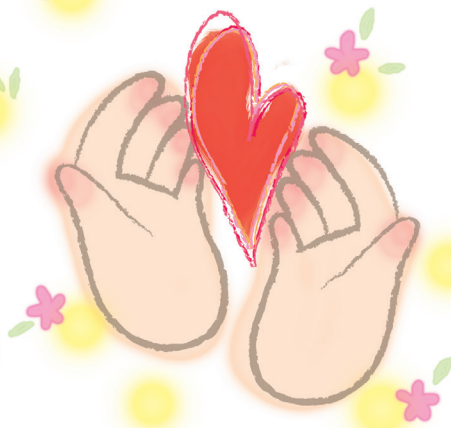




"For Victims of Crime"



Victim Protection  
and Victim Support

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





# Introduction

Crime victims or their bereaved family members have various concerns about how criminal proceedings are carried out, what they can do, or what support they can receive.

When a crime has been committed, usually the police conduct an investigation, and all cases are referred to the public prosecutor. The prosecutor then conducts necessary investigations, such as questioning of the suspects (i.e., the persons who are suspected of committing the crime and is the subject of the investigation) and witnesses, evaluation of collected evidence, and decides 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 is essential. Victims assist the criminal justice process by agreeing to be interviewed by the prosecutor and/or testifying at trial. Through such assistance, the truth will be revealed, resulting in the appropriate level of punishment that corresponds to 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 disposition of the case.

This brochure describes protection and support services for the victims of crime or their bereaved family members offered by the Public Prosecutors Office in accordance with each stage of the criminal justice process, including investigation, trial, etc.

We hope that referencing this brochure on support services will be of some help to crime victims or their bereaved family members.

Additionally, if you have any questions about this brochure, 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 investigation and trial, please consult with the public prosecutors at the nearest Public Prosecutors Office.

## Frequently asked questions for victims



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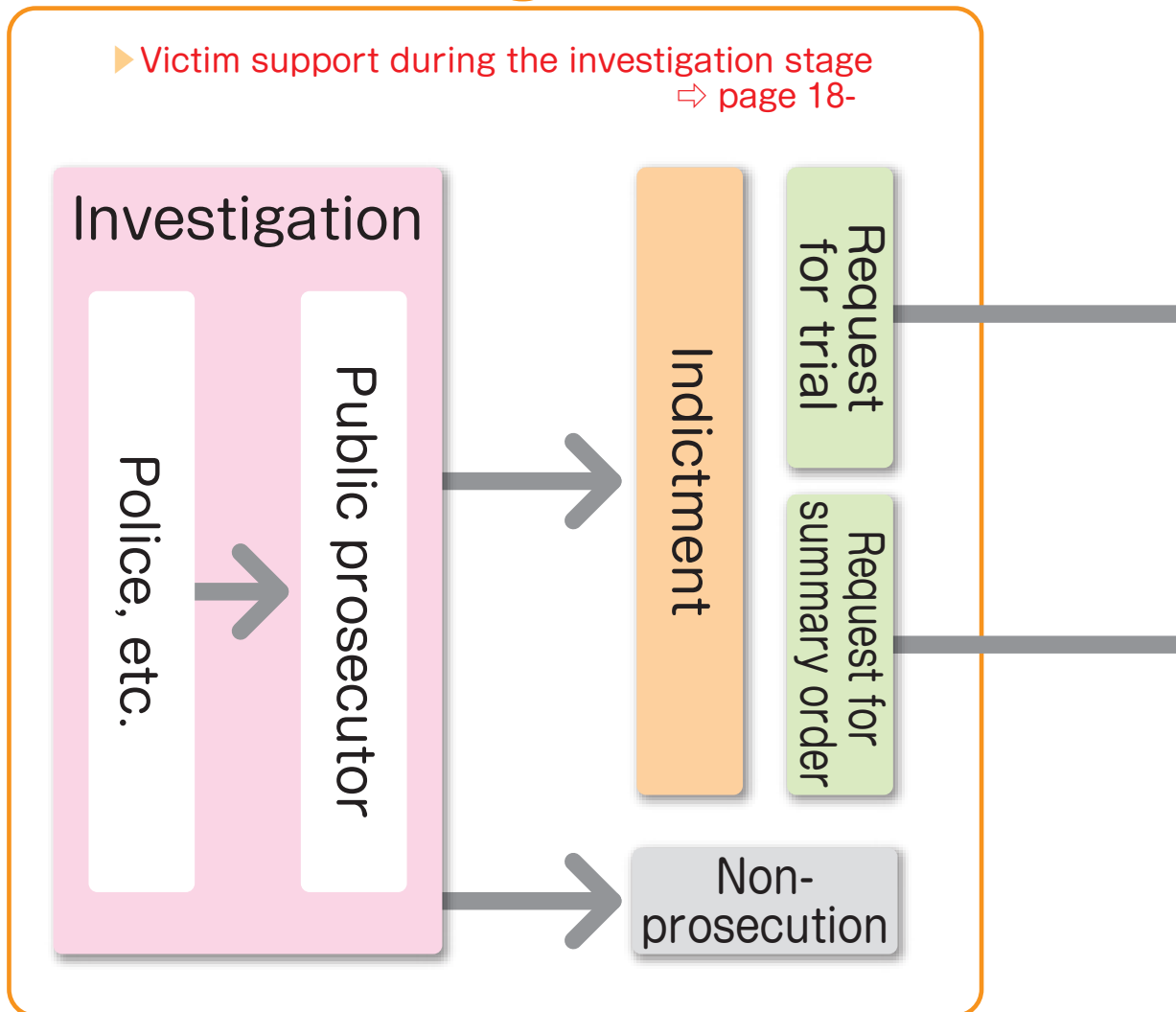
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# Course of Criminal Proceedings

## Course of Criminal Proceedings

### Investigation

- ▶ Victim support during the investigation stage  
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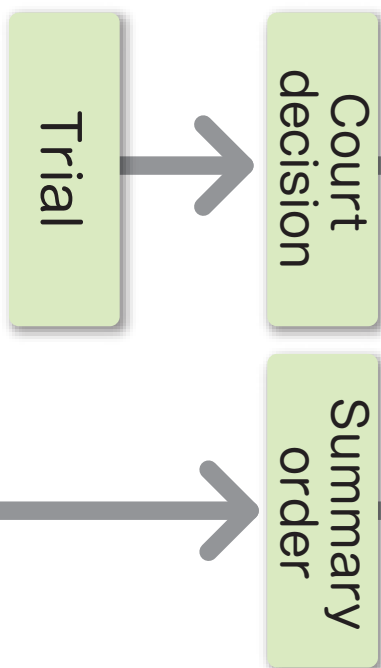


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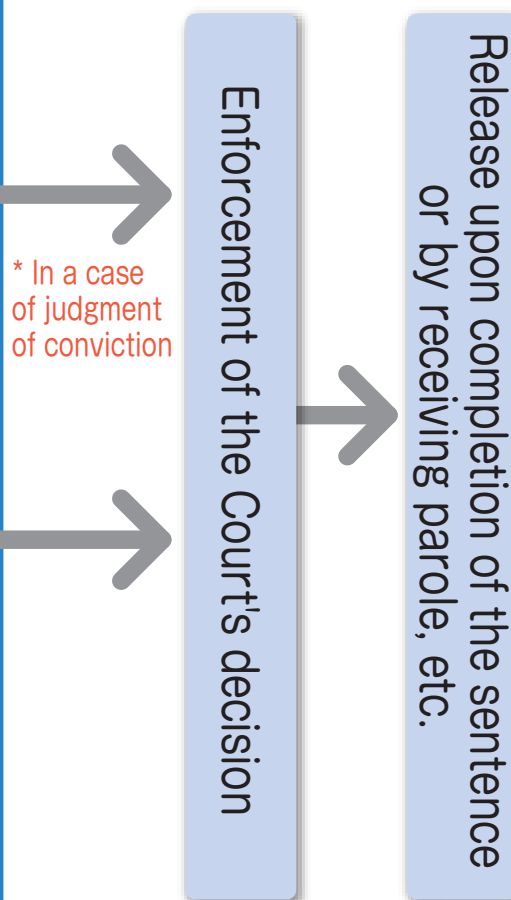
## Trial

- ▶ Victim support during trials ⇨ page 22-



## After trial

- ▶ Procedures after trial ⇨ page 42-



\* If 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 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 four levels of Public Prosecutors Office, which correspond 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 above Prosecutors Offices and aims to realize social justice as a representation of public interests in seeking justice 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, the police will usually carry out an investigation, arrest the suspect, and then refer the case to the Public Prosecutors Office. The Public Prosecutors Office takes statements from the victim and witnesses, interrogates the suspect and, after completing the investigation makes the decision whether to prosecute (bring the case to 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.



