

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)

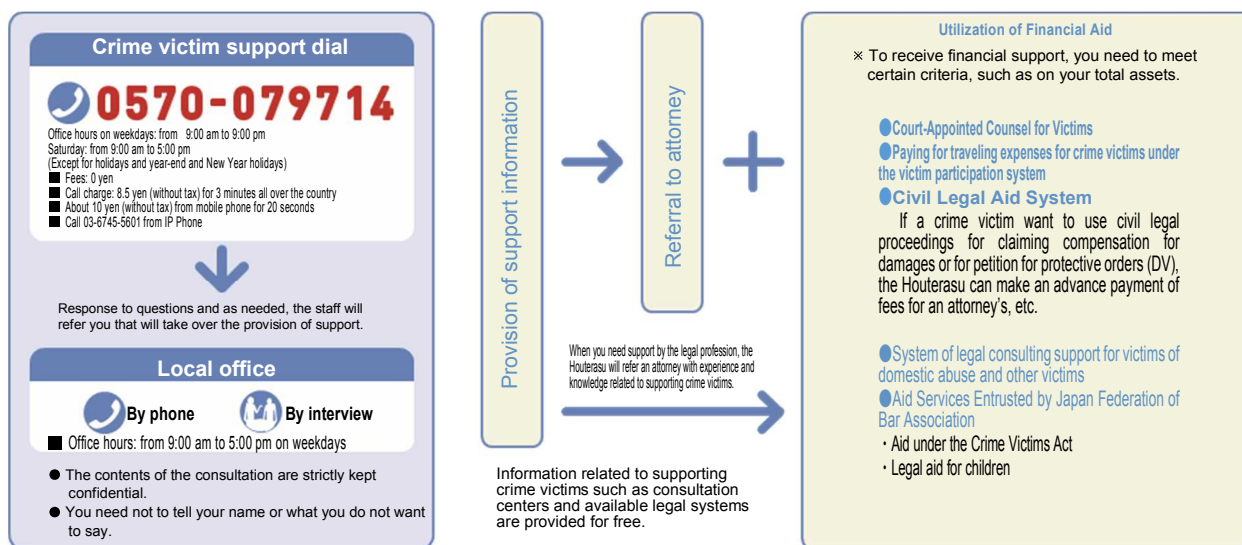
○ Major efforts

- Support 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 (hereinafter as "Houterasu") provides free legal consultations, and if required, makes an advance payment of fees for an attorney's/judicial scrivener's services, as civil legal aid. (Houterasu's website, "The purpose and activity (civil legal aid)": https://www.houterasu.or.jp/houterasu_gaiyou/mokuteki_gyoumu/minjihouritsufujo/).

Crime Victim Support Services by Houterasu



Source: Ministry of Justice

When a crime victim who is not financially capable of paying the attorney fees, 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 fees, 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 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 fees for attorneys, etc. Furthermore, since April 2014, the civil legal aid also applies to expenses for counselors who sit 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 expenses.

- **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 2,479 applications by the end of FY 2017 since the introduction of the system, of which 2,368 were settled. Out of which 1,093 ended up in an upholding; 545 in reconciliation; 315 in termination

