

更生保護

Offenders Rehabilitation of Japan



法務省保護局

REHABILITATION BUREAU
MINISTRY OF JUSTICE
JAPAN

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1

更生保護制度の概要

1 更生保護とは

更生保護は、犯罪をした人や非行のある少年を社会の中で適切に処遇することにより、その再犯を防ぎ、非行をなくし、これらの人たちが自立し改善更生することを助けることで、社会を保護し、個人と公共の福祉を増進しようとする活動です。

2 更生保護の歴史

我が国の近代的な更生保護の源流は、1888(明治21)年に設立された「静岡県出獄人保会社」に求めることができます。これは、生涯を通じ公益に尽くした実業家として知られる金原明善と、静岡監獄の副典獄(副所長)であった川村矯一郎らにより設立されたものです。ここでは、釈放者の宿泊保護や就職あっせんを行うとともに、県下全域に1,700人に及ぶ保護委員を配置して釈放者の保護に当たらせるなどしたとされ、これが更生保護施設と保護司制度の先駆けになったといわれています。その後、政府による積極的な奨励もあり、民間による同様の釈放者保護団体が全国各地に設けられました。また、保護の対象も、当初は監獄からの釈放者に限られていましたが、1905(明治38)年には執行猶予制度が、1922(大正11)年には起訴猶予制度がそれぞれ導入されたことに伴い、執行猶予者や起訴猶予者へと広がっていきました。

1939(昭和14)年には「司法保護事業法」が制定され、成人に対する釈放者保護・猶予者保護と旧

少年法の施行により加わった少年保護が「司法保護事業」として位置づけられ、民間の善意に委ねられてきたこれらの活動を、国の制度として確立しました。

第2次世界大戦後、新憲法のもと、刑事司法分野では刑事訴訟法、少年法等が全面的に改正されるなど大きな改革が進められ、更生保護においても、1949(昭和24)年に、新たな基本法となる「犯罪者予防更生法」が制定されました。これにより、保護観察、仮釈放、犯罪予防活動等についての基本的な制度が確立され、保護処分を受けた少年のほか、新たに仮釈放者に対する保護観察が導入されました。保護観察の対象は、1954(昭和29)年の執行猶予者保護観察法の制定及び1958(昭和33)年の売春防止法の一部改正により、保護観察付執行猶予者と婦人補導院からの仮退院者にも拡大され、現在に至っています。

また、1950(昭和25)年に司法保護事業法が廃止され、新たに「保護司法」と「更生緊急保護法」が制定されたことにより、民間における更生保護の担い手である「保護司」と「更生保護施設」の制度が整備されました。

1995(平成7)年には更生緊急保護法が廃止され、新たに更生保護事業法が制定されたことにより、更生保護施設を営む法人を「更生保護法人」と位置づけ、当該法人に更生保護事業を営みやすくするよう一定の法的地位を与えました。



金原 明善
天保3年(1832)～大正12年(1923)
Meizen Kimpara (1832-1923)

1. What is Offenders Rehabilitation?

Offenders rehabilitation is the system to prevent those who have committed crimes and juvenile delinquents from re-committing crimes and delinquencies by treating them appropriately in society, and help those people become self-reliant and improve and rehabilitate themselves, thereby protecting the society and furthering individual and public welfare.

2. History of Offenders Rehabilitation

The origin of our modern offenders rehabilitation dates back to the Shizuoka Prefecture Discharged Offender Protection Company established in 1888 (currently, “Shizuoka Prefecture Kanzenkai,” a juridical person for offenders rehabilitation). The company was established by Meizen Kimpara, a businessperson renowned for his lifelong devotion to public interests, in cooperation with Kyoichiro Kawamura, the vice warden of Shizuoka Prison and others. Reportedly, the company provided discharged offenders with lodgings and job opportunities, and had as many as 1,700 probation staffers deployed across the prefecture who were engaged in supporting discharged offenders. These activities are said to be the forerunners of the offenders rehabilitation facilities and the volunteer probation officer system later. Then, in response to the central government's proactive encouragement, similar associations for supporting discharged offenders were established nationwide by the private sector. Those who were supported by such associations were initially limited to the offenders discharged from prison, but with the introduction of suspension of execution of the sentence in 1905 and suspension of prosecution in 1922, those under suspension of execution of the sentence and prosecution were also targeted for support.

In 1939, the Judicial Rehabilitation Services Act was enacted, under which rehabilitations services of adult discharged offenders and persons with

suspension of execution of the sentence, as well as rehabilitation of juvenile delinquents in connection with the enforcement of the old Juvenile Act, were positioned as the “Judicial Rehabilitation Services.” Thus, those activities which had depended on the commitment of the private sector were established as the national system.

After World War II, drastic reforms were promoted under the new Constitution, including entire revisions of the Code of Criminal Procedure and the Juvenile Act in the criminal justice field. In the offenders rehabilitation, The Offenders Prevention and Rehabilitation Act was enacted as the new basic law in 1949. As a result, the basic systems for probation, parole and other crime prevention activities were established, and probation for parolees, as well as for juveniles under proactive measure, was newly enacted. The coverage of probation was expanded to persons under probation with suspension of execution of the sentence and persons who are released on parole from women's guidance home with the enactment of The Probation of Persons with Suspension of Execution of the Sentence Act in 1953 and the partial revision of the Anti-Prostitution Act in 1958. This framework remains unchanged to date.

Moreover, as a result of the abolition of the Judicial Rehabilitation Services Act in 1950 followed by the enactments of the Volunteer Probation Officers Act and the Urgent Aftercare of Discharged Offenders Act, the systems for “Volunteer Probation Officers” and “Offenders Rehabilitation Facilities,” which are major supporters of offenders rehabilitation in the private sector, were developed.

In 1995, the Urgent Aftercare of Discharged Offenders Act was abolished and the Offenders Rehabilitation Services Act was newly enacted. As a consequence, judicial persons that operate the Offenders Rehabilitation Facilities were positioned as “Judicial Persons for Offenders Rehabilitations,” which were awarded a certain legal status so that they could easily operate the offenders rehabilitation services.

その後、保護司については、保護司の活動に対する地域社会の理解の促進及び保護司組織の法定化を図るため、1998（平成 10）年に保護司法が改正されました。

さらに、更生保護施設については、その処遇機能を充実・強化することを目的として、2002（平成 14）年に更生保護事業法が改正されました。

2000 年代に保護観察対象者による重大再犯事件が相次いだことを受け、保護観察の処遇能力の強化を図ることを目的として、2007（平成 19）年、犯罪者予防更生法と執行猶予者保護観察法を整理・統合し、新たな基本法となる「更生保護法」が制定されました。

刑の一部の執行猶予制度

近年我が国においては再犯者による犯罪が全体の犯罪のうちの多くを占めており、再犯防止が喫緊の課題となっていることから、2013（平成 25）年 6 月 19 日に刑法等の一部を改正する法律及び薬物使用等の罪を犯した者に対する刑の一部の執行猶予に関する法律が公布され、刑の一部の執行猶予制度が導入されました。刑の一部の執行猶予は、3 年以下の懲役又は禁錮の刑を言い渡す場合に、その刑の一部について執行を猶予することを可能とし、これにより社会内処遇を充実し、再犯防止を図るための制度です。対象は初めて懲役刑又は禁錮刑の執行を受ける者と薬物事犯の累入者です。初めて懲役刑又は禁錮刑の執行を受ける者については、猶予期間中保護観察に付すことができ、薬物事犯の累入者については猶予期間中必ず保護観察に付されることとなります。これらの法律は 2016（平成 28）年 6 月までに施行される予定であり、現在法務省においては、制度が円滑に進むよう、施行に向けた体制整備を進めています。

図 1 刑の一部の執行猶予制度の概要

Figure 1: Outline of the Partial-Suspended-Execution-of-Sentence

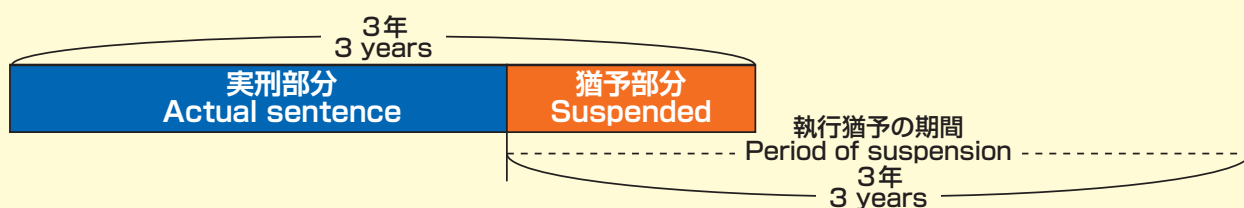
刑の一部の執行猶予制度とは Partial-Suspended-Execution-of-Sentence

裁判所が、3 年以下の刑期の懲役・禁錮を言い渡す場合に、その刑の一部について、1～5 年間、執行を猶予することができるとする制度

A system under which in rendering a sentence of imprisonment with or without labor for term not exceeding 3 years, judges can partially suspend execution of the sentence for 1 to 5 years

(例) 懲役 3 年、うち 1 年につき 3 年間執行猶予

(Example) Suspend execution of 1 year sentence of imprisonment for a term of 3 years



※ 仮釈放も可能（法定期間は、全体の刑期の 3 分の 1）

※ Parole is permissible (statutory period is one-third of the entire term).

After that, the Volunteer Probation Officers Act was amended in 1998, with the aim of furthering understanding by local communities of activities of volunteer probation officers and legalizing volunteer probation officers organizations into law.

Additionally, the Offenders Rehabilitation Services Act was amended in 2002, with the aim of enhancing and reinforcing their treatment functions.

With the aim of prevention of re-offending, in 2007, the Offenders Prevention and Rehabilitation Act and the Probation of Persons with Suspension of Execution of the Sentence Act were reorganized and consolidated into the new basic law called the Offenders Rehabilitation Act.



Partial-Suspended-Execution-of-Sentence

These days in Japan, crimes by repeated offenders make up a majority of the crimes as a whole, and it is an urgent task to prevent repeated offenders from recommitting crimes. On June 19, 2013, the Act for the Partial Amendment of the Penal Code and the Act on Suspension of Execution of Part of the Sentence against Persons Who Have Committed the Crime of Using Drugs and Others were promulgated, under which the Partial-Suspended-Execution-of-Sentence was enacted. The Partial-Suspended-Execution-of-Sentence enables judges to partially suspend execution of the sentence before they render a sentence of imprisonment with or without labor for a term not exceeding three years, thereby enhancing treatment in society and preventing offenders from recommitting crimes. Subjects covered by this system are those who are sentenced to imprisonment with or without labor for the first time and those who are repeatedly convicted for drug cases. Those who are sentenced to imprisonment with or without labor for the first time may be put under probation during the period of suspension, and those who are repeatedly convicted for drug cases must be put under probation during the period of suspension. These acts will be enacted in or prior to June 2016, and the Ministry of Justice is now making preparations for the enactment so that this system may be smoothly put into practice.

3 機構・組織

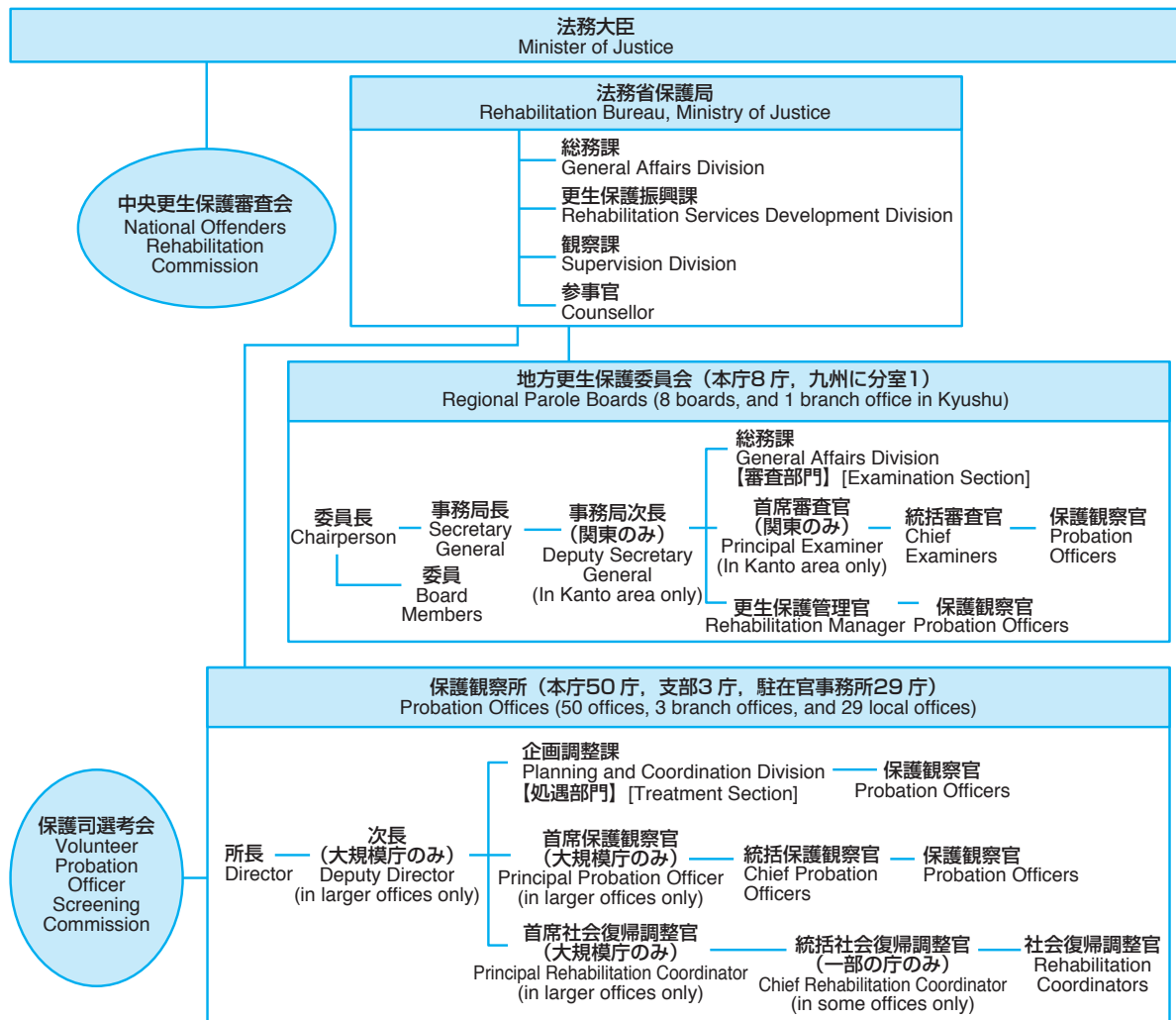
更生保護行政をつかさどる国の機関は図2のとおりです。

(1) 法務省保護局

法務省保護局は、法務省の内部部局であり、その所掌する事務は次のとおりです。

- ① 恩赦に関すること。
- ② 仮釈放、仮出場、仮退院、不定期刑の終了及び退院に関すること。
- ③ 保護観察、更生緊急保護及び刑事施設、少年院又は婦人補導院に収容中の者の生活環境の調整に関すること。
- ④ 保護司に関すること。
- ⑤ 更生保護事業の助長及び監督に関すること。
- ⑥ 民間における犯罪予防活動の促進に関すること。
- ⑦ 国際受刑者移送法の規定による共助刑の執行の減輕又は免除に関すること。
- ⑧ その他更生保護に関すること。
- ⑨ 心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律の規定による精神保健観察その他の同法の対象者に対する地域社会における処遇並びに生活環境の調査及び調整に関すること。

