

# Chapter 8

## Elderly Victimization in Aging Japan



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### Rapid Increase in the Aging Population of Japan

During the World War II, Japanese totalitarian government encouraged people to have as many children as possible, because there was keen shortage of manpower to wage the war.<sup>1</sup> At the final stage of the war, the total population decreased a little mainly because many people died in the battle field and by bombing from US fighters. However, soon after the war Japan witnessed the baby boom, as many former soldiers got married and had children. During the baby boom from 1947 to 1949, about 8,000,000 babies were born. The total population increased to 83,200,000 in 1950. After the finish of the first baby boom Japan witnessed another boom during 3 years from 1971. 2,091,983 babies were born in 1973, the peak of this second boom.

However, after 1973 many youngsters hesitated to get married, and even those who did marry, they did not want to have more than two babies. Thus, Japan entered into a third stage of population growth, that is, “incipient population decline” as pointed out by Riesman et al., in which both births and deaths are low.<sup>2</sup> In Japan the tendency toward the decrease in total population is not “incipient,” because its decrease has continued since 2004 and will not stop in the near future.

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<sup>1</sup>Many male Koreans were taken to Japan to work as a slave for such industry as mining and construction.

<sup>2</sup>Riesman, Glazer, and Denny (1973) pointed out that the total population was stable for a long time before the Industrial Revolution owing to the high rates of birth and death. At that time the social character of *traditional direction* was prevalent. By the revolution the population explosion occurred because the rate of death declined owing to improvement of health conditions. However, in advanced Western countries the total population is gradually declining because people begin to enjoy their private life with no child or a few children.

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In spite of the decrease in the birth rate, the total population continued increasing to 127,690,000 in 2004 because of lengthening in people's life span. After 2004 the total population began to decline. The results of the census carried out in October in 2010 revealed that total population decreased for the first time during the 5-year span since 2005. If the low birth rate continues, the total population is estimated to decrease to 62,410,000 in 2100. Therefore, in June of 2014 the national government announced plans to adopt the policy to maintain the total population of over 100,000,000 during 50 years in future. If Japan fails to realize this policy, Japan would become a stagnant society with a small number of younger people.

Japan has become an aged society since finish of the second baby boom. In 1970 all population reached to 103,720,000 among which the percentage of old people of 65 years old and over amounted to 7.1%. Around 1985 the national government foresaw the percentage of the old people would increase to 21.8% in 2020. However, this forecast was wrong, as the birth rate decreased more rapidly.

In October in 2015 the total number of old persons of 65 years old and over reached to 33,920,000, the highest number in our history (*White Paper on Highly Aged Society in 2016*). Then the percentage of those persons among all population increased to 26.7%. As females have the longer life, their percentage among the population of 65 years old and over amounted to 56.8%. With increase in the population of 65 years old and over, the percentage of the population of productive age and that of the population under 15 years old decreased to 60.6% and 12.7%, respectively. Japan will become a stagnant society in terms of the constant decrease in people of productive age if it does not find ways to increase the younger population, such as accepting many more immigrants.

## Change in Old People with Industrialization

In the feudal period before the Meiji Restoration of 1867, people accepted the Confucianism, under which a younger person is obliged to respect a senior and a woman is obliged to obey a man. Under the influence of Confucianism, the family head system was introduced by the enactment of the Civil Code in 1898.

Before the World War II, most people participated in jobs in the primary industries such as agriculture, forestry, and fishing. Most families, especially rich families, were the large-sized extended family.<sup>3</sup> In the family there was a strong human tie under the supervision of the family head, that is, the oldest man.<sup>4</sup> In addition, the oldest woman in a family had the power to manage the housekeeping.<sup>5</sup> The old persons in a rich family enjoyed their life at a privileged status.

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<sup>3</sup> In a grand house of a rich family, not only family members but also servants and maids lived together.

<sup>4</sup> The eldest son was also respected as a successor of the family head.

<sup>5</sup> We witnessed often that the eldest woman bullied her daughter-in-law.

In a poor family even old people had to work hard. For example, a female old person did housekeeping by herself and to take care of grandchildren instead of her daughter-in-law who worked together with her son. In most poor area old persons, especially ill persons, were abandoned to die, and the police did not treat this practice as a crime.

After the World War II, the large landowners had taken a lot of their lands by the agrarian reform as one of the democratization policies. By this reform tenant farmers could now own their farmland, which contributed to the realization of the right of equality in the economic field prescribed by the new Constitutional Law of 1946.

After the occurrence of the Korean War of 1950, Japan witnessed rapid industrialization. To fill the shortage of labor power, many youngsters living in a rural area moved to a big city to acquire good jobs especially in secondary industry. After getting married, they had their own nuclear family at a small apartment and no longer lived with their parents. Many old people had to remain in rural areas.

During the high economic growth in the early 1960s, the shortage of labor power became more serious. Then, many male farmers went to the urban areas to work as a part-time laborer in the winter. In such case their old parents and their wife remained at their house to do housekeeping and to take care of the children. However, after 1965 this part-time work system disappeared gradually, as even middle-aged persons moved to the urban areas to find good permanent jobs.

Most of youngsters studying at a university and those having jobs in the urban area have not returned to their home town and village. Therefore, the percentage of old people among the population in rural area is quite high. In the rural area many old people live alone or with their spouse without support from other residents belonging to the younger generation. In addition, even in an apartment complex in the suburbs of a large city where people began to live in the 1960s and 1970s, Japan witnessed the fact that many old people remain without living together with their children. Many old people living alone or with their spouse have more vulnerability to being victimized than those who are part of an extended family.

