

# The Notion of Contemporary Asymmetry and Access to Justice of a Vulnerable Group: Focusing on Domestic Violence Victims in Japan

**Abstract:** Domestic violence (DV) occurs across the world in various cultures. However, DV is dependent on customs, religion, culture, economic situations, and gender structure. Recently, many countries attempted to prevent or reduce DV through various strategies, including legal measures. The aim of this paper is to re-consider DV cases as a failure of communication between the victims and the legal profession, for example, the judge, secretary and law clerks, in other words, as a problem of access to justice by a group of vulnerable people who are situated in an asymmetrical relationship due to gender structures. We will focus on this new type of asymmetrical relationship (contemporary asymmetry) that comprises the majority of DV cases. The contemporary asymmetric relationship is new and very rigid for the legal system, due to gender structures. It is important that there is a discrepancy or gap between assumptions about this relationship in the modern legal system and the relationship in actual DV cases. There are several principles in a modern legal system involved in dispute-resolution procedures between equal parties; for example, the adversarial system. As we know, DV situations cause victims to suffer a temporary decline in their ability to make judgments. Therefore, it is not suitable (and inadequate) that provisions based on the system of modern law apply to DV cases without considering the relationship of the parties and taking into account the condition of the victim,. Yet, since the contemporary asymmetric relationship is hidden and is hard to understand, in Japan we cannot take this point into account at all. As result, access to justice for DV victims as vulnerable persons is an infringement. This problem that has occurred due to contemporary asymmetry cannot be resolved through a traditional response to older types of asymmetric relationship (traditional asymmetry), such as in the field of labor law or consumer law, because contemporary asymmetry is different from traditional ones. It is necessary to incorporate functions with a new expertise, such as social work in the legal system.

**Keywords:** domestic violence, gender, social work, vulnerability, access to justice

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## 1 Introduction

DV occurs across the world in various cultures<sup>1</sup> and many countries attempt to prevent or reduce DV through various strategies including legal measures. DV<sup>2</sup> is violence between

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<sup>1</sup> See Watts & Zimmerman 2002, WHO 2005.

<sup>2</sup> DV can take place in heterosexual, same-sex, and transgender relationships and can also involve violence against the children in the family. In this article, I am focusing on DV cases between partners. It is reasoned that this limitation is due to most partners in DV cases being legally equal but actually are unequal due to gender structures. In violence against children, aged persons, the status of batterers, and victims is legally and actually different. Of course, the latter type violence is also important, and

husband and wife, partners, or lovers in the intimate sphere. In most DV cases, there is an asymmetric relationship (contemporary asymmetric relationship) between the victim and the abuser. This type is new to the judicial system, which has recently<sup>3</sup> caused various problems in Japan. In this article, we will point out that the contemporary asymmetry problem is hidden behind several problems in the Japanese DV policy and that this problem is discussed as a failure in communication between the parties and the legal profession; for example the judge,<sup>4</sup> secretary, and law clerks. In other words, it concerns access to justice by vulnerable people<sup>4</sup> who are situated in an asymmetrical relationship due to the gender structure. In addition, we will indicate a gap between DV cases and the assumption of the modern legal system as cases involving dispute resolution procedures between equal parties.<sup>5</sup>

## 2 Domestic Violence in Japan

Before considering the contemporary asymmetry problem, we will briefly sketch DV in Japan as a representative example. In Japan, our recognition that DV is a serious problem and a human rights violation that requires a public response only spread to the general community in the late of 1990s. However, private groups and associations have supported the victims in the 1980s.

Legal correspondence, in particular, has begun since the enactment of the DV Prevention Act (DVPA) of 2001. The DVPA prescribes that DV is not a so-called private matter, such as a quarrel between a husband and a wife. Rather, it is a serious human rights violation that could be a crime, and administrative and judicial authorities must have the responsibility to protect victims and formulate a policy for DV prevention. The DVPA, following three amendments (2004, 2007, and 2014), led to a change in the DV policy in Japan. At least superficially, it seems to be complete.

