



## WORKSHOP IV: Public Participation, Drug Abuse and Other Problems

### Summary Report of the Rapporteur

Chairman: Mr. Rama Nanda Baidya  
 Advisors: Mr. Masaru Matsumoto and Mr. Tadahiro Tanizawa  
 Rapporteur: Mr. Jaafar bin Abdul Wahid

#### Titles of the Papers Presented

1. Community Cooperation in the Prevention and Treatment of Juvenile Delinquency through Juvenile Welfare Committee  
*by Jaafar bin Abdul Wahid (Malaysia)*
2. Community Participation in the Prevention and Control of Crime in Sri Lanka—The Present Position and a Proposition for the Future  
*by Leslie R. Karunanayake (Sri Lanka)*
3. Countermeasures for Drug Abuse  
*by Masafumi Sakurai (Japan)*
4. Some Problems Relating to the Drug Addiction  
*by Rama Nanda Baidya (Nepal)*
5. Proceedings for Young Persons: Criminal or Juvenile Proceedings?  
*by Kaoru Kanayama (Japan)*
6. Case Study on a Boy Who Committed Murder  
*by Yukio Osanai (Japan)*

#### Introduction

The group consisted of one administrator in Home-Panchayat Ministry, one judge, one senior probation officer, one public prosecutor, one senior social worker and one child guidance officer. The group was entrusted with a difficult task of discussing wide problem areas covering community cooperation and participation in the prevention and treatment of juvenile delinquency, socio-legal implications of drug problems, selection of criminal or protective proceedings for juveniles and a murder case study.

#### Community Participation in Prevention and Treatment

Two papers were discussed on how the community could participate in the prevention of crime and delinquency and the treatment of juvenile delinquents. The group discussion put a particular emphasis on the following problem areas:

(1) the necessity of setting up a basic organization in order to motivate the public to participate; and

(2) measures to encourage effective and continued public participation.

Mr. Jaafar (Malaysia) indicated that existing voluntary organizations with varied welfare-oriented services need to be coordinated so as to utilize their resources more effectively and at the same time to make them more aware of their responsibility towards the community problems. He informed the group of the formation of Juvenile Welfare Committee in Malaysia, pointing that such a coordinating committee would help to enhance the community concern with the problem and to provide leadership potentialities.

The group felt that an organization itself would not work if it was unable to motivate the people at grass-root level. In this connection, Mr. Karunanayake (Sri Lanka) explained how the people in Sri Lanka were able to influence decision-making bodies and to correct any form of malpractices through the *Janatha* Committee. Crime prevention activities are within its jurisdiction. It was also indicated that in Japan there were similar organizations such as BBS, Associations of Volunteer Probation Officers, Crime Prevention Associations, etc., participating in the fields of crime prevention and

## GROUP WORKSHOP IV

treatment.

Mr. Jaafar then pointed out that all walks of life were represented in the Juvenile Welfare Committee. As in Sri Lanka's *Janatha* Committee and Japan's BBS, the youths are given the opportunity to actively participate in the activities of the Juvenile Welfare Committee.

The group discussed in depth how to motivate the community to be concerned with the problems of juvenile delinquency. There was a consensus of opinions as to the need of public education on delinquency problems and the group felt that past experiences had shown its beneficial impacts. On the other hand, there was a felt concern that the techniques or methods used should be further strengthened. Mr. Karunanayake emphasized that, in order to arouse public conscience to combat crime and to create a sense of awareness, coordinated campaigns should be organized by both the government and voluntary organizations. The group was of the view that public campaigns through mass media, exhibitions, dialogues and lectures should also be directed to children and youths for the purpose of instilling the idea of crime prevention at an early age.

Another area of concern was how to ensure the continuity of community participation in the field of crime prevention. The group reached an agreement that the following methods should be initiated in this respect:

(1) to have representation of professional innovators in the committee responsible for the coordination of voluntary activities;

(2) to give adequate orientations or training programmes to members of such committee;

(3) to hold periodical campaigns for increasing motivation for active participation;

(4) to reach out to the people at grass-root level by providing services of workers in the community; and

(5) to provide incentives or decorations, depending on each country's cultural factors, as a recognition of services rendered.

### Extent of Drug Abuse and Countermeasures

Mr. Sakurai (Japan) stressed that abuse of drugs was a crime against human body as well as society and serious considerations therefore should be given to its control. Mr. Baidya (Nepal) supported it by emphasizing that narcotic drug addicts developed criminal behaviour which was a great threat to the society. According to Mr. Sakurai, contrary to a decreasing trend in the use of narcotic drugs in Japan, a widespread use of cannabis and stimulant drugs was observed throughout the country and even among ordinary citizens. Furthermore, sniffing of organic solvents has spread steadily among adolescents. On the other hand, Mr. Baidya indicated that before 1973 there was no apparent incidence of Nepalese youths involved in drugs, even though certain kinds of drugs had been known for long. After the coming of hippies into Nepal, however, narcotic problems among the youths seemed to be increasing, if not to an alarming proportion observed in other countries.

