

# 50 years of criminal justice in Japan

Overview





## | The Red-Brick Building |

The building shown on the cover is the Red-Brick Building of the Central Government Office Complex No. 6, which served as the main building of the Ministry of Justice until 1990.

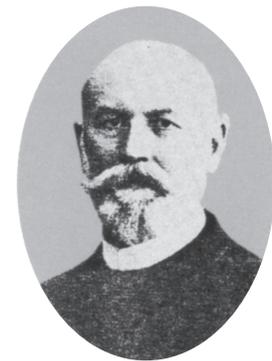
The Red-Brick Building was designed by German architects Hermann Ende and Wilhelm Böckmann. Covering an area of about 10,000 m<sup>2</sup>, this three-floor brick structure was designed in a Neo-Baroque style and has a steeply pitched roof that lends the building an air of dignity and majesty. Work on the building commenced in 1888 as Japan went through a period of rapid modernization and was completed in 1895. The building was then used to house the Department of Justice (now the Ministry of Justice). The Great Kanto Earthquake struck on September 1, 1923, but measures taken to reinforce the earthquake-resistance of the building worked effectively such that it hardly sustained any damage. However, the bombing of Tokyo in 1945 burned down the building, leaving only the brick walls and floors intact. Repair and restoration work were carried out from 1948 to 1950 through creative and ingenious methods, in view of the scarcity of resources and supplies.

The new building (Central Government Office Complex No. 6-A) was completed in June 1990, and the functions of the main building of the Ministry of Justice were transferred over to this new building. Thereafter, large-scale conservation and restoration work were carried out from 1991 to 1994. As a result, the Red-Brick Building was restored to its original appearance at the time of its establishment. As one of the few buildings that have preserved the visual aspect of the Meiji era, the exterior of the building was designated as the national cultural property of Japan on December 27, 1994.

Today, the Red-Brick Building houses the Research and Training Institute of the Ministry of Justice and performs other functions.



**Hermann Ende**



**Wilhelm Böckmann**

**[Central Government Office Complex No. 6 (Left: Ministry of Justice,  
Right: Public Prosecutors Office) and the Red-Brick Building]  
Address: 1-1-1 Kasumigaseki, Chiyoda-ku, Tokyo**

## | Foreword |

This booklet is designed to archive Japan's efforts and progress in criminal justice on the occasion of the 14<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice ("Congress"), to be held in Kyoto, Japan in March 2021.

The Congress is the largest UN conference on crime prevention and criminal justice, held every 5 years. Japan hosted the Fourth Congress in Kyoto in 1970, and after about 50 years, the 14<sup>th</sup> Congress will be held in Kyoto again. ("Kyoto Congress") The Kyoto Congress was originally scheduled on April 2020, but, due to the COVID-19 pandemic, postponed to March 2021.

At the Kyoto Congress, government representatives, criminal justice experts, and others from around the world will share the latest information on most recent topics on criminal justice and actively exchange their views by utilizing the online conference system. As greater attention may be drawn to the criminal justice system in the host country, the Kyoto Congress will be an excellent opportunity to showcase the Japanese criminal justice system to the participants and people across the world. Therefore, the Ministry of Justice (MOJ) has set up a project team to trace Japan's 50-year step in criminal justice.

This booklet consists of 4 parts. Part 1, "Overview of the Current Criminal Justice System", provides an overview of the present criminal justice proceedings, as well as current undertakings in the field of correction and rehabilitation. Part 2, "From the 1870s to 1960s – Modernization of Criminal Justice and Establishment of the Current Foundation", describes the period from the 1870s when the modernization of criminal justice begun, to 1970 when the Fourth Congress was held. Part 3, "Looking back over 50 Years, from 1970 to 2020", describes developments in criminal justice as well as domestic and overseas situation by the decade. Part 4, "Various Areas of Criminal Justice and Making through Changes over the Last 50 Years," describes major changes and developments witnessed within various fields of criminal justice over the last 50 years.

The project team was chaired by the Director of the Secretarial Division of the Minister's Secretariat and consisted of counselor-level officials from Criminal Affairs Bureau, Correction Bureau, Rehabilitation Bureau, and Research and Training Institute of the Ministry of Justice. The International Affairs Division of the Minister's Secretariat, served as a secretariat for the project team. The content of this booklet is based on information as of April 2020, original scheduled date of the Kyoto Congress.

February 2021

MOJ project team to archive 50 years of criminal justice in Japan

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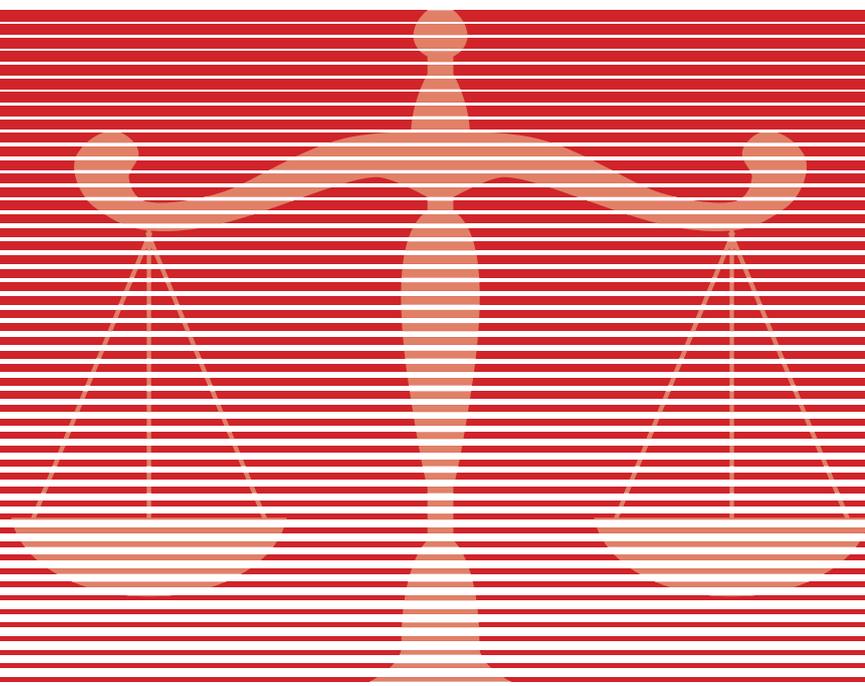
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# Part 1

## Overview of the Current Criminal Justice System

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conduct independent investigations in response to criminal complaints or accusations without any police involvement.

### **(3) Court**

The court conducts a trial in a courtroom open to the public. If the defendant is found guilty, the court renders the sentence, such as fine, imprisonment with or without work or capital punishment. In cases where the sentence is imprisonment with or without work for not more than three years, the sentence may be suspended depending on the circumstances, and the sentenced person may be placed on probation during this period of suspension. Summary proceedings may be held for relatively minor cases if there is no objection by the suspect.

### **(4) Penal Institutions (Prisons and Detention Houses)**

If a conviction becomes final without suspension of the sentence, the punishment is then carried out at the direction of the public prosecutor. Imprisonment with or without work and misdemeanour imprisonment are, in principle, carried out at a penal institution. Penal institutions are composed of prisons and detention houses, and prison is the main body engaging in the reformation and rehabilitation of sentenced inmates. This is done through the provision of correctional treatment, which helps the inmates successfully reintegrate into society upon release. Persons who are unable to pay a fine or petty fine in full are detained in workhouses attached to penal institutions.

### **(5) Probation Offices**

Even before completing the term of custodial sentence, person may be released early on parole at the decision of the Regional Parole Board. Parolees are placed on parole supervision during the period of their parole.

Persons whose sentences have been suspended with probation are also released on probation during the period of suspension. Persons who are placed on probation/parole receive supervision and support for self-reliance living from probation officers as well as volunteer probation officers, who are citizen volunteers, for probationers'/parolees' rehabilitation and reintegration into society.

## **2 Investigations**

### **(1) The Principle of Non-compulsory Criminal Investigations and the Principle of Warrants**

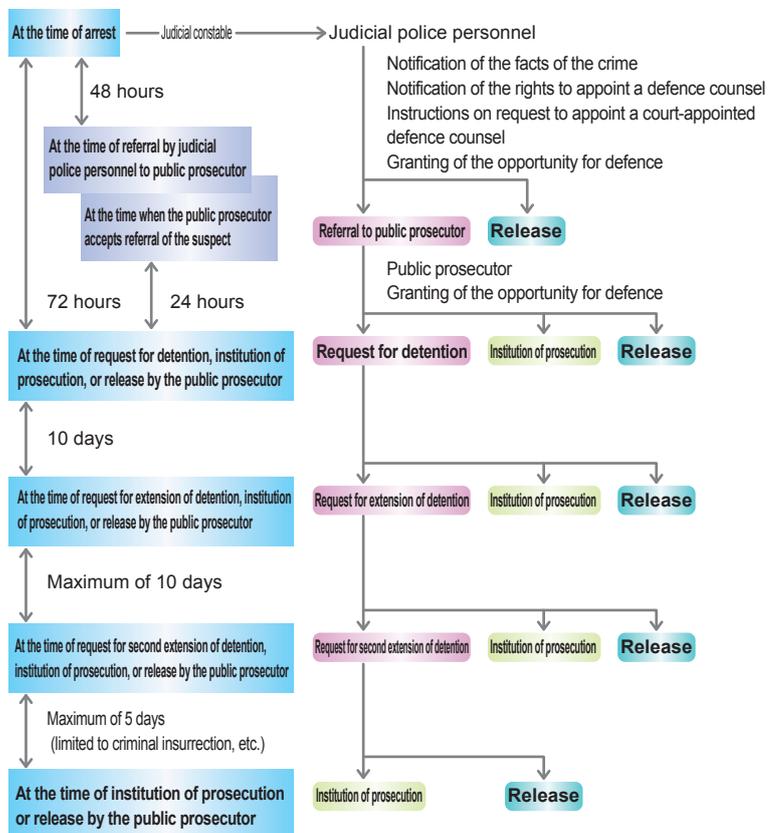
In principle, investigations are conducted through non-compulsory measures (principle of non-compulsory criminal investigations). Typical examples of investigation based on this principle involve: interviewing witnesses or questioning suspects by asking them to appear voluntarily; requests to voluntarily produce evidence; inspections at the site of the incident or accident on public roads and requests for expert examinations. When further investigation requires compulsory measures, such as the arrest of suspects to prevent the concealment or destruction of evidence or the flight of the suspect, forcible entry into a person's residence to conduct searches in order to secure evidence, or forcible seizure of a person's belongings, there must be a separate warrant issued by a judge clearly indicating the subject of such measure. There are some exceptions in cases that involve the arrest of flagrant offenders and others.

The judge, who is not involved in investigation, and is independent from the investigative agency is responsible to check stringently based on evidence, if the legal criteria have been met for issuing warrant and granting approval for the police or prosecutors to utilize compulsory measures such as arrest, search or seizure.

**(2) The Conditions and Period of Arrest and the Detention of Suspects**

a. Figure 1-1-2 below shows the flow of procedures of holding suspects in custody after arrest by judicial police officers.

**Figure 1-1-2 Procedures from arrest to prosecution**



With the exception of arresting a flagrant offender, an arrest is carried out based on a warrant (arrest warrant) that is issued upon review by a judge who finds that there is a probable cause to suspect that the suspect has committed a crime. When the police arrest a suspect, they are required to immediately inform the suspect of the essential facts of the alleged crime, as well as his or her right to appoint a defence counsel. They must also give the suspect an opportunity to explain his or her side of the story, and if they find no need for further detention, they must release the suspect.

