

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

(Act No. 31 of April 13, 2001)

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As respect for individuality and equality under law is stipulated in the Constitution of Japan, efforts have been made in Japan for the protection of human rights and the realization of equality between women and men. Nevertheless, 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.

In order to improve these conditions and to achieve the protection of human rights and the realization of equality between women and men, measures to prevent spousal violence and protect victims need to be established. This action is in line with efforts taken by the international community to eradicate violence against women.

This Act has been established in order to prevent spousal violence and protect victims through the establishment of a system to deal with spousal violence, providing for notification, counseling, protection, support for self-reliance, etc.

## Chapter I General Provisions

(Definitions)

- Article 1 (1) The term "spousal violence" as used in this Act means bodily harm caused by one spouse (illegal physical attacks that threaten the other spouse's life or person; the same applies hereinafter) or words and deeds by one spouse that cause the same level of psychological or physical harm to the other spouse (hereinafter collectively referred to as "bodily harm" in this paragraph and Article 28-2), and covers cases where a spouse has, subsequent to being subjected to violence by the other spouse, obtained a divorce or annulment of marriage but continues to be subjected to violence by the former spouse.
- (2) The term "victim" as used in this Act means a person who has been subjected to spousal violence.
- (3) The term "spouse" as used in this Act includes persons who are in a de facto state of marriage that has not been legally registered. The term "divorce" includes the circumstances of persons who were in a de facto state of marriage that was not legally registered, and whose situation has changed to a de facto state of divorce.

(Responsibilities of the National Government and Local Public Entities)

Article 2 The national government and local public entities have the responsibility of preventing spousal violence and providing appropriate protection for victims, including assistance in making them self-reliant.

## **Chapter I-2 Basic Policy and Prefectural Basic Plans**

(Basic Policy)

- Article 2-2 (1) The Prime Minister, the National Public Safety Commission, the Minister of Justice, and the Minister of Health, Labor and Welfare (hereinafter collectively referred to as the "competent Ministers" in this Article and paragraph (5) of the following Article) must establish a basic policy concerning measures for the prevention of spousal violence and the protection of victims (hereinafter referred to as the "basic policy" in this Article and paragraphs (1) and (3) of the following Article).
- (2) The basic policy is to establish guidelines for the prefectural basic plans set forth in paragraph (1) of the following Article and the municipal basic plans set forth in paragraph (3) of the same Article with regard to the following:
- (i) basic matters related to the prevention of spousal violence and the protection of victims;
  - (ii) matters related to the contents of measures for the prevention of spousal violence and the protection of victims; and
  - (iii) other important matters related to the implementation of measures for the prevention of spousal violence and the protection of victims.
- (3) When establishing or revising the basic policy, the competent Ministers must

consult in advance with the heads of the administrative organs concerned.

- (4) Upon establishing or revising the basic policy, the competent Ministers must publicize the contents without delay.

(Prefectural Basic Plans)

Article 2-3 (1) In line with the basic policy, prefectures must establish their own basic plans concerning the implementation of measures for the prevention of spousal violence and the protection of victims within their jurisdiction (hereinafter referred to as "prefectural basic plans" in this Article).

- (2) Prefectural basic plans are to provide the following matters:

(i) a basic policy on the prevention of spousal violence and the protection of victims;

(ii) matters related to the details of the implementation of measures for the prevention of spousal violence and the protection of victims; and

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

- (3) In line with the basic policy and by taking into consideration prefectural basic plans, municipalities (including special wards; the same applies hereinafter) must endeavor to establish their own basic plans concerning the implementation of measures for the prevention of spousal violence and the protection of victims within their jurisdiction (hereinafter referred to as "municipal basic plans" in this Article).

- (4) Upon establishing or revising prefectural basic plans or municipal basic plans, prefectures or municipalities must publicize the contents without delay.

- (5) The competent Ministers must endeavor to provide prefectures and municipalities with advice and other assistance needed to establish prefectural basic plans and municipal basic plans.

## **Chapter II Spousal Violence Counseling and Support Centers**

(Spousal Violence Counseling and Support Centers)

Article 3 (1) Prefectures are to authorize women's consulting offices or other appropriate facilities which they have established to function as spousal violence counseling and support centers.

- (2) Municipalities are to endeavor to authorize appropriate facilities which they have established to function as spousal violence counseling and support centers.