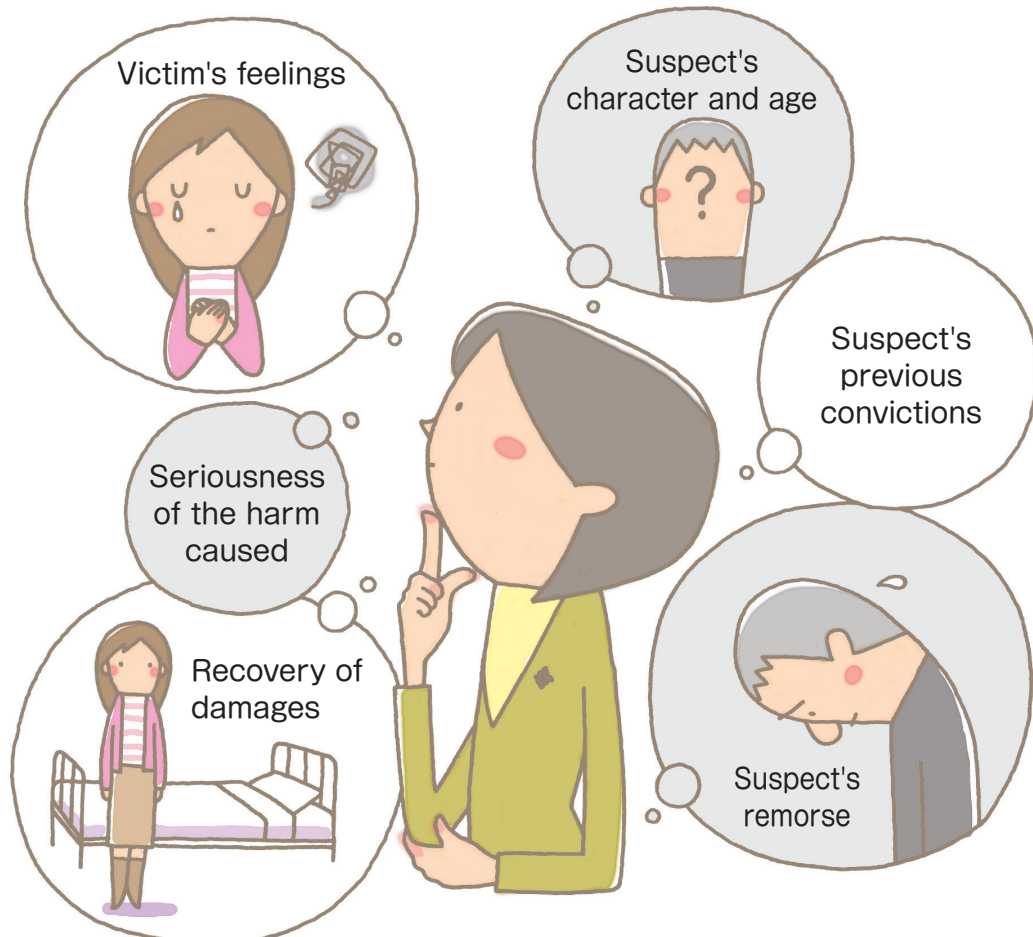


# the Course of Criminal Proceedings

## 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 a request for trial in a courtroom. And a 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 suspect's mental state impedes his or her 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

The 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 examining the 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.

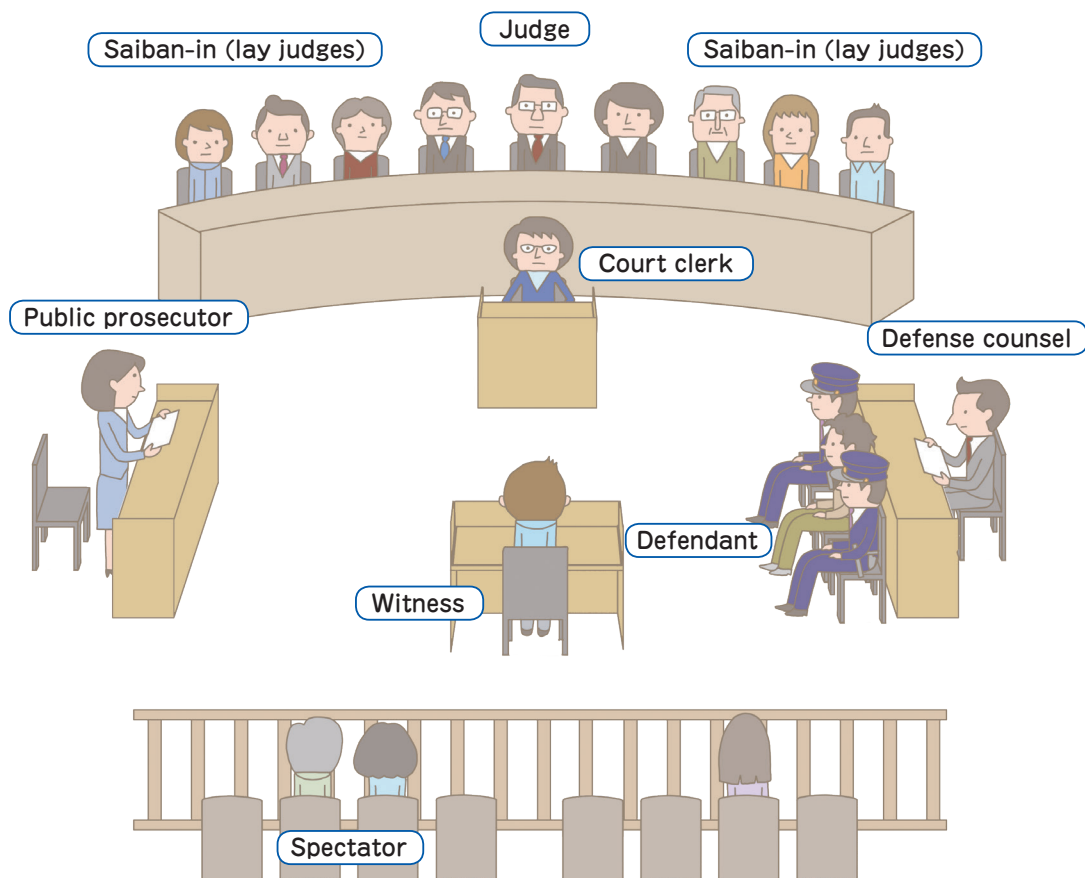
### Q<sub>1</sub> What is the saiban-in (lay judge) system?

**A** The saiban-in system, in which individual who have the right to vote, participate in the criminal trials held at district courts for serious cases (e.g., homicide, robbery causing death or injury, rape causing death or injury, and dangerous driving causing death). The role of the participants is to determine whether the defendant is guilty or not and the sentence where guilty with professional judges.

### Q<sub>2</sub> I worry that if one of the saiban-in participants in someone I know, he/she will learn about my involvement in the case. Are accommodations made in this case?

**A** A public prosecutor makes accommodations that acquaintances 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's decision

The public prosecutor supervises and directs the enforcement of the Court's decision (e.g., imprisonment, fine, etc.)

## 2. General Victim Support Services

### 1 Victim Support Officers

People never expect that they or their family members will fall victim to a crime.

If you do become a victim to a crime, you may be overwhelmed by the sudden incident. However, we ask that you cooperate to the best of your ability in giving a statement or testifying in court.

You may be at a loss for direction, and you may feel anxious during the criminal proceedings, but you don't know who you can talk to.

To help ease the worries and burdens of victims and their bereaved family members, Victim Support Officers are available at District Public Prosecutors Offices throughout Japan.

Victim Support Officers offer support through activities such as responding to victim's questions, 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 provide psychological, economic and other forms of support, according to the victim's needs.



## 2 Victim Support Hotline

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

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."



## 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 concerns, we can provide you with information and advice or introduce you to other support organizations that will address your concern.

### Q<sub>2</sub> What kind of capability does the Victim Support Officers have?

**A** They are staff of the Public Prosecutors Office who have rich experience in supporting victims. They have received specialized training in supporting victims, so please feel free to contact us.



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

**A** We offer advice to crime victims or family members 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.

If the Victim Support Officers cannot help your query, they will introduce you to an organization that can.

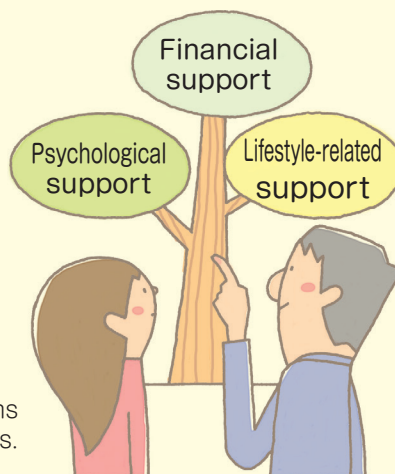
Please feel free to contact us for help and advice. We will provide service that you can make sure.

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

**A** All personal information is kept 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 kinds of support, including psychological, financial and lifestyle-related. When necessary, we will introduce you to the appropriate organization to help you.



Victim Support Officers introduce victims to appropriate organizations.

## 2. General Victim Support Services

**Q<sub>6</sub>** I attended the trial, but I didn't understand what was going on. Can the Public Prosecutors Office explain to me the court procedures?

