

# STOP THE VIOLENCE



[ FY2008 Revised Edition ]

**For individuals tormented by spousal violence**



**Gender Equality Bureau, Cabinet Office**



# Introduction

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Spousal violence constitutes a serious violence human rights and also involves criminal acts.

The majority of Victims of spousal violence are women. When women who find it difficult to achieve economic self-reliance are subject to violence from their spouses, it adversely affects the dignity of individuals and impedes the realization of genuine equality between women and men.

The Act on the Prevention of Spousal Violence and the Protection of Victims was promulgated in April 2001 in recognition of this.

Subsequently, the Act was amended for the first time in June 2004, and again in July 2007. The main purpose of the latter amendment, which came into effect in January 2008, was to expand protection orders and reinforce provisions related to municipalities.

This pamphlet provides a general outline of the act and explains in layman's terms matters pertaining to the amended Act on the Prevention of Spousal Violence and the Protection of Victims, such as the implementation status of this act hereto and the results of recent surveys.

We hope it will be widely used by both individuals tormented by spousal violence and government officials.

Revised: April 2008

**(Cabinet Office)**

**Support for Victims of Spousal Violence Information Site**

**<http://www.gender.go.jp/e-vaw/index.html>**

# FLOWCHART FOR SUPPORT

## Violence from spouse

Limited to bodily harm or life-threatening intimidation, etc.

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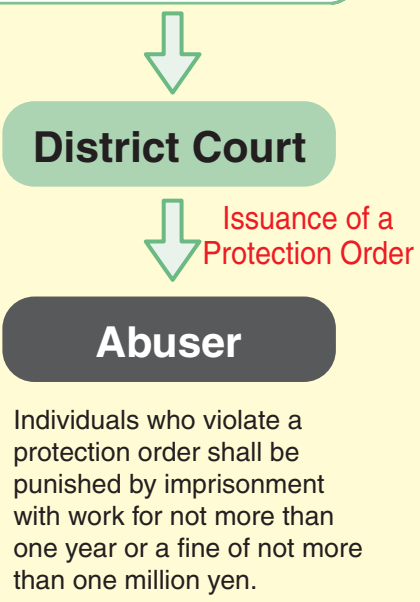
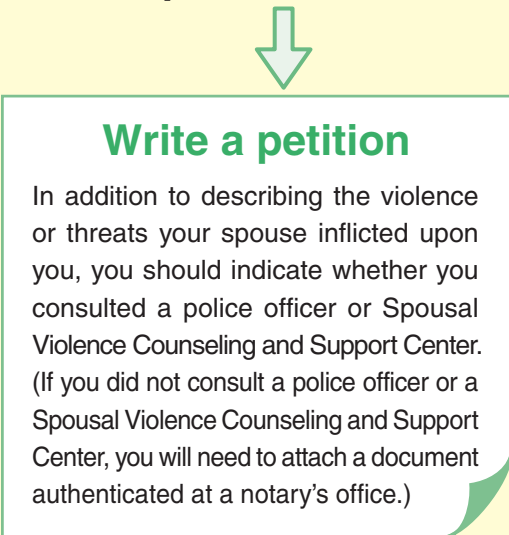
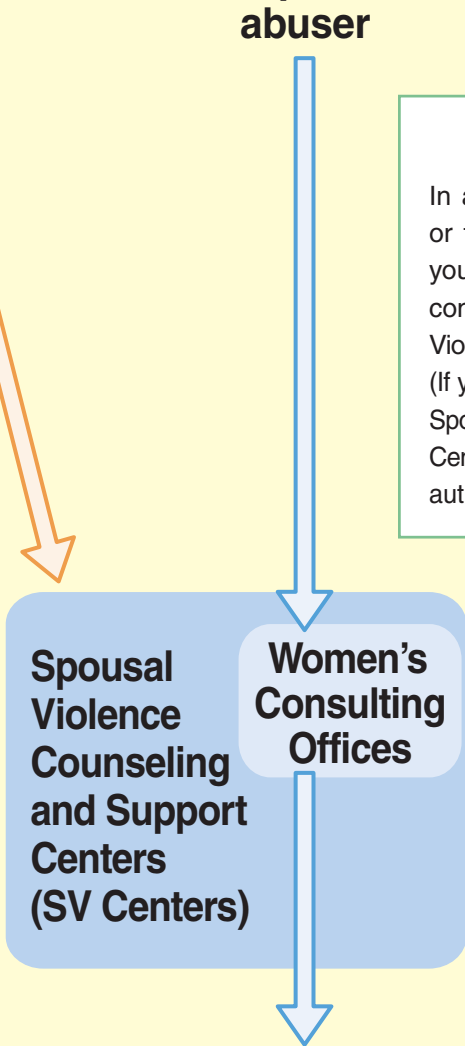
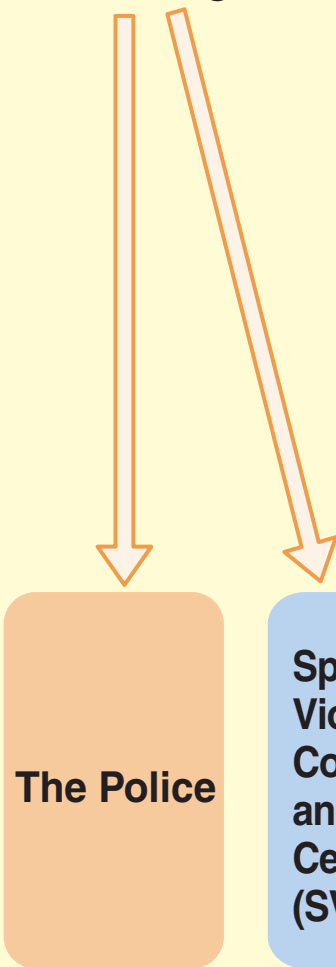
**Victims who want counseling**

