment of a network of International Law Enforcement Academies throughout the world to combat international drug trafficking, criminality, and terrorism through strengthened international cooperation.<sup>38</sup> ILEAs serve three regions: Europe (Budapest, Hungary), Asia (Bangkok, Thailand), Africa (Gaborone, Botswana). An Academy for the Americas (Salvador, El Salvador) is the last addition. The Academies’ mission is to provide advanced criminal justice management instruction to mid- to senior law enforcement officials from around the world and expose them to American society and institutions.

The Academy in Roswell is interregional. It trains foreign visiting experienced middle-ranking law enforcement officials at its Advanced Management Course. So far 1664 participants from 60 countries from regions around the world, including Latin America, the Caribbean, Central and Eastern Europe, sub-Saharan Africa, and Asia, have been trained at Roswell. This large group of participants has undergone a four-module training seeking to accomplish several broad goals. Three of these goals are cognitive in nature (pertaining to learning concepts and procedures), two are affective (relating to a desired change in attitudes), and three are skill related. The article describes in detail these three elements and explains why the training has been so successful.

Carmen Solis (*“Human Dignity/Human Rights and the police: training that manifests rule of law operations”*) shares in this book another successful experience in imparting in the police work the human rights precepts, including dignity – “an innate quality possessed by all human beings” (Curran and Rothlein 1999). The training is conducted at the ILEAs, but also in the selected Caribbean countries. The author critically admits that despite the fact that the course fared well according to instructors’ evaluations in each of the ILEAs, one of the major shortcomings has been the lack of follow-up programme evaluation. The paucity of systemic criminal justice teaching and training programme evaluations

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38 The White House Office of the Press Secretary (New York, New York). Remarks by the President to the U. N. General Assembly, <http://clinton4.nara.gov/wh/new/other/unspeech.html>.

seems to be indeed a common problem for most of the entities, the work of which has been written about in this volume.

Within this limit, however, in another article by Emil Pływaczewski (*“Making criminal justice transformation, teaching and training work: experiences learned from Central Europe”*) its author describes another successful initiative – the creation of the Central European Police Academy (in German *Mittel-Europäische Polizei-Akademie* – MEPA), located in (Vienna, Austria). Describing its activities since 1993 (the date of MEPA’s establishment), the author emphasizes that the current focus of the program for trained policemen is not on technical skills, but on leadership, personnel and financial management of the investigative process, and other contemporary law enforcement issues. MEPA’s establishment and work, as much as the ILEAs’ contributions, can serve as good examples of international training effort which progresses throughout the world.

Andrew Millie and Dilip Das (*“Police education and training in four countries: getting rule of law messages across”*) in their article looked into more detail into the teaching and training process of three MEPA countries (France, Germany and Switzerland) and one Asian country – Japan. The article describes trainee selection, the background philosophy of training, general organization and curriculum. The chapter draws largely from a series of interviews, observations and conversations conducted by one of the authors between 1998 and 2001 in each of the four countries. This has been supplemented by evidence from the research literature. The article concludes with the interesting finding that in the four countries under review there were three distinct teaching and training police philosophies: focusing on the rule of law (Germany), community (Japan and Switzerland) and human rights and multiculturalism (France).

James Finckenauer’s article on *“Culture of lawfulness training for police”* explains this concept, which not only made its strides in France and the United States, but also in 2002, it has entered the agenda of the United Nations Crime Prevention and Criminal Justice Programme through the United Nations “Guidelines for the Prevention of Crime”.<sup>39</sup> There “culture of lawfulness” means “the rule of law and those human rights which are recognized in international instruments to which Member States are parties”, and that “should be actively promoted in crime prevention” (ECOSOC resolution 2002/13, Annex, para. 12). However, the author’s working definition is much more incisive. Culture of law is “a culture in which the great majority of citizens and the civil institutions of society (religious, educational, business, labour, cultural and social organizations) support the rule-of-law; and, where the average person believes that the laws and the system for creating, changing

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39 <http://www.un.org/docs/ecosoc/documents/2002/resolutions/eres2002-13.pdf>.

and enforcing laws are fundamentally fair, and that the laws and the legal system operate in their best interest as well as in the best interests of the society". He then describes a project on culture of law curriculum, originally developed for secondary or middle schools in Mexico, then adapted also in similar schools in Colombia, El Salvador, Georgia, El Salvador, Peru, and, most recently, in Lebanon. This project (largely evaluated), now has been extended in Colombia to police training, hence the title of this article. The author presents the police curriculum, and drawing on his and other experts' opinion, concludes that such training curriculum, when administered, is in the best interest of the police forces which not only change themselves for the better, but also increases their effectiveness.

Next, Sheryl Van Horne in her article (*"A content analysis of popular introductions to criminal justice textbooks"*) investigated the amount of space allocated to international issues in five of the bestselling criminal justice introductory textbooks in the United States.<sup>40</sup> She hypothesized that very little space will be devoted to international issues in the primary introductory texts. Since this particular research has not been attempted in the past, the types and topics of international information in the main text were also examined. The results indicate that indeed a relatively small percent of space discusses international issues or international comparisons, though the results do vary by the text and subject matter, which is broken down as crime, police, courts, corrections and juvenile justice. She concludes that additional research needs to be conducted on the content, benefit, and perceptions of a more global focus of criminal justice material.

In this substantive sense, the limited interest in international criminal justice issues may be corroborated by other U.S. researchers, but the issue is far from unequivocal, if one takes into account that about one-third of the U.S. colleges have them in their course syllabi, as mentioned above. Substantively, those researchers argued that American academic criminology still strongly maintains its local focus on crime (McDonald 1995).

The review of the comparative research presentations (1991-1999) at the annual meetings of the American Society of Criminology revealed that they represented less than 20% of such presentations, while more than 80% indeed remained local (Barberet 2004). Just about that time (mid-90s) other researchers (Friday 1996) nonetheless postulated the need to integrate comparative and international criminal justice into a traditional curriculum in the USA. Nowadays, and as already documented by some other articles in this book, there appears quite a strong interest in genuinely internationalizing the teaching and training agenda, not only in the USA but in many other countries.

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40 See also Wright 2002: 183-195.

The above may also be illustrated here with the next article (*“Developing an agenda for international criminal justice teaching and training”*) by Jay Albanese. The author, an academician and practitioner in one, argues that there are four ways in which a better effort can be made to provide useful criminal justice education, training, and technical assistance in the most appropriate way. These include: cataloguing training providers, organizing curriculum, documenting experience, capturing and disseminating best practices. He postulates increased professionalism in criminal justice agencies across the world. Emerging democracies, new crimes, negative incidents in all countries, and new legislation and international agreements have created the need for criminal justice training, education, and technical assistance on a broad scale through which that professionalism may be enhanced.

The topic of new crimes is addressed in two subsequent articles. First, Joon Oh Jang writes about “Criminal justice training in Korea – Korean Institute of Criminal Justice Policy and the development of training program for Asian developing countries”. He emphasizes that the Republic of Korea has a long tradition of rule of law. Korean people see the modern idea of rule of law, or *Rechtsstaat*, as a standard of justice and human rights in a society. Among diverse criminal justice education and training programs, those related to cybercrime are prominent. Jang describes how the Korean Institute of Criminal Justice Policy, a government financed research institution, joined one of the newest initiatives of the United Nations Office on Drugs and Crime in criminal justice education and training - the Virtual Forum against Cybercrime. Its initial aim is to provide online anti-cybercrime training focused on law enforcement officers in Asia.<sup>41</sup> This aim well inscribes into “electronic governance”- government’s use of information technology to exchange information and services with citizens,

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41 Similar initiatives have started in other parts of the world. In Europe, the need for training programmes enabling criminal justice personnel to avail themselves of expertise in the field of prosecution and adjudication of cyber-crime has been recognized by Recommendation No. R(95) 13 of the Committee of Ministers of the Council of Europe on problems of criminal procedural law connected with information technology. The Council of the European Union (EU) and the European Commission (EC) have repeatedly emphasized their concerns about development of a comprehensive strategy on security of electronic networks and effective law enforcement of cyber-crime. In 2003, the EC commissioned RAND Europe to develop a *Legal Handbook of Legal Procedures of Computer and Network Misuse* in the EU Countries. The second edition of this handbook, now available, provides access to up to date information on rules and regulations concerning computer misuse and the collection and reporting of computer evidence currently in force in all 25 EU countries. We are grateful to Professor Andrzej Adamski (Poland) for his advice. See also <http://www.lefis.org/> and the website of the Council of Europe (<http://assembly.coe.int>), for example on “Realising the full potential of e-learning at all levels of education”, Teleconference of the Committee on Culture, Science and Education,, Strasbourg, 1 October 2007.

businesses, and other government bodies. Domestically, electronic governance is usually used by legislature, judiciary and administration to improve the internal affairs, the status of public services and the processes of democratic governance. It promotes transparency and trust in the activities of both government and administration. Internationally, it harmonizes various domestic concepts and brings them in line with a broader sense of justice worldwide.<sup>42</sup>

Next, in an article on *“Teaching cybercrime prevention: lessons learned from partnership with the academia”* by Roderic Broadhurst, this author further illustrates this ambitious justice aim in an academic context. A web-based pilot program and curriculum has been developed to help train first responders, investigators and forensic specialists. This pilot program will be delivered in to select developing jurisdictions. The on-line and off-line features of the training design include attention to evaluation and mentoring. A strength of the project is the involvement of industry, the academia and law enforcement showing that such partnerships can yield constructive responses to cyber-crime through international co-operation.

In the last article *“Why crime prevention is an essential component of international training and technical assistance: the experience of the International Centre for the Prevention of Crime”* by Margaret Shaw, she deals with the impact of recent global changes on training and technical assistance in the field of criminal justice. Referring to a long history of bilateral training and technical assistance, often characterized as disconnected and uncoordinated, and at times counter-productive, with countries or institutions offering competing models and paying little attention to the interests of needs of the recipient countries, this author from one of the PNI’s institutes emphasizes the emerging trend towards a more coordinated and comprehensive technical assistance which is dynamited by crime prevention “explosion”. Many developed countries now have well-entrenched national crime prevention strategies which began to take shape from the mid 1980s, including Denmark, Finland and Sweden, France, Britain, Canada, Australia, for example. Evidence-based crime prevention interventions have become a major component of many country policies. The article emphasizes four points. It is important for the future that crime prevention training and technical assistance has a strong focus on processes and implementation (not just good practice and knowledge); has a strong awareness of context – historical, cultural, political, economic and social realities and recognition of

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42 In this context, see, e.g., the forthcoming World Civic Forum. Building Just Societies. From Vision to Action. An initiative of Kyung Hee University and the United Nations Department for Economic and Social Affairs, Seoul, Republic of Korea, 2009, [www.wcf2009.org](http://www.wcf2009.org).

complexity of all social institutions; is participatory – at the level of country or city or particular target groups; and focuses on human rights and inclusiveness.

Finally, this article like several other articles in this anthology, emphasizes also the role of new communication technologies in criminal justice and crime prevention teaching and training.

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# I. MAKING THE RULE OF LAW WORK: SECURITY AND JUSTICE REFORMS IN THE UNITED NATIONS

## The United Nations in the International Security and Criminal Justice Politics: Making the Rule of Law Work

Jean-Marc Coicaud<sup>1</sup>

### Introduction

At the international level, the dominating realist paradigm dissociates security from justice, by and large limiting justice to simply an idealist and moral matter marginal to the hard-core actuality of international politics. There is an urgent need to go beyond this approach to allow the world to move away from the overall insecurity trap in which it is now caught to a more constructive action for a common language of justice.

In this light, this article emphasizes the role of the United Nations as a major actor involved in developing the interrelated precepts of security and justice. This article contributes to that aim, by, first, explaining what makes security and justice in the United Nations optics and, how, through the rule of law criminal justice, transitional justice and transnational justice, that rule may operate in practice.

### What is Security and Justice in the United Nations Optics?

Since 1990 much has happened in international security. This is a primary right<sup>2</sup> of States and other actors, from which all other rights derive (Rothschild 1995). Short of benefiting from security, States and other actors are impeded in their existence, in their ability to subsist, develop and flourish.

Unlike earlier, contemporary meaning of international security is anchored in the demands of justice<sup>3</sup>. For such demands, far from

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1 Dr. Jean-Marc Coicaud is The Head of the United Nations University Office to the United Nations in New York (USA). The views expressed in this article do not necessarily reflect the views of the United Nations Secretariat.

2 The understanding of security in this chapter departs more from philosophy and political science in general than from the various schools of international relations.

3 Justice is conceived here in connection with recognizing and acting upon the rights with which individuals identify.

being external and marginal to security, are internal and central to it. While dovetailing the quest for security and justice may seem naïve, at least from a realist perspective, and is certainly a demanding task at the international level, as a whole it helps contain the dangers associated with the loss of legitimacy of the international system and the intertwining of geopolitics and negative effects.

This approach responds to a human rights-inclined version of security, with the emergence of notions such as human security<sup>4</sup> and the ‘responsibility to protect’<sup>5</sup>, which made some headway. What makes responding to the demands of justice so important to the quest for security? There is a short answer: as put in a modern United Nations parlance, there is no peace without justice and *vice versa*.

How this equilibrium between security and justice can be developed and maintained is a difficult question. Rousseau once said, that “(t)he strongest is never strong enough to be always the master, unless he transforms strength into right, and obedience into duty”. But this implies no “tranquillity of spirit” (Montesquieu), neither among the powerful nor the powerless. As power assigns responsibility for the shortcomings (unfairness) of the political and social arrangements, the powerful is prone to be a target of resentment and acts of violence from those who feel cheated by the system. Consequently, the abusive concentration of power tends to become self-defeating for the power holder(s). It is, then, in a self-enlightened interest of even most powerful State, to take justice seriously, to look after people’s rights. This is essential to ensuring security. Although at the national level, especially in democracies, the relation between security and justice has long been identified as an internal one, and one which, as such, has been epitomized in the value and institutions of the rule of law, this reality has still to enter the international realm.

## The Rule of Law

That is why, I think, the rule of law is a concept at the very heart of the United Nations mission, even though, at a broader scale (internationally), this concept has not been adopted, shared and

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4 See: the special issues of: Security Dialogue, 35:3 (September 2004) and, for a comprehensive account of what human security entails, see Andrew Mack (ed. in chief), The Human Security Report 2005: War and Peace in the 21st Century, Human Security Center (New York, Oxford University Press, 2006)

5 The document adopted on 16 September 2005 at the United Nations World Summit in New York, endorsed the acceptance of collective responsibility to protect civilians against genocide and other crimes against humanity.

followed to the same high extent. This became clear in the past century, when the rule of law became a focus of development projects. One conclusion resulting from their implementation was that, however hard it was to develop the theory of the rule of law with its social values and cultural beliefs, even harder was practically to pursue the rule of law with those values and beliefs (A/CONF. 187/3, para. 2). This concept, then, which is at the very heart of the United Nations, may now still be quite marginal elsewhere or may be interpreted in such a strict Western oriented supremacy fashion (let alone by one only powerful Western State), that it may be not acceptable to others, less powerful.

However, even within the most powerful States there are very substantial differences in the level of development of the rule of law, as shown on the table below.

**Table Rule of law ratings (5 permanent members of the United Nations Security Council), 2006**

Country	Percentile Rank (0-100)
CHINA	45.2
FRANCE	89.5
RUSSIA	19.0
UNITED KINGDOM	93.3
UNITED STATES	91.9

Source: Kaufmann D., A. Kraay, and M. Mastruzzi 2007: Governance Matters V: Governance Indicators for 1996-2006, <http://info.worldbank.org/governance/wgi2007/>

This table, with information drawn from the World Bank database, depicts the percentile rank on a rule of law indicator constructed on the basis of 2006 polls in the above countries. Percentile rank indicates the percentage of countries worldwide that rate below the selected country (subject to margin of error). Higher values indicate better rule of law rating.

This is a challenge for the rule of law makers and providers (*i.e.*, those who implement the concept in practice), and, obviously for the legal educators. Appreciating the difficulty in getting the concept across the wide spectrum of domestic and international actors, the United Nations advances the concept of the rule of law in operational rather than theoretical terms.

In the United Nations terms, the rule of law as a working definition, refers to a principle of governance in which all persons,

institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency.

The above, taken from the report of the United Nations Secretary-General to the Security Council (S/2004/616, para. 5), can be complemented by another working definition of the rule of law, shared by the United Nations Secretariat at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (2000). According to that definition, “the rule of law is a system of interrelated principles that extend widely into social, economic and cultural and other structures in present-day societies” through several central principles: the law must be comprehensive; the law must be clear, certain and accessible; the law must be legitimate (consented and complied with); the law must balance stability and flexibility; equality before the law; institutional independence and the separation of powers; and a number of legal rights in criminal justice systems (A/CONF. 187/3, para. 5).

## Criminal Justice and Transitional Justice

The latter central principle of legal rights, particularly relevant to criminal justice system (but also true of law in general), is indeed critical for penal law and penal procedure, because of the severity of the sanctions that can be imposed on an offender and the degree to which they can interfere with otherwise established human rights (*Ibidem*, para.7).

In the report of the Secretary-General to the Security Council, this criminal justice component of the concept of the rule of law, essentially serves to explain what justice means in the United Nations sense. The Secretary-General explains that for the United Nations, justice is an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Justice implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large. It is a concept rooted in all national cultures and traditions and, while its administration usually implies formal judicial mechanisms, traditional dispute resolution mechanisms are equally relevant (S/2004/616, para. 7).

In the above context, one now needs to explain how that ideal of accountability and fairness can be advanced in practice through

which one must balance out its various components in the criminal justice reform process. However, before we do so, we must first add and explain one more concept in the context of which this process is recently being pursued in the United Nations, namely that of “transitional justice”. In 2005, this relatively new term, formalized in 2004 in the afore mentioned report of the Secretary-General, was discussed in working terms at the meeting on the “Rule of Law and Transitional Justice” organized by the United Nations University and the Legal Office of the United Nations Secretariat (A/61/31, para. 10).

Again, from the very essence of the term, “transitional justice” is a concept which applies to societies in transition. In the United Nations terminology they are also called “developing countries and countries with economies in transition”, and conflict and post-conflict societies. In the latter group of countries such transition may only be first started by the humanitarian aid effort.

Since the above *explanandum* of transitional justice is tautological (for there is no *explanans*), and to cover a practical scope of this term, one may indeed define transitional justice as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof” (*Ibidem*, para. 8).

## From Transitional to Transnational Justice through Education and Training

Within this broad concept, legal education plays important role, for it is clear that transitional justice serves well when it extends beyond police, courts, prisons and the right of defence. A contribution to the legal education was provided by the United Nations University at another meeting, co-organized in 2005 with the Hague Academic Coalition (HAC)<sup>6</sup>. There, the question of

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6 This is a consortium of academic institutions in the fields of international relations, international law and international development. The Coalition was established to promote collaborative efforts between the six institutions, based in The Hague: Carnegie Foundation (more specifically the Peace Palace Library), the Grotius Centre (Leiden University, Campus Den Haag), The Hague Institute for the internationalisation of Law, the T.M.C. Asser Instituut, the “Clingendael” Institute and the Institute of Social Studies. Specifically, the HAC promotes research, education and public debate in support of the development of international policy, law, governance and international negotiations towards

international criminal accountability and children's rights was taken up with a view to bridging the gap between two major conceptual and practical subjects: the protection of the rights of the child (as codified in international law); and the development of international criminal jurisdiction regarding crimes against children (A/61/31, para. 10).

In a UNU follow-up book on the same subject (Popovski and Arts 2006), that aim of bridging the gap was somehow narrowed, in the sense that the two fields – that of international criminal justice jurisdiction as a humanitarian law effort to extend the rule of law over children soldiers in conflict and post-conflict societies, and that of the protection of the rights of the child, as exemplified by the recently adopted *Guidelines on Justice Matters involving Child Victims and Witnesses of Crime* (ECOSOC res. 2005/20), have now been brought closer. This is because the *Guidelines* recommend a range of very specific legal instruments aimed at treating the victimized child and protect him/her from revictimization. This documents how relevant corresponding concepts of transitional and transnational justice have entered together into the realm of the rule of law, at least on paper.

While for the United Nations as the provider of criminal justice standards and norms this may be a very successful attempt, for the United Nations as the legal educator and trainer this is, however, only the very beginning of an effort to bring the message across the world to various addressees, including students and officials seized with this transnational subject.

## What to Deliver and How to Deliver?

Except for a pioneering attempt of the United Nations Interregional Crime and Justice Research Institute (UNICRI) with its new Masters of Law Programme on "International Organizations, International Criminal Law and Crime Prevention", there should be other avenues to pursue global criminal justice and crime prevention education or training curriculae. This seems to be a potentially viable project with many possible specific topics.

This is due to the fact that over sixty years of existence of the Organization there has been altogether about sixty important United Nations crime prevention and criminal justice legal instruments (conventions and "soft law"), including the last one (the aforementioned *Guidelines on Justice Matters involving Child*

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justice, peace and sustainable development. As part of this broad objective, the HAC in particular seeks to support the work of the various international courts, tribunals and other international organisations, based in The Hague.

*Victims and Witnesses of Crime*) which cover almost any issue in the crime and justice field. These Guidelines, serving here merely as an example for building up a broader United Nations curriculum on children's rights, show how interrelated they are with other standards and norms, e.g., with Guidelines for the Prevention of Crime, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, and, obviously the Convention on the Rights of the Child (*Ibidem*, section II).

These various interrelationships create endless combinations in which the United Nations legal instruments may be taught about and used for training. And indeed, across the United Nations Secretariat and various agencies (e.g., United Nations International Children Emergency Fund (UNICEF), United Nations Scientific and Educational Organization (UNESCO), but also beyond them, there have been many instances of and arrangements for international criminal justice teaching and training wherefrom one can draw enough experience on developing one or another course syllabus which may contribute to a more comprehensive and practically-oriented global criminal justice and crime prevention curriculae, or, let alone, recommendations for them.

For this purpose, the United Nations Secretariat may not have only the UNU in Tokyo (Japan) and UNICRI in Turin (Italy), but also located in Turin the United Nations Staff Training College, among many others. Although all these entities have their own scientific or advisory boards which guide their programmes, there is also an internal Policy Committee of the Secretary-General, with two working groups on Security Sector Reform and Rule of Law and Justice. Composed of the members of various offices involved in security and justice matters of the Secretariat, these groups are a kind of a relay enabling the field experience in implementing the security and justice issues to be shared for other field projects and work programmes, but also - potentially - projecting their recommendations into the course syllabi of the teaching and training institutions. Such recommendations will not be made soon, though, because the requisite relay between "bureaucracy/practice" and "academia/theory", has hardly ever been intentionally and successfully put in place, and when it was, at times, eventually to the detriment of the latter.

## Conclusion

The question, then, of how to deliver the rule of law in practice? Although at some point may be better answered than above, it must still wait, until, at least, such a time when various international actors (those powerful and those powerless) will come to terms with their own limitations and see the benefits of acting in concert.

Acknowledging here that currently there is a disconnection between security and justice, *i.e.*, between their theoretical and practical aspects, one has to emphasize the need to pursue more comprehensive and balanced policy in the name of the international rule of law. The United Nations as a criminal justice provider and educator in the rule of law, can develop a common language of justice not only when there will be more viable avenues of communication between the theory and practice, but also more open-ended and pluralist discussion among Member States and the international criminal justice community at large.

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# Training and Effective Support of Comprehensive Justice and Security Reforms: Outcomes to Date and Lessons Learned

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## Introduction

Technical assistance has become the new “mantra” in the context of renewed international efforts to develop effective justice and security institutions and to promote international cooperation in addressing various transnational crime problems. From a development perspective, justice and security sector reforms and institutional development initiatives are integral parts of an overall effort to promote good governance as a prerequisite to effective social and economic development. From a human rights perspective, technical assistance is needed to help institutions bring their policies and practices in compliance with international human rights and criminal justice standards. From the point of view of promoting international justice cooperation, bringing national systems into compliance with the requirements of a growing number of binding international criminal justice treaties presupposes the presence of a minimum basic capacity within existing institutions and the availability of specialized technical assistance. Whatever the perspective, technical assistance continues to be required to build core capacities even if, up to this point, investments designed to build these capacities in the sector have not always produced results commensurate with the levels of invested resources.

The current state of knowledge about “lessons learned” in capacity-building and reform initiatives is a consequence of at least two interrelated factors: what Carothers (2003:13) has referred to as a “disturbingly thin base of knowledge at every level”,

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particularly with respect to how change actually occurs, how it can be supported, and what effects it tends to have on resistant systems; and, the failure of donor agencies and recipient jurisdictions to develop the capacity to evaluate and to develop a cumulative knowledge about “what works” and the specific factors that facilitate, or hinder, reform efforts. As Carothers (2003: 3) notes: “Although aid institutions engaged in rule-of-law assistance do attempt some ‘lessons learned’ exercises, many of the lessons produced are superficial and even those are often not really learned” (see also Channell 2005). Carothers (2003: 3) has also identified the obstacles to developing a cumulative knowledge about the factors that facilitate, or hinder, development assistance efforts in the justice and security sector:

“Several substantial obstacles to greater knowledge accumulation in this field persist, including the complexity of the task of promoting the rule of law, the particularity of legal systems, the unwillingness of aid organizations to invest sufficient resources in evaluations, and the tendency of both academics and lawyers not to pursue systematic empirical research on rule-of-law programming.”

Notwithstanding these obstacles, the myriad of training and technical assistance projects conducted over the years in developing countries in support of law reform and capacity development in the fields of justice, crime prevention and security have nevertheless led to a fairly good understanding of the factors that typically facilitate or hinder the success of such initiatives. One may therefore ask why these “lessons learned” are so rarely incorporated into the design of new training programs.

Due to the absence in many developing countries of adequate institutional capacity in the justice and security sector in many developing countries, the focus of technical assistance activities is progressively shifting away from isolated reform projects to more holistic capacity building initiatives. Human resource development is generally a key component of these initiatives and it is often assumed that the success of the initiatives rests principally on training and education activities. However, the role of training and education activities within the broader context of capacity building, institutional reform and organization change has rarely been clearly defined.

In reality, building core capacities involves considerably more than the training of a few key personnel. Rather, it requires a number of inter-related support activities, including assistance with: the adaptation and transfer of new technologies; the development, recruitment and careful deployment of human resources; strategic planning and implementation of institutional reforms; the development of processes to guide, support, manage and monitor organizational changes; the modernization of existing structures

and procedures; the development of organizational policies and regulations; the establishment of information systems, statistical databases, and performance monitoring tools to support sound management decisions and to provide timely feedback on the impact of various reforms; the implementation of simple yet efficient planning, budgeting, and case management systems; and, the building of necessary infrastructure and information systems.

