

Chapter 2

Concrete Measures for Crime Victims and Their Progress

Section 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.

○ Major efforts

- Consideration on the support offered by the Japan Legal Support Center and implementation of the measure (Ministry of Justice)

Japan Legal Support Center is to secure prospective lawyers for the counsels for victim participants and to nominate an individual attorney for the court-appointment. As of April 2012, 3,189 lawyers have been listed as counsel for victim participants and the number of requests for such counsel was 215 cases (289 persons).

Japan Legal Support Center is currently making necessary arrangements in order to implement measures with regards to the Center to support the fee to allow the attorney to have psychological counselor present at meetings with crime victims in the process of preparation and litigation to claim compensation for damages.

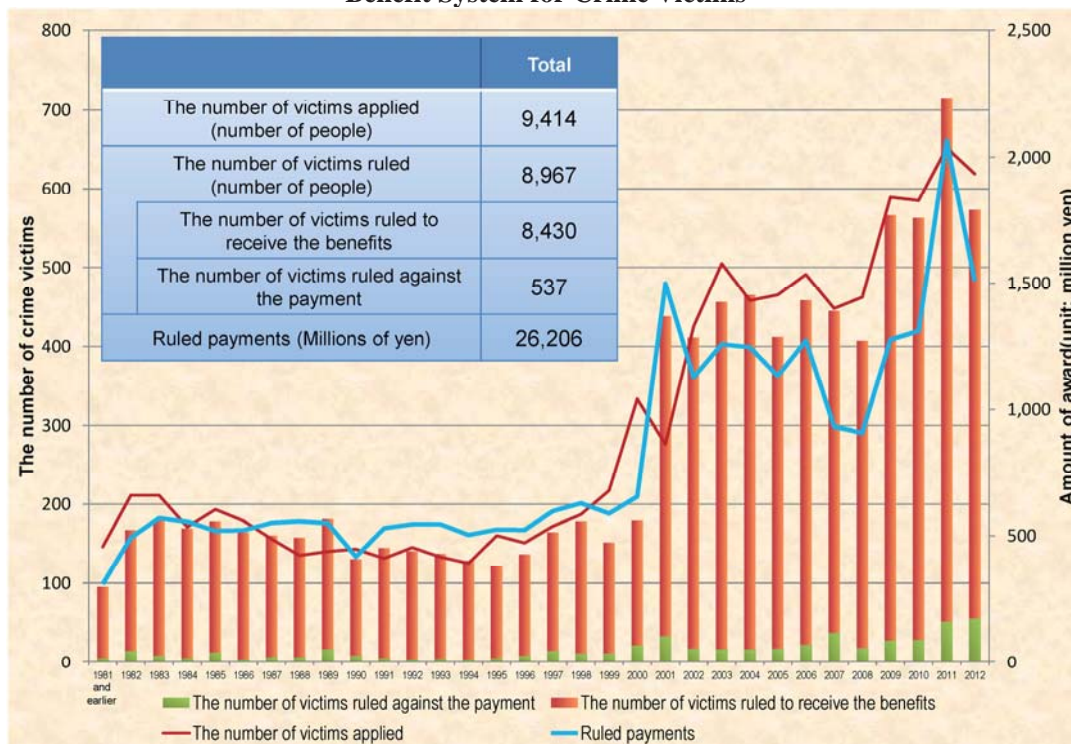
(2) Improvement of the Systems Concerning the Benefits and Other Payments

○ Major efforts

- Improvement of the current Benefit System for crime victims Practices (National Police Agency)

By the significant revision of the respective Act in July 2008, the Benefit System for Crime Victims has been increased the amount of the benefits for the bereaved families who were in the same household economy with the victim and also the disability benefits for people with severe residual difficulties (disability levels 1 through 3). In addition, In October 2009, the special provision to allow the payment of benefits on the crimes committed against relatives was revised to enable full payment for the spousal violence case with particular necessity of the remedy. As such the System has undergone continuous expansion and the benefits paid in the fiscal year 2012 reached around 1,509,000,000 yen.

