Chapter 1 Efforts to Recover the Victims' 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)

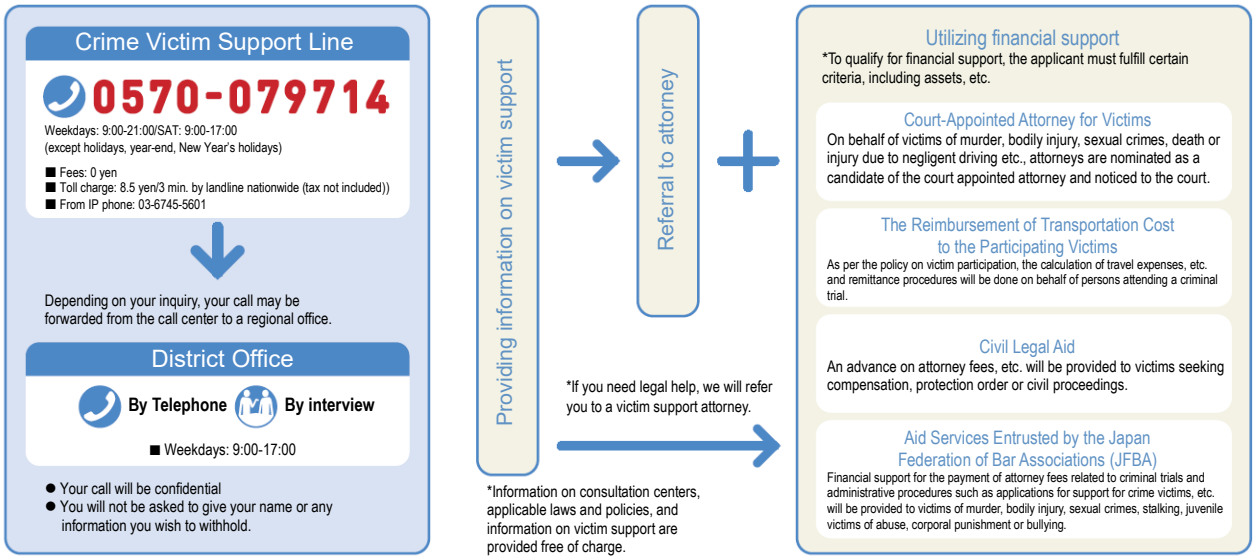
○ Main Efforts

- **Support Provided by the Japan Legal Support Center**

[Policy No. 1*]

Japan Legal Support Center (hereinafter referred to as the "Houterasu") provides Civil Legal Aid Service, in which people who have financial difficulties and meet some criteria such as a standard of their income are provided free legal consultation and, if necessary, provided the interest-free loan for the remuneration of an attorney or a judicial scrivener (see: The Aims and Duties of Houterasu (Civil Legal Aid System) at Houterasu website: https://www.houterasu.or.jp/houterasu_gaiyou/mokuteki_gyoumu/minjihouritsufujo/).

Crime Victim Support Services by Houterasu



If crime victims are unable to bear the financial burden of legal fees, etc. despite their need for legal representation by an attorney, etc. to claim compensation for damages through civil litigation, the said persons may use the Civil Legal Aid System to utilize the interest-free loan on the cost of the relevant legal fees. They may repay the loan in monthly installments, and thereby alleviate their financial burden.

Moreover, even when seeking simple and speedy compensation for damages under the order for compensation for damage system based on the results of criminal proceedings (enforced in December 2008), crime victims may use the Civil Legal Aid System to utilize the interest-free loan on attorney's fees, etc.

Furthermore, since April 2014, the civil legal aid also applies to expenses for counselors who join the victim at the meeting with an attorney to discuss claiming compensation for damage.

