

## Chapter 2 Measures for crime victims and their progress

(Mainly describes the principal new measures and increased measures in 2008)

### Section 1 Efforts towards damage recovery and economic support

- 1 Support with regard to Claims for the Compensation of Damages, etc.

(Basic Act, Article 12)

- Support from the Japan Legal Support Center

At the Japan Legal Support Center (known as “Houterasu”) a civil legal aid system such as free legal consultations and granting loans to cover the expenses of trials, etc. is available to for crime victims with limited financial resources. Civil legal aid can be used in the compensation of damages order system procedure.

- Operation of Damage Recovery Benefit System

Under the “Act for Partial Revision of Act on Punishment of Organized Crimes and Control of Crime Proceeds” and “Act on the Payment for the Recovery of damages with the Property taken from Crime Victims, which make it possible to confiscate the property taken from crime victims by offenders through criminal offenses against property and other offenses of similar nature or to collect the equivalent sum of money to be confiscated, and to use such property or money for the recovery of damages suffered by the crime victims, public prosecutors office have started the “procedure to make payment for the recovery of damages for the victims with the property transferred from foreign country” (the illegal loan-shark case (Goryokai case)) and the “procedure to make payment for the recovery of damages to the victims with the property and money confiscated or collected from offender” as the property taken from crime victims by the offenders through criminal offenses” .

- Establishment of the compensation of damages order system for using the results of criminal procedures

The “Act to Amend the Code of Criminal Procedure for Achieving the Protection of Rights and Profits of Crime Victims” was used to revise the “Act on Measures Incidental to Criminal Procedures for Purpose of Protection of Rights and Profits of Crime Victims” and the “compensation of damages order system” established (December 2008). The system can be used by criminal trials to conduct the proceedings and decide claims for compensation of damages from the accused to crime victims after they have been found guilty in a criminal case.

- 2 Improvement of systems concerning payment of benefits, etc.

(Basic Act, Article 13)

- Expansion of systems concerning payment of benefits to crime victims

The “Act for Partial Revision of the Act related to the payment of compensation of damages to crime victims” resulted in an amount being taken into consideration for losses caused by shutdowns/holidays being added to the payment for serious injury and illness benefit (or bereaved family benefit). Besides this, based on the revised law, expansion of the benefit standard has taken place, such as upward revision of the disability benefit money for anyone due a serious residual disability (Disability Grade 1 to 3) and the bereaved family benefit money for bereaved family members in relation to livelihood maintenance from the victim(July 2008).

Application/Ruling/Decision Conditions of benefit for crime victims

Distinction Year-wise	2005	2006	2007	Comparison with previous year
No. of victims affected by application (persons)	465	491	448	-43
No. of victims affected by ruling (persons)	412	458	445	-13
No. of victims affected by payment of benefit ruling	394	435	407	-28
No. of victims affected by non-payment of benefit ruling	18	23	38	+15
No. of victims affected by temporary payment decision (persons)	30	20	15	-5
Ruling amount (million yen)	1133	1,272	932	-340

Source: the National Police Agency

## Summary of revision of the system that came into effect in July 2008

### Expansion of Crime Victim Damage Benefit System

#### Bereaved Family Benefit

- Intensive raise for bereaved family dependents
- The maximum amount was raised to the same level of vehicle insurance, and the minimum amount also raised
- Consideration of the size of the burden of the number of members of the bereaved family

Increase in the amount for bereaved family for livelihood maintenance  
 15.73 million yen to 4.16 million yen → **29.645 million yen to 8.721 million yen**  
 (e.g.) 45 years old, livelihood maintenance for related bereaved family of 4 persons  
 15.08 million yen to 5.59 million yen → 28.42 million yen to 19.6 million yen

#### Disability Benefit

- Intensive increase for victims who have serious residual disabilities
- The maximum amount was raised to the same level of vehicle insurance, and the minimum amount also raised
- Consideration of the point that the payment standard does not become unreasonably low, especially to young who have low incomes

