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The Permanent Mission of Japan to the International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and has the honour to submit herewith the information to be forwarded to Dr. Yakin Ertürk, Special Rapporteur on violence against women, in response to his request dated 16 August 2005 of reference : G/SO 214 (89-9). The Permanent Mission of Japan appreciates the arrangement by the Office of the High Commissioner for Human Rights for the transmittal to Dr. Ertürk.

The Permanent Mission of Japan to the International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 11 October 2005



Enclosure mentioned.

(tentative translation)

**Law for the Prevention  
of Spousal Violence  
and the Protection of Victims**

(Law No. 31 of 2001, as amended by Law No. 64 of 2004)

Research Committee on  
Society of Cooperative Way of Life  
House of Councillors

Japan

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# Law for the Prevention of Spousal Violence and the Protection of Victims

(Law No. 31 of 2001, as amended by Law No. 64 of 2004)

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## **Preamble**

Considering 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, including 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 remedy 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 law 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, support for self-reliance, etc.

## **Chapter 1 General Provisions**

### **Article 1 Definitions**

1. The term “spousal violence” as used in this law refers to violence toward the body by one spouse (illegal attacks toward the body threatening the other’s life or physical conditions, hereafter the same below) or words and deeds by one spouse that cause comparable psychological or physical harm to the other (hereafter in this paragraph “violence”), and should 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 the former spouse.
2. The term “victim” as used in this law refers to a person who has been subjected to spousal violence.
3. The term “spouse” as used in this law should include persons who are in a de facto state of marriage, even if it has not been legally registered. “Divorce” should apply to the circumstances of persons who were in a de facto state of marriage, even if it was not legally registered, and whose situation has changed to a de facto state of divorce.

## Article 2 Responsibility of the State and local governments

The State and local governments have a responsibility to prevent spousal violence and provide appropriate protection for victims, including assistance in making them self-reliant.

### Chapter 1:2 Basic Policy and Basic Plans

#### Article 2:2 Basic policy

1. The Prime Minister, National Public Safety Commission, Minister of Justice, and Minister of Health, Labour and Welfare (hereafter collectively referred to as the “competent Ministers” in this article and Paragraph 4 of the next article) shall establish a basic policy concerning measures for the prevention of spousal violence and protection of victims (hereafter referred to as the “basic policy” in this article and Paragraph 1 of the next article).

2. The basic policy should establish a guideline for the basic plans prescribed in Paragraph 1 of the next article concerning the following matters:

(1) Basic matters related to the prevention of spousal violence and the protection of victims.

(2) Matters related to the content of measures for the prevention of spousal violence and the protection of victims.

(3) Other important matters related to the implementation of measures for the prevention of spousal violence and the protection of victims.

3. When drawing up the basic policy or revising it, the competent Ministers shall consult beforehand with the heads of the administrative organs concerned.

4. Whenever the competent Ministers establish or revise the basic policy, they shall promptly make public the contents.

### Article 2:3 Basic plans

1. In conformity with the basic policy, prefectures shall establish their own basic plans (hereafter referred to as “basic plans” in this article) for the implementation of measures for the prevention of spousal violence and the protection of victims within their jurisdiction.

2. Basic plans should determine the following matters:

(1) Basic policy related to the prevention of spousal violence and the protection of victims.

(2) Matters related to the content of actual implementation of measures for the prevention of spousal violence and the protection of victims.

(3) Other important matters related to the implementation of measures for the prevention of spousal violence and the protection of victims.

3. Whenever prefectures establish or revise basic plans, they shall promptly make public the contents.

4. The competent Ministers shall endeavor to provide prefectures with advice and other assistance needed to establish such basic plans.

## **Chapter 2 Spousal Violence Counseling and Support Centers, Etc.**

### Article 3 Spousal Violence Counseling and Support Centers

1. Prefectural governments should authorize Women’s Consulting Offices or other appropriate facilities within their jurisdiction to function as Spousal Violence Counseling and Support Centers.

2. Municipalities (including special wards; same below) may authorize appropriate

facilities that they establish 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 should undertake the following activities:

(1) To provide counseling to victims regarding various problems affecting them or introduce them to Women's Consultants or organizations that provide such counseling.

(2) To provide medical, psychological, or other required guidance in order to help victims recover their psychological and physical health.

(3) To provide temporary protection for victims (and in cases where the victim is accompanied by family members, for the family members as well as the victim; same in Subparagraph (4) and Subparagraph (6) below, as well as Article 5 and Article 8:3).

(4) 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 use of systems for social assistance in order to promote the self-reliance of victims.

(5) To offer information, advice, and communication with concerned organizations, as well as other forms of assistance concerning use of the protection order system provided for in Chapter 4.

(6) 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 can live and receive protection.

4. The temporary protection provided for in Article 3, Paragraph 3, Subparagraph

(3) above should be provided directly by Women's Consulting Offices or entrusted to parties meeting criteria established by the Minister of Health, Labour and Welfare.

5. The Spousal Violence Counseling and Support Centers should, in the course of their duties, when necessary, endeavor to collaborate with private-sector 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 3 Protection of Victims**

**Article 6 Notification, etc. by those who detect cases of spousal violence**

1. Those who detect violence (limited to cases of violence toward the body by a spouse or former spouse; same hereafter in this chapter) shall endeavor to notify them to a Spousal Violence Counseling and Support Center or police officer.

2. If physicians or other medical personnel, in the course of their duties, detect individuals who they consider to have suffered injuries or medical conditions resulting from spousal violence, they may notify them to a Spousal Violence Counseling and Support Center or police officer. In such cases, they should try to respect the intentions of the individual concerned.

3. Regarding stipulations of the Penal Code (1907, Law No. 45) making the divulgence of confidential matters a crime and stipulations of other laws related to professional secrecy, these shall not be construed to prevent notification as provided for in the preceding two paragraphs.

4. Physicians or other medical personnel who, in the course of their duties, detect individuals who they consider to have suffered injuries or medical conditions resulting from spousal violence shall endeavor to provide these patients with information at their disposal on the use of Spousal Violence Counseling and Support Centers, etc.