**A** If you have any questions about the court procedures or other criminal procedures, 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

Victims or their family members are often deeply invested in matters such as the disposition of the case, the procedures, the court's decision, and the treatment of the perpetrators 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. The Victim Notification System will provide victims or their family members with information such 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 witnesses, the system will also provide information such 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 family members co-habitee, fiance (fiancee) and others in a quasi-family relationship
  - Witnesses (excluding some notifications)

### Q<sub>2</sub> What information is included in a notification?

- A** The following information will be included in the notification:
- 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 etc.)
  - 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)
  - The fact of the execution

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, 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) and/or the fact of the execution 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> Are notification always provide when requested?

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

### Q<sub>4</sub> How do I received 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 requested notifications by telephone, mail or other means.

When public prosecutors interview the victims and other witnesses, they ask whether the victim 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) or the fact of the execution (listed in item f. 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 will not generally ask whether there is a request for notifications on such matters. If you would like to receive notifications about matters listed in item d. of Q2 above, please tell the public prosecutor which matters you would like to receive notifications about.

Witnesses may also receive notification; therefore, if you would like to receive 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 offender by reporting the facts of the crime to the investigating authorities. People other than the victim can make accusations seeking punishment of the offender also by reporting the facts of the offense to the investigating authorities.

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 offender to be criminally prosecuted.

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

### **Q** How are law concerning complaints in sexual offences amended?

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

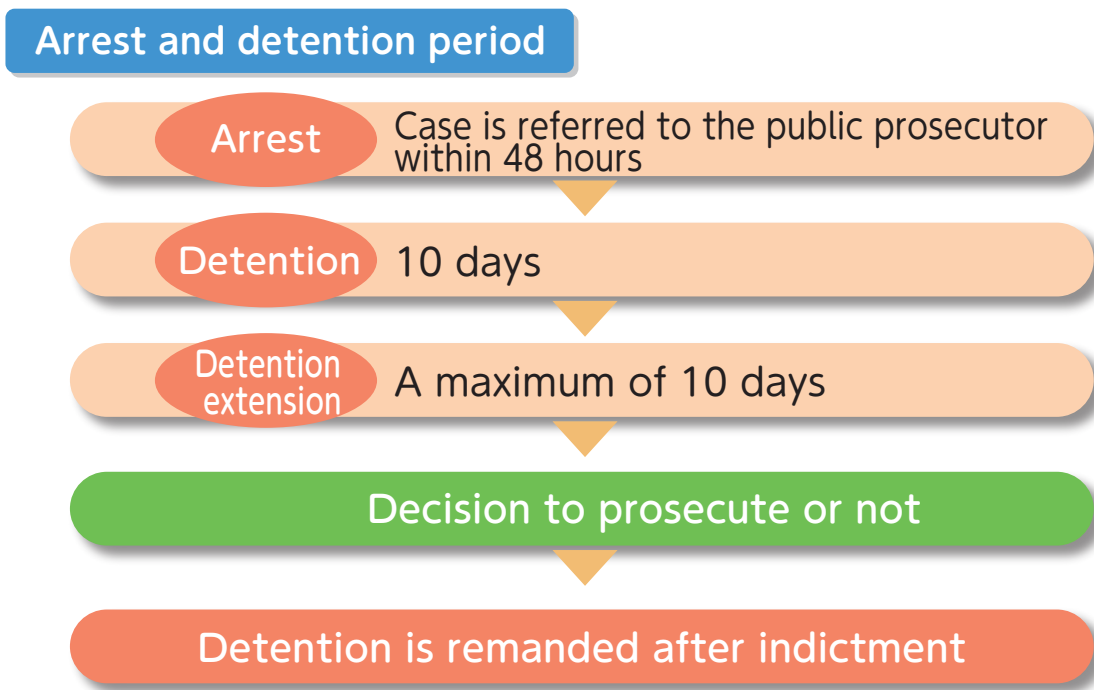
As a result of this amendment, sexual offences such as rape and forcible indecency are no longer classified as crime indictable upon a complaint; therefore offenders who commit such offences can be indicted and convicted without a victim submitting a complaint.

Moreover, offenders who committed such offences prior to the amendment may also be indicted and convicted without a victim having filed a complaint, save in limited circumstances.

The purpose of this amendment is to reduce the risk of psychological stress for victims when faced with the decision to file a complaint or not. As such, 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 wish to prosecute or not.

## 2 Criminal investigation

Investigations will commence with or without an arrest of the suspect. 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, as the victim is most familiar with the incident in question. Even when 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.



For two months from the day of prosecution, renewed each month thereafter

### 3. Victim Support During the Investigation Stage

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

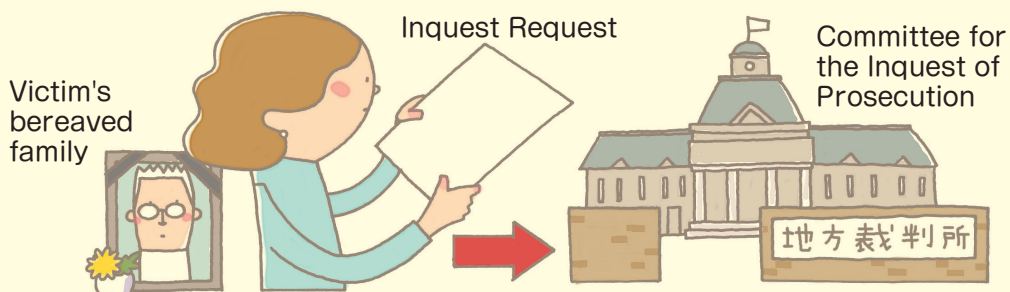
When the investigation is completed, the public prosecutor decides whether to prosecute the case. Decision of non-prosecution can be reported to the Committee for the Inquest of Prosecution for review. Alternatively, for crimes including abuses of authority by a public officer, request to commit the case to a court for trial can be made to the District Court having jurisdiction.

#### Q How do I make a request to the Committee for the Inquest of Prosecution regarding non-prosecution decisions?

A When a public prosecutor decides to not prosecute an offense, victims or accusers can request the Committee for the Inquest of Prosecution to conduct an inquest. Victims' bereaved family members 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 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 about procedures to make inquest requests. (For details, please see the website of the court.)

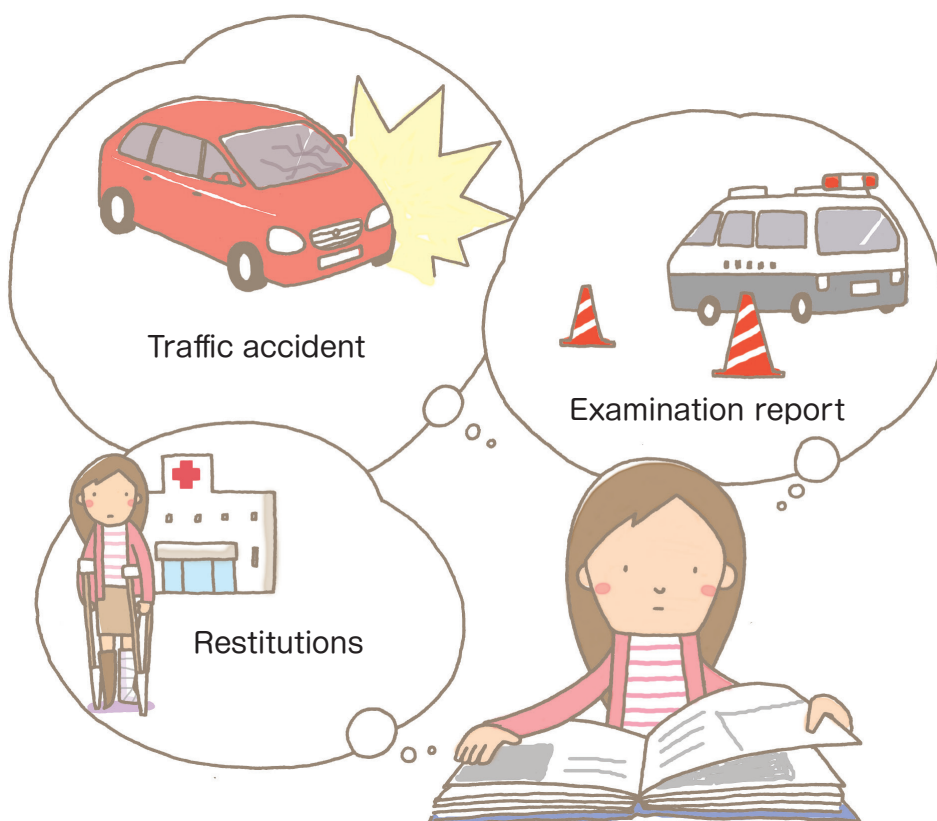


## 4 Inspection of non-prosecution case files

As a general rule, non-prosecution case files 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, the 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 the victim's information

---

The Court can decide to not 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 that does not disclose the victim's information.