## **Change in Family Type with Aging**

With advancement of aging the household including persons of 65 years old and over has increased. In 1980 the total number of such households amounted to 1,062,000, of which 10.7% were a household of one old person, 16.2% were a married couple, 10.5% were a nuclear family, 50.1% were an extended family with three generations members, and 12.5% were other household situations. About half of the old persons who lived within their extended family were maintaining close human ties.

In 2015 the total number of the household including old persons of 65 years old and over increased to 23,724,000. Their percentage among all household rose from 24.0% in 1980 to 47.1% in 2015. The percentage of a household type of one old person (26.3%), of a married couple (31.5%), of a nuclear family (19.8%), of an extended family (12.2%), and others (10.1%) changed drastically in 2015 when

compared with 1980. The number of extended family households decreased by 37.6% during the two time periods. Nowadays the prevention of victimization of old people living alone or with their spouse draws our attention.

## Change in Status of Old People in Family

Before the World War II, old people had a respected status, as their knowledge and skill were evaluated by all family members as being important to the welfare of the family. Especially, it was true in the primary industry, in which people lived in the conventional way. In the period of high economic growth, the respected status of old people declined, because their conventional knowledge and skills became out-of-date.<sup>6</sup> Nowadays, we cannot live without using high technology. It is easier for youngsters to learn how to use high technology than it is for older persons. Thus, many old people cannot use it sufficiently. Therefore, youngsters tend not to give importance of the knowledge older persons have gained through many years of experience. Instead they rely on the computer to provide the facts and information they want.

Japan, as most other developed countries of the world, becomes a consuming society, in which people chose a purchase according to a fashion and their taste. Nowadays, youngsters follow the *other-directed orientation* as Riesman et al. pointed out. They enjoy exchanging information about fashion and their taste. Everyone looks toward their peers or take clues from the mass media on how to behave, dress, and determine what values are important. On the other hand, most old people share with a social character of *inner-direction*.<sup>7</sup> They cannot understand a fashion and a taste which *other-directed* youngsters follow for the sake of being accepted by their peers. If old people want to maintain friendly relations with their grandchildren who live near their house, they are expected to give money and gifts to their grandchildren. Old people often spoiling their grandchildren are often manipulated by them.

Nowadays, most old people live separately with their children and grandchildren. Then, they do not have opportunity of being treated cruelly by their children and grandchildren. However, they feel lonely and alienated in those cases where they do not have sufficient communications with children and grandchildren by telephone calls and by exchange visiting.

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<sup>6</sup>Riesman et al. (1973, p. 36) pointed out that "Grandmothers as authorities are almost as obsolete as governesses. There is no room for them in the modern apartment, nor can they, any more than the children themselves, find a useful economic role."

<sup>7</sup>The conformity of people with *inner-directedness* is insured by their tendency to acquire an internalized set of goals early in their life.

## Crime by Old People

The author wrote an article entitled “Increase in crimes committed in Japan by elderly people and the way they are treated in criminal justice” Yokoyama (2014). Therefore, crimes committed by old people are briefly analyzed in this section.

Research and Training Institute of the Ministry of Justice publishes White Paper on Crime annually since 1960. We saw for the first time the chapter on the highly aged society and crimes in *White Paper in 1984* with the special feature on crimes in an affluent. *White Paper on Crimes in 1991* had a special feature on the highly aged society and crimes. Then, *White Paper on Crimes in 2008* had a special feature on crimes by aged criminals and the treatment for them. In white papers published before 2008, the category of “old-aged people” was those who are 60 years old and over. However, criminal offenders of over 60 years increased drastically with advancement of aging. Then, the national government changed the category of “old-aged person.” We saw *White Paper on Crimes in 2008* with a special feature on the situation of old-aged criminals and treatment for them, in which those of 65 years and over were analyzed for the first time as the highly old-aged.

The total number of persons arrested for an offense of the Penal Code decreased constantly from 389,297 in 2004 to 239,355 in 2015 (White Paper on Crime, 2016, p. 5). On the other hand, the arrested persons of 65 years old and over increased from 36,696 in 2004 to 48,786 in 2008. Then, it declined gradually to 47,632 in 2015. The rate of those offenders per population of 100,000 also declined from 176.9 in 2007 to 140.6 in 2015. As the decrease rate is smaller, the percentage of those of 65 years old and over among all Penal Code offenders increased from 13.3% in 2007 to 19.9% in 2015.

However, we see the tendency that old people commit a minor offense more frequently. Among 239,355 persons arrested for the Penal Code offense in 2015, the percentage of shoplifting, other theft, injury and assault, embezzlement, fraud, and others amounted to 31.4%, 20.4%, 19.9%, 9.9%, 4.6%, and 14.1%, respectively. On the other hand, the corresponding percentage was 45.6%, 16.5%, 16.4%, 10.0%, 2.1%, and 9.4%, respectively, in male offenders of 65 years old and over. In the case of female offenders of 65 years old and over, 81.2% were arrested for shoplifting, followed by 10.6% for other theft. Main offense committed by offenders of 65 years old and over, especially female ones, is shoplifting.

Typically old people commit a shoplifting and other theft owing to poverty. The following is a typical case.