- (3) In order to prevent spousal violence and protect victims, spousal violence counseling and support centers are to undertake the following activities:

(i) to provide victims with counseling regarding the various problems affecting them or to introduce them to women's consultants or organizations that provide the counseling;

- (ii) to provide victims with medical or psychological guidance or other required guidance in order to help them with their psychological and physical recovery;
  - (iii) to secure safety in an emergency and provide temporary protection for victims (when a victim is accompanied by family members, for the family members as well as the victim; the same applies in the following item, item (vi), Article 5, and Article 8-3);
  - (iv) to provide information, advice, and liaison and coordination with concerned organizations, as well as other forms of assistance, concerning measures including employment promotion, housing procurement, and the use of systems for social assistance in order to promote the self-reliant lifestyle of victims;
  - (v) to provide information, advice, and liaison with concerned organizations, as well as other forms of assistance concerning the use of the protection order system prescribed in Chapter IV; and
  - (vi) to provide information, advice, and liaison and coordination with concerned organizations, as well as other forms of assistance concerning the use of facilities in which victims may live and receive protection.
- (4) Temporary protection referred to in item (iii) of the preceding paragraph is to be provided directly by a women's consulting office or entrusted to parties that meet criteria specified by the Minister of the Health, Labor and Welfare.
- (5) When necessary during the course of their duties, spousal violence counseling and support centers are to endeavor to collaborate with private bodies that are engaged in activities designed to prevent spousal violence and protect victims.

(Counseling by Women's Consultants)

Article 4 Women's consultants may provide necessary guidance to victims in response to counseling for victims.

(Protection at Women's Protection Facilities)

Article 5 Prefectures may provide protection to victims at women's protection facilities.

### **Chapter III Protection of Victims**

(Notification by Those Who Discover Cases of Spousal Violence)

- Article 6 (1) Those who discover that a person has been subject to spousal violence (limited to cases of bodily harm by a spouse or former spouse; hereinafter the same applies in this Chapter) must endeavor to notify a spousal violence counseling and support center or a police officer of that fact.
- (2) Physicians or other medical personnel who, during the course of their duties,

come across a person whom they consider to have suffered from injuries or medical conditions resulting from spousal violence may notify a spousal violence counseling and support center or a police officer of that fact. In that case, they are to endeavor to respect the intentions of the person.

(3) The provisions of the Penal Code (Act No. 45 of 1907) concerning unlawful disclosure of confidential information and the provisions of other laws concerning confidentiality obligations may not be construed as preventing notification pursuant to the preceding two paragraphs.

(4) Physicians or other medical personnel who, during the course of their duties, come across a person whom they consider to have suffered from injuries or medical conditions resulting from spousal violence must endeavor to provide the person with the information at their disposal concerning the use of spousal violence counseling and support centers, etc.

(Explanations about Protection Provided by Spousal Violence Counseling and Support Centers)

Article 7 When receiving notification about a victim or consulting with a victim, a spousal violence counseling and support center is to offer explanations and advice regarding its duties as a spousal violence counseling and support center pursuant to the provisions of Article 3, paragraph (3) and recommend the victim to receive any necessary protection as needed.

(Harm Prevention by Police Officers)

Article 8 If due to a notification or by other means, a police officer finds that there is a case of spousal violence, the officer must endeavor to take necessary measures, such as stopping the violence or providing protection to the victim, pursuant to the provisions of the Police Act (Act No. 162 of 1954), Police Duties Execution Act (Act No. 136 of 1948), and other laws and regulations in order to prevent the victim from suffering harm from spousal violence.

(Assistance by the Chief of the Prefectural Police Headquarters)

Article 8-2 When receiving a request from a person subjected to spousal violence for assistance in personally preventing harm from spousal violence and finding the request appropriate, the superintendent general of a metropolitan police department, the chief of prefectural police headquarters (or the chief of area headquarters for an area that does not include the location of the Hokkaido Prefectural Police Headquarters; the same applies in Article 15, paragraph (3)), or the chief of a police station is to advise the person subjected to spousal violence on measures to personally prevent the harm and offer other necessary assistance to prevent the person from suffering harm from spousal violence pursuant to the provisions of the regulations established by the National

Public Safety Commission.