All of these activities are important and the sequence in which they are undertaken can often affect their effectiveness and the nature and extent of their impact. From an in-depth study of reform initiatives in the justice and security sector (JSS) in Commonwealth Caribbean countries, Dandurand *et.al.* (2004: iv) concluded: “[T]he success of JSS programming initiatives cannot be taken for granted, no matter how critical the needs for a particular reform...[R]eform initiatives that do not adopt an integrated, multi-sectoral approach usually produce few sustainable results.” It is instructive to consider the lessons that can be drawn from previous experience with respect to effective programming and assistance in the justice and security sectors. These lessons must be identified and integrated into future programming (Biebesheimer and Payne 2001; Dandurand 2005; Griffiths, Dandurand, and Chin 2005; Shaw and Dandurand 2006; World Bank 2000). Some of these lessons are now expressed in the forms of various programming guidelines (*e.g.*, OECD 2005).

In the extreme conditions that often prevail in a post-conflict or failed-state context, capacity-building initiatives that are part of a more ambitious institutional reconstruction effort are even more complex and even less likely to succeed when premised on hurried and improvised training efforts. Significantly, an effective capacity-building methodology adapted to such extreme conditions has yet to be fully articulated (Stromeyer 2001).

The following discussion briefly reviews some of the lessons that can be drawn from over a decade of technical assistance activities in developing countries. Using these materials, a framework could emerge that would assist in addressing a number of factors requiring attention during the design and delivery of technical assistance projects, in particular with respect to the necessary training and education activities. The discussion offers a preliminary overview of a number of practical considerations and principles that should be incorporated into future training and capacity building activities undertaken as part of justice and security sector programming and reform efforts.

## Definition of Activities

Security sector reform is defined by the OECD as those measures designed “to increase partner countries’ ability to meet the range of security needs within their societies in a manner consistent with democratic norms and sound principles of governance, transparency and the rule of law” (OECD 2004: 1).

Programming activities in this area typically include: 1. institutional strengthening and capacity-building activities in the justice and public safety sector in order to bring about organizational change; 2. activities to strengthen the governance of the justice and security sector and the various agencies operating within it; 3. activities to support strategy formation and consensus-building around the need for reforms and the nature of the changes to be promoted; 4. activities to promote law reform and the modernization of existing institutions as required; 5. activities to bring national laws and systems in compliance with international standards; 6. activities to promote the involvement of citizens and civil society organizations in the preparation, implementation and monitoring of reform projects; and, 7. activities to promote citizen participation in crime prevention, conflict resolution, and other aspects of the operation of the system.

In some cases, it may be appropriate to begin the process with a single point of entry. This can provide the basis for expanding the initiative, provided that the particular reform issue that is being addressed is part of a broader strategy to improve the functioning and governance of the system as a whole. Human resources development, training and capacity development projects can also offer a valid entry point; however, such initiatives are likely to fail unless they are part of a broader institutional reform and development process.

## Capacity Building and Technical Assistance

Capacity development involves assistance directed toward reforming organizations and institutions so as to develop their capacity to efficiently and effectively achieve their function and their goals. However, assistance must be based on a careful assessment of the existing capacity of the organization or institution, the factors (political, organizational, psychological, financial, technical or technological) that may function to limit that capacity, the forces that can support and sustain the necessary reforms, and the obstacles or the resistance which could undermine the required changes. Moreover, it cannot be assumed that all stakeholders in a particular jurisdiction are in favour of improving the capacity, performance, or effectiveness of the

system. There are often complex reasons why a system's relative "incapacity" has been tolerated or even cultivated. These reasons often involve a powerful group (or groups) benefiting in one way or another from the *status quo*, weak as it is.

One method that can be used is that of functional behaviour assessment, an approach developed by psychologists in order to better understand problematic individual or group behaviour. The method can be applied to an analysis of the conditions that prevail in justice systems and agencies that remain committed to dysfunctional and counter-productive modes of operation. Assuming that dysfunctional organizational behaviour is simply the result of a lack of training or know-how is, to say the least, very naïve. Prior to any attempt to introduce complex reforms, one should avoid simplistic assumptions and should first attempt to understand the forces of inertia at play within the relevant institutions and their resistance to change. In practice, however, training is the "solution" most often offered through technical assistance programs regardless of the outstanding organizational and system issues.

For example, a review of capacity development programs in the Caribbean justice sector by the Caribbean Group for Cooperation in Economic Development (CGCED 2000) noted how attempts at reform of justice sector institutions and organizations did not always produce the expected results. The report identified the difficulties encountered by Caribbean countries attempting to build a significant capacity in the justice and public safety sector and proposed a framework for sustainable reforms of Caribbean justice sectors that acknowledges the complexity of the task at hand. And, Dandurand and his colleagues (2004: 65) found in a study of attempts to reform the justice and security sector in the Commonwealth Caribbean that:

"Priorities for action are frequently identified and reiterated, but the human and financial resources to address these priorities are often absent. Blame for the lack of progress is sometimes attributed to local inertia, incompetence, corruption, or even to political tribalism. However, there is the widespread perception that there are also issues with the kind of external assistance that is made available to countries of the region and how it is delivered. There are frequent complaints that that external assistance is too often offered in a piecemeal manner and for reform projects that are insufficiently integrated with the activities of other components of the system".

For many criminal justice and law enforcement agencies around the world, the concept of "technical assistance" has become associated with a number of unfortunate and inappropriate practices that often cause more harm than good. Project initiatives

may, inadvertently, entrench existing institutional practice and result in only superficial, temporal changes, rather than substantive structural changes to policy and practice. Similarly, when the difficulty of altering institutional cultures is underestimated, the objectives of the reforms are often defeated. Even in the most ideal conditions, changing the orientation and behaviour of key personnel in the justice and security sector is a challenge, often of Herculean proportions.

The challenge is even more extreme in developing countries where human and infrastructure resources are scarce and where reform has historically been driven by external donors rather than by internal forces. Externally-driven attempts at reform will be unsuccessful because of the resulting absence of a dedicated cadre of senior officials within the system who are willing to take the risks associated with departing from status quo practice and who are committed to long-term, rather than short term change and gains. The experience of efforts at reform in the justice and security sector in some jurisdictions is that development assistance is readily accepted in the absence of any capacity, or even intent, to engage in substantive reforms.

Whenever issues of technical assistance are discussed, a number of recurring questions resurface: Is the assistance offered genuinely responsive to the needs of the recipient countries? Does the assistance contribute to the development of sustainable capacities? How are specific capacity development initiatives relating to the broader development assistance objectives? What is the normative basis for capacity-development activities and how relevant are international human rights and other justice norms to various capacity building initiatives? And, finally, what evaluation mechanisms can be embedded in the project so as to provide accurate information on the outcomes and success of the initiative in terms of its stated goals and objectives?

## Program Design and Delivery

Implementing reforms in the justice and security sector requires interventions over the long term that will encourage and support structural, organizational and technological transformation. In his work on governance for the World Bank, Kaufmann (2003: 24) concluded that it is necessary to move beyond the traditional approach to public sector reforms and to rethink orthodoxy on legal and judicial reforms:

“Although donor programs supporting the traditional and largely unsuccessful legal and judiciary technical assistance projects of the past is yet to be fully abandoned, a salutary move away from narrow support for hardware,

study tours, traditional training, focus on marginal improvement in narrow organizational issues such as caseload management, and the like is beginning to take place - even if slowly. In the next phase it will be important to face up to the enormous difference in the nature, performance, and vulnerability of legal and judiciary institutions across emerging countries. These vast differences have major strategic and practical implications."

The manner in which assistance is offered and delivered in the justice and security sector is often as important as the type of assistance offered.

In most developing countries, this sector is not easily amenable to accept reforms. It is an essentially conservative element of society which typically offers fierce resistance to any change, particularly when the latter is perceived to threaten its power and autonomy under the *status quo*. In many countries, this problem is compounded by the absence of a tradition of democracy and due process and by popular support for a "get tough" approach to crime and security. Finally, these difficult dynamics are further complicated by the pervasive corruption which reigns through the whole justice and security sector.

In many jurisdictions, there are neither the processes nor civil society involvement that could provide support for the proposed reforms or a source of accountability. Government ministries and, more specifically, elements of the justice system may be resistant to outside input or influence. In such cases, cooperation by governments and agencies should not be taken as reflecting an interest in, or capacity, to engage in significant reforms or to develop structures of accountability and transparency. The interrelationships between the various agencies in the justice and security sector mean that any attempt to use development assistance to address specific security problems in a piecemeal manner, without addressing broader systemic and structural issues, or without sufficient sector-wide buy-in and coordination, will generally fail to improve system capacity, efficiency and governance.

## Training

Training is often viewed as a key component of capacity development and is generally a key component of assistance projects. Training activities can also provide an entry point that can lead to further collaboration between agencies and organizations in a jurisdiction (Protic 2005). Training alone, however, rarely produces appreciable results. The potential and limitations of training have been examined in relation to the technical

cooperation programs in human rights in the administration of justice delivered by the United Nations Office of the High Commissioner on Human Rights (OHCHR). A recent global review of the OHCHR activities regarding the administration of justice reveals the need to put training activities into a wider perspective, e.g., the need to “get under the skin of the institutions.” As Flintman and Zwamborn (2003: 41) note:

“Requests for assistance in the field of training are interesting because they provide access to an organization. Knowledge of Human Rights law is a primary and central condition for compliance with these laws. As such it is of vital importance, but it is no more than a primary condition. If changing police conduct is the goal, as some of the evaluations indicated, much more has to be done. Institutional development is the next concern. Efforts have to become directed towards changing the culture and structure of the police and prison system, the quality and training of police and prison leadership, the improvement of operational practice, the selection and training of police officers and prison staff and the improvement of system of accountability. If the behaviour of the police and in prisons is to be changed, support for the institutional development of the police is unavoidable.”

It should also be evident that the continued reliance on external “experts” who fly in, deliver a training program, and then fly out, does little to build local capacity or effect meaningful change for either the short or long term. The same holds true for retired experts who often are not current in their field, lack appropriate knowledge and skills, and may have little or no understanding of the cultural, political, social, or economic context in which they are attempting to provide assistance (Griffiths *et.al.* 2005: 109).

Too many experts/trainers arrive in jurisdictions without a full understanding of local needs, institutions, and context. Yet, in most technical assistance projects, insufficient funds and time are allocated to the preparation of the trainers and to the development of curricula and programs. Channel (2005: 12) advises that, before sending a trainer to a new assignment, extensive preparation should take place for the new conditions, cultural variations, and demands on the otherwise qualified specialists who will be involved in the training. The absence of pre-deployment training may lead to the experts making unsubstantiated assumptions as to the usefulness and transferability of knowledge, skills and technology to a different jurisdiction.

Study tours can be useful learning and training methods, provided that they are designed so as to offer more than a “perk” for would-be reformers or a disguised form of tourism. A study tour can offer an opportunity for firsthand observation and meaningful

discussions with front-line personnel in the host jurisdiction. Unfortunately, the method has a tendency to neglect addressing issues of “transferability of techniques and models” and to implicitly present the system that is observed as model to be imitated. Furthermore, the full benefits of this method are often not realized because the people who would benefit the most from the tour are not necessarily selected for participation. That privilege tends to be reserved for higher ranking individuals who tend to carry the right title, as opposed to the actual responsibility, for bringing about the reforms or building the system’s new capacity.

Another approach to training that is of questionable efficacy is to send individuals who hold key positions in the justice and security sector to overseas conferences, seminars and training courses. There are a number of difficulties with this strategy. Personnel from developing countries are often placed in large classes with students from many countries. In this situation, no one student is afforded class time to have his or her unique issues and questions addressed in any detail or depth. In addition, training often takes place in isolation, meaning that there is no plan, process or support for local context. Many courses in policing, for example, do not provide pre-course reading materials or activities to prepare the participant for the learning experience. The same holds true after the experience where most students are not supported, equipped or challenged to implement the lessons learned once back in their workplace. The only tangible evidence of participation in the training program may be a photo album and fond memories.

The so-called “training the trainers” approach is also one that is valued by donors. They see in it an element of added “sustainability” as well as a means to multiply the impact of the assistance they provide. In practice, those who are identified as “trainers” are not necessarily individuals who will actively be involved in training others. Their capacity to conduct that additional training is rarely measured. In the absence of local institutions and mechanisms that can actually support that training function, the “train the trainer” approach is unlikely to amount much more than expensive window-dressing.

Training courses do provide participants with access to a network of professional contacts, insights into potential options, and some appreciation and level of understanding of new technologies and systems. While there is value to this, what is often lacking is a method or strategy for ensuring that this new knowledge finds fertile ground in the home jurisdiction and an understanding of the requirements that will increase the likelihood that the training will have an impact in the short and long term. The most common experience is that the individuals return from training overseas and there is no opportunity or strategy for sharing their new learning amongst their peers or to integrate the knowledge and skills they

have gained into the policy and practice of their particular organization or agency.

Another attribute of training in technical assistance and capacity development projects is that it is most often directed toward the most senior personnel in the relevant agencies. While these individuals may have the interest and/or capacity to facilitate substantive, long-term change, this should not be taken as a given. Rather, there may be a hesitancy to initiate, and sustain, the process of reform. And, it is at the middle-managerial level that any proposed changes in policy and process will be implemented or, conversely, blocked.

Insufficient attention tends to be paid to leadership training and training in organizational behaviour, systems theory, and change management. This is because the capacity development projects are too often based on simplistic assumptions about what is required in order to bring about some effective institutional and organization changes. For example, changing the legislative framework is a necessary, but not sufficient, component of facilitating long-term reform. There is a need to develop methodologies, including training and human resource development methods, which can address the resistance to change that is invariably encountered.

Noticeably absent in most training program is provision for representatives from community-based organizations, non-governmental organizations, and civil society groups that can, potentially, play a major role in the reform process. Although there is an increasing recognition that non-governmental organizations and community-based groups must collaborate with the reform process, donors are sometimes reluctant to offer the kind of leadership training that could empower community leaders and others outside of national government.

## Transferability

A deplorable attribute of many training programs for justice and security personnel in developing countries is that little consideration is given to how, to what extent, or whether the various models or techniques that are presented during the training apply to developing countries. Course materials are often heavily biased toward the North American or western European justice and security models. The difficult task of assessing the *transferability* of techniques, structures, procedures, strategies, and legislation requires far more attention than it has received to date. However successful a particular practice or strategy may have been in Canada or other North American or European jurisdiction, it does not necessarily follow that it will be useful or effective in a different

development context. Comparative evaluations of various practices and the identification of the conditions and specific features responsible for their success in a given context can assist in identifying and addressing the issues related to transferability.

Few of the “experts” involved in capacity development and training activities actually have expertise in comparative law or in comparative analysis of criminal justice systems. It is even more difficult to find professionals with field experience in these areas. In the absence of such expertise, project personnel have a limited ability to move out of the methods and processes used in their home country. As a result, project personnel may be poorly equipped to assist countries in developing solutions that have at least a fair chance of succeeding in the local context.

With respect to legislative reform, for example, a key lesson learned is that simply transplanting legislation from one country to another is not an effective strategy for promoting reform. Even the promotion of “model legislation” is likely to have limited success unless it is accompanied by the expertise required to adopt these generic instruments to local circumstances. Rather, local solutions, including relevant legislation, must be developed. While foreign legislation can be considered for ideas and examples, it needs to be understood that it likely will not operate in the same fashion in the recipient jurisdiction.

One way to increase the transferability and sustainability of information and options presented in training sessions is to have trained experts paired with local experts and future managers in order to facilitate the development of talent and the transfer of skills and responsibilities to local management (Stone *et al.* 2005:25). Another strategy to address transferability and sustainability issues is to ensure that they are taken into account at the very beginning of any initiative, when the needs for assistance are being assessed.

## Training Tools

Manuals, handbooks, and toolkits can be appropriate, effective and efficient delivery mechanisms of technical assistance. In recent years, the United Nations and various other organizations involved in technical assistance have sponsored the development of such tools. In addition, there has been an increased emphasis on developing training curricula and materials that are designed to be relevant to the jurisdictional contexts in which they will be offered as well as to the learning styles of the trainees. The Rule of Law Section of UNODC has developed a number of practical assessment tools that provide a more solid basis upon which to develop training programs.

These various tools can support capacity-building initiatives in relevant institutions provided that they are adapted to local circumstances. As was noted in a recent evaluation, adapting these tools to the circumstances that prevail in the countries that will use them is crucial (UNODC 2004: 32):

“The relevance and effectiveness of tools will be enhanced when they are based on the experience of resource-poor developing countries, which are the primary users of tools. To develop tools largely on the basis of the experience of resource-rich developed countries makes them less effective in operational terms. A long-term effort to organize the experiences of developing countries to provide a basis for tool development is therefore vital.”

## Performance Indicators and Independent Evaluation

Another disappointing attribute of many development assistance projects in the justice and security sector is the absence of measurable performance indicators. Most often, intended outcomes are couched in very general, bureaucratic language, *e.g.*, “to improve transparency,” “to contribute to the development of good governance and civil society.” It is the rare project that contains specific, measurable objectives. As well, most projects do not include provision for independent evaluation of the extent to which the assistance initiative achieved the goals that were set out by the donor agency.

To this end, the development of performance indicators to measure the impact of training initiatives, capacity-building programs and institutional reforms should become a priority. These indicators should be simple, appealing, and useful to national and local governments. In the area of policing, for example, these indicators should attempt to assess the extent to which the development assistance initiative has contributed to public safety and access to justice. Performance indicators should also be designed with reference to applicable international human rights and justice standards (Broome and Inman 2005), including indicators for assessing the capacities of rights holders and duty bearers (UNDP 2006). As well, donor agencies should build in an evaluative component, ideally providing for an independent assessment of outcomes, particularly in larger, longer-term initiatives. A key requirement is that there be strong linkage between the training offered and the reform goals that are contemplated.

## Alternative Methods

It is time perhaps to consider more effective methods of integrating training and capacity development activities within the overall technical assistance framework in the justice and security sector. It may be worthwhile to explore institutional mentoring and development methods such as those that have been involved in the education sector. This could involve, as part of a broader reform and capacity development program, empowering some key personnel from the recipient country and offering them an opportunity to participate in “job-shadowing” their counterparts in the donor country. Then, the mentors from the donor country can accompany the personnel back to their home country and continue the mentoring process as the personnel put into practice the skills and strategies that have been learned.

It may also be important to pay more attention to the development, within recipient countries, of educational institutions and programs that can engage in sustainable, longer-term capacity development activities. It is of crucial importance to develop an institutional capacity, perhaps within local colleges, academy and universities, to develop local expertise and talents and limit the future reliance of local institutions on outside assistance. International cooperation among these educational institutions involved in justice and security sector capacity development should be supported.

The development of graduate and undergraduate programs in the fields of justice, security and crime prevention that are accessible to students and officials from developing countries is long overdue. Similar programs have been developed in the field of human rights through international cooperation between academic institutions. The same is clearly possible in the field of justice and security. Innovative training programs (e.g., a virtual criminal justice academy, special international institutes focused on practical justice and security issues), accredited by various colleges and universities, could offer a welcome substitute to many of the present *ad hoc* and expensive activities which produce little appreciable results.

## Conclusion

The need for reform in the justice and security sectors in developing countries is acute and the interest among donors in sponsoring reform initiatives is high. The frameworks within which technical assistance projects have been designed and implemented, however, have produced a record that is less than stellar. The absence of an overall framework with clearly defined,

measurable goals and objectives, ineffective training and human resources development models, a lack of attention to transferability and sustainability issues, and the failure of donors to compile evaluation and outcome data are among the factors that have undermined the potential efficacy of technical assistance and reform efforts. These factors must be addressed in order to enhance the likelihood that assistance projects in this sector will have significant, sustainable, long-term impacts. Many of these factors run counter to the prevailing technical assistance models and require a re-think on the part of both donors and recipients. The pressing need for reform in the justice and security sector dictates that new models of development assistance, including training be developed.

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## II. INTERNATIONAL CRIMINAL JUSTICE THROUGH DISTANCE LEARNING

### Distance Learning: An Alternative Service Delivery for Criminal Justice Training and Higher Education

Jacqueline L. Schneider<sup>1</sup>

#### Introduction

Degrees conferred from institutions of higher education are an eagerly sought commodity. Demands in both the private and public workplaces are encouraging, if not forcing, employees to seek more advanced levels of training. However, access to traditional colleges and universities can be limited to those who live and work in remote areas of the world and to those whose work schedules preclude the attendance in traditional classrooms. Employers are also being forced to reconsider how training opportunities are offered to their employees. Both education and training is expanding beyond the traditional modes of delivery into the electronic media so that information can be shared across distance.

The idea behind the concept of distance learning is admirable to the point that colleges, universities, as well as employers are developing programs at record pace. No one can deny that expanding educational opportunities to a new population is a positive development. However, the rapid expansion of educational products and changes associated with them may have unanticipated negative consequences for faculty and staff. Distance learning is being touted as the new and improved way. It is proposed here that university administrators may possibly be getting lulled into a false sense of financial security with the fast adoption of distance learning programs, which can be extremely lucrative.

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This article examines general definitions of distance learning. It then progresses into a discussion as to why distance learning is seen as the crowning jewel in education for the new millennium. Existing standards for distance learning are reviewed and followed by a discussion of advantages and disadvantages. The article concludes with a brief commentary from personal experience, having been a staff member of one of the UK's largest providers of distance learning.

## Distance Learning

As early as 1986, Keegan offered a definition, stating that distance learning is:

“...the delivery of a program of education using a wide range of methods of delivery, not solely confined to text or the Internet, and in which students rarely meet face to face with a teacher. The key feature of such programs is that students themselves, in their engagement with the curriculum, decide their own pace of study” (Keegan 1986:232).

Distance learning is, very simply, a modern day re-formulation of the correspondence courses popular many years ago. This mode of educational delivery is the process of learning where the teacher and the student are separated for the vast majority of the time. They are, however, united by media or technology, which includes phone, fax, closed circuit television, CD-ROM, webcams, blackboard, listserves, among others. Students are evaluated by the school that confers final degrees, or the employer in the case of training. The main idea behind distance learning is that it is an independent process.

It is important here to distinguish between education and training. McKenzie (2002) provides a very useful delineation between the terms. Education is the provision of contextualizing knowledge by the development of broad understanding. In other words, education addresses the ‘why’, whereas training pertains to the ‘how’. Training, according to McKenzie (2002), deals with procedural rules and enhancement of information relevant for the goals of the organization.

There exists a complete body of literature that tells us that effective learning, in general, is that which is: as independent as possible; self directed and personal; results in the discovery of information and relationships; and done in small groups (see Sullivan 1995; Dance 2000).

Distance learning is decentralized and flexible. In large part, it proffers individuals, who may have never been afforded the

opportunity to gain advanced learning, the chance to bring education into their home at a pace they can manage effectively. Dance (2000) sees distance learning as an agent of change in which, “[s]tudents can see, read, hear, repeat as needed, learn by doing, and students can interact with faculty with their convenience” (Dance 2000:1).

While Dance (2000) outlined the general characteristics of non-specific learning, he also observed the implications of distance learning as related to learning effectiveness. Teachers and students are, obviously, separated, thus making the learning process independent. The problem of geography is solved by technology, so the teacher and student are, in essence, joined in the learning process. There remains a one-to-one relationship between the learner and the instructor—no matter how many miles or what circumstance separates them. The separation is really paradoxical. On the one hand, separation aids in the student’s feeling of independence, which is desired. However, McKenzie (2002:232), in his review of UK programs, notes the “loneliness of the long distance learner,” which can result in negative feelings of isolation and detachment.

## The Expansion

Each provider of education or training has its reasons for developing programs. Generally speaking, there are a number of prevailing reasons why institutions of higher education develop distance learning programs. These programs expand, with relative ease, existing activities. The numbers of paying students increase rather quickly when distance learning programs are implemented. The programs attract students not only from the school’s host country, but if advertised properly, students from the most remote places where educational opportunities are lacking or unavailable may enroll. This is an important point to stress. Tuition from leading universities worldwide can be provided to students who might never have been able to leave their home country in order to attend, thus providing them with not only quality instruction, but with a desirable and extremely marketable degree from an prestigious institution. Additionally, individuals who reside in the same country where the degree is offered but who cannot attend traditional classes due to work or family obligations can pursue a degree without ever having to leave their home. Universities are under increasing demands in terms of inadequate physical facilities, so distance learning relieves the pressure of repairing or building new buildings/classrooms. Finally, distance learning programs are less expensive to run than traditional, classroom based courses (See Yarcheck, Gavazzi and Dasoli 2003).

While there is no current way to track the actual rate of expansion in programs worldwide, the Peterson's Guide to Distance Learning Programs<sup>2</sup> listed 77 schools offering criminal justice and/or criminology programs in the USA (Mayzer and DeJong 2003). A more recent review of the Peterson's Guide reveals the type of degree programs currently available (see Table 1). While it is unclear as to how many universities offer these programs, we can be sure that the numbers have grown and will continue to grow in future.

**Table 1:** Distance Learning Programs, USA

	<b>AD</b>	<b>BS</b>	<b>UG Cert</b>	<b>Grad Cert</b>	<b>Grad MS</b>	<b>Grad PhD</b>
<b>Criminal Justice/ Corrections</b>	17	17	4	0	8	1
<b>Criminal Justice/Law Enforcement</b>	17	21	2	1	10	1
<b>Criminal Justice/Police Science</b>	4	2	3	1	2	0
<b>Criminal Justice/Safety</b>	29	41	7	3	23	2
<b>Criminal Justice Studies</b>	29	41	7	3	23	2
<b>Criminology</b>	3	9	3	1	5	0
<b>Criminalistics</b>	1	0	0	0	0	0

Format

What a distance learning program consists of and how it is actually delivered varies by institution, as well as subject matter. For example, delivery of a clinically based subject will be different than a social science like criminology. Obviously, the material produced must meet the standards of the accrediting body (*i.e.*, the

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<sup>2</sup> See <http://www.petersons.com/distancelearning/code/search.asp?sponsor=> (accessed 16 October 2005).

university). According to McKenzie (2002) material must be well written, informative, properly structured distance learning texts. The design, development and updating of material lies at the heart of a successful program. The material (known as modules in the UK) falls somewhere in between pure academic textbooks and converted lecture notes. McKenzie further explains that effective distance learning material must be interactive—stimulating the student to engage with the concepts so that they are motivated to read outside the provided course material. Because of the dynamic aspect of criminological literature, updates are necessary at least every 18 months. This according to McKenzie (2003: 258) is “to ensure [that] the new policy, practice, legislation...is taken into account.”