The group discussed the effects of drugs to the users as well as to the future of society at large and called for concerted efforts to reduce and eradicate the drug menace. The following were recommended as necessary interventions:

(1) Penalization of drug abuse. It was pointed out, however, that factors contributing to the addiction and the circumstances of offences should be taken into consideration in meting out punishment.

(2) Public education for a better understanding of the drug problem. Special cares should be taken lest public education should create curiosity toward the use of drugs.

(3) Treatment and rehabilitation of drug addicts. Compulsory hospitalization for medical and psycho-social treatment is necessary for certain types of addicts. Aftercare for hospitalized or otherwise institutionalized addicts is indispensable for their better adjustment to the normal life.

(4) International cooperation in suppressing the trafficking of drugs

## SUMMARY REPORT OF THE RAPPORTEUR

which is the most serious aspect of the problem. To achieve this, it was stressed, each country should take stricter measures against manufacturers, cultivators, exporters and importers, and regular channels of information exchange should be established between various countries.

### Proceedings for Young Persons

Mr. Kanayama (Japan) observed that there were controversies in Japan on the disposition of cases involving young persons, i.e., those aged 18 years and under 20 years of age. Under the present system, according to Mr. Kanayama, all juveniles under 20 years are referred to the Family Court and as a rule are given orders of either protective measures or dismissal of the case. Only when the Family Court finds that a juvenile should be given a penal punishment, the case is referred back to the public prosecutor for criminal prosecution in the ordinary criminal court. There is no difference in legal proceedings between young persons and other juveniles of lower age. However, in view of the characteristics of young persons and serious nature of offences committed by them, the Ministry of Justice published "the Proposed Amendment to the Juvenile Law" in 1970 which contained various proposals for amending the present Juvenile Law. With regard to young persons, it made the following proposals: the public prosecutor prosecutes a young person in the Family Court where a trial is conducted in accordance with the Code of Criminal Procedure applicable to criminal proceedings for adults; the Family Court may impose a punishment on or give a protective measure to a young person, depending upon the nature and circumstances of the offence charged, but it cannot take any protective measures where the case involves a very heinous offence.

The first question raised and discussed was whether, as a rule, a young person should be treated as an adult and subject to penal sanctions or he should be treated as a juvenile and penal sanctions should be imposed only in exceptional cases. It was pointed out that a young

person of 18 years of age was dealt with as an adult in Malaysia and Nepal, while he is treated as a juvenile in Sri Lanka. The group agreed that the upper age-limit of juveniles and dispositions for them depended upon each country's own history, culture and social conditions and that it was very difficult to fix a universal upper age-limit. In this connection, purposes of rehabilitation of juveniles and protection of public interests to be achieved by juvenile courts were also discussed. The group reached an agreement that, although the primary concern in the disposition of juveniles should be their rehabilitation and protection, due consideration should be given to public interests, and that the Family Court should allow the public prosecutor's participation in the proceedings to represent the public interest especially in cases involving serious crimes by young persons.

The second problem discussed was whether the juvenile court should be authorized to impose penal sanctions as well as protective measures upon young persons or it should refer the case to the criminal court when it deems penal sanctions necessary. In Malaysia and Sri Lanka, the same court may choose either punishment or protective measures. The participants from these countries pointed out that the present Japanese system under which a juvenile had to pass through the Family Court before he was sent to the criminal court would duplicate the proceedings and result in unnecessary expenditure, delay in disposition and prolonged agony for the juvenile. However, the Japanese participants argued that despite such disadvantages, the present system had more weighty advantages of maintaining the fundamental nature of the Family Court as a court specially designed for the protection and rehabilitation of juveniles.

### Case Study on a Boy Who Committed Murder

Mr. Osanai (Japan) presented to the group a case in order to discuss adequate methods of treating delinquent boys of tender age. A boy of 11 years,

## GROUP WORKSHOP IV

below the age of criminal responsibility, committed theft and murder and was sent to the Child Education and Training Home. Psychological and psychiatric tests given to him revealed that he had an average mental ability and was neither psychotic nor neurotic, but the problem with him was his insufficiency of self-control and remorse. It seemed that he was subconsciously rebellious to his mother and that this feeling contributed to the commission of the offence. After a year in the institution, a conference to discuss his release was held. The superintendent was of the opinion that the boy should be released, but there were opposing views that he was in need of further training at the Home and the local community would not still accept him because of the seriousness of his offence. Thus, his stay was prolonged.