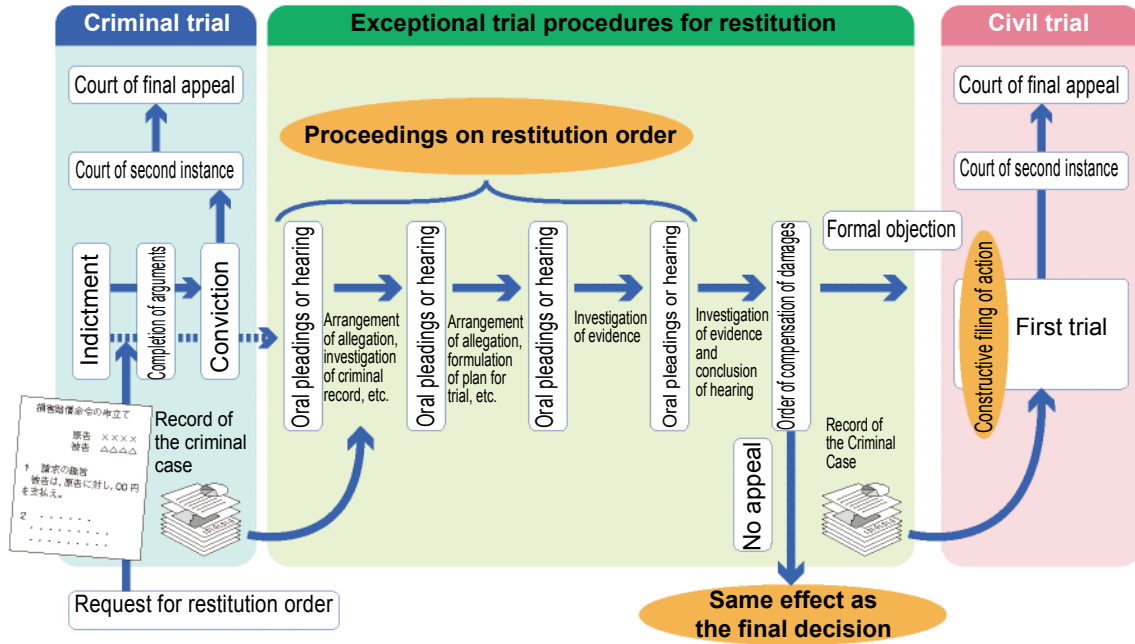
* Added to clarify the status of responses in accordance with the Third Basic Plan

(transferred to a civil suit procedure); 267 in withdrawal; 95 in cognovits; 30 in dismissal; and 7 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 2016, the commencement of damage recovery benefit payment procedures was decided for 8 cases, and the total benefit funds mounted to about 97.50 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 "Saitei-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
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
2016	8	about 97.5 million yen

Source: Ministry of Justice

2 Improvement of Systems Concerning Benefits and Other Payments

○ 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, 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." In addition, based on the Third Basic Plan, the National Police Agency conducted a survey on the payment period for serious diseases/injuries; ways to pay the benefit payments with less of a financial burden on the crime victims; benefits for juveniles; and benefits for damage from crimes between relatives. Based on the results, the Agency has held an "Expert meetings on the Benefit System for Crime Victims" since April 2017. Based on the suggestion compiled in July 2017, the Agency improved the Benefit System for Crime Victims that enforced from April 2018.

Improvement of the Benefit System for Crime Victims

1. Background of the revisions

The Third Basic Plan included recommendations to the effect that the National Police Agency was to conduct a survey on such matters as the payment period for serious diseases/injuries; ways to pay benefit payment with less burden on victims, benefits for juveniles, and benefit for damage from crimes between relatives; and to promptly conduct a review based on the results of the survey, and implement the necessary policies.

