

Japan Society Fellowship Report
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This document is an assessment of the status of domestic violence awareness and the responses to domestic violence in Japan. While much of this document may seem critical of existing systems, it is important to place these thoughts in the context in which they were created. Domestic violence is a serious problem in every country of the world and no government or non-governmental system has yet been able to end domestic violence in any community or nation where they operate. Some systems have been more successful than others in reducing the violence and providing safety for victims. The assessment here is an honest attempt to help improve systems in Japan in order to reduce domestic violence and provide safety to victims.

Both non-governmental and governmental responses to domestic violence are fairly new in Japan. Through my brief stay in Japan, I was able to obtain and “snapshot” of the existing systems. A few things are clear. First, the existing systems are in a developmental stage. Many offices and organizations that I visited were less than a year old at the time that I visited them and were clearly still in the middle of establishing and implementing the services that they were created to provide. As such, they had not yet accomplished what they were hoping for and were well aware of their shortcomings. Second, while there is a consistent lack of education and awareness about domestic violence that I refer to often, I was privileged to meet many people who are quite knowledgeable about the issue and are doing amazing work in Japan. Much of what I learned about the systems in Japan and its shortcomings, I learned from these very dedicated and capable professionals. I believe that most of these people will agree with my criticisms. None of my suggestions here are intended to detract from the important and powerful work that they are doing. Third, my time in Japan was very limited. While I was able to see a lot and talk with many people, I do not claim to be an expert on Japan or even the domestic violence system in Japan. I offer only a few thoughts based on a brief view of the systems from an outsider.

I want to thank all of the people who so graciously gave me their time and shared their thoughts and ideas with me. I am reluctant to list people individually for fear that those who are not listed will interpret the absence of their name as a sign that I am not appreciative of their assistance. This could not be further from the truth. I am truly grateful to all of the people I interacted with in Japan, all of whom made an important contribution to my work and my experience of Japan. However, I would particularly like to acknowledge and thank the following people for their candor, their hospitality, their valuable time, and their much appreciated efforts to provide me with a better understanding of the culture of Japan and the experience of women in Japan: Kaname Tsutsumi, Kyoko Katuski, Sumiko Honda, Fumie Kuratomi, Yaeko Kisu, Sachiyo Onishi, Hiroko Kawajiri, Kaoru Murakami, Kimiko Kubo, Masumi Shinozaki, Yui Kaminaga, Hisako Gushi, Kimi Hara, Taeko Misumi, Irene Hung, Michiko Ishibashi, Betty Hoffman, Caroline Latham, Mariko Nagai, Kunio Kitamura, Yasuharu Nakajima, Yasuyuki Ono, Mariko Shichijo, Kimihiro Sonoda, Muneko Ishimoto, Naoko Harada, Keiko Nemoto, Yuko Watanabe, Keiko Otsu, Mariko Bando, Yuko Azegami, Shiho Kawashima, Sato Wakako, Yasuko Sakashita, Satake Kumiko, Kazue Fukushima, Tsuseko Yamaguchi, Mitsuko Shimomura, Yoiko Ando, Mamiko Yoshikawa, Keiko Fukahara, Tomoko Otsuka, Yukiko Tsunoda, Keiko Endo, Yoshie Kawakita, Yoshiko Misumi, Kenji Honda, Yukiko Ode, Fumie Matsuo, Tomoko Maekawa, Wakiyama Junko, Anne Karna-Fukushima, Ikuko Tsujimoto, Kazue Ishii, Nobuko Kurosaki, Kazuyo Kawai, Mina Matsumoto, Reiko Harada, Yoko Matsuyama, Taeko Kojima, Etsuko Yahata, Tamie Kaino, Hiromi Ikeuchi, Yumiko Matsumoto, Mutsuko Yoshioka, Hiroko Hashimoto, Hiroko Mizushima, Mizuho Fukushima, Fumie Saito, Yayori Matsui, Kikue Takahashi, Reiko Watanabe, Oe Chizuka, Yuko Sumita, Hiroko Hara, Masako Wakabayashi, Kayo Ishikawa, Fumiko Takahashi, Yumiko Kageyama, Shiho Kawashima, Kiyoshi Kawashima, Hideko Kikutani, Ritsuko Suzuki, Keiichi Takagi, Yumiko Asano, Gary Wakahiro, Michiko Aimoto, Chihiro Nakazawa, Katsumi Fujii, Yasuhisa Sakagami, Naoko Cartan, Rukiko Kadekawa, Naomi Sakimura, Aya Tazumi, Tooru Segawa, Kaoru Yoshizaki, Bruce Nelson, Emiko Takenaka, Hiroshi Horaguchi, Kim Hughes, Yoshitsugu Nakamura, Fuji Takayasu, Kayoko Shirakawa, Mieko Yoshihama, General Chip Gregson, and John and Mimi LeBorgious.

Law

Japan passed its first law on domestic violence in 2001 entitled the Law for the Prevention of Spousal Violence and the Protection of Victims. It created protection orders for victims of domestic violence and also created government

services for victims. This is a great first step toward addressing domestic violence in Japan. Probably the most important aspect of the law was a built-in review of the law in three years time, allowing it to truly be viewed as a first step in a necessary progression in developing systems that will respond appropriately to domestic violence to insure safety for victims and accountability for batterers. Another great strength of the law is its philosophical grounding of domestic violence as a violation of human rights. By faithful adherence to this philosophical grounding, Japan may be able to develop a system that is truly responsive to victims, respecting their right as individuals to be free from this violence and to be free from the power and control that batterers exercise over their victims. Moreover, it has the potential to allow the development of a system that truly respects the victim's right to determine her own fate, putting faith in her choices - not imposing choices on her.

Despite this good beginning, the law in Japan is quite limited in its ability to address the problem. I put these limitations into two categories – limitations of the substantive law and limitations of the services created. With respect to the substantive law, its goal is escape from physical violence for the victim and there is not a strong emphasis on offender accountability. Consequences for the batterer are minimal in that restrictions under the protection order are fairly minimal. While violation of the order potentially carries a punishment of imprisonment, it has yet to be seen whether such enforcement will be carried out in practice. To the extent that the law seeks to offer the victim a measure of physical safety, there are numerous elements missing which limit the extent to which real safety can be found. First of all, it can be a lengthy process obtaining a protection order. It takes 1-2 weeks to obtain most protection orders and has even taken more than a month for some women to obtain protection orders. In a time of crisis when a batterer has shown his willingness to use violence, this type of delay is potentially life threatening. Moreover, research in the United States has unfortunately shown that many batterers become more violent when the victim reports the abuse or tries to leave the batterer. Under the new law, there is a 1-2 week period when the batterer knows that the victim has reported him and that she may be planning to leave him, but the legal system has not yet weighed in on the matter. Most victims will know the risk that this type of system presents for them and may be unwilling even to seek a protection order because of this fear.

