



.....  
"For Victims of Crime"  
.....



Victim Protection  
and Victim Support

Public Prosecutors Office  
<http://www.kensatsu.go.jp/>





# Introduction

We believe that people who fall victim to a crime and their bereaved families have various concerns about how criminal proceedings are carried out, what they can do, or what supports they can receive.

When a crime has been committed, usually the police undertake an investigation, and all cases are referred to the public prosecutor. The prosecutor then undertakes necessary investigations, such as questioning of the suspects and witnesses, evaluation of collected evidence, and makes the decision on whether or not to prosecute. Further, when a case is brought to trial, the prosecutor examines witnesses, makes a closing statement, and recommends a sentence to ensure an appropriate punishment.

In order to carry out investigations and trials, cooperation from the victims by responding to the prosecutor's interviews and/or making testimony in trial is essential. Through such cooperation, the truth will be revealed to realize the appropriate level of punishment that meets the severity of the offense committed.

At the same time, it is not uncommon for victims, who face various difficulties resulting from the crime, to be in need of appropriate support. The Public Prosecutors Offices endeavor to protect and support victims by listening to their needs and/or notifying them of the results of disposition of the case.

This pamphlet describes protection and support services for the victims of crime and their bereaved families offered by the Public Prosecutors Office in accordance with each stage in investigations, trials, etc.

We hope that referencing this pamphlet at various times to use various support services, etc. will be of some help to crime victims and their bereaved families.

Additionally, if you have any questions about this pamphlet, please use the Victim Support Hotline listed on page 60 and inquire to the Victim Support Officers or staff of the Public Prosecutors Office.

If you have any requests or questions concerning investigations and trials, please consult with the public prosecutors at the nearest Public Prosecutors Office.

## Frequently asked questions



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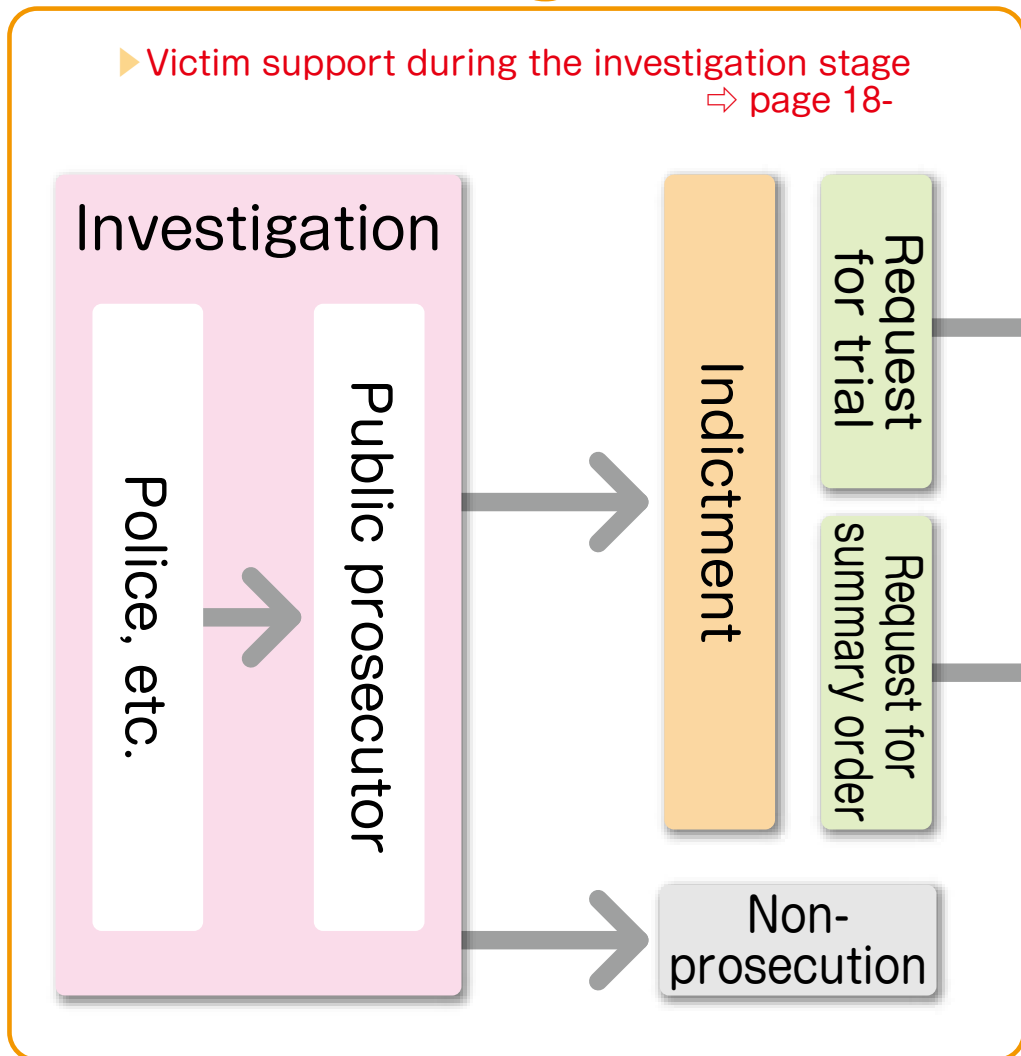
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# Course of Criminal Proceedings

## Course of Criminal Proceedings

### Investigation

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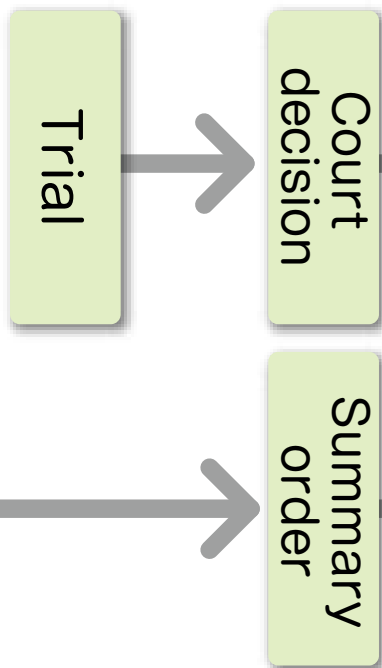


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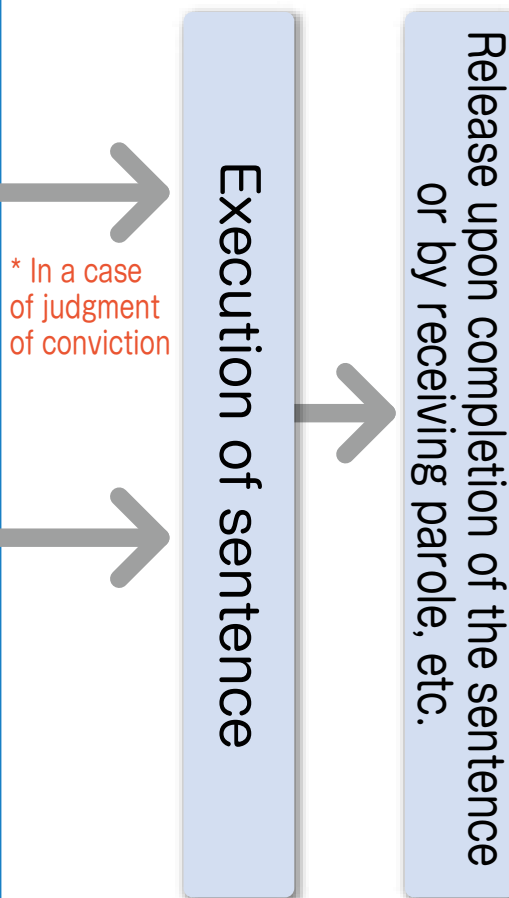
## Trial

- ▶ Victim support during trials ⇨ page 22-



## After trial

- ▶ Procedures after trial ⇨ page 42-



\* In a case of judgment of conviction

\* In the case where the suspect is a juvenile (under twenty years old), the case will be sent once to the Family Court. If the Family Court decides that criminal punishment is appropriate, the case is referred back to the Public Prosecutors Office and, as a rule, the suspect will be indicted afterwards. As for other cases, the Family Court will decide proper treatment including probation and treatment in a reformatory.

# 1. The Public Prosecutors Office and

## ① Public prosecutors offices and public prosecutors

There are 4 levels of Public Prosecutors Offices corresponding to each level of the court: the Supreme Public Prosecutors Office (Tokyo), High Public Prosecutors Offices (Tokyo, Osaka, Nagoya, Hiroshima, Fukuoka, Sendai, Sapporo and Takamatsu), District Public Prosecutors Offices (at prefectural capitals, Hakodate, Asahikawa and Kushiro) and Local Public Prosecutors Offices (at municipalities throughout Japan).

Each public prosecutor belongs to one of the Public Prosecutors Offices above and aims at realization of social justice as a representative of public interests to reveal the truth in cases through investigations and trials to have the perpetrator appropriately punished. In addition, public prosecutor's assistant officers work at Public Prosecutors Offices to assist prosecutors.

## ② Criminal investigations

When a crime takes place, usually the police will carry out an investigation, arrest the perpetrator, and then refer the case to the Public Prosecutors Office. The Public Prosecutors Office takes statements from the victim and witnesses, interrogates the suspect (i.e., the person who is suspected of committing the crime and is the subject of the investigation) and, after completing investigation, makes the decision whether to prosecute (bring the case into court) or not. In the case of a crime committed by a juvenile, the Public Prosecutors Office refers the case to the Family Courts along with a recommendation for treatment.



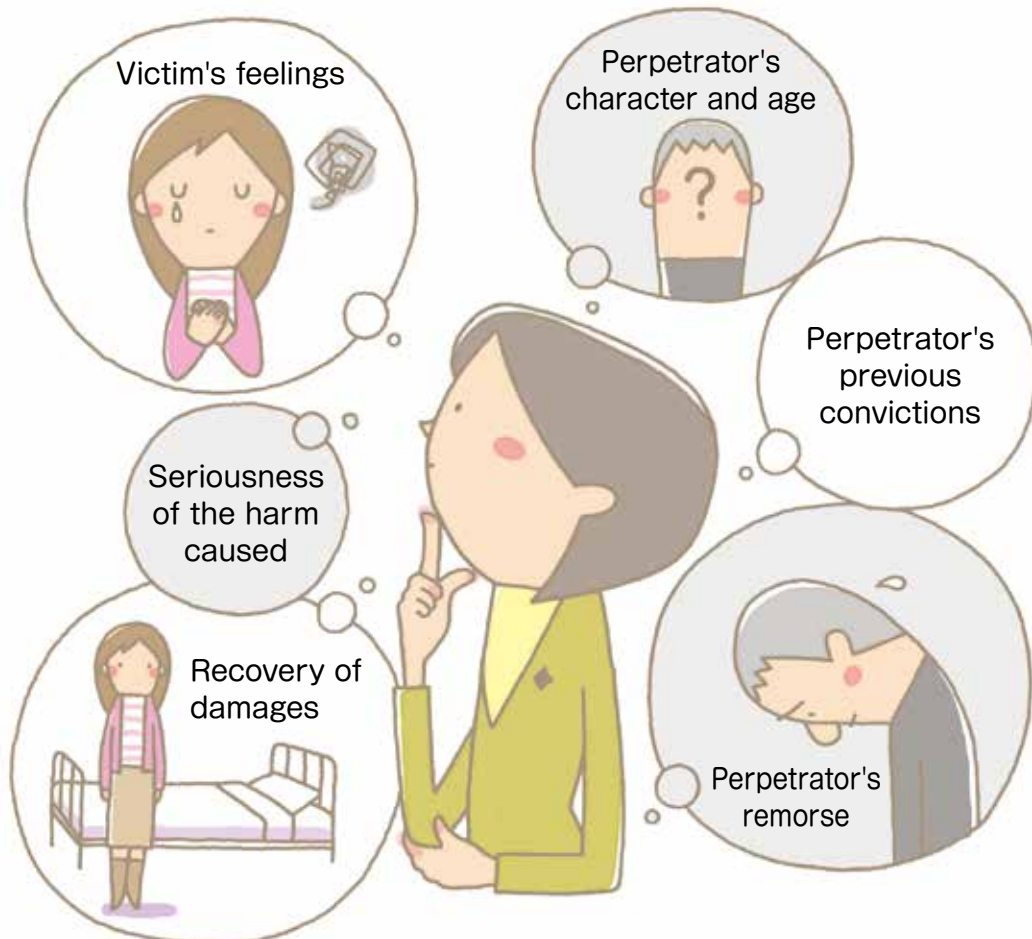


# the Course of Criminal Proceedings

## 3 Dispositions of cases

After the investigation is completed, a public prosecutor makes a decision on whether to prosecute or not. Prosecution by the public prosecutor includes request for trial, where the trial will be held in a courtroom, and request for summary order, where the decision and sentencing (for example, a fine) are rendered through the examination of documentary evidence without a trial.

Reasons for non-prosecution include “insufficient suspicion,” where the evidence is insufficient to prove an offense, “suspension of prosecution,” where an offense is provable but prosecution is deemed unnecessary in light of the character, age, environment, gravity of the offense, circumstances or situation after the offense, and “criminal insanity,” where the perpetrator's mental state impedes their ability to distinguish between right and wrong and they are judged to be not criminally responsible for their actions.