The court, the police, and governments are deemed to play important roles in dealing with the DV policy. The national government should establish a basic policy concerning measures for the prevention of spousal violence and the protection of victims,<sup>6</sup> and prefectures should establish their own basic plans concerning the implementation of measures for the prevention of spousal violence and protection of victims within their jurisdiction. The Prefecture also should authorize Spousal Violence Counseling and Support Centers (DV Centers)<sup>7</sup> that offer consultation or coordination with concerned organizations, provide

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in many cases, several types of violence are combined with each other within a family. Particularly child abuse is a very serious problem in Japan. It is quite common that children who witness violence between their parents and who are brought up in a family with constant fights are also themselves victims of domestic violence even if they do not suffer from direct violence.

Also violence against women including violence at the workplace, school, or university in Japan is a serious problem.

<sup>3</sup> Exactly, this type of relationship has existed a long time ago. Recently it came to be taken as a legal issue. See INOUE 2012.

<sup>4</sup> A notion of vulnerability has recently been used very frequently, so it seems that there are confusion in some cases. Here I rely on Fineman's notion. See Fineman 2008, Fineman & Grear 2014.

<sup>5</sup> The problem with this failure in communication is so important in mediation and other ADR (alternative dispute resolution) procedures. We should critically discuss this in relation to the reduction of excessive judicial functions. However, it is omitted here because of limited space.

<sup>6</sup> DVPA §2(2)

<sup>7</sup> DVPA §3(1)

temporary protection for victims, and promote self-reliance in the long term. The court should issue protection orders to prevent harm to the victim's life and body upon petition by the victim.<sup>8</sup> Those who detect physical spousal violence (including physicians or other medical personnel) should endeavor to notify the fact to the police or DV Centers.<sup>9</sup> The police and welfare offices should endeavor to take necessary measures.<sup>10</sup>

However, it is difficult to say that DV has been reduced in reality. The situation of damage in a survey by the government has changed little since 2006. The number of consultations with DV Centers has increased consistently from 2002 to 2013.<sup>11</sup> The number of consultations with the police has also increased.<sup>12</sup> In addition, since 2003, approximately 400–500 women per year leave their own house and receive temporary protection from a spousal violence prevention center, citing violence from the husband as a reason.<sup>13</sup>

Increase in the number of consultations might mean that victims who were previously hiding have now come to the fore due to improvements in DV correspondence. However, given the situation that more than ten people per day are cornered and run away from their ordinary lives, it cannot be said that DV measures in Japan are complete. Moreover, within a few years, in two cases within a few years, despite the system and measures were properly operated and applied by police and public institutions, despite police and public institutions having taken to certain correspondence based on the DVPA, the worst outcome has become a reality: victims are killed by batterers. These facts cases suggest that a qualitative or radical re-review of DVPA is necessary.<sup>14</sup> Japan's DV policy has a critical defect; it is time to return to the issue of ensuring the safety of the victim and to review the entire DV policy in both theory and practice.

### **3 DV Policy in Japan: Characteristics and Problems in General**

We will survey the characteristics and problems<sup>15</sup> of the DV policy in Japan in brief. The most important point here is the DV policy's lack of recognition that a contemporary asymmetric relationship between victims and batterers is common to such problems.

#### **3.1 Delay or Sluggish Progress of Criminal Responses and Revision of Penal Code**

The DVPA in Japan is an act specialized to protect victims of DV. This act, with the purpose of the prevention of DV and protection of victims, is composed of two main pillars: administrative responses and protection orders issued by civil courts. However, this Act does not contain the provisions of criminal law. Moreover, the Penal Code did not make the revision that encompasses DV cases.<sup>16</sup> The current Japanese Penal Code was created more than 100 years ago in 1907 when the concept of patriarchy and discrimination against women was still more acceptable.

