There is a saying, “justice delayed is justice denied.” It expresses the notion that if justice is attained only after a significant amount of time, it is the same as not getting justice at all. If you become a victim of a serious crime and the perpetrator is not punished even after ten or 20 years, is that just? Or, suppose you are prosecuted for some crime. If it takes forever to reach a ruling, you would be spending days in the trial while the public suspects you of guilt. To prevent such situations, ensuring a speedy trial is one of the fundamental principles of the criminal justice system. However, we often see severe delays in the criminal justice procedure and cases piling up in developing countries, where the number of judges and courts are limited. Sri Lanka is no exception to this trend. A field study JICA conducted in August 2019 with the International Cooperation Department (ICD) of the Ministry of Justice of Japan found that, in Sri Lanka, it usually takes ten to 15 years or more from when the crime occurred until the final judgment. We also noticed that the delay was not only due to infrastructural limitation, such as lack of judges and courts. Other issues included the existence of outdated legacy procedures, originating from the English law of former times, and excessively rigid approach taken across all the stages of investigation, prosecution, trial, and appeal.

The first training in February 2020 was led by an experienced public prosecutor of ICD, who has supported JICA’s legal and judicial development projects for many years. The session started with an overview of Japan’s criminal justice system, in which the first hearing takes an average of just over nine months, even for cases where the defendant has pleaded not guilty. After hearing how the process works, the Sri Lankan criminal jurists participating as trainees engaged in an active discussion. They showed particular interest in the Pre-trial Conference Procedure, often used in lay judge trials, and the provisions of the Japanese Criminal Procedure Code, which enable the clarification of the arguments through the required prior disclosure of the evidence and the use of documentary evidence. Also of interest was the Suspension of Prosecution, which in effect controls the number of cases. A study to adopt Pre-Trial Conference is underway in Sri Lanka, and training participants commented that they would like to learn more about the Japanese system and reflect it together with its practical application to improve Sri Lanka’s system and practices.

Japan’s judicial system is by no means perfect. We also learned a great deal from Sri Lankan jurists during the training. Sri Lanka is the newest partner for JICA to provide legal and judicial development assistance, and I feel we have succeeded in building another bridge of trust.
Overview

The Universal Declaration of Human Rights states that "All human beings are born free and equal in dignity and rights." Franklin D. Roosevelt, the 32nd President of the United States, outlined the Four Freedoms - freedom of speech, freedom of worship, freedom from want, and freedom from fear - which later formed the foundational principles of the Charter of the United Nations. The rule of law is embodied in Goal 16 (Peace, Justice, and Strong Institutions) of the 2030 Agenda for Sustainable Development as essential to secure these freedoms.

JICA provides cooperation to ensure the rule of law to realize a world in which people can live safely, access necessary information, and assert their rights and opinions free from "fear and want."

Counterpart Countries and Fields of Cooperation

Projects by Region

Projects by Pillars

JICA’s Cooperation in Supporting the Rule of Law

Pillar 1

Ensuring Fundamental Rights for Human Security

JICA, with an aim to contribute to the peace and stability of the world in line with the SDG16, works with countries across the globe to develop institutions and capacities to protect and promote citizens’ fundamental rights and freedoms to survive and live in dignity based on universal values such as the rule of law and democracy.

Specifically, JICA engages in the following activities to ensure fundamental rights and freedoms such as freedom of thought, freedom of expression, economic rights, rights of political participation, access to justice including the right to a fair trial, and the right to liberty.

1. Supporting legal and judicial development
2. Enhancing trust between the police and the public, and strengthening police capacity
3. Strengthening media and journalism

Pillar 2

Promoting Fair and Transparent Business Environment

JICA helps countries develop and apply economic laws effectively, and also improve dispute resolution systems, mainly in Asia, in line with the SDG8 (Decent Work and Economic Growth) and the SDG16. Through establishing fair and transparent business environment necessary to mobilize private sector funds with the ODA as a catalyst, JICA promotes investment from and trade with foreign companies including Japanese companies, and thereby contributes to quality growth and prosperity in developing countries.

Pillar 3

Ensuring Stability in International Relations

With a focus on the Indo-Pacific region including Oceania, JICA is advancing the rule of law in international relations by strengthening capacity of maritime law enforcement agencies and sharing information and experience on maritime security and public international law. JICA aims to ensure the peaceful resolution of international conflicts based on respect for the rule of law and not through the use of force, and thereby contribute to world peace and stability.
Supporting the Development of Laws and Judicial Systems for Sustainable Economic Growth in Myanmar

Having transitioned to civilian rule in March 2011, Myanmar is in urgent need to reform its laws and judicial systems to promote a market economy and attract foreign investment. Since 2013, JICA has supported the country’s development of organizational capacity and human resources to implement the necessary changes to the judicial systems and appropriate execution of the laws. Recent focus areas include promoting the piloted mediation, creating a textbook on the Code of Criminal Procedure to train prosecutors, training judges and prosecutors on fact-finding, and establishing institutional frameworks for dispute settlement concerning intellectual property laws.