In the event that detention is deemed necessary, the police are required to refer the suspect to the public prosecutor within 48 hours from the point at which the suspect was taken into custody.

When the public prosecutor receives a suspect referred by the police, the prosecutors are required to provide the suspect an opportunity to provide an explanation. If the prosecutor finds there is no need for detention, the suspect is released. When there is a need for detention, a request for detention must be made within 24 hours from the point of the receipt of the suspect and within 72 hours from the point of holding the suspect in physical custody. The judge who receives the request for detention informs the suspect of the alleged facts of the crime and listens to the statement of the suspect. The detention warrant is issued if the judge finds that there is a probable cause to suspect that the suspect has committed the offence in question and that there is a risk of his or her concealing or destroying evidence or fleeing from justice.

In principle, suspects may only be detained for 10 days, but this period may be extended up to

another 10 days if the judge finds that there is reasonable cause to prolong the detention period.

Hence, as explained above, the maximum period of time during which a suspect may be held in custody is 23 days, which is subject to several rounds of review by judges from the point of the arrest to the point of the indictment. This timeframe applies in the same way to any complex and serious cases which require extensive investigations. The public prosecutor normally conducts and finishes necessary investigations during this period to make the decision on whether or not to prosecute the suspect based on the perspectives which will be mentioned below in paragraph 3.

In cases where there is a probable cause to suspect that the suspect committed a crime other than the crime for which he or she has been arrested or detained, and the requirement for arrest and detention is satisfied, the suspect can be held in custody for that case. However, the system prevents unnecessary arrest and detention of suspects by ensuring that each case undergoes review by the judge as to the permissibility and necessity of the detention of the suspect.

#### **b. The Current Practice of Arrest and Detention**

As explained earlier, the principle of non-compulsory criminal investigation requires the arrest and detention of suspects to be carried out only when inevitably necessary, and in a majority of cases, investigations are carried out without holding suspects in custody. The percentage of cases in which the suspects were held in custody (cases in which suspects arrested by the police or other authorities and referred to public prosecutors and cases in which suspects are arrested by prosecutors) out of all cases disposed by public prosecutors offices (with the exception of negligent driving causing death or injury cases and road-traffic-related violations cases) has remained at approximately 36%.

### **(3) Right to Appoint Defence Counsel and Measures to Ensure Proper Questioning of Suspects**

Suspects are entitled to appoint defence counsel at any time. If the detention warrant is issued against the suspects, they are also entitled to have a court-appointed defence counsel when the suspect himself/herself is unable to hire their own counsel due to lack of financial resources.

With regard to the investigative questioning of suspects, legal framework to prevent abusive or improper questioning, such as coercing confession, is in place. Firstly, the Constitution and the Code of Criminal procedure ensure suspects their right to remain silent. The Constitution clearly prohibits any forced or otherwise improperly obtained confessions to be used as evidence against the suspect, and the defendant cannot be found guilty if the only evidence against him/her is his/her own confession. While defence counsel are not entitled to be present at the investigative questioning of suspects, several measures to prevent improper questionings are in place, including the right of suspects to meet their defence counsel and receive advice from them in private. Audiovisual recording of investigative questioning of suspects is mandatory in certain cases and it is a common practice in the public prosecutors office to record the questioning even in cases that are not mandatory. The police are also increasing such recording as well.

## **3 Institution of Prosecution**

In principle, only public prosecutors have the authority to institute prosecution for criminal cases. The public prosecutors have an established practice that they initiate prosecution only when there is a high probability of a conviction based on adequately presented evidence. This practice avoids imposing undue burden on an innocent person from standing at trial as a defendant. For this reason, public prosecutors do not institute prosecution if they find insufficient evidence to establish the elements of the crime

beyond the reasonable doubt. Even when the public prosecutor deems the evidence to be sufficient, public prosecutors have the discretion to avoid instituting prosecution (which is called *kiso-yuyo*, suspension of prosecution), based on the personal attributes, age and circumstances of the suspects, as well as the gravity and circumstances of the offence.

According to statistics for 2017, as for Penal Code offences, public prosecutors indicted 37% of cases, while 63% of them remained unindicted with no criminal trials held. Owing to the careful indictment decisions made by the public prosecutors, the conviction rate for indicted cases exceeded 99%.

## 4 Trial Proceedings

### (1) Overview

Trial proceedings for a criminal case commence when a public prosecutor institutes prosecution by submitting the charging sheet to the court.\* A public prosecutor may, with the defendant's consent, prosecute a case in the Summary Court and request a sentence of a fine not exceeding one million yen or a petty fine. Majority of the trials of first instance are conducted by a court comprising either one or three judges (depending on the gravity of the indicted offence). In the trials for certain serious cases, a *saiban-in* trial is convened (See Part 3, Chapter 4) by a panel comprising three professional judges and six members of the public (*saiban-in*). In any event, trials are held in an open court where it can be observed by anyone. The court hears the argument of both the prosecution and the defence, and upon examining the evidence and the witnesses, renders an order of conviction or acquittal of the defendant in the indicted case. If found guilty, the court decides and pronounces the sentence to be imposed on the accused.

The procedural flow of trials of first instance is shown in Figure 1-1-3 below. In general terms, it consists of opening proceedings, examination of evidence, oral arguments and judgment.

\* Upon defendant's consent, misdemeanour cases punishable by fine not exceeding one million yen or petty fine can be handled by the summary court in summary proceedings that examine only documented evidence.

**Figure 1-1-3 Trial proceedings**



## (2) The Burden of Proof for Public Prosecutors and the Adversarial System

Public prosecutors bear the burden of proof, i.e. the responsibility at trial to prove beyond a reasonable doubt by evidence that the accused is guilty. If public prosecutors fail to prove beyond a reasonable doubt by clear and convincing evidence that the defendant committed the indicted offence, the defendant will not be found guilty. The defendant is presumed innocent until proven guilty (the principle of presumption of innocence).

When a suspect is prosecuted, the court receives only the charging sheet from public prosecutors. Evidence that has been gathered in the investigation or the written statements prepared during the investigation are not submitted at this stage. In principle, the court does not examine evidence *ex officio* (In other words, the court only examine evidence upon the request of the one of the parties to the case). The evidence that the court can refer to for fact finding of the criminal offence must be recognized by law as admissible. This includes evidence that is requested by public prosecutors, defendants or defence counsel to be examined by the court, evidence that is stipulated to by the parties, and sworn testimony in an open court. Any evidence that public prosecutors have requested to be examined must be disclosed to the defence counsel in advance.

With regard to the admissibility of evidence, the hearsay rule has been incorporated into Japan's criminal procedure law, which in principle prohibits use of out-of-court written and verbal statements. If the defence do not consent to the use of such statements, including documents as those of important eye-witness statements, public prosecutor must prove the facts by examining the witnesses in court, and the credibility of such testimony may be tested in cross-examination by defence counsel.

Unlike some of the common law countries, there is no guilty plea system that can impose imprisonment or other sentence without conducting a substantial examination of evidence because the defendant pleaded guilty, thus, even in cases where the defendant admits his own guilt, public prosecutors still bear the same burden of proof.

Hence, public prosecutors always bear a high burden of proof under the stringent limitations of admissibility of evidence, and this system of due process ensures that the innocent people are not wrongfully convicted. Based on this system, the court determines the facts of case based on the law and evidence, from a fair and neutral standpoint, and based on strict standard of proof, carefully decides whether or not to convict the defendant.

### **(3) Ensuring the Appropriateness of Court Decisions**

The court does not receive any documents other than the charging sheet at the stage of indictment and commences the trial without any prejudice or prejudgment about the case. The court then decides whether the defendant is guilty or not guilty based on close examination of the arguments and the evidence presented by the public prosecutors, as well as the arguments and evidence presented by the defence.

The court is required to describe the reasons for its decision of guilty or not guilty in a written judgment. If the parties are not satisfied with the decision made by the court, they can appeal to a higher court and if there are any legal errors or flaws in logic or reasoning in the decision made by the court of first instance, these are corrected by the appellate courts. In this way, the appropriateness of court decisions is ensured through the review of the court's decision.

### **(4) Detention and Bail after Prosecution**

In cases where a detained suspect is indicted, he or she may continue to be held in detention as a defendant (for period of two months from the institution of prosecution, which may be extended every month in cases where it is especially necessary to continue the detention).

However, the detained defendant may be released on bail (releasing the defendant from custody on conditions with the payment of the bail bond). When bail is requested by the defendant, it must be granted unless exceptions apply, such as the probable cause of concealment or destruction of evidence. Even when such exceptions apply, the defendant may be granted bail at the discretion of the court (or a judge, if prior to commencement of the trial) when it is deemed appropriate.

According to statistics for 2018, approximately 32% of the defendants who had been detained were released on bail. Furthermore, bail was granted for approximately 68% of the defendants who made the request.

### **(5) Duration of Proceedings**

According to statistics for 2018, the average duration for proceedings in the first instance (the time taken from the acceptance of the case by the court until the disposition of the case) was about 11 months, including those cases that underwent pretrial arrangement proceedings, which are often undertaken for serious and complex cases.

## **Section 2 Flow of Procedures for Delinquent Youths**

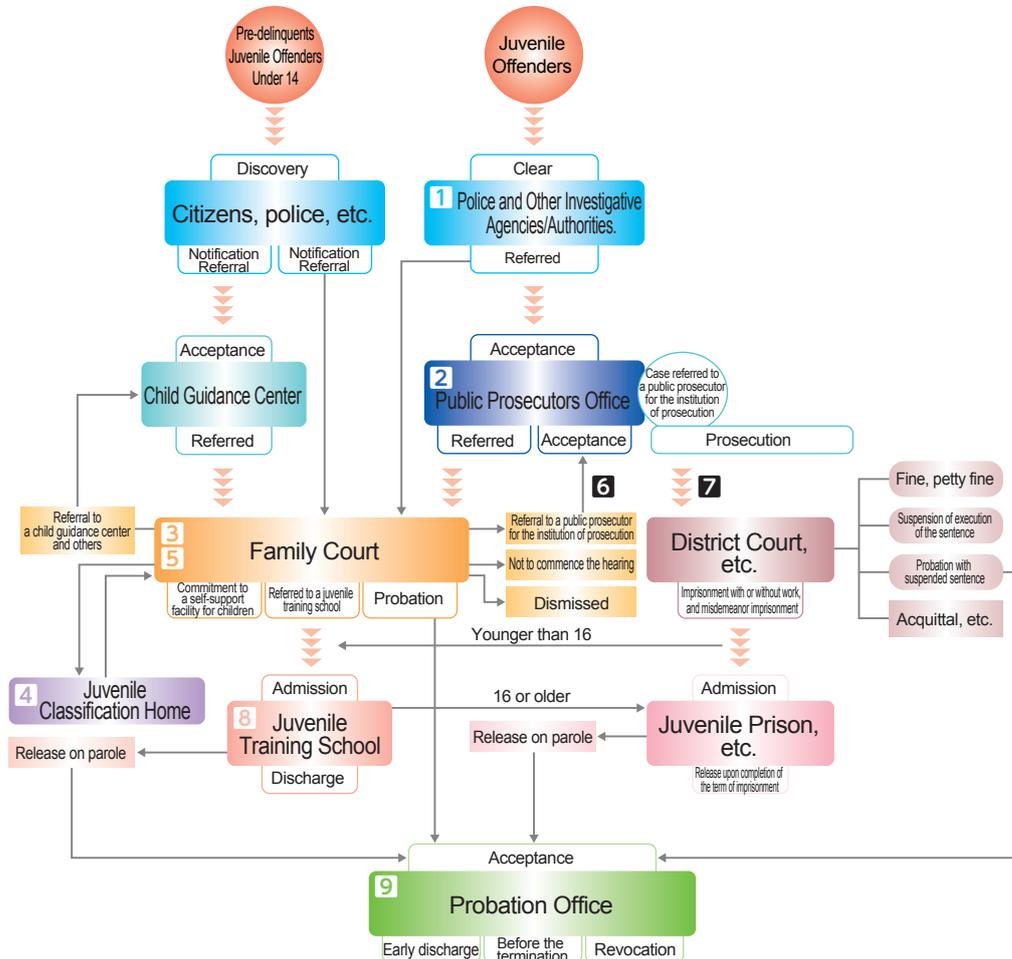
### **1 Overview**

Even in cases where the suspect is a juvenile (below 20 years of age), investigations are basically undertaken based on the Code of Criminal Procedure. However, juveniles are generally less mature than adults and are more open to change. Hence, when a juvenile has committed a crime, special juvenile proceedings are carried out.