図2 更生保護をつかさどる機関の組織図
Figure 2: Organization Chart of the Bodies Governing the Offenders Rehabilitation



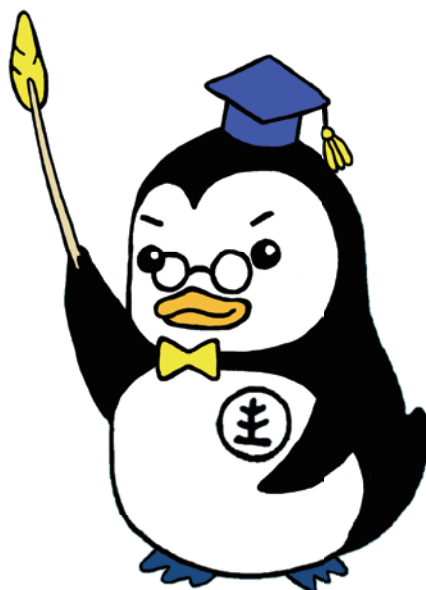
3. Structure and Organization of Offenders Rehabilitation

The national government bodies that govern the offenders rehabilitation administration are as depicted in Figure 2:

(1) Rehabilitation Bureau, Ministry of Justice

The Rehabilitation Bureau is an internal unit of the Ministry of Justice and is in charge of the following administrative duties:

- ① Matters related to pardon;
- ② Matters related to parole, provisional release, release on parole, termination of indeterminate sentence, and discharge;
- ③ Matters related to probation, urgent aftercare of discharged offenders, and the coordination of the social circumstances for those incarcerated in a penal institution, juvenile training school, or women's guidance home;
- ④ Matters related to volunteer probation officers;
- ⑤ Matters related to the promotion and supervision of offenders rehabilitation services;
- ⑥ Matters related to the promotion of crime prevention activities performed by the private sector;
- ⑦ Matters related to the mitigation or remission of execution of assistance punishment under the Act on the Transnational Transfer of Sentenced Persons;
- ⑧ Other matters related to offenders rehabilitation;
- ⑨ Matters related to mental health supervision in accordance with the provisions of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity, the treatment in local communities of those individuals covered by the act, and the investigation and coordination of their social circumstances.



(2) 中央更生保護審査会

更生保護法の規定に基づいて法務省に置かれ、委員長及び委員4人で組織されます。委員長及び委員は、両議院の同意を得て、法務大臣が任命します。中央更生保護審査会の所掌する事務は、次のとおりです。

- ① 特赦、特定の者に対する減刑、刑の執行の免除又は特定の者に対する復権の実施についての申出をすること。
- ② 地方更生保護委員会がした決定について、更生保護法及び行政不服審査法の定めるところにより、審査を行い、裁決をすること。
- ③ 更生保護法人の設立認可、更生保護事業の経営認可等について法務大臣に対して意見を述べること。
- ④ 国際受刑者移送法に基づき、法務大臣に対し、受入受刑者に対する共助刑の執行の減輕又は免除の実施について申出をすること。

(3) 地方更生保護委員会

地方更生保護委員会は、全国8か所の高等裁判所の管轄区域ごとに置かれ、3人以上の委員で組織されるものとされており、委員長は法務大臣が委員のうちから任命します。その所掌する事務は以下のとおりです。

- ① 仮釈放を許し、又はその処分を取り消すこと。
- ② 仮出場を許すこと。
- ③ 少年院からの仮退院又は退院を許すこと。
- ④ 保護観察付執行猶予者の保護観察を仮に解除し、又はその処分を取り消すこと。
- ⑤ 婦人補導院からの仮退院を許可し、又は、その処分を取り消すこと。
- ⑥ 保護観察所の事務を監督すること。

このほか、更生保護事業法及び保護司法に規定されている法務大臣の権限の一部の委任を受けています。

(4) 保護観察所

保護観察所は、全国50か所の地方裁判所の管轄区域ごとに置かれ、その所掌する事務はおおむね次のとおりです。

- ① 保護観察を実施すること。
- ② 犯罪の予防を図るため、世論を啓発し、社会環境の改善に努め、及び地域住民の活動を促進すること。
- ③ その他更生保護法その他の法令により保護観察所の権限に属させられた事項（生活環境の調整、更生緊急保護等）

このほか、精神保健観察の実施等、心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律に係る事務を所掌しています。

(5) 保護観察官

心理学、教育学、福祉及び社会学等の更生保護に関する専門知識に基づき、保護司と協働して、犯罪をした人や非行のある少年に対する保護観察や生活環境の調整を実施するほか、犯罪予防活動等に関する事務に従事する国家公務員です。

(6) 社会復帰調整官

精神保健福祉士等の資格を有し、精神保健や精神障害者福祉に関する専門知識に基づき、医療観察制度の対象となる精神障害者に対する精神保健観察、生活環境の調整等の処遇に従事する国家公務員です。

(7) 保護司選考会

保護観察所の附属機関であり、保護観察所の長の諮問に応じて、保護司の委嘱及び解嘱等に関する意見を述べます。

(2) National Offenders Rehabilitation Commission

The commission is established in the Ministry of Justice in accordance with the provisions of the Offenders Rehabilitation Act, and is composed of a chairperson and four members. The chairperson and the members are appointed by the Minister of Justice with the consent of both Houses of the Diet. The National Offenders Rehabilitation Commission is responsible for the following administrative duties:

- ① Recommending the implementation of a special pardon, commutation of the sentence granted to a specific person, remission of execution of the sentence or restoration of rights with respect to a specific person;
- ② Examining and determining on the decision made by the regional parole boards as provided in the Offenders Rehabilitation Act and the Administrative Appeal Act;
- ③ Presenting opinions to the Minister of Justice about the approval of the establishment of juridical persons for offenders rehabilitation and the approval of the operation of offenders rehabilitation services;
- ④ Making a recommendation to the Minister of Justice for the mitigation or remission of the execution of assistance punishment for prisoners being received in accordance with the Act on the Transnational Transfer of Sentenced Persons.

(3) Regional Parole Boards

Regional parole boards are established corresponding to each district under jurisdiction of eight high courts across the country. They consist of three or more members, and their chairpersons are appointed by the Minister of Justice from among their members. The boards are responsible for the following administrative duties:

- ① Permitting release on parole, or revoking the disposition;
- ② Permitting provisional release;
- ③ Permitting release on parole or discharge from a juvenile training school;
- ④ Provisionally suspending probation of offenders under suspension of execution of the sentence, or revoking the disposition;
- ⑤ Permitting release on parole from a women's guidance home, or revoking the disposition;
- ⑥ Supervising the affairs of the probation office.

In addition, the regional parole boards are

entrusted with part of the power of the Minister of Justice set forth in the Offenders Rehabilitation Services Act and the Volunteer Probation Officer Act.

(4) Probation Offices

Probation offices are established corresponding to each district under jurisdiction of fifty district courts across the country. They are generally responsible for the following administrative duties:

- ① Conducting probation
- ② Enlightening the public, making efforts for improvement of the social environments, and promoting the activities of local residents, for the purpose of ensuring crime prevention;
- ③ Dealing with other matters that are caused to belong to the probation office by the Offenders Rehabilitation Act and other laws (such as the coordination of the social circumstances, and the urgent aftercare of discharged offenders).

In addition, probation offices are responsible for administrative duties related to the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity, such as conducting mental health supervision.

(5) Probation Officers

Probation officers are national public officers that work with volunteer probation officers to serve for probation and coordination of social circumstances on persons who have committed crimes or juvenile delinquents as well as crime prevention activities with their expertise on psychology, pedagogy, welfare, sociology, and other offenders rehabilitation-related fields.

(6) Rehabilitation Coordinators

Rehabilitation coordinators are national public officers who are qualified as a psychiatric social worker. With their expertise in mental health and welfare, rehabilitation coordinators work to serve community-based treatment and coordination of social circumstances on persons who have caused serious cases under the condition of insanity

(7) Volunteer Probation Officer Screening Commission

The commission is an organization affiliated with a probation office that offers opinions with regard to commission and discharge volunteer probation officers, in response to the consultation from the director of the probation office.

4. 民間の担い手

我が国の更生保護は、以下の民間の担い手によって支えられています。

(1) 保護司

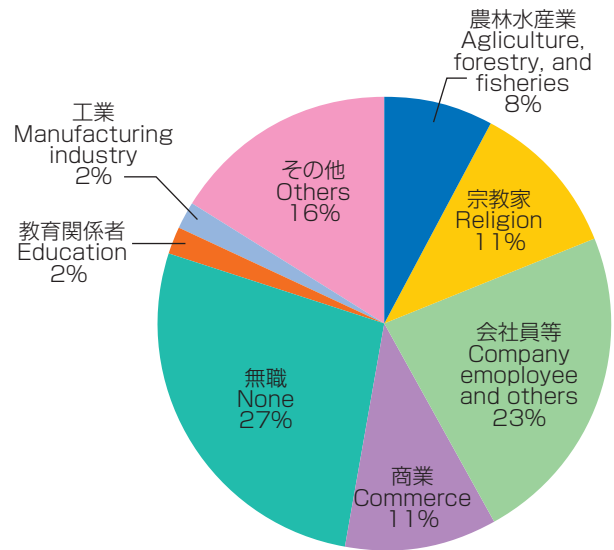
保護司は、犯罪をした人や非行のある少年の立ち直りを地域で支えるボランティアです。その性質上、人格及び行動について社会的な信望があり、職務の遂行に必要な時間的な余裕と熱意があることなどが要請されており、これらの要件を備えたものの中から、各保護観察所に置かれた保護司選考会の意見を聴いた上で、法務大臣が委嘱することになっています。身分は、非常勤の国家公務員で任期は2年、ただし再任は妨げないこととされています。給与は支給されませんが、職務に要した費用の全部又は一部が実費弁償金として支給されます。定員は52,500人であり、都道府県の区域を分け



(保護司の記章)
(Volunteer Probation Officer Badge)

て定められている保護区にそれぞれ配置されています。

表1 保護司職業別構成 (平成26年1月1日現在)
Table 1: Composition of Volunteer Probation Officers by Occupation (as of January 1, 2014)



(数値は各年1月1日のものです)

更生保護サポートセンター

保護司が地域で更生保護活動を行う拠点として設置され、保護司の処遇活動に対する支援や関係機関との連携による地域ネットワークの構築等を行っています。2008(平成20)年度から整備し、2013(平成25)年度までに全国で合計245か所設置されており、2014(平成26)年度には新たに100か所(合計345か所)増設する予算が計上されています。



(更生保護サポートセンターの様子)
(In the Offenders Rehabilitation Support Center)

保護司の安定的確保

保護司は、刑務所出所者等の立ち直りを地域で支えるボランティアであり、我が国の更生保護制度において重要な存在です。さらに、近年、再犯防止に対する意識が高まっていることもあり、保護司に対する国民の期待と関心はこれまで以上に高まっているといえます。その一方で、地域の人間関係の希薄化を始めとした社会情勢の変容や保護司の処遇活動が困難になっている等の影響もあって、保護司の人員は減少傾向にあると同時に、高齢化が進んでいます。保護司制度を将来にわたって充実強化していくことは更生保護の喫緊の課題となっています。こうした中、我が国では保護司活動の基盤を整備するための取組を進めており、2012(平成24)年度から保護司が保護観察対象者から被った物的損害に対する補償制度を開始したり、幅広い層から保護司適任者を確保するため、「保護司候補者検討協議会」を全ての保護司会で開催できるよう予算措置したほか、保護司の活動拠点である「更生保護サポートセンター」についても拡充を進めています。

※ 保護司の総数は、平成26年1月1日現在で47,914名です。

4. Offenders Rehabilitation Supported by Citizens in the Private Sector

In Japan, the offenders rehabilitation activities are supported by citizens in the private sector.

(1) Volunteer Probation Officers

Volunteer probation officers are volunteers in the local communities who provide supports so that persons who have committed crimes or juvenile delinquents are able to become self-reliant as sound members in society. The essence of such activities requires the officers to have socially trustworthy personality and behavior as well as sufficient time and enthusiasm for serving as a volunteer probation officer. After considering the opinion made by the Volunteer Probation Officer

Screening Commission set up in each probation office, the Minister of Justice commissions appropriate candidates among those who meet all requirements to serve as a volunteer probation officer. The status of volunteer probation officers is a part-time, regular-service national public officer with 2-year tenure and they are qualified for reelection. The officers receive no salary, but the actual expenses required for their duties are reimbursed wholly or partially. The maximum authorized number of volunteer probation officers is 52,500, who are assigned in probation districts established across the prefectures.

Offenders Rehabilitation Support Centers

These centers are established as a hub for offenders rehabilitation activities of volunteer probation officers in their local communities. They provide support for treatment activities of volunteer probation officers and create local networks through cooperating with relevant organizations. These centers have been developed since 2008, with a total of 245 centers nationwide by the end of FY2013. For FY2014, a budget has been established to open new 100 centers (345 centers in total).

Recruiting Volunteer Probation Officers Constantly

In recent years, the number of volunteer probation officers has been declining as social situations have changed because of the weakening of relationships in the local community, and the treatment activities of volunteer probation officers are getting more difficult. Enhancing the volunteer probation officer system in the future with constant recruitment of volunteer probation officers is an urgent issue for offenders rehabilitation.

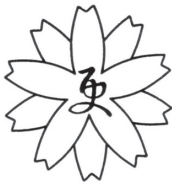
Under such circumstances, “Review Meeting for Providing Better Working Environment for Volunteer Probation Officer System” consisting of volunteer probation officers and academic experts was launched in March 2011, and the report of the review meeting was submitted in March 2012. In response to the report, the Ministry of Justice created a new compensation system for volunteer probation officers suffering property damage from probationers, and enabled all volunteer probation officers’ associations to establish the “Committee for Examining Candidates of Volunteer Probation Officers” in order to recruit eligible candidates from extensive groups. Moreover, the Ministry of Justice is working on enhancing the Offenders Rehabilitation Support Center which is a hub for activities of volunteer probation officers.

*Total number of volunteer probation officers is 47,914 persons as of January 1, 2014.

