

Offender Rehabilitation of Japan



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Offender Rehabilitation Act is available here



- Contents -

Chapter 1 Overview of Offender Rehabilitation in Japan	
A. What is Offender Rehabilitation?	1
B. Development of Offender Rehabilitation in Japan	1
C. Public-Private Partnership in Offender Rehabilitation	3
Chapter 2 Rehabilitation of Offenders	
A. Overview	13
B. Probation and Parole Supervision	14
C. Assistance and Care for Discharged Offenders (except Probationers and Parolees)	24
Chapter 3 Medical Treatment and Supervision	
A. Purpose of Medical Supervision and Treatment	25
B. Treatment Process	25
C. In-Hospital Treatment at the Designated Medical Institution	26
D. Treatment in the Community	26
Chapter 4 Yellow Feather Campaign (Crime Prevention Activities)	
A. Overview	27
B. Major Initiatives	27
Chapter 5 Promising Approaches	
A. Prevention of Recidivism	31
B. United Nations Congress on Crime Prevention and Criminal Justice (UN Crime Congress) and International Network	33

Chapter 1 Overview of Offender Rehabilitation in Japan

A. What is Offender Rehabilitation?

The purpose of offender rehabilitation in the community (hereinafter, “offender rehabilitation”) is “to provide proper treatment to persons that have committed crimes and juvenile delinquents, to prevent them from re-offending or stop their delinquencies and assist them to become self-reliant as sound members of society and improve and rehabilitate themselves, thereby protecting society and enhancing the welfare of individuals and the public” (Offender Rehabilitation Act, Art. 1). In Japan, offender rehabilitation is often compared to the anchor leg in a relay race since it is the final aspect of the criminal justice system, following police enquiry, prosecution, court proceedings, and institutional treatment. It is referred to as the “community-based treatment of offenders” or “community corrections” since its approaches require the community setting.

B. Development of Offender Rehabilitation in Japan

The offender rehabilitation system, which is one of the important elements of Japan’s criminal justice system, has been developed with the support of private citizens and institutionalized in Japan for over a century.

1. Origin and Early Stages of Development of Offender Rehabilitation

The term “offender rehabilitation” first appeared in the Offender Prevention and Rehabilitation Act enacted in 1949; however, long before the enactment of the act, private organizations had been playing a significant role in reintegrating offenders in accordance with governmental measures. Inter alia, the Shizuoka Prefecture Released Prisoners Protection Company, which was established in 1888 by a benevolent businessman named Meizen Kimpara, and Kyoichiro Kawamura, a former vice-warden of Shizuoka Prison, provided released offenders with food, accommodation, and clothing and commissioned 1700 volunteers in the prefecture to assist the rehabilitation of offenders, which can be considered precursory approaches to the efforts of the offender rehabilitation facility (for more details on the facility, see p.11-12) and *hogoshi* (volunteer probation officers, see p.5-8) system, which have been continuously institutionalized as core actors of offender rehabilitation under the multi-stakeholder partnership respectively until today.

2. Modernization (Era of the Offender Prevention and Rehabilitation Act)

Following the Second World War, criminal justice reform was implemented under the new Japanese Constitution. In line with the reformations made to the Penal Procedure Act, Juvenile Act, and so on, the Offender Prevention and Rehabilitation Act was enacted in 1949 as the new basic legislation for the rehabilitation of offenders. This act prescribed the basic system of probation, parole, and crime prevention activities and introduced supervision for adult parolees from penal institutions, as well as juvenile probationers and parolees from juvenile training school. Subsequently, the act was expanded to cover persons under probation with the suspension of execution of the sentence and parolees from women’s guidance home with the enactment of the Probation of Persons with Suspension of Execution of the Sentence Act in 1953 and the partial amendment of the Anti-Prostitution Act in 1958, respectively. This framework of probation remains unchanged to date. In addition, Urgent Aftercare of Discharged Offenders Act, which was enacted in 1950, provided legal bases for offender rehabilitation facilities, which was a key player in offender rehabilitation in civil society.

3. Offender Rehabilitation Reform and the Enactment of the Offender Rehabilitation Act

In Japan, the Corporation for Offender Rehabilitation (Juridical Person for Offender Rehabilitation, see p.11-12) was institutionalized by the newly enacted Offender Rehabilitation Services Act in 1995 in place of the Urgent Aftercare of Discharged Offenders Act. With the enactment of the currently active Offender Rehabilitation Act in June 2007, which integrated the former Offender Prevention and Rehabilitation Act and Probation of Persons with Suspension of Execution of the Sentence Act, the offender rehabilitation system was completely renovated for the first time in 60 years. The purpose of the Offender Rehabilitation Act, which was enforced on June 1, 2009, is to strengthen the function of the offender rehabilitation service. It was enacted in response to the proposal put forward in June 2006 by the Expert Meeting on Future Offender Rehabilitation System, which was formed after the

commitment of several heinous offences by released inmates and probationers.

The Offender Rehabilitation Act specifies that the purpose of offender rehabilitation is to prevent recidivism and support the reintegration of offenders. The act includes provisions for the fulfillment and standardization of the items for special conditions in probation, prescription for effective coordination of living circumstances among pre-release inmates, victims' opinion hearing system in parole examination, and communication system of victims' sentiments to probationers. The Offender Rehabilitation Act, which pays respect to the concept and legacy of the long-preserved public-private partnership, is expected to further develop the offender rehabilitation system and, since its enforcement, various measures for the prevention of recidivism and reintegration of offenders have been launched and implemented.

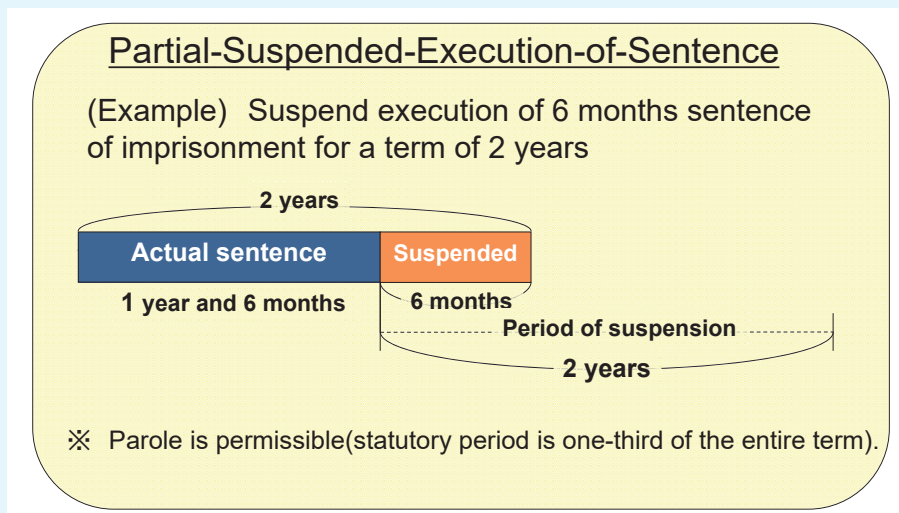
Column: Partial Suspension of Execution of the Sentence

Under the system of Partial Suspension of Execution of the Sentence, judges can partially suspend execution of the sentence for 1 to 5 years, in rendering a sentence of imprisonment with or without labour for term not exceeding 3 years.

For first-time prisoners with otherwise clean records or offenders on suspended prison terms, this type of sentence can be applied irrespective of the crime type. The court may sentence probation during the suspended period. For drug offenders, irrespective of whether it is an offender's first offence or not, the aforementioned type of sentence is applicable. Repeat drug offenders who receive this sentence must be placed on probation supervision.

In addition to the introduction of partial suspension of execution of sentence (on June 1, 2016), the amended Offender Rehabilitation Act specified the special provisions, which enables probation officer to provide probationers and parolees with specific instruction concerning dependence on controlled substances, such as to take medication. It is generally considered that persons who have committed offenses of the use of drugs have a high affinity for drugs and have addiction to drug use. To prevent recidivism of these persons, in addition to providing treatment in penal facilities, it is considered particularly useful to implement treatment that maintains and strengthens the effects of the treatment for a sufficient period of time even in a society where drug temptation is possible.

Figure 1 Partial Suspension of Execution of the Sentence

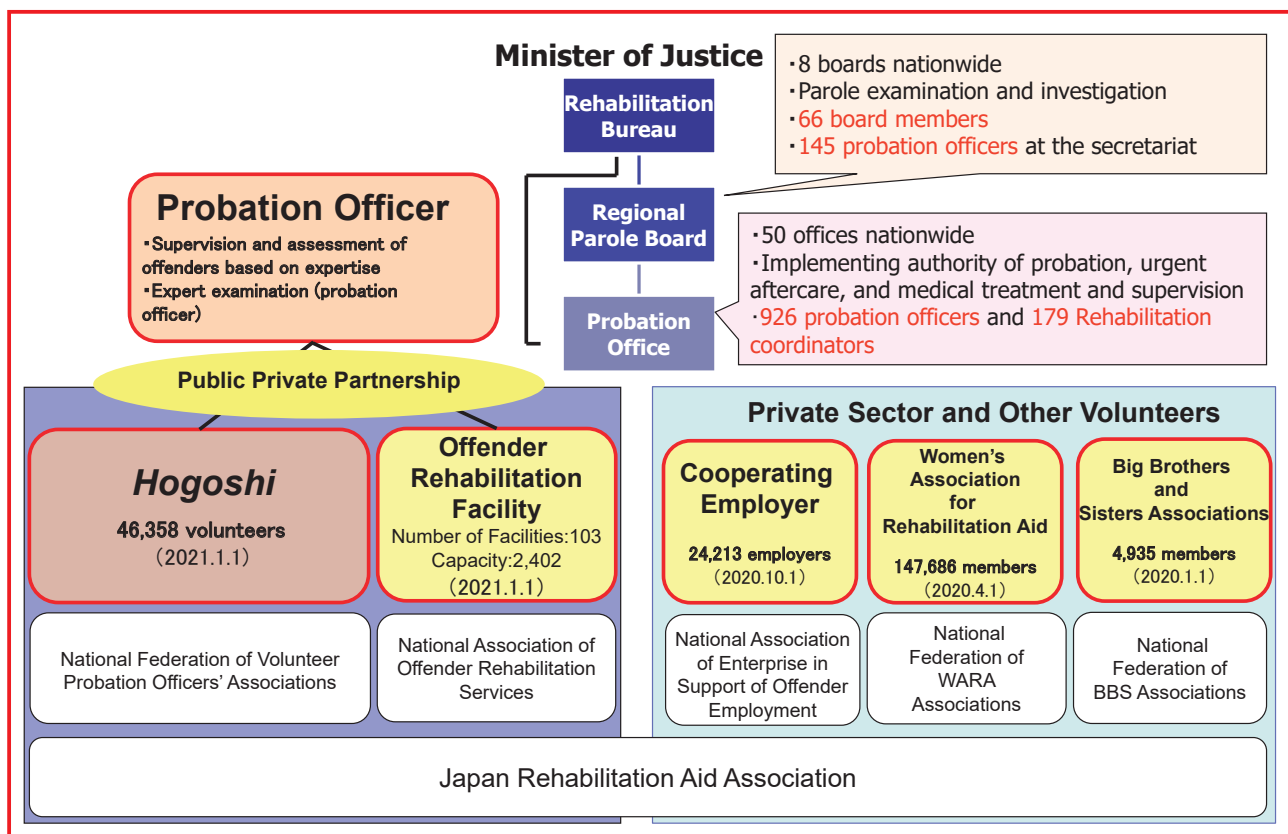


C. Public-Private Partnership in Offender Rehabilitation

In Japan, approximately 1,000 professional probation officers, who are full-time officers employed by the Ministry of Justice, supervise probationers and parolees. In addition, they are supported by approximately 47,000 *hogoshi* who provide additional supervision and assistance to offenders while approximately 24,000 cooperating employers, 148,000 WARA and 5,000 BBS members are also engaged in supporting offender rehabilitation (see p.5-12).

A prominent characteristic of the Japanese offender rehabilitation system is that the relevant governmental framework was founded on the tireless endeavors and dedication of community volunteers; further, although there have been various opportunities for systematic reforms such as the criminal justice reform following the Second World War and the offender rehabilitation reforms described in the previous section (see p.1-2), the collaboration between the government and community volunteers has played a crucial role in offender rehabilitation. The social circumstances surrounding the offenders have a great influence on the process of crime and delinquency. Therefore, the rehabilitation of offenders requires not only their efforts but also the understanding and cooperation of the community. Based on this idea, Japan's offender rehabilitation system puts an emphasis on the participation of individuals and private organizations such as community volunteers as well as governmental agencies and their full-time staff.

Figure 2 Public Private Partnership



1. Public Sector

(1) Rehabilitation Bureau, Ministry of Justice

The Rehabilitation Bureau, which is one of the internal organs of the Ministry of Justice, performs policymaking on offender rehabilitation. Further, it has the authority to supervise probation offices and regional parole boards.

