

## Chapter 1 Feature “Looking back over the first three years following the establishment of a Basic Plan for Crime Victims”

### Section 1 Approaches before the enactment of the Basic Act on Crime Victims

- In 1980 the “Act on Payment of Benefits for Crime Victims” (Act No. 36, 1980) was enacted and a system to pay benefits to crime victims established in order to ease their mental shock and financial damage by paying benefits to the victims of intentional criminal acts. After 1989 the National Police Agency established an outline of measures for victims (1996) and regulations on the designation of groups to aid crime victims early on (2001), and the Ministry of Justice introduced a procedural system for making criminal settlements (2000).

comprehensive measures the Basic Act on Crime Victims (Act No. 36, 1980) was adopted by legislation of House members on December 1<sup>st</sup> 2004 and came into effect on April 1<sup>st</sup> 2005. The Basic Act on Crime Victims mentions the difficulties victims face in its preamble and provides for the aim of realizing a society where the rights and profits of victims are protected. Article 3 in particular provides three basic principles, that include not only the State having responsibilities but also local governments and citizens themselves, while also providing for the Chief Cabinet Secretary to be the chairperson of the Council for the Promotion of Policies for Crime Victims, which is composed of cabinet ministers and persons with knowledge on supporting crime victims .

### Section 2 Enactment of the Basic Act on Crime Victims and Establishment of the Basic Plan for Crime Victims

- In response to crime victims’ request for

#### Outline of Basic Act on Crime Victims

##### ■ Purpose ■ (Article 1: Protect the rights and profits of crime victims)

- Provide the basic principles concerning measures for crime victims
- Provide the basic matters of the responsibilities and measures of the State, local governments, and citizens.
- Promote measures for crime victims comprehensively and systematically

##### ■ Object ■ (Article 2: Crime victims)

- Crime (crimes and equivalent acts that have a harmful influence on the mind and body) victims and their family or their bereaved family

##### ■ Basic principles ■ (Article 3)

- Crime victims shall have rights to be respected for their individual dignity and be assured of treatment appropriate for their individual dignity.
- The Measures for Crime Victims shall be taken properly according to the situation and reason for the harm having occurred, the situation in which Crime victims are in, and other circumstances.
- Crime Victims can receive necessary support continuously until their peaceful life regained.

##### ■ Responsibilities of the State, local governments, and citizens, and cooperation with organizations concerned ■ (article 4 to 7)

##### ■ Basic measures ■ (article 11 to 23)

■ **Basic measures** ■

- Consultation and Provision of Information, etc. (Article 11)
- Support with regard to Claims for Damages, etc. (Article 12)
- Improvement of System concerning Payment of Benefits, etc. (Article 13)
- Provision of Healthcare Services and Welfare Services (Articles 14)
- Preventing Crime Victims from Receiving Harm Again and Securing Safety (Article 15)
- Stabilization of Residence and Employment (Article 16 and 17)
- Development of the System to Expand Opportunities to Participate in Criminal Procedures, etc. (Article 18)
- Consideration in the Process of Protection, Investigation and Trial, etc. (Article 19)
- Fostering Understanding of Citizens (Article 20)
- Promotion of Research Studies, etc. (Article 21)
- Aid for Private Entities (Article 22)
- Reflecting Opinions and Securing Transparency (Article 23)



■ **Basic Plan for Crime Victims** ■ (Article 8)

- Outline of Measures for Crime Victims that shall be taken comprehensively on a long-term basis
- Necessary matters to promote the Measures for Crime Victims comprehensively and systematically

- Article 8 of the Basic Act provides that a Basic Plan for Crime Victims shall be established in promoting measures for victims comprehensively and systematically.

In April 2005 a meeting composed of well-informed persons and officers from the ministries and government offices concerned was established to examine the Basic Plan for Crime Victims.

A Basic Plan was formulated at this meeting and then adopted in a cabinet decision made in December 2005.

