

The Current Status and Issues in Crime Victim Support in Japan

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In Japan there were no formal support systems for crime victims and their families until 1967, when Asaichi Ichinose, a father whose son was murdered by a phantom killer, established the Association of Families of Homicide Victims Promoting the Eradication of Homicide. When left-wing terrorists bombed the Mitsubishi Heavy Industries Building in Tokyo in 1974 causing 384 casualties, the need for national compensation for victims became highly recognized. After this bombing attack, Ichinose's association joined an activist group led by Minoru Oya, Professor of Law School, Doshisha University, victims, and surviving families to organize the Association for the Promotion of Victim Compensation System. This association's work facilitated the institutionalization of victim compensation and resulted in the enactment of the Act on Payment of Benefits for Crime Victims. After this enactment, however, the movement to develop measures for victims fell by the wayside while public interest waned.

In the 1990s, both private organizations and criminal justice institutions started building systems for victim support. The Symposium Commemorating the 10th Anniversary of the Implementation of the Benefit System for Crime Victims held in 1991 led to an extensive fact-finding survey on crime victimization being conducted from 1992. Also, a speech at the symposium by Emiko Okubo, a mother whose son was killed by a drunken driver served as the catalyst for launching the Counseling Service for Crime Victim Assistance in 1992. This was the first service to specialize in victim support. The leader was Dr. Akira Yamagami of Tokyo Medical and Dental University. In 1996, the National Police Agency issued the Basic Policy Concerning the Measures for Supporting Crime Victims and sought to improve its systematic response by establishing the Office for Crime Victims. The Public Prosecutors Office initiated

the Victim Support Officers System and the Victim Notification System which was nationally implemented. Bar associations also started legal support for victims. In the private sector, the Mito Victim Support Center (MVSC), the present Ibaraki Victim Assistance Center, was established in 1995.¹ The MVSC provided victims with comprehensive services such as information services, referrals to related organizations, counseling, legal advice, and support for victims' self-help activities. The MVSC also established volunteer training programs. In 1998, eight private victim support organizations formed the National Network for Victim Support (NNVS). Meanwhile, victims themselves founded grassroots advocacy organizations, developed mutual help activities, and campaigned for advancing the status of victims and improving the judicial systems.

Since 2000, various laws regarding crime victimization have been created. In 2000, measures were taken to reduce the burden on victims and their families when experiencing testimony at trials through the enactment of the laws commonly known as "The Two Laws for the Protection of Victims of Crime." In addition, victims and their families were also allowed to express their feelings and opinions in court.² As far as juveniles are concerned, the Juvenile Act was amended in 2000 and procedures were introduced in juvenile cases to allow victims and their families to inspect and photocopy juvenile offense case records, have their opinions on the cases heard in Family Courts, and be notified of the court's judgment. Among private victim support organizations, a system of the Prefectural Public Safety Commissions³ having the ability to designate non-profit organizations as an Early Assistance Organization for Crime Victims

¹ For the remainder of this article, any public or private organization noted more than once will be shortened to an acronym.

² Previously, victims in Japan were not allowed to express their feelings and opinions in court.

³ Japan is divided into 47 prefectures which encompass municipalities. Each prefecture has an assembly as a legislative organ, a governor as an executive agency, and officials as subsidiary organs. The Prefectural Public Safety Commission is an agency which directs the prefectural police.

(EAO) was established in 2001. In this new system, the EAOs can acquire information about particular victims from police departments with the direct consent of the victims. As of 2009, private victim support organizations involved in the NNVS were established in all 47 prefecture. Additionally, 42 organizations have been designated as an EAO as of November 1, 2012.

Meanwhile, the number of victim advocacy organizations has continued to increase since 2000. The National Association of Crime Victims and Surviving Families (NACVSF) was founded by many bereaved family members. Its leader was Isao Okamura, a lawyer whose wife was killed by a person holding a grudge against him. Because Okamura belongs to judicial circles, the NACVSF led the victims' movement seeking to establish the rights of crime victims in the criminal justice system. A rising movement such as the gathering and collecting of signatures for systemic reform around the country encouraged the enactment of the Basic Act on Crime Victims (BACV) in 2004. In 2005, based on the BACV, the Basic Plan for Crime Victims was formulated incorporating 258 concrete measures, which rapidly advanced laws and institutions for victims. Some examples of laws and institutions advanced are the creation of National Crime Victims' Week (2006), the enforcement of the Offenders Rehabilitation Act (2007) and the enactment of the Act Related to the Support of Crime Victims by Payment of Benefits for Crime Victims (2008).

If the NACVSF had not been formed and Okamura had not been a lawyer, Japan's crime victims would have been still left out of the criminal justice systems. One of the benefits of the development of crime victims' support system in Japan is that victims and bereaved family members themselves have made great efforts to call for their rights.

Recently, local governments have also promoted support measures for victims since emphasis has been placed on providing them with seamless support in the networks of different

institutions and programs, as one of the basic principles of the BACV requires. Regarding victim participation in criminal procedures which were pursued in the movement by victims themselves, the Victim Participation System and the Compensation of Damages Order System were initiated in 2008. In a 2008 amendment to the Juvenile Act, victims of certain crimes perpetrated by juveniles were allowed to sit in on judicial hearings.⁴ In 2010, the statute of limitations for the prosecution of crimes including homicide and murder-robbery was abolished while that of crimes including death on the occasion of rape, injury causing death and dangerous driving causing death was extended. This change was also greatly affected by the movement of victims and their bereaved families. The progress of the Basic Plan for Crime Victims was examined and then the Second Basic Plan was developed in 2011.⁵ In the process of developing the Second Basic Plan, victims and their supporters strongly requested the enhancement of support for sexual assault victims. The national government prepared a guide for starting and administering one-stop support centers for victims of sexual crimes and assaults in 2012. Currently, the Investigative Commissions are being held about two topics which were considered to be priority issues in the Second Basic Plan. Those are (1) the expansion of the Benefit System for Crime Victims and creation of a new restitution system and (2) the public burden of expenses for psychotherapy with victims and their families.

Although Japan has been behind other developed countries in victim support systems, its institutions and support networks for victims have been dramatically improved by the power of the victims and their families. Continued effort is needed towards the recovery of many

⁴ This amendment applies only to certain serious crimes such as murder, traffic case causing death, and injury causing a significant danger of a victim's life.

⁵ The revision of the Basic Plan was scheduled for 2011 because the planning period was set to five years. However, victims and their supporters had demanded that the national government promote more measures for victims before the revision of the Basic Plan because there were some measures that had not yet been realized or thoroughly implemented.

victims and their families whose rights are not recognized by society and who are still in pain.