

## 9. Efforts toward Eliminating All Forms of Violence against Women

Spousal violence is a serious violation of human rights, and includes criminal behavior.

Victims of spousal violence are often women; the violence by spouses to women is a violation of individual dignity and obstructs gender equality. Based on this understanding, “the Act on the Prevention of Spousal Violence and the Protection of Victims” was enacted in April 2001.

Since then, it was revised three times in 2004, 2007, and 2013, making this act applicable also to violence by the partners who share the residence as a base for living together with the victims. This amended law went into effect on January 2014.

### Creating a foundation for preventing and eradicating violence against women

- Ensuring a social intolerance to violence against women through PR/educational activities in cooperation with the government and private bodies.
- Implementing sufficient, seamless and effective support in consideration with forms of violence and types of victims.
- Conducting a study on a data collection toward the precise understanding of the situation of violence against women and a research contributing further elaboration of policies on violence against women.

### Promoting measures to respond to cases involving stalkers

- Adopting stringent measures against the stalking.
- Promoting seamless support for victims corresponding to their needs.

### Promoting measures for exterminating sexual violence against children

- Early detection of abuse through cooperation between related organizations.
- Providing immediate and seamless care and support by the experts.

### Promoting measures to combat trafficking in persons

- Promoting measures on prevention and eradication of trafficking in persons and protection of victims, based on “the 2014 Action Plan to Combat Trafficking in Persons”.

### Promoting measures for preventing spousal violence and for protecting victims, etc.

- Analyzing the current situation of the Act on the Prevention of Spousal Violence and the Protection of Victims.
- Enhancing a framework of consultation and protection of victims and promoting measures to support their self-reliance.

### Promoting measures for sex crimes

- Promoting stringent operation in accordance with relevant legal provisions and appropriate investigation.
- Encouraging the setting up of one-stop support centers for victims of sex crimes and sexual violence.
- Expanding support for medical diagnosis and treatment etc.

### Promoting measures against prostitution

- Promoting stringent operation in accordance with relevant legal provisions and cracking down.
- Promoting protection of women from prostitution and support them for social reintegration.
- Strengthening cooperation between related organizations.

### Promoting of measures to prevent sexual harassment

- Promoting of preventative measures in all sectors including employment, education, research, medical care, sports by providing a framework for consultation.

### Promoting measures to prevent workplace harassment related to pregnancy, childbirth, child care leave, or other similar circumstance

- Requiring employers to take preventative measures including establishment of consultation schemes.

### Tackling with expressions of sex and violence in the media

- Promoting measures to improve media literacy.
- Promoting initiatives including self-regulation.
- Enhancing education for the youth.

## Overview of Support for Spousal Violence Victims

### Victims of Spousal Violence

<b>Spouse</b>	<p>Regardless of gender. Includes common-law marriage and former spouses.</p> <ul style="list-style-type: none"> <li>※ In cases where the perpetration of violence began before a divorce, and continued after the divorce.</li> <li>※ Also applies to the partners who share the residence as a base for living together with the victims, or former partners who share the residence as a base for living together with the victims.</li> </ul>
<b>Violence</b>	<p>Includes not only bodily harm but also psychological abuse and sexual assault.</p> <ul style="list-style-type: none"> <li>※ Protection orders are only applicable to bodily harm or life threatening intimidation, etc.</li> </ul>

### Counseling

#### The Spousal Violence Counseling and Support Centers

Women's Consulting Offices and other prefectural appropriate facilities fulfill the function of the Spousal Violence Counseling and Support Centers. Moreover, some municipalities establish Spousal Violence Counseling and Support Centers.

In addition to consultation and introducing consulting facilities, these centers provide a safe place for victims and accompanying family members during emergencies as well as temporary protection, also providing information for helping victims regain their independence and other kinds of aid, including providing information about using the protection order system and facilities of residence and providing protection for victims.

- ※ The actual operations implemented differ according to the Spousal Violence Counseling and Support Centers.

#### Police

Based on the will of the victim, appropriate measures are taken such as arresting the perpetrator, giving a warning/offering guidance to the perpetrator, or providing the victim with information regarding self-defense and other measures.

### the Temporary Protection

#### Women's Consulting Offices

As well as consulting services, also provides temporary protection to victims of spousal violence. Each prefecture must have at least one Women's Consulting Office. These provide a safe place where victims can stay for a while with their children.

- ※ Temporary protection may be entrusted to a private shelters, etc.

### Support for Self-reliance

#### The Spousal Violence Counseling and Support Centers

To support self-reliance of victims, provides various kinds of information related to promoting employment, securing accommodation and assistance.

## Overview of Support for Spousal Violence Victims (Continued)

### Protection Orders

If a declaration is made to a court, a protection order will be issued against the perpetrator.

※ This only applies in instances where further violence poses a serious threat to life or there is a danger of serious physical violence.

#### Order Prohibiting Approach to the Victims

【Period: 6 months】

This forbids the perpetrator from being around the victim, or from going near to their place of residence or work.

#### Order Prohibiting Approach to the Victim's Relatives or Children

【Period: 6 months<sup>(※1)</sup>】

In order to ensure the effectiveness of the stay-away order for the victim, perpetrators are forbidden from approaching the victim's relative or children<sup>(※2)</sup>, or going near to their children or relative's residences or place of work.

(※1) Only applies while stay-away order is officially announced

(※2) Scope is:

1. Children (minors) with whom victim co-habits
2. Relatives of victim and other persons who have a close relationship with the victim in daily life.

#### Order Prohibiting Phone Calls or Other Behavior to the Victim

【Period: 6 months<sup>(※3)</sup>】

In order to ensure the effectiveness of the stay-away order for the victim, the perpetrator is forbidden from making any phone calls or E-mails to the victim.

(※3) Applies only to victim him/herself. Only applies while stay-away order is officially announced

#### Order to Vacate

【Period: 2 months】

Orders that that perpetrator leaves the residence where he/she shares with the victim.

Also possible to make allegations in the case of a common-law marriage, and allegations against former spouses, as well as intimate partners who share a principal residence and former intimate partners who used to share a primary residence. If the order is violated, the perpetrator faces a custodial sentence of less than one year or a fine below 1 million yen

## Anti-Stalking Measures

- ▶ The Anti-Stalking Act was revised in December 2016 which includes restriction on the act of continuously sending SNS messages, changes of the procedure for administrative measures, toughening penalties, etc.

## Eradication of Sexual Violence against Children

- ▶ The Government decided the "Basic Plan on Measures against Child Sexual Exploitation," which summarizes measures the Government should implement for the eradication of child sexual exploitation at the Ministerial Meeting Concerning Measures Against Crime in April 2017.
- ▶ The Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children was partially revised in June 2014. The act of possessing or storing child pornography or electromagnetic records of these for the purpose of satisfying one's own sexual curiosity, etc. has become subject to punishment.

## ■ Measures against Human Trafficking

- ▶ The Government revised its Action Plan to Combat Trafficking in Persons in December 2014 in order to make further efforts against TIP. The Penal Code, relevant laws and regulations have been strictly applied against perpetrators in order to prevent and eradicate TIP and protect victims, and efforts have been made to realize appropriate regulations and penalties. In addition, in order to further improve protection of victims, the Government has been collaborating with the governments in other countries, international organizations and NGOs.



## ■ Measures to Prevent Workplace Harassment

- ▶ In March 2016, The Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment and the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave were revised, obliging employers to take measures to prevent workplace harassment related to pregnancy, childbirth, child care leave, or other similar circumstances (enforced January 1, 2017).