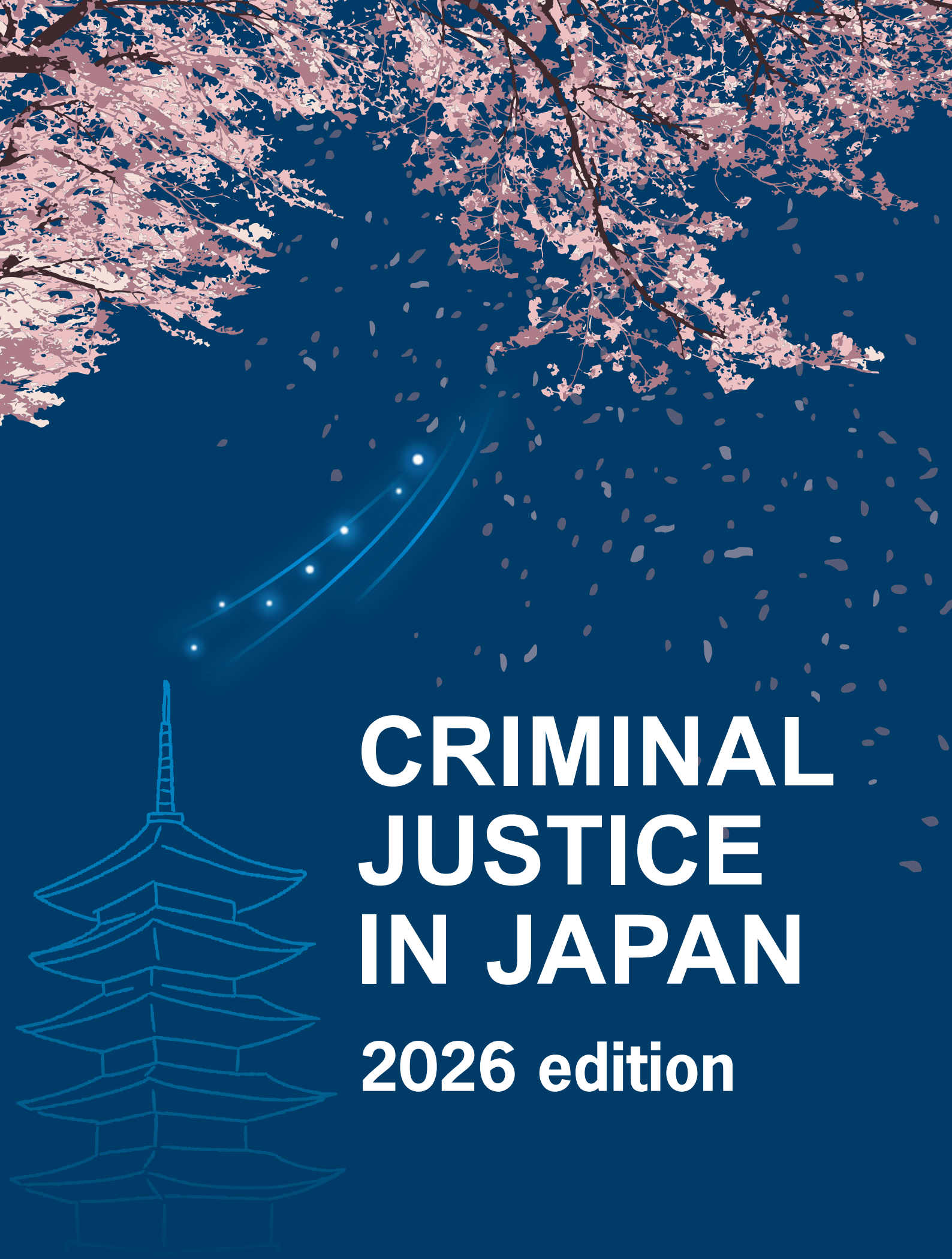

CRIMINAL JUSTICE IN JAPAN

2026 edition

CONTENTS

CHAPTER 1 STRUCTURE AND ORGANIZATION OF THE CRIMINAL JUSTICE ADMINISTRATION

I. POLICE

A. Overview

The police are the primary investigative agency in Japan. Police responsibilities under the Police Act include "protecting life, person, and property; preventing, suppressing, and investigating crimes; apprehending suspects; traffic enforcement; and maintaining public safety and order."

Actual police duties are executed by prefectural police organizations, while the national police organization undertakes: the planning of police policies and systems; control of police operations on national safety issues; and co-ordination of police administration.

As of 2025, the authorized police strength is 297,054 officers nationwide, of which 8,128 belong to the National Police Agency and 288,926 to the prefectural police forces.

B. National Police Organizations

The National Public Safety Commission and the National Police Agency [hereinafter NPA] constitute Japan's national police organization.

1. The National Public Safety Commission

The National Public Safety Commission is an administrative board that exercises administrative supervision over the NPA. The Commission is composed of a Chairman, who is a Minister of State, and five members appointed by the Prime Minister to a five-year term with the consent of both houses of the Diet. While the Commission is under the jurisdiction of the Prime Minister, the Prime Minister is not empowered to exercise direct command and control over the Commission. The rationale for adopting such a structure was to establish democratic administration of the police and to ensure its political neutrality.

The Commission formulates basic policies and regulations, coordinates police administration on matters of national concern, and authorizes general standards for training, communication, forensics, criminal statistics, and equipment. The Commission appoints the Commissioner General of the NPA and senior officials of prefectural police organizations and indirectly supervises prefectural police organizations through the NPA.

2. The National Police Agency

The NPA is headed by the Commissioner General, who is appointed by the National Public Safety Commission with the approval of the Prime Minister. The Commissioner General, under the administrative supervision of the Commission, administers the Agency's operations and supervises and controls prefectural police organizations within the agency's defined duties. The NPA's duties include planning and research on police systems; the national police budget; police communications; training; equipment; forensics; and criminal statistics.

The National Police Academy, the National Research Institute of Police Science and the Imperial Guard Headquarters are attached to the NPA. The National Police Academy holds training courses for senior police officers. The National Research Institute of Police Science conducts a broad range of analysis, identification and research work that requires specialized knowledge and skills in biology, medicine and other disciplines. The Imperial Guard Headquarters provides escorts for the Imperial Family and is responsible for the security of the Imperial Palace.

C. Local Police Organizations

The Prefectural Public Safety Commission and the Prefectural Police Headquarters constitute the local police organizations. Each of the 47 prefectures of Japan has one Prefectural Public Safety Commission and one Prefectural Police Headquarters.

Tokyo Metropolitan Police Department

1. The Prefectural Public Safety Commission

The Prefectural Public Safety Commissions are under the jurisdiction of elected prefectural Governors. The Commissions have three to five members who are appointed by the Governors with the consent of the prefectural assemblies.

The Commissions exercise administrative supervision over the prefectural police by formulating basic policies and regulations for police operations. However, they are not authorized to supervise individual investigations or specific law enforcement activities of the prefectural police.

2. Prefectural Police Headquarters

Prefectural Police Headquarters take charge of executing the actual police duties of protecting life, person, and property; preventing, suppressing, and investigating crimes; apprehending suspects; traffic enforcement; and maintaining public safety and order. The Prefectural Police Headquarters for Tokyo is called the Metropolitan Police Department and is the largest prefectural headquarters in Japan.

Police stations are under the command of their respective Prefectural Police Headquarters, and as of 2025, there are 1,163 police stations nationwide. *Koban* (police boxes) and *Chuzaisho* (residential police boxes) are subordinate units of police stations, and as of 2025, there are 6,145 *Koban* and 5,852 *Chuzaisho* nationwide.

II. PROSECUTION

A. Qualification

In Japan, judges, public prosecutors, and private attorneys have the same qualifications. To become a qualified lawyer in Japan, in principle, applicants must pass the National Bar Examination, complete a period of apprenticeship at the Legal Training and Research Institute managed by the Supreme Court, and pass the final national exam.

In the past, there were no eligibility requirements for the National Bar Examination, and the ratio of successful candidates was approximately 2 to 3 per cent. However, the system has been changed as a part of extensive judicial reform in Japan with an aim to increase the number of legal practitioners.

Under the current system, in order to become a qualified lawyer, candidates must first complete graduate level legal studies at an approved law school or pass the preliminary examination, which serves as a substitute for the completion of law school, and then pass the National Bar Examination. The success rate for the current Bar Examination is substantially higher than that of its predecessor. In 2024, 1,592 candidates passed the Examination, and the success rate was 42.1 per cent. Following the Bar Exam, candidates must take a one-year course as a legal apprentice at the Legal Training and Research Institute and then pass the final national exam.

Judges and public prosecutors who resign their positions can become private attorneys, and most retirees from the judiciary and prosecution do in fact become private attorneys. Similarly, a private attorney can also become a judge or a public prosecutor. As of 2025, there were about 3,020 judges (including assistant judges), 1,889 public prosecutors and 46,974 private attorneys in Japan.

Ministry of Justice & Public Prosecutors Office

B. Organization

The Prosecution service is a part of the Ministry of Justice. The Prosecution service consists of the Supreme Public Prosecutors Office (headed by the Prosecutor-General), eight High Public Prosecutors Offices (headed by a Superintending Prosecutor), 50 District Public Prosecutors Offices (headed by a Chief Prosecutor) with 203 branches, and 438 Local Public Prosecutors Offices. The different levels of public prosecutors offices correspond to comparable levels in the courts.

As of 2025, there were 1,889 public prosecutors, about 879 assistant public prosecutors,[1] and about 9,000 prosecutor's assistant officers. Regarding the size of District Public Prosecutors Offices, the average office has about ten public prosecutors. The smallest has only five public prosecutors, and the largest has more than 200. Each office has a Chief and a Deputy Chief Prosecutor who supervise investigation, prosecution and trial. Thus, for example, in the smallest office, only three public prosecutors actually investigate and prosecute cases. In small offices, the public prosecutor who investigates and prosecutes a suspect is the same person who handles the trial. In contrast, in large offices, different public prosecutors carry out these duties, working either in the investigation department (usually entitled the "Criminal Affairs Department") or the Trial Department.

C. Functions and Jurisdiction

Public prosecutors exercise such functions as investigation, prosecution, requesting the proper application of law by courts, supervising the execution of judgments and other matters which fall under their jurisdiction. When it is necessary for the purpose of investigation, they can carry out their duties outside of their geographic jurisdiction.

D. Status (Independence and Impartiality)

Prosecutorial functions are part of the executive power vested in the Cabinet,[2] which is responsible to the Diet in the exercise of its powers. On the other hand, prosecutorial functions have a quasi-judicial nature, and the public prosecutors have a status equivalent to that of judges in terms of qualifications and

[1] Assistant public prosecutors are prosecutors that are selected by a special examination (different from the National Bar Examination) conducted by the Ministry of Justice. The requirement to take this examination is that the examinee must have served for a certain number of years as a government official, such as prosecutor's assistant officers, police officer or court clerk. As a rule, they are assigned to Local Public Prosecutors Offices.

[2] The Cabinet consists of the Prime Minister and the Ministers of State. Not less than half of the Ministers must be chosen from the members of the Diet (Constitution, Article 66 and 68).

salary. They are considered impartial representatives of the public interest, and their independence and impartiality are protected by law. Aside from disciplinary proceedings, they cannot be dismissed from office, suspended from the performance of their duties, or suffer a reduction in salary against their will, with limited exceptions[3]. The Prosecutor-General, the Deputy Prosecutor-General and the Superintending Prosecutors are appointed by the Cabinet, and other public prosecutors by the Minister of Justice. Their retirement age is 63 (65 for the Prosecutor-General).

By law, each public prosecutor holds an independent public office and has the authority to exercise prosecutorial power independently. This means that they exercise their functions in their own name, not as a substitute for the Chief Prosecutor. However, in order to maintain impartial and consistent exercise of prosecutorial power, in practice, public prosecutors are required to consult with, seek guidance and advice, and obtain approval from their supervisors when making important decisions. Depending on the gravity or the difficulty of the issues involved, multiple layers of approvals, sometimes up to the Prosecutor General, may be required.

Further, since the public prosecutors exercise executive power, the Minister of Justice should have the power to supervise public prosecutors. On the other hand, prosecutorial functions have a quasi-judicial nature, inevitably exerting an important influence on all sectors of the criminal justice system, including the judiciary and the police. If those functions were subject to political influence, the integrity of the entire criminal justice system would be jeopardized. To harmonize these requirements, the Public Prosecutors Office Law Article 14 provides that the Minister of Justice may control and supervise public prosecutors generally[4] in regard to their functions. However, in regard to the investigation and prosecution of an individual case, he or she may control only the Prosecutor-General. The Minister of Justice cannot directly control the decisions of an individual public prosecutor in the investigation and prosecution of individual cases. Moreover, the Minister's power to control the Prosecutor-General in an individual case has been exercised only once in 1954, and since it was highly criticized by the public (see below), the power to exert political influence on investigation and prosecution for individual cases is not used in practice and a culture that rejects such interference has been firmly established among prosecutors.

Political influence and the prosecution - the Shipbuilding Scandal

In 1954, the Special Investigation Department of the Tokyo District Public Prosecutor's Office, which had been investigating cases of corruption between the shipping and shipbuilding industries and key government figures, decided to arrest the Secretary-General of the Liberal Democratic Party (the ruling party at the time) on bribery charges. The Minister of Justice, who also belonged to the ruling party, then exercised his authority and instructed the Public Prosecutor General not to arrest the Secretary-General. As a result, the public prosecutor in charge of the case declined to arrest the Secretary-General, and consequently it led to the termination of the investigation. However, the Minister's exercise of the power caused public outrage when reported in the media, leading the Minister to step down.

[3] Public Prosecutors Office Law, Article 25. Exceptions are stipulated in Articles 22 (retirement age), 23 (physical or mental disability, etc.), and 24 (supernumerary officials).

[4] "Generally" means, for example, that the Minister of Justice may issue general guidance for crime prevention, the administrative interpretation of laws and how to dispose of affairs related to prosecution to maintain uniformity of application.

III. COURTS

A. Structure

1. Introduction

Article 76 of the Japanese Constitution vests all judicial power in the Supreme Court and inferior courts. No tribunal, organ, or agency of the executive branch can be given final judicial power. All criminal cases are heard and determined in ordinary judicial tribunals. All courts in Japan are incorporated into a unitary national judicial system. There are five types of courts: the Supreme Court, High Court, District Court, Family Court and Summary Court. As of 2025 there were approximately 3,000 judges within these courts, including assistant judges, and there were about 800 Summary Court judges. Approximately 22,000 other officers work in the judiciary, including court clerks, stenographers, and bailiffs.

2. The Supreme Court

The Supreme Court, located in Tokyo, is the highest court in Japan and consists of the Chief Justice and fourteen Justices. The Supreme Court has one Grand Bench, consisting of all the Justices, and three Petit Benches, each consisting of five Justices.

The Supreme Court has appellate jurisdiction over final appeals and appeals against rulings specially provided for in codes of procedures. It ordinarily hears appeals against High Court decisions on the following grounds: (i) a violation of the Constitution or an error in constitutional interpretation, or (ii) adjudication contrary to precedents of the Supreme Court or High Courts. At its discretion the Supreme Court may also hear appeals against any case which involves an important point of statutory interpretation.

Article 81 of the Constitution empowers the Supreme Court, as the court of last resort, to determine the constitutionality of any law, order, rule or disposition. The Supreme Court exercises this power not by declaring constitutionality in a general way, but by rendering case-specific decisions.

3. The High Court

The eight High Courts are located in eight major cities in Japan: Tokyo, Osaka, Nagoya, Hiroshima, Fukuoka, Sendai, Sapporo and Takamatsu. Each High Court consists of a President and other High Court judges. High Courts have jurisdiction over appeals against judgement in the first instance rendered by District Courts, Family Courts and Summary Courts as provided by law. Ordinarily, High Court cases are heard by a panel of three judges. However, insurrection cases, over which the High Court has original jurisdiction, are handled by a five-judge panel.

The Supreme Court Building

The Courtroom of the Grand Bench

4. The District Court

There are fifty District Courts, each located in the cities of the respective prefectural governments. Each District Court's territorial jurisdiction encompasses the entire prefecture, except for Hokkaido, which is divided into four judicial districts because of its large size. District Courts have a total of 203 branch offices in major cities. District Courts have general jurisdiction over all cases in the first instance, except for those cases exclusively reserved for Summary Courts (crimes liable to fines or lesser punishment) and High Courts (crimes of insurrection). The majority of District Court cases are tried by a single judge. However, criminal cases involving possible sentences of imprisonment for a minimum period of one year or more should be handled by a panel of three judges (excluding cases subject to *Saiban-In* trials (trials by a mixed panel consisting of professional judges and lay judges)), in general. Other cases deemed appropriate can also be handled by a three-judge panel. The former are called "statutory panel cases", and the latter, "discretionary panel cases" .

All District Courts and some of their branches hold *Saiban-In* trials for certain serious offences designated by law. See page 28 for details on *Saiban-In* trials.

5. The Family Court

Family Courts and their branch offices are located in the same places as the District Courts and their branches. The Family Courts have jurisdiction over juvenile delinquency cases (involving persons under 20 years of age). Juvenile cases are handled by a single judge or a three-judge panel fully utilizing scientific reports prepared by Family Court investigating officers as well as reports prepared by experts of juvenile assessment centre for detained juveniles (see page 41).

6. The Summary Court

There are 438 Summary Courts throughout Japan. All cases are presided over by a single Summary Court judge. The Summary Courts' original jurisdiction is limited to: (i) crimes punishable with fines or lighter penalties (petty fine or penal detention); (ii) crimes punishable with fines as optional penalties; and (iii) habitual gambling, running a gambling place for the purpose of profit, embezzlement, and crimes related to stolen property. Summary Courts may not impose imprisonment or heavier penalties except for certain offences as prescribed by law. With regard to theft, embezzlement, crimes related to stolen property, breaking into a residence, habitual gambling, and other minor offences prescribed by law, they may impose imprisonment for up to three years. Summary Courts also issue Summary Orders that impose fines. A vast majority of relatively minor cases are disposed of by Summary Order Procedure.

B. Judges

1. Appointment of Judges

The Justices of the Supreme Court are appointed by the Cabinet, except for the Chief Justice, who is designated by the Cabinet and appointed by the Emperor. The appointment of Justices is reviewed by the people at the first general election of members of the House of Representatives following their appointment. Justices of the Supreme Court retire at the age of 70.

All lower court judges are appointed by the Cabinet from a list of persons nominated by the Supreme Court. A judge's tenure is ten years, and judges can be re-appointed. Judges cannot be removed from office unless judicially declared mentally or physically incompetent to perform their official duties, or unless publicly impeached and removed from office. No executive organ or agency can take disciplinary action against judges. This power is vested only in the Court of Impeachment, a legislative body composed of Representatives and Councillors drawn from the Diet. As one of the checks and balances systems among the three branches of government, the Court of Impeachment may dismiss a judge if he or she neglects his or her duties to a remarkable degree, or if there has been misconduct, whether or not it relates to official duties.

2. Categories and Qualifications of Judges

At least ten of the fifteen Justices of the Supreme Court, including the Chief Justice, must be appointed from among those with distinguished careers as lower court judges, public prosecutors, practicing lawyers or law professors. However, the remaining five Justices need not be qualified as lawyers, as long as they are learned, have an extensive knowledge of the law, and are at least forty years of age.

Lower court judges are divided into judges and assistant judges. Assistant judges are appointed from among those who have passed the National Bar Examination, completed training at the Legal Training and Research Institute, and then passed the final qualifying national examination. To be appointed as a judge, one must have practical or academic experience of not less than ten years as a designated legal professional: an assistant judge, a public prosecutor, an attorney, or a law professor.

The assistant judge system aims to provide professional experience through on-the-job training before qualifying as a fully-fledged judge. For the first five years, the judicial authority of an assistant judge is restricted. He or she can serve as an associate judge of a three-judge panel but, as a single judge, can decide only limited matters such as detention at the investigation stage. After five years' experience, an assistant judge is qualified as a special assistant judge to preside over a trial in a single-judge court. The majority of judges are appointed from among assistant judges. Judges assigned to the High Court must be judges or qualified special assistant judges.

Summary Court judges are selected by the Selection Board for Summary Court Judges. Full qualification as a lawyer is not required. In practice, they are appointed primarily from among learned and experienced court clerks. Assistant judges, after three years' experience, can be appointed as Summary Court judges.

IV. CORRECTIONS

A. Organization of the Correctional Administration

In Japan, the Correction Bureau of the Ministry of Justice provides both adult and juvenile correctional services. Under the Director-General of the Correction Bureau, there are 8 Regional Correction Headquarters which supervise the correctional institutions. Correctional institutions can be divided into penal institutions (prisons, including the PPP Project, juvenile prisons,[5] and detention houses) and juvenile correctional institutions (juvenile training schools and juvenile assessment centres).

1. Penal Institutions

As of 2025, there are a total of 173 penal institutions: 59 prisons (including four PPP prisons), 7 juvenile prisons, 8 detention houses, 8 branch prisons, and 91 branch detention houses.

Prisons, juvenile prisons, and branch prisons are institutions for sentenced inmates. They provide various correctional treatment programmes that facilitate offender rehabilitation and reintegration into society. There are 9 women's prisons (including 4 branches)[2] and medical prisons. The medical prisons are set up to function as special medical centres that receive inmates in need of special medical care. Ordinary medical care and hygiene for inmates are provided within general penal institutions.