- **Enhancement of the Provision of Information on the System of Claiming Compensation for Damages, etc.**

[Policy No. 3]

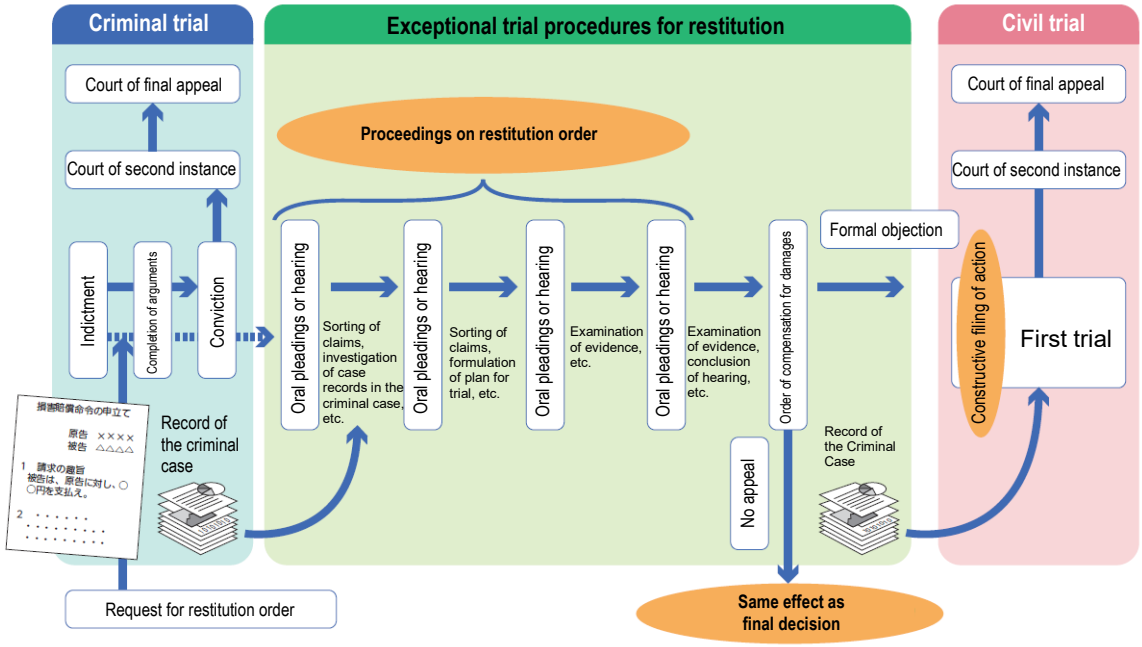
The police may also act in an advisory capacity to inform crime victims about the outlines of the restitution order system based on the "Brochure for Crime Victims."

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

The Ministry of Justice also provides information on the restitution order system through informational pamphlets such as "For Victims of Crime" and the DVD, "If you encounter crime."
Since the introduction of the restitution order system, 3,078 claims were filed by the end of 2019 and 2,994 were concluded; of these, 1,378 claims were upheld, 693 were settled, 394 were terminated, 335 were withdrawn, 127 were acknowledged, 43were dismissed, and 7 were rejected.*

Numerous public prosecutors conduct procedures for the payment of support for the restitution of criminal damages to victims through the confiscation of property and additional collections based on the Act on the Restitution Order System from the Properties of the Accused (Criminal Damages Restitution Assistance Procedures). In 2018, this procedure was initiated in 15 cases, with the total amount of 551,790,000 yen assessed as payable at the issuance of the commencement order.

