

**JAPAN 2020**

# **NATIONAL STATEMENT**

**14<sup>TH</sup> UN CONGRESS**

**ON CRIME PREVENTION AND CRIMINAL JUSTICE**

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**KYOTO CONGRESS**





## Foreword

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1 This is an official statement of the Government of Japan for submission to the 14th United Nations (UN) Congress on Crime Prevention and Criminal Justice, which Japan hosts in Kyoto in March 2021 (hereinafter referred to as the “Kyoto Congress”). The Kyoto Congress was originally scheduled on April 2020, but, due to the COVID-19 pandemic, postponed for about one year. In accordance with the overall theme, the four agenda items, and the workshop topics for each of the agenda items of the Kyoto Congress, this statement presents Japan’s initiatives in the field of crime prevention and criminal justice, as well as Japan’s recommendations to the international community.

2 At the Kyoto Congress, government representatives, criminal justice experts, and others from around the world will share the latest information and actively exchange views on various topics, including crime prevention and criminal justice policy approaches for achieving the UN’s 2030 Agenda for Sustainable Development, adopted at the UN Summit in September 2015, and measures to address the challenges facing the international community, such as terrorism and cybercrimes.

This is the first time Japan hosts this Congress since the Fourth Congress that was also held in Kyoto in 1970. Japan is honored to host the largest UN conference on crime prevention and criminal justice once again after half a century, as the host country.

At the same time, the Kyoto Congress offers an excellent opportunity for people worldwide, including Congress participants, to take a greater interest in crime prevention and criminal justice in the host country of Japan. Hence, this statement presents Japan’s concrete initiatives to the international community, while taking stock of its historical and social backgrounds. By doing so, we hope that this statement would help readers from around the world gain a more in-depth understanding of Japan’s criminal justice system and criminal policies. Furthermore, we would be honored if our initiatives presented in this statement may serve as reference to other countries.

In this statement, firstly, Part 1 “The History of Crime Prevention and Criminal Justice in Japan – Half a Century Since the Fourth Congress” takes a look back on the 50-year history of Japan’s crime prevention and criminal justice since 1970 when Japan last hosted the Congress, and provides an overview of the development of Japan’s criminal justice system and its relevant policies to the present day. Part 2, “Japan’s Initiatives in the Field of Crime Prevention and Criminal Justice” presents Japan’s initiatives in this field in accordance with the four agenda items of the Kyoto Congress. It presents policies and measures with statistics effective as of April 2020, the time the Congress was originally scheduled, along with measures relevant to COVID-19 taken thereafter. Specifically, there are four chapters that introduce Japan’s initiatives for each agenda item according to the main issues that should be discussed in the Discussion Guide (a document explaining the proceedings, etc. of the Kyoto Congress, hereinafter referred to as “DG”) and the aforementioned workshop topics of the Kyoto Congress. In view of Japan’s social and crime situations, minor adjustments are made to some of the main issues and workshop topics for presenting Japan’s initiatives. Lastly, Part 3 “Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda” sets out recommendations for the international community with a view to addressing the overall theme.

3 This statement was prepared by the Kyoto Congress National Executive Committee comprised of the Ministry of Justice (MOJ), the National Police Agency (NPA) and the Ministry of Foreign Affairs (MOFA) with support of the observer organizations including the Supreme Court. In preparing this statement, the following five distinguished advisors have provided invaluable advice.

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We would like to extend our sincere gratitude to all of the distinguished advisors.



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# Part 1

## **The History of Crime Prevention and Criminal Justice in Japan**

– Half a Century Since the Fourth Congress

## 1 Introduction

(1) When Japan hosted the Fourth Congress in 1970, approximately 100 years had passed since the onset of the modernization of the country. Japan had started to advance its modernization in a wide range of areas such as transportation, communications, and industry around 1870, modelling itself after Western civilization. In the area of criminal justice, Japan successfully modernized its system by drafting and revising its basic laws, such as the Penal Code and Code of Criminal Procedure, based on the French and then the German legal systems.

After World War II came to an end in 1945, Japan rebuilt its ruined and devastated territories through the unremitting efforts of its people and achieved postwar rehabilitation, entering a period of rapid economic growth that began in the 1950s. By 1964, Japan became the first country in Asia to host the Olympic Games, which were held in Tokyo. In the area of criminal justice, the Code of Criminal Procedure and other aspects of the system underwent drastic revisions after the war, under the influence of American law, but the criminal justice administration under the renewed system gradually and eventually became stable in the following years.

The Fourth Congress was convened in 1970 against this backdrop of a stable economy and society.

- (2) Half a century has passed since the Fourth Congress. During this time, Japan experienced a period of economic depression against the background of the burst of the so-called “economic bubble,” as well as a number of natural disasters including the Great East Japan Earthquake, which brought about an unprecedented level of devastation. Heinous and serious crimes were committed, including the Tokyo subway sarin gas attack that shocked the world, and the criminal justice sector was confronted by various problems such as the significant spike at one point in the number of reported cases for Penal Code offences. Nevertheless, Japan has overcome these challenges each time, not only by improving and developing the criminal justice system and its operation, but by coming up with ideas and plans to prevent crime. As a result of these measures, the number of reported Penal Code offences in Japan has continued to decline for 16 consecutive years since 2003, and reached a new post-war low of 817,338 cases in 2018. Japan also boasts one of the lowest crime rates in the world. For example, according to the results of the latest survey on the crime situation conducted by the United Nations Office on Drugs and Crime (hereafter, “UNODC”) presented in the 2019 White Paper of Crime, among Japan’s crime rates for 2016, the number of murders reached a low of 0.3 per 100,000 population. Hence, over the half a century, Japan has successfully maintained public safety, bringing us to host the Congress once again on this occasion.
- (3) The following sections of this Statement look back on the history of crime prevention and criminal justice in Japan over the half a century since the Fourth Congress, and they introduce the policies and concrete measures in these fields that have contributed to maintaining good public safety.

## 2 The 1970s

(1) During the 1970s, the Japanese economy recorded negative growth in 1974 for the first time after the WWII. Although this marked the end of a period of high economic growth that had continued since the 1950s, it recovered positive growth once again in the following year and continued to record stable growth thereafter. In Japan, the first World Expo in Asia was held in Osaka in 1970, the same year as the Fourth Congress. In addition to the Tokyo Olympics held in 1964, these events raised Japan’s profile domestically and internationally as a developed country. As Japan’s economy and society stabilized during this decade, the

number of reported cases of crime declined while the security situation also stabilized.

- (2) At the same time, as indicated by the fact that the theme for the Fourth Congress was “Crime and Development,” addressing various crimes caused by the rapid development of the economy and society was becoming an issue around the world. In Japan, too, addressing the problems caused by policies that prioritize the economic growth, brought about by the significant economic development after the war, had become an issue. For example, environmental pollution problems, such as air pollution and water contamination arose in the 1960s. As this became a serious social issue in the 1970s, criminal legislation was put in place to regulate pollution, and efforts were also made to strengthen the crackdown on traffic crimes resulting from the rapid popularization of motor vehicles.

Furthermore, in tandem with the establishment of a new political and social system after the war, ideological conflict among the citizens rose. Coupled with the impact of the global Cold War, political ideologies and assertions became increasingly diverse and radical. Such a socio-political situation led extremists to cause public safety and labour incidents in the 1960s, which then became even more radical and extreme in the 1970s, resulting in a number of serious violent criminal incidents such as riots and hijacking by such extremists. A considerable number of police officers lost their lives in the line of duty to suppress the extremists. In order to deal with these riots and other incidents, Japan put legislative measures in place, such as controlling the use of firebombs.

- (3) Hence, although Japan struggled to cope with public safety incidents in the 1970s, a quarter of a century after the country made its fresh start after the war, the security situation and the operation of criminal justice in Japan could be described as stable.

### 3 The 1980s

- (1) In the 1980s, Japan, with stable economic developments, became one of the leading economies in the world, with, for example, ranking first in terms of the number of cars produced, and pave the way for a wealthy and prosperous society. Society also underwent rapid changes, such as the concentration of the population in cities, the development of information processing systems such as computers, and the expansion of consumption underpinned by the development of consumer credit.

While the number of reported Penal Code offences increased from 1,360,000 cases in 1980 to 1,670,000 cases in 1989, one of the causes is considered to be an increase in the number of juvenile delinquency cases (“juvenile” here refers to those below the age of 20) such as shoplifting, bicycle theft, and the embezzlement of lost property. This happened against a background of societal changes, such as diversified value in the society, the decline in the capability of families and schools to deter delinquency, and increased opportunity for committing crimes.

The 1980s was a period that saw a rise in the number of juvenile delinquency cases. However, if we were to consider the bigger picture, this was a time when the security situation was relatively stable, with Japan becoming a country with good security and rated as one of the safest countries in the world. The White Paper on Crime 1989 sets out the following factors behind Japan’s success in maintaining security: a national character with a strong law-abiding spirit, economic growth, low unemployment rates, high educational standards, presence of informal controls in the local community, the geographical trait of being an island country, cooperation of the private sector with regard to the operation of criminal justice, tight control over firearms and swords as well as drugs, effective policing activities as indicated by a high clearance rate for offences, and appropriate and effective operation of criminal justice agencies.

- (2) During the 1980s, the effort to fully amend the Penal Code which began in the 1960s, as well as the effort to amend the Juvenile Act and the Prison Act which began in the 1970s, continued to be carried out. These legal amendments were large-scale projects implemented based on factors such as changes to the social situation after the war. However, they eventually did not come to fruition because of sharply divided opinions for and against them.

## 4 The 1990s

- (1) The 1990s began with the drastic fall of asset prices, such as share prices and land prices, which had been increasing rapidly since the latter half of the 1980s, and saw the burst of the so-called “bubble”. As a result, financial institutions had to tackle with large amount of non-performing loans, and the Japanese economy plunged into a prolonged economic slump known as the “lost decade.”

In the area of criminal justice, in addition to the adoption of the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1988, countermeasures against organized crimes were raised on the agenda at Summit Meetings and other international fora such as those of the United Nations. Hence, Japan was also called upon to take countermeasures against organized crimes in view of such international trends. The end of the Cold War in 1989 and the advancement of globalization made it easy for people, money and things to move across national borders during the decade. Against this backdrop, a considerable number of crimes related to drugs and firearms trade carried out by organized crime groups and smuggling of migrants carried out by foreign criminal organizations occurred in Japan. Also, in the 1990s, Japan experienced heinous and serious crimes such as the Tokyo subway sarin attack that shocked not only Japan but also the world. As a result, there were strong calls for effective countermeasures against these emerging forms of organized crime. In addition, child prostitution became an issue both inside and outside Japan, alongside an increase in the number of high-tech crimes brought about by the advancement of information and communications technology centred on the Internet. Therefore, this was also a period when it became necessary to deal with such crimes.

To deal with these crimes, new laws were enacted in the respective areas. With regard to drug-related crimes, Japan put in place measures to criminalize money-laundering activities, expanded the confiscation and/or collection of equivalent value for unlawful gains, and established regulations for the provisional remedy procedures related to such confiscation and/or collection of equivalent value. In the area of organized crime, it set out procedures for interception of telecommunications as well as the protection of witnesses. Furthermore, it also established regulations to penalize child prostitution and provision of data of child pornography, and regulations to control illegal access to it.

In these ways, Japan put in place various legislative measures in the 1990s to prevent crimes and impose appropriate punishment, corresponding to the changes of the times. In addition to these measures, Japan took steps to ensure the proper operation and sound development of Offender Rehabilitation Service, and improved and strengthened the volunteer probation officer system, which is a system of private-sector volunteers entrusted by the Minister of Justice to engage in offender rehabilitation.

- (2) As explained above, in the 1990s, progress was observed not only in the area of substantive criminal law but also in the field of criminal procedure, such as the adoption of new investigative methods and protective measures for witnesses in criminal trials. In addition, a wide range of measures were put in place in the area of rehabilitation.

## 5 The 2000s

- (1) In the 2000s, the “three excesses”—namely, excessive debt, excessive capacity and excessive employment—structural problems that had long weighed on the Japanese economy— were eradicated, and the Japanese economy experienced a prolonged period of self-sustained recovery mainly driven by demand from the private side. On the other hand, in addition to the growing concerns for economic inequality which is in line with the diversification of employment styles, trends that had developed in large cities as a result of the formation of “mass society”, such as the development of an “anonymous society” as well as the decline of morals and mutual concern for others, spread to provincial cities. At the same time, factors that had traditionally helped to suppress crime in Japan began to fail to function adequately, such as the decline of the educational function of families and schools.

Against this social backdrop, the rapid increase in the number of reported cases for Penal Code offences that had been ongoing since 1996 did not lose its momentum even at the start of the 2000s. In 2002, this figure had exceeded 2.8 million cases, setting the worst record since statistics were first compiled. The reason behind this rapid increase was attributed to the rise in theft cases, such as vehicle burglary, shoplifting, and home burglaries. In response to this situation, the government convened for the first time in 2003 the Ministerial Meeting Concerning Measures Against Crime comprising all cabinet ministers, with the aim of restoring Japan’s position as “the safest country in the world.” In this way, the entire government implemented various measures to address the pressing challenges of crime prevention through collaboration among the relevant ministries and agencies. This Ministerial Meeting presented the following three perspectives for the restoration of security: (1) Support for activities aimed at helping people secure their own safety; (2) Development of a social environment that makes it difficult for crimes to occur; and, (3) Implementation of various measures against crime, including border security. Furthermore, “The Action Plan for the Realization of a Society Resistant to Crime” was formulated during the same year of 2003, setting out five priority issues based on the current crime trends as well as the concrete measures that should be implemented going forward. The relevant agencies steadily implemented measures that included strengthening their crackdown on crimes and the strengthening of border controls, revising various security-related laws and ordinances including the Penal Code, and increasing the number of local police officers. At the same time, they also cooperated with the private sector to promote crime prevention measures, such as providing information on the results of analysis of the crime situation to private business operators engaged in the field of crime prevention to support the development of their products and services, including locks, doors and window glasses, emergency reporting devices, street CCTV cameras, position locating systems and so forth. This was the first time since the end of the war that such measures against crime had been taken up as a comprehensive policy issue for the entire government, making it a ground-breaking development. Moreover, with declining birth rates, an ageing population and the growth of the nuclear family in society at the time, the rise in the number of “special fraud” cases (such as the so-called “It’s me” fraud in which the offender calls an elderly person, pretending to be the grandson or other relative of this person in order to cheat them of their money) was becoming a social problem. In response to this, not only did the police and public prosecutors conduct appropriate investigations and prosecution, the public and private sectors also worked together on crime prevention, such as through cooperation between the police and private-sector organizations to prevent people from falling victim to such crimes.

In 2003, the number of recorded cases of Penal Code offences, which had continued to rise until then, began to fall and continued to drop for 16 consecutive years after that. This was the result of a significant

decrease in the number of recorded cases of theft, which makes up more than 70% of all Penal Code offences. While there may be various plausible reasons for this drop in the number of recorded cases of theft, various governmental policies as well as initiatives implemented by the private sector to prevent theft and other crime are believed to have had a certain deterrent effect.

- (2) The 2000s was also a period when various unprecedented systemic reforms were carried out in the area of criminal justice.
  - a. During this period, as Japan entered a new century, it sought to make the transition from the traditional “excessive advance control/adjustment type society” to an “after-the-fact review/remedy type society.” The former type of society is a society in which the government is the primary agency working to prevent the occurrence of disputes and damage by coordinating the activities of individuals and business corporations beforehand through advance regulation and guidance. The latter type is a society which is founded on a basic understanding that individual citizens should undertake free, creative activities based on their own initiative and responsibility to realize the revitalization of society, and the disputes and conflicts which may arise as a result of such activities should be resolved with appropriate remedies given according to clear rules of law and through fair judicial proceedings. Accordingly, it was believed that the role of the justice system would become even more important as a result of this transition. Hence, a justice system reform was conceived and implemented with the following three basic policies: (1) Construction of a justice system (civil proceedings, criminal proceedings, etc.) responding to public expectations; (2) Reform of the legal profession supporting the justice system, including the education and training of legal professionals ; and, (3) Establishment of the popular base for the justice system through means such as citizens’ participation in legal proceedings.

In the field of criminal justice, in order to establish a criminal justice system that meets public expectations in line with the first of the three basic policies mentioned above, reinforcement and speeding up of criminal trials were intended by the introduction of a new pretrial arrangement proceedings to sort out the contested issues and to organize the examination of evidence at trial. The pretrial arrangement proceedings also provides for appropriate disclosure of evidence between two parties, so that a clear plan for the trial proceedings could be established in advance of the first trial date. The promotion of the same goals was also one of the purposes of establishing a consistent defence system throughout the criminal investigation and trial proceedings by enhancing the scope of the court-appointed defence counsel system, which had been available for defendants only after prosecution, to suspects detained at the investigative stage for a category of cases in which assistance by defence counsel is mandatory at trial.

For the purpose of better reflecting the opinions of the general public upon criminal prosecution, the functions of the Committees for the Inquest of Prosecution, which comprise 11 selected citizens and review public prosecutors’ decisions not to initiate prosecution, were strengthened. Upon the adoption of a certain resolution, the Committee can mandate prosecution of case. These laws became effective by 2009. Furthermore, alongside supporting nation-wide equal implementation of the above-mentioned court-appointed defence counsel system, the Japan Legal Support Center (JLSC) was established in 2006 for the purpose of enhancing access to justice, including both criminal cases and civil suits. Through JLSC, comprehensive legal support ensures that citizens are able to gain access to legal services more easily nationwide.

In line with the third basic policy of establishing citizen participation in the justice system, the *Saiban-in* trial system was introduced. Under this system, six *saiban-in* (lay judges) selected from among the citizens form a panel in collaboration with three professional judges to hear the evidence and to determine

guilt and impose sentences, if any, in the trials involving serious offences. In the ten years since its implementation in May 2009 to May 2019, 1,000 to 1,500 defendants per year, making up a cumulative total of more than 12,000 defendants, were tried by a *saiban-in* court, while more than 90,000 citizens served as *saiban-in* or alternate *saiban-in*. The introduction of the *Saiban-in* system, in close conjunction with the above-mentioned reforms of the criminal justice system, has dramatically transformed the manner of criminal trials. It has impacted the attitudes of criminal justice professionals, and even the public, on criminal justice.

Regarding the reforms in line with the second basic policy, a new professional law school system was introduced in 2004 with the aim of fostering the specialized legal knowledge and ability required for the legal profession. By organically connecting the Bar Examination and legal apprenticeship with the education at the law schools, the new legal training system aimed to increase both the number and quality of legal professionals through a consistent process. By the end of 2019, this has successfully produced more than 20,000 qualified legal professionals, including those engaged in criminal justice.

- b. In the 2000s, apart from the above, a considerable number of serious incidents and problems that caught the attention of society occurred in various areas of criminal justice, including criminal proceedings, institutional corrections and offender rehabilitation. Triggered by these incidents and problems, important reforms took place and new systems were introduced. For example, in Japan, juvenile criminal cases, unlike incidents involving adult offenders, are handled through juvenile hearing procedures in the Family Courts in order to promote the sound development of juveniles. For the purpose of ensuring fact finding in such procedures, an option of the hearing by a panel of judges rather than by a regular single judge as well as the participation of public prosecutors and attendants (attorneys) during the hearing were introduced. In the area of corrections, the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees was enacted to ensure proper management and operation of penal institutions as well as to ensure the appropriate treatment of inmates corresponding to their respective circumstances, while respecting their human rights. In the area of offender rehabilitation, there was a major reform of the system to strengthen its ability to prevent reoffending. The Offender Rehabilitation Act was enacted as the basic law of the offender rehabilitation system. Serious reviews were carried out on various reoffending measures, by clarifying the facts surrounding reoffenders when they commit serious offences.

Furthermore, in the 2000s, it became widely recognized that consideration for victims had been extremely inadequate in the existing criminal justice system and its administration. Consequently, in 2004, the Basic Act on Crime Victims, which aimed at protecting the rights and interests of crime victims, was enacted. In 2005, based on this Act, the government developed the First Basic Plan for Crime Victims, etc. that sets out the basic plan concerning measures for crime victims, and implemented efforts to protect the rights and interests of the crime victims such as the following: efforts to recover the victims' damages and to provide them with economic support, efforts to support the victims to recover from or to prevent mental and/or physical damage, efforts to broaden the opportunity for victims to participate in criminal procedures, efforts to improve the systems to support crime victims, efforts to foster the understanding among citizens and to earn their consideration and cooperation.

- (3) In the 2000s, the fight against terrorism represented a task of great importance globally as a result of the terrorist attacks that occurred in the United States and other parts of the world. Moreover, the wake of globalization since the 1990s triggered the internationalization of crime. Corresponding with this trend, there were accelerating moves to provide an internationally unified response against certain types of crimes, which led to Japan's implementation of countermeasures in line with such global trends.

Under these circumstances, measures were implemented across Japan's criminal justice system to respond to the transnational nature of crime, including legislative measures for concluding international agreements to prevent terrorism and human trafficking, mutual legal assistance in criminal investigations, international transfer of sentenced persons, and international criminal trials.

- (4) As seen above, the 2000s was a period that witnessed significant reforms in the procedures and practices of criminal investigations and trials, as well as in the area of corrections and offender rehabilitation. Significant progress was also observed as result of these reforms such as the advancement of public participation, multi-agency cooperation, and public-private partnership, as well as the deepening of international cooperation.

## **6** The 2010s

- (1) In the 2010s, the Japanese economy was on its recovery from the Global Financial Crisis (referred to as “the Lehman Shock” in Japan) that occurred in 2008. Despite a period of setback, the economy continued its gradual recovery after 2013. The employment situation improved significantly and the unemployment rate dropped as low as 2% level.

In this environment, the number of reported cases of Penal Code offences continued to fall. However, the percentage of repeat offenders among all cleared persons increased year by year (this may be partly attributed to the decrease in the number of first-time offenders), reaching the alarmingly high level of 48.8% by 2018. Hence, in order to realize a safer and more secure society, the vital need to reduce reoffending was recognized, and various initiatives were implemented.

During this period, social-networking, video-sharing and video-streaming services via the Internet became increasingly common, which gave rise to the dramatic computerization and digitalization of society. As a result, malicious acts carried out through the Internet, such as cybercrimes, child pornography and distribution of private sexual photographs, increased significantly and became a growing criminal justice problem. In response to these forms of crime, various operational and legislative measures were implemented in the field of criminal justice.

Moreover, against the background of Japan's progressively declining birth rates and its ageing population throughout the 2010s, the number of “special fraud” crimes, including the aforementioned “It's me” fraud, increased, and the damage caused by such crimes became more serious. In response, various deterrence measures were adopted.

- (2) In the 2010s, reforms that took place in the 2000s continued in various areas of criminal justice. Firstly, with regard to juvenile delinquency, a number of reforms were carried out to ensure appropriate treatment of juveniles corresponding to their characteristics and respecting their human rights. In 2014, the Juvenile Training School Act and Juvenile Classification Home Act were enacted as basic laws in this area. Following the aforementioned reforms of the criminal justice system in the 2000s, during which it was pointed out that the investigation of crime and its proof at trial relied excessively on the investigative questioning of suspects and witnesses as well as written records (procès-verbaux) of their statements as the outcome of the investigative questioning, the Code of Criminal Procedure was revised in 2015 to make the criminal proceedings more appropriate and effective to meet the needs of the times so that public trust in criminal justice could be ensured, in consideration of such observations. For the purpose of improving the appropriateness and variety of evidence gathering methods, the following measures were introduced: (1) mandatory audiovisual recording of investigative questioning of arrested and detained suspects in serious

- cases, (2) the introduction of a prosecutorial agreement system in which the prosecutor and the defence counsel agree to favourable prosecutorial treatment of the suspect in exchange for his/her cooperation, (3) the streamlining of wiretapping operations, (4) the extension of the court-appointed defence counsel system to cover all detained suspects, (5) improved disclosure of evidence during pretrial procedure, and (6) the protection of the identities of witnesses.
- (3) Globally, terrorist attacks committed repeatedly around the world by the Islamic extremist armed groups such as Islamic State in Iraq and the Levant (ISIL), Al Qaeda, and Taliban, became a major concern. In this context, it was reaffirmed that Member States need to jointly respond to the common threats and challenges facing the international community, including terrorism. In this regard, Japan took steps to strengthen international cooperation.
- (4) Japan is also actively taking steps towards the achievement of the Sustainable Development Goals (SDGs), which are international goals set out in the 2030 Agenda for Sustainable Development, adopted at the UN Sustainable Development Summit in September 2015. Under the SDGs Implementation Guiding Principles approved in 2016 (partially revised on December 20, 2019), “Achieving Peaceful, Safe and Secure Societies” was established as one of eight priority areas, and policies and initiatives with particular focus in this area implemented.
- (5) As such, in the 2010s, criminal justice in Japan continued to develop in tandem with changes in society, towards the realization of Japan’s goal to be the safest and most secure society in the world.

## 7 Conclusion

- (1) As we have seen thus far, amid rapid changes in Japanese society and worsening crime situation, Japan has succeeded in maintaining public safety due to its efforts to strengthen the capacity of criminal justice institutions and to develop criminal justice legislation corresponding to the changes in Japanese society, promoting multi-agency cooperation and public-private partnership, and strengthening international cooperation.

The prevalence of the rule of law and a deeply rooted culture of lawfulness are considered to be key factors behind these achievements.

- (2) To begin with, Japan has always placed the emphasis on education at home, and children learn from their parents and guardians from a young age the importance of abiding by rules and promises. School education in Japan, based on the Basic Act on Education, is implemented with the aim of achieving balanced development of children’s solid academic ability, rich humanity, and healthy body. In the holistic development of the competencies necessary in the society, the normative consciousness of children has also been fostered. Particularly in recent years, further emphasis has been placed on law-related education that is in line with the stages of children’s growth. Such education, carried out from the perspective of developing inter-disciplinary competencies aims to foster understanding of the significance and role of laws and rules, as well as the importance of law-based dispute resolution. Moreover, in the local community, children are also taught the importance of complying with the rules of the society and not turning to crime and delinquency, for example, through awareness-raising activities by relevant organizations and activities organized by private-sector volunteers, such as volunteer probation officers. Such school education and activities in the local communities are also vital for promoting the rule of law and fostering a culture of lawfulness.

Recently, many private-sector corporations have been implementing activities towards achieving the SDGs in recognition of their importance, and these activities can also contribute to fostering a culture of lawfulness. For example, Goal 16 of the SDGs, “Peace, Justice and Strong Institutions,” advocates the promotion of the

rule of law and eradication of crime, and there are private-sector corporations that are promoting corruption-prevention initiatives to achieve this goal.

- (3) In addition, the worldwide COVID-19 pandemic in 2020 has left an impact on various parts of criminal justice in Japan. Penal institutions took initiatives to produce and supply about 1.4 million medical-use gowns to hospitals and other healthcare facilities as well as manufacture masks and protectors to deliver to the private sector periodically. This is one of the growing initiatives of correctional facilities to contribute to the society by addressing social challenges.



# Part 2

## Japan's Initiatives in the Field of Crime Prevention and Criminal Justice

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# Chapter 1 Comprehensive Strategies for Crime Prevention towards Social and Economic Development

## Section 1 Measures for Juveniles Vulnerable to Crime Victimization, and Making Youth and Local Communities Insusceptible to Crime

### 1 Introduction

*It is understood that, in recent years, juveniles (refers to males and females under the age of 20) in Japan have become surrounded by environments where they are vulnerable to becoming victims of crime, violence, and abuse (see Guide 50).*

Recent advancements in Internet and social media technologies have enabled juveniles in Japan to easily communicate with others through such services. This has created a significant social problem in that a growing number of juveniles are becoming victims of child prostitution and child pornography.

To prevent crimes that have adverse effect on juveniles and harm their welfare, Japan's police, in cooperation with other relevant organizations and local communities, are actively taking measures to support the victims of these crimes. This section first outlines measures against such crimes that harm juveniles' welfare and measures to support the juvenile victims.

This is followed by a discussion regarding the various efforts by the police to protect children (boys and girls under the age of 13) from victimization. Japan's police are taking various measures in coordination with local schools and other organizations to protect juveniles and local communities from crime. Chapter 2, Section 4 will provide an in-depth discussion of the current state of violent crime, including violence and abuse targeting juveniles, and measures being taken in response.

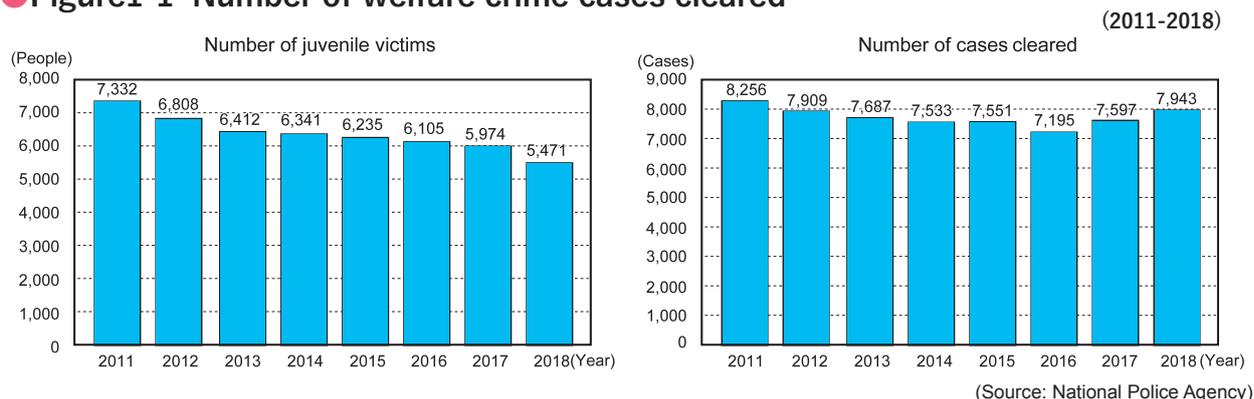
Unless otherwise specified, "child/children" in this section refers to males and females under the age of 18.

### 2 Measures against Crimes that Harm Juveniles' Welfare, and Measures to Address Harmful Environments

#### (1) Measures against Crimes that Harm Juveniles' Welfare

The number of juvenile victims of welfare offences (referring to crimes harmful to juvenile welfare that are specified by the Commissioner General of the National Police Agency, including sexual exploitation of children and other crimes that engage children in acts that adversely affect children physically and mentally) is shown in Figure1-1 and has been in decline since 2011. However, the number of cases cleared has trended upward since 2016.

Along with the early detection and protection of juvenile victims, the police take measures to prevent new victimization by, actively enforcing the law and protecting victims, while also posting warning messages against improper posts on the Internet that may lead to victimization of children by sex crimes. The police also strive to follow leads provided by citizens, review reports from the Internet Hotline Center (IHC), engage in street guidance activities and cyberpatrols and analyse this information for active crackdown efforts.

● **Figure1-1 Number of welfare crime cases cleared**

### a. Child Pornography

The enactment of the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography and the Protection of Children in 1999 criminalized the public display of child pornography, including its display to many or unspecified people by physical distribution or the use of the Internet. Revisions to the Act in 2004 made it illegal to distribute child pornography to a few specific people or to produce or possess such pornography for the purpose of distribution. The Act was again revised in 2014 and renamed to the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography and the Protection of Children. The revisions prohibited, in general, the possession of child pornography without valid reason, and further criminalized the possession of such pornography for the purpose of satisfying one's own sexual curiosity.

Although the scope of punishable child pornography offences has been expanded and offenders have been dealt with strictly, child pornography has continued to rise in recent years. In 2018, the number of cases cleared were 3,097 and the number of persons cleared (this includes not only persons arrested but also persons for whom necessary investigations have been completed without arrest) were 2,315, both reaching record levels. While the number of victimized children reversed an upward trend in 2017, it increased year-on-year in 2018. Victimization pattern data shows that approximately 40% of cases involved images photographed by children themselves, with the number of victimized children in a six-year upward trend since 2012.

● **Table1-2 Clearance situation for child pornography**

(2012-2018)

Category \ Year	2012	2013	2014	2015	2016	2017	2018
Number of cases cleared (cases)	1,596	1,644	1,828	1,938	2,097	2,413	3,097
Persons cleared (people)	1,268	1,252	1,380	1,483	1,531	1,703	2,315
Number of victimized children (people)	531	646	746	905	1,313	1,216	1,276

(Source: National Police Agency)

In light of these circumstances, the police are working closely with related institutions and organizations to implement an enhanced crack down on malicious crimes being committed by groups that sell child pornography and groups targeting young children. The police also provide support to victimized children and actively request internet service providers and website administrators to delete child pornography.

The National Police Agency (NPA) has also been stepping up cooperation with relevant institutions and organizations. For example, in December, the NPA held a seminar on combating sexual victimization of children that was attended by related institutions and organizations both in Japan and overseas to present

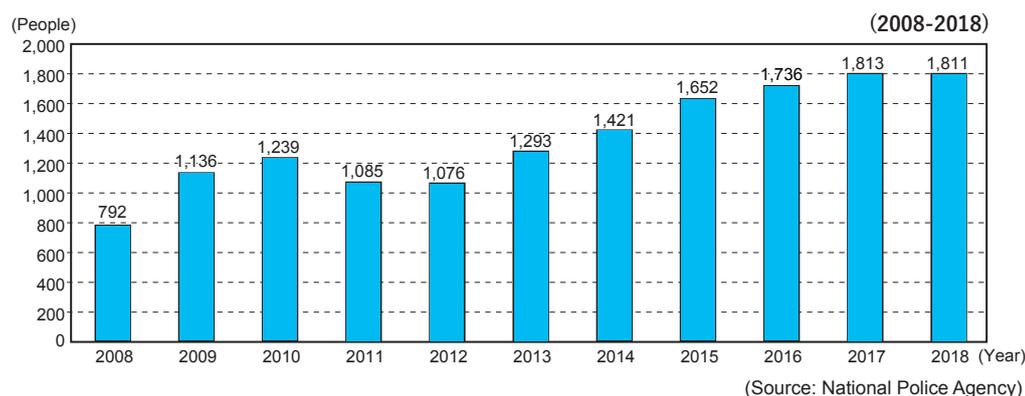
measures taken by governments and exchange relevant information. Furthermore, with regard to blocking by internet service providers, the NPA also provides information and advice to organizations that compile and maintain lists of websites containing child pornography.

## b. Crimes Committed Using Social Media

Due to the instant and anonymous nature of online communication, social media has become a platform for perpetrating child prostitution and other illegal activities. The number of children who became victims of crimes committed through social media was 1,811 in 2018 — a year-on-year decrease but still a high level. Furthermore, about 90% of the victimized children were not using blocking/filtering services or software that identifies harmful webpages and prohibits access to such content on the Internet.

Based on this data, the police are working with related institutions and organizations to raise awareness among parents and guardians of children, to provide information ethics education to children, and to promote initiatives that encourage the use of filtering, especially on smartphones. The police also provide support for voluntary measures taken by business owners to prevent victimization. This includes participating in the juvenile protection working group at the Social Media Association of Japan, a body that aims to prevent the victimization of children in crimes perpetrated through social media, and providing information about actual cases of victimization and other relevant information to business owners.

● **Figure1-3 Child victims of crimes committed using social media**



## (2) Measures to Address Harmful Environments Surrounding Juveniles

Given the situation in downtown areas where new forms of businesses that exploit children’s sexuality are emerging, the social environment surrounding juveniles is changing. In response to this situation, the police are making every effort to protect juveniles and ensure their sound and healthy development by assessing the situations in different regions and communities, providing guidance to high school students who get involved with these businesses and supporting their recovery.

As part of efforts to remediate and improve harmful environments for children, the police are requesting and instructing business owners that deal with products that are harmful to juveniles to voluntarily take appropriate measures to mitigate any harms.

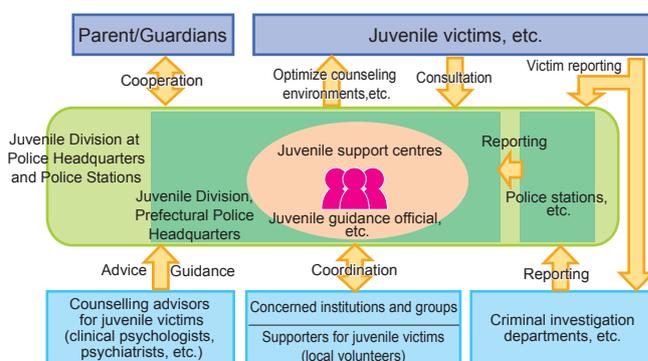
# 3 Responses to Victimization of Juveniles

## (1) Police Response

To help juvenile victims of crimes, the police provide continued counselling and other ongoing support mainly through juvenile guidance officials affiliated with Juvenile Support Centers. These centres have been

established in each prefectural police headquarters. University researchers, psychiatrists, clinical psychologists, and other experts are entrusted to serve as advisors to provide specialized advice to the juvenile guidance officials who support these young people.

● Figure1-4 Support for juvenile victims



## (2) Ministry of Justice's Response

The human rights bodies of the Ministry of Justice have established Children's Rights Hotline, a dedicated hotline that is operated by Legal Affairs Bureaus and District Legal Affairs Bureaus throughout the country. Through the hotline, Human Rights Volunteers and Legal Affairs Bureau officers strive to create an environment where children who have experienced human rights violations can feel safe about asking for help.

The human rights bodies of the Ministry of Justice are also working to enhance consultation measures by distributing Children's Rights SOS Mini-Letters (see photo below) to students at every elementary and junior high school in the country. Children who have problems at school or with daily life in general and cannot talk about their problems with friends, teachers, or parents can write letters about such problems and mail them to Legal Affairs Bureaus or their local bureaus. This aims to recognize the problems experienced by children who cannot seek help from teachers, guardians and other adults close to them, and promote coordination with schools and relevant organizations to deal with various human rights issues. The human rights bodies of the Ministry of Justice have also launched Human Rights Counseling Services on the Internet available on their website that allow children to use a PC, mobile phone, or smartphone to get help at any time, which is also part of our efforts to enhance consultation measures. When children are suspected to have had their human rights violated, such as through bullying, corporal punishment, or abuse, the human rights bodies of the Ministry of Justice investigate these cases as human rights violation cases and work with child guidance centres and other relevant institutions to take appropriate measures to address each case.



Children's Rights SOS Mini-Letters (for elementary school students)

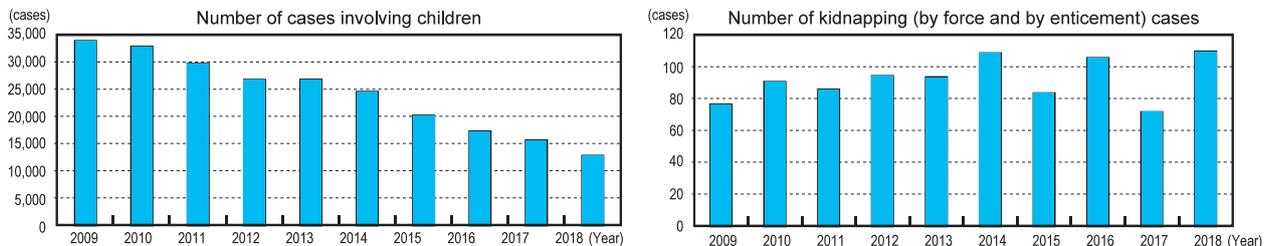
## 4 Efforts to Protect Children from Crime in Their Daily Lives

\*In this section, “child/children” refers to those under 13 years of age

### (1) Crimes Involving Child Victims

The number of Penal Code offences known to the police involving child victims (victims under the age of thirteen; hereinafter referred to as the “number of child victim cases”) has fallen in recent years, standing at 12,947 cases in 2018. Kidnapping was the type of offence with the highest percentage of child victim cases, which accounted for 36.2% (110 of 304 kidnappings known to the police) in 2018.