Second, under the new law, a threat to do bodily harm or even to kill the victim is not a sufficient basis upon which to obtain a protection order. The victim must be victimized by violence (and as a practical matter, that violence must result in bodily injury) in order to obtain a protection order.¹ This requirement fails to recognize the role of a protection order. The order is for the protection of the victim from harm, not for punishment of an offender for acts already committed. As such, it is counterintuitive to wait until harm is done before protecting the victim. Threats to do violence are a common part of the pattern of power and control that is domestic violence. The threats themselves are a harm to the victim, causing her to live in fear of the batterer, creating psychological and physical stressors on the victim and her children which will take their toll on her health and well-being and which are a violation of her human rights. It is for this reason that threats to do bodily harm are often considered criminal acts in and of themselves. Unfortunately, such threats can be a precursor to serious violence. A victim should not have to wait until after such violence occurs to warrant the protection of the legal system. A threat to do violence should be sufficient to ask for protection from that violence.

A third problem with obtaining a protection order is the requirement that victims report the abuse to the police or to the governmental women's consultation office in order to receive a protection order. Indeed, one of these governmental agencies must file paperwork with the court in order for the victim to receive a protection order. This extra step in the process does not provide any additional benefit to the victim. In fact, it may put her in additional danger. Neither agency is currently equipped to provide a victim with services. At best, they can refer her to other governmental agencies or non-governmental organizations that can provide her with services. However, neither the police nor the women's consultation offices are currently equipped even to provide victims with a full-range of appropriate referrals in the community.² Moreover, the individuals working in these offices often have little or no training in domestic violence. Anecdotal evidence both from individuals working in these agencies and outside these agencies indicate that victims often are treated with disrespect when reporting domestic violence and that victims may be convinced not to

¹In fact, the victim must also show a “grave threat of renewed spousal violence ...constituting a significant harm to life of physical conditions.”

²Please note that even visiting only a sampling of governmental agencies and non-governmental organizations, it became clear that there is a wide range of knowledge, services and effectiveness in these offices. Generalizations about shortcomings should not be construed to reflect universal truths. In fact, some offices and some individuals within offices are providing appropriate services.

file for a protection order when they seek the assistance of these agencies (see further discussion below). Unfortunately, there are even cases where the police inform the batterer of the victim's allegations without providing any protection to the victim. It was also noted both by individuals working in women's consultation offices and non-governmental service providers that batterers often wait at the women's consultation offices in order to attack their victims when they seek assistance (see further discussion below).

The requirement that victims report the abuse to either the police or the women's consultation offices seems more designed as a measure of the victim's veracity. The most problematic aspect of this approach is the implicit assumption that victims should not be believed. Not only does this place an added burden on the victim, a burden that is sometimes insurmountable, it fails to recognize that there would be little if any benefit to a woman who makes a false claim of domestic violence. Being victimized by domestic violence does not provide any gain to women under Japanese divorce, custody or property laws and it is almost certain to cause her social ostracization. It may even cause her to be labeled as mentally ill (see discussion below). Accordingly, any attempt to provide added barriers against false claims is unnecessary.

A fourth problem with the protection order law is that the remedy is insufficient to provide true and lasting protection for the victim. First, the term of the protection order is too short. Under the law, a batterer can be ordered out of the house for a period of two weeks. This two week period is designed to allow the victim sufficient time to move out of the house. After the two-week period, the batterer can move back into the house. The victim is now on her own to find somewhere to live. This reflects the typical result after a divorce in Japan – the man retains the house and other property and the woman is left with little, if any, financial stability. The two-week “stay-away” from the house is insufficient to provide realistic alternatives to a victim of domestic violence. If a victim is to find permanent housing for herself and her children that is affordable and able to provide a measure of safety for her and her children, she will certainly need longer than two weeks. Moreover, genuine economic independence is the only real solution for a victim to find lasting safety from her batterer. Giving the victim at least an equal chance of retaining the family home is appropriate. In the United States, many judges and legislators initially balked at the idea that a man could be kicked out of his own home. But when these same decision-makers were reminded that it was the violent, criminal behavior of these men that created the problem, it became clear that it is logical for the wrong-doer to suffer the economic consequences of his actions, not the victim.

Not only is the two week period in which the batterer is ordered out of the house insufficient, the overall period of the order (six months) is too limited. Batterers will often stalk, harass, threaten, and violently attack their victims for years. In order to protect a victim from such behavior, protection orders should be enforceable as long as there is continued danger, and certainly as long as there is continued interaction between the parties. Most married couples will be unable to obtain a divorce and settle all financial and custody matters in six months. Protection orders should be available for at least one year. Some states in the United States make protection orders available for a period of three years or more. Indeed, permanent orders of protection are possible in some jurisdictions.

Moreover, the “stay away” provisions should be expanded. Under Japanese law, the batterer can be ordered only to stay away from the victim-spouse. Batterers often harass and intimidate friends, family members, co-workers and the couple's children in an attempt to control their intended victim. If the victim is to be fully protected from the batterer, it may be necessary to require the batterer to stay away from other individuals whom the batterer has a history of harassing or has threatened to harass. It may also be necessary to order the batterer to stay away from certain locations where he presents a particular threat such as the workplace of the victim, the home of the victim's family, or the children's school. The law should contain enough flexibility to allow for this kind of protection.

A fifth problem with the protection order law is that it is limited to individuals in a marital relationship. The pattern of domestic violence occurs in all types of intimate relationships including those who are not married. It occurs in dating relationships (among adults and teens), same-sex relationships, and relationships that have ended. These victims are also in need of protection and should be entitled to legal remedies available to married victims.

The other major aspect of the domestic violence law passed in 2001 was the emphasis on development of services. Specifically, the law requires each prefecture to have a women's consultation office where victims can seek assistance and also that each prefecture have temporary shelter facilities. It is certainly appropriate to support the expansion of existing services and the creation of new services for victims. However, it is critical that these services be appropriate to address the needs of victims and promote accountability of batterers. The services required by the new law do not

consistently do either and, as such, may actually increase the danger to victims.

