

Chapter 1 Efforts to Recover the Victim's Damages and to Provide Them with Economic Support

1 Supporting Victims to Claim the Compensation for Damages, etc. (related to Article 12 of the Basic Act)

○ Major efforts

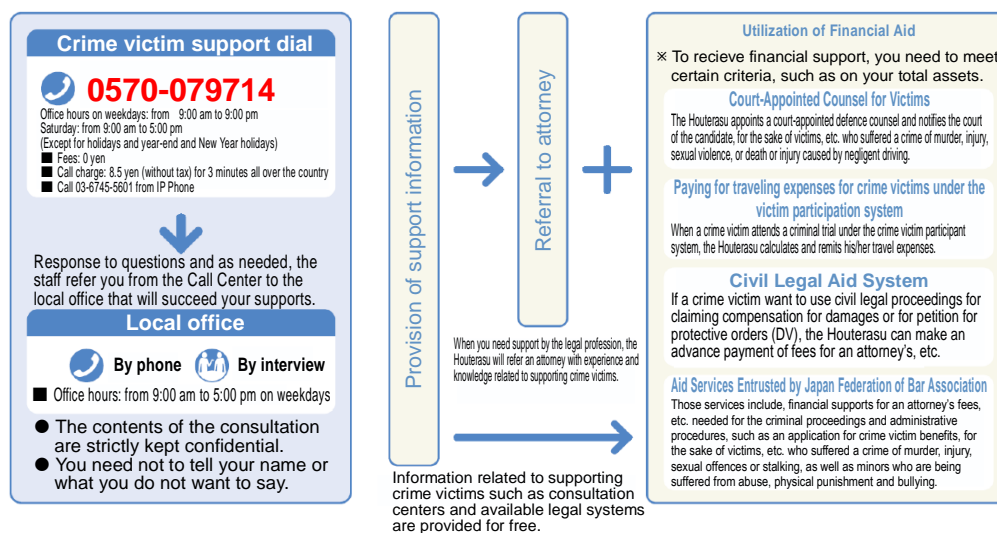
- **Support provided by the Japan Legal Support Center**

[Policy No. 1]

For crime victims who are not financially capable of paying expenses of civil judicial proceedings, etc., when they meet certain criteria

(about amount of income, etc.), the Japan Legal Support Center (known as “Houterasu”) provides free legal consultations, and if required, makes an advance payment of fees for an attorney’s/judicial scrivener’s services, as a civil legal aid. (Japan Legal Support Center’s website “The purpose and activity (civil legal aid)” : http://www.houterasu.or.jp/houterasu_gaiyou/mokuteki_gyoumu/minjhouritsufujo/).

Crime Victim Support Services



Source: Ministry of Justice

When a crime victim who is not financially capable of paying the attorney fee, etc., needs to claim compensation for damage through civil judicial proceedings, etc. via an attorney, such person can utilize the civil legal aid and can repay the fee, etc., in principle, in monthly installments, thus being relieved from the financial burden. When a crime victim utilizes the restitution order system (enforced in December 2008) which allows such person to claim the compensation simply and rapidly based on the result of the criminal procedures, the person can utilize the civil legal aid to get an advance payment of fee for attorney's, etc. Furthermore, since April 2014, the civil legal aid also has applied to a expense for counselor who sits at the same table with the victim claiming compensation for damage at the meeting with an attorney, the person can also get an advance payment of the expense.

