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# Domestic Violence in Japan.

## An Invisible Problem in the “Safest Country in the World”

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by

*Sumiko Honda and Reiko Ogawa\**

**Abstract:** Social concern regarding violence against women, including domestic violence (DV), has increased in Japan since the early 1980s. First, we present an overview of how DV is understood within Japanese society. Second, we discuss problems providing assistance to DV victims, particularly migrant women, through civil society initiatives. Finally, we examine the challenges to eliminating DV. We conclude by addressing five major challenges in this paper: 1) DV must be tackled as a gender equality and human rights issue that requires increased gender equality measures. 2) Assistance for survivors may be lengthy, and multiple institutions must work collaboratively to prevent victim isolation. 3) Existing laws and institutions are vertically-structured and have different approaches, which prevents effective assistance to survivors facing multiple difficulties. 4) Legislation must include rehabilitation-related measures. 5) Victim assistance should be uniquely tailored to permit home assistance for those who prefer to secure safety at home rather than fleeing. The issue of DV in Japan carries three “invisibilities”: difficulty for female survivors to speak out and be heard; gender inequality, which forms the background of DV; and DV-related damage, which results from poor social assistance and a lack of experts to work with DV survivors. While political and institutional responses are necessary to break the cycle of violence, every citizen must understand the structure of domination based on gender, and take action for change.

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## Introduction

Social concern regarding violence against women, including domestic violence (DV), has increased in Japan since the beginning of the 1980s. Throughout history, there have been numerous cases of murder resulting from DV and child abuse (many of which were handled as involuntary homicide). These were not treated as issues subject to intermediation by a third party, however, as is indicated in the Japanese proverb stating, “Even the dog would not interfere in a couple’s fight”, as well as the tendency to regard such abuse as “discipline”.

A rising global tide against violence toward women, along with the feminist slogan “The personal is political”, created a basis for campaigns to prevent violence against women and to develop legal systems for survivor assistance. This was a significant development in a country where another local saying holds that “The law does not belong within the familial sphere”. Some examples of the growing trend are the UN Convention on Elimination of All Forms of Discrimination Against Women (CEDAW, ratified by Japan in 1985), the Fourth World Conference on Women (Beijing Conference in 1995), and the Council of Europe Convention on preventing and combating violence against women and domestic violence (the “Istanbul Convention”, enacted in 2014).

The Beijing Conference in 1995, which was attended by numerous women, created particularly strong global momentum for the DV shelter movement. In Japan, too, feminists began to establish shelters across the country. Women who were engaged in legal campaigns concerning the DV issue had originally sought wider legislation for the prohibition of violence against women and the protection of survivors, which extended beyond the exclusive scope of DV. The law that came into effect in 2001. However the “DV Prevention Act (Act on the Prevention of Spousal Violence and the Protection of Victims)” was limited exclusively to spousal violence. Sponsored by non-partisan members of the Diet, it has been revised three times thus far. The following are the statements of the preamble to the DV Prevention Act<sup>1</sup>: “Even though spousal violence constitutes a serious violation of human rights and is a crime, efforts to help victims have not always been adequate. 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 respect for individuality and impedes the realization of equality between women and men”.

The DV Prevention Act was a great achievement insofar as it clearly defined DV as a violation of human rights and a crime against women (Tsunoda Yukiko 2013:57). However, some problems still remain to be solved. First, we present in this article an overview of efforts surrounding DV in Japan, and analyze how this issue is understood within Japanese society. By analyzing the DV Prevention Act and general books on the same topic, we try to shed light on the narrow definition of DV and the fragile gender-related perspective seen within DV measures in Japan. Secondly, through the activities of the Asian Women’s Center (AWC), a civil society organization established in 1997 to protect women’s human rights, we will

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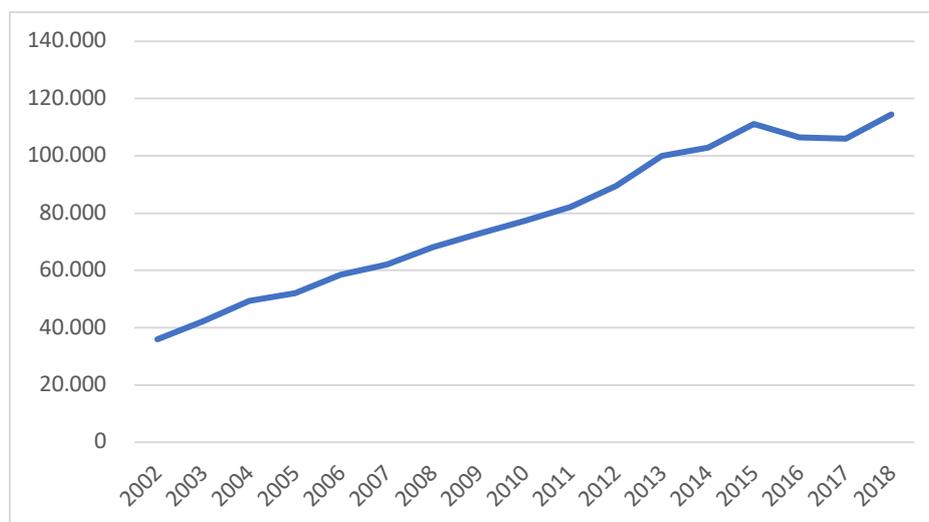
<sup>1</sup> The full text can be accessed here: <https://tinyurl.com/1gz8znwq>

discuss the problems of DV survivor assistance – particularly with respect to migrant women. AWC has been providing multilingual support for DV survivors, dealing with problems specific to migrant women in addition to those of Japanese. Finally, we will examine the challenges for the future regarding measures taken against DV in Japan.

### Reality of Violence and Gender-Related Issues

In a survey on gender-related violence that was conducted by the Cabinet Office in 2017, “those who have been married (n=2,485)” were asked if they had experienced any of the following types of violence from their spouses (including those in the state of common-law marriage, separation and divorce): physical violence, psychological attacks, economic oppression, or sexual coercion. A total of 1 out of 4 responded “yes” (26.2%, among which 9.7% replied “repeatedly” and 16.4% “once or twice”) (GEBCO 2017: 23). Of those, 31.3% were women and 19.9% were men. Among survivors, the ratio of those who had experienced abuse during the previous year was 33.2% (GEBCO 2017: 23).

