

## Column: Voice of crime victims about the Basic Plan for Crime Victims

### Regarding the progress of the Basic Plan for Crime Victims

Crime victims confront various unexpected difficulties, and many of them suffer throughout life. Society consists of the trust and promises originating in human relationships, and hence support for anybody harmed by a criminal that has broken that relationship needs to be considered an emergency social matter. That is basically why we got involved in activities to support crime victims through seeking volunteers in 1992, 17 years ago. Throughout this long period of time we have requested the cooperation of administrative organs with practical support, but they have consistently denied the need and stated “there’s no reason to make an exception for victims”. The Basic Act for Crime Victims enacted in 2004 did radically change the situation because the basic principles of this Act allow for specific rights for crime victims (the right to have their individual dignity respected, the right to be treated in the appropriate way, and the right to receive the necessary support) and defines support for victims as being an obligation of the State, local governments, and citizens.

What I have felt recently from the point of view of a private support group is that the notion of the people concerned working in administrative, judicial organizations has been reformed. While we cannot say that we are receiving the cooperation of local areas throughout the country yet, it is getting easier to receive the cooperation of the persons concerned and local governments are working more steadily towards approaches for use in support. Areas such as Sugunami-ku do exist, however, that are implementing great support in cooperation with private support groups.

Among new measures realized based on the basic plan of measures for crime victims there’re two measures that make us think that the time has finally changed. One of them concerns an increase in the amount of benefits paid by the system to crime victims to be the “equivalent of vehicle insurance” and the other the establishment of the “victim participation system” and the “compensation of damages order system” through the revision of the Code of Criminal Procedure.

Both of them are measures that have been strongly expected by crime victims, bereaved families and persons providing support to them, but were difficult to realize for a long period of time. The former was realized because the voice of the people requesting that the amount of benefits provided to the bereaved families of victims of murder, which was much smaller than the amount of damage reparation provided by vehicle insurance, finally reached the national government, and the latter also because of the voice of the people requesting the rights of victims to be guaranteed, which were much smaller than admitted for perpetrators. It’s now essential that the administration and legislation of the nation make the effort to revise the measures according to the angle and healthy sense of the balance of the nation.

Among several measures which could be improved even more, the problem of financial support for private groups is noticeably late when compared to others. Although groups of victims and victim support groups are an important part of the close support for victims as well as the police and local governments, they are yet to have the expenses for the administration of private groups approved. The financial base of groups that depend on civil donations is rather weak, and hence many of them have difficulties in secure a bureau and staff, which then affects any improvement being made in the quality of support provided. Western countries do make use of civil power in supporting victims but they also promote securing and training able staff through an adequate supply of financial aid, with victim support groups being in proportion to public organizations. In Taiwan and South Korea, where they have recently but rather late for Asia commenced on victim

support activities, they employ their main staff at national expense. In Japan, however, large amounts at national expense are used every year in rehabilitation services, with the staff of those services being guaranteed a salary of the same level as a public employee. I consider it to go against basic principles to enable this large gap to exist between available measures for perpetrators and those for victims. It's now been 4 years since we first put the basic plan for crime victims into practice, and I'm truly grateful to every one of our ministries and the government offices concerned for the efforts they have made. However, at the same time I sincerely hope that we will consistently study and review the measures from the point of view of the victims of crime and the people that support them.

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### **Concerning former minister Mr. Yoshitaka MURATA**

Meetings to study the Basic Plan for Crime Victims ("study meeting" hereinafter) commenced on April 28th 2005.

The schedule was quite grueling: 1066 opinions and requests collected by the Cabinet Office from groups of crime victims were classified into 258 items, 4 basic principles and 5 important issues separately discussed, opinions heard on the framework from citizens in August, and a proposition formulated in November which was then submitted to cabinet decision in December.

We all felt rather confused because we were attempting to radically renovate the existing system for crime victims, and the public offices and members concerned had a variety of opinions on doing so.

In this situation the presence of former minister Mr. Yoshitaka MURATA, who was in charge of measures for crime victims, was rather significant. Mr. Yoshitaka MURATA was not actually involved in formulating the Basic Act on Crime Victims that was proposed by the Liberal Democratic Party, but he was very familiar with the spirit and content of the Basic Act.

At the first study meeting Mr. MURATA saluted us and said "when we think about the pain of crime victims it makes us want to establish a Basic Plan as soon as possible, and even one day earlier would be beneficial. I work to do my best, and I also want you to cooperate", and his statement is true. At the second study meeting he made the appeal of "The press barely reported on the previous study meeting. The various domains of citizens are not very aware of problems victims face, and hence we will need to make a great effort". He then said "Reading the Basic Act reveals the rather severe things written into it. The existing systems should not be continued to be used and instead we must think things over from a new starting point. We notice that there have been many opinions made by public offices that make me think that they'd like to continue as before, which is not good. I want public offices to be determined to work hard".

Although Mr. MURATA was extremely busy because he was the chairman of the National Public Safety Commission, disaster prevention and emergency legislative system, he was present at all the study meetings except when he had to attend to a plenary session of the Diet. And when a discussion became complicated he always has stated his opinions in smoothing things over.

