

この配偶者からの暴力の防止及び被害者の保護に関する法律の翻訳は平成十九年法律第百十三号までの改正（平成20年1月11日施行）について「法令用語日英標準対訳辞書（平成19年3月版）に準拠して作成したものです。なお、この法令の翻訳は公定訳ではありません。法的効力を有するのは日本語の法令自体であり、翻訳はあくまでその理解を助けるための参考資料です。この翻訳の利用に伴って発生した問題について、一切の責任を負いかねますので、法律上の問題に関しては、官報に掲載された日本語の法令を参照してください。

This English translation of the Act on the Prevention of Spousal Violence and the Protection of Victims has been prepared (up to the revisions of Act No. 113 of 2007 (Effective January 11, 2008)) in compliance with the Standard Bilingual Dictionary March 2007 edition. This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations. The Government of Japan will not be responsible for the accuracy, reliability or currency of the legislative material provided on this Website, or for any consequence resulting from use of the information on this Website. For all purposes of interpreting and applying the law to any legal issue or dispute, users should consult the original Japanese texts published in the Official Gazette.

## **Act on the Prevention of Spousal Violence and the Protection of Victims (Act No. 31 of 2001)**

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In consideration of respect for individuals and equality under the law expressly stipulated in the Constitution, progress has been made in Japan through efforts toward the protection of human rights and the realization of genuine equality between women and men.

Nevertheless, even though spousal violence constitutes a serious violation of human rights, as well as being a crime, efforts to relieve victims have not always been adequate in all instances. In addition, 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.

In order to improve these conditions and to achieve the protection of human rights and the realization of genuine equality between women and men, we must establish measures to prevent spousal violence and protect victims. Such action will be in line with the efforts taken by the international community to eradicate violence against women.

This Act has been framed in order to prevent spousal violence and protect victims through the establishment of a system to deal with spousal violence, providing for notification, counseling, protection and support for self-reliance, etc.

## **Chapter I General Provisions**

### **Article 1 (Definitions)**

- (1) The term "spousal violence" as used in this Act means bodily harm by one spouse (illegal attacks threatening the other's life or body; the same shall apply hereinafter) or the words and deeds of one spouse that cause equivalent psychological or physical harm to the other (hereinafter collectively referred to as "bodily harm" in this paragraph), and shall cover cases where, subsequent to being subjected to violence by one spouse, the other spouse has obtained a divorce or annulment of the marriage but continues to be subjected to violence by his/her former spouse.
- (2) The term "victim(s)" as used in this Act means a person(s) who has been subjected to spousal violence.
- (3) The term "spouse" as used in this Act shall include persons who are in a de facto state of marriage, even if it has not been legally registered. "divorce" shall include the circumstances of persons who were in a de facto state of marriage, even if it were not legally registered, and whose situation has changed to a de facto state of divorce.

### **Article 2 (Responsibilities of the national government and local public entities)**

The national government and local public entities shall have the responsibility of preventing spousal violence and providing appropriate protection for victims, including assistance in making them self-reliant.

## **Chapter I-2 Basic Policy and Prefectural Basic Plans, etc.**

### **Article 2-2 (Basic Policy)**

- (1) The Prime Minister, the National Public Safety Commission, the Minister of Justice and the Minister of Health, Labor and Welfare (hereinafter collectively referred to as the "competent Ministers" in this Article and paragraph 5 of the following Article) shall establish a basic policy concerning measures for the

prevention of spousal violence and the protection of victims (hereinafter referred to as the "Basic Policy" in this Article and paragraphs 1 and 3 of the following Article).

- (2) The Basic Policy shall establish a guideline for the Prefectural Basic Plans set forth in paragraph 1 of the following Article and the Municipal Basic Plans set forth in paragraph 3 of the same Article with regard to the following:
  - (i) Basic matters related to the prevention of spousal violence and the protection of victims;
  - (ii) Matters related to the contents of measures for the prevention of spousal violence and the protection of victims;
  - (iii) Other important matters related to the implementation of measures for the prevention of spousal violence and the protection of victims.
- (3) When establishing or revising the Basic Policy, the competent Ministers shall consult in advance with the heads of the administrative organs concerned.
- (4) When establishing or revising the Basic Policy, the competent Ministers shall publicize the contents without delay.