The University of Portsmouth is one of the UK’s leading distance learning providers in criminal justice and criminology. Their modules contain 80 text-based units that pay particular attention to design, using stoppers (text boxes that offer additional advice and instruction) and checklists that help the students evaluate their intake of vital material. A single course unit contains approximately 80 thousand words and costs are estimated at \$1,500 USD. Additionally, the university provides an array of student support services such as telephone and email access to tutors, as well as web-based support. (See McKenzie 2003 for further details). Portsmouth also holds regional seminars with their students at various locations outside the UK.

Hopkins Burke and Gill (2000) provide an historic overview of another distance learning provider in the UK. The program at the University of Leicester requires six substantive modules, containing approximately nine modules in each. The rate at which these modules are reported to be updated is unclear from Hopkins Burke and Gills’ account—only stating that they are done “regularly”. They describe the modules as being “designed to provide a comprehensive background to theoretical, substantive, and methodological issues that have an academic coherence of their own” (Hopkins Burke and Gill 2000: 286). The university also has various forms of student support and provides weekend study schools within the UK twice a year.

The administrative function or support service component of distance learning is often under-emphasized. Yet, it is crucial. Non-academic staff is responsible for coordinating the printing of materials, disseminating it, as well as collecting student assignments for grading. These staff often time serve as an initial filter between students and academic faculty so that non-academic questions are answered, thus not impinging on the faculty’s time. Additionally, arranging on-campus tutorial sessions, if part of the program, generally falls under the responsibility of support staff members. Finally, some programs have support offices or liaison

staff operating at remote locations. These staff help facilitate the running of the course, advising students and other related issues.

## Distance Learning Guidelines: The UK's QAA

In the UK, an independent body, Quality Assurance Agency for Higher Education, works to monitor, as well as to encourage improvements in, standards of higher education. The agency reports to the Higher Education Funding Council for England (HEFCE) its review findings of academic departments and programs of higher education. HEFCE uses the finds of the agency to assess departments, which can affect funding strategies and opportunities. Therefore the standards of the Quality Assurance Agency are admittedly high, thus giving academic bodies guiding principles within which departments must work to develop programs of academic excellence.

The agency's guidelines for distance learning are broken down into six thorough<sup>3</sup> sections, which include: system; program; delivery; development/support; communication; and assessment. The aforementioned programs contain elements that will be discussed here, no doubt because of the QAA's influence over educational service and delivery. System reviews examine how the distance learning program fits into the overall university system of delivering higher education. The program element of the review looks for assurances that the distance learning program meets the same or similar standards with traditional classroom-based degrees. The delivery aspect is, to some degree, a continuation of the program component of the review. However, it expands to determine whether or not the distance learner has an equivalent opportunity to that of the traditional student to achieve academic standards needed in order to complete successfully the degree. In order to determine the degree to which the distance learner has an educational experience that promotes autonomous learning, development and support mechanisms of the program are examined. Instruments for communicating course expectations, avenues of assessment and academic progression are subject for QAA review, as well as the way in which the school monitors the communication with the distance learner. Finally, forms of assessment are reviewed in terms of their appropriateness and reliability.

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<sup>3</sup> For all the details pertaining to this rather complete description of standards, see the website: <http://www.qaa.ac.uk/academicinfrastructure/codeofpractice/distancelearning/default.asp>.

## Advantages and Disadvantages

Many of the advantages associated with the development and implementation of distance learning programs are the same as the fundamental reasons for adopting it in the first place. Distance learning programs are less expensive to run than are traditional classroom-based courses. These courses widen the pool of potential students, which leads to the potential for increasing the knowledge base in countries and regions where advanced degree programs may be lacking. Given the way that distance learning courses are written, students can read original pieces written by the world's leading experts in various fields—all contained within a module or unit. Students can, therefore, be provided a wealth of information that would not necessarily be contained in a single textbook.

The disadvantages, unfortunately, are underreported<sup>4</sup>. The distance learning faculty/student ratio is much larger than with traditional students. The number of students accepted can grow well beyond the capabilities of existing staff. Not much is written on this issue; it is mentioned, but not monitored. In some instances, faculty members who contribute to distance learning programs also contribute to traditional classroom programs. The issue becomes balancing the totality of responsibilities with those of a growing student base. Some programs have one faculty to hundreds of students. The 'knock-on' effect is that course materials are not updated regularly or entire units are reported within modules on the same course. Quality control is key to a successful and satisfactory distance learning course. In fact, because of the fundamental nature of distance learning, the pool of candidates can choose an excellent program anywhere in the world. Therefore for a program to remain competitive internationally, the attention to detail must be precise. The fact that technology aids in connecting remotely students to teachers becomes important. The goal is to bring education to those who cannot necessarily get to the classroom. For those students who live and work in an industrialized nation, technology is probably not a constraining issue. However for those students who do live in countries where technology is not available universally, distance learning courses become irrelevant. Therefore, the ideal of widening the net may be just that—an ideal.

The distance the net can be spread is only as far as the technological support mechanisms are operational and available.

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<sup>4</sup> As a former distance learning course director at an institution in England that provided a wide arrange of criminological distance learning courses, I can speak, albeit anecdotally, about the manner in which institutions and management oftentimes become immune to hearing negative aspects of these types of courses. I can only surmise that my experience is not unique or an aberration.

For example, if Internet access, computers, CD-ROMs or DVD readers are either unreliable or unavailable primary technologies actually facilitate keeping distance between students and information. Similarly, adequate libraries or access to print material may be problematic in these remote areas. Therefore, distance learning education may have built-in stratification issues that need to be evaluated. When local agencies are contracted to assist in the delivery of programs at remote sites, problems of competency, efficiency, and continuity become relevant. Unreliable postal service, untimely distribution of materials, poor advertisement of course/institutional information, or improper assessment assistance at remote sites can damage the distance learning course. When these problems are encountered, more stress is applied on the providing institutions. Hidden costs such as long distance telephone and fax charges, along with postage and travel can overrun budgets if the administration of the course is not managed properly. Finally, distance learners can feel isolated and detached during the course of their study. Trying to provide pastoral support and counsel for these students can present specific problems for those who are experienced educators of the traditional classroom setting.

## Conclusion

The standards set forth by the UK provide an exemplar for distance learning units worldwide. Independent evaluations of programs are the only sure way that consumers will know how well a program meets the goals and objectives it sets forth. Far too often evaluative research is being conducted by faculty members within academic units who sponsor the program under scrutiny. The results read more like propaganda or course advertising rather than a properly conducted evaluation conducted by an independent source. Until such time that evaluations like those conducted in the UK become more commonplace, the shortcomings of programs may be hidden. Additionally, academic faculty members must be surveyed in order to assess the impact in the change in service delivery. University administrators may be blinded by the financial benefit that a distance learning program can undoubtedly bring. However profits must be weighed against the other potential problems that may underline the new system of delivering higher education.

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# Distance Learning as a Tool for the Effective Dissemination of United Nations Criminal Justice Instruments to Future Law Enforcement Officers: The Case of Ethnic and Gender Issues

Rodrigo Paris-Steffens<sup>1</sup>

## Introduction

The United States has been a pioneer in the creation and development of university programmes in the field of criminal justice. This is reflected in the fact that the overwhelming majority of such programmes are to be found at American universities. The emergence of those programmes is a relatively recent phenomenon, taking place mainly in the second part of the twentieth century in response to a number of social trends, some of which will be examined in more detail below.

In many countries, even in the industrialized, democratic West, the idea of a university-imparted course of studies in criminal justice is not easily accepted or understood. Attempting to explain the rationale or the content of such a course of studies to criminal justice practitioners - predominantly graduates of police academies or schools of law - in countries that have not yet introduced them, is a difficult task. This is the case essentially because the idea of criminal justice as an integrated course of studies at an institution of higher learning conflicts with established beliefs concerning the nature of the criminal justice process itself as well as with the traditional structures, traditions and philosophies of educational institutions. At the universities one studies law, in all its aspects. And the training of police officers takes place in police academies. And that is that.

By contrast, the United States academic culture is comparatively more open to innovation, new programmes of study in every imaginable field appear with considerable frequency and, if they

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respond to a need, they are rapidly copied by numerous institutions of higher learning. In the case of criminal justice, it was the growing emphasis on professionalization of law enforcement personnel that provided some of the initial impulse to the creation of criminal justice programmes of study.

It is in this context that the emergence of electronic communication is rapidly perceived as a means of reaching a larger number of students who, for a variety of reasons, cannot attend classes in a campus. More and more academic disciplines are creating the possibility of obtaining university degrees without the students having to be physically present in the classroom, and criminal justice has certainly not been an exception to this development.

Such online training in criminal justice provides in principle an excellent opportunity to disseminate the basic concepts of human rights, as contained in a number of United Nations documents, among future practitioners such as police officers, criminal investigators, probation and parole officers, prison managers and guards, including graduates who may go into the booming private security business.

The first step is found in the preparation of a syllabus that spells out the structure of the course, with specific tasks and readings, as well as the core text, all of this easily accessible by computer, to online students. Thus, the cooperation of the professionals who prepare those teaching programmes is crucial, since they need to be persuaded of the importance of conventions, rules, and guidelines that the United Nations has elaborated since its inception, starting with the Universal Declaration of Human Rights. This point will be further elaborated below.

This article attempts to examine all the points listed in the previous paragraphs. Specific documents are brought to the attention of the reader. At the conclusion, the author describes his personal experiences in teaching a specific course online, namely, ethnic and gender issues in criminal justice, taught at the Department of Criminology and Criminal Justice at the University of Texas at Arlington, one of the institutions in this state that jointly offer a programme in criminal justice leading to the acquisition of a Bachelor's Degree.

## The Rationale for Academic Criminal Justice in One Country

Criminal Justice, as a field of academic endeavour, is a relatively recent development in universities across the United States. It emerged, at least in part, in response to the growing awareness that law enforcement needed professionally trained personnel in

order to acquire not only a higher level of efficiency, but also social recognition. In this connection, the training normally provided by police academies was perceived as too focused upon law enforcement in the narrow sense of the term, *i.e.*, the use of force, if needed, to maintain and/or reestablish public order in public or private areas. It was felt that, if law enforcement was to be more effective, while avoiding errors leading to social tensions as well as mistakes leading to the dismissal of charges, law enforcement officers had to acquire at least some knowledge normally associated with other academic disciplines, such as law, psychology, sociology, and other relevant fields. This led gradually to the establishment of programmes of study tailored to the specific needs of law enforcement.

Very gradually, such programmes have found acceptance in a number of campuses across the United States, as well as to the refinement of the programmes themselves, which have grown to include a large variety of courses in a number of fields, such as, *inter alia*, techniques of criminal investigation, police management, social science research methodology, corrections, and constitutional law, to mention only a few. As a result of this trend, such programmes are found at dozens, if not hundreds of universities across the country.

But, as the field developed, the content of the programmes was also oriented towards the increasing sophistication of criminal activity and its transnational dimensions. As a result, many of the programmes now include courses addressing the variety of criminal justice systems to be found in the world, as a means to provide a better understanding of the obstacles to international cooperation as well as to facilitate efforts at coordination and common action in the struggle against crime.

As mentioned above, criminal justice studies are to be found currently in a very large number of campuses, starting at the level of community colleges, sometimes as isolated courses, as well as fully integrated programmes leading to bachelor's degree as well as master's degrees, offered at departments of criminal justice. There exist also some programmes leading to a Ph.D. degree in criminal justice. It should also be mentioned that some universities have created, within the traditional academic structures, colleges of criminal justice, an administrative arrangement which, in the United States, implies an organization higher than the department level.

## Distance Learning

The recent boom of distance learning, a result of the innovations brought about by the electronic revolution in global communications, has been a welcome development for the

academic criminal justice programmes. This is, in part, because a large percentage of the persons interested in furthering their training in criminal justice happens to be people who are already working full-time in law enforcement, such as police officers, probation and parole officers, and corrections personnel, and in private security companies, among others. For such potential students, the opportunity of obtaining a degree without having to disturb their employment status, is a great opportunity for acquiring knowledge and skills that, quite naturally, will improve their chances for advancement in their professional status. This is particularly true in view of the widespread accessibility of computers in the population, from personal computers to laptops, as well as the availability of terminals at work or in internet cafes.

As a result, programmes have emerged through which several universities cooperate in offering a complete course of study leading to an online degree in criminal justice. This phenomenon is bound to grow rapidly, as the technology improves and the interest of potential students is stimulated by the availability of such programmes.

## Positive Aspects

Almost all criminal justice courses, online or otherwise, lend themselves optimally for the dissemination of human rights concepts and instruments. Be it courses on basic criminal justice structures and procedures, on international cooperation, comparative criminal justice, corrections, victimology, criminal law, ethical issues in criminal justice, to mention only a few, the specific content of those courses present the possibility of including important considerations and information concerning the history and implementation of human rights in the daily practice of law enforcement and criminal justice.

The first step is necessarily the inclusion of all that information in the syllabus of the course and, of necessity, in the online text provided by the programme to the students. Such information, however, seems to be very rarely provided in, or emphasized by, existent online courses in the field of criminal justice. To obtain a radical change in this connection would require a concerted effort on the part of relevant entities, such as several instances within the United Nations, to raise awareness of the relevance of human rights to the teaching and practice of criminal justice. The faculties and administrations of those programmes should be targeted, so as to provide them with relevant information concerning the existent conventions, guidelines, and standards in the field of criminal justice, or in relevant areas thereto, that have been adopted by the Organization. In addition, this effort should be accompanied by a

variety of ideas on how to persuasively explain the relevance of such instruments for the practitioners of criminal justice. Even a modest beginning could, within reasonable time limits, result in an increase of the amount of relevant material being included in syllabi and on-line texts.

The structure of the online courses in criminal justice in the particular programme discussed here includes, as part of the tasks to be performed by the students in the course of the semester, such as taking multiple-choice tests aimed at testing the students' mastery of the on-line text, a number of Discussion Boards, by means of which students are expected to comment, through postings, on different sections of the online textbook, and to comment on the comments posted by their classmates. If, depending on the material being covered, at least one of such discussion boards addressed matters of human rights, an additional amount of information on such rights would thus become a component of the training the course is censed to provide. In addition, students are asked to write at least one project and one book review, a practice which, again, could provide the opportunity to make much relevant information an integral part of the course and thus accessible to a larger constituency. This is why recruiting the faculty for such an endeavour is a critical, *sine qua non* goal of an effective strategy of dissemination.

### The Case of a Course on Ethnic and Gender Issues in Law Enforcement

The course on ethnic and gender issues in criminal justice is thought at the online criminal justice programme of the University of Texas System, a programme enlisting the cooperation of five campuses of the System, namely, University of Texas at Arlington (UTA), University of Texas at Brownsville, University of Texas at Permian Basin (Midland/Odessa area), University of Texas at El Paso, and University of Texas at Dallas.

The author was not responsible for the online text, which had been prepared some time back by one of his colleagues at UTA, who kindly allowed him to teach 'his' course. This means that, in addition to the online text, the reading assignments and the book to be reviewed and commented upon by the students, were already established and outside of the author's power to change. These circumstances no doubt radically limited the author's effectiveness in providing information, information that undoubtedly would have been relevant to the course thereby helping to disseminate human rights concerns and concepts.

Further, one may point at the 'double-barrel' nature of this course. As the title clearly indicates, the course is expected to handle the relationship of criminal justice practices to ethnic/racial

minorities, and to women of all races, ages, and social statuses. This provides a double opportunity to bring to bear human rights principles upon the contents of the course. And also makes commenting on a variety of topics covered by the course sort of a minefield both for the instructor and the students, insofar as, in view of the history of the United States and the situation of minorities in the country, there exists an extreme sensibility to any disparaging remarks uttered by a participant in postings, as the author had the opportunity to learn. The crucial fact is the perception of a particular remark. Thus, a well-intentioned remark may be perceived as, for instance, patronizing, and, consequently, elicit an offended reaction.

This fact notwithstanding, part of the author's responsibility was to monitor in this particular course and to comment on the postings and to guide the discussion around each one of the three discussion boards, as well as to direct the elaboration of the project. The author used these limited opportunities to mention, rather sparingly, relevant human rights documents, in particular, and almost exclusively, the Universal Declaration of Human Rights's Articles 1: "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood", and Article 2: "Everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political and other opinion, national or social origin, property, birth or other status," insofar as they, *i.e.*, the two articles, are of great relevance to the content of the course.

A source of concern was that more than a few students were totally unaware of these few lines, and, the author is sorry to say, some reacted negatively to the mere mention of the United Nations, a reaction brought about by a systematic negative publicity the Organization has received in the United States for a number of decades. It seems that the way to neutralize such distrust is to use every opportunity to indicate that many, if not most, principles to be found in the Declaration had their origin in very similar principles contained in such fundamental American documents as the Declaration of Independence and the Constitution, in particular the Bill of Rights of 1791, as well as the so-called Civil War Amendments - Thirteenth, Fourteenth, and Fifteenth - which abolished slavery, reinforced the concepts of equal treatment and due process, and extended voting rights to all citizens, without distinction of race.

Although the author did not do it in this occasion, for reasons he has no possibility of discussing here, it would be possible for the instructor of this course, throughout the semester, to direct the students to other documents, pointing at the fact that they are, first of all, logical derivations of the statements contained in the Universal Declaration, and secondly, that they are highly relevant to

what is being discussed. The author could not, however, formally assign those documents as part of the reading material, insofar as they were not part of the original syllabus. But one can see that the instructor could bring into the discussion a number of human rights documents, such as, in particular, the United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, as well as the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women of the Organization of American States, to mention only a few.

It is quite evident that criminal justice programmes, taught online or in the classroom, lend themselves particularly well to the dissemination of human rights concepts and instruments, as mentioned in the introduction. The problem, as indicated above, is, in part at least, the ignorance of such instruments on the part of criminal justice faculties. To that, the author would like to add a certain degree of opposition to anything and everything that could remotely suggest a limitation of sovereignty and possible foreign interference with criminal justice practices and procedures.

But the negative stance among certain segments of the population notwithstanding, it is worth pointing out some other obvious links of specific criminal justice courses with specific United Nations initiatives. In this article, a personal experience with a course on ethnic and gender issues in criminal justice has been already described. Nonetheless, some conclusions may be helpful.

## Conclusion

Insofar as students in the course, and, in particular, those who belong to a racial or ethnic minority, often mentioned in their postings in the Discussion Board, the issue of police brutality and excessive use of force by law enforcement officers, behavior seen by the victims as being motivated by some form of racial bias. The discussion of this topic could be fruitfully used to direct the participants' attention to, for instance, Article 5 of the Declaration, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment", Article 7, "All are equal before the law and *are entitled without any discrimination to equal protection of the law*", as well as Article 9, "*No one shall be subjected to arbitrary arrest, detention or exile*" These few illustrations should already have made my point quite clear. Other linkages that come readily to mind, in the same context, are Article 11 (presumption of innocence), Article 12 (arbitrary interference with privacy), as well as Article 29.2: "*In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as*

*are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others.”*

Equally important was the discussion concerning domestic violence and the reaction thereto by law enforcement agencies. In this connection, rape and sexual exploitation are issues that have gained high profile as a result of both the feminist and victims movements. Although perhaps less explosive than the issue of race, the number of postings in the Discussion Board reacting to the assigned readings indicates the perceived importance of this topic. In fact, the topic of women's rights is again one of the crucial issues in contemporary American society, as witnessed by the lively debate around abortion, as well as around affirmative action, sexual harassment, and the treatment of women who have broken the law. Recent increases in the rate of female crime have alerted the public and brought much needed attention to women as offenders and victims of crime. The conventions and guidelines elaborated by the United Nations that directly relate to this topic could be integrated without much effort both in the online text and in the Discussion Boards.

Other courses in criminal justice programmes, online or in the classroom, that could lend themselves to the dissemination of human rights principles and instruments, are, to mention only a few, criminal procedure, juvenile justice, victimology, corrections, terrorism, women and crime, capital punishment, and, particularly, comparative criminal justice systems and ethics in criminal justice. Currently, not all these courses are offered online, at least in the programme the author is directly acquainted with. But the dynamics of the programme are such, that there is no question that these and other courses will in the near future form part of the curriculum. A concerted plan of action could gain the cooperation of the professionals that will be developing and teaching these and other relevant courses.

# Education via Satellite Technology Applied to Promotion of Non-custodial Measures

Damásio de Jesus<sup>1</sup>

## Introduction

This article discusses the promotion of alternative, that is non-custodial, measures to imprisonment in Brazil. Two specific experiences will be reviewed underway: one in a post graduate law school in São Paulo, capital of the State of the same name, and the other in a non-governmental organization with its head office in Bauru, an important middle-size city in the same State, in Brazil.

The first experience involving the promotion of alternative measures by satellite fits well the application of modern technologies, like distance education, virtual schools, *etc.* The second experience involves the support for the called third sector – that is support for the judiciary mechanisms of the State and to the society in general, in the application of penalties that are an alternative to imprisonment for less serious transgressions and for non-dangerous criminals, following a trend prevailing in the criminal justice systems of many countries.

In this article, both experiences will first be analyzed separately and then combined for the purpose of conclusions.

## Preparatory Course via Satellite for Admission into Judicial Careers (Complexo Jurídico Damásio de Jesus)<sup>2</sup>

The educational institutions presently incorporated in the “Complexo Jurídico Damásio de Jesus-CJDJ” had a very modest origin 35 years ago. This preparatory course, which gradually enlarged, now contributes to the programme of a big criminal

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<sup>2</sup> See also <http://cdsat.damasio.com.br>.

justice teaching institution, with dozens of professors selected among the best in Brazil and educating thousands of students.

During these 35 years thousands of students have attended the CJDJ courses. Among them there have been judges, chief judges, prosecutors, attorneys, state attorneys, attorneys-general, police officials and even ministers of the Federal Supreme Court, not to mention an undefined number of politicians, ambassadors and other high ranking officials. As years elapsed, former students of the course spread over many States in Brazil in the exercise of their careers, maintaining liaison with the CJDJ and significantly contributing for the promotion of its didactic methods.

As a result, following on many suggestions and requests from the alumnis, the CJDJ expanded its preparatory course to the whole country, based on the re-evaluated methodology and with the same core staff of professors.

The task of enlarging the area covered by the course maintaining the same tuition level was not an easy one. From the inception of the idea up to its accomplishment, a long and laborious maturation process took place, while the CJDJ kept on pursuing various technical solutions for broadening the outreach of the course. Besides being too expensive, those solutions did not correspond to the required quality standard, nor did they assure complete reliability in image transmissions. While major importance was given to the state-owned company more capable of assuming the technological part of the project (Embratel), its feasibility was depending on the adequate and accurate selection of partners. Maintaining in the course via satellite the same student-service philosophy, which is based on respect, complicity and on the strong commitment of providing the best study and apprenticeship conditions was a must. Thus, the CJDJ could not run the risk of airing a weak image, or what was worse, of keeping a student waiting in vain for such image, or allowing an inadequate execution of services in any department involved, anywhere in the country, because of a technical failure in the transmission or of an erroneous selection of a partner.

As a means of promoting a careful selection of the interested parties, the CJDJ managers thought first about utilizing the franchise system. However, after several studies, the managers concluded to opt for the licensing system, which besides strengthening the brand preserving its values and principles, has proven to be economically more feasible for the licensed partners. The adopted system merges two objectives: the licensor's, who assures his principles and know-how are reinforced beside the client, and the licensee's, who expects return on investment in the lesser period possible.

Finally, in 2002, after a long testing period, it was possible to initiate live transmissions of classes administered in a studio specially designed for the course, via satellite and in a closed channel, providing access to high-quality images and perfect sound, as if the student was inside a class in the CJDJ São Paulo. From this point the first licensed units were created. Presently, they are in 32 cities across Brazil and the number is growing. What is important is that the achieved results level remains the same of that achieved by the attendance tuition practiced in the head office in São Paulo, further achieving the same student satisfaction levels.

In order to achieve this goal, the course via satellite relies on the support of TV specialists, technicians and advertisers who always discuss with the professors the methods and alternatives to be pursued in the class. The major technical and methodological challenge is reconciling the course syllabus with the need of rendering the transmission more attractive and user friendly for those who are kilometers far, in front of a screen.

The education via satellite is already considered as of a very high level. The CJDJ continues to enhance it.

## Execution of a Community Service Order

There is a vision still prevailing in the legal apparatus of the State that penal law is the best instrument to control crime and offender. In the system's simplified logic, acting punitively the State acts preventively as well, hence educating the society. This point of view has lately been the object of criticism among legal experts. It is inefficient, to start with: it does not prevent crime, does not rehabilitate criminals, it also does not satisfy and indemnify victims. Additionally it is extremely onerous at a public expense, and most of all, it does not reconstitute the social tissue torn by crime.

In case of Brazil, there is a penitentiary system which is, both, oversized and inoperative. Prisons are already overpopulated often with offenders who should not be imprisoned. Moreover, there are thousands of warrants issued by judicial authorities that are still not executed, great part of which concern dangerous criminals who really represent a risk for society.

Juvenile delinquents imprisoned with dangerous adults criminals learn what they should not learn. When released from prison they do not return to social and community life, but remain within the criminal underworld. Our sad reality is that prisons were transformed in real "crime universities". And the imprisoned individuals who had the bad luck of passing through such "universities", even if for a short time, will bear for the rest of their

lives a sad stigma that shall prevent them, even if willing to, from a full reintegration in social life and in the job market.

This is what is happening in the Brazilian penal system. Unfortunately, however, this occurs not only in Brazil. To a lesser or greater extent, the same terrible problem occurs in numerous other nations. Even in highly developed countries, with model penitentiary institutes, there is a high recidivism rate. In view of this, a common sense reaction has been to pursue alternative sanctions, which allow convicted individuals with prospect for rehabilitation to pay their debts to the society and the victims in a useful and effective manner, without grave imprisonment inconveniences. In fact, alternative penalties such as fines, execution of community service and temporary restriction of rights, besides many others, may substitute with advantages imprisonment in the case of less serious offences, when applied to offenders whose imprisonment would be not advisable because of low prospect of re-socialization.

The Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Milan, Italy, 1985) emphasized the need of reducing the number of imprisoned individuals through expanding alternatives to imprisonment. In 1986, the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders initiated the development of the Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), later adopted on the recommendation of the Eighth Congress (Havana, Cuba, 1990) by the United Nations General Assembly on December 14<sup>th</sup> 1990 (resolution 45/110, Annex).

Within this international legal context operates the Brazilian criminal justice system. In Brazil, alternative penalties are a substitute, that is, the judge first determines the liberty restriction penalty and then may substitute it for one or more alternative sanctions. They cannot be applied directly, nor cumulatively with penalties involving restriction of liberty. Substitution is obligatory once the admissibility conditions are met, thus not being the case of a mere judicial faculty.