- **Enhancement of the provision of information on the system of claiming compensation for damages, etc.**

[Policy No. 3]

The police prepare a leaflet, “Brochure for

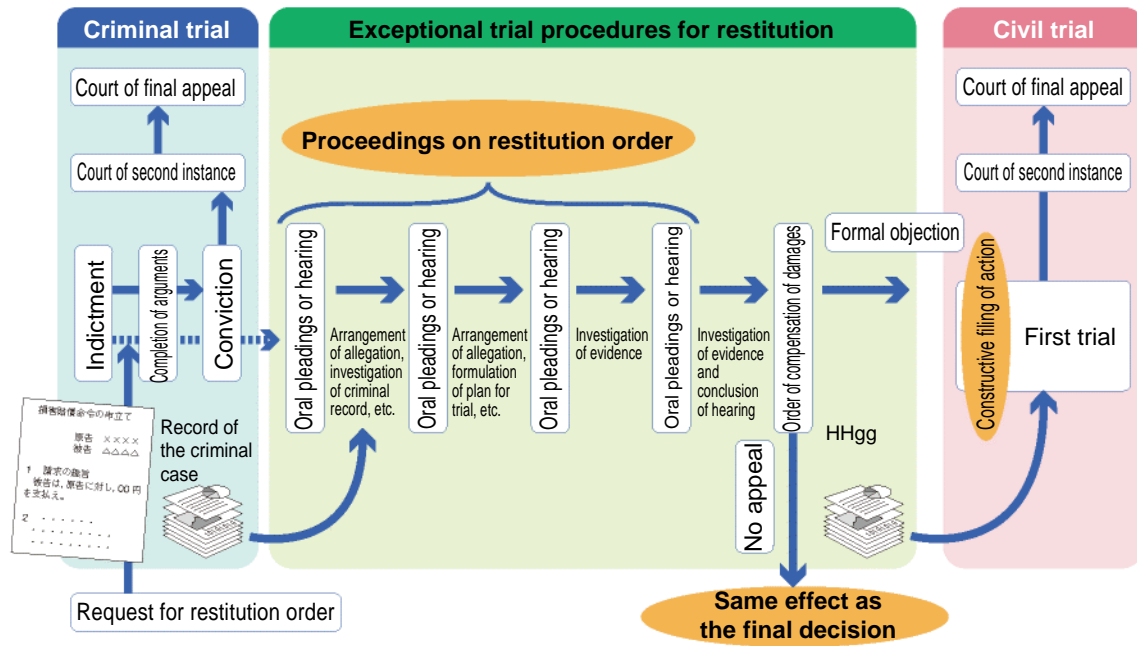
Crime Victims,” introducing the outline of the damage compensation system.

The Ministry of Justice also explains the damage compensation system in the pamphlet “For victims of Crime” and the DVD “Should you suffer damages from a crime...”

Under the Restitution Order System, there have been 2,164 application by the end of FY 2016 since the introduction of the system, of which 2,072 were settled. Out of which 950 ended up in an upholding; 460 in reconciliation; 279 in termination (transferred to a civil suit procedure); 247 in withdrawal; 86 in cognovits; 29 in dismissal; and 6 in rejection.

Until now many Public Prosecutors Offices performed damage recovery benefit payment procedures under the Act on Issuance of Remission Payments Using Stolen and Misappropriated property, in order to return to victims the property that was confiscated/collected from the criminals. In 2015, the commencement of damage recovery benefit payment procedures was decided for 13 cases, and the total benefit funds mounted to about 83.08 million yen at that time.

Outline of the Restitution order



Source: Ministry of Justice

Damage Recovery Benefit Payment System

Outline of the basic compensation benefit procedure

Forfeiture of assets (through confiscation or collection of equivalent value) obtained by the offender through the asset-related criminal activity (victim proceeds) by the criminal court.
(Criminal proceeds confiscated in foreign courts are transferred to Japan.)

The public prosecutor initiates compensation procedures.

- Determines the crimes which will be subject for compensation and the deadline for submitting claims, and makes them public in an official gazette.
- Notification is given to possible beneficiaries of whom the prosecutor is aware.

Victims submit the claim forms to the public prosecutor within the claim period.

- The form should be sent with necessary documents, such as those demonstrating the loss and its amount, and copies of identity documents with photographs (e.g. driver's license).