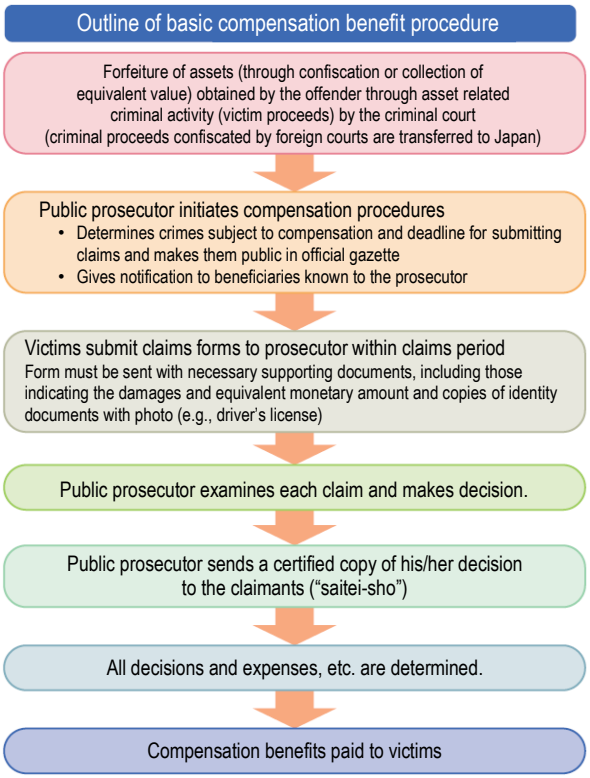
Outline of the Restitution order system



Source: Ministry of Justice

* Source: General Secretariat, Supreme Court of Japan

Damage Recovery Benefit Payment System



* The public prosecutors in charge may delegate part of the procedures to "Victim Compensation Administrator," who is a qualified lawyer.

Source: Ministry of Justice

Status of procedures to issue Remission Payments

	Number of cases on which initiation of procedure was decided	Total amount of remission funds when the initiation of procedure was decided
2013	18	Approx. 146,000,000 yen
2014	15	approx. 254,010,000 yen
2015	13	approx. 83,080,000 yen
2016	8	approx. 97,500,000 yen
2017	16	approx. 389,870,000 yen
2018	15	approx. 551,790,000 yen

- **Investigation on fulfillment of offender's liability of compensation for damages**

[Policy No. 11]

In August 2015, Cabinet Office cooperated with a survey conducted by Japan Federation of Bar Associations in order to grasp the actual condition of damages by perpetrators for crime victims, etc. (for the survey results, refer to National Police Agency website "Measures for Crime Victims, etc." https://www.npa.go.jp/hanzaihigai/sakutei-suisin/kaigi24/index.html)
Meanwhile, regarding general civil execution not specified to crime victims, etc. Partial Amendment on the Civil Execution Act, which includes a new system of obtaining information about the debtor's property from a third party, was enacted in May 2019 and implemented from April 1, 2020 with some exceptions. This revision will force a perpetrator to fulfill the liability for damages

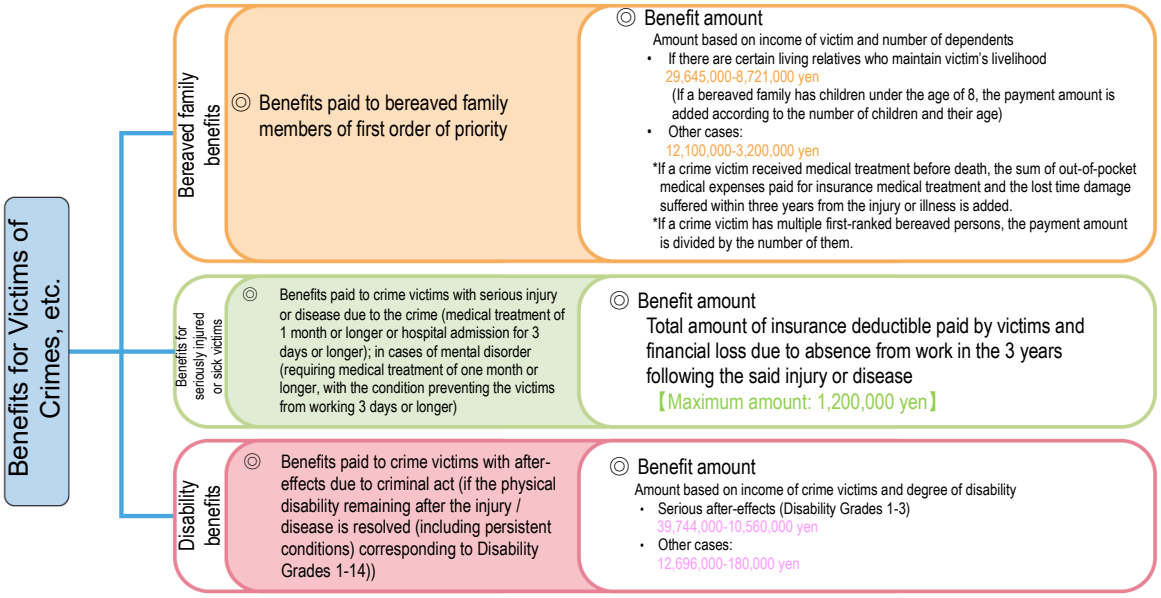
2 Improvement of Systems Concerning the Benefits and other payments (related to Article 13 of the Basic Act)