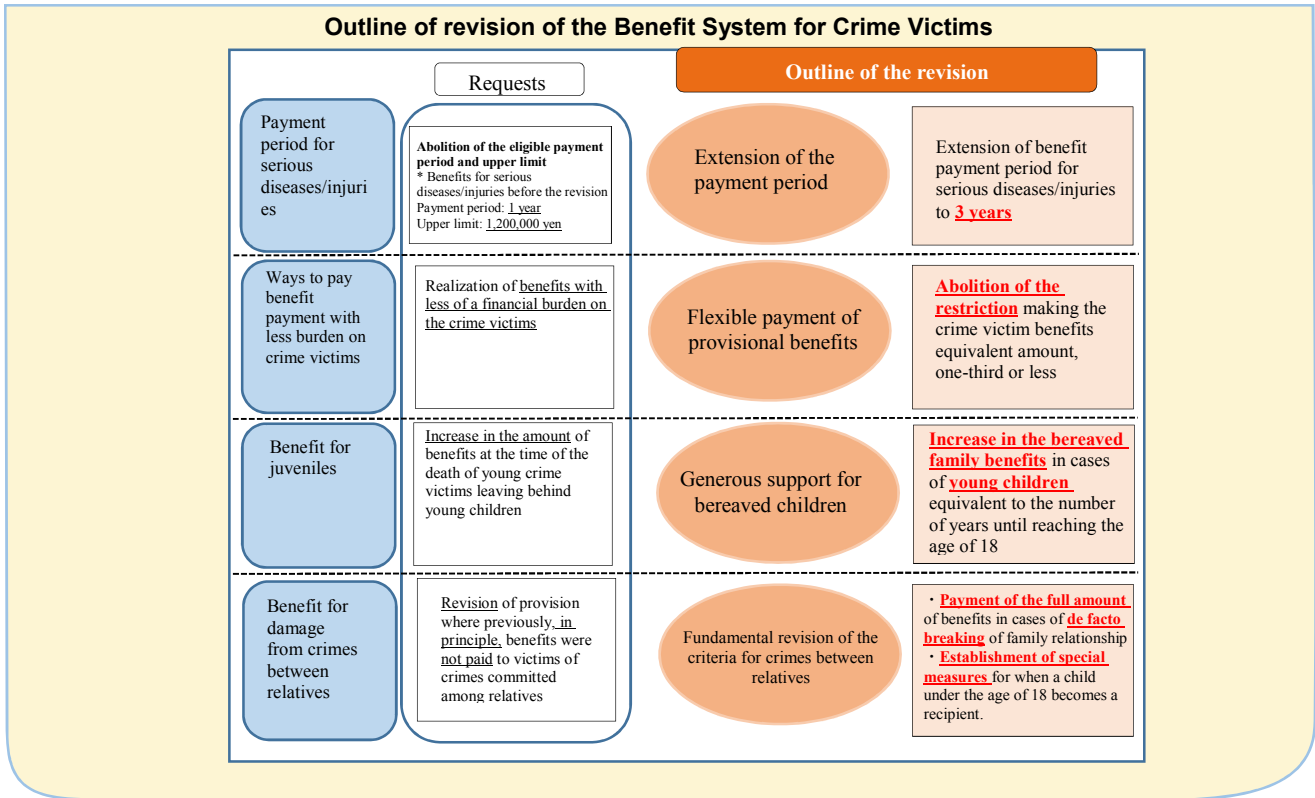
Based on the plan, the National Police Agency held an “Expert meetings on the Benefit System for Crime Victims” from April 2017 in order to conduct a study taking into account the experiences and knowledge of the bereaved families of crime victims, etc., non-government crime victim support organizations and lawyer, and the suggestion of the meetings were compiled in July of the same year.

Based on the suggestion, the Order for Enforcement of the Act on Crime Victim Support, etc. through the Payment of Crime Victim Benefits (hereinafter referred to as “Order for Enforcement of the Crime Victim Support Act”) and the Regulations on Enforcement of the Act on Crime Victim Support, etc. through the Payment of Crime Victim Benefits (hereinafter referred to as “Regulations on Enforcement of the Crime Victim Support Act”) were partially revised in March 2018, and enforced from April of the same year.

2. Contents of the revision

The contents of the principal revisions of the Order for Enforcement of the Crime Victim Support Act and Regulations on Enforcement of the Crime Victim Support Act are as follows:

- 1) Extension of the payment period
With respect to the benefit period for serious diseases/injuries, the one year calculating from the day on which the victim was injured or became ill due to a criminal act was extended to three years.
- 2) Flexible payment of provisional benefits
With regard to the proof pertaining to the damage, in terms of the amount of provisional benefits that can be paid when there are circumstances where a determination cannot be promptly made, whereas previously only a maximum of one-third of the amount equivalent to the crime victims' benefit that could possibly be authorized at the time of determination of the payment could be paid, an amount up to the limit of the crime victims' benefit may now be paid.
- 3) Generous support for bereaved children
Whereas the amount of bereaved family benefits was generally calculated as the period required for recovery of the bereaved family's life and independence (10 years) corresponding to the number of dependents of victims, the amount of bereaved family benefits was increased in cases where a bereaved child had not yet reached the age of 18 after the passing of 10 years since the criminal act was committed.
- 4) Fundamental revision of the criteria for crimes between relatives
With regard to benefit for damage from crimes between relatives, a revision was made so that restrictions would not be placed on payments by reason of there being a family relationship between the victim and the offender in cases where it was deemed that the family relationship had already broken down at the time of the criminal act, and restrictions would not be placed on payments by reason of the family relationship between the victim and the offender in cases where a person under the age of 18 at the time the criminal act was committed is in a position of being able to receive benefits such as crime victim benefits.