Alternative penalties are executed conditionally, that is subject to offender's compliance with them. In case of non-compliance, imprisonment is imposed.

The Patronage Professor Damásio de Jesus, a private non-for-profit organization established in the city of Bauru in 1997, pursues the aim of assisting justice in the application of alternative penalties. The Patronage, which receives no governmental support, belongs to the "Complexo Jurídico Damásio de Jesus - CJDJ". It executes, implements and monitors alternative measures. The Patronage was established by a group of professionals from several areas, who studied, planned its structure and elaborated its

Statutes<sup>3</sup>. Its present President Dr. José Roberto Moraes dos Santos works directly with criminal justice organs of the County of Bauru.

The Patronage has as its objectives:

- rendering a feasible re-socialization process of sentenced individuals;
- providing its beneficiaries, by means of reflections, the conditions for the rescue of their values, thus contributing for the improvement of their quality of life, by means of individual/community relations;
- orientation for sentenced individuals on their duties regarding execution of the alternative penalty;
- allowing sentenced individuals the access to an institution in accordance to their profile, qualification and capacity level, where they shall execute services as any other employee, not subject to distinctions;
- contributing for their valorization, by their insertion in the community and in the family core.

The Patronage is invested with a task of a huge social importance: preventing the re-imprisonment, thus keeping away the offenders from recidivism. Through free workmanship it provides as a community service, the Patronage benefits various entities which receive assistance of offenders trained in computer science, medicine, engineering, law, *etc.*

In addition to the educational aspect, community service implies for sentenced individuals an excellent opportunity for the recovery of their social status, allowing their reintegration in the job market, while the interaction between the community and the services executor makes room for more stable bonds between them.

Statistically, from 844 sentenced individuals who at the time of analysis (2003) underwent or are still undergoing alternative penalties, only nine (9) cases of recidivism were registered. Many sentenced individuals, after having met the conditions of the sanction, continue to work as collaborators and volunteers in schools and crèches. They identified themselves with the

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3 Participated in the Patronage's creation: Dr.<sup>a</sup> Ana Luzia de Campos Morato Leite, Dr. Aniel Chaves, Dr. Bruno Henrique Gonçalves, Dr. Cirineu Antônio Bonete, Dr. Damásio Evangelista de Jesus, Dr. Eder Serra de Campos, Dr.<sup>a</sup> Elci Aparecida Papassoni Fernandes, Dr. Elyseu dos Santos, Dr. Francisco Bento, Dr. Freddy Gonçalves Silva, Dr. Daniel Gonçalves Silva, Dr. Jerônimo Crepaldi Júnior, Sr. José Octavio Guizelini Balieiro, Dr. José Roberto Moraes dos Santos, Dr.<sup>a</sup> Lia Clélia Canova, Sr.<sup>a</sup> Luciana Raquel Gonçalves Silva Bergamini, Dr. Luiz Toledo Martins, Dr.<sup>a</sup> Marta Adriana Gonçalves Silva Buchignani, Dr. Ranolfo Alves, Dr.<sup>a</sup> Rosana de Jesus Reis de Souza e Silva e Sr.<sup>a</sup> Rosângela Santos de Jesus Romano Mattos.

concluded programmes, established friendships, and received recognition, hence regained their self-esteem. In this way, sanctions became pleasant activities.

Beneficiaries of the “Patronato Professor Damásio de Jesus”, all of them above 18 years old, were sentenced for community service in the city of Bauru and in other cities of the region, and were accepted independently of their educational and social-economic background, ethnic group origin, political or religious beliefs, *etc.* Community service consists of gratuitous tasks rendered to assistance entities, hospitals, schools, and other similar establishments, either in State or in communitarian programs.

In Bauru, the Patronage works with several beneficiary entities, including public organs, among which one may cite hospitals, crèches, asylums, religious or philanthropic associations and public organs of the neighboring cities of Agudos, Arealva, Avaí, Bauru, Pederneiras and Piratininga.

The procedure for contracting community service starts with summoning the sentenced individuals by means of a warrant stating date and time they shall come for an individual interview and evaluation by a social worker. The said interview is intended to check capabilities of sentenced individuals, their professional experience, education level and professional qualification, in a way to subsidize their conduction to the execution of communitarian services. Then, the entity in which the sentenced individual shall undergo his penalty is selected. A presentation and conduction official letter is made to the person responsible for the benefited entity, stating identification data, address, crime, and the term to undergo the execution of services. The monthly report on the individual's activities is also remitted with the official letter. However, acceptance by the entity of the sentenced individual is not obligatory (school, factory, *etc.*). Execution of the service amounts to eight hours a week (on Saturdays, Sundays and holidays), on basis of one hour per day of imprisonment foreseen in the court sentence.

The sentenced individual attends the place where he or she shall undergo the alternative penalty. The Patronage is in charge of notifying the judge about the adopted procedure. The institution reports on a monthly basis accounting for all the activities accomplished by the sentenced individual and remits said report to the Patronage, allowing the Social Service to effect control upon the hours already completed. At the end of the service, the sentenced individual is notified upon such fact and is then discharged from the entity. The reports on the execution of services are registered in the competent register office by means of official letters remitted to the sentencing judge, for process filing purposes.

As of this writing, in 8 years of activities the Patronage has already assisted 1453 sentenced individuals, whereas 600 were assisted in 2005.

A sentenced individual undergoing his penalty in penitentiaries of the State of São Paulo costs in the average R\$ 767.00 (about US\$ 340.00 or € 281.00) per month at public expenses. Whereas, sentenced individuals rendering communitarian services under supervision of the “Patronato Prof. Damásio de Jesus” have a cost of approximately R\$ 25.00 (about US\$ 11.00 or € 9.00) for the institution.

The Patronage is a non-governmental organization accredited by the Tribunal of Justice of the State of São Paulo. On October 31<sup>st</sup> 2001, the Municipal Law No. 4.753, of the city of Bauru, declared the Patronage of public utility, thus recognizing its merit and social value.

#### New Project under Development (Patronage’s work via satellite)

The experience of the Patronage was always considered as a pioneering one. Since it succeeded, the time has come for another project.

This next project aims at countrywide dissemination via satellite of the method applied by the Patronage, with a view to adopting it on a broader scale, especially as far as the execution of community service order is concerned.

This includes opening a free-access television channel (“Canal Jurídico Damásio de Jesus”<sup>4</sup>), with a weekly one-hour programme on alternative penalties intended to encourage the execution of community service via Patronage all over Brazil. The programme involves lectures, news and information.

#### Conclusion

We do not want to impose the concrete model of the “Patronato Prof. Damásio de Jesus” to countries with different conditions. Even in Brazil there are alternative methods for the application and promotion of non-custodial measures different from those adopted by the Patronage.

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4 See further <http://cdsat.damasio.com.br>.

However, the experience of and the advice from the work of the Patronage may be made available free of charge to every interested party in order to achieve the same common objective: broadening the scope of application of non-custodial measures, allowing a fairer penal justice, more effective and more humanized.

### III. TEACHING INTERNATIONAL CRIMINAL JUSTICE IN A REAL CLASSROOM

#### Teaching Criminal Law in its International Dimension – Where to Start?

Frank Hoepfel<sup>1,2</sup>

##### Introduction

Since criminal law has been put, also for a broader public, on the world agenda in the recent past, the field is well apt to deepen the understanding of globalisation also in law. For law students international criminal law can be an eye-opening experience, comparable to the diachronic view they used to be offered in earlier days, as a tool to grasp the relativity of a given legal system.

But to get the message through to the students, it needs to be an attractive subject at law schools. That will only work, when it is not too complex. Given the continuous developments in this field of law, it may be less feasible to teach it in the traditional sense, and to pre-process it in terms of introducing it into textbooks.

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1 Professor of Criminal Law and Criminal Procedure at the University of Vienna; *Ad litem* Judge at the International Criminal Tribunal for the Former Yugoslavia (ICTY), The Hague, The Netherlands.

2 The author would like to thank Slawomir Redo for the opportunity to share his thoughts with this group of experts who participated in the panel of the American Society of Criminology in Toronto (Canada, 2005). It was not only the meeting of specialists from the different disciplines but, as Slawomir Redo has been promoting already for a number of years, the dialogue needs to be underpinned by a common understanding of the practical challenges. These are fueled not only by the usual bipolarity between theory and practice, but to a large extent by the need to include regional differences in respect of historical and cultural background. In the criminal law context this is as indispensable as the international community has learned to see it in the field of human rights. Here I need to mention Manfred Nowak, United Nations Special Rapporteur on Torture, and yet so often present and prepared to co-teach our annual seminars on the individual criminal responsibility for serious violations of human rights and humanitarian law. I am including my thanks to Gerhard Hafner, head of the Austrian delegation at the negotiations which resulted in the 1998 Rome Statute of the International Criminal Court. Gerhard Hafner has become the backbone of these seminars by having introduced the criminal law into the regular teaching of public international law.

## International Criminal Law: a Subject Matter in Flux

Legal history which keeps shifting into the background in most curricula, used to be a more appropriate means to demonstrate the relativity of human laws. As the subject – for example Roman law as crystallised in the *Corpus Juris Civilis* – stays unchanged, its presentation have reminded of the anatomy lessons in medical school. In contrast, the international dimensions of criminal law and of law in general have not yet satisfyingly fallen into place. For example, at Vienna University a vivid discussion has resulted in a draft issued in winter 2005/06 which has provided for an introductory phase on “European and International Fundamentals of Law”. However, it appears to be highly questionable how far such an undertaking may, or shall, include the specific international dimensions of criminal law.

## The Interdependence of Different Legal Disciplines

One may be of the opinion that international criminal law is a compound matter. Therefore it should be taught only when students have been acquainted with the single components. In fact, international criminal law merges two legal disciplines that are fundamentally different in their focus, and in their methods: international law, which basically deals with the legal duties and rights of equal sovereign states, and criminal law, where the focus is on the criminal responsibility of individuals (Höpfel and Angermaier 2005: 310 *et seq.*). At least in Europe where they typically start their studies at a faculty of law right after high school, these students on the average will be too young.

That has to do both with the compound structure in terms of a legal subject and with its interdisciplinary character. This matter should be first discussed in the interdisciplinary context, and then as interrelated within the law.

Once students have an advanced understanding of world politics and international relations in light of globalisation both on the institutional level and in terms of civil society, they will be extremely interested and better motivated to acquire and exchange views on this matter. From frequent discussions with young colleagues it can be seen that in spite of the high degree of acceptance of criminalisation through the statutes of international courts and tribunals, the idea of direct enforcement by such international bodies is nevertheless a controversial one – not only in the United States. It is difficult to have a productive discussion on these issues before there is a rather profound understanding on all sides. But at the same time a different problem may arise as soon as they have acquired a “sense” for this matter. As soon as this big step seems

to lay behind them, they often will be reluctant to question their position as openly as less advanced students are ready to do. Without doubt that is the advantage of starting earlier in addressing international criminal justice. However, this requires a great deal of didactical competence.

In this regard it seems useful to include some remarks of a more personal nature. By close contacts with my friend and colleague Gerald S. Reamey from St. Mary's University School of Law, San Antonio, Texas (USA), I think I can tell the difference. I met him in 1986 when they started their Innsbruck program ("Institute on World Legal Problems") and he contacted the criminal law department of the Innsbruck University to discuss extradition law.

Over the years, I had the pleasure to participate in his classes and seminars, as silent guest, discussion partner, guest lecturer, or sometimes co-teaching, first in the field of comparative criminal procedure and later also in international criminal justice. These experiences have made me understand better what the teacher of law in general, and of comparative and international criminal law in particular, *can* accomplish. However, they have left in me the impression that this nearly insoluble issue which I chose to address here is not to be answered solely on a rational level. Rather it is the matter of an art, maybe comparable to psychoanalysis. An example, and to me still a bit of a mystery, is how Geary succeeded in summer 2005 when he at the end of a course on "International Criminal Justice", which he had offered together with Richard Goldstone, proposed to students who had in general just finished their first or second year at an American law school to prepare for a debate on the pros and cons of a country like the United States participating in the Rome Statute of the International Criminal Court. Although this is a highly political issue, it was possible to look through the surface to the ground with its important legal perspectives. The secret of this success was not easy to catch. It is not only the teacher's charisma. At the same time, it appears to lie in a special ability to draw lines which give a picture which is more differentiated than in a woodcut, but still not carrying every nut, bolt and screw; and which is a still life and yet lively.

## The Need for Basic Understanding of Legal Principles

Including criminal law in its international dimensions into law curricula by default will remain a questionable idea also for another reason. The point is to pay attention to the context within the whole legal order. It does not make much sense to only then teach the fundamental principles of criminal law, normally assembled under the heading of the "General Part". Whether it is the chapter of the theories justifying any punishment, as it has been the concern of

legal philosophy for ages, or any specific issue, e.g., the legislative and doctrinal methods to assemble the elements of a given crime, it causes unnecessary challenges when these issues are not being taught before their arising in the context of international criminal law. A case in point is the notion of “inchoate offences” (crime of preparing for or seeking to commit another crime) which is relevant both for international criminal law (Cassese 2003: 190-191) as well as a fundamental concept in the “General Part” of most domestic criminal justice systems. Another topical issue is the meaning of justification and excuse (*Ibidem*: 219 *et seq.*). It seems much more rewarding to teach the subject in separate programs and specialisation courses, including Master studies with a special orientation. They either may have their emphasis in human rights law<sup>3</sup> or they also may take the route via criminology and criminal justice.<sup>4</sup> Again a different way is to undertake a “vertical” comparison between international law on a universal level – both in terms of jurisdictional issues of national laws and cooperation between states culminating in direct enforcement models – and on the European level.<sup>5</sup>

## European Law vs. International Law

The ongoing Europeanisation of criminal law has led to a high level of integration – a case in point is the Framework Decision on a European Arrest Warrant – which raises the question whether criminal law has become an instrument of integration, or whether it is merely following some imagination of a degree of unity which in fact still is lacking. This problem demonstrates the peculiar aspects of so-called European criminal law. Within the goals defined in the draft European Constitution Treaty, the various meanings of what a “harmonisation” of criminal law and procedure may turn out to be will be the subject of a deeper analysis before making it a teaching subject. It is therefore important to distinguish this issue from the questions pertaining to international criminal law. By all means it is

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3 An example is the successful “European Master’s Degree in Human Rights and Democratisation – EMA” organised by the European Inter-University Centre for Human Rights and Democratisation in Venice and run in a quite unique cooperation of some 40 universities in the 27 Member States of the European Union.

4 These aspects are the focus of the M.A. program in “European Criminology” offered at famous Leuven University (Belgium).

5 An example is the summer program we jointly developed in our “Beccaria Academy on European and International Criminal Law”, a specialisation course which we could start at the University of Turku (Finland) in 1999 (with Ari-Matti Nuutila, Jo Dedeyne-Amann and Peter Van der Auweraert) and continue in Vienna in 2003 (Damian Korosec from Ljubljana University (Slovenia) and Pedro Caeiro, Universidade de Coimbra (Portugal), being additionally on board).

important to challenge the approach whereby the two levels are combined. Further reflection may produce a consensus that European and the international criminal law have become even two different disciplines. They will profit from each other. And they may, or even have to, be addressed in teaching and research by the same professors. It is as though one would be starting from a domestic perspective and see two roads leading to different levels: the regional level and the universal one. In which of these two fields of law the persons concerned will specialise may differ – between colleagues and also between phases of one's own life.

This difference is also reflected by separate (but usually interconnected!) associations and networks. Fledgling groupings like the “European Criminal Law Academic Network – ECLAN”, based at Université Libre de Bruxelles, which are adding to the network of associations devoted to European criminal law issues (originating from the idea of criminal law instruments being needed as accessory to classical EC law) demonstrate this. A first, and sustainable, crop of this ECLAN network is an own “Summer School on the European Penal Area”. On the other hand there exist leading scholarly non-governmental organizations which play their role on the international level, including a strong interest, and a considerable influence, in the work of the United Nations.

Good examples are the International Association of Penal Law (AIDP) and the International Society of Social Defence and Humane Criminal Policy (ISSD), both having consultative status with ECOSOC. Courses which they have initiated – such as the annual “specialisation course in international criminal law” at the renowned *Istituto Superiore Internazionale di Scienze Criminali* (ISICS) in Siracusa, Italy, contribute to a reasonable concept of continuing legal education which produces its fruit in the form of promising offspring in the academic environment.

This process of evolution in respect of organisational diversification can be fed back to the discussion on the future of legal teaching. The theory is: letting the two avenues (the “European” and the “international” roads) cross again does not at all have to be an ambition within regular law studies. It will suffice, but be indispensable at the same time, to show students where the roads go. The rest will be up to postgraduate education.

## Possible Solutions

A look into recent editions of textbooks in Austrian legal education illustrates this approach. For instance, in a textbook on the “General Part” of criminal law (Kienapfel and Höpfel 2007) a concluding chapter on the international dimensions of criminal law was added, while a leading textbook of public international law

(Neuhold 2005) appeared with a chapter on the penal dimensions.<sup>6</sup> The authors of these textbooks agree there should be at least some acquaintance every law student has to make with this extraordinary dimension of international, and of criminal, law. The approach taken at the Vienna University is to bring these dimensions together in a series of co-taught<sup>7</sup> seminars for advanced graduate as well as post-graduate students. It appears to be more realistic to distinguish between basic aspects and such content which is more appropriate for postgraduate education.

To whom else should one explain or with whom debate over, e.g., the impact which the International Court of Justice (ICJ) Judgment of 14 February 2002 in the case between the Democratic Republic of the Congo and Belgium (ICJ Judgement: 2002) – including Christine Van den Wyngaert's outstanding Dissenting Opinion – concerning the lawfulness of an international arrest warrant issued by an investigating judge of a Belgian court of first instance against the incumbent Minister for Foreign Affairs of another country might have on the position of ex-dictator of Liberia Charles Taylor in the criminal proceedings instituted against him before The Special Court for Sierra Leone (SCSL),<sup>8</sup> or, to take another example, the relevance of an extradition request of country A to a country B which is located in the territory of the former Yugoslavia and has surrendered the person concerned to country C (the Netherlands, hosting the ICTY), were the person was charged and subsequently convicted for war crimes, the sentence having to be served in a country D? The tricky mix between classical extradition issues and the direct enforcement model represented by these Tribunals will be something for a Ph.D. student – maybe!

The opinion has often been expressed that issues of extradition and mutual assistance will be learned early enough in practice, *i.e.*, when working as an intern or clerk, or young judge. But that may be a little too late to lay foundations. And not encountering these modern challenges during the graduate studies at all also means

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6 The author of this chapter is Gerhard Hafner whose above-mentioned role as the head of the Austrian delegation during the States' Conference on the Statute of the International Criminal Law in Rome in July 1998 coincided with the time when Austria had taken over the EU presidency.

7 As to possible strategies from a common law perspective, compare Stacy Caplow and Maryellen Fullerton, "Co-Teaching International Criminal Law: New Strategies to Meet the Challenges of a New Course" (*Brooklyn Law School Legal Studies Research Paper* Nr. 45, Oct. 2005), *Brooklyn Journal of International Law*, 2006.

8 SCSL, *Decision on Immunity from Jurisdiction, Prosecutor v. Taylor*, Case no. SCSL2003-1-I, A. Ch., 31 May 2004. In: André Klip and Göran Sluiter (eds.), *Annotated Leading Cases of International Criminal Tribunals*, Vol. 9, *The Special Court for Sierra Leone 2003-2004*, p. 187 *et seq.*; with Commentary by Claus Kreß, *ibidem*, p. 202 *et seq.*

not understanding what problems have to be mastered today: cooperation being the key word for this, and therefore requiring, but also enhancing, one's teamwork skills. This appears to be highly symptomatic for the challenges we are unequivocally facing when following the goal to continually improve teaching and research at our universities.

## Top-down vs. Bottom-up Approach

What flows from these few reflections? The specific challenge posed by the recent materialisation of a new (directly enforced) "International Criminal Law" raises the question in which way to approach this field in law school and in continuing legal education. Two approaches may seem to be competing: a top-down and a bottom-up design. When starting from the sources of law, this modern international criminal law first would have to be looked at in terms of the framework of Security Council measures within Chapter VII of the United Nations Charter or of international conventions, like the Rome Statute of the International Criminal Court. This primarily includes the perspectives of International Relations (e.g., issues of sovereignty as raised esp. by the US Administration in regard to the Rome Statute). However, when delving deeper into the contents of the statutes and into the jurisprudence of international or internationalised criminal courts, it will be recommendable to teach these issues in a way which can build on the fundamentals of classical criminal law doctrine. Actually, one ought to make a distinction between substantive and procedural law. The case-law of international criminal tribunals shows that there are considerable problems contained both in respect of substantive and procedural issues.

While the issues of substantive law can be addressed very well by building on the understanding of a single domestic legal order, the procedural questions additionally would require a good foundation in comparative law. For the purposes of teaching comparative procedural systems it even will be useful to require, or at least to recommend, an education in Latin. For jurists from a continental European system it usually is a surprise to see how little the shift of the emphasis from legal history to comparative and international law would change in this regard.<sup>9</sup>

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<sup>9</sup> While the editors of famous *Black's Law Dictionary* (8<sup>th</sup> edition, p. 1703) argue the legal maxims collected in their Appendix B would, without replacing legal arguments, often add an element of fun, it is important to note the bridging role of Latin maxims and expressions for international tribunals which are, while predominantly using English as their working language, supposed to blend legal methods of the major systems of the world.

The recommendation to first be extremely familiar with a domestic criminal law regime will be relevant for both the substantive law and the procedure. However, the differences – if not contradictions – between the two main legal systems of the world, common law and civil law, are mainly to be found in the procedural models and maxims. Without going into too much detail, the view of nearly everyone involved in the trial, from the defendant to the judges, but in particular the philosophy behind the professional role of counsel, differ greatly and partly irreconcilably between the methods of common law and civil law. It does not immediately transpire from the aim to connect the cultures of the “representation of the principal legal systems of the world”, as invoked by the rules concerning the qualification and election of judges in this field,<sup>10</sup> but appears to remain a challenge for the near future to understand better how to bridge the gaps between these traditions, or occasionally find some “third way”.

Although this international justice is a direct fruit of the work of the United Nations, another vast part of its work in the field of criminal law is often overlooked, at least in ordinary law schools: A field of growing importance for domestic legislation, the rich *aquis* of treaties and of principles developed as United Nations standards and norms in crime prevention and criminal justice should incrementally also become part of the teaching of international criminal law.<sup>11</sup> This, however, does not pose any technical problem to the drafters of curricula. It is rather up to the single professors to integrate these standards and norms into their teachings.<sup>12</sup> The same is true for the most central international treaties, such as the 2000 Convention against Transnational Organised Crime and its Protocols and the 2003 Convention against Corruption, not to mention the anti-drug instruments, in particular the 1988 Vienna Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.<sup>13</sup>

However, the role of the Crime Commission and of the services of UNODC, regarding the preparation and implementation of these instruments is just one example of the work of international as well as regional organisations, including the Council of Europe, to which more attention should be directed. Here the competition between a

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10 See, Article 36 (8) (a) of the Rome Statute; compare Statutes of the International Criminal Tribunal for the former Yugoslavia, Articles 13 *bis* (1) (c) and 13 *ter* (1) (c), and for Rwanda, Articles 13 *bis* (1) (c) and 13 *ter* (1) (c).

11 Vienna University is in the privileged position to be in a fruitful contact with UNODC, and it is hoped this cooperation will be further developed.

12 To give an example, for the various models of victim-offender-mediation it may be useful to discuss the United Nations basic principles on the use of restorative justice programmes in criminal matters (ECOSOC Resolution 2002/12 of 24 July 2002, Annex).

13 For the legal background see Chawla and Pietschmann 2005, p. 310 *et seq.*; as to the legal methods, compare Joutsen 2005, p. 255 *et seq.*

top-down and a bottom-up approach will not play the same role as in respect of the teaching of international criminal justice.

## Conclusion

As not only different disciplines of law, but also these different legal cultures are merging, there is an ever growing need for the ability to think in different “worlds”. It cannot be the goal of legal education to make the students fit *in* both worlds. But they need to be made fit *for* these different worlds.

What can be aimed at in this regard? It will be helpful in any case to first make the regular student fit in their own system.

There is no question that this can be taught best in the home country. But mobility programs are mushrooming, fortunately already during the regular law studies. Although it is popular to do “neutral” subjects when abroad, it would be a real chance to make comparative law a blossoming subject (also beyond family law and similar sectors in which comparative teaching already has more tradition!). This can, as we all have experienced, be of great assistance to even understand the own system better. However, that is not the primary concern in comparative law. Rather it is a frequent by-product, already when comparing systems which are not as foreign one to another, and seem to follow similar approaches.<sup>14</sup>

Talented students of course should always be encouraged to go abroad and learn about foreign systems, and in particular to try to get an understanding of the way of legal thinking in the opposite legal system and their cultural, linguistic, and maybe philosophical background. Such a principal understanding imports by far more than any rich knowledge in details of the law and the doctrine. By the way, can't we learn from that again for our own system? I am not so much referring to the legal, rather to the educational system.

But, to repeat, as far as the law is concerned, intimate understanding of the own law and procedure, *i.e.*, of one national criminal justice system, will always be a good starting point. It seems to be no matter which one – be it a system with a common law or with a civil law tradition. Both have their place in the global family of nations. Both have their peculiarities. And we will be more and more aware of that, the “smaller” the world is becoming.

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<sup>14</sup> As the author has had many occasions to learn in a series of seminars which were fathered by Hans-Heinrich Jescheck and Robert Hauser, the doyens of German and Swiss criminal law and procedure, and masters of comparative law.

To conclude, the developing of curricula is presently a challenge all over. And it therefore is rewarding to be in the position to compare views about this international issue from a truly adequate viewpoint, within an appropriate scene. And the scene of crime is not meant here. It is rather the global perspective. For me that perspective has gained so much by this wonderful contact before, at, and after Toronto.

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# Using the Topic of Torture for Interrogation to Teach about International Standards and the Rule of Law

Philip L. Reichel<sup>1</sup>

## Introduction

In late 2002 and early 2003, media reports began suggesting that persons being held in the CIA interrogation center at Bagram Air Base in Afghanistan were being tortured or subjected to practices very close to torture ("Ends, means and barbarity" 2003; Priest & Gellman 2002). A Fox News opinion poll in March 2003 asked Americans if they favored or opposed allowing the government to use any means necessary, including physical torture, to obtain information from prisoners that might protect the United States from terrorist attacks (FOX News/Opinion Dynamics Poll 2003, March 11-12). Forty-four percent of the respondents were in favor compared with 42 percent who opposed, 5 percent said it depends and 9 percent were unsure. It seemed without any basis for comparison, that 44 percent of the American public favoring the use of torture in any circumstances was remarkably high. Would students have opinions similar to or different from the national perspective?