Detention houses and branch detention houses are mainly for inmates awaiting trial, namely, defendants under detention and suspects under pre-indictment detention. Close attention is paid so that their rights, including the right to counsel and to a fair trial, are respected.

[5] A juvenile prison is not a juvenile correctional institution. It accommodates juveniles sentenced to imprisonment and sentenced adult inmates under 26 years old.

As of 31 December 2024, the total capacity of penal institutions was 81,204 (63,923 for sentenced inmates and 17,281 for pre-trial detainees), and the actual population was 40,544 (34,268 sentenced inmates and 6,276 pretrial detainees).

Fuchu Prison

Tachikawa Detention House

2. Juvenile Correctional Institutions

As of 2025, there were 36 juvenile training schools, 44 juvenile assessment centres, 6 branch juvenile training schools, and 8 branch juvenile assessment centres. Juvenile training schools house juveniles referred by the Family Court and provide them with correctional education. Juvenile assessment centres house juvenile delinquents placed under "protective detention" by the Family Court. During protective detention, an expert report on the juvenile's personality and disposition is prepared, which will assist the Family Court's decision-making.

Kifunebara Juvenile Training School for Girls

Osaka Juvenile Assessment Centre

B. Correctional Officials

As of 2025, more than 23,000 officials were working for the correction service. The majority of correctional officials in penal institutions are employed from among those who have passed the recruitment examinations for national public service (either for university graduates[6] or high school graduates) for the correction service. Educational officials and psychological officials in juvenile institutions are employed from among those who have passed a specialized examination for national public service (for university graduates). The correctional facilities also employ welfare specialists, job assistant specialists, industrial specialists (specialists providing guidance for prison work), medical staff (including doctors, pharmacists, nurses) etc.

[6] Due to the revised law taking effect in June 2025, a new "imprisonment" sentence will be introduced. To better support prisoners' rehabilitation alongside supervising prison work, the government aims to recruit personnel with specialized knowledge in psychology and social welfare beginning in FY 2026.

V. REHABILITATION

A. Organization and Function

The Rehabilitation Bureau of the Ministry of Justice is responsible for the overall administration of rehabilitation services, the main aspect of which is to administer community-based treatment of offenders. The Bureau handles planning and policymaking. Policies are then implemented by the 50 Probation Offices and eight Regional Parole Boards throughout the country.

There are eight Regional Parole Boards that correspond to the jurisdictions of the High Courts. The main responsibilities of Regional Parole Boards are to make parole decisions for prison inmates and juveniles committed to juvenile training schools, and to revoke parole when the legal requirements for revocation are met. They also decide when to terminate an indeterminate sentence imposed upon a juvenile delinquents. The number of board members varies in each region from three to fifteen, and board decisions are made by a majority vote.

The front-line duties of community-based treatment are carried out by the Probation Offices, which are established corresponding to the 50 District Court jurisdictions. Their main responsibilities include the following: (i) supervision of both adult and juvenile parolees and probationers; (ii) re-entry coordination, such as family relationships, residence, and employment support, prior to release; (iii) urgent aftercare of discharged offenders; (iv) promotion of crime prevention activities in the community; (v) recommendation of *hogoshi* (volunteer probation officers); (vi) support for the victims of crime; and (vii) medical treatment and supervision pursuant to the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity.

The National Offenders Rehabilitation Commission is a council attached to the Ministry of Justice. The Commission's functions are to make recommendations to the Minister of Justice regarding pardons and to review the decisions of Regional Parole Boards upon a complaint filed by a parolee.

B. Personnel

1. Probation Officers

Probation officers are full-time government officials who engage in community-based treatment of offenders, such as supervision of parolees and probationers, and other duties of the Regional Parole Boards and Probation Offices. The Offenders Rehabilitation Act (2007) requires them to have a certain degree of competence in medicine, psychology, pedagogy, sociology or other expert knowledge relating to rehabilitation of offenders. As of 2025, there were 1,420 probation officers nationwide.

2. Rehabilitation Coordinators

Rehabilitation coordinators are qualified psychiatric social workers, or other qualified persons, assigned to Probation Offices, who engage in medical treatment and supervision and other responsibilities pursuant to the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity. Rehabilitation coordinators do not handle ordinary parole or probation cases. As of 2025, there were 228 rehabilitation coordinators nationwide.

C. Volunteers and the Voluntary Sector

1. *Hogoshi* (Volunteer Probation Officers)

Hogoshi are citizens commissioned by the Minister of Justice who cooperate with probation officers in providing various rehabilitation services to offenders. Their main activities are: (i) to assist and supervise parolees and probationers; (ii) to coordinate the re-entry of inmates; and (iii) to promote crime prevention activities in the community. They do not receive salaries; only a certain amount of their necessary expenses is reimbursed. As of 2025, 46,043 citizens served as *hogoshi*.

All *hogoshi* belong to the *hogoshi* association organized for each local administrative division, known as a "probation district", in which they reside. These associations provide an organizational framework for mutual consultation and support among *hogoshi*, as well as for training activities, coordination with local agencies involved in offender rehabilitation, and public outreach activities, including crime prevention initiatives.

As bases for these activities, “rehabilitation support centres” have been established by each *hogoshi* association. Most of these centres are located in public facilities such as municipal offices or community centres. As of 2020, all 886 regional *hogoshi* associations nationwide had established a rehabilitation support centre within their respective communities. These centres provide safe and accessible venues where *hogoshi* can conduct interviews with probationers and parolees under their supervision. They are also used for association meetings, training programmes, and the planning and implementation of crime prevention activities.

2. Entities for Offender Rehabilitation Services

There are several types of entities which are engaged in activities supporting offender rehabilitation.

(1) Offender Rehabilitation Facilities (Halfway Houses)

Halfway houses in Japan are officially termed “offender rehabilitation facilities”. They accommodate parolees, probationers, or other eligible offenders and provide them with necessary assistance for their rehabilitation such as: (i) help in obtaining education, training, medical care, or employment; (ii) vocational guidance; (iii) training in social skills; and (iv) improving or helping them adjust to their environment.

As of 2025, there were 102 offender rehabilitation facilities nationwide, and their total capacity was 2,382. 6,497 offenders were admitted in 2024. The duration of stay for parolees, probationers and other eligible offenders in 2024 was as follows: three months or less (44.2%); more than three months to six months (38.6%); more than six months to twelve months (15.7%); and more than twelve months (1.6%).

99 offender rehabilitation facilities are run by juridical persons for offender rehabilitation services, a form of non-profit organization under the Offender Rehabilitation Services Act. The government supervises and provides financial support to such juridical persons and other entities that operate offender rehabilitation facilities.

Offender Rehabilitation Facility (Halfway House)

(2) Rehabilitation Aid Association

As of 2025, 62 rehabilitation aid associations existed throughout Japan. They provide offenders with temporary aid such as meals or clothing, and engage in “co-ordination and promotion services” for offender rehabilitation facilities, *hogoshi* associations, and other volunteer organizations. “Co-ordination and promotion services” include providing monetary support, textbooks for training, and tools and materials for crime prevention activities.

(3) Employment Support Organizations

The National Organization for Employment of Offenders, established in 2009, is a certified NPO which engages in employment support activities for released offenders, etc. The organization provides monetary support to programmes carried out by local job assistance service provider organizations. These local organizations carry out a variety of rehabilitation support activities, including programmes to provide

monetary support to “cooperating employers” who assist in offenders’ rehabilitation by employing released offenders, etc. As of 2024, there were 25,164 cooperating employers nationwide.

3. Others

There are other notable volunteer organizations and forms of volunteering in Japan, such as (i) the Women’s Association for Rehabilitation Aid; (ii) Big Brothers and Sisters (BBS) associations; and (iii) cooperating employers.

CHAPTER 2 THE CRIME SITUATION IN JAPAN

I. PENAL CODE OFFENCES

A. Trends in Penal Code Offences

The number of Penal Code offences reported to the police increased each year from 1996 and peaked in 2002, when it reached 2,853,739, marking a post-war record high. From 2003 onward, the number has been on a declining trend, hitting a new post-war low from 2015 to 2021, but has continued to increase for three consecutive years from 2022, reaching 737,679 in 2024. Of the Penal Code offences reported in 2024, theft was the most prevalent, with 501,507 offences, constituting 68 per cent of the total.

The number of cleared Penal Code suspects reached a record high of 389,027 in 2004, the highest total since 1989. The number of cleared Penal Code suspects declined from 2017, setting a new postwar low every year from 2025 through 2022. However, it increased for two consecutive years starting in 2023, reaching 191,826 persons in 2024.

The clearance rate for Penal Code offences has declined every year since 1995, marking a post-war low of 19.8 per cent in 2001. However, the situation has improved since 2002, and it reached 36.6 per cent in 2021, the highest since 1989. The rate has declined for two years since 2022, but reached 38.9 per cent in 2024.

As for the age distribution of suspects of non-traffic Penal Code offences (Penal Code offences excluding negligence in driving causing death or bodily injury etc.), those aged 65 or over accounted for 21.4 per cent in 2024. With regard to the gender of suspects cleared for non-traffic Penal Code offences, females accounted for 40,743, composing 21.2 per cent of the total in 2024.

B. Trends in Some Major Crimes

The number of reported homicide cases declined from 2004 to 2016, then remained generally stable. After hitting a post-war low for two consecutive years from 2021, it increased for two consecutive years from 2023, reaching 970 cases in 2024. The clearance rate for homicide remains high and was 96.6 per cent in 2024.

Reported cases of robbery reached 7,664 in 2003, the highest on record since 1951. It then began declining since 2004, reaching a post-war low in 2021. However, it increased for three consecutive years from 2022, reaching 1,370 in 2024. The clearance rate in 2024 was 92.5 per cent.

With regard to theft, the number of reported cases peaked in 2002, the highest since the World War II, then began declining from 2003. From 2014 through 2021, it set a new postwar low every year. However, it has increased for three consecutive years since 2022, reaching 501,507 offences in 2024, and a clearance rate of 33.1 per cent.

Concerning fraud, the number of reported cases peaked at 85,596 in 2005, the highest since 1960, then began declining from 2006. It showed an upward trend from 2012, but declined again from 2018. It has been increasing since 2021, reaching 57,324 cases in 2024, and the clearance rate of 28.2 per cent.

In recent years, a major *modus operandi* in fraud cases has been "*Tokushu Sagi*"(Special Fraud or Communications Fraud)– A type of fraud that deceives people via phone or social media, tricking them into transferring money to designated bank accounts or handing over cash.

II. SPECIAL LAW OFFENCES

Recently, the total number of Special Law offenders newly received by the public prosecutors offices has generally been on a declining trend. The number increased in 2023 but decreased in 2024, totalling 292,598, which was a 1.7 per cent decrease over the previous year. Of that number, Road Traffic Act violators accounted for 210,818 suspects (72.1 %), followed by alleged violators of the Stimulants Control Act, who numbered 10,427 (3.6 %).

CHAPTER 3 PRE-TRIAL CRIMINAL PROCEDURE

I. INTRODUCTION

Japan is a unitary state, and the same criminal procedure applies throughout the nation. The Code of Criminal Procedure (hereinafter CCP), the Act on Criminal Trials Examined under the Lay Judge System, and the Rules of Criminal Procedure are the principal sources of law.

II. CONSTITUTIONAL SAFEGUARDS

The Constitution of Japan has an extensive list of constitutional guarantees that relate to the criminal process. Article 31 provides that "no person shall be deprived of life, or liberty, nor shall any other criminal penalty be imposed, except according to procedure established by law," while Article 33 states that "no person shall be apprehended except upon warrant issued by a competent judicial officer which specifies the offence with which the person is charged, unless he is apprehended, the offence being committed." Further, as prescribed in Article 34, "no person shall be arrested or detained without being at once informed of the charges against him or without the immediate privilege of counsel; nor shall he be detained without adequate cause; and upon demand of any person such cause must be immediately shown in open court in his presence and the presence of his counsel." Article 35 provides for the protection of one's residence and property, stating "the right of all persons to be secure in their homes, papers and effects against entries, searches and seizures shall not be impaired except upon warrant issued for adequate cause and particularly describing the place to be searched and things to be seized, or except as provided by Article 33."

As for the trial proceedings, Article 38 provides that "no person shall be compelled to testify against himself" and that a "confession made under compulsion, torture or threat, or after prolonged arrest or detention shall not be admitted in evidence." It further provides that "no person shall be convicted or punished in cases where the only proof against him is his own confession." As for the protection of some of the basic rights of the individual who is facing a criminal trial as an accused, Article 37 provides that "in all criminal cases, the accused shall enjoy the right to a speedy and public trial by an impartial tribunal; he shall be permitted full opportunity to examine all witnesses, and he shall have the right of compulsory process for obtaining witnesses on his behalf at public expense; at all times the accused shall have the assistance of competent counsel who shall, if the accused is unable to secure the same by his own efforts, be assigned to his use by the State." According to Article 39, "no person shall be held criminally liable for an act which was lawful at the time it was committed, or of which he has been acquitted, nor shall he be placed in double jeopardy." Finally, Article 40 provides that "any person, in case he is acquitted after he has been arrested or detained, may sue the State for redress as provided by law."

III. INVESTIGATIVE AGENCIES

The police are the primary investigative agency in Japan. Officers of certain other administrative bodies, such as narcotics agents and coast guard officers, have limited jurisdiction to investigate certain types of offences, whereas police officers have general jurisdiction which covers all types of offences.

The vast majority of criminal cases are investigated by the police and referred to public prosecutors. As the police do not have the power to decide whether to prosecute, all cases investigated by the police, except for very minor offences prescribed by prosecutorial guidelines as categories of cases, such as petty theft, that may be terminated at the police level subject to non-prosecution upon subsequent approval by a prosecutor, must be sent to public prosecutors for disposition.

A public prosecutor has the exclusive power to decide whether or not to prosecute, and Japanese law does not permit private prosecutions. Moreover, public prosecutors are fully authorized to conduct criminal investigations, and they actively supplement police investigation by directly interviewing witnesses and interrogating suspects. Prosecutors may also instruct police officers as they consider necessary during an

investigation. Prosecutors can also initiate their own investigations. In particular, with regard to politically sensitive or complicated cases, such as bribery or large-scale financial crime involving politicians, high-level government officials or corporate executives, prosecutors often investigate the case without any police involvement. This is called "independent investigation". Special Investigation Departments established in the Tokyo, Osaka and Nagoya offices are designed to carry out such independent investigations. Also, several other large offices have "special criminal departments" mainly dedicated to independent investigations.

IV. INVESTIGATION PROCESS

A. Overview

Japanese police and public prosecutors, to the extent possible, conduct criminal investigations without resorting to compulsory measures such as arrest, searches, and seizures. Even for serious offences, they gather as much information as possible on a non-compulsory basis and carefully evaluate whether an arrest is necessary or if the investigation should continue without arresting the suspect. In 2024, 65.4 per cent of suspects of non-traffic offences were investigated and processed without arrest.

The procedure after arrest is as follows:

(1) When the police arrest a suspect, they must refer the suspect, along with supporting documents and evidence, to a public prosecutor within 48 hours; otherwise the suspect must be released.

(2) Within 24 hours after receiving the suspect, the prosecutor must do either one of the following: apply to a judge for a pre-indictment detention; prosecute the case; or release the suspect.

(3) If an application for pre-indictment detention is granted, a judge will issue a warrant, and the suspect will be taken into detention. The duration of the detention is ten days, which may be extended for up to another ten days.

(4) When the case is prosecuted within the authorized pre-indictment detention period, the pre-indictment period is automatically converted to pre-trial detention. If the case is not prosecuted, the suspect must be released. Afterward, the public prosecutor decides whether to continue the investigation without arrest, or not to prosecute the case.

B. Initiating a Criminal Investigation

A criminal investigation is initiated when an investigative agency believes that a crime has been committed. Although there is no limit on what could trigger the launch of investigation, typical causes determined by law include (1) discovery of an offender caught in the act, (2) autopsy of a body following unnatural death, (3) accusation by the victim or another person, (4) agency request, (5) self-denunciation, and (6) police questioning.

(1) *Discovery of an offender caught in the act*
Cases where the perpetrator is caught in the act of committing a crime, or where a person may be clearly deemed to have just committed a crime.

(2) *Autopsy of a body following unnatural death*
When a body is discovered and the cause of death is deemed highly likely to have been a criminal act, or when such a cause cannot be ruled out, the investigative agency must conduct an external autopsy. This is a non-invasive examination to assess the condition of a body. If, as a result of the external autopsy, a need is seen to delve further into the cause of death, a medico-legal or forensic autopsy is generally carried out by a doctor, pending the issuance of a court warrant.

(3) *Accusation by the victim or another person*
Cases where the victim of a crime reports the crime to an investigative agency and seeks criminal

punishment against the perpetrator. Also, in cases where a person other than the victim reports the crime to an investigative agency and seeks criminal punishment against the perpetrator.

(4) *Agency request*
Cases where an organization prescribed by law reports a crime to an investigative agency and seeks prosecution against the perpetrator.

(5) *Self-Denunciation*
Cases where the perpetrator self-denounces themselves before being discovered as a suspect by an investigative authority.

(6) *Police questioning*
A police official may stop and question any person for whom there is sufficient probable cause to suspect that the person has committed or is about to commit a crime or who is deemed to possess information on a crime which has already been committed or is about to be committed, judging reasonably on the basis of unusual behaviour and/or other surrounding circumstances. In the event that a police official considers that conducting questioning on the spot will disadvantage the subject person or impede traffic, the police official may request the subject person to accompany the police official to a nearby police station, police box or residential police box for the purpose of questioning.

C. Arrest

As a general rule, a judicially issued warrant is required to arrest a suspect. Police officers designated by law and all public prosecutors are authorized to apply to a judge for an arrest warrant, and a warrant shall be issued if a judge deems that there exists sufficient probable cause to suspect that the person has committed an offence.

Japanese law does not recognize a class of offence, for which warrantless arrests are generally permitted. There are two exceptions to the judicial warrant requirement under the CCP, which are the following:

(1) *Flagrant Offenders:*
A flagrant offender (an offender who is in the act of committing or has just committed an offence) may be arrested by any person without a warrant. When it appears evident that a person has committed an offence shortly before, and one of the prescribed legal criteria is met, such a person is also treated as a flagrant offender. [1]

(2) *Emergency Arrests:*
When there are sufficient grounds to suspect the commission of an offence punishable by the death penalty, or imprisonment for life or for a maximum period of three years or more, and in addition, because of great urgency an arrest warrant from a judge cannot be obtained, a public prosecutor, a public prosecutor's assistant officer, or a judicial police official may arrest the suspect after notifying the suspect of the reasons therefor.[2] When an offender is arrested on an emergency basis, an application for an arrest warrant must be filed immediately after the arrest. If the warrant is not issued, the suspect must be released.

[1] CCP Articles 212 and 213.
[2] CCP Article 210.

D. Post-Arrest Procedure

Following an arrest, a police officer or a public prosecutor must immediately notify the suspect of the essential facts of the suspected crime, inform him or her of the right to counsel, and then offer an opportunity to present his or her explanation.

If the arrest was made by the police, the suspect, along with supporting evidence, must be referred to a public prosecutor within 48 hours, or the suspect must be released. After receiving the suspect, the public prosecutor must immediately inform the suspect of the essential facts of the suspected crime and offer further opportunity to present his or her explanation. This is an important step in the early stage of investigation as it is the public prosecutor's initial opportunity to question the suspect.

Within 24 hours of receiving the suspect, the public prosecutor must either apply to a judge for a pre-indictment detention; prosecute the case; or release the suspect. The police are not authorized to apply for pre-indictment detention: the application must be made by a public prosecutor. If the suspect was arrested by a public prosecutor and not by the police, the application for pre-indictment detention must be made within 48 hours after the arrest.

A judge will then review the file, take a statement from the suspect, and decide on the prosecutor's application. A pre-indictment detention warrant shall be issued if a judge deems that there is probable cause to suspect that the suspect has committed the offence, one of the following conditions is met, and the judge does not consider it unnecessary.

(1) The suspect has no fixed residence;

(2) There is probable cause to believe that the suspect may conceal or destroy evidence; or

(3) The suspect has fled or there is probable cause to believe that the suspect may flee.

If these conditions are not met, the judge will deny the prosecutor's application and order the immediate release of the suspect.

The duration of pre-indictment detention is 10 days and, upon application by a public prosecutor, a judge may grant an extension for up to another 10 days. Thus, the maximum length of pre-indictment custody is 23 days, including the initial 72 hours following the arrest. If the case is not prosecuted within the authorized period, the suspect must be released.

During pre-indictment detention, many suspects are detained in police jails instead of detention houses. The Act on Penal Detention Facilities and Treatment of Inmates and Detainees allows such substitutions when approved by a judge.

E. Collection of Evidence

Evidence can be either one of two categories: statements and non-statements.

1. Taking Statements

When investigators take statements from witnesses and suspects, they will prepare a detailed summary of what has been said during the interview or interrogation. The summary will be read to and by the interviewee for confirmation, and if agreed, it will be signed. Such written statements are admissible as evidence if the defendant consents to their use, or they fit in one of the hearsay exceptions provided for in the CCP.