● Figure1-5 Number of cases involving children (under 13 years old) and victimization situation by type of offence (2009-2018)



Category	Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of cases involving children (cases)		33,840	32,897	29,784	26,791	26,783	24,707	20,106	17,252	15,721	12,947
Of which homicide		78	77	76	67	68	83	82	74	65	57
Of which robbery		7	7	14	11	9	6	3	4	6	4
Of which forcible sexual intercourse		53	55	65	76	69	77	64	69	91	151
Of which criminal assault		757	707	710	846	882	858	886	906	852	958
Of which criminal injury		491	467	493	495	548	539	557	631	613	714
Of which forcible indecency		944	1,070	1,027	1,066	1,116	1,095	881	893	953	773
Of which public indecency		80	109	83	139	136	133	140	109	91	71
Of which arrest / unlawful confinement		7	9	7	7	9	12	10	21	10	9
Of which kidnapping (by force and by enticement)		77	91	86	95	94	109	84	106	72	110

Note: Due to the partial amendment of the Penal Code (enacted in July 13, 2017), the name of the crime “rape” and its components were amended, and the name was changed from “rape” to “forcible sexual intercourse.”

(Source: National Police Agency)

## (2) Safety Measures within Children's Daily Environments

### a. Safety Measures for Schools and School Routes

The police are making a number of efforts to ensure children's safety at school and on school routes such as stepping up patrols by uniformed officers with a focus on children's school routes and the hours when children commute in order to prevent crimes against children and to ensure that children can walk to and from school safely. Other safety measures by police include commissioning retired police officers and other staff and dispatching them to schools to serve as school supporters, and engaging in child monitoring activities in coordination with local governments, volunteer groups that support crime prevention, and local residents, among others.

### b. Promoting Education for Victimization Prevention

At places such as elementary schools and exam preparation schools, the police offer children crime prevention sessions and community-safety-map workshops organized in an age appropriate manner. Children can participate in these sessions and workshops according to their age and level of understanding, and through various methods such as picture-story shows (i.e. illustrated story boards), dramas, and role-playing, they can learn about how to respond to dangerous incidents. The police also provide guidance for teachers and other staff at schools on how to respond when a suspicious person enters school premises.

### c. Information Dissemination Activities

To ensure children, parents, and guardians receive timely information about cases where children have been victimized, the police disseminate information to local residents through efforts that include establishing information sharing systems between police stations, boards of education, and elementary schools, as well as disseminating information through prefectural police websites, email, and other means.

### d. Support for Volunteers

The police support voluntary crime prevention activities in a number of ways. This includes conducting joint patrols with volunteer groups that support crime prevention, as well as distributing items such as stickers and help guides to volunteers who, through the "*Kodomo 110-ban no ie*" (children's emergency shelter) programme, take temporary guardianship of children who have been put in danger.

## 1 Introduction

*In recent years, crime rates around the world have reached a sufficiently high level to hinder the growth and development of society, and the world has experienced an unprecedented degree of urbanization. Hence, “urban crimes” are increasingly becoming a problem (See Guide 57).*

Japan has already become urbanized across all parts of the country; today, it is considered that there are no major differences in the characteristics of the crime situation between major cities such as Tokyo and the provinces. Meanwhile, Japan is experiencing significant declining trends in birthrates and a rapidly ageing population, growth of the nuclear family and weakening of solidarity in the local community. Distinctive crimes that are occurring against the backdrop of such trends in modern society are becoming a social issue. That is to say, “special fraud” offences are increasingly becoming a social problem. This includes the so-called “It’s me” fraud (i.e. telephone fraud) in which the perpetrator calls an elderly person while pretending to be a relative such as a grandson, persuades the victim of his or her urgent need for cash and makes the shaken elderly person transfer cash into a designated savings account. In response to this, in addition to the police and public prosecutors carrying out appropriate investigations and prosecutions, the police and private-sector corporations have started to cooperate and collaborate to prevent crime through public-private partnership, such as preventing victims from falling prey to such crimes.

Distinctive crimes that are occurring against the backdrop of recent social trends in Japan include organized crime. In Japan, organized crime groups, which have been a major threat to society in the past, have been causing much harm to society in recent years by engaging in a wide variety of illicit financing activities, including a large number of special fraud offences, in addition to violation of the Stimulants Control Act, extortion, gambling and illegal bookmaking (hereinafter referred to as “conventional fund acquisition crimes”). Moreover, entering the 1990s, the end of the Cold War and the increasingly globalized world enabled persons, money and goods to move easily across national borders. Against this background, the island country of Japan has witnessed growing activity in this trend in recent years, resulting in growing problems in areas such as the inflow of drugs and firearms from overseas, offences committed by organized crime groups of foreign nationals entering Japan, money-laundering, and human trafficking.

Hence, this section introduces the countermeasures against the distinctive special fraud offences and organized crimes in Japan’s modern society, which has become progressively older and more international.

## 2 Countermeasures against Special Fraud Offences

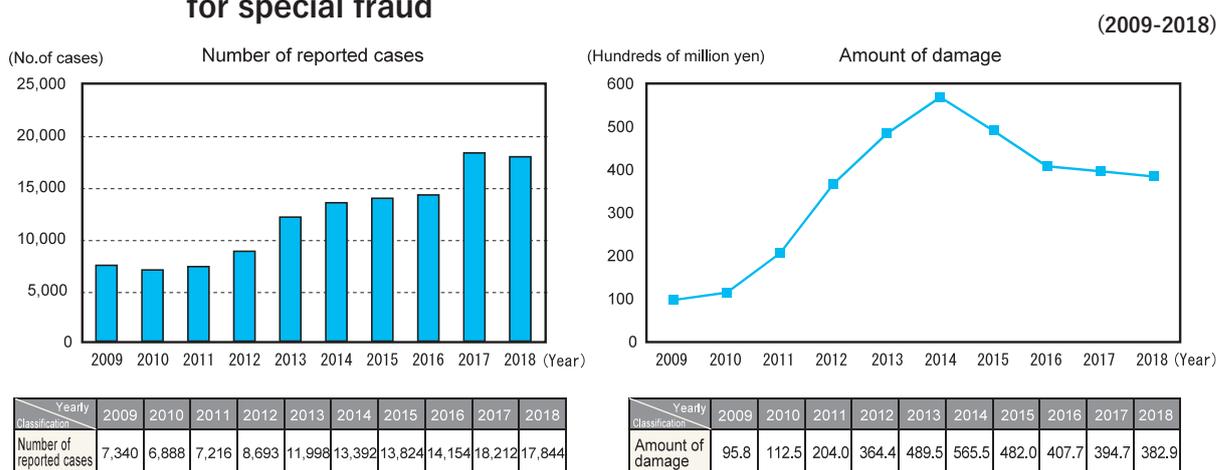
### (1) Current Situation of Special Fraud Offences

#### a. Situation of Special Fraud Offences Etc.

Special fraud (the collective term for offences that involve defrauding the victim of cash or other valuables, including extortion of cash, or stealing of cash cards or other valuables when the opportunity arises, by making phone calls to an unspecified large number of persons and gaining their trust without meeting them in person, thereby persuading them to transfer money into a specified savings account, or through other methods) can be categorized into the following types of fraud offences: “It’s me” fraud (i.e. telephone fraud), bank deposit fraud (fraud to trick the victims out of their bank cash card, carried out by deceiving them, for example, under the pretext of false reasons such as that their bank account is being used

for criminal purposes and their cash card needs to be replaced), false billing fraud (fraud carried out by sending out a false or forged document requesting payment, in order to convince the victim transfer cash into a designated account), loan deposit fraud (fraud carried out by having the victim to transfer cash into a designated account as a security deposit to secure a loan), refund fraud (fraud involving the use of computers, carried out by pretending to be personnel from the municipal office, etc. and having the victims operate the automatic teller machine (ATM) and transfer money between accounts under the pretext of completing the necessary procedures for refunding medical expenses or other refunds), financial product fraud, gambling fraud, matchmaking services fraud, other special fraud and cash card fraud and theft (pretending to be a police officer and calling the victim, having the victim prepare the cash card under the pretext of reasons such as “Your cash card is being used illegally,” and stealing the same cash card when the opportunity arises). In 2018, the number of these cases known to the police was 17,844 cases, while the total financial damages came to 38,290 million yen. Although both figures were below those for the previous year, the situation remains of serious concern, with damages amounting to approximately 100 million yen per day mainly among elderly victims.

● **Figure1-6 Changes in the number of reported cases and amount of damage for special fraud**



Note: Special fraud cases other than bank transfer scams have been tallied from February 2010

(Source: National Police Agency)

## b. Elderly Victims

The percentage of victims of special fraud who are elderly persons aged 65 and above remains high. The percentage of elderly victims in 2018 reached 79.2%. The percentage of elderly victims is especially high for “It’s me” fraud (96.9%) and refund fraud, etc. (84.6%). Preventing the elderly from becoming victims to such offences is a pressing issue.

### (2) Initiatives Aimed at Preventing the Elderly from Falling Victim to Special Fraud

Taking into account the above mentioned situation, the Ministerial Meeting Concerning Measures Against Crime, convened in June 2019, approved a plan on countermeasures against “It’s me” fraud and other special fraud offences, as a comprehensive measure to protect the elderly from special fraud. Based on pillars such as countermeasures to prevent victimization, countermeasures against crime tools and effective crackdown, this plan promotes measures in the respective government ministries and agencies in cooperation with the general public, local governments, various organizations and private business operators.

#### **a. Promoting Countermeasures to Prevent Victimization**

All government ministries and agencies, in cooperation with famous figures who have strong influence and ability to communicate with a wide range of age groups, and with the cooperation of various entities including all public agencies and local governments, and organizations and private business operators from all sectors of society, including economic organizations, are engaged in outreach and awareness-raising activities, by utilizing a diverse range of media, to encourage people to work together to avoid becoming victims of special fraud offences.

In addition, the police are also promoting initiatives that include promoting the use of voicemail, working with financial institutions, convenience stores and courier services to prevent victimization from such crimes. There are also private-sector call centres that call and alert the persons whose names were found on lists obtained through investigations on special fraud cases.

#### **b. Promoting Countermeasures for Crime Tools**

With regard to the mobile phones that are used for special fraud offences, confirmation of the subscriber's identity is obtained based on the Act for Identification, etc. by Mobile Voice Communications Carriers of Their Subscribers, etc. and for Prevention of Improper Use of Mobile Voice Communications Services, and information is provided by the police to business operators to refuse services to such subscribers. In addition, with regard to telephones that are used for criminal activities, a "warning phone call programme" is in place that effectively renders the phone number in question unusable by making calls repeatedly to the phone number and playing a warning message through the phone. From September 2019, measures have been put in place to restrict the use of landline telephone numbers used for special fraud offences, corresponding to the actual situation of the telephone numbers that are being used for criminal activity. For example, measures have been launched in which telecommunications carriers suspend the use of the lines at the request of the police.

In addition to the above, with regard to the savings accounts used for special fraud offences, requests are made promptly to the financial institutions to freeze the accounts in question, and a list of the account holders of the frozen accounts is drawn up and provided to the Japanese Bankers Association and other relevant organizations. By doing so, efforts are made to prevent the opening of illegal accounts.

#### **c. Promoting Effective Crackdowns and Other Measures**

In addition to initiatives that have been implemented to date, such as the "operation pretending to be deceived" (A method for identifying and arresting suspects that is based on proactive and voluntary cooperation from citizens. When a victim receives a special fraud phone call and identifies it as a special fraud case, he or she pretends to be deceived, promises to hand over the cash to the offender and reports to the police. The police turn up at the agreed upon location such as the home of the victim and arrest the offender.), raiding the criminal establishments and hide outs and investigations that probe into the ringleaders of the offences, efforts are also being made to crackdown on such crimes from multiple angles, such as on the organized crime groups or quasi-organized crime groups that are believed to be behind special fraud cases.

### **3 Countermeasures against Organized Crime**

#### **(1) Countermeasures against Organized Crime Groups**

##### **a. Situation of Organized Crime Groups**

Since the end of the Second World War, the police have consistently focused on cracking down on organized crime groups (organizations with a risk of encouraging their members to commit violent

misconduct collectively or habitually), especially targeting their ranking members, which has resulted in a significant reduction in the number of their members. However, organized crime groups have become more diverse and sophisticated in their activities, causing many violent interventions in civil affairs, and at the same time, they have repeatedly engaged in violent confrontations such as the one between the *Yondaime Yamaguchi-gumi* and the *Ichiwakai* which started in 1985. Accordingly, the Act on Prevention of Unjust Acts by Organized Crime Group Members (the Anti-*Boryokudan* Act) was enacted in 1992, and acts of organized crime group members became more widely regulated by cease orders against violent demands.

Organized crime groups demonstrate extreme brutality and use all means to achieve their objectives, and they remain a significant threat to society. For example, they commit violent crimes using guns in busy downtown areas or residential areas, commit bold attacks in retaliation or as a warning to business operators who do not do as they wish and cause confrontations using guns for reasons such as succession of an organization.

In addition to conventional fund acquisition crimes, organized crime groups have also been engaged in a wide range of various activities to acquire funds, including coercive land acquisition during the period when land price inflated and many special fraud offences in recent years.

The number of persons cleared for Penal Code offences among members and associates of organized crime groups in 2018 was 9,825, a 5.5% decline from the previous year, as shown in Table 1-7. The percentage of organized crime group members and associates of all persons cleared for Penal Code offences was 4.8%. When classified by the type of offence, the number of persons cleared for Penal Code offences among members and associates of organized crime groups in 2018 was the highest for bodily injury (2,042 persons), followed by fraud, theft and assault. Looking at the percentage of organized crime group members and associates out of all persons cleared, we can see that gambling ranks the highest at 48.5%, followed by extortion and unlawful arrest and confinement.

The number of persons cleared for other offences (excluding traffic offences.) among organized crime group members and associates in 2018, as shown in Table 1-7, was 7,056 persons, down 3.9% from the previous year. When classified by the type of offence, the number of persons cleared for other offences among organized crime group members and associates in 2018 was the highest for violation of the Stimulants Control Act (4,569 persons), followed by violation of the Cannabis Control Act and violation of the Act on Control and Improvement of Amusement Business, etc. However, the percentage of organized crime group members and associates out of all persons cleared was 100% for all the categories of violation of the Act on Prevention of Unjust Acts by Organized Crime Group Members, violation of organized crime group elimination ordinances and violation of the Bicycle Racing Act.

#### **b. Changes in the Numbers of Organized Crime Group Members and Associates Members**

The total number of members and associate members of organized crime groups continued to fall, with a significant drop from about 87,000 at the end of 2004 to about 30,500 by the end of 2018. The background for this trend could be attributed to the withdrawal of members from organized crime groups for reasons such as the increasing difficulty of engaging in fund acquisition activities, due to the progress made by criminal justice authorities in countering organized crime activities and the crackdown on organized crimes. On the other hand, of the members and associate members of organized crime groups, the percentage of major groups (such as the *Rokudai Yamaguchi-gumi*, the *Kobe Yamaguchi-gumi* and the *Ninkyo Yamaguchi-gumi*, the *Kizuna-kai*, as well as the *Sumiyoshi-kai* and the *Inagawa-kai*) reached approximately 70%.

● **Table1-7 Number of persons cleared who are members of associates of organized crime groups(categorized by charged offence)**

(1) Penal Code offence (2018)

Charged offence	2018	
Total number	9,825	(4.8)
Homicide	94	(11.2)
Robbery	287	(16.6)
Forcible sexual intercourse	40	(3.7)
Assault	993	(3.7)
Injury	2,042	(9.8)
Intimidation	550	(20.3)
Extortion	772	(46.2)
Theft	1,627	(1.6)
Fraud	1,749	(17.6)
Gambling	292	(48.5)
Obstruction of performance of public duty	186	(9.7)
Unlawful arrest and confinement	96	(33.2)
Property damage	247	(4.9)
Act on Punishment of Physical Violence and Others	15	(24.2)

(2) Other offences

Charged offence	2018	
Total number	7,056	(11.2)
Act on Prevention of Unjust Acts by Organized Crime Group Members	4	(100.0)
Organized Crime Exclusion Ordinance	53	(100.0)
Bicycle Racing Act	4	(100.0)
Horse Racing Act	–	
Act on Control and Improvement of Amusement Business, etc.	210	(12.0)
Anti-Prostitution Act	54	(13.8)
Child Welfare Act	20	(8.7)
Firearms and Swords Control Act	140	(2.9)
Narcotics and Psychotropics Control Law	49	(12.2)
Cannabis Control Act	744	(21.3)
Stimulants Control Act	4,569	(47.3)
Employment Security Act	31	(31.6)

Note 1: "Members or associates of organized crime groups." refers to the members and quasi members of organized crime groups, and other peripheral members.

2: "Forcible sexual intercourse" refers to forcible sexual intercourse and rape prior to the revision to the Penal Code through Act No.72 of 2017.

3: Other law offences excludes violation of traffic laws.

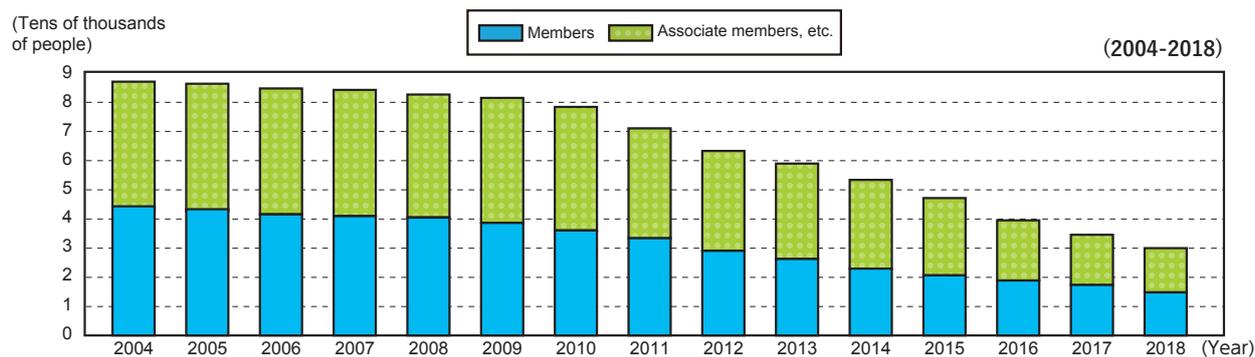
4: Figures in parentheses are the proportion of members or associates of organized crime group to the total number of persons cleared.

Source: The National Police Agency

**c. Crackdown on Organized Crime**

Organized crime groups are engaged in a wide range of fund acquisition crimes, corresponding to the changing times. These include, for example, extortion and coercion targeting corporations and administrative organizations, robbery, theft, as well as special fraud and fraud involving the exploitation of various public

● Figure 1-8 Changes in the numbers of organized crime group members and associate members



Classification	Yearly																
	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018		
Total number of people	87,000	86,300	84,700	84,200	82,600	80,900	78,600	70,300	63,200	58,600	53,500	46,900	39,100	34,500	30,500		
Members	44,300	43,300	41,500	40,900	40,400	38,600	36,000	32,700	28,800	25,600	22,300	20,100	18,100	16,800	15,600		
Associate members, etc.	42,700	43,000	43,200	43,300	42,200	42,300	42,600	37,600	34,400	33,000	31,200	26,800	20,900	17,700	14,900		
Total number of people from major organizations, etc.	61,300	63,000	61,600	61,100	60,000	58,600	56,600	50,900	45,800	42,300	38,500	33,200	28,300	25,300	22,300		
Percentage of major organizations, etc. (%)	70.5	73.0	72.7	72.6	72.6	72.4	72.0	72.4	72.5	72.2	72.0	70.8	72.4	73.3	73.1		

Note 1: Figures are current as of the end of each year

2: The total number is different from the number of organized crime group members and associate members as these numbers are approximate.

(Source: National Police Agency)

benefit systems. In recent years, new fund acquisition crimes have been emerging, which are “highly profitable yet difficult to detect” and make use of loopholes in regulations and systems, such as the smuggling of gold bullion. In addition, conventional fund acquisition crimes such as collecting “protection money” from food and beverage establishments and other stores in busy commercial districts continue to be an important source of funds for organized crime groups.

Alongside gathering and analysing information on the increasingly sophisticated and non-transparent fund acquisition activities carried out by organized crime groups, the police are also cracking down on organized crime groups while paying attention to the trends of their fund acquisition activities, corresponding to changes in the socioeconomic situation.

#### d. Promotion of Organized Crime Group Elimination Activities

In Japan, the national government, local governments, private-sector corporations and local residents work in cooperation to promote activities aimed at eliminating organized crime.

For example, the national and local governments, in cooperation with the police, incorporate provisions on the elimination of organized crime groups into contracts and nomination criteria for construction contractors. In addition, they also promote initiatives such as making it mandatory for contractors to report to the police in cases of illegal intervention by organized crime groups. The necessary guidance is also provided and requests are made to ensure that similar initiatives are introduced for industries involved in private-sector construction projects and incorporated administrative agencies.

The police also work closely with the Centers for Removal of Organized Crime Groups and the bar association to promote organized crime group elimination activities by local residents, such as providing support for lawsuits seeking to close the offices of organized crime groups.

Furthermore, the prefectures set out provisions in their ordinances concerning efforts to eliminate

organized crime groups in collaboration with local governments, residents and businesses, and they strive to enforce such ordinances concerning organized crime group elimination with main contents such as basic measures concerning organized crime group elimination, measures to eliminate the negative influence of organized crime groups on youths and the prohibition of acts that profit organized crime groups.

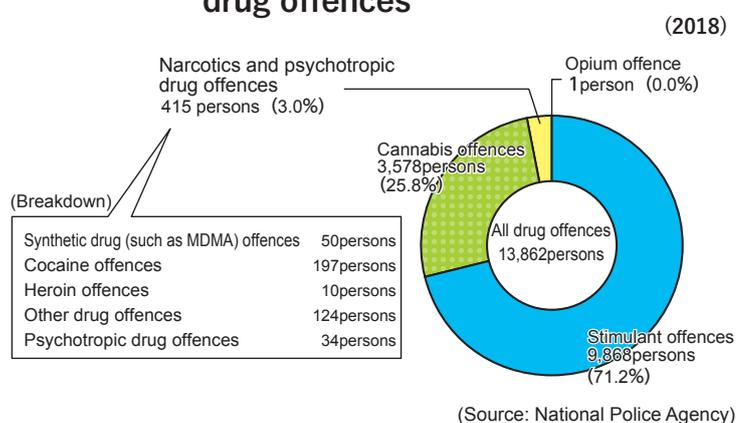
To eradicate organized crime groups, it is important to encourage as many members as possible to withdraw from the groups, and to promote their reintegration into society. Hence, as described later in Chapter 2, Section 7, the relevant institutions and organizations in Japan cooperate to strengthen efforts to encourage persons involved in organized crime groups to withdraw from the groups. At the same time, they promote effective measures to enhance the social environment and follow-up systems necessary for the withdrawal of members from organized crime groups, as well as their employment and reintegration into society.

## (2) Drug Control

### a. Drug Situation

The figure 1-9 shows that the number of persons cleared for drug offences in 2018 stayed at a high level of 13,862 persons. There were successive arrests for the mass smuggling of stimulants (the majority of which is crystalized methamphetamine), while the number of persons cleared for cannabis offences reached the highest level since the National Police Agency began recording statistics in 1958. Hence, the drug situation in Japan remains severe.

● Figure1-9 Number of persons cleared for drug offences



### b. Situation for Drug Smuggling Crimes

Most of the drugs abused in Japan are smuggled from abroad in various ways, including by use of postal mail, passengers concealing them in their luggage, concealing them in a shipping container and trafficking at sea with the use of boats.

The number of cases cleared for drug smuggling offences in 2018 was 324 cases, an increase of 22 cases (7.3%) from the previous year. The number of persons cleared was 312 persons, an increase of 23 persons (8.0%) from the previous year. During 2018, the amount of stimulants seized in smuggling offences declined from the previous year, but successive arrests were made for the mass smuggling of stimulants by organized crime groups and foreign nationals in Japan. In addition, many arrests were made for the smuggling of stimulants using aircraft.

These circumstances could be attributed to the deeply rooted demand for stimulants in Japan, as well as growing activity in the dealing of stimulants in the Asia Pacific region by drug crime organizations, which have international networks.

### c. Involvement of Organized Crime Groups in Drug Offences

The number of persons cleared in stimulant-related offences who are members of organized crime groups during 2018 was 4,645 persons, 106 persons (2.2%) lower than the previous year. Notwithstanding that, as this group makes up 47.1% of all persons cleared for stimulant-related offences, it is suggested that organized crime groups remain deeply involved in stimulant-related offences. Furthermore, the number of persons

cleared for cannabis-related offences who are members of organized crime groups was 762, making up 21.3% of all persons cleared for those offences. This represents an increase of 20 persons (2.7%) over the previous year despite the fall in the total number of organized crime group members and associate members, suggesting greater involvement by organized crime groups in cannabis-related offences.

#### d. Cutting Off Drug Supplies

As the majority of the drugs that are abused in Japan come into the country from overseas, efforts are made to strengthen cooperation between the relevant agencies such as the police, customs and Japan Coast Guard in order to prevent the drugs from crossing the border. Efforts are also made to promote cooperation in conducting international investigations through means such as the proactive use of mutual legal assistance and information exchanges through participation in international conferences.

Furthermore, in order to eradicate drug organizations, the police and other investigative agencies are advancing investigations that close in on the core of the criminal organizations, through the proactive use of effective investigative methods, such as wiretapping to crackdown on organized crime. In order to undermine drug organizations from the financial perspective, they are also advancing measures to make arrests for smuggling and illicit selling of drugs conducted as business, as well as money-laundering offences, and confiscate or collect the equivalent value of the proceeds from drug offences, based on the provisions of the Act Concerning Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation (Hereinafter Act on Special Provisions for Narcotics).

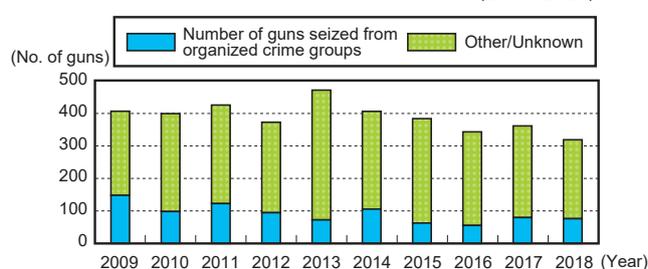
### (3) Firearms Control

With regard to the firearms situation in 2018, in addition to occurrences of the discharge of firearms in busy downtown areas and residential areas believed to have been carried out by organized crime groups, as many as 83 incidents involving the use of firearms occurred, highlighting the need for continued vigilance.

Figure 1-10 shows the changes in the number of guns seized. In recent years, the total number of guns seized and the number of guns seized from organized crime groups has been fluctuating, but the long-term trend shows both figures to be on decline.

In view of the fact that strict controls over firearms underpins the foundations of good public safety in Japan, the police are cracking down on firearms with a focus on uncovering the arms storage of criminal organizations as well as uncovering the smuggling and illicit selling of guns. At the same time, through activities carried out in collaboration with the relevant organizations, the police are promoting comprehensive measures against firearms, including calling widely on citizens to eradicate firearms offences and eliminate illegal firearms, and striving to secure the understanding and cooperation of the citizens.

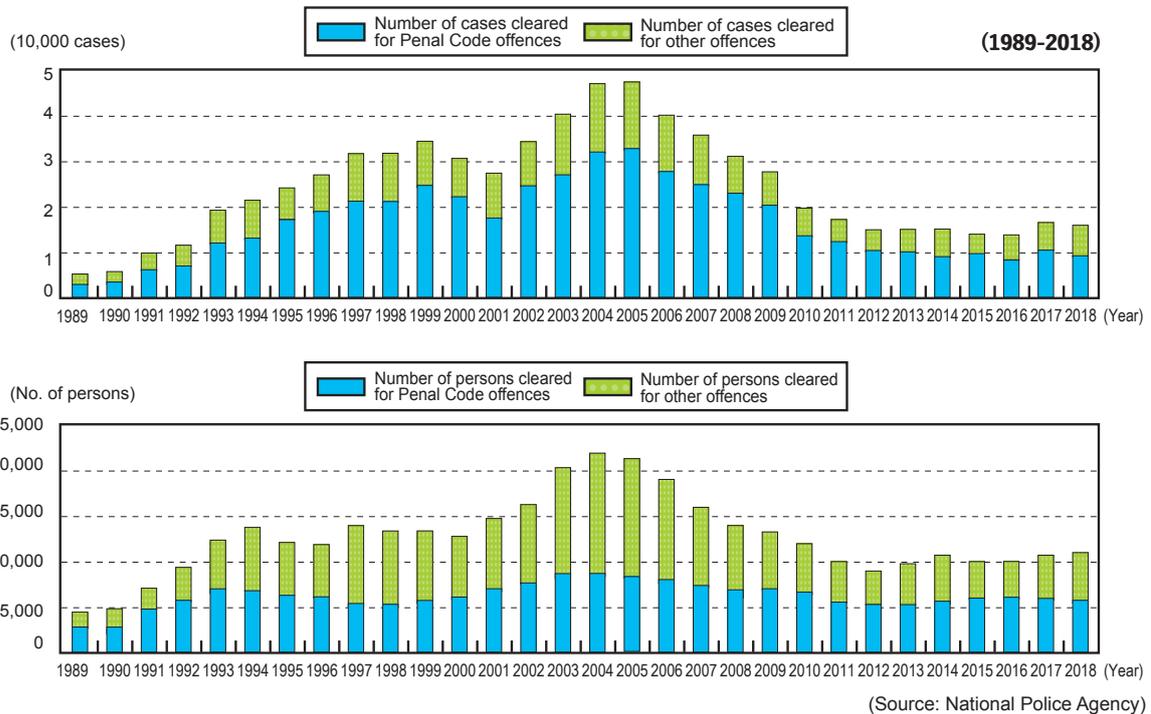
● Figure 1-10 Changes in the number of guns seized (2009-2018)



Classification	Yearly									
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of guns seized	407	397	426	373	471	406	383	341	360	315
Organized crime groups	148	98	123	95	74	104	63	54	79	73
Other/Unknown	259	299	303	278	397	302	320	287	281	242

(Source: National Police Agency)

● **Figure 1-11 Changes in the number of arrests made for offences committed by foreign nationals in Japan**



**(4) Countermeasures against Offences Committed by Foreign Nationals in Japan**

**a. Situation of Offences Committed by Foreign Nationals in Japan**

Figure 1-11 shows the changes in the clearance status for offences committed by foreign nationals in Japan. Although the number of offences committed by foreign nationals in Japan had been on an upward trend since the beginning of the Heisei era, the number of clearances dropped significantly from the peak of 47,865 cases in 2005, to 16,235 cases in 2018. The number of persons cleared also decreased significantly from the peak of 21,842 persons in 2004 to 11,082 persons in 2018.

**b. Characteristics of International Criminal Organizations Active in Japan**

Among the international criminal organizations, the criminal organizations comprising foreign nationals in Japan include organizations that are structured by country of birth and region of the members, as well as organizations that are multinational in terms of their members' nationalities. These organizations have sophisticated division of roles in order to carry out crimes more shrewdly and efficiently. In addition, there are also cases in which crimes are committed by foreign nationals who do not know one another in person while communicating via social media, and cases in which such organizations cooperate with Japanese organized crime groups.

Moreover, the crime-related locations, such as the sites where criminal acts are committed or victims are harmed, are not limited to Japan, but are spread out across multiple countries. In particular, the global spread of crimes has been observed in recent years, such as money-laundering cases that involve the use of bank accounts in Japan as the accounts for receiving deposits of money acquired through fraud committed in other countries, and withdrawing this money in Japan after it has been deposited to carry out money-laundering.

These criminal organizations also include those that are engaged in "hit-and-run" crimes, in which the offenders come to Japan on temporary visitor visas and escape from Japan after committing the crime.

### c. Measures to Deal with International Criminal Organizations

Japan is engaging in collaborative efforts, including cooperating with relevant domestic agencies such as the police and the Immigration Services Agency of Japan to implement border security measures using the Advance Passenger Information System (APIS) and other means, making arrangements in cases where the suspect may escape to other countries and conducting joint raids on illegal residents etc.

Furthermore, as it is vital to share information and cooperate with the investigative agencies of the relevant countries in order to deal with international criminal organizations that are active in multiple countries or regions, Japan is promoting various forms of international cooperation as described later in Chapter 4, Section 1; Japan is also advancing collaborative measures with foreign investigative agencies.

## (5) Measures against Criminal Proceeds

### a. Activities Based on the Act on Prevention of Transfer of Criminal Proceeds

In order to weaken organized crime groups and wipe them out completely, it is important not only to prevent the transfer of criminal proceeds, but also to seize and deprive them of such proceeds. The police make active use of the Act on Prevention of Transfer of Criminal Proceeds, the Act on Punishment of Organized Crimes and Control of Crime Proceeds, and the Act on Special Provisions for Narcotics, and they work in cooperation with the relevant agencies, companies, foreign Financial Intelligence Units (FIU) and other organizations to promote comprehensive measures against criminal proceeds.

To effectively advance measures against criminal proceeds, it is important for specified business operators to enforce measures appropriately based on the Act on Prevention of Transfer of Criminal Proceeds, such as by carrying out customer identification checks during transactions and reporting suspicious transactions. For this reason, the National Public Safety Commission, in collaboration with the relevant agencies, is striving to promote understanding and support for the Act on Prevention of Transfer of Criminal Proceeds through means such as seminars targeted at specified business operators. When specified business operators are found to be in violation of their obligations under the law, the Commission conducts necessary investigations such as by requesting the specified business operators in question to submit status reports, and it presents its opinion to the administrative agency with the mandate that a correction order should be issued.

Furthermore, in Japan, the Order for Partial Revision of the Ordinance for Enforcement of the Act on Prevention of Transfer of Criminal Proceeds was enacted in November 2018 with the aim of introducing efficient identity verification methods that are compatible with FinTech. Through this revision, new identity verification methods that can be completed online were established, including having customers use software provided by specified business operators to photograph their faces and sending the photographed image together with images of identity verification documents.

### b. Clearance Status for Offences Related to Money-laundering

Money-laundering refers to acts of concealing the source and true owner of proceeds generally gained through criminal activity, thereby escaping the detection of such proceeds and arrests by investigative authorities. In Japan, money-laundering is considered a criminal offence under the Act on Punishment of Organized Crimes and Control of Crime Proceeds and the Act on Special Provisions for Narcotics.

The number of cases cleared for money-laundering offences in 2018 was 511 cases (an increase of 150 cases (41.6%) from the previous year). When classified by predicate offences, the main offences were related to theft (191 cases), fraud (162 cases), and illegal loans (28 cases).

### c. Seizure of Criminal Proceeds

To prevent criminal proceeds from being used in maintaining and expanding criminal organizations, or

● **Table1-12 Changes in the status of application of confiscations/collection of equivalent value provisions under the Act on Punishment of Organized Crimes and Control of Crime Proceeds and the Act on Special Provisions for Narcotics** (2014-2018)

	Yearly	Confiscation		Collection of equivalent value		Total number	
		Number of persons	Amount (Thousands of yen)	Number of persons	Amount (Thousands of yen)	Number of persons	Amount (Thousands of yen)
Act on Punishment of Organized Crimes and Control of Crime Proceeds	2014	72	117,462	62	408,319	134	525,782
	2015	86	1,581,286	76	2,542,167	162	4,123,454
	2016	75	188,569	90	1,866,425	165	2,054,995
	2017	99	360,734	73	2,463,508	172	2,824,242
	2018	65	184,210	36	545,123	101	729,333
Act on Special Provisions for Narcotics	2014	52	9,266	231	325,307	283	334,574
	2015	56	11,025	199	194,243	255	205,269
	2016	38	14,891	201	289,761	239	304,652
	2017	36	39,291	192	317,231	228	356,522
	2018	36	5,138	203	269,808	239	274,947

Note 1: Amounts are rounded off to the nearest thousand yen.

2: For confiscation/collection of equivalent value reported more than once by accomplices, the overlapping values are deducted from the total amount.

3: Foreign currencies are converted to Japanese yen based on the current exchange rate on the date of sentencing.

Source: Ministry of Justice

being invested in future criminal activities, it is important to seize such proceeds. In order to prevent the concealment or spending of criminal proceeds before the court passes a sentence to confiscate or collect equivalent value of such criminal proceeds, the police make active use of measures to preserve criminal proceeds, as prescribed by the Act on Punishment of Organized Crimes and Control of Crime Proceeds and the Act on Special Provisions for Narcotics, in order to secure the effectiveness of confiscation and collection of equivalent value.

Table 1-12 shows the status of the application of provisions on confiscation/collection of equivalent value under the Act on Punishment of Organized Crimes and Control of Crime Proceeds and the Act on Special Provisions for Narcotics, in typical trial procedures conducted in the court of first instance.

#### d. International Cooperation

To prevent cross-border money-laundering and terrorism financing, it is vital for all Member States to cooperate and put in place the necessary countermeasures. In the international community, efforts are made to formulate and promulgate international standards for money-laundering and terrorism financing countermeasures under frameworks such as the Financial Action Task Force (FATF). As described later in Chapter 4, Section 1, Japan is also actively involved in such activities.

#### (6) Countermeasures against Human Trafficking Etc.

Based on the 2014 Action Plan to Combat Trafficking in Persons developed by the government in 2014, the police, working in cooperation with relevant agencies such as the Immigration Services Agency of Japan are strengthening border security and the crackdown on malicious business owners and intermediaries, and they are putting effort into protecting victims at an early stage and shedding light on the actual situation of human trafficking in Japan and overseas. The Police are also engaged in close exchanges of information with the embassies of the relevant countries as well as private-sector organizations that provide support for victims. Other initiatives are also taken to provide protection for victims at an early stage, such as preparing

leaflets in multiple languages to encourage the victims to report such cases to the police and distributing them to the relevant agencies and organizations as well as placing them in places where victims are likely to see them.

The number of persons cleared for human trafficking offences in 2018 was 40 persons. Of these, seven were related to the adult entertainment business, and one was an intermediary. The number of trafficking victims who received police protection was 25, of whom 18 were Japanese and seven were foreign nationals. As for the sex of the victims, 24 were female, and one was male.

Concerning the disposition of persons cleared, 35 were prosecuted, four were placed under the disposition of non-prosecution and one was referred to the family court. Of the 35 persons who were prosecuted, 29 were found guilty, while criminal trials are still ongoing for the remaining six (as of 31 March, 2019).



Publicity poster for countermeasures against human trafficking



Leaflet for victims of human trafficking

### 1 Introduction

The police work closely with communities and are trusted as an organization capable of reducing crime and building social cohesion. Crime prevention measures adapted to the local context can also contribute to solving problems of the local community (see Guide 61).

In promoting activities rooted in the community, the police are developing multi-layered networks with local residents, community-based organizations and other relevant organizations and groups; the police foster a community mindset that supports crime prevention. Through such activities, the police promote crime prevention measures tailored to each community.

In the following section, *Koban* (police box) and *Chuzai* (residential police box) which are hubs for police activities closely linked to the lives of local residence, are outlined, and the consulting services provided by the police and their collaborative efforts with local communities are also explained.