An old-aged male became a homeless. As he did not receive help from any relative and any agency for social welfare, he did not have money to buy food. Then, he stole a lunch box at a convenience store. For this offense he was imposed 1 year imprisonment with suspension of its execution for 1 year and a half. Immediately after being released he stole a lunch box again. Then, he received the imprisonment sentence for 1 year and a half. As the previous suspension was revoked, he was confined in Yokosuka prison to serve his term for 2 years and a half!

Japan has the good social security system. Nevertheless, everybody has possibility of becoming a homeless because of illness, unemployment, divorce, and so on. Although I do not know the reason why the abovementioned prisoner became a homeless, he might commit minor thefts owing to his bad social environment.

We see some old people committed shoplifting of trivial goods although they possess money enough to buy these goods. Some of these persons committed the shoplifting owing to their alienated situation. We witness that old persons living alone commit a shoplifting owing to their wish to be recognized by others. They may be an offender victimized in an alienated environment. In other cases we witness that old persons who suffer from such illness as senile dementia and depression commit shoplifting.<sup>8</sup> They commit it owing to unconscious impulse. Therefore, they should be regarded not as an intended offender but as a patient with the needs of medical care and protection.

## Movement of Crime Victims

Rights of crime victims were neglected for a long time. Asaichi Ichinose was a founder of the movement of crime victims. On May 21, 1966, his son was stabbed to death by an unknown juvenile of 19 years old. In response to resentment of his dead son, he began to visit other bereaved families of a crime victim. Then, next year he founded the Association of Bereaved Family to Eradicate Murder. However, the mass media did not report about the movement of this association as the big news. It was not until 1974 that their movement became in the spotlight. Japanese radical leftists escalated their terrorism within Japan, of which the most tragic case occurred on August 30, 1974 (Yokoyama, 2016a, p. 21).

Some radical leftists affiliated with the East Asian Front of Armament against Japan had a plan to bomb a building of several corporations in the munitions industry. Four members of EAJAJ set a time bomb on the street in front of the headquarters building of Mitsubishi Heavy Industries at 12:25 p.m. Twenty minutes later the bomb exploded, by which the total number of killed and injured persons amounted to 8 and 376, respectively. It was the first indiscriminate terrorism with many casualties in the business center of a large city in Japan.

After this terrorism the bereaved of crime victims activated the movement under the leadership of Ichinose. They demanded the national government to establish the compensation scheme for crime victims. It was not until May 1, 1980, that the Law for Providing Compensation to Innocent Victims of Crimes was enacted. However,

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<sup>8</sup>Nihon Keizai Shimbun on October 1, 2015, reported about a shoplifting by a man of 87 years old who lived richly with his spouse. As he suffered from senile dementia, he continued committing a shoplifting of trivial goods such as stationeries and postcards at stores for 10 years. At the criminal court he was imposed a fine twice. However, the imposition of a fine was in vain to stop his shoplifting.

the national government paid only a small amount of compensation money as a gift in token of people's sympathy to innocent victims.<sup>9</sup>

On November 17, 1990, Japanese Association of Victimology was founded. However, it was not until 1991 that the movement of crime victims surged up again. In October, 1991, a symposium was held as the 10th anniversary event after the enactment of the Law for Providing Compensation to Innocent Victims of Crimes. Next year a national survey on situation of crime victims carried out. In addition, counseling for crime victims started.

In the late 1990s the mass media reported about the movement of crime victims as the big news, by which more and more people sympathized with crime victims. Then, in 2000 several laws such as the Code of Criminal Procedure and the Juvenile Law were revised to strengthen victims' rights in criminal justice and juvenile justice. In 2004 the Fundamental Law for Protection of Crime Victims was enacted, under which protective measures for crime victims have been carried out in the response to demands by crime victims.

## Analysis of Elderly Victimization

In Japan the national government has the excellent system for collecting data on crimes and criminal justice. Therefore, victim survey was not carried out to find dark number behind the formal crime statics. However, in the upsurge of the movement of crime victims, the government decided to participate in the international survey on crime victims. Then, Research and Training Institute of the Ministry of Justice carried out the first victim survey in 2000. Since then the institute carries out the survey every 4 years, of which results are published in *White Paper on Crime*. However, they do not analyze the data by correspondents' age. Therefore, the results of the victim survey are not useful to understand the situation of elderly victimization.

On November 15, 1995, the Fundamental Law to Cope with Highly Aged Society was enacted, under which many measures for old persons have been adopted. By this law the national government is obliged to submit an annual report about the situation of aging and the measures for old persons to the diet. Since 1996 this report has been published as *White Paper on Highly Aged Society* by the Cabinet Office, Government of Japan. In this white paper there is a section entitled "Safety and Relief of Highly Aged People" with several subsections on such topics as an accident in a family, a traffic accident, a victim by a remittance fraud, a trouble about consumption, a fire, and ill-treatment. In another section of the report, the victimization of old people by a natural disaster, suicide, and dying alone in a house is recorded. In this paper the elderly victimization in a broad context is analyzed in the context of the abovementioned categories of victimization.

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<sup>9</sup>As this law did not prescribe its retroactive effects, participants in the movement could not receive any compensation money from the government.

The data for a thorough quantitative analysis of elderly victimization is not sufficient. Some important data printed in *White Paper on Highly Aged Society* are cited in this paper. Also, articles from newspapers are used to illustrate cases of elderly victimization.