Benefit System for Crime Victims



Source: National Police Agency

- Consultation on the feasible expansion of the Benefit Systems for Crime Victims and/or establishment of a new compensation system (Cabinet Office, National Police Agency, Ministry of Justice, Ministry of Health, Labour and Welfare, and Ministry of Land, Infrastructure, Transport and Tourism)
In 2012, the members of the Consultation Group reviewed the operational status of Benefit System for Crime Victim after the enhancement in 2008, learned the structures of various social security systems under which could provide financial support for crime victims, and conducted a research on overseas systems.
- Consultations on possible ways for public funds to cover the costs of psychotherapies including counseling (Cabinet Office, National Police Agency, Ministry of Justice, Ministry of Health, Labour and Welfare, and Ministry of Land, Infrastructure, Transport and Tourism)
The consultation Group recommended that with the expectation of the establishment of public funding on psychotherapies/counseling based on the study result, a study should be conducted to clarify the range of psychotherapies/ counseling cost of which is suitable to be covered by public expenditure. The Group also recommended for the necessary measures to improve existing psychological support provided by public organizations and systems. In March 2013, the Council for the Promotion of Policies for Crime Victims decided to implement the relevant measures to adopt above recommendations.

(3) Ensuring a Stable Residence

○ Major efforts

- Securing the residence immediately after the victimization and on a midterm-term basis (Ministry of Health, Labour and Welfare, National Police Agency and Cabinet Office)
Since 2012, the Ministry of Health, Labour and Welfare has included a part of the rent as the cost to cover as the support measures to promote the self-reliance of victims after their departure from the protection of Women's Consulting Offices when the victim was to receive rehabilitation guidance while living at an apartment near the Office.
Child Guidance Center is to take temporary custody (including entrusting to appropriate party) as necessary. During 2011, the Center took temporary custody of 20,289 cases by its own and entrusted 9,985 cases.
The National Police Agency, since 2007, has

provided victims with temporarily accommodation at the public expense to alleviate their economical and emotional burdens when staying at their own residence became difficult because, for instance, the residence were demolished for the crime, and if the victim are unable to secure the place to stay themselves. (Government subsidy for temporarily accommodation for crime victims: 16 million yen in 2012; 16 million yen in 2013)

(4) Stabilization of Employment

○ Major efforts

- Raising the awareness and promotion for the leave system for recovery (Ministry of Health, Labour and Welfare)
In 2012, for the awareness raising and promotion toward various work places and workers to introduce the leave system for the recovery of crime victims, the Ministry of Health, Labour and Welfare created leaflets and posters, sent them to 224 organizations including economic organizations and labor organizations, and held seminars. The Ministry also conducted a survey in 2012 on the recognition of the leave system but found that more than 90% of companies and employees were not even aware of the fact that there is an opinion to seek such system.

(The poster to promote) Leave System for Victim's Recovery



Source: Ministry of Health, Labour and Welfare

Section 2: Efforts for the Victims to Recover from or to Prevent Mental and/or Physical Damage

(1) Provision of Healthcare Services and Welfare Services

○ Major efforts

- Enhancement on coverage of medical insurance on the diagnosis and treatments of PTSD (Ministry of Health, Labour and Welfare)
In the 2012 revision of the amount of remuneration by health insurance scheme elevated the appraisal of the psychiatric therapies for outpatient or home care conducted by the designated psychotherapists who are cooperative to establish psychiatric emergency care system.
- Promotion to establish one-stop support centers (Cabinet Office, National Police Agency, and Ministry of Health, Labour and Welfare)
The Cabinet Office, with the cooperation of private organizations that operate one-stop support centers and various Ministries including the Ministry of Health, Labour and Welfare, National Police Agency, Ministry of Justice, and Ministry of Education, Culture, Sports, Science and Technology, has compiled and publicized the “Guideline on Establishment and Operation of One-Stop Support Centers for Victims of Sexual Crime and Sexual Violence” (http://www8.ca.go.jp/hanzai/kohyo/shien_tebiki/shien_tebiki.html) on May 2012. The Office distributed the guideline to crime victim support organizations, medical institutions, local governments, police, etc.
In September 2012, Ministry of Health, Labour and Welfare notified local governments to add an item with regards to the establishment of one-stop support center within medical institutions to be registered at the Medical Function Information Provision System.
- Enhancement of counseling opportunities offered by police for sexual crime victims (National Police Agency)
Currently, every prefectural police is commissioning outside psychiatrist, clinical psychologists or other professionals for counseling the crime victims or to be the adviser to improve the counseling skills of police

staffs. For juvenile crime victims, juvenile guidance officials and other officials, with the advice by external experts, are to provide counselling.