Prefectural Women's Consultation Offices

Under the new law, pre-existing prefectural women's consultation offices and temporary housing facilities are providing services to victims of domestic violence. It is advantageous that these facilities already existed, potentially allowing victims to take advantage of services immediately. However, these governmental services were not designed to address the needs of battered women and their children, and little has been done to adapt those services appropriately. The women's consultation offices (and some of the temporary housing facilities) were originally created as part of the anti-prostitution efforts of the government. The services are structured in a very paternalistic way to help prostitutes to develop other economic options. Victims of domestic violence often have lived for years under the power and control of another. It is critical that these individuals are given the support they need to take control over their own lives. As such, the goal of services should be to help empower victims and allow them to make the choices that are right for them. This is the only way to restore the victims' human rights, which have been so egregiously violated, and is the only real hope of assisting victims in finding permanent safety. Unfortunately, many governmental women's consultation offices and temporary housing facilities have not adopted an empowerment model for addressing domestic violence.³

Moreover, individuals working in these governmental offices often have little or no training, education, or experience in working with victims of domestic violence. Employees in the facilities are often part-time workers, some of whom held secretarial positions prior to working in the consulting offices. While domestic violence shelters in the United States have long understood that a professional degree is not required in order to provide appropriate services to DV victims, adequate training is necessary. In fact most shelters in the United States require significant training (40 hours or more) just to volunteer in the shelter facility. Without training most individuals will have a difficult time understanding the reactions that normal people will have to the extraordinary experience of domestic violence. As such, they need training and guidance to understand the emotional, cognitive and behavioral responses that battered women may have and how to intervene appropriately in a crisis. More importantly, service providers need to understand that every battered woman is not the same. They are all different women who have unique situations and unique needs. Service providers without this kind of training are not only ineffective; they may also increase the danger to battered women. For example, one prefectural women's consultation office informed me that while more than 100 victims of domestic violence had contacted their office since their services began a few months earlier, only 3 had sought a protection order. I was told that the other women "did not want a protection order." When speaking with non-governmental service providers in the same city, their explanation of the phenomenon was different. They reported that a number of battered women came to them for assistance and wanted a protection order. When these women were referred to the women's consultation office to go through the required procedure for the protection order, the women were reportedly "talked out of getting a protection order." While it is impossible to determine the truth in each of these cases, it is unlikely that so many women would go to the women's consultation office seeking protection and decide not to get protection orders if the office was truly presenting this as a viable option to the women. Moreover, there is a long history in the United States of police and governmental offices discouraging battered women from exercising their legal rights. Only after significant training of governmental entities and a true commitment to addressing domestic violence in these agencies did we see a change in the United States. Similar training seems essential in Japan.

Training is also needed to understand the complexities of domestic violence and how it impacts all members of the household. Research in the United States has shown that approximately 50% of men who batter their intimate partners also physically abuse their children. Unfortunately, both in the United States and in Japan, governmental service providers have shown a tendency to blame the battered women for failing to protect her children, rather than holding the abuser responsible for his own behavior. While speaking with one service provider in a women's consulting office, I was told of the story of a battered woman who came in for assistance and revealed that not only she was being abused, but also her children. I asked the service provider what she did and she reported that she informed the

³One temporary housing facility designed to assist women under the anti-prostitution laws but currently assisting a large percentage of battered women without children provides some anecdotal evidence of the difference in philosophical approaches. One woman in this facility reported that she was told to cut her hair since she was using too much shampoo. While practical reasons can be provided for such rules, it is important to recognize such rules remove any self-determination on the part of the residents and demonstrate disrespect for the ability of these women to make their own life choices – a control similar to the control that was previously exercised over them by their batterers.

governmental agency that deals with child abuse and that agency removed the children from the home while a psychiatrist working with the women's consultation office had the battered woman involuntarily committed in a mental institution. This response is remarkably destructive for this family, as well as other battered women in the community. First, the children are taken from both of their parents resulting in incredible destabilization for the children at a time when they need the care of a loving parent the most. All efforts should be made to keep the children with the non-abusing parent whenever it is possible. Second, an assumption is made that battered women are mentally ill despite the fact that she is the victim, not the perpetrator of this unacceptable behavior.⁴ Third, confidentiality of this victim was completely sacrificed, violating her trust in the system. Not only will this particular woman be discouraged from ever seeking assistance again, but as word spreads of this kind of reaction, other battered women will come to distrust the system as well, discouraging them from coming forward for assistance. Finally, this particular result punishes the victims – the adult victim of domestic violence and her children – and fails to hold the abuser accountable for his actions, thereby fundamentally failing to hold the victim's human rights as a top priority. While it is not clear how common this type of result is in the governmental services for victims throughout Japan, it is a remarkable example of what can happen without proper training and an adequate philosophical grounding, as well as an unfortunate example of what should never happen.

Likewise, the governmental telephone hotline services seem similarly problematic. Individuals answering the hotlines are often part-time workers not adequately trained in crisis counseling. Moreover, these services may only be available during business hours on the days that the center is open. While this is better than no hotline at all, battered women are often in need of crisis counseling in the evenings and on weekends and are further constrained by the need to make such a call only when it is safe. For this reason, it is always preferable for telephone hotline services to be available 24 hours a day. Some prefectures have contracted with local non-governmental domestic violence services providers to answer the hotline telephones after business hours. This is a promising solution since non-governmental service providers are generally more knowledgeable about domestic violence than governmental service providers in Japan (see discussion below). It was noted that in one region where such an arrangement has been made, individuals reported that battered women in the community wait until the non-governmental service providers are answering the telephone because they have heard that they will get more responsive service. Prefectural governments should strongly consider contracting with non-governmental DV shelters to provide telephone hotline services 24 hours a day, thus making use of existing expertise to provide better service and insure confidentiality.

Another important concern facing governmental services for domestic violence victims is safety. The public generally knows governmental office locations. Indeed, they must be in known locations for individuals to access them for services. This provides an opportunity for batterers to find their victims and harm them. Batterers can wait outside a women's consultation office or temporary housing facility and attack their victims before they are able to enter the building. Moreover, the offices and buildings themselves have minimal security. While most facilities that I visited reported prior problems with batterers coming to the facility and causing problems, few had created specific security measures to deal with the problem. This puts victims, their children, other service recipients, and office workers in danger. It also decreases the willingness of battered women to use these services since they know they are not safe there.