(Support for Self-Reliance by Welfare Offices)

Article 8-3 Offices handling welfare affairs as prescribed by the Social Welfare Act (Act No. 45 of 1951) (referred to as "welfare offices" in the following Article) must endeavor to take any necessary measures to support victims to become self-reliant pursuant to the provisions of the Public Assistance Act (Act No. 144 of 1950), the Child Welfare Act (Act No. 164 of 1947), the Act on Welfare of Mothers with Dependents, Fathers with Dependents, and Widows (Act No. 129 of 1964), and other laws and regulations.

(Cooperation among Concerned Organizations to Protect Victims)

Article 9 The prefectural or municipal organizations concerned, such as spousal violence counseling and support centers, prefectural police, and welfare offices, and other organizations concerned are to endeavor to work in collaboration when providing appropriate protection for victims.

(Appropriate and Prompt Processing of Complaints)

Article 9-2 When receiving a complaint from a victim regarding the performance of duties by personnel in charge of the protection of victims, the concerned organizations referred to in the preceding Article are to endeavor to process the complaints appropriately and promptly.

## **Chapter IV Protection Orders**

(Protection Orders)

Article 10 (1) When the life or person of a victim (limited to a victim who has been subjected to bodily harm, life-threatening intimidation, etc. (meaning intimidation through announcing an intention to harm the life or person of a victim; hereinafter the same applies in this Chapter) by a spouse; hereinafter the same applies in this Chapter) who has been subjected to bodily harm by a spouse is highly likely to be seriously harmed due to further bodily harm caused by the spouse (including when, subsequent to being subjected to bodily harm by the spouse, the victim has obtained a divorce or annulment of marriage but continues to be subjected to bodily harm caused by the former spouse; the same applies in Article 12, paragraph (1), item (ii)) or when the life or person of a victim who has been subjected to life-threatening intimidation, etc. by a spouse is highly likely to be seriously harmed due to bodily harm caused by the spouse (including when, subsequent to being subjected to life-threatening intimidation, etc. by the spouse, the victim has obtained a divorce or annulment of marriage but continues to be subjected to bodily harm by the

former spouse; the same applies in the same item), the court, upon receiving a petition from the victim, is to find against the spouse (including a former spouse when, subsequent to being subjected to bodily harm, life-threatening intimidation, etc. by the spouse, the victim has obtained a divorce or annulment of marriage; hereinafter the same applies in this Article, Article 12, paragraph (1), items (iii) and (iv), and Article 18, paragraph (1)) and order the actions listed below in order to prevent harm to the victim's life or person; provided, however, that the matters listed in item (ii) apply only if the victim and the spouse in question are still based in the same principal area at the time of the petition:

- (i) to refrain from approaching the victim at the victim's residence (excluding a residence which is the principal place where the victim and the spouse are based together; hereinafter the same applies in this item) or any other place, or from loitering in the vicinity of the residence, workplace, or any other location normally frequented by the victim, for a six-month period from the day on which the order comes into effect; or
  - (ii) to leave the residence which is the principal place where the spouse and the victim are based together and to refrain from loitering in that vicinity, for a two-month period from the day on which the order comes into effect.
- (2) In cases prescribed in the main clause of the preceding paragraph, upon a petition from the victim, the court that will issue or has issued an order under item (i) of the preceding paragraph is to, on or after the date that order has taken effect, order the spouse to refrain from taking any of the actions listed below against the victim during a period from the day on which the order under item (i) comes into effect to the day on which six months elapse, in order to prevent harm to the victim's life or person:
- (i) to request a meeting;
  - (ii) to verbally suggest to the victim that the spouse is monitoring the victim's behavior or to otherwise create a situation where the victim could possibly become aware of the monitoring;
  - (iii) to use or carry out extremely rude or violent words and deeds;
  - (iv) to make a phone call without saying anything, or to make phone calls, transmit messages by fax, or send e-mails incessantly, except in cases of urgent necessity;
  - (v) to make phone calls, transmit messages by fax, or send e-mails between 10 p.m. and 6 a.m., except in cases of urgent necessity;
  - (vi) to send excrements, animal carcasses, or other extremely disgusting or repulsive materials, or to otherwise create a situation where the victim could possibly become aware of them;
  - (vii) to reveal matters that harm the victim's dignity, or to otherwise create a situation where the victim could possibly become aware of those matters; or

(viii) to reveal sexually insulting materials or to create a situation where the victim could possibly become aware of those materials, or to send documents, pictures or other sexually insulting materials or to create a situation where the victim could possibly become aware of those materials.