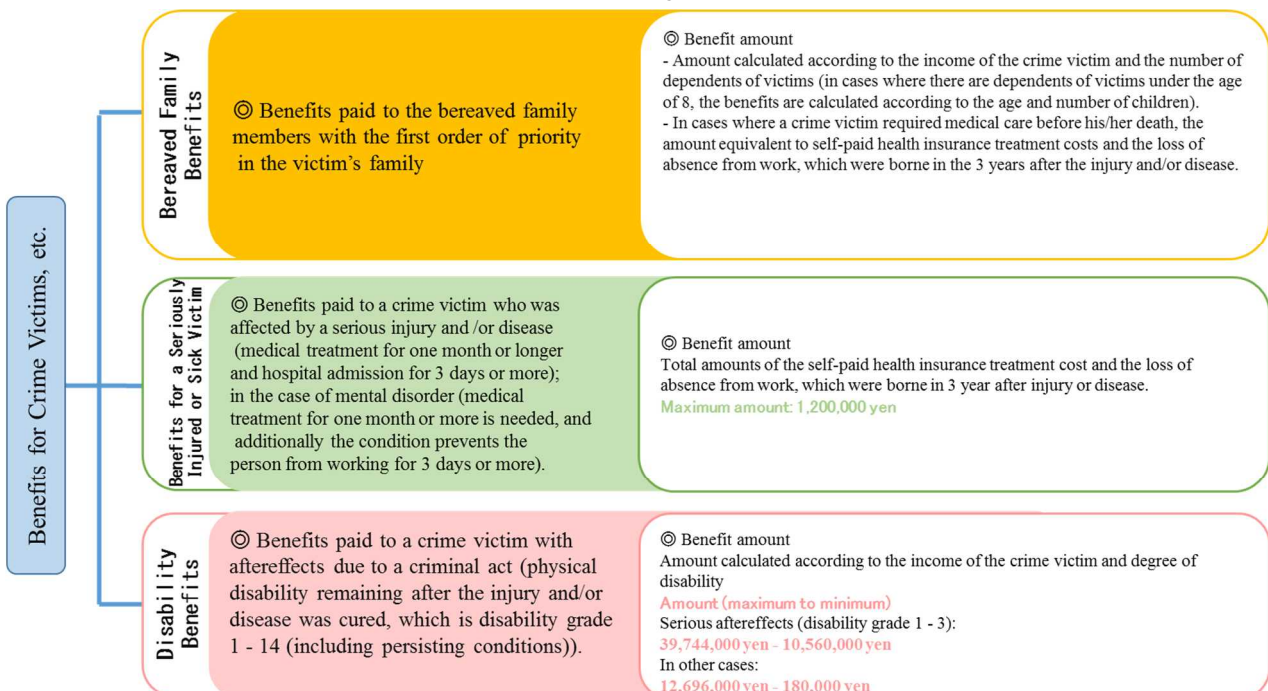
• **Improvement of the current Benefit System for Crime Victims practices**

[Policy No. 13]

The National Police Agency has been holding meetings with the prefectural police staff 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, 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.