### 2 *Koban* and *Chuzai* Activities

#### (1) Overview

*Koban* and *Chuzai* are hubs for community-based police activities. *Koban* are generally established in urban areas and are staffed by community police officers who work in shifts. *Chuzai* are most often established outside of urban areas and are staffed by community police officers who both work and reside there. Through various activities such as daily patrols and routine visits to homes and workplaces, police officers working at *Koban* and *Chuzai* develop a good understanding of the communities within their precinct and conduct activities according to local circumstances and in response to the opinions and requests from local residents. Staying alert day and night and responding immediately to wide-ranging police matters, these police officers provide local residents with a sense of safety and security. They also offer guidance and advice, provide refuge for lost children and provide lost and found services as part of the many duties they perform.

As of April 2019, there were 6,253 *Koban* and 6,296 *Chuzai* established within the precincts of 1,160 police stations nationwide.

#### (2) Patrols, Watch Duties and Other Efforts

##### a. Vigilance Performed by Patrols, Standing in front of *Koban* and Other Efforts

To prevent incidents and accidents, as well as to crack down on crimes, community police officers conduct patrols either on foot or by bicycle while focusing on areas and times of day with high crime occurrence. Activities conducted during patrols include questioning suspicious persons, identifying dangerous or risky areas, providing guidance on crime prevention to residents and businesses located in high crime areas and providing information via patrol cards.

Community police officers also stand watch in front of *Koban* for set periods of time at highly trafficked or high-crime areas, such as the vicinity of busy train stations and shopping areas.



Vigilance performed by standing in front of police box

### b. Strengthening of Police Officers' Performance on Duty

With a view to improving community police officers' performance on duty, trainings are provided for such police officers to improve their questioning and documentation skills. Police officers who excel in questioning skills are selected and designated as instructors to provide practical guidance to develop the skills of all community police officers.

In 2018, the number of persons cleared by community police officers reached 151,901 people for Penal Code offences, which accounts for 73.7% of all persons cleared by the police for Penal Code offences.

### c. Koban Counsellors

As of April 2019, there were close to 6,300 *Koban* counsellors assigned nationwide. *Koban* counsellors are part-time staff who are not officially police officers. Many *Koban* counsellors are retired police officers who have knowledge and experience with police operations and their duties include listening to local residents' opinions and requests, accepting found articles and lost property reports, helping victims fill out victim reports and accepting them, reporting incidents and accidents to police officers and giving directions.



Koban counselor

## (3) Activities Conducted in Conjunction with Community Residents

### a. Routine Visits to Homes and Workplaces

Community police officers conduct routine visits to homes and businesses in the areas they cover to hear their opinions and requests, as well as to provide guidance and information on matters necessary for ensuring the safety and peaceful lives of local residents, including the prevention of crimes and accidents.



Routine home visits

### b. Koban (*Chuzai*sho) Liaison Council

As of April 2019, close to 12,000 *Koban* (*Chuzai*sho) Liaison Councils had been established at *Koban* and *Chuzai*sho nationwide. Through these councils, community police officers have been working in cooperation with local communities to prevent incidents and accidents by talking to local residents about local public safety issues and by listening to their opinions and requests to the police.

## (4) Supporting Foreign Nationals at Koban

### a. Availability and Use of Equipment and Documents

To facilitate communication and processing of various reports from foreign nationals who do not speak Japanese, translation devices and various report templates in both Japanese and foreign languages are provided at the *Koban* for their use.

### b. Telephone Interpretation Services

For foreign nationals requiring interpretation services, the police uses mobile devices to provide telephone interpretation and facilitate communication. Community police officers also receive training on the procedures for using telephone interpretation and conducting interviews via interpreters.

**c. Model Koban with Foreign Language Assistance**

Model *Koban* with Foreign Language Assistance are staffed by officers with foreign language proficiency and are in operation at tourism destinations, shopping areas, entertainment districts, international airports, large terminal stations and other places frequently visited by foreign nationals.

At Model *Koban* with Foreign Language Assistance, there are signs that indicate foreign language assistance is available to respond to foreign nationals who do not speak Japanese and the officers will assist foreign nationals in filling out reports or provide directions mainly in English.



**Model Koban with Foreign Language Assistance**

**(5) Handling of Lost Property**

To ensure found articles are returned to their owners promptly, the police handle lost and found articles and accept related reports. As shown in Table 1-13, found articles reported in 2018 numbered roughly 29.5 million items, including articles held by designated occupants of public facilities. Of the lost articles turned into the police, about ¥13.3 billion in currencies and 11.06 million goods were returned to their owners.

**Table1-13 Found articles and lost property reports processed**

(2014-2018)

Category \ Year		2014	2015	2016	2017	2018
Currency (100 millions of yen)	Found articles	164	171	177	186	191
	Lost property reports	368	370	366	369	368
Items (10,000 items)	Found articles	2,497	2,671	2,796	2,882	2,950
	Lost property reports	1,223	1,249	1,295	1,294	1,296

(Source: National Police Agency)

**3 Police Consultation Services**

**(1) Consultation Statistics**

The number of consultations provided by the police has been on the rise in recent years: 2,208,299 consultations were provided in 2018, an increase of 126,000 consultations (6.1 % increase) over the previous year.

**(2) Organizational Set-Up for Consultation**

A general contact desk for consultation has been established in the General Affairs and Police Administration Department of the Metropolitan Police Department, Prefectural Police Headquarters and police stations in order to provide timely, adequate and systematic responses to consultations from citizens.

The general contact desk for consultation is staffed by police safety consultants consisting of police personnel and other well-experienced former police personnel.

Additionally, dedicated national lines for police consultation



**“#9110” publicity activities**

("#9110") have been set up at the National Police Agency and Prefectural Police Headquarters. Dialing "#9110" will connect the caller to the general contact desk of the Prefectural Police Headquarters covering the area where the caller is calling from. Consultations are also provided through the websites of Prefectural Police Headquarters.

### (3) Provision of Appropriate Responses to Consultations

#### a. Organizational Response to Consultations from Citizens

The relevant departments of the police coordinate and respond to consultations from citizens and, regardless of whether there are any criminal or other damages being caused, take necessary measures to resolve the concerns of those seeking consultation, including by providing guidance and advice or reference to other specialized organizations, issue warnings to the suspect or make arrests.

Swift and organizational responses are made to consultations that involve emergencies, such as when the life of a person seeking consultation is in danger, by taking immediate action upon reporting to senior officials.

#### b. Training for Staff Responding to Consultations

In order to develop the capacity to appropriately respond to various public safety consultations from the citizens, the Prefectural Police provide training for personnel responding to consultations, including lectures by officers in charge of operations in each department on how to receive and respond to each consultation case and lectures by external experts with various expertise.



Training on consultation handling procedures

#### c. Promoting Cooperation with Relevant Organizations and Groups

In order to appropriately respond to consultations that should be handled by institutions or organizations other than the police, or should be handled in close cooperation with such institutions, the police are strengthening cooperation with such institutions and organizations by holding liaison meetings with these institutions and organizations to exchange information and opinions.

In addition, the police are striving to collect information and intensifying efforts to expose crimes that tries to take advantages of the spreading of COVID-19 through cooperating with relevant institutions, based on the Basic Policies for Novel Coronavirus Disease Control by the Government of Japan.



Liaison meetings with relevant organizations and groups

### (4) Measures for Missing Dementia Patients

In 2018 the police received 16,927 reports of missing dementia patients. This statistic has gone up every year since it was first recorded in 2012.

In addition to using networks for monitoring the elderly persons with dementia in each community and conducting



Search simulation trainings

activities to find missing persons in close coordination with relevant institutions and organizations, efforts have been made to enhance police personnel's understanding of dementia and to improve their responses. For such purposes, trainings by outside experts such as dementia supporter training, and other search simulation trainings are provided.

## **4 Collaboration between the Police and the Community**

### **(1) The Importance of Collaborating with Communities**

Good public safety is the bedrock of social and economic development, but it cannot be ensured and achieved by the police alone. In Japan, the police collaborate with communities and relevant institutions and organizations in making whole-of-society efforts to maintain good public safety.

### **(2) Enhancing Society's Crime Prevention Functions**

#### **a. Safe and Secure Town Planning**

In accordance with initiatives such as the Nationwide Plan for Safe and Secure Town Planning (a decision made at a June 2005 joint conference between the Ministerial Meeting Concerning Measures Against Crime and the Urban Renaissance Headquarters), which supports local initiatives to build safe and secure communities and carries out nationwide public-private collaboration, and the Strategy to Make Japan the Safest Country in the World (established by a Cabinet decision made in December 2013), the national government engages in building safe and secure communities nationwide through cooperation with relevant institutions and groups.



**Awards to Commend Safe and Secure Community Builders**

#### **b. Initiative to Increase Momentum to Promote Safe and Secure Town Planning**

During the period around the Building Safe and Secure Communities Day (October 11 every year), which was established by the Ministerial Meeting Concerning Measures Against Crime, various efforts are made to increase momentum towards building safe and secure communities. As part of these efforts, the national government holds annual Awards to Commend Safe and Secure Community Builders whereby the Prime Minister awards individuals and groups that have made exemplary contributions to crime prevention or recidivism prevention activities in their communities.

In addition, the National Police Agency encourages further voluntary crime prevention efforts nationwide through initiatives such as organizing the 2018 Crime Prevention Volunteer Forum, where volunteer crime prevention groups that are making outstanding efforts gave presentations on their activities.

#### **c. Promotion of Comprehensive Measures to Ensure Safety and Security in Downtown and Entertainment Districts**

The police are taking a number of measures to promote the development of wholesome and appealing communities. Specifically, to ensure safe and secure downtown and entertainment districts, the police share their views with local chambers of commerce and industry, commerce and industry associations, local residents and local governments, and they actively engage from the planning stage in the urban development projects conducted by local governments. Furthermore, the police strictly enforce regulations against soliciting and recruiting for adult industries on the streets, loitering by juvenile and adult delinquents, setting up illegal advertisements, littering, bicycle abandonment, illegal parking, graffiti and other nuisances to the

community.

Moreover, to prevent criminal organizations from operating clandestinely in downtown and entertainment districts, the police also make efforts to remove these organizations from multi-tenant buildings and advertising media, as well as cracking down on illegal adult entertainment businesses and other adult entertainment-related offences, illegal employment, human trafficking, offences that involve impeding the sound development of juveniles, and organized fund acquisition crimes.

### (3) Establishment and the Promotion of Crime Prevention Networks

The police have established crime prevention networks that encompass local governments, local residents, companies and other stakeholders. By effectively utilizing the networks to actively exchange information, support local residents' crime prevention patrols and other crime prevention activities, and support corporate CSR activities concerning crime prevention, the police promote measures to deal with crime by unifying the efforts of the local communities.

#### a. Crime Prevention Volunteer Group Activities

As of the end of 2018, there are 47,180 crime prevention volunteer groups and 2,588,549 total members nationwide.

In addition to conducting crime prevention patrols and watching over children on their school routes, considering the crime situation in recent years, some of these groups, in order to prevent special fraud, cooperate with the police to alert ATM users and provide crime prevention guidance to elderly residents through home visits.

#### b. Support for Voluntary Crime Prevention Activities

In addition to providing crime prevention volunteer groups with crime-related information and supporting their joint patrols and other activities, the police supported these volunteers in installing revolving blue lights on their vehicles for voluntary patrols. As of the end of 2018, 45,240 cars with revolving blue lights belonging to 9,880 groups nationwide were active in conducting patrols.

The Volunteer Crime Prevention Activities Support page has also been launched on the NPA's website as part of its efforts to build a network among crime prevention volunteer groups.

#### c. Provision of Crime Information and Community Safety Information

To further encourage volunteer crime prevention activities, the police use various methods and media to promptly and appropriately provide crime occurrence data and crime prevention information to local residents.

In addition, in order to prevent crimes that tries to take advantage of the spread of COVID-19, the police provide crime prevention information and warnings via website, email, social networks, handouts and other media, accordingly to the crime situation of the community, and engage in patrols and other vigilance activities.



Vehicles equipped with revolving blue lights

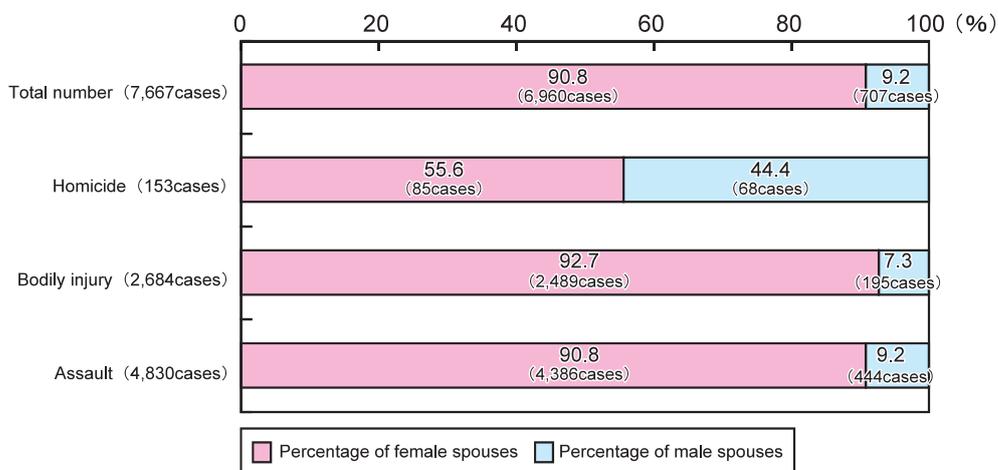
## 1 Introduction

(1) Preventing violence against women requires not only a focus on preventing crime that targets women, but also efforts to analyse and respond to the different circumstances under which women and men are involved in crime (see Guide 64).

Currently in Japan, the types of the cases where women become victims of violence include violence committed by men towards their spouses and stalking offences committed by men.

Most of the victims of spousal violence are women. In 2018, the number of cases cleared of homicide, bodily injury and assault committed against spouses (including common-law couples) was 7,667 cases; of these, 6,960 cases (90.8%) were cases in which the women were victims. Looking at the percentage of cases in which women were victims by the type of offence, with the exception of homicide cases (women were victims in 85 out of 153 cases, or 55.6%), women were victims in an overwhelmingly high percentage of the cases for bodily injury (2,489 out of 2,684 cases, or 92.7%) and assault (4,386 out of 4,830 cases, or 90.8%) (Figure 1-14).

● **Figure 1-14** Percentage of male and female victims of spousal violence (murder, bodily injury, violence) (including common-law couples). (Number of cases cleared, 2018)



Source: the National Police Agency

According to the “Report on the Status of Response to Stalking and Spousal Violence Cases in 2018” released by the National Police Agency, 87.9% of the victims of stalking-related crimes were women, while 82.1% of the perpetrators were men.

In Japan, spousal violence and stalking offences committed against women have been penalized by applying the provisions of the Penal Code and others, and measures have been taken to prevent such violence based on the Act on the Prevention of Spousal Violence and the Protection of Victims or the Anti-Stalking Act. This section introduces the legal measures to prevent these acts of violence against women.

(2) In Japan, the Act for Partial Revision of the Penal Code was enacted in 2017. This revision was made with the aim of coping with the present issues, taking the actual situation of sex offences into consideration. In addition, various measures have been taken by the MOJ, which administers the Penal Code, to accurately understand the realities of sex offences that tend to be latent, persistent and serious, and to give an adequate

response in accordance with the attributes of the victims of sexual violence.

This section also introduces the measures to address such sex offences.

## **2 Legal Measures to Prevent Spousal Violence Etc.**

### **(1) Protection Orders Based on the Act on the Prevention of Spousal Violence and the Protection of Victims**

In Japan, the Act on the Prevention of Spousal Violence and the Protection of Victims was enacted in 2001 for the purpose of protecting human rights and realizing gender equality, through the establishment of a system of notification, consultation, protection and support for self-reliance on spousal violence and the implementation of measures to prevent spousal violence and to protect victims. Thereafter, the Act underwent several revisions, and its title in Japanese has been amended to the current “Act on the Prevention of Spousal Violence and the Protection of Victims, etc.”

This law stipulates provisions for protection orders by the court, and it imposes the obligation on the municipality to make efforts to formulate a basic plan on the implementation of measures to prevent spousal violence and to protect victims. The protection order of the court is issued in order to prevent physical violence by one’s spouse or partner who shares the same domicile. The order is issued upon a request filed by a victim who seeks protection by, for example, prohibiting the perpetrator from stalking. Those who violate the protection order may be penalized.

According to the White Paper on Police 2019, the number of consultations on cases of spousal violence has continued to increase. In 2018, it reached the highest number since the enactment of the aforementioned law, at 77,482 cases. Moreover, the number of notices issued by the court for protection orders and the number of cases cleared for violation of protection orders were 1,726 cases and 71 cases, respectively, in 2018.

### **(2) Prohibitory Injunctions etc. Based on the Anti-Stalking Act**

The Anti-Stalking Act was enacted in May 2000 for the purposes of taking necessary measures against stalking, such as criminalizing stalking, and for the purpose of providing support and assistance to victims. The Anti-Stalking Act was revised several times thereafter, and its scope has expanded.

“Stalking” is defined as to repeatedly “follow, etc.” the same person; and “follow, etc.” means any act of following a specific person or his/her spouse, wandering about the vicinity of his/her residence or sending consecutive e-mails despite being refused, for the purpose of satisfying romantic feelings or other forms of affection towards a specific person, or grudges against the failure to satisfy such feelings. Any person who commits a stalking offence may be penalized.

When the chief of police station receives a request to issue a warning on the grounds that a person has been stalked, if there is an act of stalking that makes the person feel anxious about his/her physical safety and if there are grounds for believing that such acts may be committed repeatedly, the chief may warn the perpetrator not to further commit such acts.

In cases where stalking causes anxiety to the person being stalked for his/her physical safety, and when the Prefectural Public Safety Commission recognizes that the perpetrator may further commit these acts repetitively, the Commission can issue an order, at the request of the person being stalked or based on the Commission’s discretion, to prohibit the person from repeating these acts any further, or to prevent such acts from being committed repeatedly. Moreover, a person who commits stalking offences in violation of such orders for prohibitory injunction may be penalized.

According to the White Paper on Police 2019, the number of cases of prohibitory injunctions issued based on

the Anti-Stalking Act and the number of cases cleared for violation of prohibitory injunctions in 2018 were 1,157 cases and 108 cases, respectively.

### **3 Measures against Sexual Offences Etc.**

#### **(1) Partial Revision of the Penal Code**

As explained previously, the aim of the Partial Revision of the Penal Code of 2017 was to deal with specific issues presented in real cases, taking into account the actual situation of sex offences.

Through this revision, the previous offence of rape was amended as forcible sexual intercourse, and the scope of punishment was enhanced by covering not only the rape of female victims by men – in other words, forcible sexual intercourse with female victims – but also adding forcible anal and oral intercourse with male and female victims regardless of the perpetrators' sex. The stipulated penalty was also revised, with its lower limit raised from three years of imprisonment to five years of imprisonment.

This revision also newly established indecency and sexual intercourse by a person who has custody of the victim. In cases where a person who has custody of a person under the age of 18 uses his or her influence to engage in acts of indecency or sexual intercourse on the former, such an offender shall be punished under the same statutory penalty as for forcible indecency and forcible sexual intercourse.

Generally speaking, those under the age of 18 are mentally immature and dependent, both mentally and economically, on their custodians. Custodians who take advantage of their influence over their dependents and commit indecent acts or engage in sexual intercourse are violating the sexual autonomy of the victims no less than those who commit forcible sexual intercourse which requires assault or threat. For this reason, they deserve to be punished, and such acts are as equally malicious as the act of forcible sexual intercourse. Accordingly, a new offence was established to make sexual intercourse by a person who has custody of the victim equally punishable as forcible sexual intercourse.

#### **(2) Measures for Accurately Understanding the Actual Situation of Sex Offences**

A Working Group on the Actual Situation Survey of Sex Offences Aimed towards the Review Measures against Sex Offences has been established in the Ministry of Justice. This Working Group was established with a view to assisting in the review process stipulated in Article 9 of the Supplementary Provisions of the aforementioned Partial Revision to the Penal Code, which stipulates that within three years from the enactment of the revised Penal Code, and where deemed necessary, a review will be conducted and necessary measures will be taken to address case-specific issues of sex offences. In addition, where deemed necessary, it is also called upon to put in place the necessary measures based on the results of such review.

This Working Group conducts various forms of studies, including studies on the state of mind of the victims of sex offences, evaluation of the effectiveness of rehabilitation programmes implemented in penal institutions and probation offices for sex offenders, and research concerning the implementation of penalties for sex offences. The Working Group also conducts hearings involving people of various backgrounds including the victims of sex offences.

## Section 5 Evidence-Based Crime Prevention: Statistics, Indicators, and Assessments Supporting Effective Practices

### 1 Overview

*Evidence-based policymaking refers to a process in which strategic planning and decisions are driven by the interpretation of available information, through the production and analysis of data, the review of scientific evidence and the monitoring and evaluation of policies, programmes and activities (see Guide 67).*

Every year, Japan's National Police Agency, Ministry of Justice and the Supreme Court compile and publish yearly criminal justice statistics. In addition, the Research and Training Institute of the Ministry of Justice conducts research on criminal policy, compiles basic information on crime trends and the treatment of offenders based on data provided by the National Police Agency and other relevant organizations, and publishes this data as the White Paper on Crime. In addition, the White Paper on Crime includes special feature articles that analyse and discuss important issues concerning criminal policy at the time.

Since this information is utilized effectively as evidence for crime prevention and criminal policy, this section introduces how this is published and used.

### 2 Publication of Statistics

#### (1) Publication by the National Police Agency and Other Organizations

The National Police Agency compiles statistics on known and cleared cases. The Ministry of Justice compiles prosecution statistics on the acceptance and disposition of cases handled by public prosecutors offices, and with regard to correction, it compiles statistics on the detention status of inmates at correctional facilities. Concerning rehabilitation of offenders, it compiles statistics on the status of parole proceedings by the National Offenders' Rehabilitation Commission and on the implementation status of probation operations at probation offices. The Supreme Court compiles statistics on the acceptance and disposition of criminal cases handled by the court.

These statistics are released as annual reports and are available online.

#### (2) Publication by the Research and Training Institute

To illustrate crime trends and the treatment of offenders, every year the Research and Training Institute prepares the White Paper on Crime, which presents various statistical data provided by the National Police Agency and other relevant organizations. The paper summarizes and presents the important information selected from various data sources, applying data visualization methods such as the use of figures and tables. It also presents longitudinal data for the readers to show the changes over time. Furthermore, for the important category of crime, including drug offences and organized crime, the above-mentioned methods are also applied to present detailed information according to category. Special feature articles discuss the results of research on important issues in criminal policy at the time. They often involve studies of domestic and international literature, statistical analyses of primary or secondary data, and implications for optimal solutions. In addition, to incorporate outside views and further improve the White Paper on Crime, the Research and Training Institute periodically seeks advice from criminal law scholars who frequently use the white paper and asks what sort of statistical information the paper should include, as well as what sort of approach to take in order to make the paper more easily readable.

The Research and Training Institute also makes its White Paper on Crime available in print and online. The printed version of the White Paper on Crime includes Microsoft Excel files that contain long-term data

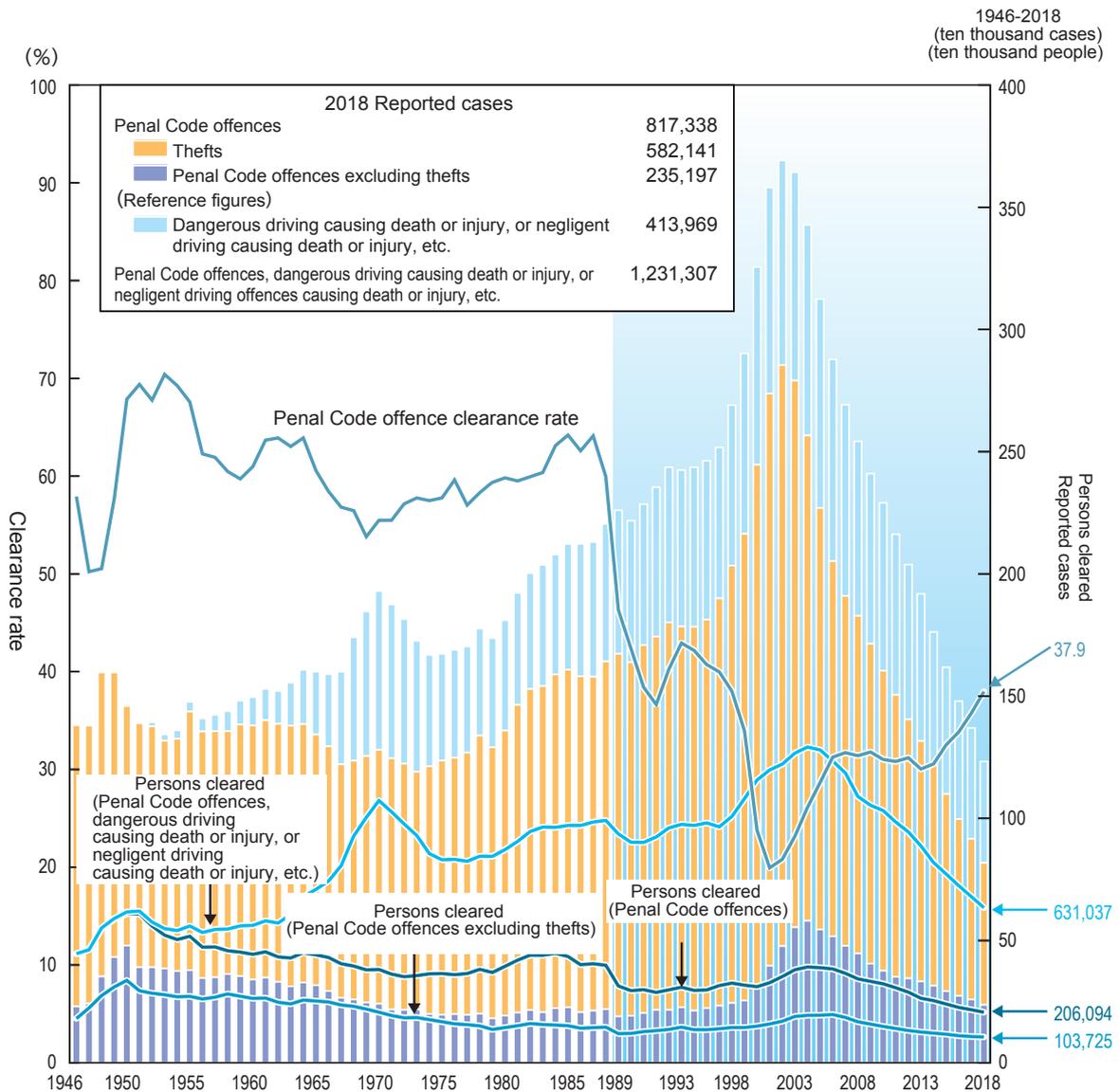
underlying the figures and tables in the paper. Readers can process these data for secondary use. The digital archives of each paper are available for download on the website of the Ministry of Justice for anyone to use.

The Table of Contents for the White Paper on Crime 2018 and one of the charts included in the White Paper on Crime 2019 are provided here for reference. (All White Papers on Crime released since 1960 are available on the Ministry of Justice's website. [http://www.moj.go.jp/housouken/houso\\_hakusho2.html](http://www.moj.go.jp/housouken/houso_hakusho2.html))

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● Figure1-16 Penal Code offences: reported cases, persons cleared and clearance rate



- Note: 1. Statistics from the National Police Agency.  
 2. Figures up to 1955 include criminal acts committed by juvenile under the age of 14.  
 3. Penal Code offences up to 1965 do not include acts causing death or injury through negligence in the pursuit of social activities or gross negligence.  
 4. Dangerous driving causing death or injury was classified as a Penal Code offence from 2002 through 2014 and has been classified as "dangerous driving causing death or injury, or negligent driving causing death or injury, etc." since 2015.

### 3 Use of Statistics

#### (1) Overview

As mentioned above, the National Police Agency, the Research and Training Institute and other relevant organizations publish statistics every year that provide a basic picture concerning criminal justice and criminal policy, including current situations and changes over time concerning crime trends and the treatment of offenders. As explained above, the White Paper on Crime, in particular, presents important information from various data at each stage of the criminal justice process, using a clear and highly visual format including charts and tables.

This information is also available on the website and allows for easy study and utilization by scholars,

students, the media and other members of the general public, as well as the National Police Agency and other relevant organizations.

## (2) Use of the White Paper on Crime

The following are some examples of how the White Paper on Crime is being used.

To begin with, the paper is used by the National Police Agency and other relevant organizations in formulating criminal policy.

Specifically, the White Paper on Crime 2007 had a special feature article on the circumstances of and the measures against repeat offending. Based on the analysis of criminal records for some 60 years in the post-World War II period, the article revealed that roughly 60% of all crimes were committed by repeat offenders, who accounted for approximately 30% of convicted offenders. It also pointed out the necessity and importance of taking preventive measures against reoffending. In response to the growing awareness of the necessity and importance of such preventive measures, including the points made in the above White Paper on Crime, in 2012 the Ministerial Commission on Crime Control (see Part 1) formulated the “Comprehensive Measures to Prevent Recidivism.” In this way, statistics concerning repeat offenders are useful for the government to use in formulating preventive measures against reoffending. The Comprehensive Measures constitute Japan’s first ever inclusion of numerical targets in criminal policy. As one indicator for measuring the effectiveness of efforts to prevent reoffending, a numerical target was set at achieving a 20% reduction in those being reimprisoned within two years after their release (“rate of reimprisonment within two years”) by 2021. The White Paper on Crime shows annual rates of reimprisonment within two years, and the information in the White Paper is used to evaluate the effectiveness of related efforts.

The White Paper on Crime is also used by the media, scholars, and students, as well as by the National Police Agency and other relevant organizations. The media, for example, quote the White Paper on Crime in explaining trends in specific types of crimes that have become socially problematic. Scholars and students also quote the White Paper in scholarly research, student research papers and seminar presentations. When receiving enquiries from the media, the Research Department, which is in charge of preparing the White Paper on Crime at the Research and Training Institute, provides information on the relevant sections of the White Paper on Crime that contain data required by the media and explains the implications of the relevant statistics.



White Paper on Crime

### **(3) Future Use of Statistics**

Criminal behaviours are due to a complex combination of various factors; therefore, promoting evidence-based policymaking requires active use of statistics and other evidence in order to effectively utilize limited resources and carry out public administration that will be trusted by the people. The Research and Training Institute will continue to conduct useful research for the needs of relevant departments which are responsible for policymaking on crime prevention and reoffending.

# Chapter 2 Integrated Approaches to Challenges Facing the Criminal Justice System

## Section 1 Victim-Centred Approach

### 1 Introduction

*In the criminal justice system, crime victims and their families, as well as their bereaved families are often left behind. However, to prevent secondary harm or recurrent harm, and to make it possible for the victim to report the offence without hesitation, it is very important to undertake reform to build a criminal justice system that places greater focus on crime victims (see Guide 84).*

In Japan, crime victims and their families, as well as their bereaved families (hereinafter “*crime victims*”) were not parties *per se* in criminal trials, and although victims might file criminal complaints and appear in court as witnesses under the Code of Criminal Procedure, victims could not be actively involved in criminal proceedings, nor were they able to receive any financial support based on the law.

In 1980, following the Fourth Congress in Japan, a benefit system that provided compensation for specific crime victims, was implemented. Subsequently, serious incidents, such as the Tokyo subway sarin attack that happened in 1995, have strengthened awareness among the people about the various forms of damage that crime victims suffer in addition to the direct harm suffered from the crime. These various forms of damages include psychological and financial damages, as well as difficulties in their daily lives. Hence, since the 1990s, various policies and laws were put in place such as comprehensive support focused on psychological harm, better provision of information, ensuring opportunities for involvement in criminal proceedings and cooperation between relevant ministries and agencies.

In 2004, the Basic Act on Crime Victims was enacted, which aimed at protecting the rights and interests of crime victims. The Act established the basic principles regarding policies for crime victims, clarified the responsibilities of the state, local governments and citizens, and promoted comprehensive and systematic measures for crime victims, including prescribing *basic matters on measures* for crime victims. The Act stipulated that the government must establish a “Basic Plan for Crime Victims, etc.” that sets out the measures for crime victims in order to promote the plan comprehensively and systematically. Based on this provision, the government developed the First Basic Plan for Crime Victims, etc. in December 2005 and the Second Basic Plan for Crime Victims, etc. in March 2011 to promote policies for crime victims. Currently, various efforts have been made to protect the rights and interests of crime victims based on the Third Basic Plan for Crime Victims, etc. formulated in April 2016.

The efforts that have been made in Japan to protect and support crime victims can be broadly classified into five categories: efforts to recover the victims’ damages and to provide them with economic support, efforts to support the victims to recover from or to prevent mental and/or physical harm, efforts to broaden the opportunity for victims to participate in criminal procedures, efforts to improve the systems to support crime victims, efforts to foster understanding among citizens and to earn their support.

Hence, this section introduces the main measures and initiatives related to the protection and support of crime

victims from these five perspectives.

The Japan Legal Support Center (JLSC) also provides protection and support for crime victims. These are summarized and introduced in Chapter 3, Section 1 on “Improving Access to Justice for All.”

## **2 Systems and Initiatives to Protect and Support Crime Victims**

### **(1) Efforts to Recover the Victims’ Damages and to Provide Them with Economic Support**

#### **a. Benefit System for Crime Victims**

The Benefit System for Crime Victims aims to provide support in recovering peaceful lives for bereaved families of crime victims who have died as a result of deliberate criminal acts such as murder, as well as crime victims who have suffered serious harm such as severe injury, illness or disability. To this end, the State provides benefits to crime victims based on the spirit of social solidarity and mutual assistance that seeks to mitigate the psychological and financial damage caused by the crime.

Benefits for crime victims are classified into three categories: survivor benefits, serious injury or sickness benefits, and disability benefits. All of these benefits are paid out by the government as a lump-sum payment.

#### **b. Compensation Based on the Recovery of the Property of Crime Victims**

Based on the Act on Issuance of Remission Payments Using Stolen and Misappropriated Property, the government provides compensation to victims, using the criminal proceeds and assets that have been confiscated or collected in equivalent value (such as assets acquired by the criminal through asset-related crimes) or the equivalent assets transferred from overseas.

#### **c. Restitution Orders**

The restitution order system is a system covering certain serious crimes in which the crime victims request the court for a restitution order in a pending criminal case, and the court decides on the request by continuing with trial proceedings after rendering the sentence and examining the records of the criminal trial.

### **(2) Efforts to Support the Victims to Recover from or to Prevent Mental and/or Physical Damage**

#### **a. Contact with Victims**

The police contact victims of traffic incidents and other crimes involving physical harm or their bereaved family members regarding the status of investigations.

These contacts include discussions about criminal procedures and measures for crime victims, status of investigations and status of disposition of the arrested suspect.

#### **b. Victim Notification Scheme**

For crime victims who wish to receive notification on certain matters related to the case, the public prosecutors office implements a notification system for victims and others by providing such notification by telephone or in writing.

The contents of the notification include the disposition of the case such as indictment, request for summary order, non-indictment, referral to the family court, the trial date, the main text of the judgment and whether or not there is an appeal/final decision, and information such as the status of treatment of the perpetrator after the judgment becomes final and binding, and matters of parole examination. With regard to information after the judgment becomes final and binding, the public prosecutors office provides notification in cooperation with the penal institution, Regional Parole Boards and other agencies.

#### **c. Protection of Crime Victims’ Information**

In a criminal trial, upon decision of the court, the name, address and other information that could reveal the identity of the victim may be kept confidential in open court. Furthermore, when the public prosecutor

discloses evidence, measures can be taken, such as setting conditions to prevent the defence counsel from revealing to the accused the name and other information pertaining to the victim.

In the public prosecutors office, efforts are made to ensure the smooth operation of these measures by informing public prosecutors and others about these measures at conferences, seminars and other opportunities.

#### **d. Consideration when Conducting Hearing on Child Victims**

The police, public prosecutors and child consultation centres are strengthening cooperation in handling sex offences and other cases where children are the victims, in order to reduce the burden on children and to ensure the credibility of statements given by children. In consideration of the child victims, efforts are made to have such child victims interviewed by a representative of these organizations (see Chapter 2, Section 4).

### **(3) Efforts to Broaden the Opportunity for Victims to Participate in Criminal Procedures**

#### **a. Victim Participation System**

The victim participation system enables crime victims of certain types of cases, such as homicide, offences that resulted in casualties through deliberate criminal acts such as bodily injury, and forcible indecency or rape offences, to participate directly in the criminal trial with permission from the court.

Through this procedure, crime victims are able to attend a trial and be involved in ways such as questioning the defendant.

#### **b. Measures to Protect Witnesses**

Measures to protect witnesses include the following: Measures to enable family members or psychological counsellors to accompany the witness in order to reduce the mental burden on the witness; the use of witness screens to shield the witnesses from the defendants and observers; and measures to conduct witness examination through a video-conferencing system that places witnesses in a room separate from the courtroom and enables communication with mutual recognition via audio and visual transmission. In cases where the crime victims appear in court as witnesses and certain criteria are met, these measures can be used at the discretion of the court.

There are also measures in which the court can make decisions to prevent the disclosure of specific information relating to the witnesses, such as their names and addresses, in open court at the request of the witnesses. Victims can make use of the court's decision to conceal the identities of witnesses to keep their names and other information confidential when they appear in court as witnesses.

#### **c. Measures for Observing Trials**

A trial is held in an open court and can be observed by anyone. However, as many people wish to observe cases of strong public interest, the court may issue observer tickets through a drawing. In consideration of the situation of crime victims, measures are taken to give priority for the victims to observe trials.

For certain juvenile cases that involve deliberate criminal acts, such as homicide or bodily injury causing death or injury to people, or negligent driving resulting in death or injury, crime victims who request to observe the juvenile court proceedings are permitted to do so in cases where it is deemed appropriate and has no risk of hindering the sound development of the juvenile.

The Ministry of Justice and the public prosecutors office work to raise awareness of these measures to observe the proceedings.

#### **d. Inspection and/or Copying of Trial Records**

When a request is made by crime victims, they may be permitted to inspect and/or copy trial records that are held by the court during the period the proceedings for the criminal case are ongoing, except when it is

deemed inappropriate or when the reasons for the request are deemed unjustifiable.

If there is a need to seek restitution, and when deemed appropriate, crime victims are also permitted to inspect and/or copy records of similar criminal cases in which the defendant was engaged in during the trial.

However, such inspection and/or copying of trial records may be restricted in cases where the court of justice deems that doing so may obstruct the progress of the trial or infringe on the privacy of the concerned parties.

Also, permission on whether or not to disclose the addresses of the defendants and witnesses to crime victims is determined by comparing the need to ensure the fairness of the trial and the adverse effects that could arise from the public disclosure of such information. The public prosecutors office responds appropriately to requests to view the records and trial documents of the criminal case held by the public prosecutors office after the conclusion of proceedings (so-called final records), with due consideration to the need to protect the victims.

**e. Implementation of Education from the Victim's Viewpoint, and the Redemption Programme**

In a correctional facility, those who have committed offences that resulted in the death or serious physical or mental harm of the victim, and are especially required to consider apologizing and/or offer compensation to the crime victims, are offered education that incorporates the perspective of the victims under the guidance of staff and supporters from the private sector. This is to ensure that such offenders face their own crimes, recognize the seriousness of their crimes and recognize the feelings of the crime victims. Then, they are expected to communicate with crime victims with sincerity while strengthening their determination to not commit any other offences again.