Figure 1: Number of DV Consultation Cases at Spousal Violence Counseling and Support Centers

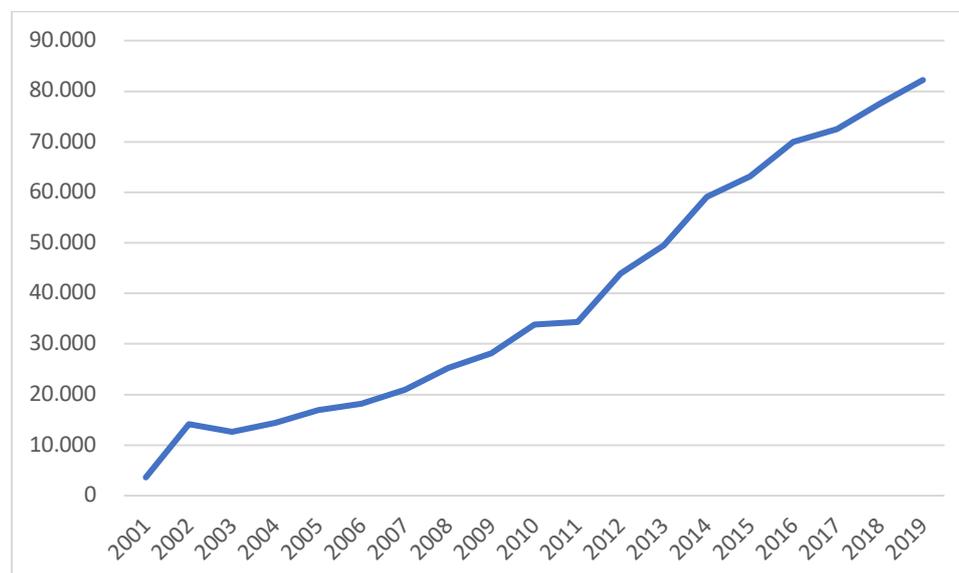


Source: GEBCO 2019a

There has been a yearly uptick in the number of DV cases reported to the Spousal Violence Counseling and Support Centers, which were established nationwide at 114 different locations. The figure surpassed 110,000 in 2015 (GEBCO 2019a).

The number of DV consultation cases filed with the police is also steadily rising, exceeding 80,000 in 2019 (NPA 2019).

Figure 2: Number of DV Consultation Cases with the Police



Source: NPA 2019

Though the 2020 Tokyo Olympic Games were postponed due to COVID-19, the Japanese government formulated a “Strategy to make Japan the safest country in the world” as a premise for its successful bid to host the competition. While this involved stepping up security measures to combat terrorist attacks and cybercrimes (PMOJ, 2013), it paradoxically does not highlight the existing dangers to the smallest unit of society: the family.

Another essential and helpful indicator for considering violence against women is the Global Gender Gap Index (GGGI), which was published by the World Economic Forum (WEF) in 2019. That year, Japan came in 121<sup>st</sup> – an even lower level than the 111<sup>th</sup> ranking of the previous year (World Economic Forum 2020). Among the four categories of politics, economy, education and health, politics and the economy in particular were at the lowest level, coming in 114<sup>th</sup> and 115<sup>th</sup>, respectively.

### **Relationship between Violence against Women, DV (Intimate Partner Violence) and Gender**

Here, we look at the difference in awareness between Japan and other countries regarding the association of violence against women and DV, as well as whether DV is viewed from the perspective of gender.

#### 1) Violence against Women and DV

The government department in charge of preventing violence against women in Japan is the *Naikakufu danjo kyoudou sankaku* (Gender Equality Bureau of the

Cabinet Office/GEBCO). *Danjo kyoudou sankaku* literally means “equal participation and cooperation by men and women”, while the name in English is the “Gender Equality Bureau Cabinet Office”. The latter is slightly different from the original Japanese wording, as the Japanese title does not use the term “gender equality”, which implies the notion of human rights. Instead, this has been altered to *danjo kyoudou sankaku*, which presents a blurred idea of men and women playing their respective roles.

The Istanbul Convention says that “violence against women” is understood as a violation of human rights and a form of discrimination against women, and shall mean all acts of gender-based violence that result in (or are likely to result in) physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life (Article 3 a). It also defines “gender-based violence (GBV)”, wherein “gender-based violence against women” is said to mean violence that is directed against a woman because she is a woman, or that affects women disproportionately (Article 3 d).

Thus, “violence against women” is almost no different from “gender-based violence”. DV is defined as a form of violence against women, wherein domestic violence shall mean all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim (Article 3 b). This covers victims of violence within all sorts of domestic relationships, including male victims, abused children and elderly persons.

Meanwhile, in Japan, the term “violence against women” can be seen on the website of GEBCO, “the Campaign for Eliminating Violence against Women”, as an awareness-rising campaign. It describes “sexual crimes, prostitution, sexual harassment, stalking behaviors, et cetera” as “violence against women”. Though there is no definition for “violence against women”, they do clarify DV as a form thereof that has been perpetrated by one’s husband or partner (GEBCO 2001).

The DV Prevention Act defines DV as “bodily harm caused by one spouse (illegal physical attacks that threaten the other spouse’s life or person), or words and deeds by one spouse that cause the same level of psychological or physical harm to the other spouse, providing a narrow scope for the target of the law and the victim-offender relationship. It emphasizes physical violence without explicit reference to psychological, sexual, or economic violence, presenting a narrow range of violence while limiting DV to violence within relationships, such as spouses, former spouses, or current/former common-law marriage-based couples. In Japan, forms of DV-related violence are categorized along with some case examples into the categories of physical, psychological and sexual violence. Meanwhile, economic violence (which involves abusers controlling their partners’ living expenses), and social violence (wherein victims’ social connections with their workplace, friends, parents or homeland are hindered) are classified as psychological violence (GEBCO, 2019b).

## 2) Relationship between DV and Gender

The Istanbul Convention defines violence against women as gender-based violence (GBV). On the other hand, the preamble for the DV Prevention Act in Japan conceptualizes the relationship between violence against women and existing power imbalances as follows: “When women are subject to violence from their spouses, it adversely affects respect for individuality, and impedes the realization of equality between women and men”. Meanwhile, GEBCO’s website for the “Campaign for Eliminating Violence against Women” uses language including “the current situation of violence and the social structure of Japan involving men and women” and “contempt for human rights of women”. There is no explicit association between violence and gender, however, and so the term “gender” is not used. While GEBCO does make it clear that DV relates to damage created by society and politics rather than being a personal issue, the gender perspective is not highlighted, and a clear description of GBV is missing.

The Cabinet Office (N/A) provides the following explanations regarding the definition of “gender”: “Gender is ‘socially and culturally formed sexuality’”, and “there are ‘masculine images’ and ‘feminine images’ within the social conventions and practices that have been created socially, with such distinctions between men and women known as ‘socially and culturally formed sexuality’ (gender)”. It continues by saying, “‘Socially and culturally formed sexuality’ itself does not carry the value of good or bad”. Regarding “the gender perspective”, it says, “‘socially and culturally formed sexuality (gender)’ could sometimes lead to sexual discrimination, and stereotypical roles and biases based on gender. This intends to raise awareness of gender as being created by society. As such, the target of ‘gender perspectives’ may include some factors that could impede the formation of a gender-equal society, such as sexual discrimination, and stereotypical gender roles and biases. Meanwhile, there are some other factors that seem unlikely to disturb the creation of such a society, and are therefore not meant to be reviewed. It is necessary to obtain a public consensus before proceeding with the review of social institutions and practices” (GEBCO N/A).

This does not specify either the stereotypical gender roles or biases, nor the factors that are not subject to review. For example, the family as an institution has gone through major changes through history, but preserving certain forms of family that fix the sexual division of labor is sometimes justified as “tradition” (Matsuki Hiroto 2018). Moreover, nothing here is mentioned about correcting the entire system of discrimination and inequalities based on gender. Instead of presenting gender equality as a human right, GEBCO implicitly justifies maintaining gender-based stereotypes and discrimination by using the vague expression *danjo kyoudou sankaku*.

