

# JAPAN

## About Us

1. The Japan Federation of Bar Associations (JFBA) was established in 1949. The JFBA is a federal body comprised of 52 local bar associations in Japan, individual attorneys, legal professional corporations, *gaikokuho-jimu-bengoshi* (registered foreign legal consultants) and other members. Attorneys, legal professional corporations, and registered foreign lawyers must register with the JFBA at the same time as they are admitted to local bar associations.
2. The current President is Yutaro KIKUCHI

### Organisational structure

Members	Local Bar Associations (52), Attorneys, Legal Professional Corporations, Quasi-Members, Okinawa Special Members, Foreign Special Members
Legislative Bodies	General Meeting, House of Delegates, Board of Executive Governors, Board of Governors
Executives	President, Vice Presidents (15), Governors (71), Executive Governors (39 out of 71 Governors), Auditors (5)
Committees	Statutory Committees (7), Standing Committees (5), Special Committees (over 70)
Secretariat	Secretary General (1), Deputy Secretary General (7), Research Office, Public Information Office, Office of International Affairs, Research Office for Judicial System, Office for Human Rights Protection, Office of Continuing Legal Education and Legal Practice, Office on Japan Legal Support Center, Research Office for Juridical Systems, JFBA Comprehensive Center for Continuing Legal Education, Secretariat

### Number of members (as at 1 October 2019)

Local Bar Associations	52
Member Attorneys	41,050
Special Members in Okinawa	7
Registered Foreign Lawyers	428
Legal Professional Corporations	1,252

### Contact information

Office of International Affairs  
E-mail: [international@nichibenren.or.jp](mailto:international@nichibenren.or.jp)  
Website: <http://www.nichibenren.or.jp/en/>

## Brief Summary of events of the year

### Kyoto Congress

3. The 14<sup>th</sup> United Nations Congress on Crime Prevention and Criminal Justice (Kyoto Congress) will be held in April 2020 in Kyoto. The JFBA will continue to collect information for the Congress as the government prepares for it while examining the ways to get involved as an organisation of attorneys.

### Promoting Gender Equality

4. In order to raise the ratio of females among its Vice Presidents, in 2018 JFBA introduced a “quota system”, in which at least two Vice Presidents must be selected from female members. The JFBA will continue its efforts in raising the percentage of female Governors (*rijisha*).
5. Furthermore, the JFBA will promote activities to dissolve the gender gap not only in the bar associations but also in the society in general, for example by promoting the use of a female

director candidate list in order to promote diversity, and will continue to collaborate with Gender Equality Bureau, Cabinet Office.

*Pollution, Environmental Issues, and Realisation of Sustainable Society*

6. The JFBA will continue to aim for the eradication of pollution and environmental destruction as well as the realisation of a sustainable society where environmental rights and the right to enjoy nature are established.

*Expansion of Legal Protection Insurance*

7. The JFBA has been working on expanding the scope of legal protection insurance, which will improve public access to justice by covering the legal cost. From January 2019 two new policies will become available: an insurance policy which covers the legal expenses in a criminal case arising from a car accident is in the market; and a policy to cover the legal expenses of small and medium-sized enterprises.

*Reviewing Law School System*

8. In June 2019, the law was amended to enable law school students to take Bar Exam before completing the 2-year or 3-year course. The new system will become effective in April 2020.
9. Allowing students to take the Bar Exam before completing the law school course would inevitably impact the law school education, which lies at the heart of the entire process of the legal training system. The JFBA will continue to be actively involved in this area, requesting that the government carefully examine the ways in which the Bar Exam should operate.

*Collaboration with Local Governments Concerning Large-Scale Disasters*

10. It is essential to collaborate with the local governments outside times of natural disasters if we want to provide effective disaster recovery assistance and to help disaster victims. The JFBA concluded an agreement with the Japan Association of City Mayors in December 2018 and established the support system to ensure collaboration between the disaster-affected local governments and local bar associations at the time of disaster.
11. The JFBA will now seek to conclude an agreement with the National Governors' Association (*Zenkoku Chiji-kai*) while supporting the promotion of further collaboration between each local bar association and local government.

*FATF's 4th Mutual Evaluation*

12. Toward the 4<sup>th</sup> Mutual Evaluation by the Financial Action Task Force (FATF, an inter-governmental body for combating money laundering) in 2019, the JFBA is obliged to further improve the submission rate of the 2<sup>nd</sup> annual report by its members and to make sure that its members conduct clients' identity verification and retention of records thoroughly.
13. The JFBA will continue to provide tools such as checklists to determine whether or not a client should be asked to provide identification and client leaflets, as well as providing training to members.

**Professional and/or Legislative issues that have been of prime interest or concern**

*Protection of Human Rights*

14. The JFBA undertakes human rights activities through the work of a number of committees that address various themes and aspects of human rights, including the Human Rights Protection Committee. These committees work in collaboration with local bar associations.

*Law-Related Education*

15. The JFBA has been engaged in “law-related education”, which teaches the basic value of law and legal approaches.

#### *Efforts to Improve Access to Justice*

16. Duty Attorney (Toban Bengoshi) System: The Duty Attorney System is a private-sector system created by each local bar association. When requested by a suspect, the duty attorney quickly visits the suspect's place of detention and interviews the suspect.
17. Establishment and Operation of Bar Funded Law Offices: The JFBA has made efforts to eliminate areas suffering from shortage of attorneys.
18. Financial Support for the Elimination of Areas with Attorney Shortages: The JFBA has been engaged in a project to provide economic support for attorneys establishing their offices in areas facing shortages of attorneys.
19. Legal Expenses Insurance: The JFBA operates the “JFBA Legal Access Centre” which will refer an appropriate attorney of a bar association upon notification of a case from the insurance company.
20. ADR (Alternative Dispute Resolution): The JFBA conducts various approaches to expand trustworthy and easily accessible ADR for the public.