(3) In cases prescribed in the main clause of paragraph (1), when the victim's child who is a minor (hereinafter referred to simply as a "child" in this paragraph, the following paragraph, and Article 12, paragraph (1), item (iii)) lives with the victim, and it is found necessary to prevent the victim from being obliged to meet the spouse with regard to the child who lives with the victim, considering that the spouse uses or carries out words or deeds sufficient to lead to a suspicion that the spouse is likely to take the child away, or other circumstances, upon a petition from the victim, the court that will issue or has issued an order under paragraph (1), item (i) is to, on or after the date that order has taken effect, order the spouse to refrain from approaching the child at the residence (excluding a residence which is the principal place where the child and the spouse are based together; hereinafter the same applies in this paragraph), the school the child attends, or any other place, or from loitering in the vicinity of the residence, school, or any other locations normally frequented by the child during a period from the day on which the order under the same item comes into effect to the day on which six months elapse, in order to prevent harm to the child's life or person; provided, however, that if the child in question is 15 years of age or older, this provision applies only if the court obtains the child's consent.

(4) In cases prescribed in the main clause of paragraph (1), when there are certain circumstances such that the spouse visits, uninvited, the residence of the victim's relative or other person with whom the victim has a close relationship in the person's social life (except for a child who lives with the victim and a person who lives with the spouse; hereinafter referred to as a "relative, etc." in this paragraph, the following paragraph, and Article 12, paragraph (1), item (iv)) and uses or carries out extremely rude or violent words or deeds and, therefore, it is found necessary to prevent the victim from being obliged to meet the spouse with regard to the relative, etc., upon a petition from the victim, the court that will issue or has issued an order under paragraph (1), item (i) is to, on or after the date that order has taken effect, order the spouse to refrain from approaching the relative, etc. at the relative's residence (excluding a residence which is the principal place where the relative, etc. and the spouse are based together; hereinafter the same applies in this paragraph) or any other place, or from loitering in the vicinity of the residence, workplace, or any other location normally frequented by the relative, etc. during the period from the day on which the order under the same item comes into effect to the day on which six months elapse, in order to prevent harm to



the life or body of the relative, etc.

- (5) A petition referred to in the preceding paragraph may be filed only when the relative, etc. (except for the victim's child under 15 years of age; hereinafter the same applies in this paragraph) gives consent (if the relative, etc. is a person under 15 years of age or an adult ward, only when the statutory representative thereof gives consent).

(Court with Jurisdiction)

Article 11 (1) Cases pertaining to a petition for an order under paragraph (1) of the preceding Article are within the jurisdiction of the district court which exercises jurisdiction over the area where the opposite party maintains an address (or a residence if the opposite party does not have an address in Japan or the address of the opposite party is unknown).

- (2) A petition for an order under paragraph (1) of the preceding Article may be filed in a district court that exercises jurisdiction over the areas listed in the following items:
- (i) the address of the petitioner's domicile or residence; or
  - (ii) the place where the bodily harm or life-threatening intimidation, etc. by the spouse to which the petition pertains took place.

(Petition for Protection Orders)

Article 12 (1) A petition for an order under Article 10 paragraphs (1) to (4) (hereinafter referred to as a "protection order") must be filed with a document stating the following matters:

- (i) the circumstances under which the victim was subjected to bodily harm or life-threatening intimidation, etc. by the spouse;
- (ii) sufficient evidence at the time of the petition to find that there is still a high likelihood of serious harm to the life or person of the victim due to further bodily harm by the spouse or to bodily harm by the spouse following life-threatening intimidation, etc. by the spouse;
- (iii) when filing a petition for an order under Article 10, paragraph (3), sufficient evidence at the time of the petition to find it necessary to issue the order to prevent the victim from being obliged to meet the spouse with regard to the child who lives with the victim;
- (iv) when filing a petition for an order under Article 10, paragraph (4), sufficient evidence at the time of the petition to find it necessary to issue the order to prevent the victim from being obliged to meet the spouse with regard to the relative, etc.; and
- (v) whether the victim has received counseling or requested assistance or protection from the staff of a spousal violence counseling and support center or police personnel concerning the matters listed in the preceding items, and,

if the victim has done so, the matters listed below:

- (a) the name of the spousal violence counseling and support center or the police station to which the police personnel belongs;
  - (b) the date, time and location in which the counseling was received or the assistance or protection was requested;
  - (c) the details of the counseling or of the assistance or protection requested; and
  - (d) the details of the measures taken in response to the counseling or the request from the petitioner.
- (2) If a document referred to in the preceding paragraph (hereinafter referred to as a "written petition") does not state a matter listed in any of item (v), (a) to (d) of the same paragraph, the petitioner must attach a document stating the matters listed in items (i) to (iv) of the same paragraph certificated pursuant to the provisions of Article 58-2, paragraph (1) of the Notary Act (Act No. 53 of 1908) to the written petition.

(Prompt Judicial Decision)

Article 13 The court is to render a judicial decision promptly with regard to cases pertaining to a petition for a protection order.

(Proceedings for Protection Order Cases)

- Article 14 (1) A protection order may not be issued before a fixed date for oral arguments or for a hearing that the opposite party can attend; provided, however, that this does not apply when there are circumstances where waiting until that date would interfere with the fulfillment of the purpose of the petition for a protection order.
- (2) When a written petition states the matters listed in Article 12, paragraph (1), item (v), (a) to (d), the court is to request the chief of the relevant spousal violence counseling and support center or police station to submit a document stating the circumstances at the time when the petitioner received counseling, or requested assistance or protection, as well as the details of the measures taken in response. In this case, the chief of the relevant spousal violence counseling and support center or police station is to respond promptly.
- (3) When the court finds it is necessary it may ask the chief of the spousal violence counseling and support center or police station referred to in the preceding paragraph or the personnel from whom the petitioner received counseling or requested assistance or protection to further explain the matters for which the court requested the submission of a document pursuant to the provisions of the same paragraph.

(Decision on a Petition for a Protection Order)

- Article 15 (1) A decision on a petition for a protection order must contain the reasons therefor; provided, however, that if the decision is reached without oral arguments, it is sufficient to indicate the gist of the reasons.
- (2) A protection order comes into effect when the written decision is sent to the opposite party or when the decision has been rendered on the date of oral arguments or a hearing which the opposite party attended.
- (3) When the clerk of the court issues a protection order, the clerk is to promptly notify the superintendent general of the metropolitan police department or the chief of the prefectural police headquarters with jurisdiction over the address or place of residence of the petitioner of the protection order's gist and contents.
- (4) When a protection order is issued, and it is known that the petitioner has received counseling, or requested assistance or protection, from the personnel at a spousal violence counseling and support center, and the written petition states matters listed in Article 12, paragraph (1), item (v), (a) to (d) pertaining to the relevant facts, the clerk of the court is to promptly notify the chief of the spousal violence counseling and support center whose name is stated in the written petition (if the names of more than two spousal violence counseling and support centers are stated in the written petition, the one where the petitioner most recently received counseling or requested assistance or protection from the personnel) of the protection order's gist and contents.
- (5) A protection order is not enforceable.

(Immediate Appeals against Rulings)

- Article 16 (1) An immediate appeal may be lodged against a judgment on a petition for a protection order.
- (2) An immediate appeal referred to in the preceding paragraph has no impact on the validity of a protection order.
- (3) When an immediate appeal against a ruling has been lodged, a court in charge of an appeal may order, upon a petition, the suspension of the validity of the relevant protection order until the judgment on the immediate appeal against a ruling comes into effect only if there is prima facie evidence showing that there are circumstances that will cause the revocation of the protection order. The court that originally had jurisdiction over the case may also order that disposition if the case records are still in its possession.
- (4) When ordering the suspension of the validity of an order under Article 10, paragraph (1), item (i) pursuant to the provisions of the preceding paragraph, the court must also order the suspension of the validity of an order under Article 10, paragraphs (2) to (4) if any of them has been issued.
- (5) No appeal may be filed against the judgment pursuant to the provisions of the preceding two paragraphs.
- (6) When revoking an order pursuant to the provisions of Article 10, paragraph

- (1), item (i), the court in charge of an appeal must also revoke any order issued pursuant to the provisions of paragraphs (2) to (4) of the same Article.
- (7) Regarding a protection order for which a notification under paragraph (4) of the preceding Article has been made, when the court has ordered the suspension of the validity of the order or the court in charge of an appeal has revoked the order pursuant to the provisions of paragraph (3) or (4), the clerk of the court is to promptly notify the chief of the spousal violence counseling and support center to which the notification was made of the gist and contents of the suspension or revocation.
- (8) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the cases referred to in paragraphs (3) and (4) and when the court in charge of an appeal has revoked a protection order.