(2) 更生保護女性会

犯罪や非行のない明るい地域社会の実現に寄与することを目的として、地域の犯罪予防活動と犯罪をした人や非行のある少年の更生支援活動を行うボランティア団体です。

家庭や非行問題を地域住民と考えるミニ集会の実施、子育て支援地域活動、保護観察対象者の社会参加活動等への協力、更生保護施設・矯正施設の訪問など多種多様な活動を展開しています。現在、全国で約17万人の会員が活動しています。



(更生保護女性会のシンボル)
(Women's Associations for Rehabilitation Aid Badge)

(3) BBS会

「兄」や「姉」のような身近な存在として、少年たちと一緒に悩み、一緒に学び、一緒に楽しむ青年ボランティア団体です。

非行少年等の「ともだち」となってその成長や自立を支援する「ともだち活動」のほか、地域に根ざした非行防止活動やグループワーク、保護観察対象者の社会参加活動等への協力を行っており、全国で約4,500人の会員が活動しています。



(BBSのシンボル)
(BBS Symbol)

表2 保護司年齢別構成の推移

Table 2: Changes in the Composition of Volunteer Probation Officers by Age Bracket

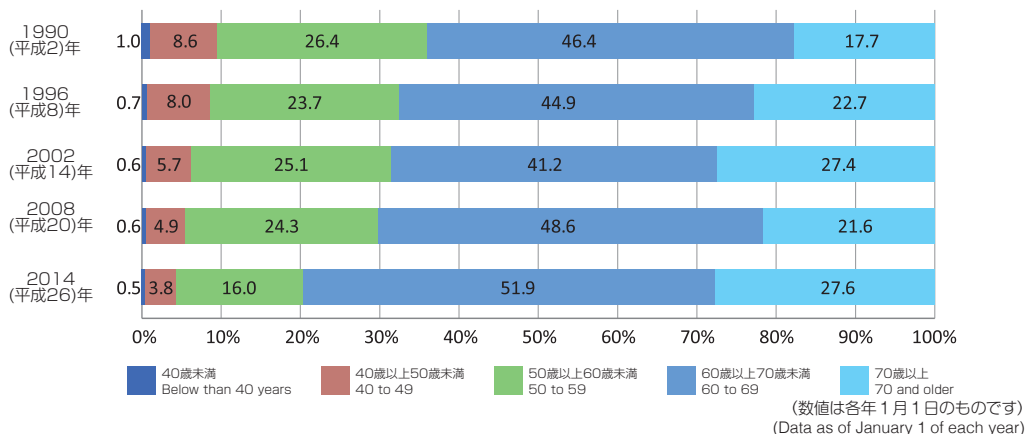
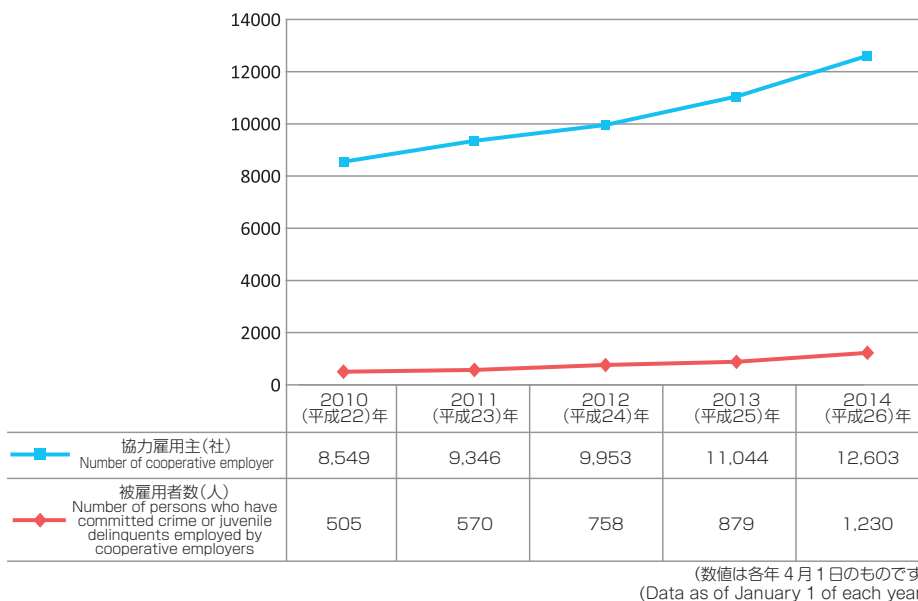


表3 協力雇用主数の推移

Table 3: Changes in the Number of Cooperative Employers



(2) Women's Associations for Rehabilitation Aid

Aiming to contribute to brighter local communities that are free of crime and delinquency, Women's Associations for Rehabilitation Aid are volunteer groups working on crime prevention activities in the local communities as rehabilitation support activities for persons who have committed crimes or juvenile delinquents.

They engage in various activities, such as small meetings with local residents for discussing family conditions and delinquency problems, local child-support activities, cooperation for smoother social reintegration of probationers, and site visits to offenders rehabilitation facilities and correctional institution. Currently, approximately 170,000 members are working on these programs across the country.

(3) BBS Association

(Big Brothers and Sisters Movement)

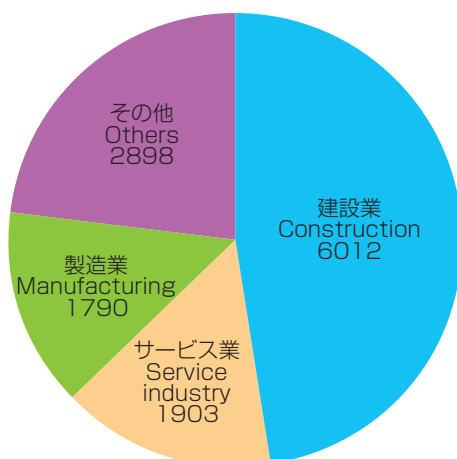
Behaving as an intimate person like a "big brother" or "big sister" for boys and girls with difficulties including juvenile delinquents, BBS Associations are serving as youth volunteer groups working with them through a variety of activities including listening attentively to them, learning

together, and having enjoyable times with them.

BBS Associations engage in "Friendship Activities" to become "friends" with juvenile delinquents and support their growth and self-reliance. They are also in social participation activities of probationers. Currently, approximately 4,500 BBS members are working on these programs.



表 4 協力雇用主の事業別内訳
2014 (平成 26 年) 4 月 1 日現在
Table 4 : Composition of Cooperative Employers
by Business (as of April 1, 2014)



雇用を通じて保護観察対象者等の立ち直りを支える協力雇用主
Cooperative employers supporting rehabilitations of probationers/parolees through employment

(4) 協力雇用主

協力雇用主は、犯罪・非行の前歴のために定職に就くことが容易でない保護観察対象者や更生緊急保護対象者を、その事情を理解した上で雇用し、改善更生に協力する民間の事業主です。全国で約 12,600 の事業主が協力しています。

(5) 更生保護施設及び自立準備ホーム

刑務所出所者等のうち頼るべき人がいないなどの理由で直ちに自立更生することが困難な人たちに対して、一定期間、宿泊場所や食事を提供する民間の施設です。

ア 更生保護施設

更生保護施設は、宿泊場所や食事の提供とともに、就職指導や社会適応のために必要な生活指導を行うなどして、被保護者の円滑な社会復帰を手助けします。現在、全国に 103 施設があり、法務大臣の認可を受けた民間の更生保護法人等によって運営されています。

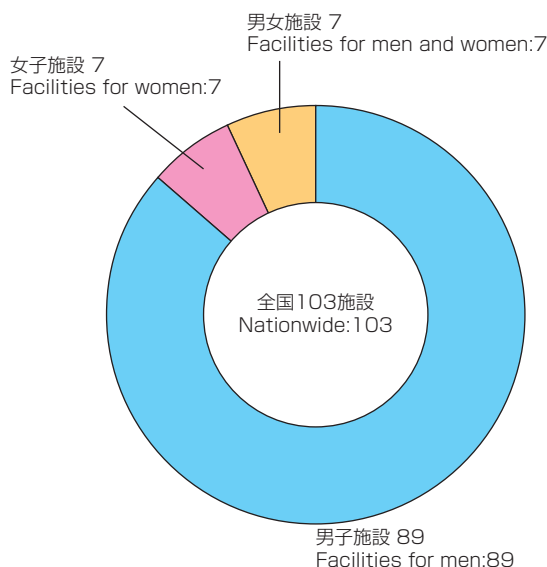
更生保護施設では再犯を防止するための処遇を行っており、対人関係を円滑にするための「SST (Social Skills Training : 社会生活技

能訓練)」、飲酒や覚せい剤使用の問題を改善するための処遇を行っている施設もあります。また、地域の住民の方々との交流も大切にしています。更生保護施設の数 は表 5 のとおり、その収容定員は表 6 のとおりです。

イ 自立準備ホーム

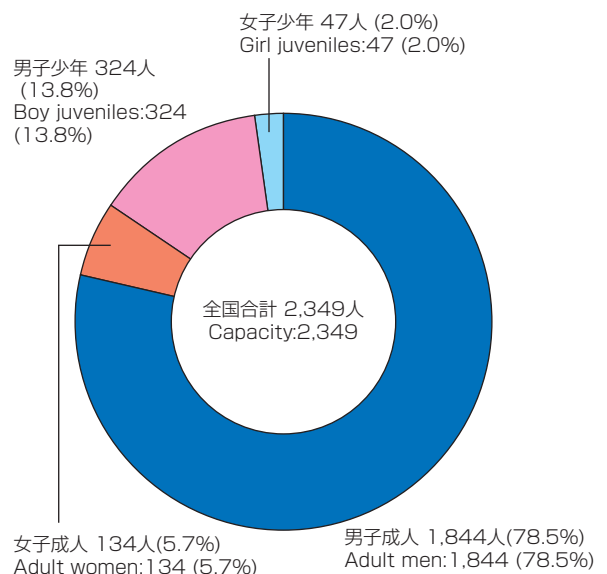
2011 (平成 23) 年度から、あらかじめ保護観察所に登録された NPO 法人等に対して、刑務所出所者等への宿泊場所の提供等を委託する事業を実施しています。この宿泊場所を「自立準備ホーム」と呼んでいます。自立準備ホームにおいては、委託を受けた NPO 法人等の職員が毎日、自立に向けた支援を行っています。2013 (平成 25) 年度の委託人員は 1,278 人であり、全国で 285 事業者が保護観察所に登録されています(2014(平成 26)年 3 月 31 日現在)。

表 5 更生保護施設の数
Table 5: Number of Offenders Rehabilitation Facilities



2014(平成 26)年 11 月 1 日現在
As of November 1, 2014

表 6 更生保護施設の収容定員
Table 6: Capacity of Offenders Rehabilitation Facilities



2014(平成 26)年 11 月 1 日現在
As of November 1, 2014

(4) Cooperative Employers

Cooperative Employers are private-sector entrepreneurs that hire probationers/parolees or discharged offenders under urgent aftercare and cooperate in their rehabilitation with an understanding that they face difficulties in finding regular jobs because they have past records of committing crime or delinquency. There are approximately 12,600 cooperative employers across the country.

(5) Offenders Rehabilitation Facilities and Self-Reliance Support Homes

Offenders rehabilitation facilities and self-reliance support homes provide temporal accommodations and meals to released inmates who are unable to become self-reliant and rehabilitated in the short term because they have nobody to rely on.

a. Offenders Rehabilitation Facilities

With temporal accommodations and meals, Offenders rehabilitation facilities provide vocational guidance as well as the lifestyle guidance necessary for social participation so that released inmates will be able to smoothly reintegrate into society. Currently, Japan has 103 offenders rehabilitation facilities nationwide. These facilities are operated by a private-sector Juridical Person for Offenders Rehabilitation, approved by the

Minister of Justice.

Offenders rehabilitation facilities conduct treatment to prevent re-offending, and some of them provide Social Skills Training (SST) to create smooth relationships with others or conduct treatment to improve problems with drinking or use of drugs. Those facilities also place emphasis on contacting with people in the local communities. The number of offenders rehabilitation facilities and their capacity is as described in Tables 5 and 6, respectively.

b. Self-Reliance Support Homes

The probation offices have entrusted registered NPOs and other organizations to provide released inmates with accommodations since 2011. Self-reliance support homes are organizations such as NPOs that are previously registered to provide released inmates with accommodations, under the commission of probation offices. The staff at self-reliance support homes provides self-reliant support services every day. The number of persons entrusted to self-reliance support homes in FY2013 was 1,278, and 285 organizations are registered to the probation offices across the country (as of March 31, 2014).



(ある更生保護施設の概観)
(External appearance of an offenders rehabilitation facility)



(SSTセッションの様子)
(SST session)



(居室の例)
(Example of an accommodation room)

2

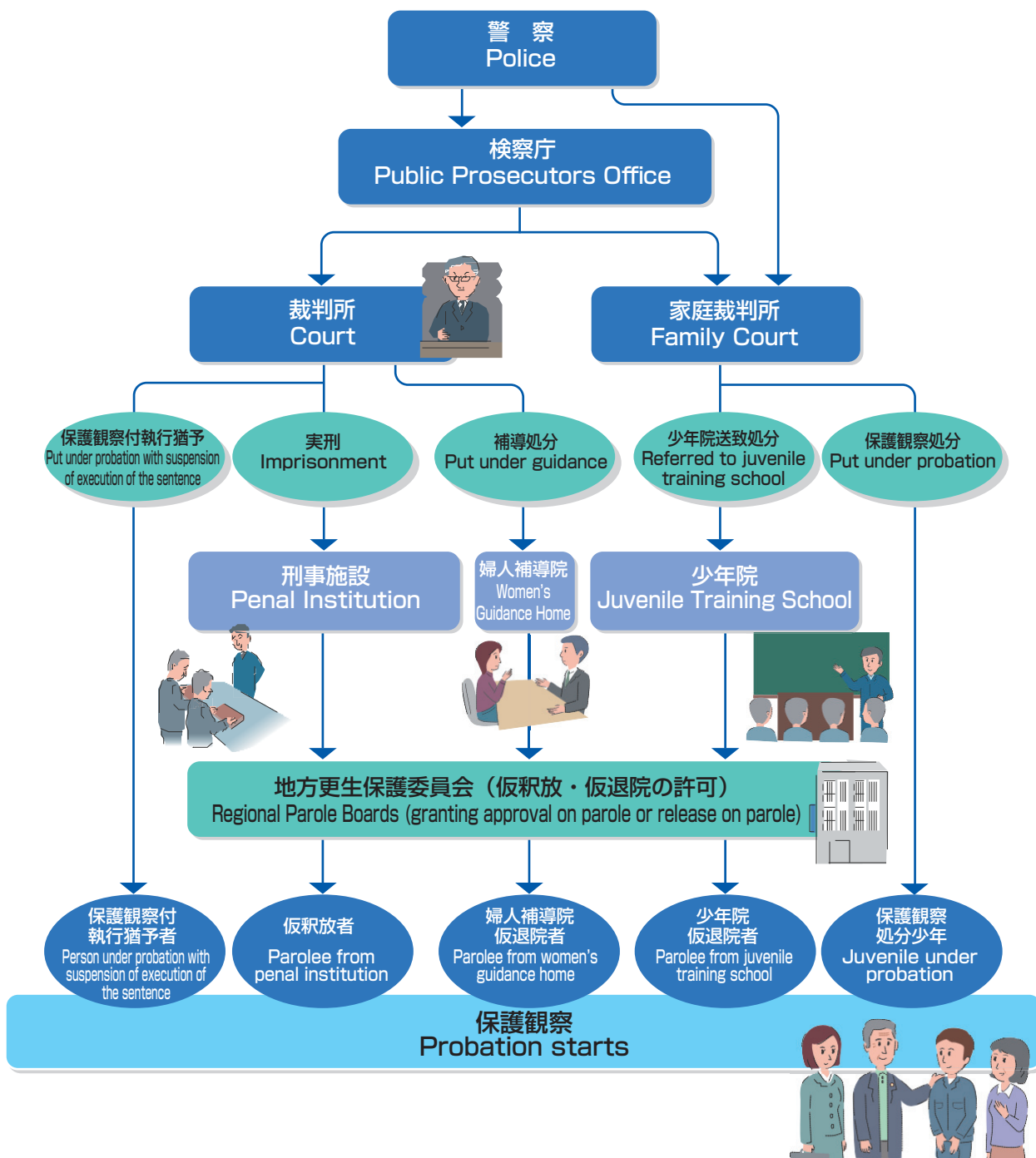
保護観察等

1. 保護観察の目的・種類

保護観察は、犯罪をした者又は非行のある少年が、社会の中で健全な一員として更生するように、国の責任において指導監督及び補導援護を行うものであり、更生保護の中核をなす制度です。保護観察は、通常

1人の保護観察対象者に対して保護観察官及び保護司が共に担当する協働態勢で実施されています。保護観察対象者の種類と期間は表7のとおり、保護観察に付されるまでの手続の流れは図3のとおりです。

図3 刑事司法制度の流れ
Figure 3: Flow of Criminal Justice Procedures



2 Probation

1. Purpose and Types of Probation

Probation is a core system of offenders rehabilitation that provides instruction/supervision and guidance/assistance, under the purview of the national government, so that those who have committed crimes and juvenile delinquents can be reintegrated into society as its sound members.

