

Revised “Crime Victim Support Act” (‘Act related to the support of crime victims by payment of benefits for crime victims)

[Background]

Amongst the measures, which need to be reviewed in the Basic Plan regarding,

- the system for giving a respectful economic support to the crime victims,
- the making of a system, through which the required support can be received without interruption,
- the assistance to private victim support entities

were studied in three Investigative Commissions (‘Investigative Commission for economic support’, ‘Investigative Commission for cooperative support’ and ‘Investigative Commission for assistance to private entities’) and the “Final Summary” were settled in November 2007.

In order to enforce the measure following this “Final Summary”, the National Police Agency drafted ‘Act for Partial Revision of the Act related to the payment of benefits for crime victims’, which makes necessary provisions for attempting the promotion of expansion of the Crime Victim Benefits System, promotion of voluntary activities of private entities to support the crime victims and the publicity promotion activities related to the support to crime victims and. This bill was presented in the regular session No. 169 of the Diet and being approved unanimously by the masses and both houses, and was established (established on April 11, 2008, promulgated on April 18). Also, being equipped with the concerned laws and regulations, accompanying the revision of Act, it has been come into effect since July 1, 2008.

The outline of revised points is given here.

[Revision of Act Name and Purpose Provision]

Before revision, the name of this Act was ‘Act related to the payment of benefits for Crime Victims’. However, about this title, since the purpose of payment benefits to crime victims (hereinafter referred to as ‘benefits’) is not clear, it gives an indication of misunderstanding that the benefit amount is a sort of favor. Even in the ‘Investigative Commission for economic support’, it was maintained that the title ought to be changed so that it would reflect the purport of the crime victim benefits system. Therefore, in order to clarify the purpose of benefits, which would support the crime victims, the name of the Act was changed to ‘Act related to the Support of Crime Victims by payment of Benefits for Crime Victims’ (Abbreviation ‘Crime Victim Support Act’).

Besides, before revision, the purpose of this Act was considered to be, ‘To contribute towards early alleviation of crime damage etc.’ received by the victim of crime and the surviving family members. However, in the Basic Act, not only the alleviation of the damage, but regarding ‘the support for enabling the crime victim and to live a peaceful life again’ is also considered as the fundamental principle of the measures for the crime victims. During the ‘Investigative Commission for economic support’ also, it was maintained that the Crime Victim Benefits System ought to be expanded on the grounds of this fundamental principle. Therefore, ‘Giving support so that the crime victim will be able to restore their peaceful life again’ was added to the purpose of the Act.

[Expansion of Crime Victim Benefits System]

<Addition of benefit amount of serious injury or illness benefit, considering the loss due to leave from work>

In the Crime Victim Benefits System, the serious injury or illness benefit are given to the crime victim, who has suffered from serious injury or illness and had to take medical treatment for more than a month or was hospitalized for more than three days. However, in the Act before revision, this amount of serious injury or illness benefit was considered as the amount equivalent to the self-borne amount from the medical expenses depending on the medical insurance.

But, the crime victim, who suffers from serious injury or illness, has no option but to suspend his work in order to recuperate. Many times, the result of this is reduction of income. Hence, in the ‘Investigative Commission for economic support’, it was maintained that for such a person ‘the upper limit of payment amount involved in automobile liability insurance should be taken as a reference and a review should be taken again about giving a fixed aid with consideration to the loss due to work suspension’.

Therefore, for the crime victims, who have no option but to suspend work for recuperation from serious injury or illness, the amount (1,200,000 Yen) fixed by Cabinet Order is taken as the upper limit and the amount after taking into account the number of days for which income could not be earned and the amount of income reduced is added to the amount equivalent to self-borne amount from the medical insurance. This amount is given as the serious injury or illness benefit.

<Foundation of Special Provision of Application Period for Benefits>

The Act before revision stated that the application for benefit cannot be done, if two years have passed from the day, when the applicant came to know about the damage such as death due to criminal act or if seven years have passed from the day, when the concerned crime damage had occurred. It also stated that there would be no exceptions in fixation of this period. However, it would be cruel, if the rule for application period is also applied uniformly for the cases, in which it was not possible to make application due unavoidable reasons or was not possible to return to the torture of the crime victim and if the benefits are not given to crime victims. Thus, in the 'Investigative Commission for economic support' it was maintained that 'a review should be taken about reconsidering the system by maintaining the current period of application (2 years, 7 years) in the Crime Victim Benefits System, but at the same time, making special provision for approving the application, if it could not be done due to unavoidable circumstances'.

Therefore, if it has not been possible to apply for benefits before the expiry of fixed application period, for example, in case of one's body movements being restrained by the assailant etc., it was decided that application can be made as an exception within six months from the day after the reason has stopped, even after the deadline of 2 years or 7 years exceeds.

<Raising of 'Bereaved family benefit to the surviving family members concerned with maintenance of livelihood' and 'Disability benefit to the severely disabled person' (Cabinet Order item)>

In the 'Investigative Commission for economic support', regarding the Crime Victim Benefits System, it was maintained that 'the standard of benefits ought to be raised drastically, concentrating on the crime victims facing especially serious conditions' and it was maintained that the standard of benefits, namely, bereaved family benefit or disability benefit ought to be raised.

