

Domestic Violence and Women's Human Rights in Japan

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The family is an institution in which sexual discrimination tends to occur, because of its being in the private and lawless area and its being caught in the patriarchal power structure. One of these forms of discrimination against women in the family is violence against women or what is called "domestic violence." It impedes women's spiritual and material independence.

In Japan, the term "domestic violence" was used to refer almost exclusively to violence by children against their parents which was said to be the result of pressure upon children from school and society until research was begun by various groups. Japan had been perceived as a non-violent society. However, the research has shown that this is a myth.

Domestic violence against female family members is divided into physical, psychological and sexual ones and includes the battering of wives and female partners, incest, forced prostitution, and marital rape. It is a result of the unbalanced relationship between the person with power and the one without power, which is structured in society and interwoven in terms of gender, class and age. Until the 1990s, these issues had seldom been recognized as a violation of women's human rights nor acknowledged as violence against women for which men should be blamed.

These victims had been invisible and never spoken of, because domestic violence takes place in the private sphere. Feminism, however, has given recognition to the issue of domestic violence and has made it visible and conceptualized. A new recognition of

violence against women has been brought about as the outcome of the politics of the feminist movement. This movement has made women see the importance of self-determination over their body and mental and physical security as a part of their human rights.

My presentation is based on the book *Women, Violence and Human Rights* which I edited in 1994, and on recent research and reports as well as on my own experience as a survivor of domestic violence. The research has been done by female lawyers groups, the Domestic Violence Research Committee of Japanese scholars and activists, and various hotlines dealing with it in various regions of Japan.

1. *Violence against women at home:*

Let us examine closely the nature of domestic violence in Japan.

The Domestic Violence Research Committee carried out the first nation-wide survey on domestic violence in 1993.¹ Until then, there were no statistics for it, and for that reason it was supposed not to exist. They researched degrees of violence, the victims themselves, the victims' relation with the victimizers, their social circumstances, reasons, frequency, physical injury, psychological influence or outcome, violence by victimizers against other family members including children.

According to their research, about 800 women responded to the questionnaire. About 80% of them had suffered from some kind of violence. In several cases, their drunken husbands' battery resulted in their ribs, legs and shoulders being broken and in their being hospitalized several times.

Violence was categorized into three levels: physical, psychological and sexual. About 60% had experienced physical violence, 65% psychological violence in addition to physical violence and 60% sexual violence, while 44% had experienced all these three forms of violence.

The most common physical violence is being battered with bare hands on their faces and bodies. Other physical violence

¹The Domestic Violence Research Committee published the statistics at the East Asian Women's Forum held in October 1994. All the statistics on domestic violence are from this presentation.

includes being kicked, shoulders and breasts being grabbed and hands being twisted and objects being thrown at them. One third of them experience their hair pulled; being dragged by their hair; being throttled; being hit with golf clubs, bats, and belts; or being cut with knives. A few cases include having hot water poured over them, being thrown down the stairs, or being threatened with a gun.

The most common psychological violence is the one of being ridiculed and yelled at, which reaches almost three quarters of the filled questionnaires. The other cases include being threatened with physical violence, being prohibited from meeting friends and their own relatives, being treated badly during sickness and pregnancy; having valuable things destroyed; being threatened with death if they ask for a divorce; being cross-examined about all kinds of relationships, not being provided with enough living expenses, and being imprisoned inside the house.

Concerning sexual violence, forced sex is the most common case and about 80% of survivors of violence suffer from it. The others include refusal by their partner to practice birth-control, being criticized about the lack of sexual passion, undergoing sexual relations with violence, being forced to look at pornography, and being photographed in various sexual poses.

As a result of such kinds of violence, two thirds had been injured and more than half (59%) had received medical treatment.

In fact, most divorce cases are related to domestic violence in a broad sense.² The second most common reason for divorce in Japan is the husbands' physical violence towards their wives and the fifth reason is psychological violence. The divorce rate in Japan, 1.52 couples per 1,000, in 1993, is the highest in Japan's history of such statistics, but the rate is still very small compared with that of other countries.³

²Danbayashi, Kazue, "Problems in the Rape Criminal Law" in K. Watanabe ed., *Women, Violence, Human Rights* (Tokyo: Gakuyo-shobo, 1994), pp. 214-230.

³The White Paper on Women, entitled "The Present Status of Japanese Women and Government Politics—the Report on the New National Plan of Action" was published by the Prime Minister's Office on December 9, 1994.