Probation is normally conducted in collaboration of a probation officer and a volunteer probation officer for every single probationer/parolee. The types and term of probation are as described in Table 7, and the flow of the criminal justice procedure is shown in Figure 3.

表 7 保護観察対象者の種類と期間
Table 7 : Types and Probation Periods of Probationer

保護観察対象者 Probationer	保護観察の期間 Term of probation
保護観察処分少年 (家庭裁判所で保護観察に付された少年) Juvenile under probation (Persons put under probation by the family court)	20 歳まで又は 2 年間 Until the juvenile turns 20 years old, or for 2 years
少年院仮退院者 (少年院からの仮退院を許された少年) Parolee from juvenile training school (Persons for whom release on parole from the juvenile training school is permitted)	原則として 20 歳に達するまで Until the juvenile turns 20 years old, in principle
仮釈放者 (刑事施設からの仮釈放を許された者) Parolee from penal institution (Persons for whom release on parole from the penal institution is permitted)	残刑期間 For the remaining sentence period
保護観察付執行猶予者 (裁判所で刑の執行を猶予され保護観察に付された者) Persons under probation with suspension of execution of the sentence (Persons who are given a suspended term and put under probation by the court)	執行猶予の期間 For suspended term
婦人補導院仮退院者 (婦人補導院からの仮退院を許された者) Parolee from women's guidance home (Persons for whom release on parole from the women's guidance home is permitted)	補導処分の残期間 For the remaining correction term

保護観察処分少年の保護観察には処遇方法等により、一般の保護観察、短期保護観察、交通事件の保護観察、交通短期保護観察があります。Probation for "Juvenile under probation" consists of the following treatment categories: Ordinary probation; short-term probation; probation for traffic offense; and traffic short-term probation for traffic offense.

表 8 保護観察の開始人員の推移
Table 8: Changes in Persons for Whom Probation was Initiated

年 Year	総数 Total number	保護観察処分少年 Juveniles under probation	少年院仮退院者 Parolees from juvenile training school	仮釈放者 Parolees from penal institution	保護観察付執行猶予者 Persons under probation with suspension of execution of the sentence	婦人補導院仮退院者 Parolees from women's guidance home
2009 (平成 21) 年	48,488	26,094 (53.8%)	3,869 (8.0%)	14,854 (30.6%)	3,671 (7.6%)	0 (0%)
2010 (平成 22) 年	47,562	25,525 (53.7%)	3,883 (8.2%)	14,472 (30.4%)	3,682 (7.7%)	0 (0%)
2011 (平成 23) 年	45,199	23,580 (52.2%)	3,601 (8.0%)	14,620 (32.3%)	3,398 (7.5%)	0 (0%)
2012 (平成 24) 年	44,056	22,557 (51.2%)	3,421 (7.8%)	14,700 (33.4%)	3,376 (7.6%)	2 (0.0%)
2013 (平成 25) 年	42,117	20,811 (49.4%)	3,428 (8.1%)	14,623 (34.7%)	3,255 (7.7%)	0 (0%)
Number of cases pending in 2013 (平成 25) 年の係属件数	39,652	18,663 (47.1%)	4,645 (11.7%)	5,614 (14.1%)	10,730 (27.1%)	0 (0%)

※ () 内は総数に占める割合です。 ※係属件数とは、年末現在における係属中の事件数のことをいいます。

* The number in parentheses represents the proportion of total.

* The number of cases pending represents the number of cases at the end of the year.

2. 保護観察の方法

保護観察は、保護観察官及び保護司が協働して、指導監督及び補導援護を行います。

(1) 指導監督

指導監督は、①面接その他の適当な方法により保護観察対象者と接触を保ち、その行状を把握すること、②保護観察対象者が遵守事項を守り、生活行動指針（注）に則して生活・行動するよう必要な指示その他の措置をとること、③特定の犯罪的傾向を改善するための専門的処遇を実施することです。

（注）保護観察所の長が個々の保護観察対象者ごとに定めることができる生活又は行動の指針。違反しても不良措置はとられないが、保護観察対象者はこれを守る努力義務を負います。

(2) 補導援護

補導援護は、保護観察対象者が自立した生活を営むことができるようにするため、その自助の責任を踏まえつつ行う措置をいいます。具体的には、①適切な住居その他の宿泊場所を得たり、同所へ帰住するよう助けること、②医療・療養、職業補導・就職、職業訓練を得るよう助けること、③生活環境の改善・調整、生活指導等を行うことが挙げられます。

なお、更生保護施設や自立準備ホームに入所している保護観察対象者については、これらの施設を設置する法人に補導援護を委託する運用が多くなされています。

保護観察における遵守事項について

遵守事項には、一般遵守事項と特別遵守事項があります。

一般遵守事項は全ての保護観察対象者が守らなくてはならないものであり、具体的には保護観察官又は保護司の呼出し又は訪問に応じ、面接を受けること、保護観察に付されたときは速やかに住居を定め、保護観察所の長に届出をすること、転居又は7日以上旅行をするときは、あらかじめ保護観察所の長の許可を受けることなどが挙げられます。

特別遵守事項は個々の保護観察対象者ごとに定められるものであり、保護観察対象者の改善更生のために特に必要と認められる範囲において具体的に定められます。例えば、飲酒が保護観察に付される理由となった犯罪行為に関連していた者に対しては、飲酒をしないことといった特別遵守事項が考えられます。少年院仮退院者及び仮釈放者については地方更生保護委員会が設定し、保護観察処分及び保護観察付執行猶予者については、裁判所の意見を聴いて、保護観察所の長が設定します。

遵守事項に違反した場合は仮釈放の取消といった不良措置により、刑務所に収容されることがあります。

2. Methods of Probation

For probation, probation officers and volunteer probation officers work together to provide instruction/supervision and guidance/assistance.

(1) Instruction/Supervision

Instruction/supervision is ① to maintain contact with probationers/parolees through interviews or any other appropriate methods to understand their behaviors; ② to give necessary instructions or take other measures to ensure that probationers/parolees will comply with the condition and live/conduct themselves in accordance with the life/conduct guideline (see Note below); and ③ to conduct specialized treatment to improve certain criminal tendencies.

Note: The director of each probation office can designate life/conduct guideline for each probationer. No punishment, sanction will be imposed for breach of the guidelines; however, probationers have the obligation to make efforts to comply with these guidelines.

(2) Guidance/Assistance

Guidance/assistance refers to the measures to be taken to enable probationers to live an independent life based on their own responsibility for self-help. More concretely, those measures include: ① assisting probationers so that they can obtain a suitable residence or other accommodation or can return to or live in such residence or accommodation; ② assisting probationers so that they can receive medical care/treatment, helping them to get vocational guidance and employment, and assisting them so that they can obtain vocational training; and ③ improving and coordinating their social circumstances, and otherwise teaching them life skills.

The probation offices often engage the judicial persons establishing those facilities to provide probationers who are put in the Offenders Rehabilitation Facilities or self-reliance support homes with guidance/assistance.

Conditions to be observed in Probation

The conditions in probation consist of the general conditions and special conditions.

The general conditions must be observed by all probationers/parolees. Those conditions specifically include to respond to summons or visits by probation officers or volunteer probation officers and undergo interviews; to choose residences promptly and notify to the director of the probation office when probationers are put under probation; and to obtain permission of the director of the probation office in advance when probationers/parolees change their residences or goes on a trip for seven days or longer.

The special conditions are established for each probationer concretely and to the extent especially necessary for improvement and rehabilitation of that probationer. For example, in case of a probationer who has been involved with any criminal act triggered by drinking alcohol, his/her special conditions would include not drinking alcohol. The special conditions for parolees from juvenile training schools and parolees will be established by the regional parole boards, while those for persons under probation and persons under probation with suspension of execution of the sentence will be established by the director of the probation office after hearing opinions of the court.

In cases with those who have breached conditions decisions on their parole are cancelled and they may be sent to penal institution.

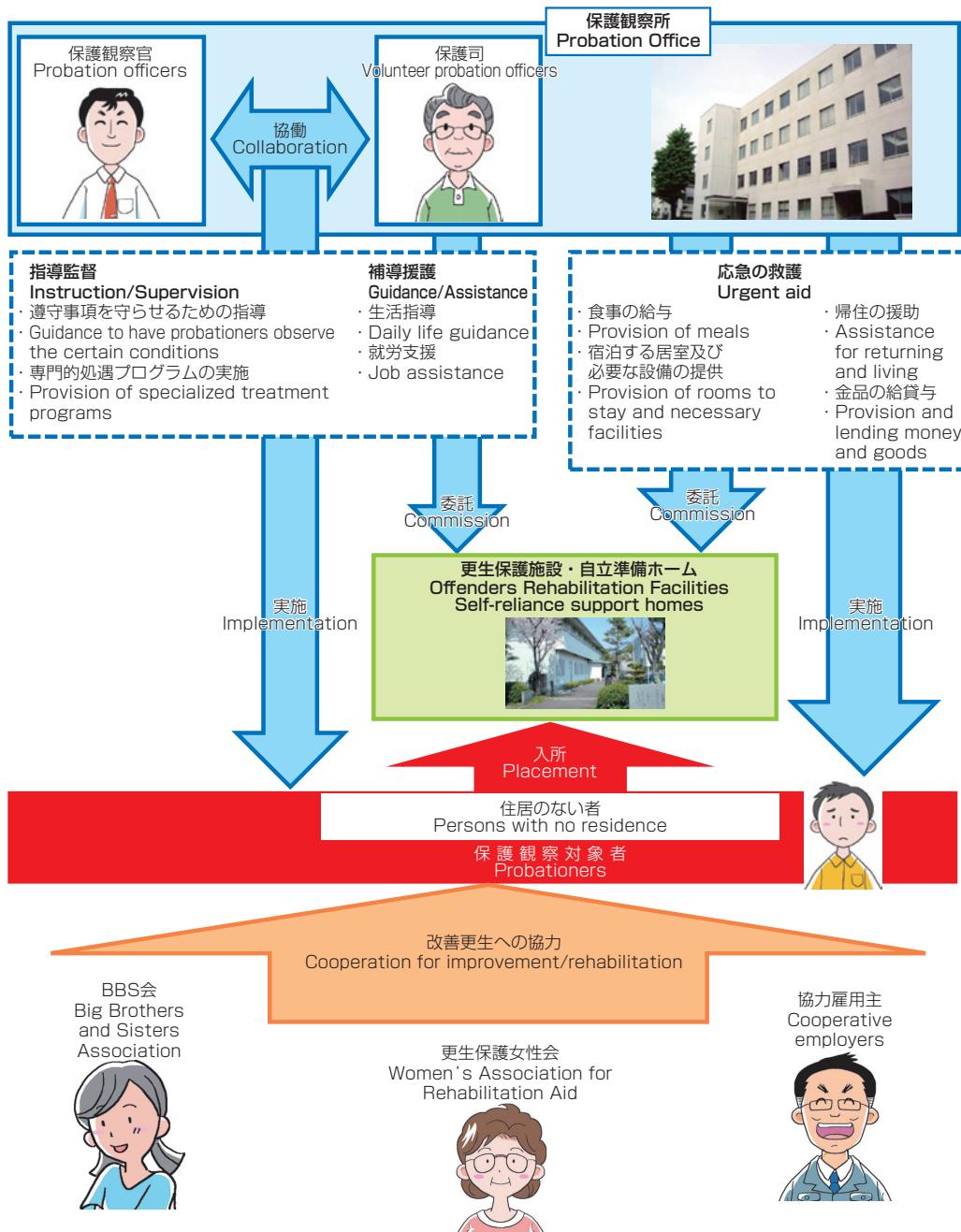
(3) 応急の救護

保護観察対象者が適切な医療、食事、住居その他の健全な社会生活を営むために必要な手段を得ることができず、その改善更生が妨げられるおそれがある場合に保護観察所の長が行う応急的な措置のことをいいます。保護観察所の長は保護観察対象者が公共の衛生福祉に関する機関その他の機関からその目的の範囲内で必要な応急の救護を得

られるよう、これを援護しなければならず、この援護によっては必要な応急の救護が得られない場合は、保護観察所の長がこの救護を行います。

なお、保護観察対象者に適当な住居がない場合等には、更生保護施設や自立準備ホームを運営する法人に応急の救護を委託し、これらの施設に入所させて応急の救護を行う運用が多くなされています。

図 4 保護観察の概念図
Figure 4: Conceptual Diagram of Probation



(3) Urgent Aid

Urgent aid refers to the urgent measures to be taken by the director of the probation office when the probationer/parolee cannot obtain appropriate medical care, meals, residence or other means necessary to live a healthy social life and as a result may be inhibited from his/her improvement and rehabilitation. The director of the probation office is required to assist probationers so that they can receive necessary urgent aid from public health/welfare or other agencies to the extent of the objectives of those agencies, and if any probationer cannot receive necessary urgent aid through such assistance, the director of the relevant probation office will provide such aid.

If probationers or parolees have no appropriate residences to live, the director of the probation office often engages entities operating the Offenders Rehabilitation Facilities or self-reliance support homes to provide urgent aid to accommodate such probationers/parolees in those facilities.