2. Interrogation of Suspects

Police officers and public prosecutors may ask suspects to appear in their offices for interrogation, and suspects under arrest or detention are obligated to comply. However, Article 38-1 of the Constitution guarantees the right against self-incrimination, and Article 198-2 of the CCP requires investigators to notify the suspect, in advance of the questioning, that he or she is not required to make any statement against his or her will. In order to be admissible at trial, confessions must be voluntarily made. In this regard, CCP Article 319-1 provides that "confession under coercion, torture, threats, after unduly prolonged detention or when there is doubt about said confession being voluntary may not be admitted as evidence."

Details of statements made by suspects during interrogation are compiled into written statements by investigating officers and used as evidence in trials. There, however, the admissibility of a confession made during questioning is often disputed, in that the confession may have been forced or induced by the investigating officer and not made voluntarily, among other reasons. Therefore, video-recording of interrogations of arrested or detained suspects is obligatory in cases of homicide and other serious offences subject to trial by lay judges (Saiban-In) and in cases in which public prosecutors conduct independent investigations (mainly by Special Investigation Departments and Special Criminal Departments).[3] Although it is not a legal obligation, in practice, all prosecutors' interrogations where the suspect is arrested or detained are video-recorded. In addition, prosecutors' interrogations of non-arrested suspects or non-detained suspects are also video recorded in some cases. These recordings are used as means of verification, in case the voluntary nature of a confession made during questioning or its credibility is disputed at trial. In principle, everything is recorded from the time the suspect enters the room to the time the suspect leaves.

3. Searches and Seizures

In order to lawfully search for and seize evidence, a judicially issued warrant is required. The only exception to this requirement is for searches and seizures incident to arrest. According to Supreme Court precedents, a serious violation of search and seizure rules may result in the inadmissibility of evidence so acquired.

Public Prosecutor's Interrogation (moot)

F. The Right to Counsel

The right to counsel is guaranteed by the Constitution and the CCP. Suspects may retain counsel at any time at their own expense. Confidential communication is guaranteed, and suspects under arrest or detention are entitled to meet with their counsel and to exchange documents or articles without any officials being present.

All suspects held in pre-indictment detention are entitled to ask for court-appointed counsel if they are unable to hire one because of indigence or other reasons. Furthermore, the Bar Associations operate the

[3] CCP Article 301-2

Toban-Bengoshi system, which was introduced in 1990. Toban-Bengoshi means "an attorney on duty," and when requested by an arrested person or his or her family, a Toban-Bengoshi will immediately visit the arrested person at the police station etc. to provide legal advice. This first visit is provided free of charge.

G. Bail

Suspects under pre-indictment detention are not bailable. When they are indicted, their legal status changes from a suspect to a defendant, and from that point on, they become eligible for bail. Bail must be granted except when:

(1) the defendant is charged with an offence punishable by death, life, or a minimum term of one year's imprisonment;

(2) the defendant was previously convicted of an offence punishable by death, life, or a maximum term of more than ten years' imprisonment;

(3) the defendant has habitually committed an offence for which a maximum term of imprisonment of three years or more is prescribed;

(4) there is probable cause to suspect that the defendant may conceal or destroy evidence;

(5) there is probable cause to suspect that the defendant may harm or threaten the body or property of the victim or any other person who is deemed to have essential knowledge for the trial of the case or the relatives of such persons; or

(6) the defendant's name or residence is unknown.

Likelihood of reoffending is not a valid ground for denying bail. When granting bail, the court is required to set the amount of the bail bond. The court may also add other appropriate conditions, and in practice, bail is often subject to the condition that the defendant does not contact accomplices, co-defendants, witnesses, or victims.

V. DISPOSITION OF CASES

A. Responsibility for Prosecution

1. Principle

Public prosecutors have the exclusive power to decide whether to prosecute,[4] and this system is called "monopolization of prosecution." Japan does not have a system of private prosecution or police prosecution, and there are no grand juries. A court cannot try a case unless it is prosecuted by a public prosecutor.

2. Exception

There are two exceptions to the monopolization of prosecution: quasi-prosecution[5] and compulsory prosecution following a recommendation by the Committee for Inquest of Prosecution (see Section E for details).

B. Forms of Prosecution

There are two forms of prosecution: formal and summary.[6]

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[4] CCP Article 247.

[5] In other words, "Analogical Institution of Prosecution through Judicial Action." (CCP Articles 262 to 269).

[6] The traffic infraction fine system (Pecuniary Penalty against Traffic Infractions) is a procedure under which a person who commits certain minor offences in violation of the Road Traffic Law is exempted from criminal punishment by paying a sum of money fixed by law as an administrative disposition. However, if violators fail to pay that fine, they are to be dealt with under a regular criminal procedure and are subject to criminal punishment by the court.

1. Formal Prosecution (Indictment)[7]

Formal prosecution is a request to hold a formal trial, and it is made by filing of a charging sheet called a *Kiso-Jo*. The charging sheet must contain a clear description of the facts constituting the offence charged. In order not to prejudice the court before trial, no evidentiary materials are attached to a charging sheet.

(Expedited Trial Proceedings)

At the time of the filing of a charging sheet, with the consent of the defendant, the prosecutor may ask the court to try the case by the Expedited Trial Proceedings. Expedited Trial Proceedings are applicable when the following conditions are met:

(1) The offence is not punishable by death, life, or a minimum of one year's imprisonment;

(2) The case is clear and minor; and

(3) The examination of evidence is expected to be completed promptly.

When the application is granted, the case will be tried by a simplified and expedited procedure. The court is required to set an early trial date and, to the extent possible, render its judgement within one day. When sentencing the defendant to a term of imprisonment, the court has to suspend the execution of the sentence. The defendant may not appeal against a judgment entered following an Expedited Trial Proceeding on the ground that fact-finding was erroneous.

Expedited Trial Proceedings were introduced in October 2006 to enable prompt disposition of minor cases and early release of defendants. In 2024, Expedited Trial Proceedings were invoked for a total of 16 defendants, and the majority of the cases were for violations of the Immigration Control and Refugee Recognition Act, Road Traffic Act and the Cannabis Control Act.

[7] The word "indict" or "indictment" used here means "a public action in criminal matters bringing a case to be tried in an open court", unlike the one determined by the Grand Jury in the United States or cases to be tried in the Crown Court in the United Kingdom.

An example of a charging sheet (translated into English) is included below:

Charging Sheet

The following case is hereby prosecuted.

14 May 2017

Tokyo District Public Prosecutors Office
Public Prosecutor, KOUNO, Ichirou (his seal)

To Tokyo District Court:

Defendant
Permanent Domicile: Yoshida 823, Kawami-cho, Tama-gun, Fukuoka Prefecture
Present Address: Room Number 303, 1-2-3, Akihabara, Chiyoda-ku, Tokyo
Occupation: None

Under Detention

HIGASHIYAMA, Haruo (The defendant's name)
17 April 1957 (The defendant's birth date)

Alleged Facts

At around 11 p.m. on 23 April 2017, on a street located in 2-4-7, Minami, Shibuya-ku, Tokyo, the defendant, with intent to kill, stabbed MORITA Toshikazu (24 years of age) in the chest with a knife, of which blade was about ten centimetres long, thereby causing the death of Morita, who died from blood loss attributable to the stab wound in the chest, at around 11:58 p.m. on the same day, at YAMADA Hospital located in 3-1-23, Takao, Meguro-ku, Tokyo

Charged Offence and Applicable Penal Statutes

Murder Penal Code Article 199

2. Summary Prosecution (Request for a Summary Order)

A public prosecutor may prosecute a case in the Summary Court and ask for a summary order, which is an order by a Summary Court sentencing the defendant to a fine not exceeding one million yen, or a petty fine. In order to file a summary prosecution, a written consent by the defendant is required. There will be no oral hearing or trial; a Summary Court judge will examine the case file sent from the prosecutor, and issue an order on that basis. A party dissatisfied with the order may, within 14 days, apply for a formal trial. In practice, summary prosecution is used in cases where the case is not of a serious nature and where the suspect admits the allegation.

Summary proceeding is an important part of the Japanese criminal process. A vast majority of minor cases are disposed of by summary orders. In 2024, out of 782,735 suspects (including juveniles) disposed of by prosecutors, 158,783 (20.2 %) were summarily prosecuted, whereas 80,287 (10.2 %) were prosecuted for formal trials. [8]

C. Non-prosecution of Cases

There are several grounds by which a public prosecutor decides not to prosecute. The most common grounds for non-prosecution decisions are the insufficiency of evidence and suspension of prosecution. Other grounds for non-prosecution include, among others, “no offence committed” [9] and “expiration of statute of limitations”.

1. Insufficiency of Evidence

Even if there is some evidence of guilt, public prosecutors will not prosecute an offence unless a conviction is highly likely. The threshold for prosecution is very high due to the very careful and strict screening process conducted by Japanese prosecutors. It is long established practice not to prosecute unless the prosecutor is certain to secure a conviction. In Japan, it is considered an irresponsible exercise of prosecutorial power, entrusted by the people to the public prosecutors, to compel a citizen to defend him or herself against criminal charges without the prosecutor being convinced that the evidence is sufficient to establish guilt. As a result, the actual conviction rate is 99.9 per cent.

2. Suspension of Prosecution

Japanese prosecutors have broad discretion whether to prosecute, and they are authorized to drop cases even when there is enough evidence to secure a conviction. This disposition is called “suspension of prosecution” and is provided for in Article 248 of the CCP, which reads, “Where prosecution is deemed unnecessary owing to the character, age, environment, gravity of the offence, circumstances or situation after the offence, prosecution need not be instituted.”

The concept of discretionary prosecution contrasts with that of compulsory prosecution, which requires prosecution to be instituted whenever a certain quantum of evidence exists. Discretionary prosecution enables flexible dispositions in line with the specifics of each case such as the nature and seriousness of the offence committed, characteristics of the offender, and the victim’s feelings about the case. It is also a form of diversion that offers offenders an early opportunity to return to society and rehabilitate themselves.

The following is an illustrative list of factors considered by prosecutors in deciding whether to prosecute the case.

(1) The gravity of the offence and the harm caused thereby;

(2) The offender’s character, age, criminal history, and risk of reoffending;

[8] White Paper on Crime 2025, Ministry of Justice, Japan.

[9] This applies where, after investigation, there are sufficient reasons to believe that no crime has been committed by the suspect.

(3) The circumstances relating to the commission of the offence: for example, motive, provocation by the victim, existence of accomplices and the role played by the suspect; and

(4) Conditions after the commission of the offence: for example, whether the suspect assumes criminal responsibility, whether and to what extent restitution has been made, whether apologies have been made and the victim's feelings have been restored, whether civil settlements have been made between parties.

Suspension of prosecution is broadly utilized in practice: of the 782,735 suspects processed by public prosecutors in 2024, prosecution was suspended for 429,432 (54.8 %) suspects. [10]

D. Prosecutorial Agreement System

In June 2018, the Prosecutorial Agreement System was introduced in order to create a new measure to collect evidence while observing due process. The public prosecutor and the suspect/defendant, upon the consent of the defence counsel, may enter into a written agreement. In this agreement, the suspect/defendant promises to cooperate with the investigation or prosecution (for example, by making a truthful statement during interview or interrogation and by testifying before the court) about the criminal conduct of another suspect/defendant. In return, the public prosecutor may agree to make a lenient disposition (e.g. not instituting prosecution; withdrawing prosecution; instituting or maintaining prosecution using a specific charge and applicable penal statute; stating an opinion to the effect that the specific sentence should be rendered to the accused, in the statement of opinions). The Prosecutorial Agreement System is applicable only to certain financial and economic offences, drug offences, firearms offences, etc. as prescribed by law. In deciding whether to enter into an agreement, prosecutors shall take factors into consideration such as the gravity of the offence or the importance of the evidence that could be obtained through the suspect/defendant's cooperation. When the prosecutor, the suspect/defendant and the defence counsel reach an agreement, the prosecutor and the suspect/defendant have the obligation to carry out what had been agreed upon.

E. Safeguards against Arbitrary Disposition

1. Committee for Inquest of Prosecution

The Committee for Inquest of Prosecution is a lay advisory body that reviews non-prosecution decisions by prosecutors. Every district has one or more Committees, and they consist of eleven lay people randomly selected from among the district voters. Their purpose is to reflect the general public's will in the process of making prosecution decisions.

Victims and certain qualified parties dissatisfied with a prosecutor's decision not to prosecute may request a review by the Committee. Upon such a request, the Committee reviews the case and gives one of the following three recommendations: (i) non-prosecution is proper; (ii) non-prosecution is improper; or (iii) prosecution is proper. The last recommendation requires a super majority vote of eight out of eleven Committee members. Prosecutors generally have good reasons when they decline to prosecute, and during the five-year period of 2020-2024 out of 15,010 suspects, 11,307 (75.3 %) have resulted in a recommendation of "non-prosecution is proper." [11]

The recommendation is notified to the prosecution for their consideration. When the latter two recommendations are made, the prosecutor reopens the case. Upon reinvestigation, they may reconsider their previous decision and prosecute the case, or maintain their initial decision not to prosecute.

The Committee's recommendations were formerly purely advisory, but from May 2009, if the prosecutor's decision not to prosecute a particular case twice receives a recommendation of "prosecution is proper," a court will appoint an attorney, who will undertake the role of the prosecutor and prosecute the case in accordance with the Committee's recommendation. This is called "compulsory prosecution". However, in practice, the recommendation of "prosecution is proper" has not been given so frequently. Since May 2009,

[10] White Paper on Crime 2025, Ministry of Justice, Japan.
[11] Ibid.

the number of individuals whose cases resulted in compulsory prosecution and whose sentence became final was 12 (as of December 2024).

2. Quasi-Prosecution

Quasi-prosecution is a procedure applicable to offences of abuse of authority by public employee. If a person who has filed a complaint or accusation of such offences is dissatisfied with the public prosecutor's decision not to prosecute, the person may apply to a District Court to commit the case to trial. This system is intended as a safeguard against unreasonable non-prosecution decisions by prosecutors. However, in practice, prosecutors usually prosecute if the offence is serious enough and there is sufficient evidence. Accordingly, the number of cases committed to trial has been few.

F. Assistance and Protection for Crime Victims and Their Participation in the Criminal Justice Process

1. Victim Notification Programme

Victims of crime have legitimate interest in knowing the outcomes of the criminal cases arising from their victimization. In 1999, the prosecutor's office introduced the Victim Notification Programme to keep victims informed of the progress and outcomes of their cases. Notification is not automatic. As some victims prefer not to be contacted, notice is given to only those who have asked for it. (In addition, in cases where a complaint was filed, the public prosecutor has the obligation under law to notify the complainant, of the decision to prosecute or not to prosecute, and upon the victim's request, the reason for non-prosecution when the case was not prosecuted.)

Information notified under the programme includes the following:

(1) Disposition of the case (e.g. prosecution for formal trial, summary prosecution, non-prosecution or referral to the Family Court);

(2) Venue and time of the trial;

(3) The results of the trial (conclusion section of the judgment, status on appeal);

(4) The perpetrator's custody details, the indicted facts, summary of the reasons for non-prosecution, and other matters similar to those listed in (1) to (3); and

(5) The matters concerning the perpetrator after conviction is finalized:

- Name and location of the prison where the perpetrator is imprisoned.
- The possible schedule for release from prison (the scheduled date of release on completion of the sentence, parole) after completing their term of imprisonment.
- Treatment of the perpetrator in prison (updates are given around once every six months).
- The date when the perpetrator was released (release on completion of the sentence, parole).
- The date when suspension of execution of the sentence was revoked.
- The date when a decision was made for granting parole.
- The date when probation and parole supervision was commenced and the scheduled end thereof.

· Treatment during probation and parole supervision (updates are given around once every six months).

· The date when probation and parole supervision ended.

2. Victim Participation and Victim Protection at the Trial Stage

Victim participation

Victims of crimes (the victim's spouse, lineal relatives and siblings in cases where the victim has died) may, among others, take part in criminal trials as "victim participants". As victim participants, they may question witnesses and defendants and state their opinions on the facts of the case and the application of law, subject to the decision of the court. Participation is only permitted in cases of serious crimes such as homicide, grievous bodily harm or rape.

Statement of opinion

Victims may, among others, state their feelings about the harm they suffered and other opinions on the alleged case.

Protection measures during trial

To ease the burden on the victims when they testify in court as witnesses, or make a statement of opinion, they may be (a) accompanied by family members or counsellors, (b) shielded from the defendant and observers, (c) seated in a separate room and questioned via video link. The first two measures are available if the victim attends the trial as a victim participant.

Measures to protect the victim's identity

In certain sensitive cases, there are procedures to prevent the victim's identity from being made public, and in certain special cases, the victim's identity is withheld from the defendant. Protection measures include non-disclosure of the victim's name, address and other personal information. For certain offences such as sex crimes, the prosecutor may request the court to send a substitute for the charging sheet to the defendant that does not contain the victim's personal information, when deemed necessary.

Judicial compromise

There is a procedure for criminal settlement whereby the defendant and the victim may reach an agreement in a civil dispute related to a criminal case; the content of that agreement is noted in the trial record of the criminal case.

Restitution Order

*When a victim has filed a claim for pay*ment of compensation with a criminal court, the criminal court continues to review the civil dispute after reaching a judgement of conviction in the criminal case, as an ancillary procedure, and makes a decision on compensation.

3. Compensation for Crime Victims

Crime victim benefits

The "Act on Support for Crime Victims through Payment of Crime Victim Benefits" provides victims or families of deceased victims with crime victim benefits when compensation for damages is not received from the perpetrator or other public benefits. Eligible beneficiaries include victims who suffered serious injury or disability or surviving family members of a person who died due to homicide or an intentional criminal act.

Recovery of damages from confiscated assets

The "Act on the Payment of Compensation for Criminal Damage Using Stolen and Misappropriated Property " provides victims etc. with the right to recover damages from proceeds of crime, or the equivalent value thereof, confiscated in the criminal proceedings including assets recovered from foreign countries.

Damage-recovery benefit system

The "Act on Payment of Damage Recovery Benefits from Funds in Deposit Accounts Used for Crime" pays damage-recovery benefits to victims of crimes such as fraud involving bank account transfers. It provides a procedure to suspend the transfer of the perpetrator's deposits and distribute them as damage-recovery benefits to the victims.

International Cooperation in Criminal Matters

1. Extradition

The requirements and procedures for extraditing fugitives from Japan are provided in the "Act of Extradition", or in bilateral extradition treaties which supersede the requirements set forth in the Act on Extradition. Pursuant to the Act. The general requirements for extradition are stipulated as follows: i) the offence in question is not a political one, ii) the offence is punishable by imprisonment for a long term of three years or more, including life sentence and capital punishment (this requirement may be relaxed if a bilateral or multilateral treaty stipulates otherwise), iii) the principle of dual criminality is satisfied, iv) there is probable cause to suspect that the person in question has committed the offence, and v) the principle of reciprocity is assured, among others. When the person in question is a Japanese national, he or she cannot be extradited to another country unless otherwise provided for in an applicable treaty. In such cases, however, the person may be punished on behalf of the government of that country, in accordance with the principle of "*aut dedere aut judicare (either extradite or prosecute)*". Japan currently has extradition treaties with the USA and South Korea.

2. Assistance in criminal matters

The requirements and procedures for providing assistance in criminal matters upon receiving requests from foreign jurisdictions are set forth in the "Act on International Assistance in Investigations". The provisions of the Act apply unless there is an applicable bilateral or multilateral treaty on mutual legal assistance (MLA) that supersedes such provisions. Under the Act, assistance may be provided based on the assurance of reciprocity, however, Article 2 of the Act stipulates that assistance may not be provided in any of the following circumstances:

i) when the offense for which assistance is requested is a political offense, or when the request for assistance is found to have been made with a view to investigating a political offense
ii) when the act constituting the offense for which assistance is requested would not constitute a crime under laws and regulations of Japan were it to be committed in Japan, unless otherwise provided by treaty
iii) with regard to the request relating to the examination of a witness or provision of articles of evidence, when the requesting country does not clearly demonstrate in writing that the evidence is essential to the investigation, unless otherwise provided by treaty

In the absence of a bilateral or multilateral treaty stating otherwise, requests for assistance from other countries to Japan shall be made to the Ministry of Foreign Affairs, and forwarded to the Ministry of Justice. Where there is a relevant bilateral or multilateral treaty, a request may be transmitted between the central authorities (in Japan, the Ministry of Justice for incoming and outgoing requests, and also the National Police Agency for outgoing requests). Japan currently has concluded bilateral MLA treaties/agreements with the USA, South Korea, the People's Republic of China, Hong Kong, the EU, the Russian Federation, Federal Republic of Brazil and Viet Nam.

CHAPTER 4 TRIAL PROCESS

I. SOME BASIC PRINCIPLES AND CHARACTERISTICS

A. Presumption of Innocence

Every criminal defendant is presumed innocent until proven guilty. The standard of proof is "beyond a reasonable doubt": a preponderance of evidence, as used in civil proceedings, is not sufficient to sustain a criminal conviction. The burden of proof is on the public prosecutor. Unless the prosecutor establishes every element of the offence beyond a reasonable doubt, the defendant must be acquitted or may be convicted only of a lesser included offence.

