

# Basic Act on Crime Victims

(Act No. 161 of December 8, 2004)

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The realization of a society that is safe and secure is the wish of every citizen and, at the same time, an obligation of the State. Therefore, Japan has made tireless efforts to prevent crimes, etc.

However, there has been an increase in the number of crimes, etc. committed in recent years, and not only the rights of crime victims, etc. victimized by these crimes have not been respected, but also the victimized have been unable to receive enough support and forced to isolate themselves from society. Furthermore, many of the victimized not only suffer a direct damage, but also a secondary damage after it.

Naturally, the person who must bear the responsibility for the damage caused by the crime, etc. is the perpetrator. However, we that have the duty of preventing crime, etc. and realizing a society that is safe and secure must also listen to the voice of crime victims, etc. As every citizen is susceptible to becoming a crime victim, etc., and the chances of that happening have increased, more than ever we need to create policies from the viewpoint of crime victims, etc. taking another step forward to realizing a society where they have their interests and rights protected.

This Act is therefore established in order to indicate the direction that policies for crime victims, etc. should take clarifying their basic principles, and to promote policies for crime victims, etc. in a comprehensive and planned manner through coordination among the State, local governments and other related organizations, and private bodies, etc.

## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to promote policies for crime victims, etc. in a comprehensive and planned manner, and to protect the interests and rights of crime victims, etc., by establishing basic principles, clarifying the responsibilities of the State, local governments, and citizens, and providing for basic matters relating to policies for crime victims, etc.

(Definition)

Article 2 (1) The term "crimes, etc." as used in this Act means crimes and equivalent acts that have caused emotional or physical harm.

(2) The term "crime victims, etc." as used in this Act means persons, families or bereaved families that have suffered damages from crimes, etc.

(3) The term "policies for crime victims, etc." as used in this Act means policies for assisting crime victims, etc. in recovering from or alleviating the damage they have incurred and in restoring their normal life and for enabling them to participate in the criminal proceedings pertaining to their damage in an appropriate manner.

(Basic Principles)

Article 3 (1) All crime victims, etc. have the right to have their individual dignity respected and the right to receive a treatment that is appropriate for that dignity.

(2) Policies for crime victims, etc. are to be formulated so that they are tailored to the cause and situation of the damage, the situation of crime victims, etc. and other relevant factors.

(3) Policies for crime victims, etc. are to be formulated so that crime victims, etc. are able to continuously receive the necessary support, etc., from the time they incurred the damage until they restore their normal life.

(Responsibilities of the State)

Article 4 In accordance with the basic principles under the preceding Article (referred to as "basic principles" in the next Article), the State is responsible for comprehensively formulating and implementing policies for crime victims, etc.

(Responsibilities of local governments)

Article 5 In accordance with the basic principles and in consideration of appropriate role sharing with the State, local governments are responsible for the formulation and implementation of policies tailored to the situation of the area of the local government for assisting crime victims, etc.

(Responsibilities of citizens)

Article 6 Citizens must endeavor to be careful neither to disturb the peace of the lives nor damage the reputation of crime victims, etc., and cooperate with the policies for crime victims, etc. implemented by the State and local governments.

(Cooperation)

Article 7 The State, local governments, the Japan Legal Support Center (meaning the Japan Legal Support Center under Article 13 of the Comprehensive Legal Support Act (Act No. 74 of 2004)) and other related bodies, and private bodies that provide support to crime victims, etc. and other related persons must mutually cooperate for smooth implementation of policies for crime victims, etc.

(Basic Plan for Crime Victims, etc.)

Article 8 (1) The Government must establish a basic plan concerning policies for crime victims, etc. (hereinafter referred to as the "basic plan for crime victims, etc."), in order to promote policies for crime victims, etc. in a comprehensive and planned manner.

- (2) The basic plan for crime victims, etc. is to cover the following matters:
- (i) outline of the policies for crime victims, etc. that is to be formulated in a comprehensive manner and on a long-term basis; and
  - (ii) beyond what is set forth in the preceding item, other matters that are necessary to promote policies for crime victims, etc. in a comprehensive and planned manner.
- (3) The Prime Minister must seek a cabinet decision on a draft of the basic plan for crime victims, etc.
- (4) When the cabinet decision under the preceding paragraph is made, the Prime Minister must publicly announce the basic plan for crime victims, etc. without delay.
- (5) The provisions of the preceding two paragraphs apply mutatis mutandis to changes to the basic plan for crime victims, etc.

(Legislative Measures)

Article 9 The Government must take the necessary legislative, financial, or other measures for achieving the purposes of this Act.

(Annual Reports)

Article 10 The Government must submit reports on the policies for crime victims, etc. formulated by the Government to the Diet every year.

## **Chapter II Basic Policies**

(Consultation and Provision of Information)

Article 11 The State and local governments are to take the necessary measures to provide counseling to crime victims, etc. for the variety of problems that they encounter, offer the necessary information and advice, introduce a person that is specialized in helping crime victims, etc. in order to allow them back to their routine and social life.

(Support with regard to Claims for Damages)

Article 12 The State and local governments are to take the necessary measures to assist crime victims, etc. with their claims for compensation for damages, expand the system for coordinating in an organized manner the claim for compensation for the damages with the criminal procedures pertaining to these damages, etc. in order to ensure a smooth and efficient process of claims for damages caused by crimes, etc.

(Improvement of Systems concerning Payment of Benefits)

Article 13 The State and local governments are to take the necessary measures to improve the system relating to the payment of benefits for crime victims, etc. in order to alleviate the economic burden of the damages incurred by crime victims, etc.