保護司による指導の様子
Scene of volunteer probation officer giving guidance



保護観察官による面接風景
Scene of an interview by a probation officer

3. 保護観察実施上の諸施策

(1) 専門的処遇プログラム

保護観察所においては、保護観察官が専門的知識に基づき、特定の犯罪的傾向を有する者に対する専門的処遇プログラムを実施しています。専門的処遇プログラムは①性犯罪者処遇プログラム、②覚せい剤事犯者処遇プログラム、③暴力防止プログラム、④飲酒運転防止プログラムの4種類があります。これらは、原則として、特別遵守事項として義務付けて実施しており、ワークブックを用いた教育課程が中心ですが、覚せい剤事犯者処遇プログラムについては、簡易薬物検出検査も実施しています。

(2) 社会貢献活動

社会貢献活動は、保護観察対象者に地域社会に役立つ活動を行わせ、人の役に立てるといった感情や社会のルールを守る意識を育むことによって、保護観察対象者の再犯防止及び改善更生を図ろうとするもの



社会貢献活動の様子
Scene of social contribution activities

です。主に、公共の場所での環境美化活動や福祉施設での介護補助活動等を社会貢献活動として実施しています。2013(平成25)年に更生保護法が一部改正され、2015(平成27)年6月までに、社会貢献活動を行うことを特別遵守事項として義務付けることができますようになります。

(3) 自立更生促進センター

親族等や民間の更生保護施設では円滑な社会復帰のために必要な環境を整えることができない刑務所出所者等を対象とし、国が設置した一時的な宿泊場所(保護観察所に併設)を提供するとともに、保護観察官が直接、濃密な指導監督と手厚い就労支援を行っています。

このうち、特定の問題性に応じた重点的・専門的な社会内処遇を実施する施設を「自立更生促進センター」と呼び、主として農業等の職業訓練を行う施設を「就業支援センター」と呼んでいます。

自立更生促進センター National Centers for Offenders Rehabilitation



(北九州市)
(Kitakyushu City)



(福島市)
(Fukushima City)

北九州自立更生促進センター(北九州市) Kitakyushu National Center for Offenders Rehabilitation (Kitakyushu City)	福島自立更生促進センター(福島市) Fukushima National Center for Offenders Rehabilitation (Fukushima City)
2009(平成21)年6月に開所 Opened in June 2009	2010(平成22)年8月に開所 Opened in August 2010
成人男子14人の定員(仮釈放者) Accommodating a maximum of 14 male adult offenders on parole	成人男子20人の定員(仮釈放者) Accommodating a maximum of 20 male adult offenders on parole
問題性に応じた重点的・専門的な処遇を実施(原則3か月) Providing focused and highly specialized treatment in a manner suitable to the offender's specific problems (for 3 months in principle)	問題性に応じた重点的・専門的な処遇を実施(原則3か月) Providing focused and highly specialized treatment in a manner suitable to the offender's specific problems (for 3 months in principle)

3. Probation Measures

(1) Specialized Treatment Programs

At the probation offices, probation officers provide specialized treatment programs, based on their expertise, for those who have certain criminal tendencies. There are following four specialized treatment programs: ① sexual offender treatment program; ② stimulant drug offender treatment program; ③ violence prevention program; and ④ drunken driving prevention program. These programs are basically provided by obliging offenders to observe the special conditions, and are put into practice mainly through education courses using workbooks. For the program for treatment of stimulants drug offenders, however, simplified drug tests are conducted.

(2) Social Contribution Activities

Social contribution activities are intended to prevent probationers from re-offending and assist them to improve and rehabilitate through acquiring a sense of self-efficacy and develop greater moral awareness by having probationers conduct activities which benefit their local communities. Social contribution activities chiefly include the environmental beautification activities at public places and other care assistant activities at welfare facilities. The Offenders Rehabilitation Act was partially

amended in 2013, under which it will become able to impose the obligation to conduct social contribution activities on probationers as part of the special conditions by June 2015.

(3) National Centers for Offenders Rehabilitation

National centers for offenders rehabilitation are intended for discharged offenders that suffer serious difficulties because smoother reintegration into society is almost impossible for them even with help from their relatives or private-sector offenders rehabilitation facilities. These centers are established and operated to provide such discharged offenders with temporal accommodations set up by the central government (under the premise of the probation office) as well as intensive instruction/supervision, and sufficient job assistance. By doing so, these centers are helping their improvement/rehabilitation, preventing subsequent offense, and pushing ahead with the creation of safe and secure regions nationwide.

The “National Center for Offenders Rehabilitation” provides focused and highly specialized community-based treatment in a manner suitable to the offender’s specific problems, while the “National Center for Offenders Job Training and Employment Support” mainly engages in vocational training programs in agriculture, etc.

就業支援センター

National Centers for Offenders Job Training and Employment Support



(北海道沼田町)
(Numata Town, Hokkaido)



(茨城県ひたちなか市)
(Hitachinaka City, Ibaraki Prefecture)

沼田町就業支援センター (北海道沼田町) Numata-cho National Center for Offenders Job Training and Employment Support (Numata Town, Hokkaido)	茨城就業支援センター (茨城県ひたちなか市) Ibaraki National Center for Offenders Job Training and Employment Support (Hitachinaka City, Ibaraki Prefecture)
2007 (平成 19) 年 10 月に開所 Opened in October 2007	2009 (平成 21) 年 9 月に開所 Opened in September 2009
男子 12 人の定員 (主に少年院仮退院者) Accommodating a maximum of 12 male offenders (Mainly parolees from juvenile training school)	成人男子 12 人の定員 (将来農業に従事する意思のある仮釈放者及び満期釈放者) Accommodating a maximum of 12 male adult offenders (Those who were released on parole as well as expiration of the penal institution term, intending to engage in agriculture in the future)
町営の実習農場に委託 Commissioning municipal training farms to provide vocational training programs	厚生労働省から県内の農業者へ公共職業訓練として委託 Ministry of Health, Labour and Welfare commissions farmers in the prefecture to provide public vocational training programs

(4) 住居確保及び就労支援

刑務所から釈放されても適当な住居や仕事がないことにより再犯に至る者が多く、特に無職の保護観察対象者の再犯率は有職者の約4倍に上っています。このような状況を踏まえ、刑務所出所者等の社会復帰を支援するため、住居や就労の確保に向けた取組に力を入れています。

ア 住居確保に関する施策

法務大臣の指定を受けた更生保護施設において、高齢又は障害により特に自立が困難な矯正施設出所者の受け入れや、規制薬物等に対する依存がある者に対する重点的な処遇の実施のために専門スタッフを配置するなど、更生保護施設の受け入れ機能を強化するとともに、平成23年度からは自立準備ホームを活用し、多様な受け入れ先の確保に取り組んでいます。

イ 就労支援に関する施策

2006(平成18)年度から、法務省と厚生労働省が連携し、「刑務所出所者等総合的就労支援対策」を実施しており、公共職業安定所において職業相談・職業紹介を行うほか、トライアル雇用(注1)や身元保証制度(注2)の就労支援メニューを活用した支援を行っています。また、2013(平成25)年度からは、協力雇用主のもとでの職場定着を促進するため、協力雇用主に対して職場定着協力者謝金を支給する取組を始めています。

注1：刑務所出所者等の試行的な雇用期間を

設けることで、事業主の不安を軽減し、常用雇用への移行促進を図る制度。トライアル雇用を実施した事業主には試行雇用奨励金が支給されます。

注2：身元保証人を確保できない刑務所出所者等について身元保証を行う民間団体が1年間身元を保証し、被保証人による業務上の損害等に対し、見舞金を支給する制度です。

地方自治体や経済界による就労支援の取組

昨今、保護観察対象者を地方自治体の臨時的任用職員として採用する制度や、公共工事等の競争入札において協力雇用主を優遇する制度を導入する地方自治体が増えています。

また、2009(平成21)年には、治安の確保による恩恵は社会全体にもたらされるものであり、経済界全体で刑務所出所者等の就労を支援し、就労の確保や再犯の防止を図るべきであるとの考えから、経済諸団体や大手企業関係者等により特定非営利活動法人「全国就労支援事業者機構」(2011(平成23)年に認定特定非営利活動法人に認定)が設立され、さらに地方単位の就労支援事業者機構(都道府県就労支援事業者機構)が全国50か所(各都道府県に1か所ずつ、北海道は4か所)に設立され、刑務所出所者等を雇用した場合の協力雇用主への助成事業などの就労支援事業を実施しています。

(4) Securement of Residence and Job Assistance

There are many persons who re-commit crimes because they have no appropriate residence or job, even though they are released from prison. In particular, the re-offending rate of jobless probationers and parolees is nearly four times that of probationer and parolees with a job. Given such situation, the government places emphasis on securing residences and jobs to help persons released from penal institution to reintegrate into society.

a. Securement of Residence

The Offenders Rehabilitation Facilities designated by the Minister of Justice accept persons released from correctional institution that especially face difficulties in becoming self-reliant due to old age or disabilities, and assign professional staff members to conduct intensive treatment for those who are dependent on restricted drugs, thereby reinforcing the function of the offenders rehabilitation facilities to accept those persons. In addition, efforts have been made to secure a variety of facilities, including the start of use of self-reliance support homes in FY2011.

b. Job Assistance Service

From FY2006, the Ministry of Justice and Ministry of Health, Labour and Welfare are working together to engage in “comprehensive employment support measures for released inmates, etc.” which provides vocational counseling and job placement services at public employment security offices

and gives job assistance services, such as a trial employment system (note 1) and fidelity guarantee system (note 2). From FY2013, the Ministry of Justice has started working on encouraging released inmates to work under cooperative employers by giving cooperative employers the reward for cooperation on job settlement.

(Note 1) By setting up a trial employment period for released inmates, this program aims to mitigate employer anxieties and encourage a smoother shift to permanent employment. An employer that provides trial employment is entitled to receive trial employment incentive payments.

(Note 2) In this system, a private-sector organization serves as personal guarantor for a year for released inmates, etc. unable to find a personal guarantor on their own. This system will make a consolatory payment if job-related damage has been committed by the warrantee.

Job Assistance Project by Local governments or Corporations

Recently, more and more local governments are introducing new programs to hire probationers/parolees as local government temporal staff or to give preferential treatment to cooperative employers in public work competitive bidding processes.

As maintenance of public order will bring benefits to the entire society, it is recognized that the business community as a whole should support employment of released inmates, etc., aiming to provide job opportunities and thereby prevent subsequent offense. In this context, the “National Organization for Employment of Offenders” (designated as a certified NPO in 2009) was established in 2009 by economic organizations and large corporation stakeholders. In addition, local-based job assistance service provider organizations were set up in 50 locations nationwide (1 organization in each prefecture, and 4 organizations in Hokkaido) to provide job assistance projects, such as subsidy programs for cooperative employers that hire released inmates, etc.

4. 仮釈放等・生活環境の調整

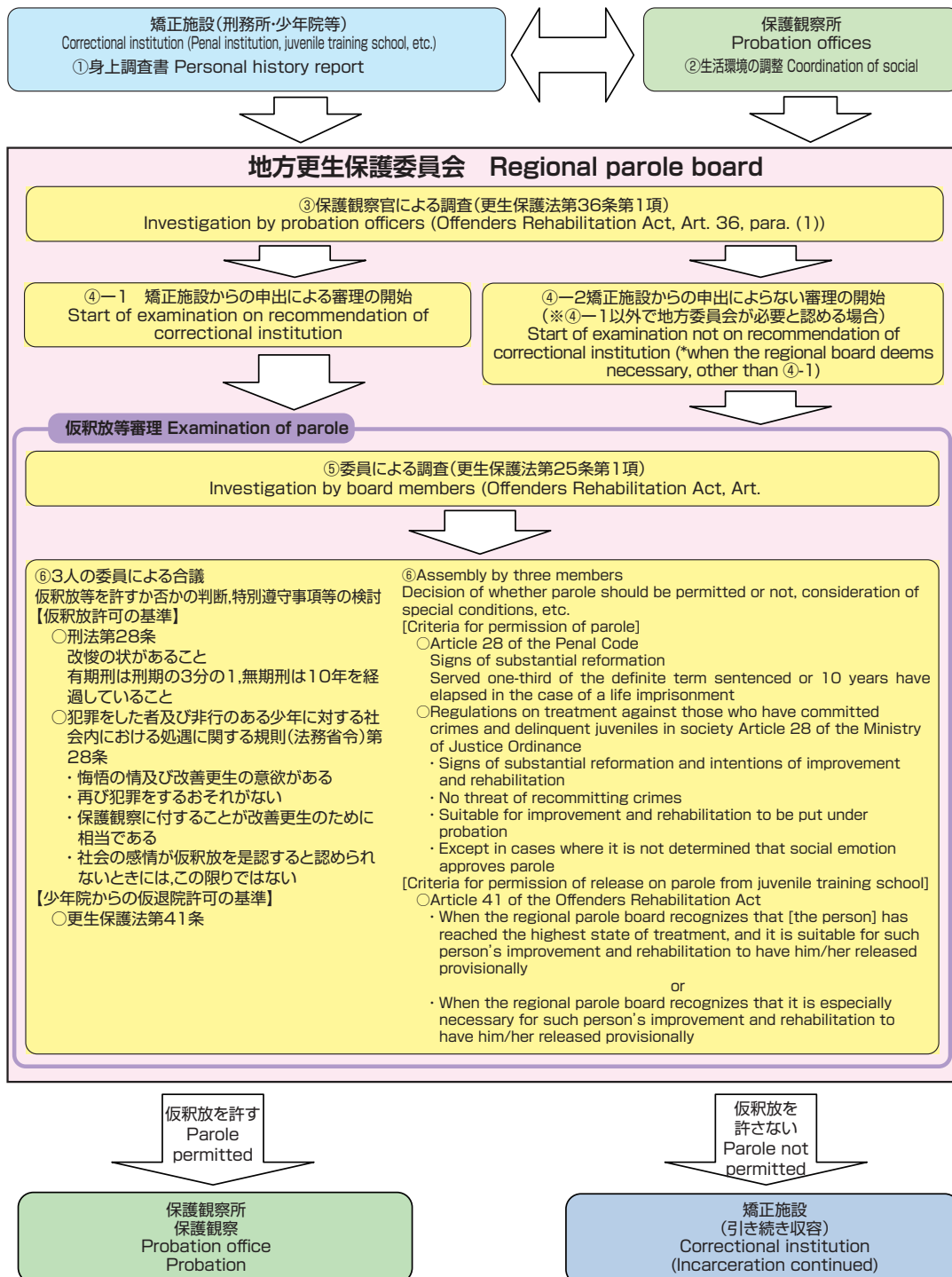
(1) 仮釈放等

仮釈放等とは、刑又は保護処分の執行のため矯正施設に収容されている者を刑期又は収容期間が満了する前に、地方更生保護委員会の決定をもつ

て釈放する処分の総称です。具体的には、①刑事施設からの仮釈放、②少年院からの仮退院、③婦人補導院からの仮退院、④刑事施設又は労役場からの仮出場があり、①、②、③の期間中は保護観察に付されます。

