

Chapter 2 Concrete measures for crime victims

[Description focused on important new rules and expansion measures from 2007 to first half of 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)

- Through a support dial for crime victims (0570-079714), the Japan Legal Support Center (known as “Houterasu”) provides information about civil legal aid system which provides free legal consultations and granting loans to cover the expenses of trials for crime victims who have limited financial resources.
- Under the ‘Act on the Payment for the Recovery of damages with the Property taken from Crime Victims’ (2006, Act No. 87), which makes 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, the procedure to make payment for the recovery of damages for the victims of the illegal loan-shark case (Goryokai case) is executed.
- In June 2007, the ‘Act to Amend the Code of Criminal Procedure for Achieving the Protection of Rights and Profits of Crime Victims’ was established. In this the ‘Compensation of Damages Order System’ was introduced, wherein it is possible to take up proceeding and decision regarding to the compensation of damages claim, the criminal after having declared guilty in the Criminal Procedure. (enforcement on December 1, 2008).

2 Improvement of systems concerning payment of benefits, etc.

(Basic Act, Article 13)

- In the ‘Investigative Commission for economic support’, there is an investigation about the appearance and its resources of funds that must be there in the economic support system in social security and welfare system towards crime victims. In November 2007, the final summary of the contents of the considerations about radical expansion of the provision and counseling for the crime victims was reported to the Promotion Council.
- In April 2008, the ‘Act for Partial Revision of the Act related to the payment of compensation of damages for crime victims’ was established (enforced July 2008). The amount was 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, in Cabinet Order based on the revised act, 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.

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)		1,133	1,272	932	-340

Source: National Police Agency

July 2008 overview of systematic revision of enforcement

Expansion of Crime Victim Damage Benefit System

Bereaved Family Benefit

- Intensive raise for a bereaved family who is 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

Compensation for after

- 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 income

Increase in the amount for victims who have serious residual disability (Disability Grade 1 to 3)
 18.492 million yen to 3.78million yen → **39.744 million yen to 10.56 million yen**
 [e.g.] in case of below 20 years old, continuous nursing need, 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 Chief of the Police Headquarter

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 victim'
- Addition of 'support so that the crime victim is able to lead a peaceful life once again' to the objective

Source : National Police Agency

- In case of a victim of a sex offense, the expenses required for emergency contraception (including fees for initial medical examination, medical certificate expenses, test expenses, abortion expenses) will be continuously supported from 2006.
- In June 2008, the 'Act on Payment of Relief Benefit for Victims, etc. of Crimes Committed by Aum Shinrikyo' (legislated by House Members) was established. Under this benefit is given to the bereaved family and victims of the crime by the Aum Shinrikyo (December 18 on which 6 months have elapsed from the date of promulgation).

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

- 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 victim of spousal violence.

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

- In 2007, a leaflet was created for informing and publicizing the necessity of leave system for the workers to recover from the damage incurred by the crime. Publicizing is continuously implemented in 2008 by creating posters.

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

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

- In April 2008, 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 a duty.

- To enhance the counseling system in the schools for juvenile victims, emergency assistance by school counselors is promoted in preparation for cases of sudden incidents and disasters. In the year 2008, measures were taken to allocate new budgets for school counseling in elementary schools.
- In an effort to train and develop paramedical personnel with knowledge about techniques and medicine regarding crime victims, a manual/guideline for the support of crime victims was created in 2008, and distributed to mental health welfare centers.

2. Securing safety (Basic Act, Article 15)

- In June 2007, 'Principle for Prevention of Repetition of Crime' was revised. Regular or occasional reports are asked to the prefectural polices about specific conditions of persons that were the object of repetitive damage prevention and the cooperation status, and consolidate the measure to prevent the repetitive crime at each prefectural 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 in 2008, besides setting up a protection measure box for the effective protection measures in the house of person who is the target of the protection measures.
- In October 2007, to achieve the early stage protection of women who are victims of human trafficking, a system, named "Anonymous Tip Dial", was started to be operated, wherein private entities that have received a consignment from the National Police Agency, could receive information on criminal activities from individuals in an anonymous manner and assist to the police by distributing this information to the police to help in the police investigation and so on.
- In January 2008, by the implementation of 'Act to revise a part of Act on the Prevention of Spousal Violence and the Protection of Victims', there is an obligation to make efforts to formulate basic plans by municipalities and expand the work of Spousal Violence Counseling and Support Centre and protection order system.