## Elderly Victimization by Crime

The National Police Agency publishes annual statistics on the total number of cases in which the police recognized a victim of a crime. The total number of these cases decreased from 2,486,055 in 2002 to 87,094 (65% decline) in 2015. On the other hand, the total number of cases in which victims of 65 years old and over were involved decreased from 225,095 to 120,710 (46.4% decline) for the corresponding period. Of all cases, the percentage of the cases of victims of over 65 years old and over increased from 9.1% in 2002 to 13.8% in 2015. The increase in the proportion of criminal offenses for which an elderly person was victimized can no doubt be attributed to several factors including the larger older age population and more opportunities for criminals to victimize older persons.

We do not know exactly what kind of crimes for which old people are the victims. Some information on older victims can be abstracted from newspaper articles. Several stories are given below.

## Elderly Victimization by Murder

In Japan people rarely commit a murder. When a murder is committed, the mass media report about it as big news. The author will analyze several cases of elderly victimization by a murder.

### Case A: Murder on October 10, 2012, in Tokyo

S.T., a male murderer of 86 years old, was a former police officer with the rank of a superintendent who lived with his wife in Tokyo. S.K., his female neighbor of 62 years old, enjoyed gardening in front of her house. Three years ago S.T. gave caution to S.K. about good maintenance of her messy garden. Since then they quarreled frequently. On October 10, 2012, S.K. killed S.T. on a street with a Japanese sword and committed suicide in his house.

In urban areas, especially the area where old residents and newcomers live together, the residents do not have close human relations. In such area even old people cannot solve their conflict with a neighbor through direct negotiation. The murder in Case A occurred in the urban community without close human ties among neighbors.

**Case B: Murders on July 21–22, 2013, in Yamaguchi Prefecture**

A man of 63 years old returned to his native village from a city where he worked as a plasterer. He took care of his father who passed away 3 years later. He felt lonely in a village where fourteen elderly residents lived together.<sup>10</sup> The villagers gave many claims to him about his way how to work at his farm and how to grow a dog at his house. As he felt alienated, he visited the police to consult about his alienated relationship with villagers. However, the police failed to solve this problem.<sup>11</sup> At night from July 21 to 22, 2013, he murdered five old villagers and set a fire to two houses where three were killed by him. After the murders he failed to commit a suicide and was arrested in a forest near the village on July 26, 2013.

The majority of old people live alone or with their spouse. In rural areas they live together according to the conventional life style. In Case B villagers intervened kindly in the life of a man of 63 years old who had returned from a city with anonymity. As their intervention was an annoyance for him, he committed murders and injuries against many villagers.

**Case C: Murder on May 18, 2015, in Yokohama**

A boy of 15 years old lived with a grandmother (81 years old), a father (50 years old), a mother (50 years old), and a sister (12 years old). As he did not study hard, he had inferior complex to his father. Just before going to his senior high school, he was scolded by his grandmother and his mother for having indulged in games until midnight without studying diligently. With getting angry, he stabbed his grandmother and his mother impulsively to death by a kitchen knife. Then, he went to a police box to deliver himself to the police.

In this case an old woman was killed by her grandson for a trivial family conflict. By his impulsive murder all members of his family lost their peaceful life. Although he had a criminal liability, he was sent to a juvenile training school to correct his immature character instead of imposition of criminal punishment.<sup>12</sup>

**Case D: Serial Murders by Female Marriage Hunter**

On August 6, 2009, a dead body of an officer of 41 years old was found in a car at a parking lot in Fujimi City in Saitama Prefecture. He died owing to carbon monoxide poisoning caused by imperfect combustion of a briquette stove in the car. The police thought that it was not a suicide. Then, they began to investigate, after which KK, a female marriage hunter of 34 years old without any fixed job, was arrested for a fraud and a murder. The police found that more than four men associated with KK died strangely. She was prosecuted for four murders in addition to seven frauds in which she took money or attempted to do so at the time of association. A self-employed person of 70 years old gave about JPY 74 million (US\$ 673,000) to KK

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<sup>10</sup>In this village the 63 year old murderer is the youngest among all fourteen villagers.

<sup>11</sup>Japanese police are expected to work as a mediator for solving a conflict between residents in the community.

<sup>12</sup>Article 41 of Penal Code prescribes that an offense committed by a person of under 14 years old shall not be punished as a criminal.

during his association with her. In August, 2007, he died strangely in a bathroom in his house in Matsudo City in Chiba Prefecture.

Another victim was an old person of 80 years old living in Noda City in Chiba Prefecture. KK stole high-priced paintings in his house during her association with him. On May 15, 2009, his dead body was founded after a fire at his house. In addition, a briquette stove was found near his dead body. After setting a fire KK drew about JPY 1,900,000 (US\$ 17,300) from his bank account. She received the death sentence for four serial murders and seven frauds.

KK began to register on the website for marriage hunting in May, 2008. She associated with several men, from whom she took money by a fraud or by stealing. At last she committed serial murders. Two old persons living alone were victimized by her, because they believed her promise about the marriage.

### **Case E: Serial Murders Exposed on November 19, 2014 in Muko City**

On December 28, 2013, a man of 75 years old died in Muko City in Kyoto Prefecture. The police detected cyanide in his dead body. They began to investigate on the suspicion of a murder for the purpose of taking inheritance and insurance proceeds. After the careful investigation on November 19, 2014, the police arrested CK of 67 years old, who got married with him on November 1, 2013, after association since June, 2013, when he encountered her through the mediation of the marriage consultation center.

CK's first husband died in 1994, when she had a debt of about JPY 20 million (US\$ 182,000). Since then she registered at the marriage consultation center. She got married three times and lived together as the common-law wife twice with a man whom she encountered through the mediation of marriage consultation centers. All of these husbands and partners died strangely, after which CK acquired profits by inheritance and by receiving insurance proceeds. However, CK was prosecuted for only four murders, because the police failed to collect evidences in other cases.