Article 7 Explanation of protection provided by Spousal Violence Counseling and Support Centers, etc.

When Spousal Violence Counseling and Support Centers receive notification about victims or counsel them as needed, they should, in addition to offering explanation and advice regarding their duties as a Spousal Violence Counseling and Support Center as stipulated in Article 3, Paragraph 3, recommend to receive any protection that may be required.

Article 8 Police protection for victims

When, through notification or other means, the police consider that there are cases of spousal violence, they shall endeavor to take necessary measures in accordance with the provisions of the Police Law (1954, Law No. 162), the Police Official Duties Execution Law (1948, Law No. 136), and other laws in order to prevent the victim from suffering harm from spousal violence, especially by stopping the violence, providing protection to the victim, etc.

Article 8:2 Assistance from the chief of the Prefectural Police Headquarters, etc.

When receiving a request from a victim for assistance in preventing damage for oneself from the spousal violence, and deeming it as valid, the Superintendent General of the Metropolitan Police Department, or the chief of the Prefectural Police Headquarters (or the chief of the Area Headquarters except the Area Headquarters where the Hokkaido Prefectural Police Headquarters is located; same for Article 15, Paragraph 3), or the chief of the police station should advise the victim on measures to prevent the said damage for oneself and render other assistance required to prevent damage from spousal violence, in accordance with the regulations established by the National Public Safety Commission.

#### Article 8:3 Support for self-reliance provided by Welfare Offices

Offices concerned with welfare affairs established under the Social Welfare Law (1951, Law No. 45) (referred to as “Welfare Offices” in the next article) shall endeavor to take necessary measures to help victims to become self-reliant as provided for under the Livelihood Protection Law (1950, Law No. 144), the Child Welfare Law (1947, Law No. 164), the Mother and Child and Widows Welfare Law (1964, Law No.129), and other laws and ordinances.

#### Article 9 Cooperation among concerned organizations to protect victims

Spousal Violence Counseling and Support Centers, the Prefectural Police, Welfare Offices and other similar organizations established by prefectures or municipalities, and other concerned organizations should endeavor to work in collaboration in seeking to provide appropriate protection for victims.

#### Article 9:2 Appropriate and prompt processing of complaints

When the concerned organizations referred to in the preceding article receive complaints from victims regarding the performance of duties by personnel in charge of the protection of victims, they should endeavor to handle them in an appropriate and prompt manner.

### **Chapter 4 Protection Orders**

#### Article 10 Protection orders

1. In cases where there is a grave threat of renewed violence toward the body against a victim (provided that the victim has been subjected to violence toward the body by a spouse; the same throughout this chapter) by the spouse (including cases where subsequent to being subjected to violence toward the body by the spouse, the victim obtains a divorce or annulment of the marriage but continues to be subjected to violence toward the body by the former spouse; the same for Article 12, Paragraph 1, Subparagraph (2)) constituting significant harm to the life or physical conditions of the victim, the court should, upon petition from the victim, order against

the spouse (including the former spouse in cases where subsequent to being subjected to violence toward the body by the spouse, the victim obtains a divorce or annulment of the marriage; the same below for this article, Article 12, Paragraph 1, Subparagraph (3), and Article 18, Paragraph 1) measures as prescribed in the following subparagraphs in order to prevent harm to the victim's life or physical conditions. However, the measure prescribed in Subparagraph (2) is only applied in cases where the victim and the spouse in question are still living together at the time of the petition.

(1) To oblige the spouse for a six-month period from the day the order takes effect to refrain from approaching the victim at the victim's domicile (other than the place where the spouse and victim have been living together; the same in this subparagraph) or any other place where the victim is staying; or loitering in the vicinity of the domicile, workplace, or any other location normally frequented by the victim.

(2) To oblige the spouse to vacate for a two-month period from the day the order takes effect the domicile that the spouse shares as the main home with the victim and not to loiter in the vicinity of the said domicile.

2. Under circumstances as described in the body of the preceding paragraph, in cases where the victim is living with children who have not yet attained adulthood (hereafter referred to simply as "children" in this paragraph and Article 12, Paragraph 1, Subparagraph (3)), when it is determined necessary to prevent the victim from being obliged to meet the spouse on the subject of the children who share the victim's domicile, in consideration of words or deeds on the part of the spouse sufficient to suspect that the spouse will likely take the young children back or other circumstances, the court that is issuing or has issued an order as provided for in Subparagraph (1) of the preceding paragraph should, upon petition from the victim, order against the spouse to oblige the spouse, from the day the order takes place to the day after six months from the day the order took effect, as provided for in the above-mentioned Paragraph 1, Subparagraph (1), to refrain from approaching the children in question at their domicile (other than the place where the children, the

spouse and the victim have been living together; hereafter the same throughout this paragraph), the school the children attend, or any other place where the children are staying; or loitering in the vicinity of their domicile, the school they attend, or any other locations normally frequented by them in order to prevent harm to the victim's life or physical conditions. However, if the children in question are 15 years of age or over, this provision shall only apply in cases where the court has obtained their consent.

#### Article 11 Court with jurisdiction

1. Cases concerning a petition for an order as provided for in Paragraph 1 of the preceding article shall be within the jurisdiction of the district court which exercises jurisdiction over the area where the defendant maintains an address (or place of residence in cases in which the defendant does not have an address in Japan or the address of the defendant is unknown).

2. A district court may grant a petition for an order as provided for in Paragraph 1 of the preceding article if it has jurisdiction over the places described in the following subparagraphs:

(1) The petitioner's domicile or place of residence.

(2) The place where the violence toward the body by the spouse described in the petition actually took place.

#### Article 12 Petition for protection order

1. A petition for an order as provided for in Article 10 (hereafter "protection order") shall contain the matters described in the following subparagraphs in writing:

(1) The circumstances under which the violence toward the body by the spouse took place.

(2) Sufficient evidence at the time of the petition to prove that a grave threat of sig-

nificant harm to the life or physical conditions resulting from renewed violence toward the body by the spouse still exists.

