1. Many of those who were accused of crimes and have been involved in criminal justice system (hereinafter referred to as 'offenders') need assistance of legal professionals because they are facing various difficulties such as financial problems and conflicts with their family members as well as physical and mental health issues. When they try to reach out to victims of their crimes, defense counsel’s involvement is indispensable. As lawyers who represent offenders and protect their rights and legitimate interests may play crucial roles in their paths to reintegration into community, the JFBA has endeavored to establish a legal framework which allows provision of such assistance to any offenders who need it.

2. Obviously, for offenders who are undergoing criminal proceedings as suspects or defendants, the assistance of defense counsel is crucial. Many of defense counsel are court-appointed because suspects and defendants usually cannot afford to retain private lawyers. However, under the existing system, counsel's work dedicated to their clients’ reintegration, cooperating with social workers or psychologists to assess the clients’ needs and make arrangements for their lives after release, will not be compensated by the state. Thus, some local bar associations have created their own funds to pay the minimal fees for such work, including modest remuneration for other professionals involved, but the coverage is far from the proper amount which encourages more counsel to participate in these activities. Therefore, the JFBA has called for establishment of a system under which defense counsel’s work for their clients’ rehabilitation will be publicly paid, at least when the clients are facing difficulties with their reintegration into community due to their elderly age or disabilities.

3. As for offenders who are serving their sentences in penal institutions, Rule 107 of United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) provides:

   From the beginning of a prisoner’s sentence, consideration shall be given to his or her
future after release and he or she shall be encouraged and provided assistance to maintain or establish such relations with persons or agencies outside the prison as may promote the prisoner’s rehabilitation and the best interests of his or her family (emphasis added).

In the existing scheme for providing intensive assistance for rehabilitation, elderly and disabled prisoners are the primary target and the authorities identify prisoners who should receive such assistance. Accordingly, there are quite a few prisoners who cannot receive support they want, while some prisoners decline to get assistance. Against these backgrounds, four local bar associations in Hyogo, Aichi, Hokkaido and Hiroshima prefectures, all of which are member organizations of the JFBA, have developed schemes in which lawyers’ assistance may be provided upon requests for consultations from indigent persons who have been involved in the criminal justice system, including sentenced prisoners. The bar associations, not the state, will compensate for the lawyers’ work. To ensure that every prisoner receives needed assistance, it is desirable that a nationwide system which provides lawyers’ support, which is paid from the state budget, should be established.

4. Rule 1 of the Nelson Mandela Rules provides that all prisoners shall be treated with the respect due to their inherent dignity and value as human beings. At times offenders are marginalized in the process of their own rehabilitation. In order that their human dignity may be respected throughout the process of rehabilitation, due attention should be given to the role of lawyers who represents them and protect their rights and legitimate interests.