Concretely speaking, regarding the bereaved family benefit, it was maintained that, 'the surviving family members' benefits for the victim's surviving family, which comes under the maintenance coverage, ought to be raised since the economic blow is large, especially by taking into consideration the largeness of the burden, such as the number of family members under maintenance coverage'. Also, regarding the disability benefits, it was maintained that 'the disability benefits ought to be raised significantly for the severely disabled person, considering the loss or the degree of decline in his operating capacity'. In this case, it was maintained that, special consideration was required to see that the standard of benefits to the younger generation, whose average income is low, does not result in low amount unfairly. Further, it was maintained that regarding the standard of these raisings, the highest amount should be at par with the amount of the automobile liability insurance (mentioned as 'automobile liability' below) and the lowest amount should also be increased.

Therefore, it was decided that the amount of benefits for surviving family members would be fixed corresponding to the number of surviving family members concerned with livelihood maintenance and thus, the highest amount of 'benefits to surviving family members concerned with livelihood maintenance' was raised drastically. The highest amount was raised from approximately 16,000,000 yen to 30,000,000 yen, which is at par with automobile liability. Regarding the disability benefits also, the highest amount of disability benefits for the crime victims, who come under Disability Grade 1 and require continuous nursing care, was raised from 18,000,000 yen to 40,000,000 yen, which is at par with automobile liability. Thus the highest amount of 'disability benefits to severely disabled people' was increased drastically for those who come under Disability Grade 1 to Grade 3.

Further, the lowest amount was also raised and especially a large raise was attempted for the crime victims under 30 years of age, whose average income is low.

Because these revisions were the matters enforceable by the revisions of the basic amount of benefits and the multiple used to calculate the benefits, they were realized by the revision of Cabinet Order.

[Promotion of Activities of Private Entities Giving Support to Crime Victims]

Not only the police, but the private victims support entities play an important role in providing early assistance to the crime victims.

However, presently, a lot of unevenness is seen in the contents and quality of the activities of each group and in the 'Investigative Commission for cooperative support' also, it was indicated that it is necessary to try for the improvement of work standards and secure homogeneity in overall private victims support entities in the whole country. It was maintained that in order to do this, the national or local government should help with regards to the private victims support entities and their nation-wide spread group, such as, National Network for Victim Support (Note) for training of those who are involved in the support work.

Therefore, it was also decided that efforts must be made to work for measures such as necessary advices, guidance etc. to such private victims support entities so that the Prefectural Public Safety Commission can promote the voluntary activities of the private entities giving support to the crime victims.

Further, in order to attempt appropriate and effective enforcement of the measures such as advices, guidance by the Prefectural Public Safety Commission, the National Public Safety Commission has formulated standardized guidelines regarding the measures such as the concerned advices, guidance etc.

In addition, in order to attempt improvement of work standards and secure homogeneity in overall private victims support entities in the whole country, it was decided that the National Public Safety Commission must make efforts to work for measures such as necessary advices or guidance etc. to the group (National Network for Victim Support), which incorporates the private victims support entities and the group, which conducts trainings for those involved in support in the private victims support entities or exchanges information mutually between the private victims support entities.

(Note) The National Network for Victim Support is a national organization of the private victims support entities, established in May, 1998 (In September 2006, it was certified as specified non-profit organization), which carries out work such as cooperation and assistance, exchange of information, survey and research, official reports and enlightenment related to victim support. Currently on October 1st 2008, 45 groups, aiming at support to crime victims, are affiliated to it.

[Promotion of Public Reports and Enlightenment related to Support to Crime Victims]

In order to promote the measures for crime victims, the understanding and cooperation of citizens is absolutely essential. In the Basic Act, it is maintained that the State and local governments must take the measures required for deepening the understanding of the citizens regarding the situation in which crime victims are in. Even in the Basic Plan, it is maintained that the enforcement of all types of measures and the understanding and cooperation of citizens is indeed like 'two wheels of a car', when it comes to the help for recovery of peaceful life of the crime victims.

However, at present, the public reports and enlightenment regarding support to crime victims are not sufficient and region-wise discrepancy is seen. Even in the 'Investigative Commission for assistance to private entities' it was maintained that in order to attempt the enrichment of activities of the private victims support entities, the State and local governments play the role of bringing in fortune for promotion of crime victims support. Therefore, to make the significance and contents about overall support to the crime victims widely known and to promote the activity of public report and enlightenment nation-wide and effectively in order to seek the understanding and cooperation towards the support to the crime victims, the National Public Safety Commission, Prefectural Public Safety Commission, the Chief of the Prefectural Police Headquarters and the Chief of the Police Station must make efforts from their respective standpoints to carry out activities of public report and enlightenment related to support to the crime victims.

The lectures by crime victims and their surviving family members as well as publicity activity about the support obtained in case of meeting with crime disaster are already carried out in a part of the prefecture area so if such publicity and enlightenment activities are conducted nation-wide, the whole society will get awareness about supporting the crime victims. Along with it, it is expected that the people, who have faced crime can access the assistance quickly.

As stated above, with the revisions this time, the crime victim benefits system is enriched drastically and the mechanism for promotion of voluntary activities of the crime victims support entity has been provided. With these measures, we are trying to enrich a strata of crime victims support measure, by aiming at 'supporting so that the crime victims are able to restore their peaceful life again' reflected in the purpose of the Act.

