

Support and Legal Systems for Mother and Child Victims of Domestic Violence in Japan and Singapore

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1. Introduction

In Japan, support for victims of domestic violence has been provided mainly by public institutions since the enactment of the Act on the Prevention of Spousal Violence and the Protection of Victims (DV Act). However, not enough research has been done on support for mother and child victims of domestic violence, and the characteristics of support provided is also unclear. Additionally, public facilities which protect and support the affected mothers and children have little confidentiality and some even impose restrictions, such as separating boys of a certain age from their mothers. In spite of the fact that both mothers and children have escaped as victims of domestic violence, they are sometimes separated because of the conditions of the facility or circumstances of mothers. Many studies have already pointed out that exposure to domestic violence has a serious impact on the mental and behavioural aspects of children. However, the current DV Act does not consider children to be direct victims of domestic violence. As a result, they are considered incidental, making it less likely for their human rights to be respected. Women's shelters have a proven track record in providing flexible support to mothers and children affected by domestic violence. They conceal the victims' existence, thus, protecting them from their abusers (Ogawa 2015).

Considering the issues mentioned above, this study focuses on Singapore which has a low ratio of domestic violence victims (as of 2009) and has adopted a framework of victim support based on the concept of family violence (FV) which first attracted attention in the 2000s. FV is a broader concept which includes violence or destructive behaviour of any kind between family members, such as between parents and children and between siblings. The government of Singapore has come up with countermeasures against FV. Besides Singapore, we examine the domestic violence policy of Tokyo, the capital city of Japan, and Fukuoka Prefecture, one of Japan's regional metropolitan areas. This study also explores how support for the affected mothers and children is provided from the perspective of legal system and operation of the DV Act in each region, and makes recommendations to improve support for domestic abuse victims in Japan.

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2. Methodology

In order to understand the current state of support for mothers and children affected by domestic violence in Japan and Singapore, we conducted a survey with relevant organisations in both countries. We interviewed officers of the Singapore government and the local government in Tokyo, Shinjuku-ward, Arakawa-ward, Fukuoka, Kitakyu-city, supporters of shelters and related facilities (N=48), and compared the two countries considering the characteristics of support for victims of domestic abuse. Lastly, we suggest that Singapore's FV policy has implications for Japan's domestic violence policy.

3. Overview of support for mothers and children affected by domestic violence in Japan

3-1. The reality of 'accompanied children'

With regard to 'accompanied children', the report of the Ministry of Health, Labour and Welfare (hereinafter referred to as 'MHLW') on the 'Survey and Study on the Actual Situation of Support in Women's Protection Services' (MHLW 2018:80-81,167-169) provides an insight into the actual situation of support in such cases.

The second most common type of cases which do not lead to temporary protection are that of women with 'accompanying children', accounting for 44.9% (22 cases) of the total. The reasons cited are that women cannot enter the support facility with their children (46.9%) and that the children had to transfer or miss school (75.5%), highlighting the fact that the victims have no choice but to give up on entering the facility in consideration of the children accompanying them. Even if the child is admitted to a childcare centre or placed in protective custody, in case the mother is unable to care for him/her, the child will be separated from the mother and will be supported by a child guidance centre.

Furthermore, less than half of the women's counselling centres have childcare workers, resulting in inadequate support for child abuse victims. Thus, it becomes clear that children are considered incidental victims of domestic violence. Consequently, the number of 'accompanied children' is not clearly identified, and only an indirect identification based on the status of reports of child abuse is made. Thus, the factors which lead to insufficient support for the 'accompanied children' are: first, children are not considered direct victims of domestic violence, and second, the organisations involved in supporting the affected mothers and children, such as women's counselling centres, child counselling centres, and women's shelters, do not cooperate enough to support victims in a monolithic manner.

3-2. DV Act and legal system in Japan for mothers and children victimised by domestic violence

The first amendment to the DV Act in 2004 made a protection order effective for children brought by the victim mother at the time of evacuation (Article 10). In 2018, about 80,104 children were reported by the police to child consultation centres on suspicion of child abuse, a record high and a 13 times increase over the past 10 years.