# 1. The Public Prosecutors Office and the Course of Criminal Proceedings

## 4 Trial

Public prosecutor will attend the trial to prove that the defendant (person who has been indicted) has committed the offense by requesting and conducting examination of evidence including witness testimonies.

The public prosecutor, after concluding the examination of evidence, will make a recommendation as to the degree of punishment. After considering the opinions of the public prosecutor and the defense counsel, the court will render its sentencing judgment. The sentence will include imprisonment with work and imprisonment without work. Execution of the sentence may be suspended, depending on the circumstances of the case.

If the public prosecutor believes the court made a wrong judgment about the facts or the sentencing, the public prosecutor may appeal the case.

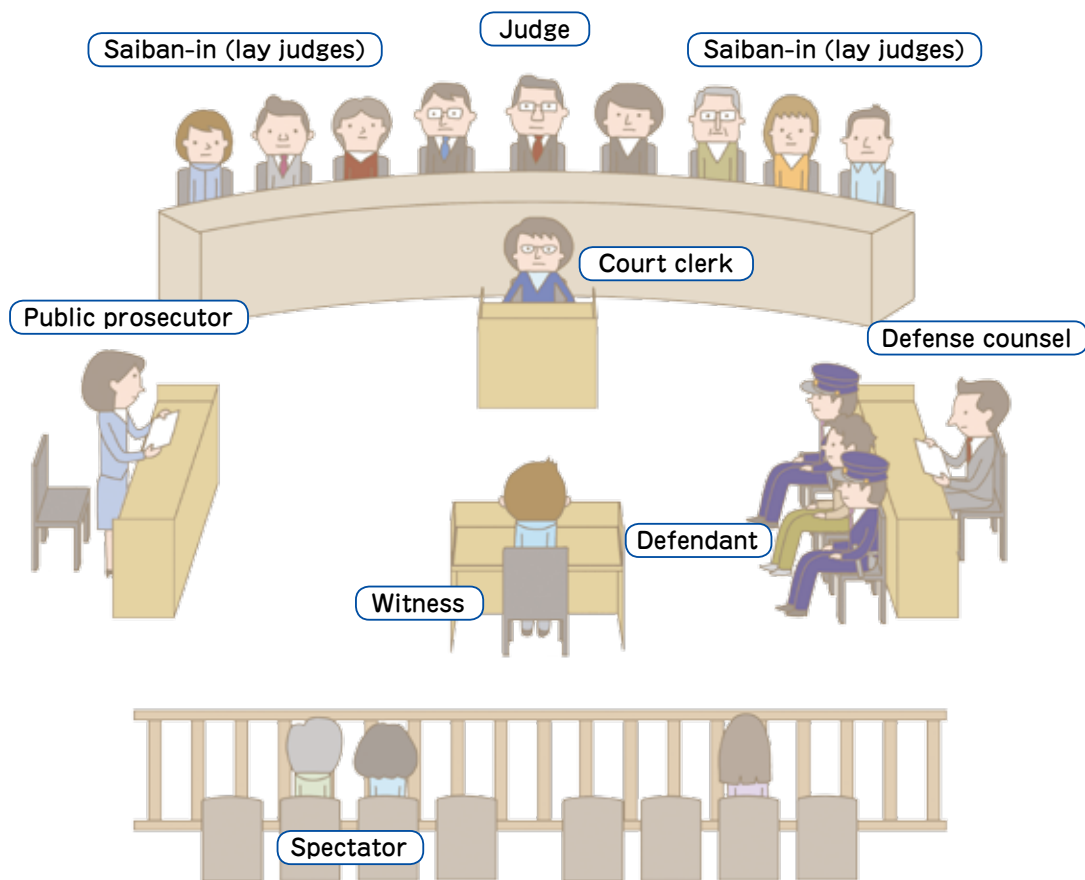
### Q<sub>1</sub> What is the saiban-in (lay judge) system?

**A** The saiban-in system is a system under which saiban-in, who have been selected from the public aged 20 and over who have the right to vote, participate in the criminal trials held at district courts for certain serious cases (homicide, robbery causing death or injury, rape causing death or injury, dangerous driving causing death, etc.) to determine whether the defendant is guilty or not and the sentence where guilty with professional judges.

### Q<sub>2</sub> I am worried that, if one of the saiban-in is a person I know, he/she will come to know about the case. Is there any consideration that you can make?

**A** A public prosecutor makes considerations that acquaintances or other relevant parties of the victim are not to be appointed as Saiban-in in communication and cooperation with trial-related parties.

## A picture of a courtroom (a saiban-in trial)



\* Trial is open to public.

## 5 Enforcement of the Court Decision

The public prosecutor supervises and directs the enforcement of the court decision (imprisonment, fine, etc.)

## 2. General Victim Support Services

### 1 Victim Support Officers

People never expect that they or their families would fall victim to a crime.

But when you become a victim, and even if you may be overwhelmed by the sudden incident, we still have to ask you to cooperate and ask you to come in to give a statement or testify in court.

You may wonder what you should do with the loss you suffered. You may feel anxiety about what will happen in the criminal procedures. But you don't know who you can talk to.

To ease as much as possible, the worries and burdens of crime victims and their bereaved families, Victim Support Officers are available at District Public Prosecutors Offices throughout Japan, providing support for victims of crime.

The supports of Victim Support Officers include such activities as responding to the various questions that victims may have, guiding and accompanying the victims in the courthouse and helping them with the access of the case records or have the evidence return to them. Victim Support Officers can also introduce victims to organizations that can provide psychological, economic and other forms of support, according to the victim's needs.



## 2 Victim Support Hotline

To provide easy access for victims seeking advice or inquiries on the case, the Victim Support Hotline has been set up in all District Public Prosecutors Offices throughout Japan. It is also possible to use Victim Support Hotline via fax as well as by telephone. Hotline's answering machines and fax are available at night time and holidays as well. We wish you make use of it.

Telephone numbers for Victim Support Hotlines in Public Prosecutors Offices throughout Japan can be found on page 60 "Victim Support Hotline Telephone and Fax Numbers."



Victim Support Hotline

## 2. General Victim Support Services

### Q<sub>1</sub> How can I ask the Public Prosecutors Office for advice?

**A** Please call the Victim Support Hotline in the nearest Public Prosecutors Office. The Victim Support Officer will respond to you. It will be better to call us first and share your concerns beforehand even if you prefer to seek advice in person.

After hearing your concern, we can provide you with information and advice or introduce other support organization that will address your concern and ease your worries and anxieties.

### Q<sub>2</sub> I would like to ask for advice, but I don't have the courage right now to call the Victim Support Hotline. Can I ask for advice by fax?

**A** We truly believe that it takes a great deal of courage for a victim to express his/her worries or ask for help.

For those who feel hesitation to ask for advice directly on the phone, please contact us by fax on the Victim Support Hotline.



### Q<sub>3</sub> What kind of advice can the Public Prosecutors Office offer?

**A** We offer advice to crime victims and their families regarding all aspects of the criminal procedure. For example, we can explain or help with all kinds of procedures, such as inspecting case records or return of the evidence, so please feel free to contact us for help and advice.

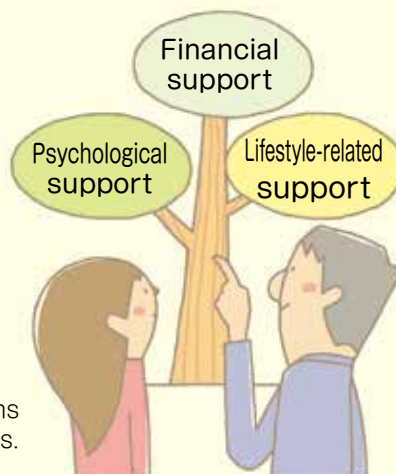
Although there are matters that Victim Support Officers cannot help you, in such cases, we will introduce you to an organization that may help you.

### Q<sub>4</sub> Is personal information, for example, the content of the consultation in the Public Prosecutors Office, kept confidential?

**A** Please rest assured that we keep all personal information strictly confidential.

### Q<sub>5</sub> Can you introduce me to organizations, other than the Public Prosecutors Office, that can offer support?

**A** Victims need various kind of support, including psychological, financial and lifestyle-related, so when necessary we will introduce you to the appropriate organization.



Victim Support Officers introduce victims to appropriate organizations.

## 2. General Victim Support Services

**Q<sub>6</sub>**

**I have attended the trial but I didn't really understand what was going on. Can the Public Prosecutors Office explain to me about the court procedures?**

**A**

If you have any questions about the court procedure or other criminal procedure, please ask a Victim Support Officer.

**Q<sub>7</sub>**

**I am worried that, if I give a statement about the harm or testify at trial, the perpetrator will retaliate against me.**

**A**

Only victims can reveal the truth of the harm caused by crimes. If perpetrators are left unpunished, it is quite possible that they will go on to commit other offenses, creating new victims. Therefore, please gather your courage and cooperate with the investigation and trial. In order to prevent retaliations by the perpetrators, the Public Prosecutors Office will appropriately utilize systems set forth by laws and have close contact with the police to make necessary arrangements.





### 3 Victim Notification System

We believe that victims and their families have deep interests in such matters as the disposition of the case, the procedure and the decision by court, and the treatment of the offenders in prison. Also, many witnesses involved in the procedure may be interested in the disposition of the case or the trial.

Therefore, the Public Prosecutors Office has set up the Victim Notification System. For victims and their families, the Victim Notification System will provide such information as the disposition of the case, the outcome of the trial, treatment of the perpetrators in prison and the time of their release to the extent possible. For the witnesses, the system will also provide such information as the disposition of the case, the outcome of the trial, and the time of their release to the extent possible according to their request.



\* Information is notified by means such as telephone and mail.

## 2. General Victim Support Services

### Q<sub>1</sub> Who can receive notifications?

- A** The people who can receive notifications are:
- Victims, their families, co-habitee, fiance (fiancee) and others in a quasi-family relationship
  - Witnesses (excluding some part of the notifications)

### Q<sub>2</sub> What kind of information can be notified?

- A** The following information will be notified:
- Disposition of the case (Indictment, Request for summary order, Non-prosecution, Referral to Family Courts, etc.)
  - Venue and time of the trial
  - The results of the trial (conclusion section of the judgment, status on appeal)
  - The perpetrator's custody details, the indicted facts, summary of the reasons of non prosecution, and other matters similar to those listed in a to c
  - The matters concerning the perpetrator after conviction is finalized (please refer to page 42 for details)

Custody details refer to whether a prisoner has been released or not (including release on bail), and the facts of indictment refer to what facts relating to the crime were included in the indictment.

Information on the reasons of non-prosecution and/or the matters concerning the perpetrator after convictions is finalized (excluding the scheduled date of release on completion of the sentence and the date when the perpetrator was actually released) can be provided only to victims, their families and persons of similar status.

\* For notification after juvenile trials, please refer to page 39.



### Q<sub>3</sub> Can notifications always be provided if requested?

**A** In cases where, due to circumstances, the public prosecutor decides that it would be best not to issue notifications, even if victims and others desire to receive them, notifications may contain only partial information or there may be no notifications at all.

### Q<sub>4</sub> What do I need to do to receive notifications?

**A** Please tell the public prosecutor or public prosecutor's assistant officer in charge, or Victim Support Officers that you would like to receive notifications, and what notifications you would like to receive. You will receive the notification you requested at a later date through the telephone, mail or other means.

When public prosecutors interview the victims and other witnesses, they use such opportunity to ask whether the victims desires notifications and, if so, what information. With regard to matters concerning the perpetrator after conviction is finalized (listed in item e. of Q2 above), a request form for a notification will be sent when notification of final judgment is sent to those who requested it. For matters concerning the perpetrator's custody details, etc. (listed in item d. of Q2 above), however, public prosecutors generally will not ask whether there is a request for notifications on such matters. So, if you would like to receive notifications about such matters listed in item d. of Q2 above, please tell the public prosecutor which matters you would like to receive notifications about.

Witnesses may receive notification; therefore, if you would like to have notifications from the Public Prosecutors Office, please inform the public prosecutor to that effect.



# 3. Victim Support During the Investigation

## 1 Reports made by victims to the police, complaint and accusation

When someone falls victim to a crime, they can report the incident to the investigating authorities by submitting an incident report. Such reporting usually initiates an investigation. In addition, victim can file a complaint seeking punishment of the perpetrator by reporting the facts of the crime to the investigating authorities. People other than the victim can make accusations seeking punishment of the perpetrator also by reporting the facts of the offense to the investigating authorities.

Also, in cases of defamation or other such offenses classified in Japanese law as crime indictable upon a complaint, the victim needs to submit a formal complaint, for the perpetrator to be criminally prosecuted.

The victim can withdraw the complaint up until the perpetrator is prosecuted, but cannot file the complaint again once he/she has withdrawn it.

### **Q Please explain about the amendments to law concerning the complaint in sexual offences.**

**A** Bearing in mind the recent trends in sexual offences and the need to respond to issues and concerns raised in recent sexual offence cases, certain elements and penalties of sexual offences were amended under the revised Penal Code of Japan and came into force on July 2017.