Outline of the Benefit System for Crime Victims

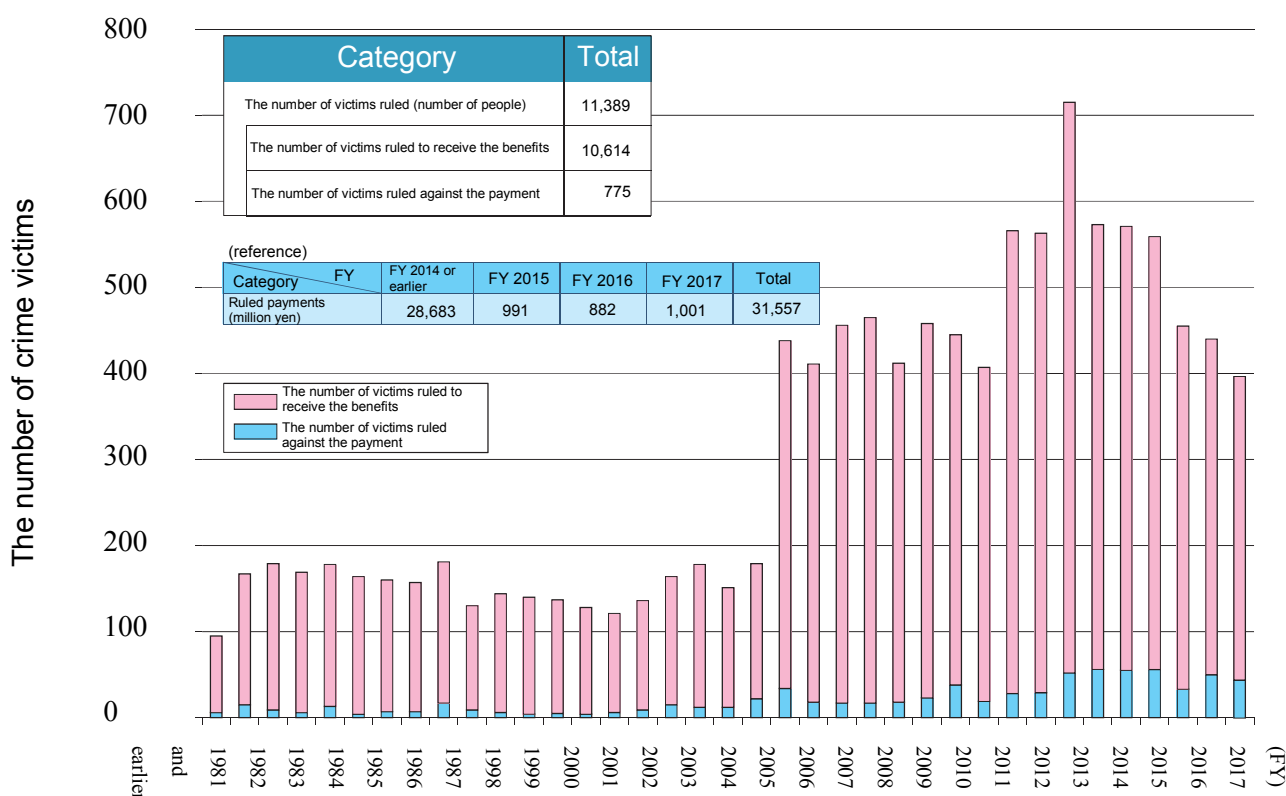


The amount awarded on crime victim benefits was about 882 million yen in FY 2016, and about 1,001 million yen in FY 2017. In addition, the average period required for the awards to be decided (from application to award) was about 6.7 months (-0.3 months compared with the previous year) in FY 2016, median value of approximately 4.4 months (-0.6 months compared with the previous year), while the average period was about 6.4 months

(-0.3 months compared with the previous year) in FY 2017, median value of approximately 4.2 months (-0.2 months compared with the previous year).

The National Police Agency will continue to supervise the prefectural police so that they can expedite the process of going award and disseminating information on the benefit system for crime victims.

Operational status of the Benefit System for Crime Victims



• **Reducing the burden of medical costs of victims of sexual crimes**

[Policy No. 14]

Since FY 2006, the National Police Agency has been subsidizing the costs borne by prefectural police for their financial support needed for sexual crime victim's emergency contraception, (including initial diagnosis, medical certificates, 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 certificates, post-mortem certificates and initial diagnosis by using the public expenditures, in order to reduce the victim's burden for criminal procedures.

The National Policy 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 disorders associated with sexual crime damage.

- * With regard to the Japan Coast Guard, if a medical certificate or post-mortem certificate is required to prove the case pertaining to the crime victim, the expenses necessary for the medical certificates or post-mortem certificate will be borne through public expenses. The travel expenses in cases where the crime victim appears on behalf of an investigation request will also be borne through public expenses.

- **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 police department. Since FY 2016, the Agency has been securing a budget to pay the cost of public expenditure for the counseling fees of psychiatrists/psychotherapists (whom the 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.

- **Promotion for local governments to adopt consolation payment system for crime victims**

[Policy No. 17]

The National Police Agency urge local governments to adopt consolation payment system and/or loan system for living expenses at meeting of crime victim policy division secretariats and seminars for municipalities' staff. In addition, the Agency distributes "e-mail magazines on policies for crime victims, etc." that offer relevant ministries, local government and other organizations useful information about progressive and dedicated policies for crime victims, and provides information on the status of implementation of both systems. As well as in this White Paper, the local governments which have already started implementing these systems and an outline of the systems are also being posted from FY 2017 on the website of the Agency entitled "Policies for Crime Victims, etc." as "Basic data on the crime victim policies of local governments" (<https://www.npa.go.jp/hanzaihigai/local/toukei/toukei.html>).