Increase in the amount for victims who have serious residual disability (Disability Grade 1 to 3)  
 18.492 million yen to 3.78 million yen → **39.744 million yen to 10.56 million yen**  
 (e.g.) In case of below 20 years old, continuous nursing care level 1  
 7.102 million yen to 4.824 million yen → 21.888 million yen

#### Serious Injury and Illness Benefit

- Payment in consideration of damages from cessation from work to crime victims who take a holiday due to treatment of serious injury and illness (referred to the upper limit of vehicle insurance)

Addition of an amount considering the loss due to cessation from work, to the self-pay treatment expenditure (maximum of 1.2 million yen)

### Promotion of private entities' activities

- Countrywide homogeneity and improvement of support provided by private support entities
- Aid to private entities and country-wide related groups

- Advice and guidance from the prefectural public safety commissions for the promotion of independent activities by private support entities (Guidelines for the suitable and effective implementation to be decided by the National Public Safety Commission)
- Advice and Guidance by the National Public Safety Commission for National Network for Crime Victim Support

### Promotion of activities of publicity and enlightenment

- Necessity of publicity and building a trend of victim support in the community

- Steering of publicity activities related to the support of crime victims by the National Public Safety Commission, prefectural public safety commissions as well as the Chief of the Police Headquarters

### Revisions of the title of law and the objective

- The title is reflecting the support that was expanded by the revised law
- Based on the basic principles of Basic Act on Crime Victims

- Revised the title to 'Act related to the support of Crime Victims according to the payment of compensation money to crime victims'
- Addition of 'support so that crime victims can lead a peaceful life again' to the objective

- Relief for victims of crimes committed by Aum Shinrikyo

Through the "Act on Payment of Relief Benefit for Victims, etc. of Crimes Committed by Aum Shinrikyo" (legislated by House members) benefits are being paid to the victims and bereaved families in 8 cases, which were criminal acts committed by Aum Shinrikyo (December 2008).

- 3 Stabilization of residence (Basic Act, Article 16)

- Shifting into public housing on a priority basis  
 Being implemented with cooperation of concerned police department and entrepreneurs regarding public housing, the crime victims' shifting into the house on a priority basis, or use other than the objective, moving into the house alone by victims of spousal violence.

- 4 Stabilization of employment (Basic Act, Article 17)

- Fostering the understanding of employers etc

Leaflets and posters are being created in continuing to enlighten people and disseminate knowledge on the need for the day off system for workers that have received criminal damages for recovering from them.

### Poster concerning the day off system for recovering from damage



Resource : the Ministry of Health, Labor and Welfare

## Section 2 Efforts towards the recovery / prevention of mental and physical damage

- 1 Provision of healthcare services and welfare services (Basic Act, Article 14)

- Improvement of cooperation among schools, child guidance centers and so forth regarding the protection of juvenile victims

In accordance with the “Act for Partial Revision of the Child Abuse Prevention Act and the Child Welfare Act”, establishing a “regional network to protect children (regional council of countermeasures for Children Requiring Aid)” became effort duty (April 2008).

- Improved counseling system at schools for juvenile victims

School counselors, counselors for children and parents and school counselors being available for emergency support have been improved and in the year 2008, measures were taken to allocate new budgets for school counseling in elementary schools.

- Improved foster parent system

The foster parent system was revised and through, for example, the “Act for Partial Revision of the Child Welfare Act, etc.” defining a “temporary foster parent” separately to a foster parent that will presumably adopt the child and made requiring temporary foster parents to undergo specific training etc (April 2009).

- Training of paramedical personnel with knowledge about techniques and medicines regarding crime victims

In an effort to train and develop paramedical personnel with knowledge about techniques and medicines regarding crime victims, “Guidance on mental health and welfare activities in regions to support crime victims” was created and distributed to mental health welfare centers.