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**Victims who want to escape their abuser**

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**Victims who want their abuser to be kept at a distance**



**Temporary Protection**  
(Temporary protection may be entrusted to private shelters, etc.)

# Act on the Prevention of Spousal Violence and the Protection of Victims

## 1 Promulgation and enforcement

### Act on the Prevention of Spousal Violence and the Protection of Victims

- Promulgated on April 13, 2001 and enforced on October 13 (some parts enforced on April 1, 2002)
- First amendment: promulgated June 2, 2004, enforced December 2
- Second amendment: promulgated July 11, 2007, enforced January 11, 2008

## 2 General outline of the act

(Major changes under the 2007 amendment are underlined and written in blue)

### (1) Targets

[Spousal violence]

- The term “spouse” also applies to so called “unofficial marriages” for which a notification of marriage has not been submitted. The act does not distinguish between men and women. The act applies to cases in which violence continues after divorce (as well as situations equivalent to divorce).
- The term “violence” refers to violence toward the body or words and deeds that cause equivalent psychological or physical harm to the other. However, regulations concerning protection orders are limited to bodily harm or life-threatening intimidation, etc.

### (2) Spousal Violence Counseling and Support Centers

Prefectures authorize Women’s Consulting Offices or other appropriate facilities which they have established within their jurisdiction to function as Spousal Violence Counseling and Support Centers (“SV Centers”). Meanwhile, municipalities endeavor to authorize appropriate facilities which they have established within their jurisdiction to function as Spousal Violence Counseling and Support Centers (“SV Centers”).

- Concrete services offered by SV Centers:
  - 1) Consultation and introductions to organizations that provide counseling
  - 2) Counseling
  - 3) Assurance of safety in an emergency and temporary protection of victims and accompanying family members (temporary protection shall be provided directly by Women’s Consulting Offices or entrusted to parties that meet the specified criteria.)
  - 4) Provision of information, advice, liaison and coordination with concerned organizations, as well as other forms of assistance concerning measures including employment promotion, procurement, and the use of systems for social assistance in order to promote the self-reliance of victims
  - 5) Provision of information, advice, liaison and coordination with concerned organizations, as well as other forms of assistance concerning the use of the protection order
  - 6) Provision of information, advice, liaison and coordination with concerned organizations, as well as other forms of assistance concerning the use of facilities where victims may live and receive protection
- When engaging in these duties, SV Centers endeavor to collaborate with private bodies as necessary.

### (3) Protection Orders

In cases where a victim who has been subjected to bodily harm or life-threatening intimidation, etc., by a spouse is highly likely to receive serious harm on his/her life or body due to bodily harm by the spouse, the court shall, upon petition from the victim, issue a protection order to the abuser (including individuals in unofficial marriages and former spouses). Protection orders comprise “Orders Prohibiting Approach”, “Orders to Vacate” and “Orders Prohibiting Phone Calls or Other Behavior”.

- Order Prohibiting Approach to the Victim ⇒ Prohibits the abuser from approaching the victim for a period of six months. Petitions can be filed repeatedly.
- Order Prohibiting Phone Calls or Other Behavior (Only covers the victim) Upon petition from the victim, the abuser is prohibited from engaging in any of the following acts towards the victim, in order to prevent harm to the life or body of the victim, in conjunction with an Order Prohibiting Approach to the Victim.
  - 1) Requesting a meeting
  - 2) Telling matters that suggest that the spouse is monitoring the victim’s behaviors
  - 3) Extremely rude or violent words or deeds
  - 4) Phone calls without saying anything, or repeated phone calls, facsimile transmissions or e-mail messages (except in cases of urgent necessity)
  - 5) Phone calls, facsimile transmissions or e-mail messages at night (between 10 p.m. and 6 a.m.) (except in cases of urgent necessity)
  - 6) Sending filthy materials, animal carcasses or other extremely disgusting or repulsive materials
  - 7) Revealing matters that harm the victim’s dignity
  - 8) Revealing sexually insulting materials, or sending documents, pictures or other sexually insulting materials
- Order Prohibiting Approach to the Victim’s Child or Relative, etc. ⇒ In cases where the issue of an Order Prohibiting Approach to the Victim is required, when deemed necessary in order to prevent the victim from being obliged to meet the abuser with regard to the children or relative, etc., the abuser is prohibited from approaching a minor living with the victim, the victim’s relative or other person who has a close relationship in his/her social life, for a period of six months (limited to the period of validity of an Order Prohibiting Approach to the Victim). Petitions can be filed repeatedly.
- Order to Vacate ⇒ Requires the abuser to vacate the victim’s home for a period of two months. Petitions can be filed repeatedly in some cases.

