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Human Rights Now

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Statement: Call for implementation of a legal system to eradicate violence against women in accordance with international standards – recalling International day to end violence against women –

Violence against women in Japan is still significant.

According to the investigation of Cabinet Office, approximately one in every three women has an experience of violence by her spouse, and approximately one in every 10 women has such an experience more than once, and many of women are given insufficient remedy and protection.¹ It has been more than 10 years since the enforcement of Act of the Prevention of Spousal Violence and the Protection of Victims (hereafter, the Act) in 2011, and the act was amended for three times. Last June, the third amendment enabled protection order to be issued against a partner (boyfriend) who “lives together with a victim”, and the amendment will be enforced on January 3, 2014.

The Act is, however, far behind a proper legal system to protect women from violence in accordance with international standards. Especially, even though the third amendment expanded the protection of victims who receive violence from a partner (boyfriend), the order will be issued only to partners who live together with victims. The fact that there are less than 3,000 protection orders per year demonstrates that the system of protection order has not yet functioned well as; the valid period of an order is short; it takes long time to issue an order; and there can be seen, at some courts, unjust conclusions not to issue protection orders by setting strict criteria of issuance. Furthermore, despite enforcement of Anti-stalking Act, the act lacks a perspective of effective remedy for violence against women. Therefore, this act has not been able to play a role to prevent murders of women or their families as a result of persistent stalking of partners, not of spouse. It is clear that the action to halt stalking accompanied by domestic violence and to protect women in light of actual suffering of women is far behind the international standard.

The United Nations launched a campaign “UNiTE to End Violence against Women” in 2008 and call on all countries to translate international human rights standards into national laws by 2015.² As an international standard, the United Nations published “Handbook and supplement for legislation on violence against women”.³

Looking at other foreign countries, protection is applied to various kinds of violence, not only physical but also psychological, economic, and sexual violence. And women will be protected from boyfriends in a close relationship and ex-boyfriends without questioning the status of living. The valid period of protection is way longer than 6 months which Japanese system sets and the victim’s right to live in current accommodation is

¹ <http://www.gender.go.jp/e-vaw/chousa/images/pdf/h23danjokan-gaiyo.pdf>

² <http://endviolence.un.org/about.shtml>

³ UN Handbook for Legislation on Violence against Women

<http://www.un.org/womenwatch/daw/vaw/handbook/Handbook%20for%20legislation%20on%20violence%20against%20women.pdf>

protected. In addition, other countries have a system of emergency protection order which Japan currently does not have. In other countries, it is much easier to issue a protection order compared to Japanese act which imposes highly strict criteria that an order is issued when ‘a grave risk of serious harm to the life or body of the victim resulting from... bodily harm by the spouse’ exists. There can be seen comprehensive and continuous support of victims including restarting life in foreign countries. The Handbook of the UN recommends an establishment of a support and consulting centre for women for every 50,000 women to encourage proactive support for the victims and intervention in crucial situations.

Human Rights Now investigated the problems of the Act and its operation comprehensively and released a report to reveal the gap with international standards and to recommend improvement (A report on “Call for amendment of Act of the Prevention of Spousal Violence and the Protection of Victims in accordance with international standards: Violence against Women”).⁴

We, again, call on all relevant organizations to understand the current problems around this issue and to take immediate actions to prevent further violence against women.

Especially, we strongly request Japanese government to implement a policy to end violence against women and protect victims in accordance with international standard. To meet this end, at least, the following amendment should be reflected in the Act by end of 2015;

1. Definition of “violence”

To expand the definition by including physical, sexual, psychological, and economic violence.

2. To expand issuance of orders

Without questioning the living status, not only spouses but also boyfriends and ex-boyfriends as well as partners or members who live together with victims should be applied to protection orders.

3. To improve the system of protection order as follows;

(1) Not to limit the valid period of stay-away order.

(2) Order of eviction should be valid until divorce is finalized.

(3) To apply a protection order to a case of violence by boyfriend who does not live together with boyfriend as well as by ex-boyfriend.

(4) To introduce a system of emergency protection order.

(5) To delete the words ‘grave’ and ‘serious’ from the description of the Act, ‘a grave risk of serious harm to the life or body of the victim resulting from... bodily harm by the spouse’, and mitigate the criteria to issue an order. And to issue an immediate order and to protect victims in the field.

4. To reinforce relative organizations

(1) To oblige police and Public Prosecutors Office to establish a special department to deal with violence against women specifically and uniformly.

(2) To stipulate obligation of police officers to prevent harm on women.

(3) To stipulate guideline of proactive arrests and prosecutions in cases of domestic violence and stalking.

5. To reinforce and reorganize a system to support women including consultation and restarting life

(1) To oblige an establishment of a centre of domestic violence in every city whose population is more than 100,000 and establishment of an office of consultation on domestic violence in every town whose population is less than 100,000.

(2) To oblige to secure budgets for NGOs which work for domestic violence.

(3) To establish a ‘one-stop-centre’ to enable victims to receive comprehensive support including investigation, prosecution, protection, shelter, public medical treatment and counselling, accommodation, vocational training, and support from welfare agencies, NGO, and lawyers.

⁴ <http://hrn.or.jp/activity/josei-ni-taisuru-bouryoku-houkousho-new.pdf>