258 concrete measures were made incorporating four basic policies and five priority issues.

Progress made until establishment of Basic Plan

- The Basic Act came into effect in April 2005.
- In April 2005 the Council for promotion was held based on the Basic Act. The Council then established a meeting to examine the Basic Plan for Crime Victims.

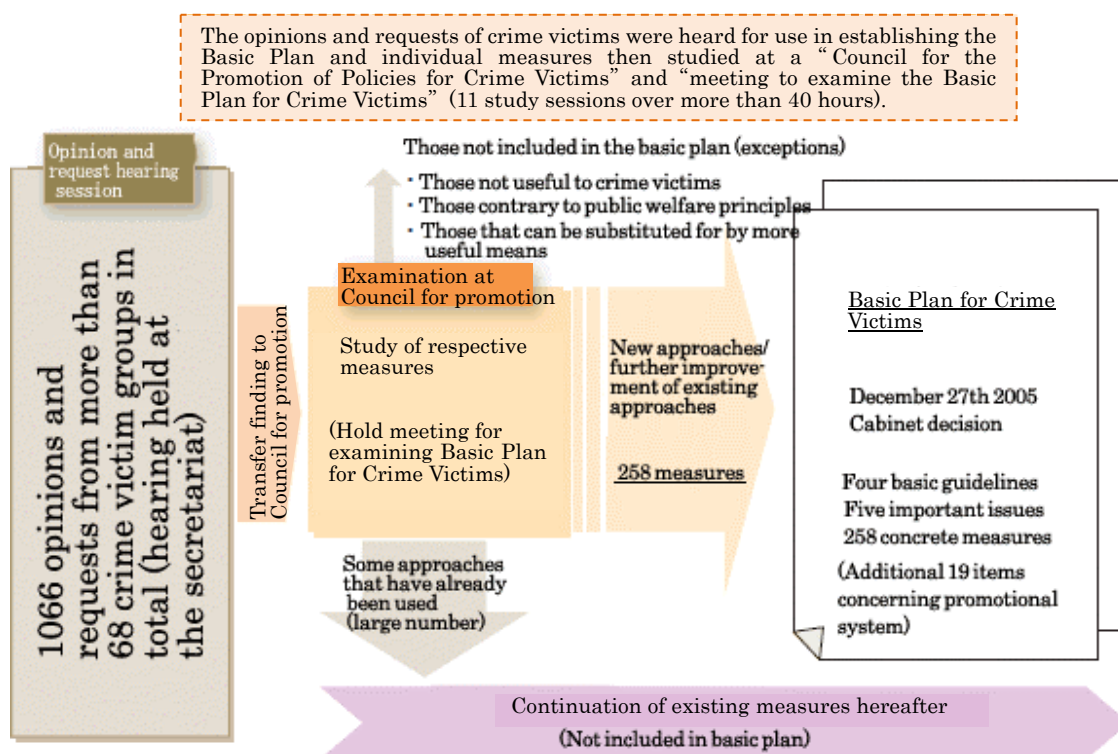
[Examination meeting: composed of well-informed persons and officers and a chief of the bureau class from the ministries and government offices concerned]