Persons who have violated a Protection Order shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen. When a Protection Order has been issued, notification to that effect is sent by the court, together with the details of the Order, to the police with jurisdiction over the victim’s address and to the SV Center initially consulted or otherwise notified by the victim.

### (4) Formulation etc. of a basic policy and basic plans

- Responsibilities of the national government and local public entities, including support for the self-reliance of victims
- A basic policy will be formulated by competent Ministers and basic plans will be formulated by prefectures
- Obligation for efforts by municipalities to formulate basic plans
- Notification, etc. by those who detect cases of spousal violence
- Assistance by the chief of the Prefectural Police Headquarters, etc.
- Support for self-reliance by Welfare Offices
- Cooperation between the prefectural and municipal organizations concerned, such as SV Centers, the Prefectural Police and Welfare Offices with regard to the protection of victims
- Appropriate and prompt processing of complaints by concerned organizations
- Training for related officials (including training in respect for human rights regardless of the victims’ nationalities and disabilities)
- Education and enlightenment
- Promotion of research and study
- Assistance to private bodies

# Spousal violence

»»» appears in various forms.

## Spouse

Does not distinguish between men and women. Includes unofficial marriages and former spouses\*.

\* In cases where the perpetration of violence began before a divorce and continued after the divorce.

## Violence

Includes not only bodily harm but also psychological abuse and sexual assault\*.

\* Protection orders are only applicable to bodily harm or life threatening intimidation, etc.

# Counseling

»»» is offered by various institutions.

## Spousal Violence Counseling and Support Centers

Women's consultation offices and other prefectural appropriate facilities fulfill the functions of Spousal Violence Counseling and Support Centers (SV Centers). Moreover, some municipalities establish SV Centers.

- 1) Consultation and introductions to organizations that provide counseling
- 2) Counseling
- 3) Assurance of safety in an emergency and temporary protection of victims and accompanying family members
- 4) Provision of information and other forms of support that will promote the self-reliance of victims
- 5) Provision of information pertaining to the use of the protection order system, and other forms of support
- 6) Provision of information pertaining to the use of facilities where victims may live and receive protection, and other forms of support

\* Of the support outlined in 1) to 6) above, projects implemented by the various SV Centers differ from Center to Center.

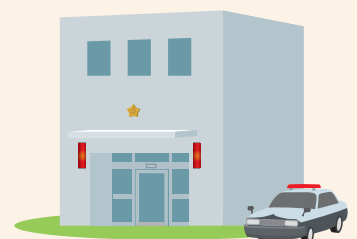


Established in 180 locations nationwide  
( As of April 2008 )

\* Please refer to the last page for each facilities' contact information.

## The Police

The police take appropriate measures considering victims' intentions; these may involve arresting abusers, guiding or cautioning abusers and/or providing victims with information on self-defense and countermeasures.



# Temporary protection

for victims who want to escape their abuser for the time being.

One facility in each prefecture

## Women's Consulting Offices

In addition to providing all kinds of counseling services, Women's Consulting Offices provide temporary protection to victims of spousal violence. This enables you to live safely with your child(ren) for the time being.

( Temporary protection may be entrusted to private shelters, etc. )



# Support for self-reliance

for victims who want to live independently.

## Spousal Violence Counseling and Support Centers

Spousal Violence Counseling and Support Centers provide various kinds of information to support self-reliance of victims.

- Provision of information related to promoting employment  
job placement, job training, etc.
- Provision of information related to securing accommodation  
public housing, etc.
- Provision of information related to assistance  
payment of public assistance, child care allowance, etc.



# Protection orders



for victims who don't want their abuser to approach them.

**Upon petition to a court of law, the court shall issue a protection order to abusers.**

\* In cases where there is a grave risk of renewed spousal violence against a victim constituting a significant harm to life or body.

**There are the following types of protection order.**

## Order Prohibiting Approach to the Victim

Prohibits the abuser from approaching the victim or loitering in the vicinity of the victim's domicile or workplace, etc.

**Duration: 6 months**



## Order Prohibiting Approach to the Victim's Child or Relative, etc.

To ensure the efficacy of an Order Prohibiting Approach to the Victim, the abuser is prohibited from approaching a child or relative, etc., of the victim<sup>(\*1)</sup>, or loitering near the domicile or workplace, etc., of the same.

**Duration: 6 months<sup>(\*2)</sup>**

(\*1) This order covers:

1. Underage children of the victim (minors) who cohabit with the victim.
2. Family members of the victim or other persons who have a close relationship with the victim in social life.

(\*2) The order is limited to the period of validity of an Order Prohibiting Approach to the Victim.

## Order Prohibiting Phone Calls or Other Behavior

To ensure the efficacy of an Order Prohibiting Approach to the Victim, the abuser is prohibited from making certain contact by phone, sending e-mails, etc.

**Duration: 6 months<sup>(\*3)</sup>**

(\*3) This order covers the victim only, and is limited to the period of validity of an Order Prohibiting Approach to the Victim.

## Order to Vacate

Requires the abuser to vacate the victim's home.

**Duration: 2 months**

**Petitions can also be filed against unmarried partners and former spouses. Individuals who violate a protection order shall be punished by imprisonment with work for not more than one year or a fine of not more than one million yen.**



# Petitions for protection orders

» can be filed at district courts.

