

Translation of a public document

Guidelines for the Comprehensive Support of Those Bereaved *

Edited and translated by the Japan Support Center for Suicide Countermeasures

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I. Introduction

1. Background and aims of drawing up this guidebook

Deaths by suicide soared in Japan in 1998 and continued to maintain a high annual rate in excess of 30,000 lives, but since the passage of the Basic Law on Suicide Countermeasures in 2006 and the formulation of the General Principles of Suicide Prevention Policy in 2007, the whole country has promoted comprehensive steps to prevent suicide, and as a consequence Japan has achieved great success, including a reduction in the number of suicide deaths to pre-spike levels.

The Basic Law on Suicide Countermeasures came into effect as the result of legislation introduced mainly by a nonpartisan group of Japanese Diet members in June 2006 in response to a campaign demanding such measures by private sector groups engaged in suicide prevention or in assisting families bereaved or those who have lost someone close to them through suicide. With the widespread recognition that suicide, once likely to be considered a “personal problem,” is a “social problem,” Japan’s suicide countermeasures have developed in the form of collaborative social initiatives by the national government, local public entities, related organizations, private sector groups, private enterprise, ordinary citizens and other interested parties, and this has led to significant results.

The Basic Law passed in 2006 but before it took effect, with the exception of the activities of a very few private sector groups, hardly any support was provided to those bereaved. Plans to assist bereaved

relatives and others were cited in the provisions of the Basic Law, and for the first time such support was clearly stated in law. After repeated trial and error, in 2015, gatherings for persons bereaved (*Wakachiai no Kai*) began to be held in all the prefectures. As it gradually came to be recognized that bereaved families need not only psychological support but also support for the tough challenges they face in their everyday lives, comprehensive support has come to be the aim.

Ten years passed since the Basic Law went into effect, and steps to prevent suicide made significant progress, but the present state is that, among the developed countries, Japan’s suicide rate is still high.

In 2016, with the aim of “realiz[ing] a society in which no one is driven to take their own life,” the Basic Law was revised through legislation introduced by Diet members in order to expand suicide prevention measures as all-inclusive support for people’s lives through practical and pragmatic initiatives at the local level, and to promote such measures even more comprehensively and effectively. The new Basic Law clearly states that suicide countermeasures ought to be implemented as “comprehensive support for people’s lives,” and that all prefectures and municipalities will draw up their own plans on suicide countermeasures so that everyone can receive that support. Moreover, July 2017 saw the formulation of new General Principles of Suicide Prevention Policy, based on the philosophy and aims of the revised Basic Law, to serve as guidelines for suicide countermeasures that the national government ought to promote.

As support for persons bereaved, the new General Principles cites (1) supporting the operations of self-help groups for bereaved families, (2) encouraging

*Supplementary Information for *Background to and Comments on the Guidebook for Those Bereaved* (Suicide Policy Research 2019; 2:48-50)

post-crisis response in schools and workplaces, (3) promoting the provision of information relating to the comprehensive support needs of bereaved families and others, (4) improving the quality of personnel at public agencies who deal with bereaved family members and others, and (5) supporting bereaved children (Section 4 “Pressing Priority Policies for Comprehensive Suicide Countermeasures,” Item 9 “Improving support for the bereaved”).

The present guidebook sets forth what constitutes “comprehensive support for people’s lives,” based on the General Principles.

Specifically, in addition to support for running self-help groups, etc., this guidebook gathers together the points to be kept in mind on providing information regarding the comprehensive support needs of bereaved families and others that will be available wherever they live in Japan; on the post-crisis response in schools and workplaces; on raising awareness and incorporating specialized instruction into the curriculum to improve the attitudes of personnel at public agencies toward bereaved families and the way they deal with them; and on providing support to young children bereaved; and broadly speaking on facilitating support for those so bereaved.

2. Users of this guidebook

This guidebook gathers together the important perspectives and points to keep in mind so that everyone involved with families bereaved, or with assisting such families, can promote effective approaches in accordance with the provisions for their support set forth in the revised General Principles of Suicide Prevention Policy (adopted by Cabinet decision, July 2017). It has been prepared primarily for the staff of local public entities (at the prefectural or municipal level) involved with suicide countermeasures as well as those who will actually be dealing with suicide countermeasures and measures to support families bereaved in society such as in schools, workplaces or communities.

- Staff at local support centers for suicide countermeasures in prefectures and ordinance-designated cities
- Prefectural and municipal employees
- Those in charge of, or who may be involved in, suicide countermeasures in schools, workplaces or the community (teachers, managers in the workplace, district welfare commissioners, commissioned child welfare volunteers, social welfare councils, etc.)
- Providers of health care, medical care and welfare services
- The legal profession (lawyers, *shiho-shoshi* lawyers*who are qualified to prepare legal documents, etc.)
- Others: families bereaved, those who have occasion to be interact with them, etc. (police, fire departments, funeral directors, religious leaders, etc.) and those engaged in activities to support bereaved families

3. Points to keep in mind when using this guidebook

Each local public entity or related organization that promotes initiatives to support families bereaved as part of their community’s comprehensive suicide countermeasures needs to develop concrete activities based on the actual conditions of its respective communities and the actual state of its social resources. Please be aware that this guidebook does not recommend adopting a uniform response for all bereaved families.

II. Main Text

1. Basic concepts

(1) Who are “the bereaved”?

Among “those bereaved,”¹ at first, the intended users of support programs were primarily thought to be relatives (by blood or by marriage), but recently not just relatives but work colleagues, schoolmates, fiancés/fiancées, partners in common-law marriages, close friends, etc., have come to be included. “Bereaved persons” in this guidebook include all those who may be affected by a self-inflicted death.

Suicide arouses various thoughts and feelings in the bereaved. These range widely from anger to remorse, guilt feelings, denial, confusion, repudiation of the deceased, apathy, etc. When engaged in supporting bereaved persons, it is important to understand their situations and provide courteous and respectful support. From what is known thus far, the suicide of a single person is said to have a profound effect on at least five to ten people close to him or her, but, in fact, it is believed to affect far more people than that. In addition, it has a huge impact not only family and friends but also on the deceased’s local community, school or workplace.

Since the Basic Law and the General Principles were revised and put into effect, the environment surrounding those bereaved has been improving. But since prejudice against suicide still exists in society and since there is a limited number of people the bereaved can talk to about their worries, difficulties and distress, their situation reportedly is both physically and mentally painful.

1. In addition to the term “bereaved” as found in the General Principles of Suicide Prevention Policy, this guidebook will use the term “bereaved.” For the distinction in usage of the terms of “suicide” and “self-inflicted death”, see section 1-1 “The terms suicide and self-inflicted death” of “1. Terminology” in III. Reference Materials at the end of this booklet.

(2) The situation of bereaved individuals and the issues facing them

The death of someone close is a distressing event for anyone, and those who are left behind are said to be affected emotionally, physically, behaviorally, practically and in various other ways. But when a person loses someone close, many complain that, in addition to these effects, as a result of misunderstandings about suicide from those around them and for other reasons, “No one understands,” “I have no one to talk to who is able to share my grief,” “I haven’t received the information I need,” “Problems are occurring at home,” “I have been hurt by the words and attitudes of those around me.” In addition, there are instances in which bereaved persons as next of kin must deal with legal matters and a number of other formalities.

More than a decade after the passage of the Basic Law, activities supporting the bereaved are better provided for than they had been, but ongoing efforts are needed to improve them.

(3) Aims of support for those bereaved

The aims of support for persons bereaved are to view it in a comprehensive way, to eliminate prejudice in regard to self-inflicted deaths and to provide the bereaved with the psychological and practical support they need. For example, in addition to having public agencies explain the various legal and administrative procedures after a death, including inheritance issues, in ways that are easy for the bereaved to understand; introducing them to services where public agencies and private sector groups assisting the bereaved can give them advice; referring them to mental health professionals and so forth, it is thought to be important to provide close, personalized support to the bereaved and offer them the information they need.

The circumstances of those bereaved differ from person to person; however, it is impossible to lump together the problems and situations facing them. There are also instances when bereaved persons need to meet with others like them, who have similar

worries or problems; for that reason, it is important to provide places for the bereaved to get together when they feel the need and to introduce them to the activities of self-help groups or support groups, social events they can take part in, services, etc. Furthermore, it is desirable for society to establish a system to provide support for the bereaved families.

This guidebook suggests counseling and participation in the group activities of a *Wakachiai no Kai* as ways of supporting those bereaved, but since not many of the bereaved actually have the opportunity to take part in such activities, ways of supporting them need to be thought of that are based on their actual circumstances. A number of points also need to be kept in mind when dealing with a bereaved person who has experienced the loss of a loved one (for attitudes when interacting with a bereaved person, see section 2-1 of “2. Useful information in regard to supporting those bereaved” in III. Reference Materials at the end of this booklet). In addition, it is important to note that when a family member dies, many of those left behind face various difficulties and tend to become isolated because healthy family functioning has been lost.