(Provision of Healthcare Services and Welfare Services)

Article 14 The State and local governments are to take the necessary measures to provide crime victims, etc. with appropriate healthcare and welfare services tailored to their mental and physical conditions, etc. in order for crime victims, etc. to recover from psychological trauma and other adverse mental or physical effects incurred from crimes, etc.

(Securing Safety)

Article 15 The State and local governments are to take necessary measures to protect crime victims, etc. through temporary protective custody or admission to a facility, advise them on crime prevention, take special measures when they participate in the criminal procedures pertaining to their damages as a witness, etc., ensure that their personal information is appropriately handled, etc. in order to secure the safety of crime victims, etc. by preventing them from being victimized by any other crimes, etc.

(Stabilization of Residence)

Article 16 The State and local governments are to take the necessary measures to give crime victims, etc. special consideration when moving into public

housing (meaning the public housing under Article 2, item (ii) of the Act on Public Housing (Act No. 193 of 1951)), in order to ensure housing stability crime victims, etc. that have difficulties in continuing to live in their prior house due to crimes, etc.

(Employment Stability)

Article 17 The State and local governments are to take the necessary measures to improve the understanding companies have of the situation of crime victims, etc. in order to ensure employment stability for crime victims, etc.

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

Article 18 The State and local governments are to take the necessary measures to provide information concerning the progress of the criminal procedure, establish a system for increasing opportunities for crime victims, etc. to participate in the criminal procedure, etc. in order to allow crime victims, etc. to participate in the criminal procedure pertaining to their damages.

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

Article 19 In order to lighten the burden of crime victims, etc., and to ensure that enough consideration is given to the reputation, peace in life and other human rights of crime victims, etc. during their protective custody, the investigation, or the trial pertaining to their damages, the State and local governments are to take the necessary measures to conduct the training and education for improving the understanding of the mental and physical situation of crime victims, etc. and the environment they find themselves in, provide officials with expert knowledge and experience, provide the necessary facilities, etc.

(Promoting Public Citizens' Understanding)

Article 20 The State and local governments are to take the necessary measures to improve the public understanding of the situation of crime victims, etc. of the importance of respecting their reputation or peace in life, etc. through educational and public relations activities.

(Promotion of Research Studies)

Article 21 In order to make it possible to provide the appropriate aid to crime victims, etc. based on expert knowledge, the State and local governments are to take the necessary measures to promote research and study on psychological trauma and other adverse mental and physical effects that crime victims, etc. suffered due to crimes, etc., and methods to recover the mental and physical

health of crime victims, etc., to collect, organize, and put data from domestic and foreign sources to use, to train and improve the skills of professionals that work with crime victims, etc.

(Assistance for Private Bodies)

Article 22 In view of the importance of the role of private bodies that provide support to crime victims, etc. play in providing the various kinds of support to crime victims, etc., the State and local governments are to take the necessary measures, as financial and tax measures, provision of information, etc., in order to promote their activities.

(Reflecting on Opinions and Securing Transparency)

Article 23 The State and local governments are to take the necessary measures to establish a system in which the opinions of crime victims, etc. are taken into consideration in policies and that ensures transparency of the process of formulation of policies, etc. in order to contribute to the proper establishment and implementation of policies for crime victims, etc.

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

(Establishment and Functions under Jurisdiction)

Article 24 (1) The council for the promotion of policies for crime victims (hereinafter referred to as the "council") is established as a special organization of the Cabinet Office.

(2) The council takes charge of the following affairs:

- (i) creating a draft of the basic plan for crime victims, etc.; and
- (ii) beyond what is set forth in the preceding item, discussing important particulars concerning policies for crime victims, etc., as well as promoting the implementation of policies for crime victims, etc., inspecting, assessing and monitoring their status of implementation, and expressing opinions on the structure of the policies to the relevant administrative organs.

(Organization)

Article 25 The council consists of a chairperson and 10 or less members.

(Chairperson)

Article 26 (1) The Prime Minister serves as chairperson.

(2) The chairperson presides over council affairs.

(3) If the chairperson has suffered an accident, a member that is appointed in advance substitutes for the chairperson.

(Members)

Article 27 (1) The following persons serve as members of the council:

- (i) the Chairperson of the National Public Safety Commission;
- (ii) Ministers of State, other than the Chairperson of the National Public Safety Commission, who is designated by the Prime Minister; and
- (iii) persons with expert knowledge on support for crime victims, etc. that are appointed by the Prime Minister.

(2) Members under item (iii) of the preceding paragraph serve on a part-time basis.

(Term of Office for Members)

Article 28 (1) The term of office of a member under paragraph (1), item (iii) of the preceding Article is two years. A substitute member holds office during the remaining term of the predecessor.

(2) A member under paragraph (1), item (iii) of the preceding Article may be reappointed.

(Request for Submitting Documents)

Article 29 (1) If the council finds it necessary for pursuing the function under its jurisdiction, the council may request the chiefs of the administrative organs concerned to submit documents, express their opinions, proffer explanations, or assist in any other way.

(2) If the council finds it necessary for pursuing the function under its jurisdiction, the council may request persons other than those under the preceding paragraph to offer the necessary support.

(Delegation to Cabinet Order)

Article 30 Beyond what is provided for in this chapter, Cabinet Order prescribes the necessary matters for the organization and operation of the council.

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

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order that does not exceed six months from the day of promulgation.