仮釈放の手続の流れは、図5のとおりです。

図5 仮釈放の手続の流れ
Figure 5: Flow of Parole Procedure



4. Parole and Coordination of Social Circumstances

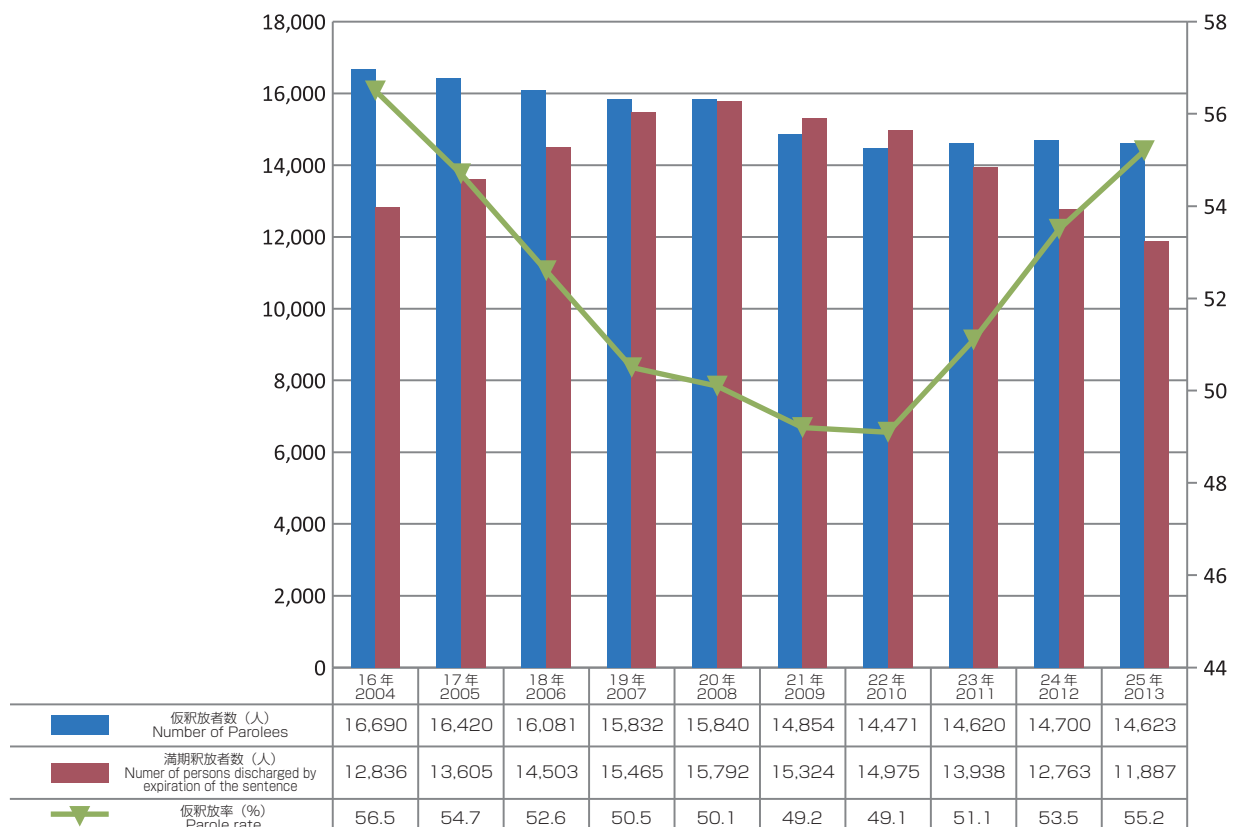
(1) Parole

Parole collectively refers to the measures to release a person who is incarcerated for execution of the sentence or protective measure before the expiration of sentence or period of incarceration, based on the decision of the regional parole board. More specifically, parole include: ① parole from penal institution; ② release on parole from juvenile training school; ③ release on parole from women's guidance home; and (iv) provisional release from penal institution or workhouse, and those who are released will be subject to probation during the period of release under ①, ② and ③.

The flow of parole procedure is as depicted in Figure 5.

表 9 出所者受刑者数・仮釈放率の推移 (平成 16 年～平成 25 年)

Table 9: Changes in the Number of Released Inmates by the Type of Release from Penal Institution and Parole Rate (2004-2013)



(2) 生活環境の調整

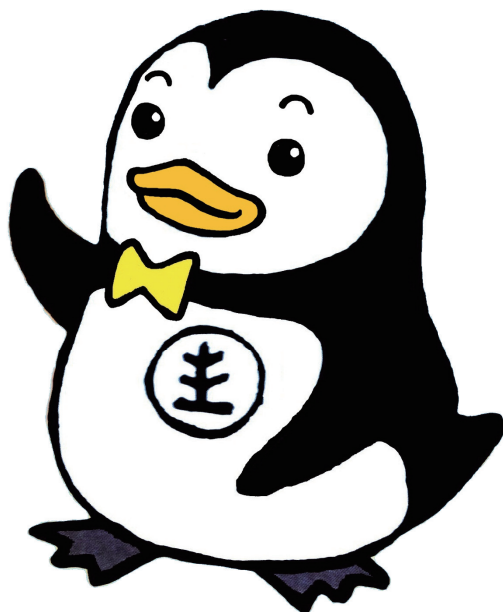
生活環境の調整は、矯正施設に収容されている者の釈放後の住居や就業先などの帰住環境を調査し、改善更生と社会復帰にふさわしい生活環境を整えることによって、円滑な社会復帰を目指すものです。犯罪や非行の原因として、生活環境が大きな要因を占めていることは少なくないことから、その生活環境をよりふさわしいものにしていくことは、重要な意味を持ちます。生活環境の調整の方法は次のように行われます。

① 矯正施設に収容された場合に、保護観察所の保護観察官及び保護司による生活環境の調整を開始します。

② 保護観察官又は保護司が被収容者の意向を踏まえつつ、本人の家族や引受人を訪問し、釈放後の生計の見込みや生活環境を調査・調整します。

③ 調査・調整の結果に基づき、被収容者が釈放後に居住する予定の居住地に帰ることの可否に関する保護観察所長の意見を付して、地方更生保護委員会・矯正施設に報告書を送付します。

④ 送付された報告書は、矯正処遇や仮釈放等審理において活用されます。



特別調整

高齢又は障害により特に自立が困難な刑務所出所者等の円滑な社会復帰のため、保護観察所では、「特別調整」を行っています。これは、厚生労働省の事業として各都道府県が設置する「地域生活定着支援センター」や矯正施設等と連携して、対象者が矯正施設出所後速やかに地方公共団体や社会福祉法人等が実施する福祉サービス等を受けられることができるように、矯正施設入所中から必要な調整を行うものです。

さらに、矯正施設を出所した後、直ちに福祉による支援を受けることが困難な者については、国が指定した更生保護施設に一時的に受け入れて、円滑に福祉サービスを受けるための調整や、社会生活に適應するための指導等を行っています。この指定を受けた更生保護施設には、福祉の専門スタッフが配置されています。

(2) Coordination of Social Circumstances

Coordination of social circumstances is intended to help persons incarcerated in correctional institution to reintegrate into society smoothly through investigating into residences, employers and other circumstance to arrange appropriate social circumstances for their rehabilitation and reintegration into society. Since social circumstances surrounding a person are major factors which led to them committing a crime or delinquency, it is significant to make their social circumstances more suitable. Methods for coordination of social circumstances are as described below:

- ① When a person is incarcerated in the correctional institution, probation officers of the probation office where that inmate is willing to live after his/her release and volunteer probation officers will start coordination of social circumstances.
- ② Probation officers or volunteer probation officers will conduct investigations / coordination into the prospect of living or social circumstances after release, based on the inmate's intentions, by visiting his/her family or guarantor.

- ③ Based on results of investigations and coordination, document material will be sent to the regional parole board and correctional institution, with an opinion of the director of the probation office on whether the inmate will be permitted to return to where he/she plans to reside after being released.
- ④ The document material will be utilized for correctional treatment, and parole and other examination.

Special Coordination

Probation offices are engaging in "special coordination" tasks, aiming to encourage released inmates who suffer difficulties in self-reliant due to old age or disabilities to achieve smoother reintegration into society. This means probation offices are working with correctional institution or prefectural "Community Life Stabilizing Support Centers" established as a project of the Ministry of Health, Labour and Welfare to provide inmates with necessary coordination services so that they will be able to make use of welfare services available from local governments or social welfare corporations immediately after release from a correctional institution.

If an inmate has difficulty in getting welfare support immediately after release from a correctional institution, designated offenders rehabilitation facilities will temporarily accept such inmates and provide coordination services for smoother welfare services or give instructions for adapting to social life. Welfare specialist staff is assigned to these designated offenders rehabilitation facilities.

5. 更生緊急保護

更生緊急保護とは、刑の執行を終えて満期釈放された者、起訴猶予者などが、身柄の拘束を解かれた後、親族や公共の衛生福祉その他の援助や保護が得られないなどのため、保護観察所の長に保護の申出をした場合に、その者が進んで法律を守る善良な社会の一員となることを援護し、その速やかな改善更生を保護するために、保護観察所の長自ら又は更生保護事業を営む者及びその他の適当な者に委託して保護することをいいます。更生緊急保護は、身柄の拘束を解かれてから6月を超えない範囲で行うこととされ、その者の改善更生を保護するために特に必要と認められるときは、更に6月を超えない範囲において行うことができます。

具体的な措置には、宿泊場所の供与、食事の給与、

帰住のための旅費の給与等があり、2013(平成25)年の内訳は表10のとおりです。

表10 2013(平成25)年の更生緊急保護の実施人員の内訳
Table 10 : Breakdown of Discharged Offenders Subject to Urgent After-care (2013)

対象者の種類 Category of discharged offenders	保護観察所において直接行う保護 Aftercare directly provided by the probation office						更生保護施設等へ宿泊を伴う保護の委託 Engagement of Offenders Rehabilitation Facilities for aftercare involving accommodation
	総数 Total number	主な措置別人員 Number of persons by main measure					
		宿泊 Accommodation	食事給与 Provision of meals	衣料給与 Provision of clothing	医療援助 Medical assistance	旅費給与 Grant of travel expenses	
更生緊急保護 Urgent Aftercare	9,444	3	808	829	13	821	4,804 (850)
刑の執行終了 Conclusion of execution of sentence	6,198	3	382	339	4	407	2,907 (413)
刑の執行猶予 Suspension of execution of the sentence	1,156	0	160	184	3	134	714 (160)
起訴猶予 Grace of prosecution	1,358	0	184	206	6	193	776 (184)
罰金・科料 Penalty/fine	544	0	65	70	0	63	292 (67)
労役場出場・仮出場 Release or provisional release from workhouse	174	0	16	28	0	22	78 (20)
少年院仮退院・仮退院期間満了 Release from juvenile training school/ expiration of release on parole rates	14	0	1	2	0	2	37 (6)

※()内は、自立準備ホーム等の更生保護施設以外への委託であり、内数です。

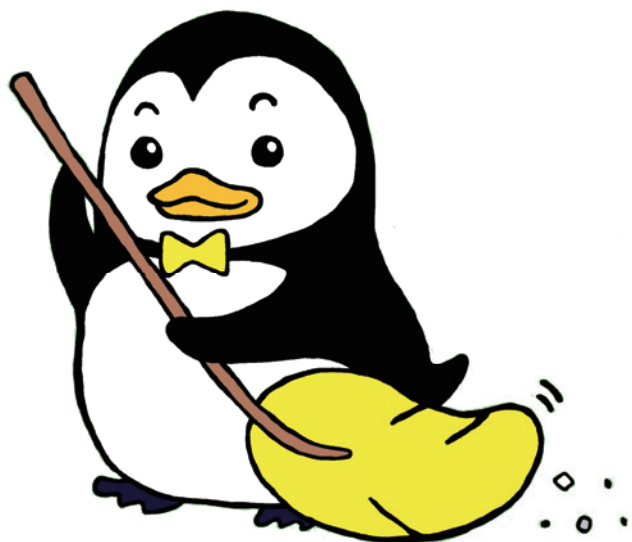
* Number in parentheses represents the number of the cases in which any facilities other than the Offenders Rehabilitation Facilities, such as self-reliance support homes, and is included in the total number of engagements.

5. Urgent Aftercare of Discharged Offenders

Urgent aftercare of discharged offenders is a measure to support persons released from penal institution with the expiration of their sentence, persons under suspension of prosecution, and others, who request aid from the director of the probation office as they cannot receive aids from their relatives or public health and welfare agencies after their release. The director of the probation office or other appropriate persons entrusted by the director of probation office to engage in offenders rehabilitation services support those who apply for the urgent aftercare to rehabilitate and become sound members of society who are willing to comply with laws.

Urgent aftercare of discharged offenders shall be provided for a period not longer than six months after subject offenders are released from physical restraint. If it is deemed especially necessary, aid may be provided for another six months or less.

Concrete measures include provision of accommodation and meals, and grant of travel expenses for returning and living, the breakdown of which measures for 2013 was as shown in Table 10.



3

恩赦

1. 恩赦制度とは

恩赦は、行政権によって、国の刑罰権を消滅させ、司法権の行った裁判の内容を変更し、又は裁判の効力を変更若しくは消滅させる行為です。恩赦は内閣が決定し、天皇が認証します。

恩赦は政令によって一律に行われる政令恩赦と、特定の者に対して個別に行われる個別恩赦に大別されます。

恩赦の種類については、図6のとおりです。

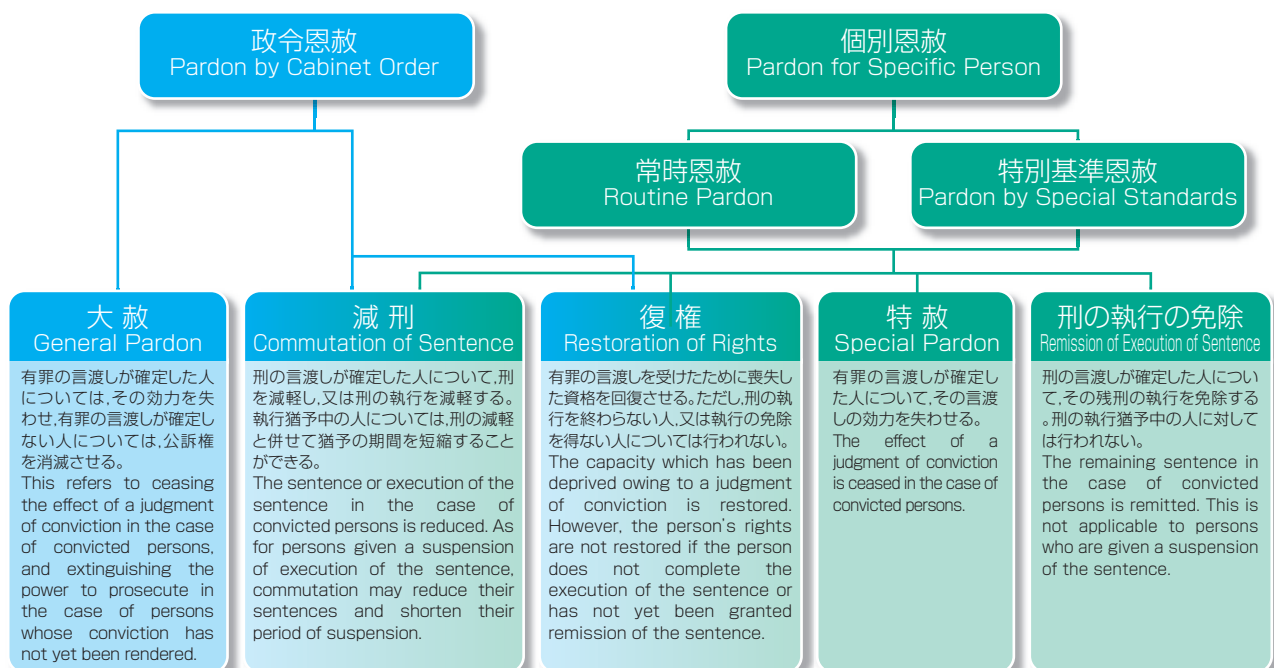
2. 個別恩赦の手続

個別恩赦の手続は、刑事施設の長、保護観察所の長又は検察官が、職権又は本人からの出願により中央更生保護審査会に恩赦の上申をし、同審査会の審査の結果、恩赦相当として法務大臣に申出がなされた者について内閣が恩赦を決定し、天皇がこれを認証することとされています。

3. 個別恩赦と更生保護

個別恩赦には、仮釈放、保護観察制度と同様に、犯罪をした人の改善更生を進め再犯を防止するという意義があり、恩赦がこれらの制度と共に適切に運用されれば、犯罪をした人の社会復帰に大きく寄与し、刑事政策上望ましいとされています。

図6 恩赦の種類
Figure 6: Types of Pardon



3

Pardon

1. What is Pardon?

Pardon refers to the administrative authority's action to extinguish the state's punitive authority, change the contents of a judgment, and change or extinguish the effect of a judgment. Pardon is decided by the Cabinet and attested by the Emperor.