- 2 Securing safety (Basic Act, Article 15)

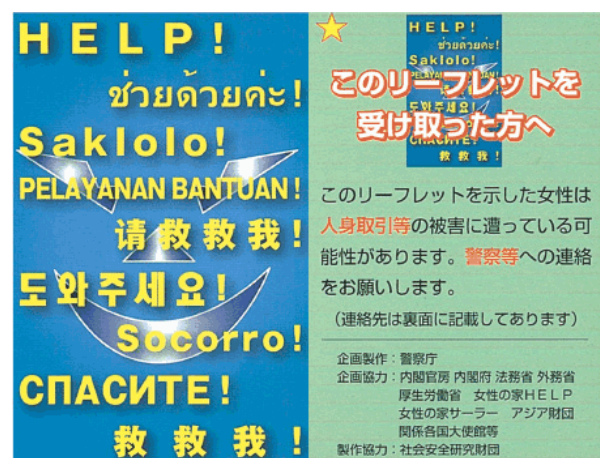
- Promotion of protection measures by the police

To protect the safety of persons in danger from Boryokudan etc, an outlay for the complete application of private guards was put in place, besides, setting up a protection measures box for the effective protection measures in the house of person who is the target of the protection measures.

- Protection of victims of human trafficking in women

To achieve the early stage protection of women who are victims of human trafficking, a system, named “Anonymous Tip Dial”, is continuing to be operated, wherein private entities that have received a consignment from the National Police Agency, could receive information on criminal activities from the public in an anonymous manner and assist the police by distributing this information to the police to help in the police investigation and so on. In addition, leaflets are continuing to be made and distributed, in order to make it easier to report information about trafficking in persons.

### Leaflet concerning trafficking in persons



Resource: the National Police Agency

- Prevention of child abuse, and arrangement of a system to expose and respond early on to it

Through the enforcement of “Act for Partial Revision of the Child Abuse Prevention Act and the Child Welfare Act”, on the spot surveys for confirmation of child safety were strengthened, the system of face-to-face meetings and bulletins aimed at custodians was strengthened, and measures were implemented in case of custodians not following instructions (April 2008).

Measures to prioritize safety of children were implemented, such as creating and distributing leaflets for the enlightenment and publicity of child-abuse prevention.

## Leaflet for the enlightenment and publicity of child abuse prevention



- Prevention of subsequent damage with stalking and sex crimes
 

Regarding stalkers and sex offenders, in case of release on parole, depending on the case, special conditions such as prohibition from approaching the concerned victim, etc. can be established, and instruction /supervision on complying with them may be conducted. Furthermore, since the enforcement of the Offenders Rehabilitation Act (June 2008), special conditions such as taking specialized treatment programs and life and conduct guidelines such as redemption measures may be established, and instruction/supervision to ensure the observance of them may be conducted.
- 3. Considerations in the process of protection, investigation, and trials, etc. (Basic Act, Article 19)
- Dispatch of female police officers
 

It is recommended that the police department put a female police officer in investigations of the sex offence. As of April 2008, there are 5,832 female police officers specified as the investigating officer for sex offence and conducting police interviews with the sex offence victims.
- Improved facilities at police offices for crime victims
 

Introduction of what can be called the

## Inside a victim support car



Resource: the National Police Agency

'Vehicle for Victim Support', a movable questioning room, for such victims who feel resistance to the police department or the police box itself. In 2008, 58 vehicles were added.

- Establishment of waiting rooms at public prosecutor offices for crime victims
 

In 2008, setting up of a special waiting room for the victim in the new building of the Public Prosecutor's Office. There are plans to set up as many as 2 such special waiting rooms in the Public Prosecutor's Office's another new building that will be completed in 2009. Besides this, setting up this kind of room is under consideration in other prosecutor offices.
- Improvement of training for staff etc
 

In January 2009, the 3rd 'Crime Victim Mental Care Training' program was executed for staff working in mental treatment institutions, mental health care and welfare centers and health centers, with the aim of imparting essential basic knowledge and initial response for appropriate handling of crime victims.
- Introduction of measures such as video link in civil proceedings
 

Due to the legislation of the "Act to Amend the Code of Criminal Procedure for Achieving the Protection of Rights and Profit of Crime Victims", measures of screen shielding, video links and escorts were introduced in April 2008, which facilitate the use of those measures during witness examinations in civil proceedings.