

### 1 Diverse support for crime victims and their families

Once we have been crime victims, it is difficult to regain peace of mind again.

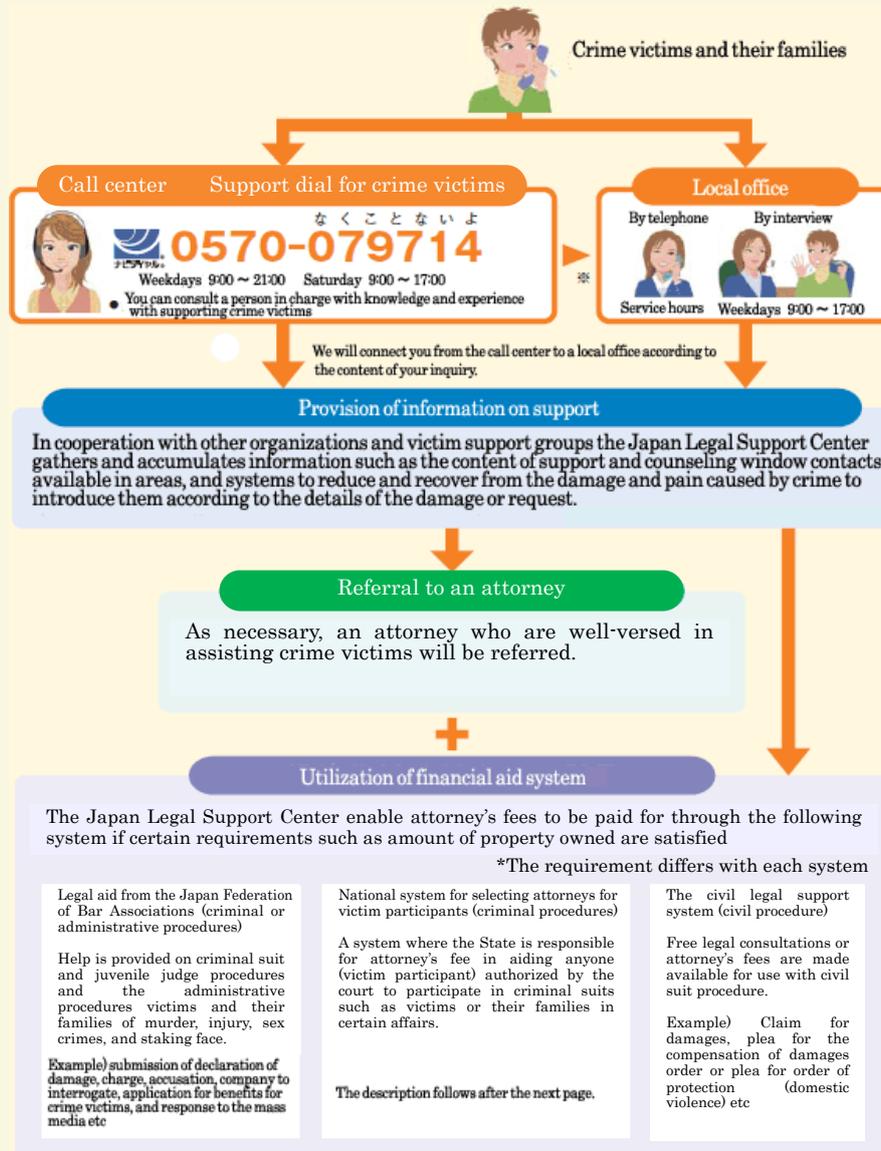
Situations that surround crime victims are varied and can easily change over time. For crime victims receiving the necessary support in a timely manner is very important to their recovery.

The Japan Legal Support Center supports crime victims and their families in diverse ways, for example through providing information on the various support available, referring experienced and understanding attorneys in the field of victims support in cases where they need the help of a legal specialist, and leading eligible victims to the various financial support system for attorney's fees.

#### (Table 1) Suitable situations to ask for assistance of the Japan Legal Support Center

- You're the victim of a crime  
Murder/injury/assault, sexual crime, traffic crime, stalking, domestic violence, child abuse, bullying at school, bullying at workplaces/abuse/sexual harassment, organized gang related crimes etc.
- You want to know more about criminal/civil suit procedures.  
Filing a damage report/charge/accusation, investigation, prosecution, trial, information on result of trial or release from prison, criminal cases involving juveniles, compensation for damages, compromises etc.
- You want to know the appropriate institution who you can consult about damages caused by crime.
- You want to know more about the support systems for crime victims.
- You want to use a referral service of experienced and understanding attorneys in the field of victim assistance.
- You want a free legal consultation with an attorney.
- You're worried about attorney's fees.
- You want to participate in a criminal trial.

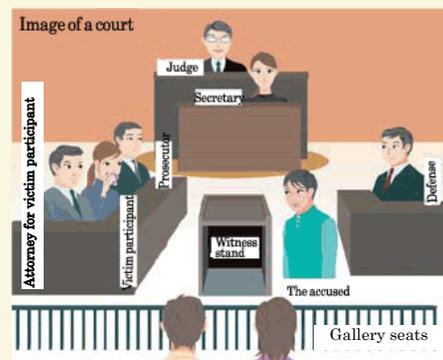
Support for crime victims from the Japan Legal Support Center (image) (Figure 2)



## 2 Start of the victim participation system and court-appointed attorneys for victim participants system

### ■ What is the victim participation system?

Preceding the start of the “Saiban-in System”, the victim participation system started on December 1<sup>st</sup> 2008. This system enables victims of felonies such as murder or injury etc. and their families, who used to be only able to watch from the gallery seats, to apply for participation in the court if they are authorized by the court as a victim participant.