(3) In cases where a petition for an order as provided for in Article 10, Paragraph 2 is made, sufficient evidence at the time of the petition to prove the necessity for issuing the order to prevent the victim from being obliged to meet the spouse on the subject of the children in question who share the victim's domicile.

(4) Whether or not a person who has been subjected to violence toward the body by the spouse (including violence toward the body by the former spouse, in cases where subsequent to being subjected to violence toward the body, the victim has obtained a divorce or annulment of the marriage but continues to be subjected to violence toward the body by the former spouse) has sought counseling or asked for support or protection from Spousal Violence Counseling and Support Center employees or police personnel concerning the matters prescribed in the preceding Subparagraphs (1)–(3). In the event of such circumstances, the information prescribed in the following items shall be recorded:

- (a) The name of the Spousal Violence Counseling and Support Center or the station to which the police personnel who have been consulted or requested to provide support or protection belong.
- (b) The date, time, and location where the counseling or request for support or protection took place.
- (c) The details of the counseling or request for support or protection.
- (d) The details of the measures taken in response to the counseling or the request from the petitioner.

2. In the event that any of the information prescribed in Items (4)a–(4)d in the preceding paragraph have not been filled in on the paperwork submitted (hereafter “petition form”), the petition form shall be submitted with the petitioner's statements for the matters prescribed in Subparagraphs (1)–(3) in the same paragraph attested in writing as called for in Article 58:2, Paragraph 1 of the Notary Law

(1908, Law No. 53).

**Article 13 Expeditious judicial action**

The court in question should rule expeditiously on cases concerning a petition for a protection order.

**Article 14 Procedures for protection order cases**

1. A protection order cannot be issued before a fixed date for oral proceedings or for a hearing with the defendant. However, this requirement can be waived if waiting for the date for oral proceedings or a hearing interferes with fulfillment of the intent of the petition for protection order.

2. Where the information described in Article 12, Paragraph 1, Items (4)a–(4)d has been recorded on the petition form, the court should request that the chief of the Spousal Violence Counseling and Support Center or the police in question submit written explanations of the circumstances at the time when the petitioner sought counseling or requested support or protection, as well as the details of the specific 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 should respond promptly.

3. When deemed necessary, the court may ask the chief of the Spousal Violence Counseling and Support Center or the police described in the preceding paragraph, or the personnel with whom the petitioner has sought counseling or requested support or protection, for further explanation regarding the information in writing requested in accordance with the same paragraph.

**Article 15 Decision on a petition for a protection order, etc.**

1. The decision on a petition for a protection order shall contain reasons adduced for it. However, in cases where it is made without oral proceedings, the reasons can be summarized.

2. A protection order shall take effect once the decision has been sent to the defendant or when the pronouncement has been made on the date of oral proceedings or a hearing in the presence of the defendant.

3. When a protection order is issued, the court clerk should 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. A protection order in itself does not have enforcement power.

#### Article 16 Immediate appeals

1. An immediate appeal may be lodged against a judgment related to a petition for a protection order.

2. An appeal prescribed in the preceding paragraph will not prevent a protection order from taking effect.

3. In the case of an immediate appeal, only when there is prima facie proof of cause for revoking the protection order in question can an appellate court order, upon petition, suspension of the validity of the protection order until the judgment on the appeal has taken effect. The court that originally had jurisdiction over the case may also order such disposition if the case records are still in its possession.

4. When ordering suspension of validity of an order as provided for in Article 10, Paragraph 1, Subparagraph (1) in accordance with the preceding paragraph, if an order as provided for in Article 10, Paragraph 2 has also been issued, the court shall also order suspension of validity of the order.

5. Dissatisfaction may not be voiced with regard to the judgment prescribed in the preceding two paragraphs.

6. When revoking an order as provided for in Article 10, Paragraph 1, Subparagraph (1), if any order as provided for in Article 10, Paragraph 2 has been issued, the appellate court shall also revoke that order.

7. The stipulations prescribed in Article 15, Paragraph 3 shall still apply in the case of the circumstances described in Paragraph 3 and Paragraph 4 above and when an appellate court has revoked a protection order.

#### Article 17 Revocation of protection orders

1. The court that has issued a protection order shall revoke it if the person who petitioned for that protection order so requests. In the event that three months have passed from the day an order issued in accordance with Article 10, Paragraph 1, Subparagraph (1) or Article 10, Paragraph 2 took effect, or in the event that two weeks have passed from the day an order issued in accordance with Article 10, Paragraph 1, Subparagraph (2) took effect, if the person subject to these orders requests the court for their revocation and it has been confirmed that the person who petitioned for the said orders does not object, then they shall also be revoked.

2. The stipulations prescribed in Article 16, Paragraph 6 shall still apply in cases where the court that has issued an order as provided for in Article 10, Paragraph 1, Subparagraph (1) revokes the said order in accordance with the preceding paragraph.

3. The stipulations prescribed in Article 15, Paragraph 3 shall still apply in the cases prescribed in the preceding two paragraphs.

#### Article 18 Repeated request for an order as provided for in Article 10, Paragraph 1, Subparagraph (2)

1. Where an order as provided for in Article 10, Paragraph 1, Subparagraph (2) has previously been issued, if a repeated petition for an order in accordance with the same subparagraph is made based on the same fact of violence toward the body that was the basis for the petition for the issued order, the court should issue the order in

question only when it is determined that there is the necessity of reissuance of the order as provided for in the same subparagraph, in consideration of the fact that the victim who wishes to move from the domicile that the victim shares as the main home with the spouse is unable to complete the move from the domicile within two months passing from the day the issued order takes effect, due to reasons for which the victim is not responsible, or other circumstances. However, the court may dismiss the petition for the order if the court determines that the spouse incurs an extreme degree of hardship in life by issuance of the order.