In March 2004, while teaching a Comparative Justice Systems course at the University of Northern Colorado (a seniors only capstone course for criminal justice majors), this author decided to administer an opinion poll that would ask the same FOX News question, and a few others, related to torture and government powers. At the time the students were asked the question, the course was covering the topic of terrorism as a transnational crime and having class discussions on substantive and procedural law changes in the United States since September 11, 2001. All the students indicated they were aware of the allegations of abuse and torture by Americans of persons being held at places like Guantánamo Bay. The results of the class poll (administered electronically using the course web site) showed 52 percent of the students favored allowing the government to use torture. Thirty-

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three percent were opposed and 15 percent chose a "not sure" option.

Those results, quite honestly, were surprising. One could assume (hope?) that persons interested in criminal justice careers would be appalled at the prospect of using torture to extract information. During class discussion, students were asked why more than half of these criminal justice students were more willing to accept torture techniques than was the general public? The interesting, if not enlightened, responses included such points as:

- torture could provide valuable information that would not be gathered using other techniques;
- techniques being identified in the media at the time as being torture by American personnel (e.g., sleep deprivation and keeping prisoners in awkward and painful positions for long periods of time) were not viewed by some students as their idea of torture. So, they interpreted the poll question as asking if they favored allowing the government to use those techniques to obtain information;
- some criminal events rise to such a high level of importance that otherwise unacceptable response-techniques become acceptable.

A lively discussion ensued with one group of students forcefully disagreeing with an equally adamant other group of students. By the end of the class period, opinions on either side seemed unchanged and remarkably parochial. This situation required a focus on what type of international education the students should have and what specific topics were of particular importance for that international education. This chapter explains how the topics of "international standards" and "rule of law" came to be the focus of several class periods.

## Goals of an International Education

There is a need to both "educate internationally" and to "provide an international education." The former is accomplished, in part, when international institutes and academies provide a common educational experience for students from many countries. The latter is accomplished, in part, when students anywhere are educated about issues of international importance. Many contributions in this anthology describe efforts to educate internationally by reviewing training courses on the importance of human dignity and human rights, strategies for fighting organized crime, and identifying best practices. Fewer of the contributions focus on providing an international education. Both goals are important in today's global village and typically when one is the focus, the other is included as

well. After all, what would be the point in providing common training in law enforcement techniques to police from several countries (*i.e.*, educating internationally) without noting the benefits derived from cross-national cooperation in combating transnational crime (*i.e.*, providing an international education)? Despite that overlap, it is desirable to sometimes discuss the goals independently. For purposes of this entry, focus is on providing an international education, specifically, to university-level criminal justice, criminology, and law students.

Contributions in this volume show us that international issues are being covered in criminal justice textbooks. It also appears that an increasing number of universities are including international criminal justice issues in their curriculum. Cordner *et.al.* (2000) found that about one third of the criminal justice programs at American universities offered some international or comparative courses. Beyond just course offerings, degrees in comparative or international criminal justice are being offered at the bachelor's (*e.g.*, John Jay College of Criminal Justice, City University of New York, New York, USA) and post-graduate (*e.g.*, University of Wales, Bangor, United Kingdom) levels.

The growing academic interest in comparative and international criminal justice has been accompanied by professional journals devoted to the topic (*e.g.*, *International Criminal Justice Review*, *International Journal of Comparative & Applied Criminal Justice*, *International Journal of Comparative Criminology*) and by textbooks specifically on comparative criminal justice (*e.g.*, Dammer, Fairchild and Albanese 2006; Ebbe 2000; Reichel 2005; Sheptycki & Wardak 2005; Terrill 2002). Clearly, the field of comparative/international criminology and criminal justice is gaining recognition and acceptance, yet, as with so many emerging fields, significant attention must be paid to justifying its existence. Following a brief review of the benefits derived from taking a comparative and international perspective, we return to the efforts at providing students with an international education regarding torture, international standards, and the rule of law.

## Benefits of Comparative and International Perspectives

The terms *comparative* and *international* are related, yet distinct. Both are important and relevant to criminal justice, but for different reasons. Natarajan (2005) explains that international criminal justice is a broad term that covers crime and justice from a global perspective. It includes the topic of international crime (*e.g.*, genocide, war crimes, crimes against humanity), but also considers transnational crime (*e.g.*, money laundering, terrorism, trafficking in humans), human rights issues (*e.g.*, forced sterilization), and

international justice efforts (e.g., transnational cooperation in law enforcement and prosecution). Comparative criminal justice, on the other hand, considers similarities and differences in how countries attempt to maintain social order and accomplish justice (Dammer, Reichel, & He 2004). The focus is on how countries respond to domestic crime individually, but also how each country participates in a global response to international and transnational crime. In this sense, international criminal justice is the broader term that encompasses comparative criminal justice studies.

For present purposes the distinction between international and comparative criminal justice is important because of the perspective each hopes to accomplish. Specifically, a benefit of comparative and international studies is to help students replace the traditionally parochial view of the world with a global perspective. Doing so has always been important, but today it is essential. That is because, as *New York Times* columnist Thomas Friedman's book title declares, "the world is flat." By that, Friedman means the people of the world today are able to do business, communicate, entertain, or engage in almost any other activity, instantaneously with billions of others around the globe. Several technological (digital, especially) and political forces have converged, and that has produced a global playing field that allows for multiple forms of collaboration without regard to geography or distance, or soon, even language (Friedman 2005: 176).

Importantly, just as the world is flat for legitimate enterprises and lawful people, it is flat also for illegal endeavors and criminals. Efforts to contain illegal behavior in a flat world require that criminal justice practitioners move about on the playing field as easily as do the criminals. That skill is acquired, in part, by providing those practitioners with an international education that helps them understand: (1) similarities and differences in social control mechanisms at domestic and transnational levels, (2) how countries can work together effectively to combat "flat world crime," and (3) how one's own justice system might benefit from understanding how another country's system operates.

With the goals of an international education in mind, the professor returned to the classroom exercise that asked students in a comparative justice course their opinions about the use of torture as an interrogation technique. As explained at this chapter's start, three particular reasons were presented in class discussion for favoring the use of any means necessary, including torture, to obtain information from prisoners that might protect against a terrorist attack. Briefly, they were:

- torture allows the gathering of information not otherwise gotten;
- techniques known to be used did not rise to the level of torture; and
- an acceptable means given the desired end.

All three of those explanations are worthy of class time, but the last two seemed to be especially relevant for purposes of providing an international education to students in the comparative justice class. Specifically, the "doesn't rise to the level of torture" argument was chosen to discuss *international standards*. The "end justifies the means" explanation seemed appropriate for discussing the *rule of law*.

## International Standards

When students were asked in Spring 2004 whether torture should be used to extract information from terrorist suspects, the examples of torture being given in media reports were of the "sleep deprivation," and "awkward and painful positions," type. This suggested that students may not be aware that the international community has actually identified standards to be used when confronted with questions such as "What constitutes torture?" It was determined that a review of such standards, with necessary background information, must be included in the course material.

When one thinks of international agreements in the broadest sense, one can include actions by some principal organs of the United Nations (General Assembly, Security Council, Economic and Social Council International Court of Justice) or United Nations functional commissions. For example, resolutions from the General Assembly relate to a wide variety of topics concerning the international community. Declarations emanating from the United Nations Commission on Human Rights are more specifically focused on human rights topics and those from the United Nations Commission on Crime Prevention and Criminal Justice deal specifically with criminal justice issues. A review of instruments from these sources results in many documents on issues ranging from the use of force and firearms by law enforcement officials to protection of prisoners against torture. The treaty especially relevant for current purposes is the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT).

The CAT considers torture to be "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession...". The CAT became effective in 1987 and was ratified by the United States in 1994. The Convention essentially bans torture under all circumstances and establishes the United Nations Committee against Torture to monitor convention compliance. Countries that have ratified the CAT are required to make torture illegal and to provide appropriate punishment for those engaging in torture. Many of the Committee

against Torture's activities are directed toward claims of torture used as an interrogation technique rather than as punishment.

Using the CAT to exemplify an international standard for what constitutes torture is helpful but not without problems. For example, the CAT does not include examples of techniques that represent torture. That problem can be responded to (even if not resolved) by using some of the teaching aids mentioned later in this chapter. The point to make here is that it is possible to show that there are international standards regarding the use of torture as an interrogation technique. Therefore, students who express a favourable opinion about allowing the use of certain interrogation techniques simply because they do not reach the student's concept of torture is an untenable opinion. When international standards exist, especially when one's own country has agreed to them, individuals should be willing to defer to those standards rather than holding to personal opinions. (Although, admittedly, that argument can also make for interesting class discussion).

## Rule of Law

The idea that saving innocent lives overrides a person's right not to be tortured has a certain appeal. However, neither international human rights law, nor U.S. law, has any exceptions to the prohibition against torture (Human Rights Watch 2004). And that point provides a good opportunity to present the topic of rule of law, again, with background.

The phrase "laws change but the Law must remain" is commonly used to express the concept of rule of law. That point reduces to the question of whether a country views its law, or its government, as supreme. Achieving rule of law requires a nation to first recognize the supremacy of certain fundamental values. Those values may have either secular or divine origin as long as they are understood to reflect basic and ultimate principles. After being recognized, the fundamental values must be reduced to written form. A country's constitution often accomplishes this task. Finally, the trek to rule of law requires a nation to provide procedures that hold its government to the tenets of this higher law. If citizens cannot challenge laws made by the country's legislature or ruler, the concept of a higher law is lost. Similarly, if government officials find situations wherein they believe the law does not apply—and thereby effectively ignore it—the rule of law is absent.

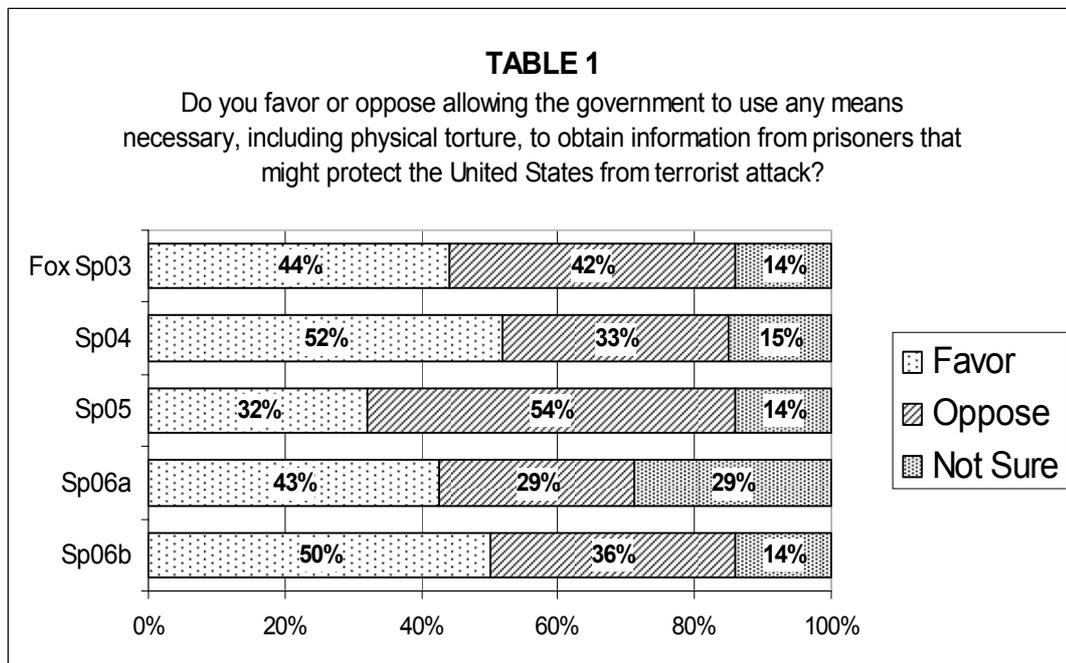
When students (or anyone) favour the use of torture as an acceptable means to achieve a laudable end (e.g., thwarting terrorism), are they rejecting the rule of law? An argument can certainly be made that they are, but it is not as easily accomplished as pointing to a document (such as the CAT) that expresses an

international standard. The rule of law principle seems straightforward, no one is above the law; but persons wishing to avoid the constraints imposed by the rule of law may make claims the law is not what it appears or is not relevant in a particular situation. Providing students with an international education can help them make an informed decision regarding when, and by whom, the rule of law may be compromised.

### Encouraging an International Perspective

Having decided that students in the comparative justice class would benefit from class time spent on international standards and rule of law—and believing the topic of torture for interrogation was an appropriate vehicle for that coverage—it was decided to have a Spring 2005 class respond to the same "favour or oppose" question asked of the Spring 2004 class. This time, however, lecture and class discussion on the topics of international standards and rule of law would precede the administering of the questionnaire. As seen in Table 1, students in the Spring 2005 class were less likely to favour the use of physical torture against terrorist suspects.

**Table 1:**



Importantly, however, that decrease in persons favouring, and increase in persons opposing, cannot be attributed solely (maybe, at all) to the class-time coverage of international standards and rule of law. As noted above, about one month after the Spring 2004 students responded to the poll question, the previously unverifiable

allegations of former detainees, from Iraq or Afghanistan or in the detention camp at Guantánamo Bay, were substantiated. First in a report by Major-General Antonio Taguba that detailed incidents "of sadistic, blatant, and wanton criminal abuses" of detainees by American troops in an attempt to "set favourable conditions for subsequent interviews" (NBC News 2004). Then, most forcefully, when photographs appeared in media around the world showing Iraqis held at Abu Ghraib prison being subjected to abusive practices that many argued were examples of torture. It would be difficult to argue that the photographs from Abu Ghraib prison played no role, even a year later, in the decreased number of students who favored the use of torture.

Class discussion after the Spring 2005 poll suggested that many of the students truly believed there were international standards that made reasonably clear what acts constitute torture for interrogation—and that Americans had used such techniques at Abu Ghraib. However, some students held to the "end justifies means" argument and suggested (with reference to comments by officials in the Bush Administration, including the President himself) that extraordinary events required extraordinary measures. Obviously, the task of providing an international education was not yet complete.

## Spring 2006

As this chapter was being prepared, the comparative justice class was being taught again. This time, several new pedagogical aids were used to bring the topics to life.

In January 2006, within a few weeks of the semester start, students in the comparative justice class were asked to respond to the same poll question asked of students in this class during Spring 2004 and Spring 2005. As always, the poll was taken via the class internet site. Table 1 (see Sp06a) shows that 43 percent of the students were in favour, 29 percent opposed, and 29 percent not sure. As the photos from Abu Ghraib fade in memory, it is not surprising that more students favoured the use of torture than had students in Spring 2005 (yet still fewer than in Spring 2004). It was, however, somewhat comforting that a rather large percentage of students were unsure of their position almost twice the number in preceding years. The classroom was set for coverage of international standards and the rule of law.

At the first class period after the poll was taken, the students discussed the results in class and were shown how students in their class and in previous semesters had answered. Responses to a query about reasons for favouring the use of torture centered on these arguments:

- whereas a few Americans may have engaged in acts that constituted torture of prisoners, the interrogation techniques officially authorized and more often used, do not rise to the level of torture (a "not really torture" argument);
- extreme crimes require extreme measures (an "end justifies the means" argument), and
- some crimes cannot be fought in traditional ways.

This last argument (put forward by one student but found appealing to several others during discussion), suggested that some crimes are peculiar enough that they cannot be responded to with standard techniques. The argument was a variation of the "end justifies the means" position, but its proponent cared little about the seriousness of the crime to which torture was responding. Instead, he argued that torture, as a non-standard technique, may be necessary for a crime like terrorism not because of the seriousness of the crime but because of the difficulty of preventing or responding to the crime. The first two arguments provided the base for class coverage of the topic and torture for interrogation.

The "not really torture" argument allowed coverage of international standards, and the "end justifies the means" allowed discussion of rule of law. Two specific items were used as pedagogical aids.

## Two Pedagogical Aids

It is neither appropriate nor necessary to provide extended explanation of the two teaching aids used. The more important point is that it is possible to use an international education to affect student understanding of such topics as international standards and rule of law. Instead, the following discussion briefly notes how each was used, and how student understanding was increased through class coverage of the topic.

*HRW website: Human Rights Watch* has a very informative web site devoted to issues of torture (see Human Rights Watch 2004). Using the classroom's Internet access, students were shown the web page on a screen at the front of the class. With the help of the very cogent arguments and information provided at the web page, the class quickly read responses to such questions as "What is torture," "What laws prohibit torture," and "Shouldn't torture be permitted if it will save lives?"

*Frontline, The Torture Question*: On October 18, 2005, the program "The Torture Question" was aired on the Public Broadcasting Service program *Frontline*. The 90-minute program is available to watch online (see Public Broadcasting Service 2005). The documentary is quite powerful and includes photos from

Guantánamo Bay and Abu Ghraib as well as explaining how officials in the Bush administration struggled to create a legal framework that gave the President authority to aggressively interrogate enemy fighters in the war on terror. It provided excellent material for discussion of the rule of law.

## Gauging Change

To gauge whether the course activities and/or discussion resulted in any change of position, students were asked to once again respond to the same "favor/oppose" question.<sup>2</sup> Of particular interest to the professor was whether fewer students took the "not sure" option as a result of class coverage of the topic. Another hope was that fewer students would select the "favor" response. However, students in this class are encouraged to express *their* supported opinion on topics rather than supporting what they perceive to be the professor's opinion. Table 1 (see Sp06b) shows that the course material was successful in reducing the number of students who were unsure of their position, but students moved, almost in equal number—away from the "not sure" response to both the "favor" and "oppose" responses.

After responding to the "favor/oppose" question, students were asked to respond to the following question:

Regardless of whether your opinion about the use of torture for interrogation changed since you were first asked the question, please explain briefly what information you believe was the most informative and potentially persuasive during our discussion of this topic. Why? Consider, (1) lecture, (2) class discussion, or (3) *The Torture Question* video.

Some of the interesting student responses (with spelling and grammar corrections made) include:

- [Student A] I still feel that if we have to do these things to be safe from others, then we should. I also feel that whether or not we do these things, the enemy will always continue to do them.

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<sup>2</sup> Students took the follow-up poll after spending two class periods covering the topic. Although the class website does not allow the professor to know how each student responded to poll questions, it does show who responded. For the follow-up poll, students who had not responded to the initial poll were blocked from accessing the follow-up poll. That meant the follow-up respondents consisted only of those who had responded the first time. However, not all students participated in the follow-up. Specifically, 28 students took the first poll and 22 responded to the follow-up.

- [Student B] I changed my mind because of the class discussion and the torture video. I think the government abuses their power.
- [Student C] Regardless of the method used, I strongly believed that in most cases the tool of torture is more often than not unsuccessful, resulting in wasted time and energy.
- [Student D] We are obviously getting some useful information that is helping us get the information we need. Otherwise, I seriously doubt we would continue our interrogation techniques.
- [Student E] When I first answered the question, I answered in favor of it. During class discussion I changed my position to opposing it because I began to question the effectiveness of torture.
- [Student F] I was in favor of using torture until someone in class said that they (the prisoners) are trained to die no matter what. So, why go and make the United States look like the bad guys. Unless we know for a fact that the torture will be beneficial we shouldn't do it.
- [Student G] I am opposed to using torture as a way to obtain information. The main thing that led me to this opinion was the class discussion. I believe that America is no better than any other country and if we don't want it done to our soldiers then we shouldn't do it to other countries.

It was especially interesting, and worrisome, that several of the students (e.g., Students C, E, and F) indicated that they changed their opinion to be opposed to using torture because they didn't think it was effective at getting useful information—not because it was unethical, violated international standards, or was against U.S. law.

## Conclusion

The search for a high profile subject that would provide an opportunity to cover issues of international standards and rule of law led to the topic of torture for interrogation. After several years of attempting to teach about these topics in a comparative justice course this author still searches for effective methods.

U.S. Supreme Court Justice Thurgood Marshall wrote in his opinion in a death penalty case (*Furman v. Georgia*) that an informed public generally would oppose the death penalty. This author takes a similar position regarding the use of torture for interrogation. Specifically, it is believed that students familiar with international standards regarding torture and with the concept of the rule of law, will not favor the use of torture to obtain from

prisoners information that might prevent a terrorist attack. Also important, however, is that students gain an understanding and appreciation for the concepts themselves. In other words, an interest in providing an international education means that instructors should want students to know that international standards exist, to comprehend the value of the rule of law, and to recognize attempts to violate or circumvent either.

Accomplishing those goals is not easy. Certainly, it was frustrating to see that a greater proportion of students favored the use of torture for interrogation after we discussed international standards and rule of law in class than had favored it prior to discussion. However, it was gratifying that the proportion opposing it also increased. Also pleasing was the less parochial discussion in which the students engaged. After class coverage of international standards and rule of law, students—whether favouring or opposing the use of torture for interrogation—provided arguments that drew on those concept. As arguments were presented, students used the concepts to challenge the positions that others were taking or to support their own position.

This author will continue to incorporate international standards and rule of law into the comparative justice systems course because they are integral concepts when providing an international education. Even if positions are unchanged after class coverage of the concepts, it is hoped that the basis upon which arguments are built will be less parochial and that is another valuable objective of an international education.

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# New Ways of Teaching Students about International Criminal Justice

Michael Platzer<sup>1</sup>

## Introduction

Teaching has changed greatly in the last decade. New, more realistic textbooks have been published<sup>2</sup>. Course materials are now available on sophisticated web sites and are downloadable. Libraries offer journals and entire books to students online<sup>3</sup>. E-

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1 Dr. Michael Platzer served 34 years in the United Nations Secretariat in a variety of capacities, in Human Rights, Office of the Secretary-General, Department of Technical Cooperation, Habitat, United Nations Development Programme, Reconstruction and Development Support Unit and the United Nations Office on Drugs and Crime. In the last Office, he was Head of the Rule of Law Section and Criminal Justice Reform Unit. Dr. Platzer is currently involved with the Austrian United Nations Association and with the Academic Council for the United Nations System. He teaches the United Nations, Global Media and International Criminal Justice in Austria and Australia. His recent research has been on foreigners in prison, which he has carried out for the Austrian Ministry of Justice and the Institute of Criminology of the University of Vienna. He has republished in English, German, and Spanish, the United Nations and European Union recommendations on the treatment of foreigners in prison for the International Commission of Catholic Prison Pastoral Care and run workshops on this topic. Dr. Platzer has written articles on the Secretary-Generals of the United Nations, human rights, the rule of law, HIV/AIDS, development, the environment, maritime law, peacebuilding, ethnic minorities, as well as poetry and book reviews. His most recent effort has been the organization of a colloquium on "The United Nations and New Media" (Wels, Austria, 16 November 2007) and the new technologies that can be used for networking, research, human rights, peacebuilding, societal development, and communicating with youth. He has also written and produced two short films on prisoners' rights and victims' rights. He has received a Doctor of Law with specialization in International Affairs from the Cornell University and an M.A. from the Columbia University.

2 Cryer, R., *An Introduction to International Criminal Law and Procedure*, Cambridge, 2007; Arnold R., G.T.-J.A. Knoops, *Practice and Policies of Modern Peace Support Operations under International Law*, Hotei Publishing, 2006; Reyhler, L. and Paffenholz, T., *Peacebuilding: A Field Guide*, Lynne Rienner Publishers, 2001; Fulton, J.(ed.) *Achieving Peace with Justice: Five Case Studies* (Centre for Peace and Conflict Studies, Sydney 2001; Krasno, J. (ed.) *The United Nations: Confronting the Challenges of a Global Society*, Lynne Rienner, Boulder, Colorado, 2003.

3 ASIL Guide To Electronic Resources for International Law: International Criminal Law [http://www.asil.org/resource/crim\\_1.htm](http://www.asil.org/resource/crim_1.htm); LLRX.com:International Criminal Law [http://www.llrx.com/features/int\\_crim.htm](http://www.llrx.com/features/int_crim.htm); SOSIG: International Criminal Law and War Crimes; WORLDLII: International Criminal Law, <http://www.worldlii.org/catalog>; Electronic Information System for International Law (EISIL), <http://www.eisil.org>; HeinOnline-full text journal articles; AGIS Plus Text; Lexis- International Law Section; Index to Foreign Legal Periodicals; Foreign and International Law Resources: An Annotated Guide to Web Sites

learning is now provided by the most prestigious universities, and even by the United Nations<sup>4</sup>. Students need hardly even come to a classroom. Moreover, today's students are more demanding, as fee paying is much more common and tuition at private universities has greatly increased. Good lectures are no longer enough. The *PowerPoint* presentations and lecturers' notes are routinely posted on the class web sites. Lectures are videotaped and streamed. Exams can be written electronically, and teacher feedback takes place online. Multimedia stimulus education – short films, the discussion of current cases, popular movies, the preparation of briefs, moot courts, legal clinics, and role playing – have been highly developed in North America and the Antipodes. As Chris Eskridge has argued, criminal justice education must “stay ahead of the curve”, develop a spirit of inquiry, and promote an interdisciplinary understanding of the social, psychological, philosophic, economic, behavioural, historical, legal, and political aspects of crime, deviance and justice<sup>5</sup>.

## Learning by Mistakes

Bond University (Robina, Queensland, Australia) prides itself on the practical, hands-on education it provides. In addition to small class sizes with world-renowned criminologists, forensic scientists, and practitioners, there are visits to prisons, courtrooms, police stations, and forensic laboratories, as well as internships in a variety of criminal justice, victim support, hospital, and offender programs. The students have even worked with risk assessment teams as part of the profiling course.

However, the most innovative course, for which university Professor Paul Wilson<sup>6</sup> has received the prestigious *Carrick*

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Around the World, <http://www.law.harvard.edu/library/services/research/guides>; United States Institute of Peace, (<http://www.usip.org>, International Peace Academy, <http://www.ipacademy.org>, International Crisis Group, <http://www.crisisgroup.org>).

4 United Nations Institute for Training and Research (UNITAR, Geneva, Switzerland) through its Programme of Correspondence Instruction in Peacekeeping Operations (POCI) provides distance learning to peacekeepers, potential peacekeepers, police and humanitarian workers worldwide through e-learning, audio and video materials, and online interaction with course authors, <http://www.unitarpci.org>.

5 Chris Eskridge, The impact of criminal justice education on the socio-political-economic climate of transitional and developing nations, *Journal of Criminal Justice Education*, Vol. 14 (1), Spring 2003:105–118.

