

# Basic Act on Crime Victims

(Act No. 161 of December 8, 2004)

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Preamble

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Realizing a society where citizens can live safely in peace is a wish for all the citizens and an important responsibility of the State. Persistent efforts to prevent Crimes have been continuously made in Japan.

However, there have occurred various kinds of Crimes unceasingly in recent years, and most Crime Victims, whose rights have not been respected, have been isolated in society without receiving sufficient support. Many of them often suffer from not only direct harm caused by Crimes but also additional harm that arises afterwards.

The primary responsibility for harm caused by Crimes should be borne by perpetrators. However, we, who are responsible for preventing Crimes and securing a society where citizens can live safely in peace, should also listen to Crime Victims. Now that everybody has a higher probability to become a Crime Victim, it is required to make policies from the Crime Victims' viewpoints, and to make a step forward to realize a society where their rights and profits are well protected.

Clarifying the Basic Principles of the measures for Crime Victims and indicating its direction, we here establish this Act to promote the measures for Crime Victims comprehensively and systematically, with 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, by providing the Basic Principles of the

measures for Crime Victims, clarifying the responsibilities of the State, Local governments, and the citizens, and defining matters that will be a base of the measures for Crime Victims, to promote the measures for Crime Victims comprehensively and systematically, and thereby to protect their rights and profits.

(Definition)

Article 2 (1) The term, "Crimes" as used in this Act shall mean Crimes and equivalent acts that have harmful influence on mind and body.

(2) The term, "Crime Victims" as used in this Act shall mean persons who were damaged by Crimes and their family or their bereaved family.

(3) The term, "Measures for Crime Victims" as used in this Act shall mean measures to support Crime Victims in recovering from or alleviating their harm to restore their peaceful life again, and to get involved in criminal procedures related to their harm in a proper way.

(Basic Principles)

Article 3 (1) All Crime Victims shall have rights to be respected for their individual dignity and be assured of treatment appropriate for their individual dignity.

(2) The Measures for Crime Victims shall be taken properly according to the situation and reasons of the harm, the situation in which Crime Victims are in, and other circumstances.

(3) The Measures for Crime Victims shall be taken so that Crime Victims may receive necessary support continuously from the time they receive harm until they restore their peaceful life again.

(Responsibilities of the State)

Article 4 The State shall be responsible for comprehensively formulating and implementing measures for Crime Victims in conformity 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 shall be responsible for formulating and implementing the measures with regard to support for Crime Victims, according to the situation of their area, based on the appropriate division of roles with the State, in conformity with the Basic Principles.

(Responsibilities of citizens)

Article 6 Citizens shall give sufficient consideration not to harm Crime Victims'

honor or peace in life, and cooperate with the measures for Crime Victims conducted 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 stipulated in Article 13 of the Act on General Law Support (Act No. 74 of 2004)), and other related parties such as private entities that provide support for Crime Victims shall cooperate with one another for smooth implementation of the measures for Crime Victims.

(Basic Plan for Crime Victims)

Article 8 (1) The Government shall 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 shall cover the following matters:

(i) Outline of the Measures for Crime Victims that shall be taken comprehensively on a long-term basis

(ii) In addition to what is listed in the preceding item, other matters necessary to promote the Measures for Crime Victims comprehensively and systematically

(3) The Prime Minister shall 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 shall publicly announce the Basic Plan for Crime Victims without delay.

(5) The provisions of the preceding two paragraphs shall apply mutatis mutandis to changes of the Basic Plan for Crime Victims.

(Legislative Measures, etc.)

Article 9 The Government shall take necessary legislative, financial, and other measures to attain the purpose of this Act.

(Annual Reports)

Article 10 The Government shall submit reports on the Measures for Crime Victims taken 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 shall take such necessary measures as giving counsel to Crime Victims on every problem they confront, offering them necessary information and advice, and introducing a person specializing in support for Crime Victims, so that Crime Victims may lead a smooth daily life or social life.

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

Article 12 The State and Local governments shall take such necessary measures as helping Crime Victims claim for damages and expanding the system for organic linkage between the claims for damages and criminal procedures concerning the harm, in order to realize claims for damages caused by Crimes in a proper and smooth way.