2. In application of the stipulation in Article 12 in the case of a repeated request for an order made under the conditions prescribed in the preceding paragraph, “the matters described in the following subparagraphs” prescribed outside of the numbered subparagraphs under Article 12, Paragraph 1 shall be interpreted as “the matters prescribed in Subparagraphs (1), (2) and (4) as well as circumstances prescribed in the body of Article 18, Paragraph 1.” Likewise, “the matters prescribed in the preceding Subparagraphs (1)–(3)” prescribed in Subparagraph (4) in the same paragraph shall be interpreted as “the matters prescribed in Subparagraphs (1), (2) as well as circumstances prescribed in the body of Article 18, Paragraph 1.” Likewise, “the matters prescribed in Subparagraphs (1)–(3) in the same paragraph” prescribed in Paragraph 2 in the same article shall be interpreted as “the matters prescribed in Subparagraphs (1), (2) in the same paragraph as well as circumstances prescribed in the body of Article 18, Paragraph 1.”

#### Article 19 Inspection of case records, etc.

In regard to procedures for the protection order, the parties may request the court clerk for the reading or copying of the case records, furnishing of the original records, an original copy of them or a partial copy of them, or of an attestation regarding matters relating to the case. However, this provision shall not apply to the defendant until the date for oral proceedings or a hearing related to the petition for a protection order is assigned or until the defendant has been sent a protection order.

**Article 20 Attestation by a Secretary in the Ministry of Justice**

If a notary public is not available or is not in a position to practice within the area of jurisdiction of the responsible Legal Affairs Bureau, Regional Legal Affairs Bureau, or branch office thereof, the Minister of Justice may authorize Secretaries in the Ministry of Justice assigned to the said Legal Affairs Bureau, Regional Legal Affairs Bureau, or branch office thereof to conduct the attestation in accordance with Article 12, Paragraph 2 (including in cases of reinterpretation thereof in accordance with Article 18, Paragraph 2).

**Article 21 Application of the Code of Civil Procedure**

Except when expressly stated otherwise in this law, the procedures for protection orders shall follow the stipulations of the Code of Civil Procedure (1996, Law No. 109), unless they run counter to the character of this law.

**Article 22 Rules of the Supreme Court**

If matters related to procedures for protection orders other than those prescribed by this law are required, they shall be stipulated in the Rules of the Supreme Court.

**Chapter 5 Miscellaneous Provisions**

**Article 23 Considerations on the part of official personnel, etc.**

1. Individuals responsible for the protection of victims of spousal violence, or investigations into such cases, or who perform official duties for the court, etc. (hereafter "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 these victims regardless of their nationality, whether or not they are disabled, etc., taking due care to protect their safety and maintain their privacy.

2. The State and local governments should undertake training and educational activities needed to deepen understanding of the human rights of victims, the distinc-

tive characteristics of spousal violence, etc. among official personnel working in this field.

#### Article 24 Education and enlightenment

The State and local governments should encourage education and enlightenment measures so as to deepen understanding among the public of the need to prevent spousal violence.

#### Article 25 Promotion of study and research, etc.

In order to help prevent spousal violence and protect victims, the State and local governments should endeavor to promote study and research to discover methods, etc. for guidance about the rehabilitation of abusive spouses and the restoration of the physical and psychological health of victims, as well as seek to train personnel responsible for protecting victims and improve their competence.

#### Article 26 Support to private bodies

The State and local governments should endeavor to provide necessary support to private bodies that are engaged in activities designed to prevent spousal violence and protect victims.

#### Article 27 Financing by prefectural and municipal governments

1. Prefectural governments shall pay for the following expenses:

(1) Expenses needed to operate the Women's Consulting Offices performing the duties stipulated in Article 3, Paragraph 3 (with the exception of those listed in the following subparagraph).

(2) Expenses needed for temporary protection at a Women's Consulting Office as stipulated in Article 3, Paragraph 3, Subparagraph (3) (including cases in which these duties are entrusted to other parties that have met the criteria established by the Minister of Health, Labour and Welfare as stipulated in Article 3, Paragraph 4).

(3) Expenses for the performance of duties entrusted to Women's Consultants by prefectural governors as stipulated in Article 4.

(4) Expenses for protection carried out by prefectures in accordance with Article 5 (including in cases where such protection is provided by local communities, social welfare corporations, and other parties that prefectural governments deem it appropriate to trust with the operation) and expenses necessarily incurred in administrative activities required to provide this protection.

2. Municipalities shall pay expenses incurred by Women's Consultants in performing duties entrusted to them by the mayor in accordance with Article 4.

#### Article 28 National government share and subsidies

1. The national government should, in accordance with a Cabinet order, assume responsibility for five-tenths of the amount of expenses stipulated in Paragraph 1, Subparagraphs (1)–(2) of the preceding article that have been paid for by prefectures in accordance with Paragraph 1 of the preceding article.

2. The national government may, within budgetary limitations, provide subsidies for payment of up to five-tenths of the expenses for the following subparagraphs:

(1) Expenses paid for by prefectural governments in accordance with Paragraph 1 of the preceding article, covering the expenses described in Subparagraph (3) and Subparagraph (4).

(2) Expenses paid for by municipalities as stipulated in Paragraph 2 of the preceding article.

## **Chapter 6 Penal Regulations**

### **Article 29**

Individuals who violate a protection order shall be subject to imprisonment with labor of up to one year or a fine of not more than ¥1 million (one million yen).

### **Article 30**

A petitioner for a protection order whose petition form contains knowingly false entries for the matters stipulated in Article 12, Paragraph 1 (including in cases of reinterpretation thereof in accordance with Article 18, Paragraph 2) shall be subject to a non-penal (correctional) fine of not more than ¥100,000 (one hundred thousand yen).

## **Supplementary Provisions**

### **Article 1 Date of enforcement**

This law shall take effect six months from the day of promulgation. However, the provisions of Chapter 2, Article 6 (only those portions having to do with Spousal Violence Counseling and Support Centers), Article 7, Article 9 (only those portions having to do with Spousal Violence Counseling and Support Centers), Article 27, and Article 28 shall take effect on April 1, 2002.