The probation offices implement Redemption Programme for probationers and parolees who caused death or serious injury to the victims. This programme includes education for understanding the victim's perspective through which the probationers and parolees draft an essay and discuss with the probation officers or *hogoshi* (volunteer probation officers) to reflect on the grave nature of the crimes they have committed and the damage they have caused. Through this programme, the probationers and parolees acknowledge their responsibility to compensate the victim and draft a concrete action plan for redemption.

**f. Procedure for the Victims to Express Their Feelings and Opinions, and the Hearing of Victims' Opinions in Juvenile Proceedings**

By operating a system that enables crime victims to express their opinions if they wish to do so about the harm they have suffered (system for the expression of victim's opinions and feelings), the public prosecutors office can have the crime victims convey their feelings and opinions directly to the court in criminal trials and provide the defendant with an opportunity to listen directly to the feelings of the crime victims, which is also useful in deepening their self-reflection.

Moreover, when considering whether or not to file an appeal, the public prosecutor strives to make appropriate decisions in a way that is considerate to the feelings of the crime victims, such as by listening to their opinions.

Through various opportunities such as conferences and training sessions for public prosecutors, the Ministry of Justice and public prosecutors office put effort into raising awareness about the hearing procedure that allows crime victims in juvenile case proceedings to express, upon request, their feelings and opinions to the judge during the court session and/or outside the court, to the judge or the family court investigating officers.

#### g. The Opinion Hearing System in Parole Examination and the Communication System of Victims' Sentiments to Probationers/Parolees

At the proceedings carried out by the Regional Parole Board to assess whether or not to approve parole, a procedure is in place that allows the crime victim or the crime victim's legal representative, or in cases where the victim has died or suffered serious physical or mental harm, the victim's spouse, immediate relatives or siblings (hereinafter, "*victims*"), to express their opinions concerning the parole, and their feelings about the harm caused by the crime (opinion hearing system in parole examination). This hearing takes into consideration the *victims*' willingness to express their opinions concerning the parole of the offender, and is implemented with a view to making parole proceedings more balanced. The opinions expressed in the hearing will be taken into consideration, and where necessary, reflected in the special conditions to be imposed during the parole period. Thereby, the views of the *victims* are taken into account in parole proceedings.

At the request of *victims*, the probation office also conducts a hearing where *victims* will communicate their feelings with regard to the offence, the situation they are in and their opinions regarding the lives and behaviours of the probationers/parolees; and the probation office conveys these feelings and opinions to the probationers/parolees (communication system of victims' sentiments to probationers/parolees). This system is intended to give the *victims* a chance to communicate their feelings to the offenders and, at the same time, rehabilitate the probationers and parolees by making them fully aware of the feelings of the *victims* etc.

#### h. Enhancement of the Provision of Information on Criminal Procedures

The Ministry of Justice has compiled a booklet "For Victims of Crime," targeted at crime victims, which provides an easy-to-understand explanation of the various measures that protect and support crime victims, such as the victim participation system and observance of juvenile hearings. This booklet is given to crime victims when they are interviewed at the public prosecutors office, and is also available on the website of the Ministry of Justice and the public prosecutors offices.

In order to provide information for crime victims who are foreign nationals or visually impaired, this pamphlet is also available in English and Braille, and as a CD containing an audio recording of its contents. These are distributed to public prosecutors offices and other organizations across Japan.



Booklet for crime victims

#### (4) Efforts to Improve the Systems to Support Crime Victims

##### a. Assignment of Victim Support Officers and Establishment of a Dedicated Victim Support Hotline

Victim Support Officers who provide support to crime victims are assigned to district public prosecutors offices to provide more attentive support for crime victims.

Victim Support Officers respond to various questions from crime victims, provide guidance and accompany them to the court, and provide assistance on various procedures such as inspecting case records and the return of evidence. They also engage in support activities such as introducing the relevant organizations that provide psychological, life, and financial or daily support corresponding to the situations of the crime victims.

A dedicated Victim Support Hotline has also been established at district public prosecutors offices and other places for crime victims seeking counsel by telephone, where the Victim Support Officers provide support by telephone or by fax.

##### b. Consultation and Support at Probation Offices

At probation offices, probation officers and *hogoshi* (volunteer probation officers) in charge of victims are assigned to work in collaboration, mainly to give counsel and support the crime victims after the conclusion of the criminal trial, or after the juvenile in question has been placed under protective measures. In providing consultation and support, the officers will listen to the anxiety and the concerns of the crime victims, and will provide necessary information.

#### (5) Efforts to Foster the Understanding among Citizens and to Earn Their Support

As explained in Chapter 1, Section 5 on “Evidence-Based Crime Prevention,” the Research and Training Institute of the Ministry of Justice publishes the White Paper on Crime, which contains statistics on crime victimization and information on the implementation of various measures related to crime victims. Through this publication, the Ministry promotes further understanding of circumstances surrounding crime victims.

### 1 Introduction

*The reforms of police and other law enforcement institutions can contribute to a more effective, fair and efficient criminal justice system (see Guide 85).* In light of this, the Code of Criminal Procedure in Japan was revised in 2016 to achieve more fair, appropriate and diverse measures for the collection of evidence and to enrich criminal trial proceedings.

Before these revisions, Japan did not have the following investigative measures that are in place in many other countries, such as subpoenas that legally compel production of documents or evidence, interception of communication, plea bargaining and undercover operations. In Japan, there were very few offences for which wiretapping was applicable. Thus, compared to other countries, investigative questioning was particularly important during the investigation.

In response to critics' assertions that criminal proceedings (investigation and trials) in Japan relied too heavily on investigative questioning and written statements, revisions were made to the Code of Criminal Procedure with a view to making it more functional and up-to-date, and thereby earning more trust and respect from the general public.

This section presents an overview of such revisions, which introduced new measures for police and other law enforcement. Such measures include audiovisual recording systems for investigative questioning, a prosecutorial agreement system to facilitate the collection of evidence and prosecution (referred to as the "prosecutorial agreement system" in this section), as well as streamlining and improvement of wiretapping procedures.

### 2 Audiovisual Recording Systems for Questioning

The audiovisual recording of investigative questioning has been implemented on a trial basis at the prosecutors office since 2006 and at the police stations since 2008. The aforementioned revision of the Code of Criminal Procedure in 2016 officially implemented such measures as part of our legal system in 2019.

These revisions regarding the audiovisual recording of investigative questioning were made based on a policy decision to achieve speedy criminal trials by providing effective means to prove the voluntariness of suspects' statements and thereby ensure fair and appropriate investigative questioning. With regard to the audiovisual recording of investigative questioning, there are two obligations. First, there is an obligation of the investigators to audiovisually record their investigative questioning (hereinafter referred to as the "audiovisual recording obligation") at the investigation stage; second, there is the obligation to request the examination of audiovisual recordings of investigative questioning (hereinafter in this section referred to as the "obligation to request the examination of evidence"), which is the obligation of public prosecutors at the trial stage.

The audiovisual recording obligation of investigative questioning requires public prosecutors and public prosecutors' assistant officers to, in principle, audiovisually record the entire process of the investigative questioning conducted of arrested or detained suspects in cases such as those subject to *saiban-in* trials (details of *saiban-in* trials will be provided in §2-3-2) and cases investigated by prosecutors' initiative. This will also apply when the police question arrested or detained suspects for cases subject to *saiban-in* trials. With regard to the obligation to request the examination of evidence, prosecutors are obliged to request the court to examine the entire audiovisual recording of the investigative questioning when the voluntariness of written statements of arrested or detained suspects, which include admission of disadvantageous facts (i.e. an admission against interest), is being contested at trial. Should public prosecutors fail to comply with the obligation to request an examination of such audiovisual

recordings, the disputed written statement will not be admitted into evidence.

As such, after many years of implementation on a trial basis, audiovisual recordings of investigative questioning were systematized in June 2019 and have now become a standard practice.

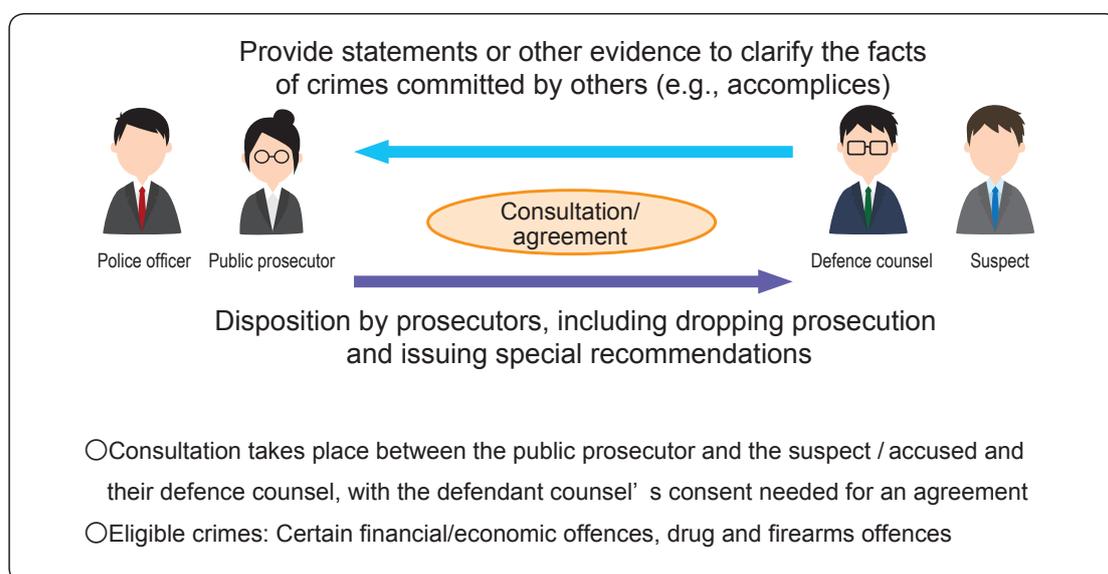
### 3 Introduction of the Prosecutorial Agreement System

In the aforementioned revision of the Code of Criminal Procedure, the prosecutorial agreement system was introduced as a new method to obtain statements that will enable to discover the truth of the case, such as the degree of involvement of a ringleader in organized crimes while respecting due process. This system was introduced in response to the criticism that the lack of such measures led to heavy reliance on investigative questioning and written statements.

The diagram below presents an overview of this system. The system allows for public prosecutors and suspects/accused to enter into agreements in cases of certain financial/economic offences or drug and firearms offences where suspects or accused cooperate in the collection of evidence for the criminal cases of others, such as those of accomplices, and the public prosecutors take such cooperation into account when making indictment decisions or sentencing recommendations, provided that defence counsel consent.

Japan's prosecutorial agreement system enables suspects/accused to receive lenient sentences if they cooperate in the collection of evidence for the criminal cases of other persons. Thus, it differs from the plea agreement systems of other countries which grant lenient sentences to those who plead guilty in their own criminal cases.

#### ●Figure2-1 Overview of Prosecutorial Agreement System



### 4 Wiretapping Reforms

#### (1) Expanded Scope of Crimes Subject to Wiretapping

Wiretapping enables law enforcement authorities to gather objective evidence to unravel the facts of organized crime cases, including the involvement of the masterminds behind such crimes. However, prior to the aforementioned revisions of the Code of Criminal Procedure, the law only allowed for wiretapping in criminal investigations of the following four types of offences: drug offences, firearms offences, smuggling of migrants and murder by a criminal organization. There was a series of organized crimes that threatened the lives of ordinary citizens, such as homicides that appeared to have been committed in an organized manner by members

of organized crime groups targeting ordinary citizens who were unwilling to obey, as well as “It’s me” fraud and other kinds of special fraud. Since the use of wiretapping was prohibited in investigating these types of cases, it was considered to be limiting the means available to gather objective evidence.

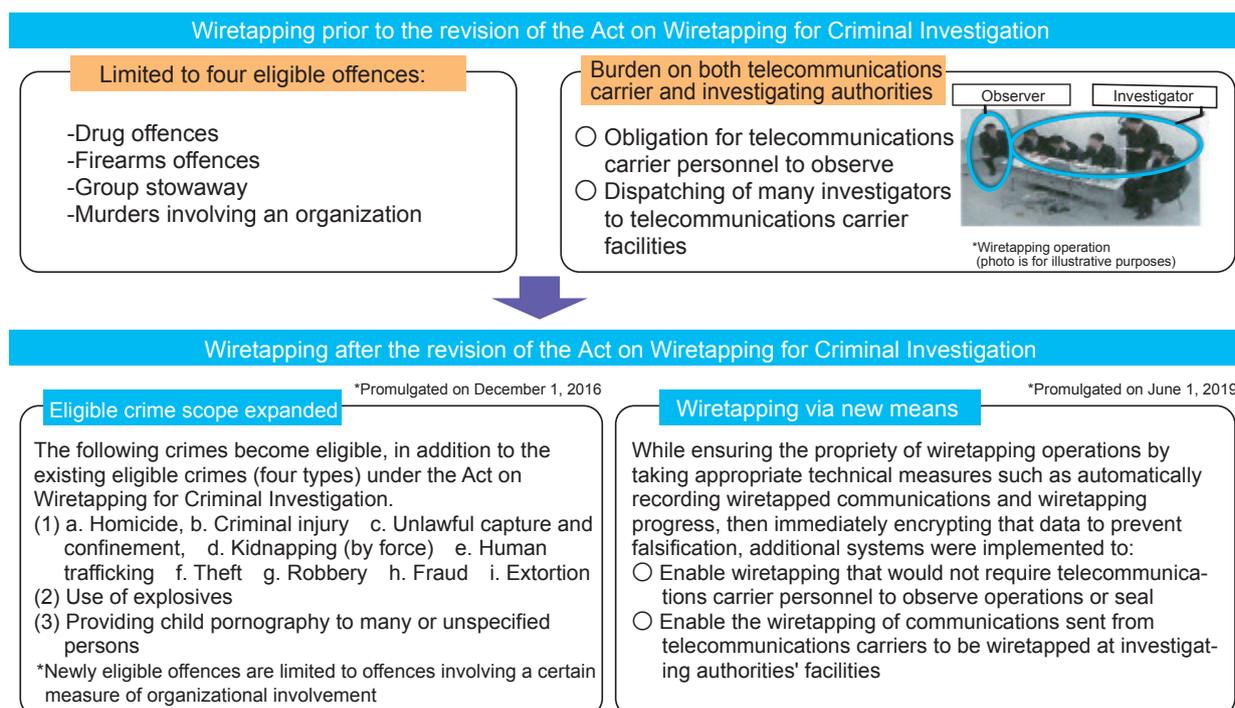
Given this situation, steps were taken to properly address organized crime, which was threatening ordinary citizens and becoming a problem for the society. In view of developing appropriate and diverse means to collect evidence, the following four categories of crimes were added to the scope of crimes subject to wiretapping: (i) homicide, (ii) unlawful capture and confinement, and kidnapping (by force and by enticement), (iii) theft, robbery, fraud, extortion and (iv) child pornography offences.

Concerning these offences that are newly included as subject to wiretapping, the following requirement was added: there must be reasonable grounds to suspect that “acts corresponding to the said offences are conducted by a group of people who act accordingly to pre-determined roles.”

## (2) Streamlining Wiretapping Operations

As shown in Figure 2-2, prior to the aforementioned revisions, wiretapping operations were required to take place at the facility of the telecommunications carrier, with the presence of such carrier’s personnel on-site. This made it necessary to dispatch large numbers of investigators for extended periods, causing a considerable burden on both telecommunications carriers and investigating authorities. The revisions, therefore, called for a streamlining and improved efficiency of wiretapping procedures. Since June 2019, the use of technical measures such as encrypted communications has ensured appropriate wiretapping operations and eliminated the need for telecommunications carriers to be present. New procedures to allow the police to conduct wiretapping operations in police facilities were also introduced.

### ● Figure 2-2 Overview of wiretapping following the revision of the Act on Wiretapping for Criminal Investigation



### 1 Introduction

As discussed in Chapter 1, Section 4 (Gender-Sensitive Crime Prevention Strategies), elimination of violence against women is an issue taken seriously in Japan. Therefore, a variety of initiatives are conducted related to preventing and eliminating violence and violent crimes against women and protecting and supporting female victims of these crimes.

Chapter 1, Section 4 (Gender-Sensitive Crime Prevention Strategies) and Chapter 2, Section 1 (Victim-Centred Approaches) of this statement have presented efforts to prevent crimes commonly committed against women, and they outlined the systems for protecting and supporting crime victims.

This section outlines education and awareness-raising efforts being made to establish a foundation for preventing and eliminating violence against women, as well as initiatives aimed at implementing systems that make it easier for victims to seek guidance and advice.

This section also looks at victim protection and support initiatives that focus on female victims and are carried out comprehensively through cooperation among criminal justice institutions and between the public and private sectors.

*Also covered in this section are the efforts being made to enhance the capacities of experts in the criminal justice system with the goal of ensuring that the investigation, prosecution and punishment of criminals is conducted effectively and that victims are provided with the protection and support that they need (see Guide 86).*

### 2 Establishing a Foundation for Preventing and Eliminating Violence against Women

Eliminating violence against women is important for achieving a gender equal society that promotes the formation of co-equal relationships defined by a mutual respect between men and women.

Japan is taking a number of measures to establish a foundation for preventing and eliminating violence against women. These include stepping up education and awareness-raising efforts aimed at building social environments that do not tolerate violence and preventing undetected victimization by implementing systems that make it easier for victims to seek guidance and advice.

Every year from 12 November through 25 November (International Day for the Elimination of Violence against Women, as designated by the United Nations), efforts are made across Japan to further boost social awareness for zero tolerance towards violence against women, which includes spousal violence, sexual crimes, sexual violence and sexual harassment. Furthermore, emphasis is placed on ensuring victims and concerned individuals obtain information and receive guidance and advice from consultation services. These awareness-raising efforts and other initiatives are conducted in cooperation with relevant institutions and groups through such means as publicity activities, talks and training events.

To centralize as much as possible the provision of comprehensive medical, psychological, legal and other support to victims of sexual crimes or violence, and to provide it to victims soon after they are victimized, one-stop assistance centres have been established in every prefecture for victims of sexual crimes or violence. These centres help reduce victims' physical and emotional stress and help them regain their health, while also working to prevent invisible victimization.

### 3 Comprehensive Protection and Support for Female Victims

- (1) With cases of violence attributable to failed romantic relationships, which include stalking cases and spousal violence, priority must be given to ensure the victim's safety. In response, Japan's police are taking every measure possible to protect these victims according to the level of threat posed in each case through efforts such as providing shelters for the victims, keeping watch over them, registering them in the 110 Emergency Call Registration System and utilizing security cameras, emergency call units and other such equipment. The police have also been making continued efforts to develop close cooperation with women's protection facilities, spousal violence counselling and support centres, private-sector shelters, local governments, and other such institutions and organizations that are taking measures to temporarily provide shelters for victims.
- (2) Additionally, the police are recruiting female officers who can interview female victims of sexual crimes, stalking cases, and spousal violence cases as well as personnel with knowledge of psychology and other relevant expertise who can provide counselling, while also making efforts to cooperate with private-sector counsellors and other professionals. In conjunction with these efforts, the police are providing financial support to cover the counselling costs of victims who receive counselling from counsellors of their own choice. Educational programmes are also being expanded for police personnel to help them better understand the feelings of female victims and assist them with compassion. Furthermore, in cases where victims suffer severe psychological trauma and need help to recover, clinical psychotherapists and/or other appropriate experts are dispatched immediately to provide those victims with mental care.

### 4 Strengthening the Capacities of Experts and Other Personnel at Criminal Justice Institutions

The police in Japan provide police personnel with educational training about proper response from the perspective of women's rights and with handling guidelines on investigations of stalking, spousal violence and sexual crimes against women.

In addition, the Ministry of Justice provides lectures concerning the prevention of spousal violence, measures to combat human trafficking, and protection and support for victims for its personnel working at public prosecutors' offices, the Correction Bureau, the Rehabilitation Bureau and Regional Immigration Services Bureaus, as well as personnel engaged in human rights protection work at Legal Affairs Bureaus and District Legal Affairs Bureaus.

Through such trainings and other efforts, Japan is strengthening the capacities of experts and other personnel at criminal justice institutions to ensure that cases of violence against women are appropriately dealt with.

### 1 Overview

Among crimes in which children are the victims, offences that harm the welfare of juveniles, as described in Chapter 1, Section 1 on “Measures for Juveniles Vulnerable to Crime Victimization, and Making Youth and Local Community Insusceptible to Crime,” are becoming a serious problem. *However, in recent years, child abuse cases in which parents or guardians violently abuse children are also becoming an increasingly serious social issue in Japan, and effective ways of dealing with such violence against children are highlighted among the challenges facing the criminal justice system (see Guide 87).*

Child abuse cases occur at home. It would be ideal to restore the protective function of the family where possible, and from such perspective, the extent of intervention by administrative organizations needs to be carefully considered. However, the safety of children is of course the highest priority. Therefore, it is important for organizations involved in child abuse matters, such as the police, public prosecutors, child guidance centres, medical institutions and local governments to share knowledge and work together to address the problem.

In Japan, for cases related to child abuse, these organizations exchange information at every stage of the investigation and trial, and they cooperate in an effort to respond in an appropriate and timely manner. As such, this section first explains the current situation of child abuse in Japan, followed by an overview of the comprehensive approaches undertaken through multi-agency cooperation.

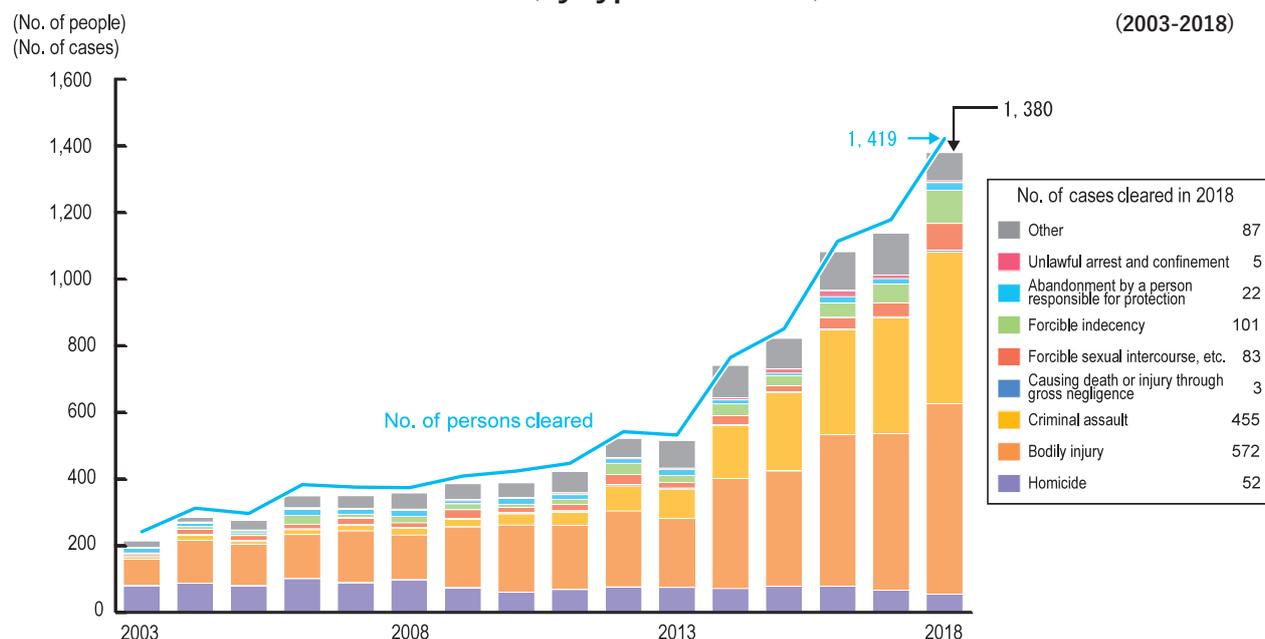
### 2 Current Situation of Child Abuse

Article 2 of the Act on the Prevention, etc. of Child Abuse (hereinafter, *Child Abuse Act*) defines “child abuse” as the following acts committed by a custodian (meaning a person who exercises parental authority, a guardian of a minor or other person who is currently engaged in custody of a child) against a child (meaning a person who is under 18 of age) under his/her custody: assaulting the child in a manner that will cause or is likely to cause external injury to the body of the child; engage in indecency against the child or cause the child to engage in indecency; materially fail to perform the duty of custody as a custodian or to speak or behave in a manner that would be significantly traumatic to the child. Moreover, the Child Abuse Act sets out provisions on the prohibition of child abuse the responsibilities of the national and local governments on preventing child abuse, and measures to protect children who have suffered. With regard to cases related to child abuse, in addition to the Penal Code, penal provisions of special laws, such as the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children, are applied. With regard to the application of these penal provisions, the Child Abuse Act stipulates clearly that “No person who exercises parental authority over his/her child shall be exempt from punishment for assault, bodily injury or other criminal offence related to child abuse on the ground that he/she is the one who exercises parental authority over the child.”

Figure 2-3 shows the changes since 2003 in the total number of cases cleared and persons cleared, disaggregated by the child abuse offences in Article 2 of the Child Abuse Act. The number of cases cleared and persons cleared showed a gradual increase around 2008 but increased significantly for five consecutive years from 2014. In 2018, the figures were 1,380 cases and 1,419 persons, increasing by approximately 6.5 times and 5.9 times, respectively, over 2003 figures (212 cases, 242 persons). Looking at the cleared offences, there has been an especially significant increase in cases of criminal assault.

Table 2-4 shows the breakdown, by cleared offences, for the number of persons cleared in cases related to child abuse in 2003 and 2018. Table 2-4 also shows the breakdown of the number of persons cleared in cases related to

● **Figure2-3 Changes in the number of cases cleared/persons cleared in cases related to child abuse (by type of offence)** (2003-2018)



Note 1: This figure was prepared based on figures from 2003 for which data became available.  
 2: "Homicide," "Abandonment by a person responsible for protection," and "Causing death or injury through gross negligence" all include cases of forced double suicide and immediately after childbirth.  
 3: "Forcible sexual intercourse, etc." refers to rape prior to the revision of the Penal Code according to Act No. 72 of 2017 before 2016, and forcible sexual intercourse, etc. as well as rape prior to the same revision from 2017.  
 4: "Other" refers to offences such as kidnapping of minors, violation of the Child Welfare Act and violation of the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children.  
 Source: The Community Safety Bureau of the National Police Agency

● **Table2-4 Number of persons cleared in cases related to child abuse (by relationship between the victim and the perpetrator, and by offence)** (2003/2018)

Perpetrator	Total number	Homicide	Bodily injury	Injury causing death	Criminal assault	Unlawful arrest and confinement	Forcible sexual intercourse, etc.	Forcible indecency	Child Welfare Act	Abandonment by a person responsible for protection	Causing death or injury through gross negligence	Other
<b>2003</b>												
Total number	242	85	98	25	6	—	6	3	18	20	4	2
<b>2018</b>												
Total number	1,419	56	591	5	457	6	84	101	23	29	3	69
Father, etc.	1,048	18	431	3	343	4	82	99	20	10	1	40
Birth father	622	15	261	3	247	3	29	32	6	8	1	20
Foster father/Stepfather	266	3	99	—	59	1	39	44	8	1	—	12
Mother's common-law husband	127	—	68	—	27	—	13	12	2	—	—	5
Other (male)	33	—	3	—	10	—	1	11	4	1	—	3
Mother, etc.	371	38	160	2	114	2	2	2	3	19	2	29
Birth Mother	352	38	151	2	107	2	2	2	3	19	2	26
Foster mother/Stepmother	9	—	6	—	3	—	—	—	—	—	—	—
Father's common-law wife	4	—	1	—	2	—	—	—	—	—	—	1
Other(female)	6	—	2	—	2	—	—	—	—	—	—	2

Note 1: This table was prepared based on figures for 2003 and 2018 for which data became available.  
 2: "Homicide," "Abandonment by a person responsible for protection," and "Causing death or injury through gross negligence" all include cases of forced double suicide and immediately after childbirth.  
 3: "Forcible sexual intercourse, etc." refers to rape prior to the revision of the Penal Code according to Act No. 72 of 2017 in 2003, and forcible sexual intercourse, etc. as well as rape prior to the same revision in 2018.  
 4: "Other" perpetrators refer to other persons recognized as the guardian of the minor, including grandparents, uncles and aunts, and friends/acquaintances of the parents.  
 5: "Other" offences refer to offences such as kidnapping minors, and violation of the Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children.  
 Source: The Community Safety Bureau of the National Police Agency

child abuse in 2018, classified by their relationship with the victims.

### **3 Comprehensive Approach through Multi-agency Cooperation**

#### **(1) Investigation Stage**

- a. As many of the cases related to child abuse happen at home, there are many situations in which objective evidence that can directly prove the offence, such as video recordings from surveillance cameras, cannot be gathered. Often, there are also no third-party witnesses.

For this reason, in cases where children are subjected to physical abuse, medical evidence provided by medical institutions is often critically important in relation to the causes of injuries suffered by the child victims.

Taking into account the nature of these offences, the police and public prosecutors strive to discover the truth by gathering a wide range of evidence including MRI and CT scan images, medical records, and data from various tests from medical institutions where the child victims underwent examination and treatment. Based on this information, the police and public prosecutors seek the opinions of the physician in charge, or other physicians specializing in child abuse, on the causes of the injuries of the child in question. For this reason, it is important to share information with medical institutions in each region on a regular basis, and multi-agency cooperation initiatives with medical institutions are implemented.

- b. In cases related to child abuse, there are many cases in which facts are proven based on statements given by child victims or child witnesses.

However, it has been pointed out that due attention must be paid to the frequency and the method of the interviews because it is necessary to reduce the burden on children and because children are easily influenced by suggestions or leading questions from the interviewer.

With this point in mind, in cases where children are victims, the police, public prosecutors and child guidance centres work in cooperation to reduce the burden on children while ensuring the credibility of their statements. To that end, when conducting an interview of child victims, efforts are made to give consideration to the venue, frequency and method of the interview. Further efforts are made by relevant authorities to consult prior to the interview of the child victims and to conduct the interview by the representative of relevant organizations.

Currently, an approach that is similar to “forensic interviewing” is adopted for the interviews of child victims. A forensic interview is a method that attempts to obtain information as accurately as possible from youths, such as children suspected to be victims of abuse, without placing psychological burden on the interviewee. In conducting the interview, the police and public prosecutors take into consideration the salient points of such interview methods and conduct interviews by taking an innovative approach in accordance with the characteristics of the case and the interviewee.

To ensure the success of such interviews, it is important to give due consideration to the nature of the case as well as the personalities of the children and the circumstances they are under. It is also vital to collaborate with relevant organizations to share information and conduct the hearing cooperatively, such as by preparing an environment to make it easier for the victim to give a statement, or by taking into account the forensic interview approach upon asking questions, and consulting with experts where necessary.

The following introduces the measures that are currently being implemented by the Tokyo District Public Prosecutors Office.

Currently, the Tokyo District Public Prosecutors Office conducts interviews that incorporate the forensic interview method in the forensic interview room shown in the following picture, in cases where children are

either victims or witnesses.

The forensic interview room offers an environment that allows the child to focus on the one-on-one interview with the public prosecutor, and there are no unnecessary objects in the room so that the child can concentrate and respond to the interview without being influenced by any possibly leading information. Interviews conducted in the forensic interview room are audio-visually recorded and connected to a monitor and speakers in an adjacent staff room as shown in the following picture.

When conducting an interview of a child, the interview can be observed from the staff room (shown in the following picture) by other prosecutors, police officers or staff from child consultation centres. They can then provide advice during the interview to the public prosecutor conducting the hearing when necessary, corresponding to the contents of the statement given by the child.



**Judicial interview room**



**Staff room**

## (2) Criminal Trial Stage

- a. In cases where the witness is a youth, and is under the protection of a child guidance centre, the public prosecutor thoroughly consults with the centre and makes necessary arrangements on matters such as the date, time and venue of the witness examination, as well as the need for a person to accompany the witness at the examination and so forth. Furthermore, depending on the case, other support may be provided, such as providing a victim advisor to accompany the witness on the date of examination.

Depending on the case, the public prosecutor also considers screening the witness from the defendants and observers during the examination or to examine the witness with the use of the video-conference method. In addition, in cases where there are concerns that the youth witness may be suffering from PTSD or other issues, the public prosecutor must take measures that give special consideration for the time and method of examination, such as by providing information on medical institutions and counselling, and receiving advice from experts such as physicians so as to avoid the symptoms that may be worsened by appearing and testifying in court. Based on such considerations, the public prosecutor implements necessary measures in accordance with the age and mental state of the witness as well as the nature of the case.

- b. In cases where suspended sentences are likely to be rendered and there is a significant concern of reoffending, the public prosecutor considers requesting probation.

Moreover, in view of the post-release circumstances of such offenders, the public prosecutors coordinate in various ways with child guidance centres, police, probation offices and other relevant organizations upon thorough consideration of necessary communication and coordination with these organizations and departments involved in the prevention of reoffending as well as the reintegration of offenders.

There are cases where the public prosecutor consults with the defence counsel and requests their cooperation, such as in making adjustments to the living environment of the defendants or in preparing a defendant's written pledge not to reoffend, which is addressed to the child guidance centre.

### 1 Overview

- (1) In Japan, the collective term “penal institutions” denotes prisons, juvenile prisons and detention houses. Prisons and juvenile prisons mainly hold sentenced inmates and conduct correctional treatment, whereas detention houses mainly hold unsentenced inmates. As of April 2019, there were 184 penal institutions in total: 61 prisons; 6 juvenile prisons; 8 detention houses; 8 branch prisons; and 101 branch detention houses.
- (2) If there is overcrowding of penal institutions, which occurs when the inmate population exceeds the capacity of penal institutions, stress from the resulting deterioration of living conditions could have negative psychological consequences for sentenced inmates. Ideally, penal institutions should operate below 100% occupancy, as it may become necessary to, for example, separate sentenced inmates when there are problems between them, protect sentenced inmates who are at risk for being bullied or separate undisciplined sentenced inmates. From these perspectives, overcrowding may interfere with the administration of penal institutions. Furthermore, overcrowding makes it difficult to provide conditions suitable for the treatment of individual sentenced inmates. Due to lack of work and classrooms and shortage of staff, overcrowding could also impede implementation of treatment that respects international standards and norms, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), as well as appropriate implementation of correctional treatment intended to encourage sentenced inmates’ rehabilitation and reintegration into society, the very purpose of correctional administration.

*Because, overcrowding of penal institutions is a manifestation of the problems facing the entire criminal justice system, it must be addressed by an integrated approach (see Guide 88).*

- (3) In Japan, penal institutions experienced overcrowding between 1998 and 2007, against the backdrop of a deteriorating crime situation and lengthening of prison terms. This was dealt with in a variety of creative ways, and the occupancy rate is presently at an appropriate level. In addition, Japan revised the Prison Act, which had served as the fundamental law for the affairs of penal institutions for approximately 100 years. It enabled the treatment of inmates that respects the international rules.

This section outlines Japan’s responses to the overcrowding of penal institutions, the revision of the Prison Act, and treatment of sentenced inmates in conformity with the international standards and norms.

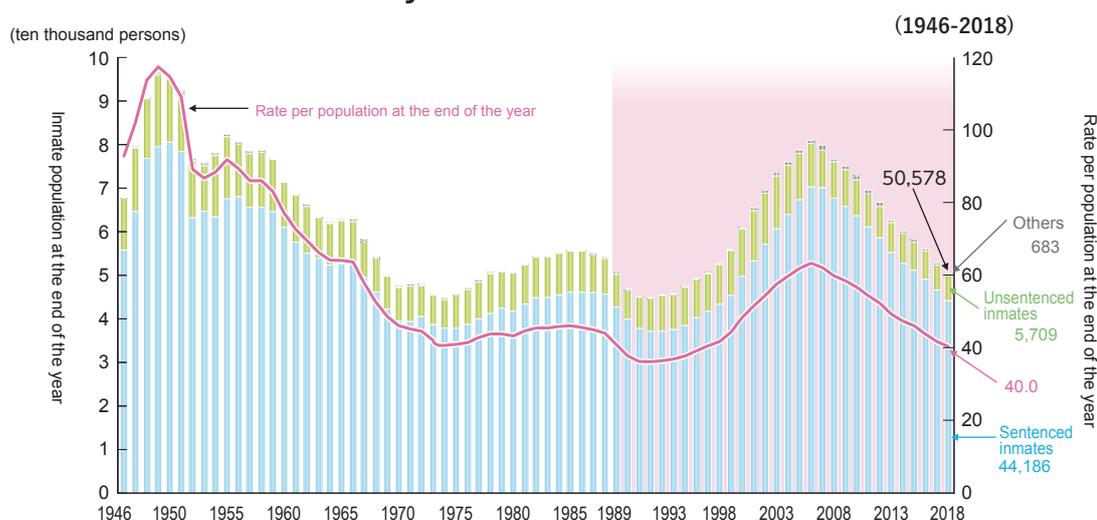
### 2 Responses to the Overcrowding of Penal Institutions

- (1) Figure 2-5 shows the number of inmates in penal institutions in Japan and their rate per general population at the end of each year (since 1946).

The number of inmates in penal institutions in Japan rose rapidly during the postwar turmoil, reaching over 90,000. In the mid-1950s, it started on a downward trend, declining to a postwar record low of 44,916 in 1974. Subsequently, it experienced moderate rises and falls, and in 1992, it was at 45,082. From there, it changed to an upward trend. In particular, the number rose by more than two to three thousand every year from 1999, reaching 81,255 in 2006. For the first time in 50 years, since 1956, the number of inmates in penal institutions surpassed 80,000.

In 2007, the trend reversed once again, and the number of inmates has continued to decrease every year since then. At the end of 2018, the number of inmates in penal institutions was 50,578 (a 5.0% decrease over the previous year).

## ● Figure 2-5 Inmate population of penal institutions and rate per population at the end of the year



Note 1: "Inmate population at the end of the year" refers to the number of inmates as of December 31 of the respective year.

2: "Others" includes inmates sentenced to death penalty, fine defaulters in workhouses, detainees under warrant of arrest, detainees subject to court-ordered confinement, and juveniles temporarily committed as a protective measure.

3: "Rate per population at the end of the year" refers to the inmate population per 100,000 general population as of December 31 of the respective year.

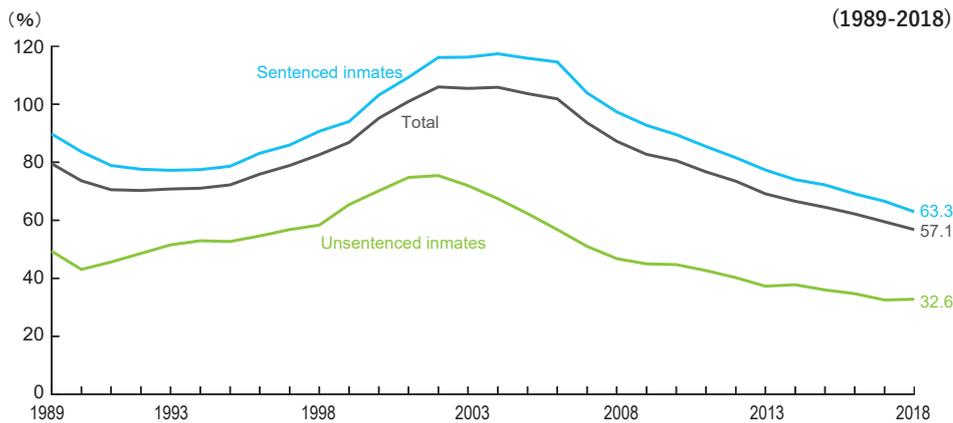
Source: Annual Report of Statistics on Correction; and Statistics Bureau, Ministry of Internal Affairs and Communications' (population data)

- (2) Figure 2-6 shows the occupancy rate of penal institutions over the last 30 years (as a percentage of inmate capacity at the end of the year).