### 3) Comprehension of DV

Next, we look at some general books on DV that have been published in Japan in order to explore how DV-related discourse has been conceptualized and framed. Such books are indispensable for understanding the background and structure of DV as violence against women. In academic literature, gender discrimination has always been identified as the fundamental cause of DV and GBV (Kaino Tamie, 2019; Ogawa Mariko, 2015). Gender discrimination is not manifested solely within

the private sphere, but also in the public sphere. Similarly, DV does not refer to isolated cases experienced by an individual, but rather to a phenomenon that is socially constructed through unequal gender relationships. However, citizens do not necessarily read academic works, and their ideas are largely shaped through general literature. If such everyday books do not convey a clear message on gender discrimination, DV survivors and citizens will have a limited understanding regarding the nature of DV.

We examined 35 books on DV that were written in Japanese and published during the period of 1998 to 2016, which are all easily accessible at bookstores and libraries. The authors of those books included feminists, academics, offender program facilitators, medical professionals, lawyers, counselors, and other supporters of DV survivors. Many of them include the term “DV” within their titles. The focus here is to see how they associate and explain DV using the terms “violence against women”, “gender”, “forms and types of DV” and “the purpose of DV”.

- Do They Explain the Link between DV and “Violence Against Women”?

A total of 15 among 35 titles explained DV in relation to violence against women. Two books associated DV with sexual harassment, among which one included the full text of the “Declaration on the Elimination of Violence Against Women” (1993) at the end of the book, but did not mention it within the text. If the intention of such publications was to eliminate the harm caused by DV, or to support survivors, we believe that they should not be compromised by providing mitigating explanations; but should, rather, clearly elucidate DV as a type of violence against women. The remaining 17 volumes did not have any clarification of DV as violence against women whatsoever.

- Do They Mention the Relevancy between DV and Gender?

A total of 17 books used the term “gender” to explain DV, while 11 did not use the word directly – instead employing explanatory descriptions that seemed to refer to gender. To cite a few examples: “social structure rooted in the power imbalance between men and women”, “the social manner of sustaining domination of men over women”, “discrimination against women”, and “society with sexual prejudice”. Meanwhile, seven titles did not mention the association of DV with gender at all. The failure to explain the concepts and understanding of DV as gender-based violence (whether that be medical, welfare, or legal), which indicates a lack of comprehension regarding what lies at the source of DV, could produce secondary victimization irrespective of the authors’ intention to support DV survivors.

- Description of the Types and Forms of Violence

The majority of the books cited four categories as the types or forms of violence (physical, psychological, sexual and economic). Meanwhile, many other books also added the category of social violence, which encompasses social isolation and the restriction of social activities, as well as child and pet abuse, emotional abuse, forcing children to commit acts of violence”, cultural violence, and the violence of being non-apologetic for the ongoing abuse. Moreover, one title even referred to the Domestic Abuse Intervention Programs (DAIP) of Duluth, Minnesota in the United

States regarding the categories of stalking, minimizing violence, coercion, blackmailing, intimidation, scapegoating, and wielding men's privilege. Certain books simply introduced example cases without classifying the types and forms of violence, leaving out the term "gender-based violence (GBV)" altogether.

- Do They Explain the Purpose of Violence by Offenders?

Concerning the intentions behind the violence, 24 books included explanations that could be interpreted as "for the sake of domination" or "to have control". Three volumes described it as "codependence", "dependence on women", and "for reasons relating to male identity". Nine did not provide any account for the aim of the violence at all. Publications in Japan on the issue of DV seem to be lacking sufficient explanations regarding the term, which is relatively new in the country, having gained recognition approximately over the past 20 years. It is particularly concerning that, without presenting an association between DV and gender, which is the source of the problem, the reason for its occurrence could be overlooked by both survivors as well as by their supporters. On the contrary, those books carried relatively well-organized descriptions regarding the forms and types of violence. It is necessary to provide a clear explanation of DV as a problem that takes place within the context of gender-inequal society and as an issue on the side of the offenders, who choose methods from among various forms of violence that they believe will most effectively serve their purpose of absolute control over their partners.

### **Survivor Assistance**

Before the DV Prevention Act came into force, there were no existing terms or concepts such as "DV" or "child abuse"; not to mention any legal basis for the assistance of DV survivors. While there were feminists who immediately showed interest in the issue and participated in volunteer activities organized by civil society organizations that were struggling to find proper ways to help survivors, local governments on the ground were unlikely to take any action to join these efforts in the absence of legal grounds or directives from the central government. As a result, the only type of public assistance available was that of the goodwill offered by some of the frontline officials.

Since staff in charge at the administrative office counters generally had a poor understanding of the problem, civil society groups sent their staff to accompany survivors, who had requested help when visiting local government offices. The major role of such assistance was to seek understanding from the staff in charge of the welfare division to obtain public assistance through negotiations. As a result of such persistent negotiations, some of the administrators began to develop their own awareness of the issue. No longer satisfied with the "good will" displayed by their employers, they went on to become key persons working in collaboration with civil society groups.

Based on the Prostitution Prevention Law of 1956, Women's Consultation Offices were set up in each prefectural government as facilities to provide protection,

guidance and rehabilitation, rather than assistance, for women at risk of prostitution. They basically provided protections for single women, so the children of DV survivors received protection from Child Consultation Centers, which meant that they were separated and received different kinds of assistance.

Since the DV Prevention Act was implemented, governmental officials came to hold responsibility for survivor assistance. And with the Spousal Violence Counseling and Support Center playing a key role, DV survivors were added to the list of those receiving assistance from the Women's Consultation Offices. Moreover, along with the compilation of an "Action Plan against Trafficking in Persons" (revised in 2009), survivors of human trafficking were also included among the target population.

"The Spousal Violence Counseling and Support Center", founded with the goal of preventing DV and protecting survivors, has been providing counseling services and introducing other institutions for special consultations to offer psychological support to survivors. Functions include offering safety and protection to survivors and their family members, including children, to support their independence and extend legal guidance (providing information for legal procedures, including those for protection order and divorce) in order to ensure their protection from offenders. The functions may differ slightly, however, depending upon the particular local government that established the center.

Aside from the Spousal Violence Counseling and Support Center, a framework of assistance has been created under which women's consultation offices, prefectural government welfare offices, police departments, maternal and child living support facilities, women's protection centers, and legal consultants are working together; and where some regions have opened the doors for civil society organizations to take part in such joint work as collaborative stakeholders.

Some regions that have begun offering training programs for managerial workers, counseling staff and other responsible officials have invited civil society to participate in some of their training sessions, depending on the content of the program. Moreover, some local governments have facilitated liaisons within the community to establish an environment for early identification of survivors, and safe counseling/assistance services, wherein some have even devised a one-stop counseling system.

Survivor assistance has to be rendered while paying respect to the intentions of survivors. When the Women's Consultation Office decides to provide survivor protection based upon their requests, it is possible for the institution to entrust the task to civil society organizations. In some regions, cooperation between private and public sectors have begun in this way, while other regions have no such collaboration at all. Most cases are handled under public administration, where survivors visit the welfare office in charge, or the Spousal Violence Counseling and Support Center for consultations and temporary protection. Meanwhile, emergency responses during the nighttime and weekends are usually covered by the police.

Concerning support for the self-reliance of survivors, supporting institutions proceed with assistance according to the plan created together with survivors while confirming their intentions. This requires a long period of time, since they must go through various steps including legal assistance (such as the issuance of protection

order and procedures for divorce), while ensuring safe relationships with offenders, psychological support for trauma healing, economic assistance for living, job assistance, and child education. In cases where survivors have foreign nationalities and had to change their status of residence, the immigration office also becomes involved as a collaborative partner. Since there is a time limit for the use of the residential-type facilities inhabited by survivors and their children (including maternal and child life support centers, protection facilities for women and private step houses), they sometimes must move into public housing or private apartments. Some public housing facilities also began to secure a certain number of rooms allotted for DV survivors. Women and children who were exposed to violence for long periods of time often continue living in poverty, while spending considerable time to recover from their traumas.