Since 2012, the National Police Agency has established the counselling guidance section and placed the counselling staff members who have the qualification of a clinical psychologist and rich experience to give guidance to the police authorities throughout the country.

Further, since 2007, the National Police Agency has been approaching police officers or other staffs with clinical psychologist qualifications to participate in further professional training in order to improve their counselling skills. (Government subsidy for training of counselling professionals: 9 million yen in 2012; 9 million yen in 2013)

(2) Securing Safety

○ Major efforts

- Consideration on further enhancement on the system to provide victims with information of perpetrators after his/her final judgment or the decision on protective measures, and implementation of relevant measures. (Ministry of Justice)
In 2012, 67,750 victims requested for information on the perpetrators and 122,376 received information under the Victim Notification Scheme. The number of notifications on perpetrators after the final and binding judgment includes: 11,383 cases about the expected time of the execution of sentence to end, 13,963 cases about the treatment status in penal institutions, 2,373 cases about the release of the sentenced person, and 134 cases about the revocation of the pronouncement to suspend executions of the sentences.
The number of the notifications on juveniles perpetrators under protective measures includes: 344 cases about the treatments in juvenile training schools, 160 cases about the parole examination procedure, and 573 cases about the status under probation.

Situation of Implementation of the Victim Notification Scheme

	Number of applicants	Number of victims who received notice
2001	14,777	22,672
2002	47,690	76,691
2003	44,442	76,087
2004	45,967	75,877
2005	46,953	74,813
2006	50,504	76,377
2007	51,676	77,487
2008	55,330	91,818
2009	61,007	107,464
2010	62,993	114,996
2011	63,542	118,933
2012	67,750	122,376
Total	612,631	1,035,591

Source: Ministry of Justice

- Improvement of systems for prevention, earlier detection and rapid response to child abuse (Ministry of Health, Labour and Welfare)

The amended Civil Code went into effect since April 2012, which newly structured the system to suspend parental authority and allow either a corporation or multiple guardians for the minor to be appointed in order to prevent child abuse and protect the rights and interests of the child. Concurrently, the amended Child Welfare Act went into force, which assigns the director of the child consultation center to exercise parental authority for the child without appropriate person with parental authority in the case such as the child has been entrusted to a foster-home. The amended Act also prescribed measures such as to restrict the undue obstruction by the person with parental authority to the custodial measures taken by the head of respective facilities for child welfare.

(3) Consideration and Other Regards to be Shown during the Process of Protection, Investigation, Trial, etc.

○ Major efforts

- Appropriate operation of measures such as video link (Ministry of Justice)

The Ministry is striving for appropriate operations of the system to allow victims to state their opinion at the trial to properly reflect victims' perspectives to court proceedings and the measures such as video link or other protective measures to reduce the burden and anxiety of victims during witness testimony. Between January and December of 2012, the total number of witnesses who were allowed to have accompanying person during the witness examination was 121, the total number of witnesses who used shielding measures was 1,757, and the total number of witnesses whose examination was conducted through video link was 288.