## Petitions should record

- The circumstances under which the bodily harm or life-threatening intimidation, etc., took place.
- Sufficient evidence to prove that a grave risk of serious harm to life or body of victim resulting from renewed bodily harm still exists.
- Sufficient evidence to prove the necessity of issuing an order to prohibit the abuser from approaching minors cohabiting with the victim (when requesting an order prohibiting approach to a cohabiting child).
- Sufficient evidence to prove the necessity of issuing an order to prohibit the abuser from approaching family members of the victim or other persons who have a close relationship with the victim in social life (when requesting an order prohibiting approach to a family member, etc.).
- Whether you consulted a police officer or Spousal Violence Counseling and Support Centers (SV Centers), the content of your consultation, etc.

\* Please consult SV Centers for details.

In cases where the victim has consulted with neither a police officer nor SV Centers

Write a document describing the violence, etc., inflicted upon you and other relevant information, have it authenticated at a notary's office and attach it to your petition.



\* **Notary:** A government officer who writes notarized documents and authenticates company contracts and private deeds (private documents).

These services are provided at notary's offices but please contact your nearest Legal Affairs Bureau or District Legal Affairs Bureau for details.

**Fees:** The fee for having a notary public authenticate a document is ¥11,000.

## Notification

Those who detect spousal violence shall endeavor to notify the fact to Spousal Violence Counseling and Support Centers (SV Centers) or a police officer.

Moreover, physicians and other medical personnel who detect a person whom they consider to have suffered from injuries or medical conditions resulting from spousal violence may notify the fact to a SV Center or a police officer.

(However, the wishes of the victims will be respected.)



## Obligations of the national government and local public entities

- Formulation of a basic policy by competent Ministers\* and basic plans by prefectures \* The Prime Minister, the National Public Safety Commission, the Minister of Justice and the Minister of Health, Labour and Welfare
- Obligation for efforts by municipalities to formulate basic plans
- Provision of necessary training for related officials (including training in respect for human rights regardless of victims' nationality or disability, etc.)
- Efforts towards education and enlightenment
- Efforts to promote research and study
- Efforts to foster personnel and enhance their qualifications
- Efforts to support private bodies



## Strengthen cooperation among concerned organizations

Spousal Violence Counseling and Support Centers, Prefectural Police and concerned prefectural and municipal organizations shall cooperate with each other to protect victims.

# Implementation Status of the Act on the Prevention of Spousal Violence

## 1 Facilities that fulfill the functions of Spousal Violence Counseling and Support Centers

180 locations nationwide (as of April 2008)

## 2 Number of counseling cases related to spousal violence

### (1) Spousal Violence Counseling and Support Centers

#### 1) Number of counseling cases by year

FY2002	35,943 cases
FY2003	43,225 cases
FY2004	49,329 cases
FY2005	52,145 cases
FY2006	58,528 cases
FY2007	62,078 cases

#### 2) Number of counseling cases by gender (FY2002 – FY2007)

Women	299,384 cases (99.4%)
Men	1,864 cases ( 0.6%)

\* According to a Cabinet Office survey.

An overwhelming majority of individuals seeking counseling are women

### (2) Number of cases handled by the police

2002	14,140 cases
2003	12,568 cases
2004	14,410 cases
2005	16,888 cases
2006	18,236 cases
2007	20,992 cases

\* 1 According to a National Police Agency survey.

2 The number of cases handled refers to the number of cases in which the police were consulted about spousal violence or received requests for assistance or protection, received notifications for injury/written complaints, arrested abusers, etc.

## 3 Number of women provided with temporary protection at women's consulting offices

	Girls requiring protection ( accompanying family members )	Number of these cases due to violence inflicted by a husband
FY2001	4,823 (3,085)	2,680 (55.5%)
FY2002	6,261 (4,642)	3,974 (63.5%)
FY2003	6,447 (5,029)	4,296 (66.6%)
FY2004	6,541 (5,518)	4,535 (69.3%)
FY2005	6,449 (5,285)	4,438 (68.8%)
FY2006	6,359 (5,478)	4,565 (71.8%)

\* 1 According to a Ministry of Health, Welfare and Labour survey. 2 Including entrusted temporary protection.

## 4 Processing status of cases involving protection orders related to spousal violence

### ( 1 ) Number of cases processed, etc.

Category  Year	New Cases	Number of Finished Cases									Dismissed	Withdrawn, Etc.
		Approved ( Protection Orders Issued )										
		(1) Protection Orders Related to the Victim Issued Only			(2) Orders Prohibiting Approach to the Victim's Child Issued							
		① Order Prohibiting Approach to the Victim & Order to Vacate	② Order Prohibiting Approach to the Victim	③ Order to Vacate	① Accompanying an Eviction Order and an Order Prohibiting Approach to the Victim	② Accompanying an Order Prohibiting Approach to the Victim	③ Subsequent Orders Prohibiting Approach to the Victim's Child					
2002	1,426	1,398	1,128	326	798	4				64	206	
2003	1,825	1,822	1,468	406	1,058	4				81	273	
2004	2,179	2,133	1,717	554	1,098	5	17	38	5	75	341	
2005	2,695	2,718	2,141	190	730	4	322	883	12	147	430	
2006	2,759	2,769	2,208	166	710	8	346	974	4	146	415	
2007	2,779	2,757	2,186	173	640	7	371	993	2	140	431	

Note: 1 "Approved" includes cases that were partially approved.