Items examined at the examination meeting

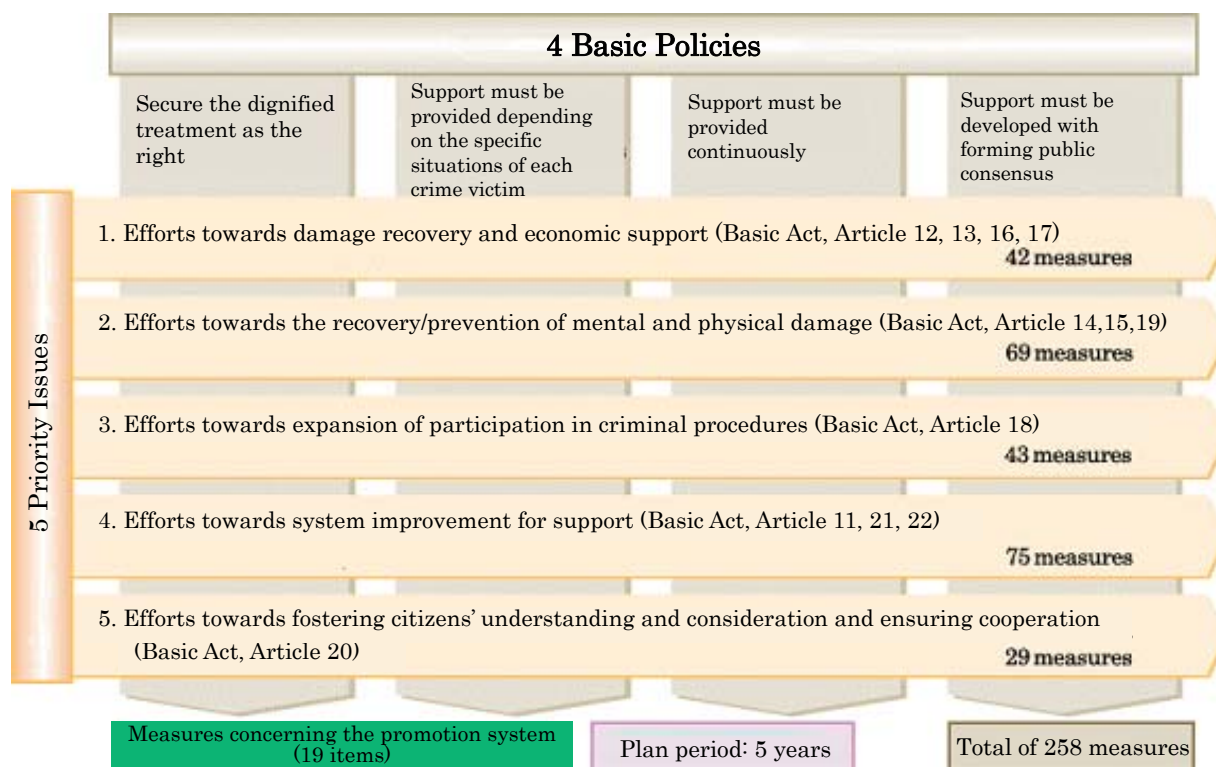
- The opinions and requests of victims were heard and amassed as a total of 615 opinions and requests. Measures were then individually examined in fulfilling those opinions and requests.
- On August 2nd a framework for the Basic Plan was then formed at the examination meeting (225 measures)  
⇒ On August 9<sup>th</sup> a framework was determined at the Council for promotion
- Many opinions taken from public comments etc were amassed into a total of 451 opinions and requests and then individually studied for use in the framework.
- On November 21st propositions for the Basic Plan were amassed at the examination meeting (258 measures)

- On December 26<sup>th</sup> 2005 the Basic Plan was determined at the Council for promotion.  
→ Cabinet decision made the next day (December 27<sup>th</sup>)