Improving People’s Access to Justice

JICA is providing training to address the issue of lack of access to appropriate dispute resolution measures despite laws and judicial systems being in place. In the training sessions, we introduce our history of how the bar associations and other organizations worked on improving access to justice and established the Japan Legal Support Center. JICA also assisted in the launch of a call center in Côte d’Ivoire in 2017 to provide citizens with information on legal matters by phone. With more citizens becoming aware that the call center provides useful information on legal matters, the number of inquiries is on the rise.

Training in French-speaking African Countries to Build Safe and Secure Societies

JICA provided training to French-speaking African countries (Burkina Faso, Chad, Côte d’Ivoire, Mali, Mauritania, Niger, and Senegal) with the cooperation of the UNAFEE* for five years since FY2013 to increase their efficacy in criminal justice. The trainees, comprised of police officers, prosecutors, and judges (including preliminary judge) from each country, studied the basics of investigation, prosecution and trials, and terrorism and organized crime preparedness as well as visiting police stations, the Public Prosecutors’ Office, and the courthouse. Through the training, they learned that strengthening investigative capacity and inter-agency collaborations expedite criminal procedures. Another series of criminal justice training is set to start in FY2020.

Supporting Police Reform to Build Trust with Citizens

Since separating from the military in 2000, the Indonesian National Police has been undergoing reforms to build public trust and ensure citizens’ safety and security. JICA has supported this reform since 2001 in collaboration with the National Police Agency and prefectural police departments of Japan. A community policing model called POLMAS was developed based on the Japanese “Koban” system, which secures community safety in cooperation with the local residents. Now, regulations and human resources are being developed for the nationwide roll-out of POLMAS. JICA has also engaged in enhancing the police officers’ criminal identification capacity. With officers patrolling the neighborhood, visiting homes and workplaces, and providing counseling to troubled citizens, the police are gaining public trust.

Supporting Independent Public Broadcasting

In Kosovo, where tensions between Albanians and Serbs continue, public broadcasting is playing a vital role in promoting interethnic dialogue. In 2015, JICA launched a project to develop the capacity of its public broadcaster, RTK, to deliver accurate, fair, and impartial news and programs. The program “IN FOCUS” produced by staff from both ethnicities, was initiated to lead the dialogue between the ethnic groups. While it started with safe topics such as tourism and farming, as the members grew closer, it gradually took on sensitive issues, including election and politics, and has become a flagship program of RTK. JICA also assisted South Sudan’s national broadcasting station in developing its human resources for transitioning to an effective public broadcaster. We continue to support public broadcasters’ independence, crucial for democracy and peace building, and thereby contribute to ensuring people’s right to know.

Triangular Cooperation with Brazil to Improve Public Safety in Central America

São Paulo State in Brazil has improved public safety by implementing community policing with the support of JICA and the National Police Agency and prefectural police departments of Japan since 2000. Building on its success, Brazil is now providing police officer training and dispatching experts to countries in Central America as JICA’s partner. A triangular cooperation project has been implemented in Guatemala since 2016, where police officers are working closely together with local residents in activities such as planting trees and cleaning up the streets. Mutual trust established through these collaborative activities is contributing to prevent crimes and improve public security.

*The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders

RTK’s Albanian and Serbian staff working together

Learning how to build good relationships with civilians from senior police officers.

The call center in Côte d’Ivoire receives inquiries from citizens every day.

A visit to the forensics lab handling counterfeit documents in Côte d’Ivoire.

A training seminar to develop mediators.

Police officers have become dependable in everyday life.
While Vietnam had enacted the Competition Law in 2004 as part of measures to transition to a socialist-oriented market economy, against the backdrop of diversified economic activities and increased integration into the international economy since joining the WTO, it passed a fully renewed law with JICA’s assistance in 2018. Currently, a project is underway to strengthen the enforcement capacity of the new legislation, which include support to create manuals to inform corporations and administrative agencies of the revised law. Through these activities, JICA aims to facilitate the development of free and fair market competition, which would lead to sustainable economic growth in Vietnam by more effective enforcement of competition law.