Application of witness protection

FY	Attendant	Shield	Video link
2008	86	1,007	202
2009	79	1,094	235
2010	102	1,295	261
2011	136	1,317	242
2012	121	1,757	288

(Note)

1. Data (approx. figure) from General Secretariat of the Supreme Court
2. The number of witnesses represents the total number who appeared at High Court, District Court or Summary Court

Source: Ministry of Justice

Section 3: Efforts to Broaden the Opportunity for Victims to Participate in Criminal Procedures

(1) Development of System to Broaden the Opportunities to Participate in Criminal Procedures

○ Major efforts

- Consideration to cover the travel expenses of victim participants (Ministry of Justice)
In March 2013, “the Bill Amending Part of the Law Concerning Measures Accompanying Criminal Procedure to Protect the Rights and Interests of Crime Victims and Comprehensive Legal Support Act” was submitted to the National Diet in order to provide necessary provisions that Japan Legal Support Center cover the travel expenses of victim participants who appear on the trial dates etc..
- Reconsideration on the level of financial

resource requirements for victim participants to be eligible for court-appointed attorneys at law (Ministry of Justice)

In March 2013, “the Bill Amending Part of the Law Concerning Measures Accompanying Criminal Procedure to Protect the Rights and Interests of Crime Victims and Comprehensive Legal Support Act” was submitted to the National Diet in order to mitigate the minimum financial resource requirements for more victim participants to be eligible for court-appointed attorneys at law along with the aforementioned measures to cover the travel expenses of victim participants.

Section 4: Efforts to Improve the System to Support Crime Victims

(1) Providing Consultation, Information and others

○ Major efforts

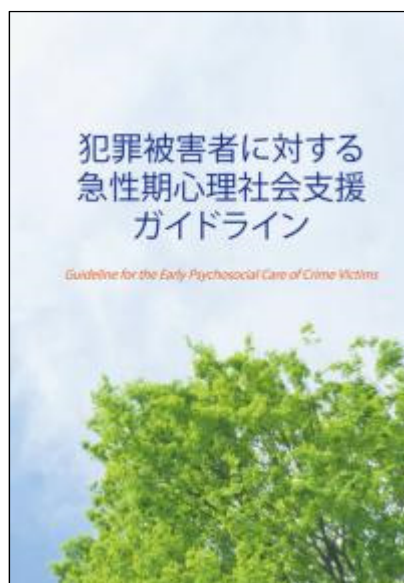
- Promotion to establish comprehensive response desks at local governments (Cabinet Office)
See Chapter 1.

(2) Promotion of researches and studies, etc.

○ Major efforts

- Research on the status of mental health of crime victims and their recovery (Ministry of Health, Labour and Welfare)
Under the Health and Labour Science Research Program, “The Assessment of Mental Disorders by Major Disasters or Crime Victimization and a study of formulation and evaluation of the guidelines for such disorders” (principal researcher, Yoshiharu Kim) as a three-year project from 2011 is in progress. In fiscal year 2012, the Ministry prepared the “Guidelines for the Early Psychosocial Care of Crime Victims (collaborative researcher, Satomi Nakajima et al. [NCNP], the first edition published on February 15, 2013)” (<http://cocorocare.jp/c/guideline/>).
- Examination of the “Crime Victims Survey” by the Ministry of Justice (Ministry of Justice)

Guidelines for the Early Psychosocial Care of Crime Victims



Source: Ministry of Health, Labour and Welfare

The Ministry of Justice conducted the fourth nationwide crime victims survey in January 2012, and published its results in March 2013, in order that the relevant organizations could make use of them in relation to their crime victims support policies and activities.

