

# Basic Act on Crime Victims

(Act No. 161 of December 8, 2004)

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To realize a safe, livable and peaceful society is the wish of all citizens and the obligation of the State, and thus, tireless efforts have continuously been made to prevent Crimes in Japan.

However, there has been an increase in the number of Crimes committed in recent years with the rights and privileges of Crime Victims not being well respected and represented, and as such, is often isolated in society due to the lack of support they receive. Furthermore, many victims often suffer from secondary stress, initially caused by said Crimes.

Naturally, perpetrators must bear responsibility for the suffering they have caused their victims. However, we too, are also responsible for Crime prevention to maintain a society where citizens can live safely and at peace. It is therefore important we listen to Crime Victims opinions. As everyone in society is vulnerable to becoming a Crime Victim, policies from the viewpoints of Crime Victims are required. These steps must be taken into account to realize a society where the Crime Victims' interests and well-being are protected.

This Act is therefore established in order to clarify the Basic Principles of the measures for Crime Victims and its vision, and to promote the measures for Crime Victims comprehensively and systematically through cooperation between the State, local governments, and other related organizations, and private entities.

## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote the measures for Crime Victims

comprehensively and systematically, and to protect the Crime Victims' rights and interests, by clarifying the Basic Principles, specifying the responsibilities of the State, local governments, and fellow citizens, and defining contents that will be the foundation for the Measures for Crime Victims.

(Definition)

- Article 2 (1) The term "Crimes" as used in this Act will mean Crimes and equivalent acts that have caused emotional or physical harm to the victim.
- (2) The term "Crime Victims" as used in this Act will mean persons, family or bereaved family who have suffered damages from these Crimes.
- (3) The term "Measures for Crime Victims" as used in this Act will mean the process to provide Crime Victims with the proper help and care in order for them to fully alleviate and recover from the suffering they have incurred, and for them to participate in the process in order to restore their normal life again.

(Basic Principles)

- Article 3 (1) All Crime Victims' individual dignity will be respected and the appropriate measures of treatment will be taken accordingly.
- (2) The Measures for Crime Victims are to consider the cause and circumstances of the crime, and take appropriate action according to the Crime Victims' situation and other external factors.
- (3) The Measures for Crime Victims are to begin from the time the Crime Victims receive the necessary support right after the Crime, until they restore their normal life again.

(Responsibilities of the State)

Article 4 The State is to be responsible for comprehensively formulating and implementing Measures for Crime Victims in line with the Basic Principles described in the preceding Article (referred to as "Basic Principles" in the next Article).

(Responsibilities of local governments)

Article 5 Local governments are responsible for formulating and implementing these measures considered in accordance with the area of the local government, in line with the Basic Principles, with the roles divided appropriately within the State.

(Responsibilities of citizens)

Article 6 Citizens must be considerate of the Crime Victims' situation, not to dishonor or disturb their peaceful life, and cooperate with the Measures for Crime Victims implemented by the State and local governments.

(Cooperation)

Article 7 The State, local governments, other related organizations such as the Japan Legal Support Center (the Japan Legal Support Center provided in Article 13 of the Comprehensive Legal Support Act (Act No. 74 of 2004)), and other related parties such as private entities that provide support to Crime Victims must cooperate with one another for smooth implementation of the Measures for Crime Victims.

(Basic Plan for Crime Victims)

- Article 8 (1) The Government must establish a Basic Plan concerning the Measures for Crime Victims (hereinafter referred to as the "Basic Plan for Crime Victims"), in order to promote the Measures for Crime Victims comprehensively and systematically.
- (2) The Basic Plan for Crime Victims is to cover the following particulars.
- (i) Outline the comprehensive policy of Measures for Crime Victims that will be provided over a long-term basis.
  - (ii) In addition to what was listed in the preceding items, the following are additional particulars necessary to comprehensively and systematically promote the Measures for Crime Victims.
- (3) The Prime Minister must seek a cabinet decision on a draft of the Basic Plan for Crime Victims.
- (4) When a cabinet decision is made under the preceding paragraph, the Prime Minister must publicly announce the Basic Plan for Crime Victims without delay.
- (5) The provisions of the preceding two paragraphs are to apply mutatis mutandis to the changes of the Basic Plan for Crime Victims.

(Legislative Measures, etc.)

Article 9 The Government must take necessary legislative, financial, and any additional measures to obtain this Act.

(Annual Reports)

Article 10 The Government must submit reports on the Measures for Crime Victims discussed by the Government to the Diet every year.

## **Chapter II Basic Measures**

(Consultation and Provision of Information, etc.)

Article 11 The State and local governments are to take the necessary measures to provide counselling to Crime Victims for every problem they encounter, offer

necessary information and advice, while introducing a person who specializes in helping Crime Victims, in order for them to assimilate, and allow them back to leading a normal life in society again.

(Support with regard to Claims for Damages, etc.)

Article 12 The State and local governments are to take the necessary measures to help Crime Victims when they go to claim for damages, assisting in the expansion of the system for organic coordination with criminal procedures jeopardizing their safety, in order to ensure a smooth and efficient process of claims for damages.

(Improvement of Systems concerning Payment of Benefits, etc.)

Article 13 The State and local governments are to take the necessary measures to improve the system for how Crime Victims receive payments, in order for Crime Victims to alleviate their economic hardship incurred from the Crimes.