## 2 Flow of Procedures

The flow of procedures concerning delinquent juveniles is shown in Figure 1-1-4 below.

■ Figure 1-1-4 Flow of procedures for Delinquent Youths



### (1) Police and other organizations

When a delinquent act or a criminal offence committed by a juvenile is cleared by the police or other organizations, the case, in principle, is referred to public prosecutors.

### (2) Public Prosecutors Office

Upon the completion of the prosecutor's investigation, when a public prosecutor suspects that the juvenile committed a criminal offence, or when the public prosecutor finds no such suspicion but finds a likelihood of the juvenile committing a crime (problematic behaviour that may lead the juvenile to criminal offences, making it highly necessary to protect the juvenile in question) or other grounds for holding a hearing at a family court, the case will be referred to the family court.

### (3) Family Court

The family court orders a family court probation officer to investigate the juvenile's personal capacity, environment and other factors.

### (4) Juvenile Classification Home

Juvenile classification homes carry out assessment of juveniles based on expert knowledge in the fields of medicine, psychology and pedagogy, and submits the results of assessment to the family court.

## **(5) Family Court**

When the family court deems, based on its review of the case records and other documents, that there is no reason for holding the hearing, or that it is inappropriate to hold the hearing, it makes the decision not to commence the hearing; when the family court deems it appropriate to commence a hearing, a closed hearing is convened. The public prosecutor may be involved in the hearing in certain serious cases when the family court finds it necessary for proper fact-finding of delinquency and orders the public prosecutor to be involved.

As a result of a hearing conducted based on the investigation referred to in paragraph (3) above and the assessment in paragraph (4) above, cases are dismissed where protective measures are deemed unnecessary; in cases where such protective measures are deemed appropriate, the juvenile may be placed on probation or referred to a juvenile training school.

## **(6) and (7) Referral to a Public Prosecutor and Prosecution**

When the family court finds, as a result of the hearing, that criminal proceedings are deemed appropriate for a case which is punishable by death or imprisonment with or without work, the case is referred to the public prosecutor.

When the family court finds at the hearing that a juvenile who is 16 years or older have caused someone's death through deliberate criminal actions, the case must be referred to the public prosecutor in principle, and the public prosecutor who receives the case is required, in principle, to prosecute the juvenile.

## **(8) Juvenile Training Schools**

Juveniles who are referred to juvenile training schools as protective measures are committed to type 1, 2 or 3 juvenile training schools. They are then provided correctional education and progress towards rehabilitation with support for reintegration into society. Sentenced juveniles who are under 16 years of age are committed to type 4 juvenile training schools when necessary.

## **(9) Probation Office**

Juvenile delinquents who have been placed on probation by a family court, or those who are provisionally permitted to be released from a juvenile training school, receive instructions, supervision, guidance and assistance from probation officers and *hogoshi* (volunteer probation officers) for rehabilitation and a smooth return to society.

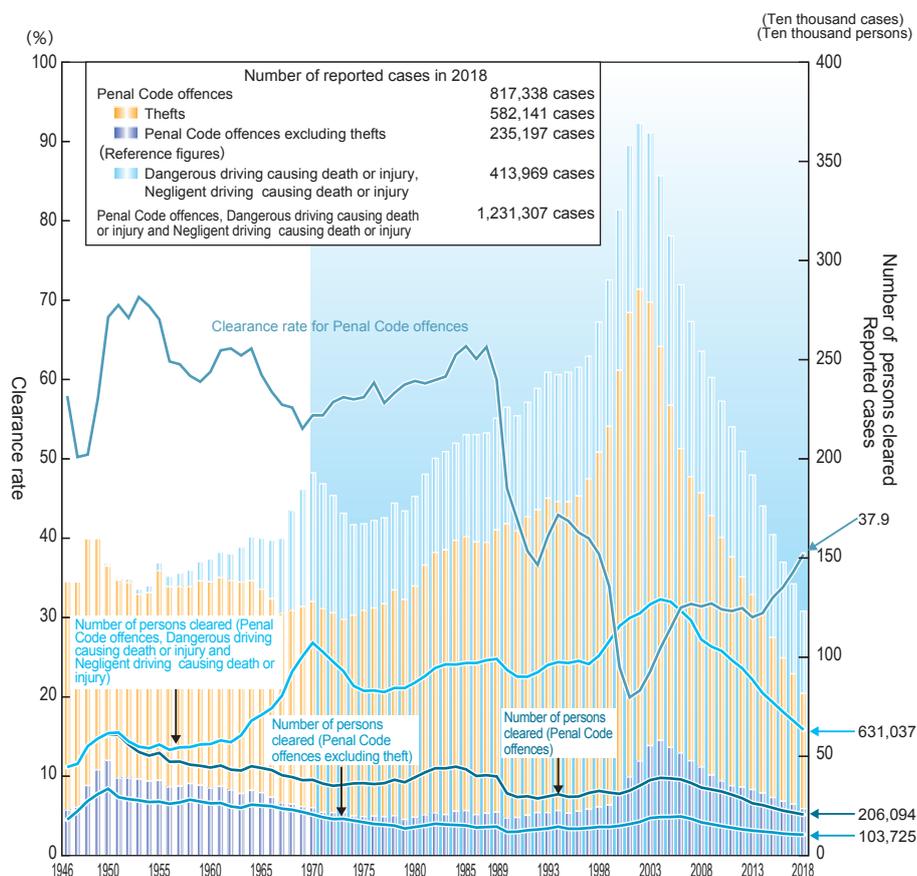
# Chapter 2

# Trends in Criminal Cases

## 1 Penal Code Offences

(1) Figure 1-2-1 below shows the trend of the number of reported cases, persons cleared and clearance rate for Penal Code offences (not including traffic-related negligence offences) since 1946.

**Figure 1-2-1 Penal Code offences: reported cases, persons cleared and clearance rate (1946 ~2018)**



Note 1: Prepared based on statistics from the National Police Agency.  
 2: The figures until 1955 include violation of laws and regulations of criminal nature committed by juveniles under 14 years of age.  
 3: "Penal Code offences" until 1965 do not include negligence in the pursuit of social activities causing death or injury and gross negligence causing death or injury.  
 4: Dangerous driving causing death or injury is included in "Penal Code offences" for years 2002-2014. Since 2015, the said offence is included in "Dangerous driving causing death or injury, and Negligent driving offences causing death or injury".

Source: White Paper on Crime 2019

The number of reported cases for Penal Code offences in 1970 was about 1.28 million cases but fell to about 1.19 million cases in 1973, marking the post-war low of reported cases at that time. The number began to rise again the following year, reaching a new record high for the post-war era every year after 1996 and exceeding 2.85 million cases in 2002. In 2003, the number of cases fell again and continued decreasing for 16 consecutive years thereafter. In 2018, a new post-war record low of 817,338 cases was recorded, and a new record low for the post-war era has been recorded every year since 2015.

The crime rate for Penal Code offences (the number of reported cases per 100,000 people) follows a

similar trend to the number of reported cases. The crime rate was 1,233.9 in 1970 but reached 1,091.2 in 1973, marking the post-war low at that time. Then, it started on an upward trend and recorded a post-war record high of 2,238.7 in 2002. However, it began to fall from 2003 and has been recording a new post-war record low every year since 2013, reaching 646.4 in 2018.

(2) The main statistical data for Penal Code offences in 2018 are shown below. (Reference: Total population is 126,443,000)

**Table 1-2-2 Main statistical data for 2018 (Penal Code offences)**

(Year-on-year) [Compared to 1989/Compared to 2003]

(1) Number of reported cases			
Penal Code offences:	817,338 cases	( -97,704 cases -10.7%)	[ -51.2% • -70.7%]
Penal Code offences excluding theft:	235,197 cases	( -24,347 cases -9.4%)	[+24.0% • -57.6%]
(Reference)			
Penal Code offences, Dangerous driving causing death or injury and Negligent driving causing death or injury:	1,231,307 cases	( -137,048 cases -10.0%)	[ -45.5% • -66.2%]
Of which, Dangerous driving causing death or injury, Negligent driving causing death or injury:	413,969 cases	( -39,344 cases -8.7%)	[ .... -51.6%]
Of which, Dangerous driving causing death or injury:	613 cases	( -57 cases -8.5%)	[ .... +99.0%]
Of which, Negligent driving causing death or injury:	413,356 cases	( -39,287 cases -8.7%)	[ -29.7% • -51.7%]
(2) Number of cases cleared			
Penal Code offences:	309,409 cases	( -17,672 cases -5.4%)	[ -59.9% • -52.3%]
Penal Code offences excluding theft:	118,865 cases	( -3,920 cases -3.2%)	[ -22.4% • -44.6%]
(3) Number of persons cleared			
Penal Code offences:	206,094 persons	( -8,909 persons -4.1%)	[ -34.2% • -45.7%]
Penal Code offences excluding theft:	103,725 persons	( -2,040 persons -1.9%)	[ -11.8% • -44.9%]
(Reference)			
Penal Code offences/Dangerous driving causing death or injury, and Negligent driving causing death or injury:	631,037 persons	( -49,267 persons -7.2%)	[ -32.5% • -50.3%]
Of which, Dangerous driving causing death or injury, and Negligent driving causing death or injury:	424,943 persons	( -40,358 persons -8.7%)	[ .... -52.3%]
Of which, Dangerous driving causing death or injury:	606 persons	( -47 persons -7.2%)	[ .... +96.8%]
Of which, Negligent driving causing death or injury:	424,337 persons	( -40,311 persons -8.7%)	[ -31.7% • -52.3%]
(4) Crime rate			
Penal Code offences	646.4	(-75.8pt)	[ -711.7 • -1,538.6]
Penal Code offences excluding theft	186.0	(-18.8pt)	[ +32.1 • -248.1]
(Reference)			
Penal Code offences, Dangerous driving causing death or injury and Negligent driving causing death or injury:	973.8	(-106.1pt)	[ -861.4 • -1,881.7]
Of which, Dangerous driving causing death or injury, Negligent driving causing death or injury:	327.4	(-30.4pt)	[ .... -343.0]
Of which, Dangerous driving causing death or injury:	0.5	(-0.0pt)	[ .... +0.2]
Of which, Negligent driving causing death or injury:	326.9	(-30.3pt)	[ -150.2 • -343.3]
(5) Clearance rate			
Penal Code offences	37.9%	(+2.1pt)	[ -8.3pt • +14.6pt]
Penal Code offences excluding theft	50.5%	(+3.2pt)	[ -30.2pt • +11.9pt]

Note: Prepared based on statistics from the National Police Agency and the Statistics Bureau, Ministry of Internal Affairs and Communications

Source: White Paper on Crime 2019

In 2018, the number of reported cases, cases cleared, persons cleared and crime rate for Penal Code offences were lower than in the previous year. On the other hand, the clearance rate increased in comparison with the previous year.