### **Article 2 Transitional measures**

In the application of the stipulations in Article 12, Paragraph 1, Subparagraph (4) and Article 14, Paragraph 2 and Paragraph 3 concerning cases involving petitions for protection orders from victims who have been counseled concerning violence toward the body by the spouse at a Women's Consulting Office or asked for support or protection at such centers through March 31, 2002, "Spousal Violence Counseling and Support Centers" in the regulations should read "Women's Consulting Offices."

### Article 3 Review

Concerning the provisions of this law, three years or so after the law takes effect, conditions concerning its implementation, etc. should be monitored and studied and, depending on the results, necessary measures should be taken.

### Article 4 Partial amendment of Law concerning the Costs, etc. of Civil Procedure

The Law concerning the Costs, etc. of Civil Procedure (1971, Law No. 40) shall be partially revised as follows:

In (16) of Appendix Table 1, below “Petitions to Courts in Accordance with Provisions of the Non-Litigious Cases Procedures Law,” “Petitions in Accordance with Provisions of Article 10 of the Law Relating to the Prevention of Spousal Violence and the Protection of Victims [2001, Law No. 31]” shall be added, and in (17)-e of Appendix Table 1, below “Petitions in Accordance with Provisions of Article 27, Paragraph 8,” “Petitions in Accordance with Provisions of Article 16, Paragraph 3 or Article 17, Paragraph 1 of the Law Relating to the Prevention of Spousal Violence and the Protection of Victims” shall be added.

## **Supplementary Provisions (June 2, 2004, Law No. 64)**

### Article 1 Date of enforcement

This law shall take effect six months from the day of promulgation.

### Article 2 Transitional measures

1. Cases of orders that were issued before this law takes effect in accordance with the stipulations concerning petitions for orders in Article 10 in the Law for the Prevention of Spousal Violence and the Protection of Victims not having been amended by this law (hereafter “former law” in the next paragraph) shall still follow precedents.

2. In cases where, after issuance of an order in accordance with the stipulations in Article 10, Subparagraph (2) of the former law, a petition for an order as provided

for in Article 10, Paragraph 1, Subparagraph (2) of the revised Law on the Prevention of Spousal Violence and the Protection of Victims (hereafter “new law”) is made (limited to only the first instance after this law takes effect) based on the same fact of the illegal physical attack threatening life or physical condition that made the cause for the petition for the said order, when applying Article 18, Paragraph 1 of the new law, the “two months” in that paragraph shall read “two weeks.”

### Article 3 Review

Concerning the provisions of the new law, three years or so after the law takes effect, conditions concerning its implementation, etc. should be monitored and studied and, depending on the results, necessary measures should be taken.

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## 2. Measures Aimed at Eliminating All Forms of Violence Against Women

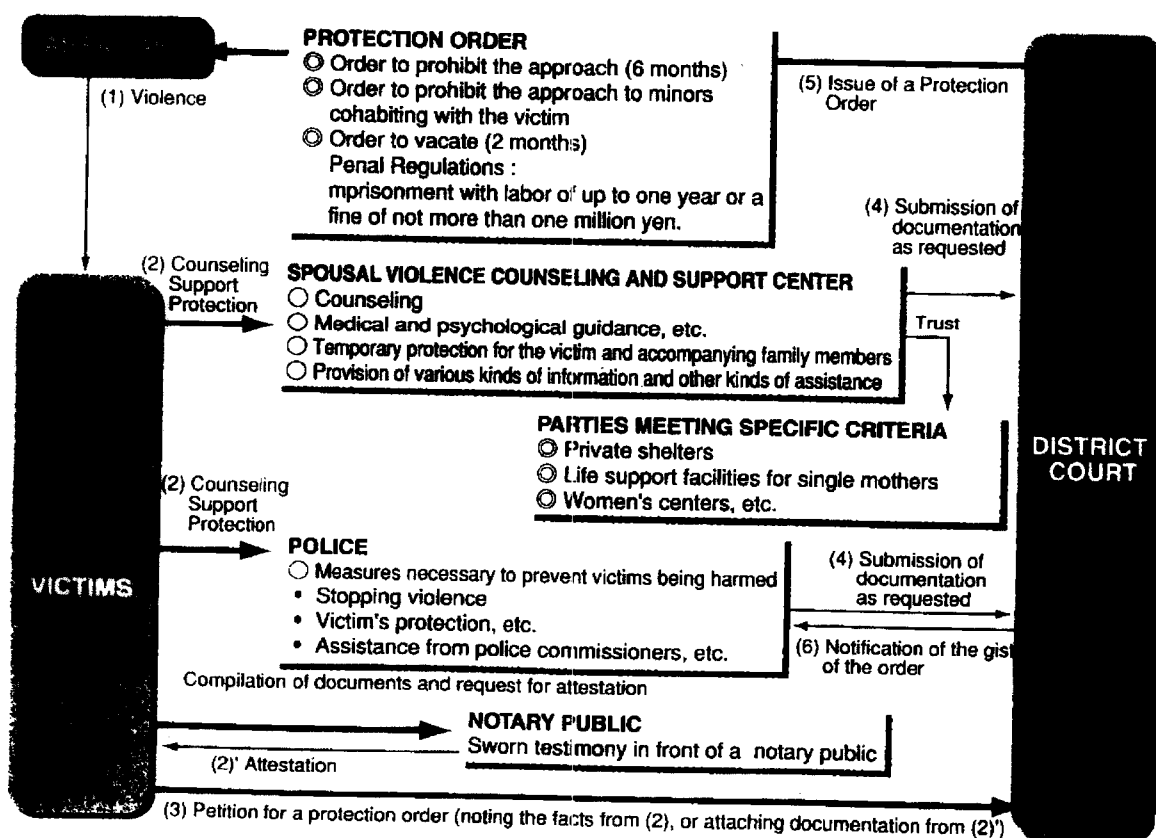
Violence against women is a severe violation of women's human rights, and represents a serious problem that must be overcome as part of the process of achieving a gender-equal society. This problem is not only seen as serious in Japan but around the world as well. In 1999 the United Nations established an International Day for the Elimination of Violence Against Women.