**Article 2-3** (Prefectural Basic Plans, etc.)

- (1) In line with the Basic Policy, prefectures shall establish their own basic plans concerning the implementation of measures for the prevention of spousal violence and the protection of victims within their jurisdiction (hereinafter referred to as "Prefectural Basic Plans" in this Article).
- (2) Prefectural Basic Plans shall provide the following matters:
  - (i) Basic policy related to the prevention of spousal violence and the protection of victims;
  - (ii) Matters related to the contents of the actual implementation of measures for the prevention of spousal violence and the protection of victims;
  - (iii) Other important matters related to the implementation of measures for the prevention of spousal violence and the protection of victims.
- (3) In line with the Basic Policy and by taking into consideration Prefectural Basic Plans, municipalities (including special wards; the same shall apply hereinafter) shall endeavor to establish their own Basic Plans concerning the implementation of measures for the prevention of spousal violence and the protection of victims within their jurisdiction (hereinafter referred to as "Municipal Basic Plans" in this Article).
- (4) When establishing or revising Prefectural Basic Plans or Municipal Basic Plans, prefectures or municipalities shall publicize the contents without delay.
- (5) The competent Ministers shall endeavor to provide prefectures or municipalities with the advice and other assistance needed to establish such Prefectural Basic Plans or Municipal Basic Plans.

## **Chapter II Spousal Violence Counseling and Support Centers, etc.**

### **Article 3 (Spousal Violence Counseling and Support Centers)**

- (1) Prefectures shall 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.
- (2) Municipalities shall endeavor to authorize appropriate facilities which they have established within their jurisdiction to function as Spousal Violence Counseling and Support Centers.
- (3) In order to prevent spousal violence and protect victims, Spousal Violence Counseling and Support Centers shall undertake the following activities:
  - (i) To provide victims with counseling regarding various problems affecting them or to introduce them to Women's Consultants or organizations that provide such counseling;
  - (ii) To provide victims with medical or psychological guidance or other required guidance in order to help them recover their psychological and physical health;
  - (iii) To secure safety in an emergency and provide temporary protection for victims (in cases where a victim is accompanied by family members, for the family members as well as the victim; the same shall apply in the following item, item 6, Article 5, and Article 8-3);
  - (iv) To offer information, advice, and liaison and coordination with concerned organizations, as well as other forms of assistance, concerning measures including employment promotion, housing procurement, and the use of systems for social assistance in order to promote the self-reliance of victims;
  - (v) To offer information, advice, and liaison and coordination with concerned organizations, as well as other forms of assistance concerning the use of the protection order system prescribed in Chapter IV;
  - (vi) To offer information, advice, and 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.
- (4) The temporary protection set forth in item 3 of the preceding paragraph shall be provided directly by Women's Consulting Offices or entrusted to parties that meet the criteria specified by the Minister of the Health, Labor and Welfare.
- (5) The Spousal Violence Counseling and Support Centers shall, during the course of their duties, when necessary, endeavor to collaborate with private bodies that are engaged in activities designed to prevent spousal violence and protect victims.

### **Article 4 (Counseling by Women's Consultants, etc.)**

Women's Consultants may provide counseling to victims and undertake guidance

as necessary.

**Article 5** (Protection at Women's Protection Facilities)

Prefectures may provide protection to victims at Women's Protection Facilities.

**Chapter III Protection of Victims**

**Article 6** (Notification, etc. by those who detect cases of Spousal Violence)

- (1) Those who detect spousal violence (limited to cases of bodily harm by a spouse or former spouse; hereinafter the same shall apply in this Chapter) shall endeavor to notify the fact to a Spousal Violence Counseling and Support Center or a police officer.
- (2) Physicians or other medical personnel who detect, during the course of their duties, a person whom they consider to have suffered from injuries or medical conditions resulting from spousal violence may notify the fact to a Spousal Violence Counseling and Support Center or a police officer. In such cases, they shall endeavor to respect the intentions of the person in question.
- (3) Provisions of the Penal Code (Act No. 45 of 1907) concerning the unlawful disclosure of confidential information and provisions of other acts concerning confidentiality obligations shall not be construed as those preventing notification under the preceding two paragraphs.
- (4) Physicians or other medical personnel who detect, during the course of their duties, a person whom they consider to have suffered from injuries or medical conditions resulting from spousal violence shall endeavor to provide the person with the information at their disposal concerning the use of Spousal Violence Counseling and Support Centers, etc.