In this case old persons living alone were victimized by a woman who aimed to deprive them of their property, especially the inheritance. In Cases D and E, we witnessed the most heinous crime committed by a female murderer. In the future such heinous crimes to victimize old persons may increase.

### **Case F: Massacre at Facility for Handicapped People on July 26, 2016**

Around 2:00 a.m. on July 26, 2016, SU, a former male nursing care staff of 26 years old, broke a window glass to invade into a facility for the handicapped. He bonded five staffs staying at the facility. Then, he stabbed handicapped persons by the use of five knives. As a result 9 male handicapped persons between 67 years old and 41 years old and 10 females between 70 years old and 19 years old were killed, while 26 handicapped persons were injured. After finishing the stabbing around 4:00 a.m., SU appeared at a police box to give himself up.

SU was promoted to a full-time nursing care staff at this facility in April, 2013. While taking care of handicapped people, he began to cherish a eugenic idea against the handicapped persons like Nazism. By his conviction that the handicapped persons without ability for communication deserve the mercy killing, he committed the massacre. If such eugenic idea spread, the old people with heavily handicapped

could not survive. However, we do not yet witness the spread of eugenic idea, although nationalism is gradually strengthened.

## **Elderly Victimization by Cruel Treatment in a Nursing Care Facility**

Old persons with needs of nursing care have increased. Then, the old persons victimized by ill-treatment in a nursing care facility increase. According to the research by Ministry of Health, Labor and Welfare, 1741 local governments accepted 1640 cases of performing consultation or receiving a report about cruel ill-treatment of 65 years old and over conducted by a nursing care staff in the facility (Cabinet Office, Government of Japan, 2016, p. 47). The following is a heinous case committed by a male nursing care staff person.

### **Case G: Murders at Facility for Senior Home in Kawasaki**

HI began to work at a residence apartment for senior persons in Kawasaki. As he accumulated stress in his jobs as a nursing care staff, he fell three old residents down to death from a balcony of a room at their residence. In 2014 a male resident of 87 years old, a female of 86 years old, and a female of 96 years old were found dead in a back garden on November 4, December 9, and December 31, respectively. As he resigned in winter in 2015, the police failed to investigate these murder cases earlier. It was not until February 16, 2016 that HI of 23 years old was arrested for murder of an 87 years old resident, followed by arrest for other two murders.

Nursing care staffs commit the cruel ill-treatment against an old-aged patient and resident owing stress which they accumulate by a hard job under bad labor conditions. In 2000 new system of nursing insurance was introduced. Since then physical restraint has been prohibited at any place for nursing care except for its use after careful examination about the urgent situation and about the adoption of an alternative. In case it is used, it should be used temporarily for a short time.

## **Elderly Victimization by Cruel Treatment in the Home**

According to the abovementioned research conducted by Ministry of Health, Labor and Welfare, there were 26,688 cases of the cruel ill-treatment by a person in charge of nursing care in the victim's home. Among these cases 23.2% of victims were male, while 76.8% were female. As the percentage of man and women among all population of 65 years old and over on October 1, 2016, was 43.4% and 56.6%, respectively, female old people are ill-treated more frequently at their home.<sup>13</sup>

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<sup>13</sup> One reason why women are ill-treated more frequently, men are more often taken care of their spouse.

According to the analysis by the age group, the percentage of the age group between 65 years old and 69 years old who were victimized was 10.4%, the percentage between 70 and 74 who were victimized was 15.6%, the percentage between 75 and 79 who were victimized was 21.4%, the percentage between 80 and 84 who were victimized was 24.4%, the percentage between 85 and 89 who were victimized was 18.0%, and the percentage of 90 years old and over who were victimized was 10.3%.<sup>14</sup> As a result of advancement of aging, older people receive nursing care more frequently owing to worsening their health conditions. Therefore, those older persons in the age group of 75 years old and 84 years old are victimized more frequently by the ill-treatment than in the age group between 65 and 74 years old.<sup>15</sup>

Concerning the abuser a husband, a wife, a son, a daughter, and others were 21.0%, 5.6%, 40.3%, 16.5%, and 16.6%, respectively. Almost half (49.2%) of victimized old persons lived together with an abuser and an additional 37.4% lived with an abuser and other family members. Only 12.2% who were ill-treated by an abuser lived alone. In a case that an old person having needs of nursing care lived with one family member, especially a son, the old person seemed to be the most vulnerable to being cruelly ill-treated.

### **Case H: Beating to Death by Son in Yao City**

On July 29, 2017, *Mainichi Shimbun* reported about injury causing death by GY of 38 years old who was not employed. He took care of his mother of 69 years old who had been bedridden from an illness for several years ago. He often beat her as a result of being irritated with her disobedience to him. At last she died from the beatings she received from her son at her house.

It is a typical case of a cruel ill-treatment that a son beat his old mother who needs nursing care. In such cases, it is not always easy to judge whether an injury is caused by a beating or by an accident, because in cases in which an old person suffers senile dementia, he/she often does engage in self-injurious behavior.

