

To Victims of Spousal Violence

(2008 edition)



Symbol for the elimination of violence against women

Gender Equality Bureau, Cabinet Office

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

In 2001, the Act on the Prevention of Spousal Violence and the Protection of Victims was enacted to protect victims of spousal violence. The Act was amended for the first time in 2004, and again in 2007 in order to further reinforce its provisions. The Act also applies to all foreigners living in Japan.

Spousal violence may take various forms.

Spouse: May be male or female. This includes common law (unmarried) partners and former spouses (in cases where violence is inflicted both before and after a separation).

Violence: Includes not only bodily harm, but also psychological and sexual violence (however, Protection Orders apply only to bodily harm or life-threatening intimidation, etc.).

The Act provides that official personnel shall, in the performance of their duties, give due consideration to the psychological and physical conditions of the victims, their environments, etc., and respect the human rights of those victims.

2 Spousal Violence Counseling and Support Centers

Spousal Violence Counseling and Support Centers in each prefecture offer the following kind of consultation, counseling, temporary protection for victims and accompanying family members, and various information.

- 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.

3 Temporary Protection

In addition to undertaking various counseling work, Women's Consulting Offices in each prefecture also offer temporary protection for victims of spousal violence. There, victims can live in safety for short periods, together with their children if applicable. Temporary protection is sometimes provided through entrustment to private shelters and other organizations.

Private shelters:

Private shelters are facilities run by private-sector organizations, where victims of violence can find emergency or temporary refuge. Such shelters provide support for victims, such as accommodations, meals, etc., as well as various forms of counseling. For more information, please contact your nearest Spousal Violence Counseling and Support Center, etc.

4 Applicable Welfare Systems

Depending on your status of residence, income and other conditions, you may be able to use the following welfare systems. For more details, please contact your nearest Spousal Violence Counseling and Support Center, etc.

- Medical insurance system

In Japan, everyone is subscribed to some form of medical insurance. Every month, each person pays an insurance premium, in return for which, on receiving medical treatment, the insured person is required to only pay a portion of the medical fees at the hospital's payment counter.

The type of medical insurance system differs according to occupation, region, etc. For examples, employees of private companies subscribe to health insurance, and ordinary citizens other than company employees subscribe to national health insurance.

Health insurance is available regardless of nationality and status of residence, but does not apply to illegal laborers. National health insurance is available to foreigners who have undergone alien registration and whose period of stay is at least 1 year.

It is also possible for a victim to use health insurance to have injuries and medical conditions resulting from violence by a spouse seen by doctor. In addition, if there is the possibility that the abuser will find out about the medical institution where the victim had visited due to a notice regarding medical fees being sent, it is possible for the victim to request for a change in the destination to which the notification of medical fees is sent.

○ System concerning child benefits

This includes childcare benefits paid to mothers or others who raise children living separately from their fathers, due for example to divorce of the parents. Depending on the system, the age of the eligible children may differ.

With regard to child benefits, if certain conditions are fulfilled, it is possible to suspend a payment of child benefit to spouses, and to make victims receive child benefits by submitting an application.

○ Public assistance system

This system provides necessary money and service in proportion to the level of poverty, including livelihood assistance, education assistance and medical assistance, to people who are reduced to poverty even if they utilize all of their assets and ability to work.

Although this legally applies only to Japanese citizens, protection for foreigners with a status of residence, such as permanent or long-term residents, who are legal residents of Japan and who do not have restrictions on activities is provided in accordance with the Public Assistance Act.

5 Punishment of Abusers

In Japan, it is prohibited for a person to inflict physical harm or bodily injury upon another person, even between spouses. If you are a victim of such violence, do not hesitate to notify or report this to the police.

6 Protection Orders

In case where a victim who has been subjected to bodily harm or life-threatening intimidation by a spouse is highly likely to receive serious harm to the life or body from renewed spousal violence, a Protection Order shall be issued to the abuser by a district court, subject to a written petition to the court. Protection Orders consist of the following.