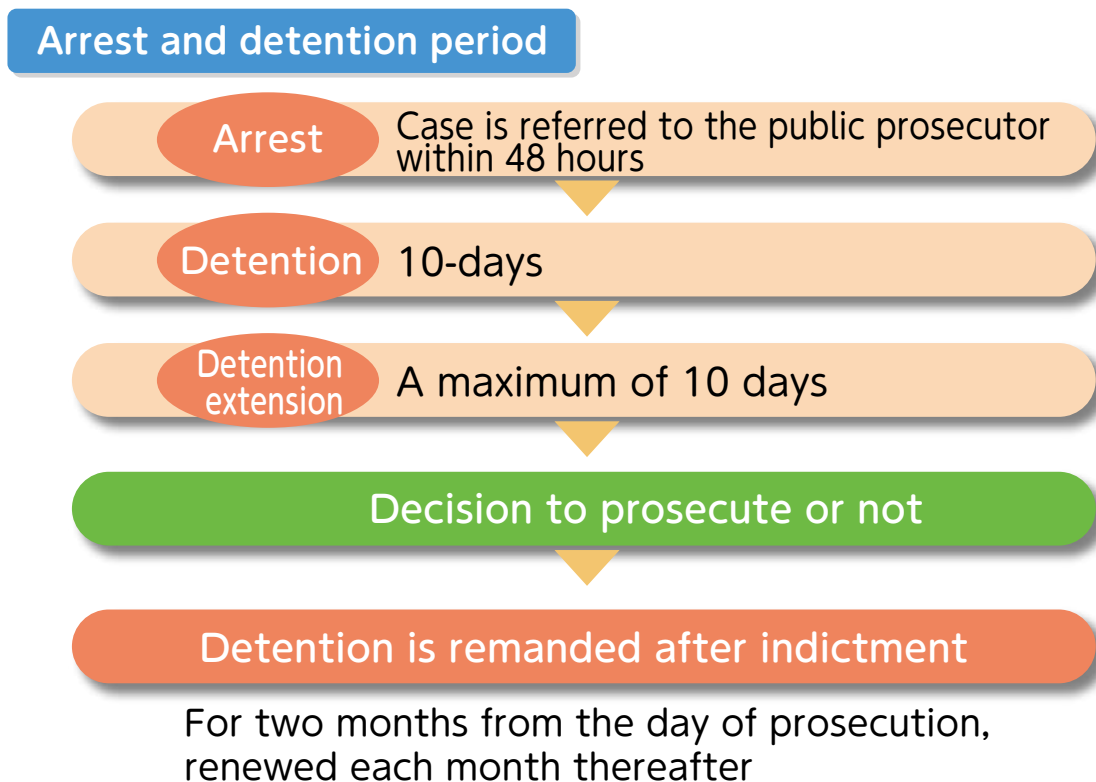
As a result of this amendment, sexual offences such as rape and forcible indecency are no longer classified as crime indictable upon a complaint and therefore perpetrators who commit such offences can be indicted and convicted without the need for victims to file a complaint.

Moreover, perpetrators who committed such offences prior to the amendment may also be indicted and convicted without the need for victims to file a complaint, save in limited circumstances.

The purpose of this amendment is remove the risk of victims experiencing psychological stress when faced with the decision to file a complaint or not, and therefore, this amendment does not in any way affect public prosecutors from making effort to give due consideration to the feelings of the victims, for example, by confirming their will, when deciding to prosecute or not.

## 2 Criminal investigation

Investigations will commence with the arrest of the offender, and on other occasions will commence without an arrest. When the police arrest a suspect, they must refer the case to the public prosecutor within forty-eight hours. If the public prosecutor decides it is necessary to detain the suspect to prevent the suspect from absconding or destroying evidence, they will make a request for detention to the court. Although the detention period is ten days, in the case of unavoidable circumstances, a further ten-day extension will be permitted. The public prosecutor will usually carry out an investigation during this detention period, and will make a decision whether or not to prosecute. Cooperation from the victim, such as agreeing to be interviewed, is essential because the victim knows the incident best. Even where the police have already conducted the interview, please understand that sometimes the public prosecutor needs to confirm the information directly to dispose the case. The public prosecutor will be considerate of the emotions and the reputation of the victim during such interviews.



### 3. Victim Support During the Investigation Stage

#### ③ Disposition of the case (the decision to prosecute or not)

Upon completion of the investigation, the public prosecutor makes the decision on whether or not to prosecute the case. Decision of non-prosecution can be reported to the Committee for the Inquest of Prosecution for review. Alternatively, for crimes including abuses of authority by a public officer, request to commit the case to a court for trial can be made to the District Court having jurisdiction.

Q

**Please explain about making requests to the Committee for the Inquest of Prosecution regarding non-prosecution decisions.**

A

When a public prosecutor decides not to prosecute an offense, victims or accusers can request the Committee for the Inquest of Prosecution to conduct an inquest. Victims' bereaved families can also make such request.

Additionally, people making such request can submit legal opinions and other documentation to the Committee for the Inquest of Prosecution.

The Committee for the Inquest of Prosecution will conduct an inquest into the case submitted to them, and will decide on whether prosecution or non-prosecution is appropriate. If decision is rendered as prosecution is appropriate or non-prosecution decision was inappropriate, the public prosecutor will reopen the investigation. If the Committee for the Inquest of Prosecution decides that it is appropriate to prosecute and the public prosecutor decides on non-prosecution disposition as a result of re-investigation, the Committee may reexamine the case and render the decision to prosecute the case. If such decision were rendered, the attorney designated by the court will prosecute the case and will play the role of a public prosecutor in trial proceedings. The Committee for the Inquest of Prosecution is located in the district courthouses, so please ask at the district courthouse regarding procedures to make inquest requests. (For details, please see the website of the court.)



## 4 Inspection of Non-prosecution case files

As a general rule, case files of non-prosecution cases are not available for inspection. However, the prosecutor's office has been granting requests from courts undertaking related civil actions, and bar associations for evidence such as examination reports of traffic accidents.

Victims of cases subject to the victim participation system (refer to page 27) can also inspect such records as the examination report even for the purpose of “understanding the details of the case,” if it will not obstruct the investigations or trials and will not infringe the privacy of those involved.

Furthermore, inspection of records such as the examination report is also allowed for victims of cases not subject to the victim participation system, if it is deemed necessary to exercise their rights to claim compensation for damages or other rights under the condition that it will not obstruct investigations and trials and will not infringe the privacy of those involved.



# 4. Victim Support during Trials

After the public prosecutor has made the indictment, trial will take place in court. The public prosecutor will submit evidence to prove the case and will examine the witnesses to seek fair punishment.

## 1 Protection of crime victim's information

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The court can decide not to disclose the names and other information of victims (matters identifying the victims) of sexual offenses and other offenses in open court. When such decision is rendered, court proceedings including reading of the indictment will be carried out in a manner not disclosing the information of the victim.

Prior to a request for examination of a witness, the public prosecutor must provide the defense counsel the opportunity to know the name and address of the witness, or prior to a request for inspection of documentary evidence, the public prosecutor must disclose it to the defense counsel. However, if it is deemed that there is the risk that the honor or peaceful existence of social life of the victim or others will be seriously harmed or the risk of physical or property harm to the victim or others through matters identifying the victim being disclosed, the public prosecutor may notify the defense counsel to such effect and request that such details not be disclosed to the defendant or other persons concerned in the trial, unless the matters identifying the victim are necessary for the defense of the defendant; provided, however, that when requesting that the details of the matters identifying the victim not be disclosed to the defendant, these details are limited to those other than the matters given in the charging sheet.

If it is deemed that there is the risk of physical or property harm to the victim or others, the public prosecutor may disclose the name and address of the victim or others to the defense counsel under the condition that the defense counsel must not let the defendant to know such information, unless there is the risk of any substantial disadvantage to the defense of the defendant. Additionally, if it is found particularly necessary, the public prosecutor may release an alternative designation to the defense counsel instead of disclosing the actual name and address of the victim or others.

If you would like to consult about such systems, please ask the public prosecutor in charge.



## 2 Examination of witnesses

In order to prove the offense, witnesses are called to testify in court. For example, victims will be asked to testify about the harm they have suffered and their feelings toward the defendant. Eyewitnesses will be asked about the crime or the accident they witnessed.

**Q<sub>1</sub>**

**I explained what happened to the police and the prosecutor and made a statement. Do I really have to testify again at court?**

**A**

Generally, the law provides that the written statement at the police station or the Public Prosecutors Office cannot be submitted to the court as evidence if the defendant makes an objection. In such situation, it is necessary for the victim or a witness to testify at trial to prove the circumstances of the case. In addition, it is often better to have the judges and saiban-in (lay judges) hear the victims directly so that they can get a better understanding of the victim's suffering. We hope you will understand why we ask the victim or the eyewitness to testify.

**Q<sub>2</sub>**

**I was the victim of a sex crime, and I am very nervous about testifying in front of my perpetrator. Is there anything that can you can do to help me?**

**A**

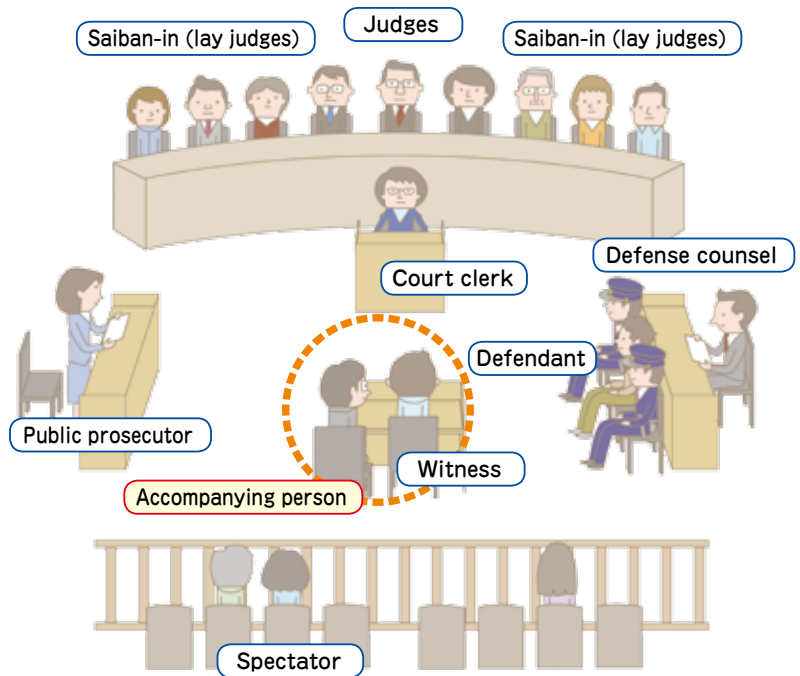
The court may make a decision to take the following measures to ease the burden of those who testify at court, and they may be taken in combination:

1. Accompanying person.
2. Screens to hide witness giving testimony.
3. Testimony over video link.

## 4. Victim Support during Trials

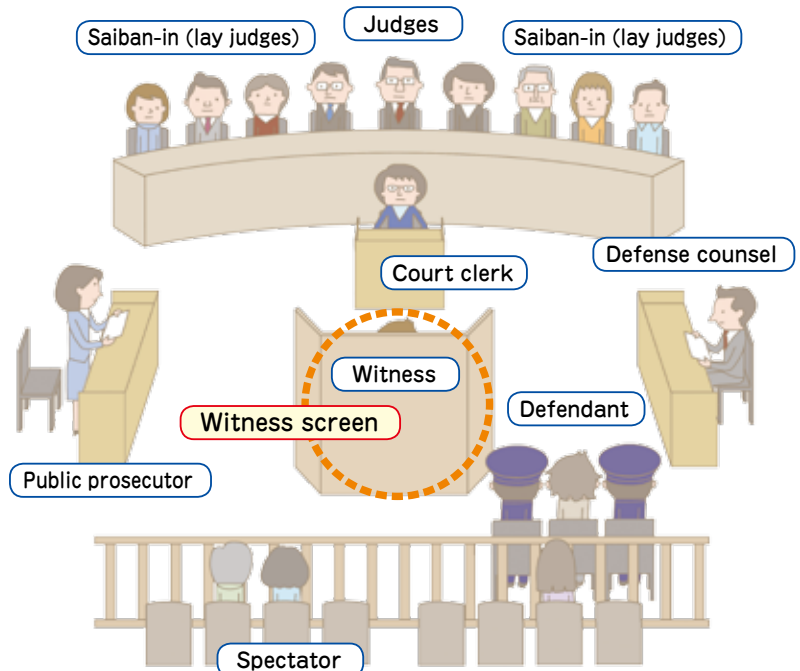
### Accompanying persons

Victims of sexual offenses, children and other people sometimes feel great nervousness or anxiety when they testify in a criminal court. To ease such feelings, family member, psychological counselor or other person can accompany the witness when testifying.