As a result, half of the victims of domestic violence still live with their husbands or male partners. According to the survey of hotlines, almost 40% of victims lived with their husband for more than ten years. One third of them cannot get away from violence but is trapped in the violent situation and continue to suffer from it.⁴

2. *Marital rape*

Marital rape is an extreme form of sexual violence against wives and partners. In Japan, however, it is not regarded as a criminal case. Generally, the law is not supposed to interfere in personal relationships. Besides, a marital contract presupposes sexual intercourse that is in many cases regarded as a husband's right. Even the forced sexual relations between a husband and wife are seldom recognized as rape as long as the marital contract continues. In Japan, a rape is acknowledged as such only if it is accompanied by some abuses and threats. Unless the marital relation is broken or wives feel threatened by their husband's violence, a sexual relation cannot be proved to be forced and unwanted so that it is never recognized as a rape.

Rape itself is not a serious criminal offense in Japan. According to the criminal law, a rapist is sentenced to two months' imprisonment, while a burglar is usually imprisoned for more than five years. There is only one criminal court case of a marital rape in Japan. The victim was raped by her husband and his friend after she was kidnapped by them from her parents' home into which she had escaped away from her husband's physical violence. He was sentenced as a rape criminal, because their marital relation was regarded to be broken.

Moreover, rape has to be reported by a victim within six months from the perpetration of the crime. These conditions also make marital rape invisible. Therefore, there are no statistics on marital rape. These women are trapped in the house—a private sphere without any help.

⁴Nagoya Women's Group Saying No to Sexual Violence, "Report from Hotlines on Violence by Husbands," October 30 and 31, 1994.

3. *Incest*

Incest is another form of domestic violence. The survey of incest in Japan focuses primarily on sons as victims and mothers as initiators rather than upon fathers and daughters as in the Western countries. However, this victim-son/initiator-mother picture of incest is a created myth, but is easily believed because of the dominant maternal culture and the lack of father's existence at home in Japan. In reality father-daughter incest is an aggravating problem, although it is not always recognized as such. Most children survivors suffer from feelings of the loss of trust in general and distrust of their own family in particular.

As it is often mythicized, incest has seldom been reported except in surveys given by the youth counseling bureaus run by the local government in Japan. According to such surveys in 1983 conducted by the Department of the Social Welfare, in 164 bureaus of youth counseling offices, sexual offences by parents and guardians was 11.1%; 46 cases out of 416 cases of violence were reported.⁵ All the victims were daughters, and 85% of all the perpetrators were their fathers, while 55.2% were children victimized by their biological fathers; 39% of them were physically injured and some became pregnant and 65% of them had psychological problems. The 1989 research by the youth counseling bureau disclosed that among cases of children's abuses, 4.6% were rape cases. These statistics do not reflect reality. Recently, some of these survivors have started to speak up and tell of their experience during their childhood.

Most cases of incest are invisible, similar to other domestic violence, partly because children do not realize the real meaning of sexual behavior so that it easily becomes routine without any "threat and abuses" from their perpetrators. Also, their father or another perpetrator could reject any social support for them and object to putting their children into the rehabilitation facilities away

⁵Danbayashi, p. 226. the Department of the Social Welfare ed., "Child Abuse", 1985.

⁶Morita, Yuri, ed., *Breaking Silence: Testimony of Women Who Experienced Sexual Violence during Their Childhood and Manual for Healing*, (Tokyo: Chikujishokan, 1992).

from their parent/perpetrators. Furthermore, there is no criminal law on incest in Japan. The victims or their guardians who, unfortunately are often the perpetrators are obliged to report the rape. Their mothers also find it difficult to accuse their husbands.

The first such voices of children survivors of incest and other forms of violence was collected and published in 1992, entitled *Breaking Silence*, which produced a great impact. This book reveals to us how these women suffer from a feeling of betrayal and trauma throughout their lives and also what a great courage they showed in facing their experience of violence and expressing it.⁶ One woman observes, "when we are raped by our father or brothers, love and trust towards family and society as well as of one's self are also violated."

5. Causality:

Why does violence continue and why are women trapped in it? There are psychological, cultural, and economical reasons for it and these three are deeply interwoven into each other. Domestic violence was seldom recognized as violence because we did not have a name and concept for it until recently. In many cases it is seen as the expression of a husband's affection. "I batter you because I love you so much and want to make you a good obedient wife."

Also, battery by a husband is regarded as an individual's problem and not as systematized violence against women and a violation of human rights. The institution of the patriarchal family allows a husband to control his family members with his power. Japanese culture values women's submissiveness and domesticity. Women are also supposed to sacrifice their own rights for their husband or father and sometimes for their children.

Being the silent victim of domestic violence is partly due to the social stigma that the revelation about violence will bring to the family. Women are expected to act the role of a happy wife. These women cannot openly talk about their experience of sexual violence because this may damage their image and they may be labeled as evil women. Moreover, many women are trapped in the kinship system which prevents them from revealing the matter to people outside the family. It is also seldom reported because it

happens in a locked and private place. Thus, women who suffer from various forms of violence have usually been condemned socially because it is seen to be the consequence of their lack of submissiveness, vigilance, and tolerance. Their experience has been regarded as a matter of personal relationships in the private sphere.