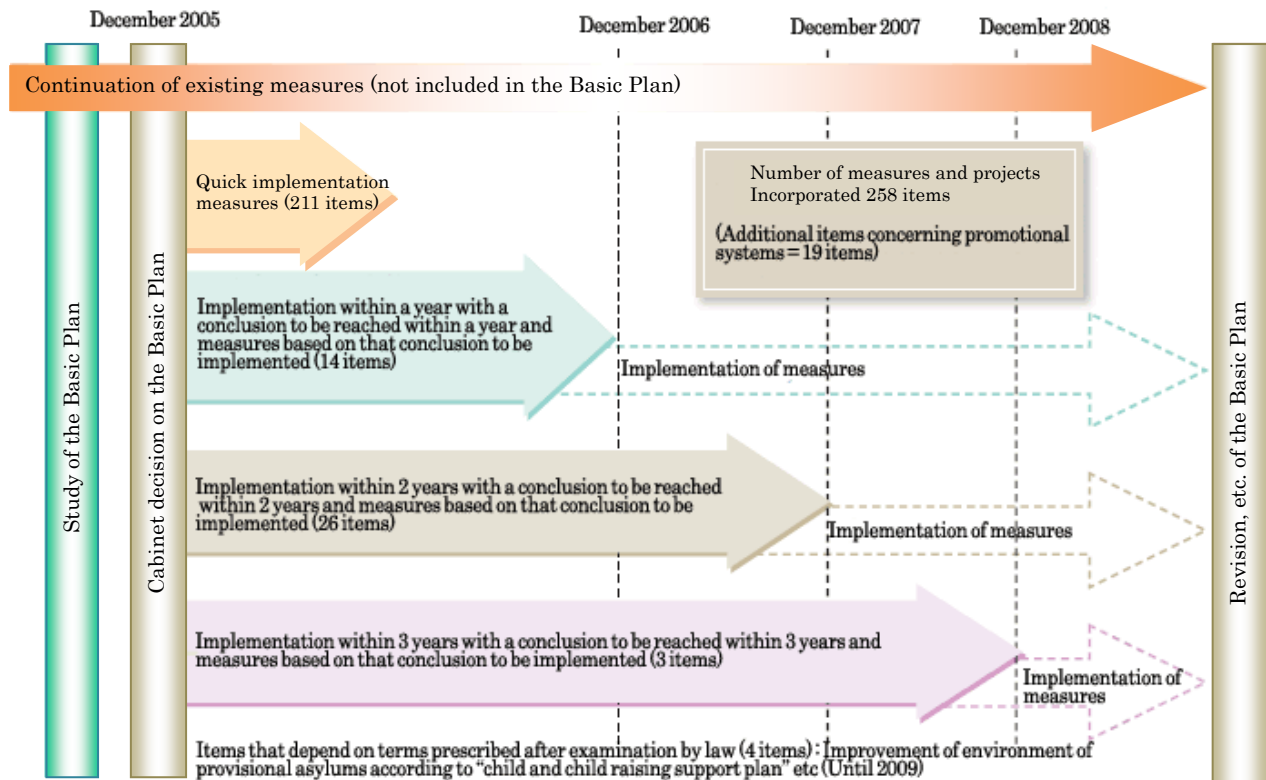
## Policies and procedures used in drawing up the Basic Plan



## 4 Basic Policies and 5 Priority Issues



## 258 measures



- The 258 measures include approaches decided on as needing to be quickly taken with the following 211 measures:
  - Improved provision of information on the progress of criminal procedures
  - Support from the Japan Legal Support Center
  - Measures for shipping costs etc of bodies following official autopsies
  - Fostering understanding of business owners etc
  - Implementation of enlightenment projects to foster the understanding of the citizens on Victims' present conditions etc
- Further study was necessary with regard to part of the measures and hence 3 meetings were held in April 2006: “Investigative Commission for Economic Support”, “Investigative Commission for Cooperative Support” and “Investigative Commission for Support for Private Entities”.

Final synthetic propositions were made at each commission up to September 2007, with each individual proposition then being adopted at the Council for promotion (November 6<sup>th</sup> 2007).

Each one of these measures was speedily implemented in accordance with the Basic Plan.

## Expert Advisors Meeting and Three Investigative Commissions

### Council for the Promotion of Policies for Crime Victims

- Deliberation of important matters concerning the measures for crime victims
- Promotion of implementation of measures for crime victims and verifying/ assessing and monitoring the situation of implementation

[Chairperson: Chief Cabinet Secretary]  
[Expert]/[Concerned Cabinet Officials]