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

Article 13 The State and Local governments shall take such necessary measures as improving systems concerning payment of benefits for Crime Victims, in order to alleviate the economic burdens caused by harm that Crime Victims suffered from.

(Provision of Healthcare Services and Welfare Services)

Article 14 The State and Local governments shall take necessary measures to provide Crime Victims with appropriate healthcare services and welfare services according to their mental and physical conditions, so that Crime Victims may recover from psychological trauma and other mental and physical influences they had received from Crimes.

(Securing Safety)

Article 15 The State and Local governments shall take such necessary measures as taking Crime Victims into protective custody temporarily, accommodating them in facilities for protection, giving them guidance on Crime prevention, providing them with special arrangements when they get involved in criminal procedures concerning the harm as a witness, and ensuring appropriate handling of their personal information, in order to prevent Crime Victims from receiving harm again from further Crimes and to secure their safety.

(Stabilization of Residence)

Article 16 The State and Local governments shall take such necessary measures as giving Crime Victims special consideration for moving into public housing (public housing stipulated in Article 2, item 2 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 shall take such necessary measures as asking for the understanding of employers on the present conditions of Crime Victims in order to stabilize the employment of Crime Victims.

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

Article 18 The State and Local governments shall take such necessary measures as providing information concerning the progress of criminal procedures and developing a system to expand opportunities to participate in criminal procedures, so that Crime Victims may get involved in criminal procedures concerning the harm in a proper way.

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

Article 19 The State and Local governments shall take such necessary measures as training and enlightening people to deeply understand Crime Victims' mental and physical conditions and their surroundings, deploying staff with expertise and skills, and developing necessary facilities, so that people may pay sufficient consideration to the honor, peace in life and other human rights of Crime Victims, to alleviate their burdens in the process of their protection, investigation and trial of the criminal case concerning the harm.

(Fostering Understanding of Citizens)

Article 20 The State and Local governments shall take necessary measures to deepen citizens' understanding on Crime Victims' present conditions and the importance of giving consideration to their honor and peace in life through educational and PR activities.

(Promotion of Research Studies, etc.)

Article 21 The State and Local governments shall take such necessary measures as promoting research studies on psychological trauma and other mental and physical influences that Crime Victims receive from Crimes and methods to restore their mental and physical health, collecting, organizing and utilizing domestic and foreign information, and cultivating human resources concerning support for Crime Victims and enhancing their qualifications, so that appropriate support based on professional expertise may be provided for Crime Victims.

(Aid for Private Entities)

Article 22 In view of the importance of roles that private entities play in

providing many kinds of support for Crime Victims, the State and Local governments shall take such necessary measures as introducing financial and tax measures and providing information, in order to promote support activities by private entities.

(Reflecting Opinions and Securing Transparency)

Article 23 The State and Local governments shall take such necessary measures as developing a system to reflect Crime Victims' opinions in the measures for Crime Victims and secure transparency of the process of establishing relevant measures, in order to contribute to proper establishment and implementation of the measures.

### **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") shall be established as a special organization in the Cabinet Office.

(2) The Council shall cover the following affairs:

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

(ii) In addition to what is listed in the preceding item, deliberating important matters concerning the Measures for Crime Victims, promoting implementation of the measures, and verifying, assessing and monitoring the situation of implementation

(Organization)

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

(Chairperson)

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

(2) The Chairperson shall comprehensively administrate council affairs.

(3) In the case of an accident happening to the chairperson, a previously designated member shall substitute for the chairperson.

(Members)

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

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

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

(2) Members described in item (ii) of the preceding paragraph shall be part-time.

(Term of Office for Members)

Article 28 (1) The term of office for members described in item (ii) of paragraph (1) of the preceding Article shall be two years. The term of office for an alternate shall be the remaining term for such predecessor.

(2) Members described in item (ii) of paragraph (1) of the preceding Article shall be able to be reappointed.

(Request for Submitting Documents, etc.)

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

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

(Authorization by Cabinet Order)

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

### **Supplementary Provisions**

(Effective Date)

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