Prior to a request to examine 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 a 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. However, 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 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 know such information, unless there is the risk of any substantial disadvantage to the defendant's defense. 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 in 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 better understand 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 defendant. Can you help me?**

**A**

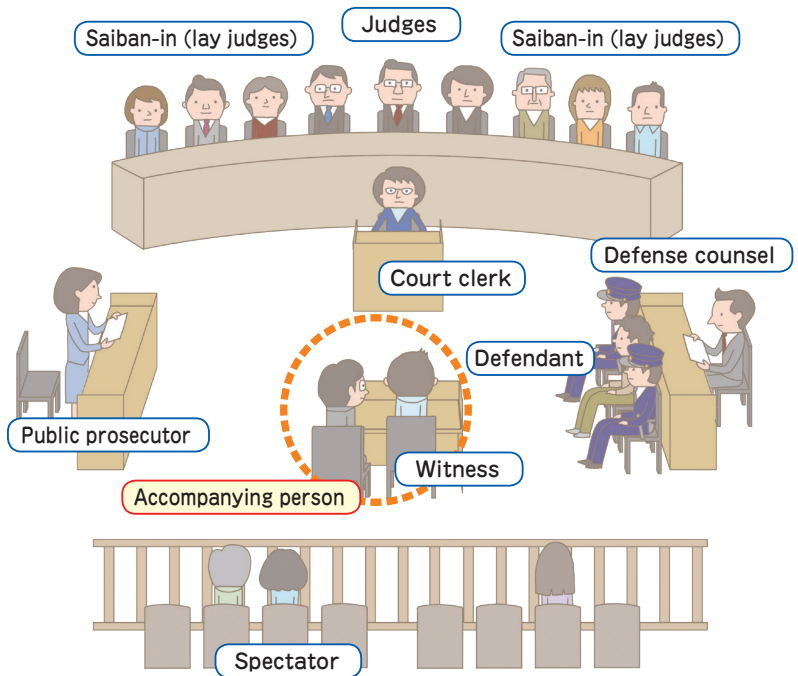
The Court may make a decision to take the following measures to ease the burden of those who testify in court, which may be taken in combination:

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

## 4. Victim Support during Trials

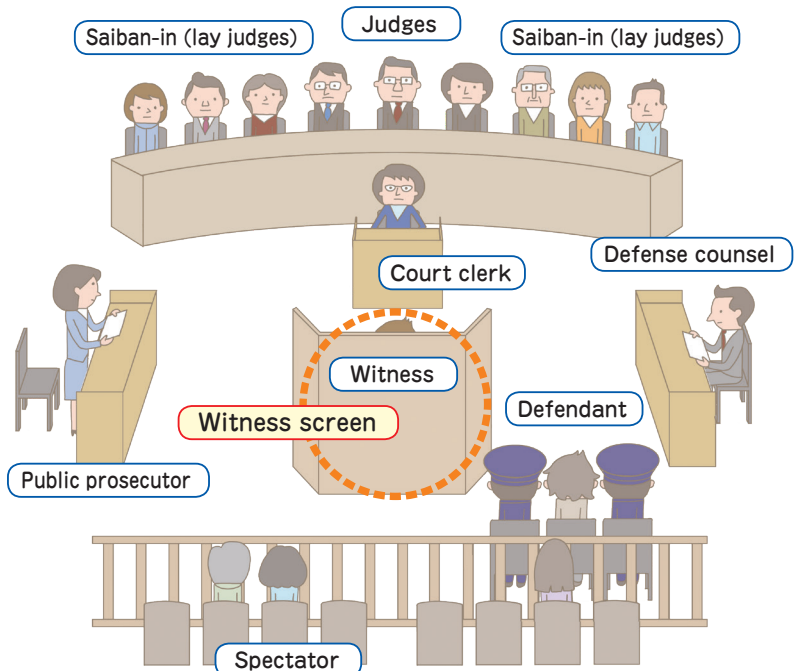
### Accompanying persons

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 members, psychological counselors or others person can accompany the witness when testifying.



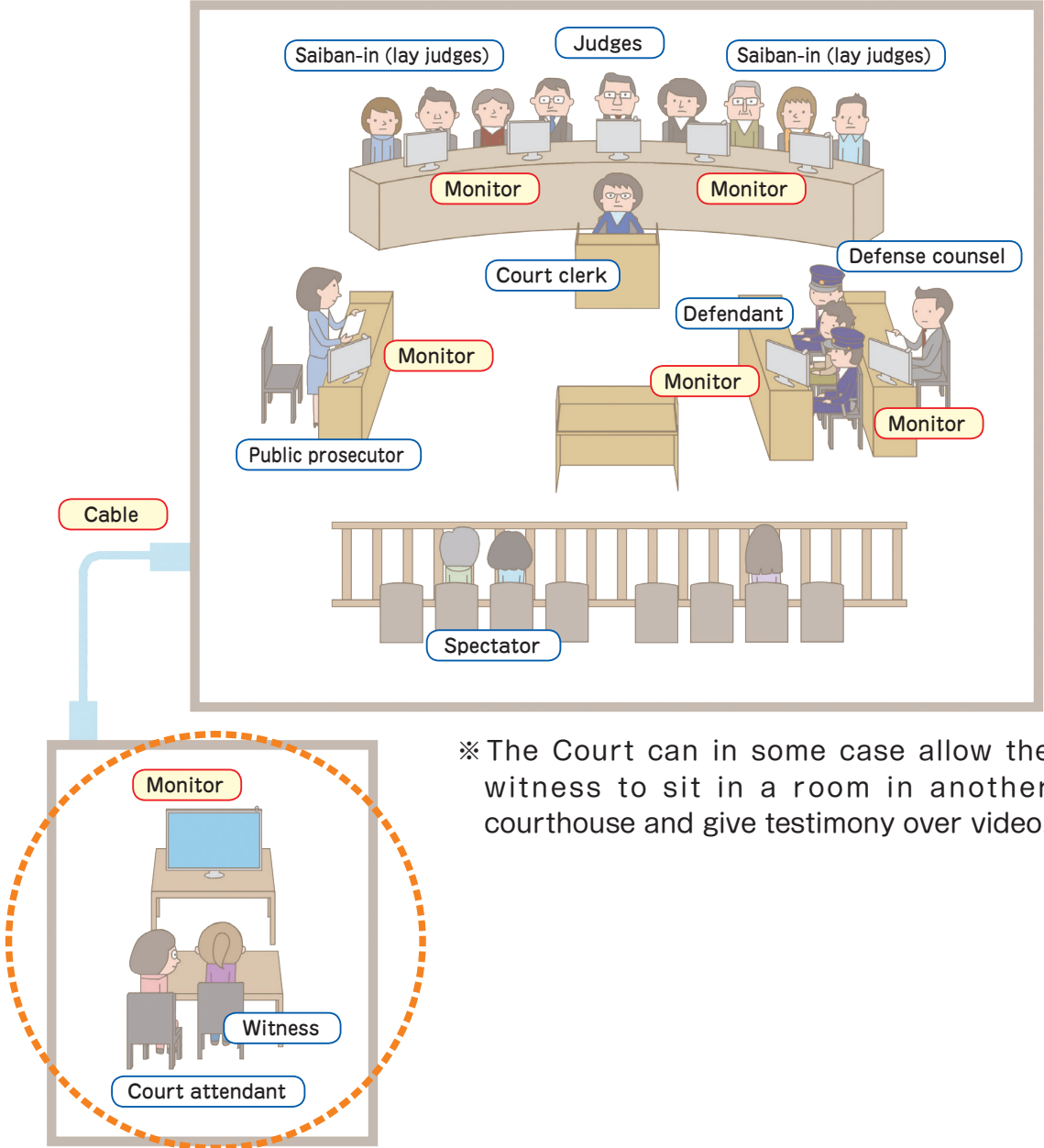
### Witness screen

To lessen the psychological pressure people sometimes feel when testifying in front of the defendants or a spectator, a witness can be screened off from the defendant and spectator when giving his or her testimony so that the witness can remain focused.



## Testimony by video link

Victims of sexual offense and others who would experience significant psychological stress to appear in front of a court can sit in a separate room in order to ease their stress when testifying. This room will be connected by a cable to the courtroom, allowing the witness to give testimony over a monitor.



※ The Court can in some case allow the witness to sit in a room in another courthouse and give testimony over video.

## 4. Victim Support during Trials

### 3 Attending trials

Since trials take place in 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** How do the priority attendance systems for victims and others work?

**A** In cases of high public concern where a large spectator is 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 family members and other such persons.

In the case victims or their bereaved family members wish to attend the trial and a large spectator 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

The victim participation system offers victims or their bereaved family members of certain cases the opportunity to participate in criminal trials by attending trials and questioning the defendants.

Victims and their bereaved family members 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 family members can ask the public prosecutor in charge for to participate 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?