#### *Efforts toward the Drastic Reform of Criminal Procedures*

21. The JFBA demands that the government take necessary measures to provide for video/audio recording of all processes of interrogations, improvement of the detention and bail systems, realisation of “the principle of equality of arms” including in terms of discovery, enhancement of the court-appointed defence counsel system, abolishment of *Daiyo-Kangoku* (detention rooms at police stations being used as substitutes for detention centers), etc.

#### *Activities Related to the Practice of Law*

22. Legal Practice Reform: The JFBA has been conducting research and studies, and has implemented various measures on legal practice reforms, including provision of web-based attorney-related information, improvement of training systems, enhancement of the number of in-house attorneys, verification of the remuneration system of court-appointed defence attorneys, review of the quality of services rendered by attorneys, etc.
23. Young Professional Assistance: The JFBA engages in support activities related to the development of career plans for legal apprentices and young attorneys, etc.

#### *Activities to Improve the Legal System*

24. The JFBA has conducted research and studies on a wide range of legal systems, formulated opinions, and issued recommendations in order for the government to take necessary measures to improve legal systems.

#### *Training Programs*

25. The JFBA is enhancing training programs for attorneys. This includes ethical training, training for newly-registered attorneys, and training to improve practical skills.

#### *Approaches for Realisation of Gender Equality*

26. The JFBA is engaged in promoting gender equality within itself, and it actively tackles gender problems existing in the judicial field.

#### *International Activities*

27. International Human Rights Activities: The JFBA engages in the research and study of international human rights treaties and other international human rights standards, and endeavours to improve the human rights situation within Japan.

28. International Exchange Activities: The JFBA is a member of four international organisations, the IBA (International Bar Association), LAWASIA (the Law Association for Asia and the Pacific), the ICB (International Criminal Bar) and the ILAC (International Legal Assistance Consortium), the AIJA (International Association of Young Lawyers) and the UIA (Union Internationale des Avocats). The JFBA has also entered into an amicable agreement with the IPBA (The Inter-Pacific Bar Association). The JFBA has deepened relationships with legal organisations overseas.
29. International Cooperation: The JFBA has sent lecturers to seminars held by various organisations in Japan that invite trainees from overseas and also dispatches attorneys as JICA (Japan International Cooperation Agency) experts to various countries.
30. Provision of Information to Domestic and International Audiences: The JFBA has been actively providing information overseas regarding the human rights situation in Japan, the Japanese legal system, etc.
31. Overseas Visiting Fellow Program: This program gives attorneys who engage in public-interest activities the chance to study overseas.
32. Assistance for International Development of Small and Medium-sized Enterprises: The JFBA has engaged in various activities in three fields, namely, the training of attorneys, collaboration with various stakeholders in international business deployment within Japan, and cooperation with overseas bar associations.

## **Key developments in the jurisdiction over the past year and challenges that have arisen**

### *The Issue of the Proposed Revisions to the Constitution*

33. At its General Assembly in May 2018, the JFBA adopted “the Resolution to challenge or raise an issue against the argument to amend Article 9 from the position of adhering to constitutionalism and respecting eternal pacifism, and to call for the review of the constitutional amendment procedure law.”

### *The Rights of Foreign Nationals Living in Japan*

34. With the establishment of a new status of residence known as a “specified skilled worker” on 1 April 2019, a further increase in the number of foreign workers residing in Japan is anticipated. In order to protect foreign workers’ rights and to provide them with appropriate remedies, the JFBA will continue its efforts to improve the system and raise awareness, as well as providing guidance to the hiring companies so that they comply with the law and the new residence status will be used properly.

### *Abolition of the Death Penalty and Reform of the Criminal Justice System*

35. Currently, in Japan, 110 inmates are on the death row. Every year, death sentences are passed, and Japan has carried out executions repeatedly. In 2018, 15 inmates were executed in total. Immediately after each execution, the JFBA President has publicly denounced it and strongly protested against the execution.
36. In October 2016, the JFBA has adopted the FUKUI Declaration which calls for the abolition of the death penalty by 2020 at the Convention on Protection of Human Rights. In November 2018, the JFBA also submitted a petition to the Minister of Justice requesting to abolish the death penalty by 2020.

37. The JFBA will continue to appeal to the public and the mass media for support for the death penalty to be abolished, as we need to respect human life and the possibility of a mistrial and false accusation can never be eliminated.

*Introducing IT in the Civil Procedure*

38. Currently, courts in Japan are in a hurry to introduce IT to civil procedure. The JFBA will provide the necessary support such as the provision of information. The Japan Patent Office will try out the use of IT tools for sorting issues of the cases, in the fiscal year 2019. Furthermore, the JFBA will continue its involvement actively but carefully by voicing its opinion in the study group to revise the Civil Procedure Act while having discussions with the related organisations, including the Supreme Court and the Ministry of Justice.

*Business and Human Rights*

39. The JFBA considers that the interaction between business and human rights has become critical due to globalised and internationalised business activities. The JFBA will continue to make efforts to ensure that Japanese corporations conduct business activities in an appropriate way, with reference to “Guidance on Human Rights Due Diligence (guidebook)”.
40. The JFBA will continue to actively express our views so that the contents of the National Action Plan on Business and Human Rights that the government plans to formulate, in line with the UN Guiding Principles on Business and Human Rights, will be enhanced and implemented effectively.
41. In addition, the JFBA will continue our efforts to work with the society to ensure that both judicial and non-judicial mechanisms are expanded to achieve access to effective legal remedies for victims of human rights violations at home and abroad caused by corporate activities.

**Japan Federation of Bar Associations**