6 Paul Wilson was the Director of Research at the Australian Institute of Criminology in Canberra. He has authored or co-authored 32 books, including the textbook, *The Australian Criminal Justice System*. He has been a Visiting Professor at the University of California (USA), Rutgers University (New Jersey, USA) and Simon Fraser University in British Columbia (Vancouver, Canada).

*Teaching Award* is a multi-sectoral learning experience about Miscarriages of Justice. The course examines causes of miscarriages of justice, institutions for correcting them, and mechanisms for preventing them or minimizing their incidence. Rather than looking from a top-down, positive-law approach about how things should be, Paul Wilson looks at the mistakes.

This makes the course more realistic and retains the students' interest. The course involves team-based examinations of specific cases where verdicts may have been "unsafe". Students look into police investigative culture and practices; forensic evidence including DNA testing; the role of the media in both generating and correcting miscarriages; the significance of the rules in respect of the admissibility and use of potentially unreliable evidence; the need for good legal representation; the importance of competence and fairness in prosecutorial agencies and the judiciary; the appeal structure and pardoning system; and the development of innocence projects and special review commissions.

Particular attention is paid to high-profile cases that have undermined confidence in the criminal justice system. Judges, prosecutors, police investigators, defence attorneys, defendants, and released prisoners talk with the students. In the end, the students have an excellent understanding of the criminal justice system as a whole. Moreover, they can become more effective in their career upon leaving university. The course is consistently highly valued by students from different faculties (Law, Criminology, Public Health). Professor Wilson is a very popular and excellent teacher; Moreover, the approach is also replicable and provides an excellent way of learning how criminal justice works in the real world.

## Global Criminology – Learning from the Aborigines

Global Criminology at Bond University is taught by Robyn Lincoln, who is an expert on aboriginal justice.<sup>7</sup> She takes students out of their comfort zone by showing them that crime and criminal justice problems are being tackled under different systems in different parts of the world often better than under the Commonwealth

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<sup>7</sup> Robyn Lincoln has lectured at Bond University since 1994 as well as at other universities in Queensland (University of Queensland, Queensland University of Technology, Griffith). She conducted research at Simon Fraser University in Vancouver (British Columbia, Canada) and Rutgers University (New Jersey, USA). Her projects have focused on the treatment of marginalized groups within the criminal justice system, runaway and homeless youth, violence in Aboriginal communities, peer influences on juvenile offending, fraud by medical practitioners, and the careers of white collar offenders. She was Managing Editor of the *Journal of Sociology*; Editor of *The Australian Journal of Social Issues*, and Senior Editor at the Aboriginal Studies Press in Canberra for five years.

model. Global Criminology takes a critical and comparative look at the various justice systems throughout the world and provides students with a comparison to their own systems. It is designed for those students interested in criminology, international relations, journalism, business, law, forensic psychology, and other related disciplines to provide an understanding of what is believed to work in theory and practice, in specific social and cultural contexts. It is not true that even the best-made laws and criminal justice systems will work in all countries and stages of development. Often there is less crime and deviance under less sophisticated systems of justice.

The course also deals with emerging crime topics such as human trafficking, drug networks, and terrorism, as well as non-traditional forms of justice and reconciliation. The course covers concepts such as punishment, prevalence of specific types of crime in certain societies, and the relevance of social and political structures in both the committing of crime and the application of justice. On completion of this subject, students are expected to be able to demonstrate an appreciation of the breadth of issues covered in the contemporary criminological literature as well as have an understanding of aboriginal justice in Australia. Extensive use of films and non-judgmental classroom discussions are favoured by Dr. Lincoln.

### The Media as a Major Component of Criminal Justice

The other subject which Robyn Lincoln teaches is Media and Crime. She believes the media plays an integral role in criminal justice processes and yet is often overlooked in criminal justice studies. For her, the media as social institutions are just as imperative to understand as police, courts, and prisons in justice systems. The course examines the way journalists and media organisations report and construct news about crime and criminal justice, compared to the actual reality and statistics. It covers the relationships between police and journalists; media coverage of the courts; laws relating to contempt and defamation; representations of prisons and prisoners; investigative reporting; and the psychological and sociological issues relating to the effects of high-profile crime reporting. The course also analyses how particular groups or specific crime categories are dealt with by the mass media. Attention is paid to the future of crime journalism in an era of media concentration and globalisation, and to changes that may result from new technologies (Internet, e-mail, video games). How high-profile crime stories, popular films, TV shows, detective novels, docudramas, and the new trend of reality police and courtroom shows influence public perceptions is also examined. Students are asked to be self-critical as consumers of crime media

and to engage in lively class discussion on their views about the presentation of crime cases in the media.

## Diverse Notions of Prevention and Control of Crime

Professor Duncan Chappell teaches Criminal Justice: Developments in Prevention and Control at the University of Sydney<sup>8</sup>. His aim is to examine contemporary debates in criminal justice policy, the shifting notions of responsibility for crime, crime control and crime prevention, and the influences on the current crime control agenda. He raises as many questions regarding the commonsense assumptions about crime as well as the different ways in which one can understand the term “criminal justice” rather than providing straight answers. He raises issues about restorative justice in regard to due process, as an alternative to conventional criminal justice, and the context for which restorative justice is best suited. What are the contemporary criminal justice practices that seem to have a primary concern with managing risk? What is actuarial justice? What is the relationship between criminal justice and culture? What renders some criminal justice policies desirable and others unthinkable? Which offenders are more likely to be diverted? When can compulsory treatment be justified in criminal justice? What are the implications of the increased resort to private

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<sup>8</sup> Professor Chappell was a Research Fellow at the United Nations Interregional Crime and Justice Institute (UNICRI, Italy), 1994-1995. He wrote on *The Role, Preparation and Performance of Civilian Police in United Nations Peacekeeping Operations* for the International Centre for Criminal Law Reform and Criminal Justice Policy, Vancouver (British Columbia, Canada), which was coauthored with John Evans and published by the Austrian Center for Peace Studies, Stadtschlaining. He was Chair of the Commonwealth Observer Mission to South Africa (COMSA) in 1992. Dr. Chappell was the Director of the Australian Institute of Criminology for many years. In addition to being a faculty member at the University of Sydney, he has taught at the School of Criminal Justice at the State University of New York at Albany (USA). Professor Chappell has published widely on a range of crime and criminal justice issues. His publications include *The Police and Public in Australia and New Zealand* (with Paul Wilson), *Australian Policing Contemporary Perspectives* (with Paul Wilson), *The Australian Criminal Justice System* (with Paul Wilson), and *Preventing and Responding to Violence at Work*, published by the ILO. Professor Chappell was President (2001–2006) of the New South Wales Mental Health Tribunal, member of the New South Wales Law Reform Commission (2002–2006), member of the Australian Law Reform Commission (1978–1979), Deputy President of the Australian Federal Administrative Appeals Tribunal (1996–2001), Chair of a National Committee on Violence, appointed by the Prime Minister (1987–1990), Commissioner in Charge of a reference on Sentencing, and member of the Commonwealth Secretarial Arbitral Tribunal based in London (United Kingdom, 2001–2005). He was also Director of Battelle Memorial Institute’s Law and Justice Study Centre in Seattle, Washington (USA).

security, and for whom? What are the implications for community engagement in crime control and prevention? To what extent is crime an urban problem? Is there a consensus as to what constitutes crime prevention? What are some of the key ethical issues that arise in situational crime prevention? How have recent technologies such as closed-circuit television (CCTV) changed the regulation of space? He presents the different models of crime prevention, encourages critical analysis, and pushes interdisciplinary research. Each student is expected to give a verbal presentation on a topic related to the weekly themes, such as social exclusion, no space for young people, violence against women, criminal justice privatisation, and private dispute resolution. Students must also submit a paper of 2,500 words which reviews the key literature and identifies the major debates in their chosen topic.

## Mental Illness and the Criminal Justice System

The other course developed by Professor Duncan Chappell deals with mental illness and the criminal justice system. A significant proportion of the persons who come into contact with the criminal justice system suffer from some form of mental illness, retardation, or mental disorder, often in association with alcohol/drug abuse, "unemployability", discrimination, homelessness, and material deprivation. Many such persons now find their way into prisons because of the lack of treatment options for the mentally ill in the community, resulting in the correctional system becoming a substitute for the large closed mental hospitals. Duncan Chappell has established an innovative course at the University of Sydney Faculty of Law together with the School of Public Health for practitioners in this area and persons concerned about this growing phenomenon.

Psychiatrists, judges, and prison managers are brought into the classroom. The difficult areas of mental health law and practice, contemporary diagnosis and treatment options, the types of medications provided, involuntary treatment and review mechanisms, electroconvulsive therapy, guardianship, responsibilities of medical officers, and the different approaches in Australia, the United Kingdom, and Europe are covered in the course. The overlapping issues of intellectual disability and victimization in the criminal justice system are also discussed. The draft of a reform proposal is examined at the end of the course. Students are required to complete a research paper of 4,500 words on a topic of their choice to be agreed with the teacher, in addition to a two-hour open book examination. It is a popular course

because it deals with real issues and problems in the criminal justice system<sup>9</sup>.

## International Criminal Law through Case Studies

International criminal law is taught by Eric Colvin and Jodie O'Leary at Bond University<sup>10</sup>. Team teaching and involvement of guest lecturers are becoming the norm. The courses cover contemporary issues relating to crimes of aggression, war crimes, and crimes against humanity, the special tribunals on Rwanda and Yugoslavia and the International Criminal Court, the cases of Slobodan Milosevic, Saddam Hussein and Charles Taylor, Truth and Reconciliation Commissions, responses to international problems such as terrorism, people smuggling and money laundering, and the relationship between international and domestic criminal jurisdiction/prosecution. The complicated dilemmas about granting amnesties, genocide and sovereignty, following orders and criminal liability, terrorism control and civil liberties, as well as the practical problems of the investigation, prosecution, and punishment of international crimes are discussed in the class. Films such as *Out of the Ashes – the Founding of the United Nations*, describing the importance that the Holocaust has had on the development of the United Nations and international law, as well as films on the responsibility to protect, Rwanda, Darfur, the Congo, and United Nations peacekeeping are in the library for students to view and to inform classroom discussions. Students must select a particular topic (with approval) for a research paper (7,000 words) and lead a discussion in the classroom on their research paper.

## International Conflict Resolution

Dr. Wendy Lambourne<sup>11</sup> of the Centre for Peace and Conflict Studies<sup>12</sup>, teaches The United Nations and International Conflict

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9 See further: United Nations Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care (General Assembly resolution 46/119 of 17 December 1991, Annex), available at: <http://www.unhchr.ch/html/menu3/b/68.htm>).

10 Assistant Professor Jodie O'Leary's research interests are transitional justice, international criminal law, humanitarian law, and sentencing. She has worked at Legal Aid, Queensland, dealing with juvenile offenders and at a Community Legal Centre in East Timor.

11 Dr Wendy Lambourne is the author of the section "Peacekeeping and Peacebuilding" in the report *Australia and the United Nations*, published by the United Nations Association of Australia. She writes on peace, conflict, and development, reconciliation as a political process, and has edited a book on *National and International Perspectives on Violence against Women*.

Resolution at the University of Sydney. She uses Kofi Annan's report "In Larger Freedom" – freedom from want, freedom from fear, and freedom to live in dignity – as the structure for examining past United Nations operations. She looks at the gap between mandates, resources, and political will; national interest versus collective security; the ethical, political, and legal dilemmas of balancing respect for state sovereignty with protection of human rights and maintenance of peace and security; the relationship between the United States and the United Nations; the perceived dilemma of peace versus justice in conflict settlements; questions of the neutrality and impartiality of the United Nations; manipulation of information and intelligence to serve political and strategic interests; a geopolitical analysis of the functioning of the United Nations Security Council; as well as the measurement of "success" of United Nations peacekeeping. In addition to examining the role of the media in determining the political will of member states to act, her class studies the logistical and operational challenges of peacekeeping, such as the use of force and training, and the composition of peacekeeping forces; the cooperation and coordination between civilians and military, the United Nations and non-governmental organizations and among the various parts of the United Nations; and the need for reform of the structure and functioning of United Nations peace operations.

The students discuss United Nations intervention as a form of neo-imperialism and imposition of the Western democratic model, the relationship between the United Nations and regional organizations and interventions; and the United Nations emphasis on consensus and "soft law" and their implications for enforceability of United Nations decisions. The course deals with current crises such as Darfur and Iraq and is highly valued for its *realpolitik* analysis.

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12 The Director of the Centre of Peace and Conflict Studies is Jake Lynch who has developed the concept of peace journalism (the author has used his textbook in his other course on Global Media), and teaches a course "Conflict-Resolving Media" with actual examples. Dr. Frank Hutchinson teaches a unique course on "Peace and the Environment" which brings together hitherto separate disciplines with guest lecturers concerned with environmental issues and the origins of conflict. Dr. Lynda-Ann Blanchard is the convener of a course "Non-Violence and Social Change" which involves training in non-violent intervention by Peace Brigades International – Australians protecting human rights defenders in conflict zones. The Centre is also promoting the realization of a United Nations Emergency Peace Service, a stand-by force of 15,000 personnel including civilian police, military, judicial experts, and healthcare professionals. It also cooperates with AusCare (Multicultural Home & Community Services) in training humanitarian protection officers who are assigned to the United Nations agencies operating in crisis regions.

## Concepts in Global Governance - Learning by Pretending

The author has taught “Concepts in Global Governance - the United Nations” for two years at Bond University. He has learned that, in order to get across the basic principles of the United Nations Charter, the Universal Declaration of Human Rights, international humanitarian law, the responsibility to protect, the Convention on the Rights of the Child, and the United Nations crime prevention and criminal justice standards and norms, these must be made real by examining concrete situations and working backwards to the principles.

Students are concerned about injustice in the world and what can be done about it. They expect the United Nations to intervene and establish peace, justice, and the rule of law. Therefore, the author has incorporated messy cases to be studied – sometimes hypothetical, sometimes real situations (the intractable ethnic conflict in Darfur, the violent break up of Yugoslavia) – involving civil war, massive human rights violations, terrorist acts, irregular combatants, child soldiers, and a United Nations peacekeeping operation.

The students are asked to prepare a Security Council resolution and design a United Nations operation comprising peacekeepers, civilian police, human rights officers, and child protection officers, with appropriate terms of reference. The students are assigned, at the beginning of the course, to take on the roles of a representative from one of the Permanent Five Security Council Members, a traditional troop-contributing country, one of major financial contributors, the recipient country (the country in crisis), neighbouring countries, as well as countries representing different regions and with ideological positions on sovereignty and the responsibility to protect. (Usually the current Security Council members are representative enough; however, one wants to ensure a vibrant discussion).

Without much teacher assistance, what quickly becomes evident to the students is the difficulty of designing an intervention to overthrow a murderous tyrant or to finance a mission in a failed state. Historical models of the United Nations Security Councils have also been useful to see if alternative strategies and operations might have been viable. In all the case studies that have been set, the discussions have been lively and the insights gained long-lasting.

## Case Study 1: Civil War

Country X is divided into a northern, predominantly Muslim area and an equally large southern region, dominated by Christians. The federal government is weak and is trying to hold together the country through the military. Widespread human rights violations have occurred and women are discriminated against under the Shari'a law in effect. The southern Christian Liberation Army (CLA) is attacking government police stations and Muslim shopkeepers in the south, saying their people are being oppressed. In the north, the Christians are being harassed by their Muslim neighbors. The CLA has resorted to terrorist attacks not only in neighboring countries but also in Muslim countries believed to be supporting country X. They have also threatened to blow up the *Petronas* twin towers in Malaysia, as well as public buildings in China, Japan, Europe, and the USA if the human rights violations and their demands for independence are not brought formally before the United Nations. Country X borders with country Y which is Muslim and country Z which is Christian. Country Y has threatened to invade country X if order is not established in country X. Country X is prepared to receive a United Nations mission under certain conditions. Several countries are prepared to consider humanitarian intervention on the side of the Christians. Others are not ready to violate the sovereignty of country X and there is no great enthusiasm for a large-scale peacekeeping operation among the traditional troop contributors or large donors. The Secretary-General is ready to offer his good offices and send a fact-finding mission. The task is to design a multi-component United Nations mission comprising peacekeepers, police, mediators, human rights officers, child protection officers, election officers, and criminal justice personnel (law reformers, judges, penal officers).

If there are 20–30 students in the class, the Security Council model is usually appropriate, taking the current membership plus the Secretary-General, a representative of the Organization of the Islamic Conference, country Y, and country Z. Depending on how many students remain, usually representatives of troop-contributing countries (Argentina, Brazil, India, Nigeria, Pakistan, Nigeria) and donors (Germany, Japan) can be added. If there are still students who remain, an equal number of countries who advocate the “responsibility to protect” such as Canada and those who are reluctant to launch humanitarian intervention (*i.e.*, Cuba) can be added. Students are reminded to stay close to their “chosen” countries’ position in the United Nations.

It quickly becomes apparent how difficult it is to achieve a consensus and to launch a mission with agreed terms of reference (particularly if China and the United States remain true to their usual positions). Discussions have usually been lively about “peace *versus* justice”, rights of secession, responsibility to protect,

terrorism prevention, rights of victims, ethnic/religious conflicts, rule of law in a lawless state, abuse of power, tyrannical majorities, and the obligations of the international community. The students should concentrate on what types of assistance might be most useful – peacekeepers, police, election officers, refugee officials (for displaced persons), human rights officers, child protection officers, civil affairs/political officers, administrative/logistics officers, development specialists, forensic specialists/major crime investigators, and criminal justice personnel (law reform lawyers, judges, and penal officers).

If the discussions become stalemated, one can add new developments which might stimulate Security Council action: documented massacres in villages in the south, widespread rape and ethnic cleansing in border regions, the assassination of the prime minister of country X, the discovery of oil, the invasion of country X by country Z, the bombing of the *Petronas* towers or public buildings in China and Japan, or use of gas, biological weapons, missiles, or weapons of mass destruction by one of the parties. The action appropriate to each of the new developments should be discussed in light of United Nations principles as they have evolved in recent years. The readiness to intervene may become greater as the atrocities reach the international media and the country stumbles into civil war and lawlessness. Taking the authorizations of recent United Nations missions – to deal with war in former Yugoslavia, Sudan, Somalia, and the Congo – into account, the students are expected to suggest the manpower and resource requirements for both peace keeping and peacebuilding in country X, focusing particularly on law and order.

At this point, the homework assignment is to prepare the Secretary-General's proposal for the mission, including the types of personnel he would be seeking (the order of magnitude) and the justification. Students are graded for their accurate representation of their countries' positions (the written opening speech in the model Security Council), their participation in the Council's deliberations, and their efforts in drafting an acceptable resolution. Of course, such a scenario can be discussed over several sessions. However, a two-hour model Security Council as described in the previous paragraphs is usually sufficient plus a subsequent one hour to analyze any resolution that may have emerged, as well as the Secretary-General's proposals viewed against existing United Nations principles and recent authorizations to see how realistic the students' proposals might be.

## Case Study 2: United Nations Policeman

In this situation, the student is asked to imagine him/herself as a civilian police officer (or a human rights officer) as part of a United Nations operation, who is expected to deal with grievous violation of human rights on the spot. A trainer's Guide for Child Protection Training for United Nations Peace Operations Personnel, prepared by the UNICEF, the Office of the Special Representative for Children and Armed Conflict, Save the Children (Sweden), and the Department of Peacekeeping Operations has a number of good examples ranging from encountering child soldiers, sexual exploitation of girls, and children involved in illicit activities.

The manual contains relevant normative instruments and standards as well as outlining the expected/encouraged behavior of United Nations personnel. The author has used two suggested activities in courses at the Austrian Study Center for Peace and Conflict Resolution. The first, a police advisor, is confronted with the problem of 30,000 child soldiers (many preferring to remain in illegal gangs) and is asked to propose realistic strategies to deal with young people who have been involved in the fighting forces (who cannot go home because they have committed terrible crimes in their own communities).

The second suggested activity that has been used successfully involves a civilian police officer stationed at the police headquarters of the national police force of a country emerging from a devastating civil war. Most of the top posts in the police force have gone to loyal ex-fighters from the faction that brought the President to power. They have little understanding of international policing practices and standards.

During the first visit to the headquarters (HQ), the United Nations police officer is given a tour and sees two boys, aged 12 and 14, held with 14 adults in a small cell. The boys say they were picked up for making fun of a drunken soldier, were beaten, and then made to stand with 25-liter buckets full of water on their heads for hours at a time. The detaining officers have told them that they will be charged with treason. The United Nations officer also notices that two of the young officers guarding the entrance to the HQ are children and both are armed (the peace agreement only allows for adults to be trained and retained in the new Armed Forces; no one else is to carry arms). The United Nations officer tries to raise his concerns about the boys in the cells, but the police chief tells him they are hardened juvenile offenders and suspected of killing an old woman in the course of a robbery. There is no juvenile court or judge in the country; nor are there facilities for detaining juveniles separately. What issues are there to consider? Realistically, what steps can the United Nations officer take? What issues can he include in his report to his superiors? These questions could be

considered by the class in an open discussion or it could be a homework assignment examining the Optional Protocol to the United Nations Convention on the Rights of the Child and other relevant normative instruments and standards. Moreover, the Geneva Conventions should not be forgotten.

This case study is an excellent example of a situation where little can be done directly (as the facts of the boys' previous criminal career are not clear). There are no local institutions that the police officer can refer the boys to, and the mandate of the officer is limited to training and advising. Nonetheless, he can make specific medium-term and long-term recommendations.

### Case Study 3: Darfur

The horrific situation in Darfur has been used several times for classroom discussion. On different occasions, the films, *Darfur Diaries*, *The Lost Boys of Sudan*, and *Soldier Child* (as well as *Hotel Rwanda*) have been shown and the class has subsequently discussed notions of Genocide, Responsibility to Protect, and what the United Nations can do.<sup>13</sup> They have examined the succession of actual resolutions pertaining to peace in Sudan and the crisis in the Darfur region as well as the problems of obtaining agreement in the Security Council.

The students have re-enacted a model Security Council, followed closely the efforts of the Secretary General, and drafted their own resolution. They have noted the difficulty of delivering even humanitarian assistance and that a harsh critique of the host government can jeopardize any expanded United Nations operation. The worst crimes imaginable – murder, rape, robbery, destruction of homes – are being committed with seeming impunity. Discussions have focused on granting immunity in order to obtain a cessation of hostilities, the difficulty of capturing and extraditing war criminals, and the track record of the International Criminal Court, the Hague Tribunal, the Rwanda Tribunal, and the Sierra Leone court. The international instruments that prohibit crimes against humanity and the obligations to collaborate, extradite, and prosecute such transnational criminals were reviewed. Classroom discussions quickly led to questions about what can be done in cases such as those (e.g., in Myanmar (Burma) and Zimbabwe). Excellent movies are available from the organization Witness,

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<sup>13</sup> The author has produced two films on prisoners' rights and victims' rights which have been used for stimulating classroom discussions at the University of Vienna, Bond University, and the Austrian Study Center for Peace Studies, downloadable from the website [www.twohandsfree.org](http://www.twohandsfree.org).

*Human Rights in Burma* and *A Duty to Protect* with discussion guidelines.

#### Case Study 4: Torture and Prevention of Terrorism

In order to ensure a balance of perspective, two classes are devoted to the Abu Ghraib (Iraq), viewing the films *Ghosts of Abu Ghraib* and the extraordinary rendition film, *Outlawed*, and to discussing Guantánamo, the secret detention facilities and torture as practiced by the United States, as well as the violation of relevant international laws. It is queried whether in times of terrorism, human rights protection measures can be loosened. It is interesting that in all the classes that the author has taught, there is initially a feeling that security has priority. However, when the students are asked to judge whether 200 persons dying in an exploded airplane is really worse than 200 innocents dying when a missile, directed at a supposed military target, explodes in a settlement, the response is not as categorical. Some students have an understanding of the denial of basic social and economic rights and the systemic violations of human rights being linked to terrorism.<sup>14</sup> Poverty, after all, is the basic issue in the first three cases above. Without sufficient resources, a basic system of justice – courtrooms, paid judges, humane prisons, and alternatives to prison – cannot be implemented. The issue of rampaging youth gangs with no detention facilities or functional juvenile justice system is focused on. The denial of basic rights, whether political or economic, leads to the only redress open to the oppressed – further violence<sup>15</sup>. This spiral of violence can be stopped only if there are adequate protections for minorities, a rule of law, and democracy. However, often, dictators and tyrants are supported so as to keep order and stability in a region or for more overt political reasons (to combat their “terrorists”).

#### Learning by Doing

Practical seminars have been running for two years at the Karl Franzens-Universität in Graz Austria together with the two prisons

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<sup>14</sup> Two other excellent courses, Peace and Environment, taught by Dr Frank Hutchinson and Conflict-Resolving Media, taught by Professor Jake Lynch (author of *Peace Journalism*) are available at the University of Sydney, Centre for Peace and Conflict Studies.

<sup>15</sup> Mahnood Mamdani, *When Victims Become Killers: Colonialism, Nativism, and the Genocide in Rwanda*, Princeton University Press, 2001.

in Graz<sup>16</sup>. Over four semesters, law students have studied the penal systems, the rights of prisoners, and “experienced” the actual reality through direct discussions with prisoners and the wardens. They subsequently prepared a brochure and a web page for dependents and anyone interested in the prison regulations and practice, with answers to frequently asked questions<sup>17</sup>. The prison administration organized an “open house” for 300 students who had been unable to take part in the course. The students appreciated the direct experience with the prison system (which is rare in Austria). The prisoners appreciated the contacts with the outside world. The families of the prisoners were grateful for the practical information. The web site was given an award and the Ministry of Justice would like to expand such information to other prisons in Austria<sup>18</sup>. It is also hoped that such practical courses might be expanded to other law schools.

## Conclusion

At the end of my courses at the Bond University in Australia, I received the teacher evaluations. What I particularly valued were the comments: “allowed detailed discussions...encouraged debate and student input....letting us get involved in having conversations about the subject...loved everything, especially the controversial movies... extra-curricular assignments...prompted us to find extra information”.

If the larger political and moral issues are not discussed, few students will feel that learning international criminal justice standards will seem real or meaningful. This important expanding field of justice must be contextualized so that the students may make realistic judgments as to whether to pursue careers in this field. Working on concrete situations will also make them more useful practitioners when they begin to work in international organizations, non-governmental organizations, or national institutions concerned with an aspect of transnational criminal justice.