B. Public Trials

Defendants have the right to a speedy and public trial by an impartial tribunal (Article 37-1 of the Constitution). Trial must be conducted, and judgement must be announced, publicly. Exceptions are permitted only under very limited circumstances.

The trial opens with the judge(s) and a public prosecutor in attendance. The defendant has the right and duty to be present. As a general rule, trials cannot open without the presence of the defendant, but this obligation may be exempted in certain minor cases. Moreover, when a defendant in detention refuses to appear without justifiable reasons and certain other conditions are met, the court may proceed without the presence of the defendant.

Criminal Trial (moot)

C. Right to Remain Silent

The defendant has the right to remain silent: he or she may remain silent at all times or answer some questions and refuse others. In practice, most defendants voluntarily answer questions asked by the defence counsel, the public prosecutor, and the court.

D. Right to Counsel

Defendants have the right to the assistance of competent counsel. If the defendant is unable to secure counsel, counsel will be appointed by the court. In Japan, the availability of court-appointed counsel is not limited to indigent defendants.

Trial proceedings cannot be held without the presence of counsel if: (i) the defendant is charged with an offence punishable by death, life imprisonment, or a maximum term of more than three years' imprisonment; (ii) the case has been referred to pretrial conference procedure; or (iii) the case is tried by the speedy trial procedure.

E. Adversarial Procedure

The Japanese criminal trial is a hybrid of the continental law and common law systems, with much greater emphasis on the common law adversarial model. While the court maintains control over the

proceedings, it is the parties, especially the prosecutor, that take the active and leading role in developing the facts of the case. The court cannot try a case unless prosecuted by the public prosecutor, and the defendant cannot be convicted of an offence greater than the one charged in the prosecutor's charging sheet.

F. No Arraignment

There is no system of arraignment as exists in the common law countries. A plea or admission of guilt by the defendant will not waive trial, and the prosecutor is still required to prove the defendant's guilt beyond a reasonable doubt.

G. Single Stage Procedure

Some countries divide the criminal proceeding into two stages: the determination of the defendant's guilt or innocence, and the sentencing. The Japanese criminal procedure is different, and like many countries with continental law traditions, combines these two stages into one. Evidence relevant to the defendant's guilt and evidence relevant to sentencing will be heard during the trial, and a single judgement setting forth the facts found by the court and specifying the sentence to be served, or that which acquits the defendant, will be announced.

II. *SAIBAN-IN* TRIALS

Saiban-In is a created word to describe the "lay judges" who participate in *Saiban-In* trials. The *Saiban-In* trial was introduced by the Act on Criminal Trials Examined under the Lay Judge System, which came into force on 21 May 2009. As a general rule, and practically in all cases *Saiban-In* cases are tried by a mixed panel consisting of three professional judges and six *Saiban-In*, although panels may consist of one professional judge and three *Saiban-In* exceptionally.

Saiban-In are randomly selected for each case from among the voters through a procedure similar to jury selection in some other countries. *Saiban-In* collaborate with professional judges to decide on issues of fact and sentencing. Each *Saiban-In* and professional judge has equal voting power, although a guilty verdict must be supported by at least one professional judge. Procedural issues and matters of legal interpretation are left to the professional judges.

Saiban-In trials will be held for (i) offences punishable by death or imprisonment for life; or (ii) intentional conduct resulting in the victim's death, for which a minimum term of one year's imprisonment is prescribed. Such offences include homicide, rape/robbery resulting in death or injury, arson of an inhabited residence, and certain serious offences. For these offences, *Saiban-In* trial is mandatory, and defendants may not waive it and request a bench trial.

Court Room for *Saiban-In* Trial
(Photo provided by Supreme Court)

III. TRIAL PROCEEDINGS

A. Procedure before Trial

1. Introduction

In Japan, the charging power belongs exclusively to the public prosecutor, and a formal charge is presented in the form of a written charging sheet, prepared by a prosecutor. The charging sheet has to contain a clear description of the elements of the offence charged, and no evidentiary material may be attached to it.

Criminal cases are tried by a judge, a three-judge panel, or a mixed panel of three professional judges and six lay judges (*Saiban-In*), depending on the nature of the charge.

2. Pretrial Conference Procedure

After the indictment and before trial, the court may set the case for pretrial conference procedure upon the request of the public prosecutor, the accused or the defence counsel, or at the discretion of the courts. Cases that will be tried by a *Saiban-In* court must be referred to pretrial conference procedure. Through this procedure, the parties prepare and clarify their arguments and disclose evidence, the court makes necessary rulings, and the parties and the court plan for the upcoming trial.

The prosecutor and the defence counsel are required to disclose to the other party evidence they intend to introduce at trial. Moreover, pretrial conference procedure involves two kinds of disclosure of evidence by public prosecutors in response to requests from the defence. The purpose of these specific disclosures is to clarify the allegations or defence arguments due to be made at trial, the evidence to be submitted, and the issues of the case.

(1) The first disclosure is required for specific categories of evidence, such as exhibits, inspection reports, spot investigation reports, written statements of expert opinions, written statements of the defendant or others, etc. under two conditions: (a) when it is deemed important in order to judge the credibility of specific evidence offered by the public prosecutor; and (b) when it is deemed appropriate, considering its necessity for preparing the defence and the possible harmful effects that could be caused by disclosing it. The purpose of this disclosure is to enable the defendant to determine a defence strategy once the prosecutor has indicated which evidence the prosecution will rely on at trial.

(2) The second disclosure is that the public prosecutor, upon the defence`s request, must disclose other undisclosed evidence that is deemed relevant with the defence (for example, an alibi, claims that there was no intent to kill, claims of self-defence, etc.) when the prosecutor deems it appropriate upon considering the degree of relevance, the necessity for the defence and the possible harmful effects that would be caused by disclosing it, such as personal or private information regarding the victim. This disclosure is required to identify key issues and evidence by having the public prosecutor make disclosure related to the claims, while making the defendant clarify the evidence he/she will rely on.

Also, public prosecutors usually disclose evidence voluntarily at an early stage of the pretrial conference procedure even if the evidence does not fit into the above conditions. This is done in order to ensure fair and efficient court proceedings.

Parties are required to clarify the arguments and defences they intend to present during trial and to request the examination of evidence to support them. Once the pretrial conference procedure has concluded, neither party is allowed to request the examination of additional evidence unless it can be shown that the delay was unavoidable.

B. Trial

Trial can be divided into four stages: the opening proceedings, examination of evidence, questioning of the defendant, and the closing arguments.

1. Opening Proceedings

At the opening of a trial, the court will address the defendant and ask that he or she identify him or herself. Next, the charge will be read by the prosecutor attending the trial. After that, the court will advise the defendant of his or her rights and give the defendant and defence counsel an opportunity to make statements.

As explained earlier, the defendant has the right to remain silent and is not required to make any

statement. In practice, however, most defendants make a statement and admit their guilt. In 2024, 87.4 per cent of defendants processed in the District Courts admitted their guilt.[1]

2. Examination of Evidence

Examination of evidence begins with the prosecutor's opening statement, which outlines the facts he or she intends to prove at trial. Then, the prosecutor's evidence will be introduced. Real evidence will be displayed, testimony of witnesses will be heard, and documentary evidence will be read in full or be summarized. Admissibility of documentary evidence is limited. For more information, see section C on the hearsay rule.

Following the prosecutor's case in chief, the defence counsel will present its evidence in rebuttal.

As regards the testimony of witnesses, the party calling the witness will first question the witness, and the other party will cross-examine. The party calling the witness is entitled to ask follow-up questions, and at the end, the court will ask supplementary questions if necessary. Under limited circumstances, witnesses may be allowed to sit in a different room (or a different court under certain circumstances) connected to the court via video-link technology and give their testimony from that room.

3. Questioning of Defendants

Following examination of other evidence, the defendant will be placed under questioning: first by the defence counsel, then by the prosecutor, and finally by the court. Japanese defendants are not questioned as witnesses. They are not placed under oath, and they may refuse to answer any questions at any time. Despite their right to remain silent, however, most defendants voluntarily answer questions.

4. Closing Arguments

When all the evidence is heard, the prosecutor and then the defence counsel will make their closing arguments. The arguments will cover issues of fact, law, and sentencing. Prosecutors make sentencing recommendations at the end of their closing arguments.

5. Victim Participation at Trial

All due respect should be given to the wishes of crime victims or their surviving family members to take part in criminal trials of cases in which they have been victims. As such, their participation in criminal trials contributes to the restoration of their honour and their recovery from the damage suffered. To this end, a system of victim participation has been established and has been implemented since 1 December 2008. Under the system, victims or their surviving family members acquire the status of "victim participants" during trial proceedings, with the court's permission, and directly engage in certain parts of the trial.

Victims who may participate are victims of alleged incidents involving an offence that led to death or injury through an intentional criminal act, the offences of indecent assault and rape, offences of human trafficking, and others. These victims may participate in the following manner with the court's permission.

- Being in attendance on the date of the trial
- Questioning witnesses (usually related to sentencing)
- Questioning the defendant
- Stating opinions on the finding of facts and the application of law (including sentencing)

To protect victims, devices to shield victim participants from defendants and/or observers are installed, while persons deemed suitable may be permitted to accompany the victim participants. Also, victims of limited financial means may ask the court to appoint an official victim participant attorney.

[1] Annual Report of Judicial Statistics for 2024, General Secretariat of the Supreme Court.

C. Rules of Evidence

1. Hearsay Rule

Hearsay is an out-of-court statement not subjected to cross examination. Hearsay is inadmissible unless (i) the other party consents to its use; or (ii) it fits into one of the exceptions provided for in the CCP.

2. Hearsay Exceptions

(1) Consent

Consent is essentially a waiver of the right to confront and cross-examine witnesses. When these rights are waived, there is no further need to exclude the hearsay in question. In practice, consent is very widely used. As most defendants do not contest their guilt and their only interest is in sentencing, documentary evidence offered by the prosecutor, such as police reports, written statements of witnesses, and the defendant's confessions outside trial, are admitted with the defendant's consent. This practice enables speedy disposition of uncontested cases.

(2) An Example of Other Hearsay Exceptions: Written Statements Taken by a Public Prosecutor

When a witness is unavailable to testify at trial, written statements taken by a public prosecutor and signed by the witness may be admitted as hearsay exceptions. Likewise, if the witness takes the stand but the testimony differs from previous statements, prior inconsistent statements taken by a public prosecutor and signed by the witness may be admitted as hearsay exceptions, provided that there are circumstances that afford the statements more credible than the testimony at trial.

3. Confessions

Under Article 38-2 of the Constitution and Article 319-1 of the CCP, confessions are inadmissible unless voluntarily made. The objectives of the voluntariness requirements are generally understood as follows: (i) to exclude false confessions; (ii) to protect the rights of the accused, especially the right to remain silent; and (iii) to exclude illegally obtained confessions. Furthermore, under Article 38-3 of the Constitution and Article 319-2 of the CCP, a defendant cannot be convicted if the only incriminating evidence is his or her confession.

4. Exclusionary Rule

According to Supreme Court precedents, serious violations of procedural rules can result in the inadmissibility of illegally obtained evidence. The application of the exclusionary rule is decided on a case-by-case basis, and factors taken into consideration include: the situation under which the illegality occurred; the seriousness of the violation of the law; the intention of the investigating officers, and the need to prevent future illegality.

The admissibility of written statements of victims, witnesses or defendants made in the course of investigation as evidence at trial

Written statements are documents substituting for spoken statements before the court during the trial proceedings (e.g. witness testimony), and they are hearsay evidence. In principle, therefore, they are not deemed admissible as evidence. However, even hearsay evidence may be deemed admissible if the defence consents, or when there is a high degree of necessity and credibility, as illustrated below.

One such exception is when the statement is a statement made by a victim or witness before a public prosecutor, and (i) the person who made the statement is deceased, mentally or physically impaired, of unknown whereabouts, or resides abroad, and is therefore unable to testify, or has refused to testify under oath, or (ii) when the statement is substantially different from the testimony that was given in court and there are circumstances that afford the statement more credible than the testimony at trial (Article 321(1)2). Such special circumstances include cases when there has been a pronounced decline in memory due to the passage of long time or due to mental or physical impairment, or when the witness is an accomplice to the defendant or a person connected with the defendant and is reluctant to testify in person before the court, due to feelings such as fear of retaliation.

A written statement made by a defendant during a criminal investigation may be deemed admissible as evidence when (i) the content of the statement acknowledges a fact detrimental to the defendant, and (ii) the statement has been made voluntarily. (Article 322(1))

D. Adjudication and Sentencing

As stated earlier, a single judgement that sets forth the finding of the court and specifies the sentence to be served, or that which acquits the defendant, will be announced at the end of the trial. In 2024, the acquittal rate was 0.18 per cent in District Courts and 0.26 per cent in Summary Courts. [2]

E. Length of Trial

In 2024, the District Courts and Summary Courts disposed of a total of 50,290 cases. 87.2 per cent of District Court cases were disposed of within six months of the initiation of prosecution, and 64.4 per cent were disposed of during the first three months. 95.2 per cent of Summary Court cases were disposed of within six months, and 81.9 per cent were disposed of during the first three months. The average length required for disposition was 3.9 months in District Courts and 2.7 months in Summary Courts. District Courts held an average of 2.7 trial dates and Summary Courts an average of 2.3. [3]

The Act on the Expediting of Trials of 2003 provides that "the objective of expediting trials shall be to conclude the proceedings of the first instance in as short a time as possible within a period of two years." A new trial procedure (Speedy Trial Procedure) applicable to certain uncontested cases was introduced in 2006 by an amendment to the CCP.

IV. APPEALS

Appeals are classified as appeals against judgement in the first instance to the High Court, final appeals to the Supreme Court, and appeals against rulings specially provided for in codes of procedures. The first two lie

[2] Annual Report of Judicial Statistics for 2024, General Secretariat of the Supreme Court.
[3] Ibid.

against judgements, while the latter lies against decisions and orders. When both parties waive the right to appeal or all avenues for appeal have been exhausted, the judgement becomes final and enforceable. Contrary to the Anglo-American system, it is not unconstitutional to afford a right of appeal to a public prosecutor against an acquittal.

A. Appeals to the High Court

A party who is dissatisfied with the judgement of the first instance can file an appeal to a High Court. It is instituted by filing a written motion in the original trial court within 14 days after judgement. The ground for this appeal should be one or more of the following: (i) non-compliance with procedural law in the trial proceedings; (ii) an error in the interpretation or application of law which clearly influenced the judgement of the first instance; (iii) excessive severity or leniency in sentence; and (iv) an error in fact-finding in a guilty or not-guilty judgement. The High Court examines, in principle, only the written record of the case, including the documentary evidence examined by the court below, and considers the arguments of both the defence counsel and the public prosecutor. However, when deemed necessary, the High Court can examine additional evidence such as witnesses (including the same witnesses examined by the first instance court), exhibits and written statements.

If there is no reversible error, the appeal will be dismissed. If there is reversible error, the High Court will vacate the judgement and remand the case to the trial court. If the High Court finds that a new decision can be made on the basis of the proceeding and evidence (including evidence examined at the appellate level), it may vacate the judgement below and, without remanding, enter its own judgement.

B. Final Appeals to the Supreme Court

If unsatisfied with the High Court judgement, the parties can file a final appeal to the Supreme Court within 14 days after the judgement. The purpose of this appeal is to ensure proper interpretation of the Constitution and law. Therefore, the grounds for this appeal are limited to: (i) a violation of the Constitution or an error in interpretation or application of the Constitution; (ii) contradiction with Supreme Court precedent; and (iii) contradiction with High Court precedent, when no Supreme Court precedent exists.

However, as the court of last resort, the Supreme Court is authorized, at its discretion, to reverse lower court decisions on the following grounds: (i) there is a serious error in interpretation or application of law; (ii) the degree of sentence is extremely unjust; (iii) there is a grave fact-finding error which is material to the judgement; (iv) there is any reason which would support reopening of procedures; and (v) the sentenced punishment has been abolished or changed or for which a general amnesty has been proclaimed. The Supreme Court only examines the record of the case and never examines witnesses or defendants although the Supreme Court may hear arguments of the parties. When the Supreme Court concludes that there is no ground for reversal, it dismisses the appeal. If grounds exist, the Court will vacate the judgement below and either remand the case or enter its own judgement.

V. EXTRAORDINARY REMEDIES

Even after all avenues of appeals have been exhausted and the judgement has been finalized, it may still be set aside under very limited circumstances. There are two types of extraordinary remedies: *Saishin* (new trial) and *Hijo Jokoku* (extraordinary appeals).

A public prosecutor and a convicted defendant or his or her relatives may ask for a *Saishin* under limited circumstances, including when new evidence is discovered that clearly demonstrates that the defendant should be acquitted. The Prosecutor General may file a *Hijo Jokoku* appeal when it is discovered that a finalized judgement was in violation of law (for example, a fine exceeding the maximum amount authorized by law). *Saishin* or *Hijo Jokoku* may not adversely affect the position of the convicted defendant.

VI. PUNISHMENT

A. Categories

1. Overview

Principal punishments are classified, in descending order of severity, as the death penalty, imprisonment (the term of imprisonment shall be not less than one month), fine, penal detention, and petty fine. Confiscation is a supplementary penalty, which may be imposed in addition to principal punishments. When items subject to confiscation cannot be confiscated, an order of collection of equivalent value may be imposed instead. The Special Narcotics Control Law and the Anti-Organized Crime Law both have special provisions designed to facilitate the confiscation of proceeds of crime.

2. Death Penalty

The death penalty is not unconstitutional in Japan, but it is very sparingly used. In practice, its application is limited to homicide and robbery resulting in death. The death penalty cannot be imposed upon offenders who were under the age of 18 at the time of the offence. Executions are carried out by hanging.

3. Imprisonment

The length of imprisonment may be for life, or for a specific term. The maximum term authorized for a single offence is 20 years, but it can be extended up to 30 years under certain circumstances. On 1 June 2025, the revision of the Penal Code came into force, creating a new sentence of imprisonment to replace imprisonment with or without work (see page 38).

4. Fine, Penal Detention, Petty Fine

Fines range from ¥10,000 and upward, and the maximum amount differs for each offence. Penal Detention is confinement without work assignment for a period of one to 29 days, and petty fines range from ¥1,000 up to not more than ¥10,000. Persons unable to pay the full amount of a fine or a petty fine may, as a substitute, be detained in a workhouse in accordance with a daily rate fixed by the sentencing court.

B. Suspension of Execution of Sentence

The court, when sentencing a defendant to imprisonment not exceeding three years or a fine not exceeding ¥500,000, may suspend the execution of the sentence for one to five years if one of the following conditions is met: (i) the defendant has not previously received a sentence of imprisonment or a greater punishment; or (ii) the defendant has previously received a sentence of imprisonment or a greater punishment, but five years have passed since the completion of that sentence.

If the offender, during the suspension period, is convicted of another crime and sentenced to imprisonment or a greater punishment, unless circumstances especially favourable to the offender are shown and certain other conditions are satisfied, the suspension will be revoked, and the offender will serve two sentences consecutively. If the offender maintains good behaviour and the suspension period passes without revocation, the entire sentence will automatically lose its legal effect at the end of the suspension period, and the offender will no longer have to serve the sentence. The sentencing court, when suspending the execution of a sentence, may place the offender under probation for the duration of the suspension.

On June 1, 2016, the law introducing a partial suspension of sentence came into force. This made it possible to opt for a punishment consisting of both an imprisonment and a suspended imprisonment sentence, whereas previously, the only options available were to serve the whole imprisonment sentence in prison (with the possibility of parole) or to suspend the whole imprisonment sentence (fully suspended sentence). An important aim of this new sentencing option is to reduce the risk of reoffending and facilitate rehabilitation in society. It is possible to enforce a part of the imprisonment term of the sentence and suspending the rest of it by the partial suspension. Offenders are incentivized to rehabilitate because further commission of a crime after release during the suspension period may, once revealed, result in reimprisonment by revocation of suspension. The suspension period lasts for a determined period of up to five years after the custodial portion of the sentence has been enforced; the probation period, severed on parole, lasts for the remaining period of the sentence. Thus, partial suspension of sentence can result in a longer probation period than a full custodial sentence with parole.

C. Outcomes of Court Proceedings

1. Formal Trials

The following table shows the adjudication outcomes and the sentencing distribution of defendants whose cases were disposed of by courts of first instance (District Courts and Summary Courts) in 2024 (the data is based on the cases before the new sentence of imprisonment came into force.). The total number of defendants was 50,290. Of these, 48,004 were convicted, 92 were acquitted, and the conviction rate was 95.5 per cent. Of 45,918 defendants sentenced to imprisonment, 30,404 (66.2%) received full suspension of execution and 597 (1.3%) received partial suspension of execution.[4]

Conviction				48,004
	Death Penalty			3
	Imprisonment (with work)		42,795	(100%)
		Life	22	(0.05%)
		more than 20 years to 30 years	21	(0.05%)
		more than 10 years to 20 years	153	(0.36%)
		more than 5 years to 10 years	848	(1.98%)
		more than 3 years to 5 years	2,105	(4.91%)
		less than 3 years	39,646	(92.6%)
	Imprisonment (without work)			3,123
	Fine			2,081
	Penal Detention and Petty Fine			2
Acquittals				92
Others				2,194

2. Summary Proceedings

In 2024, Summary Courts issued a total of 157,646 summary orders: 156,577 were for fines, and 1,069 were for petty fines.