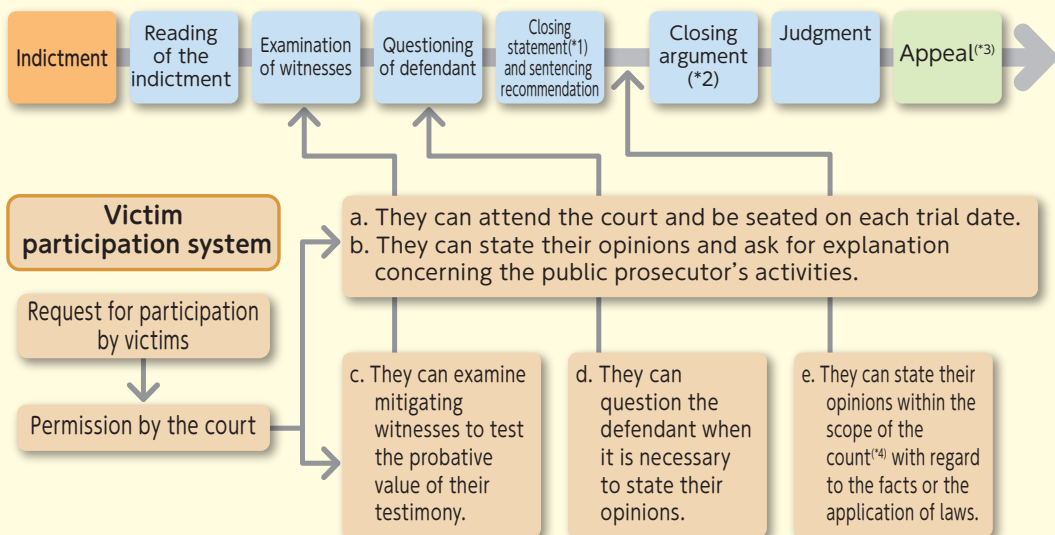
**A** If the Court, after hearing opinions of the defendant and the defense counsels and considering the nature of the crime, relations with the defendant, and other circumstances, deems that the person should be permitted, he or she can participate in the criminal trial as a victim participant. Even 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 deemed necessary in stating their opinions.
  - After the evidence has been examined, they can state their opinion in court with regard to the facts or the application of laws.

#### Outline of the system for crime victims participating 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 attorney assistance?

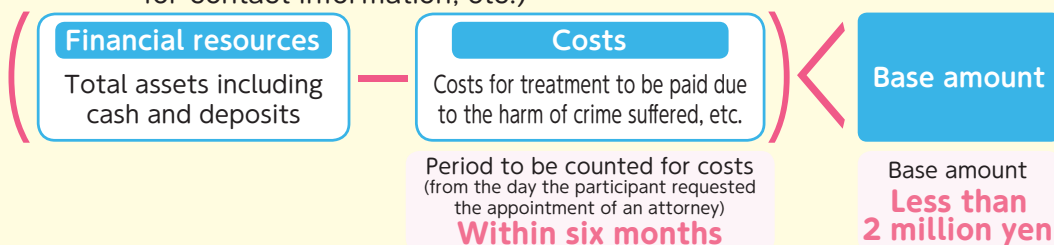
**A** When victims participate in trials, they can receive the assistance of attorneys (attorneys for victim participants) by delegation. For participants lacking financial resources, there is a system where the court appoints attorneys for victim participants and the State bears the remuneration and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

**A** Victims participants can request to the Court for the appointment of an attorney when they intend to entrust an attorney, such as attending trials on trial date and questioning of the defendant and 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).

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



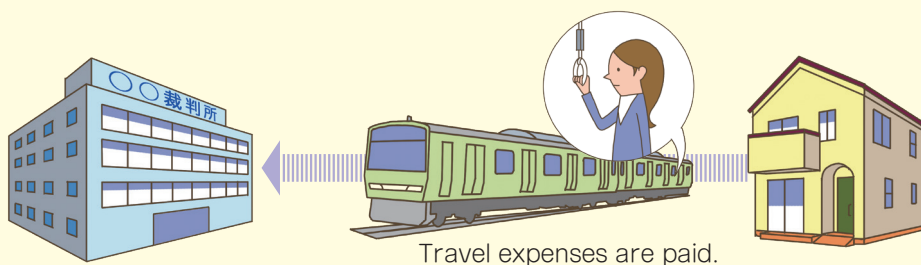
## Q7 When using the victim participation system, can participants receive payment of travel expenses, etc.?

**A** There is a system where The Japan Legal Support Center (Houterasu) will pay for 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> How dose one submit a claim?

**A** Please fill out a “claim form for travel expenses, etc. paid for victim participants” that can be downloaded from the website 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 website 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 or their bereaved family members to express their feelings and opinions in court.

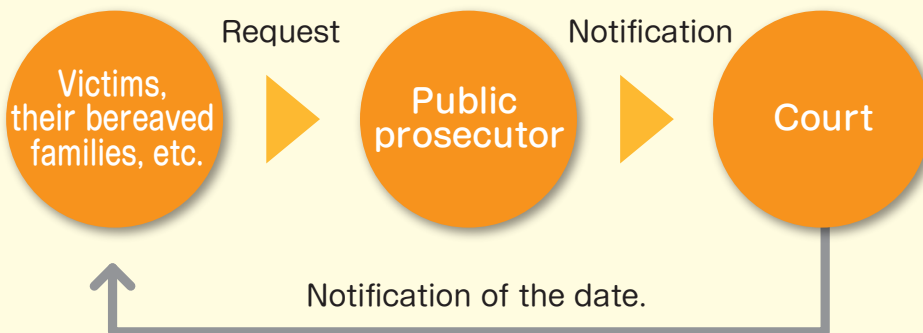
### Q How can victims express their feelings and opinions in court?

A When victims or their bereaved family members wish to express their feelings or opinions about the harm they suffered, they can do so in court.

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 or their bereaved family members, they are forced to reflect on their actions.

Victims' family members 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 or their bereaved family members 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, 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

Victims and their bereaved families can inspect and photocopy records made during the trial.

#### Q<sub>1</sub> How can victims inspect and photocopy trial case records?

**A** If victims or their bereaved family members make a request, they are, as a general rule, allowed to inspect and photocopy the trial case records that are kept in 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 or their bereaved family members are also allowed to inspect and photocopy the trial case records of other criminal cases of the defendant 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 for inspection and photocopying of all trial case records?

**A** Inspection and photocopying of trial case records may be restricted if 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.

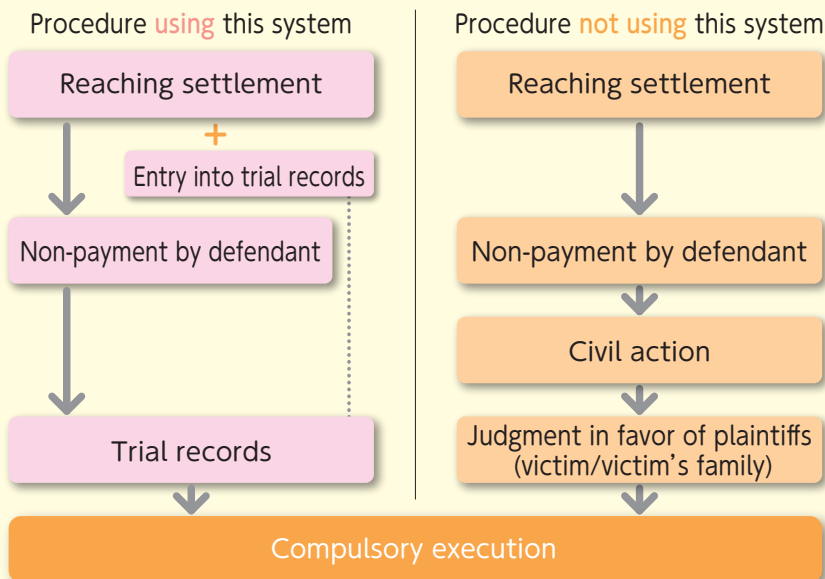
### Q What is a settlement in a criminal proceeding?

**A** Upon request, where an out-of-court settlement has been reached between the defendant and the victim, his or her bereaved family members 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 member 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

Disputes can be settled simply and promptly by using the outcomes of criminal procedures. This is an exceptional civil procedure for victims or their bereaved family members to claim restitution and is an accompaniment to criminal procedure. (Please refer to page 55 for ordinary civil procedures.)

#### Q<sub>1</sub> How does the restitution order system work?

**A** The restitution order system is used 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 an 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 or their family members seeking restitution as follows:

- (1) By utilizing the outcome of the criminal trial, victims or their bereaved family members 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.