### (1) Law for the Prevention of Spousal Violence and the Protection of Victims

The Law for the Prevention of Spousal Violence and the Protection of Victims, the first comprehensive law of its kind, was promulgated in April 2001; it was amended in June 2004. Based on this law, 120 Spousal Violence Counseling and Support Centers were established nationwide. These centers provide temporary shelter for victims and provide counseling for more than 4,000 cases per month. In accordance with this law, Orders to Prohibit Approach and Orders to Vacate are issued by the courts at a pace of more than 100 cases per month. These new edicts are providing much-needed help to women who suffer from spousal violence.

In 2004, the Prime Minister, National Public Safety Commission, Minister of Justice, and Minister of Health, Labour and Welfare established a basic policy concerning measures for the prevention of spousal violence and protection of victims.

Legal Flowchart for the Prevention of Spousal Violence and the Protection of Victims



## **(2) Campaign for Eliminating Violence Against Women**

The Headquarters for the Promotion of Gender Equality conducts a campaign to strengthen activities regarding violence against women, in collaboration with local governments, women's organizations, and other related organizations. The campaign runs for two weeks, from November 12th through November 25th (International Day for the Elimination of Violence Against Women). The Cabinet Office holds a Symposium on Violence Against Women every year on November 25 in conjunction with this campaign.

## **(3) Surveys and Research Regarding Violence Against Women**

According to the "Survey on Domestic Violence," which was implemented by the Cabinet Office in 2002, almost one in five (19.1 percent) women has experienced physical assault, frightening threats, and/or sexual coercion. And 4.4 percent of women respondents "felt in danger for their lives" due to such behaviors, showing one of every 20 women suffer severe violence perpetrated by husbands or partners.

In FY2003, the Cabinet Office conducted a survey on standards for batterer intervention programs. Various types of surveys and research will continue in the future.

## **(4) Information on Assistance in Incidents of Spousal Violence**

The Cabinet Office on its website provides information on laws, schemes, and facilities that are helpful for supporting victims of spousal violence.

### **Symbol for Elimination of Violence Against Women**

The Cabinet Office adopted a symbol for elimination of violence against women, in the form of spousal violence, sexual crimes, prostitution, sexual harassments, stalking behavior, and so forth. The symbol has been widely used at publicity and enlightenment activities.



Has your Government instituted programmes, policies or other measures to protect and provide services to women who have been subjected to violence by private actors?

The Human Rights Organs of the Ministry of Justice assertively endeavor to uncover cases of violence against women and provide relief to female victims through a special telephone counseling service called the “Women’s Human Rights Hotline”, and they are also actively engaged in awareness-raising activities to prevent violence against women. When a female victim seeks counseling or reports injuries through the service, the human rights organ concerned, depending on the needs of the case, contacts the criminal investigative authorities or other related institutions and files a complaint. Further, in the case of a serious violation of women’s rights the human rights organ conducts its own investigation of the case, provides aid to female victims through various measures such as the provision of support for female victims and instructions and recommendations to the offender and other persons concerned, while ensuring that efforts are made to prevent the reoccurrence of violence against women by educating the people involved on the principle of human rights, and when deemed necessary files a complaint with the criminal investigative authorities.

The Immigration Control and Refugee Recognition Act (hereinafter referred to as the “Immigration Control Act”) was amended on June 16, 2005. The amended Act clearly states that the Ministry of Justice may grant special permission to stay in Japan to the victims of trafficking in persons while committing the offense of trafficking in persons newly became a reason for deportation. The amendment of the Immigration Control Act has been in force since July 12, 2005.

Has your Government taken measures *to prosecute and punish* violence against women occurring in the family and community?

Under the Penal Code of Japan, offenses such as rape, sexual assault, murder, bodily injury, violence, intimidation, arrest or confinement, and kidnapping or abduction for the purposes of gain, indecency or marriage extend, of course, to those cases that have been committed against women in the family or community. In addition, a number of new offenses, including the new crime of human trafficking under the Penal Code, have been enacted in order to implement the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

Further, under the Code of Criminal Procedure, a number of protective measures are available for witnesses in a trial. They can be accompanied by an attendant, have a partition erected between them and the defendant and are able to give testimony via a video link. More specifically, (a) when a witness is likely to feel extreme anxiety or nervousness the court may have an appropriate person such as a close relative or counselor help alleviate such anxiety or nervousness by accompanying the witness during the testimony. (b) When a witness is likely to feel undue pressure or extreme mental agitation in the presence of the defendant and the court deems it appropriate, a partition may be erected between the witness and the defendant so that they cannot see each other. (c) With respect to victims of sexual offenses and the like, when the court deems it appropriate, victims may give testimony via a video link. In such cases, they are asked to be present in another room in the courthouse, and are questioned by the relevant parties in the courtroom via microphones and a TV monitor, by which the parties can observe the witness while testifying. The measures set forth in (a) through (c) can be used together. They are useful when the victim of a crime against women in the family or community is called to testify. In addition to the introduction of these measures, by a recent amendment of the Code of Criminal Procedure, the time limit on the filing of criminal complaints has been abolished with respect to sexual offenses and the like. With this amendment, it has become much easier for victims of crimes

against women in the family or community to file criminal complaints.

In 2002, the Law for the Prevention of Spousal Violence and the Protection of Victims was enacted in order to prevent spousal violence and protect victims thereof, by establishing the systems of reporting, consultation, protection and support for such cases.

A protective order has been newly introduced by the Law, by which a court on application by a victim may, for a fixed period, prohibit the spouse who has committed an act of physical violence from following the victim around or order the spouse to leave the domicile where the spouse and the victim live together. Violation of such an order is punishable by imprisonment of not more than one year or a fine of not more than one million yen.

The Law was amended in 2004 so that the protection order may now be issued against a former spouse, the restraining order may now be issued not only for the victim but also for their children, and the period of the displacement order has been extended to two months.