While the Rehabilitation Bureau is responsible for offender rehabilitation in the community, “institutional treatment” is a responsibility of the Correction Bureau.

(2) Regional Parole Board

Regional parole boards are situated in the eight regions of Japan where high courts are located. A board comprises three members or more, among whom the Minister of Justice nominates the chair. The geographical jurisdiction of each board corresponds to that of the high court, and the board’s capacities and duties are mainly as follows:

- a. Grant of parole and revocation of parole from penal institutions
- b. Termination of the execution of indeterminate sentence of parolees
- c. Grant and early termination of parole from juvenile training schools
- d. Grant of provisional release from penal institutions or workhouses in lieu of the payment of fines. Beyond what is set forth in the preceding items, dealing with the matters placed under its authority pursuant to the Offender Rehabilitation Act or other acts (e.g., decision on or cancellation of suspension of parole supervision and decision on and revocation of provisional discharge of adult probation)

In principle, the board executes its authority as a council comprising three members. Board members are selected from not only the field of criminal justice but also other sectors of society, such as education and social welfare services. As of 2020, there were 66 board members in the regional parole boards nationwide.

The secretariat of the regional parole board allocates probation officers to perform the pre-parole investigation of inmates based on expert knowledge. The secretariat also functions as the administrative supervisor of probation offices within the region; the Minister of Justice mandates part of its authority pertaining to corporation for offender rehabilitation, quota of *hogoshi*, and allocation of probation districts (see 2(1) (viii), p.6) to the regional parole boards. As of 2020, there were 145 probation officers in the regional parole boards nationwide.

(3) Probation Office

There are 50 probation offices nationwide, one each at the location of each district court; an office’s geographical jurisdiction is the same as that of the district court. Apart from 50 main probation offices, there are 3 branches and 29 local probation offices. The affairs under the probation office’s jurisdiction are as follows:

- a. Conducting probation/parole supervision
- b. Ensuring crime prevention, enlightening the public, making efforts to improve the social environment, and promoting the activities of local residents
- c. Beyond what is set forth in the preceding two items, dealing with the matters placed under its authority pursuant to the Offender Rehabilitation Act or other laws and regulations (e.g., coordination of social circumstances for incarcerated offenders and provision of urgent aftercare for discharged offenders; for more details, see Chapter 2)

The probation office is also responsible for matters pertaining to the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity, such as medical supervision.

(i) Probation officer

A probation officer is a national government official engaged in probation/parole supervision and the coordination of social circumstances, as well as performing crime prevention activities and implementing measures for crime victims in collaboration with the *hogoshi* (volunteer probation officer). To work as a probation officer, one must pass the required examinations in the fields of psychology, pedagogy, welfare, sociology, and other areas of expertise in offender rehabilitation. Probation officers are allocated in all secretariats of regional parole boards and probation offices. As of 2020, there were 926 probation officers in the probation offices nationwide.

(ii) Rehabilitation coordinator

A rehabilitation coordinator is a national government official having professional certifications, such as Certified Psychiatric Social Worker in charge of community-based treatment of and coordination of social circumstances for patients, within the framework of medical supervision (see p.25). They are allocated in all probation offices. As of 2020, there were 179 rehabilitation coordinators in the probation offices nationwide.

Column: Volunteer Probation Officers' Screening Commission

At each probation office, a volunteer probation officers' screening commission has been established, as prescribed by the Volunteer Probation Officers Act. As the advisory to the director of the corresponding probation office, the commission is expected to state opinions on the appointment and discharge of *hogoshi* within its jurisdiction. The commission is composed of the chief judges of the district court and family court, the chief prosecutor of the district public prosecutor's office, the president of the bar association, the representative of correctional institutions, a representative of *hogoshi*, the commissioner of the prefectural public safety commission, the chair of the prefectural board of education, and a representative of the academia.

2. Private Sector and Community Volunteers

One of the most salient features of Japanese offender rehabilitation is the extensive involvement of benevolent citizens, which reflects the beginning of the offender rehabilitation system as a voluntary grassroots initiative that was later legalized by the government. The subsections explain several important volunteers/voluntary groups.

(1) *Hogoshi*/Volunteer Probation Officer

(i) What is *Hogoshi*?

A *hogoshi* is a citizen volunteer who supports the rehabilitation of offenders. In Japan, professional probation officers supervise probationers and parolees, and *hogoshi* support the efforts of professional probation officers by providing offenders with additional supervision and assistance. As of January 1, 2021, 46,358 citizens were as *hogoshi*.

(ii) History

The *hogoshi* system can be traced back as early as the 1880s. In 1888, a private organization (offender rehabilitation facility) was established to provide residence for ex-prisoners. It appointed approximately 1,700 *hogoshi* throughout Shizuoka prefecture to provide counselling and assistance to ex-prisoners. Subsequently, such organizations were established in other areas, and the number of *hogoshi* increased, as well. These *hogoshi* were formally recognized as "Probation Staffers" by the enactment of the Juridical Rehabilitation Services Act in 1939. Initially, approximately 13,000 Probation Staffers (*hogoshi*) were appointed. Furthermore, the Juridical Rehabilitation Service Act provided a framework of assistance of offender reintegration by Probation Staffers (*hogoshi*).

On the other hand, when the former Juvenile Act, which was enacted in 1922, established the probation system only for juvenile delinquents in 1923, the shortage of regular staff was compensated by increasing the number of *hogoshi* (juvenile volunteer probation officers). Such probation staffers and *hogoshi* (juvenile volunteer probation officers) were legalized as supervisors for juvenile delinquent in this period.

Since the Juridical Rehabilitation Service Act had been annihilated due to the criminal justice reform following the Second World War, the Volunteer Probation Officers Act, which stipulated the principle of *hogoshi* including their missions, status, term of service, duties, etc., was newly enacted in 1950.

As a result of above-mentioned development of *hogoshi*, the framework of collaborative offender

supervision between *hogoshi* and professional probation officers, which realizes the current offender rehabilitation system in Japan, has been established.

(iii) Mission and Duty of *Hogoshi*

According to Article 1 of the Volunteer Probation Officers Act, the mission of the *hogoshi* is as follows: “in the spirit of volunteer social service, to assist persons who have committed crimes and juvenile delinquents to improve and rehabilitate themselves, and to enlighten the public on crime prevention, thereby enhancing the local community and contributing to the welfare of both individuals and the public.” Moreover, Article 32 of the Offender Rehabilitation Act stipulates that a *hogoshi* “supplements the work not covered sufficiently by probation officers and performs functions under the jurisdiction of the regional parole board or the probation office”. *Hogoshi* play a core role in the network of offender supervision and support with other community volunteers and related bodies in the community under the guidance of probation officers.

(iv) Qualification and Disqualification

Article 3 of the Volunteer Probation Officers Act defines the following qualification of *hogoshi*:

- a. The person is highly evaluated in terms of his or her character and conduct in the community.
- b. The person is enthusiastic and has sufficient time available to accomplish the necessary duties.
- c. The person is financially stable.
- d. The person is healthy and active.

Further, Article 4 of the Volunteer Probation Officers Act states the following disqualification criteria:

- a. A person sentenced to imprisonment without work or a heavier punishment
- b. A person who, on or after the day of enforcement of the Constitution of Japan, has formed or become a member of a political party or any other organization that advocates the overthrow by force of the Constitution of Japan or the government existing under the Constitution
- c. A person who cannot appropriately execute the service due to mental and/or physical dysfunction, as designated by the Ministry of Justice

(vi) Status

The *hogoshi* performs service as a community volunteer and receives only actual expense for their service. The *hogoshi* is a part-time national government official appointed by the Minister of Justice for a term of office of two years, which is renewable until the official’s retirement age.

(vii) Process of Appointment

The director of the probation office selects candidates of *hogoshi* from various sectors of the community, taking into account the current allocation of *hogoshi* and distribution of probationers/parolees, as well as the population and crime occurrence in the local community. On the advice and opinions of the volunteer probation officers’ screening commission, the director of the probation office is required to submit a list of potential *hogoshi* candidates to the Minister of Justice through the regional parole board.

(viii) Probation District

Probation districts are “districts divided into designated areas within prefectures by the Minister of Justice.” It consists of one or several local administrative units (wards, towns, or villages) and ensures the appropriate arrangement of *hogoshi* and clarification of their area of performance of duty. The set number of *hogoshi* in each probation district “shall be determined by the Minister of Justice in consideration of the population, economy, the status of crimes, and other factors of the locality.” As of January 1, 2021, there are 886 probation districts in Japan.

(ix) Volunteer Probation Officers’ Association

Every *hogoshi* is required to belong to the local volunteer probation officers’ association of his/her district of residence. Further, all the local volunteer probation officers’ associations in a prefecture form a prefectural association (Prefectural Federation of Volunteer Probation Officers’ Associations). Similarly, all the prefectural

associations in a region form a regional association, and all the regional associations together compose the National Federation of Volunteer Probation Officers; thus, the associations at each level form a pyramid-like structure.

The local and prefectural associations were legalized by the amended Volunteer Probation Officers Act in 1999. Further, the act stipulates the specific duties and positioning of both the associations to enhance the effective implementation of crime prevention activities within the community and motivate all the *hogoshi* to engage in the association's activities as a group.

The functions of the local volunteer probation officers' association are as follows:

- a. Formulation of plans for crime prevention activities and community resource development, and ensuring liaison and coordination to perform the duties of *hogoshi*
- b. Collection of necessary materials and information on the duties of *hogoshi*
- c. Research and opinion delivery regarding the duties of *hogoshi*
- d. Provision of training to *hogoshi*
- e. Activities to promote the recruitment of *hogoshi*
- f. Maintain public relations on the activities of *hogoshi* and their associations
- g. Means to redress the damage caused to *hogoshi* in the course of their service

On the other hand, although the regional association is a voluntary entity that has no legal obligation, it plays an indispensable role in promoting and supporting *hogoshis'* activities.

(x) Training of *Hogoshi*

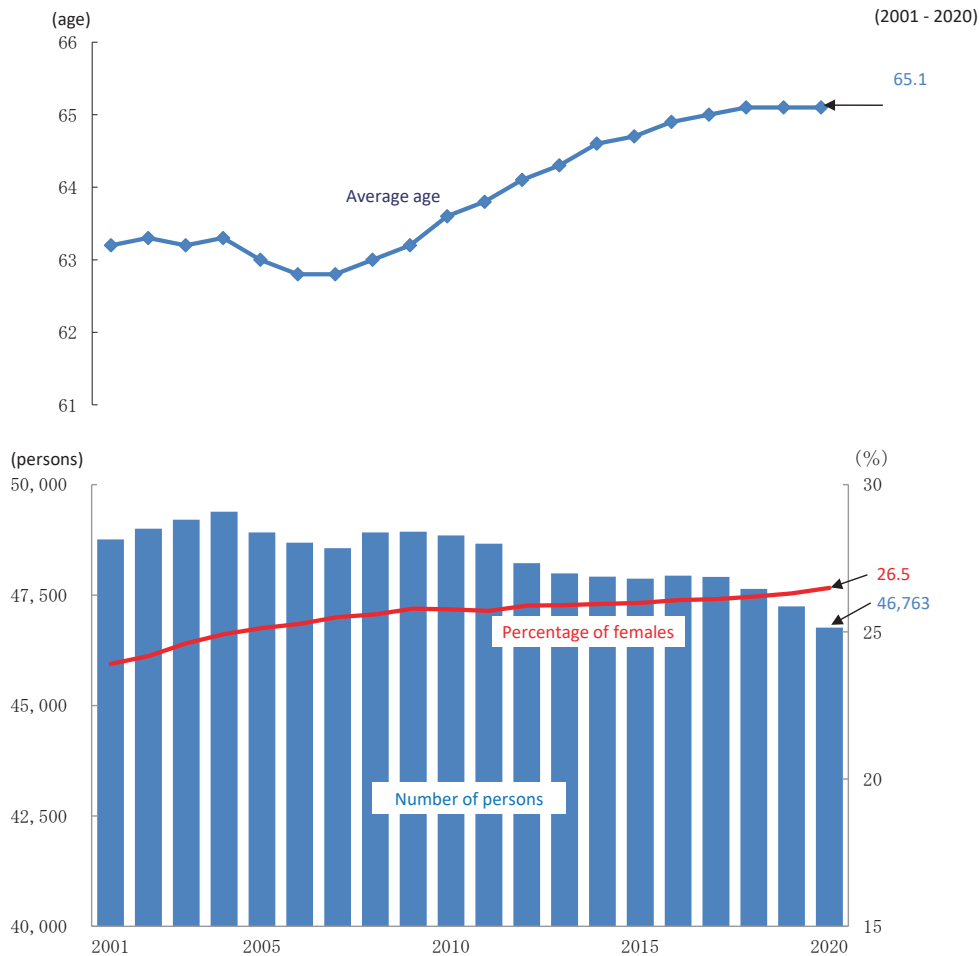
Since the offender rehabilitation system features the collaboration among professional probation officers and *hogoshi* as its core component, maintaining the quality and capacity of *hogoshi* is crucial to improving the outcome of treatment of offenders. Therefore, the government has been focusing on their training; in 2008, it developed the "Training Module for *Hogoshi*" to ensure the systematic delivery of training. Apart from the government-designated training courses, various trainings are provided by the volunteer probation officers' associations by themselves.