The public prosecutor examines the contents of each claim and makes a decision.

The public prosecutor sends to claimants a certified copy of his/her decision (called "Saitai-sho").

All of the decisions and expenses, etc. are determined.

Compensation benefits are paid to the victims.

* The public prosecutors in charge may delegate part of the procedures to "Victim Compensation Administrator," who is a qualified lawyer.

Source: Ministry of Justice

Situation of damage recovery benefit payment procedures

	Number of cases on which payment procedure commencement was decided	Total amount of benefit funds when the payment commencement was decided
2010	12	78,925,743 yen
2011	14	206,041,619 yen
2012	23	398,716,097 yen
2013	18	about 146 million yen
2014	15	about 254.01 million yen
2015	13	about 83.08 million yen

Source: Ministry of Justice

2 Improvement of Systems Concerning Benefits and Other Payments (related to Article 13 of the Basic Act)

○ Major efforts

• Review of the Benefit System for Crime Victims

[Policy No. 12]

The Benefit System for Crime Victims means that the government pays benefits to the bereaved family of a victim who was unexpectedly killed in an intentional criminal act, such as random killing on the street, or to a victim who suffered injury, in order to alleviate their mental blow and economic loss, based on mutual assistance and solidarity.

This system was improved in July 2008 to raise

both the benefit for dependents of victims and the benefit for victims with disability with severe sequelae (Grade 1 to 3 disability). In October 2009, the Special Provision was reviewed to pay a full amount of benefit to victims of spousal violence out of crimes against relatives, if particularly judged as necessary. Further in November 2014, the grounds for reduction/no-payment for crimes against relatives were reviewed, based on the suggestion summarized by "The review meeting on the expansion/improvement of the Benefit System for Crime Victims and the foundation of a new compensation scheme." Based on the Third Basic Plan, the National Police Agency conducted a survey for the state of crime victims, etc. and other public benefit systems, such as the payment period for serious diseases/injuries; ways to pay benefit payment with less burden on victims; benefit for juveniles; and benefit for damage from crimes between relatives. Based on the results, the Agency has held an Expert Meeting since April 2017 together with the bereaved families of crime victims, etc., non-government crime victim support organizations, and lawyers.

• Improvement of the current Benefit System for Crime Victims practices

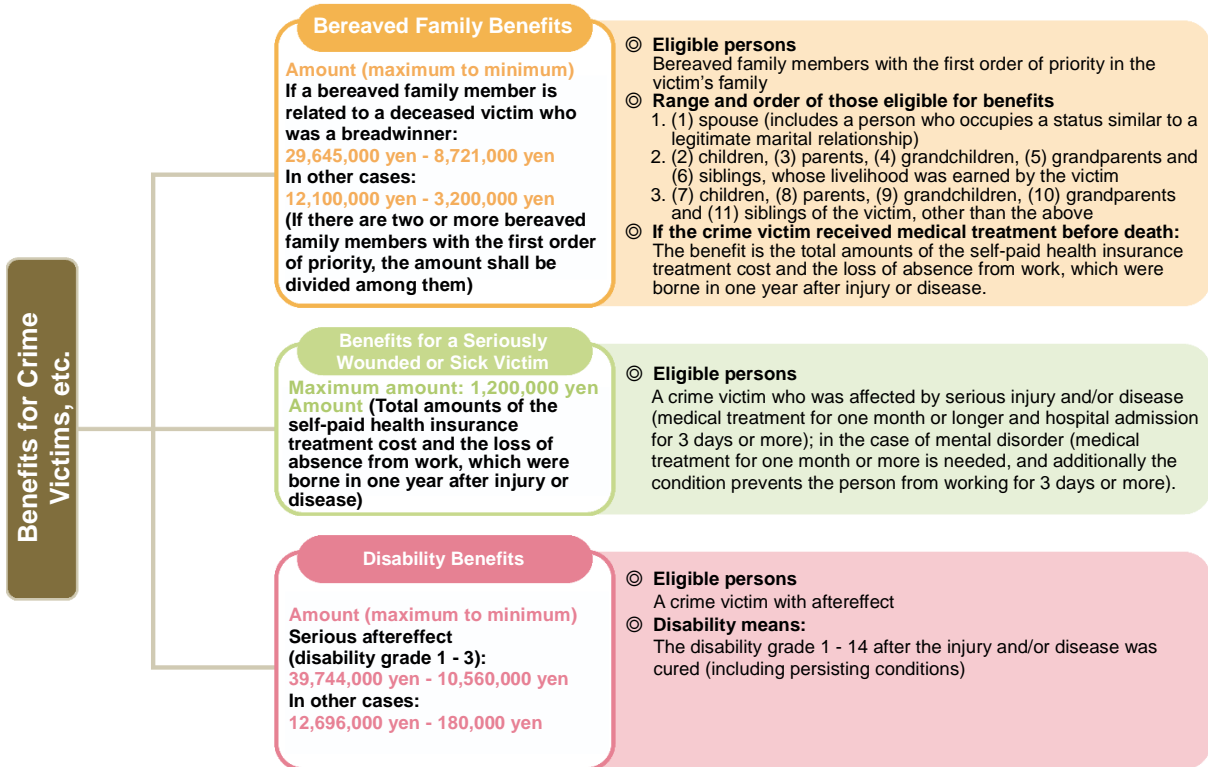
[Policy No. 13]