2. Providing information on the comprehensive support needs of those bereaved and others and promoting equal accessibility to it

(1) Support related to the provision of information on procedures, etc., that must be carried out in the immediate aftermath of a death

Even when someone is in a state of shock and confusion, there are many procedures that must be carried out. These procedures, which must be done at a time of intense grief, can become a burden for many bereaved families. First of all, it is important for bereaved relatives and others to be able to obtain brochures, etc., that provide the information they need in easily understandable terms so that they can carry on with their daily lives (for precedents in Minato Ward and Itabashi Ward, Tokyo, see section 2-2 of “2. Useful information in regard to supporting those bereaved” in III. Reference Materials at the end of this booklet). Among the matters facing bereaved families, relatives and others are holding the funeral, procedures

changing names in official documents, etc., dealing with the deceased’s unpaid debts, rebuilding the family’s livelihood, informing the school or workplace and completing various procedures there, and clearing out and moving the deceased’s belongings. Quite a few bereaved families have felt that they were unable to get prompt access to the information they needed about these procedures after a death. In the case of a self-inflicted death, there have even been cases in which bereaved relatives and others hesitate to carry out the necessary procedures due to excessive fear that the cause of death will be made known. Since deadlines of within three months, for example, have been set for some of these procedures, they require attention. It is important to provide booklets that contain information on these matters that is both comprehensive and easy to understand (for further details, see Chart 1 of “3-1. Procedures that those bereaved must carry out,” “3. The legal issues facing those bereaved, and a basic knowledge of such issues” in III. Reference Materials at the end of this booklet).

(2) Support related to the provision of information needed in the mid- to long-term

The General Principles of Suicide Prevention Policy, adopted by Cabinet decision in July 2017, recommends that public agencies and local public entities provide information on counseling and various other services to solve problems facing the bereaved, including the procedures after a death, so that no matter where in Japan they may be, they can get the information and support they need, including on related measures. As examples of support for those bereaved, each prefecture and municipality provides information on appropriate counseling services for legal matters and on *Wakachiai no Kai* and other support groups.

1) Providing information on public support for the bereaved such as *Wakachiai no Kai* and other support services

Group work sessions and meetings for the purpose of having several persons who have been bereaved come together, talk about their mutual experiences and listen to one another are called *Wakachiai no Kai* or

gatherings of the bereaved. There are also private sector groups at the national level such the National Association of Family Survivors of Suicide, in which self-help groups whose participants are the bereaved themselves play the leading part, and the Grief Support Link, Support Network Re for the Bereaved by Suicide, etc., which are jointly run by the bereaved and their supporters in various fields. The nature of the activities and the methods for holding meetings of *Wakachiai no Kai* and gatherings of the bereaved differ depending on the host organization. The rules on who can participate and how to proceed with the meetings also vary from group to group, as do whether professionals may take part or not. Some groups are run only by the persons concerned, while professionals and volunteers can take part in others, and local public entities support the hosting of others.

In addition, some local public entities make it possible to hold meetings of *Wakachiai no Kai* and gatherings of the bereaved on an ongoing basis by collaborating with private sector groups that have a proven track record. For local governments where it is difficult for a single municipality to hold such meetings on a sustained basis, there are also cases where two or more neighboring municipalities work together and host them jointly. Collaboration and role-sharing among the national government, local public entities and private sector groups are thought to be important for the support of bereaved families (for *Wakachiai no Kai* held through the cooperation of two municipalities, see section 2-3 of “2. Useful information in regard to supporting those bereaved” in III. Reference Materials at the end of this booklet).

2) Providing information on legal support for those bereaved

Those who have lost someone face a number of problems that the deceased has left behind. For that reason, one form of mid- and long-term support for the bereaved is likely to be providing information about opportunities for counseling and advice on legal matters.

Issues on which legal assistance is needed include (1) extension of the deliberation period and decisions

about inheritance; (2) workers' compensation claims and compensation for damages in cases of suicide as the result of overwork; (3) matters related to compensation for damages in the event that the self-inflicted death occurred in a rental property or to the duty of disclosure in the event that it occurred on self-owned property; (4) matters related to the payout of life insurance, such as suicide exclusion clauses, etc.; (5) multiple debt problems; (6) Internet issues such as the public disclosure of the name of the person who died; (7) matters related to bullying at school; and (8) matters related to compensation for damages when the death occurred on a railroad line, etc. (for points to keep in mind in regard to dealing with legal matters that the bereaved face, see “3. The legal issues facing those bereaved, and a basic knowledge of such issues” in III. Reference Materials at the end of this booklet).

Administrative officers and others may provide information on lawyers, *shiho-shoshi* lawyers, etc., who are willing to work with families bereaved who require legal support. Issues facing the bereaved and where they can go for advice are listed below:

(1) In cases of difficulties regarding debt or financial problems

- Bar associations (multiple debt problems)
*initial consultation free in some cases
- *Shiho-shoshi* lawyer's associations (counseling on multiple debt problems) *initial consultation free in some cases
- Japan Legal Support Center (Law Terrace)
- Association of Lawyers for Suicide Bereaved Families
- Prefectural consumer affairs centers
- Municipal consumer affairs counseling services
- Welfare offices (public assistance)
- Social welfare councils (social welfare loan program, etc.)

(2) Workers' compensation related (when the self-inflicted death is believed to be the result of overwork, etc.)

- Labor standards inspection offices (general counseling on labor matters)

- Association of Lawyers for Suicide Bereaved Families; National Defense Counsel for Victims of *KAROSHI*
- Occupational health support centers
- Regional Industrial Health Center
- *Rosai* (industrial accident compensation) hospitals
- Counseling organizations

Source: “Supporting the Bereaved: Guidelines for Counselors” (2009), pages 10-11, partially revised.

Moreover, there are also quite a few instances in which some bereaved families fail to initiate these legal procedures because of health problems, social discrimination, etc. These procedures, however, have important implications for rebuilding their lives. Thus, it is important that administrative officials and others explain to the bereaved that legal settlements are recognized as legal rights and provide them with information on legal support.

(3) The role of prefectures and municipalities in regard to equal accessibility to information

Promoting equal accessibility² in the provision of information to those bereaved requires role-sharing between prefectures and municipalities and coordination with private sector groups and others. For example, when providing leaflets describing the necessary procedures after a death and the responsible office counter (or folders that contain all relevant documents) to not just those bereaved as the result of, but also to all bereaved families, the following approaches can be considered: having the responsible municipal office counter distribute them and, in the case of those bereaved, having the police pass them out at the time of the inquest. Methods of providing the information the bereaved need as soon as possible will require coordination among municipalities, prefectures, the police and private enterprises.

2. Equal accessibility means that information is circulated to all the parties concerned nationwide.

1) Support for those bereaved and role-sharing among public agencies

The General Principles of Suicide Prevention Policy stipulates that local support centers for suicide countermeasures be set up in the prefectures and ordinance-designated cities to further promote measures against suicide in the community. These centers are expected to provide assistance for, and track the progress of, local suicide countermeasures in the municipalities within their jurisdiction. In terms of support for those bereaved, enhancing the system in the communities with the local support center at its core is required so that the bereaved can receive the support and information they need no matter where in Japan they may be. On the other hand, it is thought that role-sharing between public agencies and private sector entities will make it possible to engage in more effective support activities for those so bereaved, in terms of holding *Wakachiai no Kai*, supporting self-help groups and support groups, and providing counseling.

2) Prefectures

Local support centers for suicide countermeasures are required to play a role in prefectural support programs for those bereaved. The implementation guidelines for program management at these centers state that they will carry out training on the appropriate support measures, etc., for those engaged in assisting those so bereaved and others, and that they will also gather information on the various kinds of support such families will need and instruct municipalities on how to provide it. In addition, when consulted by a municipality on cases of support for the bereaved that it finds difficult to deal with, a center shall, as necessary, in coordination with professionals and others, give guidance, advice and other appropriate support to the said municipality. It is also thought to be important that the prefectures provide them with relevant information and gather information on municipal initiatives as well as raise public awareness by preparing leaflets and creating websites, etc., as means of providing information to the bereaved. In order to deliver the information the bereaved need in a timely fashion, the prefectures are expected to

collaborate and coordinate as necessary with other public agencies such as the police and the fire department. Setting up regular sessions for the exchange of information between the prefectures and the municipalities, etc., is also to be considered. Because some matters are difficult to deal with in small municipalities where everyone knows one another, prefectures are required to keep a watchful eye on the situation within their borders and take the lead in implementing wide-ranging initiatives. Prefectures and local support centers may conceivably take it upon themselves to coordinate and act as a go-between in implementing *Wakachiai no Kai* hosted jointly by a number of municipalities.