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16 Rechtsambulanz in Strafvollzug, Strafrechtliches Risikomanagement, Internationales and Europastrafrecht, Institut für Strafrecht, Strafrecht, Strafprozessrecht und Kriminologie, [www.uni-graz.at](http://www.uni-graz.at)

17 Richard Soyer and Silvia Hauser, Rechtsambulanz in der Justizanstalt Graz Karlau, (in:) *Österreichische Juristenkommission. Kritik und Fortschritt im Rechtsstaat*, Vol. 28 (2007):95.

18 A new course is being offered by the University of Vienna, School of Law on "Violence in Prison" which involves student interviews with prisoners in four Vienna prisons. For further information, contact [ireen.friedrich@univie.ac.at](mailto:ireen.friedrich@univie.ac.at)

# John Jay's Bachelor's Degree in International Criminal Justice

Mangai Natarajan<sup>1</sup>

## Introduction

As in many universities, the existing criminal justice and criminology programs at John Jay College offer courses on comparative criminology and criminal justice and the many instructors teaching general courses in the area do make an effort to provide cross-cultural examples. However, comparative criminal justice or criminology is not the same as international criminal justice. This encompasses comparative studies but it covers a much broader set of topics:

- International crimes including genocide, war crimes and crimes against humanity such as terrorism, murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, sexual violence, persecution, enforced disappearance of persons, apartheid, other inhumane acts;
- Transnational crimes including trafficking in humans and commodities such as drugs, arts, *etc.*, money laundering, computer hacking, *etc.*;
- Conventional crimes such as core crimes (homicide, rape, robbery, aggravated assault; burglary, larceny-theft, motor vehicle theft and arson) at the national level (*i.e.*, U.S. index crimes);

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- Human rights issues at local, national and international level including treatment of women and children, atrocities, torture and legal rights of illegal immigrants;
- International criminal law and international relations;
- International law enforcement and criminal justice;
- Rules of procedure and evidence of the International Criminal Court;
- The role of the United Nations and other international agencies in preventing crime and establishing criminal justice standards.

International Criminal Justice (ICJ) education therefore is geared to providing knowledge on a wide range of criminal justice related topics from a global perspective. It is not confined solely to global issues. However, since to be effective it must make benchmark reference to local criminal justice. In summary, ICJ education can be characterized as providing a vehicle to understand both local and international aspects of crime and ways to control them.

The ICJ major at John Jay College kicked off with just few students in January 2001. Currently, more than 300 students are enrolled, making it one of the fastest-growing and popular undergraduate majors at the college. At the College, the major has been defined as interdisciplinary and three departments (Sociology, Law and Police Science, and Government) have joint responsibility for the program. The coordinator for the major assumes the position for three to five years. The “newness” of the field demands a great deal in terms of curriculum and of the preparation of students for graduate studies and careers in international criminal justice. These demands are discussed in this paper together with recommendations for the future, both short and long term.

## ICJ Curriculum

Though ICJ students can take courses from a wide selection of those offered at John Jay College, eleven of the courses were created specifically for the major. Of these, two (Introduction to International Criminal Justice and Capstone Seminar in International Criminal Justice) are specifically geared to International Criminal Justice. Consistent with most other majors in the College, the major was fixed at 36 credits for a B.A. degree. The program covers all the necessary courses including core courses, foundation courses, skills courses, specialization in global and regional studies and a capstone course together with an internship. The internship is an elective (See for details John Jay College Undergraduate Bulletin 2005). Students are also encouraged to participate in study abroad programs.

The required *core* of the ICJ major consists of 3 courses (9 credits): -Introduction to International Criminal Justice; Comparative Criminal Justice Systems and Global Economic Development and Crime. These courses provide the framework for understanding crime and criminal justice systems within a global context. They introduce students to the major components of the criminal justice system and to the field of international criminal justice. They provide a basic understanding of comparative approaches to criminal justice systems and of economic concepts as they relate to the international context.

The *foundation* courses consist of 9 credits that provide students with both a theoretical and practical understanding of the issues and methods involved in the study of international criminal justice. These courses come from a variety of disciplines (Sociology, Anthropology, Law and Police Science, *etc.*) and are intended to expose students to the myriad of issues regarding crime and criminal justice from an international perspective.

The *skills* courses are designed to provide students with the opportunity to develop and improve their skills in a variety of areas, including computers and their role in criminal justice operations, research and statistics, conflict resolution and a foreign language. As regards the foreign language, students are encouraged to take a language at a level beyond the College's general education foreign language requirement. This means that students will achieve some level of proficiency in a second or third language. The computer courses include crime mapping (at an introductory level) for which there is a growing demand in the criminal justice field and in research. Though students only have to take two skills courses, they are encouraged to take more of them as electives in order to fulfill their general college credits. Skills courses are generally more useful to them in their future careers.

The *specialization* courses complement the core and foundation courses by enabling students to apply what they have learned to specific criminal justice problems within the international arena and in particular developed and developing countries. The *internship*, which is elective, but highly recommended, is intended to bridge the gap between theory and practice, while the *capstone*, integrates the knowledge, learning and skills developed throughout the entire major. The overall curricular sequence is thus intended to provide both breadth and depth in this newly evolving field.

The ICJ major exposes students to gender, race and ethnicity issues worldwide. The core and foundations courses provide general theoretical understanding of these issues, but courses such as Gender Issues in International Criminal Justice and International Human Rights deal with them in more depth. The regional area courses concentrate on a variety of ethnic and racial groups around the world. For example, one course deals with Latino issues on

gender, race, ethnicity and legal systems. The same applies to other courses, such as: Human Rights and the Law; Law and Justice in Africa; Drugs and Crime in Africa; Criminal Justice in European Society, 1750 to the present; The Secret Police in Western Society; Criminal Justice in Eastern Europe), Human Rights and the Law in Latin America, Comparative Perspectives of Crime in the Caribbean; Drugs, Crime and Law in Latin America; Crime and Delinquency in Asia.

Ethics and culture conflict constitute major parts of the discussions in core and foundation classes. Area study courses such as International Human Rights, Human Rights in Latin America and International Relations all make a special focus on ethical issues. Further, skills courses such as “Sociology of Conflict”, “Dispute Resolution”, “Security of Computers” and “Research Methods in the Behavioral Sciences” explore ethical issues at length.

The capstone course in International Criminal Justice is a synthesis course relating to key theoretical issues and problems in studying international criminal justice; ethnic and cultural concepts in international crime; interconnections among international and transnational crime, and their prevention and control; and the human rights implications of strategies designed to address international crime. Students are required to write a 20-page research paper (a “mini thesis”) and make oral presentations. The research paper involves an in-depth analysis of an international criminal justice theme utilizing their knowledge. This is intended to help them think independently about a crime problem, link theory and find solutions.

Students are trained to collect and read journal articles through regular library and Internet searches, so that they are able to synthesize the relevant literature in the field. They are expected to write many papers, which provide them with practice in writing both short and long reports. Students are encouraged to make presentations using *PowerPoint*, to facilitate group discussions on international issues, and to attend seminars in and out of campuses. Apart from critical thinking, writing skills, research and analytic skills, students are expected to master some more specific skills such as conflict/dispute resolution and computer applications.

## Response to Curriculum Concerns

The existing criminal justice and criminology majors include a great deal of material about other countries. This means that we need to constantly distinguish the ICJ major from the existing criminal justice major in order to avoid confusion and redundancy. The College has taken every opportunity to point out that the

international criminal justice is intended to cover criminal justice issues extending beyond the national level. For example, rather than dealing mostly with conventional crime, the ICJ major focuses more on international crimes such as genocide, war crimes and crimes against humanity, including torture and terrorism, and transnational crimes such as trafficking, money laundering. And we have included several courses that focus on criminal justice systems in other parts of the world.

However, it was only possible to launch the ICJ by cross-listing relevant courses from other departments. Of the 41 courses in the major only eleven were exclusively prepared for the major and it is now time to add new courses specifically for the ICJ major. Nonetheless, the curriculum is designed to be flexible so as to accommodate new additions to the program. For example, in response to recent demands, the College is making arrangements to include Arabic language and criminal intelligence courses in the major. In addition, depending upon student interests and faculty expertise, skills and elective courses can be taught on an experimental basis. Current departmental chairs are flexible enough to substitute these courses so that the students can fulfil the requirements for the major. For example, the Government Department recently introduced a course on transnational crime, which helps in understanding terrorism and trafficking businesses. In the past two years, the Puerto Rican/Latin American Studies Department has opened up a relevant course titled "Terror and Truth in Latin America". For Spring 2004, the History Department and the Law and Police Science departments, respectively, have introduced experimental courses titled "History of Genocide" and "Landscape of Terrorism", which are timely and relevant to ICJ major students.

The departments that have faculty with expertise in international issues need to encourage them to give new, experimental courses primarily for ICJ major. There is also a need to have a foundations of scholarship course for the ICJ major which would deal with writing style, how to do proper scholarly work and how to write papers without relying on cutting and pasting from the Internet. Another gap in the course offerings is a course on Internet/cyber crimes which is highly relevant to this major.

## John Jay's Faculty and Student Body

John Jay College's worldwide reputation in law enforcement education attracts faculty and students from all over the world. There are students from more than 150 nations representing regions of Asia, Latin American, the Caribbean and Europe. A number of clubs are geared to these students, as follows: Jamaican

Students Association, Latinas United for Justice, Muslim Students Association, Russian Students Club, Polish Club, Italian Club, Foreign Policy Society, Hillel Club, African Students Association, Haitian Students Association, Bangladeshi Club, United Nations Student Association, Association of Women Rights and Cultural Identities, Albanian Students Association and Asian Students Association. These clubs foster multiculturalism within John Jay and they help to integrate students from very diverse backgrounds.

According to a recent survey of 83 faculty members from a variety of departments (African American Studies; Anthropology; Art, Music & Philosophy; Doctoral Program; English; Government; History; Latin American/Puerto Rican Studies; Law & Police Science; Library; Physical Education; Psychology; Public Administration; Public Management; Science; Sociology; and Speech, Theatre & Media), it seems that faculty are involved in a wide variety of international initiatives with a focus on the following topics:

1. Criminology and Criminal Justice (General);
2. Forensic Psychology, Forensic Science and Public Health;
3. Gender Issues;
4. History, Religion, Culture, and Politics;
5. Human Rights Issues;
6. Immigration;
7. Organized Crime;
8. Policing Issues;
9. Public Administration and Economics;
10. Terrorism;
11. Arts, Language, and Literature.

The survey found that faculty has extended contacts on a regular basis with a variety of countries and members of the faculty have conducted research in Afghanistan, Bangladesh, Belgium, Brazil, Central and South America, the Czech Republic, Georgia, Germany, Greece, Indigenous Hawaii, India, Israel, Ireland, Jordan, Kazakhstan, Navajo Nation, Nigeria, Palestine Authority Territory, Poland, Puerto Rico, Russia, Sierra Leone, South Africa, Syria, Turkey, and the United Kingdom. In addition, the survey found that the following departments had some involvement in study abroad, and faculty exchange programs: Anthropology, African American Studies, Law & Police Science, Psychology, and Sociology.

### Need for More Full-time Faculty

Two courses are geared solely to the ICJ major and it is important that they are taught by full-time faculty, familiar with international crime and the international criminal justice system. Many adjuncts

have little knowledge of this subject. Some who teach in the program are graduate students from other countries who are trying to gain experience in teaching. The ICJ major students need more full-time professors who are experts in the field. Though John Jay College has faculty who can teach courses such as terrorism, organized crime, gender issues in ICJ, crime and delinquency in Asia, and crime and justice in Eastern Europe, it needs more full-time faculty with expertise in the above areas to take on additional sections because enrolment is increasing. Students also need to be exposed to different faculty with different expertise.

Students who register for this major are often foreign students whose first language is not English. Inevitably they struggle to communicate in classroom discussions and when writing papers. This problem becomes more severe when courses are writing intensive. This is not a problem exclusive to the ICJ major, but it is more acute for ICJ students.

#### Resources for the ICJ Major

The timeliness of the major was underlined by the September 11, 2001 disaster that struck just a few miles from the College. The establishment of the Terrorism Institute at John Jay may result in more resources flowing to the major. Also the Center for International Human Rights was established in 2001 with a mandate to study challenges to the promotion and protection of internationally-recognized human rights norms; analyze and assess the intersections between human rights violations and international crimes; investigate genocide historically and in the contemporary world; and devise educational programs aimed at increasing public awareness of these norms. Both institutes periodically arrange seminars by eminent people in the field on a variety of topics on human rights and terrorism. ICJ students can take advantage of the opportunities provided by these new institutes. Recently, the Puerto Rican/Latin American Studies department has instituted the Historical Memory Project, which is an ongoing project dedicated to exposing human rights abuses through scholarly publications, colloquiums, and exhibits to uncover past and present atrocities committed against indigenous peoples in Latin America. Particular areas of concern for this project include genocide, ethnocide, international human rights and the rights of indigenous peoples and women in Latin America. ICJ students have participated in this project and have learnt about the working of truth commissions.

For many years the College has encouraged visiting professors from around the world. Departments such as Law and Police Science, Government and Sociology benefit from the seminars and lectures given by these professors. Students in the ICJ major also

have access to these visiting professors, which helps the students learn about criminal justice system in countries other than the United States.

John Jay College's Lloyd Sealy Library has worked consistently over the past five years to expand its holdings in international criminal justice. The library is an active member of the World Criminal Justice Library Network, which is working to provide electronic access to the world's international criminal justice information. Through the Library, students have access to databases such as NCJRS, Criminal Justice Abstracts, Psychology Abstracts and Sociology Abstracts. They also have access to other libraries such as New York Public Library, Columbia University Library to read journals that we do not have at John Jay College. They can make use of Lexis-Nexus and Westlaw searches to help them in research projects. In addition, Internet facilities at John Jay College permit students to gain access to government documents such as UCR, INTERPOL and ICR.

Through the computer labs, students have access to a variety of software programs such as *PowerPoint*, *Excel*, *ACCESS*, *ADOBE*; *SPSS* and *SAS*. Specialized computer labs for crime mapping are also available to use by students. The Instructional Technology Support Services maintain the general access computing labs and provide regular hands-on workshops for students in software applications and hardware maintenance.

## Reading Materials

The Library holds 107 journals pertaining to international criminal justice as well as a substantial number of reports from international criminal justice institutes and agencies and documents from the United Nations and the European Institute for Crime Prevention and Control, affiliated with the United Nations. The Library is ordering more foreign criminal justice journals, but, due to budget cuts, there are still some pertinent journals not subscribed to – for example relating to human rights and genocide. Nor are there many acquisitions of videotapes in international criminal justice. New resources are needed to increase the acquisitions list for ICJ.

Apart from the journals, there is little relevant literature for the ICJ students. At the undergraduate level, especially the introductory level, reading materials in the form of textbooks are preferable, but there is no adequate textbook written on the subject of international criminal justice. Quite often reading materials are pre-packaged by the instructor and bought by the students. However, in the long run, textbooks are needed to teach courses in the major. For international criminology, there is presently only one book that meets the basic requirements (*Criminology: A Global*

*Perspective* by Lee Ellis and Anthony Walsh published by Pearson 2005). Chapters on comparative criminology are also included in some other criminal justice textbooks, but there is a need to develop one primarily focused on international and transnational crimes. In order to help meet this need, the author has produced a 50-chapter edited volume, *Introduction to International Criminal Justice*, which is a compilation of original work by leading experts (Natarajan 2005). It provides an introduction to the nature of international and transnational crimes and to the emerging legal frameworks for their prevention and control. Emphasis is placed on global aspects of the work of different criminal justice agencies and the international structures that have been created for crime prevention, punishment and control

## Preparing for an ICJ Career

The ICJ major provides a foundation for advanced study for the more academic students, specifically in international relations, criminology, and criminal justice. The training they receive in theory and research will help them to pursue graduate degrees with confidence. The courses are geared to preparing students to develop independent thinking, to write essays and papers, and to plan and execute research projects.

Students who specialize in international law and justice, international relations and economic international public administration receive a good preparation for law school where they could specialize in immigration law or international law. Recent developments concerning ad hoc tribunals and the permanent international criminal court in Rome, together with the growing awareness of the importance of enforcing regional and global definitions of international and transnational crimes, can be especially rewarding subjects for papers and in-depth research projects.

The program also prepares students for work in a variety of law enforcement settings. These include both international agencies overseas as well as domestic governmental organizations, which are increasingly affected by international crime including terrorism. For example, issues such as assistance in the extradition of suspects from other countries, or help in building cases against offenders who cross borders, require an international perspective. Courses such as international criminal law, which emphasize police cooperation, mutual assistance and extradition, would be useful in these situations. Representatives from agencies such as INTERPOL, the United Nations, U.S. Department of Justice, Drug Enforcement Administration and Environmental Protection Agency's International Unit have indicated that they would be

interested in hiring students with an international criminal justice background. The graduates are well placed to get jobs as police officers, probation officers, investigators, customs personnel, immigration specialists and federal law enforcement officers. These jobs increasingly require overseas work.

U.S. intelligence agencies failed to anticipate the World Trade Center terrorist attacks because they lacked the capacity and skills to analyze the vast amount of information collected. They also lacked the language skills and the knowledge of other cultures that would have helped them to interpret the data. The fact that the College now offers courses in Arabic should help students find jobs in the agencies.

## Jobs, Internships and Study Abroad Programs

Many of the ICJ graduates find their own job openings with an international focus and wherever possible we help them obtain these jobs. However, this will become more difficult as the student body grows larger. Internships in international criminal justice need to be developed in order to:

1. Fulfill student interest: student surveys indicate that a majority of them are interested in internships;
2. Help them obtain work experience: internships help students in obtaining work experience and knowledge that could be useful in obtaining jobs after the graduation.

John Jay College has an excellent internship program involving local criminal justice organizations, and it participates in a CUNY-wide United Nations internship program. However, it does not yet have a full-fledged internship program abroad. The ICJ major would benefit from an internship program with local agencies with international divisions and internships with agencies abroad. For example, many banks with international transactions have security departments. Students could be placed as interns in these institutions to learn about the work. Such placements might help them to obtain full time jobs. The College is also interested to place students as interns in the United Nations offices. The ICJ Governance Committee is working to create an internship program and a newly-hired member of the Sociology faculty is in the process of developing an internship course by contacting a variety of institutions that deal with international matters.

John Jay College does not have its own study abroad program. Instead, the Office of Study Abroad Information (OSAI) assists students interested in enrolling in pre-existing programs run by other colleges and Universities. All the students at John Jay College should be given the opportunity to take advantage of this

program, but this is particularly important for ICJ major students. ICJ students are encouraged to enrol in the study abroad program, but very few students have done this because of the lack of financial support. In spring 2005, as part of the effort to internationalize the College, President Travis sponsored 10 students accompanied by a faculty member to attend the Salzburg International Ambassador program at its facility at *Schloss Leopoldskron* in Salzburg, Austria. This is an intensive seven day program that provides students with the opportunity to explore pressing issues of global concern. This was John Jay College's first study abroad initiative.

## Moving Forward

John Jay College's purpose in establishing the ICJ major was threefold:

1. To prepare undergraduate students with the knowledge, skills and perspective needed to compete for careers in the field of international criminal justice;
2. To prepare students for advanced work in graduate and professional schools;
3. To improve understanding of international crime and criminal justice through research conducted by faculty and students, ensuring that emerging global realities purposefully inform the study of crime.

September 11, 2001 brought a tremendous need to study international crime and criminal justice, not just in New York but all around the country. It is to be hoped that more universities with criminology/criminal justice departments will develop curricula to meet this need. Criminologists and criminal justice educators can no longer afford to be parochial in their outlook and the time has come to focus research attention on the increasing number of transnational crimes and human rights violations that are a serious threat to the world community (Natarajan 2002).

In April 2005, John Jay's President, Jeremy Travis, created the Committee on International Programs (CIP), which is expected to play an important advisory role in advancing the international agenda of the College. In his report (2004), he asserted that:

“two basic conditions must be met – one conceptual, one logistical – for us to engage the international criminal justice community with the rigor of a globally focused institution: First, we must widen our perception of the community itself; it should include, for example, Africa, Caribbean, Latin America, Asia, Australia, China and so forth. Second, we must provide support for our faculty and

students' travel to and from our international partners and prospects. If we can satisfy these two conditions, we can pursue the following with maximum benefit.”

The ICJ major and its faculty will continue to play an important part in shaping the teaching and research agenda on international crime and justice, and in promoting this agenda by preparing students for advanced study of these subjects and for employment in the international arena.

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## IV. TRAINING EXPERIENCES IN INTERNATIONAL CRIMINAL JUSTICE ACADEMIES

### Opportunities and Challenges in Delivering a Curriculum for International Police Training: the Case of the International Law Enforcement Academy (ILEA) at Roswell, New Mexico (USA)

Joseph D. Serio and Richard H. Ward<sup>1</sup>

#### Introduction

In the wake of the dramatic events of the late 1980s and early 1990s, including the razing of the Berlin Wall and the dismantling of the Soviet Union, the United States Government recognized the necessity for a training academy in Eastern Europe to enhance the skills of law enforcement officers facing a dramatically changing criminal landscape. The International Law Enforcement Academy (ILEA) concept was realized in Budapest in 1995 as a tactical-oriented training program. Before long, two other ILEAs were established, in Bangkok (Thailand), and Gaborone (Botswana). In 2001, the U.S. Department of State established the fourth ILEA, this time in Roswell, New Mexico, (USA). ILEA-Roswell was designed as a command course focusing on an academic approach to criminal justice.

International law enforcement training presents a wide range of opportunities as well as challenges. The chance to develop a network of working relationships on a global scale in law enforcement is accompanied by the difficulties of presenting material to groups that vary greatly in experience and educational backgrounds while attempting to effectively address technical considerations such as language barriers and differences in cultural norms. Some of these challenges must necessarily be considered

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<sup>1</sup> Joseph D. Serio was the Sam Houston State University faculty coordinator for the U.S. State Department's International Law Enforcement Academy (ILEA) in Roswell, New Mexico, from 2002 to 2005, and has delivered lectures at the Academy. He is Editor in Chief of the bi-monthly magazine, *Crime and Justice International*, and has observed criminal justice systems in operation in Russia, China, Poland, Spain, the United States, and other countries. Richard H. Ward is currently Dean of the College of Criminal Justice at Sam Houston State University. He was instrumental in establishing ILEA in Roswell and developing the curriculum. He has been involved in comparative criminal justice education for more than thirty years.

in the development stage of the curriculum, some can be addressed in the course of the program, and some are simply insurmountable.

ILEA-Roswell (ILEA-R) has made great strides since the early days of its curriculum development in providing a quality program of criminal justice education based firmly on the precepts of the rule of law and the ideals of democratic governance. Providing about seventy percent of the instructors for ILEA-R, Sam Houston State University's College of Criminal Justice has figured prominently in the development and delivery of the curriculum. This paper outlines the opportunities and challenges faced in delivering this cross cultural criminal justice program.

## Problem

Law enforcement officials around the world have reported a significant increase in the range and scope of international criminal activity since the early 1990s. The level and severity of this activity and the accompanying growth in the power and influence of international criminal organizations have raised concerns among governments across the world about the threat criminals pose to governability and stability. International criminal networks have been quick to take advantage of the opportunities resulting from the revolutionary changes in world politics, business, technology, and communications.<sup>2</sup>

The substantial increase in global trade, movement of people, and capital flows has provided a landscape rich in targets for the criminal world. Criminals have taken advantage of transitioning economies to establish front companies and quasi-legitimate businesses that facilitate smuggling, money laundering, financial frauds, intellectual property piracy, and other illicit ventures. Multilateral economic agreements reducing trade barriers in North America, Europe, Asia, and other regions have substantially increased the volume of international trade. Criminal groups use the high volume of legitimate trade to smuggle drugs, arms, and other contraband across national boundaries.

With the breaking down of international political and economic barriers and the globalization of business, there is more freedom of movement, and international transportation of goods and services is easier. In the past, more limited travel options between countries and more stringent border checks made crossing national boundaries difficult for international criminals. Now, criminals have

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<sup>2</sup> This section is adapted from the Course Introduction of the ILEA-R Instructor's Guide, pp. 4-10.

a great many choices of travel routes and can arrange itineraries to minimize risk.

Modern telecommunications and information systems that underpin legitimate commercial activity in a fast-paced global market are easily used by criminal networks. Through the use of computers, international criminals have an unprecedented capability to obtain, process, and protect information and sidestep law enforcement investigations. They count on avoiding close scrutiny of their activities because of the importance to businesses and governments of facilitating commercial and financial transactions and rapid transshipment of products.

The major international organized crime groups have become more global in their operations, while many smaller and more local crime groups have expanded beyond their country's borders to become regional crime threats. Globalization has enabled organized crime groups to diversify their criminal activities. Colombian drug trafficking organizations, for example, are also involved in counterfeiting; Nigerian and Asian crime groups engage in alien smuggling; Russian and Asian crime groups traffic women for worldwide sex industries; and Russian, Asian, Nigerian, and Italian criminal syndicates engage in sophisticated, high-tech financial crimes. Many of the larger criminal organizations have established business-like structures to facilitate and provide cover for their operations, including front companies, quasi-legitimate businesses, and investments in fully legitimate firms.

Much more than in the past, criminal organizations are networking and cooperating with one another, enabling them to merge expertise and to broaden the scope of their activities. Rather than treat each other as rivals, many criminal organizations are sharing information, services, resources, and market access according to the principle of comparative advantage. By doing so, they can reduce their risks and costs and are better able to exploit illicit criminal opportunities.

The growth and spread of international crime have also fed off the many institutional shortcomings of countries around the world. Police and judicial systems in many countries are ill-prepared to combat sophisticated criminal organizations because they lack adequate resources, have limited investigative authority, or are plagued by corruption. Many countries have outdated or nonexistent laws to address corruption, money laundering, financial and high-tech crimes, intellectual property piracy, corrupt business practices, or immigration. Moreover, many governments have been slow to recognize the threat posed by criminal activities and increasingly powerful organized crime groups. Criminals use these shortcomings – and their tremendous resources to corrupt and intimidate public officials and business leaders – to find safe

havens for themselves, their illicit operations, and their tainted money.

Finally, while globalization has allowed international criminals to operate virtually without regard to borders, governments and law enforcement agencies remain limited by national boundaries. National sovereignty concerns and jurisdictional restrictions are impediments to targeting criminal activities that cross international boundaries. Unlike criminals, governments and law enforcement agencies must respect other nations' sovereignty and legal statutes in law enforcement operations.