Not a few survivors find it difficult to adapt to their new lives after fleeing from their offenders. Troubled by cumbersome procedures, loneliness, or by their own mental condition, they are often driven to go back to their abusive partners. At residential-type facilities, supporting staff members offer counseling, but once they are set with their own house, there are no such personnel in charge, and survivors must consult with the division in charge at their local government office.

### **Migrant Women and Initiatives of the Asian Women's Center (AWC)**

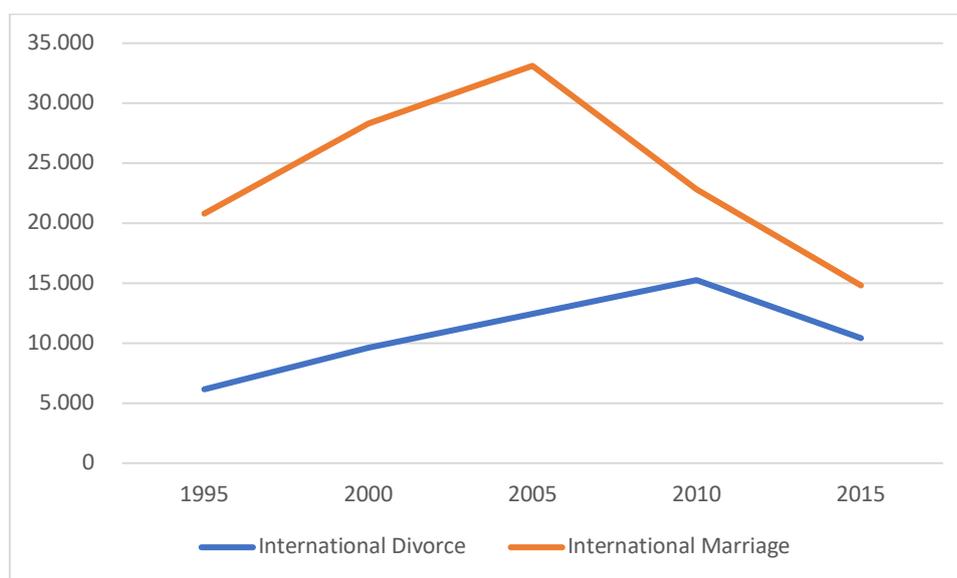
In this section, we will discuss the challenges of supporting survivors as seen in the activities of AWC, an NGO that has been addressing DV-related problems since 1997. As we introduce specific cases of assistance, the background and situation have been slightly modified in order to avoid identifying specific individuals. Unsourced figures have all been created by AWC.

#### **1) Background of the Organization**

During Japan's rapid economic growth in the 1970s, some men went to Southeast Asian countries for sex tours, which became a social issue. As this gave rise to protest campaigns by feminists and organizations against prostitution, women from Southeast Asia began to be brought to Japan to instead serve at restaurants and bars (for sexual contact and prostitutions) beginning in the 1980s. Asian women came to Japan with the visa status of "entertainer", and were forced to work as hostesses, prostitutes or exotic dancers. They were made to work, given a tiny house to share with many other women, and had their passports and freedom taken away. In 2003, the number of foreign nationals who had come to Japan on entertainer visas amounted to 133,103. The largest group among these were Filipinos, who totaled 80,048 – the majority of which were female persons (Satake Masaaki and Mary Angeline Da-anoy 2006). Due to the institutionalized migration system between Japan and the Philippines, the number of Filipino women who met and married Japanese men began to increase (MA. Rosalio Piquero Ballescas 2003; Ogawa Reiko 2010).

According to a survey that was conducted by the Ministry of Health, Labour and Welfare in 2014, approximately three-fourths of the international marriages in Japan were between foreign wives and Japanese husbands.

Figure 3: Number of International Marriages and Divorces



Source: Ministry of Health, Labour and Welfare, 2014, Outline of Vital Statistics

In the context of human rights violations and labor exploitation experienced by foreign citizens in Japan, several civil society groups supporting foreigners have come into existence beginning around the 1990s. In 1997, one of those groups received a request for counseling from Ms. E.

#### Case 1, Ms. E

She came to Japan from the Philippines and married a Japanese man whom she met while working in a restaurant. From the beginning, her husband looked down on her, saying “You speak bad Japanese”, and sometimes hitting her. When their child was born, she asked him many times if she could take the baby and show it to her parents in the Philippines, but he became upset all the time, saying it cost a lot of money. Finally, she was given permission to go home, though only for a week. The time passed so quickly, and when she came back to Japan, her husband did not come to meet them at the airport. She somehow managed to carry her suitcase and the baby by herself and return to their apartment, but the door was locked. She could not contact her husband (this was before the prevalence of mobile phones). As she had no idea what to do, she went to a municipal office to ask for some advice, and found out she was divorced. It was a complete surprise to her. She was put out on the street with a baby in the first year of life.

After this counseling session, female members of the group decided to render assistance. They rented an apartment and prepared items such as food, clothing, and housing to welcome Ms. E and her baby. When they installed a telephone line

to start offering telephone counseling, the Asian Women's Center (AWC) was born as a human rights group for women and children, including migrants.

In order to help stabilize the life of Ms. E and her infant, AWC members first accompanied them to the welfare division of the local government office for a consultation regarding the application for welfare benefits, but it took a long time to make the officials understand the situation at hand. At times, AWC members had to raise their voices against the officials in charge, who showed no sign of understanding. It also took a long time for Ms. E to move houses after staying at the AWC facility. There was no landlord who would rent out their property to a non-Japanese person, and they requested a guarantor and deposit money for leases. Once she finally rented an apartment, they moved on to the procedures for her baby to enter a nursery school, and then provided her with job assistance. Changing Ms. E's status of residence presented another challenge. She was given the residence status of "Spouse or Child of Japanese National", based on the assumption that she would live with her Japanese husband, but this had to be changed to a "Long-Term Resident", issued for those who raise Japanese children (the child had Japanese citizenship). Hurdles were set high for her to clear each individual institutional requirement, and it was quite visible on her face when she was coming close to giving up. A problem for Ms. E also meant a problem for AWC staff members, who visited the relevant offices and institutions from one place to another with Ms. E as if it was their own issue. Her problems were the problems faced by other immigrants and women, and accompanying Ms. E when she had reached the point of desperation provided a tremendous learning experience for the fledgling AWC staff members. Meanwhile, AWC sought understanding and support for their activities from local government bodies and charity organizations. They saw a surge in the number of consultations from Asian women, who reached out to AWC after having heard of the organization by the word of mouth. They spoke out regarding the DV they had suffered by their Japanese husbands, and the facility was soon filled with women seeking assistance.

## 2) Professionalization of Civil Activities

The philosophy underpinning AWC's activities is as follows:

Women are inherently empowered, but this could be lost due to exposure to violence and discrimination such as DV, human trafficking, and sexual harassment. AWC is engaged in various activities to provide support for protecting human rights and restoring strength to women and children.