3) Municipalities

Municipalities are responsible for procedures such as changes to the family registration and interment permits, etc., right after a suicide has occurred. They also have responsibilities in terms of mid- to long-term assistance for the bereaved families of those who have taken their own life. This may include, for example, individual counseling or holding *Wakachiai no Kai* or gatherings of the bereaved. But because it is hard to hold *Wakachiai no Kai* single-handedly in a municipality where the population is small, and because some of the bereaved complain that it is difficult for them to take part in meetings in their local area where their acquaintances live, etc., the municipality needs to consider hosting meetings jointly with a neighboring municipality rather than holding them alone. In addition, there are many places where a private sector group collaborates with the municipality in holding *Wakachiai no Kai* as a municipal program. In some cases, holding it as a program of the local public entity through collaboration with the municipality makes it possible for a private sector group to operate on an ongoing basis by having the local government defray the expenses that would ordinarily be paid by charging a participation fee or through staff contributions. There are also instances where opportunities are created for the bereaved to interact with their peers other than regular *Wakachiai no Kai*, opportunities that include special events such as mini excursions and meals. In these examples as well, municipalities may in some

cases help with publicity by publicizing the event and recruiting participants. In regard to support for those bereaved, municipalities are required to cooperate with the local support center for suicide countermeasures and provide the appropriate information and assistance (for the Tokyo self-help group *Mizube no Tsudoi* for those bereaved, see section 2-5 of “2. Useful information in regard to supporting those bereaved” in III Reference Materials at the end of this booklet).

3. Encouraging a post-crisis response in schools and workplaces

(1) Encouraging the appropriate post-crisis response to a suicide in a school

When an elementary or secondary school student dies as the result of suicide, there are limits to the response the principal and staff alone at the school can make after the event. They must be in close contact with the Board of Education and receive the necessary support. While sympathizing with the feelings of the bereaved family and carefully ascertaining their wishes, they should promote coping efforts at the school and, if necessary, connect those who need it with the appropriate support. The cooperation and support of those involved, including the parents of the other students, are important in dealing with the aftermath of a suicide at a school. In order to establish a collaborative framework with those concerned, efforts must be made to disclose accurate information and attend to the students’ emotional care.

(2) Encouraging the appropriate post-crisis response to a suicide in the workplace, etc.

When the suicide of a co-worker occurs in the workplace, etc., his or her colleagues undergo a very strong psychological shock. In addition to provoking reactions such as “I can’t believe it,” “Why didn’t he/she confide in me?,” “Why couldn’t we prevent it?,” “How could such a serious-minded person kill him/herself?,” suicide has a particularly profound impact on those with the strongest ties to the deceased. However, many different situations are conceivable in the workplace. Matters that need to be considered are

how to inform other people in the workplace and points that must be kept in mind in doing so, dealing in all good faith with the bereaved family, and cooperating with an investigation into the workplace environment or working conditions that may possibly be related to the suicide (for further details, see “4. Encouraging the appropriate post-crisis response to a suicide in a workplace, etc., and points to keep in mind” in III. Reference Materials at the end of this booklet).

4. Improving the quality of personnel at public agencies, private sector groups, private enterprises, etc., who deal with bereaved family members

The General Principles of Suicide Prevention Policy stipulates promoting “the dissemination of knowledge about how to deal appropriately with bereaved family members and others among those engaged in suicide-related work in the police and fire departments and other public agencies.” Thus, working to improve the quality of the response to the bereaved by police officers, fire fighters, etc., who are highly likely to deal directly with them at an early stage, is clearly stated.

(1) The appropriate response of police officers, fire fighters, etc., who are likely to interact with the bereaved immediately after a suicide occurs

As the personnel of public agencies who are highly likely to go to the site where the suicide occurred and to interact with the bereaved family immediately afterwards, police officers, fire fighters, etc., must make every effort to be polite and courteous in their dealings with them. The appropriate coordination between local support centers for suicide countermeasures and public agencies such as the police and fire departments is essential for improving the response to the bereaved.

(2) Encouraging an understanding of the appropriate response, etc., of private enterprises that are likely to interact with the bereaved

In addition to the municipality, private enterprises (funeral homes, etc.) are likely to be providers of information on procedures and other matters after a

death that would be helpful to families bereaved. Information considered necessary includes answers to “What do we have to do first?,” “Where do we go for advice about problems?,” etc. Further efforts are required to raise the awareness not only of public employees but also of private enterprises so that the appropriate response to the bereaved will be taken into consideration everywhere in the country.

5. Supporting children bereaved

The General Principles states, “In addition to supporting efforts to make local counseling facilities and the operations of self-help groups for bereaved children in the community widely known to such children and their guardians, improve the counseling system for them primarily by teaching staff at their schools who have many opportunities to be in contact with their students on a daily basis, as well as by public health nurses at child consultation centers, mental health and welfare centers and public health centers.” It goes on to say, “Implement training, etc., to improve the quality of school staff in charge of educational counseling, including care for bereaved children.” The term “children bereaved” means minors who have lost a close relative to suicide and refers to children who have had intimate experience of suicide-related behavior in their families while they were growing up. When such a child is an elementary or secondary school student, support is provided in consultation with his or her surviving parent or guardians after obtaining their consent. In addition, school staff who are highly likely to be asked for advice from such children will need to have the relevant knowledge and understand the appropriate way to respond. To do so, consideration should be given to providing training opportunities for school staff in cooperation with the Board of Education, etc.

(1) The position in which children bereaved find themselves and basic ways of responding to it

Since it is well known that children at a young age or in adolescence respond to the experience of death differently from adults, understanding their specific reactions depending on the age of the child and his or

her relation to the person who has died is important. In addition, when children bereaved lose a parent who was the primary source of household income, it may be difficult for them to proceed to the next grade or to continue their education at all. For such children who have livelihood-related difficulties, “support for people’s lives” that gives priority to helping with their tuition and living expenses and stabilizes their daily life is also important.

(2) Multi-faceted support for children bereaved

Efforts are proceeding, albeit little by little, to support children who have lost persons close to them, such as a parent or a sibling, to a self-inflicted death. But since many children seem outwardly healthy, their grief tends to be overlooked. Recently, however, gatherings of children who have lost a loved one and their families are being held to provide them with grief care, and in some places, the local government offers information on support for children bereaved on its website.

Experiencing the suicide of a family member in childhood or adolescence is said to take a huge toll both physically and emotionally. As much as possible, such children need to have close friends nearby whom they can talk to about what they are feeling and worrying about as well as adults and acquaintances they can confide in.

Since the early 1970s, *Ashinaga*, a private non-profit organization for orphaned students, has been making efforts to provide scholarships to students who have experienced the loss of a family member to suicide. With the aim of encouraging spontaneous sharing among peers who have experienced a similar loss, the organization also provides support for hosting opportunities for such young people to get together with others of the same age and affiliation such as its “*Tsudoi* Programs for Recipients of High School Scholarships” and other such programs. These programs are held throughout Japan, and since *Ashinaga* scholarship graduates who have gone on to and publicizing the meetings and the private sector group being responsible for running them, etc. (on hosting and operating *Wakachiai no Kai* and

college participate, by having them serve as role models, these programs also have the major objective of giving encouragement to bereaved children centered on “self-help and solidarity” and freeing such children from isolation. Further expansion of such multifaceted support with a focus on young people, including the awarding of scholarships, is desirable for those bereaved (for examples of the *Ashinaga* “*Tsudoi* Programs for Recipients of High School Scholarships”, see section 2-6 of “2. Useful information in regard to supporting the bereaved” in III. Reference Materials at the end of this booklet).

6. Achieving comprehensive support of those bereaved

(1) Support for self-help groups and for private sector management of *Wakachiai no Kai* and other such gatherings

The General Principles cites support to make bereaved families and others aware of counseling facilities and support for the operations of self-help groups and other support groups in the community. Many of those bereaved are forced into situations in which they are unable to talk to anyone about the suicide of a loved one and tend to suffer all alone for a long time from feelings of doubt, shame and guilt. This ongoing psychological isolation from the community and from society continues to impede the healing of their bruised self-esteem and their ultimate recovery.

One important support activity for those bereaved is the holding of *Wakachiai no Kai* and gatherings of the bereaved where they can share their thoughts and experiences with those who have had similar experiences. Such meetings are opportunities for the bereaved to talk with one another without anyone criticizing them. Many of these meetings are conducted by private sector groups, but there are also cases, for example, where they are held on a sustained basis as the result of role-sharing, with a local public entity being mainly responsible for securing a venue

gatherings of the bereaved, see section 2-7 of “2. Useful information in regard to supporting the

bereaved” in III. Reference Materials at the end of this booklet).

(2) Public awareness activities to promote understanding in society as a whole of those bereaved

Efforts are indispensable to dispel prejudice and mistaken beliefs about suicide that exist not only among the personnel at public institutions but in society broadly speaking, and to spread knowledge about, and change for the better, socially accepted but erroneous views of those bereaved. Expressions such as “suicide is a bad thing that should never occur,” “improving the worst ranking of suicide rate,” “removing the stigma,” etc., are based on prejudice, and it would be better not to use them. In addition, public awareness activities are important to eliminate

prejudice against, and deepen society’s understanding of, depression and other mental illnesses. To do so will require ongoing activities by various public information media to change the attitudes of the Japanese people as a whole.

These activities could conceivably include, for example, the regular holding of symposiums; giving lectures not only in urban areas but in rural areas as well; the regular holding of staff training at administrative organizations; talks in schools by family or friends of someone who died, etc. In addition, among the public awareness activities carried out as comprehensive suicide countermeasures in educational institutions, efforts must be strengthened even further to dispel prejudice against those bereaved.

