

Female Domestic Violence (DV) Victims in Japan as “Women in Need of Protection” : People with Special Types of “Disabilities”

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Current Situation of Japanese Legislative Systems Addressing DV

Basic Laws:

- Anti-Prostitution Law (1956)
- Act on the Prevention of Spousal Violence and the Protection of Victims (2001)

	Anti-Prostitution Law (1956)	Act on the Prevention of Spousal Violence and the Protection of Victims (2001)
Who (what) is to be protected?	Sexual morality, good society	DV victims (mainly women)
Who (what) is the threat?	Encouragement of prostitution, women who could possibly engage in prostitution (= <u>women necessitating protection</u>)	The spouse/DV
Who protects them from these threats?	Ministry of Justice, Law-enforcement agencies, <u>Women’s consultation offices (run by prefectures)</u>	The national government, local governments, Spousal Violence Counseling and Support Centers (run by prefectures), <u>Women’s consultation offices (run by prefectures)</u> , Welfare offices (run by municipalities)
How are they protected?	<u>Counseling and assistance for women in need (Criminal punishment, custody, Correction and protection)</u>	<u>Counseling and assistance for women in need (Criminal punishment, Custody, Correction and protection,</u> Prevention of spousal violence, Promotion of victim’s self-support)

Female DV Victims as “women in need of protection” are almost the same as the targets of the Anti-Prostitution Law.

Ambiguity of “women necessitating protection”

- Women who are potentially harmful to society (Women from whom society must be protected)
- Women who should be protected from DV

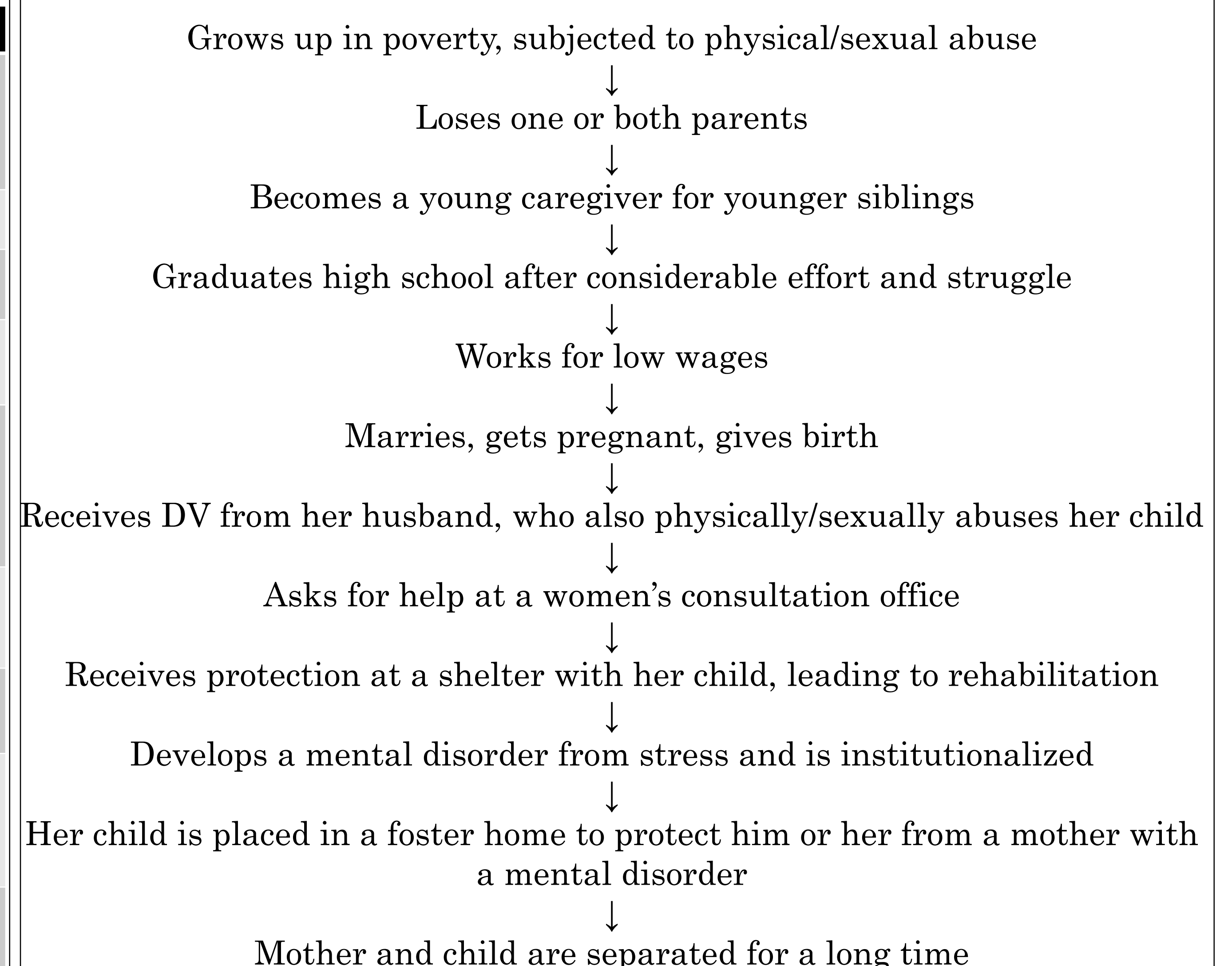


“She is harmful to society”
and
“She should be protected by society”

Disempowering factors and empowering factors for 100 single mothers (CPAO(2013-unreleased))

	Disempowering factors	Empowering factors
Growth	Father’s love affairs and/or gambling Mother being under stress DV in front of children Abuse by parent(s) or brother(s) Being forced to do housework	Happy though poor Neighbors being concerned and supportive
Education	Junior high-school graduate or high school dropout	High school graduate, University graduate as a working student
Work	Low-wage labor and unstable employment	
Independence from family	Banished from family	Attaining independence from family through work with accommodation Getting a job in a foreign country
Marriage	Subjected to (physical, mental or economic) DV by husband Mental/developmental difficulties of husband Husband’s debt and/or gambling Imputation of debt from husband to wife Husband becoming unemployed	Occasional tender gestures and words from husband
Divorce	Attacks from wife’s original family	Early divorce
Remarriage	Physical and/or sexual violence committed against child by new husband	Stable and happy daily life
Childcare	Cycle of abuse Cycle of bad growth Insufficient education of child	Educational investment to the extent possible in poverty
Economic resources	Public assistance and paternalistic management by local government	Escape from life in a violating marriage through public assistance Economic independence through work

A typical story of a single mother who has experienced domestic violence



“Chimera” and “double standard”

in support for female DV victims in Japan as women with a “disability”

1. Treatment based on the current “women in need of protection” condition
2. Rehabilitation through correction and protection, same as for a person with a physical/intellectual disability
3. Medication, protection and rehabilitation, same as for a person with a mental disability

Chimera of mostly paternalistic support for physical/intellectual/mental disabilities.

Where conflicts arise: She is responsible for the consequences of falling into the category of “women in need of protection”, economic independence as an unimpaired person is required, parental rights will be limited or forfeited if she has a mental illness, though it was caused by DV and protection.

Treatment of “women in need of protection” = Responsibility for results, based on equality of social and economic rights to males
+ limitation or forfeiture of rights, based on lack of social and economic rights for females

Typical “double standard”

Conclusion:

Female DV victims as “women necessitating protection” are treated as people with a disability and without human rights and judged as people without a disability and with human rights.