2 "Dismissed" includes cases that were partially dismissed and partially withdrawn.

3 "Withdrawn, etc." includes cases that were transferred, forwarded, etc.

4 2004 figures for "(2) Orders Prohibiting Approach to the Victim's Child" show the number of cases processed between December 2nd, 2004 (the date when the Amended Act on the Prevention of Spousal Violence and the Protection of Victims came into effect) and the end of that year.

5 "(2) Orders Prohibiting Approach to the Victim's Child" are issued at the same time as, or after the issue of Orders Prohibiting Approach to the Victim.

6 "(2) ③ Subsequent Orders Prohibiting Approach to the Victim's Child" are cases in which an Order Prohibiting Approach to the Victim has already been issued (including cases when this is accompanied by an Eviction Order) and an Order Prohibiting Approach to the Victim's Child is subsequently issued on the premise of the Order Prohibiting Approach to the Victim.

### ( 2 ) Average length of proceedings

Average length of proceedings for cases in which protection orders were approved ( October 2001 - December 2007 )



12.4 days

\* 1 According to a Supreme Court survey.

2 Figures up to March 2006 are based on reports from each court and are approximate.

3 Figures for 2007 are based on initial reports.

## 5 Number of arrests made in cases involving murder, injury or violence inflicted by a spouse

	Murder	Injury	Violence
2000	134/197 (68.0%)	838/888 (94.4%)	124/127 (97.6%)
2001	116/191 (60.7%)	1,065/1,097 (97.1%)	152/156 (97.4%)
2002	120/197 (60.9%)	1,197/1,250 (95.8%)	211/219 (96.3%)
2003	133/215 (61.9%)	1,211/1,269 (95.4%)	230/234 (98.3%)
2004	127/206 (61.7%)	1,143/1,198 (95.4%)	284/290 (97.9%)
2005	126/218 (57.8%)	1,264/1,342 (94.2%)	359/379 (94.7%)
2006	117/179 (65.4%)	1,294/1,353 (95.6%)	671/707 (94.9%)
2007	107/192 (55.7%)	1,255/1,346 (93.2%)	870/933 (93.2%)

The majority of victims of injury and violence between spouses are women

\* 1 According to a National Police Agency survey.

2 The denominator represents the total number of arrests; the numerator represents the number of these cases in which the husband was arrested ( expressed as a percentage ).

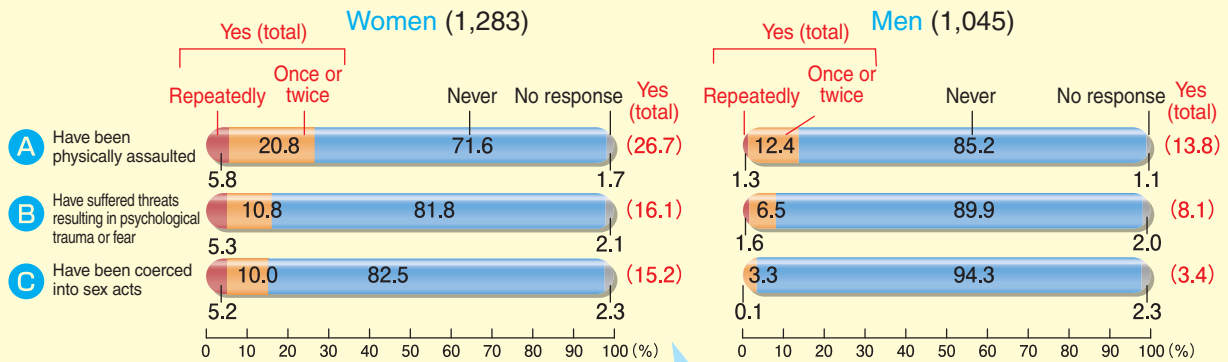
3 The term "spouse" includes individuals in common-law marriages.

4 This table is based on crime statistics and lists murders, injuries and violence committed between spouses, irrespective of the motives or objectives behind the crime.

# Many women suffer violence from their spouse or partner

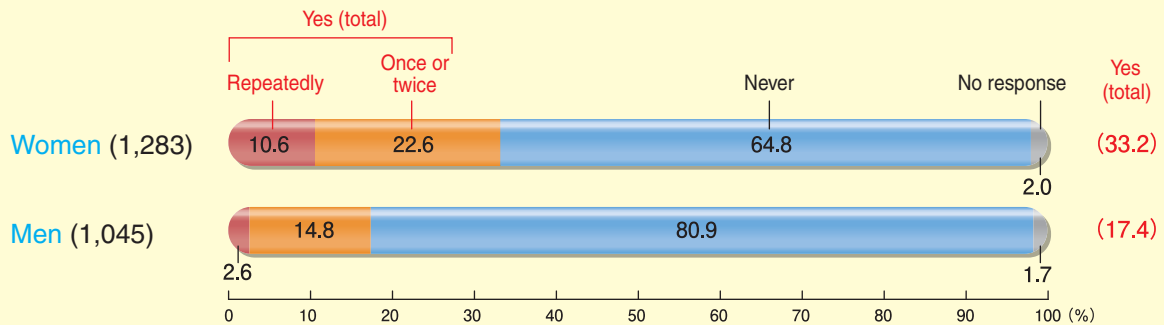
Survey on Violence between Men and Women (Cabinet Office, published April 2006)