The constant physical and psychological violence traps women as victims, and robs them of their self-respect and human dignity, and of the ability to think about their situation from various perspectives. Women become powerless so that they become more vulnerable to violence. Many housewives are afraid of losing their identity by leaving their husbands. Thus, these women have been silenced by internalized public opinion and trapped in their marital relation even as they are exposed to their husbands' violent behavior there. Furthermore, one of the most important factors is that women find it difficult to be financially independent such that they cannot leave home.

How is such an unbalanced power structure created? Structurally, patriarchy is a power relation, which provokes male desire to use their power against something weak. In a way, men are also victims of the social structure in which they have to suppress their own feelings as a vehicle of dehumanized society which is also patriarchal. The home becomes an arena of the man's territoriality, and family members who have less power tend to become victims of violence. This unbalanced power structure reflects women's secondary status in Japanese society. Moreover, the social and cultural pressure on both women and men tends to lead to violence, which has been increased by capitalism.

6. Strategy and Social Support:

What can we do? What social support can we expect? The Committee of Gender Equality for the Association of Japanese Lawyers made a recommendation for the solution of domestic violence. Also, the Domestic Violence Research Committee suggested some strategies to emphasize the legal, structural and educational phases.

The first step is education for prospective victims, victimizers and people involved in violence. It is to teach both women and men about the importance of human rights and particularly to

educate women to recognize violence as violence and build self-respect in them. It means that victims face the "other" inside themselves. Women should be empowered, by being informed that the husband's demand for the sexual relationship with his wife does not transcend or extend to her self-determination over her body. They also have to be told that there should be no reason for a husband to act violently toward his wife or rape and monopolize her. Any violence is not due to the wife's fault, but to that of abusers and unjust social structures so that society as well as abusers should be blamed. This process suggests that we deconstruct all sorts of myth of domestic violence surrounding victims.

The people involved in domestic violence including police officers, judges, medical doctors and hospital staff should be given proper education and information about domestic violence. More female officers should be hired for these positions too.

The second step is to eliminate violence against women through the establishment of legal procedures for the protection of women as well as the legal punishment of perpetrators. So far, there exists no law to protect women from violence nor a law to prohibit violence against women at home within the marital relation nor punishment for perpetrators of marital rape. Regarding incest, the social system of prohibiting incest has to be created. Also to establish a better legal system, we have to find out the factual situation of violence against women by gathering more statistics. The procedure used to collect statistics will perform an educational function. Unless we make questioners understand the real meaning of violence and create a good environment where victims can speak up, it is impossible to get good data.

Thirdly, public and grass-root supports such as shelters, counseling services and hotlines have to be systematized for survivors of violence. The current public shelters and counseling run by local governments were built according to the anti-prostitution law in 1957. Their original aim was to protect Japanese women from becoming prostitutes. Therefore, these public facilities have been accompanied with the idea of saving women from falling into the stigmatized image. They discourage the promotion among women of the self-determination over their bodies or human rights. In addition their strict regulations prevent these public organizations

from functioning effectively for victims of violence. Therefore, shelters built by grass-root women's groups for receiving victims and healing them should spread with sisterhood. The financial support for these private shelters is crucial for that purpose. Moreover, additional financial support from various institutions and governments should be given to female victims to help them to be physically, mentally and sexually independent.

Violence against powerless family members especially takes place where perpetrators experience more frustrations and stress. After the earthquake in Kobe, violence against female family members was reported to have been increasing. However, in such emergencies, the women's issues are often regarded as the least important and any social support specifically aimed for women are not included in social support systems.

Fourthly, long-run political actions and changes of social structure should be carried out. Women should be more involved in the public world and should enter from their marginal position in society. Moreover, we have to change the violent culture which stimulates and molds a desire for violent action. We have to create a legal and psychological environment where incest or such sexual violence is recognized as criminal and as a violation of children's human rights.

Here these women's voices have to be heard. Mass media could be very useful in raising the national and international consciousness of the issue of violence against women.

Fifthly, we need an international network and the cooperation of women's groups in order to eliminate violence against women by advancing women's status. At the Kyoto Symposium following the First East Asian Women's Forum held in October 1994, we started a national and international network which has been working on various issues in connections with violence against women and women's human rights in both private and public spheres.⁷

We have to create the climate in which the victims and survivors of violence can speak up about their experience. There, individual

⁷This group publishes newsletters and organizes workshops and symposium on various forms of violence against women.

cases of domestic violence have to be regarded as not only political but also global issues which should encourage women worldwide to work together through networking.