Since AWC views the issue of DV not as a private matter, but as a problem created by a gender bias woven discreetly into social systems and practices, the organization directs its assistance toward women and children irrespective of nationality or visa status. With the aim to render assistance professionally and not as free-of-charge volunteer activities, staff members underwent training, gained experience, and learned social work in order to improve their methods of offering assistance. However, they learned most profoundly from their female counterparts, the DV survivors. Most of the time, assistance did not progress according to a manual. Each woman who has suffered DV has different needs, situations, and responses to

the damage. Among 100 survivors, it could be said that AWC helped them in 100 different ways.

Since the DV Prevention Act was implemented in 2001, AWC's human rights activities and practical experiences have begun gaining recognition. The organization has started to be entrusted by relevant divisions of the local government with tasks such as women's and DV-related consultation, as well as temporary protection. As of April 2020, aside from their own hotline, AWC is operating four more counselling services commissioned by the municipal governments, wherein it responds to 1800 to 1900 counseling cases per year.

In some cases, survivors supported by AWC have successfully restored their lives and recovered from their traumas and violations while gaining strength by acquiring the social skills to become multilingual counsellors. Moreover, some of them have even developed into staff members, who can manage the double task of interpretation and assistance service as they sustain AWC activities. Currently, AWC's multilingual hotline provides services in Japanese, English, Chinese, Tagalog, Thai, and Korean. As of July 2020, advance reservations are requested for consultations in languages other than Japanese, English, and Chinese due to the COVID-19 pandemic.

### 3) Statistics

The total number of consultations between the period when AWC started its activities in 1997 until March 2020 was 13,907 (exclusive of commissioned services), with survivors representing more than 20 countries. Among these, the country with the largest number of consultations was the Philippines, followed by Japan and China. Since around 2001, when the DV Prevention Act came into force, there was a rise in the number of consultations by Japanese persons, probably because of the increased publicity of the law, which had finally made latent survivors aware of the DV they were facing and reach out to AWC. Since then, DV consultation facilities in Japan have increased, and the number of consultations at AWC from Japanese individuals has remained at the same level. Meanwhile, the number of consultations from women with foreign roots has been hovering at around 500 to 600 over the last few years. This seems to be due to the limited availability of public counseling offices with proper understanding of multicultural issues and multilingual services for women, outside the major cities or urban areas with concentrated foreign residents.

The exception is the Hotline by Your Side, an NGO that operates nationwide. The most common topics for consultation are problems with partners, followed by issues with residency/nationality, and family issues concerning children or parents (excluding partners). The majority of the problems with partners involve the issue of DV, wherein women with foreign nationalities suffer various and serious types of violence as compared to their Japanese counterparts. On top of physical, psychological, sexual and economic violence, they are also subject to social violence that may destabilize their lives in Japan, such as hindering their acquisition of visas, as well as cultural violence including contempt for their home country or Japanese language skills. It could be said that they are suffering the intersectionality of discrimination based upon both gender and ethnicity.

The total number of women staying in the AWC facility since its establishment has reached 394, or 874 including the number of their accompanying children and persons. Japanese users comprised the largest number, followed by those from the Philippines and China.

Figure 4: Number of Consultation Cases at AWC

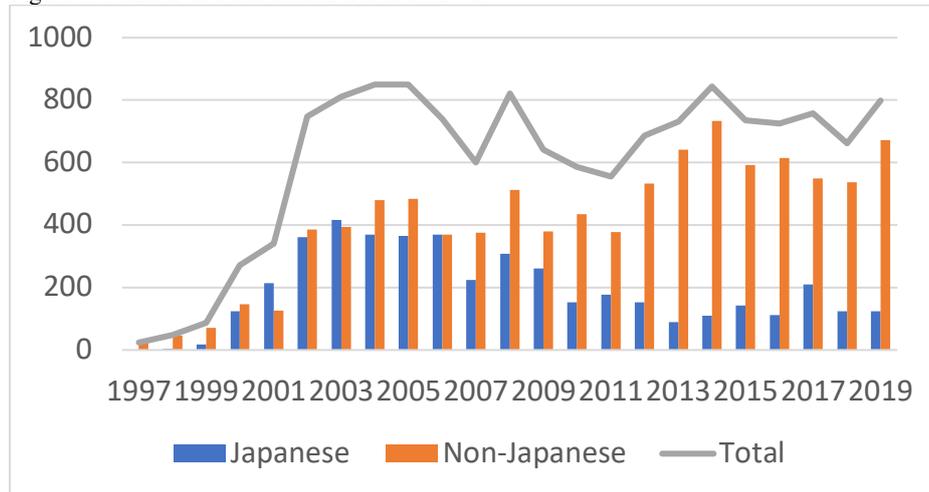


Figure 5: Number of AWC Consultations According to Country (1997-2019)

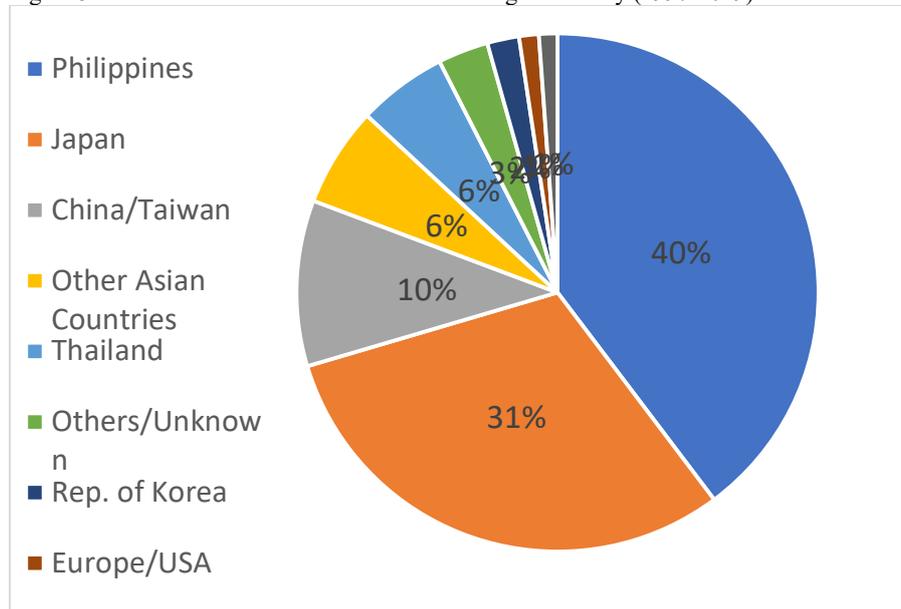
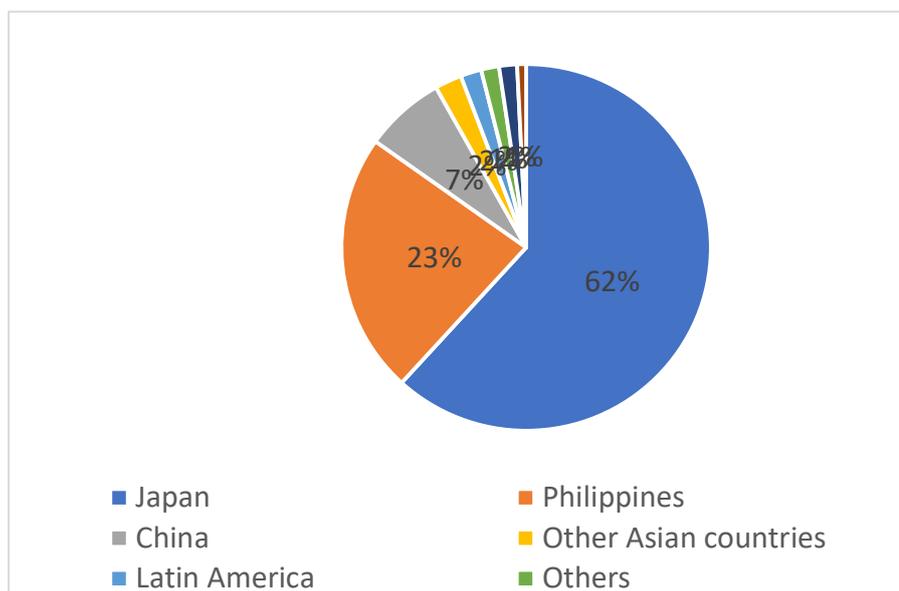