## The Recent Actions Japan has taken to combat TIP

Trafficking in persons is a grave violation of human rights and dignity, and it requires a prompt and appropriate response from a humanitarian perspective, as trafficking in persons causes serious emotional and physical pain for the victims, especially women and children, and whose recovery from such damage is very difficult.

With such recognition, Japan established the Inter-Ministerial Liaison Committee (Task Force) at Kantei (Prime Minister's Office) in April 2004, and the Member Ministries/Agencies of the Task Force (Cabinet Secretariat, National Police Agency, Ministry of Justice, Ministry of Foreign Affairs, and Ministry of Health, Labour and Welfare) have taken various effective and swift measures as follows;

### 1. Adoption of the Comprehensive National Action Plan of measures to combat trafficking in person

The Task Force adopted the National Action Plan on 7<sup>th</sup> December 2004, and it was approved by the Cabinet Meeting on Anti-Crime Measures on 14<sup>th</sup> December 2004.

### 2. Conclusion of the Protocol

The Diet approved the conclusion of the Protocol to prevent, suppress and punish trafficking in persons, especially women and children on 8<sup>th</sup> June 2005. After the relevant laws are amended, the Government will conclude the Protocol as soon as possible.

### 3. Amendment of Laws/Regulations ( No. (1), (2), (4) and (5) was already approved at the last session of the Diet. No.(6) has already been implemented)

#### (1) The Penal Code

→ to criminalize the conduct of buying and selling of persons, and the conduct of transporting, transferring and harbouring of victims of kidnapping, abduction, buying or selling.

#### (2) The Law for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters

→ to designate trafficking in persons as an offence to be covered as predicate offences for money laundering

(3)The Law on Control and Improvement of Amusement Businesses

→ to oblige employers of amusement/sex-related businesses to check documents such as status of residence of foreigners they hire.

(4) The Immigration Control and Refugee Recognition Act

→ to stipulate that a special permission of status can be given to a victim of trafficking in persons for the purpose of protection, as well as to criminalize the conduct of procuring, providing or possessing a fraudulent foreign passport for the purpose of facilitating illegal entry to Japan, which contribute to punish traffickers.

(5) Passport Law

→ to prevent the production of a forged passport and the illegal use of a passport by incorporating an IC chip onto a passport, as well as to criminalize the conduct of procuring, providing or possessing a fraudulent Japanese passport.

(6) The Ministerial Ordinance to Provide for Criteria pursuant to Article 7, Paragraph 1(2) of the Immigration Control and Refugee Recognition Act

→ to prevent the residence status of entertainer from being abused for trafficking in persons.

**4. Prevention**

(1) For the purpose of preventing the resident status of entertainer from being abused by trafficking in persons etc, the Criteria of landing permit for the residence status of "Entertainer" was reviewed and has enforced since March 15<sup>th</sup> 2005.

(2) Strict border control is going to implement for effective monitoring of possible victims of trafficking in persons by means of Pre-Clearance System at some airports in Taiwan and Korea, Secondary Inspection System at main airports from April this year.

(3) The Ministry of Land, Infrastructure and Transport occasionally instructs travel agencies not to assist sexual exploitation of children. Furthermore, Japan Association of Travel Agents (JATA), Overseas Tour Operators Association of Japan (OTOA), and 65 major travel agents signed "The Code Project for Child Protection from sexual exploitation in travel/sight seeing" which is promoted by UNICEF etc to prevent sexual exploitation of children.

**5. Crackdown and Prosecution**

(1)The number of cleared cases, arrested persons and victims has increased .

	2002	2003	2004	2005(As of June30)
Number of cleared cases	44	51	79	29
Number of arrested persons	28	41	58	29

Number of victims	55	83	77	51
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(2)The number of prosecution has increased.

- 2002 26 offenders
- 2003 37 offenders
- 2004 48 offenders

## **6. Protection**

It is very important to properly protect victims. Therefore, the Government of Japan has established the protecting process of victims (see attached) and tried to diffuse the information to victims as well as the general public. Due to the Government's efforts, the number of protected victims at the Women's Consulting Offices has been increased (protected victims last year were 4 times more than that of previous year). The Government of Japan continues to make strenuous efforts to realize the effective protection for victims.

(1) The number of victims who were protected at Women's Consulting Offices has increased.

FY2002	2 (2 Thais)
FY2003	6 (3 Thais and 3 Filipinos)
FY2004	24 (15 Thais, 4 Taiwanese, 3 Indonesians, 1 Colombian, 1 Korean)
FY2005(As of July 1 <sup>st</sup> )	29 (27 Filipinos, 1 Thai, 1 Korean)

(2) The Immigration Bureau granted 15 special permissions of status to victims since January till the end of May 2005.

(3)Commission of temporary protection to private shelter starts from April 1<sup>st</sup>. → The Government has budgeted around 100,000US\$ to private shelters to protect victims.

(4)Repatriation assistance to victims through IOM starts from April 1<sup>st</sup>.  
→ The Government funded around 160,000 US \$ to IOM for this assistance.

(5) The notifications of how to protect victims by the Ministry of Health, Labour and Welfare, the Ministry of Justice, and the National Police Agency, and have been dispatched to its related offices throughout Japan.

## **7. Public Relations for public awareness**

### **(1) Broadcast on TV and radio**

(a)Fuji TV, Kansai TV, CS Asahi (March 4<sup>th</sup>, 10<sup>th</sup>, 19<sup>th</sup>, 21<sup>st</sup>, 26<sup>th</sup>, June 11<sup>th</sup>, 18<sup>th</sup>)

(b)TBS Radio( February 27<sup>th</sup>)

### **(2) Publicize on News Paper and Magazine**

(a) News Paper

- February 21<sup>st</sup> (Yomiuri), 22<sup>nd</sup> (Hokkaido, Tokyo-Chuniti, Nishinihon) 23<sup>rd</sup> (Sankei), 24<sup>th</sup> (Mainichi), 25<sup>th</sup> (64 local Newspapers), 26<sup>th</sup> (Asahi, Yaeyama-Mainichi, Miyako-Mainichi), 27<sup>th</sup> (Nikkei). Also on March 25<sup>th</sup>

(b) Magazines

February 1<sup>st</sup> (Toki-no-ugoki), February 15<sup>th</sup> (News from the headquarters for the Promotion of Gender Equality)

(3) Making leaflets for victims (1 million copies)

Translated in English, Spanish, Tagalog, Thai, Chinese, Russian.