## **Elderly Victimization by Property Crime**

Old persons, especially those living alone, are vulnerable to property crime. Recent statistics show that fewer old people are victimized by a theft, especially by a professional theft for pickpocketing and larceny on burglary than in the past. Perhaps this is the effect of crime prevention programs and correctional treatment programs in a prison. On the other hand, a protector or a person in charge of nursing care has the more opportunity to commit a theft from an old person by the nature of their relationship. In Case G, before being arrested for three murders, HI was arrested in

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<sup>14</sup>This data was collected on September 15, 2016.

<sup>15</sup>The percentage in the age group of over 84 years old who were victimized declined because the total population belongs to this age group decreased.

May, 2015, for stealing repeatedly from residents and imposed the imprisonment for 2 years and a half with the suspension of its execution for 4 years.

The property crimes were committed even by a guardian. In 2000, a new nursing insurance system was introduced, under which nursing services are offered by the contract between a business operator for offering services and a user. In Case A user does not have ability enough to contract, he/she may be victimized by the operator. The Civil Code was revised in 1999 to introduce the system of adult guardian for protection of an adult whose mental capacity was gradually declining. The adult guardian is appointed by the family court. Nevertheless, some of adult guardians were able to deprive a protégé of property. The *Mainichi Shimbun* reported about the following case on October 7, 2016.

### **Case I: Deprivation of Property by Lawyer**

HW, a lawyer, was appointed as a formal adult guardian at a family court in two cases and contracted to work as a guardian for another old person. During the period from 2011 to 2015, he deprived them of property by drawing money 183 times from their bank account. The total amount of deprived property amounted to about JPY 112 million (US\$ 1,020,000). On October 7, 2016, HW, 49 years old, was sentenced to the imprisonment for 6 years for an aggravated embezzlement as a professional.

We witness such deprivation of money not only by such a professional as a lawyer and a notary public but also by a family member and a relative. Old persons with less mental ability especially due to senile dementia seem to be deprived more easily by their family member and their relative, as they can hardly report about it to the police.

## **Victimization by Remittance Fraud**

Previously, the fraud was simple like a petty swindling by borrowing money but never paying it back. This fraud to take a small amount of money caused a slight damage to a victim. Although such petty swindling has generally disappeared in Japan, attention needs to be given to several kinds of new fraud. Especially, we give our special attention to a new remittance fraud, that is, the “Ore Ore” telephone fraud victimizing an old person.

For the period from August in 1999 to December in 2002, a swindler committed a remittance fraud, by which he made eleven old persons remit money to a bank account appointed by him. As he said “Ore (me), Ore (me)!” first in his telephone call, the police officers at Yonago Police Station in Tottori Prefectural Police who arrested this swindler named this fraud “Ore Ore” telephone fraud. Since then many swindlers, even members of Boryokudan (Japanese gangsters’ group), began to commit “Ore Ore” telephone fraud to deprive old persons of a large amount of money. The typical “Ore Ore” telephone fraud is the following:

Swindler: “Mom? Ore (me), Ore (me)”

Victim: “Are you my son A?”

Swindler: “Yes, I am A. In a train I left a bag, in which I put a bank check of JPY 3,000,000. If I cannot prepare JPY 3,000,000 immediately, I will be discharged. Help me! Please, go to a bank immediately to remit JPY 3,000,000 to the bank account, which I appoint (In other Case A swindler asks a victim to hand the cash over to a person whom he appoints).”

As a victim is upset, without consulting with anybody she goes to a bank immediately to remit or to draw the cash to hand it over. After the finish of the remittance or the handing over, she is notified that she is victimized by “Ore Ore” telephone fraud.

Since 2000 the “Ore Ore” telephone fraud has become prevalent. The technique of the remittance fraud by the use of a telephone has been diverted in addition to becoming more sophisticated. Following “Ore Ore” telephone fraud, three kinds of the remittance fraud by the use of a telephone developed: a remittance fraud on a fake invoice, on advance-fee loan scam, and on refund scam. Then, in 2004 the police renamed “Ore Ore” telephone fraud “Furikome” Fraud (a fraud by directing the remittance of money).

According to the statistics by the National Police Agency, the total number of cases on the Furikome Fraud recognized by the police amounted to 20,481 in 2008. Since then many preventive measures against the Furikome Fraud were introduced, by which the total number decreased to 6,233 in 2011.<sup>16</sup> However, it increased to 13,605 in 2016, as the technique of the Furikome Fraud developed. In addition, the total amount of damages by the Furikome Fraud also increased from JPY 275,900 million (US\$ 2508 million) in 2008 to JPY 375,000 million (US\$ 3409 million) in 2016.

The four ways among all Furikome Fraud for the year 2008 were the following. The percentage of “Ore Ore” telephone fraud was 37.1%, remittance fraud on a fake invoice was 15.9%, advance-fee loan scam was 24.8%, and refund scam was 22.2%. On the other hand, in 2016 the corresponding percentages were 42.3, 27.5, 3.1, and 27.1%. After the easy-money loan policy was adopted in April, 2013, the remittance loan scam dropped drastically from 5074 in 2008 to 428 in 2016.

In 2016 among all victims of Furikome Fraud, 83.2% were persons of 60 years old and over. This percentage rose to 98.6% in case of “Ore Ore” telephone fraud. Among all victims of “Ore Ore” telephone fraud, 71.7% were female persons of 70 years old and over.

Old people victimized by Furikome Fraud are deprived of large amount of money which they had as a reserve for their life during their old age. As a result of being victimized by a scam, the victimized old persons lose their future comfortable life in addition to being psychologically hurt. They also lose confidence in members of their family, because they are blamed for being carelessly victimized by a swindler.