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<sup>8</sup> DVPA§10

<sup>9</sup> DVPA§6(1)(2)

<sup>10</sup> DVPA§8, §8–3

<sup>11</sup> See <http://www.gender.go.jp/e-vaw/book/images/pdf/stoptheviolence.pdf>

<sup>12</sup> Ibid. Trends in the Number of Consultation to DV Centers.

<sup>13</sup> Ibid. Trends in the Number of Police Responses on the DV case.

<sup>14</sup> Ibid. Trends in the Number of Temporary Protection for victims in Emergency by DV Center.

<sup>15</sup> See Inoue 2014.

<sup>16</sup> Recently it just began to reform only the provisions on sexual assault.

In many countries the criminal responses are laid out in the core part of DV policy and then combined with civil procedures and the social security system. They are trying to build the corresponding mechanism as a whole. However, in Japan, the important core part is missing.

Of course, even in Japan, punishment under the penal code, such as for assault, injury, or rape, is also applied to DV cases. However, it is difficult to collect evidence because DV is a criminal act that takes place behind closed doors. It is also difficult to take criminal proceedings due to various factors.<sup>17</sup> This is clear from a variety of surveys.<sup>18</sup>

In addition, in most DV cases, each action and act of violence is relatively slight. However, the victim suffers from such violence, including psychological, sexual, economic, social control, and other means, repeatedly and for a long period. As result, the victim is heavily and seriously damaged. The current criminal justice system considers and evaluates such continuous and repetitive actions inadequately in terms of the enormity of the situational damage. It is necessary to revise the penal code for such situations.

Such a lack of revision of criminal justice has caused an ambiguity in the social evaluation of perpetrators or batterers. This has caused attacks on the victims in the community and resulted in the victims not receiving administrative and welfare services.

On the other hand, a practical response by police has already begun, but a lack of revision of the penal code is an obstacle for its sufficient development.

### **3.2 The Insufficiency and Inefficacy of Protection Orders**

A protection order is not sufficient to protect DV victims. Moreover, there is no provision of the police, prosecutor, or administrative officers issuing emergency protection orders. Protection orders in Japan belong to civil affairs. However, for its enforcement, the roles of the police and criminal justice are important. Moreover, the evidence needed to issue a protection order is hardly collected by the victim after she/he escapes the violence. To maintain and collect evidence relating to such cases, police officers must take firm roles against violence, and their coordination and cooperation is required.

Therefore a protection order in Japan is inefficient and unsuitable for protecting victims and for their needs, because of (1) the inadequacy of the protection order in both contents and procedure, (2) the weakness of protection order enforcement (3) the deficiency of collaboration with non-judicial professions and organizations, e.g., local government, the medical profession, and private groups to assist DV victims.

### **3.3 Necessity of Collaboration in Several Legal Fields and Other Professions**

DV is a violation of human rights in the field of ordinary life and the damage is wide-ranging. Generally, in a dispute in the field of life, the confirmation of the legal rights and obligations in judicial procedures does not necessarily lead to a direct solution to problems. Victims' problems are comprehensive, for example, ensuring immediate residence, children's education, disease treatment, divorce, child custody, and work in the future. The eventual resolution for victims is to live safely in their community. In contrast, the services that justice

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<sup>17</sup> The victim herself feels ashamed of being a victim of DV. She hesitates to lose her child's father to criminals; additionally, she does not want to lose the breadwinner of the house.

<sup>18</sup> Ref. Researching group on legal enforcement 2014. Katagiri 2016.

can provide are partial. This divergence between the comprehensiveness of possible problems and the partiality of the legal service is great and serious. To fill this divergence, it is necessary to collaborate with several legal fields and other professions, and create a mechanism for comprehensive DV measures.

First, it is critical to organize cooperation in crossing the judicial system in the narrow sense of civil, family, and criminal law. In addition, it is important to ensure that welfare systems and welfare policies of the administration cooperate with the judicial system. It is significant to study the return to the legal ideas and principles of each legal field in terms of social visions.