An additional concern with the prefectural services is the inaccessibility of the services for some individuals. Prefectures can be quite large. Certainly, the public transportation system in Japan is one of the most advanced in the world. But if only one or two facilities exist to provide services, it is likely that many individuals who live far from the available service will be unable to receive assistance. This is particularly problematic in rural areas of the country or areas with unique accessibility issues. Probably the most obvious accessibility problem exists in Okinawa where services exist only on the main island many hours from other islands where victims may live. It is important to recognize that battered women are often completely controlled by their batterer. He may restrict their access to money and he may keep a watchful eye on her at all times so that he will always know where she is. This means that even battered women who live relatively close to services may have a difficult time accessing them. However, if transportation is too expensive or difficult to arrange or requires too much time away from the house, it may be impossible for a battered woman to use them.

⁴One domestic violence service provider in the region noted a tendency for battered women to be considered mentally ill and, in particular, a tendency for this particular psychiatrist associated with the women's consultation center to institutionalize battered women.

One source indicated that the choice to make existing prefectural women's centers the official governmental entry-point for victims of domestic violence was made in an effort to insure continued governmental funding for these offices. It is no surprise that such political realities entered into the development of the DV law in Japan. It is often the case that governments have to balance the needs and desires of a variety of groups in creating new legislation and programs. However, such decisions should not be made at the cost of women's lives. Domestic violence services require a great deal of expertise and dedication as well as financial resources. In addition, presumably the need to appropriately address the women victimized by trafficking and prostitution still exists and cannot be sacrificed in order to provide better services to victims of domestic violence. It is therefore probably necessary to create a division of labor within the prefectural women's centers to insure appropriate expertise and resources are devoted to each issue.

Police

Another governmental agency that has been called upon to address domestic violence in Japan is the police department. The new DV law requires police to act to protect the victim. Whenever a law is created or changed, it is always necessary to educate police officers on the substantive change and how to enforce it. Training needs are particularly dramatic in this case since it is the first domestic violence law in the country of Japan. Something that was previously not considered to be a police matter – domestic violence – has now become a police matter. Therefore, a complete change in thinking around domestic violence is necessary. As was, and sometimes still is, the case in the United States, police officers can be reluctant to get involved in domestic violence cases because they do not believe it to be criminal activity. They may believe that it is a private, family matter and they may even believe that it is socially acceptable behavior. It is clear that this mode of thinking is also quite prevalent in Japan and within the police force. Substantial training will be required not only to teach officers about the requirements of the new law, but also to convince them that it is their duty to enforce that new law. It should be noted that, with the frequency of domestic violence, the new law requiring police to get involved might create a significant burden on the police. It may be necessary to increase the financial resources available to the police in order to allow them to handle the workload. Some success has been achieved in the United States by creating specialized police units within local police departments. These units are made up of specially trained personnel who dedicate all of their time to addressing the problem and also to assisting other officers in the police department in effectively responding to requests for assistance in domestic violence cases. These units have been most effective in the United States when they work closely with local non-governmental service providers in order to insure that victims receive adequate services and batterers are held accountable. Indeed, non-governmental service providers have often been called upon to assist in training police officers about domestic violence in the U.S.

Unfortunately, it seems that almost no training of police officers has occurred in Japan and there are little if any resources being invested in training police or supporting their work on domestic violence.⁵ As a result, the police are not yet viewed as a true partner in the effort to address domestic violence.⁶ This creates an additional problem – lack of public trust. In order for victims to access the services of police officers, they must trust police officers to help them. In speaking with many individuals in Japan it was clear that many of them do not trust the police to provide appropriate protection. Some individuals relayed stories of police officers informing the batterers of the report made by the victim, without providing any protection to the victim. Therefore, in these cases, danger to the victim was actually increased by reporting the problem to the police. Again, closer interaction with non-governmental service

⁵It should be noted that some training has begun to take place in a few locations. This appears to be the result of powerful individuals in those communities who decide to make it a priority to address domestic violence – not as a result of any national campaign to train the police.

⁶One legislator in the Diet indicated that some police training had occurred. When asked if there was any attempt to verify if that training had been effective, the legislator conveyed as proof of its effectiveness that in one case, the police were able to determine that a report of domestic violence was false. No details were provided as to the nature of the case or how the police could be sure it was false. Unfortunately, the history of domestic violence enforcement in the United States reveals many cases of domestic violence that were incorrectly assumed to be false reports by police officers who were inclined not to believe the reports of victims. Regardless of whether the assessment in this particular case was correct or not, it is disturbing to think that the measure of the effectiveness of police training is their ability to identify false reports. It implies the possibility that there is more concern about protecting the reputation of the man than physical safety of the woman. Undoubtedly, no system will ever be completely free of error. But it seems that if lives are to be saved, it is better to err on the side of protecting a woman from violence than of protecting a potential batterer from potential embarrassment.

providers could go a long way to building the necessary trust with the community.

Courts

Another governmental partner that must be involved in making the new domestic violence law work in Japan is the judicial system. In order to receive a protection order, the case must ultimately go before a judge. One important difference in the Japanese system is that victims speak to the judge privately about their case. This alleviates the stress that victims often feel in the U.S. when they must face their batterer in court and tell their story in a public courtroom. However, it may also disadvantage a victim if she is not present to respond to statements that the batterer makes to the judge in private. In many domestic violence cases, the evidence is only the word of the victim against the word of the batterer, and a batterer has a strong incentive to lie about his wrongdoing. A batterer may be better able to lie effectively if the victim and her lawyer are not present to challenge his statements. This is one reason why judges must be particularly well trained on domestic violence so that they may effectively discern the truth.