The most common type of abuse was psychological abuse, including witnessing domestic violence, accounting for over 70% of the total cases (National Police Agency 2019). With regard to Japan's domestic violence policy, which still faces many challenges, the UN Covenant on Civil Liberties pointed out that 'the sentencing policy of perpetrators of violence (e.g. husbands and partners) should be reviewed; those who violate protection orders should be detained and prosecuted, compensation for victims of violence by husbands and partners, and childcare benefits for single mothers should be increased; court orders on compensation and child support should be enforced; long-term rehabilitation programs and facilities should be strengthened; and support for victims who need special care, such as foreigners, should be strengthened'.

4. Support for mother and child victims of domestic violence by local governments

4-1. Current situation of support for mothers and children victimised by domestic violence in Tokyo

The current DV Act is 'extremely reluctant to support victims' self-reliance' (Kaino 2001:29). It appears that administrative support, except for consultation services, is mainly focused on the preparation of documents for issuing protection orders and temporary protection of victims. As victims are hesitant of being placed under temporary protection in the absence of a support system ensuring their independence, the number of cases involving protection has been decreasing. Furthermore, domestic violence is a traumatic experience for the victimised mother and child. In recent years, the need for trauma-informed care has been mentioned, but the current DV Act also lacks in this aspect.

The private sector has been providing support for victims to rebuild their lives, including mental and physical recovery, complementing the government's support which tends to stop at temporary protection. In this article, we look at the current situation of Tokyo Metropolitan Government's support for victimised mothers and children, focusing on (1) support for children by the government and private organisations, (2) mental health support for mothers, and (3) support for self-reliance of mothers and children, since it is important for parents to recover mentally in order to care for their children.

4-2. Support for mothers and children affected by domestic violence by local governments in Tokyo

The administrative support organisations in Tokyo include the Tokyo Metropolitan DV Centre, ward DV centres, and ward and municipal DV consultation services. The Tokyo Women's Plaza (WP), one of the Tokyo Metropolitan DV Centres, is mainly responsible for providing a comprehensive consultation service. In order to address the issues raised by the Tokyo Metropolitan Government's 2014 'Survey on Spousal Violence Victimization and the Current Status of Relevant Agencies', we are conducting a psychological education program for mothers and children with the aim of restoring children's mental health. Specifically, the Tokyo Metropolitan Government has commissioned a

private organisation to conduct a concurrent psychological education program for women and their children who have been victims of domestic violence. In addition, throughout the year, Tokyo offers self-reliance support courses for women who have experienced domestic violence to help them become independent. Furthermore, the survey report shows that the government is aware of the need to care for children and support self-reliance, such as providing computer classes and support for self-help groups.

The Tokyo Metropolitan Women's Consultation Centre, another Tokyo DV centre, is mainly responsible for the temporary protection of women and children. In FY 2017, more than 60% of the protection cases involved domestic violence. Of these, 60% cases involved mother and child victims of domestic violence. With an average period of two weeks of temporary protection, medical, psychological, and vocational evaluations of domestic violence victims are conducted as needed at the Tokyo DV Centre. The psychological support staff at the centre conducts individual interviews and psychological education for mothers and children. There is also a nursery teacher and learning supervisor for the children.

After leaving the Tokyo Metropolitan Women's Consultation Centre, the victims are usually sent to a maternal and child living support facility. The facility is operated by the government on consignment or with subsidies, and is based on the provisions in Child Welfare Law; however, children and their mothers can enter the facility together as a family. At the Tokyo Metropolitan Women's Consultation Centre, mothers and children are restricted from attending preschool, school, and commuting to work due to crisis management; however, all these activities are possible at the maternal and child living support facilities. Children are provided with academic guidance or career counselling; supplementary childcare is available when the mother is having difficulty raising her child, and the psychologists provide counselling and support for an overall independent living.

Additionally, according to the revised Child Abuse Prevention Law, amended in 2004, cases involving a child being severely psychologically traumatised by domestic violence are included in the category of child abuse. To support the affected mothers and children, the Child Consulting Centre offers programs aimed at restoring the parent-child relationship.

4-3. Support for mothers and children affected by domestic violence by private organisations in Tokyo

Private organisation A, established by a Christian association in 1986, provides support to foreign mothers and children. In the beginning, it mainly focused on Asian women victims of human trafficking, which had become a social problem at the time of its establishment. The organisation provides shelter to victims of domestic violence which has been increasing since 1998 (Shibata 2003:53). According to the Network News of A, in recent years, domestic violence has been the most common reason for foreign women to be placed in a support facility, followed by 'no place to stay'. In addition to counselling and temporary care, the centre offers care programs such as music therapy for mental recovery, accompanies children to hospital visits, and provides them academic guidance.