Furthermore, judicial proceedings and the traditional legal interpretations or legal theories, as symbolized in the recovery of infringement profit, are basically past-oriented. In contrast, the means necessary for the victim are future-oriented and aimed at the escape from current danger and rebuilding a future life. This difference is also critical when considering effective DV measures.<sup>19</sup>

### **3.4 Ambiguity over the Responsibility of Public Institutions**

The responsibilities of national and local governments have been noted clearly in the DVPA. Nevertheless, there are two problems. First, there is a large difference in concrete measures between local governments because of the abstract provision of the DVPA.<sup>20</sup> Second, there is the possibility of assignment to the public institute and private groups. In Japan, prior to the enactment of the DVPA, private organizations conducted victim assistance and have accumulated skills of support. Currently, they are still at the forefront of support and are playing a major role in assisting victims even in urgent or dangerous cases.<sup>21</sup> Though their activity is indispensable for DV victims in accessing justice, they do not have any status in the legal procedure. Public financial assistance for private associations has improved gradually but is still insufficient and unstable, depending on national and local government budgets. Hence, it is difficult to provide stable support to the victims. We should consider the roles of the public and the private sectors in an appropriate manner while taking advantage of the skills and experience of private organizations.

### **3.5 Gap between Actual DV Cases and the Assumptions of the Modern Legal System**

It is important that the problems caused by the asymmetric relationship lie in common behind these concrete problems. There is a discrepancy or gap between assumptions on relationships in a modern legal system and the relationship in an actual DV case. Generally, some principles based on the modern legal system, for example, in the adversarial system is unsuitable for DV cases due to DV characteristics such as the following: (1) victims suffer continuous violence over a long time period; (2) victims are controlled not only by physical power but also by other means, e.g., psychological, sexual, economic, social, and gender violence. The victim

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<sup>19</sup> See *ibid.*

<sup>20</sup> The DVPA provide only that Prefectures should create their own DV basic plan as a kind of “administrative plan”. It does not have concrete contents or a kind of national standard. “Administrative plans” are used in the area of land use and planning or public utilities. I think that this method is not suitable DV case which is concerned the violation of human rights.

<sup>21</sup> Private organizations are in charge of the complex and difficult cases wherein public institutions find it difficult to cope.

has been driven into a situation where he or she cannot make sufficient judgments related to their assets or social situation. There is serious inequality (contemporary asymmetry) between the victim and the batterer; and (3) The damage is so extensive that its problems and consequences relate to various areas, and its influences might last for a long period.<sup>22</sup>

This discrepancy results in a communication failure between the parties and the legal profession, and it also interferes with access to justice by vulnerable groups. The problem caused by the asymmetric relationship frequently brings about problems and issues in every field of law, in legal interpretation,<sup>23</sup> in the context of its enforcement,<sup>24</sup> and also when we reform the legal system. It is not only criminal law that primarily deals with crime on the street among strangers but also civil law governing the rights and obligations among equal parties (in theory) that could appropriately deal with DV cases. For effective DV measures, it is necessary to eliminate this contradiction. Therefore, we should not only comprise improvements of each provision, but also pay attention to the gap between actual DV cases and the assumption of the modern legal system, including the field of civil, criminal, social security, and administrative law.

#### **4 Asymmetric Relationship Problems and Modern Legal Systems: Traditional Asymmetry and Contemporary Asymmetry**

In fact, the problem of asymmetry itself is a fateful or familiar issue for the modern legal system, because it has achieved equality under the law by abstraction from the real attributes of individual human beings. A modern legal system, in theory, is a tool for dispute resolution based on the communication between equal parties. Needless to say, this assumption was meant to overcome a pre-modern society and establish a modern one with equal people as subjects of fundamental rights. In fact, in order to solve the problems caused by this discrepancy or asymmetry, the modern legal system has addressed them in a variety of ways to ensuring a communication between the parties. For example, for labor law, or consumer law, we have invented new notions of legal entities, such as employees/employer or consumers/company, and new legal principles in each field in order that employers or consumers who are in weak positions with limited abilities can use legal services and can communicate with their counterparts. This type of asymmetry could be called traditional asymmetry.