III. Reference Materials

1. Terminology

1-1. The terms suicide (Jisatsu) and self-inflicted death (Jishi)³

The General Principles of Suicide Prevention Policy expresses the basic understanding that “suicide is a death to which many have been driven.” In other words, suicide is not just a spur-of-the-moment act during which someone takes his or her own life; it must be understood as a process, one in which a person is forced into a situation where he or she feels compelled to do so. The terms “attempted suicide,” “suicide plans,” “suicide warning signs,” etc., regard suicide as an act.

On the other hand, mainly bereaved families say that since the word “suicide” has connotations of criminal behavior and fosters prejudice and discrimination, they want to replace it with the term “self-inflicted death.” Since the act of suicide itself is not the focal point in expressions having to do with bereaved families or bereaved children, the term “families or children bereaved” is thought to be more appropriate. In leaflets and other materials intended for the bereaved, it is important to use expressions that take their feelings into consideration, such as “those who have lost a loved one to a self-inflicted death.”

Standardizing the usage to one term or the other is not regarded as important; what is important is making a careful distinction about the term one uses depending on the circumstances and the relationship with the person you are dealing with. This guidebook was written with that thought in mind.

1-2. What is grief?

When someone loses someone close to them through death, it is said to affect or change that person in various ways not only emotionally but physically and behaviorally as well. Recently, the reactions to, and

3. The word “Jisatsu” is usually used to represent suicide in Japanese, while “Jishi” means self-inflicted death and is distinguished in some cases

changes resulting from, mourning such a loss have often come to be expressed in Japanese by adopting the English word “grief.” Grief is not limited to bereavement; it is a natural human reaction triggered by the experience of a major loss, an internal conflict and distress. It is said to have an emotional, physical, and behavioral impact as well as an effect on a person’s sense of values, views on life and death and attitude toward religion. Since there are various ways of thinking about grief, we shall summarize them briefly below. A fundamental understanding of grief is necessary when dealing not only with those bereaved but also with the bereaved in general.

- Because the ways of expressing grief, its intensity and duration are diverse, and the problems and difficulties involved vary, grief is unique to each person.
- Not only the cause of death but various factors, such as the circumstances at the time of death, the bereaved’s relationship to the dead person, his or her age, sex, living environment, life history, etc., are all relevant.
- There is no such thing as “good” or “bad” grief nor is there a “correct” or “incorrect” way of grieving.
- One person’s grief cannot be compared to anyone else’s.

1-3. The likelihood that grief may change

The nature of grief is likely to change through the act of mourning, which is a way of living one’s life while going through various hardships and distress. Support activities are important for those who are grieving, such as finding solutions to practical difficulties, providing them with companions who can understand one another and offering them a place where they can freely express their feelings.

The following describe the likelihood of changes in grief:

- Emotional changes:

Though one’s feelings may fluctuate, it is possible to return to a stable state

It is possible to remember and think about the dead person without enormous pain

- Physical changes:
 - Becoming optimistic about maintaining or regaining one's health
 - Being concerned about the health of others
- Behavioral changes:
 - Aiming to build new relationships
 - Resuming activities that had been given up and seeking new challenges
- Mental changes:
 - Reaffirming one's connection with society and searching for something to do
 - Having a vision of the future in some cases

2. Useful information in regard to supporting those bereaved

2-1. Attitudes when interacting with those bereaved

Support for those bereaved requires discretion because forcibly trying to extract information from them or responding in ways that do not suit their needs is likely to cause secondary damage.

Responding in ways that keep the following points in mind is desirable:

- Respond with a full understanding of the bereaved's mental state and reactions
- Respond in a quiet place where their privacy is protected and where consideration is given to their being able to express their feelings
- Listen with acceptance and sympathy (listen closely to what they say and be thoroughly receptive to their feelings) and respond calmly. Take all the time necessary to respond when consulted
- Take a thoroughly nonjudgmental attitude (ask "What can I do to help you?" without making your own judgments about, or interpretations of, the bereaved's thoughts)
- Provide the support that the bereaved themselves want (respect their autonomy)

- Simply get close to the bereaved (just be there for them)
- Clarify their needs while sorting out the issues that confuse them
- There is a tendency to focus exclusively on mental health issues, but listen carefully to what they say about specific problems that they have with finances, education, legal proceedings, prejudice, religious beliefs, etc.
- Express your support and promise to give it by saying, "If something is bothering you, please contact us anytime"

Likewise, the following are responses that should never be made:

- Words of encouragement such as "you can do it" or questions about the cause like "Why weren't you able to stop him or her?"
- Glib words of comfort
- Attempts to probe into family matters and forcibly extract detailed information (this ought to be avoided because of the risk it will cause secondary damage)
- Imposing your own opinions or arbitrary ideas, such as saying "This is what you ought to do"
- Arbitrarily deciding that all bereaved persons require mental health care
- Pressuring the bereaved to reveal their feelings
- Words, actions, and other responses based on the thought that bereaved persons are all the same

Source: "Supporting the Bereaved: Guidelines for Counselors" (2009), pages 8-9.

2-2. Information for the bereaved provided in Minato Ward and Itabashi Ward, Tokyo

At the counter in the Minato Ward Office that accepts notifications of a death, a leaflet describing the various procedures after a death is handed out to all the bereaved. Included in it are the locations of various counseling services for bereaved families who have lost a loved one; it also carries information on *Wakachiai no Kai* as one such services. Whether or not they are bereaved, care is taken to help them obtain the relevant information. Minato Ward and Itabashi Ward

also make information available on their websites in regard to support for those bereaved.

An item entitled “To bereaved families who have lost a family member as the result of suicide (self-inflicted death)” is offered on the Itabashi website, and anyone can read it.

- Gatherings for the bereaved (*Wakachiai no Kai*)
- Telephone counseling for the bereaved
- Support for bereaved children
- Counseling services on topics such as liabilities and inheritance, legal matters, workers’ compensation, employment, business management and welfare
- The public and private procedures required after submitting the notification of a death
- The mental and physical reactions that the family may experience

Minato Ward, Tokyo, website (in Japanese, with automated translation system available)

<http://www.city.minato.tokyo.jp/chiikihoken/ikiru/ji/satutaisaku.html>

*The leaflet handed out to all bereaved persons is not available on the web.



Itabashi Ward, Tokyo, website (in Japanese)

http://www.city.itabashi.tokyo.jp/c_kurashi/056/056610.html



2-3. *Wakachiai no Kai* hosted through the cooperation of two municipalities

As an example of coordination at the municipal level, two Metropolitan Tokyo cities, Hino City and Tama City, jointly host a single *Wakachiai no Kai* program on an ongoing basis. Hino City had previously been

holding bimonthly *Wakachiai no Kai* meetings; then neighboring Tama City joined the private sector group that had been cooperating in running it and, after repeated consultation, the new program was born. It is called the “Hino City and Tama City *Wakachiai no Kai*” and hosted by Hino City in the odds months and by Tama City in the even months. The meetings are held at the Sekido Community Center in Tama City because of its convenience for the participants, and both cities are responsible for securing the venue, publicizing the event, and handling inquiries. The private sector entity is in charge of running the group on meeting days.

As a result, the following points are beneficial for both those running the meetings and those participating in them: (1) expansion of the target area makes participation easier; in other words, since a certain number of participants is guaranteed, meetings can be held efficiently; (2) while each city hosts bimonthly meetings, the same effect as holding monthly meetings can be obtained; (3) collaboration with a private sector group that has a long track record makes continuity possible.

2-4. Four distinctive features of legal assistance for those bereaved

In providing legal assistance as support for those bereaved, the following four distinctive features need to be kept in mind:

- (1) The complexity of the rights of persons who take their own lives: When someone with several legal problems is driven to take his or her life, the decedent’s rights can in some cases become complicated. Moreover, there are also cases in which legal issues may become complicated as a result the manner in which he or she died (in a rental property, on a railroad line, etc.). The bereaved, however, may not necessarily be aware of all the obligations the person who took his or her own life (the decedent) had. Since the bereaved may be having difficulties with their own emotional and physical state, they have a tendency to consult legal practitioners only about the problems with which they are particularly concerned. For that reason, when legal advice is sought by a bereaved family, practitioners must be particularly careful not to be

caught up in the bereaved's main concern. It is extremely risky, for example, to recommend renouncing an inheritance without careful consideration just because the bereaved fear they are likely to be sued for damages by the railroad company. The reason is that a possibility exists that the amount of damages claimed by the railroad company can be reduced and renunciation of inheritance will also cause the bereaved to lose positive property of the decedent (deposits with banks, land, the right to claim damages against the company if he or she had a workplace issue, etc.).