(Revocation of Protection Orders)

- Article 17 (1) A court that has issued a protection order must revoke the order when the person who petitioned for the order has filed a petition for its revocation; the same applies if the person subject to a protection order files a petition for the revocation of the order and the court confirms that the person who petitioned for the order does not object, when three months have elapsed from the day on which the order under Article 10, paragraph (1), item (i) or paragraphs (2) to (4) came into effect if the order is under those provisions, or when two weeks have elapsed from the day on which the order under paragraph (1), item (ii) of the same Article came into effect if the order is under those provisions.
- (2) The provisions of paragraph (6) of the preceding Article apply mutatis mutandis when the court that has issued an order under Article 10, paragraph (1), item (i) revokes the order pursuant to the provisions of the preceding paragraph.
- (3) The provisions of Article 15, paragraph (3), and paragraph (7) of the preceding Article, apply mutatis mutandis to the cases referred to in the preceding two paragraphs.

(Subsequent Petitions for Orders under Article 10, Paragraph (1), Item (ii))

- Article 18 (1) When an order under Article 10, paragraph (1), item (ii) is issued and a subsequent petition is filed for an order under the same item on the grounds of the same instance of bodily harm or life-threatening intimidation, etc. as the grounds for the petition for the issued order, the court is to issue the subsequent order only when finding it necessary to reissue the order under the same item due to the fact that the victim intends to move from the residence which is the principal place where the victim and the spouse are based together but is unable to complete the move within two months from the day on

which the issued order comes into effect due to grounds not attributable to the victim, or other circumstances; provided, however, that the court may choose not to issue the order if it finds that the issuance of the order would cause extreme hindrance to the spouse's daily life.

(2) With regard to the application of the provisions of Article 12 to cases of filing a subsequent petition referred to in the preceding paragraph, the term "following matters" in the main clause of Article 12, paragraph (1) is replaced with "matters listed in items (i), (ii), and (v) below and the circumstances referred to in the main clause of Article 18, paragraph (1)", the term "matters listed in the preceding items" in Article 12, paragraph (1), item (v) is replaced with "matters listed in items (i) and (ii) and the circumstances referred to in the main clause of Article 18, paragraph (1)", and the term "matters listed in items (i) to (iv) of the same paragraph" in Article 12, paragraph (2) is replaced with "matters listed in items (i) and (ii) of the same paragraph and the circumstances set forth in the main clause of Article 18, paragraph (1)".

(Inspection of Case Records)

Article 19 With regard to procedures concerning a protection order, the party may submit a request to the clerk of the court for the inspection or a copy of case records, the delivery of case records or a transcript or extract thereof, or the issuance of a certificate of matters concerning the case; provided, however, this does not apply to the opposite party until the date for oral proceedings or a hearing that the opposite party is summoned to attend with regard to the petition for the protection order is designated or until the protection order has been sent to the opposite party.

(Certification of Oath by a Secretary in the Ministry of Justice)

Article 20 When a notary is not available or cannot perform duties within the area of the jurisdiction of the responsible legal affairs bureau, regional legal affairs bureau, or branch office thereof, the Minister of Justice may have a secretary in the Ministry of Justice who works for the legal affairs bureau, regional legal affairs bureau, or branch office thereof make a certification referred to in Article 12, paragraph (2) (including when the provisions of the same paragraph are applied following the deemed replacement of terms pursuant to the provisions of Article 18, paragraph (2)).

(Application Mutatis Mutandis of the Code of Civil Procedure)

Article 21 The provisions of the Code of Civil Procedure (Act No. 109 of 1996) apply mutatis mutandis to procedures for a protection order, unless the application is inconsistent with the nature protection orders, except as otherwise provided for by this Act.