D. Parole

Inmates serving prison sentences may be released early on parole. Parole decisions are made by Regional Parole Boards upon application by the warden of the correctional institution where the inmate is housed: the inmate him- or herself is not entitled to apply for parole. Inmates must have served one third of their sentences (or ten years in the case of life sentences) before they become eligible for parole.

VII. COMPENSATION FOR INNOCENCE

A defendant detained and subsequently acquitted is entitled to receive state compensation. Likewise, state compensation is required when the prosecutor decides not to prosecute a suspect who has been taken into custody, and there are sufficient reasons to believe that no crime has been committed by the suspect. Furthermore, suspects and defendants may sue the state for damages if they can prove that the authorities, intentionally or negligently, inflicted unlawful damages.

VIII. SPECIAL PROCEDURES FOR JUVENILE CASES

The Juvenile Law of 1948 establishes a special procedure for juvenile cases. Juveniles are defined as persons less than 20 years of age, while the Civil Code defines the age of majority as 18 years old. The underlying philosophy of the law is that, for juveniles, education and rehabilitation are preferable to criminal punishment. While regular criminal cases are tried in District Courts and Summary Courts, juvenile cases are primarily dealt

[4] Annual Report of Judicial Statistics for 2024, General Secretariat of the Supreme Court. The figures are the number of the defendants whose cases were disposed of by courts of first instance. They differ slightly from those in the Criminal Justice Flow Chart on Appendix 1, which shows the number of defendants whose cases were finalized.

with in Family Courts.

The age of criminal responsibility in Japan is 14, and the following types of juveniles come under the jurisdiction of the Family Court:

(1) Juveniles, 14 years or older, who have committed a criminal offence;
(2) Juveniles, 13 years or younger, who have committed an act which would have been criminal except for the age requirement; and
(3) Juveniles, 17 years or younger, who are prone to commit crimes or violate criminal laws in light of their character, behaviour, or surrounding circumstances.

Family Court proceedings begin when a juvenile case has been received from one of various sources. In practice, they mainly come from the police and the public prosecutors. The Family Court will first make an inquiry into whether a juvenile hearing should be opened, and in doing so, the court will assign the case to a family court investigating officer, who will undertake a thorough social inquiry into the personality, personal history, family background, and environment of the juvenile. The court may also detain the juvenile in a juvenile assessment centre ("protective detention"). The maximum period of protective detention is four or eight weeks depending on the circumstances. During the detention period, the juvenile assessment centre conducts classification based on a comprehensive assessment of each juvenile delinquent and its report is submitted to the family court.

If, after inquiry, the court determines that there are no grounds or that it is inappropriate to open a hearing, the case will be dismissed without a hearing; otherwise, a juvenile hearing will be opened. The Juvenile Law requires that the hearing be conducted in a warm atmosphere. The hearing is not open to the public except for victims and their families, under limited circumstances and with permission of the court. Likewise, public prosecutors are generally not entitled to attend the hearing.

When the hearing is completed, the Family Court will either (i) place the juvenile under protective measures; (ii) refer the case back to prosecutors; (iii) refer the case to a child guidance centre; or (iv) dismiss the case upon hearing.

There are three forms of protective measures: probation, commitment to institutions established under the Child Welfare Act, and commitment to a juvenile training school.

Referral to public prosecutors takes place when the court determines that criminal punishment should be imposed. The case should be referred to public prosecutors unless the court determines otherwise when: (i) a juvenile aged 16 years or older committed an intentional act that resulted in the death of a victim; or (ii) a juvenile aged 18 years or older committed a criminal offence punishable by death, imprisonment for life, or imprisonment for a minimum period of one year or more. Public prosecutors, as a general rule, are required to prosecute the cases referred to them from the court. Such cases will be prosecuted and tried in almost the same manner as offences committed by adult offenders. However, juveniles are generally punished by indeterminate sentences (a fifteen year maximum), and capital punishment may not be imposed on juveniles who were under 18 years old at the time of the offence.

Cases will be dismissed upon hearing when the court determines that there are no grounds or that it is not necessary to make any particular disposition.

CHAPTER 5 CORRECTIONAL SERVICES

I. INTRODUCTION

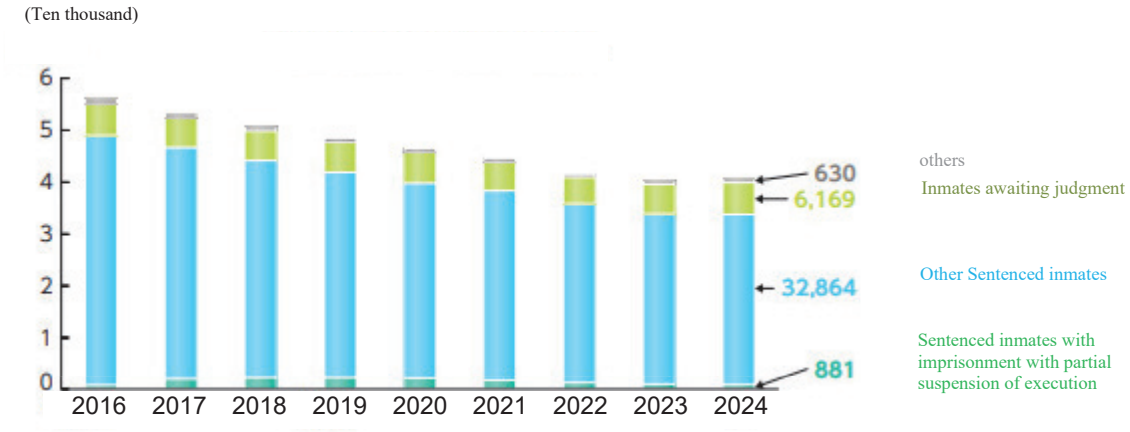
This chapter addresses the treatment of offenders in correctional facilities, as well as the duties and functions of correctional officers. Correctional facilities include: i) penal institutions, ii) juvenile assessment centres, and iii) juvenile training schools. Whereas penal institutions are mainly for adult offenders, juvenile assessment centres and juvenile training schools are a part of the juvenile corrections system.

II. TREATMENT OF INMATES IN PENAL INSTITUTIONS

A. Trends in the Inmate Population in Penal Institutions

The average population of inmates in Japanese penal institutions generally decreased from the end of World War II to 1992, when it numbered 44,876; however, it rose steadily between 1993 and 2007, when it reached 80,684, and it exceeded the capacity of penal institutions between 2001 and 2006. Because of construction and renovation of penal institutions and the decrease of the inmate population since 2008, this situation has changed. As of 31 December 2024, the total capacity of penal institutions is 81,204 (63,923 for sentenced inmates and 17,281 for pre-trial detainees), and the actual population is 40,544 (34,268 sentenced inmates and 6,276 pre-trial detainees).

Fig. 1 Trend in the Year-end Population of Inmates in Penal Institutions



(Source:White Paper on Crime 2025)

B. Philosophy of the Treatment of Inmates

The Act on Penal Institutions and the Treatment of Sentenced Inmates stipulates basic principles on the administration of penal institutions and treatment of inmates as follows:

> *The purpose of this Act shall be to conduct adequate treatment of inmates ... with respect for their human rights and in accordance with their respective circumstances, as well as to achieve the appropriate management and administration of penal detention facilities (i.e. penal institutions, ...).*

As regards the purpose of treatment of sentenced inmates, the Act provides as follows:

> *Treatment of a sentenced inmate shall be conducted with the aim of stimulating motivation for reformation and rehabilitation and developing the adaptability to life in society by working on his or her sense of consciousness in accordance with his or her personality and circumstances.*

Further, the Act provides that:

> *Upon treatment of a pre-trial detainee, special attention shall be paid to the prevention of his or her escape and destruction of evidence and to the respect for his or her right of defence, while taking into consideration*

his or her status as a pre-trial detainee.

C. Correctional Treatment for Sentenced Inmates

Correctional treatment for sentenced inmates consists of three main components: (i) work, (ii) guidance for improvement, and (iii) guidance in school courses. In order to implement them effectively, the penal institutions conduct assessments of individual inmates, place them into separate groups, and determine the treatment guidelines for each inmate. In addition, various measures such as alleviation of restrictions, the granting of privileges, work release, and day leave and furlough are provided.

Regarding the establishment of the new sentence of imprisonment, in June 2022, a law was enacted to partially revise the Penal Code, changing the definition of imprisonment. The law stipulates that those sentenced under the new law may be made to perform work or be provided with guidance that will help improve rehabilitation. This new definition means that performing prison work will not necessarily be a requirement of imprisonment, and corrections officers will have greater flexibility in providing treatment tailored to the needs of each inmate. We expect this will result in more effective rehabilitation and will facilitate smooth reintegration into society. The new sentence of imprisonment took effect on June 1, 2025. We are in the process of conducting various studies and carrying out initiatives at penal institutions related to implementation of new forms of treatment.

1. Assessment for Treatment

Penal institutions conduct periodic assessment of inmates. The initial assessment takes place when their sentence has become final and binding. It is a comprehensive assessment and looks into various factors: physical and mental conditions; life history; academic background; employment history; membership in organized crime groups; criminal tendencies; family and life environments; aptitude for jobs or education; life and future plans; and any other relevant matters. This assessment applies medical, psychological, pedagogical and sociological techniques, and other expert knowledge and techniques, by methods such as interviews and clinical examination, and with the assistance of risk/needs assessment tools. In Japan, assessment based on the RNR Model is mainly conducted by assessment specialists at penal institutions.

There are two stages to the initial assessment. The first half is conducted in the penal institution in which the inmate is accommodated at the time of the finalization of the sentence. The focus is on determining the most appropriate correctional treatment programme tailored to the needs of each inmate. The second half of the assessment is conducted in the penal institution to which the inmate has been transferred. This is a more detailed assessment that looks thoroughly into the inmate's background.

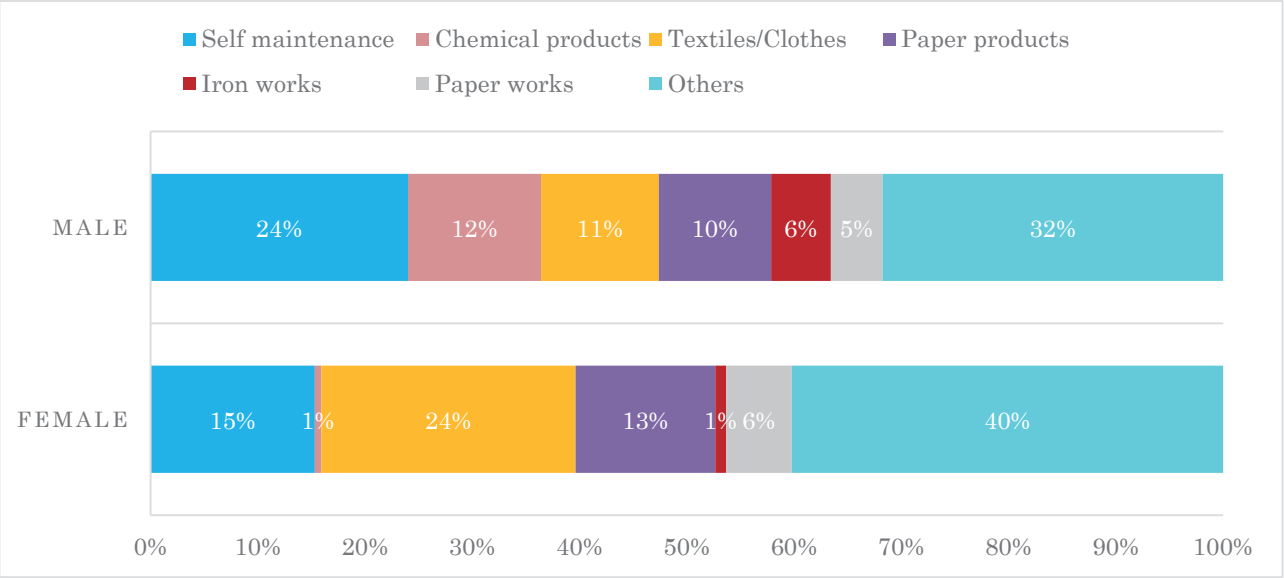
On the basis of those assessments, an Individual Treatment Plan (ITP), which provides the objective, the contents, and the methods of correctional treatment, will be determined for each inmate. The inmate's progress will be reviewed every six months and on an as-needed basis according to the ITP, which will be revised if necessary.

2. Prison Work for the Purpose of Improvement and Rehabilitation

Under the new sentence of imprisonment, inmates must clearly understand the purpose of the work which they have been assigned and what they can expect from engaging in it. So work that will help inmates acquire the basic skills necessary to work as members of society after being released from prison is referred to as "basic work," and work that supplements areas the inmate may be lacking in, such as communication skills, and is performed to improve areas that need to be improved is called "functional work." Work is reorganized and implemented in conjunction with vocational training to help inmates acquire qualifications and other skills in line with employment-related needs. Also, to make work more effective regarding reformation, rehabilitation, and smooth reintegration into society, inmates are encouraged to work with their own goals in mind.

Prison work in Japan is divided broadly into four categories: production work, vocational training, social contribution work and self-maintenance work. Figure 2 shows the types of prison work, and the numbers of sentenced inmates and workhouse detainees engaged in each work type.

Fig. 2 Ratio of the types of prison work for released inmates in 2024



(Source: Annual Report of Statistics on Correction)

Inmates engaged in prison work receive incentive remuneration. It is not a wage paid according to the amount of work, but an incentive paid for the purpose of encouraging work and providing inmates with funds to prepare for life after release. The average remuneration paid monthly to a sentenced inmate in FY 2025 was 4,556 yen (on the budget basis).

Sentenced inmates usually work within penal institutions, but those who satisfy the necessary conditions may be permitted to commute to a business establishment outside without the supervision of penal institution staff.

Vocational Training

3. Guidance for Improvement

Guidance for improvement is provided in order to encourage sentenced inmates to take responsibility for their crimes, and to acquire the knowledge and lifestyle necessary for adapting themselves to life in society. There are two types of guidance: general guidance for all sentenced inmates and special guidance for inmates with certain difficulties.

General guidance is provided through lectures, interviews, and other available measures, and it aims (i) to make inmates understand the circumstances and feelings of crime victims; (ii) to let them develop a regular lifestyle and a sound perspective and point of view; and (iii) to make them understand information for life planning after release and develop a law-abiding spirit and behaviour.

As for special guidance, the following six programmes are currently provided: guidance for overcoming drug addiction; guidance for withdrawal from an organized crime group; reoffending prevention guidance for sex offenders; education from the victim's viewpoint; traffic safety guidance; and violence prevention guidance.

Group Work

4. Guidance in School Courses

Many sentenced inmates lack sufficient educational attainments to lead a productive life. For such inmates, penal institutions provide guidance in elementary school and junior high school courses, which include Japanese language courses and mathematics courses. Inmates who have not finished compulsory education may have a chance to study and to take junior high school equivalency examinations. For inmates whose progress in studies has been deemed particularly conducive to smooth re-entry into society, guidance in high school or university courses may be provided.

D. Complaints Mechanism

Inmates are allowed to file various forms of complaints, as follows.

1. Claim for Review and Appeal

An inmate who is dissatisfied with the measures taken by the warden of the penal institution, such as restriction on correspondence and disciplinary punishment, may file a claim for review with the Superintendent of the Regional Correction Headquarters. Inmates dissatisfied with the Superintendent's determination may file an appeal with the Minister of Justice.

2. Report of Cases

An inmate who has suffered an illegal or unjust act by a staff member of the penal institution may report the case to the Superintendent of the Regional Correction Headquarters. The Superintendent of the Regional Headquarters shall confirm whether or not the case occurred and notify the inmate of the findings. If dissatisfied with the results, the inmate may report the case to the Minister of Justice.

3. Filing of Complaints

All of the inmates may file a complaint with the Minister of Justice, the inspector, or the warden of the penal institution with regard to any treatment they have received. The inspector is appointed by the Minister of Justice to conduct on-the-spot inspections at each penal institution at least once a year to ensure that the penal institution is appropriately administered.

4. Complaints in Juvenile Correctional Facilities

A juvenile may file a request for relief with the Minister of Justice, or a complaint with the inspector or the superintendent of the juvenile training school (assessment centre) with regard to any treatment they have received. The inspector is appointed by the Minister of Justice to conduct on-the-spot inspections at each juvenile training school (assessment centre) at least once a year to ensure that the juvenile training school (assessment centre) is appropriately administered.

E. Correctional Institution Visiting Committee

Each correctional institution (for both juveniles and adults) has its own Visiting Committee, a third party committee composed of a maximum of ten members appointed by the Minister of Justice. The Committee studies the administration of its corresponding correctional institution by visiting it and interviewing inmates/juveniles and provides its opinion to the warden/superintendent. This system serves to ensure transparency in the administration of correctional institutions, contribute to its improvement, and enhance the partnership between the correctional institutions and the community.

F. Act on the Transnational Transfer of Sentenced Persons

Japan has ratified the Council of Europe's "Convention on the Transfer of Sentenced Persons". The Convention has been signed by a total of 70 countries including Japan, the United States of America, Canada and the Republic of Korea, as well as the member states of the Council of Europe (45 countries). Japan has also signed transnational transfer agreements with Thailand, Brazil, Iran and Viet Nam. As regards domestic law, there is the Act on the Transnational Transfer of Sentenced Persons (2002). The agreement of both countries involved, the Justice Minister's judgement of appropriateness and the consent of the person subject to transfer are all required for a person to be transferred under this law.

III. TREATMENT OF JUVENILES IN JUVENILE CORRECTIONAL FACILITIES

A. Juvenile Assessment Centres

1. Background

"The Juvenile Classification Home Act[1] which comprehensively provides the duties and functions of juvenile classification homes, entered into force on 1 June 2015. Previously, there was no law on juvenile classification homes, but there were a few provisions that addressed juvenile classification homes in the former Juvenile Training School Act. Under the Juvenile Classification Home Act, juvenile classification homes have three main duties: 1) conducting classification of juveniles in response to requests from the family court, 2) providing appropriate treatment for juvenile inmates, and 3) supporting crime and delinquency prevention activities in the local community. Juvenile Classification Homes have been renamed as Juvenile Assessment Centres, considering their expanded role in the community.

2. Recent Trends

The number of juveniles committed to juvenile assessment centres by the family court for protective detention decreased after 2003, when 23,063 juvenile delinquents were committed. In 2024, 6,012 juveniles were committed to juvenile assessment centres.

3. Classification

(1) Classification for the family court hearing

Juvenile assessment centres conduct classification based on a comprehensive assessment of each juvenile

[1] Juvenile Classification Homes have been renamed as Juvenile Assessment Centres. However, because the former name is still used in the name of the Act, the former name is still used here.

delinquent and make a report which is submitted to the family court. Classification is carried out during the term of protective detention (within 2 weeks but subject to necessary extension up to 8 weeks in total.).

During this process, the problem areas of the juvenile's character and social environment that led to their commission of the crime or delinquency are assessed and identified. Also, appropriate guidance addressing the identified problems is offered to improve the juvenile's situation. There are three measures in classification: psychological assessment, behavioural observation and medical checkup. Thus, classification is based on expert knowledge and skills of various fields such as medicine, psychology, pedagogy and sociology.

Assessment Interview

(2) Assessment for correctional treatment

When a family court judge decides to send a juvenile to a juvenile training school, the juvenile assessment centre where the juvenile resides has the authority to decide to which juvenile training school the juvenile will be sent, taking account of factors such as the juvenile's individual needs for treatment based on their characteristics and whether the location of the juvenile training school is accessible to the juvenile's parents or guardians, who are expected to visit the committed juvenile.

In addition, the juvenile assessment centre recommends treatment guidelines for each juvenile. These recommendations are considered by the juvenile training school that takes custody of the juvenile. The guidelines include correctional education to be provided, issues related to security risks, parental circumstances and so on.

Following the amendment of the Juvenile Classification Home Act, from December 2023, assessments are conducted at the request of penal institutions for inmates, including young people, to understand the progress of their correctional treatment and ensure support from relevant organizations after release. In addition, assessments are conducted at the request of probation offices for parolees and those on suspended probation.

(3) Assessment tool for juveniles

The Correction Bureau of the Ministry of Justice has developed an assessment tool for juveniles, named the Ministry of Justice Case Assessment tool (MJCA), which has been implemented and used in juvenile assessment centres since 2013 as a unified assessment tool. The MJCA is based on Risk-Needs-Responsivity principles and plays an important role in the assessment. It is used to estimate the juvenile's reoffending risk and other important elements for further treatment. The MJCA also is used to assess and evaluate the effectiveness of correctional treatment in juvenile training schools.

The MJCA refers to static and dynamic risk factors. Static risk factors, such as family history and history of delinquency, are unchangeable but are important in estimating juveniles' reoffending risk. Dynamic risk factors, sometimes called criminogenic needs, are changeable and important in specifying the problematic areas to be addressed through treatment.

4. Working with the Community

Juvenile assessment centres provide knowledge and skills through various activities for the local community to prevent delinquency and crime in the community at large. Juvenile assessment centres undertake the following activities.