There are two types of pardons: "pardons by a Cabinet order," which are granted uniformly by a Cabinet order, and "pardons for specific persons," which are granted to specific persons.

The types of pardon are as depicted in Figure 6.

2. Procedures of Pardons for Specific Persons

According to the procedures of pardons for specific persons, the warden of the penal institution or the director of probation office or a public prosecutor, ex officio or upon application filed by the person in question, submits a petition for a pardon to the National

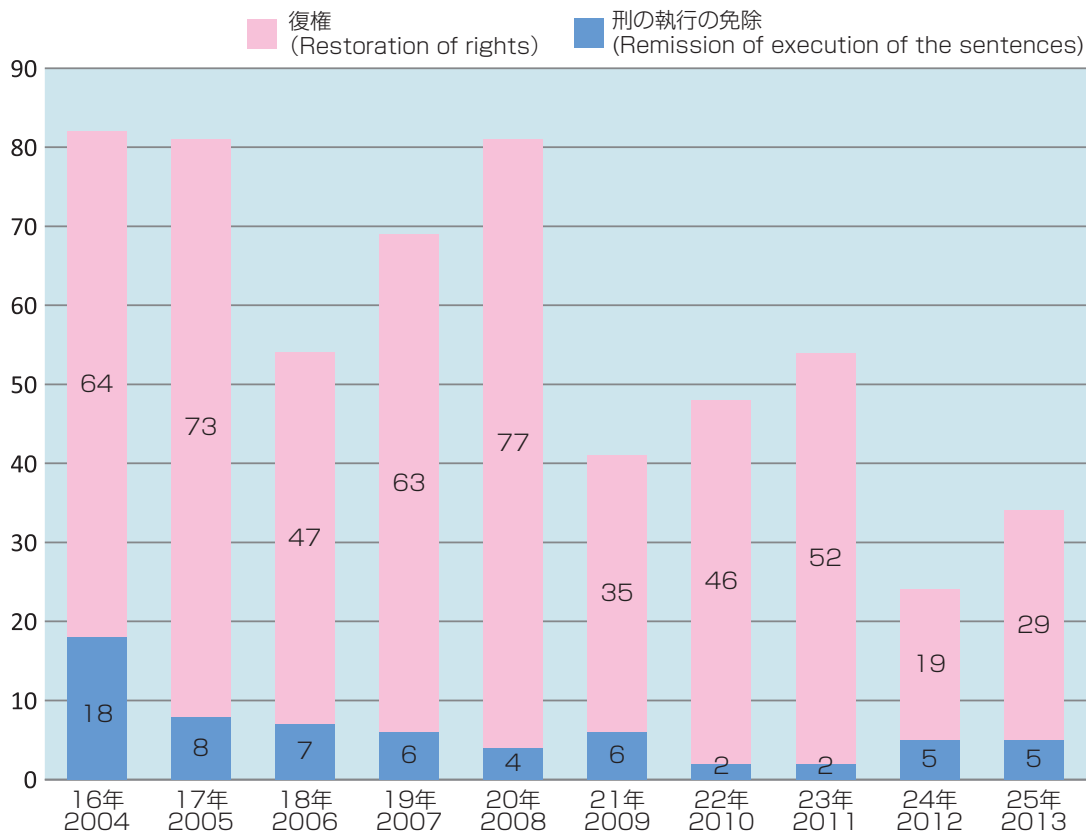
Offenders Rehabilitation Commission. The commission examines the petition, and if the commission decides it is appropriate to grant such pardon, the commission makes recommendation to the Minister of Justice that it is reasonable to grant a pardon. The Cabinet then decides on the pardon and the Emperor attests it.

3. Pardons for Specific Persons and Offenders Rehabilitation

As with the parole and probation systems, the pardon for specific persons is meaningful in that it may promote offenders' improvement/rehabilitation and prevent them from recommitting crimes. If the pardon is appropriately applied together with parole or probation, it will greatly help persons who have committed crimes to become self-reliant as sound members of society, which will be very desirable for purposes of criminal policy.

表 11 常時恩赦の種類別決定人員(平成16年～平成25年)

Table 11 : Number of Persons for Whom Routine Pardon Was Granted by Type (2004-2013)



(注) 特赦及び減刑については、決定人員なし
(Note) No special pardon or commutation was granted.

4 犯罪予防活動

1. 犯罪予防活動の概要

犯罪をした人や非行のある少年の改善更生について地域社会の理解を求めるとともに、地域の犯罪や非行を抑止する力を増進・強化し、犯罪や非行を未然に防ぐため、更生保護では、犯罪予防活動を促進しています。概要は図7のとおりです。

2. 社会を明るくする運動

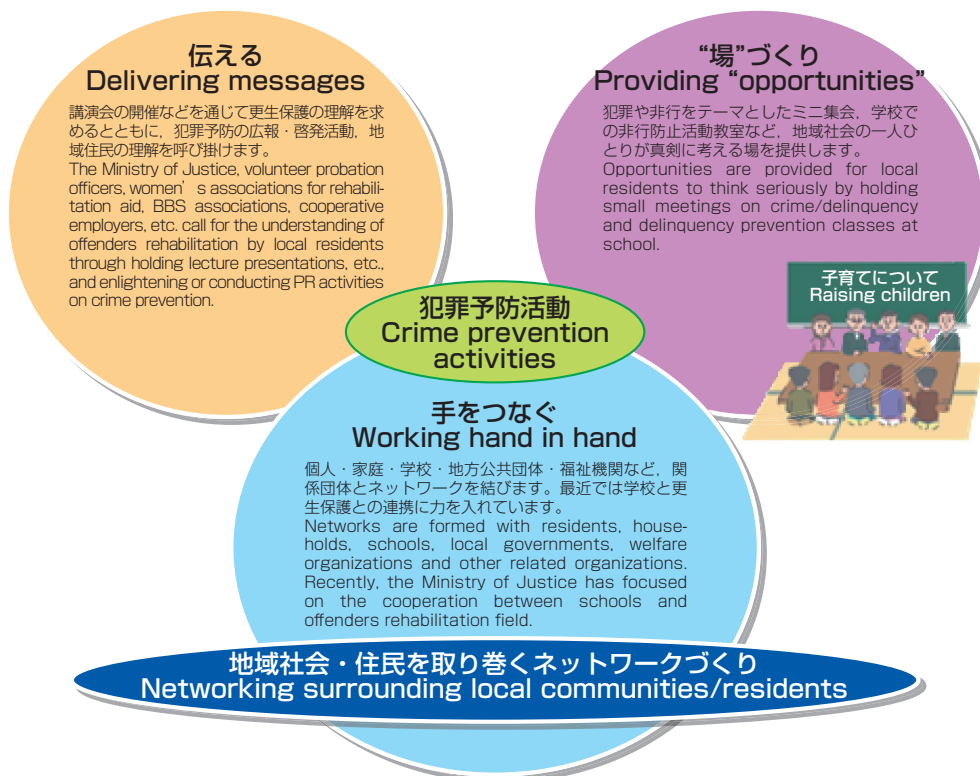
～犯罪や非行を防止し、立ち直りを支える地域のチカラ～
社会を明るくする運動は、全ての国民が、犯罪や非行の防止と罪を犯した人たちの更生について理解を深め、それぞれの立場で力を合わせ、犯罪や非行のない明るい社会を築こうとする法務省主唱の全国

的な運動です。

毎年7月の強調月間を中心に、犯罪や非行に関するシンポジウムやミニ集会といった地域に根ざした様々な活動が全国で展開され、これらの活動を通じて更生保護への理解と協力を呼びかけています。第1回が実施された1951(昭和26)年以来、多数の住民の参加を得ています。

2014(平成26)年の第64回の運動では、重点事項として「立ち直りを支える取組についての協力の拡大」及び「就労・住居等の生活基盤づくりにつながる取組の推進」が掲げられています。

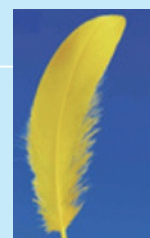
図7 犯罪予防活動の概要
Figure 7: Outline of Crime Prevention Activities



“幸福（しあわせ）の黄色い羽根” とは

幸福の黄色い羽根は「社会を明るくする運動」への賛同を示す身近な協力のしるしとして、2008(平成20)年に生まれました。

更生保護のシンボルマークであるひまわりの黄色と、刑期を終え出所した男性をあたたかく迎える夫婦愛を描いた映画「幸福（しあわせ）の黄色いハンカチ」(1977(昭和52)年、山田洋次監督)から着想を得ており、犯罪のない幸福で明るい社会を願うシンボルマークとして使用しています。



幸福の黄色い羽根
Yellow Feather of Happiness

4

Crime Prevention Activities

1. Outline of Crime Prevention Activities

To obtain the local community's understanding of improvement/rehabilitation of persons who have committed crimes or juvenile delinquencies and enhance/strengthen the local community's capabilities to prevent crimes and delinquencies, the offenders rehabilitation authority has been pushing ahead with crime prevention activities. The outline of such crime prevention activities is depicted in Figure 7.

2. Movement for a Brighter Society

~the power of community preventing crime and delinquency, assisting rehabilitation of offenders~

“Movement for a Brighter Society” is a nationwide movement to help people understand the importance of the prevention of crime/delinquency and rehabilitation of offenders so as to build a brighter society that is free from crime and delinquency,

through the combined efforts of various people in their respective positions.

Around the month of July each year, a variety of activities rooted in local communities such as parades, music concerts, as well as symposiums and community meetings on crime/juvenile delinquency are carried out across the country to highlight the movement. Ever since the movement was carried out for the first time in 1951, numerous local residents have participated in the movement.

In 2014, the 64th Movement put a special emphasis on strengthening the assistance to secure housing and employment for offenders rehabilitation.



社会を明るくする運動広報活動の様子
Publicity activities for Movement for a Brighter Society



社会を明るくする運動のポスター
A poster of Movement for a Brighter Society

What is the “Yellow Feather of Happiness” ?

The Yellow Feather of Happiness was born in 2008 as a symbol to demonstrate one's warm attitude and cooperation towards offenders rehabilitation in community.

Inspired from the yellow color of sunflowers as the symbol mark of offenders rehabilitation, and “The Yellow Handkerchief (Shiawase-no-kiroi-hankachi),” the film expressing the love between the man who was released from prison after completing his imprisonment term and his wife who warmly accepted him (1977, directed by Yoji Yamada), it is used as the symbol wishing a crime-free, happy society. (Yellow Feather of Happiness)

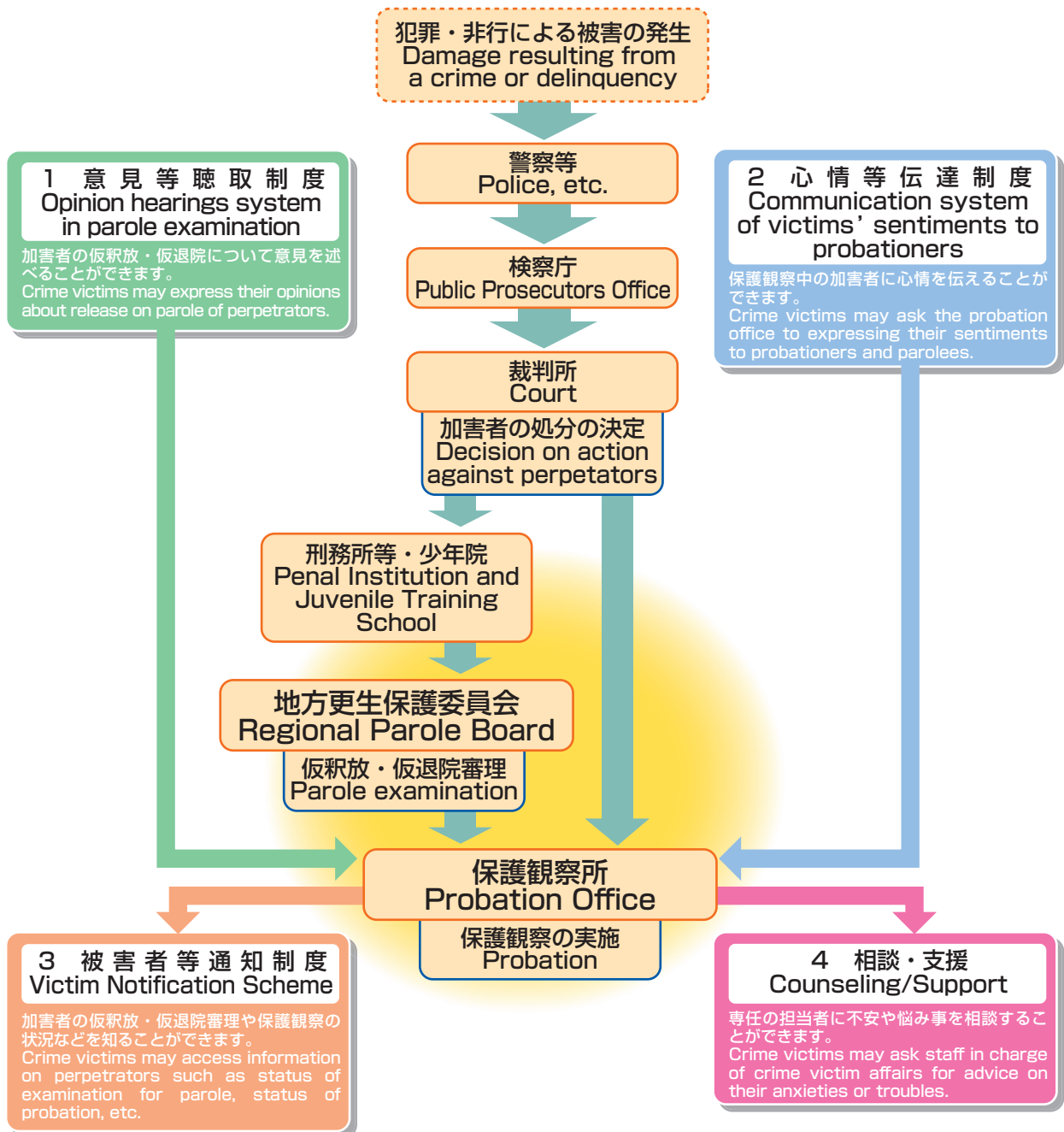
5

更生保護における犯罪被害者等施策

2007（平成 19 年）に成立した更生保護法及び 2005（平成 17）年に閣議決定された犯罪被害者等基本計画に基づき、更生保護の分野において、2007（平成 19）年 12 月 1 日から犯罪被害者等の方々のための 4 つの施策（①意見等聴取制度、②心情等伝達制度、③被害者等通知制度、④相談・支援）を実施しています。