**Article 7** (Explanations, etc. about protection provided by Spousal Violence Counseling and Support Centers)

When receiving notification about a victim or consulting with a victim, Spousal Violence Counseling and Support Centers shall offer explanations and advice regarding their duties as Spousal Violence Counseling and Support Centers pursuant to the provisions of Article 3, paragraph 3 and recommend the victim to receive any necessary protection as needed.

**Article 8** (Prevention of harm by the police)

When, following notification or by other means, the police believe that there is a case of spousal violence, they shall endeavor to take any necessary measures pursuant to the provisions of the Police Act (Act No. 162 of 1954), Police Official Duties Execution Act (Act No. 136 of 1948) and other laws and regulations in order

to prevent the victim from suffering harm from spousal violence, such as stopping the violence or providing protection to the victim, etc.

**Article 8-2** (Assistance by the Chief of the Prefectural Police Headquarters, etc.)

When receiving a request from a victim for assistance in preventing harm from spousal violence on his/her own behalf and finding the request appropriate, the Superintendent General of the Metropolitan Police Department or the Chief of the Prefectural Police Headquarters (or the Chief of the Area Headquarters except for the areas including the location of the Hokkaido Prefectural Police Headquarters; the same shall apply in Article 15, paragraph 3) or the chief of the police station shall advise the victim on measures to prevent the said harm on his/her own behalf and offer other necessary assistance to prevent him/her from suffering harm from spousal violence pursuant to the provisions of the regulations established by the National Public Safety Commission.

**Article 8-3** (Support for self-reliance by Welfare Offices)

Offices handling welfare affairs as defined by the Social Welfare Act (Act No. 45 of 1951) (referred to as "Welfare Offices" in the following Article) shall endeavor to take any necessary measures to support victims to become self-reliant pursuant to the provisions of the Public Assistance Act (Act No. 144 of 1950), Child Welfare Act (Act No. 164 of 1947), Mother and Child and Widows Welfare Act (Act No. 129 of 1964) and other laws and regulations.

**Article 9** (Cooperation among concerned organizations to protect victims)

The prefectural or municipal organizations concerned, such as Spousal Violence Counseling and Support Centers, the Prefectural Police and Welfare Offices, and the other organizations concerned shall endeavor to work in collaboration in seeking to provide appropriate protection for victims.

**Article 9-2** (Appropriate and prompt processing of complaints)

The concerned organizations set forth in the preceding Article shall, when receiving complaints from victims regarding the performance of duties by personnel in charge of the protection of victims, endeavor to process such complaints in an appropriate and prompt manner.

## **Chapter IV Protection Orders**

**Article 10** (Protection Orders)

(1) In cases where a victim (limited to a victim who has been subjected to bodily harm or life threatening intimidation, etc. (intimidation through announcing an

intention to inflict harm on the life or body of a victim; hereinafter the same shall apply in this Chapter) by a spouse; hereinafter the same shall apply in this Chapter) who has been subjected to bodily harm by a spouse is highly likely to receive serious harm on his/her life or body due to renewed bodily harm by the spouse (including cases where subsequent to being subjected to bodily harm by the spouse, the victim has obtained a divorce or annulment of the marriage but continues to be subjected to bodily harm by the former spouse; the same shall apply in Article 12, paragraph 1, item 2) or where a victim who has been subjected to 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 (including cases where subsequent to being subjected to life-threatening intimidation, etc. by the spouse, the victim has obtained a divorce or annulment of the marriage but continues to be subjected to bodily harm by the former spouse; the same shall apply in the same item), the court shall, upon a petition from the victim, find against the spouse (including the former spouse in cases where subsequent to being subjected to bodily harm or life threatening intimidation, etc. by the spouse, the victim has obtained a divorce or annulment of the marriage; hereinafter the same shall apply in this Article, Article 12, paragraph 1, items 3 and 4, and Article 18, paragraph 1) and order the matters listed below the following items in order to prevent harm to the victim's life or body. The matters listed in item 2, however, shall only be applied to cases where the victim and the spouse in question are still living together at the time of the petition:

- (i) To oblige the spouse, for a six-month period from the day the order comes into effect, to refrain from approaching the victim at the victim's domicile (except for the domicile that the victim shares as the main home with the said spouse; hereinafter the same shall apply in this item) or any other place where the victim is staying, or from loitering in the vicinity of the domicile, workplace, or any other location normally frequented by the victim;
  - (ii) To oblige the spouse to leave, for a two-month period from the day the order comes into effect, the domicile that the spouse shares as the main home with the victim and to refrain from loitering in the vicinity of the said domicile.
- (2) In cases provided in the main clause of the preceding paragraph, the court that issues or has issued an order under item 1 of the same paragraph shall, upon a petition from the victim, find against the spouse and order the spouse to refrain from taking any of the matters listed below the following items against the victim during a period from the day the order comes into effect to the day after six months from the day the order came into effect, in order to prevent harm to the victim's life or body:
- (i) To request a meeting;
  - (ii) To tell the victims matters that suggest that the spouse is monitoring the

victim's behaviors or to let be in a situation where the victim may know about it;

- (iii) To use or carry out extremely rude or violent words and deeds;
  - (iv) To make a phone call without saying anything, or to make phone calls, transmit messages by fax or send e-mails incessantly, except in cases of urgent necessity;
  - (v) To make phone calls, transmit messages by fax or send e-mails between 10 p.m. and 6 a.m., except in cases of urgent necessity;
  - (vi) To send filthy materials, animal carcasses or other extremely disgusting or repulsive materials or to let the victim know about it;
  - (vii) To reveal matters that harm the victim's dignity or to let the victim know about it;
  - (viii) To reveal sexually insulting materials or to let the victim know about it, or send documents, pictures or other sexually insulting materials or to let the victim know about it.
- (3) In cases provided in the main clause of paragraph 1, when the victim lives with children who have not reached their majority (hereinafter referred to simply as "children" in this paragraph, the following paragraph and Article 12, paragraph 1, item 3), and when it is found necessary to prevent the victim from being obliged to meet the spouse with regard to the children who live with the victim, by taking into consideration the fact that the spouse uses or carries out words or deeds sufficient to lead to a suspicion that the spouse is likely to take any young children back, or other circumstances, the court that issues or has issued an order under paragraph 1, item 1 shall, upon a petition from the victim, find against the spouse and order the spouse to refrain from approaching the children at their domicile (except for the domicile that the children share as the main home with the said spouse; hereinafter the same shall apply in this paragraph), the school the children attend or any other place where the children are staying, or from loitering in the vicinity of the domicile, school, or any other locations normally frequented by the children during a period from the day the order comes into effect to the day after six months from the day the order came into effect, in order to prevent harm to the children's lives or bodies. However, if the children in question are 15 years of age or over, this provision shall only apply to cases where the court has obtained the children's consent.
- (4) In cases prescribed in the main clause of paragraph 1, when there are certain circumstances such that the spouse visits the domicile of the victim's relative or other person with whom the victim has close relationships in his/her social life (except for children who live with the victim and persons who live with the spouse; hereinafter referred to as a "relative, etc." in this paragraph, the following paragraph, and Article 12, paragraph 1, item 4) and uses or carries out extremely

rude or violent words or deeds and therefore it is found necessary to prevent the victim from being obliged to meet the spouse with regard to the relative, etc. in question, the court that issues or has issued an order under paragraph 1, item 1 shall, upon a petition from the victim, find against the spouse and order the spouse to refrain from approaching the relative, etc. at his/her domicile (except for a domicile that the relative, etc. shares as the main home with the said spouse; hereinafter the same shall apply in this paragraph) or any other place where the relative, etc. is staying, or from loitering in the vicinity of the domicile, workplace, or any other location normally frequented by the relative, etc. during a period from the day the order comes into effect to the day after six months from the day the order came into effect, in order to prevent harm to the life or body of the relative, etc.

- (5) A petition set forth in the preceding paragraph may be filed only when the said relative, etc. (except for the victim's children under 15 years of age; hereinafter the same shall apply in this paragraph) gives his/her consent (in cases where the relative, etc. is a person under 15 years of age or an adult ward, only when the statutory representative thereof gives consent).