Supporting Malaysia in Maritime Safety and Security

Malaysia’s territorial waters, including the Straits of Malacca and Singapore, are vital channels for a large number of Japanese and international ships. With the increase in crimes such as poaching, smuggling, and piracy by foreign fishing vessels and accidents at sea in the area, ensuring safety and security of Malaysia’s coast has become an urgent matter to support socio-economic development of the country.

In pursuit of ensuring safety and security of Malaysian waters, JICA has supported human resource development to strengthen maritime law enforcement for over ten years. Since 2018, we have focused on more advanced skills, such as underwater rescue and evidence preservation techniques including fingerprint collection in parallel with instructor education.

Going forward, not only will we strengthen maritime law enforcement capacities but also actively engage in sharing Japan’s expertise in international laws, including maritime law, to further the rule of law in achieving international order. We are scheduling a new training program towards Malaysia, Thailand, Cambodia, Fiji, Kenya, Ukraine, Vietnam, and Indonesia in FY2020.

Building a Platform for Sustainable Cocoa

In January 2020, JICA established the “Platform for Sustainable Cocoa in Developing Countries.” Seeking to build a sustainable cocoa industry, a wide range of stakeholders such as business groups, confectionery companies, trading firms, consultancies, and NGOs have started collaboration efforts to tackle the challenges surrounding the industry.

The UN Guiding Principles on Business and Human Rights stipulate the state duty to protect human rights and the corporate responsibility to respect human rights. Companies with supply chains across the world should give due consideration to their businesses’ impact on the environment and society of developing countries. Some areas in Africa, Latin America, and Asia, where most of the cocoa beans used to produce chocolate are produced, face human rights issues such as child labor, poverty of farmers, and deterioration of living environment due to deforestation.

In Ghana, which produces approximately 70% of cocoa beans imported into Japan, one out of every five children is estimated to be involved in child labor. Aiming to eradicate child labor, the Government of Ghana is engaged in establishing Child Labor Free Zones with the support of partners including some members of the Platform. In addition, in Ghana and other developing countries, some Japanese confectionary companies and NGOs are assisting cocoa producing communities through activities such as coaching farmers with cultivation and processing techniques, conserving forests, and improving the educational environment for children.

The Platform will serve as a place for a variety of stakeholders, including such companies and NGOs, to come together and share their experience, knowledge and resources, and work collaboratively in tackling the challenges. The collaborative efforts of the stakeholders through the Platform are sure to contribute to solving issues faced by the developing countries and support the responsible supply chain management of companies engaged in cocoa.

Driving co-creation and collaboration to tackle development issues
There is a saying, “justice delayed is justice denied.” It expresses the notion that if justice is attained only after a significant amount of time, it is the same as not getting justice at all. If you become a victim of a serious crime and the perpetrator is not punished even after ten or 20 years, is that just? Or, suppose you are prosecuted for some crime. If it takes forever to reach a ruling, you would be spending days in the trial while the public suspects you of guilt. To prevent such situations, ensuring a speedy trial is one of the fundamental principles of the criminal justice system.

However, we often see severe delays in the criminal justice procedure and cases piling up in developing countries, where the number of judges and courts are limited. Sri Lanka is no exception to this trend. A field study JICA conducted in August 2019 with the International Cooperation Department (ICD) of the Ministry of Justice of Japan found that, in Sri Lanka, it usually takes ten to 15 years or more from when the crime occurred until the final judgment. We also noticed that the delay was not only due to infrastructural limitation, such as lack of judges and courts. Other issues included the existence of outdated legacy procedures, originating from the English law of former times, and excessively rigid approach taken across all the stages of investigation, prosecution, trial, and appeal.

The first training in February 2020 was led by an experienced public prosecutor of ICD, who has supported JICA’s legal and judicial development projects for many years. The session started with an overview of Japan’s criminal justice system, in which the first hearing takes an average of just over nine months, even for cases where the defendant has pleaded not guilty. After hearing how the process works, the Sri Lankan criminal jurists participating as trainees engaged in an active discussion. They showed particular interest in the Pre-trial Conference Procedure, often used in lay judge trials, and the provisions of the Japanese Criminal Procedure Code, which enable the clarification of the arguments through the required prior disclosure of the evidence and the use of documentary evidence. Also of interest was the Suspension of Prosecution, which in effect controls the number of cases. A study to adopt Pre-Trial Conference is underway in Sri Lanka, and training participants commented that they would like to learn more about the Japanese system and reflect it together with its practical application to improve Sri Lanka’s system and practices.

Japan’s judicial system is by no means perfect. We also learned a great deal from Sri Lankan jurists during the training. Sri Lanka is the newest partner for JICA to provide legal and judicial development assistance, and I feel we have succeeded in building another bridge of trust.