(2) Legal issues involving the bereaved themselves: The first legal issue involving the bereaved themselves is whether or not to inherit the rights of persons who take their own lives. When, after hearing from the bereaved, it is judged that the deceased may have had complex legal issues, if the deliberation period has not yet passed, steps should immediately be taken in family court to extend it (proviso of Article 915, Paragraph 1 of the Civil Code). In addition, legal issues unique to the bereaved include claims for workers' compensation, life insurance claims, joint guarantees with the deceased for debts and lease contracts, the duty of disclosure when selling in the event that the person who took his or her life died on real estate owned by the bereaved, etc. Unlike inheritance issues, these legal problems can take some time. When it comes to the legal issues of the bereaved themselves, it is useful to separate inheritance issues from other problems and examine them independently.

(3) Issues related to the physical and mental state of the bereaved: As a result of the profound emotional damage the bereaved have endured because of a family member's self-inflicted death, in quite a few cases they suffer from mental illnesses such as depression and PTSD or have suicidal thoughts. The physical and psychological problems of the bereaved have a direct impact on legal practices. When ill health such as depression is involved, they may lack the will to seek legal advice, and so the legal problems themselves may go completely undetected. In addition, they suffer from a strong sense of remorse about their inability to help and may say that legal procedures make it painful for them to think any more about the family member. Thus,

even when solving a legal matter is simple, some bereaved families deliberately choose not to seek a solution. In the case of examinations in legal procedures, lawsuits and at other times when the psychological burden is particularly onerous, it is necessary to pay attention to the bereaved's physical condition.

(4) Issues involving prejudice, etc., against self-inflicted deaths: Because prejudice against self-inflicted death still remains, there are many cases in which the bereaved are extremely afraid that others will find out about it. In addition, such prejudice may also cast dark shadows within the bereaved family itself. There are cases, for example, in which someone is strongly opposed to the bereaved family taking legal procedures because of the mentality of not wanting outsiders to know about the self-inflicted death. On the other hand, there may also be situations in which the family blames each other about the cause of the death. Under such circumstances, even simple inheritance cases, such as those involving only real estate, bank accounts, etc., may often be prolonged due to the emotional entanglements on both sides.

Source: "Points to Be Keep in Mind about Legal Support for Those Bereaved" (written by Teruyuki Ogoshi), *Hōritsu no Hiroba* Vol. 69, No. 10 (2016), excerpted from pages 41-49 and revised

2-5. *Mizube no Tsudoi*, a Tokyo self-help group for families bereaved, and the *Ai no Kai*, a group for spontaneous sharing in Sendai

The *Mizube no Tsudoi* was founded in February 2009 and has been holding spontaneous sharing meetings once a month since March of that year. Meetings are held alternately in Setagaya Ward and Shibuya Ward in the afternoon of the fourth Sunday of every month; first, after an explanation of the organization's aims, the participants introduce themselves, then divide up into two to four groups and talk among themselves as a way of sharing their feelings. After the meeting is over, the location changes, and a "cool down" time is provided. In addition to hosting the occasional mini excursion or meal, the group maintains a blog and posts information on self-inflicted death.

In addition, in light of the fact that many families bereaved cannot talk about it and do not want it to be publicly known, a self-help group for such families, the *Ai no Kai*, was launched in 2006 in Sendai City, Miyagi Prefecture. In order to encourage the participation of the elderly, those with disabilities, bereaved families with young children and those overwhelmed by work or caregiving throughout the prefecture as a whole, regular meetings of *Wakachiai no Kai* are held in six locations. After the 2011 earthquake, *Tsumugi no Kai*, a group for parents who had lost their children, started up in Sendai City, Ishinomaki City, and Kesenuma City and provides places for parents who had lost their children in the tsunami to meet; gatherings for those bereaved by the earthquake are also held in Iwanuma City and Ishinomaki City. Such groups have the additional aim of letting the survivors lead healthy lives in order not to waste the deaths of those who have died.

Source: Ministry of Health, Labour and Welfare, “2016 White Paper on Suicide Prevention in Japan,” p.130, and the “2014 White Paper on Suicide Prevention in Japan,” p.149.

2-6. Ashinaga “*Tsudoi* Programs for Recipients of High School Scholarships”

Every summer a *tsudoi* for high school students receiving *Ashinaga* scholarships takes place for three nights and four days in eleven different places across Japan. More than 1,700 high school students participate, and over 650 university and vocational school students who are also *Ashinaga* scholarship recipients serve as their group leaders and big brothers and sisters. Initially through games, outdoor activities and other forms of recreation, high school students who are meeting for the first time open up to one another; then in “let’s talk about ourselves” sessions, they talk to their peers about the death of their mother or father, the difficulties they are having, the hardships their surviving parent faces, incidents that have happened with relatives, friends and neighbors, etc. The realization that “I’m not alone; others have gone through the same sadness and suffering that I have” inspires the courage to carry on

with hope for the future. That is *tsudoi*’s greatest achievement.

Source: The *Ashinaga* website
<https://en.ashinaga.org/what-we-do/japan/tsudoi-program/>

2-7. Hosting and operating *Wakachiai no Kai* and gatherings for bereaved families

Depending on the nature and functions of the institution, group, or organization hosting and operating meetings such as *Wakachiai no Kai* and gatherings for bereaved families, matters such as who can participate, the rules of procedure, the participation of professionals, etc., differ. The ambience required for such meetings is one in which it is acceptable for participants to be able to express their feelings frankly and with peace of mind. This condition is thought to be most easily satisfied by groups of peers who have gone through similar experiences. Even when persons other than those concerned are involved, it is important that such meetings are places where participants can truly feel secure. For the bereaved who do not want to join a group, personal consultations, telephone counseling and other such methods need to be considered. Since, in any event, the important point is to present information about holding (implementing) such meetings in an easily understandable way so that participants can take part without anxiety, it is necessary to clarify in advance who can participate, the rules of procedure, the presence or absence of professionals or of staff other than those immediately concerned, the operating body and its basic objectives, etc.

A self-help group is a gathering of peers who have been bereaved; it is an activity aimed at “mutual aid” by having the bereaved talk to each other about their experiences and wishes. For that reason, as a rule, participants are limited only to those concerned (the immediate families of those bereaved, etc.), and there are some meetings in which professionals and supporters can take part. At times other than “spontaneous sharing,” however, “cool down” periods or social gatherings after the sharing sessions,

for example, there are cases in which outsiders are allowed to participate.

The facilitator of a *Wakachiai no Kai* is careful not to interpret or criticize the remarks of others or to give guidance or advice. When a support group (private sector volunteers, professional groups such as bar associations, private sector entities, specialized public agencies such as public health centers, support groups run by municipalities, etc.) sets up a *Wakachiai no Kai*, it is important to start with the training of facilitators and insure that their quality is high. Below are the major private sector groups:

National Association of Family Survivors of Suicide (<http://www.zenziren.com>)

Grief Support Link (<http://www.izoku-center.or.jp/>)

Nationwide Network of Care Groups for the Bereaved by Suicide (<http://www.jishicare.org/>)

3. The legal issues facing those bereaved, and a basic knowledge of such issues

3-1. Procedures that those bereaved must carry out

Chart 1. List of procedures that, in general, those bereaved must carry out (Information on procedures may be different from the list depending on individual cases.)

Name/destination of notification	Location of procedure	Procedure deadline	Necessary documents
Municipality			
Report of death	Counter in the municipal office located in either the place of death, place of family registration, or place of residence of the deceased	Within 7 days <u>from the day of death</u> (3 months if outside the country)	Death certificate or autopsy report (Reports can be accepted 24 hours a day.)
Application for permission for cremation	Counter in the municipal office located in either the place of death, place of family registration, or place of residence of the deceased	Upon presentation of the Report of Death	Application for permission for cremation
Suspension of pension payments	Social Insurance Office or the municipality's National Pension Department	Within 10 days <u>from the day of death</u>	Report of death of the pension beneficiary, pension certificate, certified copy of closed family register, etc.
Notification of the loss of qualification for long-term care insurance	Municipality's Welfare Department	Within 14 days <u>from the day of death</u>	
Claim for the national pension lump sum death benefit	Municipality's National Pension Department	Within 2 years <u>from the day of death</u>	Written request for lump sum death benefit, pension book, certified copy of closed family register, copy of residence record, seal, bank account number
Claim for the national survivor's basic pension	Municipality's National Pension Department	Within 5 years <u>from the day of death</u>	Written request for the award of the national survivor's basic pension, pension book, certified copy of the family register, copy of the death certificate, withholding slips, seal, bank account number
Claim for the national widow's pension	Municipality's National Pension Department (Wife without children who had been married 10 years or more)	Within 5 years <u>from the day of death</u>	Written request for the award of the national widow's pension, pension book, certified copy of the family register, copy of the death certificate, income certificate, seal, bank account number
Change of head of household	Each Pension Office	Within 14 days <u>from the day of death</u>	Notification of change of head of household
Claim for the national health insurance funeral expenses claim	Municipality's National Health Insurance Department	Within 2 years <u>from the day of death</u>	Application for payment of funeral expenses, health insurance card, seal, bank account number, receipt from the funeral company
Application for high-cost medical expense benefit	Health insurance society or Social Insurance Office, municipality's National Health Insurance Department	Within 2 years from paying medical expenses	Application for high-cost medical expense benefit, notice of refund for high-cost medical expenses, health insurance card, receipts for medical expenses incurred, seal, bank account number