(Provision of Healthcare Services and Welfare Services)

Article 14 The State and local governments are to take the necessary measures to provide Crime Victims with appropriate healthcare, and welfare services according to their mental and physical conditions, in order for Crime Victims to recover from psychological, mental, and physical trauma incurred from the Crimes.

(Securing Safety)

Article 15 The State and local governments are to take necessary measures to take Crime Victims into temporary protective custody, provide accommodation in facilities for protection, and guide them on Crime prevention, with special arrangements made when they are involved with criminal procedures jeopardizing their safety as a witness, and appropriate handling of their personal information ensured, in order for Crime Victims to prevent Crime Victims from being vulnerable in the future, while securing their safety.

(Stabilization of Residence)

Article 16 The State and local governments are to take the necessary measures to give Crime Victims special consideration when moving into public housing (public housing provided in Article 2, item (ii) of the Act on Public Housing (Act No. 193 of 1951), in order to stabilize residence for Crime Victims who have difficulties in continuing to live in their prior housing due to Crimes.

(Stabilization of Employment)

Article 17 The State and local governments are to take the necessary measures

to inform employers to obtain understanding of the current situation of Crime Victims, in order for them to receive stable working conditions.

(Development of the System to Expand Opportunities to Participate in Criminal Procedures, etc.)

Article 18 The State and local governments are to take the necessary measures to provide information concerning the progress of criminal procedures, and develop a system that actively expands opportunities for Crime Victims to participate in them.

(Consideration in the Process of Protection, Investigation and Trial, etc.)

Article 19 In order to alleviate the stress and burden of Crime Victims during the process of protection, investigation, and trial to Crime Victims, with consideration to the human rights such as restoring peace in their life while keeping their honor in mind, the State and local governments will take the necessary measures to conduct the training and education to gain a better understanding of Crime Victims' situation and circumstances, while providing professional experts or trained workers with experience on Crime Victims as well as facilities,

(Promoting Public Understanding)

Article 20 The State and local governments are to take the necessary measures to educate the public on better understanding Crime Victims through education and Personal Relation activities, and the importance of restoring peace in their life while keeping their honor in mind.

(Promotion of Research Studies, etc.)

Article 21 In order to provide the appropriate aid to Crime Victims through the use of expert knowledge, the State and local governments are to take the necessary measures in facilitating research and study on psychological trauma and other mental and physical effects that Crime Victims suffered due to these Crimes, and the method in order to recover the Crime Victims mental and physical health, while collecting, sorting, and utilizing data from domestic and foreign sources, and providing training and enhancement of the skills of current qualified professionals who work with Crime Victims.

(Aid for Private Entities)

Article 22 In view of the importance of roles private entities play in providing various kinds of support to Crime Victims, the State and local governments are encouraged to take necessary measures to offer information and introduce financial and tax measures in order to promote support activities by private

entities.

(Reflecting on Opinions and Securing Transparency)

Article 23 The State and local governments are to take the necessary measures to develop a system to reflect the Crime Victims' opinions in the Measures for Crime Victims and secure transparency during the process of establishing these measures, in order to contribute to the proper establishment and implementation.

### **Chapter III Council for the Promotion of Policies for Crime Victims.**

(Establishment and Affairs under the Jurisdiction)

Article 24 (1) The Council for the Promotion of Policies for Crime Victims (hereinafter referred to as the "Council") will be established as a special organization in the Cabinet Office.

(2) The Council covers the following affairs:

(i) Creating a draft of the Basic Plan for Crime Victims

(ii) In addition to what is listed in the preceding items, discussing important particulars concerning the Measures for Crime Victims, as well as promotion, observation, assessment monitoring, and any opinions with respect to the status of the measures will be brought to the relevant administrative organs.

(Organization)

Article 25 The Council will consist of a chairperson and 10 or less members.

(Chairperson)

Article 26 (1) The Chief Cabinet Secretary will serve as chairperson.

(2) The Chairperson will comprehensively administrate council affairs.

(3) In the event that the chairperson is in an accident, a previously designated member will substitute for the chairperson.

(Members)

Article 27 (1) The following persons will serve as members of the Council.

(i) Ministers of State, other than the Chief Cabinet Secretary, who is designated by the Prime Minister

(ii) Persons with insight on support for Crime Victims who is appointed by the Prime Minister

(2) Members described in item (ii) of the preceding paragraph will serve on a part-time basis.

(Term of Office for Members)

Article 28 (1) The term of office for members described in paragraph (1), item (ii) of the preceding Article will be two years. However, alternates will serve the remainder of their predecessors' term.

(2) Members described in paragraph (1), item (ii) of the preceding Article can be reappointed.

(Request for Submitting Documents, etc.)

Article 29 (1) The Council will be able to request the chiefs of related administrative organs to submit documents, expound opinions, make explanations, or offer other input, when acknowledged as necessary for pursuing affairs under its jurisdiction.

(2) The Council will be able to request to persons other than those stipulated in the preceding paragraph to offer necessary cooperation, when acknowledged as necessary for pursuing affairs under its jurisdiction.

(Delegation to Cabinet Order)

Article 30 Necessary particulars on the organization and operation of the Council other than those that are defined in this chapter will be defined by Cabinet Order.

### **Supplementary Provisions [Act No. 161 of December 8, 2004] [Extract]**

(Effective Date)

Article 1 This Act comes into force as of the day defined by Cabinet Order within six months from the day of promulgation.