(xi) Recent Topic on *Hogoshi*

To stabilize resources for future *hogoshi* from various sectors of the society, raise public awareness of the activities of *hogoshi* and their associations in the community, and facilitate the recruitment procedure, the probation office and the association jointly organizes the Committee for Examination of Candidates for the *Hogoshi*. In 2016, the Internship for *Hogoshi* was introduced; it enabled local residents to participate in *hogoshi's* activities and facilitated the search for eligible candidates.

In 2014, the "Guideline for Stable Recruitment of *Hogoshi*" was jointly directed by the Rehabilitation Bureau and National Federation of Volunteer Probation Officers' Associations to enhance collaborative public-private partnership efforts, which were later developed into the "Action Plan for Stable Recruitment of *Hogoshi*" in 2019.

Figure 3 Number, percentage of females and average age of *hogoshi*



Column: Offender Rehabilitation Support Centre

The Offender Rehabilitation Support Centre was established as a base for *hogoshi* to perform their activities in cooperation with related organizations within the designated probation district. Most of the local volunteer probation officers' associations (*hogoshi-kai*) rent some of the facilities of municipalities and public institutions and open support centers, where experienced "planning and coordination volunteer probation officers" are stationed to support the treatment activities of volunteer probation officers and build a regional network in collaboration with related organizations such as schools, child consultation centers, social welfare offices, local police, public employment security offices, etc. in order for the smooth reintegration of offenders in the community.

One of the functions of support centers is to provide the *hogoshi* with a place to conduct interviews with probationers/parolees, as well as meetings and consultations regarding the officers' treatment activities. *Hogoshi* have usually conducted their basic duties such as interviews with their probationers and parolees at their own home while the establishment of support centers reduces their burden.

Furthermore, the support centers promote crime prevention activities rooted in the community and provide the community with valuable information on *hogoshi*'s activities and offender rehabilitation.

The first support centers were established in 2008; by 2020, such centers have been installed in all the 886 nationwide probation districts.

(2) Women's Association for Rehabilitation Aid

(i) What is the Women's Association for Rehabilitation Aid?

The Women's Association for Rehabilitation Aid (WARA) is an organization of female volunteers that supports crime prevention and offender rehabilitation, as well as providing parenting services. As of April 1, 2020, 147,686 citizens were as the members of WARA.

(ii) History

Before the Second World War, female members of juvenile volunteer probation officers (*hogoshi*) in Tokyo, Kyoto, and Takamatsu engages in offender rehabilitation.as the Women's Association for Juvenile Aid. With the establishment of the offender rehabilitation system in 1949, a women's association for rehabilitation aid was organized in several probation districts with the support of the probation office and local volunteer probation officers' associations. Further, the National Women's Council for Offender Rehabilitation was formed in 1964 and was renamed the National Women's Association for Rehabilitation Aid in 1969. In 2013, WARA celebrated its 50th anniversary in the presence of the Empress.

(iii) Structure of WARA

In Japan, WARA has the following structure: There are the National Federation of WARA Associations at the national level, regional WARA associations corresponding to regional parole boards, prefectural WARA associations that adhere to the jurisdictions of probation offices, and local WARA associations in every municipality or probation district.

(iv) Activities of WARA

The activities of WARA are aimed at increasing public awareness of offender rehabilitation and realizing a community where all citizens can live with dignity. As mentioned earlier, WARA is dedicated to the realization of a community that supports offender rehabilitation to maintain a crime-free society. Their activities have the following features:

- a. Crime prevention and rehabilitation of offenders as core values
- b. Collaborative action
- c. Sincere volunteerism and spontaneity

The following are some examples of their activities:

- a. Crime prevention activities within the community
 - Neighborhood gatherings on juvenile delinquency
 - Educative film or lecture sessions
 - "Restaurants for Kids" initiative
 - Various events of the Yellow Feather Campaign
- b. Parenting support activities
 - Neighborhood gatherings on parenting
 - Provision of counselling for parents
 - Recreational events for children and parents
- c. Support for social contribution/participation activities
 - Social contribution/participation activities targeting probationers/parolees conducted by the probation office, such as cleaning activities at public places, assisting activities at welfare facilities, and recreational activities
- d. Activities at correctional facilities and offender rehabilitation facilities
 - Visits to correctional facilities to encourage inmates
 - Donation of commodities, provision of meal services, and conduction of educative or recreational classes for the residents of offender rehabilitation facilities

(3) Big Brothers and Sisters Associations

(i) What is the Big Brothers and Sisters movement?

As indicated by its name, youth volunteers engaging in Big Brothers and Sisters movement (BBS) interact with juveniles as though they are big brothers or sisters and assist them growing up as sound members of a community for perusing the society without crime or delinquency. As of January 1, 2020, 4,935 young people were as the members of BBS.

(ii) History

In Japan, the BBS movement began in 1946 when a young man in Kyoto wondered whether he could provide any assistance to street children and war orphans in the postwar turmoil and wrote about their miserable state to the Kyoto Prefectural Office. Subsequently, in 1947, the Kyoto Student Federation for Juvenile Protection was established by the proposal of the Kyoto Juvenile Court. Further, the National Big Brothers and Sisters Movement Liaison Council was established as a national organization in 1950 and was renamed the “Japan Federation of Big Brothers and Sisters” in 1952. Finally, in 2017, the Japan Federation of Big Brothers and Sisters celebrated its 70th anniversary in the presence of the Crown Prince and Crown Princess.

(iv) Structure of BBS

In Japan, the BBS has the following structure: there are the National Federation of BBS Associations, which is an incorporated non-profit organization, regional BBS associations corresponding to regional parole boards, prefectural BBS associations that adhere to the jurisdictions of probation offices, and local BBS associations in municipalities or at universities/colleges.

(v) Activities

The BBS’s activities are founded on the members’ spirit of friendship and volunteerism. The members’ motto is to “think together and learn together with juveniles,” which symbolizes their attitude as “peers.” Their activities are as follows:

a. *Tomodachi* Activities

The friendship activity is an important activity that characterizes the BBS movement; it assists juveniles who are in conflict with the law or those with problems at home or school to enable their better adaptation to the community. Since the main targets of such activities are the juveniles for whom support has been requested by the probation office, family court, or child guidance center, an individual BBS member assists the rehabilitation of juveniles in cooperation with these agencies. Occasionally, a group work format may be adopted depending on the juvenile’s social, physical, or mental condition. Further, BBS members participate in social contribution/participation activities for probationers/parolees.

b. Delinquency Prevention Activities

In cooperation with other agencies, BBS members work on the youth and within the entire community to ensure sound development of young people. Further, they carry out various programs, such as interactions with school children, publicity booths at local festivals, and visits to juvenile training schools, juvenile classification homes and child welfare facilities.

c. Training

Conducting trainings for themselves forms the basis of BBS members’ activities. The purpose of this training is to gain a common understanding of the significance and purpose of BBS activities, acquire the knowledge and skills necessary to conduct such activities, and enhance their reliability towards juveniles and the community.

(4) Cooperating Employers

Employers who are willing to support the reintegration of offenders by offering them employment opportunities are an essential part of the offender rehabilitation system. Further, the expansion of such employment opportunities is indispensable to the promotion of employment support for offenders. There were

24,213 employers as of October 1, 2020.

The cooperating employer system was initiated when *hogoshi* and the staff of offender rehabilitation facilities asked their acquaintances or business partners to provide employment to such offenders and help in offender rehabilitation. Since then, probation offices, *hogoshi*, and offender rehabilitation facilities have been striving together to enlarge the network of such employment supporters in the community and have resulted in the organization of “Cooperating Employers’ Association” in several areas.

In addition to such efforts for employment cooperation centered on volunteers in the private sector, the National Association of Enterprise in Support of Offender Employment was established in 2009 by some central economic groups, namely, Japan Business Federation (Keidanren), the Japan Chamber of Commerce and Industry, and the Japan Association of Corporate Executives (KEIZAI DOYUKAI) and major private corporations. The association became an Approved Specified Non-Profit Organization in 2011. Furthermore, due to the organization’s efforts, Prefectural Associations of Enterprise in Support of Offender Employment were established at 50 locations throughout Japan. These prefectural associations aim to increase the number of employers who cooperate with the provision of employment to ex-offenders and support the employers who actually employ ex-offenders, whereas the National Association of Enterprise in Support of Offender Employment provides financial support for these projects.

(5) Corporation for Offender Rehabilitation (Juridical Person for Offender Rehabilitation)

(i) What is the Corporation for Offender Rehabilitation?

The Corporation for Offender Rehabilitation is a special corporation pursuant to the provision of the Offender Rehabilitation Services Act to provide offender rehabilitation services. Prior to the enactment of the Offender Rehabilitation Services Act in 1996, all the offender rehabilitation facilities, which function as halfway houses, were managed by incorporated foundations pursuant to the Civil Code. Following the enactment of the act, these foundations were transformed into the Corporation for Offender Rehabilitation and provided taxation advantages similar to social welfare corporations.

However, offender rehabilitation services are not exclusively provided by corporations for offender rehabilitation. For instance, there are offender rehabilitation facilities run by a social welfare corporation, a nonprofit organization, and a general incorporated foundation.

(ii) Definition of the Offender Rehabilitation Service

Broadly, the offender rehabilitation service refers to any proactive measure to enable the rehabilitation of offenders and juvenile delinquents. However, the Offender Rehabilitation Services Act defines the phrase in a narrow sense by itemizing three examples:

a. Continuous Aid Service

It represents the service rendered to offenders and juvenile delinquents who require accommodation, along with providing them with education, training, medical care, employment, vocational guidance, the social skills necessary for their rehabilitation, and accommodations. The accommodation facility is officially termed the “offender rehabilitation facility”; it has a function as a so-called halfway house, as well.

b. Temporary Aid Service

It refers to helping offenders and juvenile delinquents to find accommodation or obtain medical care or employment, providing them with or lending them money and goods, and providing them with counselling.

c. Liaison and Assistance Service

This service aims to raise awareness and provide liaison, coordination, or support with respect to the other two aforementioned services and involves any activities proactive to the rehabilitation of offenders and juvenile delinquents, including the provision of financial support to the activities of

community volunteers such as *hogoshi* and BBS members and continuous aid services by Corporations for Offender Rehabilitation.

(iii) Treatment of Residents in the Offender Rehabilitation Facility

Most of the facility's residents are probationers, parolees, or other discharged offenders from physical restraint imposed through criminal procedures such as persons released on completion of the terms of imprisonment, persons who have been granted suspension of execution of the sentence of imprisonment without probation supervision, persons not prosecuted, etc. referred to the facility by the probation office; further, the offender rehabilitation facility can voluntarily accommodate offenders who requested to stay there after the stipulated period by the Offender Rehabilitation Act or the juveniles referred there by the family court. Some offenders, including juveniles, experience difficulties in integrating into the society on their own, due to the lack of reliable human resources, the criminogenic circumstances attributed to one's home, or personal problems. Offender rehabilitation facilities accommodate such offenders, provide them with necessary measures, and thus help them become rehabilitated. Since one-fifth of all released offenders and one-third of all parolees return to offender rehabilitation facilities, it is clear that these facilities play an essential role as a bridge between correctional facilities and the community.

Along with supplying accommodation and meals, the provision of employment assistance, education on the adequate management of money, and life guidance is an important function of the offender rehabilitation facility. Further, to address the increase in the number of offenders with specific needs, such as aged offenders and/or those suffering from mental diseases/substance abuse, several offender rehabilitation facilities are designated "welfare- focused" facilities (started in 2009), where the staff comprises welfare specialists, or "substance-abuse-focused" facilities (started in 2013), where specialized treatments are delivered by staffs who are certified psychiatric social workers or psychologists. Further, many offender rehabilitation facilities conduct other group treatment sessions, such as social skills training, and employment guidance courses by collaborating with volunteers and self-help groups such as Alcoholics Anonymous, a self-help group to abstain from drinking alcohol and Drug Addiction Rehabilitation Center (DARC).

(iv) Follow-Up Project

In 2017, the "follow-up project," in which an offender rehabilitation facility is continuously entrusted with the provision of support to ex-offenders living in the area, was started. In this approach, the offender rehabilitation facility secures a place for ex-offenders who have no family or relatives to rely on to assist their smooth reintegration to society even after leaving the facility. It provides those ex-residents with life guidance and substance abuse programs, as well.