Looking at the number of reported cases for Penal Code offences in 2018 by the type of offence, theft made up the largest number at about 580,000 cases (71.2% of all cases), followed by property damage (9.6% of all cases), fraud (4.7% of all cases), assault (3.8% of all cases) and bodily injury (2.8% of all cases). There were 915 cases of homicide, 1,787 cases of robbery and 1,307 cases of rape. While there are offences, such as theft and property damage, that have continued to decrease in number in recent years, there are other offences, including fraud, assault and bodily injury, the numbers of which have not fallen significantly or have even increased.

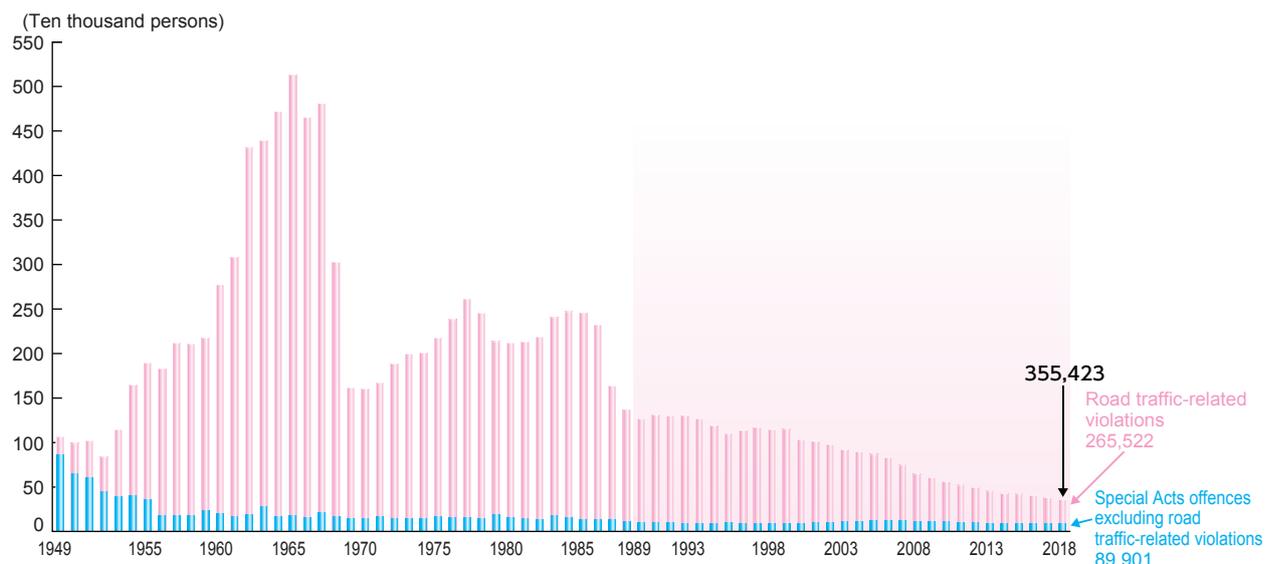
The clearance rate tends to be high for serious crimes such as homicide (96.8%) and robbery (87.2%) and relatively low for crimes such as theft (32.7%) and property damage (11.7%). Looking at the number of persons cleared for Penal Code offences by age group, the percentage of those under the age of 20 has been falling in recent years, remaining at 11.6% in 2018. However, the percentage of those aged 65 or older has been rising in recent years, reaching 21.7% in the same year. Furthermore, the number of persons cleared for Penal Code offences in the same year, classified by gender, was 79.1% for males and 20.9% for females. The number of foreign nationals cleared for Penal Code offences in the same year was 10,065 persons.

## 2 Special Act Offences

- (1) Figure 1-2-3 below shows the trend of the number of persons received by public prosecutors for Special Act offences since 1949.

**Figure 1-2-3 Special Acts offences: Persons received by public prosecutors**

(1949 ~ 2018)



Note: Prepared based on Criminal Statistics and Annual Report of Statistics on Prosecution.

Source: White Paper on Crime 2019

The number of persons referred to public prosecutors for overall Special Act offences decreased significantly with the enforcement of the Traffic Violation Notification System (p.26) in 1968, and then it remained at around 2 million people after 1974. This number fell significantly once again with the ex-

pansion of the scope of the application of this system in 1987. After that, the number rose and fell repeatedly, but then began to continuously decrease for 19 consecutive years from 2000. Since 2006, it has continued to renew the record low from 1949. Meanwhile, the number of persons referred to public prosecutors for Special Act offences excluding road traffic-related violations, was about 140,000 persons in 1970, remaining at this level while peaking at about 190,000 persons in 1979. From 1989 to 2000, the number fluctuated, but it increased from 2001 to reach a high of about 120,000 persons in 2007. After that, it began a downward trend, despite an increase by 920 persons in 2018.

(2) The statistical data for major Special Act offences in 2018 are shown as follows.

**Table 1-2-4 Main statistical data for 2018 (Special Act offences)**

	Number of persons receives by public prosecutors	(Percentage)	(Year-on-year)	
(1) Violations of the Road Traffic Act:	264,612 persons	(74.4%)	(-22,737 persons	-7.9%)
(2) Stimulants Control Act violations:	15,843 persons	(4.5%)	( -214 persons	-1.3%)
(3) Minor Offences Act violations:	7,866 persons	(2.2%)	( +111 persons	+1.4%)
(4) Waste Management and Public cleaning Act violations:	7,128 persons	(2.0%)	( +344 persons	+5.1%)
(5) Immigration Control and Refugee Recognition Act violations:	5,913 persons	(1.7%)	( +903 persons	+18.0%)
(6) Firearms and Swords Control Act violations :	5,835 persons	(1.6%)	( +198 persons	+3.5%)
(7) Cannabis Control Act violations:	5,338 persons	(1.5%)	( +798 persons	+17.6%)
(8) Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children violations:	3,576 persons	(1.0%)	( +502 persons	+16.3%)
(9) Act on Securing Compensation for Automobile Accidents violations:	3,461 persons	(1.0%)	( -67 persons	-1.9%)
(10) Act on Prevention of Transfer of Criminal Proceeds violations:	2,456 persons	(0.7%)	( -17 persons	-0.7%)
Other	33,395 persons	(9.4%)		
<b>Total number:</b>	<b>355,423 persons</b>	<b>(100.0%)</b>	<b>(-22,080 persons</b>	<b>-5.8%)</b>
	[Total number for 1989] 1,261,040 persons		[Compared to 1989] -905,617 persons, (-71.8%)	
	[Total number for 2003] 917,694 persons		[Compared to 2003] -562,271 persons, (-61.3%)	

Note : Prepared based on the Annual Report of Statistics on Prosecution.

Source: White Paper on Crime 2019

Of the number of persons referred to public prosecutors for Special Act offences in 2018, approximately three-quarters were for violations of the Road Traffic Act, followed by violations of the Stimulants Control Act, the Minor Offences Act, the Waste Management and Public Cleansing Act, the Immigration Control and Refugee Recognition Act, the Firearms and Swords Control Act and the Cannabis Control Act. While the number of Road Traffic Act violation has continued to fall in recent years, violations of the Cannabis Control Act and the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children, have been on the rise.

# Chapter 3

# Corrections

## 1 Overview

Corrections contributes to the smooth operation of criminal and juvenile justice proceedings by ensuring the appropriate treatment of inmates corresponding to their respective legal statuses while securing their detention and respecting their human rights. It fulfils the roles of preventing recidivism of adult and juvenile offenders and protecting society by reducing the number of future victims.

In Japan, correctional facilities include penal institutions, juvenile training schools and juvenile classification homes. Treatment is carried out at each facility corresponding to the individual needs of the inmates.

## 2 Treatment in Penal Institutions

Penal institutions consist of prisons, juvenile prisons and detention houses. Detention houses are mainly used for the detention of suspects and accused persons. Their purpose is to prevent people in pre-trial detention from escaping and to prevent them from concealing or destroying evidence; at the same time, detention houses ensure that there is no interference with the detainees' right to counsel and right to prepare a defence. These rights help to ensure that detainees receive a fair trial.

For persons serving custodial sentences, prisons and juvenile prisons implement various forms of treatment in order to stimulate motivation for reformation and rehabilitation and to prepare them for re-entry and reintegration into society.

In the treatment of sentenced inmates, scientific studies are conducted on the personality traits and social adaptability of each individual, treatment guidelines are formulated and correctional treatment is carried out based on these guidelines. Prison work is the essential element of treatment for the majority of sentenced inmates, i.e. those who are sentenced to imprisonment with work. Such prison work is, to the extent possible, encourage sentenced inmates to work and help them acquire vocationally useful knowledge and skills. Sentenced inmates may participate in vocational training as part of their prison work. In addition, taking into consideration their preference and suitability, they may also be provided opportunities to participate in production work, social contribution work and other work such as household or maintenance.

Educational activities for sentenced inmates include treatment programmes and academic programmes, which are a part of correctional treatment. Other key educational activities include



**Tokyo Detention House**



**Fuchu Prison**

guidance at the commencement of the sentences and guidance for release, advice and guidance by volunteer prison visitors, and recreational activities.

It is necessary to provide proper living conditions for inmates in penal institutions, such as supplying food, clothing, bedding and daily necessities, as well as opportunities to exercise and bathe. Careful consideration is also given to hygiene and health management. When inmates fall ill, medical treatment is provided by the medical staff, which includes medical doctors. In addition, the inmates for whom specialized medical treatment is required are sent to medical prisons. In the treatment of inmates, sufficient care is also given to aspects such as correspondence, visits and access to books.



**Single room**



**Group room**



**Shower room**



**Waiting room for visitors**



**Medical Correction Center in East Japan**

### 3 Treatment in Juvenile Training Schools

Juvenile training schools provide correctional education and reintegration support for juveniles who have been placed under protective measures by the family court. The aim of juvenile training schools is to foster sound development of such juveniles.

Juvenile training schools are categorized into Type 1, Type 2, and Type 3 schools for protective measures. The type of juvenile training school that a juvenile is committed to is determined by the family court and is dependent on the juvenile's age and mental and physical conditions. With the exception of Type 3, facilities are separate for males and females. In addition, there are also Type 4 juvenile training schools for juveniles who are below 16 years of age and is serving criminal sentences instead of in prisons.

The juvenile training schools have their own designated curricula, including the focal points and standard period of their correctional education. Each facility establishes detailed correctional education curricula to provide tailored treatment for juveniles. At the same time, in consideration of the circumstances of each facility, each school makes efforts to promote unique treatment.

Furthermore, based on the individual characteristics and educational needs of each juvenile, an Individual Plan for Correctional Education is prepared to provide individually oriented education for each juvenile, taking reference from information and opinions from the family court and juvenile classification homes.



**Kakogawa & Harima Juvenile Training School**



**Guidance for problem behavior**

### 4 Treatment in Juvenile Classification Homes

Juvenile classification homes are facilities with the duty of: (1) Classifying juveniles to respond to the requests of the family courts; (2) Conducting necessary protective treatment for those housed in juvenile classification homes with protective measures; and (3) Providing assistance to prevent delinquency and crime in local communities.

Classification is clarifying the qualitative circumstances and environmental problems that have led to



**Osaka Juvenile Classification Home**



**Psychological test**

the delinquencies based on specialized knowledge and techniques such as medicine, psychology, pedagogy and sociology and indicating appropriate guidelines in order to contribute to the improvement of those circumstances.