Both asymmetries have caused failures in communication and access to justice for vulnerable groups, but there is an important difference: (1) the circumstances of DV victims are quite varied by case, and we cannot consider them as one type of group or collective person; (2) In the labor and consumer law, the content of legal entities as workers and consumers only a fraction of the reality of the people of the attribute or personality. In contrast, the damage in DV influences the victim's entire life and personality. (3) It is difficult to discuss this issue from an approach as the hierarchical and social status since, in many

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<sup>22</sup> See Sawada 2006, Walker 1979, and Konishi 2001.

<sup>23</sup> The interviews that I was carried out in 2012, reported the case that with respect to protection orders for the purpose of ensuring safety of the victim, judge extremely passively interpret in action regulation of perpetrators from the point of view of ownership protection. See Inoue 2013a and Inoue 2013b.

<sup>24</sup> In the interviews that I carried out in 2013, officials of the court, in order to understand about the status of DV victims is insufficient, to not be the appropriate action, reported cases the victim is unable to use the system that has been set up. See Inoue 2012 and Inoue 2013b.

cases, DV occurs in couples of the same hierarchy.<sup>25</sup> (4) The limited ability of self-determination by DV victims is merely temporary and is recoverable with proper care and support. The state is variable and changeable. Therefore, it is not amenable to a fixed identity construction. Therefore, a traditional method is not suitable for and cannot resolve the problems caused by contemporary asymmetry.

If these contemporary asymmetry problems remain neglected, and we easily continue to operate the legal system on self-responsibility and private autonomy, the base principles, then access to justice for the weak or vulnerable persons such as DV victims will be restrained: the legal system and other public institutions cannot function as a mechanism to protect the weak or minorities' rights, which is their proper role. In turn, public sector or public authorities need to intervene much more actively and directly to solve these asymmetric relationships. However, the problem and its solution are not simple.. Direct intervention by the public sector would accelerate bio-politics by state, break the diversity of the intimate sphere, and so, it could be seen to detract from its contemporary significance.

Therefore, we should not simply choose between intervention and non-intervention policies, and we should not consider the binary scheme of rights and welfare policies. Rather, in order to correspond effectively with the various disputes and human rights violations caused by contemporary asymmetry, it is necessary to devise a new legal framework or approach, and to re-examine the existing system from the point of view of the asymmetric relationship. It is not possible to discuss all such points here, e.g., incorporating functions with a new expertise such as social work in the legal system. Social work functions can be allowed to recover DV victims' rights and capacities in the modern asymmetrical relationship as their effectiveness has been previously confirmed in several countries.<sup>26</sup>

It is more important to note that, by incorporating this new profession into traditional functions, legal professions could change and find a new role that is appropriate to modern society.<sup>27</sup> DV is violence in the intimate sphere of ordinary life. Incidentally, human relationships in the intimate sphere are personal with an interest in the specific life and body of each member. Such a relationship is conceptually different from human relations in civil society based on the premise that assumes an equal relationship. The intimate sphere is a kind of intermediate level of organization or group, but it is unlike others because detachment from it leads to significant constraint. By relying on such an intimate-sphere concept, we are able to be relatively free of the Japanese-style modern family that is based on the blood relationship and marriage. We can then look into the reality of DV and expand the scope of discussion to

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<sup>25</sup> It does not mean that approaches such as class and hierarchy are not necessary, in trafficking cases, for instance, and it may be useful even in other cases. However, I consider that instead of a single element or approach, the gender approach is more appropriate as the complex approach is more effective.

<sup>26</sup> For example, in Taiwan, France, and the US.