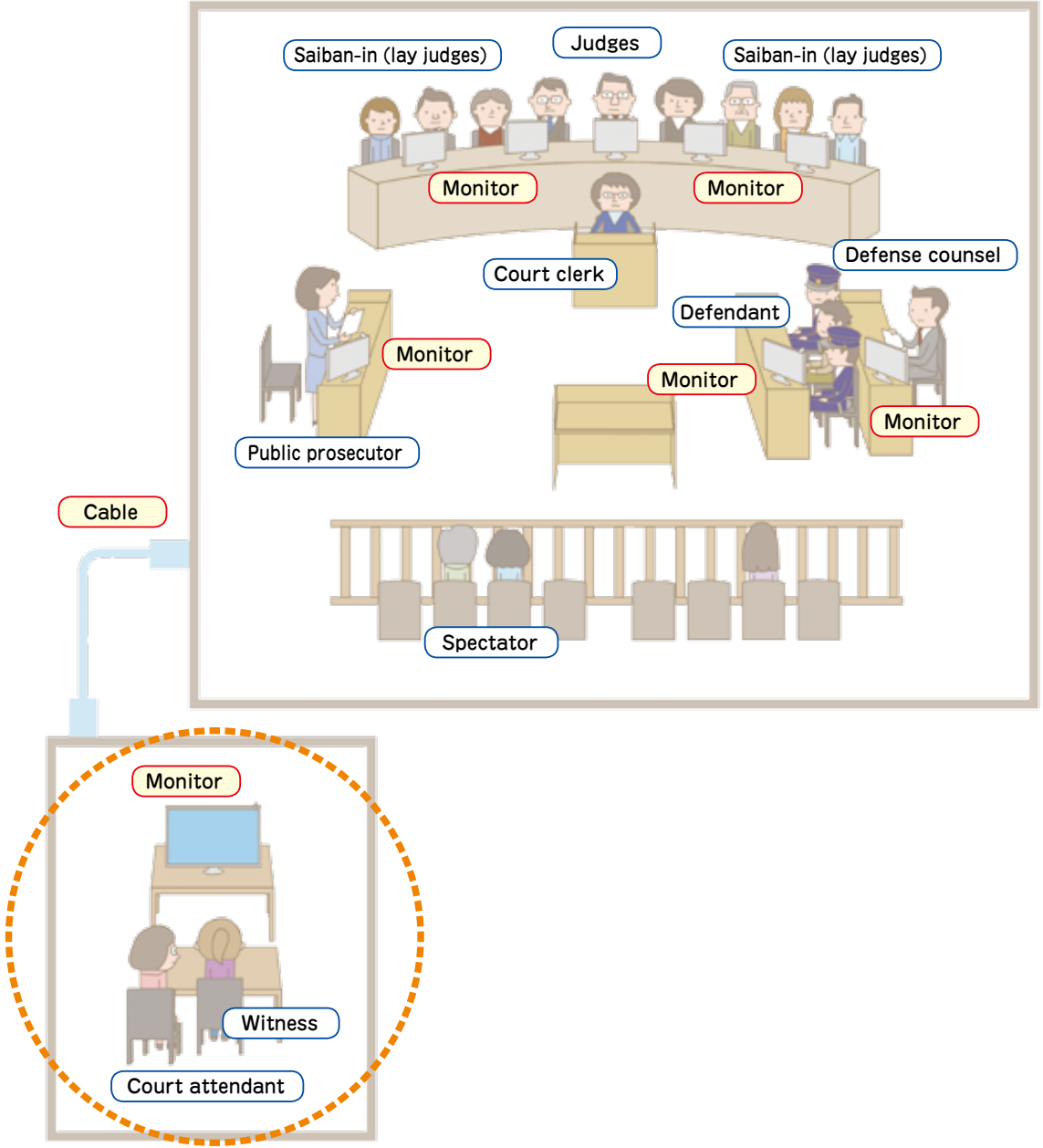
### Screen for witness

In order to lessen the psychological pressure people sometimes feel when testifying in front of the defendants or a spectator, witness can be screened off from the defendant and spectator when giving testimony so that the witness will not be distracted by them.



## Testimony by video link

For victims of sexual offenses and others for whom appearing in front of everyone involved in the trial in the courtroom would be a severe psychological burden, the person testifying can sit in a separate room in order to ease the pressure they feel. This room will be connected by a cable to the courtroom, allowing the witness to give testimony over a monitor.



## 4. Victim Support during Trials

### 3 Attending trials

Since trials take place at public courtrooms, spectators can attend them. There is a system in place that gives victims and their bereaved family's priority attendance at trials.

#### **Q** Can you explain about the priority attendance systems for victims and others?

**A**

In cases of high public concern where many are expected to attend the trial, admission tickets must be allocated by drawing lots.

However, the court gives as much consideration as possible to securing seating for victims, their bereaved families and other such persons.

Where victims and their bereaved families wish to attend the trial, and a high number of spectators is expected, please consult in advance with the court, the public prosecutor, public prosecutor's assistant officer or victim support officers handling the case.



## 4 Victim participation system

Victim participation system is a system where victims and their bereaved families of certain cases can participate in criminal trials by attending trials and questioning the defendants.

Victims and their bereaved families who are allowed to participate in criminal trials are called “victim participants.”

### Q<sub>1</sub> Who is eligible?

**A** Victims of cases of intentional criminal acts such as murder, bodily injury or dangerous driving causing death or injury, or victims of crimes of rape, forcible indecency, illegal arrest/confinement or bodily injury or death caused by negligence while driving, and such victims' spouse, direct families or siblings if the victims are deceased or suffer serious damage mentally or physically.

### Q<sub>2</sub> What is the procedure to participate in criminal trials?

**A** Victims and their bereaved families shall ask the public prosecutor in charge for participation in criminal trials. The public prosecutor will notify the court along with the opinion on whether the victim should participate.

### Q<sub>3</sub> Will participation be guaranteed if requested?

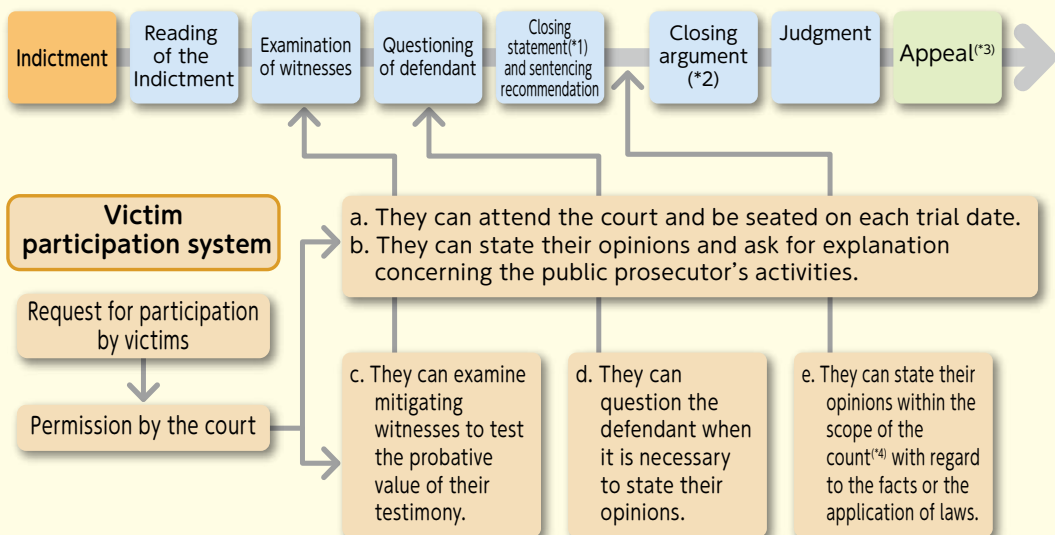
**A** If the court, after hearing opinions of the defendant and the defense counsels and considering the nature of the crime, relations with the defendant, and other circumstances, deems that the person should be permitted, he or she can participate in the criminal trial as a victim participant. Even in cases where a person has been permitted to participate, not all procedures are open for participation.

## 4. Victim Support during Trials

### Q4 What can victim participants do in criminal trials?

- A**
- They can, as a general rule, be seated next to the public prosecutor and attend the court on trial date.
  - They can state their opinions and ask for explanation concerning the public prosecutor's activities such as the request of examination of evidence, closing statement and sentencing recommendation.
  - They can question mitigating witnesses concerning matters necessary to test the probative value of their testimony.
  - They can question the defendant when it is deemed necessary in stating their opinions.
  - After the completion of examination of evidence, they can state their opinion in court with regard to the facts or the application of laws.

#### Outline of the system for crime victims to participate in criminal trials



\*1 Final opinion stated by the public prosecutor with regard to the facts or the application of laws as a result of examination of evidence

\*2 Final opinion stated by the defense counsels with regard to the facts or the application of laws as a result of examination of evidence

\*3 Even where the case is appealed, the victim participation system is available with the permission of the court. However, what victim participants can do in the appellate court may differ from what they can in the court of first instance. Also, a request for participation and notification of delegation to an attorney should be conducted again, so please ask the public prosecutor in charge of the case.

\*4 Specific facts described in the indictment as criminal facts by the public prosecutor.

## Q5 When using the victim participation system, can participants receive the assistance of attorneys?

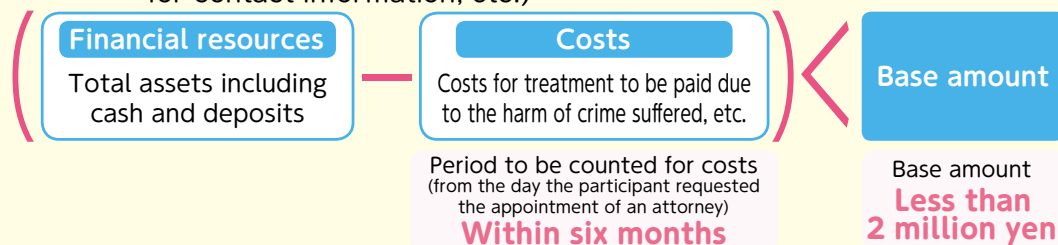
**A** When victims participate in trials, they can receive the assistance of attorneys (attorneys for victim participants) by delegation. For participants lacking financial resources, there is a system where the State bears the remuneration and costs for attorneys (state-appointed attorneys for victim participants).

In cases where victim participants request the assistance of an attorney, the public prosecutor will attend the trial in communication and cooperation with the attorney for victim participants.

## Q6 When can victim participants use state-appointed attorney service?

**A** Victim participants can delegate to an attorney, such acts as attending trials on trial date and questioning of the defendant. If their financial resources are less than 2 million yen (cash and deposits; if any costs for treatment due to the criminal acts needs to be paid within six months, such costs will be deducted), they can request the appointment of an attorney for victim participants.

Should you require the appointment of such attorney, please ask the Japan Legal Support Center (Houterasu). (Please refer to page 58 for contact information, etc.)



## Q7 When using the victim participation system, can participants receive payment of travel expenses, etc.?

**A** There is a system where the Japan Legal Support Center (Houterasu) pays travel expenses, daily allowance and other expenses (travel expenses, etc. paid for victim participants) to participants in criminal trials using the victim participation system.

## 4. Victim Support during Trials

### Q<sub>8</sub> In what cases is the payment receivable?

**A** Victim participants can receive the payment when they attend a trial on the trial date. However, they cannot receive it in cases where they just observe a trial in the spectator seating or simply express their feelings and opinions in court as “victims, etc.” (refer to page 31).



### Q<sub>9</sub> Please explain how to claim the payment.

**A** Please fill out a “claim form for travel expenses, etc. paid for victim participants” that can be downloaded from the websites of the Ministry of Justice or Japan Legal Support Center (Houterasu). (Please see page 58 or the back cover for URLs and other information.) Then, please submit the form together with the necessary documents to the court when you attend a trial. For detailed information of the system and how to fill out the form, please see the “Notice of travel expenses, etc. paid for victim participants” and “How to fill out the form for travel expenses, etc. paid for victim participants” posted on the websites of the Ministry of Justice and Houterasu.

### Q<sub>10</sub> When is the claim deadline?

**A** Claims must be made within 30 days from the finalization of the trial.



## 5 Expression of victim's feelings and opinions

This is a procedure which allows victims and their bereaved families to express their feelings and opinions in court.

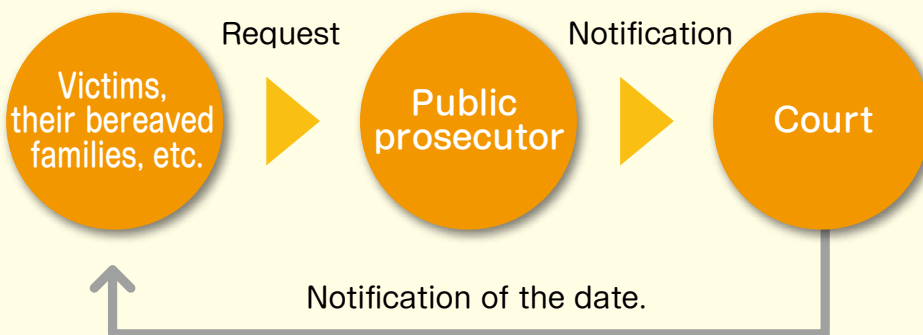
### Q What is the procedure for victims to express their feelings and opinions in court?

A When victims or their bereaved families wish to express their feelings about the harm they suffered or wish to express their opinions about the crime, they can do so through this procedure.

In this way, the trial can proceed more clearly in line with the feelings and wishes of the victims. Also, by giving the defendant the opportunity to directly hear the feelings and opinions of victims and their bereaved families, they will be given a chance to reflect on their actions.

Victims' families are allowed to express their opinions not only when the victims are deceased, but also when the victim suffer serious damage mentally or physically. Should you wish to express your opinion, please ask the public prosecutor in charge.

Please refer to page 27 for systems of victims and family participation in criminal trials.



