



JAPANESE PRISON EDUCATION SYSTEM

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On the basic rights and duties of the citizen with respect to education, article 26 of the Constitution ¹ provides that

All people shall have the right to receive an equal education corresponding to their ability, as provided by law. The people shall be obligated to have all boys and girls under their protection receive ordinary education as provided for by law. Such compulsory education shall be free.

Compulsory education consists of six years of elementary school and three years of middle school (lower secondary school), a total of nine years, under the Fundamental Law of Education ² and the School Education Law. ³ Article 30 of the Prison Law ⁴ provides that "any prisoner under eighteen years of age shall receive education and when it is deemed necessary other prisoners may receive education irrespective of their age." Article 85 of its Enforcement Regulation ⁵ states that prisoners who are to receive education according to article 30 of the Prison Law shall be given courses of study for up to four hours a day, according to the extent of their educational background. When necessary, those who have not completed courses given at the elementary or middle school level may be given a course of study in excess of four hours a day in order to complete those levels of schooling.

¹ Promulgated on Nov. 3, 1946, and entered into force on May 3, 1947.

² Law No. 25, Mar. 31, 1947.

³ Law No. 26, Mar. 31, 1947, as last amended by Law No. 88, Sept. 10, 1987.

⁴ Law No. 28, Mar. 28, 1908, as last amended by Law No. 68, July 21, 1953.

⁵ Ministerial Ordinance No. 18, June 16, 1908, as last amended by Ordinance No. 24, Apr. 1, 1977.

According to *Hanzai hakusho*,⁶ prisoners who have not completed compulsory education or whose literacy level is low even after the completion of compulsory education are given courses consisting of Japanese language, mathematics, social science, and other subjects. Furthermore, prisoners who then desire to learn more are provided with correspondence courses. In 1987, 3,503 prisoners received regular and correspondence courses. Of them, 2,096 had finished compulsory education before imprisonment, 365 had not completed compulsory education, 57 were high school students (upper secondary school), 569 were high school dropouts, and 416 were high school graduates.

Minors under 18 years of age who are punishable by penal servitude or imprisonment for not less than two months are confined in the country's nine prisons for juveniles. As the number of young prisoners has been on the decline in recent years, they are now being imprisoned in separate quarters of regular prisons as well. If a minor prisoner reaches 20 years of age and it is still deemed appropriate that he continue to serve his term in the same prison, he may be made to remain there until he reaches the age of 26.⁷ In 1987, a total of 138 juvenile offenders were serving sentences throughout the country. Of these, 128 had been sentenced to penal servitude (about 59 of whose sentences were not to exceed two years) and 10 were sentenced to imprisonment for a term not to exceed two years.

In addition to being offered the same courses given to the adult prisoners, young prisoners were placed in a special program. The Matsumoto Prison opened a branch of the local public middle school within the prison compound beginning in April 1955. Qualified prisoners from throughout the country who had not completed compulsory education were selected for admission.

⁶ *Hanzai hakusho* [Whitepaper on Crimes] 144 (Tokyo, 1988).

⁷ *Id.* at 252.

In 1987, upon their successful completion of the program, 10 prisoners received their middle school diplomas. Three other prisons for youthful offenders provided correspondence courses with the cooperation of local prefectural high schools. In 1987, eight prisoners were awarded high school diplomas.⁸ In addition, at the prisoners' request, the high schools helped provide social correspondence courses and other academic kinds of courses.

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⁸ *Supra* note 6, at 253.