The rate of occupancy reached a turning point of 70.7% in 1992, following which increases in inmates raised the occupancy rate. By 2001, the rate stood at 101.2%, a situation of overcrowding in which the inmate population exceeds the capacity of penal institutions. The overcrowding at occupancy rates over 100% continued until 2006. Since then the rate has stayed on a downward trend. At the end of 2018, there were 50,578 inmates (sentenced: 44,755; unsentenced: 5,823) compared to a capacity of 88,591 (capacity of sentenced inmates: 70,716), and the overall occupancy rate had declined to 57.1% (sentenced: 63.3%, unsentenced: 32.6%).

- (3) The crime situation deteriorated from 1998 to 2007 due to increases in crime and violent crimes, which led to overcrowding during this period. As institutions faced the most difficult situation in history, excluding the period of postwar turmoil, temporary measures were taken to accommodate more inmates, such as installing bunk beds in inmate rooms and transforming classrooms in prisons into rooms for inmates. Furthermore, in an effort to significantly enhance accommodation capacity in response to increases in detention, initiatives were taken, such as building new institutions and expanding existing penal institutions. However, there are limits to how much accommodation capacity can be increased and how much personnel improvements and enhancements can be made, including recruitment of correctional officers for the additional accommodation capacity. The Ministry of Justice has made personnel improvements and enhancements at penal institutions by incorporating new initiatives such as the private finance initiative (PFI) method to establish penal institutions, taking into account the continuity of the operation and the level of expertise required for correctional services, as well as the economic and social circumstances (the PFI method is discussed in (4) below).

● Figure 2-6 Occupancy rate of penal institutions



Note 1: "Occupancy rate" refers to the percentage of the number of inmates to total capacity as of December 31 of the respective year.

2: "Sentenced inmates" includes fine defaulters in workhouse and detainees subject to court-ordered confinement.

3: "Unsentenced inmates" includes inmates sentenced to death penalty, detainees under warrant of arrest, and juveniles temporarily committed as a protective measure.

Source: The Correction Bureau, Ministry of Justice

As a result of such initiatives, the capacity of penal institutions that had hovered around 62,000 to 65,000 inmates since 1972 rose to 90,354 inmates by 2009.

(4) Private Finance Initiative (PFI) is a method of utilizing funds and the expertise of the private sector to construct, maintain, and operate public facilities. From the perspective of alleviating overcrowding and exploring new ways of operating penal institutions, Japan examined the need for using the PFI method to build and operate penal institutions, in accordance with the Act on Promotion of Private Finance Initiative, a law established for developing social capital in an efficient and effective manner. As a result, the Mine Rehabilitation Program Center (Mine City, Yamaguchi Prefecture) was built for the first PFI project. In April 2007, the centre commenced operations as Japan's first prison that makes use of private financing. In October 2008, the second project, the Shimane Asahi Rehabilitation Program Center (Hamada City, Shimane Prefecture), commenced operations. In these projects, the services entrusted to the private sector entail not only the design and construction of the institution, but also its operation, including the security of the institution and, to some extent, treatment of inmates. The institutions are operated through cooperation between the public and private sectors.

In addition, the PFI method was adopted for the operation of two institutions that were built by the national government and commenced operations in October 2007: Kitsuregawa Rehabilitation Program Center (Sakura City, Tochigi Prefecture); and Harima Rehabilitation Program Center (Kakogawa City, Hyogo Prefecture).

These four penal institutions not only contribute to alleviating overcrowding by increasing accommodation capacity; they also contribute to further evolving correctional treatment based on the community partnership. The institutions draw on the expertise of private businesses and collaborate with the community to implement a variety of unique vocational training and educational programmes. For example, the Shimane Asahi Rehabilitation Program Center implements a programme providing basic training for puppies. In this programme, with the cooperation of the Japan Guide Dog Association, sentenced inmates rear puppies that are around two months old and are candidates for guide dogs, until they are 12 months old.

● Figure 2-7 Overview of PFI prison projects



### 3 Revision of the Prison Act, and Treatment of Inmates in Conformity with the International Standards and Norms

- (1) The Prison Act had served as the fundamental law for the practical operation of penal institutions in Japan for approximately 100 years since 1908. However, without any substantial amendments made since its establishment, the Prison Act became inconsistent with the Standard Minimum Rules for the Treatment of Prisoners adopted by the United Nations General Assembly in 1955, and with the international principles of correctional administration outlined in the legislation of other countries. Moreover, the Prison Act became inadequate for adapting to the changes in the social situation, as well as from a criminal policy perspective of promoting rehabilitation and reintegration into society of sentenced inmates.
- (2) Accordingly, the Minister of Justice consulted the Legislative Council in 1976 on amending the Prison Act, and the Penal Institution Bill was drafted based on a report submitted by the Council in 1980. The main points of the bill were as follows: (i) In order to clarify the legal relationship between the State and inmates, the bill explicitly indicated the rights of inmates regarding religious activities, access to books, visitation and correspondence, while specifying the requirements, procedures and limitations of restrictions on the daily life and activities of inmates, including measures to maintain discipline and order and disciplinary punishments. It also provided for an appeal system by which inmates can seek to obtain remedies for their rights through proper and prompt proceedings; (ii) In order to assure an appropriate standard of living for inmates, the bill committed to enhancing medical care, meals and the lending of goods to inmates, and it included provisions on remuneration for prison work; (iii) In order to develop an effective treatment system for rehabilitation and reintegration into society for sentenced inmates, the bill clarified the principle of “individualized treatment,” in which the most appropriate method is applied to tailor the treatment of sentenced inmates to their personalities and the circumstances surrounding them. In particular, the bill stipulated that correctional treatment be provided in a planned manner based on appropriate treatment guidelines, according to the

characteristics of each individual. To achieve this aim, it introduced new treatment methods, such as work release, day leave and overnight furlough.

The Penal Institution Bill was submitted to the Diet in 1982, and upon making partial amendments, it was also submitted to the Diet in 1987 and 1991. However, the bill failed to be passed in all cases due to the dissolution of the House of Representatives. Under such circumstances, the Ministry of Justice sought to make improvements to correctional administration that were feasible even under the Prison Act.

- (3) As the aforementioned issue of overcrowding became more apparent, the deaths and injury of sentenced inmates caused by officers at a prison came to light from 2002 to 2003. In response, the Ministry of Justice examined and established measures to prevent the reoccurrence of such incidents. Meanwhile, the Correctional Administration Reform Council, composed of experts commissioned by the Minister of Justice, was convened in March 2003 and, in December 2003, compiled a set of recommendations entitled, “Recommendations by the Correctional Administration Reform Council: Prisons that are understood and supported by citizens.”

Based on the recognition that, “It is important, above all, that the eyes of the public reach inside prisons and that their public voices are heard in prison, and conversely, that the voices inside prisons are heard by the public,” the recommendations by the Correctional Administration Reform Council recommended the revisions or improvements to the overall correctional administration, including a thorough revision of the Prison Act, from the following three perspectives: (i) promote true rehabilitation and reintegration into society of sentenced inmates by respecting their human dignity; (ii) reduce excessive burden on correction officers; and (iii) achieve correctional administration that is open to the public.

- (4) Following the recommendations, the Ministry of Justice began working on amending the Prison Act based on the Penal Institution Bill. First, the Act on Penal Institutions and Treatment of Inmates, which revised the provisions of the Prison Act related to the treatment of sentenced inmates, was passed by the Diet in May 2005 and entered into force in May 2006. Furthermore, the Act Partially Amending the Act on Penal Institutions and Treatment of Inmates, concerning the provisions of the Prison Act related to pre-trial detainees, was passed in June 2006 and entered into force in Jun 2007. The title, “Act on Penal Institutions and Treatment of Inmates,” was renamed as the “Act on Penal Detention Facilities and the Treatment of Inmates and Detainees” (the Penal Detention Facilities Act). As a result of such amendments, the Prison Act underwent a complete revision for the first time in approximately 100 years.
- (5) The Penal Detention Facilities Act states that its purpose is to ensure the adequate treatment of inmates and others by respecting their human rights and taking into account their circumstances, as well as appropriately managing and administrating penal detention facilities. The Act identifies the basic philosophy of the treatment of sentenced inmates as pursuing their rehabilitation and smooth reintegration into society. It clarified that the principle of individualized treatment should be adopted. It also requires sentenced inmates to receive correctional treatment, namely, work, rehabilitation programmes and educational programmes, together with guidance counselling received upon commencement of the sentenced period and prior to release. Additionally, the Act provides new “privileges,” which aim to encourage sentenced inmates to make further efforts to rehabilitate, such as increasing the frequency of contact with people outside prison and expanding the scope of personal belongings that sentenced inmates can use, depending on the assessment of their attitude over a certain length of time. The Act also establishes “Penal Institution Visiting Committees,” composed of external members, in order to make correctional administration more open to the society. Therefore, the Act took into consideration the recommendations of the Correctional Administration Reform Council as well as international rules, including the Standard Minimum Rules for the Treatment of Prisoners.

## Section 6 Characteristics and Background of Criminals

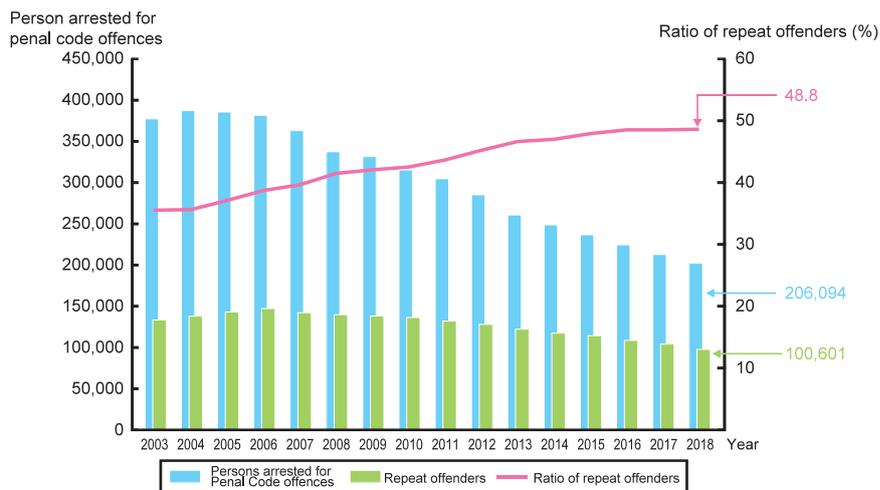
*Specific attention should be given to the treatment of offenders and sentenced persons with certain backgrounds, such as migrants, people with disabilities, or ethnic or racial minorities, and the treatment of offenders of certain types of offences that include terrorism and organized crime. In particular, consideration should be given to various factors related to repeat offenders, who account for a large proportion of the crimes committed in a society (see Guides 89 and 90).*

As discussed in the following section, Japan takes effective measures to prevent reoffending. These measures focus on offenders' attributes and circumstances, which include providing special guidance to members of organized crime groups.

## 1 Introduction

In recent years, the proportion of repeat offenders among persons cleared for Penal Code offences has been increasing annually (Figure 2-8), prompting a number of initiatives to reduce reoffending. The Act for the Prevention of Recidivism (hereinafter referred to as the “Recidivism Prevention Act”) was thereby enacted as a national effort aimed at further preventing reoffending. The Recidivism Prevention Act establishes the fundamental principles for policies concerning the prevention of reoffending, clarifies the duties of national and local governments, and lays out matters central to policy concerning prevention of reoffending. Upon promulgation of the act, in 2017 the Cabinet ratified the first Recidivism Prevention Plan and stipulated that the plan was to be carried out over five years from 2018 to 2022. The plan establishes five basic principles that adhere to the basic philosophy of the Recidivism Prevention Act and lays out seven major challenges encompassing 115 concrete actions for preventing reoffending. The plan stipulates that many relevant ministries and agencies work in collaboration on each measure.

● Figure 2-8 Trend of the number of repeat offenders among all persons arrested for Penal Code offences, and the rate of repeat offenders



Note 1: "Repeat offenders" refers to those arrested again after being arrested for Penal Code offences constituting crimes not considered violations of the Road Traffic Act.

Note 2: "Ratio of repeat offenders" refers to the ratio of repeat offenders to the total number of persons arrested for Penal Code offences.

Source: Criminal Statistics of the National Police Agency

The key to preventing reoffending is to address the root causes of reoffending, namely poverty and discrimination (see Guide 92). In Japan, many offenders face difficulties reintegrating into society due to circumstances such as being unable to find stable employment and housing. In addition, some persons who committed offences must deal with wide-ranging hardships, including poverty, illness, addiction, disability, a difficult home environment and inadequate education, which create numerous roadblocks to reintegration. In recognition of this situation, the following four initiatives are considered to contribute directly to addressing the risk of reoffending: (i) initiatives for securing employment and housing, (ii) initiatives for facilitating the use of health, medical and welfare services, (iii) initiatives for implementing educational support in collaboration with schools and others, and (iv) initiatives for implementing effective treatment programmes that are tailored to the individual attributes of persons who have committed offences. These initiatives are laid out among the aforementioned seven major challenges. Furthermore, reducing reoffending requires providing appropriately

*specialized programmes at correctional institutions and in society (see Guide 92).* In light of this, correctional institutions and probation offices in Japan work both independently and collaboratively to conduct programmes for inmates and former inmates.

This section presents the aforementioned four initiatives with a focus on programmes being conducted by correctional institutions and probation offices.

## **2** Efforts to Secure Employment and Housing

### **(1) Efforts to Secure Employment**

- a. Many of the repeat prisoners were unemployed at the time they reoffended. In addition, according to a survey conducted at the end of the probation period, the reoffending rate among those who were unemployed was three times higher than those who were employed. This demonstrates how unstable employment exposes people to the risk of reoffending.
- b. Thus, the national government provides sentenced persons with vocational training and career guidance at penal institutions and juvenile training schools (collectively referred to as “correctional institutions” in this section) to help them acquire the basic skills and manners necessary to find employment, acquire knowledge and skills useful for work, and obtain licenses and qualifications required when finding employment after release, according to each individual’s ability, skills, and career history.
- c. Correctional institutions are working with probation offices and public employment security offices to secure jobs for inmates while they are imprisoned. Employment Support Information Centers for Correction (commonly known as “Corre-Work”) were established in the Tokyo Regional Correction Headquarters and Osaka Regional Correction Headquarters in November 2016. These centres centrally manage information about sentenced inmates, including their places of residence after release and the qualifications they have obtained, and they undertake a number of efforts to strengthen coordination with companies taking on former inmates. These efforts include offering consultations to companies looking to employ former inmates and providing information about correctional institutions where inmates that fit their needs are detained while providing companies with information about employing former inmates.

Probation offices strengthen collaborations with correctional institutions and public employment security offices to provide comprehensive employment support to former inmates. For example, probation offices, in cooperation with public employment security offices, provide a range of employment support that includes work experience lecture sessions and seminars on work experience programmes and a trial employment programme, as well as providing chances to visit and observe business sites. The trial employment programme involves probation offices working with public employment security offices, and subsidizes companies that provide short-term probationary employment to probationers and parolees who have little work experience or who lack the knowledge or skills needed for the job before hiring them officially. Probation offices also provide necessary and appropriate support to persons with disabilities and persons in need according to the level of disability or needs.

Probation offices also make a number of efforts to help probationers and parolees find employment. One example of this is providing consultation and support services to “cooperating employers,” who have employed or are considering employing persons who have committed offences in order to help them achieve independence and reintegrate into society. Such consultation and support services aim to mitigate the hesitance and psychological burden of hiring former inmates on a regular basis. In addition, the government also provides fidelity guarantees and incentives to reduce employers’ anxiety and financial burden. Regarding the fidelity guarantees and incentives, compensation will be paid if probationers or parolees cause business

damages, and state incentives are provided to “cooperating employers” that officially employ probationers and parolees and provide vocational guidance to them.

## **(2) Efforts to Secure Housing**

- a. It has been shown that those who do not have a suitable place to return to after being released from prison reoffend in a shorter period of time compared to those who do have such a place. It is fair to say that securing an appropriate place to return to is essential for living a stable life in community, and that it is one of the most important elements in preventing reoffending.
- b. Correctional institutions are therefore encouraging inmates contact with the outside world so that they can communicate with family members and employers through such means as visitations, letters and telephone calls.
- c. Probation offices look into the situation of the place where sentenced persons plan to return after being released and make arrangements to ensure that their living environments will be conducive to improvement, rehabilitation and reintegration into society. Specifically, regional parole boards, which decide whether offenders will receive parole from penal institutions, and which oversee the operations of probation offices, offer guidance and advice to, or provide liaison functions for, probation offices, which use this information to quickly find appropriate places for inmates to return. For example, probation offices can make arrangements for sentenced persons with drug dependencies to stay at private-sector organizations that provide recovery support for drug dependency.

Privately-run offender rehabilitation facilities take in former inmates with no place to live and provide employment support and welfare counselling to help them reintegrate into society. Alongside these efforts, probation offices are making improvements to offender rehabilitation facilities’ systems for taking in and treating former inmates. This includes designating certain facilities as designated offender rehabilitation facilities which proactively take in the elderly and persons with disabilities, among others, and offender rehabilitation facilities which focus on providing drug treatment to help people recover from drug dependencies.

## **3 Efforts to Facilitate the Use of Health, Medical and Welfare Services**

### **(1) Support for Persons such as Those Who Are Elderly or Disabled**

- a. In light of the tendency for elderly and disabled offenders to reoffend in a short period of time, correctional institutions and probation offices are making efforts to help these former inmates access welfare services or facilities following their release.
- b. To facilitate access to welfare services by sentenced inmates, correctional institutions have social workers and psychiatric social workers that engage in the early identification of inmates’ welfare needs. Penal institutions, meanwhile, are aiming to facilitate the reintegration into society of inmates who are elderly or disabled by providing treatment programmes regarding health and exercise to maintain and improve their and physical strength and by providing basic knowledge about welfare services.
- c. Additionally, correctional institutions and probation offices cooperate with the Ministry of Health, Labour and Welfare to implement special coordination to enable sentenced inmates who are elderly or disabled, to receive proper care, medical treatment, pension, and other welfare services soon after they are released. To improve these efforts, the relevant organizations hold case study workshops concerning the sentenced persons in question and liaison council meetings to exchange information.
- d. Furthermore, organizations including public prosecutors offices and probation offices provide support for



**Treatment programmes promoting health and exercise provided at a penal institution**

the reintegration into society of individuals who do not receive treatment at correctional facilities due to their status as being a person under suspension of prosecution.

## (2) Support for Persons with Drug Addiction

- a. The number of persons arrested for violation of the Stimulants Control Act remains at a high level, and the reimprisonment rate of such persons within two years is also high (percentage of persons released from prison who are reimprisoned within two years of their release, including the year of release). Drug offenders are, in some cases, not only offenders but also drug-addiction patients. Therefore, it is not enough in such cases to discourage them from using drugs. It is also necessary to have them recognize that drug addiction is curable if proper treatment and support is provided, and to have them receive continuous treatment and support for recovery.
- b. To this end, correctional institutions conduct programmes for persons with narcotics, stimulants or other drug addictions that incorporate cognitive behavioural therapy methods according to their risk of reoffending. In addition, efforts are also being made to provide a path to former inmates to regional health, medical and welfare institutions, as well as private-sector organizations including self-help groups, so that they can



**Guidance for overcoming drug addiction being given at a penal institution**

receive treatment at these facilities after their release from correctional institutions.

- c. Probation offices work with organizations such as the Drug Addiction Rehabilitation Center, a privately run rehabilitation facility that seeks to help people with drug dependencies recover and reintegrate into society. These collaborations help probation offices conduct drug relapse prevention programmes and get probationers and parolees ready to participate in group meetings and programmes run by these institutions and groups at the time their probation ends.

## **4 Efforts to Implement Educational Support in Cooperation with Schools and Others**

- (1) Japan's high school enrollment rate is 98.8%. While most people continue their education into high school, a significant number of juveniles who are committed to correctional institutions do not continue their education into high school after graduating from junior high school. In addition, many juveniles drop out of high school either as a part of the process of leading to criminal or delinquent acts or as a result of those acts
- (2) In response, correctional institutions provide support for inmates whose lack of fundamental education is hindering them from rehabilitation and smooth reintegration. Such support includes providing educational programmes according to the content of school education and enabling inmates to take the Upper Secondary School Equivalency Examination at correctional institutions. Correctional institutions also facilitate juveniles' return to or advancement at school following their release from a juvenile training school by coordinating with the schools which the juveniles previously attended and providing opportunities for them to take the entrance exams for their schools of choice.
- (3) For probationers and parolees who are enrolled in school, probation offices cooperate and exchange information with their schools as necessary to provide life guidance as well as academic guidance. Alongside these efforts, volunteer probation officers' associations comprising private volunteers known as *hogoshi* (volunteer probation officers) are actively engaged in such activities such as holding delinquency prevention classes, drug abuse prevention classes, and round-table talks with teachers in charge of student guidance and counselling as part of crime prevention activities.

## **5 Efforts to Implement Effective Guidance Tailored to the Individual Attributes of Offenders**

### **(1) Overview**

In Japan, assessments are conducted for offenders to determine their individual risk of reoffending. Based on the assessment results, treatment at correctional facilities and guidance or support at probation offices are effectively provided according to each individual's attributes. Specialized treatment programmes and services are provided based on these attributes and include those for sex offenders and juvenile sex offenders; for persons at high risk of reoffending such as members of organized crime groups; those that focus on the plasticity (openness to change) of juveniles and young adults, and those that address the problems women face.

### **(2) Implementing Appropriate Assessments**

- a. In Japan, assessment tools are used to quantitatively evaluate inmates' risk of reoffending, and the findings are used as a reference to determine the appropriate treatment. Beginning in FY2017, penal institutions began implementing the General Risk Assessment Tool for Inmates (G-tool) as an attempt to provide treatment according to the Risk-Need-Responsivity Model, which constitutes the guiding principles for the treatment of criminals. At juvenile classification homes, the usage of the Ministry of Justice Case Assessment Tool

(MJCA) began in FY2013 and the assessment outcome has been utilized at juvenile training schools, probation offices and other relevant organizations as part of a system to leverage such information when providing juveniles with treatment.

- b. Probation offices developed an assessment tool to provide effective guidance or support for preventing reoffending among probationers and parolees and began its trial usage in FY2018. Probation officers assess the reoffending risk, offenders' criminogenic needs and strengths, formulate the offence process and establish appropriate case plans.

### **(3) Enhancing Guidance and Other Initiatives Tailored to Individual Attributes**

#### **a. Guidance and Other Initiatives for Sex Offenders and Juvenile Sex Offenders**

Japan's correctional institutions implement a programme for inmates who committed sex offences or juvenile sex offences through group work based on cognitive behavioural therapy. This programme was developed based on advice from outside experts and took cues from programmes proven to be effective overseas. While continuing to verify the effectiveness of the programme for treating offenders, Japan is working to increase motivation and develop new programmes tailored to those with cognitive limitations to enhance programme effectiveness. Furthermore, Japan also makes efforts to train persons capable of giving guidance by improving the training curriculum, periodically holding case conferences attended by treatment staff and obtaining advice for guidance from outside experts.

In addition, probation offices provide a sex offender treatment programme for probationers and parolees exhibiting problematic tendencies that include engaging in criminal behaviour to satisfy their sexual desires. As with guidance at penal institutions for preventing sexual reoffending, this programme was developed according to cognitive behavioural therapy methods and is based on advice from outside experts while taking cues from overseas programmes.

An effectiveness evaluation conducted in FY 2012 showed those programmes to have achieved a certain level of effectiveness in preventing reoffending.

#### **b. Guidance and Other Initiatives for Members of Organized Crime Groups and Other Persons at High Risk of Reoffending**

Penal institutions work with the police and other relevant organizations to provide guidance that encourages organized crime group members to leave such groups by helping them realize the antisocial nature of those groups. This guidance also attempts to cultivate the will to withdraw from such groups. Probation offices are also making efforts to encourage organized crime group members to leave those groups by strengthening collaboration with the police, Centers for Removal of Organized Crime Groups and correctional institutions to gather and share information about the intent of organized crime group members to leave those groups and provide them with the necessary guidance.

The total number of organized crime group members and quasi-members in recent years has been on the decline (see Part 2, Chapter 1, Section 2, paragraph 3, (1) Anti-organized Crime Measures). This trend is thought to be partly attributable to the effective implementation of the treatment programmes which successfully motivate those individuals to leave such groups.

#### **c. Guidance and Other Initiatives for Juveniles and Youth that Focus on Their Malleability**

Juvenile training schools provide in-depth treatment to enhance the educational environment of the juveniles by stationing multiple staff to take care of the juveniles at their dormitories. To prevent affiliation with delinquent peers while they are in the juvenile training school, careful attention is paid to room or dormitory arrangements as well as peer relationships among residents. In addition, handbooks for

custodians and face-to-face meetings are provided to improve the relationship between the juveniles and custodians, promote custodians' understanding and cooperation concerning the treatment of the juveniles, and improve custodians' supervising skills. Participatory programmes are provided in which the custodians experience the educational process together with their child in the juvenile training school.

Furthermore, for probationers and parolees receiving support from a child welfare organization or needing support due to having mental or physical impairments, probation offices cooperate with relevant organizations as needed to provide extensive support tailored to individual juveniles committed to juvenile training schools. This support includes sharing information and holding discussions with personnel at child consultation centres and other concerned institutions.

#### **d. Guidance and Other Initiatives for Issues that Women Face**

Correctional institutions in Japan are improving the system to provide treatment and therapy responding to issues specific to women, including emotional trauma from having survived abuse or sex crimes, mental health issues such as eating disorders, and pregnancy or childbirth. These improvements involve cooperation with the local governments to establish and implement the women's facility regional cooperation project through which local experts such as nurses, midwives and certified caregivers provide advice and guidance to female inmates, as well as treatment programmes that respond to the specific needs of women. Additionally, since FY2019, female inmates suffering from eating disorders in Japan are being held in penal institutions specialized in providing medical treatment where more effective intervention can be applied.



**Treatment programmes for imprisoned mothers provided by midwives**

#### **(4) Enhancement of Other Efforts to Implement Effective Guidance, and Other Initiatives**

In addition to guidance and other support tailored to offenders, a number of programmes have been conducted at correctional institutions and probation offices in Japan that include an alcohol dependence treatment programme drunk driving prevention programme and violence prevention programme.

Probation offices have also required probationers and parolees, if necessary, to engage in social contribution activities as a special condition of probation. Probation offices establish these activities as living and behavioural guidelines in necessary cases to foster probationers' and parolees' sense of their own usefulness while strengthening their social morality and sociability. Social contribution activities refer to continuous social activities that contribute to promoting the interests of local communities, and they include clean-up activities at public parks, riverbeds and other public spaces, as well as caregiving assistance at welfare facilities.

## 6 Other Efforts to Strengthen Collaboration with the Private Sector and Local Governments

### (1) Efforts to Strengthen Collaboration with Members of the Private Sector

a. Measures to prevent reoffending in Japan have not been solely the national government's effort but have long been supported by numerous private-sector partners providing guidance and support to persons who have committed crimes. As such, taking effective measures to prevent reoffending requires cooperation with supporters from the private sector.

b. For example, correctional institutions cooperate with volunteer prison visitors and prison chaplains. The system of volunteer prison visitors was established after the war, taking reference from England's "prison visitor" system in which members of the private sector visited inmates in prisons. Volunteer prison visitors are private-sector volunteers who conduct interviews with inmates in correctional institutions, and they provide advice and guidance based on their professional knowledge and experience. The contents of their advice and guidance cover a wide scope, ranging from the mental difficulties, family, career and future life of the inmates to their hobbies and education. As of the end of 2018, 1,517 volunteer prison visitors, including those from the fields of education and arts, rehabilitation, the legal profession, and religion/commerce/social welfare, were active in correctional institutions.

Prison chaplains are volunteer religious figures from the private sector who provide religious teachings based on the doctrines of the religion or religious denomination they are affiliated with responding to the religious needs of the inmates in the correctional institutions. Religious teachings are religious activities that the state cannot be involved in, which not only ensures the religious freedom of inmates but also supports them to achieve the objective of the sentence by bringing them emotional relief and stability. As of the end of 2018, 2,081 prison chaplains, including volunteers from the Buddhist, Christian, and Shinto faiths, were active in correctional institutions.

Volunteer prison visitors and prison chaplains are both involved in supporting the treatment of inmates and, as volunteers, are responsible for a specific field that government staff cannot possibly take on. Since correctional institutions have the philosophy of actively incorporating social resources, their presence is becoming increasingly important.

c. Probation offices support the treatment of offenders in cooperation with community volunteers such as *hogoshi* (volunteer probation officers) in the integration of offenders.

Japan's rehabilitation system has its origins in the activities of community volunteers supporting offender reintegration, and the government has developed activities that had previously been carried out through the goodwill of such community volunteers and collaborators in the private sector into a state system. *Hogoshi* (volunteer probation officers) are particularly representative of this system. They are volunteers from the community who carry out activities in the spirit of social service; they harness their status as private citizens and knowledge of their communities to engage in probation work, re-entry support and crime prevention activities, among others, in cooperation with probation officers. Therefore, their nature is such that they have the confidence of society with regard to their personalities and actions, and they are required to have passion as well as time to fulfil their duties. Those who fulfil these criteria are commissioned by the Minister of Justice, upon the recommendation of the selection committee for volunteer probation officers. They are accorded the status of part-time national government officer (with a term of two years with possible reappointment), but they are not paid any salary with the exception of reimbursement in full or in part of the actual expenses incurred in their work. As of 1 January, 2020, there are 46,763 *hogoshi* (volunteer probation

officers) across Japan assigned to probation districts based on prefectural units. In principle, *hogoshi* (volunteer probation officers) engage in activities in the regions that they reside.

In Japan, probation is implemented through a cooperative system in which one probationer or parolee is overseen by one probation officer and one *hogoshi* (volunteer probation officers). The role of the probation officer is to provide professional supervision and assistance through means such as interviewing the probationer or parolee, at the start of the probation and during times of crisis when the conduct of the probationer or parolee deteriorates. The probation officer also conducts specialized treatment programmes. On the other hand, the *hogoshi* (volunteer probation officers) follows a programme drawn up by the probation officer and conducts interviews two or three times a month, inviting the probationer or parolee into their own homes or visiting the homes of the probationer or parolee. In short, the *hogoshi* (volunteer probation officers) provides support for the rehabilitation of the offender by drawing close to their everyday lives and their communities.

Furthermore, the MOJ has been implementing the “The Campaign to Give Society a Brighter Future” (Yellow Feather Campaign) for 70 years. This campaign aims to deepen public awareness and understanding of offender rehabilitation. *Hogoshi* (volunteer probation officers) take the lead in this campaign, and they are engaged in activities such as awareness raising on the streets, delinquency prevention classes in collaboration with schools and promotion of campaigns in collaboration with relevant organizations including local governments.

Hence, *hogoshi* (volunteer probation officers) play an extremely important role in Japan’s offender rehabilitation system. In recent years, heightened awareness about preventing reoffending and the realization of a safe and secure society has further raised the expectations and interest of the people in *hogoshi* (volunteer probation officers). Currently, Japan is advancing initiatives to ensure stability for *hogoshi* (volunteer probation officers) and strengthen the foundation of their activities. As a part of that, since 2008, probation offices have been cooperating with local governments in maintaining and improving offender rehabilitation support centres. These centres serve as an operational hub for *hogoshi* (volunteer probation officers) and are used for interviewing probationers/parolees. They are also used by *hogoshi* (volunteer probation officers) to discuss offender treatment among themselves, functioning as a hub for building offender rehabilitation in the community.

Meanwhile, in addition to the aforementioned *hogoshi* (volunteer probation officers), members of the Big Brothers and Sisters Associations described later in Chapter 3, Section 4, female volunteers of the Women’s Associations for Rehabilitation Aid, and cooperating employers who support the rehabilitation of



Meeting between a *hogoshi* (volunteer probation officers) and a parolee

probationers and parolees through employment also provide support for the rehabilitation of criminals and delinquent youths through community efforts. Probation officers engage in various forms of support to ensure that offender rehabilitation volunteers can engage in their activities in ways that make the most of their strengths. Community volunteers supporting offender reintegration such as *hogoshi* (volunteer probation officers) are, together with the government, further enhancing and strengthening support for offender rehabilitation by building highly effective public-private partnerships, in order to establish an inclusive community that accepts ex-offenders.

## (2) Efforts to Strengthen Partnership with Local Governments

In light of the fact that the Recidivism Prevention Act mandates both the national government and local governments as entities to implement measures to prevent reoffending, the national government is advancing initiatives for strengthening partnership with local governments.

For example, the Ministry of Justice launched the Model Project to Promote Recidivism Prevention in Communities in FY2018 with a view to studying effective measures to prevent reoffending in communities through collaboration between the national and local governments. Commissioned to local governments, this project involves making efforts to prevent reoffending according to the local character of each community. All the knowledge and results gained will be subsequently disseminated throughout Japan.

Meanwhile, since 2018, meetings have been held by the Council for Advancing Municipal Recidivism Prevention, which comprises the Minister of Justice and heads of municipalities and aims to build networks between the national government and municipalities in the efforts to prevent recidivism.

Furthermore, in June 2019, the Council of Local Governments with Correctional Facilities was established as a subcommittee of the Council for Advancing Municipal Recidivism Prevention with the goal of building networks among leaders of municipalities where correctional facilities are located, formulating Local Recidivism Prevention Plans and leading the way in actively promoting measures to prevent reoffending locally. The Ministry of Justice cooperates with the Council of Local Government in convening this meeting.

# Chapter 3 Multidimensional Approaches by the Japanese Government to Promoting the Rule of Law

## Section 1 Improving Access to Justice for All

### 1 Overview

In Japan, the Japan Legal Support Center (JLSC), which was established to enable easy access to civil and criminal legal systems for all people, and its offices across the country provide prompt and proper comprehensive legal support services .

*It is considered important that all people, including women, children and victims, have fair and effective access to justice (see Guides 118 and 119); ensuring people’s access to justice is understood as a crucial part of promoting the rule of law. The activities of the JLSC ensure access to justice for all people in both civil and criminal matters, and they contribute to promoting the rule of law in Japan.*

This section will look at the activities of the JLSC.

### 2 Activities of the Japan Legal Support Center (JLSC)

#### (1) Overview of the JLSC

##### a. Background of the JLSC

As discussed in Chapter 1, at the turn of the 21st century, Japan promoted a transition from an “excessive advance control/adjustment type society” to a “after-the fact review/remedy type society.” This ushered in the perception that the role of the justice system would become even more important, increasing the need to improve and strengthen justice system functions and develop a justice system that would provide easy access for the people.

From 1999 to 2001, a group of experts (the Justice System Council) discussed how the justice system should be, and based on the discussions, the Plan for the Promotion of Justice System Reform was adopted in 2002.

This prompted the establishment of the Comprehensive Legal Support Act in 2004. Aimed at creating a society in which necessary information and support are provided for resolving disputes in civil and criminal matters, the Act seeks to provide comprehensive support (comprehensive legal support) and construct systems to facilitate the use of the courts and other systems that give people recourse to the law in resolving disputes and to provide better access to the services of attorneys, judicial scriveners and other legal specialists. The JLSC was, thereafter, established in April 2006 to provide prompt and proper comprehensive legal support services, and it commenced its operations in October of that year.

The JLSC is a fully state-funded public corporation that operates under the auspices of the Ministry of Justice.

##### b. Main Services

In accordance with the Comprehensive Legal Support Act, the main services provided by the JLSC are: (i) services for areas with limited legal services, (ii) information services, (iii) civil legal aid services, (iv)

services such as related to court-appointed defence counsel, and (v) crime victim support services.

Among these services, an overview of information services and civil legal aid services will be given here. Overviews of services for areas with limited legal services, services related to court-appointed defence counsel and crime victim support services will be provided later in more detail.

First, information services is about collecting and organizing useful information about the legal systems for resolving legal disputes, as well as information about the appropriate authority or organization one can consult with. This service also involves responding to inquiries via telephone, face-to-face consultations, email or other means and providing the collected information. To meet the needs of foreign language speakers, the JLSC also provides interpreters for multilingual information services to appropriately provide information about the Japanese legal system and consultation services.

Second, civil legal aid services are for those who lack financial means. The JLSC provides free legal counselling and advance payment for attorneys' or judicial scriveners' fees for civil, family or administrative court proceedings. The free legal counselling service can be received not only in person but also by phone or online to counter COVID-19 infection.

The JLSC engages in entrusted legal services to the extent that it does not hinder its main services mentioned in (i) to (v). The JLSC may be entrusted by the national government, local government and public interest corporations, among others, and it subcontracts those entrusted legal matters to attorneys contracted with the JLSC. For example, the JLSC is entrusted by the Japan Federation of Bar Associations to provide assistance in the form of subsidizing attorneys' fees, in the interest of redressing human rights violations, helping people who lack financial resources and are not eligible for the JLSC's primary civil legal aid services and court-appointed defence counsel services.

In addition, in response to the spread of COVID-19 infection, a special page was established on the website where questions and answers and other information are being provided.

### **c. Offices**

As of 1 April, 2019, the JLSC is headquartered in Tokyo and has 108 offices throughout Japan.

### **d. The JLSC's Budget and Finances**

As the JLSC provides important services that pertain to the rights and interests of citizens, including civil legal aid services and court-appointed defence counsel services, approximately 70% of its budget for business administration is sourced from state funding (FY 2019 total government budget: approximately ¥32,121 million).

The JLSC is, however, not entirely reliant on state funding; it works to secure its own income through means such as reimbursements of advance payments in civil legal aid cases and private donations.

## **(2) The JLSC's Services for Areas with Limited Legal Services**

### **a. Services for Areas with Limited Legal Services**

Services for areas with limited legal services entail setting up law offices in areas that lack easy access to legal services due to no presence of attorneys or judicial scriveners in the vicinity, and staffing them with full-time attorneys from the JLSC to provide legal services such as legal consultation and representation in court.

### **b. Staff Attorneys**

Staff Attorneys are full-time lawyers who are employed by the JLSC to handle people's legal matters on a full-time basis at the JLSC offices. They play an important role as providers of civil legal aid, court-appointed defence counsel and services for areas with limited legal services.

In recent years, Staff Attorneys have also committed to work on initiatives concerning the legal social work that will be described later. The role of Staff Attorneys who provide tailored services for the local community has become increasingly important in terms of improving accessibility to the justice system, which is the basic principle of the JLSC.

### **(3) The JLSC's Services Related to Court-Appointed Defence Counsel**

#### **a. Overview of the Court-Appointed Defence Counsel System**

The court-appointed defence counsel system is a system in which courts, presiding judges or judges (hereinafter referred to as “courts” in this section) appoint a defence counsel in criminal cases for the detained suspects or defendants who cannot afford their own counsel; the State pays fees involved. Courts appoint such defence counsel from among the attorneys contracted with the JLSC.

#### **b. The JLSC Services Related to Court-Appointed Defence Counsel**

The JLSC provides the following services in cases involving court-appointed defence counsel: (i) Entering into contracts with prospective counsel; (ii) Selecting court-appointed defence counsel candidates for individual cases and notifying courts; and (iii) Calculating and paying court-appointed defence counsel fees.