Figure 6: Number of Users of AWC's Facilities According to Country (1997-2019)



#### 4) The Gray Area between DV and Human Trafficking

Among DV survivors aided by AWC, a considerable number of women were suspected of having suffered damage in the past as a result of human trafficking. Although the survivors themselves did not speak of their experiences, this could be surmised from interviews regarding their DV cases.

Such women came to Japan on entertainer visas and were made to work at restaurants and bars to provide services that verged on sexual harassment or involved prostitution. Being deprived of their passports and liberty, while working under a controlled situation, constituted nothing other than human trafficking. Nonetheless, this was left unchecked since there was no law or guidelines to regulate the situation. In 2004, Japan was designated as a country on the Tier 2 Watch List of the Trafficking in Persons Report compiled by the U.S. State Department, which includes countries that are taking no measures to prevent human trafficking or protect survivors. Faced with criticism that employment via the entertainer visa were providing a hotbed of human trafficking, the criminal code was revised to make human trafficking a crime.

Since the government set stricter conditions for the issuance of entertainer visas, and pointed out the hotbed of human trafficking, there was a plunge in the number of those qualified as “entertainers” (the majority of which were women). It was around this time that cases of international marriage between Japanese men and foreigners, including Filipino women, began to increase. Some of them married of their own will, but instances where matching service providers brought women to Japan and had them serve at restaurants and bars also increased around this time. There was a series of reports on migrant women who were detected by police and immigration officers under the suspicion of “fake marriage”. Some of the women, who had managed to escape before being charged, were given protection as they

were suspected to be survivors of human trafficking. AWC worked with Women's Consultation Offices, the Immigration Office, and the International Organization for Migration (IOM) to aid survivors in several human trafficking cases. If survivors had children, AWC could help them as DV survivors. These survivors had suffered multiple damages, caused both by DV and human trafficking.

Case 2, Ms. M

She was married to a Japanese man, introduced by her acquaintance in country B. She came to Japan, since she was told she could work in a restaurant. Soon afterwards, she found out she was pregnant and then started to work, helping at a snack bar, without sharing a house with her husband. After she gave birth to the baby, she realized that she would be forced to offer some sexual services, so she ran away with her week-old baby and sought shelter at the house of the only compatriot she knew. Someone connected to the bar managed to identify the house of her acquaintance, and feeling afraid that they could come at any moment, she ran to the municipal office. Her Japanese vocabulary was limited, but one of the words she knew was "yakuza" (gangster).

As this was the first time she had lived in Japan and raised a child, Ms. M became confused, so AWC provided long-term support for her parenting and livelihood. She stayed at a facility of AWC, taking care of her baby by tending to it when it was sick, giving milk, and preparing baby food. She survived life in a foreign environment, and moved to a public transition house. As she divorced, she changed the status of her visa by obtaining parental rights to lead her life as a single mother. In recent years, DV consultations from foreign women who were married to Japanese men (many of them with the visa status of "Spouse or Child of Japanese National") are not the only cases handled by AWC. Calls from survivors with limited social resources have also been increasing, where both husbands and wives are of foreign roots (those with a "dependent" visa, which will be invalidated if a wife separates from her husband), or cases involving a "student" or "short-term stay" visa. Follow-up programs are provided for those who are moving on to the next step by utilizing AWC as a stepping-stone. For example, sending donated food to survivors who continue to stand on their own feet enables the organization to find out about their safety, degree of recovery, and any new concerns they may be facing. AWC continues to offer its modest but uninterrupted assistance to survivors, because Japanese society is not friendly to single parents, women, or persons with foreign roots.

5) Comparing the Victimization Period between Survivors with Foreign and Japanese Roots

Figure 7 is a comparison of survivors with foreign and Japanese roots in terms of the DV victimization period required for taking shelter (i.e., the period of time since partner abuse began before reaching out to AWC). All survivors had been sharing a house with their abusers, due to marriage or common-law marriage, when they sought shelter.

Figure 7: Comparison of Victimization Period between Survivors with Foreign and Japanese Roots (2020)

Period required for taking shelter since the abuse began	Survivors with Foreign Roots	Survivors with Japanese Roots
Less than a year	7	0
Less than 5 years	7	8
Less than 10 years	11	7
Less than 20 years	5	13
More than 20 years	0	2
Total (number of people)	30	30

This compares 30 persons with multicultural backgrounds and Japanese backgrounds, respectively. They were very close in age, ranging from those in their 20s to 40s. The group with foreign roots was comprised of two Western and 28 Asian people, of seven different nationalities. As a reference, the rankings on GGGI for all of those countries were higher than Japan. Among them, four countries were ranked below the 100<sup>th</sup>. The average age for those with foreign roots was 33.3 years old, while those with Japanese roots averaged 37.9 years old. The average number of accompanying children was 1.3 for the group with foreign roots, and 1.8 for those with Japanese roots. The average period of victimization was 4.9 years for the multicultural group, and 9.1 years for the Japanese. Considering the 4.6-year-old age gap between the two, it might not be proper to generalize that the group with Japanese roots endured violence for a longer period of time. No one from the group of those with multicultural backgrounds had spent more than 20 years before they took shelter, probably due to their young age (averaging 33.3 years old), but the fact that there were no Japanese who fled within a year seems to suggest a certain tendency. In other words, it was likely that those with Japanese roots had endured violence for relatively longer periods. In fact, there were seven persons with foreign roots who had fled within a year, and at the shortest, within a month. It also included three persons who had fled within two months. We need to wait for further research, but it takes many years for survivors to come forward and claim the crime of DV as an abuse of human rights – partly because they do not realize the graveness of their situation, or they are just giving up; but also because of the low standards of self-esteem and awareness of human rights.

#### 6) Reasons for Maintaining Activities

Below is a letter that a woman left behind in her room when she departed AWC. Her words provide a driving force for AWC to keep up its activities, even though they may be small-scale.

Date, Month, 2000

Dear Asian Women's Center Staff,

Thank you for the light and peace of mind amidst the darkness and confusion. Thank you for helping me think clearly and for leading with all your hands. Thank you for this place where I can cry without being judged for my shortcomings. Thank you for letting me feel that I am not alone. I really appreciate all you have done for me.

### **Challenges and Perspectives on Measures against DV in Japan**

Finally, we would like to present existing challenges and perspectives regarding violence against women, including DV, and the efforts to eliminate this problem.