(Rules of the Supreme Court)

Article 22 Beyond what is provided for by this Act, any matters necessary for procedures concerning a protection order are provided by the Rules of the Supreme Court.

## **Chapter V Miscellaneous Provisions**

(Consideration by Related Officials)

Article 23 (1) Persons with duties related to the protection of victims, investigations, and judicial decisions pertaining to spousal violence (referred to as "related officials" in the following paragraph) must, in the performance of their duties, take into consideration the psychological and physical circumstances of the victims, their environment, etc., respect their human rights regardless of their nationality, disabilities, etc., and give due consideration to ensuring their safety and protecting their privacy.

(2) The national government and local public entities are to conduct training and enlightenment activities necessary to deepen the related officials' understanding concerning the human rights of victims, the characteristics of spousal violence, etc.

(Education and Enlightenment)

Article 24 The national government and local public entities are to strive for education and enlightenment activities to deepen citizens' understanding concerning the prevention of spousal violence.

(Promotion of Research and Study)

Article 25 In order to contribute to the prevention of spousal violence and the protection of victims, the national government and local public entities are to endeavor to promote research and study concerning methods, etc. for guidance for the rehabilitation of perpetrators and for the restoration of the physical and psychological health of victims, as well as to foster personnel related to the protection of victims and enhance their qualifications.

(Assistance for Private Bodies)

Article 26 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.

(Payment by Prefectures and Municipalities)

Article 27 (1) Prefectures must pay the expenses listed in the following items:

- (i) expenses needed to operate women's consulting offices that perform the duties listed in Article 3, paragraph (3) based on the provisions of the same paragraph (excluding the expenses listed in the following item);
  - (ii) expenses needed for temporary protection provided by women's consulting offices based on the provisions of Article 3, paragraph (3), item (iii) (including when duties are entrusted to persons who meet the criteria specified by the Minister of Health, Labor and Welfare as prescribed in paragraph (4) of the same Article);
  - (iii) expenses needed for duties performed by women's consultants entrusted by prefectural governors based on the provisions of Article 4; and
  - (iv) expenses needed for protection by prefectures based on the provisions of Article 5 (including when the duties are entrusted to municipalities, social welfare corporations, or other persons whom prefectures find appropriate) and expenses needed for the clerical work necessary for the protection.
- (2) Municipalities must pay expenses needed for duties performed by women's consultants entrusted by municipal mayors based on the provisions of Article 4.

(National Government's Share of Expenses and Subsidies)

- Article 28 (1) Pursuant to the provisions of a Cabinet Order, the national government is to bear one-half of the amount of the expenses listed in items (i) and (ii) of paragraph (1) of the preceding Article that have been paid by prefectures pursuant to the provisions of the same paragraph.
- (2) The national government may, within budgetary limits, provide subsidies for up to one-half of the amount of the expenses listed below:
- (i) expenses listed in items (iii) and (iv) of paragraph (1) of the preceding Article that have been paid by prefectures pursuant to the provisions of the same paragraph;
  - (ii) expenses that have been paid by municipalities pursuant to the provisions of paragraph (2) of the preceding Article.

**Chapter V-2 Auxiliary Provisions**

(Mutatis Mutandis Application of this Act)

Article 28-2 The provisions in Article 2 and from Chapter I-2 to the preceding Chapter apply mutatis mutandis to relationship violence ("relationship violence" as used in this Article means bodily harm by one person against the other person in a relationship, and if the victim has ended the relationship after being subjected to bodily harm by the other person in the relationship, this also includes bodily harm that the victim continues to be subjected to by the other person after the end of the relationship) inflicted by one person in a relationship against the other, provided the relationship is one in which both

persons are based in the same principal place (excluding relationships in which both persons do not live together in a manner similar to that of a marital relationship), and to persons who have been subjected to the violence. In this case, the term "spousal violence" in these provisions is replaced with "relationship violence as prescribed in Article 28-2", and each term listed in the middle column of the following table within the provisions listed in the left-hand column of the same table is replaced with the respective term listed in the right-hand column of the same table.