Chapter 2 Rehabilitation of Offenders

A. Overview

All convicted individuals and juvenile delinquents return to the community after following the criminal justice procedure. There are various measures to facilitate their reintegration to society and prevent their recidivism in the community setting. The flowchart of the Japanese criminal justice procedure is shown in Figure 4 and Figure 5.

Figure 4 Flowchart of Criminal Justice Procedure in Japan for Adults

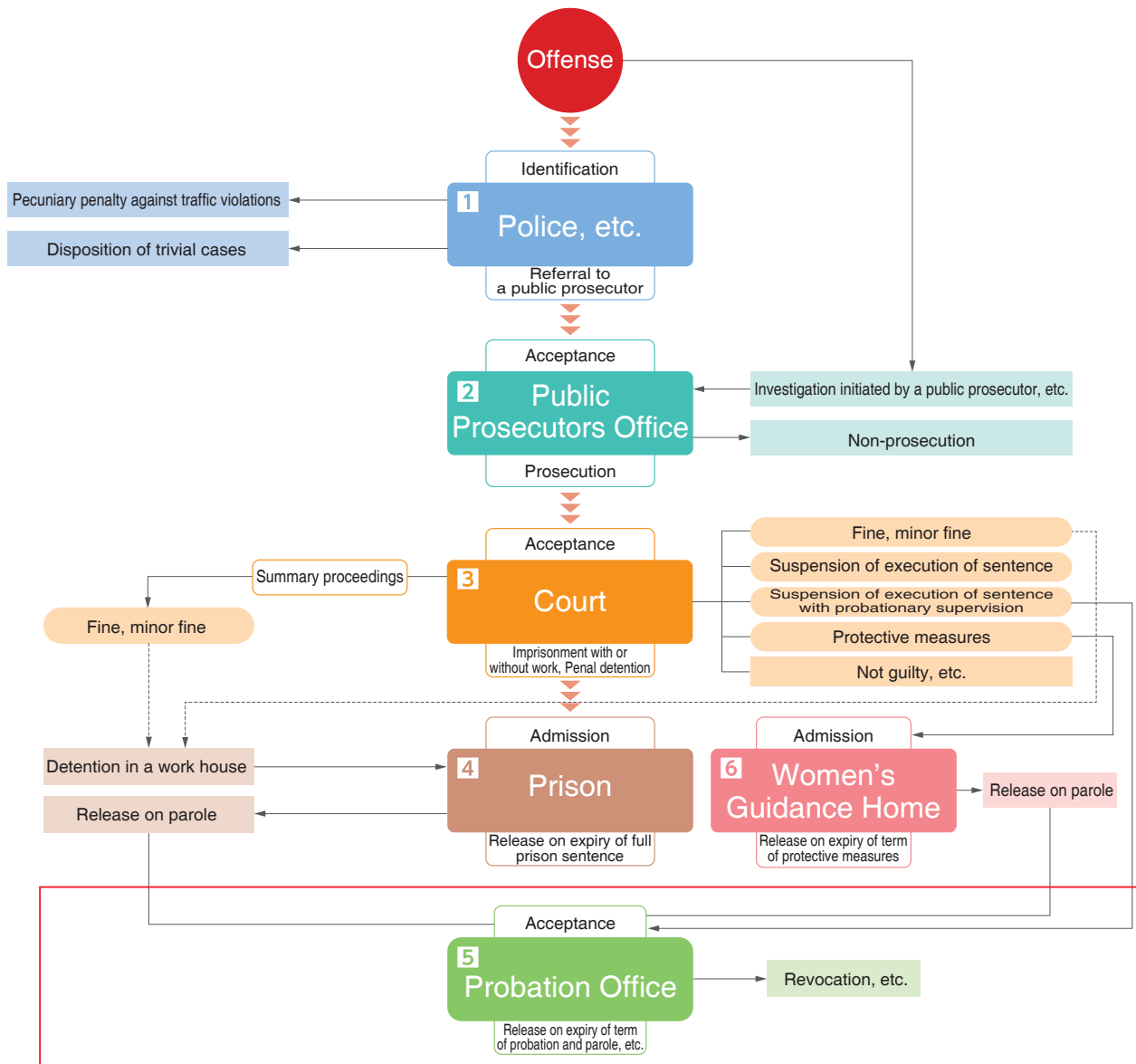
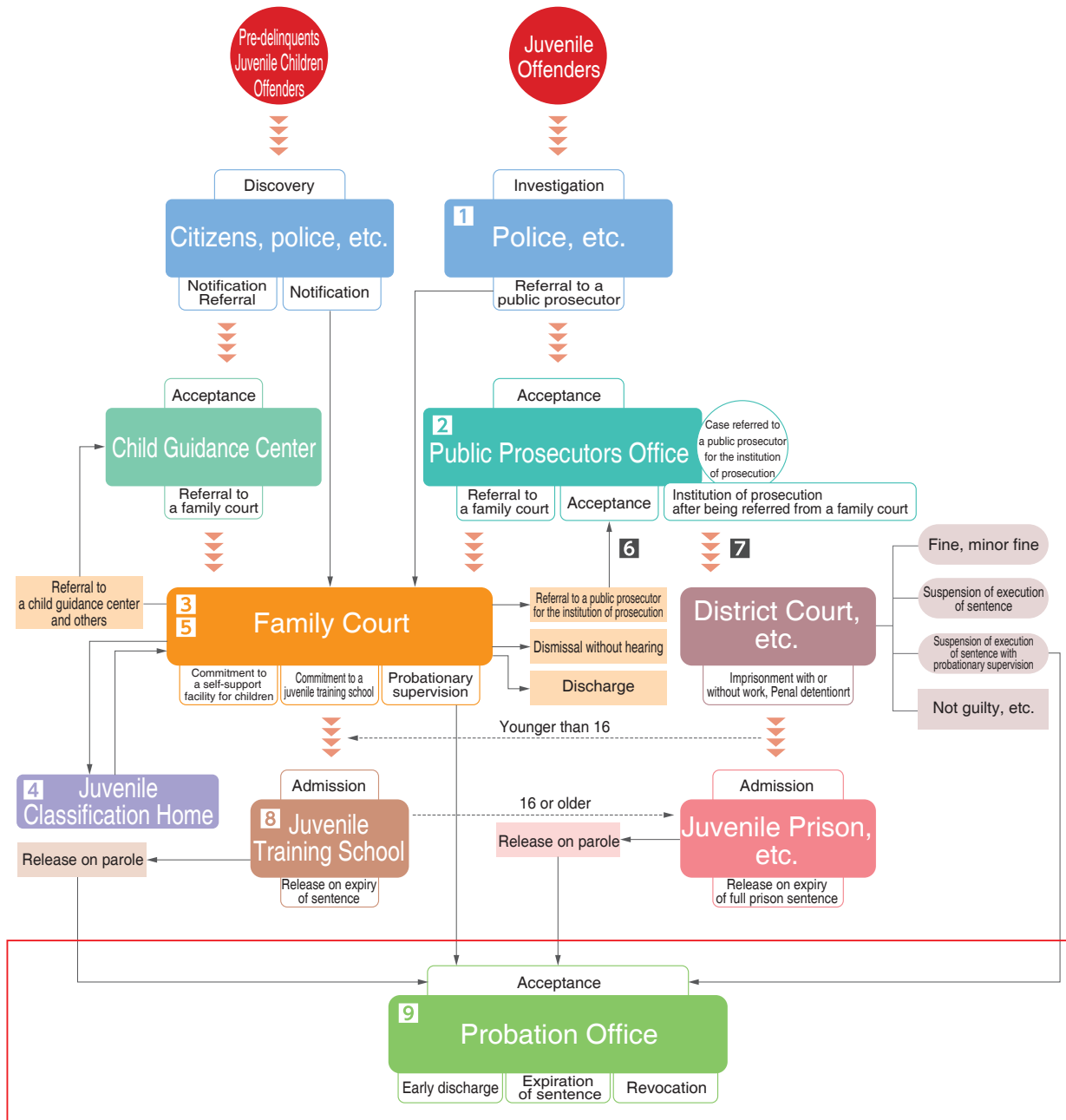


Figure 5 Flowchart of Juvenile Justice Procedure in Japan



B. Probation and Parole Supervision

1. Overview

Probation/parole supervision is the system that promotes the rehabilitation of offenders in the community and enables them to live as ordinary citizens by directing them to comply with certain conditions and providing guidance and support for a designated period. In principle, probation should target each probationer/parolee individually. Probation supervision is rendered in the most appropriate way and to the extent necessary and suitable for their improvement and rehabilitation individually by fully taking their character, age, personal history, mental and physical conditions, family environment, associates and other factors of persons who are to receive such measures into consideration.

First, a probationer/parolee must report to the probation office for the intake interview. During the intake interview, the probation officer collects the information necessary for the offender's assessment, explains to him or her the probation/parole conditions and informs them of the effort he or she should make to avoid reoffending, and

directs the offender towards rehabilitation. Based on the information from the first intake interview and relevant records of the offender, the probation officer makes an individual treatment plan which indicates his or her problems to improve, goal to achieve, frequency of contact and contents of supervision and support, and the probation officer and the *hogoshi* assigned by the director of the probation office collaboratively supervise the offender. Probation is a measure to enhance the effectiveness of supervision and support by functionally combining the expertise of probation officers with the locality and volunteerism of *hogoshi*. The progress of such treatment is reported by the *hogoshi* to the probation officer each month. In response, the probation officer, while maintaining contact with the *hogoshi*, takes necessary measures to address changes in the situation, such as interviewing the offender and related parties if necessary.

Figure 6 Probationers/parolees newly placed under probation/parole supervision and probation rate (1949-2019)

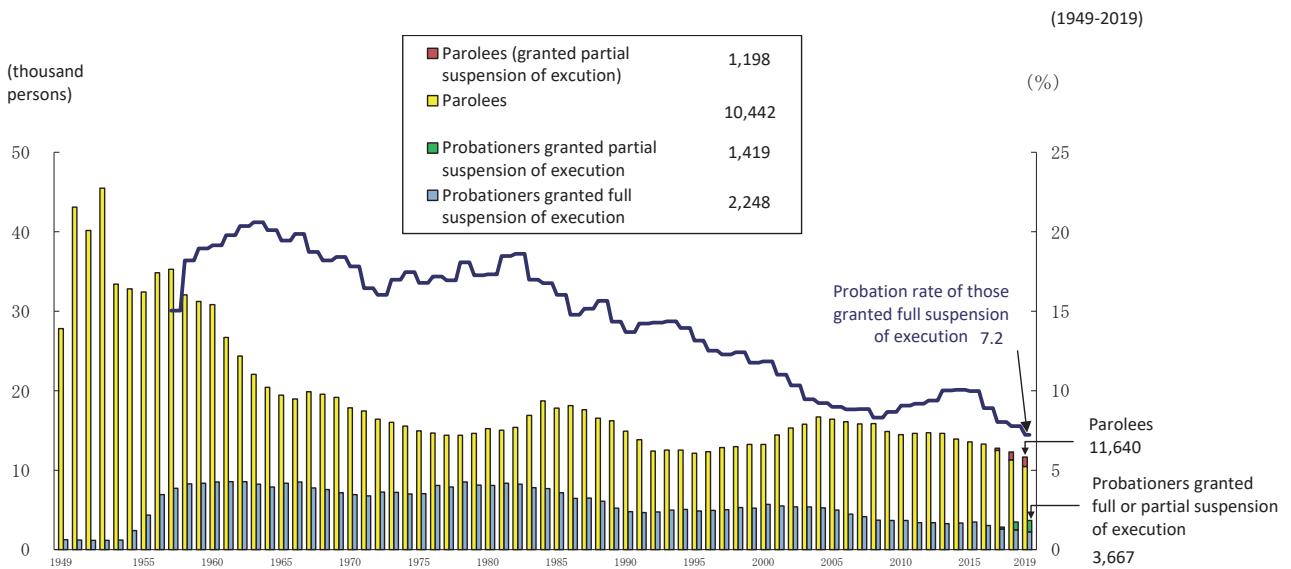
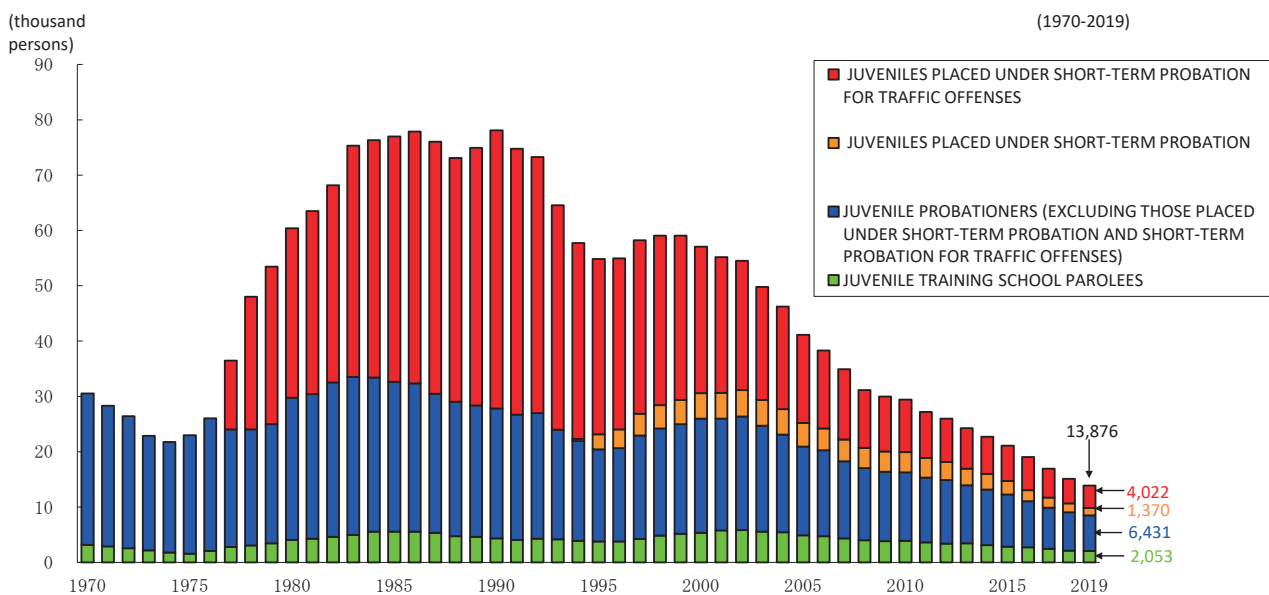