In cases of court-appointed defence counsel for detained suspects who require particularly prompt appointment, it is the practice of the JLSC to select counsel candidates and notify the court within a few hours, or within 24 hours at the latest. In 99% of the cases, selection of candidates and notification to courts is completed within 24 hours.

Since November 2007, the JLSC has been providing services for appointing attendants in juvenile court cases. These services entail entering into contracts with attorneys who intend to become court-appointed attendants (for certain juvenile court cases where juveniles have no attendants who are attorneys, family courts will assign attendants who are attorneys), selecting court-appointed attendant candidates and notifying courts, and calculating and paying court-appointed attendant fees.

### **(4) The JLSC's Victim Support Services**

The JLSC offers a range of services provided through its call centre and district offices to enable crime victims and their families to receive the support they need.



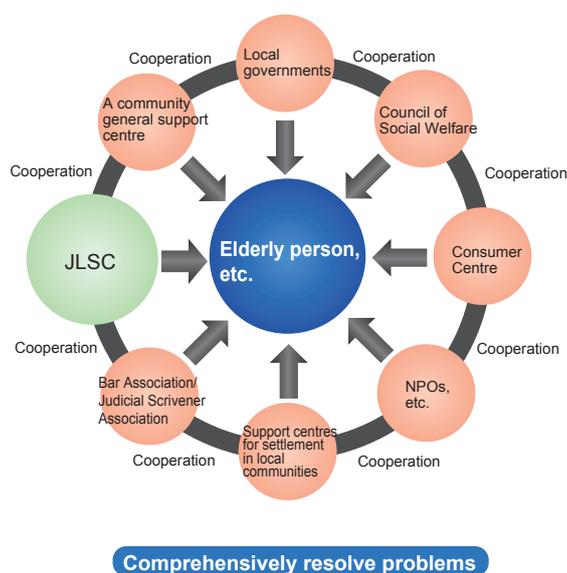
JLSC call centre staff at work

One of these services is the Crime Victim Support Hotline, a telephone service dedicated to providing support to crime victims. Through the hotline, staff with knowledge and experience in providing crime victim support introduce victims or their family members to the appropriate consultation services according to their situations, with consideration given to those individuals' feelings and emotions so as to prevent secondary victimization. The hotline also helps victims or their family members to access relevant support organizations and groups, and it provides information concerning the legal system.

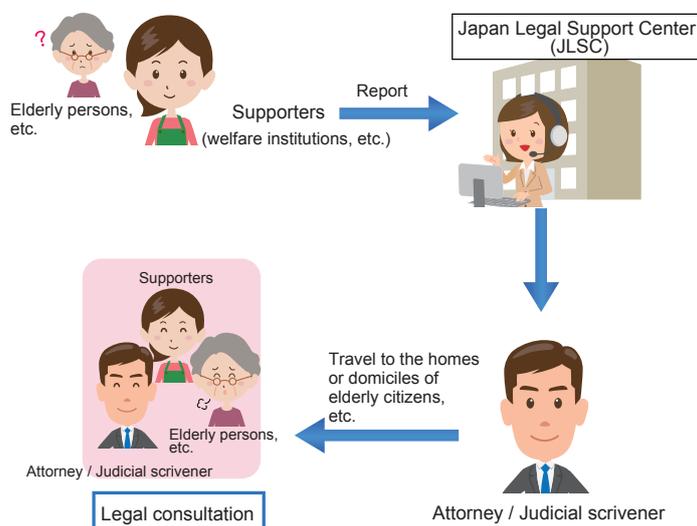
The JLSC also provides services pertaining to the court-appointed attorney system for victim participants. When a crime victim who is allowed to participate in a criminal trial by the court (a participating victim) has financial difficulties, the crime victim can request the court to appoint an attorney to support him or her. Entrusted by the government, the JLSC is required to nominate a candidate attorney, coordinate with the court and manage the processing of payment to the appointed attorney.

Other services provided by the JLSC include introducing attorneys who are well-versed in assisting victims

● Figure3-1 Concept of Legal Social Work



● Figure3-2 Legal consultation aid for persons eligible for specific assistance



and their families and offering legal consultation, including consultation for criminal cases, needed to prevent victimization for victims of domestic violence, stalking and child abuse. Of these services, legal consultation support service for victims of domestic violence, etc. can be received not only in person but also by phone or online to counter COVID-19 infection.

## **(5) Legal Social Work Initiatives**

In Japan, providing access to the justice system for the elderly is becoming increasingly important as Japan's population continues to age.

The JLSC conducts Legal Social Work initiatives, which aim at comprehensively resolving the various problems faced by the elderly and disabled persons who face difficulty in accessing legal services on their own. Staff attorneys play a key role to work together with local government officials, welfare institution staff (social workers) and legal professionals such as attorneys and judicial scriveners and actively reach out to such people by visiting them and providing necessary assistance.

To this end, the JLSC engages in an ongoing effort to improve and enhance its Legal Social Work initiatives by providing on-site legal consultation services for the elderly and disabled persons, as well as visiting local governments and welfare institutions to provide legal consultation.

As part of the Legal Social Work, the JLSC also provides legal consultation aid for persons eligible for specific assistance. Such support is provided in accordance with the Revised Comprehensive Legal Support Act, which was fully promulgated on 24 January, 2018, and involves having attorneys and legal scriveners provide on-site legal consultation upon request from welfare institutions that support elderly or disabled persons, who may be precluded from exercising their own rights due to insufficient cognitive functioning.

In particular, staff attorneys of the JLSC work closely with the local communities to improve access to justice for potential users of legal services in cooperation with community-based relevant organizations. Among these staff attorneys, some provide legal assistance and information to ex-prisoners to prevent recidivism, and others support crime victims in cooperation with various victim support organizations.

In this way, the JLSC actively works with other organizations to identify potential needs among those who have difficulty accessing the justice system on their own. The JLSC will continue to promote necessary measures, in coordination with relevant organizations, to meet the needs of Japan's changing society and to further improve access to justice for all.

### 1 Introduction

*It is believed that effective and accountable criminal justice institutions are indispensable in promoting the rule of law (see Guide III).* Effective and accountable criminal justice institutions are recognized for their legitimacy and the fairness of their decision-making and exercising of authority; therefore, they are trusted by the people. In order to improve the understanding of the people and to enhance their trust, it is essential that the people themselves participate in criminal justice proceedings and work together with professional experts, or monitor the practice of professional experts.

As discussed in Part 1, the *saiban-in* system was introduced in May 2009 as a part of judicial system reforms in Japan. In the *saiban-in* system, trials are jointly adjudicated by professional judges and citizens with the goal of promoting a better understanding of the criminal justice system and strengthening trust among the general public.

With regard to penal institutions, in response to the aforementioned “Recommendation by the Correctional Administration Reform Council: Prisons that are understood and supported by citizens,” the decision was made to establish Penal Institution Visiting Committees comprised of outside committee members at all penal institutions starting in May 2006 as a means to enhance the transparency of the correctional administration (see Chapter 2, Section 5, paragraph 3). Organizations fulfilling a similar role of the Penal Institution Visiting Committees are also being established at the Metropolitan Police Department, Prefectural Police Headquarters and Area Headquarters, which oversee detention facilities, as well as at juvenile training schools and juvenile classification homes.

The *saiban-in* system has now been in effect for about 10 years, and it was 13 years ago that Penal Institution Visiting Committees began operating. It appears that both have taken root among the people, making steady achievements and promoting the rule of law.

This section provides an overview of the *saiban-in* system and the activities of Penal Institution Visiting Committees.

### 2 Establishment of the *Saiban-in* System

#### (1) Accountability of the Court

Japan’s criminal court structure is three tiered. District courts and summary courts are the courts of first instance. The district courts handle major offences punishable by imprisonment, which include imprisonment with or without work for crimes such as homicide or fraud, while summary courts handle relatively minor offences, such as those punishable by a fine or less severe penalty.

Japan’s criminal courts must provide reasons for their decisions in written judgments for all criminal cases, even cases not subject to *saiban-in* trials. The purpose of this is to show both parties involved in the trial, as well as the general public, that the trial was fair and that the judgment is based on solid legal grounds. When pronouncing a sentence, the court must signify the facts constituting the conviction, list of evidence and explain the application of the law (Article 335 (1) of the Code of Criminal Procedure). When it is argued that there are legal grounds to prevent the State from establishing that a crime has been committed, or that there are facts that can serve as grounds to increase or reduce the punishment, the court must render its opinion on this (Article 335 (2) of the Code of Criminal Procedure). Furthermore, in practice, if there is a factual or legal issue disputed by the parties, the rationale for the judgment must be explained by the court. The grounds for sentencing, which are not necessarily required in rendering a judgment, are also provided in writing in almost all cases.

Thus, in Japan, parties to the trial and the general public are presented, in detail, with the court’s rationale in

support of its judgment, thereby promoting public understanding and ensuring accountability.

## (2) Mechanism of the *Saiban-in* Trial System

Cases subject to the *saiban-in* system are handled by district courts and involve the following: (i) homicide, arson, and other crimes punishable by the death penalty or life imprisonment, or life imprisonment without work; (ii) cases that are required to be tried by a collegiate court (a panel of three professional judges) and involve injuries causing death, where the death is caused by intentionally committed crimes. Under the *saiban-in* system, a collegiate court is formed by three professional judges and six *saiban-in* selected from the general public through a fair drawing of lots for each case. In serious cases such as the above, the collegiate court renders a verdict on whether the defendants are guilty or not, and determines the sentences when defendants are found guilty.

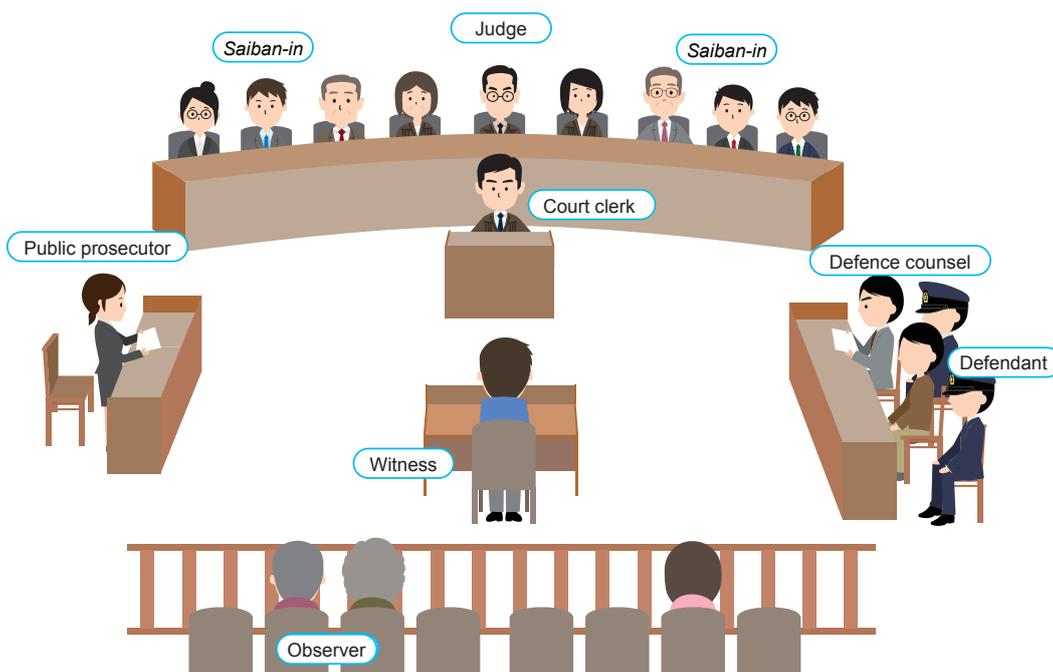
The duties of *saiban-in* are threefold: (i) to preside with judges at criminal trials and examine the evidence that is submitted, and when necessary, question defendants and witnesses, (ii) to review evidence, deliberate with professional judges on whether to render guilty or not guilty verdicts, and determine the sentence when guilty verdicts are given, and (iii) to sit on the bench when the presiding judge renders the judgment (verdict and the sentence) in a courtroom.

There are a number of systems around the world that involve citizens participating in criminal trials. Among these are the jury system in which jurors decide whether the defendant is guilty or not, as well as lay judge systems wherein cases are tried by panels comprised of professional judges and lay judges who are chosen from among citizens.

Japan's *saiban-in* system is unique, however, as it differs from jury systems because the *saiban-in*, who are not legal experts, determine not only the facts but also the sentencing, and it differs from lay judge systems wherein determinations on legal matters are made only by professional judges.

As mentioned above, reasons for court decisions have to be provided in writing in Japan, and because not

● Figure3-3 In a courtroom (for a *saiban-in* trial)



\*Anyone is permitted to observe court sessions.

only fact-finding but also the sentencing is to be determined by the *saiban-in*, the reasons for any sentencing, without exception, are provided in any guilty verdict rendered by the *saiban-in* court.

As such written judgments ensure, the accountability of trials to the parties and to society. This practice demonstrates that the trials are conducted in a fair manner and based on solid legal grounds, and the same level of accountability is ensured in the *saiban-in* trials.

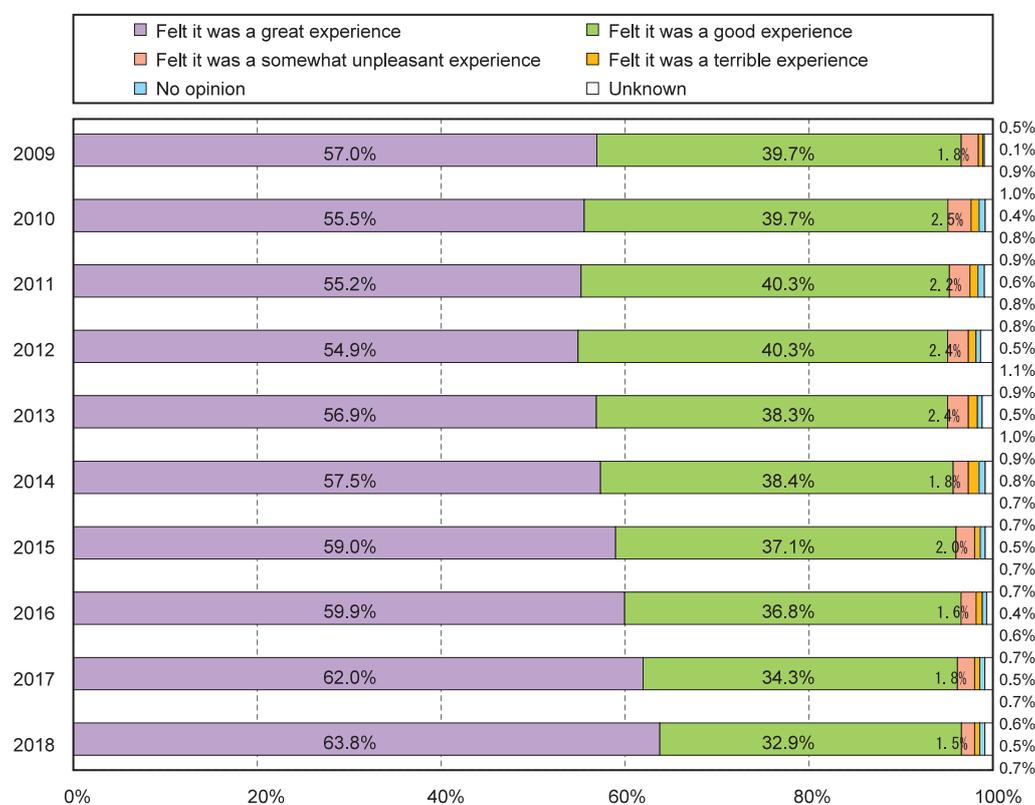
### (3) Public Trust in *Saiban-in* Trials

a. The *saiban-in* system was introduced in May 2009. As of 31 May 2019, more than 12,000 defendants were tried in *saiban-in* trials, while more than 90,000 people have taken part in criminal trials as either *saiban-in* or alternate *saiban-in*.

Comparing data of the ages, genders and occupations (e.g., employed, self-employed, employed part-time, full-time homemaker, students, unemployed) of people who have served as *saiban-in* to the data from the 2015 Population Census, the proportion of employed is relatively high and the proportion of women and people aged 60 or over is relatively low. However, it is fair to say that the overall composition of *saiban-in* does not differ so much from population census data and largely reflects the composition of the Japanese population.

While circumstances may vary among the people who take part in *saiban-in* trials, none of them have been previously engaged in a criminal trial. Before the introduction of the *saiban-in* system, criminal trials in Japan were conducted primarily by judges, public prosecutors and attorneys, and detailed judgments were

● Figure 3-4 Impressions from people taking part in trials as *saiban-in*



- Notes: 1. Figures represent valid responses received from questionnaires administered to those serving as *saiban-in* or in other roles.  
 2. Figures are for *saiban-in* only and do not include alternate *saiban-in*.  
 3. In the above "Impressions from people taking part in trials as *saiban-in*" graph, the top bar of percentages shown outside the graphic represents "Felt it was a terrible experience" responses, the middle bar "No opinion" responses, and the bottom bar "Unknown" responses.

rendered after considerably time-consuming processes which thoroughly examined the evidence. When the *saiban-in* system was introduced, it was necessary to ensure that *saiban-in* selected from among citizens who had never taken part in criminal trials would be able to fulfil their duties, that the trial would be speedy and easy to understand and also that the burden on those who took time out of their daily lives would be minimized.

- b. To this end, pretrial conference procedures are necessary to identify factual and legal issues and resolve evidentiary matters prior to the commencement of a trial. Efforts are also made to facilitate trials by holding the hearings on consecutive days. Judges, public prosecutors and attorneys provided extensive consultation and made improvements regarding how best to make the trial proceedings, particularly the presentation of evidence and establishment of facts, more understandable. In a growing number of cases, parties take due account of the issues identified at the pretrial conference procedure, and they carefully select documentary evidence and organize witness examination by preparing to-the-point and easy-to-understand questions. These efforts are reflected in the annual surveys conducted since the introduction of the system that quote close to 90% of *saiban-in* responding that they were able to understand the cases they adjudicated. Furthermore, as shown in Figure 3-4, over 95% of *saiban-in* rated their experience of participating in *saiban-in* trials as either “excellent” or “good.”
- c. In opinion polls of citizens concerning the *saiban-in* system, respondents have consistently chosen, when asked about their perception about *saiban-in* trials compared to before the introduction of the *saiban-in* criminal trials, that they “feel familiar about the proceedings,” “procedural and substantive matters are easy to follow,” and “speedy” more frequently. This indicates many citizens have favourable impressions of the state of the *saiban-in* system.

This feedback suggests that *saiban-in* trials have come to be understood and trusted by the people and that they are achieving widespread acceptance after ten years of continued practice.

In the process of *saiban-in* trials, it is important to maintain a safe and secure environment for citizens from various background. Therefore, under the situation of spreading of COVID-19, measures to prevent infection are taken in a court, including installation of acrylic panels between *saiban-in* seats in a courtroom or making use of a spacious deliberation room.

### **3 Penal Institution Visiting Committees’ Activities**

#### **(1) Penal Institution Visiting Committees**

Penal Institution Visiting Committees are organizations that aim to assess the conditions of penal institutions, express opinions on behalf of the general public, and contribute to the overall improvement of the management of the institutions. The Committees are established at each penal institution and are composed of outside third parties. As of FY 2019, such committees have been established at 76 penal institutions nationwide.

#### **(2) Structure of the Committees**

Penal Institution Visiting Committees are composed of up to 10 committee members who are appointed by the Minister of Justice from among those deemed to be of good character and have a high level of insight, along with an interest in improving the administration of penal institutions. The number of the members constituting Penal Institution Visiting Committees ranges between 4 and 10 among the committees, depending on the capacity of the penal institution at which each committee is established. Committee members serve terms of one year and may be reappointed.

Committee members consist of local residents, attorneys or other legal professionals, doctors and personnel

from the local government. These members are appointed upon recommendations from various public and private organizations such as the Bar Association and the local government. In FY 2018, there were 367 active committee members (77 lawyers, 73 doctors, 70 local government personnel, and 147 local residents and others).

### (3) Activities of the Penal Institution Visiting Committees

Penal Institution Visiting Committees assess the administration of penal institutions through site visits and interviews with inmates, and they provide their insights and observation on facility administration to the wardens of the penal institutions. Wardens of the penal institutions are required to make every effort to take necessary measures for reflecting the advice provided by the Penal Institution Visiting Committees into the administration of penal institutions.

Every year the Minister of Justice summarizes and publishes the opinions conveyed to wardens of penal institutions by the committees as well as the actions taken by wardens in response to these opinions. The Ministry of Justice also publishes these and other information about the Penal Institution Visiting Committees' activities on its website.

It is expected that these efforts will further ensure the transparency of the penal institutions, improve the management of penal institution, and strengthen coordination between penal institutions and local communities.

Regarding the activities of Penal Institution Visiting Committees throughout Japan in FY 2018, 460 conferences were held, 165 visits were made to penal institutions, 452 interviews were held with inmates and 469 opinions were submitted to the wardens of penal institutions.

Reflecting on the opinions from the Penal Institution Visiting Committees, in total 327 measures were taken or are expected to be taken at penal institutions nationwide.

## 1 Introduction

*With a particular focus on children and young people, the international community has adopted a position to promote a culture of lawfulness (see Guide 112).* The concept of a culture of lawfulness refers to a culture in which the people generally trust that the law and its enforcement are fair and, therefore, respect those laws. This respect for the law is one of the important elements in promoting the rule of law.

In Japan, education related to law is provided to the people during the mandatory six-year and three-year education at elementary schools and junior high schools, as well as during the three-year education at high schools. People are also taught to become law abiding citizens in their families and in the community. Through such education, people have developed an understanding of law and justice, and they have developed trust and confidence that their laws are formulated through a legitimate process and are applied in a fair manner, thereby fostering a culture of lawfulness rooted in society.

Given the understanding that the law-related education being provided in Japan can further contribute to fostering a culture of lawfulness, this section outlines the various initiatives that the Ministry of Justice and other organizations have taken towards providing such education.

## 2 Law-Related Education for the General Public and Youth in Particular

### (1) Purpose and Background of Law-Related Education

- a. Law-related education aims to “enable all people to deepen their understanding of the roles of laws and the justice system, and acquire the basic knowledge needed to prevent and resolve disputes so that all people in society can act with freedom”. It also “enables all people as members of the free and fair society to develop their sense of active participation in public affairs, and nurture the qualities and skills as necessary.”

To become a proactive member of a free and fair society, people need to understand the importance and purpose of the laws and the justice system which are the basis of such a society, as well as the underlying value of freedom, fairness and equality. People should also be encouraged to acquire an understanding of the law and the discussion skills needed to achieve consensus. Law-related education seeks to nurture these skills and qualities among the people.

While law-related education is intended for all, seamless education tailored for youth at different stages of growth is considered to be more effective. As such, the Ministry of Justice has focused on promoting law-related education for youth, in particular, through school curriculum.

- b. Researchers, Bar Association members and others have been providing law-related education for more than 20 years in Japan. However, it was the justice system reforms that began roughly 20 years ago that have spurred full-fledged engagement of the government in this initiative.

As discussed in Part 1, one of the three pillars of the judicial system reforms as stated in the Recommendation of the Justice System Reform Council was the “establishment of the public basis” (public participation in the justice system). The recommendation laid out the introduction of the *saiban-in* trial and stated that “more opportunities should be available through school curriculum for learning about the justice system” as a condition for realizing such a system. “Justice system education improvement” was also laid out in the Justice System Reform Promotion Plan approved by the Cabinet decision in March 2002.

This prompted the Ministry of Justice’s 2003 formation of the Law-Related Education Study Group,

comprising legal professionals, scholars, educators and experts, among others.

After researching and considering the current state of law-related education in Japan and other countries, the Law-Related Education Study Group discussed how such education should be provided in Japan and released their findings in a 2004 report.

Based on these findings published by the Study Group, in 2005 the Ministry of Justice launched the Law-Related Education Promotion Council, whose membership included people in the legal profession, scholars, educators and experts and which has since debated further promotion of law-related education.

## (2) Law-Related Education Initiatives of the Ministry of Justice

The following looks at some of the many law-related education activities of the Ministry of Justice based on the discussion of the above-mentioned council.

### a. Creating Study Materials for Providing Law-Related Education

Providing effective law-related education to youth requires seamless law-related education tailored to different stages of growth as part of elementary, junior high and high school curriculum.

To help educators at the schools teach law-related education classes tailored to their students' different stages of growth, the Ministry of Justice prepared teaching aid booklets for elementary, junior high and high schools and audiovisual materials for elementary and junior high schools, which were then distributed to schools across the nation.

The teaching aid booklets are designed to give teachers an idea of how they can run a class by using its annexed model class plan with discussion topics for students and worksheets ready to be used in class.

The audiovisual teaching materials feature *Hourisu-kun*, the Ministry of Justice's mascot for law-related education, who appears in animations that will capture students' interest. Teachers can play these videos in class and pause at points requiring discussion, thereby encouraging discussion among students.

Some examples of the subject matter in the teaching materials are as follows:

- (i) Materials for elementary schools include a theme of troubles arising from the lending and borrowing of books with the aim to have students learn the importance of keeping promises, following rules, and other basic concepts.
- (ii) Materials for junior high schools teach what constitutes fair rules by having students create rules for a community. Other themes in these materials focus on having students acquire problem-solving skills based on the law and evidence while respecting diverse viewpoints through practical exercises concerning civil dispute negotiations and mock criminal trials.
- (iii) Materials for high schools include themes whereby students learn the significance, role and necessity of laws and rules by having them imagine a fictional village without laws and rules and consider what kinds of problems would arise in such a place, as well as the process for achieving consensus through an experience of negotiating a community-building theme from various different standpoints and coordinating opinions and interests.



Law-related education mascot  
*Hourisu-kun*



Educational booklets for elementary school students



Educational booklets for junior high school students



Educational booklets for high school students



Audiovisual teaching materials for elementary and junior high school students

### b. Law-Related Education Seminars for Teachers

As an initiative to provide an opportunity for school teachers and other educators to learn more about the importance of law-related education and about concrete methods for teaching law-related education classes, the Ministry of Justice has held seminars for teachers involving, among other things, mock classes that use the above-mentioned teaching materials.

Conducted for the first time this year, the number of seminar applications exceeded its capacity, indicating the high interest in law-related education.

### c. Visiting Lectures

Promoting law-related education requires the active involvement of actual legal professionals.

In light of this, the Ministry of Justice dispatches ministry staff and public prosecutors to schools and other locations around the country to teach law-related education classes. In 2018, nearly 4,000 classes were conducted by personnel dispatched from the Ministry of Justice and other organizations.

The Japan Federation of Bar Associations and courts also conduct their own law-related education classes taught by attorneys and judges.



Law-related education seminar for school teachers



Law-related education class for a high school

## 1 Introduction

*Education is seen as a key element of comprehensive approaches to crime prevention, and it is essential to the prevention of crime, violence and terrorism, as well as reducing delinquency and victimization (see Guide 125). To make society more resilient to crime, it is also important to approach youth and provide them with life skills to better deal with challenges they face in their daily lives, and knowledge and understanding about the complexity of crimes and violence, as well as the risks of becoming involved in them (see Guide 129).*

At Juvenile Support Centres established by prefectural police across Japan, juvenile guidance officials lead efforts to prevent delinquency. The officials also lead the efforts to build communities that will not create juvenile delinquents by improving juveniles' consciousness about norms and by strengthening their bonds with their communities. Through the Big Brothers and Sisters (BBS) Movement, youths are currently making efforts nationwide to help juvenile delinquents get back on their feet; they also support children who have difficulty adapting to society. Through these efforts, the BBS Movement provides opportunities to think about delinquency and crime prevention for not only the juveniles at the receiving end but also for the youths who provide various support. The BBS movement, as well as police activities, is also contributing to the rule of law by creating societies resilient to crime.

This section presents the efforts and activities of the police and the BBS aimed at making Japanese society resilient to crime.

## 2 Police Activities

### (1) Juvenile Consultation Activities

Officials with specialized knowledge provide guidance and advice through interviews and meetings, consultations over the telephone and email correspondence to address troubles and problems expressed by juveniles and their guardians.

### (2) Street Guidance Activities

In shopping areas, parks and other places where juveniles often gather, the police engage in guidance activities together with volunteers and others to warn and advise juveniles who are smoking or loitering late at night.

### (3) Continuous Guidance Activities and Support Activities for Recovery

To juveniles who have come across juvenile consultation and street guidance activities, the police provide continuous guidance and advice when so requested by the juveniles themselves or their guardians. The police proactively contact troubled juveniles with potential risk of delinquency, as well as their guardians, and they continuously reach out to encourage their participation in various support activities and assist their studies and employment, and thereby support the recovery of the juveniles who are at risk of returning to delinquency.

### (4) Awareness-Raising Initiatives

Juvenile delinquency prevention classes and drug abuse prevention classes are organized at schools. At these classes, the police share information about the causes of delinquency and the situation of delinquency within

communities, and they promote awareness about the juvenile-related police activities.

### 3 Big Brothers and Sisters' Movement

#### (1) BBS

Guided by the spirit of friendship and volunteering, Big Brothers and Sisters, or “BBS,” is a youth association that works to prevent delinquency and helps juveniles to start over and stand on their feet. BBS members act as older brothers and sisters for juvenile delinquents and children who have difficulty in adapting to society, and interact with juveniles as peers, thinking about problems together, learning together and having fun together.

#### (2) History of the BBS in Japan

In 1947, a group of students, mainly from Kyoto, were deeply concerned about many war orphans turning to delinquency in the postwar turmoil. Those students reached out to a number of universities to join the BBS Movement that was gaining momentum throughout the U.S. at that time. Subsequently, with about 400 students as founding members, the Kyoto Youth Protection Student Federation was founded, which is said to be the origin of the BBS organizations in Japan. In later years, student organizations were formed in numerous places outside of Kyoto, culminating in the establishment of a nationwide BBS organization called the Nationwide BBS Movement Group Liaison Council in 1950, which was renamed to the Japan Federation of Big Brothers and Sisters in 1952.

#### (3) Members and Structure

As of 1 January, 2020, Japan had 461 local BBS associations (including 64 school area BBS associations) run by approximately 5,000 members, most of whom are youth volunteers.

#### (4) Activities

To help build vibrant communities without delinquency or crime - the goal of the BBS Movement - the BBS conducts three main activities: friendship activities, delinquency prevention activities and self-improvement activities.

The Friendship Activities are very unique and important to the BBS Movement. The BBS members reach out to juvenile delinquents and children who have difficulty in adapting to society to develop “friendship” and



Self-improvement training for BBS members



Social event with children at a children's centre

provide support to stand on their own. The core of Friendship Activities is to provide support for juvenile delinquents who are on probation or parole by taking a one-on-one approach (i.e., one BBS member helping one juvenile) in the joint activities between juvenile delinquents and BBS members.

The delinquency prevention activities broadly reach out to youths and communities in order to aid in the healthy and sound development of youth and to create vibrant social environments. These activities can be categorized into repeated delinquency prevention activities and delinquency prevention activities. The former is the general term for activities aimed at ensuring that delinquent juveniles do not turn to delinquency again, while the latter refers to activities aimed at preventing delinquency among juveniles by eliminating the factors contributing to delinquency from social environments and communities.

Lastly, self-improvement activities refer to the activities of the BBS members for self-improvement by taking part in training programmes offered by the BBS associations and other organizations such as probation offices. The aim of such activities is for the BBS members to acquire necessary knowledge and skills so that the members can earn the trust of society and from the juveniles as their big brother or sister.

# Chapter 4 International Cooperation and Technical Assistance to Prevent and Address All Forms of Crime

## Section 1 International Cooperation Relating to Criminal Matters

### 1 Introduction

In recent years, transnational organized crime has become more complex and serious, and international terrorism is rapidly becoming more diverse and sophisticated. In order to effectively address these threats, a united and sustained effort of the international community is essential. From this point of view, Japan participates proactively in discussions held at the UN, G7 and G20 summits and other fora to engage actively in global efforts, including through conclusion and implementation of multilateral treaties. In addition to engaging in such international initiatives for addressing specific crimes, Japan has worked together with the international community to cooperate on criminal procedures, such as extradition and mutual legal assistance in investigation and trial proceedings, as well as cooperation on correctional and probational matters.

In this way, *Japan actively provides multifaceted cooperation for international efforts in criminal justice, which is considered key to achieving Goal 16 of the SDGs, “peace and justice” (see Guide 136).* This section presents Japan’s international cooperation relating to criminal justice.

### 2 Engagement in International Efforts, Including Conclusion and Implementation of Multilateral Treaties

First, with regard to combating transnational organized crime, the UN adopted the United Nations Convention against Transnational Organized Crime (UNTOC) in 2000. This convention establishes provisions on the criminalization of participation in an organized criminal group, money-laundering and corruption; confiscation of criminal proceeds; extradition; and mutual legal assistance. By 2001, the UN also adopted three protocols to this convention: the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking in Persons Protocol); the Protocol against the Smuggling of Migrants by Land, Sea and Air (Smuggling Protocol); and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition (Firearms Protocol). In Japan, following the approval of the Diet to conclude the UNTOC in 2003 and the Trafficking in Persons Protocol and the Smuggling Protocols in 2005, domestic legislation to implement these instruments was developed by amending laws, such as the Penal Code in June 2005 and the Act on Punishment of Organized Crimes and Control of Crime Proceeds in June 2017. Following these amendments, Japan concluded the convention and the two protocols in July 2017, and they entered into force in Japan in August 2017.

With regard to counterterrorism, various international organizations, including the UN, have developed international agreements for the purpose of penalizing terrorists in any country. Heinous terrorist attacks, including the terrorist attacks in the United States on 11 September, 2001, have prompted the development of new international agreements and the amendment of existing ones. The UN General Assembly adopted the International Convention for the Suppression of Terrorist Bombings in 1997, the International Convention for the

Suppression of the Financing of Terrorism in 1999 and the International Convention for the Suppression of Acts of Nuclear Terrorism in 2005. Japan has acceded to 13 international agreements against terrorism, including these conventions. In addition, under the framework of the G7 (referring collectively to France, the United States, the United Kingdom, Germany, Japan, Italy and Canada [in order of presidency]; from 1998 to 2014, eight countries, comprising these seven countries and Russia, were collectively referred to as the “G8”), the Counter-Terrorism Experts Group (also known as the “Rome Group”) was launched in 1978 and has been holding discussions on developments in international terrorism. Furthermore, at the G7 Summit in 1995, the G7 decided to establish the Senior Experts Group on Transnational Organized Crime (also known as the “Lyon Group”). The Lyon Group adopted 40 Recommendations for fighting transnational organized crime in 1996, and has since continued to discuss investigation methods and legislation for addressing transnational organized crime, including trafficking in firearms, drug trafficking and trafficking in persons; cybercrime; money-laundering; and acts of corruption. Following the 2001 terrorist attacks in the United States, joint meetings of the Rome and Lyon Groups have been held several times a year on a continual basis. In 2002, they reviewed the previously mentioned 40 Recommendations and adopted the G8 Recommendations on Transnational Crime, specifying measures for combating not only transnational organized crime but also terrorism.

Moreover, the Financial Action Task Force (FATF), established in 1989 based on the G7 Summit Declaration, adopted 40 Recommendations in 1990 that became the international standard on measures against money-laundering, and subsequently made several revisions to the Recommendations. In response to the terrorist attacks of September 2001, the FATF also adopted Special Recommendations on Terrorist Financing and began to take measures against the financing of terrorism. In 2012, the FATF revised and integrated the 40 Recommendations and the Special Recommendations on Terrorist Financing and adopted a new set of 40 Recommendations. The Recommendations urge countries to take focused measures in areas at high risk for becoming a hotbed of money-laundering and of terrorist financing, such as freezing assets of those engaged in proliferation of weapons of mass destruction and enhancing transparency of corporations and trusts. As a member of the FATF, Japan implements measures under the Act on Prevention of Transfer of Criminal Proceeds, including establishment of systems for specified business operators, such as financial institutions, to verify customer identity and report suspicious transactions. Japan also plays an active part in international cooperation against money-laundering and terrorist financing through the National Public Safety Commission’s provision of information on suspicious transactions to relevant foreign organizations. Additionally, Japan has developed domestic laws in conformity with the FATF Recommendations. Recently, in 2014, Japan passed the “three laws” related to money-laundering and terrorist financing. Firstly, by amending the Act on Punishment of Financing to Offences of Public Intimidation (Act on Punishment of Terrorist Financing), provisions were established to penalize acts pertaining to provision of non-financial benefits to persons who attempt to carry out criminal acts for the purpose of public intimidation. Secondly, the Act on Prevention of Transfer of Criminal Proceeds was amended to stipulate provisions concerning: guidance related to reporting of suspicious transactions; due diligence when entering into contracts with foreign exchange businesses located in a foreign country; and the responsibilities of the National Public Safety Commission related to the preparation of the “National Risk Assessment of Money-laundering and Terrorist Financing.” Thirdly, the Act on Special Measures concerning International Terrorist Assets-Freezing, etc. Conducted by the Government Taking into Consideration United Nations Security Council Resolution 1267, etc. was enacted, and domestic transactions pertaining to persons identified as international terrorists were regulated.

With regard to measures against corruption, the Organisation for Economic Co-operation and Development (OECD) adopted the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions in 1997. Japan concluded this convention and, in 1998, amended the Unfair Competition Prevention

Act to implement the convention. Under these amendments, providing illicit gain to foreign public officials became a criminal offence. In connection with this offence, the Act was later amended to add provisions for extraterritorial jurisdictions to penalize Japanese nationals who committed the offence outside Japan, strengthened penalties against natural persons and extended the statute of limitations for prosecution of legal persons. In 2003, the UN adopted the United Nations Convention against Corruption. This Convention criminalizes acts of corruption, such as bribery of national and foreign public officials and embezzlement of property by public officials, and it sets forth a framework for return of assets obtained through an act of corruption to the respective Member States. Upon the Diet's approval in 2006, Japan concluded the Convention in 2017.

### 3 Extradition

Under the Act of Extradition, Japan accepts extradition requests, with assurance of reciprocity, from foreign countries which do not have any bilateral extradition treaty with Japan. Japan also may receive an extradited fugitive from such country to the extent permitted by that country's laws and regulations. An extradition treaty mutually obliges parties to extradite a fugitive under certain requirements. It furthermore authorizes extradition of a State Party's national at its discretion, although such extradition is prohibited under the Act of Extradition of Japan. Japan has sought to enhance cooperation with treaty partners and has concluded extradition treaties with the United States (entered into force in 1980) and the Republic of Korea (entered into force in 2002).

Table 4-1 shows the number of fugitives extradited from foreign countries to Japan and the number of fugitives extradited from Japan to foreign countries (2009 to 2018). Japan does not condone criminals to flee from Japan and continues to take necessary measures to realize the extradition of fugitives to bring them to justice.