Article 2	Victim	Victim (a person who has been subjected to relationship violence as prescribed in Article 28-2; the same applies hereinafter)
Article 6, paragraph (1)	Spouse or former spouse	The other person in the relationship as prescribed in the same article or a person who used to be the other person in the relationship as prescribed in the same article
Article 10, paragraphs (1) to (4); Article 11, paragraph (2), item (ii)2; Article 12, paragraphs (1), items (i)1 to (iv)4; and Article 18, paragraph (1)	Spouse	The other person in the relationship as prescribed in Article 28-2
Article 10, paragraph (1)	If the victim has obtained a divorce or annulment of marriage	If the relationship has been dissolved as prescribed in Article 28-2

### Chapter VI Penal Provisions

Article 29 A person who violates a protection order (including those under Article 10, paragraphs (1) to (4) as applied mutatis mutandis pursuant to the preceding Article following the deemed replacement of terms; the same applies to the following Article) is subject to imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

Article 30 Persons who have filed a petition for a protection order with a written petition stating a false entry with regard to matters to be stated pursuant to



the provisions of Article 12, paragraph (1) (including when the provisions are applied following the deemed replacement of terms pursuant to the provisions of Article 18, paragraph (2)) or the provisions of Article 12, paragraph (1) as applied mutatis mutandis pursuant to Article 28-2 following the deemed replacement of terms (including when the provisions of Article 12, paragraph (1) are applied following the deemed replacement of terms pursuant to the provisions of Article 18, paragraph (2) as applied mutatis mutandis to Article 28-2) is subject to a civil fine of not more than 100,000 yen.

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day on which six months have elapsed from the day of promulgation; provided, however, that the provisions of Chapter II, Article 6 (limited to the parts pertaining to spousal violence counseling and support centers), Article 7, Article 9 (limited to the parts pertaining to spousal violence counseling and support centers), Article 27, and Article 28 come into force from April 1, 2002.

(Transitional Measures)

Article 2 With regard to the application of the provisions of Article 12, paragraph (1), item (iv) and Article 14, paragraphs (2) and (3) to cases concerning a petition for a protection order from a victim who has received counseling from a women's consulting office or requested assistance or protection from a women's consulting office with regard to bodily harm caused by the victim's spouse by March 31, 2002, the term "spousal violence counseling and support center" in these provisions is deemed to be replaced with "women's consulting office".

(Review)

Article 3 Approximately three years after this Act comes into force, a review of the provisions of this Act is to be conducted by taking into consideration the status of the enforcement of this Act and necessary measures are to be taken based on the results of the review.

### **Supplementary Provisions [Act No. 64 of 2004]**

(Effective Date)

Article 1 This Act come into effect on the day on which six months have elapsed from the day of promulgation.

(Transitional Measures)

Article 2 (1) With regard to cases concerning an order issued prior to the enforcement of this Act under Article 10 of the Act on the Prevention of Spousal Violence and the Protection of Victims prior to amendment by this Act (referred to as the "Old Act" in the following paragraph) pertaining to a petition for an order under the same Article, the provisions then in force remain applicable.

(2) With regard to the application of the provisions of Article 18, paragraph (1) of the Act on the Prevention of Spousal Violence and the Protection of Victims amended by this Act (hereinafter referred to as the "New Act") to cases in which, after the issuance of an order under Article 10, item (ii) of the Old Act, a petition is filed for an order under Article 10, paragraph (1), item (ii) of the New Act (limited to the first petition filed after the enforcement of this Act) on the grounds of the same instance of an illegal attack that threatens the life or person of the petitioner as the grounds for the petition for the first order, the term "two months" in Article 18, paragraph (1) of the New Act is replaced with "two weeks".

(Review)

Article 3 Approximately three years after this Act comes into force, a review of the provisions of the New Act is to be conducted by taking into consideration the status of the enforcement of the New Act and any necessary measures are to be taken based on the results of the review.

**Supplementary Provisions [Act No. 113 of 2007] [Extract]**

(Effective Date)

Article 1 This Act comes into effect on the day on which six months have elapsed from the day of promulgation.

(Transitional Measures)

Article 2 With regard to cases concerning an order issued prior to the enforcement of this Act under Article 10 of the Act on the Prevention of Spousal Violence and the Protection of Victims prior to amendment by this Act pertaining to a petition for an order under the same Article, the provisions then in force remain applicable.

**Supplementary Provisions [Act No. 72 of 2013 Extract] [Extract]**

(Effective Date)

(1) This Act comes into effect on the day on which six months have elapsed from

the date of promulgation.