Figure 7 juveniles newly placed under probation/parole supervision (1970-2019)



2. Subjects and Terms of Probation and Parole

(1) Juvenile Probationer

The family court may place on probation a juvenile who has committed an offence or been adjudicated as a “pre-delinquent.” For juveniles, probation is a protective measure stipulated in the Juvenile Act (Art. 24, para. (1), item 1). The legally prescribed maximum period of supervision is up to the probationer’s twentieth birthday or at least two years from the date of the decision by the family court, whichever is longer.

(2) Juvenile Parolee

A juvenile parolee is a juvenile who has been conditionally released from a juvenile training school as per the decision of the regional parole board based on the Offender Rehabilitation Act (Art. 41). The period of parole supervision is up to the parolee’s twentieth birthday or the last day of a fixed period of custody as determined by the family court, which, however, cannot exceed his/her twenty-sixth birthday.

(3) Adult Parolee

An adult parolee is an offender who is conditionally released from prison on parole as per the decision of the regional parole board based on the Penal Code (Art. 28). The period of parole supervision is the remaining term of his sentence; in the case of a life sentence, the offender may be on parole for life unless he or she is pardoned.

(4) Adult Probationer

An adult probationer is an offender who is placed on probation by the criminal court on the pronouncement of suspended execution of the sentence of imprisonment, partial suspended execution of the sentence, or a fine based on the Penal Code (Art. 25-2, para. (1) or Art. 27-3, para. (1)). The court fixes the term of probation between one and five years in accordance with the period of suspension of the execution of sentence specified by the sentencing court

Column: Rigorous and Comprehensive Assessment by Case Formulation in Probation (CFP)

Probation officers make an assessment of each offender by utilizing the information obtained from the intake interview and from the documents provided by relevant agencies, for example, the court, and considering relevant risk factors and protective factors of reoffending. The Rehabilitation Bureau has developed a new systematic assessment method called the Case Formulation in Probation/Parole (CFP). This method was introduced in all probation offices in January 2021. The CFP is developed to accommodate the latest criminal psychology knowledge, such as the Risk/Need/Responsivity Model (also known as the RNR model) and Good Lives Model, and is based on the empirical data collected by the Rehabilitation Bureau. Further, the results of the CFP assessment are reflected in the individual treatment plan, which determines the intensity of an intervention; criminogenic needs; the specific measures of treatment; and, consequently, the direction of supervision.

3. Instructions and Supervision

A probationer/parolee is usually supervised by the collaborative efforts of a probation officer and a *hogoshi*. Relevant instructions and the method of supervision are specified in Article 57 (1) of the Offender Rehabilitation Act, as follows:

- a. Maintaining contact with the probationer or parolee through interviews or other suitable methods to understand their behavior
- b. Providing necessary instructions or taking other measures to ensure that the life and conduct of the probationer or parolee comply with the relevant general conditions and special conditions (hereinafter, “conditions”) and are in accordance with the life and conduct guidelines

c. Implementing specialized treatment to reform specific criminal tendencies

(1) Conditions

Those placed under probation/parole must satisfy some imposed conditions. Among them, general conditions are mandatory for all probationers/parolees, whereas special conditions, which are designated by the parole board or the director of probation office, address the risks and needs of individual offenders. Both these types of conditions are similar in that they are norms whose violation leads to the measures described in 5 (2) of this chapter (see p.21) such as the revocation of probation or parole.

① General Condition

General conditions are designated by law and applied to every probationer/parolee as follows.

- a. to maintain a sound attitude
- b. to attend the interviews conducted by the probation officers or volunteer probation officers
- c. to declare the actual conditions of life
- d. to notify the director of the probation office of their residence
- e. to obtain permission from the director of the probation office in advance when changing their residence or traveling for more than seven days

② Special Condition

Special conditions vary from case to case. Special conditions may be imposed by the regional parole board or the director of the probation office in response to the each probationer/parolee's risk of recidivism or his/her rehabilitative needs. For example, special conditions such as "not drinking alcohol" may be imposed on a probationer/parolee whose criminal act was triggered by drinking alcohol. The regional parole board may establish the special conditions for parolees from juvenile training school and parolees from penal institution. The director of the probation office may establish the special conditions, after hearing the opinion of the court, for juveniles under probation and persons under probation with suspension of execution of all of the sentence. Regarding persons under probation with suspension of execution of part of the sentence, the regional parole board may establish the special conditions until their suspended term commences, and after that, the director of the probation office may establish them after hearing the opinion of the court.

There are some specific measures for violation of the conditions. For instance, when a parolee from a penal institution violates the conditions, it will lead to the parole revocation procedure and he/she may be sent to a penal institution.

(2) Life and Conduct Guidelines

The director of the probation office may individually establish life and conduct guidelines that contribute to the improvement and rehabilitation of such probationers and parolees as necessary based on the personal record and information obtained at the intake interview. When the life and conduct guidelines are established, the probationers and parolees shall endeavor to live their lives and conduct themselves in accordance with the guidelines although the life and conduct guidelines are not criteria for the revocation of probation or parole.

(3) Categorized Treatment System

The Categorized Treatment System was introduced in 1990 to treat the individual problems of offenders. The problematic nature and other characteristics of probationers/parolees (e.g., dependence on stimulant drugs and solvent abuse) are categorized according to the nature of their crime or delinquency, social conditions, and other circumstances. After the major revision in 2020, the system was organized into 16 categories, and specific treatment guideline was introduced for each category.

Table 1 Categorized Treatment System

Categories	
Relationship Domain	Child Abuse
	Spousal Violence
	Family Violence
	Stalking
Anti Social Groups Domain	Organized Crime Groups
	Motorcycle Gang
	Special Fraud
Social Adaptation Domain	Employment Needs
	Educational Needs (Junior High-School Student)
	Mental Disability (Developmental Disability, Intellectual Disability)
	Elderly
Addiction Domain	Drugs
	Alcohol
	Sexual Offence
	Gambling
	Habitual Theft

(4) Specialized Treatment Programs for Offenders with Specific Criminal Tendencies

Probation officers deliver specialized programs based on cognitive-behavioral therapy to prevent the recidivism of offenders who have a tendency to commit certain categories of crime; some examples are “sex offender treatment programme,” “drug relapse prevention programme,” “violence prevention programme,” and “drunk driving prevention programme.” Attendance in these programs is generally mandated as a special condition; however, it can also be specified as part of less restrictive “life and conduct guidelines” depending on necessity.

In fiscal year 2011, social contribution activities were implemented as part of the treatment involved in probation/parole supervision. Since 2015, these activities have been implemented as a special condition. These activities aim to prevent reoffending and promote offender rehabilitation by helping offenders to acquire a sense of self-efficacy and develop high moral awareness and the ability to adapt to society through continued participation in social activities that benefit their local communities. Some examples of such activities are cleaning activities at public places and volunteering activities at welfare facilities. The social contribution activities in Japan are different from social service orders as community sanctions.

Column: Multi-Agency Approach Typified by the Drug Offender Treatment

Probation officers are characterized as managers of multiagency cooperation in their probation district. A probation officer facilitates cooperation among agencies associated with offender rehabilitation and recidivism prevention.

A typical multi-agency approach is observed in a treatment of drug offenders. In the treatment of drug offenders, it is indispensable to utilize the framework of multi-agency cooperation in addition to the instructions and supervision by probation officers. First, the probation office conducts the “drug relapse prevention programme” to prevent the re-abuse of addictive drugs (regulated drugs, designated drugs and dangerous drugs). The programme consists of a core programme (once in two weeks), step-up programmes (once a month). In addition, a simplified drug detections test is generally conducted at the opportunity of every core programme and the step-up programme. In principle, the core programme is completed 5 times in about three months with a frequency of about two weeks. The step-up programmes are carried out approximately once a month. In parallel with the programmes at the probation office, the probation officer

supervises them in cooperation with related organizations that provide treatment and support for recovery from addiction and services necessary for life reconstruction, taking into account their problems who became clear in the programme. For example, in anticipation of the end of probation supervision, the probation officer liaises with, for example, medical institutions and Drug Addiction Rehabilitation Center (DARC), making the probationers participate in the programmes and group meetings conducted by these medical institutions and DARC. The probation office also builds a support network in the region by holding regular liaison meetings between the probation office and local public organizations, health centers, mental health and welfare centers, medical institutions and other related organizations.

As mentioned above, the multiagency cooperation requires various cooperative efforts among relevant agencies and social resources.

4. Guidance and Assistance

Article 58 of the Offender Rehabilitation Act specifies the following modes of guidance and assistance such that probationers/parolees may lead a self-sustaining life while remaining aware of their responsibility of self-help:

- a. Assisting the probationer/parolee in obtaining a suitable residence or other accommodation and in living in and returning to that accommodation
- b. Assisting the probationer/parolee in receiving medical care and medical treatment
- c. Providing vocational guidance to and assisting the probationer/parolee in obtaining employment
- d. Assisting the probationer/parolee in obtaining means for cultural education and training
- e. Improving and adjusting one's living conditions
- f. Teaching the probationer/parolee the life skills necessary for them to adapt to social life
- g. Beyond what is set forth in the preceding items, giving advice or taking measures as necessary to ensure that the probationer/parolee has a sound social life

If necessary urgent aid cannot be obtained through the assistance from public health and welfare organizations and other organizations, the director of the probation office shall provide such assistance by himself/herself within the scope of the budget.

Column: Securing a "Place to Live" and "Place to Work"

For a person who commits a crime to be reintegrated as a sound member of society, it is essential that he or she secures a "Place to Live" (residence) and "Place to Work" (employment). Hence, the measures of guidance and assistance play an important role in enabling such people to secure a place to live and work.

① Securing a residence

The offender rehabilitation facilities have played an important role as the last bastion for released inmates who could not secure a residence. Since those released inmates have increased, it is necessary to secure various measures and residences systematically. To ensure that offenders secure housing by themselves in the community, the probation officer provides them with knowledge and information on secure housing, such as the procedures to rent a house, and guidance to help them live independently. In addition, for probationers and parolees who have nowhere to live, the probation officer actively secures employers who can provide a residence and helps them move into the National Center for Offender Rehabilitation as well as the offender rehabilitation facility.

Under this situation, the regional parole boards and probation offices promote securing housing for

released inmates in cooperation with the housing support corporations, which provide support for securing housing for people in need of housing support, such as those in need of living, the elderly, and the disabled, stipulated in the Act on Promotion of Offering of Rental Housing to Persons Requiring Special Assistance in Securing Housing.

② Securing employment

Since they possess criminal or delinquent records, individuals who have committed a crime or delinquency find great difficulty in securing employment. Hence, the Ministry of Justice, in cooperation with relevant ministries, agencies, and private organizations, takes measures to support employers to proactively employ probationers/discharged offenders. A typical example is the “Work Incentive Program for Released Inmates” targeting cooperating employers. Under the program, at the request of the probation office, the cooperating employer hires a discharged offender, gives him or her the guidance and advice necessary to continue working, and reports the situation to the probation office.