In the United States, it has become clear that judges usually need significant training to understand domestic violence, as they are human beings with the same misconceptions and biases as the general public. There is no specific training available for judges in Japan. The fact that there are so few women judges in Japan (and unfortunately domestic violence is often seen as only a women's issue) may make judges particularly unwilling to receive training on the issue. However, it is critical that judges be able to understand the problem and work to protect victims while holding batterers accountable. This means issuing protection orders to victims and also making sure that batterers follow the requirements of the order upon penalty of imprisonment. Specialized domestic violence courts in the United States have been helpful since judges receive extensive training in the issue and are able to follow cases as they progress. These specialized courts also have allowed for the implementation of a system that is accessible to battered women. If obtaining a protection order requires numerous complicated legal steps involving interaction with different offices and different personnel, filling out multiple forms, and telling the story over and over again, women are unlikely to access the system. Such roadblocks in the system make the law useless and convey the message to victims that the system is not really available to assist her. There is a recognition of this problem in the Japanese system and lawyers in Yokohama and Fukuoka have been working with the courts to try to develop a more user-friendly system. Hopefully, their efforts will be successful and will serve as a useful model for other jurisdictions.

One additional interesting note on the courts in Japan is that courthouses do not appear to have much security. Unlike American courts, there are no metal detectors upon entry and there are few observable security personnel in the buildings. It is assumed that security problems and weapon use have been less of a problem in Japan to date. Certainly, crimes involving guns are much less frequent in Japan than in the United States, though media reports in Japan indicate that gun violence is on the rise. And violent crimes involving knives are fairly common in Japan. Unfortunately, there are numerous cases of batterers attacking their victims in or just outside of courts in the U.S. This has required concerted efforts to make sure that batterers and victims are never in the courthouse at the same time without adequate security to protect the victim. This is a consideration that courts in Japan should work to address before an unfortunate incident of violence occurs at the court.

Attorneys

In order to receive the full protection of the law, battered women need to have access to lawyers.⁷ However, there are two major problems restricting access to lawyers in Japan. The first problem is the cost of legal services. Women traditionally make less money in Japan. Many of them do not work and those that do work usually work part-time. So women are less likely to have adequate funds to hire an attorney. Additionally, batterers often economically control and abuse their victims. They limit their victim's access to money and property, whether or not she works, making it even less likely that a victim will have access to sufficient funds to hire an attorney. While there is a system of legal services available to individuals without sufficient funds to hire an attorney, that system is very different than legal services in the United States. In the United States, legal services are often available on a pro bono basis (free) or on a sliding scale (reduced rates based on the individual's income). The legal services available in Japan essentially amount to a loan to pay for legal services. That money must be paid back. Battered women often need significant time to become financially self-sufficient and such an additional debt can be an incredible burden in her efforts to gain financial stability.

⁷A recent study in the United States indicated that having legal assistance may be the single most important factor in the ability of battered women to successfully leave a battering relationship.

A second problem restricting access to attorneys in Japan is the low number of attorneys who are trained in domestic violence and interested in taking the cases. Domestic violence is still seen as a women's issue in Japan and there are very few men interested in working on the cases. At this point, the percentage of male attorneys is far greater than the percentage of female attorneys in Japan⁸ and representing domestic violence victims seems to be a field of law exclusive to female attorneys. These attorneys get little support from the legal field and, because of the financial constraints of their clients, have great difficulty surviving economically. This is complicated by the fact that many of the attorneys who have chosen to work on the issue of domestic violence also work on other issues affecting women, such as sexual harassment and employment discrimination. This means that the few attorneys specializing in domestic violence are very overworked. However, these lawyers are trying to pool their resources to be more effective. For example, the Yokohama Bar Association has produced a manual to help educate lawyers on the new DV law and system, and the lawyers in Fukuoka and Sendai are working together to help educate each other and develop more responsive systems in their area.

The United States has faced, and continues to face, these same problems with legal representation – inadequate numbers of trained attorneys and clients with inadequate resources to pay attorneys. A variety of partial solutions to the problem have been created which may serve as models for Japan. First of all, many Bar Associations in the U.S. organize low-cost or free trainings for attorneys on domestic violence. Some Bar Associations also donate funds for legal services for victims or collect donated funds from their attorney members. State Bar laws sometimes require attorneys to accept a certain number of pro bono (free of charge) cases per year. Law firms often encourage their attorneys to handle some cases for free or may even hire one or more attorneys who receive a salary, but exclusively handle domestic violence cases for free. The federal government in the U.S. funds legal services agencies where attorneys work on salary and represent clients on a sliding scale basis. Law schools often run teaching clinics where law students represent victims for free. With all of these creative solutions, legal services for victims of domestic violence in the U.S. are still inadequate. But these systems greatly increase the number of victims who can receive legal assistance.

Women's Centers

Women's Centers (sometimes called Gender Equality Centers) are a unique feature of the social landscape in Japan. There is nothing comparable in the United States and they are potentially a very useful existing resource for addressing domestic violence. Women's Centers exist all over Japan but the size and financial support of these facilities varies greatly. Large, modern facilities exist in places like Kitakyushu, Osaka, Fukushima, Yokohama and a shared space in Kurume. Somewhat more modest facilities exist in places like Nagasaki and Naha. However, all of these facilities have a specific interest in addressing the needs of women and all of them have the potential to serve as a center for information exchange on domestic violence. Women's Centers usually have a library where print and video resources are available. They often have public Internet access. They have spaces for meetings and public forums. At a minimum, Women's Centers should be able to serve as a place where battered women can get information and referrals. In general, Women's Centers seem to be working hard to make information available in their libraries and they also organize public forums for the general public to learn about the issue. During my brief stay in Japan, I was able to attend public forums on domestic violence at Women's Centers in Nagasaki, Sendai, Kitakyushu, Kurume, Naha, and Kanda. It would be nice to see some of the meeting spaces in Women's Centers be made available to battered women to form support groups. It would also be very useful for Women's Centers to collect and distribute information on services available in the local area to battered women.

Some Women's Centers have been able to provide direct services to victims of domestic violence. Notable examples are Women's Centers in Kurume, Yokohama, Tokyo and Osaka. The services available vary but usually involve some counseling programs. The ability of Women's Centers to provide direct services to victims seems to depend on two factors – adequate funding and personnel in high positions who are committed to addressing domestic violence.⁹ As

⁸Japan currently works on a kind of apprenticeship system for attorney education followed by an exam. There are current efforts underway to implement a law school system similar to the attorney education system in the United States. American law schools have been consulted in helping to develop a program for Japan that should get underway in the next few years. There is some speculation that a law school system will be more female-friendly and increase the percentage of women lawyers and judges.