Victim participants can examine witnesses and question the accused but can also entrust these tasks to an attorney (attorney for victim participant).

**(Table3) Q&A on the victim participation system**

**Q1** Who can apply for participation?

**A** Victims of the following crimes and their legal representative, or in the case the victim has deceased or has a serious mental disorder their spouse, lineal relative, brothers, or sisters.

- 1 Crimes resulting in the death or injury of persons based on intentional criminal acts such as homicide or injury
- 2 Crimes such as forcible indecency or rape
- 3 Crimes such as negligent driving resulting in death or injury
- 4 Crimes such as capture and confinement
- 5 Crimes such as kidnapping, kidnapping for profit and buying or selling of human beings
- 6 Others crimes involving conduct deemed a criminal act in 2 to 5 above
- 7 Attempted crimes in 1 to 6 above

**Q2** What can we do as victim participants?

**A** You can do the following.

- 1 Attend at trials
- 2 Express your opinions and receive explanations about exertion of authority by the prosecutor
- 3 Examine witnesses
- 4 Question the accused
- 5 Express your opinions about the facts concerned and application of law

■ What is the court appointed attorneys for victim participants system?

The Japan Legal Support Center operates businesses such as ensuring candidate attorneys for participants, designating and notifying the court of the candidate of court-appointed attorney based on the requests of participants.

On December 1st 2008 a court appointed attorneys for victim participants system started, which means that a court can select an attorney for victim participants when they have limited financial resources and the State will cover expenses.

**(Table 4) Q & A on the court appointed attorney for victim participants system**

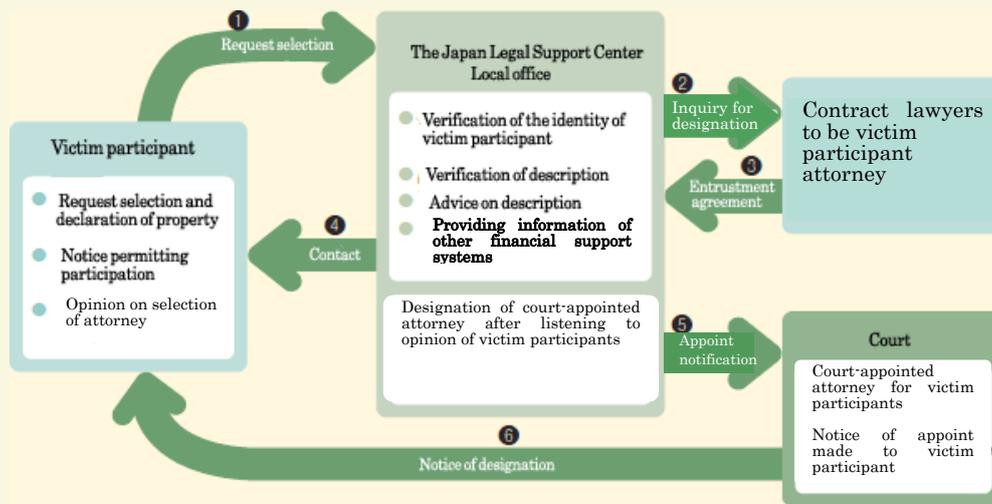
**Q 1** Is there any requirement when applying for an attorney to be appointed?

**A** The total property (cash and deposits etc) of the victim participant must be amount to no more than 1,500,000 yen. Even in the case it exceeds this amount, however, medical expense caused by crimes can still be considered.

**Q 2** How can I use the system?

**A** Crime victims fulfilling the requirement given in 1 above can request that an attorney be appointed for them through the Japan Legal Support Center (local office) (Refer to Table 5).

(Table 5) Flow of court-appointed attorneys at law for victim participants



■ Introduction of the compensation of damages order system

The compensation of damages order system has been introduced as well as the victim participation system and the court-appointed attorney for crime victims system. This system enables penal judges to order perpetrator reparations for damages to be made after being found guilty by the court. The system makes it possible to reduce the necessary time or financial and mental burden by bringing a civil suit up using a different procedure.

(Table 6) Q & A on the compensation of damages order system

**Q 1** Who can use the system?

**A** Victims of the following crimes and their heirs.

- 1 Crimes resulting in the death or injury of persons based on intentional criminal acts such as homicide or injury
  - 2 Crimes such as forcible indecency or rape
  - 3 Crimes such as capture and confinement
  - 4 Crimes such as kidnapping, kidnapping for profit and buying or selling of human beings
  - 5 Others crimes involving conduct deemed a criminal act in 2 to 4 above
  - 6 Attempted crimes in 1 to 5 above
- \* Criminal negligence (causing death or injury through negligence in the pursuit of social activities, causing death or injury through gross negligence, and negligent driving resulting in death or injury) are not included.

**Q2** What is the procedure of the system?

**A** A “plea for the compensation of damages order” needs to be made at a district court by the end of the pleading process in a criminal trial (fee for a plea is 2,000 yen). An attorney can also be requested to implement the procedure including the plea. Anyone who has limited financial resources and can’t afford attorney can utilize a civil legal aid service (granting loans to cover the expenses of trials etc.) provided by the Japan Legal Support Center (refer to Figure 7).

(Figure 7) Flow of the compensation of damages order system