In addition to the above, by utilizing expertise related to programmes regarding delinquency and crime and by understanding the behaviour of adolescents, juvenile classification homes function as "Ministry of Justice Support Centres." These centres work to support activities related to the sound development and prevention of delinquencies and crimes in the community while working together with related organizations and groups involved in the sound development of young people, such as child welfare institutions, schools and educational institutions, and private organizations, including NPOs.

## 1 Overview

Offender rehabilitation programmes provide proper treatment to people who have committed crimes and delinquent juveniles. The aim is to prevent them from reoffending, or stop their delinquencies, and assist them to become self-reliant as sound members of society and improve and rehabilitate themselves. Offender rehabilitation programmes also ensure the proper operation of pardons and promote crime prevention activities, etc., thereby protecting society and enhancing the welfare of individuals and the public.

In Japan, offender rehabilitation is promoted in collaboration with rehabilitation volunteers such as volunteer probation officers and offender rehabilitation facilities (halfway houses) and a wide range of other institutions and organizations. These volunteers support offender rehabilitation programmes and help promote public understanding of the importance of these programmes.

Offender rehabilitation programmes mainly cover probation, urgent aid and urgent aftercare of discharged offenders, release on parole and provisional discharge from juvenile training schools, coordination of the social circumstances for inmates, pardon, and crime prevention activities.

## 2 Probation

### (1) Purposes and Types of Probation/Parole Supervision

The Ministry of Justice conducts probation/parole for offenders and juvenile delinquents as community-based treatment. Probation/Parole includes instruction, supervision, guidance and assistance so that offenders and delinquent juveniles become sound members of society.

The criminal justice procedures of Japan were explained in Chapter 1. There are five types of people on probation: juveniles on probation, parolees from juvenile training schools, parolees from penal institutions, persons on probation with suspended sentence and parolees from women's guidance homes. The probation/parole periods for these five types are shown in Figure 1-4-1 below.

**Figure 1-4-1 Probationers/Parolees and Probation/Parole Period**

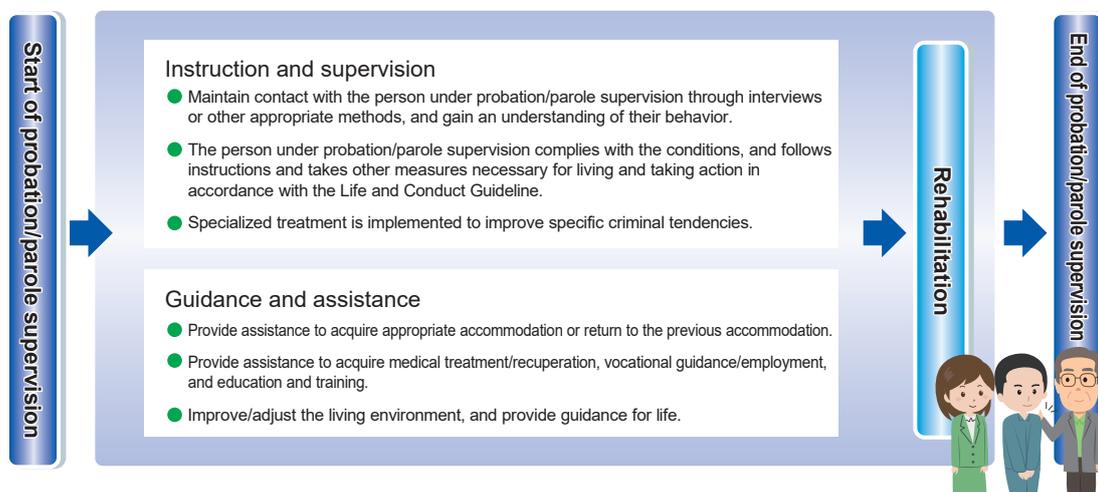
Persons subject to probation/parole supervision		Probation/parole supervision period
Juveniles on probation	(juveniles placed under probation in a decision made by a family court)	Until 20 years old or two years
Parolees from juvenile training schools	(juveniles granted discharge on parole from juvenile training schools)	In principle, until 20 years old
Parolees from penal institutions	(those granted parole from penal institutions)	Remaining period of sentence
Persons on probation with suspended sentence	(those granted full or partial suspension of execution of sentence in a decision made by the court and placed under probation)	Period of suspension of sentence
Parolees from women's guidance homes	(those granted discharge on parole from a women's guidance home)	Remaining period of guidance disposition

The probation/parole supervision of juvenile probationers include general probation, short-term probation, probation for traffic incidents, and short-term probation for traffic incidents, based on treatment method and other factors.

## (2) Process and Methods of Probation/Parole

The probation officer and the *hogoshi* (volunteer probation officer) provide instruction, supervision, guidance and assistance for the probationers/parolees during the term of probation/parole.

**Figure 1-4-2 Process and Methods of Probation/parole**



## 3 Urgent Aid and Urgent Aftercare of Discharged Offenders

Anyone on probation/parole, or anyone released from physical detention in connection with criminal proceedings, who needs assistance or protection is eligible for the following measures.

**Figure 1-4-3 Urgent Aid and Urgent Aftercare of Discharged Offenders**

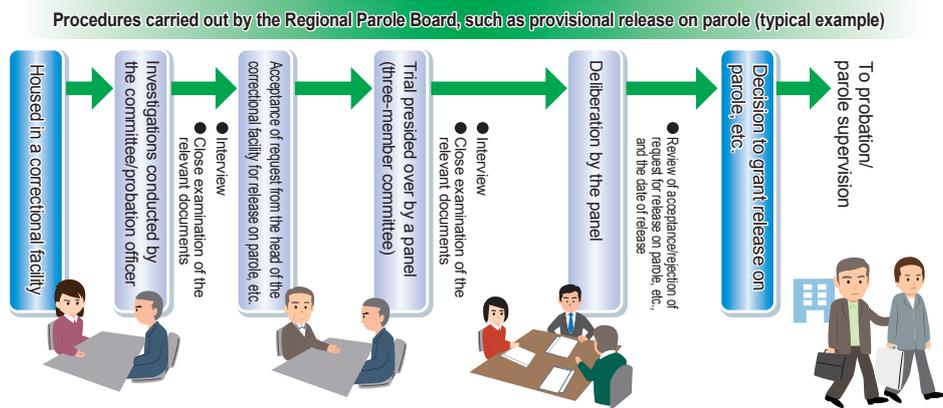
Classification	Target	Period	Measures
Urgent aid, etc.	In the case of persons under probation/parole supervision, and where there is a possibility of hindrance to rehabilitation	Probation/parole period	-Provision of meals -Assistance for medical treatment and recuperation
Urgent aftercare of Discharged Offenders	Persons to whom (1), (2), and (3) below are applicable (1) A person who has been released from physical custody through criminal proceedings or disposition for rehabilitation. (2) A person who has been deemed to be unable to receive assistance from family and relatives or protection from public health and welfare institutions, or who cannot be rehabilitated through that alone. (3) A person who has requested to receive urgent aftercare	In principle six months May be extended for no more than a further six months in exceptional cases	-Assistance for returning to accommodations -Provision/loan of money 

\*There are cases where the implementation of measures is carried out by the head of the probation office, and cases where it is contracted to persons operating rehabilitation service businesses.

## 4 Release on Parole and Provisional Discharge from a Juvenile Training School

Parole is a system aimed to achieve smooth reintegration into society by temporarily releasing those incarcerated in correctional institutions before the termination of the full sentence of incarceration. Persons released on parole shall be placed on parole supervision.

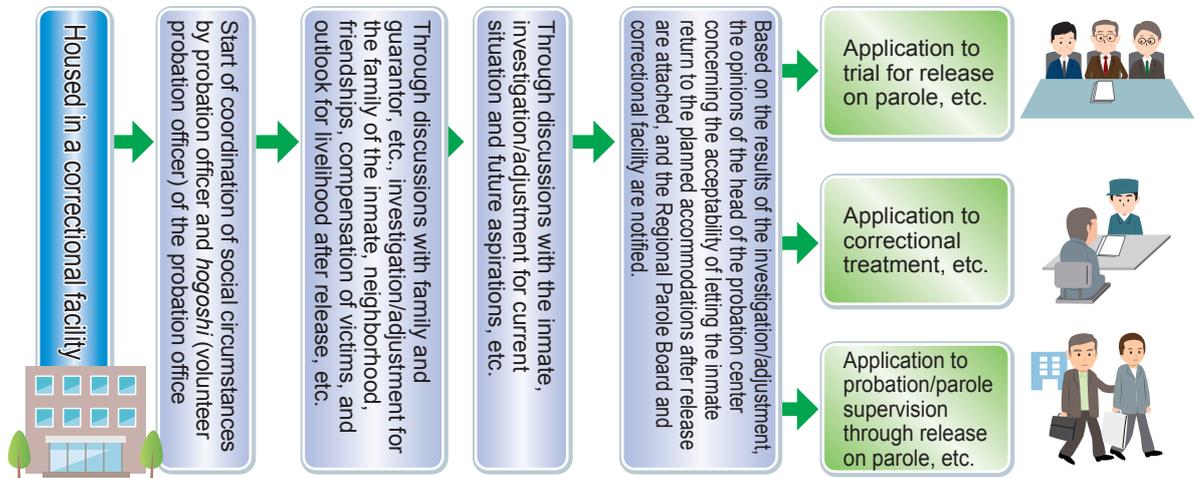
**Figure 1-4-4 Flow of Release on Parole and Provisional Discharge from Juvenile Training Schools**



## 5 Coordination of Social Circumstances

To promote smooth reintegration into society, probation officers conduct “coordination of social circumstances” for inmates in correctional institutions. Probation officers research and coordinate inmates’ residences, employment and living environments after release. Regional Parole Boards decide whether to grant parole considering the result of this research and coordination.

**Figure 1-4-5 Flow of coordination of social circumstances**



## 6 Pardon

A pardon is an action of the executive branch that officially nullifies punishment or other legal effect of a sentence. There are two kinds of pardons: pardons by Cabinet order, which the types of crimes and punishments subject to the pardon are defined and pardons that examine specific people individually.

## 7 Crime Prevention Activities

Crime prevention activities refer to activities that raise awareness among the people to prevent crimes and delinquency, and they improve the social environment that gives rise to crimes.

The uniqueness of rehabilitation-focused crime prevention activities is that they promote social solidarity and empathy for social norms in the community with a view to preventing crimes and building a safe and secure community. These activities also aim to create environments to prevent criminals and juveniles from reoffending and falling into delinquency by strengthening understanding and by directing the attention of the community towards the recovery of such persons, as well as by enhancing community support and acceptance of offenders and delinquent juveniles as members of the community.

Crime prevention activities are implemented in cooperation with local governments and the relevant regional organizations, while volunteers such as volunteer probation officers play key roles. Specifically, through lectures, symposiums, delinquency prevention classes, delinquency consultations and guidance activities, volunteers call on local residents to build a society that is free from crime and delinquency, and encourage them to support rehabilitation of offenders and delinquent juveniles.

## **8 Hogoshi (Volunteer Probation Officers)**

Volunteer probation officers are citizen volunteers who support the rehabilitation of offenders and juvenile delinquents in the local community. Based on the Volunteer Probation Officers Act, they are given the status of part-time national public officer commissioned by the Minister of Justice but are not paid any remuneration. *Hogoshi* (volunteer probation officers) engage in probation work in cooperation with probation officers while utilizing their networks in the private sector and greater understanding of their communities. In order for offenders and delinquent juveniles to successfully reintegrate into society, *hogoshi* (volunteer probation officers) support them through consultations and by helping them to adjust to their living environments, such as their residences and places of employment, after their release, so as to enable them to navigate life smoothly. There are approximately 46,763 *hogoshi* (volunteer probation officers) in Japan as of January 2020.