### Basic Plan Promotion Experts Committee (held by Council for the Promotion decision)

- Comprehensive verifying the situation of implementation and progress of the 258 measures of the Basic Plan for Crime Victims
  - The role of the three “Investigative Commissions” to bundle the research council.
- [Chairperson : Yamagami Akira (Professor, International University of Health and Welfare)]  
[Expert]  
[Director-general of the bureau level staff of the Cabinet Office, National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare, Ministry of Land, Infrastructure, Transport and Tourism]

### Investigative Commission for economic support

- Review the system of crime victim support to be enhanced
- [Chairperson: Koji Kunimatsu (Board of Director, Foundation of Crime Victims Funds)]

[Expert]

[Director-general of the bureau level staff of the Cabinet Office, National Police Agency, Financial Services Agency, Ministry of Justice, Ministry of Health, Labour and Welfare, Ministry of Economy, Trade and Industry]

### Investigative Commission for cooperative support

- Review for creation of system that the crime victims enable to receive necessary information and continuous support through any concerned organization or group
- [Chairperson: Susumu Nagai (Professor, Tokiwa International Victimology Institute, Tokiwa University)]

[Expert]

[Section chief level staff of the Cabinet Office, National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Education, Culture, Sports, Science and Technology, Ministry of Health, Labor and Welfare]

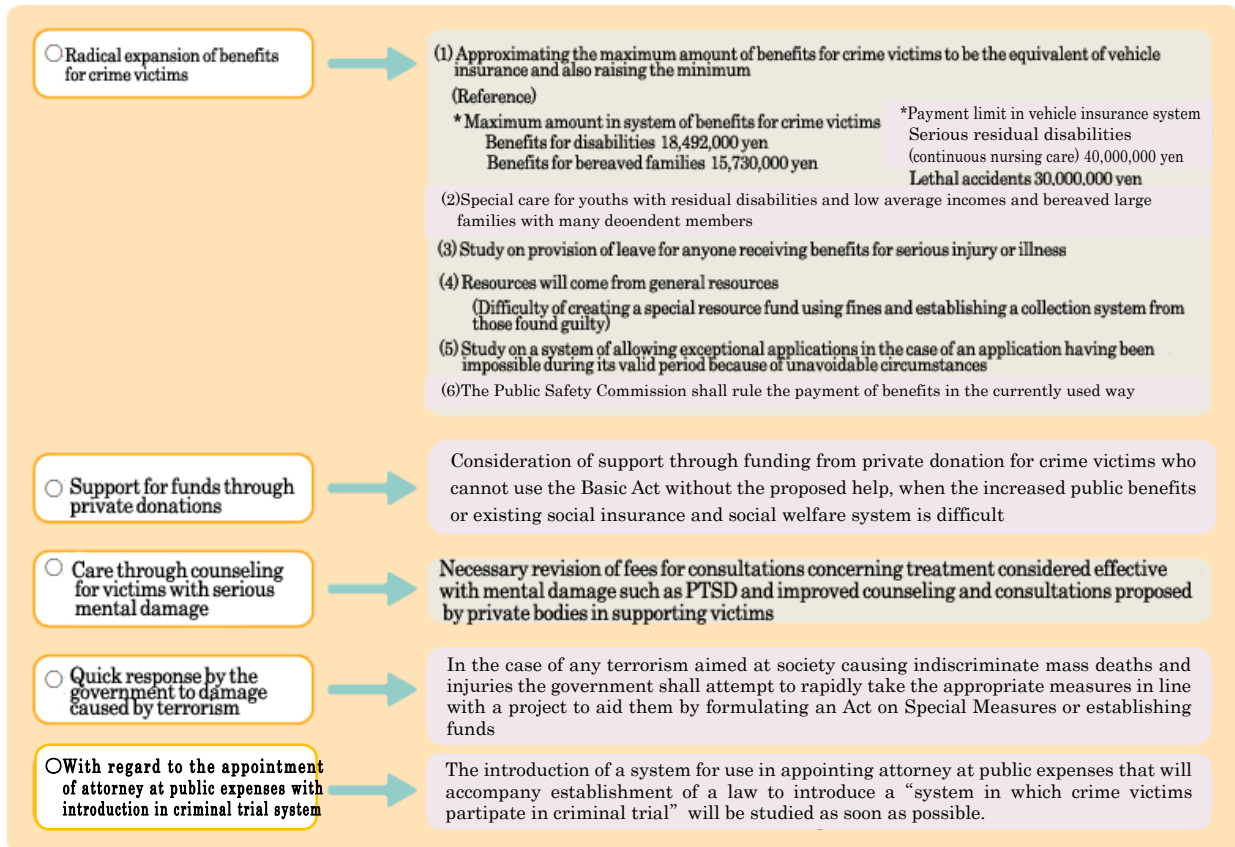
### Investigative Commission for Support for Private Entities