- **Main Efforts**
  - **Improvement of the Current Benefit System for Crime Victims Practices**

[Policy No. 13]

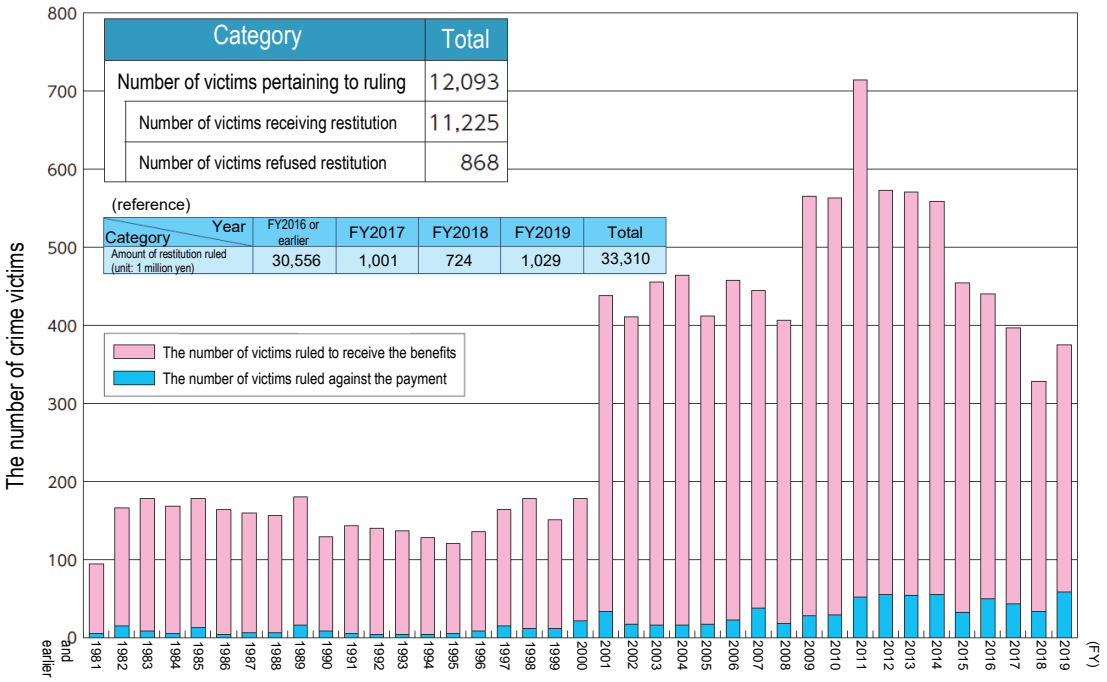
The National Police Agency offers guidance to the prefectural police on matters pertaining to administrative improvements, including actively considering the provisional approval of support payments and expediting rulings, by holding meetings for administrators charged with overseeing the Benefit System for Crime Victims.
While fully disseminating information on the Benefit System for Crime Victims, including the provisional approval of support payments, via informational pamphlets, posters, and websites, the National Police Agency offers thorough instruction to crime victims or the bereaved who may be beneficiaries of the Benefit System for Crime Victims on matters pertaining to their legal rights and procedures under the System.

Benefit System for Crime Victims, etc.



The amount of crime victim benefits awarded in FY2018 and FY2019 was 724,000,000 yen and 1,029,000,000 yen respectively. Furthermore, the average ruling period (the time required from the application to the issuance of the ruling) and the median ruling period was 6.6 months (0.2 months longer than the previous year) and 4.1 months (0.1 months shorter than the previous year), respectively, for FY2018, and 7.8 months (1.2 months longer than the previous year) and 5.3 months (1.2 months longer than the previous year) respectively, for FY2019. The National Police Agency plans to continue offering guidance to the prefectural police on matters pertaining to administrative improvements, including expediting rulings and disseminating full information on the Benefit System for Crime Victims.