## 4. Victim Support during Trials

### 6 Delivery of opening statement documents

Victims and their families naturally have a strong interest in the facts the public prosecutor intends to prove in court.

Accordingly, if the victim or his/her family desires so, a written opening statement (revealing the facts the public prosecutor intends to prove at the beginning of the trial) will be delivered, as a general rule, once the opening statement is completed. Should you desire such documents, please ask the public prosecutor in charge of the case or a Victim Support Officer.

### 7 Inspection and photocopying of trial case records

There is a system allowing victims and their bereaved families to inspect and photocopy records made during the trial.

#### **Q<sub>1</sub> Please explain about the system which allows inspection and photocopying of trial case records.**

**A** If victims and their bereaved families make a request, they are, as a general rule, allowed to inspect and photocopy the trial case records that are kept at court during the criminal case, unless such request is deemed to be made on unreasonable grounds or is acknowledged as inappropriate.

Should you require such access to trial case records, please ask the court.

Victims and their bereaved families are also allowed to inspect and photocopy the trial case records of other criminal cases of the perpetrator similar to the case they suffered, if it is acknowledged as appropriate and necessary to make a claim for damages. Should you require such access to trial case records, please ask the public prosecutor or public prosecutor's assistant officer in charge or Victim Support Officers.

#### **Q<sub>2</sub> Does the system allow inspection and photocopying of all trial case records?**

**A** Inspection and photocopying of trial case records may be restricted when the court judges that there is an obstacle in the course of the trial or a threat of invading the privacy of the relevant parties.

## 8 Settlement in criminal proceedings

In criminal procedure, there is also a settlement procedure with the same effects as in civil proceedings.



### What is a settlement in a criminal proceeding?

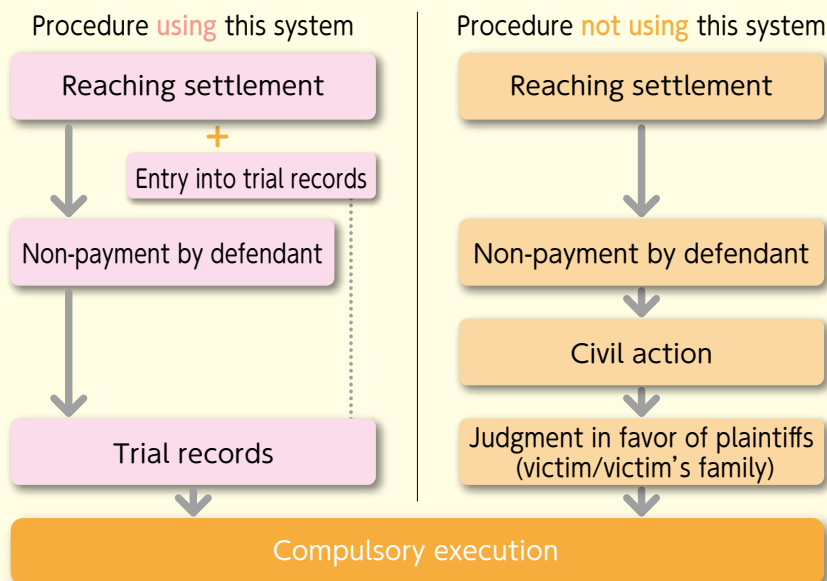


Upon request, where an out of court settlement has been reached between the defendant and the victim, his or her bereaved families and/or other parties concerning a civil claim for loss or damages relating to the offense, the criminal court handling the criminal offense can enter details of such agreement into trial records.

This entry into the trial records has the same effect as agreement reached during civil proceedings.

Should the defendant fail to keep the terms of the settlement and fail to pay the compensation, the victim, his or her bereaved family or other parties can, without starting a civil action, use the entry in the trial records and initiate compulsory execution of the settlement.

For certain serious offenses, a claim for damages against the defendant can be filed with a criminal court. (For details, please refer to “Restitution order” on page 34.)



\* Please refer to page 55 for information about ordinary civil actions.

## 4. Victim Support during Trials

### 9 Restitution Order

There is a system to settle disputes simply and promptly by using the outcomes of criminal procedures. This is an exceptional civil procedure for victims and their bereaved families to claim restitution and is an accompaniment to criminal procedure. (Please refer to page 55 for ordinary civil procedures.)

#### Q<sub>1</sub> Please explain about the restitution order system.

**A** The restitution order system is to claim compensation of damages caused by the offense mentioned in the indictment. After a criminal case results in conviction, the criminal court having received such request will reexamine the record of the criminal case as evidence, conclude the hearing within four hearing dates, and will rule on the merits. If any objection is filed against the court's ruling by either party to the case, ordinary civil procedure will commence (even in such cases, the necessary record of the criminal case will be sent to the civil court).

The restitution order system is designed to ease the burden of victims and their families seeking restitution as follows:

- (1) By utilizing the outcome of the criminal trial, victims and their bereaved families will be able to prove the fact of their damages more easily. Furthermore, the basic focus will be placed on the amount of damages, which will simplify and facilitate the process.
- (2) This system is easily available with only a fee of 2,000 yen.
- (3) Even if the case is sent to civil court, the trouble of submitting photocopies of case records can be omitted.

#### Q<sub>2</sub> Who can use the restitution order system?

**A** Victims or their heirs in cases of an intentional criminal act such as murder or injury can use the system.

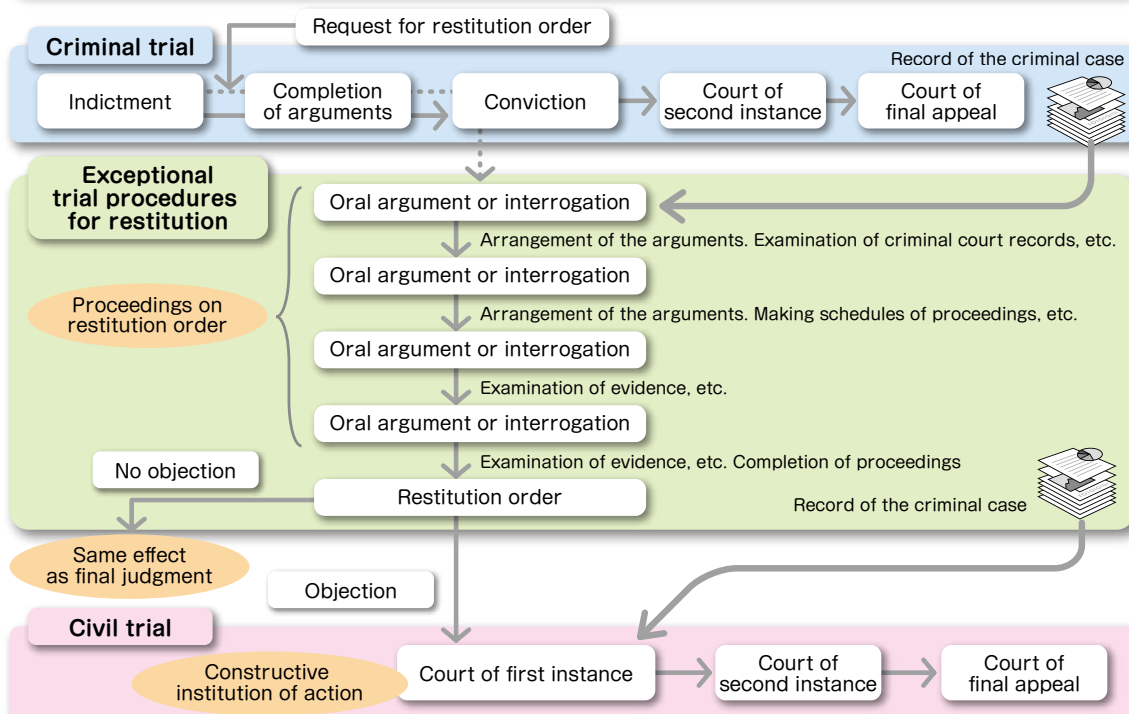
### Q<sub>3</sub> Please explain how to make a request for a restitution order.

**A** It is necessary to file a request for a restitution order to the court in charge of the criminal case. It is possible to delegate an attorney to perform the procedures in using the restitution order system. Those who have difficulty paying remuneration for attorneys due to financial reasons may use the system of paying fees through the Civil Legal Aid provided by Japan Legal Support Center (Houterasu). Please contact Houterasu for details about the Civil Legal Aid. (Please see page 58 for contact information.)

### Q<sub>4</sub> When is the deadline for the request?

**A** The request must be made during the period between indictment in the target criminal case and the completion of proceedings (excluding pronouncement of the court decision).

## Outline of the Restitution order system



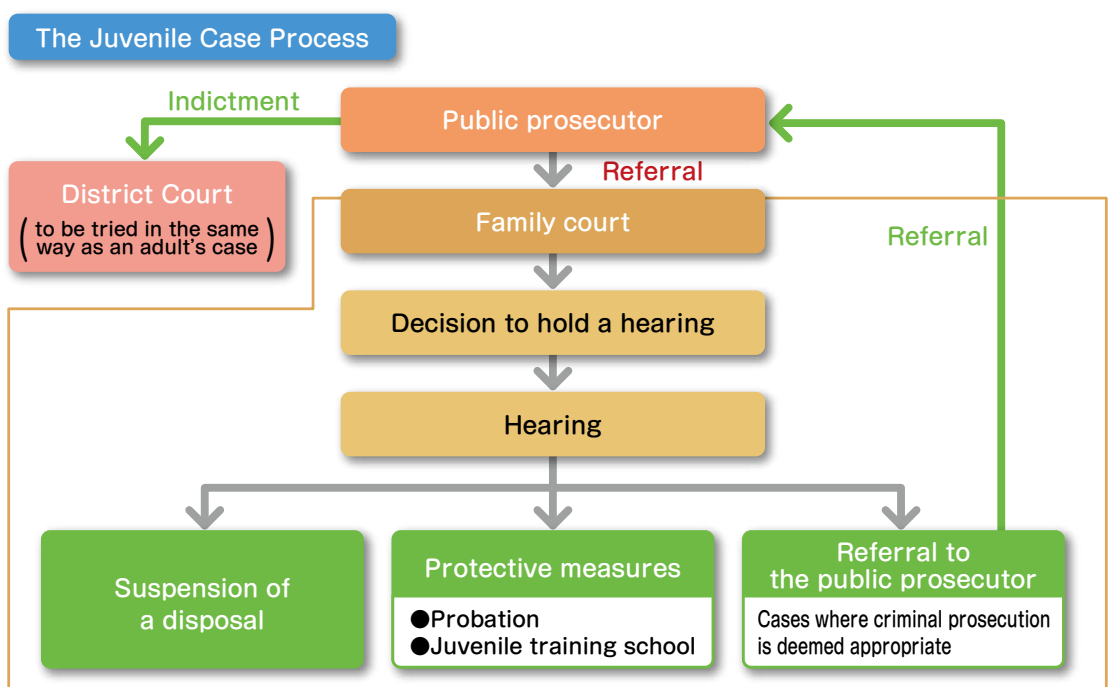
# 5. Victim Support Related to Juvenile

As a result of the public prosecutor completing the investigation regarding a juvenile offense, when the charge is well-grounded or the charge is not found but is deemed to have a circumstance to be judged at the Family Court, the case is referred to the Family Court. However, as a result of the investigation, the case may be dropped on the grounds that the charge is not found or evidence of the charge is insufficient.

The Family Court examines the records of the offense committed by the juvenile referred by the public prosecutor and the findings of the Family Court Probation Officer, and decides whether or not to hold a hearing. When a hearing is held, it is done in private. The public prosecutor does not usually attend the juvenile hearing, but occasionally he/she participates if it is deemed necessary for fact finding purposes.

If the court finds the facts of delinquency and deems that a protective measure is appropriate, then the juvenile is placed under a protective measure such as commitment to a juvenile training school, a support facility for development of self-sustaining or a children's home, or being put on probation. However, if the nature or circumstances of the crime is such that criminal punishment is deemed to be more appropriate than protective measures, the court decides to refer the case back to the public prosecutor (reverse referral).

If the public prosecutor who receives such juvenile case deems that the charge is well-grounded, then the prosecutor indicts the case to the criminal court.



**Q**

**What sorts of measures have been introduced into the juvenile trial process to support the crime victim?**

**A**

Following measures have been introduced for the victim of juvenile crime and the families:

- a. Inspection and photocopying of juvenile offense case records (page 37)
- b. Hearing of victim's opinion (page 38)
- c. Victim's attendance at the juvenile hearing (page 38)
- d. Explanation of the hearing progress to the victim (page 38)
- e. Hearing Results Notification Scheme (page 39)
- f. Victim Notification Scheme (after the juvenile hearing) (page 39)

## **1** Inspection and photocopying of juvenile offense case records

If the victim or the bereaved families makes a request, they are, as a general rule, allowed to inspect and photocopy the records of the juvenile hearing (excluding so-called social records which reports surveys concerning the necessity of protection of the juvenile), except for the case where such request is made without reasonable grounds or is not deemed as appropriate.