- In April 2008, 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. 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



Source: National Police Agency

- 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.
- By the enforcement of the 'Act to Amend the Code of Criminal Procedure for Achieving the Protection of Rights and Profits of Crime Victims' in December 2007, a system was introduced wherein the name of the victim in the sex offence may not be disclosed and the public prosecutor may request that victim's name be prevented being known to others without the reason for the defense counsel.

3. Considerations in the process of protection, investigation, and trials, etc. (Basic Act, Article 19)

- 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.
- Introduction of what can be called the ‘Vehicle for Victim Support’, a movable questioning room for such victims who feel a resistance to the police department or the police box itself. In 2007, 58 vehicles were introduced additionally.

Questioning in progress in the vehicle for victim support



Special questioning room for victim



Source: National Police Agency

- In 2007, 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 3 such special waiting rooms in the Public Prosecutor’s Office’s another new building that will be completed in 2008. Besides this, setting up this kind of room is under consideration in other prosecutor offices.
- In January 2008, the 2nd ‘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. 28 members of the medical staff participated.

- Due to the legislation of the ‘Act to Amend the Code of Criminal Procedure for Achieving the Protection of Rights and Profits 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.

Section 3 Efforts towards expansion of participation in criminal procedures

1. Development of a system to expand opportunities to participate in criminal procedures, etc.

(Basic Act, Article 18)

- In March 2008, a pamphlet, ‘More support for crime victims’ for crime victims was created. It makes public the law revised in June 2007 regarding criminal and civil procedures and the contents of support expanded along with the revised law.



Source: Ministry of Justice

- In June 2007, the ‘Act to Amend the Code of Criminal Procedure for Achieving the Protection of Rights and Profits of Crime Victims’ was set up. It introduces ‘Crime Victim Participation System’, which allows crime victims to attend public hearings, address questions to witness and accused, and make statements (will be enforced within one and a half year from the date of promulgation). Also, according to this act, access to the inspection and copy of trial records was also expanded.

- In April 2008, the ‘Act for partial revision of the Law about the protection of victims rights and profit concerning criminal procedures and other subsidiary ones and the Act on comprehensive legal aid’ was established. It contains improvements necessary for making it possible for the victim who is allowed to attend the court proceedings to receive the services of a attorney even in case of the victim having scanty financial resources (will be came into effect on the same day as the day ‘Crime Victim Participation System’ is enforced)
- In December 2007, the system for notifying crime victims, etc. which provides the information of perpetrators after the final judgments of convictions upon the requests of crime victims, etc. was enhanced so that items related to the status of treatment of offenders in the penal institutions during the punishment, items related to parole examinations and items related to the status of probationary supervision may be also provided.
- In December 2007, a system was introduced, wherein with regard to the information regarding juvenile perpetrators under protective measures, items related to the status of treatment in the juvenile training school, items related to parole examinations and items related to the status of probationary supervision may be given to crime victims, etc. upon the requests of crime victims, etc.
- In December 2007, the system for communication of crime victims’ sentiments to probationers and the system for hearing of crime victims’ opinions in parole examinations were introduced.
- In June 2008, the ‘Act for partial revision of the Juvenile Act’ was set up. This makes it possible for the crime victim who was involved in the specific kinds of serious crimes, to observe the juvenile court proceedings, along with amendments such as expansion of scope of inspection and transcription of the recordings. (Enforced within 6 months from the date of promulgation, excepting a certain portion of clauses).