<sup>27</sup> Mekki 2015 is very impressive. She has based her co-work with reserchers on the National report while considering means of action: regulations for perpetrators of such protection order of DV an important example, positioned judicial protection of people with a vulnerability as the new role of the judiciary, which simply does not suffice a barrier-free superficial. Hence, we need to continue to expand the ability to judge. However, in the report, there was no analysis of the relationship between the system of analysis and existing rights of the structure of the vulnerability itself. In none of these analyses, the proposal becomes the first subject of the judicial budget cuts. To clarify such a new role, considering the issue from the standpoint of social theory is essential. For example, gender theory, relationships, and positioning of the vulnerable definition and institutions from the perspective of subaltern theory. Without such a discussion, against the flow of neoliberal reform, it is not possible to continue to achieve this new role. We will discuss the same in another study.

same-sex couples and sexual minority couples (such as the LGBT community) that are outside the framework of the marriage system and difficult to support.

## **5 Conclusion and Implications: Towards New Role of the Judiciary System on Contemporary Asymmetry Relationship**

In Japan, a legal response to DV problems only started in 2001. The special act was equipped with protection orders by the civil court and protection and consultation by administrative bodies. However, even in an urgent case, this is not sufficient. This is mainly because the system lacks important principles such as “The victim’s safety is paramount” and a “No tolerance policy.” Long-term assistance is necessary to reconstruct a life, even as defined within the act, and is quite unsatisfactory (for example, mental care, financial and job support, housing, and so on). DV measures in Japan are designed on the assumption that the victims can escape to a shelter. Therefore, non-typical cases,<sup>28</sup> wherein the victims wish to continue living in their own house, cannot be accounted for.

In the acute and dangerous stages, the court should guarantee safety and operate protection and other measures so that victims who have temporarily lost the capacity of self-determination can recover their capabilities. After that, they can decide on various matters such as divorce, child custody, and the settlement of property. It is important to wait for the victim to recover self-determination while ensuring the safety of the victim. The judge and court should take part in new roles so that matters do not become irretrievable or worse for victims using means such as protection orders for correcting or re-balancing asymmetrical relationships<sup>29</sup>, until the self-determination of victims recovers. With regard to the reconstruction of a future life, the court should take care not only with the procedures for divorce, but also with the issue on the couple’s property, taking into account the asymmetry that exists between the parties.

In other words, the court should play a role to protect DV victims’ rights enough within the contemporary asymmetry relationship and the access to justice is restored. This role is a sort of guardian-ship<sup>30</sup> by the court in asymmetry relations. This is different from favoritism or commitment to one of the parties<sup>31</sup> because of their vulnerability. Also it is different from intervention into the decisions of vulnerable persons, or making a decision instead of her/him. Rather, it is guardianship or assistance for vulnerable persons in order to substantiate their rights to have access to justice.

Such a role is a new judicial service for people with vulnerability, but a superficial or barrier-free measure is not sufficient. This role is different from a method of abstraction from the attributes of a party; also the method of grouping the parties must be performed in a new way, while continuing to expand ability of the judge. It is important that this expansion does not mean a collapse or abandonment of the ideas of a modern legal system. Judges should expand their abilities, but maintain their neutrality as arbitrators, in order to realize an equal

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<sup>28</sup> Response for non-typical cases could recall the basic and essential question, why victims must escape.

<sup>29</sup> Also it is necessary to restrict the transfer of the properties of residence or protect of the rights of residence. In Japan, neither have yet been institutionalized.

<sup>30</sup> In general, it is related to concerns with the adversarial system and inquisitorial system. I do not subscribe to a dichotomy, rather the third way.

<sup>31</sup> This is the same in the policies of the government. Currently in Japan, unfortunately, there is a local government that is reluctant to provide services to DV victims because of the principle of neutrality of the administration.



society while protecting the rights of the minority and vulnerable persons.

It is different from the ability and approach of traditional law. Therefore, co-operation with other professionals would be required. Here it is not possible to discuss all of these issues, for example, incorporating functions with a new expertise such as social work in the legal system. The DV victims' rights and capacities can be recovered by social work functions in the modern asymmetrical relationship. This method has been previously confirmed to be effective in several countries.<sup>32</sup> It is more important that, by incorporating this new profession into traditional functions, legal professions could change and find a new function and role appropriate to modern society.