# Part 2

## **From the 1870s to 1960s**

**– Modernization of Criminal Justice and  
Establishment of the Current Foundation**



1 In Japan, the feudal shogunate system adopted a decentralized system for the authority of the respective feudal domains. This shogunate system, centred around the Shogun (General) as the leader of the samurai, came to an end in 1868, when a new government centred around the Emperor came into being. The new government sought to modernize Japan, holding up a vision of building the nation under a powerful, centralized administration. In order to close its gap with the European and American powers, Japan introduced aspects of Western civilization across a wide range of areas such as transportation, communications and industry, and promoted the development and growth of new industries as well as national prosperity and defence.



**The former MOJ building  
(completed in 1895)**



**Draft of the former  
Penal Code  
(promulgated in 1880)**

As Japan advanced its efforts towards modernization, it also worked on modernizing its criminal justice system by modelling it after Western systems, with the aim of amending the Unequal Treaties that allowed the establishment of foreign concessions, extraterritoriality for foreigners, and minimal import taxes for foreign goods. In the area of criminal law, Japan initially developed its legislation by drawing reference from the French legal system, but later came under the influence of the German legal system. The Penal Code was promulgated in 1907, while the Code of Criminal Procedure, based on the principles of the inquisitorial system, was promulgated in 1922.

In the area of corrections, prison system was established, including the enactment of the Prison Law in 1908. At the same time, efforts were made to modernize prison administration, such as the construction of Western-style facilities and improvements in prison hygiene. While offender rehabilitation services had initially been covered by volunteers, the enactment of the Judicial Rehabilitation Services Act in 1939 and other developments prompted the enactment of legislation establishing formal rehabilitation system.



**Nara Prison  
(completed in 1908)**

2(1) After World War II ended in 1945, Japan rapidly demilitarized and dramatically transformed itself to a more democratic society. The Constitution of Japan, which sets out the sovereignty of the people, respect for fundamental human rights and pacifism as fundamental principles, was promulgated in 1946. Its provisions on the protection of human rights, including 10 articles related to criminal justice, also brought about major changes to the criminal justice system. The Penal Code was partially amended in 1947 to conform to the principles of the Constitution of Japan, and the amendment included the repeal of criminal offences against the Japanese Imperial family, criminal offences against peace and order, and the crime of adultery. Furthermore, the aforementioned Code of Criminal Procedure of 1922 was amended in 1948, and the current Code of Criminal Procedure was promulgated. This law, based on the spirit of the Constitution of Japan, placed value on the fact-finding role of criminal procedure as well as on the protection of the human rights of suspects and the accused. It had incorporated many of the approaches in American law, such as the use of the adversarial system at the trial stage. It also adopted the principle that, upon initiating prosecution, public prosecutors must only submit the charging sheet to the court

(saving the submission of evidence for the trial process) so that trial court judges can engage in trials without forming prejudices against the accused.

(2) Shortly after World War II, the people of Japan lived in poverty and destitution due to shortage of food and other supplies and accelerating inflation. Consequently, there was a rise in the incidence of property-related offences such as theft, and the number of reported cases for Penal Code offences reached approximately 1.6 million cases in 1948, marking the first peak after the war. However, the recovery of the economy and restoration of social order stemmed the rising trend of property-related offences.

The period from the end of the war until the 1950s was also a period when various special acts were enacted to address social conditions brought about by the post-war turmoil. For example, efforts to crackdown on certain criminal offences were strengthened. The Stimulants Control Act, prohibiting the possession and use of stimulants and other related conduct, was enacted in 1951 in response to the flow of a large volume of stimulants into the markets after the war, which spread rapidly across the devastated society. The Anti-Prostitution Act was enacted in 1956 as a countermeasure against the drastic increase of prostitution during the period of post-war turmoil. These special acts, such as the Stimulants Control Act, enacted during the period immediately after the end of the war until the 1950s, were amended and revised a number of times in order to enhance their scope and effectiveness.

In the area of corrections, the basic principles of the prison system (respect for human rights, rehabilitation and reintegration into society and self-sufficiency) were established, and the vision of an ideal prison system was presented, alongside the implementation of many improvements to the treatment of offenders. The establishment of the "Guidelines for Inmates' Diagnoses and Classification" in 1948 built the foundations for scientific classification. In the area of rehabilitation, the Offenders Rehabilitation Act was enacted in 1949 as a basic law for rehabilitation, while the Urgent Aftercare of Discharged Offenders Act and the Volunteer Probation Officers Act were enacted in 1950, and the Probation of Persons with Suspension of Execution of the Sentence Act was enacted in 1954. These legislations formed the basis of the rehabilitation system that Japan has in place today.

3 In 1955, Japan entered a period of high economic growth which was sustained into the 1960s. Japan made a strong impact in post-war reconstruction both domestically and overseas, successfully hosting the first Olympic Games in Asia in 1964 and launching the Tokaido Shinkansen as the first high-speed rail system in the world. In 1967, the total population of Japan exceeded 100 million\*.

In tandem with the recovery of the Japanese economy and the establishment of a new post-war society, ideological conflict among people rose while political doctrines and assertions became increasingly diverse and radical. As a result, public safety and labour incidents caused by extremists occurred in the 1960s. Furthermore, against the background of the rapid popularization of motor vehicles alongside economic recovery, the traffic environment underwent significant changes, and the number of traffic offences increased, including offences causing death or injury through



**Tokyo Olympics convened in 1964**  
(c)Topfoto/amanaimages



**Tokaido Shinkansen**  
**(commenced operation in 1964)**  
(c)KYODO NEWS/amanaimages



**Incident at Yasuda  
Auditorium, Tokyo University  
(occurred in 1969)**

(c)KYODO NEWS/amanaimages

negligence. Consequently, in line with the new era, the Road Traffic Act was enacted in 1960 as the basic law regulating traffic on public roads and penalizing violations. Its penal provisions established penalties for criminal negligence as well as provisions for dual criminal liability, or the extension of criminal liability to include business entities or other principals. Subsequently, in response to the large number of traffic violation incidents at the time, the Traffic Violation Notification System was introduced in 1968 with the aim of adopting reasonable proceedings for traffic violation incidents corresponding to the severity of the incident, as well as expediting the processing of such incidents.

Hence, in the 1960s, there was a need to address a wide range of problems that accompanied post-war reconstruction, such as public safety and labour incidents and traffic incidents.

In the area of corrections, the foundations for the treatment of sentenced persons were established during this period. This was exemplified by the successive implementation of rehabilitative treatment measures which had developed based on the concept of individualized treatment of sentenced persons.

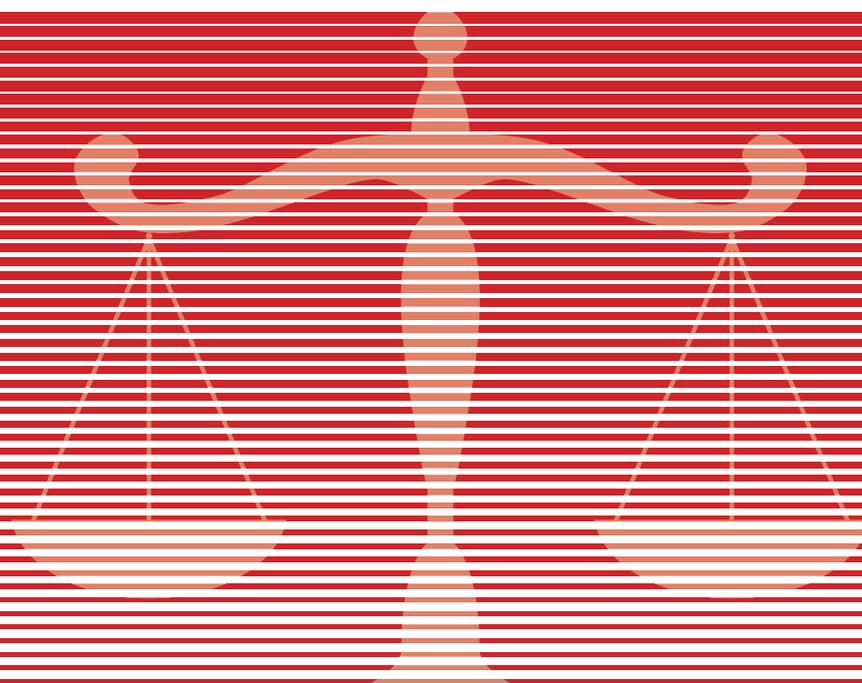
\*Source: Population Estimation prepared by Statistics Bureau, Ministry of Internal Affairs and Communications

(<https://www.stat.go.jp/data/jinsui/index.html>)

# Part 3

## Looking back over 50 Years, from 1970 to 2020

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# Chapter 1

## The 1970s (From 1970 to 1979)

### – Stable Operation of Criminal Justice Despite the Need for Difficult Responses to Public Security Incidents –

1. During the 1970s, the Japanese economy recorded negative growth in 1974 for the first time after World War II. 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. Globally, the 1970s brought significant changes to the Cold War that had begun after WWII, including the easing of tensions between the United States and the Soviet Union. Against this backdrop, in 1970, Japan hosted Asia's first World Expo in Osaka, as well as the Crime Congress, which is the United Nations' largest conference on crime prevention and criminal justice, in Kyoto. In addition to the Tokyo Olympics held in 1964, these events raised Japan's profile both 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.



**World Expo in Osaka**  
(c)PIXTA

2. At the same time, addressing the problems caused by policies that prioritized economic growth, which was brought about by the significant economic development after the war, had become an issue.



**Asama-Sansō incident**  
(c)KYODO NEWS/amanaimages



**Mitsubishi Heavy Industries bombing incident**  
(c)KYODO NEWS/amanaimages

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, the public security and labour incidents caused by extremists in the 1960s 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. Enormous sacrifices were made when a considerable number of police officers lost their lives in the line of duty to suppress the extremists, as well as in the hijacking incidents resulting in the release of accused persons through extra-legal measures. In order to deal with these riots and other incidents, Japan put in place legislative measures, such as controlling the use of Molotov cocktails (firebombs).



**Hostages of Yodo-go hijacking incident released**  
(c)KYODO NEWS/amanaimages

3. 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 as a whole could be described as stable.

# Chapter 2

## The 1980s (From 1980 to 1989)

### – Criminal Justice that Realized a Society Described as the Safest in the World –

1. In the 1980s, Japan achieved economic growth and developed to become one of the leading economies in the world, creating a wealthy and prosperous society. For example, Japan was ranked first in the world for the number of cars produced. Social life and social environment 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. Globally, the United States and the Soviet Union declared the end of the Cold War in 1989.

The number of reported cases for Penal Code offences increased from



**Tokyo Disneyland opened**

(c)KYODO NEWS/amanaimages

about 1.36 million cases in 1980 to 1.67 million cases in 1989. One of the causes is considered to be an increase in the number of juvenile delinquency cases (hereinafter, “juvenile” 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 social changes, such as diversified values in an affluent society, the decline in the protective and educational function of families and schools, and increased opportunity to commit crimes.

The 1980s was a period that saw a rise in the number of juvenile delinquency cases. However, if we are to consider the bigger picture, this was a time when the crime trend in Japan was relatively stable, and Japan was rated as one of

the safest countries in the world. The White Paper on Crime 1989 set 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, strict control of 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 the criminal justice system.