**Article 11** (Court with jurisdiction)

- (1) Cases pertaining to a petition for an order under paragraph 1 of the preceding Article shall be within the jurisdiction of the district court which exercises jurisdiction over the area where the opposite party maintains an address (or a place of residence in cases where the opposite party does not have an address in Japan or the address of the opposite party is unknown).
- (2) A petition for an order under paragraph 1 of the preceding Article may be filed in a district court that exercises jurisdiction over the areas listed in the following items:
- (i) The address of the petitioner's domicile or residence;
  - (ii) The place where the bodily harm or life-threatening intimidation, etc. by the spouse pertaining to the said petition took place.

**Article 12** (Petition for Protection Orders)

- (1) A petition for an order under Article 10 paragraphs 1 to 4 (hereinafter referred to as "Protection Order") shall be filed with a document containing the following matters:
- (i) The circumstances under which the victim was subjected to bodily harm or life threatening intimidation, etc. by the spouse;
  - (ii) Sufficient evidence at the time of the petition to prove that there still exists a grave risk of serious harm to the life or body of the victim resulting from renewed bodily harm by the spouse or bodily harm by the spouse after receiving

- life threatening intimidation, etc. from the spouse;
- (iii) When filing a petition for an order under Article 10, paragraph 3, sufficient evidence at the time of the petition to prove the necessity of issuing an order to prevent the victim from being obliged to meet the spouse on with regard to the Children in question who live with the victim;
  - (iv) When filing a petition for an order under Article 10, paragraph 4, sufficient evidence at the time of the petition to prove the necessity of issuing the order to prevent the victim from being obliged to meet the spouse with regard to the Relative, etc. in question;
  - (v) The existence or absence of the victim having sought counseling or asked for assistance or protection from the staff of a Spousal Violence Counseling and Support Center or police personnel concerning the matters listed in the preceding items. In cases such circumstances exist, matters listed below:
    - (a) The name of the Spousal Violence Counseling and Support Center or the police station to which the police personnel belongs;
    - (b) The date, time and location that the counseling was sought or the assistance or protection was asked for;
    - (c) The details of the counseling or the assistance or protection asked for;
    - (d) The details of the measures taken in response to the counseling or the request from the petitioner.
- (2) In the case where the document set forth in the preceding paragraph (hereinafter referred to as "Written Petition") misses any of the matters listed in item 5 (a) to (d) of the same paragraph, the Written Petition shall be submitted with the petitioner's written statements regarding the matters listed in items 1 to 4 of the same paragraph certificated pursuant to the provisions of Article 58-2, paragraph 1 of the Notary Act (Act No. 53 of 1908).

**Article 13** (Prompt judicial decision)

The court shall render a judicial decision promptly with regard to cases pertaining to a petition for a protection order.

**Article 14** (Proceedings for Protection Order cases)

- (1) A protection order may not be issued before a fixed date for oral arguments or a hearing that the opposite party may witness; provided, however, that this shall not apply to cases where there are circumstances where waiting for the date will interfere with the fulfillment of the intent of the petition for a protection order.
- (2) When a Written Petition contains the matters listed in Article 12, paragraph 1, item 5 (a) to (d), the court shall request the chief of the Spousal Violence Counseling and Support Center or the police station in question to submit a

written explanation of the circumstances at the time when the petitioner sought counseling or asked for assistance or protection, as well as the details of the measures taken in response to them. In such cases, the chief of the Spousal Violence Counseling and Support Center or the police station in question shall respond promptly.

- (3) The court shall, when it is found to be necessary, ask the chief of the Spousal Violence Counseling and Support Center or the police station set forth in the preceding paragraph or the personnel with whom the petitioner sought counseling or asked for assistance or protection to explain further the matters for which the court requested the submission of written explanations pursuant to the provisions of the same paragraph.

**Article 15** (Decision, etc. on a petition for a Protection Order)

- (1) The decision on a petition for a Protection Order shall contain the reasons adduced for it. However, in cases where it is made without going through oral arguments, it would be sufficient to show the gist of the reasons.
- (2) A Protection Order shall come into effect when the written decision has been sent to the opposite party or when the decision has been rendered on the date of oral arguments or a hearing at which the opposite party appeared.
- (3) The clerk of the court shall, when issuing a protection order, promptly notify the Superintendent General of the Metropolitan Police Department or the chief of the Prefectural Police Headquarters with jurisdiction over the address or place of residence of the petitioner of its gist and contents.
- (4) When a Protection Order is issued, and it is known that the petitioner has sought counseling or has requested assistance or protection from the personnel at a Spousal Violence Counseling and Support Center and the Written Petition includes matters listed in Article 12, paragraph 1, item 5 (a) to (d) pertaining to the said fact, the clerk of the court shall promptly notify the gist and contents of the protection order to the chief of the Spousal Violence Counseling and Support Center whose name is entered in the said Written Petition (in cases where the names of more than two Spousal Violence Counseling and Support Centers are entered in the Written Petition, the last one entered where the petitioner sought counseling or asked for assistance or protection from the personnel).
- (5) A protection order does not have the power of enforcement.