Inspection and photocopying of juvenile offense case records

## 5. Victim Support Related to Juvenile Hearings

### 2 Hearing of victim's opinion

---

Upon request, victim or the bereaved families can state their feelings and opinions:

- a. to the judge(s) in the court
- b. to the judge(s) out of court
- c. to the investigator of Family Court out of court



Hearing of victim's opinion

### 3 Victim's attendance at the juvenile hearing

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With regard to cases where the offender has killed or injured a victim in an intentional criminal act such as murder or bodily injury, or traffic case of bodily injury or death (\*1 and \*2), the victim and the bereaved families are allowed to attend the juvenile hearing upon request, when it is deemed appropriate and unlikely to impede the healthy development of the juvenile.

\*1 With regard to the injury case, the victim is allowed to attend the hearing only when the victim's life was seriously endangered due to the injury.

\*2 Excludes case of the juvenile who violated criminal laws at an age younger than 12.

### 4 Explanation of the circumstance of the hearing to the victim

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The victim and the bereaved families can, at their request, receive explanation about the circumstance of the hearing from the Family Court, when it is deemed appropriate and unlikely to impede the healthy development of the juvenile.



## 5 Hearing Results Notification Scheme

The victim and the bereaved families can, at their request, receive notifications of the case such as juvenile's name and the result of the hearing from the Family Court, when it is deemed appropriate and unlikely to impede the healthy development of the juvenile.

## 6 Victim Notification System (after the juvenile hearing)

The victim and the bereaved families can, at their request, receive notifications of the juvenile's treatment, for example, how the perpetrator (juvenile), who was placed under protective measures at the juvenile hearing, is being treated at the juvenile training school or under probationary supervision.

The following information can be included in the notification:

- The date of entry and name and location of the juvenile training school the perpetrator is committed;
- Educational treatment at the juvenile training school (approximately once every six months)
- The date of perpetrator's discharge
- The date of commencement of parole proceeding
- The date of decision granting parole
- The date of commencement of probation and the scheduled end date
- The state of treatment during the probation (approximately once every six months)
- The date when the probation ended



Victim Notification System

If you would like to request things mentioned in (1) to (5), please ask at the Family Court.

If you would like to request notification mentioned in 6:

Please ask the nearby juvenile classification home concerning perpetrator committed to the juvenile training school; or

Please ask the probation office located in your prefecture concerning perpetrator placed under probation.

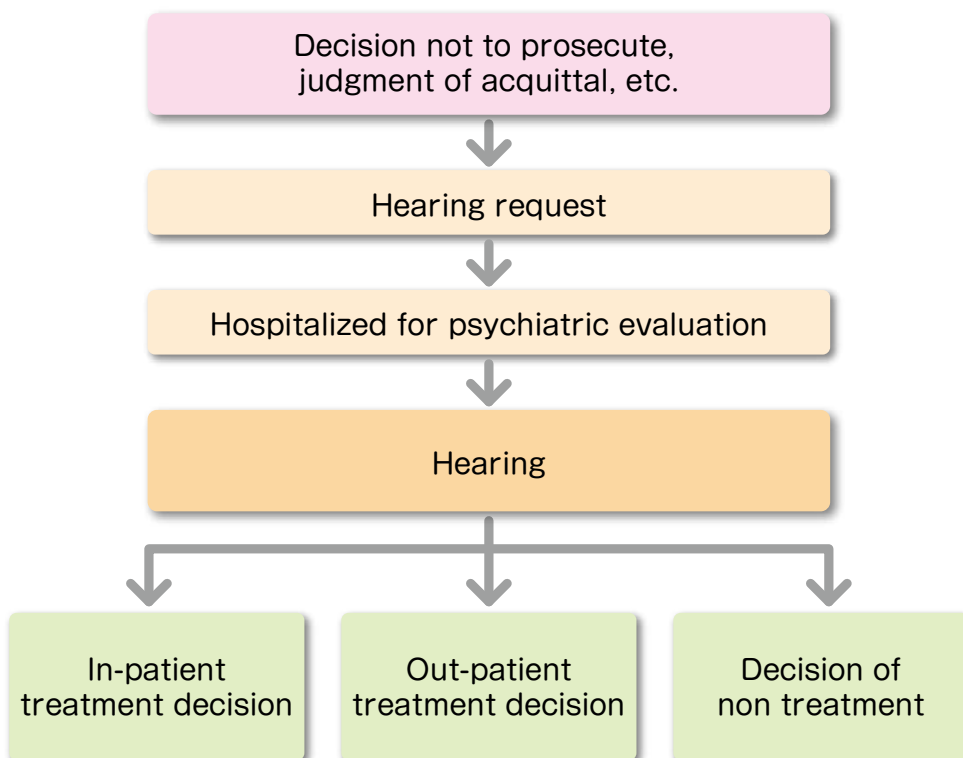
If you have any questions about these systems, please ask the public prosecutor in charge or the assistant officer, or Victim Support Officers.

\* For the outline of the victim notification system, please refer to page 15.

## 6. Victim Support Related to the Hearing for Persons Who Have Caused Serious

Where a person has committed serious harm to others including homicide, arson and robbery due to insanity or diminished capacity (condition of not being able to distinguish between right and wrong due to mental disorder), and the public prosecutor does not prosecute the person on the ground of mental incompetence, or the person is acquitted or not given an actual prison sentence, the public prosecutor will file a hearing request to the District Court to decide the appropriate treatment, so that such person can recover from the mental condition and return to society more quickly. At the District Court that received the request, the judge and the mental health care judge (psychiatrist) will conduct a hearing as a collegial body and, where necessary, hospitalize the individual for detailed psychiatric evaluation. Based on the hearing, the Court will make a decision such as an in-patient treatment decision at the medical institution (national hospital, etc.) designated by the Ministry of Health, Labour and Welfare, out-patient treatment decision or a decision of non-treatment.

Course of hearing held under the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity



# Under the Act on Medical Care and Treatment Cases Under the Condition of Insanity

Q

**What kinds of support system are available for crime victim at the hearing held under the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity?**

A

Under the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity, the following procedures have been put in place concerning the hearing :

- a. Attendance of the victim and the families at the hearing; and
- b. Notification of the result of the hearing to the victim and the families.

A public prosecutor can also provide information regarding the filing of a hearing request to the victim and the families.

Please ask the court if you would like to attend the hearing or be notified of the hearing's result.

Additionally, if you would like to receive information regarding the filing of a hearing request, please ask the public prosecutor or the assistant officer in charge or Victim Support Officers.

## Provision of information regarding treatment for the person whom the Act is applied to

The victim and the bereaved families can, at their request, receive information regarding treatment for the person, who was decided to be placed under in-patient treatment or out-patient treatment at the hearing under the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity .

The following information can be included:

- Name of the person
- The stage of treatment (in-patient treatment, out-patient treatment or end of treatment) and the date of commencement or end of the treatment
- Name, location and contact information of the probation office which is (was) in charge of the case
- Contact with the person by the probation office during out-patient treatment (the number of interviews during the last six months)

Please ask chief of the rehabilitation coordinator division at the nearest probation office, if you would like to receive information.

# 7. Procedures After Trial

## 1 Notification of information regarding the offender's treatment in prison and release from prison

We believe that there are many victims and families who would like to know about the treatment of the offender in prison and when he/she will be released from prison or was actually released. Therefore, we have created a system where we could notify the victims of how offenders are treated during their terms and when they will be or were actually released from prison.

### Q<sub>1</sub> Please explain about the system for receiving information about offenders' treatment during their prison terms and their release from prison.

A

There are two different systems.

Firstly, under the Victim Notification System (refer to page 15), victims can receive notifications without specifying any particular purpose to receive the information. However the information is limited to such matters as the potential date the offender's prison term is scheduled to end and the treatment he/she receives and, once the offender is actually released, the date of the release.

Under the second system, notifications are for those victims who are in need to prevent further harm by the offender. The information such as the scheduled release day will be notified before the release.

\* For notification after the juvenile hearing, please refer to page 39.

### Q<sub>2</sub> What kinds of information are notified under the first system?

A

In the first system, notifications will include the following information:

- a. Name and location of the prison in which the offender is imprisoned
- b. The scheduled release from prison (the release upon completion of the sentence) if the execution of the sentence has not been suspended and the sentence became final
- c. Treatment of the offender in prison (about once every six months)
- d. The date the offender was released (release upon completion of the sentence or by receiving parole)
- e. The date of revocation of suspension of the execution of sentence
- f. The date of commencement of examination proceedings for parole
- g. The date when parole was granted
- h. The date of commencement of probationary supervision and the scheduled end thereof
- i. Treatment during probationary supervision (about once every six months)
- j. The end date of probation

### Q<sub>3</sub> Who can receive notification about the release?

- A** In the first system, the following persons can receive notifications:
- Victims, their families, and co-habitees and others in a quasi-family relationship
  - Witnesses and other participants in the trial (only for notifications of information listed in items b and d of Q2 above)

### Q<sub>4</sub> Under the first system, will I definitely receive information about the release if I request it?

- A** Depending on the circumstances of the offense and other factors, when, for example, the notification may interfere with the offender's rehabilitation, the public prosecutor may decide notification is not suitable. In such cases, the information may not be provided even if requested.

### Q<sub>5</sub> What do I need to do to receive information under the first system?

- A** Persons who wish to receive information need to fill out a request form that clarifies their addresses and the notification method they prefer. The person can submit the request form anytime after the final criminal court judgment has been rendered on the case. The form is to be submitted to the Public Prosecutors Office that handled the case. Those who had requested to receive information about the final judgment will receive the form with the notification of the final judgment. For details, please ask Victim Support Officers or staffs of the Public Prosecutors Offices.



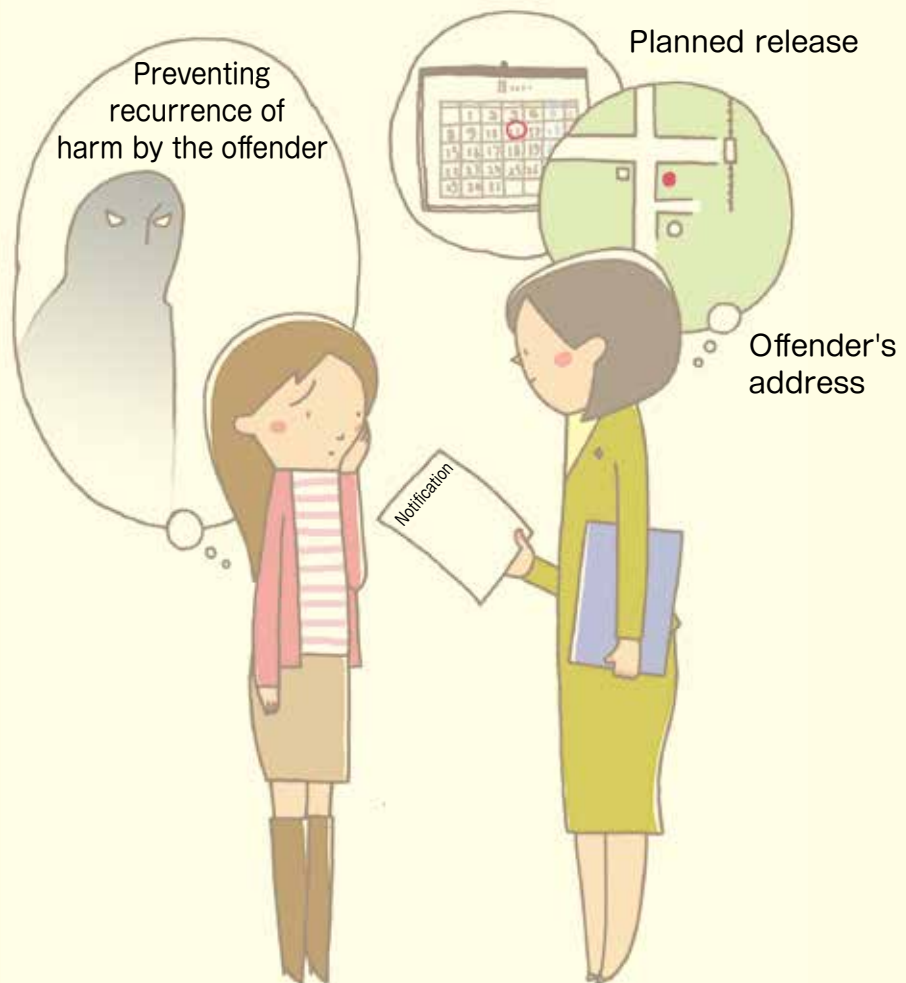
## 7. Procedures After Trial

Q<sub>6</sub>

**Under what circumstances could victims receive the information under the notification system for the prevention of re-victimization?**

A

The victim, who fears re-victimization by the offender, may request notification so that he/she could plan to move their house or take other measures to avoid contact with the offender. The victim's request will be granted if the public prosecutor deems it appropriate to give such notification by reviewing such factors as the motive of the offense, whether or not the offense has an organized crime background, the relationship between the victim, his/her families and the offender, and the offender's behavior.



## Q<sub>7</sub> What kinds of information will be notified?

**A** The planned schedule of the release of the prisoner (including release on parole) will be notified immediately before the actual release (Information is usually given at “the beginning,” “the middle,” or “the end” of the particular month). Additionally, if it is especially necessary, the offender's address after release may be notified as well.

## Q<sub>8</sub> What do I need to do to receive notifications?

**A** Please contact the public prosecutor or public prosecutor's assistant officer in charge or Victim Support Officers if you want to receive such notifications.