## ● Damage caused by violence from spouse



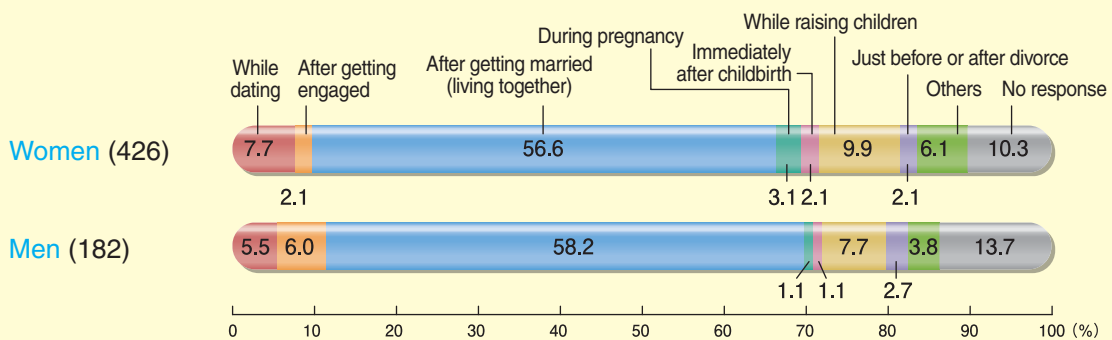
About one in every four women has been physically assaulted.

## ● Experience of at least one of A, B or C from spouse



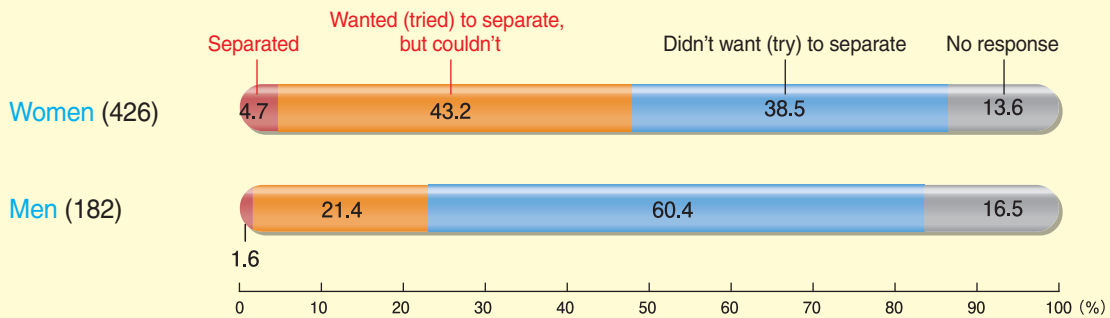
About one in every ten women has been repeatedly subjected to spousal violence.

## ● When violence first occurred



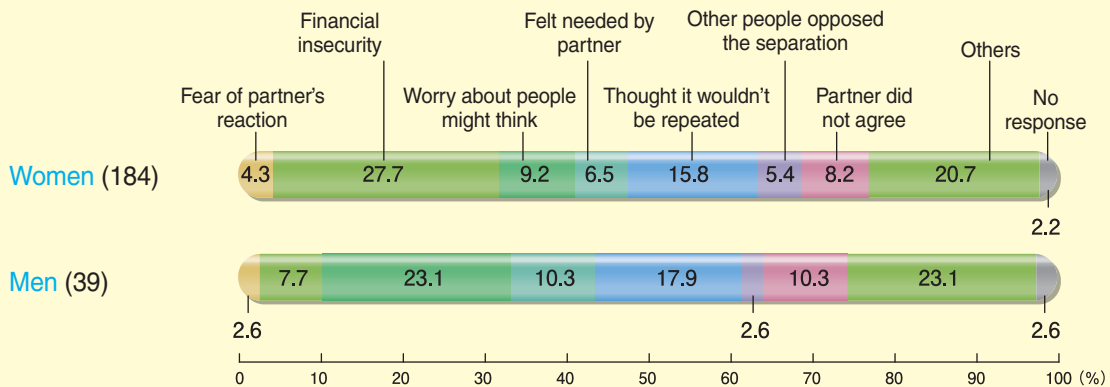
In not a few cases, violence first occurred "While dating" and "While raising children".