The National Police Agency has been holding meetings with the prefectural police staffs who are in charge of the Benefit System for Crime Victims, and instructs them to actively work on decisions on temporary benefit payments and to expedite such operations as giving awards. Also, using pamphlets, posters, and websites on the Internet, the Agency disseminates information on the Benefit System for Crime Victims including the temporary benefit system, and instructs the prefectural police to give full information to victims and their families about their rights and the procedures under the Benefit System for Crime Victims.

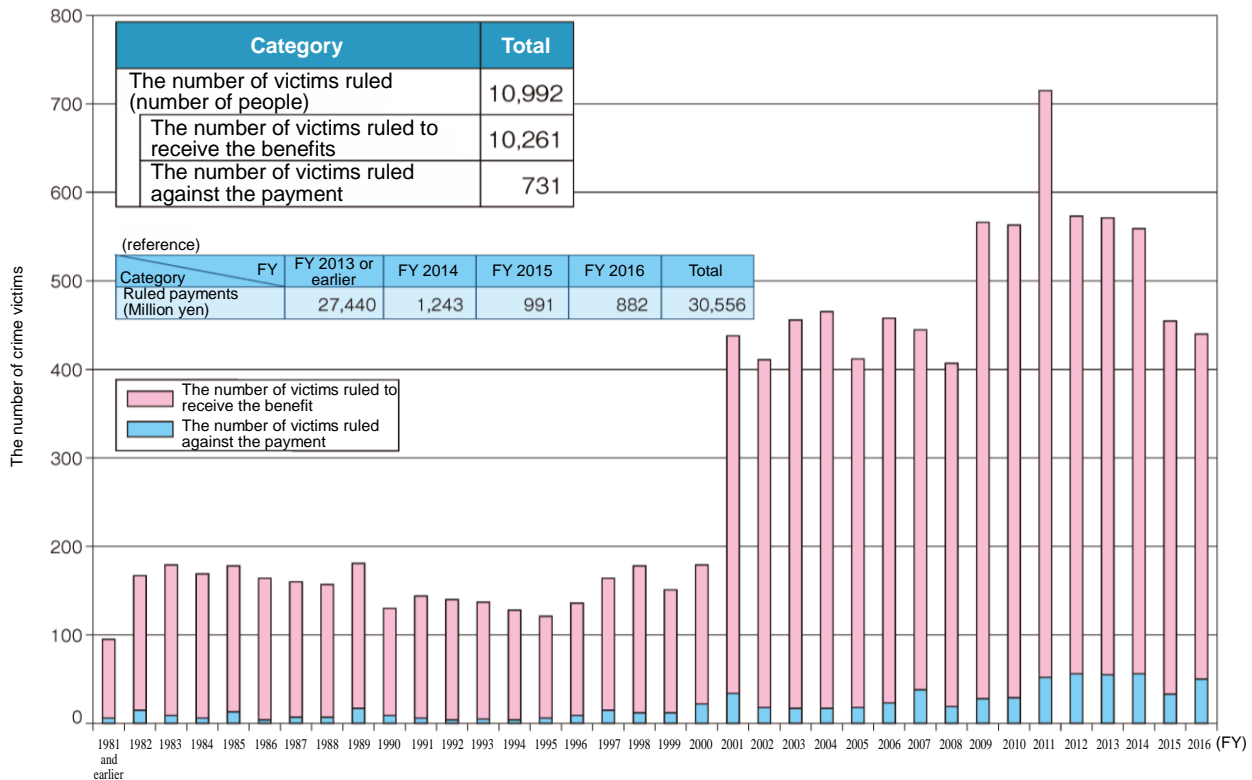
The amount awarded on crime victim benefits was about 991 million yen in FY 2015, and 882 million yen in FY 2016. The period required for the awards to be decided (from application to award) was about 7.0 months (+0.1 months compared with the previous year) in FY 2015, and about 6.7 months (-0.3 months compared with the previous year) in FY 2016.