Section 4 Efforts towards system improvement for support

1. Consultation and Provision of Information, etc.

(Basic Act, Article 11)

- In the administrative divisions (prefectures) and cities designated by government ordinance, the request to set up facilities for a comprehensive response in case there was an enquiry or consultation from the crime victim was addressed through the opening of a meeting of principle division directors. As of July 2008, such comprehensive response desks had been set up in 42 prefectures and cities designated by government ordinance.
- On the Cabinet Office Crime Victims Policies website, ‘Counseling Institutions’ page is displayed and the outline of important support systems and information about the counseling windows for crime victims is provided.
- A human rights counseling service on the Internet (SOS e-mail) was established on the website of the Ministry of Justice and counseling system on the Internet available 24 hours a day, 365 days a year has been enriched and bolstered.
- The ‘Brochure for Crime Victims’ is added to the material distributed to persons to communicate with the victims and is widely used to educate about the system for crime victims.



Source: National Police Agency

- A support dial for crime victims (0570-079714) of the Japan Legal Support Center (Known as ‘Houterasu’) and its regional offices all over the country provide crime victims with various information such as attorneys who are well-versed in assisting crime victims, the most appropriate specialized organizations to help them. Furthermore, they provide information actively through creation of leaflets (‘Crime Victim Support Q&A’ etc.) and posting information from the

relevant institutions on websites.

- In February 2007, the 'Reference of crime victims organizations' was set up on the Cabinet Office website. It introduces crime victims organizations and support organizations for crime victims including self help groups and gives the activity contents of the organizations, and its contact points.
- In the 'Investigative Commission for cooperative support', a system was studied through which uninterrupted assistance and provision of information could be done, whichever related institution or organization be the starting point. It also studied the conditions related to the nurturing of crime victim support coordinators and training of the persons engaged in the support activities through private entities. In November 2007, the final summary including measures about the creation and distribution of 'Handbook on Support for Crime Victims (Interim)' and establishing and certifying provisional curriculum was reported to the Promotion Meeting. Based on the final summary, 'Model Proposition of Handbook on Support for Crime Victims' and 'Model Proposition Training Curriculum' are under the process of being created.
- In December 2007, probation offices started counseling and support for crime victims, etc. In response to the consultation from crime victims, etc., probation offices provide necessary information. Further, in probation offices throughout the country, crime victims affairs officials were allocated.

2. Promotion of research studies, etc.

(Basic Act, Article 21)

- The three year survey research of 'Research regarding mental health conditions and the recovery of crime victims' was launched in 2005. Up to now, studies of the mental condition status of the crime victims, their needs, the treatment for trauma, the creation of manual for staff at mental health and welfare centers were conducted.

In 2007, using all the results up to now, a proposal for the facilitation of crime victim treatment in the psychiatric treatment institutions has been compiled and in 2008, a manual guidebook for the assistance of crime victims has been created and distributed to the mental health and welfare centers.

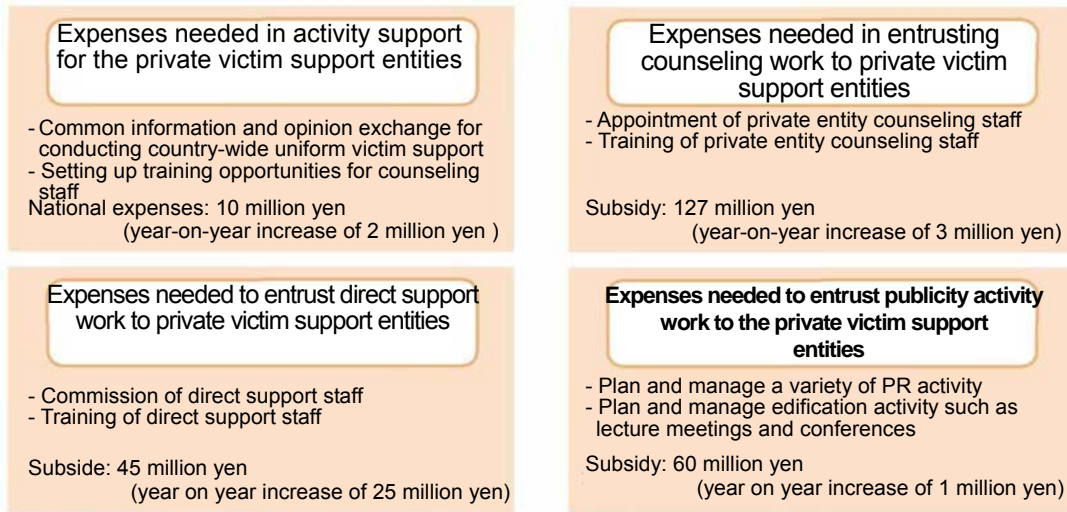
- In April 2008, a survey was conducted regarding the conditions of the crime victims and the progress of concerned conditions according to the types of damage, crime victims themselves, family members, bereaved family members etc. and the results were published.