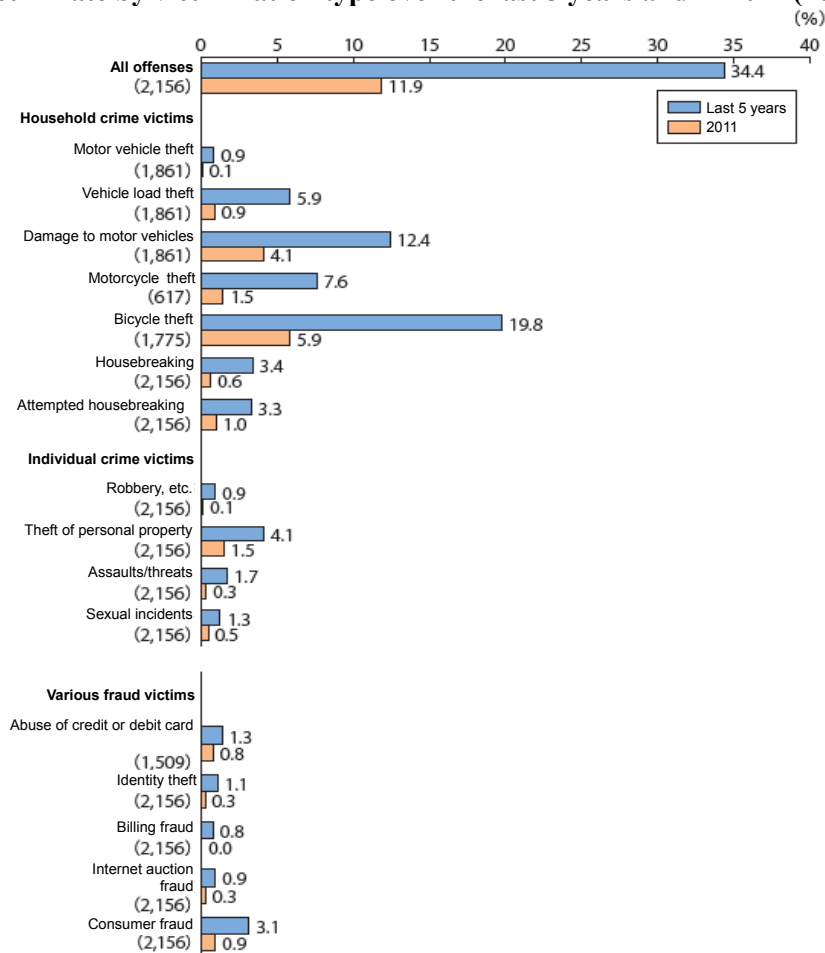
Crime Victims Survey (excerpt)

The Research and Training Institute, a research agency of the Ministry of Justice, has conducted a “Crime Victims Survey” every four years since 2000. Here we summarize the results of the fourth survey conducted in January 2012.

1. Victimization rate by the type of victimization

Figure 1 shows the victimization rate (the percentage of respondents who were victimized more than once during the respective period) in the past five years and in 2011 with regards the designated types of crime victimization.

Figure 1 Victim rate by victimization type over the last 5 years and in 2011 (2012 survey)



Note: 1. The 2012 survey took place in January 2012.

2. The scope of each crime victim may not necessarily match the constituent elements of each crime in Japan.

3. “All offenses” indicates the percentage of those who had suffered any one of subject crimes as household or individual crime victims, namely motor vehicle theft, vehicle load theft (including vehicle parts theft), damage to motor vehicles, motorcycle theft, bicycle theft, housebreaking (including burglary theft), attempted housebreaking, robbery, etc. (including extortion and snatching), theft of personal property (theft other than motor vehicle theft, vehicle load theft, motorcycle theft, bicycle theft, housebreaking, and snatching), assaults/threats, and sexual incidents (including rape, forcible indecency, groping, sexual harassment, and other disreputable acts that are partly not legally punishable).

4. “Motor vehicle theft,” “Vehicle load theft,” “damage to motor vehicles,” “motorcycle theft,” and “bicycle theft” indicate the percentage to the number of households that owned family motor vehicles, motor cycles, and bicycles, respectively, over the last 5 years.

5. With “various fraud victims” the figures for identity theft and consumer fraud indicate the victim rate per household.

6. “Abuse of credit or debit card” indicates the percentage to the number of holders of credit or debit cards over the last 5 years.

7. “Identity theft” indicates the cases in which a third person impersonates someone else for the purpose of opening a savings account or cellular phone contract, and includes acts that are partly not legally punishable.