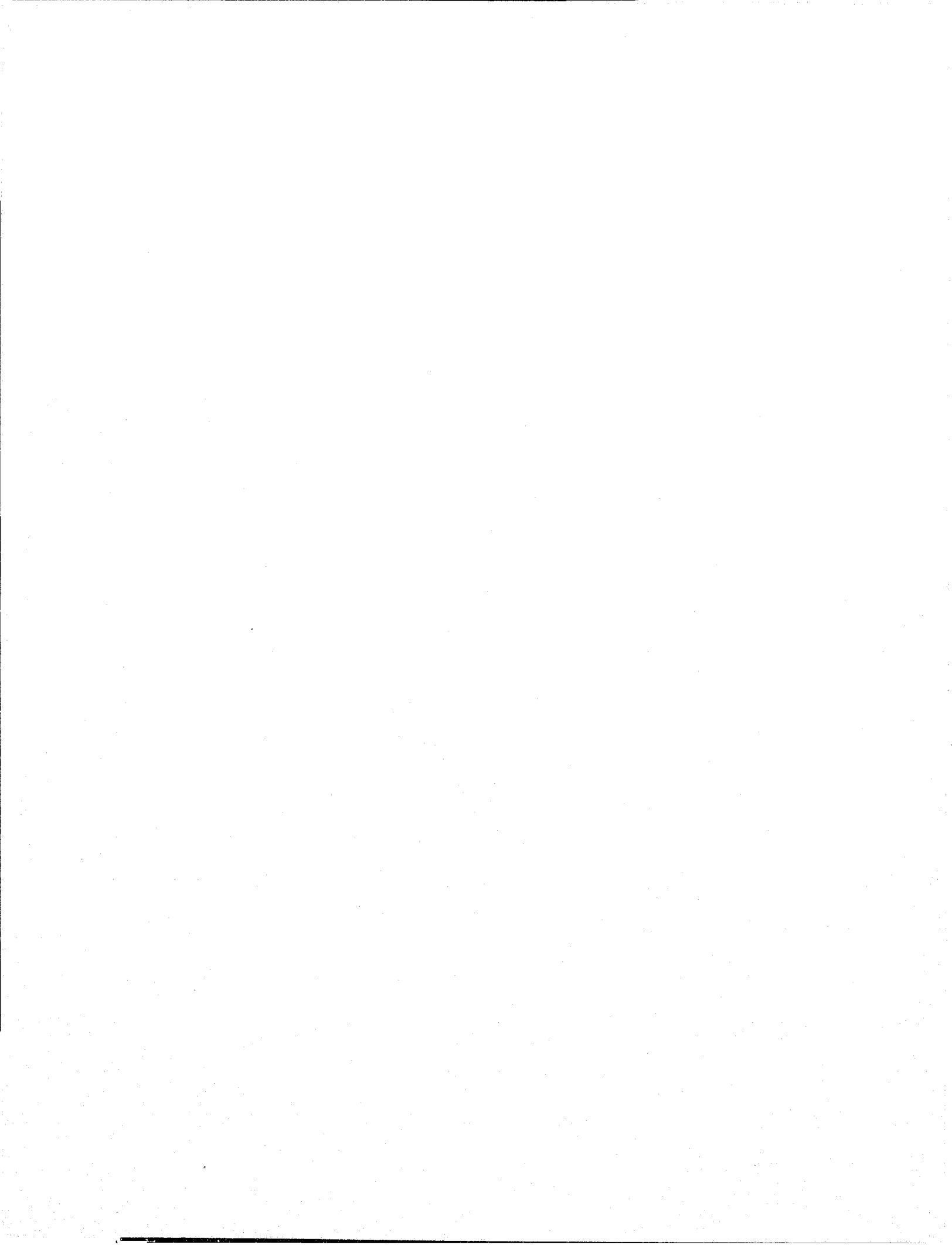
The group was posed with questions of (1) what types of treatment should be given to him and how long he should be separated from the family, and

(2) how to create a better home environment and to make the community ready to accept him.

With regard to the treatment at the Home, the group felt that considerations should be given to his negative feeling

towards his mother and the neglect of care on the part of his parents. Since the boy was in need of learning proper roles in the family, it was recommended that he be placed on living guidance treatment in a cottage in which a small number of boys live with the family of the superintendent. The group reasoned that such a treatment would promote his adjustment to family situations in the light of his tender age, his psychological developments and the existing family problems. The group was also of the view that normal academic education should be continued and strengthened in addition to living guidance.

In order to create a better home atmosphere, the group felt that professional intervention by the child welfare worker was necessary, and that the parents should be encouraged to have closer and more frequent contacts with the boy through visits, letters and home leave. In this regard, Mr. Osanai reported that there had been a visible improvement in the relationship between the boy and his mother. With respect to the community attitude, the group agreed that the time for his home leave should be fixed so as to allow him to participate in various community festivals and other activities of the community.



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