When it was first established in 2000, private organisation B was a self-help group and a place to

help people get work, and was characterised by the operation of restaurants and handmade workshops. In 2006, the organisation launched the ‘Concurrent Psychological Education Program for Women and Children Victims of Violence’, which has since been adopted in Tokyo and its suburbs. Depending on the victim's stage of recovery, support programs such as counselling and therapy, interpersonal relationship courses, career seminars, a place for children, and parenting salons are provided.

In particular, organisation B actively supports women and their children in a variety of ways, including providing career support in cooperation with foreign companies to help victims reintegrate into society, support to make women self-reliant through the operation of cafes, and a place in the community for children of single-parent families. However, the company is in a tight spot financially, and expects the state to understand and support them.

Private organisation C, established in 2013, conducts research and studies, and develops human resources and support models with a focus on companionship. The organisation was supported by the Ministry of Internal Affairs and Communications (MIC) in its supplementary budget for fiscal 2010. The WP invited multiple private organisations to collaborate in the ‘Subsidy Project for the Development of a Support System for Victims of Domestic Violence’, and the 14 private organisations in Tokyo which applied for the subsidy implemented the Step House, companionship support, and independence support programs for domestic violence victims. The WP is credited with providing small private organisations working individually an opportunity to establish a new organisation.

4-4. Characteristics and challenges of support in Tokyo

One of the characteristics of the support provided by the local government in Tokyo, which mainly focuses on temporary protection, is that it is supplemented by various private organisations such as women’s shelters. One of the challenges is that although the government provides support for self-reliance, it is limited in terms of targets, duration, and frequency. In particular, self-reliance support focusing on the mental recovery of mother and child victims of domestic violence should be provided over medium and long term, and it is necessary to institutionalise a framework to achieve the same. It is important to realise that true self-reliance support, including employment support, cannot be achieved without the mental recovery of affected mothers and children. Additionally, private organisations such as women’s shelters which complement public administration face financial difficulties and shortage of human resources (Ogawa 2015:265,266). Their survival is, thus, in jeopardy. Government's financial support for private organisations and human resource development is an urgent issue.

5. Support for Mothers and Children Victimised by Domestic Violence in Fukuoka Prefecture

5-1. Current situation of support for affected mothers and children in Fukuoka

In a case study from the city of Kitakyushu in Fukuoka Prefecture, we examine the efforts to deal with domestic violence through interviews with various organisations.

The Child and Family Counselling Corner in Kitakyushu City works with the police to protect

victims of domestic violence and their children. ‘There are many cases where domestic violence and child abuse are combined’, says a staff member of the children's consultation centre at Kitakyushu. When child abuse occurs, there are cases where the mother is also suffering from domestic violence. In such cases, the centre is faced with the choice of separating the mother and child from the husband, and furthermore, separating the mother and child. Since the temporary facility of children's consultation centre is open to children only, the mother and child victims may be placed together in a maternal and child living support facility or women’s shelter. Although the parents' intentions are also important when it comes to the temporary custody of a child, the consultation centre, in principle, focuses on the child, and if the child must be protected, it will provide temporary custody without the consent of the parents (legally allowed).

The centre’s priority is the child, and how to support the mother protect the child. With regard to temporary protection and support for mothers and children, we observed that the consultation centres were in daily contact with the Children and Families Corner of each ward office and always considered how to respond appropriately and provide support to the victims.

5-2. Support for mothers and children affected by domestic violence by private organisations in Kitakyushu, Fukuoka

In this section, support provided by private shelters and maternal and paternal welfare centres will be presented based on the results of the interview survey.

There are two shelters in Kitakyushu City which are the pioneers in providing support. One of these shelters, women’s shelter D, has provided temporary protection to 18 people in 16 households from April 2017 to March 2018, accounting for one-third of the total temporary protections in Kitakyushu. In spite of the fact that women’s shelters provide flexible support for victims, their intake of residents is shrinking. There are currently six staff members, with two or three taking turns at any given time.