The National Police Agency will continue to supervise the prefectural police so that they can expedite the process of going awards and disseminating information on the Benefit System for Crime Victims.

Benefit System for Crime Victims



Benefit System for Crime Victims



- Reduction of medical expenses of sexual crime victims**

[Policy No. 14]

Since FY 2006, the National Police Agency has been subsidizing the cost borne by prefectural police for their financial support needed for sexual crime victim's emergency contraception, (including initial diagnosis, medical certificate, the fees for examination of sexually transmitted diseases, and artificial abortion), while the prefectural police are also making efforts to reduce sexual victim's mental and economic burdens using the public expenditure system. As for physical damage other than sexual crime damage, the police also bear the fees for medical certificate, post-mortem certificate and initial diagnosis by using the public expenditures, in order to reduce victim's burden for criminal procedures.

The National Police Agency will continue to secure the budget and instruct the prefectural police to improve support for victims using public expenditures, so that the support is provided at the same level nationwide as possible. In addition, the Agency will instruct

the police to effectively disseminate various support policies, including fact that the Benefit System for Crime Victims are also applied to mental disorder associated with sexual crime damage.

- Reducing costs burden of psychotherapies including counseling**

[Policy No. 15]

The National Police Agency instructs the prefectural police to allocate counselors as clinical psychotherapists in the such police department. Since FY 2016, the Agency has been securing a budget to pay the cost of public expenditure for the counseling fee of the psychiatrist/psychotherapist and has been dissemination the system nationwide (whom which crime victims, etc. have consulted), and has been disseminating the system nationwide. Furthermore, the Agency has established implementation guidelines on the public expenditure system and instructed the prefectural police to properly operate the system and familiarize it to people.

The Act on Provision of Condolence Money to Victims of Overseas Crime enforced on November 30, 2016 stipulates that the government shall pay condolence money/consolation payment to bereaved families/victims for damage from overseas crimes, which was originally excluded from the Benefit System for Crime Victims. The 2013 terrorist attack in Algeria in which Japanese persons were killed triggered the cross party group to work on formulation of a bill, and the bill was submitted to the 190th Diet as a House of Representatives Committee on Cabinet Chairman's Proposal and enacted on June 1, 2016.