3. Aid for private entities

(Basic Act, Article 22)

- Implemented financial support through activity support for private victim support entities, entrusting of counseling work to private victim support entities, entrusting of work related to publicity activities, entrusting of direct support work to the groups to aid crime victims early on, etc.
- In the 'Investigative Commission for support for private entities', taking the fact that there is a need to increase the financial assistance from the States to private entities as a pre-requisite, the objective support entities, the scope of the work that needs to be supported, the route and the source of the financial assistance were studied. In November 2007, the final summary including information about the expansion of assistance towards the early assistance organization for crime victims, etc. and a policy to propel the facilitation in the regional governments was reported. Based on the final summary, a model projects were conducted at regional governments to build the understandings about crime victim support.

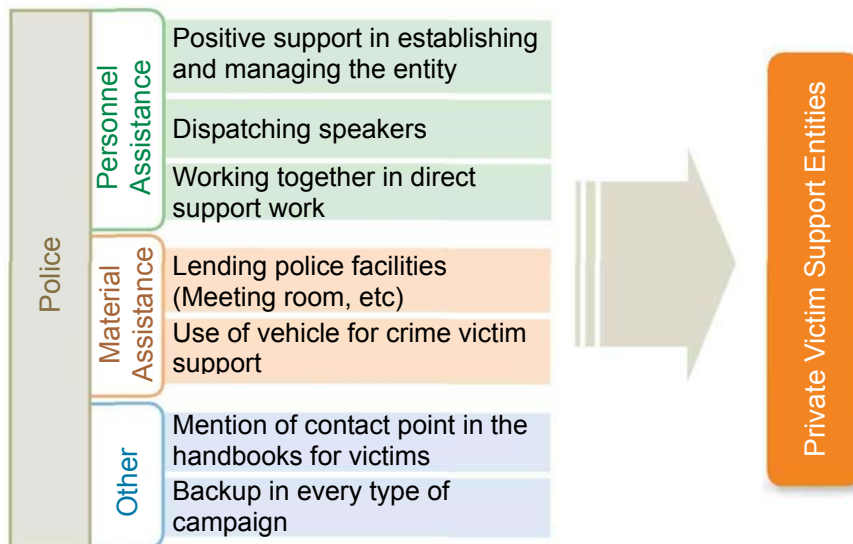
Financial assistance towards private crime victim support entities by the government



Year 2008: 242 million yen (year on year increase of 31 million yen)



Other assistance to the private victim support entities



Source: National Police Agency

Section 5: Efforts towards fostering citizens' understanding and consideration and ensuring cooperation

1. Rostering understanding of citizens

(Basic Act, Article 20)

- In the 'Crime Victims' Week' (November 25 to December 1), with the slogan 'Support that transforms sadness to hope', the Central Public Meeting sponsored by the Cabinet Office and the

other 4 regional meetings at four different prefectures with the cooperation of local governments were held. The result of the meetings was displayed on the Cabinet Office Crime Victims Measures website and information was provided. In 2008 too, there are plans to hold the Central Public Meeting in Tokyo and four other meeting in different prefectures.

- In January 2008, the '2nd Crime Victim Measures Lecture Meeting' was held in Osaka for the staff of related ministries and local governments with the theme as 'the thoughts of a mother who lost her son through juvenile crime'. The outline of the lecture was displayed on website of the Cabinet Office Measures for Crime Victims and information was widely provided.

- Regarding the situation in which the crime victims are in, especially in an effort to foster the understanding of young people, a publicity materials (booklet and DVD) targeting young people were created applying the results of survey, 'Survey on citizens awareness regarding crime victims'. It was distributed to every educational council in every prefecture and ordinance designated city. The content of the educational material was displayed on the website of the Cabinet Office's Measures for Crime Victims, and the information was widely distributed.