2. During the 1980s, efforts continued to fully amend the Penal Code, which began in the 1960s, as well as the amendment of the Juvenile Act and the Prison Act, which began in the 1970s. These legislative efforts were large-scale projects implemented based on factors such as changes to the social situation after the war. However, they did not come to fruition because of the sharply divided opinions. As a result, criminal-justice-related legislation was, until the mid-1980s, limited to addressing specific ongoing challenges since the 1970s, such as developing necessary penal provisions to prevent the recurrence of bribery incidents such as the Lockheed scandals, establishing systems to support crime victims, and promoting international cooperation against transnational crimes such as hijacking and terrorism. Hence, in the 1980s, Japan’s criminal justice system achieved a society described as one of the safest in the world. However, in terms of legislation, a complete and fundamental review did not take place.



**Fall of the Berlin Wall**

(c)Luigi Caputo/Anzenberger/amanaimages

3. In 1987, partial revisions were made to the Penal Code to penalize crimes committed by using computers, which had been difficult to address by the traditional categories of crime set out in the Penal Code, and to incorporate new provisions for crimes committed outside Japan in order to conclude international conventions. Thereafter, legislation in the field of criminal justice gradually became more active.



**change of era name to  
Heisei**

(c)The Asahi Shimbun/amanaimages

# Chapter 3

## The 1990s (From 1990 to 1999)

### – Criminal Legislation in Response to Global Trends and Changes in Social Conditions –

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 “bubble” economy. As a result, financial institutions had to tackle large amount of non-performing loans, and the Japanese economy plunged into a prolonged economic slump known as the “lost decade”.



**Introduction of the Euro**

(c)Science Photo Library/amanaimages

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 crime 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 crime 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 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 various areas. With regard to drug-related crimes, Japan put in place measures to criminalize acts of money-laundering, expanded the confiscation and collection of equivalent value for unlawful gains, and established provisions for the preservation procedures related to such confiscation and collection of equivalent value. In the area of organized crime, Japan set out procedures for interception of telecommunications as well as the protection of witnesses. Furthermore, provisions to penalize child prostitution and provision of child pornography, and provisions to control illegal access were established.

In these ways, Japan put in place various legislative measures in the



**The burst of the so-called “bubble economy”**

(c)The Asahi Shimbun/amanaimages



**the Tokyo subway sarin attack**

(c)The Asahi Shimbun/amanaimages



**Release of the Japanese edition of Windows 95**

(c)The Asahi Shimbun/amanaimages

1990s to prevent crimes and impose appropriate punishment, corresponding to the changes of the times. In addition to these measures, Japan also enacted the Offender Rehabilitation Services Act with the aim of ensuring the proper operation and sound development of Offender Rehabilitation Services and improved and strengthened the *hogoshi* (volunteer probation officer) system, which is a system of citizen volunteers entrusted by the Minister of Justice to engage in offender rehabilitation. Furthermore, Japan modernized notation of the Penal Code in order to ensure that it remains current and relevant.

2. As explained above, the 1990s was a period of active legislation 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, including amendments of legislation, were put in place in the area of rehabilitation.

## Chapter 4

# The 2000s (From 2000 to 2009)

## – Dramatic Evolution of Criminal Justice : Measures against the Deteriorating Crime Situation and System Reforms –

1. In the 2000s, the “three excesses”, namely, excessive debt, excessive capacity, and excessive unemployment—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 was 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 burglary. In response to this situation, the government convened for the first time in 2003 the Ministerial Meeting Concerning Measures Against Crime comprising all the 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.

The Ministerial Meeting presented the following “three perspectives for the restoration of security”: (1) Support for people’s activities aimed at securing 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. The relevant agencies steadily implemented measures that included strengthening their crackdown on crimes and border controls and revising various laws and ordinances in the field of crime prevention including the Penal Code.

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 groundbreaking development. Moreover, with declining birthrates, 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, not only did the police and public prosecutors conduct appropriate investigations and prosecutions, 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 victims to such crimes.

In 2003, the number of reported cases for Penal Code offences, which had continued to rise until then,



**Ministerial Meeting Concerning Measures against Crime**

Source: Prime Minister's Office website  
(<https://www.kantei.go.jp/jp/koizumiphoto/2006/06/20hanzai.html>)

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 reported cases of theft, which made up more than 70% of all Penal Code offences. While there may be various plausible reasons for this drop in the number of reported cases of theft, various governmental policies, as well as initiatives implemented by the private sector to prevent theft and other crimes, 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.



**Saiban-in trial**

Source: Supreme Court of Japan

The first is the justice system reform. Entering the new century, Japan 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 the 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) Justice reform (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 the participation of citizens 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, in the second half of the 2000s, efforts were made to improve the quality and speed of criminal trials by the introduction of a new pretrial conference proceeding to sort out the contested issues and to organize the examination of evidence at trial. The pretrial conference proceeding also provides for appropriate disclosure of evidence between the 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 and for detained suspects 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, consisting of 11 randomly selected citizens who review public prosecutors’ decisions not to initiate prosecution, were strengthened. Upon the adoption of a certain resolution, the Committee can mandate prosecution of the cases. These laws became effective by 2009.

Furthermore, the Japan Legal Support Center (JLSC) was established in 2006 for the purpose of enhancing access to justice and began operations for comprehensive support to make legal services more accessible throughout the country for both civil and criminal matters. Through the 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 capital and other serious offences. In the ten years since its implementation, from 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 *saiban-in* courts, 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 criminal trials. It has impacted the attitudes of criminal justice professionals, and even the views of the public, towards the criminal justice system.

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 law school education, 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 successfully produced more than 20,000 qualified legal professionals, including those engaged in criminal justice.

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, the proceedings to determine the appropriate treatment for persons who have caused serious cases under the condition of insanity were introduced. The proceedings are designed to provide continuing and appropriate medical care to such persons in order to improve their medical condition and prevent the recurrence of similar acts, and thereby facilitate their reintegration into society. Also, in Japan, juvenile criminal cases, unlike incidents involving adult offenders, are handled through juvenile procedures in the Family Courts in order to promote the sound development of juveniles in conflict with the law. For the purpose of ensuring fact finding in such procedures, the discretionary panel system and the participation of public prosecutors and attendants (attorneys) during these hearings 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 detention facilities 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 to strengthen the system, and 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 inadequate in the existing criminal justice system. 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 formulated the First Basic Plan for Crime Victims, which initiates various measures in the following five critical areas: recovery of damages and financial support, recovery from and prevention of psychological and physical harm, increased opportunities for victims' participation in criminal procedures, establishment of a victim support system, and promotion of public understanding,

consideration and cooperation.

3. In the 2000s, the fight against terrorism all over the world represented a task of great importance globally as shown in the synchronized terrorist attacks in the United States. 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 the crimes, including legislative measures for concluding international agreements to prevent terrorism and human trafficking, mutual legal assistance in criminal investigations, transnational 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 justice, as well as in the area of corrections and offender rehabilitation. Significant progress was also observed as a 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.



**Synchronized terrorist attacks in the United States**

(c)Polaris/amanaimages

# Chapter 5

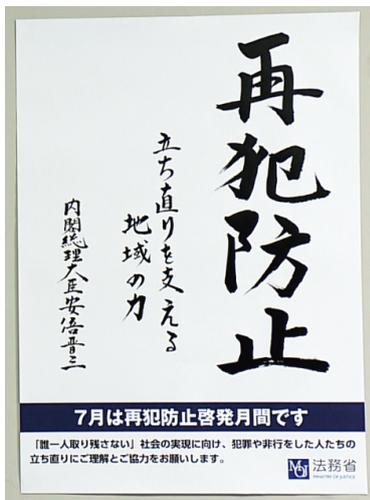
## The 2010s (From 2010 to 2019)

– Continued Development of Criminal Justice in Tandem with Changes in Society, in Order to Realize the Safest and Most Secure Society in the World –

1. In the 2010s, despite the impact of the Global Financial Crisis (referred to as “the Lehman Shock” in Japan) that occurred in 2008, the period of the downturn was rather short and the Japanese economy restarted the path for recovery. In this environment, the number of reported cases of Penal Code offences continued to fall. However, the percentage of



**Great East Japan Earthquake**  
Source: National Police Agency



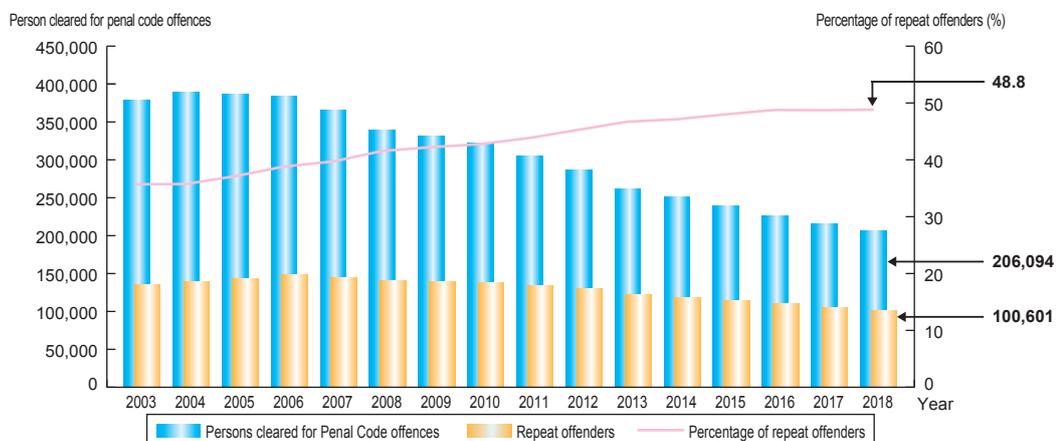
**Publicity poster for recidivism prevention**

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 an alarmingly high level of 48.8% by 2018. Hence, in order to realize a safer and more secure society, the vital need to promote measures to reduce reoffending was recognized, and various initiatives were implemented.

During the 2010s, social-networking, video-sharing services 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 unconsented distribution of private sexual photographs, increased significantly and became a growing

criminal justice problem. In response to these forms of crime, a wide variety of operational and legislative measures were implemented in the field of criminal justice. Moreover, against the background of Japan’s

**Figure 3-5-1** Trend of the number of repeat offenders among all persons cleared for Penal code offences, and the rate of repeat offenders



Note 1: “Repeat offenders” refers to those cleared again after being cleared 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 cleared for Penal Code offences.

Source: Criminal Statistics of the National Police Agency

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 the 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 fundamental laws in this area. Following the aforementioned reforms of the criminal judicial system in the 2000s, during which it was pointed out that the investigation of crime and its proof at trial relied excessively on written records (*procès-verbaux*) of suspects’ and witnesses’ statements prepared by prosecutors after investigative questioning, the Code of Criminal Procedure was revised in 2016 to make criminal proceedings more appropriate and effective and to enhance public trust in the criminal justice system. For the purpose of improving the appropriateness and diversifying the evidence gathering methods, 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. Furthermore in 2017, an amendment was passed that included the establishment of the crime of “furtherance of planning to commit terrorism and other serious crimes”, and Japan concluded the United Nations Convention against Transnational Organized Crime (UNTOC).