Under the Act, the criminal damage benefit for victims and their bereaved families who suffered criminal damage outside Japan is paid as follows:

1) Condolence money: to bereaved families (including spouse, children, parents, grandchildren, grandparents, and siblings) (except for those who do not possess Japanese nationality and have no domicile in Japan, when the crime was committed) of a Japanese victim (except for an overseas permanent resident) who was killed by a criminal act outside Japan (2 million yen per victim),

2) Consolation payment: to victims who suffered from crime damage outside Japan (Grade 1 Disability, equivalent to that specified in the industrial accident compensation insurance system) (1 million yen).

This system is applied to criminal damage occurred overseas: death or injury due to a criminal act harming the life or body (except for an act carried out in a Japanese ship or airplane), which deserves a crime under the Japanese Law if carried out in Japan (except for a justifiable act, self-defense and negligent act).

If a victim who applies for condolence money lives in Japan, he/she must apply for it to the prefectural public safety commission that has jurisdiction over his/her residential area, and get an award for the benefit. If a victim does not live in Japan, he/she must apply for it to the prefectural public safety commission that has jurisdiction over his/her domicile/resident area shortly before his/her address is changed to overseas. Such an application can be made through the consulate that has jurisdiction over his/her foreign address.



- **Securing temporary residence immediately after the damage and on a medium-term basis**

The Ministry of Health, Labour and Welfare provides female victims with temporary protection (the period is flexibly extended according to the situation), in the temporary protection places of the Child Guidance Centers/Women's Consulting Offices, or in the Mother and Child Living Support Facilities/private shelters entrusted by the Women's Consulting Offices. The Ministry operates the system properly: e.g., evacuating such victims from an assault by an assailant or enabling them to use temporary protection facilities broadly across prefectures. Since FY2016, the Ministry has also been providing proper and effective temporary protection by including female victims of stalking, sexual crime, or sexual violence as those who can be qualified for commissioned temporary protection even though temporary care home is

Situation of temporary protections in Women's Consulting Offices

Source: Ministry of Health, Labour and Welfare

7

their proper protection through promptly securing children's safety shall be obtained, by stating to the effect that abused children can be protected temporarily if the director of Child Guidance Center and Prefectural Governor deem necessary based on the Child Welfare Act, and that if such children's safety is threatened, they must be protected temporarily without the consent of such children or their parents.

[Policy No. 28]

Since FY 2012, the Ministry of Health, Labour and Welfare has been subsidizing part of rents of the apartment houses with the public expenditures as one of the supports, where women who left the women's shelter can carry out training for independent life.

- **Self-reliance support and settlement support for sexual crime victims, etc.**

[Policy No. 31]

Since FY 2014, the Ministry of Health, Labour and Welfare has been conducting "model projects to assist DV victims' independence." Such projects are being carried out by local governments and NPOs operating domestic violence shelters provide self-reliance support such as providing life counseling and accompanying clients to administrative agencies and settlement support such as home visits and workplace visits in an integrated manner and examine the effectiveness of such efforts. Such a project was carried out in one municipality in FY 2016.

4 Stabilization of Employment (related to Article 17 of the Basic Act)

○ Major efforts

- **Disseminating and enlightening the leave system for recovery**

[Policy No. 38]

Employed crime victims might have to stay away from work to get medical treatment or

appear in court, but the leave system for recovery has not been known enough among them.

Therefore, the Ministry of Health, Labour and Welfare has prepared leaflets on the leave system for recovery from damage for companies and employees, and distributed to relevant administrative agencies and economic and labor organizations, as well as held seminars. This system is also explained on the Ministry of Health, Labour and Welfare website to disseminate.

When the Ministry of Health, Labour and Welfare conducted questionnaires in FY 2016 about the system, more than 90% of companies and employees do not know that there are opinions that the system should be employed. So, the Ministry will continue to disseminate and enlighten about the system.

Pamphlet to promote the Leave System for Recovery



Source: Ministry of Health, Labour and Welfare