Column: Rehabilitation and Independence Promotion Centers and Employment Support Centers

The State establishes rehabilitation and independence promotion centers and employment support centers to temporarily accommodate released inmates who find it difficult to return to their families or private offender rehabilitation facilities. These centers accept offenders for whom their family members or offender rehabilitation facilities run by the private sector are unable to coordinate appropriate circumstances. These centers are attached to probation offices, where probation officers provide offenders with intensive treatment and employment assistance to help the offenders’ reintegration to society, prevent their recidivism, and thus enable them to contribute to the construction of a safe community. In Japan, there are two rehabilitation and independence promotion centers (one each in Fukuoka and Fukushima prefectures), which focus on intensive and professional treatments for released inmates with specific needs, and two employment support centers (one each in Hokkaido and Ibaraki prefectures), which provide vocational training, particularly in the field of agriculture.

5. Termination of Parole and Probation Supervision

Depending on the conduct of the parolee or probationer, his or her parole or probation may be terminated early (see p.16 for the regular period of each type of parole or probation). Alternatively, in “failure cases,” adverse actions, such as parole revocation, may be taken.

(1) Measures for Good Conduct

(i) Juvenile Probationers

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

(ii) Juvenile Parolees

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

(iii) Adult Parolees

Parolees with indeterminate sentences who have served their minimum term are granted termination of the indeterminate sentence as though they have completed their sentences. The regional parole board has the authority to terminate an indeterminate sentence. Further, adult parolees serving life sentences are discharged

from supervision only through pardons.

(iv) Adult Probationers

If the probationer complies with the imposed conditions and behaves very well and the probation office considers it unnecessary to continue supervision, the office files an application to the regional parole board provisionally seeking the cancellation of supervision; however, the period of suspension of the sentence itself cannot be shortened.

(2) Measures against Bad Conduct

(i) Juvenile Probationers

When a juvenile probationer does not comply with the conditions of probation, the director of the probation office may issue official warnings. If the juvenile continues his or her noncompliance and the degree of such noncompliance is serious, the director may apply to the family court for a decision to commit the juvenile to a juvenile training school.

(ii) Juvenile Parolees

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

(iii) Adult Parolees

a. For parolees who go missing without permission, parole supervision will be suspended and the progression of their sentences halted.

b. Revocation of parole to return parolees to correctional institutions:

The regional parole board revokes parole on the application of the director of the probation office, and the parolee may be confined to the correctional institution for the original parole period, and he or she may be granted parole again in the future.

(iv) Adult Probationers

When the probationer does not comply with the condition and circumstances are serious, the director of the probation office submits a proposal in writing to the public prosecutor of the probationer's noncompliance. The public prosecutor may apply to the court for a revocation (of the suspension of execution of sentence). Once the suspension is revoked, the offender must serve the sentence that was suspended.

Column: Measures for Crime Victims in the Offender Rehabilitation Services

The offender rehabilitation services offer the following four measures to crime victims: the opinion hearing system in parole examination, communication system that communicates victims' sentiments to probationers, victim notification scheme, and counselling/support service.

- ① Opinion hearing system: Crime victims can state their opinions on parole and feelings regarding the damage to the regional parole board that conducts the parole examination.
- ② Communication system that communicates victims' sentiments to probationers: Crime victims express their feelings regarding the damage, opinion on the situation of the victim, and so on, to the probation office. Subsequently, the probation office conveys the victims' feelings to the probationers and parolees.
- ③ Victim notification scheme in the field of offender rehabilitation: The regional parole board notifies crime victims of the time of commencement and result of the parole examination, and the probation office notifies the victims of the start and end of probation supervision and the treatment status during the supervision period. This measure is implemented in collaboration with the public

prosecutor's office, penal institutions, juvenile training schools, and so on.

- ④ Counselling and support: Probation officers provide counselling to crime victims through phone or in person at the probation office; listen to the victims' anxieties; and introduce the victims to relevant organizations, if necessary.

These four measures are offered on the crime victims' request. These measures are conducted by crime victim affairs probation officers and *hogoshi*, who are not engaged in probation/parole supervision and the coordination of social circumstances.

6. Smooth Transition of Inmates into Community

(1) Coordination of the Social Circumstances for Inmates

Since social circumstances are unarguably one of the major triggers for most offenders, the improvement of offenders' circumstances plays a significant role in their rehabilitation. Therefore, the director of probation office can, when necessary, coordinate incarcerated offenders' living conditions, such as residence and employment, by visiting and interviewing their family members and other concerned individuals. The result of this coordination is reported to the regional parole board and correctional facility. Probation services have crucial role in coordinating social circumstances for inmates and collaborate with correctional services to make adjustments to offenders' accommodation and environment depending on the inmates' needs.

Recently, the Japanese government appointed the probation officers of the regional parole board at correctional facilities as the coordinators of adjustments made to offenders' environment following their release. This ensures that careful measures are taken to meet the various rehabilitative needs of offenders and adjust their environment following their release from the early stage of a prison term. Further, such adjustments are systematically and continuously offered to almost all inmates regardless of their offence.

Column: Special Coordination of the Welfare Needs of Offenders

Welfare-oriented approaches are indispensable to the prevention of recidivism of senior and/or disabled offenders, which is a substantial challenge faced by the Japanese criminal justice system. A special module for offenders that aim to meet their needs to ensure their successful reintegration to community was initiated in 2009. Once an offender is incarcerated, the probation office starts liaising with the correctional facility and Assistance Centre for Settlement in Community, which is allocated by the Ministry of Health, Welfare and Labor in every prefecture, so that the offender will be linked to necessary welfare services as soon as he or she is released.

(2) Parole System

(i) Overview

Parole means a conditional release of those incarcerated in correctional facilities for execution of sentence or protective measure before the expiration of term. Offenders are released on parole by individual decisions of regional parole boards, and the granting of parole is an administrative procedure with no involvement of the judiciary. Moreover, there is no statutory early release system in Japan. The granting of parole applies to

- a. Those incarcerated in penal facilities for imprisonment
- b. Juveniles incarcerated in juvenile training schools for protective measure
- c. Those incarcerated in women's guidance homes for guidance measure

d. Those incarcerated in penal facilities or workhouses in lieu of the payment of fines

Those on parole, except those mentioned in point (d) above, are placed on supervision by the probation officer; parole is legally termed “provisional release.” In practice, almost all parolees fall under the categories a. and b.

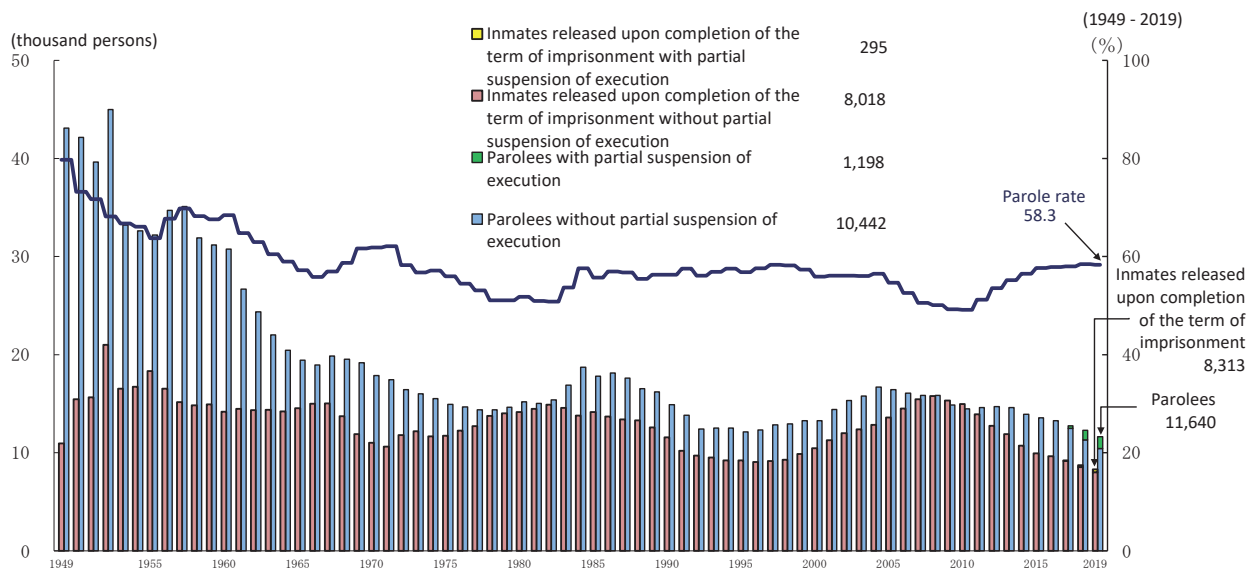
(ii) Parole Procedure

The regional parole board commences parole proceedings when it either accepts a parole application from the chief of a correctional facility or considers a parole necessary. It is noted that offenders themselves have no right to apply for parole. The board members determine whether a parole should be granted or not to relevant offenders. The board exercises its authority as a council comprising three members. Board members, on obtaining adequate information from their direct interview with the offender and from other sources, make a decision as a council on granting parole for the offender based on the offender’s eligibility and the parole criteria.

(iii) Criteria for Granting Parole from Penal Institutions

According to Article 28 of the Penal Code, parole can be granted “when a person sentenced to imprisonment evinces signs of substantial reformation, after that person has served one-third of the definite term sentenced or 10 years in case of life imprisonment.” Further, there is a special prescription for those under 20 years at the time of sentencing, with the minimum requirement being seven years for life imprisonment, three years for long-term definite imprisonment, and one-third of the minimum term for indefinite imprisonment. The Ordinance of the Ministry of Justice defines “Substantial reformation” as the condition “when the person has an intention for repentance, a will for rehabilitation and no risk of recidivism, and it is considered appropriate to place the person under parole supervision in light of the person’s rehabilitation, unless the public opinion will not tolerate it”.

Figure 8 Released sentenced inmates and parole rate



(iv) Criteria for Granting Parole from the Juvenile Training School

Article 41 of the Offender Rehabilitation Act stipulates that parole can be granted when the parole board finds that the person “has reached the highest stage of treatment and finds it appropriate to provisionally release the person for the improvement and rehabilitation, or otherwise finds it especially necessary to provisionally ensure the improvement and rehabilitation.” The last phrase herein is designated by the Ministry Order as follows: “when it is acknowledged that, even if the person has not reached the highest stage of treatment, the person makes progress through his/her efforts, and that it is especially necessary in light of his/her rehabilitation to place him/her on parole supervision” .

C. Assistance and Care for Discharged Offenders (except Probationers and Parolees)

1. Discharged Offenders

The state assumes complete responsibility for the provision of supervision and aid to those offenders designated as subjects of probation or parole by the judiciary or regional parole board. In addition, the Offender Rehabilitation Act declares the State responsible for providing services to the following categories of eligible offenders who are generally not placed on probation and parole supervision (Art. 85, para (1)):

- a. Persons for whom execution of the sentence of imprisonment with or without work, or of penal detention has been completed
- b. Persons who have obtained remission of execution of the sentence of imprisonment with work or without work, or of penal detention
- c. Persons for whom suspension of execution of the sentence of imprisonment with or without work has been rendered but such sentence has not become final and binding
- d. Persons for whom suspension of execution of the sentence of imprisonment with or without work has been rendered and who have not been placed under probation
- e. Persons who have received a disposition of non-institution of prosecution because prosecution is unnecessary
- f. Persons who have received a judgment of a fine or petty fine
- g. Persons who have been discharged or provisionally released from a workhouse
- h. Persons who have been discharged or released on parole from a juvenile training school (excluding persons who are placed under probation).

2. Urgent Care for Discharged Offenders

The Offender Rehabilitation Act defines urgent care for discharged offenders a measure to be implemented immediately upon the release of offenders, except probationers/parolees, from physical restraint imposed through criminal procedures or protective measures. This measure is particularly beneficial to offenders who are unable to receive assistance, such as medical care, lodgings, and employment, from their family or relatives or any public welfare organization. The eligibility for this measure is specified in Article 85 (1) of the Offender Rehabilitation Act. Further, as per the Act, the period of care shall not exceed six months but can be extended for a maximum of six months when deemed particularly necessary for the offender's rehabilitation.

The probation office provides various types of aid, including meals, clothing, medical care, travel fare, lodging, and referral to public employment welfare agencies. The probation officer administers this assistance, as required, for each individual case. For instance, in a case where lodging is required, the officer may refer the offender to a halfway house. Finally, the national fund reimburses such expenses to relevant agencies.

Column: Rehabilitation Support for Offenders at the Gateway of the Criminal Justice System

The main target of urgent care for discharged offenders is offenders positioned at the "exit" of the criminal justice system, that is, those released from penal institutions on the expiration of execution of sentence. However, since 2018, emphasis has been placed on the provision of assistance to offenders released from a detention house for suspension of prosecution, fine, or total suspension of execution of sentence without probation who are in need of welfare support owing to their age or disability or of treatment programs for substance abuse. The probation office arranges necessary measures for such offenders in cooperation with the public prosecutor's office and local government at the gateway of the criminal justice system.