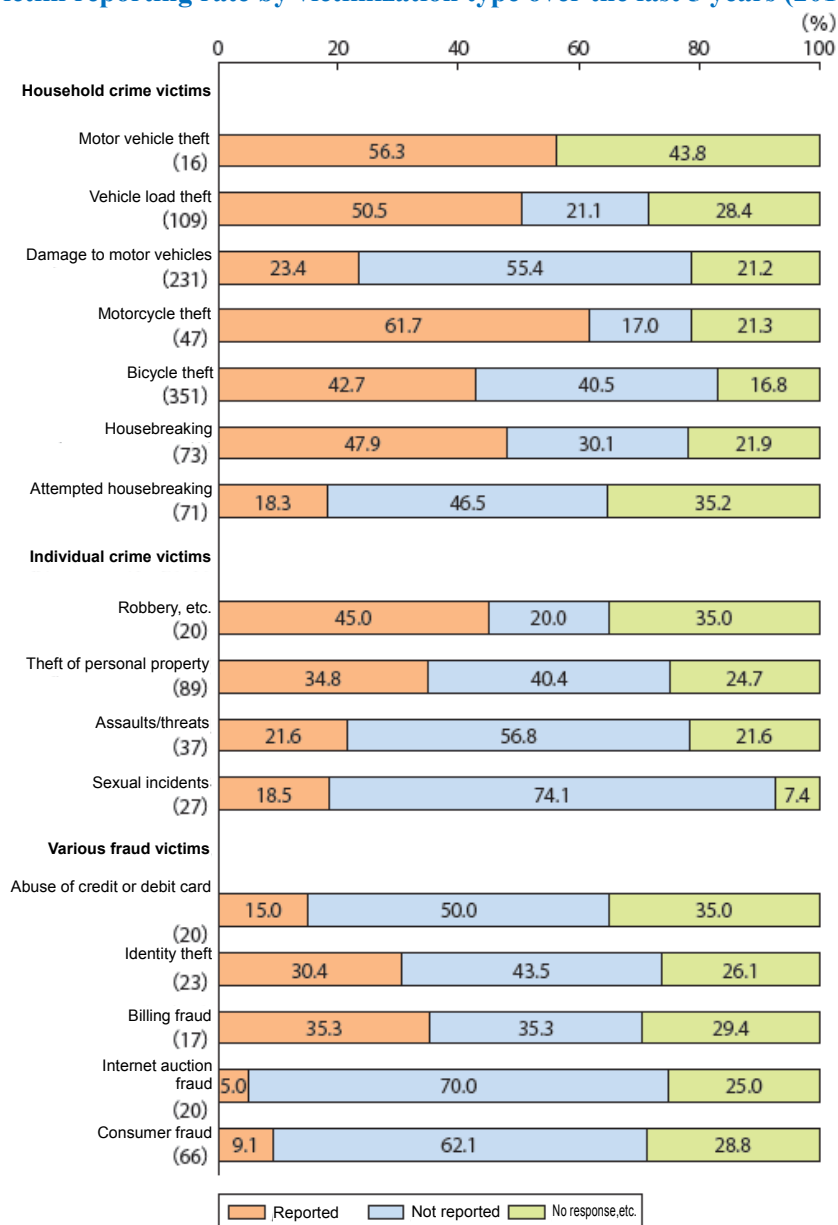
8. The figures in parentheses indicate the actual numbers of total respondents by victimization type, and include both those that answered “don’t know” and those that did not respond.

2. Reporting rate by the type of victimization

Figure 2 presents the percentage of victimized respondents who reported to the investigative authorities over the past five years (for households or individuals who were victimized more than once for the same type of crime, their responses refer to their latest experience.).

For nearly all types of victimizations, “not reported” account for approximately 20 to 70%, and therefrom, it would appear that there would be significant number of criminal offenses which should be described as the dark figure of crime.

Figure 2 Victim reporting rate by victimization type over the last 5 years (2012 survey)



Note:1. See Source and Notes 1, 2, 7, and 8 of Fig. 1.

2. The question was asked about the most recent case for those who had been victimized more than once for the same victimization type.

3. Reasons for not reporting

In order to find the reasons for not reporting, the survey presented multiple options to the victimized respondents who did not report to the investigative authorities and requested them to

choose every applicable answers.

In the case of 21 persons who did not report “assault / threats,” the reasons they chose were: “fear of reprisals” (8), “felt that investigative authorities wouldn’t do anything” (8), “felt that there’s nothing investigative authorities could do (no evidence)” (7), and “solved myself (the victim knew the offender)” (6).