It is essential to clarify such a new role considered from the standpoint of social theory: for example, gender theory, relationships, and the positioning of the vulnerable by definition and institutions from the perspective of subaltern theory. Without such a discussion, against the flow of neo-liberal reform, it is not possible to continue to achieve this new role.<sup>33</sup>

Contemporary asymmetrical relationships in DV cases are very individual and, at the same time, comprehensive. These problems require a new, delicate prescription and suggest the need for a new role for the judiciary.

## References

- Aiuch M., Inoue M., Ichimori M., Kondou K., & Seki F. 2005. Women in Japan: Change and resistance to change, in *Female Well-Being Toward a Global Theory of Social Change*, eds. Billson J.M. & Fluehr-Lobban C., Zed Books, London, pp. 207–235. (in English)
- Fineman, M. & Grear, A. 2014. *Vulnerability*, Ashgate.
- Fineman, M. 2008. The Vulnerable Subject: Anchoring Equality in the Human Condition, in *Yale Journal of Law & Feminism, Vol. 20, No. 1, 2008*
- Inoue, M. 2007. Violence in the Intimate Sphere and the Role of Judiciary, *Kanagawa Law Review*, 39–1, pp.25–65. (in Japanese)
- Inoue M. 2012, The Role and Functions of Law in Contemporary Asymmetry Relationship, in eds Asakura et al., *Gender and Law vol. 1*, Kajoshupan pp. 98–114. (in Japanese)
- Inoue M. 2013a, Present on DV and Theoretical Issues, in ed. *Researchin group on legal enforcement DV victims can help by law: Crossing Over Legal Fields and International Comparison*, Shojihome pp.11–28. (in Japanese)
- Inoue M. 2013b, Domestic Violence as Violence in the Intimate Sphere, in ed. *Researching group on legal enforcement DV victims can help by law: Crossing Over Legal Fields and International Comparison*, Shojihome pp.66–87. (in Japanese)
- Inoue M. 2014, “The present situation and theoretical issues on DV policy in Japan” *Horistujihou 2014*, 86 vol. 9,(1076)pp.57–62. (in Japanese)
- Katagiri, Y. 2016. ed, *Law and Policy on Domestic Violence in Japan: Realities and Problems*, Kinokuniya. (in English)
- Konishi, T. 2001. *Domestic Violence*, Hakuishu.
- Mekki, S.A. 2015. The lecture on Civil constraints on personal mobility at the XVth World Congress International Association of Procedural Law, [http://www.iapl2015.org/uploads/konusma\\_metinleri/Soraya\\_Amrani\\_Mekki/Soraya\\_Amrani\\_Mekki.pdf](http://www.iapl2015.org/uploads/konusma_metinleri/Soraya_Amrani_Mekki/Soraya_Amrani_Mekki.pdf)
- Regilience, 2005, *To Harmed You: Respect and dignity on and by me*, Nashinokisha.

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<sup>32</sup> For example, in Taiwan, France and US.

<sup>33</sup> We should analyze of the relationship between the system of analysis and existing rights of the structure of the vulnerability itself. The none of these analyzes, the proposal is that becomes the first subject of the judicial budget cuts. We will discuss in another opportunity.

- Researching group on legal enforcement, 2014. *DV victims can help by law: Crossing Over Legal Fields and International Comparison*, Shojihome. (in Japanese)
- Sawada, I. 2006. Study on the health status of women who separate because of intimate partner's violence and the long-term influence of violence. <https://kaken.nii.ac.jp/d/p/15592321/2004/3/ja.ja.html> (accessed 10 Sept 2015)
- Walker, L. 1979. *Battered Woman*, Harper & Row.
- Watts, C. & ZIMMERMAN C. 2002. Violence against women: Global scope and magnitude, *The Lancet*, 359 (9313): 1232–1237.
- White paper in Japan 2012 on Gender equality
- WHO 2005, *Multi-Country Study on Women's Health and Domestic Violence Against Women*. <http://apps.who.int/iris/handle/10665/43309> (accessed 10 Sept 2015)