## 7. Procedures After Trial

### 2 Returning evidence

The Public Prosecutors Office will promptly return items of evidence that was collected from victims once the investigations and trials are completed.

Stolen items being seized from offenders in such cases as theft or robbery will also be returned promptly, as soon as investigations and trials are finished.

Please contact Victim Support Officer, the public prosecutor or public prosecutor's assistant officer in charge if you wish to have your possessions being used as evidence returned.





### 3 Attending the site of destruction of evidence

If the victim wishes to be present when the evidence such as photographs that may violate the privacy of the victim are destroyed, please contact Victim Support Officer, the public prosecutor or public prosecutor's assistant officer in charge. We will see to it that you will be informed of the date, time and place of the destruction of the evidence so that you may observe.



### 4 Inspection of records of finalized case

Case records and written decisions of the court are kept at the Public Prosecutors Offices once they are finalized. They can be inspected under the Finalized Criminal Suit Document Law, but for those documents other than the written decision, inspection is generally limited to three years after the final decision.

Please contact the Victim Support Officer or the staff in the record section of the Public Prosecutors Office for more details on the inspection procedure.



## 7. Procedures After Trial

### 5 Victim's opinions during the hearing for paroles

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This is a system to enable victims or bereaved families to state their opinions about the offender being paroled or the sentiment of the case, in front of the Regional Parole Boards during the parole hearing of the offenders.

Victim's opinions will be taken into consideration when deciding whether or not to grant parole, as well as when specifying the special conditions for the offender to follow during the period of parole. This system is available only during the period when parole hearings are underway. Victims and their bereaved families will be notified when the parole hearing has commenced by applying to the above mentioned Victim Notification Scheme.



## 6 Conveyance of feelings during probationary supervision

This is a system to convey the victims' and their bereaved families' feelings about the case, their current situations, behaviors of the offender under probation to the offender themselves.

The probation office aims to guide and supervise the offender to face the situation of the victim and have the offender deepen their regrets or remorse. This system is available only during the period when the offender is placed under probationary supervision. Victims and their bereaved families will be notified of the commencement of probationary supervision by applying to the above-mentioned Victim Notification Scheme.

The aforementioned system are accessible by (i) victims, (ii) victims' statutory agents, and (iii) in case the victim is deceased or is suffering serious disability either mentally or physically, the victim's spouse, direct families or siblings.

At probation offices, professional staff conduct consultation for victims and their bereaved families, provide them with information on victim support systems or procedures, and introduce relevant agencies. Should you wish to use such service, please contact probation office in your prefecture .



# 8. Other Forms of Victim Support

## 1 Procedure for payment based on the recovery of the property of crime victims

Proceeds of crime obtained through the commission of asset related crimes such as fraud and receipt of high interest rates (violation of the Investment Act) can be forfeited (through confiscation or collection of equivalent value) from offenders if the criminal activity was conducted as an organizational group or if money-laundering such as concealment of the property in false accounts was committed.

Criminal proceeds and assets(\*) stripped from the offender(s) in such a manner are monetized and maintained as a compensation fund, from which benefits can be paid to victims of the pertinent crime. This system is called “Procedure for payment based on the recovery of the property of crime victims.”

\* The victim's properties which are confiscated by the foreign court and are transferred to Japan are treated in the same way as mentioned above.

### Q<sub>1</sub> Who can receive compensation benefits?

**A** Besides those recognized in a criminal court to be victims of asset-related criminal activity, victims of series of asset-related crimes can also claim compensation(\*).

In addition, the heirs of such victims are eligible to receive compensation.

On the other hand, people who acquired unlawful gains from accomplices of the offenders or criminals cannot claim compensation.

\* Such crimes will not be acknowledged in court. Public prosecutors will determine which case will fall within the scope for “series of asset-related crime” on a case-by-case basis.

#### Persons who can claim compensation

**Victims of asset-related criminal activity acknowledged in a criminal court**

**Victims of series of asset-related criminal activity**

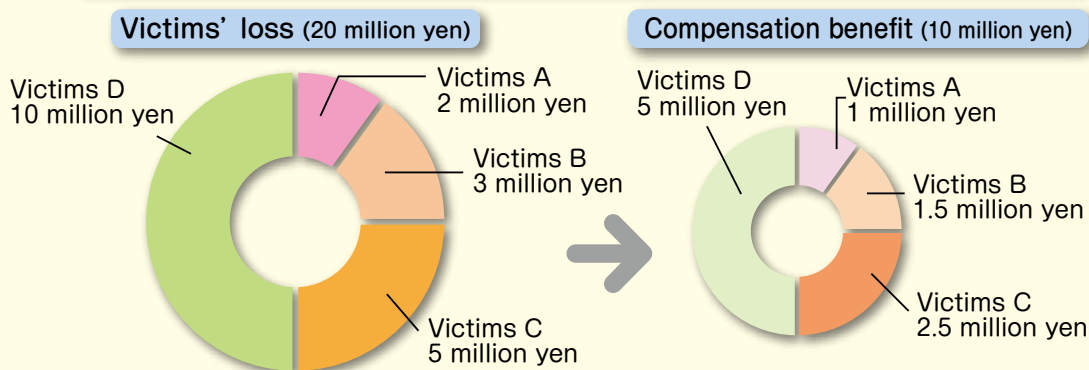
The public prosecutor will determine the scope on a case-by-case basis.

## Q<sub>2</sub> How much compensation can I receive?

**A** The maximum amount of compensation depends on the actual loss suffered by each individual victim. If the recovered amount is less than the total loss amount, the compensation benefit fund will be divided among the victims on a pro-rata basis (i.e. in proportion to each victim's loss.).

Moreover, expenses, etc. for publishing the initiation of the procedures in the Official Gazette or notification to victims will be paid out of the fund before it is divided to victims.

Example of benefits (note: payments of expenses, etc. is omitted in this chart.)



## Q<sub>3</sub> What would I need to do to receive such benefits?

**A** After the crime proceeds have been forfeited from the offender(s) by a criminal court, the public prosecutor will determine which crimes will be the subject of compensation and the deadline for submitting claims and initiate the payment procedure. The initiation of the procedures will be made public in the Official Gazette(\*). In such case where the prosecutor is aware of individual beneficiaries, the prosecutor will contact them individually.

If the compensation procedure has already been initiated, please fill in a claim form with the required information. The form will be available at your Local Public Prosecutors Office, or you can also download the form from the Ministry of Justice's website (<http://www.moj.go.jp/>) or the Public Prosecutors Office's website (<http://www.kensatsu.go.jp/>). Please submit your form before the deadline, together with the necessary documents, to the public prosecutor who is in charge of the procedure (alternatively, you can also send the form via post).

\* This information will be also posted on the Public Prosecutors Office website.

## 8. Other Forms of Victim Support

### Outline of the basic compensation benefit procedure

Forfeiture of assets (through confiscation or collection of equivalent value) obtained by the offender through the asset-related criminal activity (victim proceeds) by the criminal court.

(Criminal proceeds confiscated in foreign courts are transferred to Japan.)

#### The public prosecutor initiates compensation procedures.

- Determines the crimes which will be subject for compensation and the deadline for submitting claims, and makes them public in an official gazette.
- Notification is given to possible beneficiaries of whom the prosecutor is aware.

#### Victims submit the claim forms to the public prosecutor within the claim period

- The form should be sent with necessary documents, such as those demonstrating the loss and its amount, and copies of identity documents with photographs (e.g. driver's license)

The public prosecutor examines the contents of each claim and makes a decision.

The public prosecutor sends to claimants a certified copy of his/her decision (called "Saitei-sho").

All of the decisions and expenses, etc. are determined.

Compensation benefits are paid to the victims.

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



# Attention!

**There are false public notices assuming the names of public prosecutors or the Public Prosecutors Office.**

There are cases where false documents titled “announcement of initiation of the payment procedure of criminal proceeds” or “claim form for payment of compensation benefits” posing as payment of criminal proceeds are sent to victims.

The Public Prosecutors Office never designates organizations other than the Public Prosecutors Office as contact point of public notice nor charges commissions or other fees to claimants or victims who wish to claim.

The information of the payment procedure of criminal proceeds that the Public Prosecutors Office actually conducts is available at the “Procedure for payment based on the recovery of the property of crime victims” on the Public Prosecutors Office's website. If you receive a suspicious mail or call, please confirm the information on the website described above or call each Public Prosecutors Office that is considered as a publisher of the notice.

## 8. Other Forms of Victim Support

### ② Benefit system for crime victims

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This is a system in which the national government pays benefits to the families of deceased victims and victims who suffer a serious injury or sickness, or those who became disabled as a result of intentional criminal acts including random murder.

#### Types of benefit

Each type of benefit is a lump-sum payment.

#### Survivor benefit

Paid to bereaved families (the first person in the order of (1) spouse (2) children (3) parents (4) grandchildren (5) grandparents (6) siblings ; provided that among the bereaved families who fall within (2) to (6), any person who was economically dependent on the deceased victim shall have priority over others.)

#### Serious injury or sickness benefit

Paid to victims who suffer a serious injury or sickness (injury or sickness requiring more than one month of medical treatment and more than three days of hospitalization (in terms of mental disorders, such as PTSD, damage which entails medical treatment for more than one month and suspension of business for more than three days): total of the amount equivalent to the self-payment portion of medical expenses for up to a certain period and the amount taking into account of the loss caused by the suspension of business (max. ¥1.2 million)

#### Disability benefit

Paid to victims left disabled (grade of disability: level 1 to level 14)

Provided that those who do not possess Japanese citizenship and an address in Japan at the time of the occurrence of criminal acts are not eligible to receive payments.

#### Reduction or adjustment of benefit

In cases where the victim was in part the cause of his/her injury or sickness, part or all of the benefit may not be paid.

Moreover, in cases where Workers Compensation or other public compensation or damage awards have been paid, that amount and the benefit payments will be adjusted.

#### Application for benefit

An application should be filed with the Prefectural Public Safety Commission with jurisdiction over the address of the applicant. Specifically, the applicant should submit an application form and the necessary documents to a police office or prefectural police headquarters with jurisdiction over the address of the applicant.

An application should be filed within two years after the applicant became aware of a death, serious injury or sickness, or disability due to a criminal act or within seven years after such damage actually occurred. However, if an application was not filed within the period due to inevitable reasons such as physical restraint by a perpetrator, the application can be accepted within six months after the reasons ceased.

For details, please contact the nearest police office or prefectural police headquarters.



### 3 Civil actions

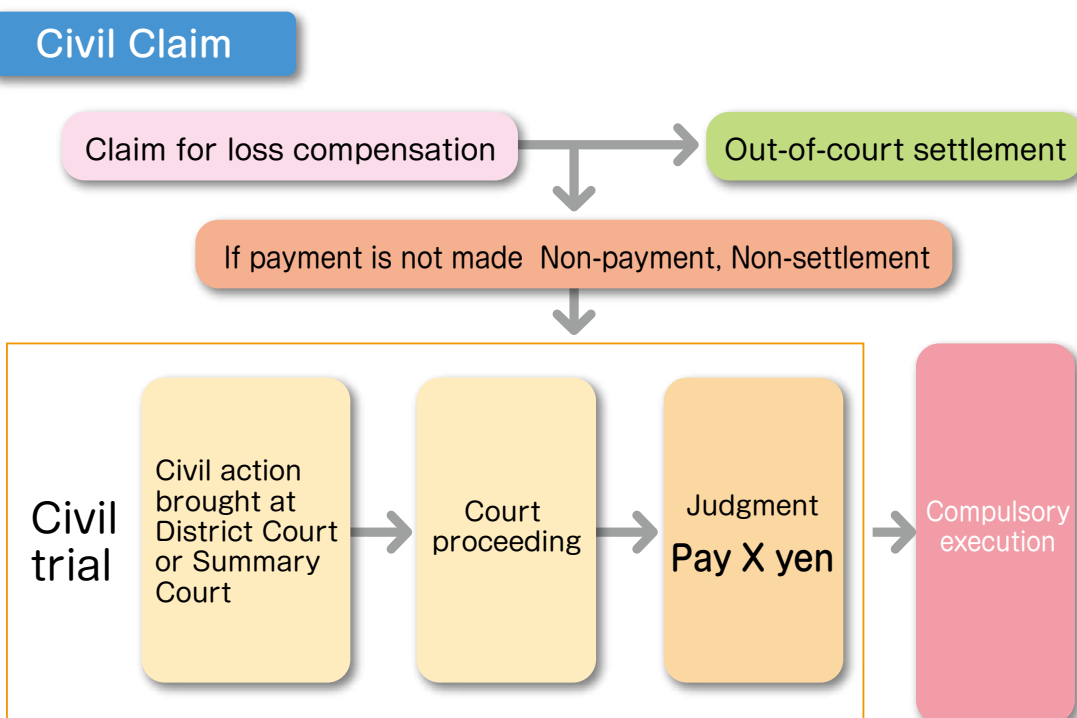
Victims, bereaved families and others who did not reach an agreement with the offender about the compensation must bring civil action in order to pursue their civil claim.

In the civil action, you must clarify the kind of judgments you are pursuing when suing the offender, and assert what kind of criminal activity the offender was responsible for, and what kind of loss was suffered due to the criminal activity. Further, if the offender objects to the claim, you must submit evidence to prove your claim.