⁹It should be noted that even if a Women's Center has individuals in high positions who care about the issue, the civil

direct services are in low supply in Japan, it is valuable to have these extra resources. This is particularly true since daycare for the children may be available on site. However, concerns similar to those mentioned with prefectural women's consultation offices are present here as well. Women's Centers are in publicly known locations and security could be a problem. The need for confidentiality is critical and it is not clear that Women's Centers are always able to insure that confidentiality. And, of course, adequate training for personnel is essential. In general, the personnel currently providing direct services at Women's Centers seem very dedicated to the issue and actively seek out opportunities to learn more and gain additional training in their own time and at their own expense.

In some cases, Women's Centers have been able to play a central role in helping to bring the community together to respond to domestic violence in a cohesive way. The Yokohama Women's Forum has been able to develop a very impressive hotline and referral system directing callers to other local service providers, both governmental and non-governmental. The Kurume Women's Center has been able to organize meetings with representatives of an array of governmental and non-governmental agencies who come in contact with victims of domestic violence to discuss the community response. The Osaka Women's Center was able to help host the annual Shelter Network Conference in 2002. This type of role is invaluable and is one that Women's Centers are in a unique position to play since they are often closely connected both with the government and with local non-governmental organizations.

One big challenge for Women's Centers if they wish to develop these programs for direct service, public education, community coordination, and professional training of domestic violence workers, is adequate funding. The creation of these programs requires more funding. Unfortunately, many if not most Women's Centers rely at least partially on funding from local governments. That funding tends to be decreasing annually in many areas, not increasing. These unique resources are already providing important services to communities far beyond the issue of domestic violence. They may provide a wide range of classes for adults and children, meeting space for groups and clubs, facilities to engage in study or hobbies, and even a place to work out. Investment in these centers by the national and local governments is essential, as is increased public awareness of the resources available at the centers.

Public shelter

Japan has an existing system of short-term and long-term housing available to individuals in need of shelter. Specifically, short-term emergency shelter is available for a period of 2 weeks. Long-term housing is available through single-mother housing, designed to accommodate mothers and children until all children reach the age of 18. Long-term housing is also available to women in facilities designed under the anti-prostitution laws as mentioned earlier. For some time, victims of domestic violence have been using these facilities when they have no place to live. With increasing awareness of domestic violence and the passage of the new DV law in Japan, there has been a more concerted effort to direct victims of domestic violence to these existing resources. Again, the use of existing resources has the advantage of making services available immediately with less financial investment. However, the existing resources cannot adequately address the needs of victims without some adjustments.

Public housing facilities are often old and small and run by personnel who do not have any special training in domestic violence.¹⁰ Those that do have knowledge or training in the issue usually do because they have a special interest in the issue and have made an effort to learn more on their own time. Even when there is a reasonable knowledge base among the staff, funding is usually not sufficient to make a full range of services available to women such as counseling, case management, referrals, children's programs or assistance in developing financial stability. Some public housing facilities have chosen to contract with local non-governmental shelters to provide additional services such as providing shelter for battered women and operating hotline services. This is a very useful model as it insures that services are being provided by individuals who are better equipped to address the needs of battered women.

Security is a problem public housing facilities. Workers related a number of stories of batterers coming to the housing facility searching for their victims. The locations of the public housing facilities are usually known to the public, making them an easy target for a batterer. Emergency shelters unfortunately only allow a 2-week stay, insufficient

service system in Japan that transfers personnel regularly could result in a loss of interest in a program after a few years with the change in personnel.

¹⁰One public housing facility contracted with a local psychiatrist to provide services to the women staying there. The psychiatrist was known in the community for his belief that all battered women are mentally ill. Unfortunately, this is an example of how untrained workers can actually be more harmful than helpful.

time for most battered women in crisis to find stable housing. While the longer-term housing is an additional option, battered women often view it negatively. More than one source referred to these housing facilities as prison-like, with restrictive rules and a very paternalistic atmosphere. One single-mother housing facility reported that all women were required to be home by 10:00pm and that no dating was allowed. Considering that this set of apartments could potentially be home to a mother and her children for a period of years, these rules seem to not only be incredibly restrictive but also a violation of an adult woman's human rights to make her own choices and conduct her life as she pleases. It is clear that such rules prevent the facility from actually being considered an inviting home. Likewise, one facility created under the anti-prostitution laws required all residents to work and to turn their paychecks over to the facility. They were not allowed to leave until they had saved a required amount of money. While the rationale for such a rule (presumably to help women achieve financial stability before they strike out on their own) may have some value, it again fails to respect a woman's choices as an adult. Of course, these rules are only presented as examples of a framework that seems to be pervasive in public housing facilities for women – that of paternalistically treating women as incapable of making their own choices. While such an approach raises concerns for the women who are using the facilities for reasons other than domestic violence, it is a particularly problematic approach for battered women. The pattern of abuse commonly found in domestic violence includes a batterer's restriction of his victim's freedom of choice. He may restrict her access to money, restrict her from working or going to school, limit her relationships with friends and family, and consistently denigrate her ability to make her own choices. Moving to a housing facility that places similar constraints on a victim simply transfers her to a place where it seems like much of the same control and abuse is occurring. More successful shelters have worked with an empowerment model, respecting a woman's choices and allowing her to take control over her own life. Therefore, in order to be responsive to a battered woman's needs, public housing facilities may need to change their entire philosophy.

NGO Shelters

In contrast to public housing facilities, non-governmental domestic violence shelters tend to be run by individuals with far greater expertise and experience in domestic violence. They are more inclined to work from an empowerment model and they are better able to provide confidential services to their clients. Most of the non-governmental shelter locations are undisclosed and special attention is afforded to security in terms of adequate door locks and bars on windows. The need to protect the location from disclosure usually creates a very isolating effect on the residents, restricting their ability to come and go and also restricting the ability of children to play outdoors. However, some shelters have been able to develop creative solutions to this problem through physical structure of shelter location and plausible premises for the presence of unknown women or children in neighborhood. Still, significant security concerns remain with batterers sometimes discovering the locations of shelters. Moreover, shelter workers are commonly the target of threats, stalking, defamation, and even violence. At this point, most non-governmental shelters have not been successful in enlisting the help of local police to provide additional security. Hopefully, as police become more educated and responsive to domestic violence, they will be a more supportive partner in the effort to keep shelter residents and workers safe.