As of April 2018, 1 prefecture and 3 ordinance-designated cities (increase of 1 ordinance-designated city compared to the previous year), and 197 municipalities (an increase of 39 municipalities compared to the previous year) have adopted the consolation payment system available for crime victims, etc., while 2 prefectures and 10 municipalities have adopted the loan system.

- **Economic support for crime victims who have suffered abroad**

[Policy No. 19]

Based on the Act on Provision of Condolence Money to Victims of Overseas Crimes, enforced in November 2016, the government operates a system of paying condolence money to victims of overseas crimes who possessed Japanese nationality and died from criminal acts intentionally committed to harm the life or body of a person - 2 million yen per victim is paid to the bereaved family members of the first priority order (excluding those who neither possess Japanese nationality nor have a domicile in Japan) of a victim (excluding foreign permanent residents outside of Japan; hereinafter the same shall apply), 1 million yen per person to the victims who are left with a grade 1 disability or equivalent due to a criminal act. Payments of condolence money for victims of overseas crimes in FY 2017 amounted to 6 million yen. The prefectural police publicize the system domestically through the distribution of leaflets and posters and give advice to eligible crime victims on application procedures among others. The Ministry of Foreign Affairs also conducts publicity through the websites of the Ministry and overseas embassies and consulates (http://www.mofa.go.jp/mofaj/ca/jnos/page23_001767.html).

3 Stabilization of Residence (related to Article 16 of the Basic Act)

- **Major efforts**

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

[Policy No. 25]

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 "○" indicates a policy being implemented by a ministry or agency other than the ministry or agency in charge of the specific policy incorporated into the Third Basic Plan.

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 crimes, or sexual violence as those who qualify for commissioned temporary protection even though the temporary care homes are not full.

The number of such victims protected against spousal violence or human trafficking was 8,642 in FY 2016 (4,624 in need of protection and 4,018 accompanying family members).

Situation of temporary protections in Women's Consulting Offices

Year	Number of women in need of temporary protection	Number of accompanying family members in need of temporary protection	Total
FY 2010	6,357	5,509	11,866
FY 2011	6,059	5,187	11,246
FY 2012	6,189	5,376	11,565
FY 2013	6,125	5,498	11,623
FY 2014	5,808	5,274	11,082
FY 2015	5,117	4,577	9,694
FY 2016	4,624	4,018	8,642

Source: Ministry of Health, Labour and Welfare

Based on the amendment of the "Operational Guidelines on the Child Guidance Centers", the Ministry has made it known that 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 it 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.

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

[Policy No. 30]

The National Police Agency requests the local governments to make efforts to secure their residences and/or to provide livelihood support immediately after the victimization, on the occasion of the meeting of crime victim policy division secretariats and at the seminars for municipal staff, and also provides

information on examples of measures being taken by the local governments through the "e-mail magazines on policies for crime victims, etc."

As of April 2018, consideration is being provided to allow crime victims to move to public housing, etc. preferentially in 57 prefectures and ordinance-designated cities, and 302 municipalities.

Status of consideration at the time of moving to public housing, etc. (as of April 2018)

Local governments (existence of systems / overall number)	Housing without drawing lots	Easing of housing requirements	Preferential treatment of lot drawing odds	Others
Prefectures (43/47)	11	7	30	18
Ordinance-designated cities (14/20)	5	4	7	8
Municipalities (302/1,721)	79	65	80	134

* Some local governments operate multiple systems

* The number of municipalities except ordinance-designated cities

* Municipalities include the 23 wards of Tokyo

- **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 which 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 2017.

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

○ Major efforts

- Publicity and education on 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 was not all that well-known to them. Therefore, in order to publicize and raise awareness of the leave system for recovery from damage for companies and employees, the Ministry of Health, Labour and Welfare has been preparing leaflets, and distributing them to the relevant administrative agencies and economic and labor organizations, as well as holding seminars. This system is also explained and publicized on the Ministry of Health, Labour and Welfare website.

Pamphlet to promote the Leave System for Recovery



Source: Ministry of Health, Labour and Welfare