1) Consultation with juveniles, their family, schoolteachers, and so on
2) Dispatching experts as speakers/lecturers
3) Legal education for children and students

Consultation

Legal Education for Students

B. Juvenile Training Schools

1. Background

In Japan, treatment of juveniles has a long history of over 100 years focusing on their developmental and situational differences from adults. Current juvenile training schools have been operating since 1949 under the Juvenile Act and the Juvenile Training School Act. The new Juvenile Training School Act entered into force on 1 June 2015, clarifying the duties and functions of juvenile training schools to engage not only in correctional education but also in supporting juveniles' reintegration into society.

2. Recent Trends

The number of newly admitted juveniles per year decreased after 2000, when 6,052 juveniles were admitted. In 2024, 1,828 juveniles were admitted to juvenile training schools.

3. Classes of Juvenile Training Schools

There are five classes of juvenile training schools, from Class 1 to Class 5, according to the juvenile's age, criminal tendency level, and whether or not they have a serious physical or mental disorder.

1) Class 1: persons for whom protective measures are to be imposed; the person must not have a serious physical or mental disorder and must generally be between 12 and 23 years old.
2) Class 2: persons for whom protective measures are to be imposed, who have serious criminal tendencies, who do not have a serious physical or mental disorder, and who are generally between 16 and 23 years old.
3) Class 3: persons for whom protective measures are to be imposed, who have a serious physical or mental disorder and who are generally between 12 and 26 years old.
4) Class 4: persons who are to serve their imprisonment sentences in a juvenile training school.
5) Class 5: "specified juveniles" (aged 18 and 19) who have been placed on two years of probation and who have, during such probation, failed to comply with the conditions of probation. The degree of non-compliance will have been found to be serious, and the improvement and rehabilitation of the juvenile cannot be achieved without treatment at a juvenile treatment school.

4. Individual Plan for Correctional Education

Correctional education is based on an Individual Plan for Correctional Education. Each juvenile undergoes their own educational plan during the term of the commitment. Juvenile training schools design the plans based on various information including the records of the family court and the juvenile assessment centre based on the RNR model. As a result, the plan responds to and addresses each juvenile's risk, needs and responsivity. Although the programme is based on the RNR model, it also incorporates techniques such as relapse prevention, the Good Lives Model (GLM), motivational interviewing, mindfulness etc.

5. Correctional Education

Correctional education consists of five different measures:

1) Lifestyle guidance: guidance for juveniles to obtain basic knowledge and develop constructive attitudes for living independently after release. In addition, there are six types of specific guidance which address certain problematic areas, (1) Education that incorporates the perspective of victims, (2) Drug prevention guidance, (3) Guidance on prevention of sexual misconduct, (4) Violence

prevention guidance, (5) Family relationship guidance, (6) Peer relationship guidance. Adult social participation guidance has also been implemented in accordance with "specified juveniles" from April 2022.

2) Vocational guidance: guidance aiming at enhancing motivation to work and obtaining useful knowledge and skills for employment.
3) School course teaching: guidance for juveniles who have not completed compulsory education or who wish to enter high school. The juveniles may have the opportunity to take the national examination to obtain a qualification equivalent to a high school diploma.
4) Physical education: guidance to foster a healthy mind and body fundamental to living an independent life as a sound member of society.
5) Special activities guidance: guidance related to implementation of social contribution activities, outdoor activities, athletics, music, theatrical activities and other activities instrumental to enriching emotional stability and fostering a spirit of independence, autonomy and cooperation.

Group Session

Special Activity

6. Cooperation with Parents or Other Custodians

Working together with the juvenile's custodians is critical to promote the juvenile's effective rehabilitation and reintegration into society. Juvenile training schools make efforts to encourage the custodians to be involved in the exercise of correctional education programmes to facilitate their understanding and cooperation. For instance, juvenile training schools conduct interviews and consultations with the juvenile together with their custodians and encourage the custodians to participate in educational events.

Meeting with Custodians

IV. MEASURES FOR CRIME VICTIMS

In Japan, measures have been introduced to incorporate the perspectives and interests of crime victims into correctional treatment. Following the amendment to the Act on Penal Detention Facilities and Treatment of Inmates and Detainees, which was enacted in 2022 and entered into force in 2023, provisions were established requiring consideration of the feelings and views of crime victims and their families within correctional institutions. The main measures include: (i) the system for hearing victims' statements regarding the impact of the offence upon request; (ii) the requirement to take victims' feelings and views into account in formulating treatment plans and providing correctional treatment and social reintegration support for sentenced inmates; and (iii) the system for conveying victims' statements to inmates as part of correctional guidance, when victims so request. In 2024, victims' statements were heard in 96 cases and conveyed to inmates in 92 cases under these measures.

V. MULTI-STAKEHOLDERS COOPERATION IN CORRECTIONAL INSTITUTIONS

In general, social reintegration support includes housing, employment and schooling. The aim is to secure housing after release and comprehensive employment and schooling support measures for inmates released from prisons or for juveniles released from juvenile training schools.

Some companies employ individuals upon their release from correctional institutions and provide them with accommodations in company dormitories. These companies collaborate with the facilities in advance, offering tentative job placement prior to release to ensure a smoother transition and reintegration into society.

Regarding multi-stakeholder partnerships, firstly, penal institutions work closely with probation offices from the time the inmates are admitted, providing information on their personal history, behaviour in prison and progress toward correctional treatment. This information helps probation offices coordinate their re-entry after release. Some inmates face various challenges, such as old age or disability, and require seamless guidance and support in the community. Penal institutions therefore collaborate not only with criminal justice agencies, including probation offices, but also with *hogoshi*, Cooperating Employers, local governments, health and medical institutions, welfare service providers, and other private organizations, to reduce reoffending and facilitate smooth reintegration into society. As described above, multi-stakeholder partnerships are crucial for a safe and secure society, and several case studies are presented in Chapter 7.

It is important that penal institutions work closely with probation offices from the outset of the incarceration period because the probation office is the primary service provider to rehabilitate the offender in the community. Prisons contact probation offices to inform them of important information on admitted offenders. This helps the probation offices to start the arrangement of the offenders' anticipated living environments upon release. When conditions allow, prisons apply to the regional parole board to seek parole of eligible inmates. In addition to working with probation offices, prisons provide additional rehabilitation support such as providing information about job openings and connecting elderly, disabled or other eligible inmates to welfare services. Thus, the multi-stakeholder approach is key to promoting offender rehabilitation.

Juveniles re-enter society after the completion of correctional education in the juvenile training school. Planning ahead for release, juvenile training schools coordinate the re-entry (mainly accommodation and employment) for each juvenile from an early stage after commitment. Juvenile training schools consider many factors such as those related to accommodation, employment, family relationships, and need for welfare and medical services. Additionally, juveniles can continue to receive advice and support even after being released. The juvenile training schools will cooperate with their guardians, family members, employers and other supporters to help.

In particular, according to the Annual Correctional Statistical Report, the parole rate among juveniles has consistently remained in the 99% range, indicating that parole is applied in almost all juvenile cases in Japan — and in nearly every such case, a *hogoshi* is assigned to provide supervision and support.

CHAPTER 6 REHABILITATION SERVICES

I. PAROLE

A. Overview

Parole is a form of community-based treatment of offenders, and it aims to prevent reoffending and promote reformation, rehabilitation and smooth social reintegration.

When a person sentenced to imprisonment shows signs of substantial reformation, the person may be released early on parole by a decision of the regional parole board after that person has served one-third of the sentenced term or 10 years in the case of a life imprisonment (see Article 28, Penal Code). More concretely, according to an ordinance issued by the Ministry of Justice, parole can be granted to inmates (i) who are deemed to have a sense of remorse for the offence they committed and are deemed to be willing to reform and rehabilitate themselves, (ii) have no likelihood of reoffending , (iii) it is thus deemed reasonable to place them under parole supervision for their own reformation and rehabilitation, and (iv) the public sentiment approves of that decision.

Parole decisions are made by regional parole boards upon application by the correctional institution where the inmate is accommodated; inmates are not entitled to apply for parole. In addition, the regional parole board may commence a parole examination on its own initiative.

1. Parole Examination

When a parole examination is initiated, a board member visits the institution and interviews the individual. Later, three members of the board examine the case to evaluate whether the requirements for parole are met. The evaluation will consist of an examination of observations by the interviewer, information from the inmate's institutional record, the result of the pre-parole inquiry by the probation officers and the probation office's report on re-entry coordination. In addition, regional parole boards are required to hear the opinions and feelings of the victims, if requested.

2. Parole Decision

When the panel of three board members finds that the requirements are met, they will grant parole specifying the date of parole, place of residence during parole, and special conditions applicable to the parolee during the parole supervision period.

3. Pre-parole Inquiry by the Probation Officers

Probation officers attached to regional parole boards visit correctional institutions regularly for to prepare for parole. They collect information through interviews with inmates, case conferences with correctional officers and examination of relevant correctional records. The result of this inquiry is submitted to the board, and its copy is also sent to the probation office to provide the field officer with the pertinent data on potential parolees.

4. Re-entry Coordination

Re-entry coordination means that a probation officer or a *hogoshi* (see page 9) ascertains the status of a place where an inmate of a correctional institution is due to live upon release (for example, by meeting the guarantor preferred by the inmate after release), arranges social circumstances such as accommodation and a place of employment, and works to create an environment suited to reformation and rehabilitation. This coordination starts soon after the inmate enters the correctional institution and is implemented continuously until the point of release from the institution. The progress of coordination is periodically reported to the director of the probation office, the regional parole board and the correctional institution. Social circumstances are taken into account in treatment within the institution, reviews for parole and supervision after release on parole. Every year, re-entry coordination is initiated for around 30,000 inmates.

II. PAROLE AND PROBATIONARY SUPERVISION OF ADULT OFFENDERS

A. Overview

Both parole and probationary supervision are forms of community-based treatment of offenders. Probation is a court-imposed measure that places the offender or juvenile delinquent under the supervision of the probation

office while allowing them to remain in the community. As long as they abide by the conditions of parole or probation, parolees and probationers can avoid being committed to prisons or juvenile training schools.

Parolees are the early released offenders and juvenile delinquents who have been committed to prisons or juvenile training schools. Parole decisions are made by regional parole boards (see page 9), and parolees are also placed on supervision and assistance of the probation office.

The probation office deals with the following four categories of individuals:

(1) juveniles placed on probation by the family court (juvenile probationers);
(2) juveniles released from juvenile training schools on parole (juvenile parolees);
(3) inmates released from prisons on parole (adult parolees); and
(4) offenders receiving a suspended sentence and placed on probation by the court (adult probationers).

This section describes the status of the parole and probation supervision of adult parolees and probationers, whereas the next section will describe the treatment of juvenile parolees and probationers.

1. Adult Parolees

An offender serving a prison sentence may be conditionally released on parole by a decision of the regional parole board. An adult parolee shall be placed on parole supervision for the remaining term of the sentence (in the case of offenders released on parole from life sentences, parole supervision runs for life). In 2024, of the 15,040 inmates released, 9,448 (62.8%) were released on parole.

2. Adult Probationers

Under certain circumstances, a sentencing court may suspend the execution of the sentence and may place the convicted offender on probation. In Japan, probation is not an independent sentencing option for adults; it is only used as a measure combined with the suspension of execution of sentence. The period of probation ranges from one to five years, corresponding to the period of suspension of the execution of sentence (including partial suspended execution of sentence) specified by the sentencing court (see page 34).

Of the 45,585 offenders sentenced to imprisonment in 2024, 30,354 (66.6%) had the execution of their sentences suspended, out of which 1, 496 were placed on probation.

B. Parole and Probation Conditions

Parolees and probationers are required to abide by the general and special conditions of parole or probation. Committing another crime is a violation of the general condition. Failure to comply with the conditions may result in adverse action such as parole revocation.

1. General Conditions

The general conditions of parole or probation are specified in the Offenders Rehabilitation Act. General conditions are imposed on all adult and juvenile parolees and probationers alike, and they cannot be changed or withdrawn during parole or probation.

The general conditions are: (i) maintaining a sound attitude towards life; (ii) responding to summonses or interviews by probation officers and *hogoshi*, (iii) providing relevant information when requested by probation officers and *hogoshi*; (iv) residing at the designated or registered residence; (iv) obtaining the permission of the director of the probation office before changing residence or travelling for seven days or more.

2. Special Conditions

In addition to the general conditions, special conditions necessary for reformation and rehabilitation may be set for individual parolees and probationers. In the case of parolees, special conditions are determined by regional parole boards on the basis of proposals by the director of the probation office. In the case of probationers, special conditions are determined by the director of the probation office based upon the opinion of the court.

Special conditions are chosen from among the itemized list in the Offenders Rehabilitation Act. Unlike the general conditions, they may be added to, changed, or withdrawn during parole or probation in accordance with changes in the circumstances of each person.

The examples of special conditions include: (i) prohibition of specific acts such as association with certain

unfavorable persons, going to certain unfavorable places, reckless wasting of money for pleasure and excessive consumption of alcohol; (ii) performing or continuing to perform certain acts such as engaging in work or attending school, and (iii) attendance at certain treatment programmes specified by the Minister of Justice.

3. Life and Conduct Guidelines

The director of a probation office may, if necessary, establish individual guidelines for life and conduct that contribute to the reformation and rehabilitation of parolees and probationers. Unlike the conditions, non-compliance with the guidelines does not result in adverse action against the parolees or the probationers.

C. Parole and Probationary Supervision

1. General Framework

The purpose of parole or probation, as defined in the Offenders Rehabilitation Act, is to ensure the reformation and rehabilitation of the parolees and probationers through "instruction and supervision" and "guidance and assistance."

"Instruction and supervision" is implemented by (i) maintaining contact with parolees and probationers and keeping track of their behaviour, (ii) giving necessary instructions or taking measures to ensure that parolees and probationers comply with the general and special conditions of parole or probation, and (iii) providing specialized treatment designed to improve specific criminal tendencies.

"Guidance and assistance" includes (i) assistance in securing accommodation, (ii) assistance in receiving medical care, (iii) assistance in employment and vocational guidance, (iv) improving and coordinating social circumstances, and (v) providing instructions on necessary life skills.

While the aim of "guidance and assistance" is to enable parolees and probationers to live independent and responsible lives, they may face acute financial difficulties that can hamper their reformation and rehabilitation. Under such circumstances, the director of the probation office may provide necessary "urgent aid" including medical care, meals, accommodation, clothes and travel expenses. In 2024, 3,746 parolees and probationers received such urgent aid directly from probation offices, and 4,780 through persons commissioned by the probation offices such as halfway houses.

Interview by a Probation Officer

2. Intake Interviews and Treatment Plans

Individuals placed on parole or probation are required to report immediately to the probation office that has territorial jurisdiction over his or her residence. At the office, an intake interview and initial risk and needs assessments using a method known as Case Formulation in Probation/Parole (CFP) will be conducted, and the probation officer will explain the framework of supervision, notify him or her of the conditions of parole or probation, register his or her residence and draw up an individualized treatment plan.

3. Role of Probation Officers and *Hogoshi*

Japanese probation officers are usually responsible for one or several local administration divisions ("probation district"), and they supervise all the cases within that division. In order to supplement their work, a *hogoshi* (see page 9) will be assigned to serve as a day-to-day supervisor for the parolee or probationer. In many cases, the *hogoshi* lives nearby the parolee or probationer, which makes regular contact much easier.

After receiving the treatment plan and other relevant information from the probation officer, the *hogoshi* starts supervising the parolee or probationer. The *hogoshi* keeps in touch with the parolee or probationer and his

or her family by means of visits and interviews and submits a monthly progress report to the probation office. While *hogoshi* are entrusted with day-to-day supervision of ordinary cases, probation officers need to directly intervene in cases of high-risk or difficult individuals or in critical situations.

4. Day Offices

Probation officers regularly visit venues such as the municipal office, public hall or youth centre located in the area of their respective probation districts. Probation officers interview parolees and probationers, visit their homes, counsel their families, and consult with *hogoshi* and other related parties such as school teachers, employers, and community agencies. This practice facilitates direct casework by probation officers and provides *hogoshi* with closer supervision and consultation.

5. Progressive Treatment

Parolees and probationers are classified into five grades in accordance with the results of their initial risk and needs assessments conducted using CPF. The grade determines the required frequency of contact and the criteria for the measures against inappropriate conduct. Parolees and probationers are upgraded or downgraded depending upon the outcome of treatment.

6. Categorized Treatment

Categorized treatment is a system designed to effectively treat parolees and probationers effectively based on their particular problems. There are 19 categories, classified into four issue areas: relationships, delinquent peers, social adaptation, and addiction.

7. Treatment Programmes as Special Conditions

Structured treatment programmes are designed to address specific criminal tendencies and are designated by the Minister of Justice and as such may be included as a special condition for parolees and probationers.

Currently, there are four designated treatment programmes: a sex offender treatment programme; a drug relapse prevention programme; a violence prevention programme; and an impaired driving prevention programme. As they form part of the special conditions, failure to participate can lead to adverse action.

These programmes are based on cognitive-behavioural theory, and they consist of one introductory session and five core sessions. By participating in these programmes, parolees and probationers are expected to understand their biases in thinking, to recognize the situations in which they are likely to commit the offence and to develop skills to cope in such situations. Notably, a drug relapse prevention programme includes compulsory drug testing (either urinalysis or saliva test), and if the result is positive, it will be reported to the police unless the parolee or probationer voluntarily turns himself or herself in to the police.

These programmes are basically implemented on an individual basis (i.e., one-on-one counselling). However, programmes for drug offenders and sex offenders may also be conducted in a group format. In addition, follow up and maintenance programmes are provided after completion of the core programmes to help reinforce and apply what has been learned.

8. Comprehensive Job Assistance Scheme

Secure employment is essential to social reintegration and rehabilitation of offenders and juvenile delinquents. To improve their employability and provide job placement assistance more effectively, the Ministry of Justice and the Ministry of Health, Labour and Welfare agreed to strengthen their coordination in the provision of services. For example, Public Employment Security Offices provide support in preparing for employment while the offender is still in prison. To ease the anxieties of potential employers, trial employment programmes and fidelity guarantee system are provided as well.

9. Offender Rehabilitation Facilities (Halfway Houses)

Some offenders, despite their willingness to change and the progress they have made, may still not be eligible for lack of an appropriate place to return in the society. In such cases, offender rehabilitation facilities

can be one of the options as a place to live with necessary support (see page 10).

10. National Centre for Offenders Rehabilitation

National centres for offenders rehabilitation are established to provide assistance to offenders that have no appropriate place to return in the society. These centres are national rehabilitation facilities attached to the probation offices established in order to provide such offenders with temporary accommodations as well as intensive supervision and employment support by the probation officers.

There are four national centres for offenders rehabilitation. The offenders released from custody, including parolees, others released from prison and probationers, those who received suspended imprisonment sentence are accommodated in these facilities. Two of them mainly perform vocational agricultural education and training, and one of these two is specifically established for juveniles.

As of 2025, the total capacity of the four centres was 58 residents.

Ibaraki National Centre for
Offenders Job Training and Employment Support

11. Self-Reliance Support Homes

Besides offender rehabilitation facilities (halfway houses), there are facilities registered with the probation offices called self-reliance support homes, which provide the parolees and probationers with accommodation, etc. Self-reliance support homes are run by private corporations, organizations and other businesses and can take various forms, including residential facilities, detached homes and apartments. Probation offices entrust to the corporations, businesses or groups that operate these facilities the provision for offenders of accommodation, living guidance (independence preparation support), and whenever necessary, meals.

As of 2025, 562 bodies were registered as self-reliance support homes. For FY2024, the actual number of parolees and probationers accommodated was 1,686.

12. Community Resettlement Support Centres

When offenders are released from a correctional institution, some have difficulty in living independently, owing to old age or disability, or they have nowhere to live after release. Probation offices undertake “special coordination”, which enables these former inmates to enter social welfare facilities etc. in collaboration with prefectural community resettlement support centres established by the Ministry of Health, Labour and Welfare. Several hundred former inmates complete special coordination every year. In 2024, the number of cases concluded through special coordination was 766. Of these individuals, 392 had mental disorders, 366 were elderly, 209 had intellectual disabilities and 88 had physical disabilities. These figures include overlapping counts, as some individuals fell into more than one category.

13. Social Contribution Activities

Social contribution activities include cleaning activities at public places and volunteer activities at welfare facilities. These have been implemented since FY2011 as part of the treatment involved in parole/probation supervision, thereby helping offenders to acquire a sense of self-efficacy and develop greater moral awareness, and the ability to adapt to society through continued participation in social activities which benefit their local communities.

D. Termination of Parole and Probation

Depending on the performance of the parolee or probationer, parole or probation may be terminated early (see page 52 for the regular period of each type of parole and probation), or in "failure cases," adverse action such as parole revocation may be taken.

1. Measures for Good Conduct

i) Adult Parolees

Parole supervision for adult parolees runs for the remaining term of the sentence, and there is no early discharge from parole supervision.[1] This means that offenders released on parole from life imprisonment will be on parole supervision for life, which can be terminated only through pardon.

ii) Adult Probationers

As for adult probationers, the period of probation corresponds to that of the suspension of execution of sentence as specified by the sentencing court, and it cannot be shortened. However, the regional parole board, upon the proposal of the director of the probation office, may provisionally cancel the probationary supervision, in which case, the probationer will be treated as if not on probation.