Probably the biggest challenge for non-governmental shelters is finding adequate financial support. Most NGO shelters are run on a membership model, where individuals pay an annual fee to be a "member" of the shelter and the shelter is run almost exclusively on member fees. The physical space is often one or more single apartments that are donated or provided at reduced cost by concerned individuals. There is commonly no paid staff, only volunteers. When there is paid staff, salaries are usually extraordinarily low and certainly not sufficient to meet living expenses. Without staff, many shelters are simply physical places to stay, with little or no support services available to victims. There is no money to try to advertise their existence and how battered women can locate them. And there is usually no money to provide information or services to women in languages other than Japanese. The small size of the shelters means that very few families can be accommodated and women who stay in the shelter generally have to pay a daily fee. While the fee is minimal compared to the cost of an apartment or hotel room, it still potentially could be prohibitive for a battered woman who has no money and no job. Non-governmental shelters often recommend that women stay in the free, public emergency shelter until they exhaust their 2-week limit before moving into the non-governmental shelter in order to maximize the time that they have in shelter with their limited funds. This is obviously disruptive for the woman and her children to have to move and increases the danger to them.

The current social, political and corporate landscape of Japan restricts the ability of non-governmental shelters to tap into the same kinds of funding resources available to American shelters. However, the American shelters worked for years to create the kind of social change that made financial support more readily available and similar possibilities

exist in Japan. First of all, there is little history in Japan of the government financially supporting the work of non-governmental organizations. However, some local governments have recognized the value of contracting with NGO shelters to provide services to the community, as these NGO organizations are often the best trained and best equipped to provide appropriate services. The National Shelter Network Conference that occurs annually is a remarkable gathering of over 500 governmental and non-governmental service providers, administrators, and elected officials. This is clearly an issue on which the potential for true public-private partnership exists and it stands as an exciting possibility for governmental support of the work of NGOs and a strong coordinated effort. A second problem is that there is less of a culture of individual giving, volunteerism, and non-profit work in Japan than there is in the U.S. However, changes are also occurring on this front. The Kobe earthquake several years ago served as a springboard for non-profit development and increased community volunteerism. There was a realization that the government may not be able to handle all problems that arise and a growing interest in creating change from the ground up, instead of waiting for the government to take care of the problem from the top down. Activism around environmental issues, homelessness, gay and lesbian rights, sexual harassment, elder care and other social issues is also increasing public awareness and willingness to get involved in social change and social causes. Those working on domestic violence have a real opportunity to be part of that increasing interest in social change and to find financial and social support from it. Finally, there is not a strong culture of corporate giving in Japan. Individuals in Japan rarely make consumer choices based on corporate citizenship (or lack thereof), so corporations have little incentive to develop a corporate image of community support. However, many Japanese companies that do business in the United States regularly support social causes and non-profit organizations in the U.S., demonstrating that Japanese corporations will respond if consumers “vote with their pocketbooks.” Encouraging the public to support companies who donate to domestic violence is one possible avenue for increasing the willingness of corporations to support the non-profit work being done in Japan.

The government of Japan has the ability to influence all of these possible funding sources. Certainly the government can increase the amount of government funding invested in both governmental and non-governmental services. Such funding should also include funding of organizing and coalition-building activities that allow existed service providers to get connected and further develop the local systems. The government also can encourage individual and corporate giving by creating tax incentives for giving to non-profit organizations as well as volunteerism. Some legislative efforts have been made recently to develop a system more supportive of non-profit organizations. However, the changes have not had widespread effect yet due to the numerous hurdles that exist for organizations to achieve non-profit status under the governmental guidelines. Additional legislative changes may be needed to have a true impact. The government also has the ability to encourage individual support of NGOs through their public education campaigns and by creating working partnerships between governmental and non-governmental service providers in communities.

Women’s Economic Status

Women’s economic status is a critical component to the problem of domestic violence. If women, in general, have less financial security and less access to financial opportunities, then battered women will generally have less options for escaping the clutches of a batterer. Worldwide, women have a lower economic status than men. While certainly the economic distance between men and women is greater in other countries, Japan has a clear difference between men and women when it comes to economic power. Girls and women are not encouraged to develop careers that will provide them with economic self-sufficiency. In school, girls are encouraged to study subjects that would fall more into the liberal arts category, leading to professions that are often less lucrative. Women are severely undervalued in the business world with few women reaching the upper levels of management.¹¹ Indeed, it was a surprise to discover that the top positions in women’s universities and at women’s centers are generally men. The tradition of “office flowers” (young women as office decoration until they lose their bloom) seems to still be a reality for women in Japan. A casual flipping of television channels revealed an afternoon talk show where women were being coached on how to walk through the office in an attractive manner. Moreover, sexual harassment of women in the workplace and in universities appears to be quite common. Needless to say, the workplace can be a less than friendly environment for

¹¹In a visit to a car manufacturing plant, I was dismayed to learn that less than 3% of the plant employees were women. Upon touring the plant, no women could be seen working on the assembly line. Indeed, the only female employees observed in the plant were wearing tight-fitting uniforms and serving tea or narrating the tour. When asked about their policies of transferring employees who are married couples to another plant, the public relations liaison indicated that the husband would be transferred and given a job but the wife would not necessarily receive a job at the new location.

women in Japan.

An additional problem arises in that the tax system in Japan. It, in effect, punishes women for working full-time. Women who make less than a specified amount of money annually (approximately \$12,000) pay no taxes. Women who make over this amount pay substantial taxes. The effect is to encourage women not to work or only to work part-time. The impact is so dramatic that some women actually choose to work full-time for the equivalent of a part-time salary, which, because of the tax laws, would allow them to have more take-home pay. Efforts are underway to try to change the law, though some women support the existing system because it allows them to escape any tax liability. However, the societal impact of the current law is that full-time jobs are less available to women, leaving women less able to have self-supporting careers.

Additional laws are also structured in such a way as to disadvantage women financially. Property laws rarely give women an adequate basis on which to survive following a divorce. Child support orders are largely inadequate and men are rarely punished for failing to meet their child support obligations. Moreover, children who are born out of wedlock have no legal right to child support unless the father voluntarily claims the child as his own. Children born out of wedlock also cannot inherit from their fathers. Upon marriage both parties must legally adopt the same last name, either the name of the man or the woman. The social reality of this law is that almost all couples adopt the man's last name. This name change for the woman can be disruptive to her career. Many professional women have chosen not to marry their partners in order to avoid the name change. Others legally change their name upon marriage but continue to use their original last name at work.¹² These are but a few examples of how the legal structure financially disadvantages women in Japan. As work is done to address domestic violence, it is important to talk with women about their experiences and the difficulties that they face in finding safety so that creative solutions can be derived to change the system in such a way as to provide all women, and therefore battered women as well, true options.