The Kitakyushu Mother and Father Child Welfare Centre is operated by the Kitakyushu Mother and Child Welfare Association as a designated administrator. Support is available to single parents living in Kitakyushu or widows (women who had no spouse and were previously dependent on a child under 20 years of age as a spouseless mother). Employment support is provided to the person until he/she finds a job. Domestic violence is increasingly becoming a factor leading to divorces. ‘Since the women affected by domestic violence suffer mental ill health, the welfare centre supports them to find employment in the future by considering their strengths and weaknesses while maintaining a close relationship with them’, says a counsellor at the Maternal, Child and Family Welfare Centre.

5-3. Challenges of support in Fukuoka

In the survey, it was observed that the city of Kitakyushu actively supports mothers and children affected by domestic violence. However, it is presumed that it is difficult to train the supervisory staff involved in supporting victims of domestic violence, as the staff of local governments change over

years. In particular, child and family counsellors at the Child and Family Counselling Corners, who play an important role in supporting victims of domestic violence, are not included in the decision-making process of the government concerning domestic violence policies because of their unstable treatment. The challenge is how to improve the structure which makes it difficult to accumulate support know-how.

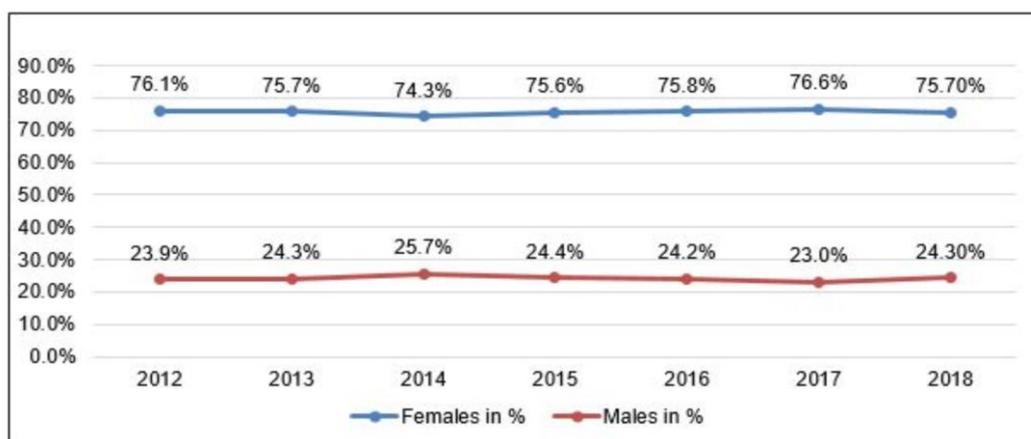
6. Legal system of domestic violence in Singapore

In 2018, Singapore entered a new phase of support for victims of abuse with the implementation of the Vulnerable Adults Act (VAA), which aims to address abuse in general, complementing the already established care networks. The latest document, Adult Protection in Singapore, provided by the Ministry of Social and Family Development (MSF), which accompanied the study, clarifies the Women's Charter and the VAA as the two wheels of the new protection policy. The Women's Charter provides protection against FV. This section examines Singapore's FV policy, focusing on the efforts of women's shelters and the police.

6-1. Reality of FV in Singapore

According to an interview survey with the Singapore government, no official survey on the actual situation of domestic violence in Singapore is conducted. The only data available are on the issuance of protection orders (Figure 1). According to this figure, from 2016 to 2018, the Family Court received an average of approximately 2,700 petitions for Personal Protection Orders (PPOs) per year under the Women's Charter, 75% for women (in the 2000s per year) and 25% for men (in the 700s per year). The rate of issuing protection order to women is three times more than that of men.

【Figure 1】 Number of Personal Protection Orders in Singapore



Sources : Ministry of Social and Family Development, Singapore

6-2. FV policy in Singapore: Police at its core

The Singapore Police Force heads the Family Violence Dialogue Group with MSF in the central position to lead the National Family Violence Networking System (hereinafter referred to as 'NFVNS'), which focuses more on the operational aspects of the FV policy, such as providing uninterrupted and effective services. This confirms that the police are at the core of the FV policy. Incidentally, the women's shelters described later are included in the NFVNS.

The police force has enormous powers (e.g. extensive arrestable offence powers), enabling it to crack down on regulatory violations through surveillance cameras (Embassy of Japan in Singapore 2006:6-30).