If you want professional legal advice about the procedure, Houterasu, bar associations and other organizations can offer legal counseling. Also, should you have any question, please contact the Victim Support Officer at the Public Prosecutors Office.

In a civil action, as in the criminal trials, accompanying persons, witness screens, and testimony by video link are available (refer to page 24).

\* For the system to use the outcomes of criminal procedures regarding compensation of damages, please refer to page 34.



## 8. Other Forms of Victim Support

### 4 Priority for moving into public housing

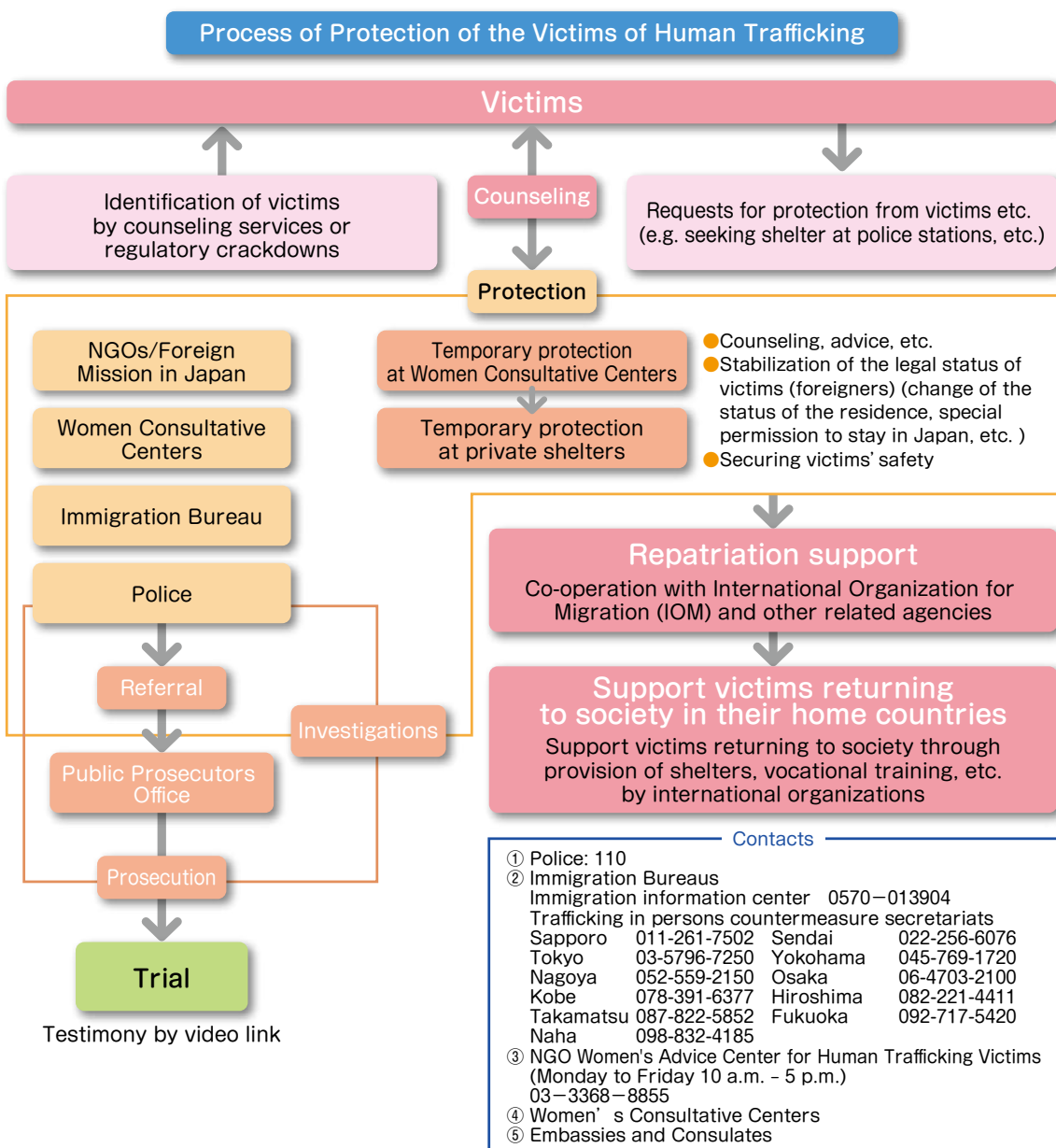
Some local public entities (i.e. prefectural housing and municipal housing) provide public accommodation for, prior to others, those who can no longer live in their previous houses due to criminal activity. (In principle, this policy is only for those whose income is below a certain level, and people living alone, except victims of domestic violence, are excluded from this policy).

However, as some local public entities allow those who are in an emergency for public housing, and single people to live in public housing, please contact your prefectural or municipal public housing administrative office for more details.



## 5 Protection for victims of human trafficking

Human trafficking is a serious crime which violates the human rights of the victims. In Japan, all of the relevant organizations are working on prevention and elimination of human trafficking, and identification and protection of victims, based on the anti-human trafficking action plan. The Public Prosecutors Office deals with such crimes aggressively. Please see the following diagram to find out about the identification and protection of the victims of human trafficking.



## 8. Other Forms of Victim Support

### 6 Victim support offered by relevant organizations and entities

Services for protection and support of victims and their bereaved families are offered by various organizations and groups as well as the Public Prosecutors Office. The Public Prosecutors Office conducts support activities in cooperation with such relevant organizations and groups. For detailed information about support services offered by each organization and group, please directly contact each organization and group or see its website. In addition, if you consult the Victim Support Officers or staff of the Public Prosecutors Office, they will introduce relevant organizations and groups offering support in accordance with the situation of the victim.

#### ●Support services offered by Japan Legal Support Center (Houterasu)

The Japan Legal Support Center (Houterasu) provides various support information, in accordance with situations and needs after suffering damages, through the establishment of the Victims of Crime Support Line. In addition, Houterasu refers victims to attorneys with experience and understanding related to supporting victims of crime, and offers aid for legal fees, etc. under certain conditions including assets.

○Victims of Crime Support Line : 0 5 7 0 – 0 7 9 7 1 4

○Houterasu' s website

<https://www.houterasu.or.jp/>



#### ●Support services offered by the police

The police offer services for crime victims and a victim information system that informs the investigation circumstances to victims or their bereaved families in certain serious cases and accidents, as well as a benefit system for crime victims (page 54). In addition, the police established the outline of prevention of re-victimization to prevent victims from being harmed by the same offenders, and take measures based on this.

#### [Contact]

Police office or prefectural police headquarters handling the crime in question

Website of support services

for victims of crime offered by the police

<https://www.npa.go.jp/higaisya/>



### ● Support services offered by bar associations

There are attorneys who have received training and have experience related to supporting victims of crime in local bar associations throughout Japan. In addition, legal counseling services for victims of crime are offered at many local bar associations.

#### ○ Introduction of contact points for counseling services at bar associations

(within the Japan Federation of Bar Associations's website)

[https://www.nichibenren.or.jp/activity/human/victim/whole\\_country.html](https://www.nichibenren.or.jp/activity/human/victim/whole_country.html)



### ● Support services offered by private crime victim support organizations

Various private crime victim support organizations including early support groups for crime victims designated by each Prefectural Public Safety Commission conduct activities such as telephone counseling, accompanying victims to the Public Prosecutors Office or the court, and support for self-help groups of victims and their families.

#### ○ Referral website for organizations of crime victims

(within the National Police Agency's website of measures for crime victims)

<https://www.npa.go.jp/hanzaihigai/soudan/dantai/dantai.html>



\* The National Police Agency's website described above offers not only information about private crime victim support organizations but also other contact points for victim supports.

### ● Support services offered by local public entities

Some local public entities may offer counseling services for victims and their bereaved families or financial supports including various assistances for victims and their bereaved families, in addition to priority for moving into public housing (page 56).

#### [Contact]

##### Prefectural or municipal office at your address

\* Support services offered by local public entities differ by prefecture or municipality.

## Victim Support Hotline Telephone and Fax Numbers

Public Prosecutors Office	Telephone and Fax Numbers
Sapporo District Public Prosecutors Office	011-261-9370 (Tel·Fax)
Hakodate District Public Prosecutors Office	0138-41-1655 (Tel·Fax)
Asahikawa District Public Prosecutors Office	0166-51-6259 (Tel·Fax)
Kushiro District Public Prosecutors Office	0154-41-6133 (Tel·Fax)
Aomori District Public Prosecutors Office	017-722-1234 (Tel·Fax)
Morioka District Public Prosecutors Office	019-622-6236 (Tel·Fax)
Sendai District Public Prosecutors Office	022-222-6159 (Tel·Fax)
Akita District Public Prosecutors Office	018-862-5572 (Tel·Fax)
Yamagata District Public Prosecutors Office	023-622-5122 (Tel·Fax)
Fukushima District Public Prosecutors Office	024-534-5135 (Tel·Fax)
Mito District Public Prosecutors Office	029-221-2199 (Tel·Fax)
Utsunomiya District Public Prosecutors Office	028-623-6790 (Tel·Fax)
Maebashi District Public Prosecutors Office	027-235-7828 (Tel·Fax)
Saitama District Public Prosecutors Office	048-863-2298 (Tel·Fax)
Chiba District Public Prosecutors Office	043-221-2065 (Tel·Fax)
Tokyo District Public Prosecutors Office	03-3592-7611 (Tel) 03-3592-7614 (Fax)
Tachikawa Branch	042-548-5766 (Tel) 042-548-5767 (Fax)
Yokohama District Public Prosecutors Office	045-211-7638 (Tel·Fax)
Niigata District Public Prosecutors Office	025-226-0922 (Tel·Fax)
Toyama District Public Prosecutors Office	076-421-4148 (Tel·Fax)
Kanazawa District Public Prosecutors Office	076-221-3573 (Tel·Fax)
Fukui District Public Prosecutors Office	0776-28-8744 (Tel·Fax)
Kofu District Public Prosecutors Office	055-228-9732 (Tel·Fax)
Nagano District Public Prosecutors Office	026-232-8180 (Tel·Fax)
Gifu District Public Prosecutors Office	058-262-5138 (Tel·Fax)
Shizuoka District Public Prosecutors Office	054-252-7204 (Tel·Fax)
Nagoya District Public Prosecutors Office	052-951-4538 (Tel·Fax)
Tsu District Public Prosecutors Office	059-228-4166 (Tel·Fax)

Public Prosecutors Office	Telephone and Fax Numbers
Otsu District Public Prosecutors Office	077-527-5149 (Tel·Fax)
Kyoto District Public Prosecutors Office	075-441-9103 (Tel·Fax)
Osaka District Public Prosecutors Office	06-4796-2250 (Tel) 06-4796-2242 (Fax)
Kobe District Public Prosecutors Office	078-367-6135 (Tel·Fax)
Nara District Public Prosecutors Office	0742-27-6861 (Tel·Fax)
Wakayama District Public Prosecutors Office	073-422-4285 (Tel) 073-422-5308 (Fax)
Tottori District Public Prosecutors Office	0857-22-4177 (Tel·Fax)
Matsue District Public Prosecutors Office	0852-32-6701 (Tel·Fax)
Okayama District Public Prosecutors Office	086-224-3322 (Tel·Fax)
Hiroshima District Public Prosecutors Office	082-221-2467 (Tel·Fax)
Yamaguchi District Public Prosecutors Office	083-922-3153 (Tel·Fax)
Tokushima District Public Prosecutors Office	088-652-5198 (Tel·Fax)
Takamatsu District Public Prosecutors Office	087-825-2045 (Tel·Fax)
Matsuyama District Public Prosecutors Office	089-935-6607 (Tel·Fax)
Kochi District Public Prosecutors Office	088-872-9190 (Tel·Fax)
Fukuoka District Public Prosecutors Office	092-734-9080 (Tel·Fax)
Kokura Branch	093-592-9441 (Tel·Fax)
Saga District Public Prosecutors Office	0952-22-4259 (Tel·Fax)
Nagasaki District Public Prosecutors Office	095-822-4477 (Tel·Fax)
Kumamoto District Public Prosecutors Office	096-323-9068 (Tel·Fax)
Oita District Public Prosecutors Office	097-534-9728 (Tel·Fax)
Miyazaki District Public Prosecutors Office	0985-29-2156 (Tel·Fax)
Kagoshima District Public Prosecutors Office	099-226-0691 (Tel·Fax)
Naha District Public Prosecutors Office	098-835-9997 (Tel·Fax)
Supreme Public Prosecutors Office	03-3592-7839 (Tel·Fax)
Tokyo High Public Prosecutors Office	03-3592-7735 (Tel·Fax)

As of March 2019

\* Please contact the Public Prosecutors Office handling the crime in question, or the nearest Public Prosecutors Office to you.

\* You can leave messages or send faxes to the Victim Support Hotline at night or on holidays.

\* As the Victim Support Hotline may be expanded or moved, for the latest contact points, please see the Ministry of Justice's Website (<http://www.moj.go.jp/>) or the Public Prosecutors Office's Website (<http://www.kensatsu.go.jp/>).



Ministry of Justice Website

<http://www.moj.go.jp/ENGLISH/>

There are explanations of the criminal procedures and support systems for crime victims in the “For the Victims of Crime” section of the Ministry of Justice Website.

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Issued in March 2019