## Relationship after suffering violence from spouse or partner



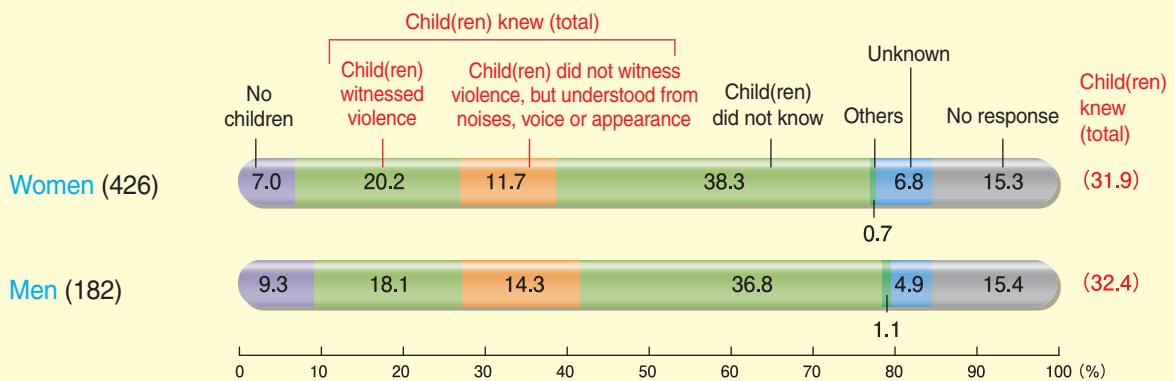
Among women, "Wanted (tried) to separate, but couldn't" was the most common response. Among men, it was "Didn't want (try) to separate".

## Reason for not separating



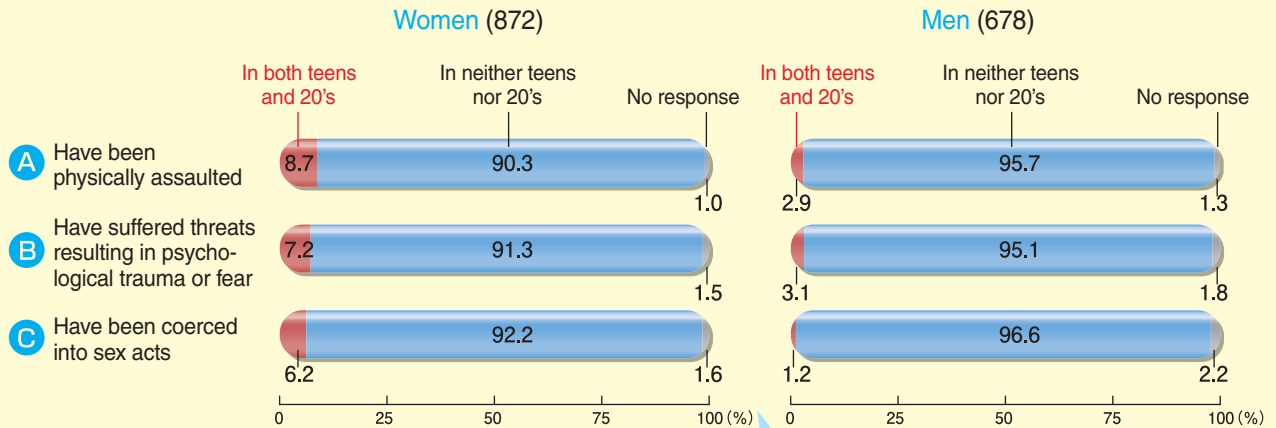
Nearly 30% of women cited "Financial insecurity".

## Children as witnesses to violence



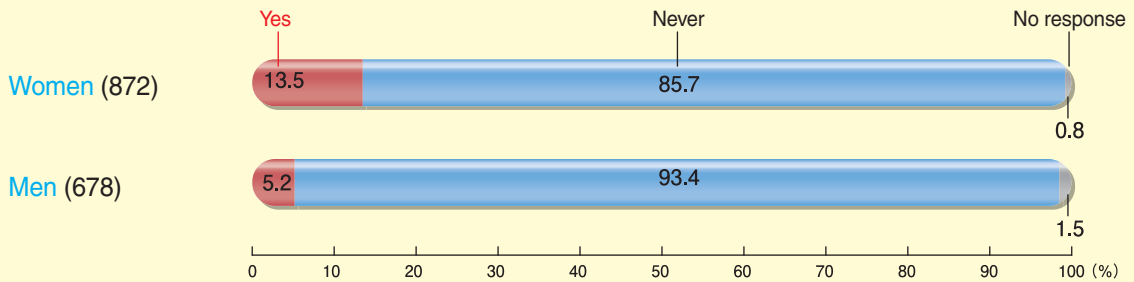
One in three victims thought that their "Child(ren) knew" about the violence inflicted by their spouse.

## ● Damage caused by violence from a dating partner



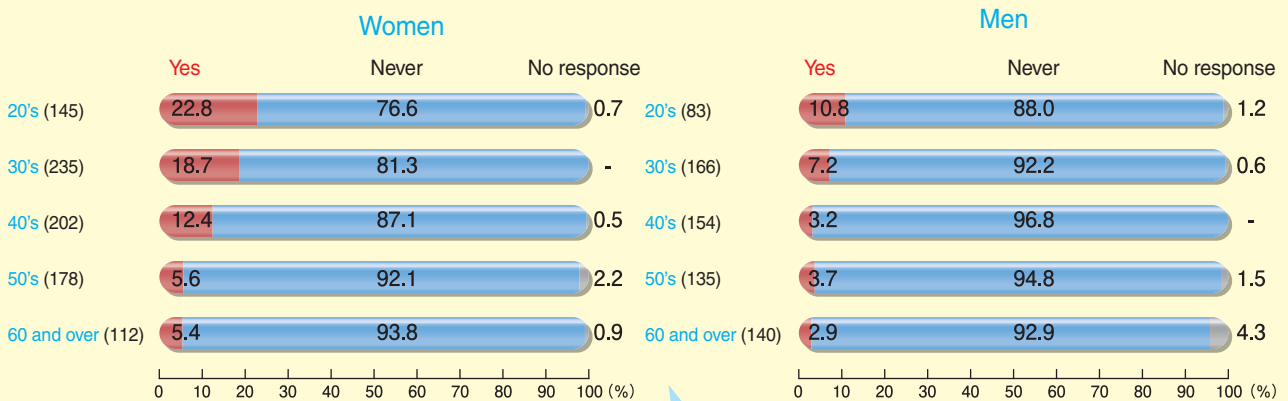
Women become victims more often than men.