**Article 16** (Immediate appeals against rulings)

- (1) An immediate appeal against a ruling may be lodged against a judgment related to a petition for a protection order.
- (2) An immediate appeal against a ruling set forth in the preceding paragraph shall not have any impact on the validity of a protection order.

- (3) In the case where an immediate appeal against a ruling has been lodged, and only when there is prima facie evidence showing that there are circumstances that will cause the revocation of the protection order, an appellate court may order, upon a petition, the suspension of the validity of the protection order until the judgment on the immediate appeal against a ruling has come into effect. The court that originally had jurisdiction over the case may also order such a disposition if the case records are still in its possession.
- (4) When ordering the suspension of the validity of an order under Article 10, paragraph 1, item 1 pursuant to the provisions of the preceding paragraph, if an order under Article 10, paragraphs 2 to 4 has been issued, the court shall also order the suspension of the validity of the said order.
- (5) No appeal may be entered against the judgment pursuant to the provisions of the preceding two paragraphs.
- (6) When revoking an order under Article 10, paragraph 1, item 1, if an order under paragraphs 2 to 4 of the same Article has been issued, the appellate court shall also revoke the said order.
- (7) Regarding a Protection Order for which a notification has been made pursuant to the provisions of paragraph 4 of the preceding Article, when the court has ordered the suspension of the validity of the order or the appellate court has revoked the order pursuant to the provisions of paragraph 3 or paragraph 4, the clerk of the court shall promptly notify the gist and contents of the suspension or revocation to the chief of the Spousal Violence Counseling and Support Center to which the said notification was made.
- (8) The provisions of paragraph 3 of the preceding Article shall apply mutatis mutandis to the cases set forth in paragraph 3 and paragraph 4 and when the appellate court has revoked a Protection Order.

**Article 17 (Revocation of Protection Orders)**

- (1) The court that has issued a Protection Order shall revoke the order when the person who petitioned for the Order has filed a petition for its revocation. The same shall apply to cases where the person subject to the Order has filed a petition for the revocation of the order and the court has confirmed that the person who petitioned for the said Order does not object, when three months have elapsed from the day the order under Article 10, paragraph 1, item 1 or paragraphs 2 to 4 came into effect or when two weeks have elapsed from the day the Order under paragraph 1, item 2 of the same Article came into effect.
- (2) The provisions of paragraph 6 of the preceding Article shall apply mutatis mutandis to cases where the court that has issued an order under Article 10, paragraph 1, item 1 revokes the order pursuant to the provisions of the preceding paragraph.

(3) The provisions of Article 15, paragraph 3 and paragraph 7 of the preceding Article shall apply mutatis mutandis to the cases set forth in the preceding two paragraphs.

**Article 18** (Repeated Petition for an order under Article 10, paragraph 1, item 2)

(1) When an order under Article 10, paragraph 1, item 2 has previously been issued and a repeated petition for an order under the same item has been filed on the grounds that the same fact of bodily harm or life threatening intimidation, etc. that was the ground for the petition for the issued order, the court shall issue the order in question only when finding it necessary to reissue the order under the same item, by taking into consideration the fact that the victim who intends to move from the domicile that the victim shares as his/her main home with his/her spouse is unable to complete the move from the domicile within two months from the day the issued order comes into effect due to cause imputable to the victim himself/herself, or other circumstances. However, the court may choose not to issue the order when finding that the issuance of the order will cause extreme hindrance to the spouse's daily life.