(4) Print posters (28,000 copies)

**8. International Cooperation**

(1) The Government Delegation visited related countries as follows;

- September 2004      Philippines, Thailand
- January 2005      Colombia, USA, Philippines
- July 2005          Russia, Ukraine, Romania, France

→ to discuss how to prevent trafficking in persons as well as to share information with Governments, International Organizations, NGOs and Religious Groups (Catholic churches etc)

(2) The cooperation with Faith Based Organizations.

' The Government of Japan has cooperated with the Catholic Church in the Philippines and Colombia as well as the Holy See for prevention of trafficking in persons and protection for victims. The Government of Japan also requested public awareness campaigns by Catholic Church, and asked for the support for the Action Plan the Government of Japan adopted.

Further, the Government of Japan has requested the cooperation with relevant Buddhist Associations in Thailand in this regard.

(3) In cooperation with international organizations such as UNICEF, IOM, ILO, WHO, UNDP etc, the Government supports various preventive/protective programs for trafficking in persons through utilizing the Trust Fund for Human Security (established in the UN by Japan's initiative) etc..

Especially, to help the children who suffered most severely from the disasters caused by the major earthquake off the coast of Sumatra and the tsunami in the Indian Ocean, Japan is implementing the "Japan's Children Support Plan for Tsunami Victims" focusing on both child protection including anti-human trafficking measures and child survival including measures against infectious diseases, by utilizing about \$86 million as part of the emergency assistance of \$250 million already contributed to international organizations including the United Nations Children's Fund

(UNICEF) in response to the emergency appeal. (See attached)

(4) Official Development Assistance (ODA) is used for prevention of trafficking in persons

→ For example, the Japanese Government funded a local NGO in Colombia to provide information of trafficking in persons by distributing leaflets as well as by setting up Kiosk at main airports.

(5) The participation/financial contribution to the Bali Process (Follow up process of The Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime)

→to participate the regional framework for countering trafficking in persons. In June 2005, Japan held “the Bali Process Workshop on Developing a Coordinated Inter-Agency National Action Plan to Eradicate Trafficking in Persons and Transnational Crime”. Besides, Japan fund around 10,000 US \$ to the re-design and maintenance of the Bali Process website.

(6)Various symposiums and seminars have been held by the Government. For example:

- “1st Contact Point Meeting for Trafficking in Persons” (December 17<sup>th</sup> 2004)

→ established a Network among the Government, Embassies in Tokyo, International Organizations, and NGO to discuss the issue of trafficking in persons and exchange information.

- “18<sup>th</sup> Seminar on Immigration Control” (Nov. 29<sup>th</sup> to Dec. 3<sup>rd</sup> 2004) etc.

→ discussed the present situation of trafficking in persons in the participated countries and how to protect/relieve victims etc. in cooperation with countries including the Philippines, UN, international organizations such as IOM.

-END-

(Attached)

**THE GOVERNMENT OF JAPAN**  
**PRESS RELEASE**

January 21, 2005

Ministry of Foreign Affairs Press Release  
Foreign Press Center Translation (No. 037)

Japan's Children Support Plan for Tsunami Victims Suffering from the Disasters Caused  
by the Major Earthquake off the Coast of Sumatra and the Tsunami in the Indian Ocean

1. To help the children who suffered most severely from the disasters caused by the major earthquake off the coast of Sumatra and the tsunami in the Indian Ocean, Japan will implement the "Japan's Children Support Plan for Tsunami Victims" focusing on both child protection including anti-human trafficking measures and child survival including measures against infectious diseases, by utilizing about \$86 million as part of the emergency assistance of \$250 million already contributed to international organizations including the United Nations Children's Fund (UNICEF) in response to the emergency appeal. Japan will make efforts for an effective implementation of the Plan in coordination with NGOs and other relevant organizations.

2. Child Protection

(1) Measures against trafficking of children; Assistance to promote the reunion of separated family members

- registration of disaster-afflicted persons; compiling of a database of the registered information
- assistance to promote the reunion of separated family members
- educational campaign to prevent human trafficking

(2) Provision of shelters for children, temporary housing for single-mother households and other accommodation

- provision of emergency temporary housing for disaster victims and emergency medical facilities
- community rehabilitation, especially housing for single-mother households and other disaster-afflicted families, day-care centers, elementary and junior high schools and other educational facilities
- provision of emergency assistance in kind (sheets and mats for sleeping, clothing, kitchen utensils and other equipment)

(3) Measures to alleviate trauma

- counseling, training for teachers and other specialized staff, mental health care
- support to reopen schools

3. Child Survival

(1) Measures against infectious diseases

- immunization against such infectious diseases as tetanus and measles; strengthening of the monitoring system
- provision of basic medicines

As of 2005/09/026

- (2) Nutritional support for children
  - provision of nutritional supplements, including vitamin A, and enriched powdered milk
- (3) Water and sanitation (preventive measures against outbreak of infectious diseases)
  - provision of potable water, sanitary facilities, etc.
  
- 4. International Organizations Concerned in the Implementation of the Plan
  - (1) United Nations Children's Fund (UNICEF): \$58 million out of the \$70 million already contributed will be used.
  - (2) International Organization for Migration (IOM): \$20 million out of the 25 million already contributed will be used for child-related projects.
  - (3) UN Human Settlements Programme (UN-HABITAT): \$2 million out of the \$3 million already contributed will be used for child-related projects.
  - (4) World Health Organization (WHO): \$6 million out of the \$6 million already contributed will be used for child-related projects.

(END)

\*For inquiries, contact the International Press Division, MOFA (tel. 5501-8134).