#### **1) Policies for Gender Equality**

It is important to locate DV within the context of gender equality and the elimination of gender discrimination. We argue that gender inequality and discrimination against women is at the heart of violence against women and DV. Japanese institutions are not gender equal, beginning with the family system. In Japan, we must register to the local government by designating a "head of household" as the "household representative", with whom residence and livelihood is shared. Since the "household" is based on marital or parent-child relationships, there will be two heads of household in the case of unmarried (or common-law) couples and their children. Common-law marriage has been very rare in Japan, and although a married couple can choose either the husband or wife as the head of household, the overwhelming majority has conventionally registered a male person. Moreover, since the household constitutes a unit of administrative services, it is not easy for female persons as individuals to receive those services immediately, even if they managed to escape violence from their partners. Conditions for receiving a child-care allowance will be imposed upon divorced single parents, with terms such as waiting for one year since the issuance of a protection order.

Secondly, the Japanese labor market is gendered. This is manifested in the wage gap between women and men, where women earn only 74.3% of men's salaries (MHLW 2019a). Therefore, it is extremely difficult for women with children to become economically independent, as is apparent in the poverty ratio of single mothers standing at 50% (MHLW 2019b). Only 40% of the single-female-parent household employees are working as full-timers, while more than half of the workforce is occupied by part-timers and temporary employees (Cabinet Office 2017), causing unstable and low-paid employment situations for women. In short, even though women who are able to escape gender-based violence from their partners may enter the labor market via various types of support they will still be trapped in poverty due to the gender-based pay gap.

DV within one's private domain, and the gender bias in the labor market as a public domain, not only constitute violence that brings about double marginalization of women – but also affects their children. The child poverty rate in Japan is high, standing at 13.9% (2015). Children raised in single-parent families tend to have a low level of education or not attend school, which creates intergenerational

cycles of poverty (Cabinet Office, 2017; Abe Aya 2008). The issue of DV is inseparable from the problems of inequality and bias in the two institutions of the family and the workplace, and must be tackled as a matter of gender equality and human rights.

## 2) Challenges for Network-based Support

It takes a long period of time for DV survivors to restore their confidence and lives once they get away from an unjust relationship of domination-subjugation. They must go through various steps such as mental and physical recovery, reconstruction of their livelihoods (job, housing, and economic strength), legal procedures, and (for parents) also nurturing, providing education and healing trauma for their children as well. Various institutions offer support to survivors, with their targets and scopes of assistance differing slightly from each other. Thus, one institution cannot be solely responsible for survivors for a period of some years or over a decade at most, by covering other issues that may come up later as well. The advantage of this system is the availability of different approaches in terms of expertise for dealing with problems faced by survivors. However, it also has a disadvantage: when survivors are moving on to the next step, i.e., when their main organization of support is changed, such assistance could be interrupted. Even if institutions are sure to have communicated together, survivors could occasionally have been left out, or been thrown into loneliness after slipping through the cracks of assistance.

There is an article in the DV Prevention Act which states: “The national government and local public entities are to endeavor to provide necessary assistance to private bodies that are engaged in activities to prevent spousal violence and protect victims”. However, this does not clearly mention the roles and prescriptions of survivor assistance provided by private bodies. As such, it creates regional disparities in terms of cooperation between the private and public sectors. When survivors seek assistance from civil society organizations, local Spousal Violence Counseling and Support Centers in some regions may equally handle them as temporal protection cases based on the DV Prevention Act, while the flow of execution and decisions through the process of protection-related consultation are overwhelmingly left to the discretion of the same institution. The center is supposed to make a decision regarding protection, and can commission the task temporarily to an NGO facility. In some regions, however, support has been provided in a one-way traffic mode, as if they were subcontracted. Once the interactive system for survivor assistance is established, and the framework of support is able to properly integrate the services of civil society organizations under the leadership of public institutions, it could promote the elimination of regional disparities and the sharing of know-how for providing assistance. This, in turn, could lead toward more equal relations and collaborations between public and private institutions.

To provide uninterrupted assistance, even with the involvement of multiple institutions, we assume that there must be an organization in charge that will be there for survivors until the day they can say, “I’m fine now”.

## 3) Legal Limbo and Defects in the Law

Due to the narrow definition of DV within the DV Prevention Act, survivors are not eligible for assistance in cases involving couples who live separately, dating violence, or same-gender couples. In terms of practical assistance, some regions do render support to survivors of dating violence or stalking; but with some legal restrictions attached, such as the impossibility of submitting a petition for protection orders.

Public institutions provide assistance according to the respective legal basis. For example, the Act on the Prevention of Elder Abuse, Support for Caregivers of Elderly Persons and Other Related Matters (2006), and the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers (2011) are directed toward cases of violence caused by caregivers or advocates of survivors, their family members, and the affiliates of such facilities. In cases where an advocate is a spouse or a partner of common-law marriage, and a survivor is elderly or disabled; or in cases involving multiple types of violence; it will be unclear upon which law to base the assistance. Moreover, there is a tendency within vertically-segmented administration to pass on the case to another department or body, saying, "It's not within our jurisdiction of responsibility". Suppose, for example, that there was a wife in need of nursing care, and her husband was a caretaker and also an offender. This case would then fall between two different abuse prevention laws. Another situation has also been observed between multiple institutions, wherein it is not clear which institution is to be the main one to provide support for girls in their late teens who are trapped between the "Child Abuse Prevention Law" and the "Child Welfare Law", or the "Anti-Prostitution Act" and "DV Prevention Act".

There was an incident in 2019 wherein a 10-year old girl died from child abuse in Chiba prefecture, but her mother could not help her as she was suffering from DV. In many cases, DV and child abuse are taking place at the same time within a family, but the approach and method of assistance for such families may vary, depending on whether the problem is addressed as DV or as child abuse. The related institutions must work in cooperation, and likewise, each field must understand different laws and systems of assistance. Violence between siblings, or toward a parent by a child, as well as other cases of domestic violence, are not covered by this law; or no such law may exist in the first place. Despite falling into the category of human rights abuse and domestic violence, requests for such assistance could sometimes be turned down due to not being stipulated within the law.

Nevertheless, we would like to make additional remarks on a quick move observed from an operational standpoint. Under the declaration of a state of emergency, including stay-at-home requests, following the report on infections of COVID-19 since February 2020, the Japanese government took steps to provide special cash payments of 100,000 yen per person (approximately 1,000 US dollars) as a means to support citizens. In response to a demand immediately voiced by the All Japan Women's Shelter Network (a network organization of NGOs assisting women), the central government set up a system that enabled survivors who had escaped and were living away from their DV or child abuse perpetrators to receive the benefits safely at their current place of residence. Though this required consultations for confirming the violence, it has been applied to survivors of DV and child abuse,

as well as abuse cases involving the disabled, elderly persons, and other instances of interfamily violence.

There is a division created by the law to distinguish between various types of family violence (DV, child abuse, stalking, child pornography, abuse of the disabled, and abuse of the elderly). Providing more comprehensive legislation, akin to the “Violence Against Women Act” or the “Istanbul Convention”, is required to support survivors of violence. Early ratification of the Optional Protocol to the “Convention on the Elimination of All Forms of Discrimination against Women”, which allows for individual communication procedures, is therefore necessary.

#### 4) Measures Against Offenders

In this paper, little is mentioned about offenders. This is because AWC is committed to survivors, while avoiding contact with the perpetrators for the safety of survivors and supporting members. As many survivors say, once an offender is divorced, and has been left by his partner and child, he tends to harm his new partner. They say that if the abusive husband had been married or lived with his partner more than once, the cause of the split with his previous partner would be violence. AWC has aided survivors, and yet a great danger remains, because offenders could produce future victims. AWC once in fact supported two survivors whose husband turned out to be the same person.

