

# Outline of the Act Partially Amending the Comprehensive Legal Support Act

January 2024 Judicial System Department, Minister's Secretariat, Ministry of Justice

## Current support services for victims and their families provided by the Japan Legal Support Center (JLSC) (Article 30, paragraph (1) of the Comprehensive Legal Support Act)

### ● Civil Legal Aid Services (item (ii))

Only persons who lack financial means are eligible.

The services of this type the JLSC offers are limited to arranging for legal consultations and paying the attorney fees and other costs needed to prepare for and pursue civil, family, and administrative court proceedings in the form of a loan.

### ● Legal Consultation Services to Prevent Further Damage from Spousal Violence, Stalking, and Child Abuse (item (v))

Only victims of spousal violence, stalking, and child abuse are eligible; the only service of this type the JLSC offers is arranging for legal consultations.

### ● Providing Information on the Assistance Offered to Victims and Their Families (item (viii))

The services of this type the JLSC offers are limited to providing information concerning systems for supporting victims and their families and providing information concerning support organizations and other persons.

Eligibility and services are **limited**

Victims and their families need **comprehensive and continuous support** from an early stage

## This amendment creates an attorney-based victim support system

### Service Content

#### The amendment adds to the JLSC's services

- In order to allow victims and their families to deal with criminal proceedings appropriately and to help them recover from the damage or alleviate the pain they have suffered, the JLSC's services will be increased to include:
  1. arranging for **the needed legal consultations**; and
  2. having contract attorneys and other legal services provider handle **the needed legal services** and **associated services**.

#### Examples of needed legal services

- Preparing and submitting a damage report or first-hand crime report
- Negotiating a settlement with the injuring party
- Providing representation in an action for damages
- Applying for the Crime Victims Benefit

#### Examples of associated services

- Going with victims and their families to the authorities, to court, or to an administrative agency
- Accompanying victims and their families at the trial
- Helping victims and their families get the appropriate support from related organizations
- Responding to news organizations

\* *victims and their families*: "persons who have sustained an injury due to a crime or their spouses, lineal relatives, or siblings, if such a person has died or suffered serious physical or mental harm" (Article 6 of the Comprehensive Legal Support Act)

### Eligible Victims and Family Members

(1) Victims of the following crimes or attempts at the following crimes, and their families:

#### 1. **a crime constituting an intentional, criminal act resulting in a person's death**

- Homicide (Article 199 of the Penal Code), injury causing death (Article 205 of the Penal Code), dangerous driving causing death (Articles 2 and 3 of the Act on Punishment of Acts Inflicting Death or Injury on Others by Driving a Motor Vehicle, etc.), and other crimes

#### 2. **specific sex crimes** under the Penal Code and **crimes whose constituent criminal acts include a criminal act that constitutes such a sex crime** (other than crimes stated in 1. above).

- Indecent assault (Article 176 of the Penal Code), penetrative sexual assault (Article 177 of the Penal Code), penetrative sexual assault causing injury (Article 181, paragraph (2) of the Penal Code), and other crimes

(2) Victims of the criminal acts specified by Cabinet Order as **crimes that harm a person's life, body, or mind** (other than crimes prescribed in (1), above), who have suffered damage to the extent specified by Cabinet Order, and these victims' families.

(\* Victims of criminal acts occurring after the effective date of the amended Act and their families constitute the eligible victims and family members referred to in (1) and (2).)

### Financial Means Requirements

- It is likely that the victim's or family's payment of the expenses needed to prepare for or pursue proceedings so that they will be able to deal with criminal proceedings appropriately or to prepare for or pursue litigation or other proceedings so that they will be able to recover from the damage or alleviate the pain they have suffered **will make it difficult for them to maintain their standard of living**.

### Effective Date

- Date specified by Cabinet Order within 2 years from the date of its promulgation

## 法テラスによる現行の被害者等に対する援助業務（総合法律支援法第30条第1項）

### ○ 民事法律扶助業務（第2号）

対象は資力のない者に限定

内容は法律相談、民事裁判等手続の準備・追行に必要な弁護士費用等の立替えに限定

### ○ DV・ストーカー・児童虐待による被害の防止に関する法律相談援助業務（第5号）

対象はDV・ストーカー・児童虐待の被害者に限定、内容は法律相談に限定

### ○ 被害者等の援助に関する情報提供業務（第8号）

内容は被害者等の援助制度や援助団体等に関する一般的な情報提供に限定

援助対象・内容が  
限定的

犯罪被害者等を早期の段階から**包括的・継続的に援助**する必要

## 犯罪被害者等支援弁護士制度の創設

### 業務内容

法テラスの業務に以下の業務を追加

- 被害者等の刑事手続への適切な関与又は損害・苦痛の回復・軽減を図るために
  - ① **必要な法律相談**を実施すること
  - ② 契約弁護士等にこれらに**必要な法律事務**及び**これに付随する事務**を取り扱わせること

#### 必要な法律事務の例

- ・被害届や告訴状の作成・提出
- ・加害者側との示談交渉
- ・損害賠償請求等訴訟における訴訟代理
- ・犯罪被害者等給付金の申請手続 等

#### 付随する事務の例

- ・捜査機関・裁判所・行政機関等への同行
- ・裁判傍聴の付添い
- ・関係団体による適切な支援を受けるための援助
- ・報道機関への対応 等

※「被害者等」…「犯罪により害を被った者又はその者が死亡した場合若しくはその心身に重大な故障がある場合におけるその配偶者、直系の親族若しくは兄弟姉妹」（総合法律支援法第6条）

### 対象被害者等

- (1) 次に掲げる罪又はその未遂罪の被害者等
  - ① **故意の犯罪行為により人を死亡させた罪**
    - ・殺人（刑法第199条）、傷害致死（刑法第205条）、危険運転致死（自動車運転死傷処罰法第2条、第3条）等
  - ② 刑法における**一定の性犯罪**又はその犯罪行為に**これら性犯罪の犯罪行為を含む罪**（①に掲げる罪を除く。）
    - ・不同意わいせつ（刑法第176条）、不同意性交等（刑法第177条）、不同意性交等致傷（刑法第181条第2項）等
- (2) **人の生命又は心身に被害を及ぼす罪**として政令で定めるもの（(1)に規定する罪を除く。）の犯罪行為により被害者が政令で定める程度の被害を受けた場合における当該犯罪行為の被害者等  
(※ (1)・(2)について、改正法施行日後の犯罪行為の被害者等が対象)

### 資力要件

- 刑事手続への適切な関与又は損害・苦痛の回復・軽減を図るための訴訟その他の手続の準備・追行に必要な費用の支払により**その生活の維持が困難となるおそれ**があること

### 施行期日

- 公布後2年以内で政令で定める日