- Review the way of support for private entities.
- [Chairperson : Nobuho Tomita (Professor, Tokiwa International Victimology Institute, Tokiwa University)]

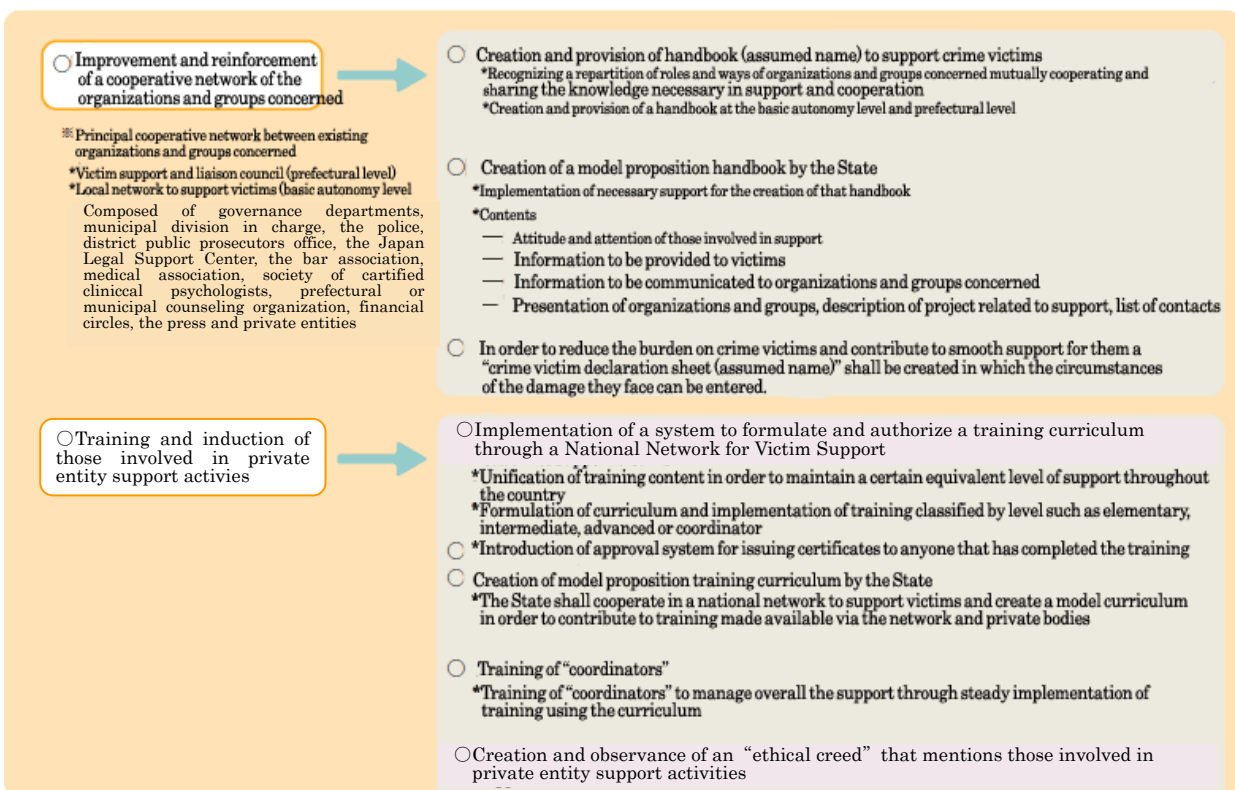
[Expert]