Without considering the abovementioned damages in victimized old persons, greedy swindlers develop their fraudulent schemes, by which they acquire a gigantic amount of money without using much energy. They often use a youngster as a

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<sup>16</sup>The police have activated a campaign for an old people not to remit money immediately after receiving a telephone call. The officer in a bank asks an old person about the reason why he/she draws a large amount of money from her/his account. The bank establishes the limit of the maximum remittable money from ATM.

person who receives money directly from a victim or as one who draws the remitted money from the cash dispenser. The police sometimes succeed in arresting such a youngster.<sup>17</sup> However, they rarely succeed in rounding up a whole group of swindlers committing Furikome Fraud.

## Involvement in Troubles About Consumer Affairs

The total number of consultation for a person of 70 years old and over conducted by the National Consumer Affairs Center of Japan amounted to 183,136 in 2015. Of these consultations, 15.4% were related to the sale by the solicitation of a telephone call, followed by 13.3% by the fraud door-to-door sales persons.

As Japan is a consumers' society, companies compete to sell more goods to people, especially old people who are known to have money reserved for their old life. In such a situation the troubles between a seller and a consumer have increased. More and more old people begin to use the e-mail and to order goods by a personal computer or a smartphone because they have difficulty in going to stores for shopping.<sup>18</sup> In the near future, it is expected that Japan will witness more complaints from old-aged consumers in the mail-order business, because the smartphone becomes the most prevalent tool used by old people to facilitate their shopping for consumer goods.

## Exploitation in Silver Industry

With advancement of aging we witness the development of an industry to offer services to old people, which we call the *silver industry*. In this field some facilities and companies exploit money from old people. The public homes for seniors are always full and often overcrowded. To enter a public home, old persons with need of nursing care have to wait for long time. The rich old people enter a private facility in which they are offered good services with good nursing care staffs and good equipment for the handicapped and the diseased. However, old people living at a private facility may be offered services of low quality at too high price. Some administrators in a private facility may try to find ways to cut costs and to increase profits. It sets the scene for the corporate crime in the silver industry.

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<sup>17</sup> Previously, some juvenile delinquents snatched a purse from an old woman. However, such juveniles have decreased as they become a conformist owing to being grown under overprotection by their parents and persons surrounding them. Recently, more and more juveniles are involved in Furikome Fraud by swindler's solicitation. Although they do so by the motivation of earning the small amount of extra money, they are severely sanctioned if they are arrested.

<sup>18</sup> In Japan the technology by the use of a computer has developed. Therefore, most of people of under 75 years old can use a computer and a smartphone.

We witness the most serious case that poor old people live in an apartment with bad living conditions and poor services. In the poor apartment an owner and a manager offering accommodation receives a small amount of money from an old day laborer or an old person who is receiving money under the public livelihood protection program. In such a way the apartment owner and manager exploits money from poor old people.

The living conditions for many old people in a poor apartment tend to be worse than those in a prison. Then, if they experience the living in a prison after having committed a trivial theft, they may want to return to a prison by committing a trivial theft again.<sup>19</sup> Such old people tend to be victims of the inadequate system of social security.

## Exploitation Under Abenomics

Under Article 25 of Constitution Law, people are guaranteed their right to live on the minimum level of healthy and cultural living. Therefore, social security system has improved during the period of economic prosperity. However, with the advancement of aging, the economic prosperity has declined, while the costs for social security, especially those for old people, have increased.

To cope with this situation, since April, 2013, Abe administration has adopted the easy money policy to facilitate investment for economic development. In addition, a gigantic amount of deficit government bonds were issued to realize the inflation. To support these policies, the Bank of Japan introduced the negative interest rate policy. These policies are unusual, and the normal policies should be restored.<sup>20</sup> However, no leader including Prime Minister Shinzo Abe and the Governor of Bank of Japan has the bravery to restore these urgent policies to the normal ones.

By the economic policy named “Abenomics,” Japanese youngster will have great damages in the near future, as they have to pay for a gigantic amount of accumulated deficits in the government finances.<sup>21</sup> Old people will also suffer damages. For example, they are encouraged to participate in speculation, especially in the real estate business without being informed about the high risk they are taking. If the bubble in the real estate industry breaks, many old-aged speculators will lose their reserves for their old life.

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<sup>19</sup>As old persons share the social character of “*inner-direction*,” they have psychological resistance against committing a crime. However, if this social character declines, more and more old poor persons would want to live in a prison instead of a poor apartment.

<sup>20</sup>To maintain the low rate of interest in government bonds, Bank of Japan continues to buy a lot of government bond at the bond market. In addition, to maintain high price of stocks, Bank of Japan continues to buy a lot of stocks. We witness the dysfunction at both the bond market and the stock market by these continual purchases.

<sup>21</sup>Japan has the highest deficits in the government finances among all advanced countries.

Another problematic policy is the introduction of a casino, which was decided by the enactment of the Law for Integrated Resort Promotion on December 15, 2016. The main purpose of this law is to develop the tourist industry by inviting many foreigners to visit Japan. However, many foreign persons would not visit the integrated resort facilities to play a casino, because in Japan there are many good places for sightseeing and shopping. Therefore, the main customers targeted by the international casino enterprises who propose a large amount of investment in a planned casino in Tokyo, Osaka, and Yokohama would be Japanese people, especially many old people with a reserve of money saved for their old life. If many old Japanese people become a casino addict and lose their reserve, not only old-aged casino addicts but also the finance of the State of Japan will become bankrupt.<sup>22</sup>

## Elderly Victimization by Accident in House

The National Consumer Affairs Center of Japan receives information about an accident from medical facilities. According to a report in 2013 published by the center, 71.4% of all accidents of persons between 20 years old and 64 years old occurred at a residence, followed by 9.0% on a public road; 8.0% at a private facility; 4.7% at natural places such as the sea, mountains, and rivers; and 6.7% in other places. In the case of persons of 65 years old and over, the corresponding percentage was 77.1% of accidents occurring at a residence; 6.9% on a public road; 8.2% at a private facility; 3.3% at natural places, sea, mountains, and rivers; and 4.5% at other places. As old people have less opportunity of going out from their residence, an accident occurred more frequently in their residence.