Family court in the area the deceased lived			
Probate of will	Family court in the area the deceased lived	Promptly	Original will, certified copy of the family register of the testator, certified copies of the family register of all heirs, certified copy of the family register of the legatee
Renunciation of inheritance, extension of the deliberation period vis-à-vis inheritance	Family court in the last area the decedent lived	Within 3 months from the time one learned that inheritance proceedings had begun	Declaration of renunciation of inheritance or written request for an extension period, certified copy of revised original family register, certified copy of family register, residence record deletion certificate
Social Insurance Office or health insurance society with jurisdiction over deceased's place of employment			
Claim for survivor's welfare pension	Social Insurance Office with jurisdiction over the deceased's place of employment	Within 5 years <u>from the day after death</u>	Written request for the award of the survivor's welfare pension, pension book, certified copy of family register, copy of the death certificate, income certificate, copy of residence record, seal, bank account number
Claim for payment of funeral expenses from health insurance	Health insurance society or Social Insurance Office	Within 2 years <u>from the day after death</u>	Written request for payment of funeral expenses from health insurance society, health insurance card, copy of death certificate, seal, bank account number
Application for high-cost medical expense benefit	Health insurance society, Social Insurance Office or municipality's National Pension department	Within 2 years from paying medical expenses	Application for high-cost medical expense benefit, notice of refund for high-cost medical expenses, health insurance card, receipts for high medical expenses incurred, seal, bank account number
Labor Standards Inspection Office with jurisdiction over the deceased's place of employment			
Surviving family compensation benefits of workers' accident compensation insurance	Labor Standards Inspection Office with jurisdiction over the deceased's place of employment	Within 5 years from the day after death	Surviving family compensation pension payment claims form, surviving family special allowance application form, surviving family special pension application form, certified copy of family register, death certificate, withholding slips, documents certifying that the surviving family shared the livelihood with the deceased. If such a relationship did not exist, request the form for a surviving family compensation lump sum payment.
Workers' accident compensation insurance for funeral expenses	Labor Standards Inspection Office with jurisdiction over the deceased's place of employment	Within 2 years from the day after death	Invoice for funeral expenses, copy of death certificate, certificate attesting that the funeral was carried out

3-2. Inheritance

3-2-1. What is an inheritance?

An inheritance means that the bereaved family member who is the heir assumes all the legal issues of the decedent who has died by suicide.

3-2-2. What constitutes unconditional acceptance, renunciation and qualified acceptance?

The bereaved family member may accept an inheritance, refuse it, or place restrictions on it. These constitute an unconditional acceptance of the inheritance, a renunciation of the inheritance and a qualified acceptance of it.

Unconditional acceptance: inclusive acceptance of both the positive⁴ and negative assets⁵

Renunciation of inheritance: refusal to accept both the positive and negative assets

Qualified acceptance: acceptance of the negative assets within the extent of the positive assets

3-2-3. Warning about the deliberation period

In the case of a qualified acceptance and a renunciation of inheritance, a time limit known as a deliberation period is provided.

And when the deliberation period has elapsed, it is deemed to be an unconditional acceptance.

In short, as a rule, if within three months of a suicide or of a person learning that he or she is the heir, procedures are not undertaken for a renunciation of an inheritance or for a qualified acceptance of it, the inheritance is deemed to be unconditionally accepted.

3-2-4. Making use of procedures for an extension

A deliberation period of three months right after a suicide is an extremely short period of time for a family bereaved.

Thus, if there is uncertainty during the deliberation period about the value of the positive and negative assets, etc., the heir can petition the family court for an extension of the deliberation period and by so doing secure the time to think the matter over and consult a lawyer.

Such a petition is made to the family court that has jurisdiction over the decedent's last place of residence. For costs and the necessary documents, please refer to the following URL (in Japanese).

http://www.courts.go.jp/saiban/syurui_kazi/kazi_06_25/

3-2-5. Be cautious about renouncing an inheritance

Renouncing an inheritance makes it impossible to inherit both the decedent's positive or negative assets. For example, if the decedent died by suicide in a rental property due to overwork, his or her heir may have the right to claim damages from the decedent's company but may also be liable for damages from the lessor. In this case, careful consideration is needed because if the heir overestimates the liability for damages and renounces the inheritance, he or she will also lose the right to claim damages from the company.

3-2-6. Does paying the funeral expenses invalidate the effect of renouncing an inheritance?

If the heir has disposed of any or all of an inheritance during the deliberation period, it is deemed to be an unconditional acceptance, and the effect of a renunciation of inheritance is not recognized.

The effect of renunciation of an inheritance is recognized, however, in the case of (1) disposing of the movable property belonging to the decedent that is deemed to have no economic value (personal belongings left behind by the deceased such as clothing, tableware and books); (2) paying funeral expenses and charges for a grave within the range considered appropriate in general societal terms; (3) paying debts that have reached the repayment date, because these are not understood to constitute unconditional acceptance.

4. Positive assets include real estate, bank accounts, stocks, bonds, etc.

5. Negative assets include liabilities (loans, liability, for damages, etc.).

3-3. Suicide as the result of overwork

3-3-1. Workers' compensation claims and claims for damages

There are two legal procedures in the event of a suicide from overwork: (1) a claim to the national government for workers' compensation, and (2) a claim against the company, etc., for damages.

Since these two procedures are completely independent of one another, either claim can be made first, or they can both be made at the same time.

If workers' compensation finds that the suicide was attributable to work, however, that finding can be used as evidence in claims for civil damages; for that reason, in general, the claim for workers' compensation is made first in most cases, and after that claim has been accepted, the claim for damages is made.

3-3-2. The importance of evidence-gathering at an early stage

Most of the evidence supporting a work-related psychological burden can be in the company's possession.

But as time passes, that evidence disappears or is lost, and, in malicious cases, it is not uncommon for it to be tampered with or destroyed. Thus, it is conceivable through the court to use the procedure known as preservation of evidence to gather the evidence that the company has.

When suicide as the result of overwork is suspected, it is very important, first, to consult a lawyer with ample experience and to gather evidence at an early stage.

3-4. Issues when a suicide occurs in a rental property

3-4-1. Do not pay immediately

When a suicide occurs in a rental property, etc., in some cases, the lessor may make a claim for damages against the bereaved family member who was the decedent's guarantor or who is his or her heir. There are also cases, however, in which the heir may renounce the inheritance, and even when that is not

feasible, it is possible in some cases to reduce the amount of the claim.

Thus, if the lessor does make a claim, do not pay it immediately, but be sure to have the lessor submit written documents on the substance of the claim and materials indicating reasonable grounds for it.

3-4-2. Examples of excessive claims

The following matters should be considered in regard to the substance of a claim for damages from the lessor. If the claim seems excessive, consult a lawyer or other specialist.

◆ Cost of restoring the rental property to its original state

A lessor may sometimes claim costs, such as renovation expenses, to restore the rental property to its original state on the grounds that the suicide took place inside it.

According to the Ministry of Land, Infrastructure, Transport and Tourism guidelines, however, "among the reduction in the property value caused by the tenant's habitation or use," the scope of original state restoration is limited to "the restoration of loss and damage of the property through the tenant's willful intention or negligence, breach of the duty of due care, and any other usage that exceeds usage in a normal way."

Thus, if the suicide had occurred in the entrance hall, for example, a claim for renovation expenses to install a built-in kitchen or a prefabricated bath in areas physically separated from the entrance hall would be considered excessive.

◆ Future rent

The lessor may make a claim for future rent for the period the rental property is vacant on the grounds that the property is empty and new tenants will not move in because a suicide occurred there.

It must be added, however, that there is no clear criteria regarding the period of future rent even in court. Based on judicial practice, there seem to be many cases where future rent for roughly one to two years has been approved. Consequently, a claim for future rent that greatly exceeds judicial practice, such as for five years, would be considered excessive.

◆ Amount of depreciation in real estate appraisal value

Recently, cases have appeared now and then in which the lessor makes a claim for the amount of depreciation on the grounds that the suicide has caused the appraisal value of the property to go down. When the case is framed in this way, a claim often amounts to tens of millions of yen.

It is believed, however, that cases in which the depreciation in real estate appraisal value is admitted as a loss are only likely to be recognized in extremely rare circumstances such as when the tenant, or the person living with him or her, who died as a result of suicide had known about the sale beforehand; for that reason, most such claims are considered excessive.

3-5. Issues in cases where suicide occurs on a railroad line

3-5-1. Can a sizable claim be made?

When a suicide occurred on a railroad line, it is said that sizable claims for damages amounting to tens of millions of yen may be made against a family bereaved. The list below is thought to be an itemization of such claims, however; consequently, claims amounting to tens of millions of yen can probably be said to be rare.

◆ Refunds of transfers and express train fares

Refunds may amount to around ten million yen if the incident occurs in a city at rush hour, but conversely to only tens of thousands of yen if it happens in the middle of the night on a single track in a rural area.

◆ Cost of repairs to the railroad coach, etc.