## ● Experience of at least one of A, B or C from a dating partner



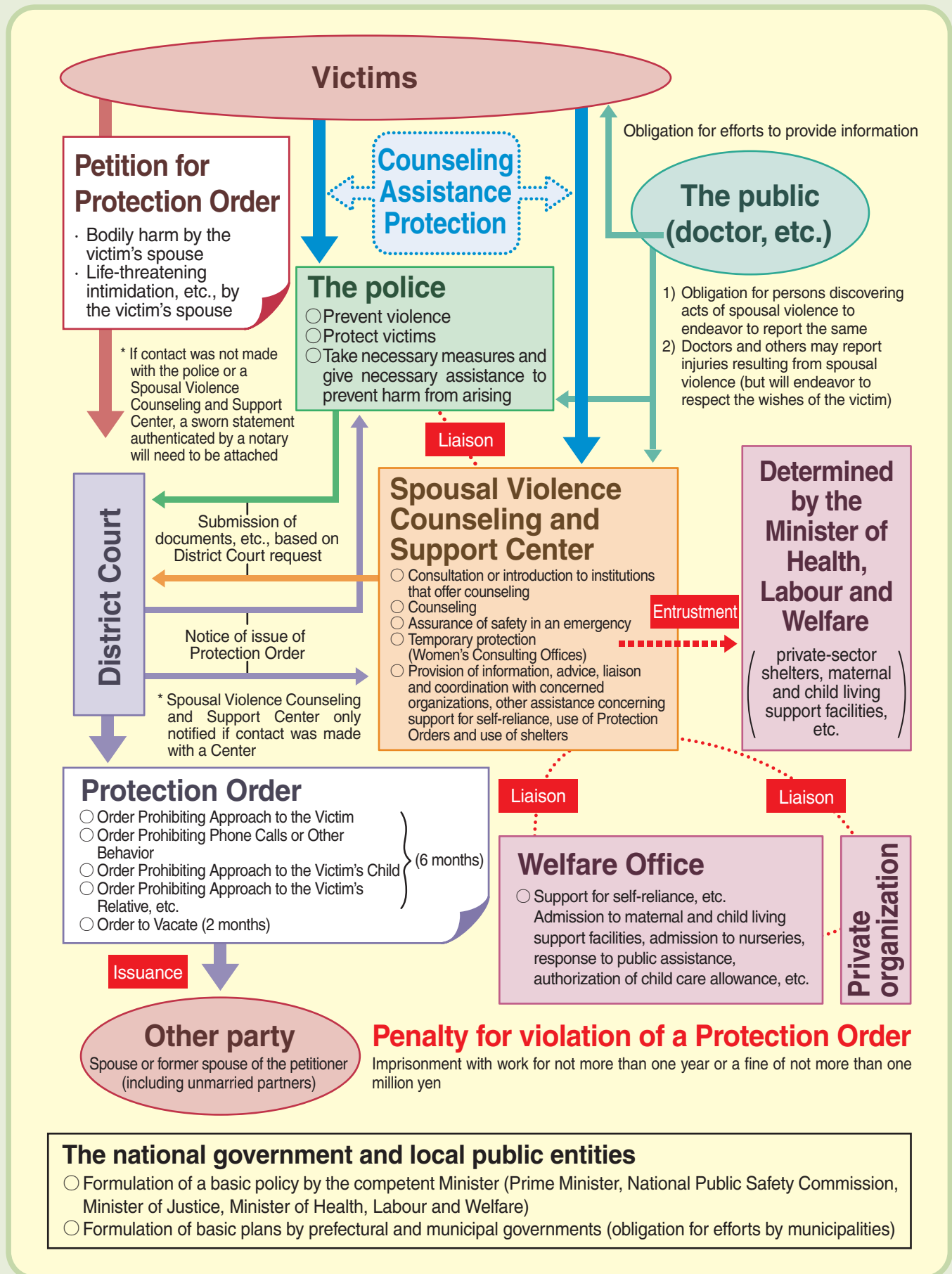
14% of women have suffered violence from a dating partner.

## ● Experience of violence from a dating partner (by gender and age group)



Women in their 20's and 30's become most often victims of violence.

# Outline of the Act on the Prevention of Spousal Violence and the Protection of Victims (Chart)



If you are suffering from spousal violence



please contact your nearest Spousal Violence Counseling and Support Center.



Symbol for the Elimination of violence against Women