Among all accidents inside a house, 35.1, 38.1, 12.0, 4.3, 2.0, and 4.5% occurred at a dining room, a kitchen, stairs, a bathroom, a front entrance, and others in the case of persons between 20 years old and 64 years old. In the case of persons of 65 years old and over, the corresponding percentage was 45.0%, 17.0%, 18.7%, 2.5%, 5.2%, and 11.6%, respectively. As old persons have less opportunity of cooking, their accident occurred less frequent in a kitchen. They fall down more easily on stairs. To prevent an accident by an old people in their residence, the government gives subsidiary to improve accident prevention equipment for old persons living in their own homes.

Old persons suffering from senile dementia have more opportunity of encountering an accident. Those suffering senile dementia may cause a self-injury and encounter an accident when they strays outside their residence. It is very hard for family members to prevent such a self-injury and an accident, because they cannot supervise the older demented person throughout the day.

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<sup>22</sup> If old-aged persons become casino addicts, they would become a homeless or a livelihood protection recipient. If the State of Japan continues to provide the current amount of livelihood protection to them, it would become bankrupt.

## **Elderly Victimization by Automobile Traffic Accident**

With advancement of motorization the casualties caused by automobile traffic accidents increased drastically until 1970. At that time many old people were killed and injured by the traffic accident, because they did not know the way on how to use the road with the increasing number of automobiles. Nowadays, most old people know the rules on traffic safety, as they have a driver's license. In addition, facilities and equipment for traffic safety have been improved. Therefore, old-aged victims by an automobile traffic accident decreased.<sup>23</sup> However, victims of younger generation declined more drastically than did the percentage of persons of 65 years old and over. Therefore, the percentage of persons of 65 years old and over killed by the automobile traffic accident reached to 54.8% in 2016, the highest rate in our history.<sup>24</sup>

## **Elderly Victimization by Fire**

Previously, people lived in a wooden house. Therefore, we witnessed many big fires, by which many people were victimized. Nowadays, many houses are fire-proofed, and the equipment for preventing a fire or controlling a fire has been improved. Therefore, the total number of persons killed by a fire decreased from 1220 in 2005 to 914 in 2016.<sup>25</sup> Among 914 victims 66.8% were persons of 65 years old and over. Many old people, especially the bedridden ones, are victimized because they cannot evacuate speedily in the occurrence of a fire.

## **Elderly Victimization by Natural Disaster**

In Japan we have many natural disasters such as an earthquake, a volcanic eruption, a typhoon, a heavy rainfall, and a landslide. Every year many people, especially many old people, are victimized by these natural disasters.

On March 11, 2011, the Great East Japan Earthquake occurred, by which 15,824 persons died (Yokoyama, 2016b). Among 15,755 victims receiving an inquest, 66.1% were persons of 60 years old and over. The old people are more frequently victimized by a natural disaster.

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<sup>23</sup> Criminalization against traffic offenders has also contributed to the decrease in traffic accidents (Yokoyama, 2015).

<sup>24</sup> The total number of persons of 65 years old and over killed by an automobile traffic accident amounted to 2138 in 2016, which was not highest in our history.

<sup>25</sup> This data exclude the case of persons committing a suicide by setting fire.

## Conclusion

In Japan many old people live safely with less possibility of being victimized by a crime and an accident. However, their life may be endangered by new phenomena such as the prevalence of the Furikome Fraud and the exploitation in the silver industry. The deprivation of money and the exploitation from old people will be more prevalent if Japan's economy becomes worse in the near future. This situation would come soon if Japanese government does not restore to the normal economic policy from the unusual one under Abenomics.

To maintain the current comfortable life, Japan should accept immigrants from advancing countries. However, the Japanese government maintains the policy to accept a small amount of able foreigners and refuses the acceptance of immigrants who are laborers (Yokoyama, 2016c). If this policy on immigration is maintained, the living standard of people, especially old people, will decline.

We witness that the phenomenon of aging is advancing in many countries such as China and Korea. Japanese experiences about elderly victimization may give lessons to people in these countries.

## Questions

1. How has Japan changed in terms of the amount and types of crimes committed with the advancement of an aging population?
2. What kind of crimes do old people commit? What are their motivations for committing these crimes?
3. Why are old people more vulnerable to being criminally victimized than those who lived in the past?
4. What are some of the major schemes used to victimize older persons in Japan?
5. Identify and discuss some of the ways older people in Japan are victimized by fraud.
6. What functions does Japanese government perform to provide assistance to old persons victimized by a fraud?
7. How are old people victimized by accidents and natural disasters?
8. What is the most common relationship of the victim and offender in cases of violent crimes in Japan?
9. Discuss how the changing family structure in Japan is related to the victimization of the elderly.
10. What are the main causes of the victimization of the elderly persons living in nursing homes?

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