Counseling

Some interesting issues arise when addressing the counseling needs of victims of domestic violence. There is a great stigma attached to mental health issues in Japan and a devaluation of counseling as a means of addressing individual problems. It seems as if mental health is not viewed as a continuum of human functioning (ranging from full healthy functioning to debilitating disorder), but rather as a dichotomy of either healthy or in need of institutionalization. While I was unable to conduct a thorough investigation of the mental health field during my time in Japan, I heard a number of disturbing stories of individuals being involuntarily committed to mental institutions for a variety of reasons when it appeared that far less aggressive treatment would have been appropriate. As a result, counseling is not a strong profession and few people seem to participate in counseling to address some of their more subtle mental health needs.¹³ The extremely high rate of suicide in Japan is evidence that perhaps a more open consideration of a variety of mental health services could be beneficial to a multitude of individuals in Japanese society. Of course, this lack of available counseling services and the stigma attached to receipt of those services creates problems for battered women and their children. Some women and children from violent homes can benefit greatly from counseling services. Some victims have to deal with a variety of issues including posttraumatic stress disorder. These problems usually are not debilitating to point of requiring in-patient treatment, but rather are more appropriately treated on an outpatient basis or even by para-professionals. More importantly, in order for professional and para-professional counselors to be effective in addressing the needs of battered women and their children, they need specialized training in domestic violence. Such training is not yet common amongst existing counselors in Japan.

Violence Against Women in the Media and Public Education

Japan, like the United States, is a very media savvy society. Television, film, magazines, newspapers, advertisements

¹²One couple even relayed the story of how they went to court and got a divorce and custody order, solely to allow the woman to continue to publish under her original last name so as not to disrupt her career. The couple continues to live together and raise their children together without the knowledge of the court.

¹³One Japanese individual hypothesized that the proliferation of hostess bars and host bars (and the older culture of geisha) might possibly act as a therapeutic substitute for Japanese individuals needing someone to listen to their problems in a non-judgmental way with the presence of alcohol to forgive all inappropriate revelations during the evening.

on trains and elsewhere, electronic billboards, and the Internet are all a part of the daily life of people in Japan. Those media messages and images help shape the way we think about the world around us. As such, they have the potential to be either a positive influence or a destructive influence. There are an overwhelming number of images in the Japanese media depicting violence against women and sexual coercion. In train stations and convenience stores and on street corners, comic books can usually be found depicting rape of women and girls. Business hotels commonly have pornography easily accessible in hotel rooms.¹⁴ The pornography is rampant with rape scenes and scenes depicting men having sex with girls in school uniforms. In video stores, it is even possible to see videos sorted into a “rape” section. Additional disturbing images can be seen in movies on regularly broadcast television channels. Though I only very rarely watched Japanese television during my stay, I saw 2 particularly disturbing scenes in television movies. The first scene depicted a man breaking into a woman’s apartment and very graphically raping her as she cried. The entire rape scene lasted more than 10 minutes. The second scene depicted a group of young men who had kidnapped a young woman in a school uniform and held her hostage in a commercial kitchen of a closed restaurant. The men tortured her by cutting her with a knife at various points on her body and finally killed her. The whole scene of the killing was interspersed with images of a raw chicken being cut to pieces with a butcher knife and scenes from a comic book in which a similar killing took place. The final image of the comic book girl depicted her dead with a lightning bolt carved into her forehead. The scene then shifted to an image of the real girl lying dead in the same position with the same carving on her forehead. These images, along with the widespread sexualization of young girls, present a daunting message for women and young girls in Japan. While it does not follow that humans go out and recreate all of the images that they see in the media, it is potentially problematic when those images are pervasive and presented without negative social judgment.

On the other hand, the media can become a partner in increasing public awareness of domestic violence and in condemning violence against women. Following the passage of the DV law, the Gender Equality Bureau conducted a nationwide media campaign on the date that the law went into effect. This included public service announcements in newspapers and magazines. They later developed an educational video on domestic violence for distribution to women’s centers. A number of talk shows and news programs have run special segments on domestic violence, some segments lasting a full half-hour. Though the quality of these television segments varies, with some of them perpetuating harmful and incorrect myths and stereotypes, it is encouraging to see the media taking an interest in the issue. It is important that the media continue to present the issue, working with experts in domestic violence to insure quality presentations, so that the public has continued access to the information. It would also be helpful for the entertainment media to try to produce movies and serials that address domestic violence in a socially conscious and educational manner.

Finally, the press has an opportunity to educate the public with quality coverage of the reality of domestic violence in Japan. Few women work in the media field and those that do are rarely in high positions. Unfortunately, it seems that only women reporters seem interested in covering domestic violence. Furthermore, as one reporter pointed out, newspaper usually describe women in a less respectful manner than they describe men. By treating women as important in the media and seriously addressing the problem of domestic violence when it occurs, the media could have a powerful social influence on public awareness and understanding.

Conclusion

This report represents only a small portion of what I learned about domestic violence and women’s lives in Japan. And it certainly does not begin to serve as full critique of the domestic violence systems in place. The key to developing any effective system for addressing a social concern is to rely on the work and advice of the people who live within that system. There are a great many individuals working on domestic violence and the status of women in Japan and they are quite well aware of the limitations of the systems. I have great admiration for these individuals and

¹⁴Certainly pornography is also commonly available in American hotel rooms. However, it usually requires a fee that will be billed to the patron’s hotel bill in such a manner that individuals on business trips are unable to order pornography for fear that their boss will see it on the bill. Hotels in Japan usually make pornography available in a more anonymous way. Some hotels have an attachment on the television in which the patron can insert money or a prepaid card from vending machine in order to view pornography. Others allow a patron to purchase all available movies channels (including the pornography channels) for one daily fee which shows up on the hotel bill only as cable television. It was also not uncommon to find pornography available on the hotel room television without paying any fee.

the work that they are doing. With adequate support from the government and the community, I have no doubt that they will be able to develop effective social change to deal with the current problems. In all of this work, it is my great hope that the voices of battered women will always be at the forefront of the problem-solving efforts.