Chapter 3 Medical Treatment and Supervision

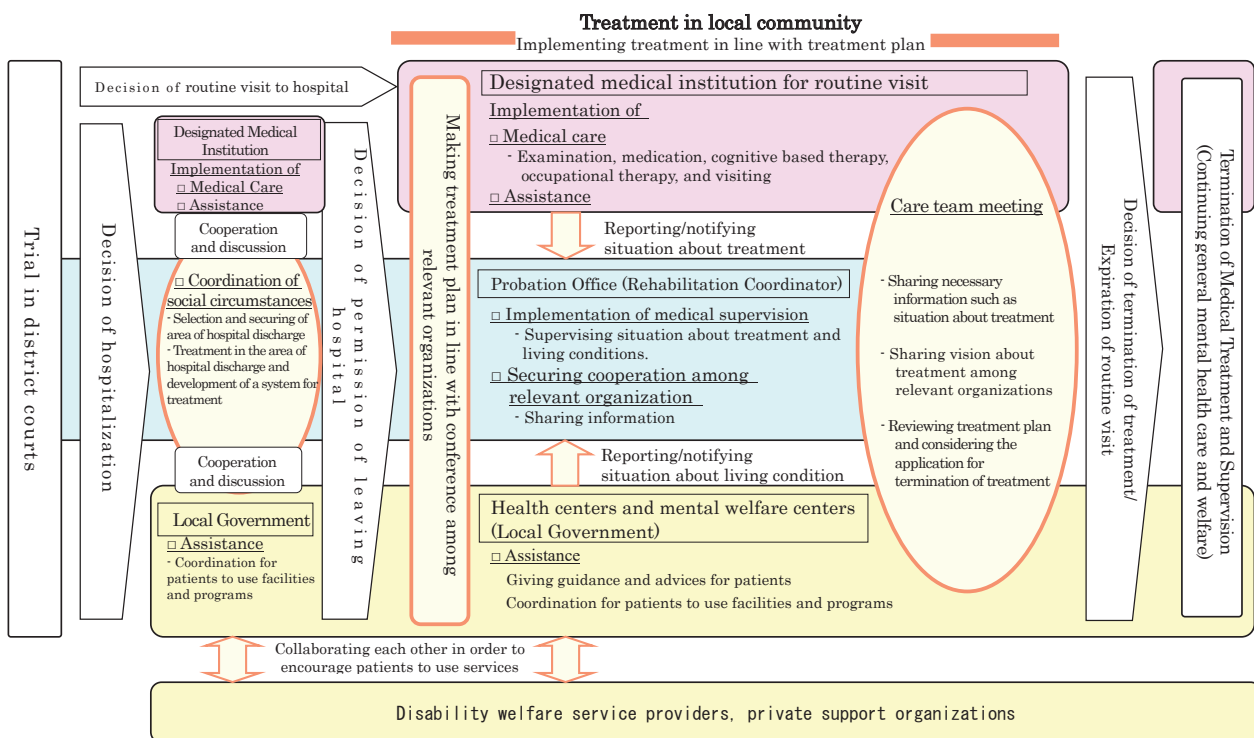
A. Purpose of Medical Supervision and Treatment

The medical supervision and treatment strategies described in this section refer to the system prescribed by the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity (hereinafter, referred to as “the Act” in this section), which was enacted in 2015. Its purpose is to improve the medical condition of individuals who have committed acts that constitute designated serious offences, such as murder and arson, but are suffering from conditions such as insanity or diminished capacity. Further, the Act aims to prevent the recurrence of similar acts accompanying such conditions and promote their reintegration to the community by 1) establishing procedures to determine appropriate treatment, 2) providing continuous and appropriate medical treatment, and 3) conducting observations and providing the guidance necessary to secure such improvement. The probation office is responsible for the conduction of social investigation during the process of the trial, coordination of social circumstances for hospitalized patients, supervision of offenders after they return to the community, and maintenance of liaison among related agencies.

This system is independent of the offender rehabilitation system stipulated in the Offender Rehabilitation Act, since patients subject to the system may not legally be defined as “offenders”.

B. Treatment Process

Figure 9 Flowchart of Medical Supervision and Treatment



1. Subjects

The individuals under this system are those who have committed acts that constitute designated offences, such as murder, arson, robbery, forcible sexual intercourse, sexual assault (including attempts of these offences), injury, and injury causing death; who are suspended from prosecution or adjudicated not guilty; or who have had their sentence reduced (except in the case of imprisonment without suspension of execution of sentence) due to conditions such as insanity or diminished capacity.

2. Trial (Outpatient Decision)

The trial commences upon the public prosecutor’s application to the district court. A council comprising a

judge and a mental health adjudicator (a qualified and registered psychiatrist) at the district court makes either of the following decisions regarding the person under the consideration that the “medical treatment pursuant to the Act is necessary to promote the social reintegration of the person”:

- a. Hospitalize the patient for medical treatment (in-hospital decision)
- b. Order the patient to undergo medical treatment in the community

The court can request the probation office to conduct a social investigation, in addition to an assessment by a psychiatrist.

C. In-Hospital Treatment at the Designated Medical Institution

Patients subject to the in-hospital decision are hospitalized in a designated in-hospital medical institution to undergo intensive professional medical treatment. While they remain in the hospital, the probation office coordinates their social circumstances to ensure their smooth reintegration to the community. They cannot be discharged from the hospital without the court’s permission. Further, the court must make a decision to extend their in-hospital treatment period every six months, if the extension is considered necessary.

D. Treatment in the Community

Those subject to an outpatient decision and those discharged from a designated in-hospital medical institution must undergo medical treatment in the community at a designated outpatient medical institution under the medical supervision provided by the probation office. During the supervision period, a rehabilitation coordinator from the probation office observes the treatment provided by the designated outpatient medical institution and examines how the patient adapts themselves to the community by conducting direct interviews with the patient and examining the reports of relevant agencies. The rehabilitation coordinator gives the patient necessary instruction and guidance to maintain adequate and continuous medical care. A patient’s reintegration to the community requires the provision of not only continuous medical care but also mental health welfare support. In this context, the probation office utilizes the welfare service for the mentally challenged, as well as other assistance measures provided by the local government.

In general, the period for the patient’s medical treatment in the community is three years (extendable for a period not exceeding two years); however, the probation office can make an application to the court to terminate the medical treatment before the end of the period if it is no longer deemed necessary. On the other hand, the probation office can make an application to the court for (re-)hospitalization if the patient’s psychiatric condition or any other factor calls for it.

Chapter 4 Yellow Feather Campaign (Crime Prevention Activities)

For the successful reintegration of those who commit a crime or delinquency, it is essential that the entire society understands the importance of their rehabilitation. Therefore, the Ministry of Justice launched a nationwide campaign called the “Yellow Feather Campaign” to deepen Japanese citizens’ understanding of the prevention of crime and delinquency and the rehabilitation of those who have committed crimes and delinquency and to build safe and secure communities free from crime and delinquency by enabling all the citizens to work together in their respective capacities. This campaign has a history of more than 70 years.

(General citizens and community volunteers participating in a parade to promote the campaign)



A. Overview

The Yellow Feather Campaign is led by local governments and community volunteers, including *hogoshi* who live locally. As part of the campaign, each volunteer independently plans and carries out public relations activities and events. *Hogoshi* work together with WARA members, BBS members, and other community volunteers (to promote the movement and popularize the campaign’s purpose countrywide. Moreover, the prominent characteristic of this campaign is that not only community volunteers but also various participants including politicians, schools, companies, public institutions, professional sports clubs, and artists’ organizations support this campaign. The involvement of people from various fields enables the conduction of different types of events and accelerates the social attitude towards accepting offenders to reintegrate into the society.

Furthermore, the campaign and other opportunities to promote crime prevention and offender rehabilitation have been honoured by the presence of His Majesty the Emperor, the successive Emperors and other Royal family members at milestone commemorations.



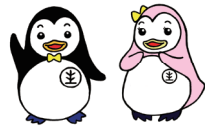
(His Majesty the Emperor honourably gave a speech at the 70th anniversary ceremony of Japan’s Current Offender Rehabilitation System)



(Poster of the 70th Yellow Feather Campaign)

B. Major Initiatives

Mascot character named “Hogo-chan”: Hogo-chan is a penguin who is a former juvenile delinquent. He has been successfully rehabilitated through his own efforts, as well as the assistance of his *hogoshi*. Today, he is a kind-hearted penguin who always warmly watches over those who are trying to rehabilitate themselves and dreams of a happy society free from crime and delinquency.



(“Hogo-chan” and “Sara-chan”)

Use of social networking service (SNS): The Rehabilitation Bureau of the Ministry of Justice uses SNS platforms, such as its official Twitter and Instagram pages, to communicate with the public and to provide them with the latest information on activities in crime prevention and offender rehabilitation.



(Instagram account of Rehabilitation Bureau)

Offender rehabilitation education for elementary and junior high school students: To deepen their understanding of the Yellow Feather Campaign, elementary and junior high school students across the country are requested to write essays about what they think and feel about crime and delinquency. The Ministry of Justice holds the Yellow Feather Campaign essay contest every year. In 2019, the Ministry of Justice received about 345,000 essay entries nationwide.

Publicity events: With the goal of promoting understanding and cooperation as part of the Yellow Feather Campaign, the Rehabilitation Bureau holds events such as talk shows with famous Japanese singers and community volunteers supporting offender reintegration.

Column: Collaboration with comedians

① Promotion through TV platforms and YouTube

In order to spread the idea of Yellow Feather Campaign, the Rehabilitation Bureau created a short film of offender/juvenile delinquent rehabilitated with support of community volunteers. To make the stories more familiar for the public, the Rehabilitation Bureau collaborates with famous comedians. The comedians acted as community volunteers and showed dedications to support an offender/a juvenile delinquent. This film is broadcasted on cable TV platforms and street visions; it is also distributed on YouTube.



(A comedian acting *hogoshi*)



(Comedians acting members of BBS and WARA)

The short film is available on YouTube →



② Promotion movie by using illustrations

A comedian who is also known as a manga creator drew a series of illustration about *hogoshi* and the Yellow Feather Campaign. In this movie, a man meets a female *hogoshi*, learns her services, and finally understands that community volunteers have significant roles for making the society brighter.



The promotion video is available on YouTube →



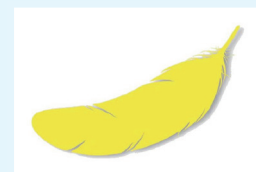
Column: The Yellow Feather

The Yellow Feather means wishing happy and bright society free from crime and delinquency. In 2008, the Yellow Feather was inspired by the yellow colour of sunflower as a symbol of the offender rehabilitation in Japan and “The Yellow Handkerchief” (film 1977 by YAMADA Yoji), which describes a conjugal love in which an incarcerated man was welcomed by his wife after his release. *Hogoshi* in Nagasaki probation district originally attached a yellow feather on their jackets as a symbol of the campaign in the 61st Yellow Feather Campaign (2008). Since the holding of the 61st campaign (2011), which adopted the “yellow feather” as the official symbol of this campaign, the Rehabilitation Bureau has been promoting the Yellow Feather widely.

Recently, cabinet ministers put the yellow feather on their jacket during the month of the Yellow Feather Campaign and at the meeting of the Ministerial Commission on Crime Control.



(Former Prime Minister Abe Shinzo put on the Yellow Feather)



(The Yellow Feather)

Column: Recovery Support Fund

In August 2020, the Recovery Support Fund was established by the Japan Rehabilitation Aid Association, an extra-departmental organization of the Ministry of Justice, with a support of the Rehabilitation Bureau. This fund aims to facilitate various innovative activities by the private sector in offender rehabilitation and crime prevention. This fund subsidizes the private sector which supports offender rehabilitation and crime prevention across Japan by donations from the general public and private companies. As a result, the private sector subsidized by this fund will be able to try new ideas in their offender reintegration and crime prevention activities.

This fund offers various methods for contributions. For example, individuals can donate small amounts of money through credit card payments on the internet. Another option is to install a vending machine to which a portion of the sales will be donated.



(The vending machine)

In addition, there is also a mechanism in which a part of the sales of the cafeteria menu is donated. In fact, the Ministry of Justice carried out a project to provide a curry menu using spinach grown by the parolees at the Ibaraki Employment Support Center (see p.20) and ramen menu using vegetables grown by parolees with disabilities at the staff cafeteria. A part of the sales was donated to this fund.

In order to raise private funds to support offender reintegration, it is important to create a system in which anyone can easily and enjoyably participate.



(Illustration of the curry rice and the ramen used for the pamphlet promoting Recovery Support Fund. These illustrations were drawn with the cooperation of a family member of staff. Although it is not usual, staff's families participate and cooperate in promoting offender rehabilitation.)

