

Violence against Women : Domestic Violence (DV)

Asia-Japan Women's Resource Center (AJWRC)

[Concern/Problem] The Anti-DV law lacks punishments for perpetrators, and its scope is still limited. Also there should be more rigorous implementation of the law. Support system for victims remains insufficient, particularly in terms of long-term assistance for rehabilitation and specific support measures for victims with special needs.

[Proposed Recommendation] (1) Criminalize DV and introduce punishments and effective educational programs for perpetrators. (2) The scope of anti-DV law should be expanded as to cover the same-sex couples and non-co-habiting couples. (3) Ensure stricter enforcement of the law and court judgments. (4) Develop long-term assistance program for rehabilitation of victims including affordable housing, health care service, living assistance and financing for NGOs. (5) Study and develop specific assistance programs for victims with special needs. (6) Review the immigration policies and other laws that may hinder adequate protection of and redress for DV victims.

Problems with the Prevention of Spousal Violence Law: The Prevention of Spousal Violence Law has twice gone through revision, expanding the scope of the law and enhancing measures to protect victims. Yet, it still does not cover domestic violence occurring in the same-sex couples as well as non-co-habiting couples. Another problem is that, while individual acts of abuse can be prosecuted, domestic violence is not categorized as a punishable crime, and there is no criminal punishments or effective educational programs for abusers. While the police response to domestic violence cases has been improved, more rigorous implementation of the law is necessary. For example, violators of protection orders are not always arrested or prosecuted, except for serious cases. Additionally, court judgments that require compensation to be paid to victims or child support for mothers are not strictly enforced.

Lack of Long-term Assistance: It is usually victims, not perpetrators, who lose their homes, jobs and relationships in the process of escaping from violence, and victims receive very little compensation or child support from ex-spouses, if any. While there are publicly funded protection shelters for short-term stays, the number of step-houses for women to prepare for rehabilitation into society after leaving temporary shelters is inadequate, and affordable public housing is not easily available for victims. Although the government puts stress on economic independence by promoting employment, it is difficult for many victims who suffer from serious physical and mental disorders with little work experience to earn enough to support themselves and their families. The incidence of poverty among single mothers is extremely high, with the income only 30 percent on average of that earned by married couples with children.

Support for Victims with Special Needs: Support for victims with special needs such as migrant women, minority women, women with disabilities, older women and lesbian women is insufficient. These women often lack access to information and shelters, and adequate support according to their specific backgrounds and needs is insufficient. While support for migrant women has been improved with the revision of Spousal Violence Law, the protection of victims is not necessarily prioritized over the immigration control. Further, the new immigration law that will place harsh punishments including cancellation of the resident status for those fail to comply with tighter information control on foreign residents can put migrant women in greater risks of abuse, as the fear for losing resident status could deter them from reporting and escaping from abusive husbands.