If the size of the amount claimed is large, a case is conceivable in which a person intent on suicide drove into a railroad crossing in a car causing considerable damage to the crossing and to the train.

However, if there is no damage, there is no claim for the cost of repairs or, in many cases, if the damage is small, it would amount to around several hundred thousand yen.

◆ Labor costs

Railroad companies may claim labor costs for the station employees who responded to the incident. Ordinarily, however, most cases seem to be in the tens

of thousands of yen to the hundreds of thousands of yen range.

3-5-2. Cases where the decedent is *doli incapax* (not criminally responsible)

If the decedent is judged to be *doli incapax* (not criminally responsible) due to a mental disorder, etc., the bereaved family member who is the decedent's heir is not liable for damages. Further, in such cases, it becomes a question of whether or not the bereaved family member who was providing supervision and care is directly liable for damage claims from the railroad company. He or she is unlikely to be liable for damages, however, if supervision and care had been carried out as required by socially accepted norms.

3-6. Issues related to the suicide exclusion in life insurance

3-6-1. Will life insurance benefits be denied in the case of suicide?

It is common in life insurance policy provisions to include a special contract of suicide exclusion whereby the insurance company is not obligated to pay life insurance benefits for a suicide that takes place within three years from the inception date of the policy, which generally is the day on which all procedures of (1) signing or sealing the policy application form, (2) doctor's examination or declaration of insured, and (3) payment of the first insurance premium have been completed.

Thus, if the suicide took place within the exclusion period, the policy will not accept the life insurance claim for a prescribed period on the grounds that the death was suicide.

3-6-2. What constitutes a case in which the payment of life insurance benefits is permitted even though the suicide took place within the exclusion period?

Even if a suicide occurred during the exclusion period, the suicide exclusion clause is understood not to apply, and the payment of life insurance benefits will

be permitted, if the assessment can be made that there was a loss of free decision-making capacity, or the significant decline thereof, as the result of a mental disorder.

In addition, the assessment of such a loss or significant decline is understood in judicial practice to be made together with an assessment of (1) the original personality and character of the decedent before becoming ill with the mental disorder; (2) the symptoms and severity of the disorder; (3) the behavior and mental state of the decedent up until the act of attempting suicide; (4) the suicide's modus operandi (the means and method of self-inflicted death); and (5) whether or not there was a motive for the suicide.

3-6-3. What are the methods of substantiating a loss or decline?

In order for the bereaved family to substantiate the loss or significant decline of the decedent's free decision-making capacity, it is necessary to assemble at an early date the data needed, such as the sequence of events that led up to the suicide; clinical records and other medical documents if he or she was consulting a doctor; the verbal evidence of the people around him or her; the circumstances of the suicide; materials that the Labor Standards Inspection Office compiled in the event the death was recognized as an industrial accident, etc.

3-7. Multiple debt issues

3-7-1. Taking positive and negative assets into account

If the decedent who died by suicide had sizable liabilities, such as consumer credit debt, and no positive assets, renouncing the inheritance should be considered. If, however, deposits with banks exist, or positive assets may exist, such as the possibility of having the right to claim damages against the decedent's company on the grounds that the suicide was the result of overwork, a cautious response is required, such as initiating the procedures to extend the deliberation period, etc.

3-7-2. When the person bereaved is a guarantor

If the bereaved person is the guarantor for a borrower who has died by suicide, since the guarantee obligation is unaffected even though he or she has renounced the inheritance, the bereaved person is not exempt from liability. In that case, it is conceivable that the bereaved who is the guarantor will need to initiate bankruptcy procedures, etc.

3-7-3. When it is unclear whether debts exist or not

Ordinarily, debts can be ascertained from the bills already delivered or those received after a suicide. In addition, if one is a bereaved family member within a certain range of relationship, it is possible to submit a request for information disclosure to credit information agencies, the JBA (Japanese Bankers Association's Personal Credit Information Center), the JICC (Japan Credit Information Reference Center Corp.), and the CIC (Credit Information Center).

3.8 Malpractice issues

3-8-1. Breach of a hospital's or attending physician's duty to prevent a suicide

In accordance with a medical care contract, a hospital or attending physician generally has the obligation to prevent a patient's suicide (hereinafter referred to as "the duty to prevent suicide").

The purpose of psychiatric care, however, is considered to be relieving a patient's instability and pathological disorder through various therapies and rehabilitating him or her, while respecting his or her freedom and human rights as much as possible.

Due to the special nature of psychiatric care, the discretion of the physician's judgment is construed to be broader than in other medical settings, and there are cases when a breach of the hospital's or attending physician's duty to prevent suicide may be difficult to prove.

3-8-2. Foreseeability

In determining whether or not a breach of the duty to prevent suicide existed, the judgment is made from two points of view: foreseeability (could the suicide be foreseen?) and breach of the duty to avoid the consequences (was the obligation to prevent the suicide discharged?).

Thus, based on the special features of psychiatric care mentioned above, in judicial practice, foreseeability in most cases is only affirmed “when the imminent risk of suicide is recognized immediately beforehand.”

3-9. Issues related to the self-inflicted deaths of primary or secondary school students (including bullying)

3-9-1. The school’s legal liability

In general, schools have the duty to prevent the suicides of primary or secondary school students (hereinafter referred to as “the duty to prevent suicide”).

In order to prove that that duty has been breached, however, foreseeability of suicide is necessary in this case, too. Generally speaking, when a student was seriously and persistently bullied and teachers were aware of it and of changes in the demeanor of the student who was being victimized, etc., the likelihood that foreseeability will be affirmed and that the school will be found legally liable is said to increase.

3-9-2. The legal liability of the perpetrators of bullying and their parents

In cases in which the perpetrators themselves cannot be held accountable (around 12 years of age), the legal liability of their parents, who neglected their duty to supervise, can be pursued.

In addition, in cases in which the perpetrators themselves can be held accountable, in addition to their legal liability, that of their parents can also be pursued. Since it is extremely rare, however, that the parents of the perpetrator could have foreseen the

suicide of the student who was being bullied, it is considered exceptional for the parents to be found legally liable.

3-9-3. The legal liability of teachers

In the case of public schools, as a rule, teachers are not legally liable because they are government employees.

On the other hand, in the case of private schools, when an individual teacher is found to have breached his or her duty to prevent suicide, etc., that teacher may be held legally liable.

3-9-4. Death benefits (Injury and Accident Mutual Aid Benefit System)

The Injury and Accident Mutual Aid Benefit System of the Japan Sport Council provides benefits (medical expenses, disability compensation or death compensation) to parents of primary and secondary school students in cases of accidents (injury, illness, disability, or death) that occurred to said students while under the supervision of a school.

If a self-inflicted death while under school supervision is found to have been caused by severe psychological strain resulting from bullying, corporal punishment or for any other grounds that cannot be attributed to the said primary or secondary school student themselves, a death compensation of 28 million yen will be paid.

3-9-5. Gathering evidence

In addition to the accident report, the corporal punishment report, cumulative guidance record, investigation report, minutes of staff meetings, etc., prepared by the school, documents that have the potential to describe the circumstances of the student’s life at school and the troubles that occurred there include: the results of questionnaires to other students carried out after the suicide and the investigation report prepared by the fact-finding committee set up in accordance with the Act on the Promotion of Bullying Prevention Measures, etc.

In addition, in the event that it becomes a criminal case (juvenile case) and subject to criminal prosecution or the like, the family bereaved, in their position as such, can view and make copies of the evidence, such as the investigator's record of the oral statements of the alleged perpetrator, etc.

3-9-6. The Act on the Promotion of Bullying Prevention Measures, etc.

The Act on the Promotion of Bullying Prevention Measures clearly establishes that bullying is forbidden; Article 4 states that children should not engage in bullying.

(1) The responsibility of the national and local governments

The national and local governments are charged with the responsibility to comprehensively formulate and implement measures to prevent bullying, etc. Schools and teaching staff are deemed to have the responsibility to address bullying by detecting it early and preventing it in the school as a whole, and, when it is believed that a primary or secondary school student enrolled in the said school is being bullied, to deal with the situation promptly and appropriately.

(2) Guiding Principles for a Background Investigation When the Suicide of a Child Occurs (revised edition) (July 2014, Ministry of Education, Culture, Sports, Science and Technology [MEXT])

The processes that will be conducted when the suicide of a primary or secondary school student occurs include carrying out a preliminary investigation, making judgement about whether or not to move on to a more detailed investigation, conducting the detailed investigation, etc. However, in the event that a decision not to move on to a detailed investigation is made, these guidelines describe the knowledge necessary to conduct a background investigation in regard to the steps to be taken when bullying is suspected in the background and the precautions to be taken in normal times.

(3) Guidelines for Investigating a Serious Case of Bullying (March 2017, MEXT)

These guidelines set forth the basic position of a school or its founding director; their first steps in understanding the gravity of the situation; reporting on how the situation occurred; setting up an organization to investigate it; explaining the investigation policies to the student who is the victim and his or her parents, etc.; implementing the investigation; explaining and making public its results; protecting personal information; responding to the incident on the basis of the investigation's findings; or having the head of the local public entity and others reinvestigate the matter.