Operational status of benefit system for crime victims



- **Reduction of Medical Expenses of Sexual Crime Victims**

[Policy No. 14]

Since 2006, the National Police Agency has been assisting the prefectural police with subsidies for emergency birth control and other treatments (e.g., the cost of an initial examination, medical certificates, tests for sexually transmitted diseases, abortions, etc.), and the prefectural police are aiming to alleviate the psychological and financial burden on sexual crime victims by utilizing the public expenditure system relevant to the said costs. Also, in order to alleviate the burden imposed by criminal proceedings on crime victims who have suffered physical injuries other than those of a sexual nature, the cost of issuing medical certificates, postmortem certificates, as well as the cost of the initial examination are also provided at public expense. The National Police Agency will continue to take measures for budget allocation and provide guidance to the prefectural police in enhancing the content of the services provided to ensure that support using public funds attains, to the greatest degree possible, the same standard nationwide. The National Police Agency will also continue to provide guidance to the prefectural police in their efforts to disseminate effectively information pertaining to the various existing measures for support for crime victims, including the availability of support for the treatment of psychological disorders in sexual crime victims and the Policy on the Benefit System for Crime Victims.

○* The Japan Coast Guard pays by public expenses for the acquisition of any necessary medical certificates and postmortem certificates, in the investigation of crime damages. In addition, travel expenses are also paid by public expenses when crime victims are asked to appear for questioning during an investigation.[1]

- **Reduction of Expenses Burden of Psychotherapies Including Counseling**

[Policy No. 15]

The National Police Agency offers guidance to the prefectural police in securing the placement of a police counsellor with clinical psychology qualifications. The National Police Agency also allocates a budget for the payment of the cost of initial examinations and counselling fees incurred when crime victims have been examined by a psychiatrist or a clinical psychologist of their choice using public funds since FY2016. By July 2018, this policy was adopted nationwide. Further, the National Police Agency has provided guidance to the prefectural police in their efforts disseminate information about this policy while simultaneously aiming to achieve its appropriate implementation based on the policy objectives.

- **Promotion for Local Governments to Adopt Consolation Payment System for Crime Victims**

[Policy No. 17]

The National Police Agency is requesting local governments to adopt a system of consolation payments and loans for living expenses to crime victims at meetings of prefectural/ordinance-designated cities' crime victim policy division secretariats and at workshops targeting local governments. Also, via e-mail magazine on policies for crime victims (an e-mail magazine containing information on the latest, ambitious efforts to promote measures to support crime victims and other useful information which is sent to the relevant ministries, public bodies, and other interested organizations), the National Police Agency is providing updates on the introduction of both policies and other matters. A list of the public bodies which have already introduced the policies as well as the outlines of the policies themselves are available in the white paper on Policies for Crime Victims, etc. and the National Police Agency website under "Basic Resources Related to Measures for Support for Crime Victims in Local Governments" in "Policies for Crime Victims." (https://www.npa.go.jp/hanzaihigai/local/toukei/toukei.html).

As of April 2020, 2 prefectures, 5 cities designated by Cabinet Order (an increase of 1 city in comparison to the previous year) and 303 municipalities (an increase of 59 municipalities in comparison to the previous year) have introduced the system of consolation payments while 3 prefectures and 11 municipalities have introduced the loan system.

- **Economic Support for Crime Victims Who Have Suffered Abroad**

[Policy No. 19]

The National Police Agency has introduced the Policy on the Payment of Condolence Benefits, etc. to Victims of Overseas Crimes based on the Act for Provision of Condolence Money to Victims of Overseas Crimes, enforced in November 2016. The Policy provides financial compensation of a sum of 2 million yen per victim to the family of first order

* 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.

priority (not including persons of non-Japanese nationality with no domicile in Japan) of deceased victims of Japanese nationality (not including the permanent residents outside of Japan; the same applies hereinafter) who have lost their lives due to criminal activities committed outside Japan which were intended to harm the life and physical well-being of persons. A sum of 1 million yen will be provided to the victims of crimes overseas who suffered disabilities equivalent to a Class 1 disability due to the above-mentioned criminal activities. In 2019, the total sum of 10 million yen was slated for payment as Condolence Benefits, etc. to Victims of Overseas Crimes. Each prefectural police publicizes this policy through the distribution of leaflets and posters and gives advices on application procedures if they recognize any victim who is willing to receive the compensation. The Ministry of Foreign Affairs also has made information available on the website of the Ministry and diplomatic missions abroad (https://www.mofa.go.jp/mofaj/ca/jnos/page23_001767.html).