- 1 Order Prohibiting Approach to the Victim: Order that forbids the abuser from approaching the victim, or loitering in the vicinity of the victim's domicile (except for the domicile that the victim shares as the main home with the abuser), workplace, or other place for six months.
- 2 Order Prohibiting Phone Calls or Other Behavior: Order that prohibits the abuser from committing the following acts with regard to the victim for the period specified in Order 1 above.
 - (1) Requesting a meeting
 - (2) Telling matters that suggest that the spouse is monitoring the victim's behaviors, etc.
 - (3) Extremely rude or violent words and 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 message 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, etc.
 - (7) Revealing matters that harm the victim's dignity, etc.
 - (8) Revealing sexually insulting materials, or sending documents, pictures or other sexually insulting materials, etc.
- 3 Order Prohibiting Approach to the Victim's Child or Relative, etc.: Order that, when deemed necessary in order to prevent the victim from being obliged to meet the abuser with regard to the child or relative, etc., prohibits the abuser from approaching the victim's child (minor living with the victim) or relative (relative of the victim, or another person who has a close relationship

with the victim in his/her social life), and from loitering in the vicinity of the victim's residence, workplace, etc. for the period specified in Order 1 above.

- 4 Order to Vacate: Order that obliges the abuser to vacate the residence shared as the main home with the victim, and not to loiter in the vicinity of the victim's residence for a period of 2 months.

Violation of a protection order by the abuser is punishable by imprisonment with work for not more than one year or a fine of not more than one million yen.

Petitions for Protection Orders must include the following matters. For more details, please contact your nearest Spousal Violence Counseling and Support Center, etc.

- The circumstances under which the victim was subjected to the bodily harm or life-threatening intimidation
- Sufficient evidence to prove that a grave risk of serious harm to the 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.

Japanese is the prescribed language in Japanese courts. As such, petitions for Protection Orders also have to be prepared in Japanese. For those who cannot afford the costs of translation or interpretation when preparing the documents necessary for filing a petition, there is a system of legal aid whereby the costs are advanced and then repaid in installments.

7 Renewal of Period of Stay, Change in Status of Residence

You can apply to an Immigration Bureau for an extension of your period of stay in Japan, or for a change in your status of residence (referred to below as "extension of period of stay, etc."), regardless of whether you have cooperation from your spouse. Once your approved period of stay in Japan expires, an application for an extension of period of stay, etc. will not be accepted. Therefore, please contact your nearest Immigration Bureau, etc., before your visa expires.

Changes to the status of residence may be permitted for foreign parents who wish to continue their stay (for example, to raise children of shared Japanese parentage). For more details, please contact your nearest Regional Immigration Bureau, etc.

8 When Staying in Japan without a Valid Visa

If you could not apply for an extension of your period of stay in Japan, etc. Before the expiration date, your stay in Japan comes to be unlawful. In this case, you should proceed to your nearest Regional Immigration Bureau, etc. to take the necessary procedures for an official approval of your stay. If you do not do so, your stay will remain unlawful (illegal residence) and you will no longer be able to use a variety of advantageous systems in Japan. Please be sure to follow the proper procedures at your nearest Regional Immigration Bureau, etc.

Besides the above, victims of human trafficking may, as eligible recipients of protection, receive advice from Embassies, the Police, Regional Immigration Bureaus, Women's Consulting Offices, or other bodies. Please contact the relevant body for advice.

9 Handling of Alien Registration Card

In principle, alien registration cards are not disclosed to the public, and since a copy of an alien registration card or a certificate of registered matters can only be requested by a proxy of the foreigner or a relative, etc. living with the foreigner, it is not possible for a spouse who is living separately from the foreigner to request a copy of an alien registration card or a certificate of registered matters, even if, for example, the spouse still has a marital relationship with the foreigner. For details regarding handling of alien registration cards, please contact the division in charge of alien registration in your municipality.