The study meetings involved complicated discussions on the awareness of the actual circumstances by the secretariat stating "it's normal that we can't achieve the aim of damages because perpetrators can't afford them or they get rejected", even if crime victims

do sue their perpetrators for damages and win the suit. Contrary opinions were aired on “it’s normal” because perpetrators do pay part of damages or insurance in some cases. Mr. MURATA said that “the important thing is that the actual system of damages doesn’t function sufficiently for crime victims. It doesn’t make any sense to use juridical or logical descriptions.

The Basic Act is House member legislation, and hence we must establish a proposition for a Basic Plan that respects the intentions of the members of the Diet (in improving the system of damages). If we cut out legislation made by House members it will concern a matter of confidence in the government. I’d like members to describe the details as much as possible”. He then insisted the reality that crime victims don’t receive sufficient compensation be discussed rather than just details. It’s a memory that is hard to forget.

Before Mr. MURAKAMI resigned on October 31<sup>st</sup> the same year he stated that he wanted the press to take a big step forward with regard to protecting the human rights of victims, and named some members for the press.

Since December last year, 3 years after this, crime victims have been participating in criminal trials, which was a big issue at the study meetings. On February 13<sup>th</sup> the former Minister of Justice Mr. Okiharu YASUOKA and the Minister in charge of the declining birth rate Ms. Yoko KAMIKAWA and Mr. MURATA, who had been exerting themselves for the sake of crime victims since enactment of the Basic Act, were all present in the auditorium in a case participated in held at the Tokyo district court. He constantly cared about how the Basic Act would work out.

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### **Thoughts on the Basic Plan for Crime Victims –from a victim support scene-**

In October 1990 my son Tooru, then aged 18, was killed in a hit-and-run accident by a car driven by a drunk driver running up onto a sidewalk. At that time victims basically had no rights, and we felt absurdly abandoned and shocked by the actual situation, and continued to suffer from secondary damage. At the criminal trial we couldn’t access any information or speak out and we could do nothing but listen to the lies of the accused. We could not help ourselves from thinking that the court was there for the benefit of the accused. I therefore wanted to change society without wasting the death of my son, and hence appealed to the actual situation of victims at the “Symposium for the 10 year anniversary of the establishment of the Crime Victims Benefits System”. That opportunity resulted in the further support for victims of, for example, Mr. Akira YAMAKAMI (professor at a Tokyo Medical and Dental University at the time) established a “counseling room for crime victims” and the National Police Agency defined an “outline of measures for victims”.

I have been appealing to the actual situation of victims through working as a public officer, and when the “counseling room for crime victims” was developed, reformed and changed into the “incorporated association Victim Support Center of Tokyo” in April 2000 I quit my job and dedicated myself to supporting victims. I’m grateful for the establishment of the Basic Act on Crime Victims to the many persons concerned who made efforts in thinking that “we shouldn’t just abandon victims who face such miserable situations”.

I have been involved in the establishment of the Basic Plan for Crime Victims as a member of the “Council for the Promotion of Policies for Crime Victims” and “Basic Plan Promotion Experts Committee”. Before every “meeting to study the Basic Plan for Crime

Victims” I read enormous amounts of material the previous day and stated my opinions on the day of meeting, and hence got very stressed and nervous. When the meetings started I often felt angry about the passive response of ministries and government offices. However, they have changed to being more positive through the active attitude of the National Police Agency, the Ministry of Justice, and a team that the Office for Policies on Crime Victims, Cabinet Office, which also carefully amasses opinions. After establishment of the Basic Plan the organizations concerned quickly responded and the system for victims to participate in criminal procedures and the Offenders Rehabilitation Act were then enforced. However, victims and their bereaved families often lose their human dignity, are robbed of their trust in people or feeling of safety in society because of the shock they are exposed to. This then makes it an emergency to arrange a support system and environment that everyone can use, because not all victims are in a situation where they can use the system.

Private victim support centers implement attendant support or mental care right after the damage has occurred but victims often hesitate to consult them because they are not very well known yet. Staff with excellent techniques and personalities are also indispensable in provide the needed support but it’s difficult to secure human resources because they are not treated in the appropriate way for their level of competence. Western countries inject taxes into private victim support centers and the principal support staffs are paid salaries. In Japan it’s common to think that volunteers should work to support victims for some reason, but victims want to have specialists to support them. Financial support and training of human resources for private victim support centers are also an emergency issue in ensuring that victims can find the appropriate support.

The decision has also been made to respond to victims needing financial support using a fund, although it’s not clear where that fund will come from. I hope that a fund using the money left over after refunding victims of fraud is created, and then it is utilized to benefit victims and financially support private entities. The actual situation is that it’s difficult to prioritize public housing, except for victims of domestic violence. I hope that victims will also be able to utilize it.

The preamble of “the Basic Act on Crime Victims” states that “Now that everybody has the higher probability of being a Crime Victim, it is required to make policies from the Crime Victim’s view point, and to take a step forward in realizing a society where their rights and profits are well protected.” I want a society where people get the proper response or support right after being damaged, wherever they live in Japan. The other day I was talking with another member about a study meeting and we agreed and laughed together that “we still haven’t recovered from the trauma of that time”. We formulated the Basic Plan through blunt force. I sincerely hope that the Plan will have soul and we will use it while feeling that we were lucky to be born in Japan.

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