[Director of the division level staff of the Cabinet Office, National Police Agency, Ministry of Internal Affairs and Communications, Ministry of Justice, Ministry of Health, Labor and Welfare]

### “Investigative Commission for Economic Support” final synthesis (summary)



### “Investigative Commission for Cooperative Support” final synthesis (summary)



## “Investigative Commission for Support for Private Entities” Final synthesis (summary)

### 1. Basic ideas when studying public financial support for private entities

- Range of affairs subject to support : support that enables appropriate promotion of projects by helping with their cost etc  
⇒ Range of affairs subject to that can be objects of support : support that enables appropriate promotion of projects properly by helping with their project cost, etc
- Range of groups subject to support: groups with fixed systems that enable implementation of projects in an appropriate and sure manner  
⇒ Track record with activities, transparency of financial management and methods of accounting, and status with management of information etc
- Evaluating projects subject to support appropriately from the point of view of crime victims is important

### 2. Direction of study on increasing aid

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>○ Improved support for groups aiding crime victims early on and groups attempting to achieve that designation<br/>※ Groups to aid crime victims early on : 13 groups<br/>Groups aiming to be thus designated: 33 groups (as of the end of September 2007)</li> </ul> | → | <ul style="list-style-type: none"> <li>○ Improved financial support such as utilization of subsidies for the costs of police by prefectures</li> <li>○ Increased support for groups aiming to be designated as early support groups                             <ul style="list-style-type: none"> <li>◆ Study the expansion of cost that required to support attendance and to support the self-help group</li> </ul> </li> </ul> |
| <ul style="list-style-type: none"> <li>○ Aid with groups that have spread throughout the entire country (National Network for Victim Support)</li> </ul>  | → | <ul style="list-style-type: none"> <li>○ Aid with groups that have spread throughout the entire country (National Network for Victim Support)                             <ul style="list-style-type: none"> <li>◆ Study on increased financial support by the State</li> <li>◆ Study on cooperation and collaboration with that groups in the creation and dissemination of a standard training program</li> </ul> </li> </ul>    |
| <ul style="list-style-type: none"> <li>○ Possibilities with other support channels and measures</li> </ul>  | → | <ul style="list-style-type: none"> <li>○ Promotion of approaches taken by local governments together such as charge deviations                             <ul style="list-style-type: none"> <li>◆ Provision of information and enlightenment in order to improve support offered by local governments</li> <li>◆ Study on model projects and local financial measures</li> </ul> </li> </ul>                                     |
| <ul style="list-style-type: none"> <li>○ Utilization of private funds</li> </ul>  | → | <ul style="list-style-type: none"> <li>○ Support in helping with the cost of private entity activities                             <ul style="list-style-type: none"> <li>◆ Cooperation in the publicity and popularization of private entities</li> <li>◆ Producing an overall national and local government tendency (study on development of national movement)</li> </ul> </li> </ul>  |

### Section 3 Realization of measures studied

- Various legal systems have been established or improved as a result of implementation of measures for victims that follow the content of the final synthesis of the Basic Plan and several Investigative Commissions.
  - Expansion of a system of benefits for crime victims
  - Establishment of a system in which victims can participate in criminal trials and a system of appointing court-appointed attorneys at law
  - Establishment of the compensation of damages order system
  - Establishment of system for observing the hearing of juvenile delinquency cases

- Formulation of model proposition of handbook on support for crime victims

It is rather difficult to state that the nation profoundly understands the circumstances victims face and there are still many problems to overcome and merely setting general counseling windows in basic autonomous regions is insufficient. This then means that measures for victims will need to be steadily advanced hereafter.