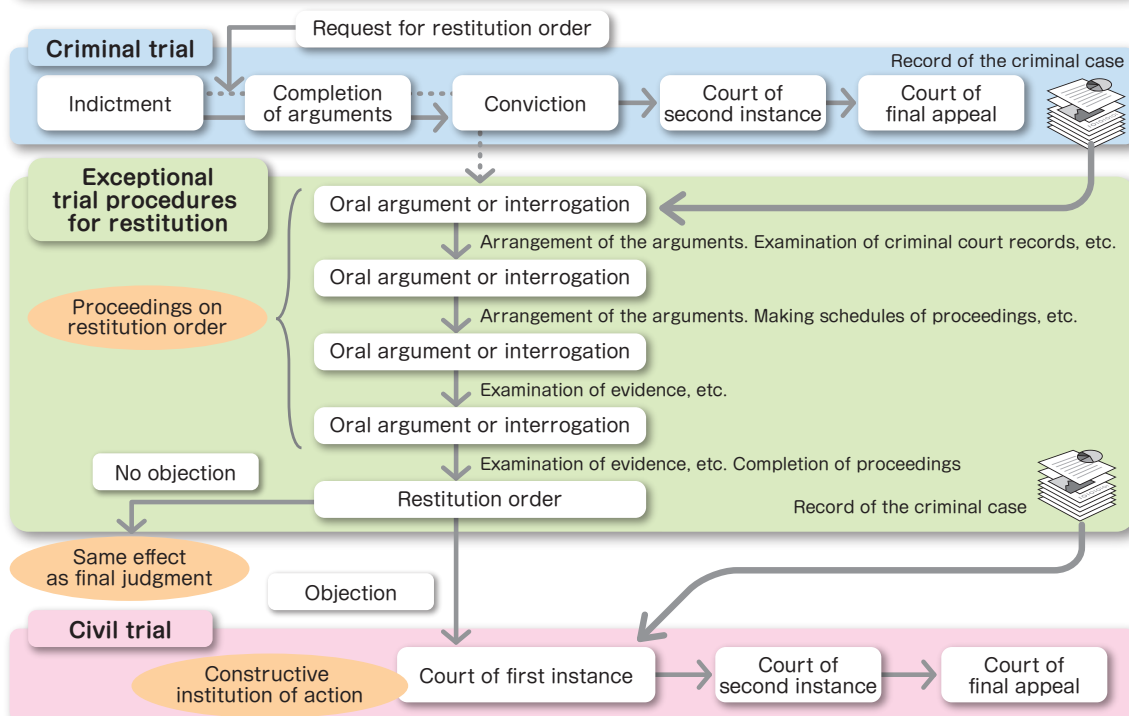
### Q<sub>3</sub> How do you make a request for a restitution order?

**A** It is necessary to file a request for a restitution order to the court in charge of the criminal case. An attorney can be delegated to perform the procedures in using the restitution order system. Those who have difficulty paying remuneration fees 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



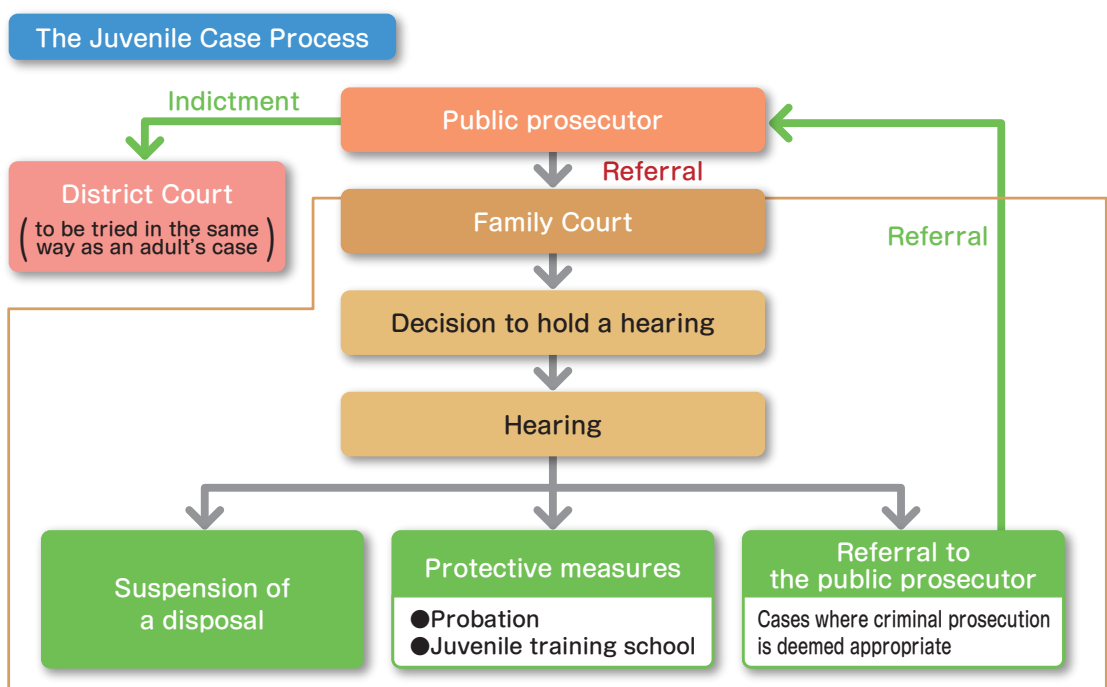
# 5. Victim Support Related to Juvenile

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 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 will refer the case back to the public prosecutor (reverse referral).

If the public prosecutor who receives such a 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**

The 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 family members 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 appropriate.



Inspection and photocopying of juvenile offense case records

## 5. Victim Support Related to Juvenile Hearings

### 2 Hearing of victim's opinion

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Upon request, the victim or the bereaved family members 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 perpetrator has killed or injured a victim in an intentional criminal act such as murder or bodily injury, or a traffic case inflicting bodily injury or death (\*1 and \*2), the victim or the bereaved family members 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 offense.

\*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 or the bereaved family members 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 or the bereaved family members can, at their request, receive information pertaining to 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 or the bereaved family members can, at their request, receive notifications regarding 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 refer to 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.

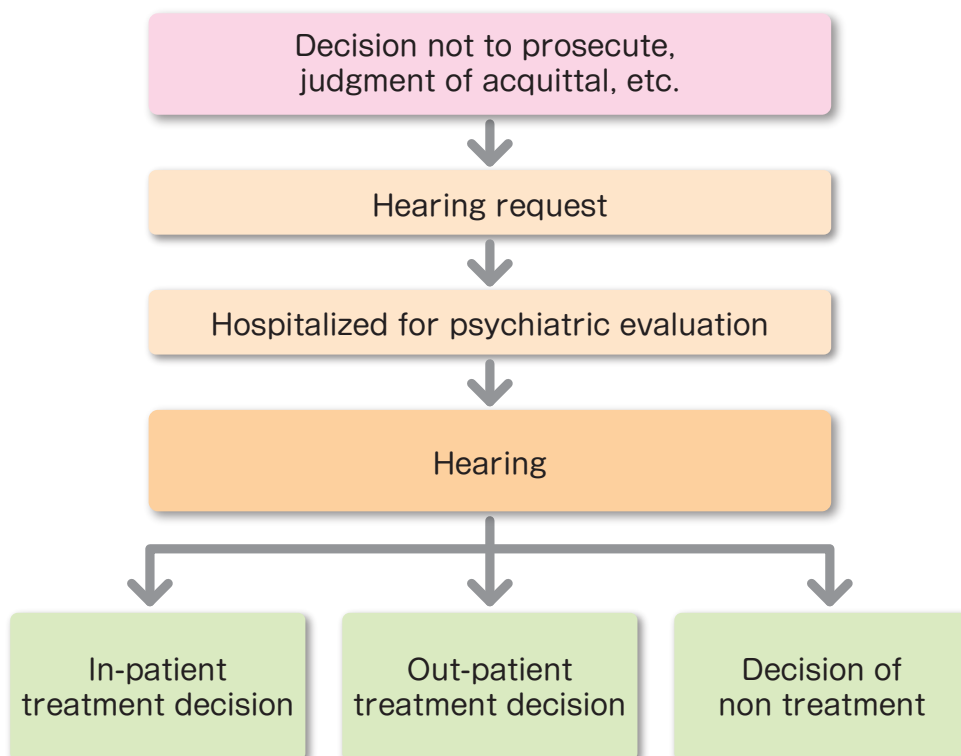
If you have any questions about these systems, please ask the public prosecutor in charge or the assistant officer, or Victim Support Officers.

\* 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 perpetrator on the grounds 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 receives 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 and conduct a detail psychological evaluation. Based on the hearing, the Court will decide on in-patient treatment 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 are available for crime victims 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 or bereaved family members at the hearing; and
- b. Notification of the result of the hearing to the victim or bereaved family members.

A public prosecutor can also provide information regarding the filing of a hearing request to the victim or bereaved family members.

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 to whom the Act applies

Victims or the bereaved family members can, at their request, receive information regarding treatment for the perpetrator who was 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 perpetrator's treatment in prison and release from prison

Many victims and bereaved family members would like to know about the treatment of the perpetrator in prison and when he/she will be released. Therefore, we have created a system to notify the victims of how perpetrators are treated during their terms and when they will be or were actually released from prison.

### Q<sub>1</sub> How does the system for receiving information about a perpetrator's treatment during their sentence and their release work?