(4) Manual on the Emergency Response When the Suicide of a Primary or Secondary Student Occurs (March 2010, MEXT)

This manual outlines the preparations a school needs to make to deal with an emergency when the suicide of a primary or secondary student occurs; how to interact with the bereaved family; how to gather and submit information and explain it to the other parents; emotional care; school activities (preparations to reopen the school, how to informing classmates, period of mourning for classmates), etc.

(5) Independent committees

If it is determined that the suicide was the result of bullying, the school or its founding director (Board of Education or Incorporated Educational Institution) may be asked to set up an independent committee. This committee will investigate what happened to the student, the cause of the suicide, the school's response to it, and whether or not the school's response after the suicide was appropriate; it will also make recommendations to prevent any recurrence. Since in the case of public schools, there may be related regulations in the bylaws, etc., when the request is made to set up of an independent committee, it is desirable to check the bylaws.

3-9-7. Filing for human rights relief (Legal Affairs Bureau, etc.)

The Ministry of Justice's Human Rights Organizations call a case in which a person's human rights are suspected of being violated an infringement of human rights. Since bullying is clearly an issue in which human rights are being violated, it is possible for the victim to apply for remediation. Telephone counseling or a face-to-face consultation with human rights volunteers is also available.

In addition, the Tokyo Bar Association, for example, has set up a Children's Human Rights 110 hotline and carries out telephone counseling and face-to-face consultations.

3-10. Internet-related issues

There are cases in which the mass media may report the real name of a family member who has died by suicide without regard for the bereaved family's wishes, or information about a suicide may be posted on "stigmatized property sites" when the death took place in a condominium, etc. Such cases raise the risk that privacy-related information will be spread on the Internet. In these cases, it may be possible to ask the site or blog administrator or the company operating the search engine to delete the information. In the event that the request is refused, however, legal procedures may be necessary, such as filing an injunction with the court demanding that the information be deleted.

4. Encouraging the appropriate post-crisis response to a suicide in a workplace, etc., and points to keep in mind

4-1. How to convey the news and those who must be considered

In a workplace, when the suicide of an employee has occurred, after those concerned have attended the funeral, etc., back in the workplace someone in a suitable position must tell them the truth matter-of-factly from a neutral standpoint. It is important to avoid criticizing the deceased or, conversely,

idealizing him or her more than necessary; afterwards, gather the co-workers with the deepest ties to the individual together and express your feelings frankly to one another and get to know how each other is feeling. Realizing that you are not the only one who has mixed emotions may also lighten the psychological burden of those who are left behind.

4-2. Points to keep in mind when a suicide has occurred in the workplace

If there are any persons who show any of the follow signs that they have been especially strongly affected when a suicide has occurred in the workplace, it is necessary to be prepared to provide opportunities for them to be able to consult with a specialist at an early stage and, depending on the circumstances, to coordinate with their families.

- Persons who had strong ties to the deceased
- Persons who have a mental illness
- Persons who have previously attempted suicide
- The first persons to find the deceased or those who took him or her to the hospital
- Persons whose situations are similar to the deceased
- Persons who feel responsible that the suicide occurred
- Persons who were especially upset at the funeral
- Persons whose behavior changed after the suicide occurred
- Persons who have various problems
- Persons who are unable to get sufficient support

To sum up, persons in positions of authority in the workplace need to pay due consideration to the following points when a suicide occurs there:

- Convey accurate information without delay in a way that keeps distress to a minimum.
- Explain the reactions that are likely to happen to others when a suicide occurs in the workplace.
- Provide opportunities for co-workers to share their feelings with one another after having experienced the death of a colleague.
- Provide care for high-risk persons who are upset because the suicide has occurred.
- If any issue that could lead to a suicide has been found, make a long-term plan to deal with it.

Source: Committee to Study and Create a Suicide Prevention Manual for Workers, Japan Industrial Health & Safety Association, Ministry of Health, Labour and Welfare, “The Prevention of Suicide in the Workplace and Responding to It,” revised in 2010, 5th edition

<http://www.mhlw.go.jp/new-info/kobetu/roudou/gyousei/anzen/dl/101004-4.pdf>

4-3. Dealing with the bereaved

When a suicide has occurred in the workplace, it is necessary to deal with the bereaved family honestly. First, one must make every effort to listen in all good faith and with whole-hearted attention to the bereaved family’s grief, and try to get them to understand that in the workplace the deceased’s fellow workers have also lost a valued colleague and are mourning his or her death. The bereaved may also ask many questions, such as “Were there any problems at work?” “What happened before the suicide occurred?” “Did you take steps to prevent it?” “Is there any possibility that the suicide was the result of overwork?” Convey the facts calmly and sincerely; do not give a perfunctory response and say that you cannot answer that right now but will do so later. If the deceased was the main source of support for the bereaved family, it is necessary to help them wholeheartedly with the procedures, etc., wherever possible, provide the information that can be provided and give consideration to the bereaved’s mental and physical care.

4-4. Suicide that is thought to have been related to work or the workplace environment, and the recognition of it as an industrial accident

Since it is believed that many of workplace suicides are likely to be related to work or the workplace environment, comprehensive countermeasures are being encouraged to prevent workers’ suicides. For that reason, public awareness and the dissemination of the necessary knowledge are regarded as especially important tasks. Above all, there is a need to deepen the understanding of even more workers and other interested parties about the ways in which depressed

persons and those around them can understand the symptoms of depression and detect them at an early stage; the timing for referring a worker suspected of suffering depression or other mental illness to an industrial physician or medical specialist; methods of intervening in the workplace, etc.

5. Useful information for supporting children bereaved and others

5-1. Groups that provide economic support, etc., to children bereaved death

Groups and organizations that provide economic support, etc. to children bereaved include the following:

- Japan Student Services Organization
- Boards of Education, etc., (assistance for school expenses, scholarship systems)
- *Ashinaga* and other private sector youth groups

5-2. Supporters of children bereaved, counseling services for such children and programs, etc., to create a place where they feel they belong

School counselors who put their expert knowledge in clinical psychology to use and provide counseling and other support for primary and secondary school students and their parents are posted in schools. In addition, support for children bereaved is also carried out at child consultation centers.

- *Ashinaga*

Every summer *Ashinaga* holds a *tsudo*i retreat for bereaved high school, vocational school and university students (not limited to those who lost a parent to self-inflicted death) (for details, see section 2-6 of “2. Useful information in regard to supporting those bereaved” in III. Reference Materials).

- “Gathering for children and their families who have lost someone close,” hosted by the Grief Support Link (a joint project with the Tokyo Metropolitan government)
Trained staff including professionals are involved in activities that have been held every month since January 2013 at St. Luke’s International Hospital

in Chuo Ward, and that bring together children between the ages of six and eighteen, who have lost a parent or sibling, and their surviving parent or guardians. The program deals with each bereavement according to age in an environment in which the children participating can feel safe.

Bibliography/Reference Materials (in order cited in the text)

1	<p>“Supporting the Bereaved: Guidelines for Counselors, Support and Care for Survivors ” [FY2008 Ministry of Health, Labour and Welfare Sciences Research Grant, Research on Psychiatric and Neurological Diseases and Mental Health, Study on Caring for Those Who Have Attempted Suicide and for Those Bereaved by Suicide, January 2009] http://www.mhlw.go.jp/bunya/shougaihoken/jisatsu/dl/03.pdf</p>	
2	<p>“2016 White Paper on Suicide Prevention in Japan” [Ministry of Health, Labour and Welfare, July 2016] http://www.mhlw.go.jp/wp/hakusyo/jisatsu/16/index.html</p>	
3	<p>“2017 White Paper on Suicide Prevention in Japan” [Ministry of Health, Labour and Welfare, July 2017] http://www.mhlw.go.jp/wp/hakusyo/jisatsu/17/index.html</p>	
4	<p>“The Prevention of Suicide in the Workplace and Responding to It” [Committee to Study and Create a Suicide Prevention Manual for Workers, Japan Industrial Health & Safety Association, Ministry of Health, Labour and Welfare, 2010 revision, 5th edition] http://kokoro.mhlw.go.jp/brochure/worker/files/H22_jisatsu_yobou_taiou.pdf</p>	
5	<p>“<i>Jisatsu tte Ienakatta (We Couldn’t Call It Suicide)</i>” [Edited by the Children Bereaved Editorial Board & <i>Ashikaga</i>, published by Sunmark Publishing, 2005]</p>	

Useful websites for obtaining the latest information (including training) on suicide countermeasures

National Association of Family Survivors of Suicide http://www.zenziren.com/	
Japan Support Center for Suicide Countermeasures https://jssc.ncnp.go.jp/en/index.php	
Nationwide Network of Care Groups for the Bereaved by Suicide http://www.jishicare.org/	
Association of Lawyers for Suicide Bereaved Families http://www.jishiizoku-law.org/	
Grief Support Link http://www.izoku-center.or.jp/	
NGO LIFELINK http://www.lifelink.or.jp/hp/top.html	

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