Ms. Noriko Yamaguchi, who has been engaged in an offenders rehabilitation program based on a gender perspective, suggests that passive expressions by survivors such as “I suffered violence from my spouse/husband” should be changed to “My partner/husband inflicts violence on me”. She emphasized, “It’s not the problem of survivors, but of the offenders who choose to use violence”<sup>2</sup>. The DV Prevention Act does not provide any measure against offenders, and the tendency in recent years has been for police to begin to arrest batterers more vigorously. Still, they are difficult to apprehend unless caught red-handed. Survivors also hesitate to file a claim, since the person involved is her husband and the father of her children. Even if arrested, he could be released shortly thereafter if he was a first-time offender. Rehabilitation programs have been provided by a limited number of private organizations, and participation is not compulsory. Therefore, batterers virtually all remain at large.

Offenders would say “you are at fault” for the violence, and survivors under his control who are made to believe such words usually say, “I also made mistakes” (Konishi Takako 2001). It is necessary to renew awareness regarding the issue of DV as a problem on the side of perpetrators, then, and to incorporate into legislation the countermeasures to reform offenders in order to avoid producing future victims. Specifically, the voices of survivors and their supporters must be reflected upon within rehabilitation measures for offenders in order to prioritize the safety of survivors. Also, the associations between DV, gender and violence against women as described in this paper should be included within the contents.

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<sup>2</sup> Presented in a lecture titled “Knowing the offender is the way to understand DV” in Fukuoka, Japan on 12 November, 2019.

### 5) Perspectives for Home Assistance

Assistance is usually provided by confirming survivors' intentions throughout the process. Is there no other choice for survivors but to run away from their abusive partners? Usually, DV survivors' assistance begins when they have fled and are determined to divorce or to live separately from their offenders. At times, collaboration meetings for survivor assistance, organized by public institutions, put stress exclusively on taking shelter. As a result, survivors who do not wish to do so might face implicit criticism such as, "We told them many times that it was dangerous, but they would not seek shelter". Taking shelter, however, should not be a pre-condition for receiving assistance. Rather, alternative support services should be developed for those not wanting to take shelter, wherein support for survivors could be provided in a tailor-made manner. If there was someone who wished to somehow secure safety at home, there should be a new method developed for home assistance, as with the monitoring of families in need of support for suspected child abuse. For communities to take up their part to watch over the risk of DV, there must be higher levels of understanding and awareness among citizens regarding the issue of violence against women.

### 6) DV amidst the COVID-19 Crisis

DV counseling during the State of Emergency declaration has revealed the fact that offenders came to spend more time at home, and directed their extra stress caused by unemployment, business suspension requests, or business problems toward the weakest members of the family (women and children). This in turn escalated their violence, and raised the level of danger. However, when prompted by consultants, many of them said, "Such violent behaviors are not anything new". There were some improper media reports of increased consumption of alcohol beverages at home, wherein alcohol was blamed for the escalation of violence, as if battering resulted merely from alcohol and stress. COVID-19 did escalate their violence, but there was no clear explanation that this was not the reason or purpose of their violence. COVID-19 is not over yet, and there has also been concern that survivors could be isolated since it is difficult for them to call or visit a counseling office with offenders nearby. Following a request from the All Japan Women's Shelter Network, the Cabinet Office quickly set up a special service called "DV Consultation Plus" to provide consultations in multiple languages via telephone and SNS. It is strongly hoped that survivors will somehow reach out to access assistance. One of the most frequent subjects among consultations at AWC is the economic violence that comes after psychological violence. Offenders usually do not give out money to their partners, causing survivors to fall into poverty. In fact, through application procedures for the COVID-19 support measure of special cash payments, it has been revealed that there are innumerable cases of survivors who are living in a state of "separate lives under the same roof" because of DV. This has caused a great number of survivors at home to reach out for telephone consultation services. While relief measures are available to separated or divorced survivors, those who share a house with their offenders have ended up in a situation where they can access the benefits only through the hands of the designated "head of household". In other words, unless the designated household head shared the

grants they receive, it would not reach survivors at home, meaning that the woman would not be able to exercise her own rights.

Even though some relief measures are available to DV survivors, including those living separately from their abusers, they have faced great difficulties in terms of risking infection to visit congested offices in order to obtain documents for verification and confirm their mistreatment. If the procedures were not based on the principle of “householders”, but of individuals, the process would work much smoother. A gender-equal system is required, wherein individuals can equally exercise their rights, including voting, in order to receive benefits. The same is also true for other procedures, such as those for child benefits.

### Conclusion

Since the DV Prevention Act was established in 2001, numerous initiatives have been put into place including the provision of legal frameworks, surveys and studies, the establishment of the Spousal Violence Counseling and Support Center, and awareness-raising activities. The same law states that “the national government and local public entities have the responsibility of preventing spousal violence and providing appropriate protection for survivors, including assistance in making them self-reliant” (Article 2). And yet, many issues remain to be solved in order to achieve this goal. Here, we would like to summarize DV problems in Japan into three existing invisibilities.

First, there is the “invisibility of female survivors”. Generally speaking, DV takes place within the private domain, making it difficult for survivors to file complaints about their situation. Here, they strongly tend to condemn themselves because they think they are also at fault, while continuing to endure violent situations to protect their children. Moreover, “householder”-based paternal family systems and the gendered labor market in Japan make it difficult for women with children to be self-reliant, adding extra pressure on them to keep silent. Since 60 percent of the women who have suffered violence and fled from their abusive partners do not file a petition for protection orders, domination through fear still seems to be occurring (Tsunoda Yukiko, 2013: 69-70). It is the gender-unequal systems that are preventing the independence of women and creating difficulties for their social participation.

Second, there is an “invisibility of gender equality as a human right”. As already discussed above, government policies have not squarely taken up the issue of gender equality. This consequently hinders understanding of DV as gender-based violence, which in turn clouds the visibility of domination based upon an asymmetric power structure. The bizarre coined phrase of *danjo kyoudou sankaku* does not deny the existence of distinctive roles between men and women; nor does it emphasize gender equality as a right. At one of the meetings of the Council for *danjo kyoudou sankaku* (again, translated in English as ‘gender equality’) of a certain local government, a male committee member once told one of the authors of this paper that “overly promoting gender equality will make women selfish”. Unless the asymmetric power relations are corrected and a commitment to eliminate gender bias is made, gender-based violence will be justified forever.

Third, there is the invisibility of DV-related damage. Due to poor social assistance and a lack of experts to deal with DV survivors, the depth and scope of violence stemming from DV is not clear, except for to a handful of specialists. Comprehension about damage caused by DV has not prevailed among the general public, especially regarding the sorts of violence that can occur within intimate relationships; the damage caused by emotional violence, which is not so obvious externally; or how such violence could affect the development of the bodies and minds of children. However, each citizen as a member of a community should have a proper understanding of gender equality and the structure of violence and domination that DV entails. Otherwise, the cycle of violence will be continued. Twenty years have passed since the enactment of the DV Prevention Act, and unless we comprehend the implications of the violence that is embedded within our everyday lives and the structure of domination based on gender inequality, Japan will not be the “safest country in the world”.

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