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 for receiving the information. However the information is limited to such matters as the potential date the perpetrator's prison term is scheduled to end and the treatment he/she receives and, once the perpetrator 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 perpetrator. 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:
- Name and location of the prison in which the perpetrator is imprisoned
  - 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
  - Treatment of the perpetrator in prison (about once every six months)
  - The date the perpetrator was released (release upon completion of the sentence or by receiving parole)
  - The date of revocation of suspension of the execution of sentence
  - The date of commencement of examination proceedings for parole
  - The date when parole was granted
  - The date of commencement of probationary supervision and the scheduled end thereof
  - Treatment during probationary supervision (about once every six months)
  - The end date of probation

### Q<sub>3</sub> Who can receive notifications about a perpetrator's release?

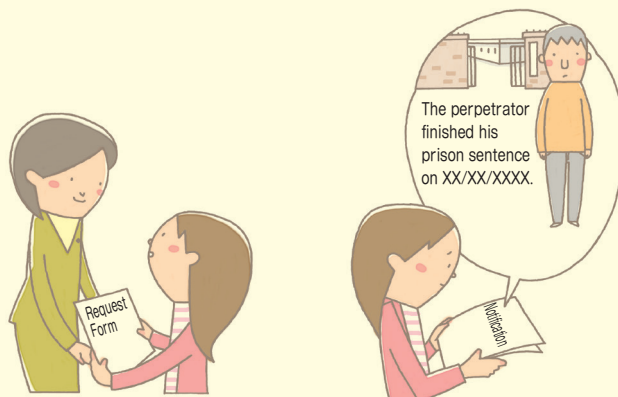
- A** In the first system, the following persons can receive notifications about a perpetrator's release:
- Victims, their families, and co-habitees and others in a quasi-family relationship
  - Witnesses and other participants in the trial (only for notifications of information listed in items b and 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 perpetrator's rehabilitation, the public prosecutor may decide notification is not suitable. In such cases, the information may not be provided.

### 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 method by which they prefer to be notified. The person can submit the request form to the Public Prosecutors Office that handled the case anytime after the final criminal court judgment has been rendered on the case. Those who had requested 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.



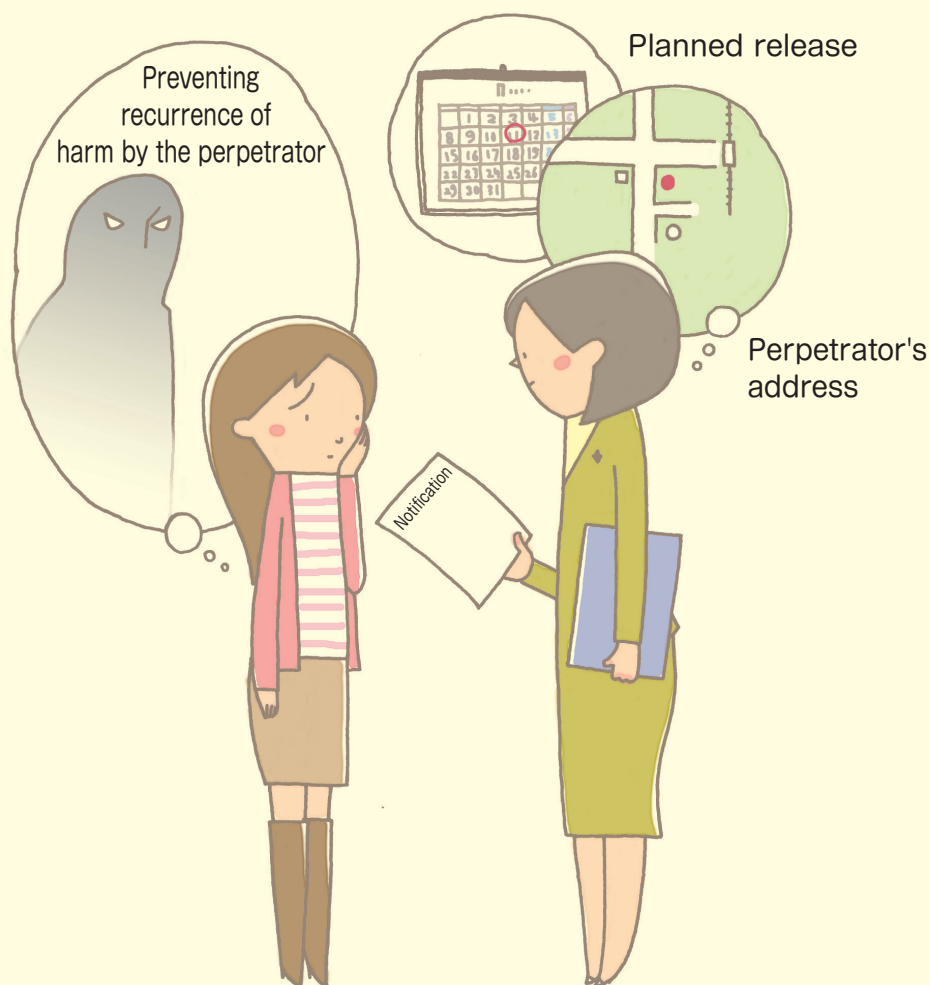
## 7. Procedures After Trial

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 perpetrator, may request notification so that he/she could plan to move houses or take other measures to avoid contact with the perpetrator. 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 family members and the perpetrator, and the perpetrator'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 provided to the inquiring victim immediately before the actual release (Information is usually given at “the beginning,” “the middle,” or “the end” of the particular month). Additionally, if especially necessary, the perpetrator’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 evidence collected from victims once the investigations and trials are completed.

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

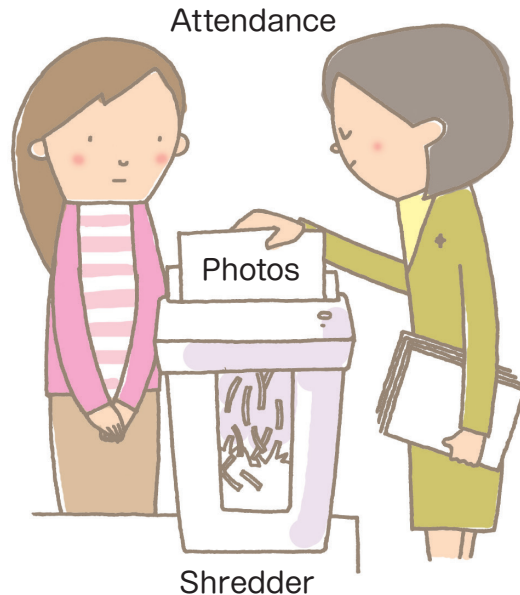
Please contact Victim Support Officer, the public prosecutor or public prosecutor's assistant officer in charge if you wish to have your possessions that have been used as evidence returned.





### 3 Attending the site of destruction of evidence

If the victim wishes to be present when 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. You will be informed of the date, time, and place where the destruction of the evidence will take place so you can 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. However, for documents other than the written decision, inspection is generally limited to three years after the final decision is made.

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 Victims' opinions during the hearing for paroles

Victims or bereaved family members can state their opinions about the perpetrator or their sentiments on the case in front of the Regional Parole Boards during the perpetrator's parole hearing.

The aforementioned system is accessible by (i) victims, (ii) victim's 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.

Victims' opinions will be considered when deciding whether or not to grant parole, as well as when specifying the special conditions for the perpetrator to follow during the period of parole. This system is available only during parole hearings. Victims or family members will be notified when the parole hearing has commenced after they have applied to the Victim Notification Scheme.



## 6 Conveyance of feelings during probationary supervision

The victims or their bereaved family members can convey their feelings about the case, their current situations, behaviors of the perpetrator under probation directly to the perpetrator.

The probation office aims to guide and supervise the perpetrator to deepen his or her regrets and remorse through the hearing from the victim. This system is only available during the period when the perpetrator is placed under probationary supervision. Victims or their bereaved family members will be notified of the commencement of probationary supervision by applying to the above-mentioned Victim Notification Scheme.

The aforementioned system is 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 consultations for victims or their bereaved family members, provide them with information on victim support systems or procedures, and introduce relevant agencies. Should you wish to use such services, please contact probation office in your prefecture.



# 8. Other Forms of Victim Support

## 1 Procedure for payment based on the recovery of the victim's property

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 perpetrators 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 perpetrator(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 as victims of asset-related criminal activity, victims of a 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 have acquired unlawful gains from accomplices of the perpetrators 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 a series of asset-related criminal activity**

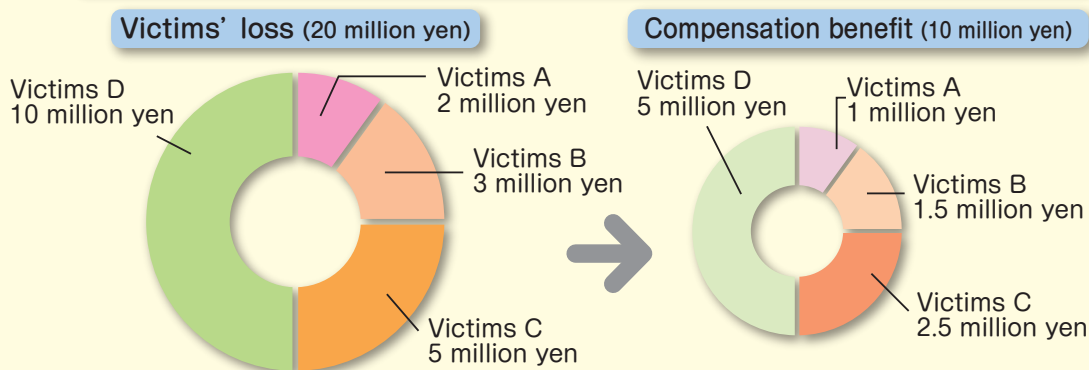
The public prosecutor will determine the scope on a case-by-case basis.