● Table 4-1 Number of extradited fugitives

(2009-2018)

Category	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Number of fugitives extradited from foreign countries to Japan	3	3	1	—	3	2	—	—	2	—
Number of fugitives extradited from Japan to foreign countries	—	—	1	1	1	1	1	—	1	2

Source: Criminal Affairs Bureau, Ministry of Justice and Criminal Affairs Bureau, National Police Agency

### 4 International Cooperation in Investigation and Judicial Matters

Under the Act on International Assistance in Investigation and Other Related Matters, Japan provides mutual legal assistance with the assurance of reciprocity, including providing, through diplomatic channels, evidence necessary for the investigation and trial of a criminal case. Conversely, Japan receives evidence necessary for investigation and trial from countries and regions to the extent permitted by their laws and regulations. Additionally, Japan has concluded mutual legal assistance treaties or agreements (MLAT/MLAA) with individual countries and regions. MLAT/MLAA enables central authorities designated by contracting parties to request and receive mutual legal assistance as well as provide and receive evidence directly, not through diplomatic channels, allowing for the swift provision of mutual legal assistance. Japan has concluded MLAT/MLAA with the United States (entered into force in 2006), the Republic of Korea (entered into force in 2007), China (entered into force in 2008), Hong Kong (entered into force in 2009), the European Union (entered into force in 2011) and Russia (entered into force in 2011). Currently Japan has a system for smooth execution of mutual legal assistance with over 30 countries and regions. Under UNTOC and UNCAC, which entered into force in Japan in August 2017,

Japan has also established grounds for mutual legal assistance with the States Parties pursuant to the two conventions.

Table 4-2 shows the number of mutual legal assistance requests made by Japan to foreign countries and regions and the requests received by Japan from foreign countries and regions (2009 to 2018).

● **Table 4-2 Number of mutual legal assistance requests**

(2009-2018)

Year	Number of requests made by Japan				Number of requests received by Japan	
	Requests by Public Prosecutors Office		Requests by police, etc.			Between contracting parties
		Between contracting parties		Between contracting parties		
2009	9	5	36	30	26	9
2010	9	6	60	39	40	7
2011	10	8	46	34	55	37
2012	17	12	62	37	98	78
2013	17	6	138	101	76	61
2014	17	10	78	60	62	49
2015	12	6	54	44	70	46
2016	12	8	85	67	79	67
2017	8	4	110	95	54	45
2018	24	9	156	125	94	83

Note 1: "Requests by police, etc." represents the number of mutual legal assistance requests made by police and requests made through the Criminal Affairs Bureau, Ministry of Justice by the administrative authorities with which special judicial police officers are affiliated and by courts.

2: In (2), "Between contracting parties" represents the number of mutual legal assistance requests made between Japan and the contracting parties/regions with which Japan has MLATs/MLAAs that entered into force in the relevant year or had already entered into force.

Source: Criminal Affairs Bureau, Ministry of Justice and Criminal Affairs Bureau, National Police Agency

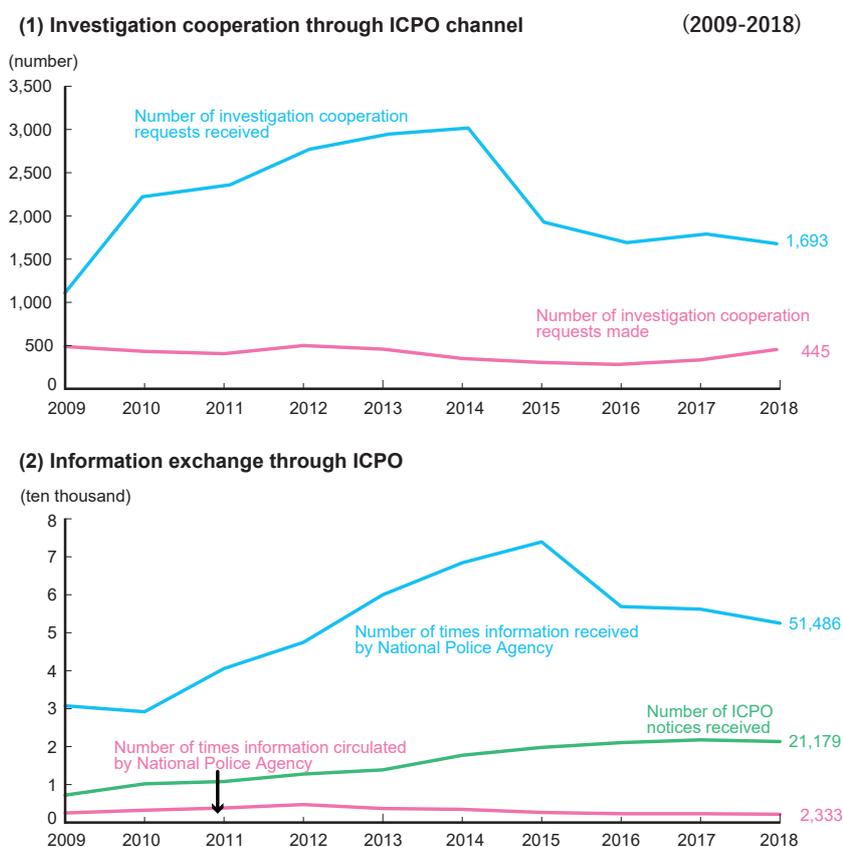
As regards international cooperation relating to judicial matters, the Act on Punishment of Organized Crimes and Control of Crime Proceeds and the Act on Special Measures Concerning the Act Concerning Special Provisions for the Narcotics and Psychotropics Control Act, etc. and Other Matters for the Prevention of Activities Encouraging Illicit Conducts and Other Activities Involving Controlled Substances through International Cooperation prescribe procedures for cooperation for certain crimes in the execution of final and binding decisions regarding confiscation and collection of equivalent value, and in provisional remedies therefor. Under certain requirements, the laws enable Japan to provide such cooperation if requested by partner countries and regions. Conversely, Japan may request cooperation in the execution of final and binding decisions regarding confiscation and collection of equivalent value and cooperation in the provisional remedy for confiscation and collection of equivalent value, to the extent permitted by the laws and regulations of partner countries and regions.

The International Criminal Police Organization (INTERPOL) operates its own network of communication for police authorities among its member countries to exchange information in a swift and secure manner. It also functions as a global databank by maintaining databases on fingerprints, DNA, nominal data, stolen and lost passports, stolen motor vehicles, and more. Through the international alert notice mechanisms developed under the INTERPOL framework, INTERPOL requests police authorities worldwide to seek the location and arrest of wanted persons (Red Notice). INTERPOL also requests them to collect information about a person's identity, location and activities in relation to a crime (Blue Notice) and provides warning about a person's criminal activities (Green Notice). As such, INTERPOL makes use of the organizational capacity of all member country police organizations to promote crime prevention activities and crime investigations.

Figure 4-3 shows the number of times Japan provided and received international cooperation through

INTERPOL (since 1989).

● **Figure4-3 Number of times Japan provided/received international cooperation through ICPO**



Note: In (1), "Number of investigation cooperation requests made" is based on figures since 1991 for which data are available.  
 Source: Criminal Affairs Bureau, National Police Agency

## 5 International Cooperation for Corrections and Rehabilitation

In 2003, Japan acceded to the Convention on the Transfer of Sentenced Persons, a multilateral treaty, to transfer persons detained in prisons or other institutions of foreign countries to their home countries and cooperate on the execution of their sentences. Japan has also concluded bilateral treaties on the transfer of sentenced persons with Thailand (entered into force in 2010), Brazil (entered into force in 2016), Iran (entered into force in 2016) and Viet Nam (entered into force in 2020). Under these treaties, sentenced persons are transferred between Japan and parties of those treaties in accordance with Japan's Act on the Transnational Transfer of Sentenced Persons.

Table 4-4 shows the number of sentenced persons transferred from foreign countries to Japan and the number of sentenced persons transferred from Japan to foreign countries (by sentencing country and administering country) between the years of 2004, which is the year a sentenced person was transferred from Japan for the first time, and 2018. Table 4-5 shows the number of sentenced persons transferred from Japan to foreign countries in 2018 (by administering country and type of offence). In 2018, one sentenced person was transferred to Japan (data from the Correction Bureau, Ministry of Justice).

● **Table4-4**  
**Number of incoming  
and outgoing transfers**

(2004-2018 total)

by sentencing country and administering country	Number of persons
<b>(1)Incoming transfers</b>	
Korea	2
Thailand	3
USA	5
<b>(2)outgoing transfers</b>	
Australia	3
Austria	7
Belgium	3
Canada	44
Czech Republic	6
Estonia	2
Finland	2
France	20
Germany	33
Greece	1
Hungary	1
Ireland	1
Israel	10
Italy	5
Korea	43
Latvia	1
Lithuania	6
Mexico	16
Netherlands	51
Norway	2
Poland	6
Portugal	4
Romania	5
Serbia	1
Slovakia	1
Spain	26
Sweden	3
Turkey	3
UK	60
USA	51

● **Table4-5** **Number of outgoing transfers in 2018**

(2018)

Administering country where sentence was served	Number of persons	Narcotics and Psychotropics Control Act	Stimulants Control Act	Cannabis Control Act	Opium Law	Customs Act
<b>Total</b>	<b>28</b>	<b>1</b>	<b>26</b>	<b>2</b>	<b>1</b>	<b>28</b>
Belgium	1	–	1	–	–	1
Canada	2	–	2	–	–	2
Czech Republic	2	–	2	–	–	2
France	1	–	1	–	–	1
Germany	4	–	4	–	–	4
Mexico	3	–	3	–	–	3
Netherlands	3	–	3	–	–	3
Portugal	2	–	2	1	–	2
Spain	2	–	2	–	–	2
Turkey	1	–	–	–	1	1
USA	7	1	6	1	–	7

Note: Persons sentenced for multiple offences are counted in each type of offence.

Source: The Correction Bureau, Ministry of Justice

Moreover, Japan strives to promote international cooperation in the areas of offender treatment (institutional and community corrections) by hosting relevant international meetings, including the Asian and Pacific Conference of Correctional Administrators (APCCA), the World Congress on Probation, and the Asia Volunteer Probation Officers Meeting.

APCCA is an international forum for correctional administrators and others from the Asia-Pacific region to exchange views and share information. Japan has hosted this meeting three times (1983, 1995 and 2011). At the 38th APCCA held in Malaysia in September 2018, attended by 27 countries and administrative regions from the Asia-Pacific region, presentations and discussions by member countries took place concerning the treatment of extremists and drug abusers, training of correctional staff and assessment of offenders.

The World Congress on Probation is the largest international conference on the community-based treatment of offenders, in which practitioners and academics worldwide congregate to promote and develop community-based approaches and expand the professional network, in terms of both theory and practice. The third congress was held in Japan in September 2017 under the theme of “Development of Probation and the Role of the Community” and was attended by 34 countries and administrative regions.

The Asia Volunteer Probation Officers Meeting has been held twice in Japan (2014 and 2017), inviting Asian and other countries that have volunteer probation officer systems or similar community volunteer systems. The participants shared practices and challenges associated with their countries’ volunteer probation officer or similar programmes and recognized the importance of the role played by such community volunteers in offender rehabilitation.



**The 3rd World Congress on Probation**

### 1 Introduction

*Technical assistance to enhance the capacity of the Member States to cooperate internationally in criminal matters is considered key for achieving the relevant targets of various SDGs (see Guide 141). In addition, it is deemed that technical assistance to build the capacity of criminal justice institutions contributes to cultivating public trust and respect toward the law and its enforcement and, therefore, may be an important measure that contributes to fostering a culture of lawfulness (see Guide 122).*

The Japanese government, particularly, the Ministry of Justice (MOJ), the Ministry of Foreign Affairs (MOFA) and the National Police Agency (NPA), have provided technical assistance to many countries in the field of crime prevention and criminal justice. In particular, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) has a long-standing history of providing technical assistance starting even before the Fourth UN Crime Congress in Kyoto in 1970, and its activities have largely contributed to advancing crime prevention and criminal justice policy and practice in the international community. Further, Japan, on its own and in cooperation with international organizations such as the United Nations Office on Drugs and Crime (UNODC), has provided legal technical assistance and assistance in fields such as correctional facilities. This section will introduce the technical assistance activities of Japan in the field of crime prevention and criminal justice.

### 2 UNAFEI's Activities

#### (1) Overview

UNAFEI, one of the United Nations Crime Prevention and Criminal Justice Programme Network Institutes (PNIs), was established in 1962 by an agreement between the United Nations (UN) and the Government of Japan. Since its establishment, UNAFEI has worked for more than 50 years to improve criminal justice systems around the world in cooperation with the UNODC, the United Nations Crime Prevention and Criminal Justice Programme Network, other United Nations bodies etc. Its core activities are technical assistance mainly aimed at capacity-building of criminal justice practitioners from developing countries and involvement in the formulation and implementation of UN policies in the field of crime prevention and criminal justice.

As a PNI, UNAFEI's status and its role is independent of, and different from, the Member States and non-governmental organizations. UNAFEI actively participates in the Commission on Crime Prevention and Criminal Justice and the Congress on Crime Prevention and Criminal Justice and thereby contributes to the development of UN policies on crime prevention and criminal justice and their implementation by Member States. The Japanese government, pursuant to the agreement with the UN, bears all expenses of UNAFEI and staff of the institute by dispatching Ministry of Justice and other governmental experts with extensive practical experience as police officers, prosecutors, judges, corrections officers and probation officers. This expertise enables UNAFEI to comprehensively address all aspects of the criminal justice system, such as investigation, prosecution, adjudication, and treatment of offenders for rehabilitation and social reintegration. Accordingly, Japan contributes significantly to the improvement of criminal justice systems around the world by fully supporting UNAFEI in funding, operations and staffing.

#### (2) UNAFEI's Technical Assistance Activities

UNAFEI's major activities are capacity-building of criminal justice practitioners through training courses

and seminars. These can be categorized into: (i) international training courses and seminars, (ii) regional assistance, and (iii) bilateral assistance. UNAFEI, in cooperation with the Japan International Cooperation Agency (JICA), has conducted international training courses and seminars as its long-standing core activities for over 50 years. The main themes of UNAFEI’s international training courses and seminars are selected from priority areas of the United Nations Crime Prevention and Criminal Justice Programme, Crime Congress declarations, the SDGs and other crucial issues facing the United Nations and the international community. For instance, the main themes of the latest international training courses and seminars include transnational organized crime, terrorism, corruption, drug crime, trafficking in persons and smuggling of migrants, violence against women and children, crime motivated by intolerance or discrimination, reducing reoffending and treatment of drug abusers. In these programmes, UNAFEI introduces relevant United Nations conventions, standards and norms, the SDGs and good practices pertaining to their implementation. With respect to regional and bilateral assistance, UNAFEI has provided assistance to various jurisdictions, mainly targeting Asia but also Latin American and African countries.

At the 2020 Kyoto Congress, UNAFEI is responsible for organizing and coordinating Workshop 2 on reducing reoffending and intends to conduct technical assistance programmes on this important theme in order to follow-up on the workshop discussions. Also, in response to increasing and pressing needs to control infection risks and security concerns stemming from the COVID-19 pandemic in overcrowded prison facilities, UNAFEI will strengthen technical assistance programmes focusing on measures to ease prison overcrowding and maintain adequate prison management. The outcome of each training course and seminar is shared not only with the course participants but also with criminal justice practitioners around the world through publications such as UNAFEI’s *Resource Material Series*, which is available on UNAFEI’s website along with other information about UNAFEI’s activities. Also, UNAFEI participates in various international fora and conferences, among others, the Global Counter-Terrorism Forum, the International Association of Anti-Corruption Authorities, the Asian and Pacific Conference of Correctional Administrators, the International Corrections and Prisons Association and the World Congress on Probation. Moreover, UNAFEI professors have participated as experts or lecturers in various seminars and workshops, including the UNODC’s regional seminars, international seminars in the ASEAN region and workshops at the Thailand Institute of Justice. Through these conferences, seminars and workshops, UNAFEI has endeavoured to share with the international community its professional knowledge, skills and experience obtained through its activities.

● **Figure 4-6 Examples of UNAFEI alumni promoted to high-ranking officials**



Furthermore, UNAFEI's alumni form a strong international network, which now consists of over 6,000 former participants from approximately 140 jurisdictions. This alumni network fosters international cooperation in criminal justice around the world. Many alumni have been serving in important positions within their governments, including ministers of justice, chief justices and attorneys general, and they have been playing leading roles in improving criminal justice systems in their respective countries. Given its achievements, UNAFEI has been highly evaluated particularly by the recipient countries, and it enjoys a well-deserved reputation in the international community.

Notwithstanding the travel restrictions due to the COVID-19 pandemic, UNAFEI succeeded in enhancing its international alumni network through organizing a series of online reunion programmes for former participants and visiting experts from all over the world, and UNAFEI is actively pursuing the use of virtual platforms that will enable it to fulfil its mission throughout the COVID pandemic and beyond.

### (3) Contribution to UN Policies on Crime Prevention and Criminal Justice

The United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) adopted in 1990, represent UNAFEI's greatest achievement in terms of its contribution to UN policy. Upon the request of the UN, UNAFEI played a crucial role in preparing the first draft of the Tokyo Rules—so named in reference to the location of UNAFEI and in recognition of its contribution.

UNAFEI's role in the Crime Congresses, in particular organizing and coordinating workshops, should be highlighted as one of UNAFEI's significant contributions to the formulation and implementation of UN crime policies. UNAFEI has been responsible for the organization and coordination of workshops at the recent Crime Congresses. Those workshops addressed the following themes: "Crimes related to computer networks" at the 10th Congress in Vienna (2000); "Measures to combat economic crime, including money-laundering" at the 11th Congress in Bangkok (2005); "Strategies and best practices against overcrowding in correctional facilities" at the 12th Congress in Salvador (2010); and the "Role of the United Nations standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders" at the 13th Congress in Doha (2015). For the 14th Congress, UNAFEI organized and coordinated Workshop 2 on "Reducing reoffending: identifying risks and developing solutions", in cooperation with the Thailand Institute of Justice (TIJ).

Reducing reoffending is an important issue attracting world-wide interest. The overall goal of reducing recidivism should not simply be to prevent offenders from committing further crime but rather to ensure that each offender is fully rehabilitated and reintegrated into society so as to desist from crime and to live as a law-abiding member of society. It is widely known that imprisonment alone is insufficient to rehabilitate offenders and reduce reoffending. It is crucial to ensure rehabilitative processes and environments throughout all stages and pathways leading to successful reintegration, with due regard to the principle of proportionality, the protection of society, and the rights of the victim and offenders. In ensuring rehabilitative processes and environments, special focus should be given to: effective interventions and support responding to each individual's specific needs; where appropriate, the imposition of less restrictive sanctions and active and adequate use of non-custodial penalties and dispositions; continuity of interventions and support throughout the process; and adopting a multi-faceted, multi-stakeholder approach.

Through its preparations for Workshop 2, UNAFEI has identified these points as key issues to be addressed to reduce reoffending during and after the Kyoto Congress. With these points in mind, UNAFEI will continue to contribute to UN policymaking on the issue of reducing reoffending; it will also assist Member States in

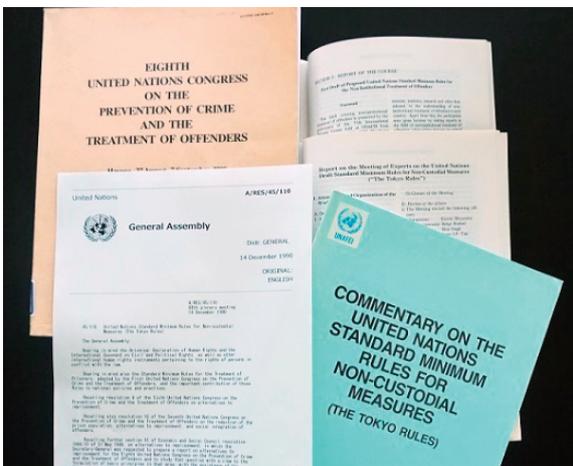
exploring effective ways to reduce reoffending through post-Congress technical assistance activities, making full use of the outcome of the Congress workshop discussions and Japan’s extensive experiences and expertise in reducing reoffending. Also, taking advantage of its status as the PNI in the host country, UNAFEI plans to hold a reunion event at the Kyoto Congress for its alumni members. The Congress will be an excellent opportunity to leverage UNAFEI’s alumni network to strengthen human-centred international cooperation among criminal justice practitioners.



The International Justice Center where UNAFEI and ICD are located.



International Training Course



Tokyo Rules  
UNAFEI contributed to its formulation and its first draft.



Workshop (13th United Nations Congress on Crime Prevention and Crime Justice)

### 3 Legal Technical Assistance

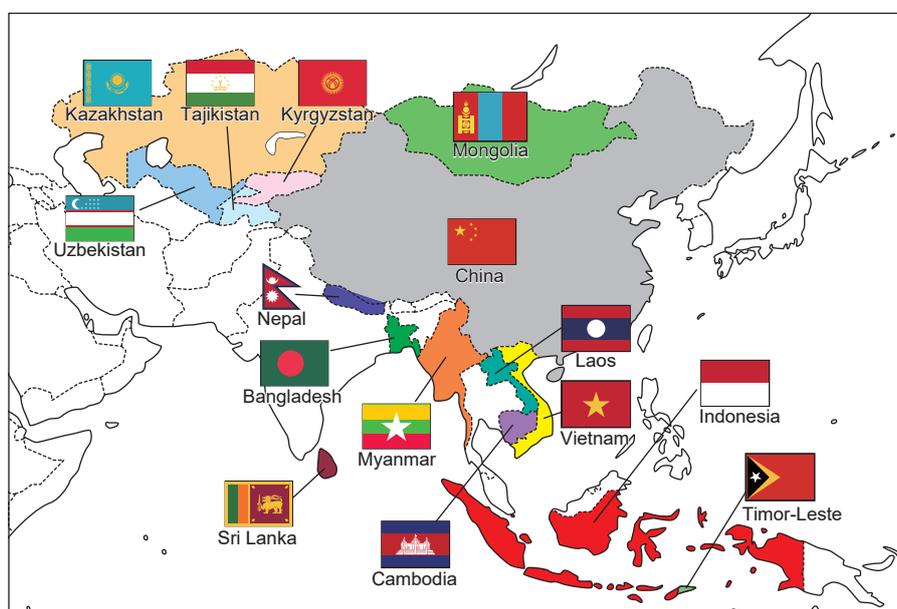
#### (1) Overview

Using official development assistance (ODA), the Government of Japan has been actively providing legal technical assistance to Asian countries since 1994, including assistance for drafting laws and regulations and capacity-building of legal and judicial professionals. Legal technical assistance supports the self-help efforts of countries to establish the rule of law and improve the social foundation for sustainable growth. This constitutes

a key component of Japan's international cooperation for achieving a peaceful and stable society. Legal technical assistance is offered through cooperation among not only the relevant ministries and agencies, including the MOJ and MOFA, but also other bodies concerned, including the Supreme Court, the Japan Federation of Bar Associations and universities. In 2001, in response to countries' increasing requests for assistance, the MOJ established the International Cooperation Department (ICD) within the Research and Training Institute, one of the agencies of the MOJ, to exclusively specialize in legal cooperation. Since then, the ICD has been implementing legal technical assistance, working closely with MOFA, JICA and other relevant organizations.

Japan initially provided legal technical assistance to Viet Nam and Cambodia, and later expanding its recipient countries to not only other Southeast Asian countries, including Lao PDR, Indonesia, Myanmar and Timor-Leste, but also to countries such as Uzbekistan, Mongolia, Nepal and Bangladesh. To date, the MOJ has provided such assistance to more than ten countries.

● Figure 4-7 Countries assisted by ICD



Legal technical assistance constitutes a broad spectrum of activities. Along with assistance in the drafting of laws, Japan has attached importance to assistance for appropriate implementation of laws and capacity-building of legal experts. Japan provides necessary expertise and information to recipient countries by inviting practitioners from recipient countries for training courses and joint research in Japan, and by dispatching Japanese experts both long and short-term, to the recipient countries, and organizing local seminars. Such activities are often implemented bilaterally between Japan and recipient countries. In this process, Japan places emphasis on having dialogues with recipient countries so that the countries themselves determine which activities are most appropriate for their situation, enabling recipient countries to continue implementation and improvement of their legal systems on their own.

Japan's legal technical assistance has been carried out for approximately a quarter century and has been built on trust fostered between Japan and the recipient countries. The assistance has spanned diverse fields of law, from civil and commercial law to criminal law and even administrative law, while Japan's core assistance activities in the area of criminal justice have included assistance to Viet Nam, Lao PDR and other countries.

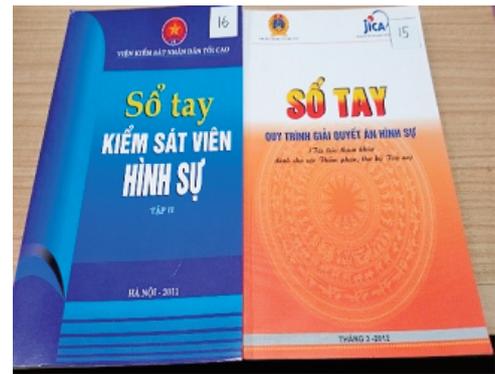
## (2) Assistance to Viet Nam

Japan-Viet Nam cooperation commenced in 1994. Since 1996, JICA has provided legal technical assistance through several technical cooperation projects. For these projects, the MOJ has dispatched prosecutors as long-term experts to give daily advice onsite.

As part of the assistance for Viet Nam's development of legal systems and judicial reform, these projects provided support for revising the Criminal Procedure Code and revising the Law on Organization of the People's Procuracy. The projects also helped prepare reference materials on legal practices, including manuals for public prosecutors. Such materials are being utilized in the country and are delivering outcomes in strengthening the capacity of judicial institutions and improving their practices. Recently, Japan assisted studies of the revised Criminal Procedure Code conducted in collaboration by the Supreme People's Court, the Supreme People's Procuracy, and the Viet Nam Bar Federation for the purpose of promoting appropriate criminal judicial proceedings. Furthermore, Japan has actively provided expertise regarding various types of crimes through local seminars for public prosecutors and others. Since 2000, the Research and Training Institute has established cooperative relations on its own with the Supreme People's Procuracy and has implemented programmes that include comparative studies and exchanges of views regarding the criminal justice systems of the two countries.



Seminar held in Viet Nam



Project Deliverables  
(manuals for prosecutors)

## (3) Assistance to Lao PDR

Japan's legal technical assistance to Lao PDR has mainly taken the form of JICA's technical cooperation projects. The MOJ dispatches prosecutors to the country as long-term experts.

Japan provides assistance with emphasis on capacity-building of the human resources of judicial institutions and legal education institutions. Since 2010, Japan has helped Lao PDR with criminal justice activities related to preparing and promoting the use of teaching materials on Criminal Procedure Law and Q&As explaining practices in the investigation phase. As part of the training of criminal justice professionals, the project continues to support efforts to improve their fact-finding ability, which is critical in criminal justice work.



**Celebration ceremony for the 20th anniversary of Japan-Laos legal cooperation and Lao Civil Code enactment**



**Project Deliverables (teaching materials)**

#### (4) Other Assistance

Japan also provides cooperation in the field of criminal justice to a variety of countries aside from the above.

For example, as part of the assistance for legislative drafting capacity-building for the Ministry of Justice of Timor-Leste, the MOJ supported the drafting of legislation, such as the extradition law (later enacted in 2011 as part of the International Judicial Cooperation in Criminal Matters Law), the illegal drug trade control law (passed in 2017) and the juvenile law.

In Nepal, the abolition of the monarchy in 2008 and the transition to a federal democratic system were followed by the revision of the *Muluki Ain*, a written law covering substantive and procedural laws in the civil and criminal fields. As a result, the Civil Code, the Civil Procedure Code, the Penal Code, the Criminal Procedure Code, and the Sentencing and Execution Act were passed (entered into force in 2018). In this process, JICA and the MOJ provided assistance for drafting such legislation and improving case management by courts, shared information and expertise on the Japanese criminal justice system and conducted studies of the comparative legal systems of Japan and Nepal by dispatching experts and study teams and holding trainings in Japan. To support the appropriate implementation of three new laws related to criminal matters, the MOJ has also actively conducted joint research in Japan and at local seminars on topics such as arrest warrants and treatment of offenders in society.

In cooperation for the Republic of Uzbekistan, legal technical assistance has been provided in the fields of bankruptcy law and administrative law since 2004. After the spreading of COVID-19, collaborative activities for developing a white paper on crime and a commentary on administrative law in Uzbekistan have been engaged by using a web conference tool.

For Cote d'Ivoire, Japan has provided technical assistance for improving access to justice. In Cote d'Ivoire, lawyers are concentrated in certain regions, and there are no lawyers to consult, especially in rural areas. In such situations, coupled with lack of awareness as to who to consult and lack of economic means to seek the views of lawyers, many people found it extremely difficult to access judicial services. Therefore, since 2014, Japan has worked with lawyers and the Ministry of Justice in Cote d'Ivoire to provide advice for establishing a call centre, which facilitates people's access to justice, based on the model of the information provision services of the Japan Legal Support Center. The call centre began operation in December 2016, which has made justice more accessible by enabling people to simply call to inquire about laws and court procedures and consult on criminal damages.

In addition to technical cooperation projects and dispatching experts, a JICA-UNDP symposium was held in

December 2016 concerning culture of lawfulness, an important theme of the Kyoto Congress. At the symposium, experts from the Carnegie Endowment for International Peace and the UNODC were invited to exchange views regarding fostering a culture of lawfulness in order to deepen the understanding of the participating countries.

## **4 Assistance in the Field of Policing**

In fields where the know-how and characteristics of Japanese police can be utilized, the NPA works with MOFA and JICA to provide assistance to overseas police by dispatching experts and accepting trainees. In 2019, the NPA dispatched five experts to Indonesia as part of the Support Programme for Reform of the Indonesian National Police. The NPA also accepted 169 trainees to 14 training programmes, including senior police officers from countries such as Indonesia, Viet Nam, Timor-Leste and Myanmar.

The NPA provides assistance for police activities through such training programmes by offering: lectures on Japan's police system, organizational management, operations management and investigative methods; training courses at prefectural police; and visits to related facilities.

Specifically, the NPA invites senior executives of drug control agencies from countries and regions facing serious drug problems and holds the Seminar on Drug Control for the purpose of exchanging information on drug control and transferring Japanese investigative methods. Furthermore, the NPA's criminal forensics trainings provide an introduction to systems, knowledge and skills related to forensic identification with a focus on fingerprints and palm prints. The NPA promote their use in police activities, such as criminal investigation and body identification.

## **5 Assistance Related to Correctional Facilities**

Since the beginning of Sirindhorn Vocational Training School Development Project (Grant Aid), which started in 1991 in the Kingdom of Thailand, Japan has dispatched policy advisors from the MOJ who mainly focuses on correctional facility development. Japan has also strengthened its cooperative relationship with the Ministry of Justice of Thailand and contributed to improve Thailand's technical capacity in the field of correctional facilities architecture.

In order to share such contributions to technical development in Thailand with other Asian countries, Japan proposed Thailand to jointly establish an international conference aimed at sharing information on the latest technical developments and promoting technical assistance in the field of correctional facilities architecture. As a result, Japan and Thailand established the Asian Conference of Correctional Facilities Architects and Planners (ACCFA). Since holding the first conference in Tokyo in 2012, ACCFA has been held in an Asian country. The Facilities Division of the Minister's Secretariat of the MOJ has played a central and leading role in the establishment of ACCFA and its subsequent administration.

The 8th ACCFA was held in Tokyo for five days from 28 October to 1 November, 2019. It was attended by 13 Asian countries, and 4 international organizations. Discussions took place according to the following agenda items: Current situation and issues of Correctional Facilities; Cooperation and collaboration among architects, planners and users in developing correctional facilities that relate to international standards and norms and international recommendations; How correctional facilities can contribute to various programmes (e.g. prevention of reoffending, offender, treatment, rehabilitation etc.); Quality and sustainable correctional environment for maintenance, management and operation; Technologies/know-how that facilitate special needs for correctional facilities.



8th Asian Conference of Correctional Facilities Architects and Planners

## **6 Assistance through the UNODC and Other International Organizations**

### **(1) Overview**

Japan actively provides technical assistance that draws on the expertise of the UNODC and other international organizations. Such efforts cover a wide range of areas, including tackling corruption, trafficking in persons, drugs and maritime crime.

### **(2) Anti-corruption Measures**

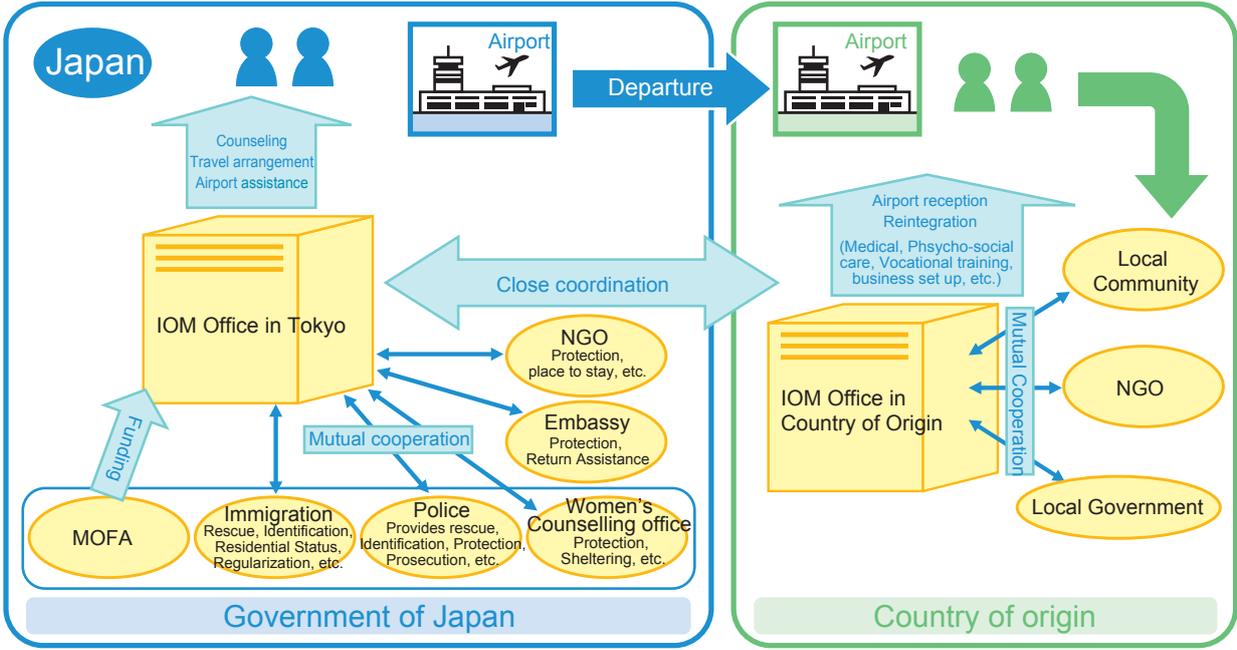
Through contributions to the UNODC, Japan holds training courses for strengthening the legal systems of developing countries and enhancing the investigation and prosecution capacity of anti-corruption authorities. In addition, with the objective of promoting anti-bribery actions in the Asia-Pacific region, Japan has contributed since 2007 to a fund for implementing the ADB/OECD Anti-Corruption Initiative for Asia-Pacific, which is a framework jointly launched by the Organisation for Economic Co-operation and Development (OECD) and the Asian Development Bank (ADB). This has helped to raise awareness for preventing bribery in Asian countries and to build capacity for policymaking and judicial enforcement. Furthermore, since 2017, Japan has made contributions to the UNODC, the secretariat for the United Nations Convention against Corruption, to support the administration of its Implementation Review Mechanism (IRM). The IRM is a process that reviews the status of implementation of the Convention by States Parties and identifies technical assistance needs necessary for the effective implementation of the Convention. In this way, Japan contributes to identifying and finding solutions to challenges facing the international fight against corruption.

### **(3) Measures against Trafficking in Persons**

Through contributions to the UNODC, UN Women and the United Nations Development Programme (UNDP), Japan makes disbursements to programmes that protect victims of human trafficking and combat trafficking in persons in Member States. Japan also contributes to the International Organization for Migration (IOM) for implementing appropriate responses to trafficking in persons and proper protection of victims, as well as appropriate implementation of the UNTOC Trafficking Protocol. Through such contributions, Japan helps foreign trafficked persons protected in Japan return safely to their countries of origin (if requested by trafficked persons); to prevent re-trafficking, provides counselling for victims, dispatches case workers, arranges

interpreters, helps victims return to their countries (including payment of travel expenses) and helps them live independently and reintegrate into society in their countries of origin (provision of medical care, education, and vocational assistance and continuous monitoring). According to an IOM study, no foreign victims protected in Japan have been re-trafficked after receiving such assistance.

● **Figure4-8 Flow of Japan’s assistance through the IOM for voluntary return and social reintegration Programme for identified victim in Japan (IOM)**



An IOM officer in Manila conducting a counselling interview with a victim identified in Japan (IOM)



#### (4) Drug Control

In cooperation with the UNODC, Japan provides assistance for studying and analysing synthetic drugs, such as stimulants and new psychoactive substances, in the Asia-Pacific region and is increasing the container inspection capacity of regulatory authorities at airports and ports. In particular, with respect to Afghanistan, the world's largest cultivator of illicit opium poppy, Japan has been engaged in efforts to strengthen border control, promote development of alternative crops and enhance the capacity of drug enforcement officers together with those of neighbouring countries. Additionally, in 2018, Japanese contributions helped fund the launch of a new project to establish a counter-narcotics canine (K9) unit in the Afghan Ministry of Interior Affairs, as part of the Domodedovo project. The Domodedovo project involves a trilateral cooperation among Japan, Russia and the UNODC that provides trainings at the Domodedovo Training Centre, a vocational training school of the Ministry of Internal Affairs of Russia, inviting narcotics agents from Afghanistan and five Central Asian countries to Domodedovo in the suburbs of Moscow.

#### (5) Measures to Combat Piracy and Maritime Crime

To prevent maritime crime, Japan makes contributions to the UNODC to offer training for building the capacity of coast guards in the coastal states of the Indian Ocean and introduces facial recognition systems of Japanese companies. To tackle piracy off the coast of Somalia, Japan has contributed to a fund established by the International Maritime Organization (IMO) since 2009. Such contributions have helped to establish Information Sharing Centres in Yemen, Kenya and Tanzania, build the Djibouti Regional Training Centre (DRTC) and hold seminars at the DRTC for enhancing the capacity of maritime law enforcement agencies. Since 2010, Japan has also contributed to an international trust fund managed by the UNODC (since 2012, managed by the Multi-Partner Trust Fund Office housed within the UNDP) to support training of legal professionals in Somalia and neighbouring countries.

## 1 The Situation of Global Terrorism

*In recent years, terrorists are increasingly exploiting globalization, rapidly evolving technologies and social, political and economic vulnerabilities (see Guide 144).*

For example, in March 2019, the Islamic State of Iraq and the Levant (ISIL) lost its last stronghold as a result of military operations by the international community. Nevertheless, the international community continues to face the imminent threat posed by the returning and relocating foreign terrorist fighters (FTFs) who had been under the influence of ISIL. Accordingly, the threat of terrorism and violent extremism, which is regarded as one of root causes of terrorism and justifies executing violence as means for accomplishing their goals, continues to proliferate across the world, including Asia.

The terrorist attack—the shooting incident—that occurred in Christchurch, New Zealand, in March 2019 was unprecedented. The perpetrator wore a camera-mounted helmet during the attack and live-streamed it on social media. This footage spread instantly on the Internet. In April 2019, the largest terrorist attacks in Asia in recent years occurred in Sri Lanka, where peace and public security seemed to have been achieved after a decade since the end of the civil war. More than 250 people including a Japanese national were killed by this incident. As such terrorist attacks suggest, the forms and contexts of terrorism in Asia are diverse. The spread of the footage of the terrorist attack in Christchurch on the Internet demonstrated that the Internet could become a tool to incite terrorism by spreading the threat of terrorism and inspiring new terrorist attacks.