(2) With regard to the application of the provisions of Article 12 to cases of filing a repeated petition set forth in the preceding paragraph, the term "the following matters" in the part other than those enumerated in each item of Article 12, paragraph 1 shall be deemed to be replaced with "matters listed in item 1, item 2, and item 5 and circumstances set forth in the main clause of Article 18, paragraph 1," the term "the matters listed in the preceding items" in item 5 of the same paragraph shall be deemed to be replaced with "matters listed in item 1 and item 2 and circumstances set forth in the main clause of Article 18, paragraph 1," and the term "the matters listed in items 1 to 4 of the same paragraph" in paragraph 2 of the same Article shall be deemed to be replaced with "matters listed in item 1 and item 2 of the same paragraph and circumstances set forth in the main clause of Article 18, paragraph 1."

**Article 19** (Inspection, etc. of case records)

With regard to procedures concerning a Protection Order, the party may request the clerk of the court for the inspection or a copy of case records, the delivery of a transcript or an extract thereof, or the issuance of a certificate of matters concerning the case; provided, however, this shall not apply to the opposite party until the date for oral proceedings or a hearing in the presence of the opposite party with regard to the petition for the protection order is designated or until the protection order has been sent to the opposite party.

**Article 20** (Certification of oath by a Secretary in the Ministry of Justice)

When a notary is not available or cannot perform his/her duties within the area of the jurisdiction of the responsible Legal Affairs Bureau, Regional Legal Affairs Bureau, or branch office thereof, the Minister of Justice may authorize a Secretary in the Ministry of Justice who works for the said Legal Affairs Bureau, Regional Legal Affairs Bureau, or branch office thereof to make a certification under Article 12, paragraph 2 (including in cases where the provisions of Article 12, paragraph 2 are applied with a replacement of the terms pursuant to the provisions of Article 18, paragraph 2).

**Article 21** (Application mutatis mutandis of the Code of Civil Procedure)

The provisions of the Code of Civil Procedure (Act No. 109 of 1996) shall apply mutatis mutandis to the procedures concerning a Protection Order, unless the application is inconsistent with the nature thereof, except as otherwise provided for by this Act.

**Article 22** (Rules of the Supreme Court)

In addition to the matters provided for by this Act, any necessary matters with regard to the procedures concerning a Protection Order shall be provided by the Rules of the Supreme Court.

**Chapter V Miscellaneous Provisions**

**Article 23** (Consideration, etc. by related officials)

- (1) Officials related to the protection of victims, investigations and judicial decisions pertaining to spousal violence (referred to as "related officials" in the following paragraph) shall, in the performance of their duties, take into consideration of the psychological and physical conditions of the victims and their environment, etc., respect their human rights regardless of their nationality or disability, etc., and give due consideration to ensuring their safety and protecting their privacy.
- (2) The national government and local public entities shall conduct the training and enlightenment activities necessary to deepen the related officials' understanding concerning the human rights of victims and the characteristics of spousal violence, etc.

**Article 24** (Education and enlightenment)

The national government and local public entities shall endeavor to promote education and enlightenment activities to deepen citizens' understanding concerning the prevention of spousal violence.

**Article 25** (Promotion, etc. of research and study)

In order to contribute to the prevention of spousal violence and the protection of victims, the national government and local public entities shall endeavor to promote research and study concerning methods, etc. for guidance for the rehabilitation of perpetrators and the restoration of the physical and psychological health of victims, as well as to foster personnel pertaining to the protection of victims and enhance their qualifications.

**Article 26** (Assistance to private bodies)

The national government and local public entities shall endeavor to provide the necessary assistance to private bodies that are engaged in activities to prevent spousal violence and protect victims.

**Article 27** (Payment by prefectures and municipalities)

(1) Prefectures shall pay the expenses listed in the following items:

- (i) Expenses needed to operate Women's Consulting Offices that perform duties listed in Article 3, paragraph 3 pursuant to the provisions of the same paragraph (excluding expenses listed in the following item);
- (ii) Expenses needed for the temporary protection provided by Women's Consulting Offices pursuant to the provisions of Article 3, paragraph 3, item 3 (including cases where duties are entrusted to persons who meet the criteria specified by the Minister of Health, Labor and Welfare as prescribed in paragraph 4 of the same Article);
- (iii) Expenses needed for duties performed by Women's Consultants entrusted by prefectural governors pursuant to the provisions of Article 4;
- (iv) Expenses needed for the protection by prefectures pursuant to the provisions of Article 5 (including cases where the duties are entrusted to municipalities, social welfare corporations or other persons whom prefectures deem appropriate) and expenses needed for the clerical work necessary for the protection.