**Name of the era changed to Reiwa**

(c)The Asahi Shimbun/amanaimages

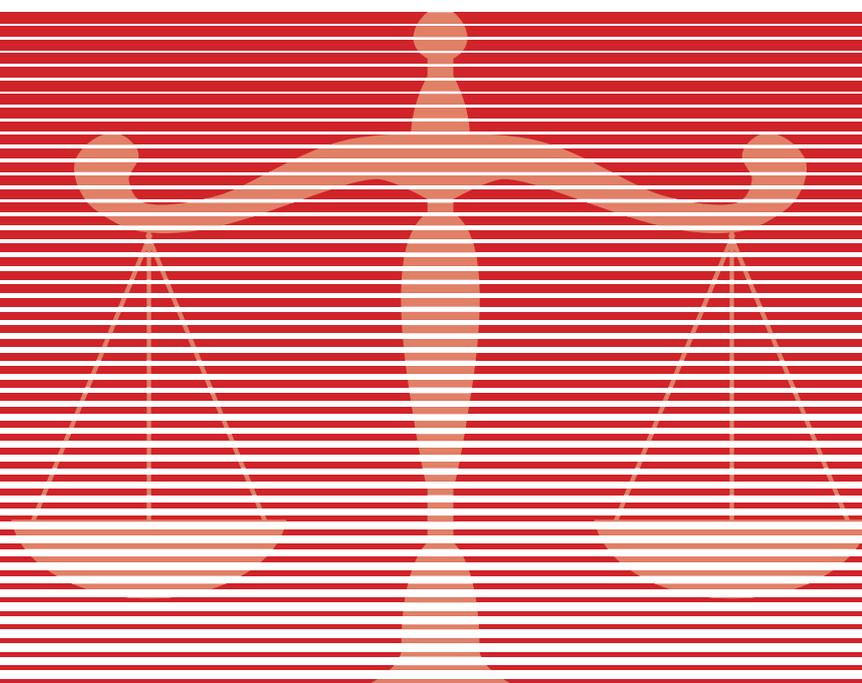
3. Globally, terrorist attacks committed repeatedly around the world by Islamic extremist groups organizations, such as ISIL, Al Qaeda, and the Taliban, became a major concern. In this context, it was reaffirmed that Member States need to jointly respond to the common threats and challenges facing the international community, including terrorism. In this regard, Japan took steps to strengthen international cooperation.

4. As such, in the 2010s, criminal justice in Japan continued to develop in tandem with changes in society, in order to realize the safest and most secure society in the world.

# Part 4

## Various Areas of Criminal Justice and Making through Changes Over the Last 50 Years

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<b>Chapter 2</b> Contribution to the International Community in the Field of Criminal Justice .....	42



# Chapter 1

# Progress in Measures regarding Crime Victims and Related Matters

## 1 Up to the 1960s

According to the current Code of Criminal Procedure, which was promulgated in 1948, crime victims and their families, as well as bereaved family members (collectively referred to hereinafter as “crime victims”) were not parties *per se* in criminal trials and could not be actively involved in criminal proceedings, nor were they able to receive financial support based on the law.

## 2 Since the 1970s

The indiscriminate bombing perpetrated by extremist groups in 1974 raised awareness of the fact that crime victims received little to no substantive redress, resulting in growing public sentiment for a government response for crime victims. In 1980, the Act on Supporting Crime Victims Through Paying Benefits was enacted, which introduced a benefit system that provided compensation for victims of specific crimes or their bereaved family members. Subsequently, serious incidents, such as the Tokyo subway sarin attack that happened in March 1995, have strengthened public awareness 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 harm and financial damages, as well as difficulties in their daily lives. People also started to recognize that crime victims were often forced to relive traumatic experiences during the subsequent criminal proceedings, causing further psychological harm in the form of secondary victimization. In February 1996, the National Police Agency formulated the Outline of Measures for Supporting Crime Victims. From April 1999, the Public Prosecutors Office also implemented throughout its offices nationwide a uniform notification system for crime victims.

## 3 Since the 2000s

### (1) The Enactment of the Two Crime Victim Protection Laws

In May 2000, two crime victim protection laws were enacted, introducing a procedure through which crime victims express their feelings about the damage and other opinions concerning the case on the trial date, various measures to reduce the burden on crime victims when they are examined as witnesses (witness escorting, witness shielding, witness examination by video conference), measures for inspecting and/or copying of trial records by crime victims, and a criminal settlement system, among others.

### (2) Enactment of the Basic Act on Crime Victims

Despite such measures, crimes continued to occur, and many crime victims continued to face difficulties. Due to this situation, there was no end to calls from crime victims expressing dissatisfaction with their treatment in the criminal proceedings and seeking further progress on relevant measures. In December 2004, responding to these calls, the Basic Act on Crime Victims was enacted.

The Basic Act on Crime Victims established the basic principles regarding policies for crime victims and

clarified the responsibilities of the state, local governments and citizens: (1) The personal dignity of each crime victim will be respected and appropriate measures of treatment will be taken accordingly; (2) The Measures for Crime Victims are to consider the cause and circumstances of the victimization and take appropriate action according to the crime victims' situations and other external factors; and (3) The Measures for Crime Victims are to be in place to ensure crime victims receive the necessary support immediately after the crime until their normal lives are restored. The Basic Act sets out the basic measures for crime victims, which are composed of 13 items including "Consultation and Provision of Information," "Support with regard to Claims for Damages" and "Development of the System to Expand Opportunities to Participate in Criminal Procedures."

### (3) Basic Plan for Crime Victims

The Basic Act on Crime Victims stipulated that the government must establish a basic plan concerning the measures for crime victims (Basic Plan for Crime Victims), and the First Basic Plan for Crime Victims was formulated in 2005. Currently, various measures are being promoted under the Third Basic Plan for Crime Victims formulated in 2016.



Measures for on Crime Victims

Since the formulation of the Basic Plan for Crime Victims, the following measures are being promoted in criminal justice: the enhancement of the benefit system for crime victims, the introduction of the remission payments issuance system and the introduction of the restitution order system as initiatives towards the recovery of damages and financial support; the introduction of the system for protective rulings on matters identifying the victim and attentive measures concerning hearings involving child victims as initiatives towards recovery from and prevention of psychological and physical harm; the introduction of the victim participation system, the introduction of the system for observation of juvenile hearings by crime victims, the enhancement of the system for the viewing and copying of trial records by crime victims, the introduction of the opinion hearing system in parole examination and the system for communicating victims' sentiments to probationers as initiatives towards increasing crime victims' involvement in criminal proceedings; and the enhancement of the operations of the Japan Legal Support Center (JLSC) supporting crime victims as initiatives towards the establishment of the system for support.

## 2 Conclusion

The last 50 years can be described as an era that saw significant progress in the policies for crime victims in Japan. Given the immense physical, psychological and economic suffering of the crime victims, it is necessary to continue exploring effective policies for crime victims in order to reduce and alleviate such pain as much as possible.

# Chapter 2

## Contribution to the International Community in the Field of Criminal Justice

### 1 Contribution through the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI)

#### (1) Overview

UNAFEI was established in 1962 by an agreement between the United Nations (UN) and the Government of Japan. It has been funded and staffed and operated by the Ministry of Justice of Japan since 1970. The United Nations Office on Drugs and Crime (UNODC), as a core body, forms the United Nations Crime Prevention and Criminal Justice Programme Network with a number of Programme Network Institutes (PNIs) around the world, and UNAFEI is its oldest member. UNAFEI contributes to the formulation and implementation of UN policies and facilitates the advancement of crime prevention and criminal justice policy and practice in the international community through training programmes and research. UNAFEI, initially located in Fuchu City in Tokyo, was relocated to the International Justice Center in Akishima City, Tokyo, in 2017. This enabled collaborative work with the International Cooperation Department of the Research and Training Institute of the Ministry of Justice, which is also located at the Center.



**International Justice Center**

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 as Ministers of Justice, Chief Justices and Attorneys General, and have been playing leading roles in improving criminal justice systems in their respective countries and international organizations, such as the International Criminal Court (ICC). Given its achievements, UNAFEI has been highly evaluated particularly by the participating countries and enjoys a well-deserved reputation in the international community.

#### (2) Technical Assistance Activities

Since September, UNAFEI has conducted international training courses and seminars, mainly for criminal justice practitioners in developing countries around the world in cooperation with the Japan International Cooperation Agency (JICA) and the Asia Crime Prevention Foundation (ACPF). 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, Congress declarations, the SDGs and other crucial issues facing the United Nations and the international community. UNAFEI has also conducted annual international training courses dedicated to anti-corruption since 1998. Moreover, in response to requests from other countries, the United Nations and others, UNAFEI provides technical assistance to specific countries and regions mainly through training programmes. It also implements technical



**UNAFEI International Training Courses**

assistance projects in cooperation with the UNODC. In addition, UNAFEI conducted overseas joint seminars, mainly in the Asia-Pacific region from 1981 to 2002.

### **(3) Contribution to the Development of UN Policies on Crime Prevention and Criminal Justice**

As a PNI, UNAFEI has actively participated in the Commission on Crime Prevention and Criminal Justice (CCPCJ) and the Crime Congresses, and thereby contributes to the development of UN policies on crime prevention and criminal justice and their implementation by Member States.

One of UNAFEI's greatest contributions is its involvement in the formulation of the United Nations Standard Minimum Rules for Non-custodial Measures (the "Tokyo Rules"), which were adopted at the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders held in Havana, and afterwards, by the UN General Assembly in 1990. UNAFEI's continuous and stable contribution to the international community significantly supported Japan to host the Fourth Congress in Kyoto in 1970, which was the first Congress held in Asia.

### **(4) UNAFEI has organized and coordinated workshops at each Congress since the 10th Congress in 2000.**

At the 14th Congress, UNAFEI will hold a workshop on "Preventing Recidivism." It is also worth noting that the late Mr. SHIKITA Minoru, the Deputy Secretary-General of the Fourth Congress in Kyoto and former Director of UNAFEI, played an instrumental role in replacing the Committee on Crime Prevention and Control, which had been an expert advisory committee under the Committee on the Social Development of the Economic and Social Council (ECOSOC), with the newly established CCPCJ, which is designated as one of the functional commissions of the ECOSOC. The CCPCJ, thereafter has been the principal policymaking body in the field of crime prevention and criminal justice. The CCPCJ takes action through its resolutions and decisions, which can be submitted to the ECOSOC and to the General Assembly. Also, Mr. SHIKITA strongly and successfully advocated for the continuation of the Congress, which was at stake at the ministerial conference held in the Palace of Versailles.

### **(5) Cooperation with Other PNIs**

As the oldest PNI, UNAFEI leverages its long history and experience to cooperate closely with the UNODC and other PNIs. Over the years, it has exchanged Memoranda of Understanding with the College for Criminal Law Science of Beijing Normal University (CCLS), the Korean Institute of Criminology (KIC), and the Thailand Institute of Justice (TIJ).

## **2 Legal Technical Assistance**

In Japan, since 1994, the relevant ministries and agencies, including the Ministry of Justice and the Ministry of Foreign Affairs, the Supreme Court, the Japan Federation of Bar Associations, JICA, and universities, researchers and others have cooperated and collaborated to actively provide legal technical assistance to Asian countries including assistance for drafting laws and regulations and capacity-building of legal and judicial professionals. Initially, legal technical assistance was provided to Viet Nam and Cambodia. In 2001, in response to countries' increasing requests for assistance, the scope of countries for the assistance was broadened, and the Ministry of Justice established the International Cooperation Department (ICD) within the Research and Training Institute, one of the agencies of the Ministry of Justice, to exclusively engage in legal technical assistance. Since then, ICD has been implementing legal technical assistance, working closely with the Ministry of Foreign Affairs, JICA and other



**Results of legal technical assistance**

relevant organizations. To date, the Ministry of Justice has provided such assistance to more than ten countries covering a wide range of fields including civil and commercial law, criminal law and administrative law.

Japan's legal technical assistance places emphasis on supporting the self-help efforts of the recipient countries. It focuses on enhancing the abilities of the recipient countries to develop, administer and continuously improve a legal system that matches their circumstances. This assistance is highly regarded by the recipient countries and has been producing results over the last quarter-century through relationships of mutual trust between the recipient countries.



**50** years  
of criminal justice  
in Japan