施策の実施に当たり、各保護観察所に、専任の担当者（被害者担当官及び被害者担当保護司）を配置しています。担当者は、在任中、加害者の保護観察などを行わないこととしています。4 つの施策の内容については図 8 のとおりです。

図 8 更生保護における犯罪被害者の方々のための施策
Figure 8: Measures for Crime Victims in Offenders Rehabilitation

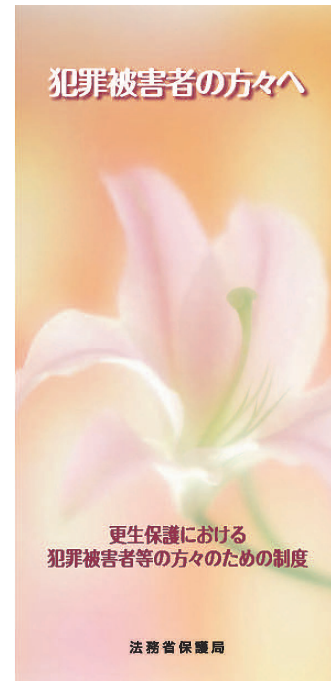


5

Measures for Crime Victims in Offenders Rehabilitation

In accordance with the Offenders Rehabilitation Act of 2007 and Basic Plan for Crime Victims approved in a Cabinet meeting in 2005, the government has implemented 4 measures (① Opinion hearings system in parole examination, ② Communication system of victims' sentiments to probationers, ③ Victim Notification Scheme, ④ Counseling/Support) for crime victims in relation to offenders rehabilitation from December 1, 2007.

In conducting these measures, the government has assigned staff exclusively in charge of crime victim affairs (crime victim affairs officials and crime victim affairs volunteer probation officers) in each probation office. They do not engage in probation affairs for perpetrators during their term of office. Details of the four measures are as depicted in Figure 8.



更生保護における被害者のための各種制度について説明したリーフレット
This is the cover of a leaflet explaining the various systems in Offenders Rehabilitation, supporting victims of crime

表 12 更生保護における犯罪被害者等施策の実施状況

Table 12 : Status of Implementation of Measures for Crime Victims in Offenders Rehabilitation

	2011 (平成 23) 年	2012 (平成 24) 年	2013 (平成 25) 年
意見等聴取制度 Opinion hearings system in parole examination	273	271	304
心情等伝達制度 Communication system of victims' sentiments to probationers	112	106	99
被害者等通知制度 Victim Notification Scheme	7,756	8,505	9,273
相談・支援 Counseling/Support	1,342	1,324	1,408

(数字は各年における延べ件数です)
(Figures represent the rough number of cases in each year.)

6

医療観察制度

1. 医療観察制度の目的

2005（平成17）年7月15日に施行された「心神喪失等の状態で重大な他害行為を行った者の医療及び観察等に関する法律（略称 心神喪失者等医療観察法）」は、心神喪失又は心神耗弱の状態で（精神の障害のために善悪の区別がつかないなど、通常の刑事責任を問えない状態のことをいう。）で殺人、放火等の重大な他害行為を行った者に対し、①その適切な処遇を決定するための手続等を定めることにより、②継続的かつ適切な医療並びに③その確保のために必要な観察及び指導を行うことによって、その病状の改善及びこれに伴う同様の行為の再発の防止を図り、もってその社会復帰を促進することを目的としています。保護観察所はこの医療観察制度のうち、審判の過程における生活環境の調査、入院決定を受けた対象者に関する退院後の生活環境の調整、地域社会における処遇（精神保健観察）を担うこととされています。

医療観察制度は、2005（平成17）年7月の施行から10年目を迎えました。継続的で適切な医療を確保すること、そのための援助体制や居住地の確保等、対象者の特性や地域の実情による課題は様々ですが、引き続き、関係機関・関係者とともに、対象者の社会復帰に取り組んでいます。

表 13 生活環境調査事件、生活環境調整事件（居住地）、精神保健観察事件の年別処理状況
Table 13: Numbers of cases handled in probation office by year

種別 Type	年 Year	開始件数 Newly placed cases	終結件数 Concluded cases	係属件数 Pending cases
生活環境調査事件 Social circumstances investigation cases	2011（平成23）年	431	413	90
	2012（平成24）年	375	403	62
	2013（平成25）年	396	387	71
生活環境調査事件（居住地） Social circumstances coordination cases (in places of residence)	2011（平成23）年	280	167	642
	2012（平成24）年	263	237	668
	2013（平成25）年	275	202	742
精神保健観察事件 Mental health supervision cases	2011（平成23）年	180	174	530
	2012（平成24）年	226	206	550
	2013（平成25）年	203	197	556

※ 係属件数は、年度末において係属中の事件数のことをいいます。

* The number of cases pending represents the number of cases pending as of the end of each year.

6

Medical Treatment and Supervision

1. Purpose of the Medical Treatment and Supervision

The Act on Medical Care and Treatment for persons Who Have Caused Serious Cases Under the Condition of Insanity on July 15, 2005, ① sets forth procedures for determining appropriate treatment of persons who caused serious cases, such as murder and arson, on the grounds of insanity or diminished capacity (meaning the condition whereby because of his/her mental disorder, they cannot distinguish between wrong and right and, therefore, cannot be held criminally liable); ② provides continuous and appropriate medical treatment; and ③ conducts observation and provides guidance necessary for securing such treatment, and thereby improves the offenders' disease and prevents the occurrence of a similar action, thus promoting their reintegration into society. The probation offices are responsible for the portions of this system for medical treatment and supervision, that relate to investigations into social circumstances in the process of trials, coordination of social circumstances after a person subject to decision of hospitalization leaves the hospital, and treatment in the local community (mental health supervision).

The medical treatment and supervision

marked the tenth anniversary after it was enforced in July 2005. We have a variety of challenges, such as securing continuous and appropriate medical treatment and procuring the required assistance frameworks and places of residence, depending on characteristics of each subject and actual situations of each region, and will continue to work with the related institutions and parties for reintegration of the subjects into society.

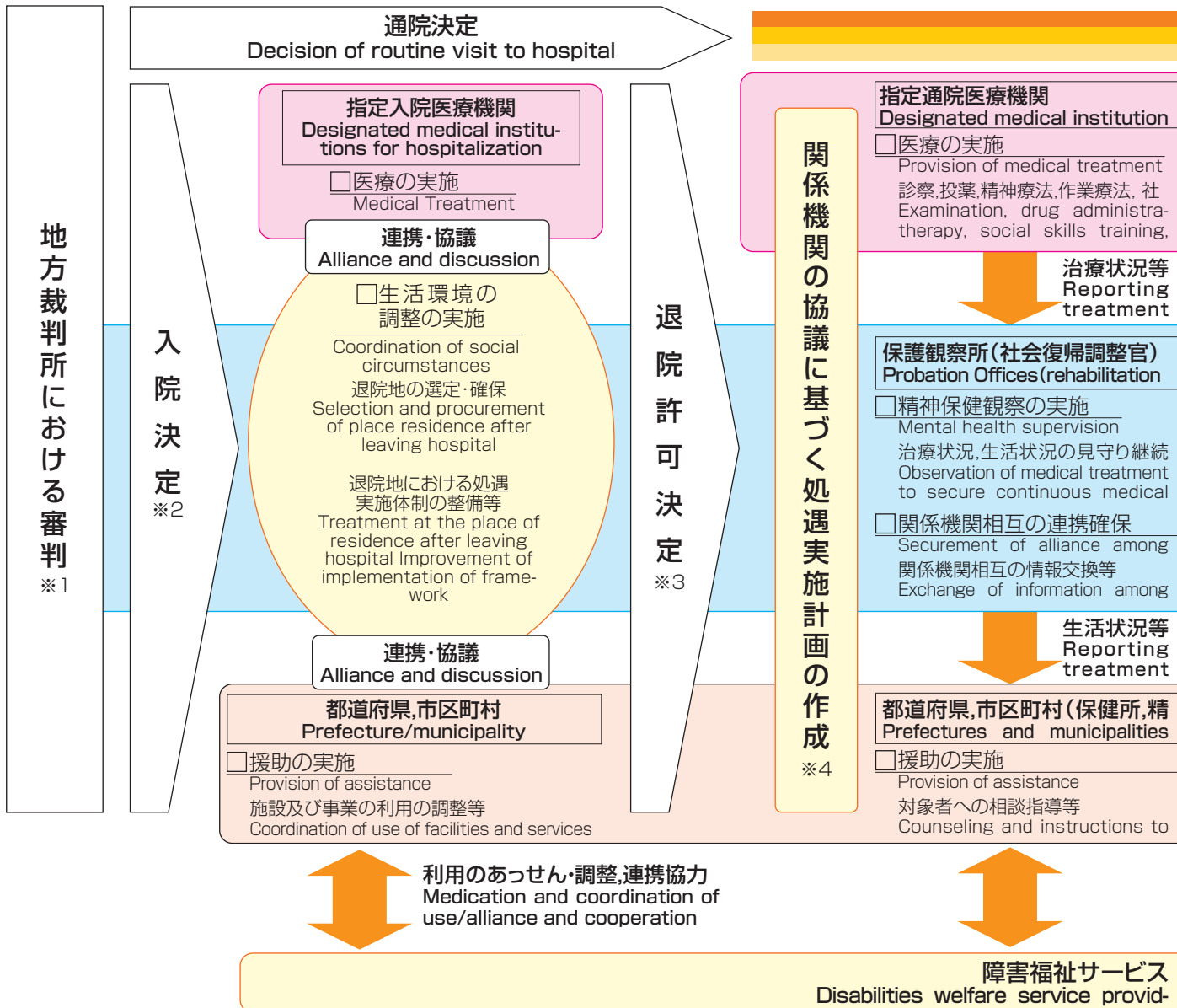


ケア会議の様子
At a care meeting

2. 医療観察制度の処遇の流れと概要

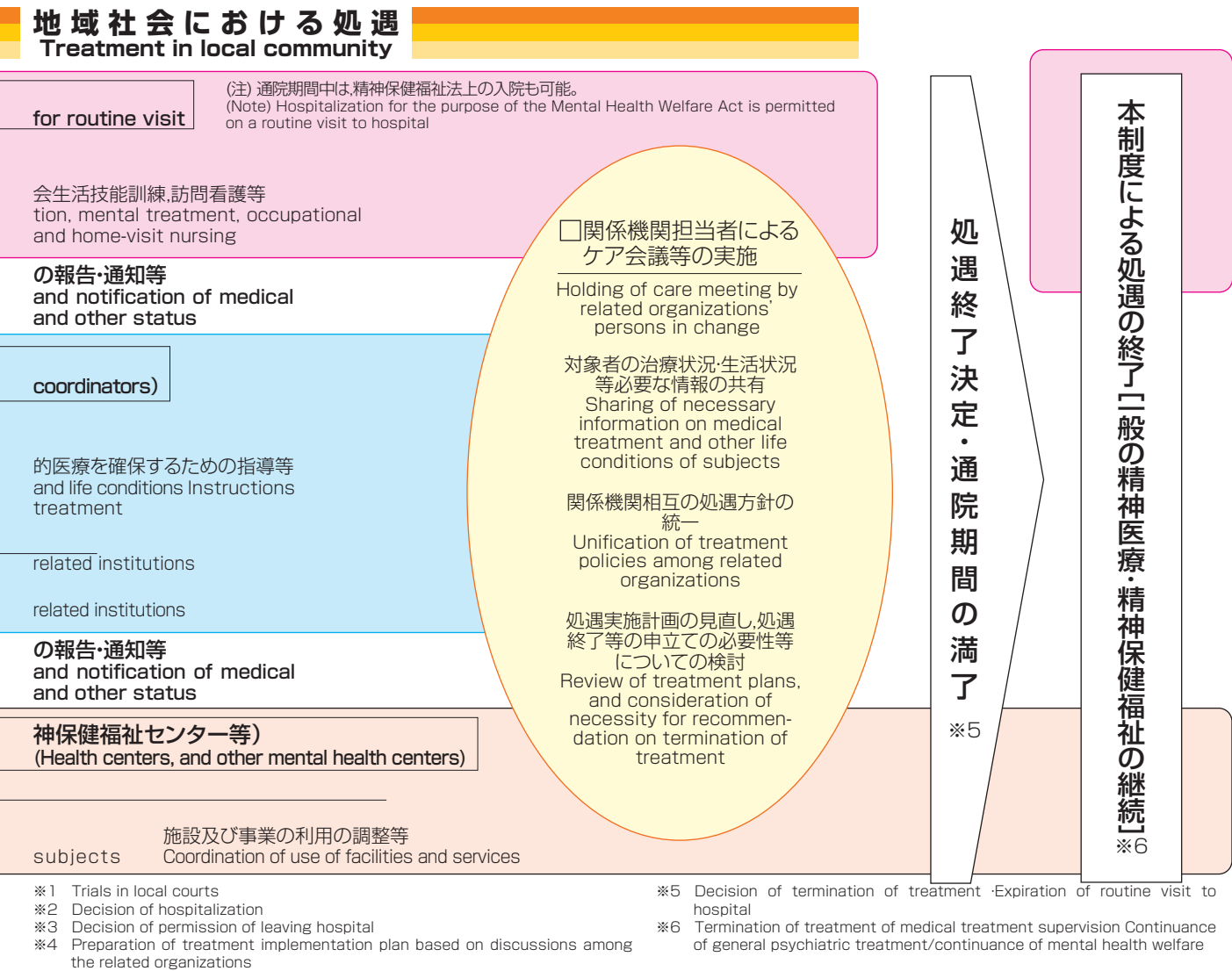
医療観察制度の処遇の流れと概要は図9のとおりです。

図9 医療観察制度の概要
Figure 9: Outline of Medical Treatment and Supervision



2. Flow and Outline of Medical Treatment and Supervision

The flow and outline of medical treatment and supervision are as depicted in Figure 9.



事業者等、民間支援団体等
ers, private-sector support organizations, etc

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