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

○ Main 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 temporary protection to crime victims at Child Guidance Centers, Women's Consulting Offices, Maternal and Child Living Support Facilities which are under contract with Women's Consulting Offices to provide the said service, and privately-run shelters, and is prepared to respond flexibly to the individual circumstances of victims such as female crime victims by lengthening the period of protection.
Previously, temporary protective custody was only possible when the capacity was exceeded, but a female victim in need of protection can be taken into temporary protective custody according to her intention, condition or situation. Thus appropriate and effective protection has been provided since FY2019.
In FY2017, the number of female crime victims, including victims of spousal abuse and human trafficking (including forced sexual services and labors), reached 7,965 (of whom 4,172 required protection and 3,793 were accompanying family members).

Status of temporary protection in Consultation Centers for Married Women

Year needing protection	Women needing temporary protection	Accompanying family members	Total
2011	6,059	5,187	11,246
2012	6,189	5,376	11,565
2013	6,125	5,498	11,623
2014	5,808	5,274	11,082
2015	5,117	4,577	9,694
2016	4,624	4,018	8,642
2017	4,172	3,793	7,965

Source: Ministry of Health, Labour and Welfare

Further, a Child Guidance Center's director may, if deemed necessary in accordance with the Child Welfare Act, provide temporary protection to children, etc. who have suffered abuse. Moreover, as the National Police Agency has clearly stated in the "Temporary Protection Guidelines," in cases in which a child requires immediate protection for his or her own safety, a Child Guidance Center may provide the said temporary protection immediately without the consent of the child's guardians or the child.

- **Securing Temporary Residence Immediately after the Damage and on a Medium-term Basis** **[Policy No. 30]**

The National Police Agency not only requests local governments to make efforts to provide support in securing housing and life support for crime victims starting immediately after their victimization on the occasion of the meetings of prefectural/ordinance-designated cities' crime victim policy division secretariats and workshops targeting local governments, but also disseminates information about the measures being undertaken by local governments via "e-mail magazines on policies for crime victims." As of April 2020, 63 prefectures and ordinance-designated cities and 371 municipalities have taken measures to prioritize housing for crime victims in public housing facilities.

Status of considerations at time of relocation to public housing (as of April 2020)

Local governments (with systems/total number)	Housing without lottery	Easing of housing requirements	Preferential treatment in lottery	Others
Prefectures (46/47)	12	6	34	18
Ordinance-designated Cities (17/20)	5	4	8	10
Municipalities (371/1,721)	87	82	86	196

* Some local governments operate multiple systems
* Number of municipalities not including ordinance-designated cities
* Including all 23 wards in Tokyo

- **Self-reliance Support and Settlement Support for Sexual Crime Victims, etc.**

[Policy No. 31]

Ministry of Health, Labour and Welfare works seriously on “DV Victim Independent Living Support Project” (this was so far implemented as a model program), in order to promote victim’s independence on FY2020 budge. Based on the project, local public bodies and specified NPO running DV shelters integrally provide consulters and sexual crime victims, etc. with advice on daily life, accompaniment support to administrative agencies, home and workplace visit support, etc.

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

○ Main Efforts

- **Disseminating and Enlightening the Leave System for Recovery**

[Policy No. 38]

Workers who have become crime victims may require a leave of absence from work to receive treatments or appear in court. However, there is currently little awareness concerning the policy on leave of absence from work for recovery from a crime.

To promote awareness of the damage recovery leave system among companies and employees, Ministry of Health, Labour and Welfare shows the purpose of the system and its introduction method in its website (https://work-holiday.mhlw.go.jp/kyuukaseido/), and prepares leaflets to disseminate it in cooperation with related administrations, Economic organizations and labor organizations.

Pamphlet on leave system for recovery

Source: Ministry of Health, Labour and Welfare