2. Measures against Inappropriate Conduct

i) Adult Parolees

If an adult parolee does not comply with the conditions, the regional parole board, upon the proposal of the director of the probation office, may revoke parole.[2] When parole is revoked, the parolee is returned to a correctional institution for the remaining term of his or her original sentence from the date parole was granted.

ii) Adult Probationers

When an adult probationer does not comply with the conditions and the circumstances of non-compliance are serious, the director of the probation office shall submit a proposal in writing to the public prosecutor, who will then apply to the court for a decision to revoke the suspension of the execution of the sentence.[3]

E. Outcome of Parole and Probation

The number of adult parole and probation cases terminated in 2024 is shown in the following Table.

2024 Total	Adult Parole	Adult Probation
Completion of term*	9,444 (96.0%)	2,437 (77.2%)
Terminated due to revocation	352 (3.6%)	637 (20.2%)
Others**	38 (0.4%)	84 (2.7%)
Total	9,834	3,158

* The parole or probation period passed without any adverse action being taken.

** "Others" for adult parolees indicates completion of statute of limitations during suspension of parole supervision, and death, etc. "Others" for adult probationers indicates death, etc.

III. PAROLE AND PROBATIONARY SUPERVISION OF JUVENILES

A. Overview

This section describes the status of the parole and probationary supervision of juvenile parolees and

[1] Offenders paroled from indeterminate prison sentences may be discharged early from parole supervision. However, in Japan, indeterminate sentencing is applicable only to juveniles, and even then is rarely applied.

[2] Article 75 (1), Article 75(2), Offenders Rehabilitation Act.

[3] Article 26-2(2), Article 27-5(2), Penal Code, Article 79, Offenders Rehabilitation Act.

probationers.

1. Juvenile Parolees

A juvenile committed to a juvenile training school may be released on parole by a decision of the regional parole board. The parole procedure is as same as for adults (see page 46). However, the requirements for parole for juvenile-training-school residents differ from those for adult offenders: (i) the juvenile has reached the highest stage of treatment, and release on parole is appropriate for his or her reformation and rehabilitation; or (ii) release on parole is necessary for his or her reformation and rehabilitation.

Juvenile parolees are placed on parole supervision during the period of parole, which is, as a general rule, until reaching 20 years of age. In 2024, 1,630 juveniles were paroled from juvenile training schools, accounting for 99.9 per cent of those who were released from juvenile training schools.

2. Juvenile Probationers

The family court, after a hearing, may impose a juvenile delinquent on a protective measure, and probation is one of the options available (see page 36). The legally prescribed period of probation for a juvenile probationer is until he or she reaches 20 years of age or for two years, whichever is longer. On the other hand, the family court shall subject Specified Juveniles to protective measures including 6-month probation or 2-year probation under the amended Juvenile Act. In 2024, the family court placed 10,731 juveniles on probation. This represents 23.4 per cent of the juveniles whose cases were disposed of by the family court.

B. Parole and Probation Conditions

Parole and probation conditions for juveniles are the same as those for adult parolees and probationers (see page 47). There are limitations on requiring juveniles to attend specialized treatment programmes as special conditions (see page 47). For further details, see the next section.

C. Parole and Probationary Supervision

Parole or probationary supervision for juvenile parolees and probationers are basically the same as that for adult parolees and probationers. The general framework of parole and probationary supervision (see page 48), the methods of intake interviews and treatment plans (see page 48) and the roles of probation officers and *hogoshi* (see page 48) are the same as those for adult parolees and probationers. Day offices (see page 49), progressive treatment (see page 49), categorized treatment (see page 49) and comprehensive job assistance schemes (see page 49) are applied to juvenile parolees and probationers as well as adult parolees and probationers. Regarding the national centres for offenders rehabilitation (see page 50), one centre is established exclusively for juveniles (Numatacho National Centre for Offenders Job Training and Employment Support). Some self-reliance support homes (see page 50) accept juvenile parolees and probationers. Community resettlement support centres (see page 50) are also utilized to undertake special coordination for juvenile-training-school residents.

With regard to specialized treatment programmes, juveniles who are 18 years of age or older and for whom participation is deemed necessary may be required to attend such programmes as a special condition of probation or parole. For juveniles under 18 years of age, such programmes may be provided with the consent of the juvenile and his or her guardian when deemed necessary for appropriate guidance and supervision.

Numatacho National Center for
Offenders Job Training and Employment Support

Measures important for juvenile parolees and probationers are described below.

1. Short-Term Programmes for Juvenile Probationers

Upon recommendation by the family court, juvenile probationers with relatively low criminal tendencies may be placed in programmes called "Short-Term Traffic Probation" or "Short-Term Juvenile Probation." While the duration of probation is legally no different from ordinary juvenile probation, these programmes operate on the assumption that probation will be terminated early if the juveniles fulfil certain requirements.

Short-Term Traffic Probation requires juvenile probationers to attend group sessions such as lectures and discussions, and to submit monthly reports on their daily lives. Those who have satisfied these requirements are usually discharged from probation after three to four months.

Juveniles placed on short-term juvenile probation are required to submit monthly reports and to complete certain tasks assigned by the probation officer. These tasks are determined on an individual basis, and they may include "social participation activities" as described in the next section.

In addition, Specified Juveniles may be placed on six-month probation. This form of probation is intended for those who have committed relatively minor offences, whose issues are assessed as limited, and for whom rehabilitation is considered achievable without a custodial response in the event of non-compliance. Under this probation, juveniles are required to report on their daily lives to a probation officer once a month. Depending on their individual needs, they may also be required to attend necessary programmes, such as group sessions on traffic safety or "social contribution activities" as described in the next session, once or several times during the probation period.

2. Social Contribution Activities and Social Participation Activities

Social contribution activities have been applied to juvenile parolees and probationers as well as adult parolees and probationers (See page 50), whereas social participation activities have been implemented mainly for juvenile-training-school parolees and juvenile probationers and with the aim of fostering a appropriate socialization and enhancing their ability to adapt to society. Frequently implemented activities include "participating in cleaning and environmental beautification activities", "participating in nursing care for the elderly, etc. and volunteer activities", and "participating in creative activities, hands-on experience, and various classes, etc."

3. Treatment of Juveniles Who Have Committed Heinous or Serious Offences

Juvenile parolees and juvenile probationers and who commit serious offences such as homicide, in many cases, have problems related to their predisposition and complex serious problems with family relationships etc. They are therefore placed at the highest level of progressive treatment with the intensive involvement of probation officers to help them develop the ability to adapt to society and to encourage them to apologize to their victims by providing them with an atonement guidance programme.

4. Measures for Guardians

Probation offices provide the guardians of juvenile parolees and juvenile probationers with instruction or advice until reaching 20 years of age, thus ensuring that the guardians provide the appropriate supervision through understanding of juveniles' living conditions etc. and rectifying their behaviour that could obstruct reformation and rehabilitation. Probation offices also make information available that contributes to solving problems pertaining to the juvenile's delinquency by holding meetings with guardians etc.

D. Termination of Parole and Probation

Depending on the performance of the parolee or probationer, parole or probation may be terminated early (see page 52 for the regular period of each type of parole or probation), or in "failure cases," adverse action such as parole revocation may be taken.

1. Measures for Good Conduct

i) Juvenile Parolees

For juvenile parolees, the decision on early discharge is made by regional parole boards upon the proposal of the director of the probation office.

ii) Juvenile Probationers

Juvenile probationers are discharged early when the director of the probation office finds it no longer necessary to continue the probation.

2. Measures against Inappropriate Conduct

i) Juvenile Parolees

When a juvenile parolee does not comply with the conditions of parole, the regional parole board, upon the proposal of the director of the probation office, may apply to the family court for a decision to recommit the parolee to a juvenile training school.

ii) Juvenile Probationers

When a juvenile probationer does not comply with the conditions of probation, the director of the probation office may issue official warnings. If the juvenile still does not comply and the degree of non-compliance is serious, the director may apply to the family court for a decision to commit the juvenile to a juvenile training school.

E. Outcome of Parole and Probation

The number of juvenile parole and probation cases terminated in 2024 is shown in the following table.

2024 Total	Juvenile Parole	Juvenile Probation*
Early discharge**	83 (7.8%)	4,632 (69.0%)
Completion of term	790 (74.0%)	915 (13.6%)
Terminated due to revocation	192 (18.0%)	1,151 (17.1%)
others***	2 (0.2%)	14 (0.2%)
Total	1,067	6,712

* Excluding special Short-Term Programmes for juvenile traffic offenders and Specified Juveniles on six-month probation

** The parole or probation was terminated early for good conduct.

*** "Others" indicates death, etc.

IV. AFTERCARE OF DISCHARGED OFFENDERS

Offenders released from custody but not subject to parole or probation may still need some form of aftercare support from the government. Under the Offenders Rehabilitation Act, as amended in 2023, various measures have been strengthened to provide long-lasting support for offenders, with the aim of ensuring seamless assistance after release. Examples of such offenders include (i) inmates released after serving the full term of their imprisonment sentences; (ii) defendants who received "suspension of execution of sentences without probation (see page 34)"; and (iii) suspects released by prosecutors on "suspension of prosecution" or "pending disposition" (see page 22).

The Offenders Rehabilitation Act authorizes the director of the probation office, upon application by eligible discharged offenders or by inmates scheduled for release from correctional facilities, to provide "urgent aftercare" to such eligible offenders, either directly or by commissioning appropriate persons, to the extent necessary for their reformation and rehabilitation. Aftercare services that may be provided include medical care, meals, accommodation, clothing, education and training, travel expenses, vocational guidance, and referral to Public Employment Security Offices or Public Welfare Offices. The maximum period of aftercare is six months in principle, but may be extended for up to one year. For measures excluding the provision of money, goods, or accommodation, the period may be extended for up to two years. Even after the period during which urgent aftercare is available has elapsed, probation offices may provide offenders with necessary assistance, such as information and advice, to support their rehabilitation and reintegration. Furthermore, probation offices provide community based assistance by responding to consultations from community residents, including individuals who have previously been involved in the criminal justice system, as well as from relevant agencies and organizations, and by offering information and advice based on their professional expertise in offender rehabilitation, with the aim of contributing to offender rehabilitation and the prevention of crime in the community.

V. PARDONS

A pardon is an action of the executive branch that officially nullifies punishment or other legal consequences of a crime. Though pardons are not measures for offender treatment, they can function as a stimulus and encouragement for behavioural change. It is particularly significant for offenders released on parole from life sentences, for they will be placed on parole supervision for life unless the underlying sentence is remitted by a pardon. The authority to grant pardons to specific individuals belongs to the Cabinet. Upon recommendation by the National Offenders Rehabilitation Commission, the Minister of Justice asks for a Cabinet decision granting a pardon, which is then attested by the Emperor.

VI. MEASURES FOR CRIME VICTIMS

In 2007, the Rehabilitation Bureau launched four measures for crime victims in relation to offender rehabilitation. The four measures are (i) the system for hearing the victim's opinions during parole examination (victims may express their opinion regarding parole); (ii) the system for conveying the victim's feelings on parole and probation (victims may ask the probation officer to convey their sentiments to parolees and probationers); (iii) the victim notification scheme (certain information about parole and probation is notified to victims); and (iv) victim consultation and support services. In addition to these victim-related measures, the amendment to the Offenders Rehabilitation Act enacted in 2023 introduced provisions concerning the treatment of offenders that take into account the feelings and circumstances of crime victims and their families. The amendment also includes measures such as adding instructions to make efforts to repair or mitigate harm caused by crime to the methods of supervision of parolees and probationers. As of 2025, 123 probation officers and 99 *hogoshi* were assigned to work exclusively on victim support measures.

VII. MEDICAL TREATMENT AND SUPERVISION

The Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity provides for medical care and treatment of individuals who committed acts that would constitute offences of homicide, rape, robbery, arson or injury (or attempts thereof) but who, for reasons of insanity or diminished capacity, were acquitted, received a reduced sentence with suspension of its execution, or were not prosecuted. Under the act, the court may commit such persons to a designated medical facility or order them to receive outpatient treatment.

Persons ordered to undergo outpatient treatment are placed under the medical supervision of a probation office. The purpose of the supervision is to ensure that the person continues to receive necessary medical treatment. Other responsibilities of the probation office include re-entry coordination and coordination of various institutions and organizations involved in the care and treatment of the person. These responsibilities are undertaken by rehabilitation coordinators (see page 9), and not by ordinary probation officers. In 2018, the Rehabilitation Bureau launched the victim notification scheme (certain information about medical treatment and

supervision is notified to victims upon request).

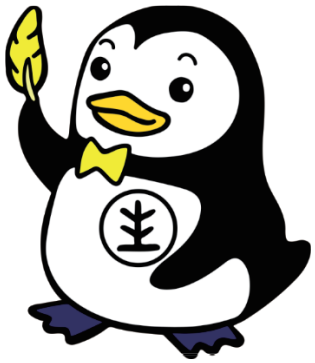
VIII. CRIME PREVENTION ACTIVITIES

Rehabilitation authorities carry out various initiatives throughout the year to (i) raise public awareness of the importance of offender rehabilitation; (ii) improve social environments and engage communities in the prevention of crime. These initiatives include community lectures and symposiums, delinquency prevention seminars and street-based youth guidance activities. Such activities are implemented by probation offices and volunteer organizations, such as *hogoshi* associations, women's associations for rehabilitation aid, and BBS associations, in cooperation with various relevant agencies and organizations in the community.

As part of such efforts, an annual crime prevention campaign, called the "Yellow Feather Campaign", is organized under the leadership of the Ministry of Justice. The campaign is carried out through the year, but in the campaign month of July, an extensive public relations programme is launched to advocate "The power of the community preventing crimes and juvenile delinquency, assisting rehabilitation of offenders".

One of the figures that helps raise public awareness of crime prevention is "*Hogo-chan*", the penguin mascot of the Rehabilitation Bureau of the Ministry of Justice. This mascot has a background story in which he himself was a delinquent youth but rehabilitated through the support of the local community. Together with his companion characters, *Hogo-chan* appears on the Rehabilitation Bureau's official social media platforms, in pamphlets and other materials, and at Yellow Feather Campaign events held nationwide, thereby helping to enhance public awareness of and familiarity with the offender rehabilitation system.

Campaign for Junior High School Students



Hogo-chan

CHAPTER 7 MEASURES TO REDUCE REOFFENDING IN JAPAN

I. THE ACT FOR THE PREVENTION OF RECIDIVISM AND THE RECIDIVISM PREVENTION PLAN

A. The Act for the Prevention of Recidivism

Preventing recidivism requires steadily implementing crime prevention initiatives and ensuring fair sentencing through appropriate investigations and trials. It is also important for offenders to recognize their responsibility for their crimes, understand the feelings of crime victims, and make efforts to reintegrate into society. However, some offenders face numerous challenges in their recovery, including poverty, illness, addictions, disabilities, harsh upbringings, and inadequate education. Criminal justice agencies are limited in their ability to address these diverse challenges alone. Therefore, to provide long-term support to offenders and others facing difficult circumstances and to prevent them from becoming isolated in their communities, it is essential to seriously reassess the current efforts of criminal justice agencies and to implement comprehensive measures through close collaboration between the national and local governments, private organizations engaged in recidivism prevention activities, and other relevant parties.

In response to this situation, a cross-party group of Diet members began deliberations toward the enactment of a basic law promoting recidivism prevention, with the aim of addressing recidivism prevention nationwide. In examining various issues related to recidivism prevention, the Ministry of Justice, National Police Agency, Ministry of Health, Labor and Welfare, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Land, Infrastructure, Transport and Tourism, and many other relevant ministries and agencies participated. In December 2016, the Act on Promotion of Recidivism Prevention (hereinafter referred to as the "Promotion Act") was enacted and came into effect the same month. These efforts to prevent recidivism are intended to contribute to the international community's goal of creating a society in which "no one is left behind", as stated in the Sustainable Development Goals (SDGs) adopted by the United Nations General Assembly in 2015.

The basic principles of the Promotion Act are as follows (Article 3):

1. Recognizing that many offenders are unable to secure permanent employment or housing and therefore find it difficult to smoothly reintegrate into society, support will be provided to enable offenders to reintegrate into society, with the understanding and cooperation of the public, without becoming isolated.
2. Offenders will be able to receive necessary guidance and support, in accordance with their characteristics, not only while they are in a correctional facility but also without interruption after they have reintegrated into society.
3. To prevent recidivism, it is important for offenders to be aware of their responsibility for their crimes, understand the feelings of victims and make efforts to reintegrate into society.
4. Effective measures will be implemented based on the results of research and studies on the actual state of crime and delinquency and the effectiveness of various measures to prevent recidivism.

The Promotion Act also clarifies that the national government is responsible for comprehensively formulating and implementing measures to prevent recidivism, and clarifies that responsibility for the implementation of recidivism prevention measures, which until now has been the responsibility of the national government, particularly criminal justice-related institutions, will now extend to local governments as well (Article 4 of the Promotion Act). Furthermore, it stipulates that cooperation between the national government, local governments, and private collaborators will be further promoted (Article 5 of the Promotion Act). Furthermore, in order to deepen interest and understanding of recidivism prevention among the general public, July has been designated as Recidivism Prevention Awareness Month (Article 6 of the Promotion Act).

B. The Recidivism Prevention Plan

As mentioned above, following the passage and enforcement of the Promotion Act in December 2016, the government adopted the first "Recidivism Prevention Promotion Plan" (hereinafter referred to as the "First Plan") at a Cabinet meeting in December 2017, covering the five-year period from fiscal year 2018 to the end of fiscal year 2022. Through the Promotion Act and the First Plan, recidivism prevention efforts, which had previously been driven primarily by criminal justice agencies, have evolved into measures that should be

undertaken jointly by the national and local governments, private sector partners, and others.

Based on the First Plan, the government has been implementing various initiatives, such as strengthening and improving measures for people released after serving their sentences, strengthening cooperation with local governments and promoting the activities of private sector collaborators. As a result of these initiatives, the government's target (*1) of reducing the rate of people who re-enter prisons, etc. within two years of their release (hereinafter referred to as the "two-year re-incarceration rate") to 16% or less by 2021 was achieved for people released in 2019, and efforts to prevent recidivism have been steadily accumulating results.

However, even with the efforts under the First Plan, the proportion of repeat offenders among those arrested for criminal offences remains high at nearly 50%, and in light of this, the efforts under the First Plan were reviewed and future challenges were identified: (1) motivating individuals to pursue rehabilitation and enhancing guidance and support tailored to the challenges each individual faces, (2) making support services more accessible, (3) clarifying the roles that the national and local governments should play and (4) further strengthening cooperation between the national government, local governments, and private sector collaborators.

In light of the above, the government adopted the "Second Recidivism Prevention Promotion Plan" (hereinafter referred to as the "Second Plan") at a Cabinet meeting in March 2023 to further deepen and promote recidivism prevention efforts, which have become more effective through increased collaboration between the national and local governments and private sector partners. Building on the priorities of the First Plan, the Second Plan prioritizes the following seven areas:

1. Securing employment and housing
2. Promoting the use of health care and welfare services
3. Providing academic support in collaboration with schools
4. Providing effective guidance tailored to the characteristics of offenders
5. Promoting the activities of private sector partners
6. Promoting inclusion in the community
7. Building a foundation for recidivism prevention

The above priority issues follow those of the First Plan, but the priority issue of "strengthening cooperation with local governments", which was a priority issue of the First Plan, was changed to "promoting inclusion by the community" in the Second Plan, based on the fact that it is important for people who have committed crimes to be included in the local safety net, rather than being isolated in the local community due to discrimination and stigma and not connected to any support. Furthermore, the priority issue of the First Plan, "improving the human and material systems of related organizations", was changed to "improving the infrastructure to prevent recidivism" in the Second Plan, as it is integrated with measures such as verifying the effectiveness of measures and promoting public relations and awareness-raising activities.

The Second Plan includes 96 measures for the seven priority issues mentioned above, covering a five-year period from fiscal year 2023 to the end of fiscal year 2027. The government will implement the measures included in the Second Plan as quickly as possible and will promote them while regularly checking their progress.

II. CASE STUDIES OF INITIATIVES FOR REDUCING REOFFENDING

A. Introduction

In order to reduce reoffending, efforts by criminal justice institutions alone are not sufficient; collaborative efforts by relevant government ministries and agencies, local governments, and local health, medical, and welfare institutions are essential, as well as activities by private collaborators such as probation officers and cooperating employers. This section introduces examples of efforts of institutions outside of the criminal justice system to prevent repeat offences.

Please refer to Chapters 4 to 7 for information on efforts by criminal justice institutions related to each case.

B. Housing Support in Collaboration with the MOJ and Other Relevant Ministries [The Chugoku Regional Parole Board]

People released from prison are designated by the Ministry of Land, Infrastructure, Transport and

Tourism ordinance as people requiring special consideration in securing housing (*2). The Ministry of Justice (Chugoku Regional Parole Board and Chugoku Regional Correction Headquarters), the Ministry of Land, Infrastructure, Transport and Tourism (Chugoku Regional Development Bureau), and the Ministry of Health, Labour and Welfare (Chugoku-Shikoku Regional Bureau of Health and Welfare) are working together to create a housing support system that coordinates housing, welfare and justice in the region. They are working with local governments and housing support corporations (*3) to ensure the smooth establishment and operation of housing support councils at the municipal level. They are also considering a housing support system for people released from prison, who face various issues. The current status of these efforts is explained below.