#### Action: Teaching or Training Program

In an effort to address the dramatic rise in transnational crime in Eastern Europe after the disappearance of the Soviet bloc and the weakening of borders through the expansion of the European Union, the Bureau for International Narcotics and Law Enforcement Affairs of the U.S. Department of State established the International Law Enforcement Academy (ILEA) in Budapest (Hungary), in 1995, operating under the auspices of the U.S. Federal Bureau of Investigation. The intention was to introduce an academy similar to the domestic FBI National Academy Program in the United States. The eight-week ILEA program focuses on leadership, personnel and financial management, human rights, ethics, the rule of law, management of the investigative process, and other contemporary law enforcement issues.

In keeping with the spirit of ILEA as a vehicle for understanding and cooperation among countries, instructors at ILEA-Budapest are law enforcement professionals from Austria, Italy, Canada, France, Germany, Hungary, Italy, Ireland, Italy, the Netherlands, Russia, Spain, Sweden, Switzerland, United Kingdom and the United States.<sup>3</sup>

In the wake of the successful ILEA-Budapest program, a second academy was opened, this time in Bangkok, Thailand, in March 1999, under the leadership of the U.S. Drug Enforcement Administration (DEA). Like the Budapest academy, Bangkok's ILEA focuses on training law enforcement officers from countries in the region. Training sessions address problems such as narcotics trafficking, terrorism, alien smuggling, and financial crimes, and promote the use of global crime fighting tools such as mutual legal assistance and extradition.<sup>4</sup>

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<sup>3</sup> See <http://www.ilea.hu/>, and <http://www.state.gov/p/inl/ilea/c11279.htm>.

<sup>4</sup> See <http://www.ileabangkok.com/bg/background.html> and <http://www.state.gov/g/oes/rls/pg/37019.htm>.

Coming on the heels of success in Budapest and Bangkok, the State Department and the Government of Botswana signed a bilateral agreement in July 2000 to establish an ILEA in Gaborone to promote international cooperation against crime in the Southern African Development Community (SADC) as well as Ethiopia, Kenya, Uganda, and other countries in the region. ILEA-Gaborone falls under the auspices of the U.S. Federal Law Enforcement Training Center (FLETC) providing courses on a wide range of law enforcement topics such as counter-terrorism, forensics, basic case management, organized crime, supervisory police training, police strategy, narcotics identification and evidence handling, customs interdiction, illegal immigration, and public corruption, among others. Specialized courses concentrate on specific methods and techniques on a variety of subjects, such as drug enforcement, financial crimes, violent crimes, border security, firearms, fraudulent documents, wildlife investigations, and others.<sup>5</sup>

With the three basic schools operating in Budapest, Bangkok, and Gaborone, the U.S. State Department formed a higher school, known as the Advanced Management Course, in Roswell, New Mexico, as the fourth ILEA. The idea was to provide additional coursework for officers who had already attended one of the ILEAs overseas. The program would consist entirely of an academic approach to crime and criminal justice, emphasizing the philosophy of criminal justice, the primacy of human rights, and the rule of law as the cornerstone of democratic processes.

ILEA-R, as the Roswell program is known, was created as a partnership between the U.S. State Department and New Mexico Institute of Mining and Technology. Subcontractors on that project are Sam Houston State University and Science Applications International Corporation which provide the faculty and support staff, and Eastern New Mexico University-Roswell that assists with infrastructure and logistics support.

The stated objectives of the ILEA-R program are to promote effective cooperation among law enforcement agencies worldwide; to provide an environment within law enforcement that encourages continual personal and professional development; to prepare law enforcement management officials for increased responsibilities, and to improve managerial capabilities of program participants in combating international crime.<sup>6</sup>

At of this writing there have been 44 sessions with a total of 1,664 participants from more than 60 countries from regions around the world including Latin America, the Caribbean, Central and Eastern Europe, sub-Saharan Africa, and Asia. While some

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5 See <http://www.ileagaborone.co.bw/> and <http://www.state.gov/p/inl/ilea/c11283.htm>.

6 See <http://www.ilearoswell.org/> and <http://www.state.gov/p/inl/ilea/c11285.htm>.

sessions are attended by English-speaking participants, many classes require simultaneous interpretation, which is provided by State Department interpreters of the highest caliber. Training has been provided in twenty-four different languages.<sup>7</sup> The ILEA-R instruction room is equipped with three booths for the interpreting staff.

The target audience consists primarily of, but is not limited to, experienced law enforcement middle managers (lieutenants and captains). Participants come from diverse backgrounds including criminal investigations, narcotics enforcement agencies, border patrol, customs and immigration, environmental conservation, the prosecutorial service, financial crimes units, police research institutes and others. As indicated, these managers are typically graduates of one of the other International Law Enforcement Academies located at Budapest, Botswana, or Bangkok. Because of their prior attendance at an ILEA, participants enter the Roswell academy with advanced knowledge and/or skills, which include their understanding of:

- roles and responsibilities of various U.S. law enforcement agencies (Federal Bureau of Investigation, Drug Enforcement Administration, Bureau of Alcohol, Tobacco and Firearms, *etc.*) and points of contact therein;
- basic investigative techniques for general and drug-related crimes;
- the nature of transnational crimes and the associated flows of money/contraband; the strategies for investigating those transnational crimes, and their role in these types of investigations;
- basic human rights, human dignity, and democracy in policing;
- various legal systems, and the importance of laws in identifying criminal investigation strategies.

The ILEA-R program is known as the Advanced Management Course (AMC) and focuses on academic and philosophical issues such as ethics, civility, and crime types and typologies as well as matters of administration such as records management and human resource management. Participants do not receive any tactical or weapons training.

The AMC seeks to accomplish several broad goals. Three of these goals are cognitive in nature (pertaining to learning concepts and procedures), two are affective (relating to a desired change in attitudes), and three are skill related.

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<sup>7</sup> Personal communication of author (Serio) with ILEA-R curriculum manager, and ILEA-R spreadsheet, "International Law Enforcement Academy – Roswell, History," covering Pilot Sessions I, II, and III, as well as Sessions 1-41.

## Cognitive Goals

The course is designed to improve the technical and managerial capabilities of the participants to assist their respective law enforcement agencies in combating transnational crime; enhance the abilities of the participants to implement modern law enforcement management principles in agencies in their home country; and strengthen the participants' ability to implement strategies supporting efforts of U.S. law enforcement to intercept transnational criminal elements.

## Affective Goals

The AMC is intended to instill in participants a commitment to implement law enforcement practices that reflect democratic principles, and support collaboration with international law enforcement agency efforts to intercept transnational criminal elements.

## Skill Goals

The AMC offers participants the opportunity to become more proficient in the use of personal computers, in reaching individual physical and mental wellness goals, and in enhancing the participants' knowledge of law enforcement terms in English, and Basic English communication skills.

The four-week AMC consists of four academic curriculum modules: criminal justice in a global environment, modern policing strategies, key issues in policing, global trends and emerging issues in transnational crime. In addition to these four core modules there are three skill classes integrated into the program: Physical Fitness, Criminal Justice Terminology in English, and Computer Lab.

## Module One – Criminal Justice in a Global Environment

In Module One, participants are introduced to the various roles that police perform in a changing, global society. Disparate challenges, such as those posed by culture, funding priorities, minorities, technology and globalization of values, which are faced by police in a modern environment are presented. Participants are provided with expectations of police conduct through the dissemination of

accepted international legal and professional standards for law enforcement. In this Module, instructors present in the following areas:

- the concept of a civil society and its interactive relationship with effective policing;
- challenges of crime in a global environment and their effects on policing;
- the major crime types and typologies, and policing strategies relating to domestic abuse and trafficking in women and/or children;
- the role of criminal justice agencies in responding to crime;
- challenges facing law enforcement organizations, such as organizational culture, funding, minorities, technology, globalization of values, *etc.*;
- evolving legal and professional standards for law enforcement;
- the effects of national and international, political, economic, and legal environments on policing.

## Module Two – Modern Policing Strategies

Module Two is more application-oriented than Module One. During Module Two, participants are presented with various modern manpower deployment models and their associated techniques and strategies as they pertain to patrol and criminal investigation operations. Human resource management issues such as hiring/firing, training, professional development, diversity, competency/performance evaluation, and promotion are also discussed during this module. Participants are asked to discuss the concepts of leadership and management, and then identify the differences between the two styles, and their implications. As a part of this discussion on leadership and management, participants are presented with opportunities to discuss strategies for becoming agents of change within their respective departments. Instructors provide participants with current methods for quantifying quality within the context of police management. Furthermore, instructors present existing and emerging technologies in policing to include DNA testing, Automated Fingerprint Identification System (AFIS), Geographical Information Systems (GIS), Communications/Information Systems, Records Management Systems, *etc.*, during this Module. The following is an overview of areas addressed in Module Two:

- modern deployment models for law enforcement;
- current strategies for management of patrol operations and criminal investigations;

- modern human resource strategies involving hiring/firing, training, professional development, diversity and its role in effective policing, competency, performance, promotion, *etc.*;
- the role of citizens in effective police management;
- concepts of leadership and management and the effective use of these concepts in addressing police issues;
- approaches for change management in the participant's agency, including the role of the media;
- current methods for quantifying quality in police management;
- the use of existing and emerging technologies in policing, such as DNA testing, AFIS, GIS, Information Systems, *etc.*;
- effective records management systems and plans for effective implementation in the participant's agency.

### Module Three – Key Issues in Policing

In this Module, instructors address a broad spectrum of ethical and legal considerations involving issues ranging from privacy to diversity. As a part of this discussion, the United Nations standards on human rights are presented, with instructors speaking to best police practices as they relate to human and civil rights. Participants discuss corruption and its effects on effective policing. Furthermore, the course addresses specific investigative strategies for the changing dynamics of crimes such as drugs, money laundering, terrorism, cybercrime, illegal immigration, domestic abuse, trafficking in women and/or children, *etc.*, as well as strategies for addressing civil dissent. The following subject areas are discussed during this Module:

- ethical and legal considerations of key issues in policing, including privacy, fairness, equality, individual rights vs. collective needs;
- United Nations standards on human rights;
- concepts of human and civil rights and their effects on police practices (, victims, excessive force, racial profiling, policing minorities, *etc.*);
- dynamics of corruption (*i.e.*, racial profiling, bribery, favoritism, *etc*) on effective policing;
- processes for handling citizen complaints and establishing accountability within the participant's agency;
- strategies for addressing civil dissent and/or demonstrations, and the role of the police facing civil dissent and disobedience in a changing society;
- the changing dynamics for dealing with crime – specific investigative strategies for drugs, money laundering, terrorism, cybercrime, illegal immigration, *etc.*

## Module Four – Global Trends and Emerging Issues in Transnational Crime

In Module Four, participants are provided the opportunity to apply techniques for conducting statistical research into crime analysis, transnational crime trends and rates, community expectations, and employee perspectives. Instructors present strategies for addressing cultural, social, legal, and political obstacles to effective policing. In this Module, the following areas are considered:

- the concept and impact of policing beyond borders;
- the concept of thinking globally and acting locally;
- challenges to and the strategies for effective police collaboration;
- evaluating sources of information and applying appropriate techniques for conducting statistical research, such as crime analysis, transnational crime trends and rates; determining community expectations and employee perspectives;
- strategies for addressing cultural, social, legal, and political obstacles to effective policing.

Participants receive a course book in their native language with each class outlined with a lesson description, instructional objectives, performance objectives, and methods of instruction (lecture, seminar, case studies, *etc.*), as well as copies of the PowerPoint presentation to be delivered.

Participants are required to complete an end-of-course critique that focuses on the value of materials in supporting the course goals and objectives and the effectiveness of instruction (instructors presented content in an understandable manner, used relevant examples, encouraged participation, and answered questions in a clear and concise manner). In addition, several months after returning to their countries, a number of participants have forwarded assessments of how the program has impacted their personal and professional lives, and offered suggestions for improving the course.

### Impact and Evaluation (outcome and expected/noted returns)

Since the first pilot class on September 3, 2001, the ILEA-R program has met with great success and areas for improvement have been identified. For purposes of this paper, the authors have enumerated six interrelated areas in which numerous participants have offered positive reaction, either as inputs or outcomes.

First and foremost is an appreciation by the participants for the development of democratic institutions and creating the conditions where ILEA participants can rise through the ranks of their organizations and affect change. There is perhaps no more direct example than that of Lithuania. The return of the Lithuanian delegation from ILEA-R in 2003 coincided with the formation of a new penal code. One participant recounts how “upon our return from Roswell, we faced a tidal wave of questions from our colleagues about how law functions and how it is applied in practice in the United States. At this point we understood the importance and benefits of the ILEA training and were glad we could immediately apply the information collected in our month-long training session.”<sup>8</sup> In this senior commander’s opinion, “ILEA in Roswell made one of the biggest contributions to the Lithuanian law enforcement officers’ training and preparation for working in new democratic conditions.”<sup>9</sup>

Another important aspect of ensuring the development of democratic institutions in participant countries is the ability of participants to continue up the career ladder into policy-making roles. Two officers from Guatemala are illustrative of the opportunities the academy program created. One officer realized the value of his experience shortly after returning home. “The ILEA-R certificate is extremely important to us professionally. We get more respect and more doors are opened because of it. ILEA-R made us better equipped to do our jobs. I was promoted to 1<sup>st</sup> officer after my ILEA-R experience. My experience at ILEA-R was a factor in my promotion.”<sup>10</sup>

His colleague experienced the same. “I have been promoted to 2<sup>nd</sup> Officer. Experience and knowledge is a must for promotion and ILEA-R helped me gain more of that.”<sup>11</sup> Of critical importance to the development of democratic institutions is the willingness and possibility of ILEA participants to return home and share the knowledge they gained. “The lessons we learned at ILEA-R we have been able to pass along to others and now those people are moving up professionally.” Not only that.... “Academically speaking we received a ‘new vision.’” Referring to the Human Resources course, he continued, “We were able to implement a better system in determining the kinds of persons we wanted to work with.”<sup>12</sup> Related to this, one of the students from the session attended by officers from Guatemala submitted a report to his superiors about the lessons learned at ILEA-R. The deputy commissioner of the

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8 Augas, A. 2003, ‘International Law Enforcement Academy: A Bridge to the Baltics’ in *Crime and Justice International*, November/December, vol. 19, no. 77.

9 *Ibidem*

10 Comments offered in a meeting of four Guatemalan participants with the ILEA-R curriculum manager on July 13, 2004.

11 *Ibidem*

12 *Ibidem*

Guatemala drug school recommended that some of the ILEA-R material be incorporated into their lesson plans.

The second area that is of critical importance to the success of the program is more organizational in nature. The success or failure of a program is in large part due to the quality of front office personnel. They are the face of the program; they are the ones the participants interact with on a daily basis for a month. A participant from Slovenia indicated the importance of personnel. "I have found here something I had thought it didn't exist in the US. And that is, that people can be totally professional on one hand but on the other still can have fun while working together. That is something that I was used to in Slovenia and I am really happy that I have found the same kind of attitude now here as well. In my opinion each and every member of the ILEA staff has been performing her/his job extraordinary. And not only that, everybody carries with herself/himself that genuine human touch that makes work and life in general so beautiful and meaningful. You have made me feel like a member of your family."<sup>13</sup>

In February 2004, a Brazilian participant wrote "to thank you again for all the support during our stay there. In my particular case, in spite of having attending other training courses in USA, like FBI National Academy and DEA, I really liked most this one from ILEA because of the people who work there."<sup>14</sup>

An official from the Organized Crime Control Department of the Ministry of Interior of Croatia agreed, saying, "The organization of the course and the ILEA staff were perfect. Now I have new friends, new knowledge, and new experience."

Third, and a direct result of the high quality of personnel mentioned above, is the diplomatic success of the program and its ability to influence participants' impression of the United States. This perspective was most dramatically conveyed by the chief investigating officer in the Republic of South Africa's Asset Forfeiture Unit. After returning to South Africa, he forwarded to ILEA-R a lengthy letter saying in part, "You have a wonderful staff...I have returned to South Africa with different views of the USA I would never in my wildest dreams have thought that I could one day see myself as a friend of the people of the USA, but that is the case now. From the little I have seen of your country, I can say with certainty: You are indeed a great nation. If the development of new friendships is not one of the key success factors when evaluating the programme, then I would recommend that it be included."

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<sup>13</sup> E-mail communication with ILEA-R curriculum manager, date unknown.

<sup>14</sup> E-mail communication with ILEA-R curriculum manager, February 18, 2004.

In July 2005, a similar comment came from an officer from Malawi. "I have settled back to work and already I am using some of the skills I learnt there at Roswell in my day-to-day work. I have to admit that we did learn a lot and it was an enriching experience not only professionally but also academically, socially and even psychologically. Why psychologically? Well maybe because I have now sort of changed my perception of Americans because before I perceived you Americans to be a bit pushy, bossy, stuck up and even a bit self-centered, especially when I compared you to Canadians and Europeans (not that there's really anything that is wrong with those character traits unless you overdo them which I think some Americans do), but that perception has now changed."<sup>15</sup>

Perhaps most the most touching accounts of the influence that the American spirit had on participants came in the wake of tragedy. In the wake of the 9/11 events, participants rolled up their sleeves and donated blood. After a Roswell police officer was wounded in the line of duty, the Hungarian delegation in Roswell at the time made the officer an honorary Hungarian police sergeant. When two women lost all of their possessions in a house fire, groups from Brazil, Bolivia, Peru and Ecuador raised several hundred dollars to assist them.<sup>16</sup>

One participant from Guatemala summed it up best: "I never expected to gain from ILEA what I gained when I got here. My experience was extremely valuable. Human relations are where we gained the most."<sup>17</sup>

Fourth, the ILEA-R program has helped to strengthen relationships among agencies in the regions of the participants. In a September 2003 e-mail to one of the authors, a senior commander from Lithuania conveyed that his country was able to develop stronger relationships with neighboring Estonia and Latvia because they went through the ILEA-R experience together and have shared ideas and impressions after returning home.<sup>18</sup>

The situation between Guatemala and El Salvador was similar. As one officer from Guatemala indicated, "Our minds were opened and we realized that there were effective programs to communicate and foster the ability to share information with our sister countries." This led to direct meetings between officials of the two countries. "El Salvador has come to Guatemala three different times to attend work related meetings. All the participants met at ILEA-R."<sup>19</sup>

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15 E-mail communication with ILEA-R curriculum manager, July 11, 2005.

16 'ILEA students come to aid of fire victims' Roswell Daily Record, February 12, 2004.

17 Comments offered in a meeting of four Guatemalan participants with the ILEA-R curriculum manager on July 13, 2004.

18 E-mail communication with author (Serio), September 26, 2003.

19 Comments offered in a meeting of four Guatemalan participants with the ILEA-R curriculum manager on July 13, 2004.

Fifth, these relationships have led to direct cooperation in investigative matters across borders, one of the key underlying goals of the ILEA concept in general. Writing in the November/December 2003 issue of *Crime and Justice International*, the senior commander from Lithuania mentioned above recounts the success his country has had in developing active collaboration with the United States. "One of my colleagues who runs the Auto Vehicle Theft Investigation Department in the Central District Police participated in ILEA training in the summer of 2002. He was very satisfied when he was able to make direct contacts he made in ILEA and applied them in his work. For example, his team successfully investigated car theft cases from across the ocean in cooperation with his American colleagues. Nowadays, my colleague is working jointly once again with our American counterparts in investigating a company in the Chicago area that is involved in suspicious activities with companies in Lithuania." Moreover, he writes, "The October 6, 2003, arrest [in Lithuania] of an American citizen, who is suspected of being a gang leader of an organized crime group in the U.S. and involved in drug trafficking, is one more example of the successful application of knowledge and direct contact with American law enforcement officers."<sup>20</sup>

In Guatemala, relationships forged in New Mexico have helped to build bridges with neighboring El Salvador. "One of the most successful things to come out of ILEA-R for us was the relationship and coordination with El Salvador. There was a situation in El Salvador where a group of individuals involved in organized crime fled El Salvador and re-located in Guatemala. They were already starting to organize but we were able to apprehend them and cease their operations through communication and cooperation with El Salvador."<sup>21</sup>

For Guatemala, this relationship building has extended not only across the border to El Salvador but also inwardly toward its own community. "We now realize the importance of being more united with our communities. Since returning from ILEA-R, we are now involved in community meetings, something that we had never done before... We have seen substantial results in our rapport with the citizens."<sup>22</sup>

Sixth, to achieve these kinds of results, the training material and presentations must be clear and useful. In this way, material is not only easily digested by the participants, but can also be conveyed to colleagues back home. In a March 2005, email to the ILEA-R

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20 Augas, A. 2003, 'International Law Enforcement Academy: A Bridge to the Baltics' in *Crime and Justice International*, November/December, vol. 19, no. 77.

21 Comments offered in a meeting of four Guatemalan participants with the ILEA-R curriculum manager on July 13, 2004.

22 *Ibidem*

General Manager, the Regional Security Officer at the U.S. Embassy in Uruguay, writes, "I wanted to thank you once again for hosting the Uruguayan Police Officers at the January Police Management Course in Roswell, New Mexico. We heard that it was by far the most organized, most interesting, most professional course that any of them had ever attended."<sup>23</sup>

The Lithuanian delegation had this to say about the training materials: "One important point to note is that ILEA's written training materials were understandable and useful. As a result, the trainees could obtain a lot of information about American law enforcement structures with the names of officers for further contact if necessary. If there is a need, they can always be contacted for consultation, help, or advice."<sup>24</sup>

While ILEA-R has enjoyed success on many levels, there are also challenges that come with a program of this nature.

First, the program consists of a series of lectures that are given from month to month to participants from countries that may vary dramatically. For example, in one month Guatemala, El Salvador, and Honduras may be represented, and in the following month participants may come from Singapore, Hong Kong, and Indonesia. These countries have drastically different economic, social, and political realities and yet will receive the same course material. Likewise, within a single session there may be two countries at very different stages of development. The presence of officers from South Africa in the same session with officers from Tanzania presents the difficulty of addressing issues that are applicable to each and taught in a way that is equally understandable to all. For example, the educational and training levels of these two countries as well as the overall knowledge base and experience may be dramatically different.

Second and related to the first is the applicability of the U.S. experience to some of the countries attending the ILEA-R course. In some cases, the instructor portrays the realities of law enforcement in the U.S. that may have little bearing on the visiting delegations. For example, in the case of the Baltic States, there are certain topics that do not apply to their realities. "Let's say we were listening about racial and religious problems, it was interesting but we were proud we didn't have them. Therefore, we couldn't imagine applying them in our line of work. Also, black riot suppression or problems with Hispanic population growth was really interesting but not relevant to the Baltic countries, as we really have neither black nor a Hispanic population."<sup>25</sup>

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23 E-mail communication to the ILEA-R general manager on March 14, 2005.

24 Augas, A. 2003, 'International Law Enforcement Academy: A Bridge to the Baltics' in *Crime and Justice International*, November/December, vol. 19, no. 77.

25 E-mail communication with author (Serio), September 26, 2003.

A third challenge is addressing a group of officials from various criminal justice specialties. It is difficult for instructors to address a narrow topic with such an audience. While some participants will pay attention to topics unrelated to their specialty in an effort to find something applicable to their own work, many will certainly lose interest. In one session there might be officers from customs, narcotics control, the police academy, border control, human resources, and so on, making tailoring lectures all but impossible.

A fourth challenge is to provide a sufficient amount of structured and unstructured time for the participants from neighboring countries to get to know one another, brief each other on their particular criminal justice problems, and explore ways to collaborate. Given the 140 hours of classroom instruction that ILEA-R is obligated to provide, together with guest speakers, site visits, and special events, participants from a number of countries agree with the statement of their colleague from Guatemala: "We would have liked more time to share information between countries and hear from our classmates more about their own experiences, rather than the instructors and U.S. experiences. North America situations are not always relevant due to our different culture and levels."<sup>26</sup>

A fifth challenge is finding ways to minimize redundancy. With more than 20 different instructors, the likelihood of repetition is high, particularly regarding basic features of the U.S. criminal justice system. A high degree of coordination and communication within the group of instructors is necessary, particularly in the curriculum development phase, to avoid covering the same material numerous times. While some repetition is welcome as a learning tool, too much repetition leaves the impression that opportunities are being missed to learn new things.

#### Counteraction (modifications applied to address the problems)

Over the past three years of the program, ILEA-R management and instructors have examined the challenges enumerated above and have altered the approach to instruction wherever possible.

First, in an effort to reach the most participants possible, instructors began to appreciate the differences in the backgrounds, knowledge, and experience base of the participants prior to arriving in Roswell. With this awareness, instruction can be geared in such a way as to facilitate discussion among the participants during the presentations to draw out the different concerns and approaches of

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<sup>26</sup> Comments offered in a meeting of four Guatemalan participants with the ILEA-R curriculum manager on July 13, 2004.

each country. Establishing channels of communication among the participants is the first step in realizing the goals of the program.

Second and related to the first, instructors have built into their presentations more opportunities for each group to present information about its country, particularly information most pertinent to the subject matter of the presentation. For example, in some of the first sessions of the month, representatives from each country present are asked to give a briefing on the demographics, resources, social, political, and economic systems, as well as general contours of the criminal justice system. During specialized sessions, such as Policing Beyond Borders in which issues of transnational crime are discussed, each country is asked to prepare a more formal presentation to be delivered to the class. In this way, instructors avoid slipping into a lecture-only mode.

Third, to demonstrate a balanced perspective on the part of the instructor, examples are frequently used that involve countries other than the United States. There are lessons to be learned – positive and negative – from many countries around the world, and when addressing complex topics such as terrorism or money laundering, the presentation of experience from multiple perspectives is welcomed by the participants.

Fourth, it is not always easy to balance a presentation to participants of a single course that have widely varying knowledge bases. Over time, instructors have understood that some modification in presentations must be done to account for the specific audience. For example, a presentation to highly developed countries may not be exactly appropriate for developing countries that may have a different set of priorities and concerns. Some instructors have three different levels of presentations depending on the characteristics of the countries participating any given month. The U.S. State Department provides background materials on each participating country so that instructors may gain some appreciation for the context in which the respective countries find themselves.

## Conclusion

In developing and delivering a criminal justice curriculum to an international audience several key elements must be borne in mind. First, selection of personnel to staff the program is critical. The actions and problem solving skills of the staff in a context of hospitality and diplomacy will be remembered long after the conclusion of the program and will prove to be as important as the curriculum itself in the creation of lasting impressions. Second, the curriculum must address the needs of the audience while retaining ample flexibility. Instructors must understand when and how to

adjust their lectures based on the experience level of the audience. In a program like ILEA with constantly varying audiences, this requires preparation in advance of each lecture to appreciate the challenges and limitations facing each participating country as well as the relative disparities in education and training among the participants. Last, and perhaps most important, it must be recognized from day one when developing the curriculum as well as ancillary activities that, more than just imparting information, conducting a program of this nature provides an opportunity to change minds.