In view of this situation of international terrorism, measures to counter and prevent terrorism and violent extremism in Asia need to be further strengthened. At the same time, it is urgent that we create a social environment where the people are resilient to terrorism and violent extremism. This section presents Japan's efforts to engage in international cooperation and technical assistance to counter and prevent terrorism and violent extremism.

## 2 International Cooperation to Prevent International Terrorism

Following the two terrorist attacks that occurred in 2019, the Government of Japan reaffirmed its commitment to countering terrorism in cooperation with the international community. In April 2019, the G7 Foreign Ministers' Meeting held in Dinard, France, and the G7 Interior Ministers' Meeting held in Paris discussed counter-terrorism measures and adopted outcome documents that call for action to counter terrorism. In June 2019, at the G20 Summit in Osaka, Japan compiled the G20 Osaka Leaders' Statement on Preventing Exploitation of the Internet for Terrorism and Violent Extremism Conducive to Terrorism (VECT). The Statement indicates the importance of cooperation among countries, together with international organizations as well as civil society, in order to prevent exploitation of the Internet for terrorism and VECT. The Statement urges the stakeholders to steadily implement measures outlined in the documents. In this light, Japan takes part in the discussions of the Global Internet Forum to Counter Terrorism (GIFCT) and promotes public-private partnership initiatives with internet-related business sectors.

Furthermore, Japan has actively strengthened cooperation on counter-terrorism measures with ASEAN and its Member States, with which Japan maintains close relations. The ASEAN-Japan Counter-Terrorism Dialogue is held regularly between the Government of Japan and ASEAN to share information and exchange views regarding the situation of terrorism and counter-terrorism measures of the Member States, so as to promote regional

cooperation in this area. In January 2019, the 11th ASEAN-Japan Counter-Terrorism Dialogue was held in Brunei. Discussions took place regarding concrete projects funded by the Japan-ASEAN Integration Fund (JAIF), by which Japan has financially contributed to support ASEAN integration initiatives. At the Dialogue, Japan and ASEAN discussed possible measures to generate the steady implementation of UN Security Council Resolution 2396 (discussed later) in the region. In May 2019, Japan, through JAIF, provided financial support for the travel expenses of security officials of ASEAN countries to enable them to attend a workshop for the Southeast Asian region held in Malaysia. The workshop was part of the activities of the “Initiative on Improving Capabilities for Detecting and Interdicting Terrorist Travel through Enhanced Terrorist Screening and Information Sharing” (launched in September 2018 to ensure implementation of Resolution 2396) under the auspices of the Global Counterterrorism Forum (GCTF).

In addition, through bilateral and trilateral consultations, Japan has discussed the latest situation of terrorism and counter-terrorism cooperation with relevant countries.

### **3** Technical Assistance to Contribute to the Prevention of International Terrorism

In 2016, Japan hosted the G7 Ise-Shima Summit and, as the host country, compiled the G7 Action Plan on Countering Terrorism and Violent Extremism. This Action Plan states the importance of: (i) concrete counter-terrorism measures, including use of the International Criminal Police Organization (INTERPOL) database and Passenger Name Record (PNR); (ii) promoting tolerance through dialogues for preventing violent extremism; and (iii) capacity-building assistance for developing countries.

With regard to INTERPOL database and the PNR, Japan provides assistance through international organizations for projects intended to promote the use of biometric data, the INTERPOL database of stolen and lost travel documents, Advance Passenger Information held by airlines, as well as the PNR. In December 2017, the UN Security Council adopted Resolution 2396, which decides or encourage Member States to use and share information contained in INTERPOL databases and the PNR. Japan, as a co-sponsor, contributed to the adoption of the resolution. As stated above, in order to encourage steady implementation of the resolution in ASEAN countries, Japan supported ASEAN security officials’ attendance at a GCTF Terrorist Travel Initiative workshop held in Malaysia.

As for promoting tolerance, Japan focuses on measures against violent extremism, the root causes of terrorism, through international organizations. These measures include: countering radicalization of children and youths through education; providing capacity-building assistance for women and youths; addressing the treatment of returning FTFs, and enhancing relevant capacity of prison officers (such as assistance for the management and de-radicalization of sentenced prisoners).

As a concrete example of capacity-building assistance for developing countries in Asia, Japan provided a state-of-the-art facial recognition system to strengthen counterterrorism measures through ODA for the stadium in Indonesia where the 18th Asian Games were held in 2018. Furthermore, in September, using this system, Japan organized a workshop for practitioners from ASEAN Member States to promote the use of biometric data including facial recognition data. This programme was supported by JAIF, which was funded by the government of Japan.

## 1 Introduction

*In the last decade, the international community has become increasingly concerned about new forms of crime including: cybercrime; maritime piracy; wildlife crime; and trafficking in cultural property, human organs, and falsified medical products (see Guide 152).*

Among such crimes, this section will focus on cybercrime, which poses a serious threat to Japan.

The Internet has become an essential part of people's lives and socioeconomic activities. As a result, cybercrime, such as violation of the Act on Prohibition of Unauthorized Computer Access, has become rampant. Cyberattacks have also been carried out on a global scale, including cyberterrorism, which compromises the core systems of critical infrastructure and paralyzes the functions of society, and cyberespionage, which uses information and communications technology (ICT) to steal confidential information from government agencies and companies with advanced technology. The threat in cyberspace has become serious.

This section first introduces the current situation of cybercrime, followed by discussions on Japan's international cooperation and technical assistance for preventing and investigating cybercrime.

## 2 The Situation of Cybercrime

Table 4-9 shows the number of cases cleared of cybercrime in Japan over the past five years.

In Japan, cybercrime offenders are charged and punished for: violation of the Act on Prohibition of Unauthorized Computer Access, which prohibits unauthorized access to computers administered by other people; crimes related to electronic or magnetic records of unauthorized commands and crimes targeting computers and electronic or magnetic records, which are prescribed in the Penal Code. The number of cybercrime cases cleared has been increasing. In 2018, the number of cases cleared reached a record high of 9,040, up 0.3% (26 cases) from the previous year.

● **Table 4-9 Number of cases cleared of cybercrime**

(2004-2018)

Category	Year	2014	2015	2016	2017	2018
Total (cases)		7,905	8,096	8,324	9,014	9,040
Violation of Act on Prohibition of Unauthorized Computer Access		364	373	502	648	564
Crimes related to electronic or magnetic records giving unauthorized commands / crimes targeting computers and electronic or magnetic records		192	240	374	355	349
Violation of Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children		1,741	1,881	2,002	2,225	2,057
Fraud		1,133	951	828	1,084	972
Violation of Copyright Act		824	593	586	398	691
Other offences		3,651	4,058	4,032	4,304	4,407

(Source: National Police Agency)

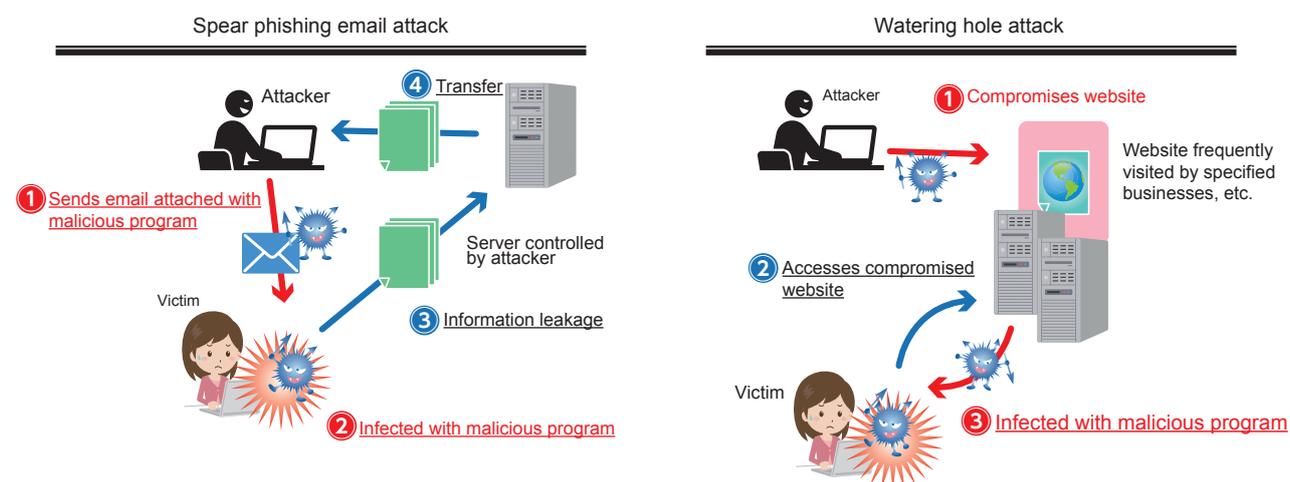
In recent years, cyberattacks, such as cyberterrorism and cyberespionage, have become a global concern.

In modern society where ICT is utilized everywhere, cyberterrorism poses a serious threat to maintenance of infrastructure and supply of services, and it can cause major harm to people's lives and socioeconomic activities. The methods used for such cyberterrorism include unauthorized access to computers (i.e. hacking) by exploiting

vulnerabilities of security systems, as well as infecting target computers with malicious programmes which command operations that are not intended by the user or administrator.

Furthermore, as electronic data storage becomes more common, cyberespionage may be used to steal advanced technology that could be applied to military use or steal confidential information such as cables and instructions for diplomatic negotiations. Various methods are used for cyberespionage. A common method is spear phishing email attacks, which seek to steal information, for example, by sending an email that appears to be work-related and legitimate, attached with a malicious programme that cannot be detected by commercial antivirus software. The computer that receives the email is then infected with the malicious programme. Aside from such attacks, watering hole attacks are also common, which compromise websites that are frequently visited by staff of the targeted organization and automatically infect their computers with a malicious programme. The methods are becoming more sophisticated and diverse. Given the persistent threat of terrorism, Japan is susceptible to cyberespionage, which hacks systems of critical infrastructure operators to steal information related to security mechanisms in preparation of physical terrorist attacks.

### ● Figure 4-10 Cyberespionage methods



## 3 International Cooperation to Prevent and Investigate Cybercrime

The threat of cybercrime is growing both in Japan and the rest of the world. Against this backdrop, Japan is actively engaged in international cooperation to prevent and investigate cybercrime.

Firstly, Japan promotes international cooperation, as a party to the Convention on Cybercrime, the only multilateral treaty on the use of cyberspace. Upon concluding the Convention on Cybercrime, Japan criminalized certain acts and established necessary measures for investigation to effectively address cybercrime. Japan also cooperates with other countries on cybercrime investigation. For example, if an offender of a cross-border cybercrime cannot be identified in an investigation, it will require cooperation of foreign authorities. In such cases, the NPA effectively combats cross-border cybercrimes utilizing the frameworks for international cooperation in criminal investigation such as the Convention on Cybercrime, mutual legal assistance treaties and agreements, INTERPOL and the G7 24/7 High Tech Crime Network point of contact.

Additionally, Japan is actively involved in sharing information and strengthening multilateral coordination for the prevention and investigation of cybercrime.

Japan, for instance, is a member of the High-Tech Crime Subgroup, one of the subgroups which promote

concrete projects under the auspices of the G7 Senior Experts' Meeting on Transnational Organized Crime and Terrorism (Roma-Lyon Group). Japan also participates in international conferences, including the Cybercrime Conference organized by INTERPOL and Europol. Alongside these activities, Japan dispatches police officers to training courses on combating cybercrime offered by the U.S. Federal Bureau of Investigation (FBI) for domestic and foreign investigators, as well as to workshops organized by INTERPOL and other organizations. In addition, Japan and ASEAN regularly hold the Japan-ASEAN Cybercrime Dialogue to exchange information and views regarding measures to combat cybercrime.

Since 2016, for the purposes of sharing knowledge and experience about high-tech crime technology, Japan has participated in the INTERPOL Digital Forensics Expert Group, which is attended by private companies and academic institutions in addition to law enforcement agencies of INTERPOL member countries. Since 2005, Japan has also been a member of the Forum of Incident Response and Security Teams (FIRST). Through information sharing among member organizations, Japan gathers useful information for taking appropriate countermeasures against cyberattacks.

Moreover, Japan participates in meetings related to the Convention on Cybercrime and contributes to the discussions on its Guidance Notes clarifying how the Convention is applied to address new threats. Furthermore, Japan is actively engaged in the discussions regarding the Additional Protocol with a view to further enhancing international cooperation.

## **4 Technical Assistance to Prevent and Investigate Cybercrime**

Due to the nature of cyberspace, inadequate response capacity of countries or regions becomes a risk factor for the entire world. In light of this, Japan actively provides technical assistance for preventing and investigating cybercrime.

Firstly, the NPA, MOFA and JICA jointly provide assistance to enhance Member States' capacity to respond to threats in cyberspace and cooperative relations between Japanese and overseas investigative agencies. Since FY2014, Japan has invited personnel from overseas investigative agencies engaged in countering cybercrime and provided knowledge and skills in addressing threats in cyberspace. Since FY2017, Japan has also accepted personnel of the Ministry of Public Security of Viet Nam to provide training and knowledge related to cybersecurity measures.

Through contributions to the UNODC, Japan also provides capacity-building assistance for the investigation and prosecution of crimes related to darknet and cryptoassets in ASEAN countries. Furthermore, as part of Japan's technical assistance to ASEAN countries, Japan has been supporting the ASEAN Cyber Capacity Development Project through JAIF. This project aims to enhance the capacity of ASEAN countries in combating cybercrime. Ongoing activities include improving capacity to respond to country-specific priority issues, which have been identified through previous initiatives, and developing sustainable frameworks for countries to build capacity on their own.

## 1 Introduction

While the advancement of technology has lent impetus to achieving the 2030 Agenda, it is a double-edged sword that can also create greater opportunities for committing crimes (See Guide 162). Furthermore, technology can be a means of committing crimes, but at the same time, also has the potential to serve as a means for fighting crime. To gain a deeper understanding of the impact of these dual facets of technology, it is important to examine the types of crimes such as crimes committed using crypto-assets, use of “dark web” in drugs and firearms trafficking, and use of communication technology in trafficking in persons, smuggling of migrants, and child abuse and exploitation (See Guide 164-186).

To deal with these crimes, it is important to analyse electromagnetic records (e.g. hard disk drives (HDD), solid state drives (SSD) etc.) as well as the communication data of networks. In view of this, Japan is putting effort into such analysis of information technology. This section will first introduce Japan’s initiatives in the area of high-tech crime technology. Next, it will introduce initiatives by the Japanese police to utilize artificial intelligence (AI) and other forms of cutting-edge technology will be introduced, given the situation that such forms of technology are being applied in a wide range of fields in recent years.

## 2 Latest Information Technology Analysis

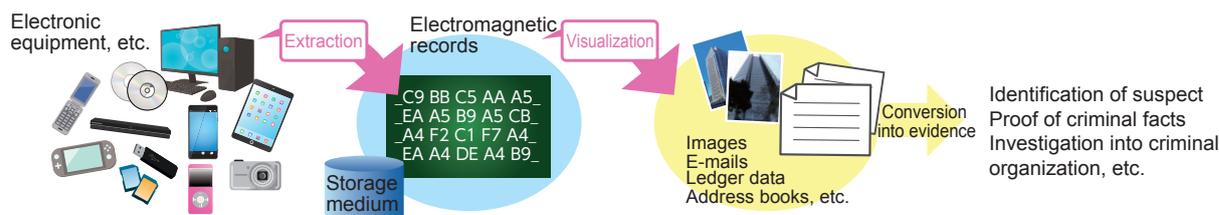
### (1) The Importance of Information Technology Analysis

Services that make use of networks and electronic devices, such as computers and smartphones, have become increasingly common and diverse, and they are being exploited for all types of criminal acts. In this context, there is growing importance of analysing communication data of networks and electromagnetic records that are stored in electronic devices, with the aim of supporting police investigations.

#### a. Digital Forensics

Electromagnetic records that are stored in electronic devices, which were exploited for criminal use, can be important objective evidence in criminal investigations. In order to use information stored in electronic equipment as evidence, it is necessary to extract the electromagnetic records from the equipment and to analyse and convert such records into a format such as text or images that can be understood. However, as electromagnetic records are easily deleted or modified, it is important to preserve, analyse and convert them into evidence through the proper procedures in order to use them in criminal investigations.

● Figure4-11 Overview of digital forensics



For this reason, the High-Tech Crime Technology divisions of the National Police Agency and regional police bureaus provide technical support in using digital forensics for criminal investigations conducted by prefectural police.

For example, in an online Copyright Act violation case in 2018 committed by persons including an unemployed male (22 years old), the Digital Forensic Center of the National Police Agency conducted an analysis of a hard disk drive that had been soaked in water.

The Centre cleaned the internal parts of the disk and reassembled it for analysis in a clean room that can eliminate airborne dust. As a result, they were able to extract electromagnetic records from this hard disk that corroborated the suspect's criminal act, and contributed to the clearance of the case.

In May 2018, the Mie Prefectural Info-Communications Department under the Chubu Regional Police Bureau, conducted an analysis of a smartphone possessed by an unemployed youth (19 years old) in relation to a robbery that had occurred on the streets of Mie Prefecture. As a result, they were able to extract location information from an application that placed the youth near the crime scene immediately before the incident occurred. This analysis also contributed to the clearance of other crimes committed by the youth in question. Through this analysis, they were also able to extract location information showing that the youth had been at the scene of another theft, as well as the scene where the stolen articles were found, at around the time when the crime was committed.

#### **b. Cyber Forces (CF)**

Amid the growing integration of cyberspace and the real world, and the widespread use of Internet of Things (IoT) devices, Japan Police has established the Cyber Forces (CF) across the country, to understand the actual situation of threats in cyberspace, to prevent the spread of damage in the event of a cyberattack and to provide technical support for the preservation of evidence. At the same time, the Cyber Force Center (CFC) of the National Police Agency is also engaged in the consolidation and analysis of technological information.

For example, since January 2018, the CFC has been monitoring crypto-assets mining malware. When a computer is infected with such malware, not only can such mining activities be carried out, but the infection can also spread to other devices. Hence, the CFC has been raising awareness through the website of the National Police Agency, “@police”, on the appropriate countermeasures for preventing damages caused by such malware.

### **(2) Initiatives to Enhance Analytical Capabilities**

#### **a. Responding to the Latest Technologies**

As explained in the previous section, in recent years, there have been frequent occurrences of cybercrimes and cyberattacks that involve the use of malware such as computer viruses. In addition to the growing demand for the analysis of malware, there is also growing demand for advanced technical capabilities to conduct such analyses due to the increasing sophistication and diversification of modus operandi. Furthermore, in response to circumstances such as the widespread use of new electronic devices including IoT devices



**Cleaning of the hard disk**



**Analysis of the network camera**

and related services, the diversification and growing complexity of applications for smartphones and other devices, and technological development in autonomous driving systems, there is a growing need to enhance analytical capabilities to support police investigations corresponding to the latest technologies.

To that end, in Japan, the police are promoting technical cooperation with private-sector corporations and research institutions that possess the latest technologies and engaging in ongoing efforts to gather technological information. In addition to these initiatives, the police are also promoting the study and research of the latest information and communications technology that could potentially be exploited for criminal uses, developing analytical methods and acquiring equipment, and improving capabilities of staff who possess advanced analytical skills.

In one case, in March 2018, the National Police Agency analysed a network camera suspected to have been misused as a step server in an illegal money transfer case involving Internet banking. As a result, signs of malware infection were found in the electromagnetic records extracted from the memory chip of the camera in question, contributing to the identification of the method through which the crime was committed.

#### b. Cooperation with Relevant Agencies and Organizations in Japan and Abroad

The National Police Agency is working to strengthen cooperation with relevant agencies and organizations in Japan and abroad. The NPA is also putting effort into developing its wealth of expertise and techniques related to high-tech crime technology through activities such as convening meetings on digital forensics, in which relevant agencies within Japan participate, and sharing knowledge and experiences on the information technology analysis through the exchange of information at the INTERPOL Digital Forensics Expert Group, which involves the law enforcement agencies of each country.



Meeting on Digital Forensics

### 3 Utilization of Advanced Technology in Police Activities

The police are utilizing advanced technology to enhance the quality of their activities. The Kyoto Prefectural Police has developed its own algorithms based on information of past criminal occurrences, and it applies them to analyse criminal occurrences and police patrols. The Kanagawa Prefectural Police also utilizes such algorithms to analyse crime scenes and the scenes of traffic accidents.

Furthermore, the Aichi Prefectural Police dispatches staff to private-sector corporations that possess technological expertise as a part of its efforts to acquire in-depth knowledge about advanced technology such as AI and utilizing them in police activities.

The NPA is responsible for policy planning on the introduction of advanced technology into police activities. In FY2019, it experimented on the identification of vehicle types and any suspicious aspects from surveillance camera footages and the analysis of information related to suspicious transactions, by utilizing AI and other forms of technology.

## 1 Introduction

Criminal justice systems among countries vary corresponding to the respective historical and cultural backgrounds, social composition and political systems. However, each of these systems has been developed to function as one integrated entity within its respective jurisdiction.

Japan's criminal justice system too, as a whole, has appropriate procedures in place to clarify the true facts of the case, while at the same time protecting the fundamental human rights of individuals, and thereby actually ensures fair operation, in response to the trust and expectations of the people.

## 2 Prosecution and Trial Proceedings

- (1) In Japan, the accused cannot be convicted unless the public prosecutor institutes prosecution and proves the charged offence in open court beyond a reasonable doubt. The public prosecutor initiating prosecution must not submit anything to the court but the charging sheet so that the trial court judges can engage in the trial without any prejudice about the case, thereby finding the defendant guilty or not guilty, based upon unbiased and thorough examination of arguments and evidence presented in a courtroom open to the public, by the prosecution and the defence under the adversary system. The trial court is required to describe the reasons for its decision in a written judgment to ensure possible review of the decision and its reasoning to see if there is any factual or legal flaw. Either party, if discontent with the decision, can file an appeal against it to higher courts for review for the reasons of not only legal errors, but also mistake in fact-finding that could affect the trial court's guilty/not-guilty judgment as well as inappropriate sentence. Regarding the judges who constitute the judiciary, their independence in the execution of duties is constitutionally guaranteed by such measures to ensure their position as strictly restricting their removal from office as well as guaranteeing regular compensation that shall not be decreased during their terms of office.
- (2) As for criminal trials in Japan, some critics, emphasize that the conviction rate exceeds 99%. However, this figure should be understood as a reflection of various factors, including the framework of prosecution and its practice in Japan.

It is an established practice that the public prosecutor initiates prosecution only when there is a high probability of obtaining a conviction based on adequate evidence, in order to avoid imposing on an innocent person an undue burden of standing trial as well as bringing other detriments to such person as a result of prosecution. Such careful screening at the stage of prosecutorial decision-making is one of the major factors contributing to the high conviction rate. Moreover, in Japan, public prosecutors are not required to institute prosecution even in cases where there is sufficient evidence for doing so. They have a broad discretion to decide whether or not to prosecute, in consideration of various factors such as the gravity of the offence, the personal attributes of the accused and the conditions subsequent to the offence. According to recent figures, the percentage of cases in which public prosecutors instituted prosecution has remained at 37%. A conviction rate exceeding 99% is obtained by using this 37% of cases as the denominator.

In addition, Japan has not adopted a guilty plea system, such as in Anglo-American countries.

Hence, it should be noted that most of the convictions “exceeding 99%” involve the defendants who did not contest their guilt at all (such defendants occupy approximately 90% of those subject to regular criminal trial at the court of first instance).

Accordingly, it is a clear misunderstanding to simply conclude solely from the high conviction rate that criminal trials in Japan are biased or unfair, or that its criminal justice system as a whole lacks in fairness and innocent people are being punished.

### 3 Criminal Investigation

- (1) The accused is always afforded the presumption of innocence. No one is treated as guilty unless and until found guilty through legitimate trial proceedings by a court of law. A public prosecutor is responsible for proving the charged offence beyond any reasonable doubt, and for that purpose, has to gather, and then present in court, sufficient evidence to satisfy the requirement. Moreover, the majority of people in Japan strongly expect the criminal justice system not only to simply determine whether the defendant is guilty or not, but also further to clarify what exactly occurred in each particular case (true facts of the case). More or less reflecting such expectation as well, public prosecutors in deciding whether to initiate prosecution or not, and trial court judges also in sentencing, actually take into account various factors, including not only the manner and results of the offence, but also motives, premeditation and other circumstances leading up to it. Hence the public prosecutors and other criminal investigation agencies must, and actually do, make every effort to gather sufficient evidence to clarify the true facts of the case.

In achieving this, investigative questioning of suspects, among other measures, has been playing an important role in Japan. Compared to many other countries, investigative measures legally available in Japan are very limited. For example, in deference to the protection of secrecy of private communication, very strict requirements and procedures are prescribed by law for interception of telecommunication, which, as a matter of fact, has been used only in extremely limited cases. Even the use of undercover agents has not been introduced. Moreover, it is hard to clarify the true facts of the case without true statements obtained from the suspects.

There is no doubt that abusive or improper questioning of suspects, such as coercing confession, is prohibited. Strict legal regulations are provided in the Japan’s criminal justice system to prevent such abusive or improper questioning. Firstly, the Constitution and the Code of Criminal Procedure clearly prohibit the use of any forcible or otherwise improperly obtained confession from the suspect to be used as evidence against him or her; the defendant cannot be found guilty if the only evidence against him or her is his or her own confession. These regulations, have been functioning in actual criminal trial practice. Secondly, while defence counsel of the suspect is not entitled to be present at the investigative questioning of his or her client, the suspect is assured of the right to remain silent. Suspects also fully enjoy the right to privately consult and receive necessary advice from their defence counsel even when they are in custody. Thirdly, audio-visual recordings are mandatory for every investigative questioning of arrested and detained suspects in serious cases for the purpose of ensuring the voluntariness of the suspects’ statements obtained by such questioning and promoting the appropriateness of investigative questioning. Such audiovisual recordings of investigative questioning are conducted more widely at the public prosecutors’ office, even in cases where

recording is not mandated by law. The police are also taking their own measures to prevent improper questioning such as by audiovisually recording their investigative questioning of arrested and detained suspects whose communication capacity is insufficient due to mental disorder or intellectual disability.

- (2) As for the arrest and detention of suspects, legal requirements and the necessity of judicial warrants and the duration of the suspects' custody may also vary among countries.

In Japan, there are two stages for holding a suspect in custody. The first is "arrest," temporary holding of the suspect in custody, and the second is "detention," continuance of that custody for a fixed period of time, again upon a decision by a judge. While in other countries, the majority of the suspects are arrested or detained at a certain point of the investigation or pretrial procedures, in Japan, the preference is the use of non-compulsory measures in criminal investigation (the principle of non-compulsory criminal investigation). Japan's criminal justice policy seeks to avoid the arrest or detention of suspects. Recent statistics show that the percentage of arrested persons stands at just about 39% of all suspects (including those under suspicion of violating special criminal statutes other than the Penal Code) whose cases have been disposed by public prosecutors, even when excluding those investigated for traffic violation in the calculation. Moreover, with the exception of flagrant offenders who are found at that moment to be committing or to have just committed an offence, no one can be arrested except upon a warrant issued in advance by an independent judge, based on the finding of probable cause to suspect that the person to be arrested has committed an offence. The maximum duration of the arrested suspect being held in custody is 72 hours (when arrested by the police). Within that period, the public prosecutor who thinks it necessary to continue the arrested suspect's custody may request a judge to extend detention, which can be ordered only when the judge, after privately (i.e., without the presence of public prosecutors or investigating officers) interviews the suspect, finds that there is probable cause to suspect that he or she has committed the offence in question and there is a risk that the suspect may conceal or destroy evidence or flee from justice. A suspect may be kept in detention for 10 days, which may be extended for up to another 10 days only in the case where the judge finds that there are grave circumstances justifying the extension. If the public prosecutor does not institute prosecution of the case in question within this period, the suspect must be released.

Thus, Japan adopts a system in which an independent judge reviews, at the stages of arrest, detention and its extension, whether the legal requirements for each disposition are satisfied. The total period for holding a suspect in custody before prosecution is limited to a maximum of 23 days (exceptionally, further extension up to 5 days may be permitted in extraordinary cases involving insurrection, etc.). This applies to any case including complex and serious cases that require extensive investigations. When the suspect is suspected of multiple offences, it is possible to arrest and detain the suspect for each of these offences. Even in such cases, however, there is no difference in that an independent judge strictly examines whether the legal requirements are satisfied for each of the offences so as to avoid improper or unnecessary arrest or detention.

After prosecution, the defendant may be put in detention *ex officio* by a judge (prior to the commencement of the trial) or by the trial court if it is considered necessary. The detained defendant has a chance to be released on bail. Upon request, he or she must be released on bail unless the judge

or the trial court finds exceptional circumstances such as a risk of his/her concealing or destroying evidence. Even in cases where such exceptions apply, the defendant may be granted bail at the discretion of the trial court (or judge) when it is deemed appropriate, in consideration of the risk that the defendant may flee or conceal or destroy evidence, and the detriment to the defendant for continuing the detention. In cases where it may be difficult to release the defendant on bail unconditionally but proper conditions can reduce the defendant's flight risk or risk of concealing or destroying of evidence, bail may be granted on the premise that he/she complies with those conditions. In this way, a system is in place to prevent unnecessary detention after prosecution. According to recent statistics, approximately 68% of the detained defendant who requested bail have been granted.





# Part 3

## Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda

– Proposals to the International Community

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# Chapter 1 Capacity-Building for Criminal Justice Institutions and Practitioners, and Further Promotion of International Cooperation

1 Law enforcement and prosecutorial authorities with adequate capacity to investigate and prosecute all forms of crime, including corruption and organized crime, and criminal justice institutions that are fair and trusted by the people are the fundamental social infrastructure. Such authorities and institutions are essential for “fostering peaceful, just and inclusive societies which are free from fear and violence,” as set forth in the 2030 Agenda for Sustainable Development. They are also essential for achieving Goal 16 of the SDGs, which emphasizes to “Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.” Accordingly, when considering the role of crime prevention and criminal justice in the achievement of the 2030 Agenda, which is the overall theme for this Congress, Member States should give priority to strengthening the capacity of criminal justice institutions, especially the capacity of law enforcement and prosecutorial authorities.

For effective prosecution in response to crimes that are now becoming increasingly globalized and borderless, Member States should enhance cooperation among their central authorities, including through more proactive use of the United Nations Convention against Transnational Organized Crime. To that end, it is critically important for the central authorities to develop a platform for the timely provision of mutual legal assistance by fostering mutual trust and understanding of their respective systems and practices. With regard to the treatment and rehabilitation of offenders, it is essential to share expertise periodically and to provide technical support where necessary. Such exchanges of information and mutual understanding are vital not only at the global level but are especially necessary among the Member States of the same regions where they have strong connections and relationships with each other.

For this reason, recommendations were made at the regional preparatory meetings for this Congress to develop and strengthen inter-regional or cross-regional information-sharing platforms for criminal justice practitioners, in order to further vitalize information sharing among criminal justice institutions of the respective regions.

2 As covered in the previous sections, Japan has, for many years, been providing support for capacity-building of criminal justice institutions in developing countries through programmes organized by the UNODC, as well as through workshops and seminars of UNAFEI etc. Japan will continue to provide both financial support and expertise to assist Member States in this regard. Moreover, Japan would like to take the opportunity at this Congress to call upon Member States and regional organizations for their political commitment to develop or strengthen a regional or inter-regional information-sharing platform for criminal justice practitioners, as recommended at the respective regional preparatory meetings. At the same time, as a concrete step to develop and strengthen such a platform, Japan will support, with the UNODC and the relevant Member States, initiatives towards creating a platform in Asia-Pacific region for the practitioners to regularly exchange information on various issues, ranging from mutual legal assistance to rehabilitation and reintegration of offenders. By launching this platform in Asia-Pacific region, where such a UN platform does not exist, this initiative will carry a positive impact on the criminal justice institutions of the region. Japan hopes that similar initiatives will be taken in other regions, thereby developing and strengthening inter-regional as well as cross-regional networks across the globe.

## Chapter 2 Building Multi-Stakeholder Partnerships

1 The 2030 Agenda declares that “All countries and stakeholders, acting in collaborative partnership, will implement this plan” towards the realization of each goal. In this regard, target 17.17 sets out, as a means of achieving each goal, “encourage[ing] and promot[ing] effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships.”

Moreover, the 2030 Agenda recognizes that private business activities, investment, and innovation are major drivers of productivity, inclusive economic growth, and job creation, and calls upon not only the national governments but also private-sector corporations to apply their creativity and innovation to solving sustainable development challenges (Paragraph 67).

Crime prevention, prosecution, adjudication and appropriate sentencing, and the treatment and reintegration of offenders are primarily within the responsibilities of the State. Nevertheless, in promoting activities in the area of crime prevention and criminal justice towards the achievement of the 2030 Agenda, multi-stakeholder partnership, or more specifically, cooperation between criminal justice institutions and other government agencies as well as local governments, and between government agencies and the private sector, is essential. For example, as introduced in Part 2 Chapter 2 Section 7 of this National Statement, multi-stakeholder cooperation is effective in areas such as community policing, cooperation between the police, local governments and the private sector to eradicate organized crime, cooperation between law enforcement agencies and child welfare organizations to eradicate violence against children, and support for the rehabilitation and reintegration of offenders.

2 With this in mind, Japan recommends that Member States explore various measures to enhance the effectiveness of multi-stakeholder approaches in the area of crime prevention and criminal justice and proactively implement such measures. In particular, reducing reoffending is an area that the international community has strong interest in, as demonstrated by its inclusion as one of the workshop topics of this Congress. In its efforts to reduce reoffending, Japan stresses the vital importance of multi-stakeholder partnerships. For example, it is important that local communities and citizens accept released offenders as members of the community and support their reintegration through dialogue and advice; the understanding of the people in this regard is essential. Reintegration of offenders would not be possible without partnership with the private sector. At this Congress, the workshop on reducing reoffending will discuss broad multi-stakeholder approach, including the role of the private sector in the treatment of inmates at penal institutions, community-based support for their reintegration, and a multi-faceted approach towards continuous support for rehabilitation and reintegration.

Japan has emphasized the importance of cooperating with private-sector corporations and the local community with regard to the treatment of offenders and, in particular, their reintegration into society with the support of volunteers such as the volunteer probation officers who provide support for offenders through instruction, supervision, guidance and assistance as members of the community. Specifically, in the domestic context, Japan has provided support for volunteer activities, including the development of infrastructure for volunteer probation officers’ activities, and supported the reintegration of offenders in cooperation with

volunteers. Internationally, in cooperation with organizations such as the UNODC and UNAFEI, Japan has promoted technical assistance for developing countries to establish such systems, and Japan will continue to support the Member States' efforts to reduce reoffending. Based on the discussions at this Congress, Japan proposes the development of UN standards and norms on reducing reoffending which would provide an innovative approach to support efforts of the Member States.

The development of UN standards and norms is one of the important functions of the Congress. Since the adoption of the Standard Minimum Rules for the Treatment of Prisoners (amended in 2015 and known as the "Nelson Mandela Rules") at the First Congress, a number of standards and norms have been adopted at the Congress, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (known as the "Beijing Rules" adopted at the Seventh Congress) and the United Nations Standard Minimum Rules for Non-Custodial Measures (known as the "Tokyo Rules" adopted at the Eighth Congress). To date, however, there have been no UN standards and norms that focus on measures to reduce reoffending.

By developing UN standards and norms, the Member States can share their experiences and good practices in reducing reoffending. It will also serve as a useful reference for Member States in their policymaking and practical implementation of measures to reduce reoffending. Moreover, the development and implementation of standards and norms can strengthen the momentum for the international community to enhance efforts in this regard. In particular, it can provide useful guidance for the relevant stakeholders, such as local governments, local communities and private-sector organizations.

Hence, based on the outcomes of the discussions held at this Congress, Japan would like to propose the development of UN standards and norms on measures to reduce reoffending with a view to enhancing the multi-stakeholder approach to support rehabilitation and reintegration of offenders.

# Chapter 3 Creating a Crime-Resilient Society and Empowering Youths to Promote the Rule of Law

1 Along with capacity-building of criminal justice institutions, international cooperation and the multi-stakeholder approach, Japan proposes youth empowerment in the area of crime prevention and criminal justice as an important initiative towards the achievement of the 2030 Agenda. A crime-resilient society cannot be created only with strict enforcement of the law by criminal justice institutions. To create a crime-resilient society, it is also necessary for the general public to trust the law and its enforcement, and thereby foster a culture of lawfulness that is deeply rooted in the society. Moreover, along with strengthening anti-corruption measures and improving access to justice, fostering a culture of lawfulness is also important for the rule of law to prevail. This is reflected in agenda item 5 of the Congress, which highlights the provision of access to justice, building of effective, accountable, impartial and inclusive institutions, and consideration on social, educational, and other relevant measures including fostering a culture of lawfulness, as multidimensional approaches for promoting the rule of law.

Among the government's policy measures for creating a crime-resilient society and promoting the rule of law, youth empowerment through education on crime prevention and the rule of law is of particular importance. Youths have the potential to rehabilitate and to become future leaders of society. It is indispensable for a crime-resilient society that the youths understand basic values such as the rule of law and fundamental rights as well as the importance of criminal justice and culture of lawfulness, and become active members of society through education and various opportunities to participate in the society. At this Congress, "Education and youth engagement as key to making societies resilient to crime" is the workshop topic in relation to agenda item 5, which demonstrates recognition by the international community of the importance of youth empowerment through education and various opportunities to participate in society.

2 With a view to creating a crime-resilient society and promoting the rule of law, Japan recommends that Member States invest in youth empowerment through education and provide opportunities for their participation in crime prevention and criminal justice. As a concrete measure in this regard, Japan further recommends that the international community continue to convene a Youth Forum on crime prevention and criminal justice, which began with the previous Congress.

With regard to the UN Youth Forum, memories of the UN Youth Climate Summit that was held in conjunction with the UN Climate Action Summit in September 2019 remain fresh. The Youth Forum in the broader context of the UN has been held every year since 2012 under the auspices of the United Nations Economic and Social Council (ECOSOC). Most recently, the ECOSOC Youth Forum held in April 2019 discussed measures towards the achievement of the 2030 Agenda. Looking at the Commission on Narcotic Drugs (CND), which is the sister commission of the Commission on Crime Prevention and Criminal Justice (CCPCJ), a youth forum has been held every year since 2012, at which youths from around the world engage in discussions about global drug problems and convey their views to the policymakers of the Member States. However, in the context of crime prevention and criminal justice, youth forums in conjunction with the CCPCJ have never been held. Only in the context of the Crime Congress was a youth forum held for the first time in

conjunction with the previous Doha Congress, and for the second time, at this Congress in Kyoto. As such, the Youth Forum on crime prevention and criminal justice is a rather new initiative that is worth continuing and developing.

At the Youth Forum of this Congress, youths from around the world engaged in discussions that are relevant to the themes of the Congress, such as preventing juvenile delinquency, the rule of law and culture of lawfulness, and cybercrime. The Youth Forum greatly contributes to youth empowerment as it provides the youths who will be the leaders in the future with an opportunity to deepen their understanding of crime prevention and criminal justice, and to experience the importance of overcoming social and cultural differences, to engaging in discussions and cooperating with each other.

Therefore, Japan recommends that Member States organize or support the Youth Forums on crime prevention and criminal justice, not only at the Crime Congress but also at various occasions in the future, as an effective means for youth empowerment in the area of crime prevention and criminal justice. Japan believes that it is our mission to take a leadership role in continuing to support the convening of such Youth Forums, in cooperation with the UN, in order to realize a crime-resilient society and to promote the rule of law through youth empowerment.

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Kyoto Congress National Executive Committe

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