(2) Municipalities shall pay expenses needed for duties performed by Women's Consultants entrusted by municipal mayors pursuant to the provisions of Article 4.

**Article 28** (Share of Expenses and Subsidies of the National Government)

(1) Pursuant to the provisions of a Cabinet Order, the national government shall bear five-tenths of the amount of the expenses listed in item 1 and item 2 of paragraph 1 of the preceding Article that have been paid by prefectures pursuant to the provisions of the same paragraph.

(2) The national government may, within budgetary limits, provide subsidies for up to five-tenths of the amount of the expenses listed below:

- (i) Expenses listed in item 3 and item 4 of paragraph 1 of the preceding Article that have been paid by prefectures pursuant to the provisions of the same paragraph;
- (ii) Expenses that have been paid by municipalities pursuant to the provisions of paragraph 2 of the preceding Article.

## **Chapter VI Penal Provisions**

### **Article 29**

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 1,000,000 yen.

### **Article 30**

Persons who have filed a petition for a Protection Order with a Written Petition that contains a false entry with regard to matters to be entered pursuant to the provisions of Article 12, paragraph 1 (including cases where the provisions of Article 12, paragraph 1 are applied with the replacement of terms pursuant to the provisions of Article 18, paragraph 2) shall be punished by a non-penal fine of not more than 100,000 yen.

## **Supplementary Provisions [Extract]**

### **Article 1 (Effective date)**

This Act shall come into effect as from the day on which six months have elapsed from the day of promulgation; provided, however, that the provisions of Chapter II, Article 6 (limited to the part pertaining to Spousal Violence Counseling and Support Centers), Article 7, Article 9 (limited to the part pertaining to Spousal Violence Counseling and Support Centers), Article 27, and Article 28 shall come into force as from April 1, 2002.

### **Article 2 (Transitional measures)**

With regard to the application of the provisions of Article 12, paragraph 1, item 4 and Article 14, paragraph 2 and paragraph 3 to cases concerning a petition for a Protection Order from the victim who has sought counseling or asked for assistance or protection with regard to bodily harm by the spouse to Women's Consulting Offices by March 31, 2002, the term "Spousal Violence Counseling and Support Center" in these provisions shall be deemed to be replaced with "Women's Consulting Office."

### **Article 3 (Review)**

With regard to the provisions of this Act, approximately three years after this Act

comes into force, a review shall be conducted by taking into consideration the status of the enforcement of this Act and necessary measures shall be taken based on the results thereof.

### **Supplementary Provisions [Act No. 64 of 2004]**

#### **Article 1 (Effective date)**

This Act shall come into effect as from the day on which six months have elapsed from the day of promulgation.

#### **Article 2 (Transitional measures)**

(1) With regard to cases concerning an order issued prior to the enforcement of this Act pursuant to the provisions of Article 10 of the Act on the Prevention of Spousal Violence and the Protection of Victims prior to the revision by this Act (referred to as the "Old Act" in the following paragraph) pertaining to a petition for an order under the same Article, the provisions then in force shall remain applicable.

(2) With regard to the application of the provisions of Article 18, paragraph 1 of the Act on the Prevention of Spousal Violence and the Protection of Victims revised by this Act (hereinafter referred to as the "New Act") to cases where, after the issuance of an order under Article 10, item 2 of the Old Act, a petition was filed for an order under Article 10, paragraph 1, item 2 of the New Act (limited to the first petition filed after the enforcement of this Act) on the grounds of the same fact of illegal attacks threatening the other's life or body that was the ground for the petition for the said Order, the term "two months" in the same paragraph shall be deemed to be replaced with "two weeks."

#### **Article 3 (Review)**

With regard to the provisions of the New Act, approximately three years after this Act comes into force, a review shall be conducted by taking into consideration the status of the enforcement of the New Act and any necessary measures shall be taken based on the results thereof.

### **Supplementary Provisions [Act No. 113 of 2007] [Extract]**

#### **Article 1 (Effective date)**

This Act shall come into effect as from the day on which six months have elapsed from the day of promulgation.

#### **Article 2 (Transitional measures)**

With regard to cases concerning an order issued prior to the enforcement of this

Act pursuant to the provisions of Article 10 of the Act on the Prevention of Spousal Violence and the Protection of Victims prior to the revision by this Act pertaining to a petition for an order under the same Article, the provisions then in force shall remain applicable.