## 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 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 is omitted in this chart.)



## Q<sub>3</sub> How do I receive these benefits?

**A** After the crime proceeds have been forfeited from the perpetrator(s) by a criminal court, the public prosecutor will determine which crimes will be the subject of compensation, 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 (<https://www.moj.go.jp/>) or the Public Prosecutors Office's website (<https://www.kensatsu.go.jp/>). Please submit your form before the deadline, together with the necessary documents, to the public prosecutor 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 perpetrator 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.
- Beneficiaries of whom the prosecutor is aware are notified.

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

- The form should be submitted with the necessary documents, such as those demonstrating the loss and its amount, and copies of proof of identify documents (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 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.

Organizations other than the Public Prosecutors Office are never designated as contact points of public notices 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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The national government offers benefits to the bereaved family members of deceased victims, victims suffering from a serious injury or illness, or victims 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 family members (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 illness (injury or illness 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 benefits

In cases where the victim was at partial fault for his/her injury or illness, 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 total benefit amount 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 illness, or disability due to a criminal act 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

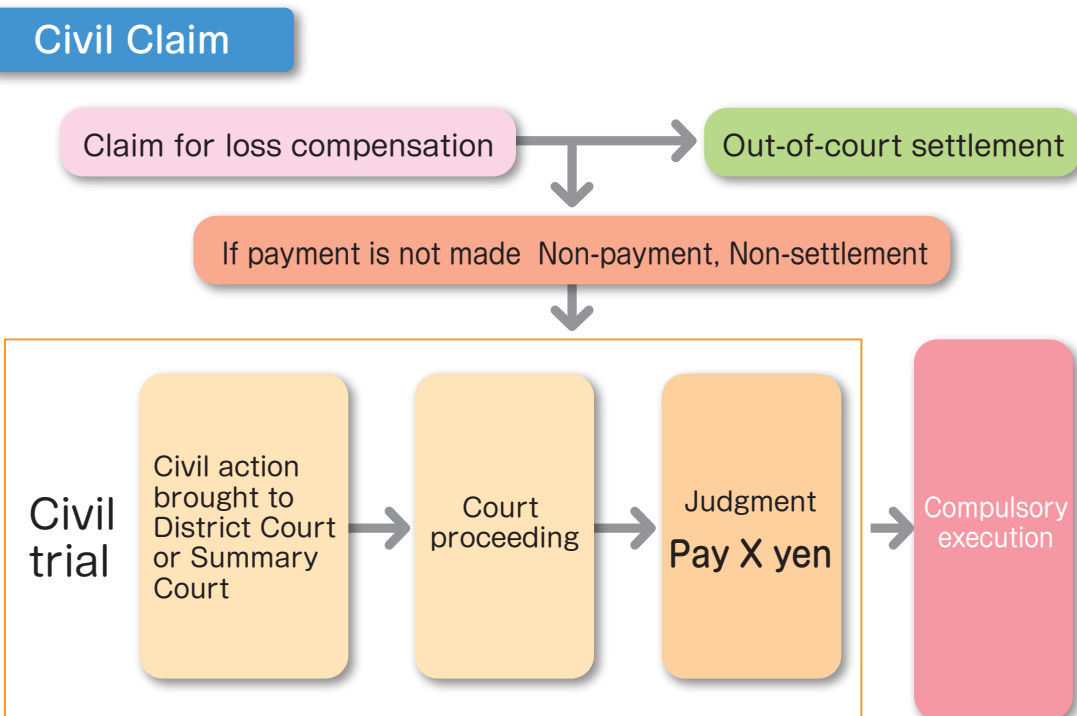
Victims, bereaved family members and others who did not reach an agreement with the perpetrator about the compensation must bring civil action in order to pursue their civil claim.

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

For professional legal advice about the procedure, Houterasu, bar associations and other organizations can offer legal counseling. Should you have questions, please contact the Victim Support Officer at the Public Prosecutors Office.

In a civil action, as in criminal trials, accompanying persons, witness screens, and testimony by video link are available (refer to page 24 and 25).

\* 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

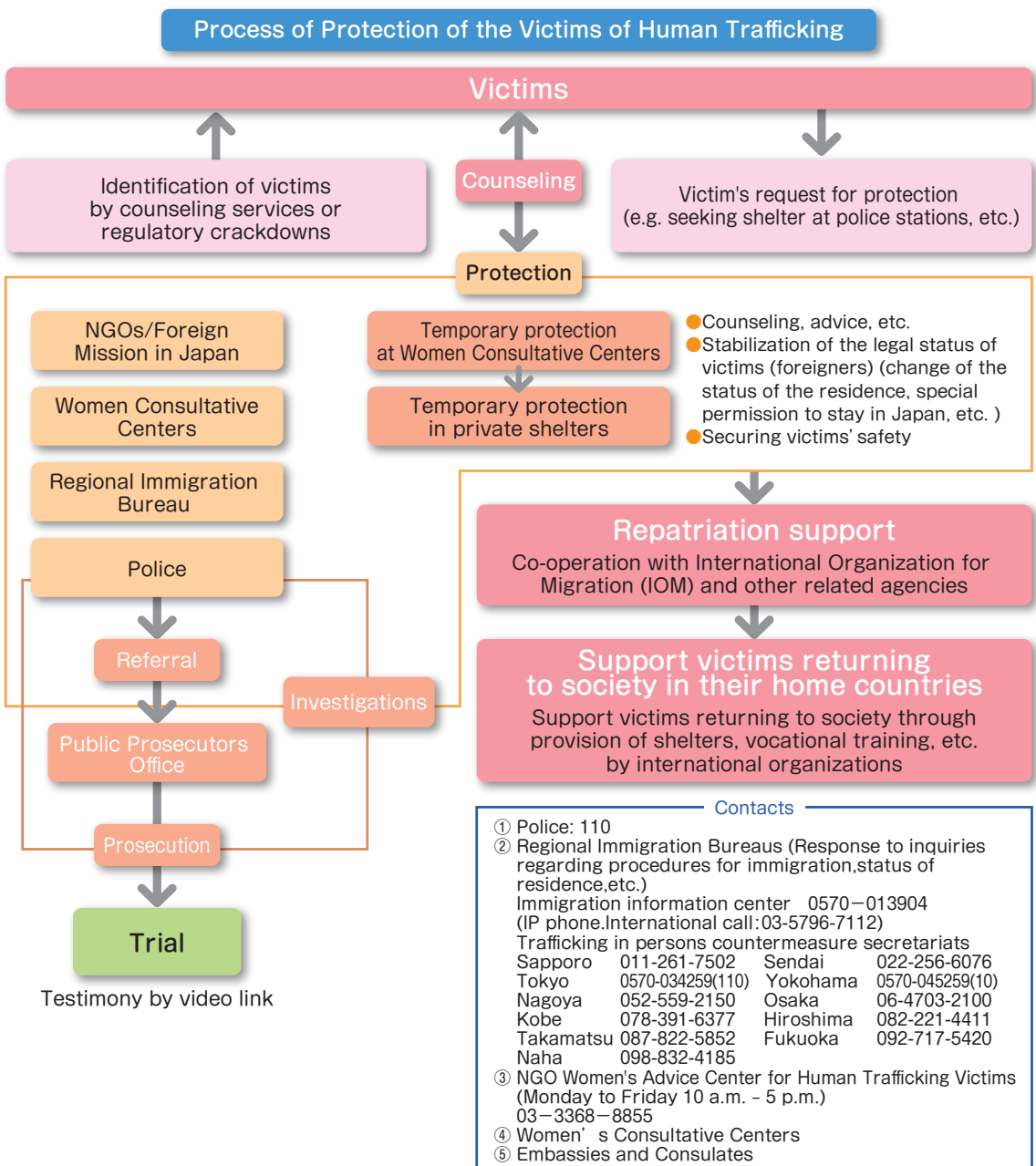
Some local public entities (i.e. prefectural housing and municipal housing) provide public accommodation for, prior to others, those who can no longer live in their previous houses due to criminal activity.

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 that violates the human rights of the victims. In Japan, all of the relevant organizations are working on eliminating and preventing human trafficking, and identifying and protecting 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 or their bereaved family members 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 contact them directly 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 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 victims of the status of the investigation or their bereaved family members 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 perpetrators, 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 or financial support including various assistance for victims and their bereaved family members in addition to granting them priority for 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	073-422-4029 (Tel·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 2022

\* 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 (<https://www.moj.go.jp/>) or the Public Prosecutors Office's Website (<https://www.kensatsu.go.jp/>).



Offering explanations of the criminal procedures and support systems for crime victims in the "For Victims of Crime" section of the Ministry of Justice Website.

Please refer to the "For Victims of Crime"

<https://www.moj.go.jp/ENGLISH/CRAB/crab-02.html>

Issued in March 2022



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