1. Toward the Establishment of a Housing Support Council

To provide various support services to people released from prison and others facing housing difficulties, such as securing housing and promoting stability and independence in their lives, it is believed that it would be effective to establish a Housing Support Council, a support network, and for the council to work with government agencies to establish a system where the support recipients need can be provided through a single point of contact. The three ministries therefore exchanged opinions on the form of support needed to establish a Housing Support Council, and jointly conducted a needs survey targeting local governments and housing support organizations.

2. Considering a System for Providing Housing Support to People Released from Prison and Others facing Various Challenges

The MOJ has identified issues that may arise when people released from prison and others wish to move into public housing, which is the core of the housing safety net, and have held joint discussions among the three ministries with prefectural and city officials, the entities that provide public housing, regarding these issues.

C. The Regional Reducing Reoffending Project [Recidivism Prevention Promotion Office, Secretarial Division, Minister's Secretariat, Ministry of Justice]

To increase the effectiveness of measures to reduce reoffending, the national government needs to take the lead in these efforts. However, it is also important to ensure that offenders continue to receive the support they need even after the criminal justice process has concluded, that is, after the criminal justice intervention concludes, the national government is no longer permitted to intervene in their lives without their consent.Local governments, which provide a variety of administrative services to residents, are expected to be the main providers of this support.

In response to concerns from local governments that the specific roles of the national and local governments were unclear, the “Second Recidivism Prevention Promotion Plan”, approved by the Cabinet in March 2023, clarified the roles of the national government, prefectures and municipalities. Specifically, the roles of each party are clearly stated as follows:

- The national government will provide guidance and support at the criminal justice proceedings stage, as well as provide necessary support, including financial support, to local governments and private sector partners.
- Prefectures, as regional governments, will provide necessary support to municipalities and strive to build local networks to ensure that recidivism prevention efforts are carried out smoothly in each municipality. They will also provide specialized support that municipalities would find difficult to implement alone.
- As the basic local governments closest to local residents, municipalities will provide appropriate services to enable offenders who require various administrative services, such as health care and welfare services, to live stable lives in their communities.

Based on this division of roles, and in order to further promote reducing reoffending efforts by local governments, the national and prefectural governments have launched the “Regional Recidivism Prevention Promotion Project” in fiscal year 2023. Under this project, the national government (Ministry of Justice) will subsidize half of the costs, up to a maximum of 1.5 million yen, when prefectures implement the following initiatives:

- Policy planning support for municipalities
  This is intended to support the smooth implementation of recidivism prevention initiatives in municipalities within the region. For example, it is envisioned that prefectures will hold meetings to coordinate and share information among municipalities on recidivism prevention initiatives, and provide advice to municipalities when formulating or reviewing their recidivism prevention plan.

- Promotion of understanding and human resource development for municipalities
  This is intended to support municipal officials within the region in deepening their understanding of recidivism prevention. For example, prefectures are encouraged to organize and conduct training sessions to learn knowledge and skills on recidivism prevention initiatives.

- Direct support for offenders
  This is intended to provide specialized support tailored to the type and characteristics of crimes that municipalities would find difficult to implement on their own. For example, prefectures will implement rehabilitation programmes for people who have committed sex offences or people with drug dependency, and will support efforts to secure employment and housing for people who have been released from correctional facilities. Prefectures will be responsible for these efforts because expertise and a wide-range collaboration with municipalities is required within the region.

Through the implementation of this project, it is expected that the systems and infrastructure for reducing reoffending will be established in municipalities within the region, promoting efforts to prevent recidivism in municipalities, and improving employment and housing support, which are difficult to address at the municipal level, as well as specialized support for sex offenders and drug offenders.

D. Activities of Community Volunteers and Other Cooperating Private-Sector Entities

1. The *Hogoshi* System

The system of community volunteers supporting offender reintegration in Japan is known as the *hogoshi* system (see page 9). In March 2021, at the First World Congress for Community Volunteers Supporting Offender Reintegration, held as ancillary meeting of the 14th United Nations Congress on Crime Prevention and Criminal Justice (the Kyoto Congress), the Kyoto Declaration on Community Volunteers Supporting Offender Rehabilitation was adopted. Building on this success, the Second World Congress for Community Volunteers Supporting Offender Reintegration was held during the sixth World Congress on Probation and Parole held in the Hague in April 2024, and the Declaration on the International Day for Community Volunteers Supporting Offender Reintegration was adopted. The declaration set 17th April as the international day for community volunteers supporting offender reintegration. In addition, the importance of these community volunteers is highlighted in the Kyoto Model Strategies, adopted by the United Nations General Assembly in December 2025.

However, in recent years, the number of *hogoshi* has been declining, and the Japanese workforce is aging. This decline is due to social factors such as population decline and the weakening of interpersonal relationships within local communities, as well as the significant anxiety and burden associated with *hogoshi* activities. This situation raises concerns about the viability of the *hogoshi* system. Nevertheless, there are many *hogoshi* who find their work fulfilling and continue working for a long period of time.

In the sections that follow, the personal stories of *hogoshi,* other community volunteers and cooperating members of private-sector entities are introduced to share personal experiences and to deepen understanding of their activities.

A president of an association of *hogoshi*
Iizuka probation district (Fukuoka prefecture)
Shuichi Ootsuka (Mr.)

- History of my work as a *hogoshi*

Before being appointed as a *hogoshi*, I was a company employee. After my parents passed away, I returned to my hometown and started a real estate agency. I have been working as a *hogoshi* for over 30 years and am currently doing while also juggling my own job.

A local classmate had already become a *hogoshi*, and he invited me to join him, which led me to work as a *hogoshi*. When I first became a *hogoshi*, I remember being very nervous when I attended training sessions with people from my parents' generation.

I didn't often feel anxious about my work as a *hogoshi*, but I did feel anxious when probationers didn't show up for their interviews at the scheduled time. When they didn't show up for their interviews at the scheduled time, I sometimes went to their homes to wait.

- Activities of *hogoshi*

I believe that the role of a *hogoshi* is to protect the peace and happiness of citizens. While providing counselling and assistance to those under probation/parole and conducting public relations and awareness-raising activities are all important, in recent years I have also contributed to crime prevention by ensuring that local children able able to go to school safely. I began these activities about five years ago. Rock, paper, scissors, shoot! At the beginning of my activities, the children looked nervous, but now they are more likely to play rock-paper-scissors themselves. It makes me very happy to see the children smiling and cheerfully walking to school.

- A sense of fulfilment in *hogoshi* activities

I feel a sense of fulfilment in my work when probationers express their gratitude to me. While I have often been betrayed in my interactions with them, some have successfully rehabilitated by engaging with them sincerely. Until the end of their probation, I sometimes visit their homes every day to talk to and persuade them. Even with those whose reintegration into society seems difficult, I engage them wholeheartedly, and some continue to work diligently to the present day, becoming company presidents.

I still keep in touch with some former probationers even after their probation ended. I visit their homes on their birthdays, and give them birthday cakes. Because probationers often have weak ties to their families and society, I always want to ensure they do not feel lonely. While challenges can arise in my work as a *hogoshi*, when probationers express their gratitude, I feel glad to be a *hogoshi*.

- Family understanding of *hogoshi* activities

At first, my family was apprehensive about letting probationers into our home, so interviews began in an office. Since some probationers are unfamiliar with the home environment, we believe that using the office as the interview location allows them to feel less nervous. It's natural for family members to feel uneasy when interviews are conducted in their own home, but gradually the family came to understand the *hogoshi* activities, and my wife began offering tea to the probationers.

2. Cooperating Employers

Ensuring employment opportunities for people released from correctional facilities is important for reducing reoffending, and as mentioned earlier, securing employment is one of the priority issues of the "Second Plan." In this connection, Cooperating Employers are private business companies who employ or intend to employ juvenile delinquents and adult offenders with the aim of cooperating with them in supporting their independence and reintegration into society.

Currently, there are approximately 25,000 Cooperating Employers in Japan, and probation offices have been constantly recruiting potential Cooperating Employers to secure employment for people reintegrating into society. On the other hand, there is a large gap between the number of Cooperating Employers and the number of them that actually employ juvenile delinquents and offenders. The current situation is that many companies

are not actually engaged in employing these individuals and there is an imbalance in the types of industries, with around 50% of Cooperating Employers being in the construction industry.

Despite this current situation, Cooperating Employers are crucial private sector partners in reducing reoffending, and they understand individual strengths and needs of juvenile delinquents and offenders and support their independence through employment.

A president of a transportation company
Kaisei Transport Co., Ltd.
Eitaro Nakahara (Mr.)

- History of my work as a Cooperative Employer

Since 2018, I have employed over 50 people released from prison as a Cooperating Employer. I became a Cooperating Employer after hearing from my colleague who was already employing people as a Cooperating Employer. He explained that he interviewed and hired job applicants from within prison, and I already had experiences working with people released from prison, so the programme piqued my interest.

I am the second-generation owner of a transportation company, and since I was a child, I have seen a variety of unique employees. One of them had committed a crime in the past and was only able to work in limited industries after his release from prison, so he used his driver's license to work as a truck driver. Therefore, I had no hesitation in hiring people released from prison.

Before I learned about the activities of Cooperating Employers, I had accidentally hired someone who was in a nearby offender rehabilitation facility through a general job posting, so I had no concerns about hiring people released from prison. Becoming a Cooperating Employer meant helping people released from prison who wanted to work, however small my contributions might be.

- Activities of a Cooperating Employer

I visit prisons and juvenile training schools to conduct employment interviews, and I try to conduct interviews face-to-face whenever possible. I help those who have been released from prison or who have no housing after leaving offender rehabilitation facilities by arranging housing for them, and I hope to help them become independent after reintegrating into society.

- A sense of fulfilment as a Cooperative Employer

Many offenders and juvenile delinquents are selfish and immature. We interview and provide guidance repeatedly until they realize that this is the reason they committed crimes. As a result, we can see gradual changes. Some individuals who had never held a permanent job before began to recognize that work is essential to living life in society. They also became more mindful of their time outside of work, telling us, I've stopped staying up late and drinking heavily. When we heard them express regret for having acted selfishly up until that point, we felt a sense of fulfilment and satisfaction in our work as a Cooperating Employer.

- Tips for hiring offenders and juvenile delinquents

In my experience, I have found that many offenders and juvenile delinquents have difficulty speaking up. Therefore, I believe it is important to reach out to them as much as possible and create an environment where they feel comfortable talking. Naturally, this doesn't always work out, but if they demonstrate a willingness to compromise, they will often approach me.

We want them to feel a sense of responsibility for the work they are entrusted with and to recognize that rules are a tool for protecting themselves. We don't isolate them from the rest of the company, and we don't treat them any differently than other employees, so I believe they understand this. Furthermore, if they wish, we offer the same support as other employees, including daily pay, apartment housing and assistance with obtaining a driver's license.

3. Other Cooperating Members of the Private Sector

The reintegration into society of offenders is supported not only by the activities of *hogoshi* and Cooperating Employers, but also by the activities of numerous cooperating members of the private sector. The

activities of these private-sector partners to reduce reoffending are broad-based, covering all stages of the criminal justice process, from prosecution to corrections and rehabilitation, and they also work in collaboration with criminal justice agencies and local governments. Their activities embody the multi-stakeholder partnerships set out in the Kyoto Declaration and are indispensable for realizing a "sustainable" and "inclusive society," and should be highly valued by society.

In light of their important role in the field of reducing reoffending, the Ministry of Justice of Japan has been promoting initiatives that utilize the identification of NPOs and private business, and their know-how, that carry out activities in the local community that contribute to offender rehabilitation and reintegration into society.

The NPO Life Support Network

- The NPO Life Support Network (hereinafter referred to as "Life Support Network") is a disability welfare organization located in Nagoya City, Aichi Prefecture. Since its establishment, it has provided broad support to suspects, defendants and people released from correctional facilities who require welfare support, in cooperation with the public prosecutor's office, bar associations, correctional facilities, probation offices and other organizations within the prefecture. Here, we will introduce the Accompanying Entry Support Project, a project commissioned by Nagoya City.
- From a criminal justice perspective, the above project targeted people in need of welfare support. From a welfare perspective, however, it represents socially isolated residents. This project, implemented through municipalities, explored what could be done in collaboration with the criminal justice system to address socially isolated residents identified in connection with crime. In this project, the Life Support Network served as the city's coordinating organization, providing support to people in need of welfare support (socially isolated residents) from a community perspective, connecting them to community support and welfare services. Since the project began, the coordinating organization has received consultations from public prosecutors at a rate of five to six per month. In one case involving repeated drunken trespassing, a man in his 30s was interviewed in a police station interview room and a support plan was created. Through interviews and the creation of a support plan, it was revealed that he had grown up in an adverse environment, had suffered from depression and was living alone on welfare. However, he had no one to care for him, and had begun drinking out of desperation. Visits were made about once a week, and support was provided to keep the individual connected, including accompanying him while shopping and to medical appointments, obtaining mental health and welfare certificates, and applying for disability pensions. Although there was some reoffending during the period of support, there has been no reoffending for more than a year since his last arrest. The individual explained the reason for this: "I don't want to waste this precious time." In another case, we visited the home of a woman in her 30s who had stolen offerings from a shrine because she was hungry, and the coordinator found that her mother had intimidated her, forcing her to live in the kitchen without giving her any pocket money. Because the family was isolated from the community, the coordinator utilized disability welfare services to help her rebuild her life.

  In the process of handling many cases like those mentioned above, the Life Support Network cooperated with relevant agencies and made improvements to our collaboration. For example, in cases involving detention, the time between the request and release was tight, and coordination with the police station was necessary to ensure that the detainee was greeted upon release. Therefore, the public prosecutorwas greeted upon release. Therefore, the public prosecutor's office and the police station collaborated to implement the following measures:

  1. Set flexible release time
  2. Prosecutors informed the police station that a coordinator would greet the detainee upon release
  3. The coordinator could meet with the detainee in the police station interview room upon arrival.

This enabled a smooth transition from the public prosecutor to the coordinating organization. Meanwhile, in cases involving detainees who were not at home, the detainees sometimes forgot that they had agreed to receive support, even after the coordinator's visit. Therefore, we began having the public prosecutor's office distribute notices regarding support to the detainees as needed.

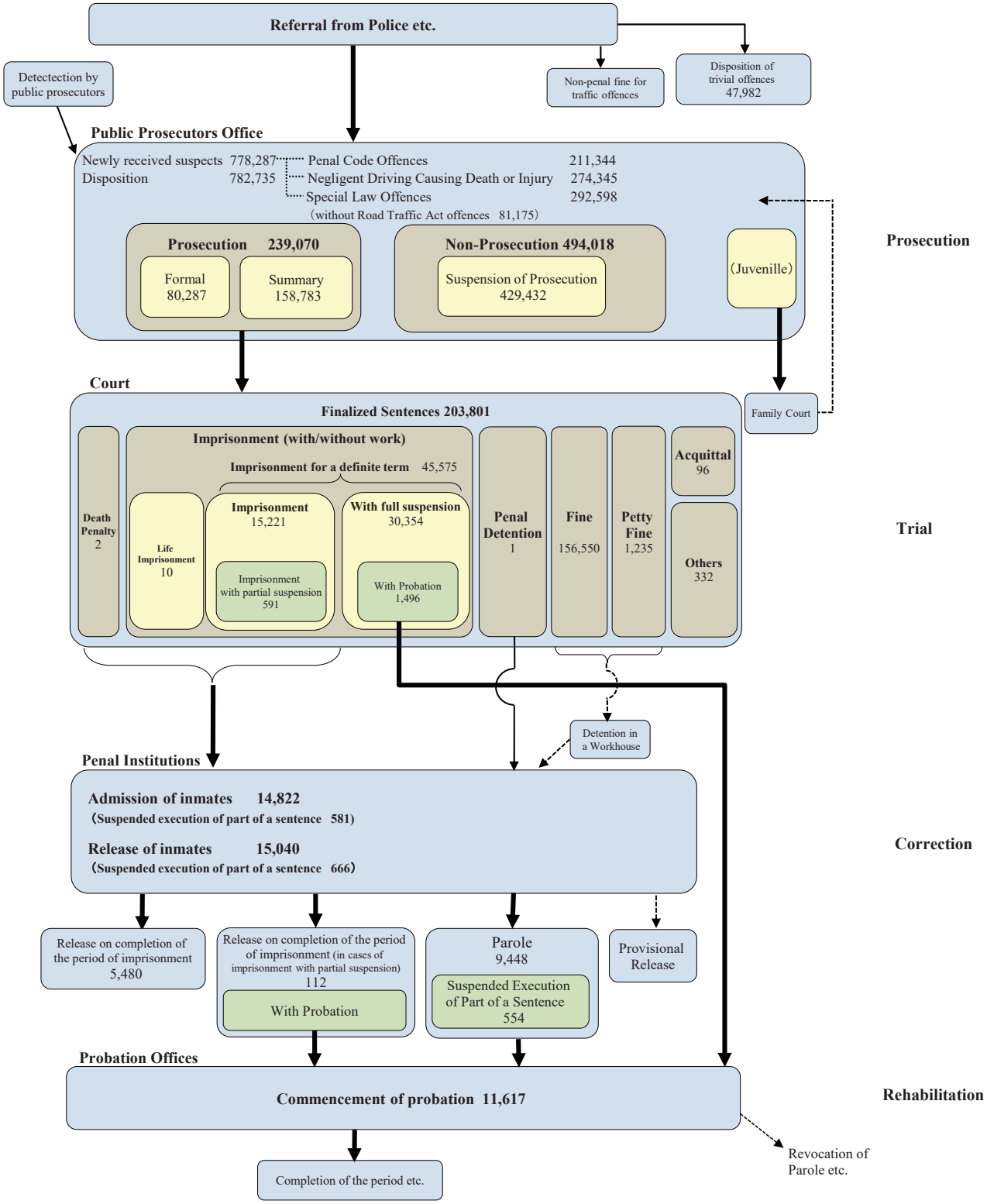
- As described above, collaboration between criminal justice and welfare could be expanded to support residents by involving municipalities. Based on the experience of this project, Nagoya City has formulated the Nagoya City Recidivism Prevention Promotion Plan. As a welfare organization on the ground, the Life Support Network will continue to work toward realizing an inclusive community.

Recruit Co., Ltd.

- Since its founding, Recruit Co., Ltd. (hereinafter referred to as “Recruit”) has been creating new systems and services to eliminate various social issues (e.g., dissatisfaction, anxiety, inconvenience) under a basic philosophy: Through the creation of new value, we aim to meet the expectations of society and realize a prosperous world where each individual can shine. WORK FIT is a social contribution activity undertaken by Recruit to help everyone find their own work. It is an employment support and career education programme that leverages knowledge cultivated through Recruit’s human resources business to provide an opportunity for young people who want to find a job but are struggling to get started or achieve results to take a proactive approach to their job search.
- Up until now, as part of the education provided to prepare juveniles for release from juvenile training schools, we have offered workshops where participants organize their strengths and try to communicate them in a one-minute speech, and as part of the employment support efforts in prisons, workshops where participants think about their individuality through interactions with other participants. This programme was developed with the aim of creating an opportunity for participants to face themselves and gain confidence through small successes in preparation for life in society. It appears to be a unique programme among correctional facilities, and many participants have shared common sentiments, such as: I didn’t think I had any strengths, but with the help of the people around me, I was able to find my strengths, and I was happy that the people around me told me about my individuality. This programme appears to contribute to fostering a sense of self-affirmation.
- Since FY 2022, we have been collaborating with the Ministry of Justice to develop a career education tool called CANVAS (Career education for Appreciating New Values and Adventurously Sailing against the wind) for probationers. Since education and employment are key to reducing reoffending, we believe that in order to encourage probationers to continue their education and employment after reintegration into society, it is necessary to provide guidance on stabilizing their livelihoods based on their motivation for education and future aspirations during probation. CANVAS has developed as a programme to be used during interviews between probationers and probation officers, and this programme encourages participants to think about their past and their future. Recruit is developing the section of ‘think about their future’. Using workshops for self-understanding and career education with specific card tools (in this case, work- and career-related cards), participants are asked to express the type of work they would like to try or find difficult, read interviews with people who have worked after probation, and gain inspiration. Finally, participants are asked to express what they would like to do. Even if it’s something small, we hope that by having them express their desire to try something, we can provide more meaningful support during the remainder of their probation period. CANVAS will be trialled at probation offices starting in FY 2023, and the content and operation of the programme are still in the process of being improved. However, probation officers who have used the programme have said things like, Not only has the programme helped the subjects to better understand themselves, but it has also helped the probation officers to better understand probationers, and It has made the interests of probationers more concrete, which has led to increased motivation.
- As a result of these efforts, the Ministry of Justice and Recruit signed a cooperation agreement on July 12, 2024, to promote reducing reoffending and realizing a safe and secure society. We will continue to provide support in the future, hoping that the experiences through the WORK FIT programme will lead to confidence and self-esteem, and contribute to reducing reoffending.

APPENDIX

Criminal Justice Flowchart



Notes:
1. All data reported in this flowchart indicate the number of persons in 2024, including juveniles, based on the White Paper on Crime 2025.
2. For data under the heading “Public Prosecutors Office,” if a same person was processed twice, the number is counted as two persons.
3."Imprisonment with partial suspension" refers to a sentence under which the offender serves a part of the sentence in a correctional institution, while the remaining part is suspended.

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