In the case of 20 persons who did not report “sexual incidents,” the reasons they chose were: “felt that there’s nothing investigative authorities could do (no evidence)” (6), “solved myself (the victim knew the offender)” (6), “fear of reprisals” (4), and “not serious enough (or no damage)” (4) (Note: “sexual incidents” include certain acts that does not constitute a criminal offense under Japanese law. See also the note 4 of Figure 1.).

(3) Assisting Private Entities

○ Major efforts

- Enhancement on the assistance to the private entities (Cabinet Office, National Police Agency, Ministry of Health, Labour and Welfare, Ministry of Justice, Ministry of Education, Culture, Sports, Science, and Ministry of Land, Infrastructure, Transport and Tourism)

As crime victim support project utilizing the Deposit Insurance Contributions, two projects started from December 2012: the scholarship loan to children of crime victims and the grant for private crime victim support organizations.

National Police Agency assists the activities of private crime victim support organizations in various ways including to dispatch lecturers for their trainings. As financial support, the Agency is taking budgetary measures for the expenses to: support the overall activities of the private organizations; commission consultation works; commission direct support works and commission promotional activities on crime victim support. In addition, from 2013, the Agency newly budgeted for the expenses for the commission direct support works and consultation works to assist early recovery of sexual crime victims. (Government expense for private crime victim support organizations: 6 million yen in 2012; 6 million yen in 2013), (Government subsidy to commission direct support works: 87 million yen in 2012; 42 million yen in 2013), (Government subsidy to commission consultation works: 111 million yen in 2012; 109 million yen in 2013), and

(Government subsidy to commission to support sexual crime victims: 48 million yen in 2013).

- Strengthening collaboration and cooperation between the police and private entities (National Police Agency)

In June 2012, National Police Agency established a commendation system, “Crime Victim Support Contributor Commendation” which awards early support groups for crime victims, supporting staff members or others for their many year’s services and great contribution on crime victim support activities by the Director-General of National Police agency and the representative of specified nonprofit corporation, National Network for Victim Support.

Recipients of Crime Victim Support Special Honor Award



Source: National Police Agency

Section 5: Efforts to Foster the Understanding among Citizens and to Earn Their Consideration and Cooperation

(1) Fostering Understanding among Citizens

○ Major Efforts

- Implementation of advocacy projects to raise public awareness on the actual situation that crime victims are in (Cabinet Office)
Cf. Chapter 1
- Implementation of advocacy projects on crime victims related measures during respective promotion periods (Cabinet Office, Ministry of Justice, and Ministry of Health, Labour and Welfare)

The Cabinet Office is conducting the “Campaign for Eliminating Violence against Women” every year from November 12 through

November 25 (the International Day for the Elimination of Violence against Women by the United Nations, which is held each year on November 25).

Campaign for Eliminating Violence against Women



The Cabinet Office also carried out “Nationwide Traffic Safety Campaign” in spring (from April 6 to 15, 2012) and autumn (September 21 to 30, 2012) on “Prevention of Traffic Accidents of Children and Elderlies” to appeal the misery of traffic accidents and preciousness of life to public while incorporating the perspective of traffic victims.

Ministry of Justice, in order to promote consideration and protection for the human rights of crime victims, has highlighted “Consider the human rights of the crime victims and their families” as one of the main themes of annual advocacy activities such as holding open lecture events, distributing pamphlets during the Human Rights Week (December 4 to 10) or any other opportunities throughout the year.

The Ministry of Health, Labour and Welfare is conducting intensive advocacy activities during November as the Month to Promote Prevention of Child Abuse to deepen the understanding and to raise awareness of every parts of the society on child abuse. In fiscal year 2012, the Ministry chose “it is your and community’s mind’s eye that detects child abuse,” as the Month’s champagne slogan and held “Child Abuse Prevention Promotion National Forum” in Sapporo, Hokkaido (on November 24), prepared and distributed posters and leaflets, utilized Government PR media (Internet TV, radio, newspaper, etc.) in cooperation with relevant ministries and agencies, local governments, organizations, etc. to intensively advocate on child abuse.

The crime victim support symbol mark