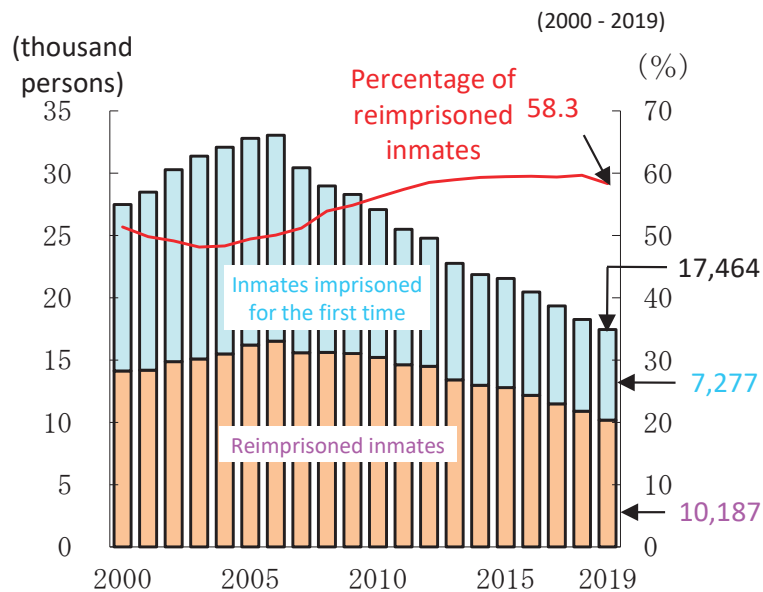
Chapter 5 Promising Approaches

A. Prevention of Recidivism

1. Status of Recidivism

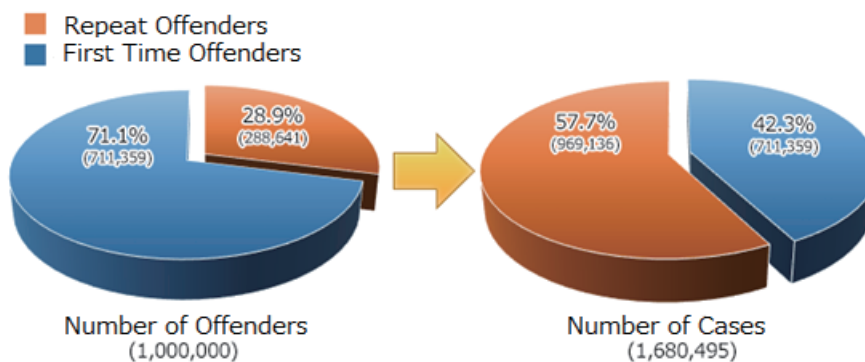
In 2003, reported penal code offences reached the highest ever number. Further, in 2006, the number of newly admitted re-imprisoned inmates reached its peak. However, the ratio of re-imprisoned to newly imprisoned inmates has remained high over the years, reaching 58.3 percent in 2019, as revealed by the line graph in Figure 10. This figure reveals that the majority of offences were committed by recidivists.

Figure 10 Reimprisoned inmates among new sentenced inmates, and percentage of imprisoned inmates



Furthermore, among those who were sentenced between 1948 and 2006, 1 million were randomly selected and the tendency of these subjects was investigated and analysed. As shown in the pie chart below, when looking at the extracted cases by criminal, the first offender was 71.1%, while the repeat offender was 28.9%. On the other hand, looking at the number of cases caused by each, the number of cases by the first offender is 42.3%, while the number of cases by the repeat offender is 57.7%. In other words, about 60% of crimes are committed by about 30% of repeat offenders in Japan.

Figure 11 Rate of repeat offenders



To effectively reduce reoffending, it is necessary to meet each offender's individual diverse needs. Therefore, criminal justice authorities are required to involve various stakeholders in areas such as employment, housing, and social welfare services to facilitate offenders' smooth re-entry into society.

This recognition led to the development of national strategies for the prevention of crime, particularly reoffending. In Japan, the continuous development of reoffending prevention strategies require the involvement of all relevant ministries. They are implemented by governments from the national to the local level and involve both public and private sectors.

2. Measures Implemented by the Government

(1) Comprehensive Measures to Prevent Recidivism

On July 20, 2012, the Ministerial Commission on Crime Control decided on “Comprehensive Measures to Prevent Recidivism.” This is a comprehensive measure taken by the government to prevent the recidivism of released offenders, and the initiative’s numerical target to be achieved 10 years after its formulation is as follows: “the ratio of those who will be re-entered in prison within 2 years after being released from prison will be reduced by more than 20% in the next 10 years.” Further, in 2016, a milestone that marked five years after decision was made on this comprehensive measure, a follow-up was conducted of the initiative’s achievements and challenges.

In addition, the Ministerial Commission on Crime Control declared “No Returning to Crime, No Facilitation of a Return to Crime” in 2014, and the government provided various measures for recidivism prevention. As a result, circle of cooperation by community volunteers such as *hogoshi* and cooperating employers are widely facilitated. On the other hand, many drug addicts who face various challenges in recovery and the elderly and disabled who have committed crimes have fallen between criminal justice system and the local community, and have been re-offending without the necessary support. Therefore, “Emergency Measures to Prevent Re-Offending by Drug Addicts and Elderly Criminals” were decided to prevent recidivism of such criminals by the Ministerial Commission on Crime Control in 2016.

(2) Act for the Prevention of Recidivism and Offender Rehabilitation

The Act for the Prevention of Recidivism (hereafter, “the Act” in this section) enacted in 2016 aims to comprehensively and systematically advance initiatives to prevent recidivism, prevent people from becoming the victims of crime, and contribute to the realization of a society in which people can live safely and peacefully in accordance with the following principles:

- a. Laying down fundamental principles for recidivism prevention
- b. Clarifying the responsibilities of the central and local governments regarding initiatives to prevent recidivism
- c. Specifying the basic aspects of recidivism prevention measures, and comprehensively and systematically implementing these measures.

The Act emphasizes local governments’ endeavors to implement initiatives that facilitate the appropriate sharing of roles with the State according to the circumstances in the areas under their jurisdiction. Based on the Act, criminal justice agencies, including probation offices, provide guidance and information on recidivism prevention measures to the local governments and support the formulation of the “Local Recidivism Prevention Plan” with the cooperation of the community volunteers who support offender reintegration. Further, the local governments play an important role in recidivism prevention in adherence with the Act and its “Recidivism Prevention Plan.” As of October 1 in 2020, 71 local governments, not only prefectural government but also municipal government, across Japan have established their own Local Recidivism Prevention Plans and prefectural government and municipal government strengthen cooperation in the field of reoffending prevention(see subsection (3) in this section).

(3) Recidivism Prevention Plan

Currently, the Recidivism Prevention Plan, which was formulated in 2017, consists of 7 priority issues with 115 specific measures based on a nationwide multi-stakeholder approach. The plan highlights the importance of employment, welfare services, housing, and so on.

(4) Regional Recidivism Prevention Model Project

To promote recidivism prevention in accordance with the Act, the Ministry of Justice has been implementing

the “regional recidivism prevention model project” since 2018 in cooperation with local governments. Accordingly, the local governments carry out several activities such as (1) researching the status of recidivism in the region and formulating a model project implementation plan, (2) implementing the model project, and (3) examining the effects of the model project. As of December 31, 2019, 37 projects have been implemented by 36 local governments.

Column: An Example of the Regional Recidivism Prevention Model Project

In Nagano Prefecture, model projects include, for example, network meetings and workshops that enhance mutual understanding among welfare services and criminal justice agencies and a consultation support service in the fields of crime, delinquency, and so on. The consultation support service project is entrusted to the Nagano Prefectural Volunteer Probation Officers Association and has been implemented in cooperation with three local volunteer probation officers associations in the prefecture. The consultation service is established in the Offender Rehabilitation Support Centre, where volunteer probation officers provide consultations on crimes and delinquency to offenders and their families and local residents. Further, according to the nature of these consultations, the officers liaise with relevant institutions and organizations in the community.

B. United Nations Congress on Crime Prevention and Criminal Justice (UN Crime Congress) and International Network

1. Fourteenth UN Congress on Crime Prevention and Criminal Justice

The UN Crime Congress, which has been held once every five years since 1955, is one of the largest UN conferences on crime prevention and criminal justice. Since 1955, the UN congresses on crime prevention and criminal justice have brought together high-level representatives of governments and intergovernmental and nongovernmental organizations, as well as criminal justice professionals and scholars, to discuss common concerns, share one another’s experiences, and seek solutions for crime prevention and criminal justice. In general, the UN Crime Congress adopts a political declaration to establish the crime prevention and criminal justice agenda for the next five years.

The Fourteenth UN Congress on Crime Prevention and Criminal Justice (the Kyoto Congress) discusses effective measures to address the threats faced by the international society, such as organized crime, corruption, and terrorism, under the theme “Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda.” The 2030 Agenda for Sustainable Development, which involves the realization of Sustainable Development Goals (SDGs), was adopted at the United Nations Sustainable Development Summit held on September 25, 2015. Further, under the aforementioned theme, Workshop 2 of the Kyoto Congress focuses on topics related to the prevention of recidivism titled “reducing reoffending: identifying risks and developing solutions”. This workshop seeks to identify risks and develop solutions for reducing reoffending through creating rehabilitative prison environments, effective use of non-custodial measures, including community-based approaches, and programmes that promote rehabilitation and social reintegration of offenders. During the workshop, the Director General of the Rehabilitation Bureau of the Ministry of Justice of Japan delivers a presentation titled “a multi-stakeholder approach to ensuring continuous support and services for rehabilitation and reintegration of offenders: focusing on housing support”.

2. World Congress for Community Volunteers Supporting Offender Reintegration

The World Congress for Community Volunteers Supporting Offender Reintegration is held as a side event of the Kyoto Congress. In the World Congress, participants share and confirm the core value of community volunteers supporting offender reintegration in the participating countries/regions; this is followed by discussions on challenges

to the development of community volunteer systems for offender reintegration. Finally, the participants will adopt the Kyoto Declaration on Community Volunteers Supporting Offender Reintegration, which aims to build an international network of community volunteers to reintegrate offenders, provide technical assistance to foster volunteering and raise public awareness, and establish community volunteer systems, after several discussions.

The World Congress is a developmental dissolution of the Asia Volunteer Probation Officers Meetings that took place in Japan in 2014 and 2017 on the occasion of the Kyoto Congress. The first meeting held in Tokyo in 2014, which was attended by community volunteers supporting offender reintegration such as *hogoshi* and volunteer probation officers/assistants from Japan, South Korea, the Philippines, Singapore, and Thailand, as well as observers from China and Kenya, shared practices and challenges associated with their countries' volunteer probation officer programs and recognized the importance of the role played by such community volunteers in offender rehabilitation. Further, in this meeting, the participants adopted the Tokyo Declaration, which called for the establishment of a global network of community volunteers typified by *hogoshi* and volunteer probation officers/assistants and facilitated their continued mutual cooperation. Subsequently, the second meeting, which aimed to increase public awareness of the concept of community volunteers supporting offender reintegration, was held on the occasion of the 3rd World Congress on Probation in Tokyo.

3. World Congress on Probation

The World Congress on Probation is the largest international conference on the community-based treatment of offenders, in which practitioners and academics worldwide congregate to promote and develop community-based approaches and expand the professional network, in terms of both theory and practice. The first congress was held in the United Kingdom in 2013, the second in the United States in 2015, the third in Japan in 2017, and the fourth in Australia in 2019.

The third congress, whose main theme was the “Development of Probation and the Role of Community,” welcomed 371 participants from 34 countries and regions. Through a symposium, keynote speeches, and workshops conducted as part of the three-day-long congress, the participants studied and discussed civil participation, policymaking, best practices, effective treatment, and the role of communities to clarify the community-based treatment of offenders. Further, foreign participants were invited to attend study tours to *hogoshi*'s houses and offender rehabilitation facilities.

Symphony of Three Rings (Designed by Katsumi Yutani)



The design “Symphony of Three Rings” is used as a logo of the 3rd World Congress on Probation and consisted with three coloured incomplete rings. Each ring symbolizes a crucial role in offender rehabilitation. The blue ring stands for persons. The green rings stands for community. The yellow ring stands for faith, belief and heart.

Although these rings are incomplete, the incompleteness has a meaning. These incomplete rings imply that offender rehabilitation service has no ends, however, it can be better depended on all people having connections to offender rehabilitation.

4. Other Approaches to Strengthen the International Network on Offender Rehabilitation

Through various international conferences, the Rehabilitation Bureau of the Ministry of Justice has developed a network of relevant organizations and agencies in the field of community correction worldwide. As a legacy of the Kyoto Congress, the Rehabilitation Bureau will spearhead the development of the Asian Probation Network under the United Nations Office on Drugs and Crime's Asia-Pacific Criminal Justice Network, "AP-CJN" (tentative). This network will strengthen the cooperation between the probation authorities of participating countries in the Asia-Pacific region. Further, the Rehabilitation Bureau proposes the establishment of the International Day for Community Volunteers Supporting Offender Reintegration (*Hogoshi Day*) in accordance with the Kyoto Declaration on Community Volunteers Supporting Offender Reintegration, which is to be adopted by the World Congress for Community Volunteers Supporting Offender Reintegration.