The police force can also prove to be a powerful source of leverage from the victim's perspective. This is clearly illustrated by the article 'Victim-focused sexual harassment measures from Singapore'. 'The police are surprisingly polite with the victims. It is worth noting that the police have a policy of listening to the victims' arguments first and that the social climate is thorough. In fact, the police introduced the Neighbourhood Police Post in 1983, referring to Japan's police box system. It aims to transform itself into a 'police force which serves its citizens', and it also accepts requests from residents. The installation of surveillance cameras is also positioned as part of the creation of a safe and secure community' (CLAIR 2000). If we take this at face value, it is meaningful enough to eliminate the negative aspects.

【Table 1】 Overview of the legal system for supporting DV victims: Comparing Singapore and Japan

	Singapore (Supporting victims through the concept of FV)	Japan (Supporting victims through the concept of domestic violence)
Law	Women's Charter Chapter 7: Protecting the Family Articles 64-67.	DV Act
Definition	Intentionally or knowingly threaten or attempt to threaten to harm a family member. Causing injury to a family member. Unreasonable confinement or restraint against the will of the family member. Ongoing harassment that makes you feel distressed.	Physical violence by one spouse or his/her former spouse, or similarly harmful effects on body and mind caused by words and actions.

<p>The order of the court.</p>	<p>Personal Protection Order:PPO Expedited Order : EO Domestic Exclusion Order : DEO (order to vacate the residence and create a place in the residence where the perpetrator is not allowed to enter) Counseling Order : CGO</p>	<p>Protection Orders</p> <ul style="list-style-type: none"> • Order prohibiting approach to the victims (6 months) • Order to vacate (2 months) <p>The following order is a prohibiting approach victim’s child or relative. Issued in conjunction with a prohibiting order.</p> <ul style="list-style-type: none"> • Order prohibiting approach to the victim’s child or relative (requirement: a minor child living with the victim) <p>(Separated children and adult children fall under the category of relatives).</p> <ul style="list-style-type: none"> • Order prohibiting phone calls or other behavior
<p>The right to petition the court</p>	<p>The petitioner is 21 years of age or older, or is married or has been married even though he or she is under 21 years of age (including a de facto marriage).</p>	<p>A spouse (including a de facto or ex-spouse) and a companion with whom he or she share the main part of his/her life.</p>
<p>Definition of a family eligible for protection</p>	<ul style="list-style-type: none"> • Spouse or former spouse • Children, including adopted children or step children • parent in-laws • The court determines that a family member • Other relatives (except for cohabiting and same-sex couples) 	<ul style="list-style-type: none"> • Spouse or former spouse • Children, including adopted children or stepchildren • Relatives, etc. (those who are closely related to the parent or other victim)
<p>Violation of protection orders</p>	<ul style="list-style-type: none"> • An "arrestable offence" is possible as an "offense amounting to arrest". <p>The "contempt of court" charge is applied.</p> <p>Application of "marital rape": Applicable when a protection order is issued.</p>	<ul style="list-style-type: none"> • Imprisonment for not more than one year or a fine of not more than one million yen.

7-1. Characteristics of victim support from the perspective of ‘Break the Silence’ campaign against FV

The MSF announced the launch of the Break the Silence campaign at the NFVNS conference in November 2016.

Its main purpose is to make people aware that FV is not a private domestic matter, but is something that should not be overlooked, and that the whole nation should be more proactive in reaching out and informing those who are suffering in silence. Seeking ‘help’ is explained as the only way to stop domestic violence.

A particular emphasis is placed on women and children affected by FV. In order to make victim assistance more effective, the MSF and the police have taken the lead in creating a system which includes private shelters. Furthermore, to solidify the system, citizens have been positioned as the key players in the foundation of the FV policy.

7-2. FV policy in Singapore: Efforts of the four major public-private partnership shelters

This section summarises the findings of the Singapore survey and the points discussed at the National Shelter Symposium in November 2018.

The MSF provides a safe place for women and their families affected by FV. It funds women’s shelters as temporary shelters and develops safety plans for victims. The 1996 amendment of the Women’s Charter was one of the turning points in the establishment of these shelters. The four largest shelters which deploy organised victim assistance with government financial support are women’s shelters E, F, G, and H. The government funds 60-90% of their operating cost, which ranges from 50 to 400 million yen.

In some cases, buildings and land are included in the financial assistance provided by the government. Each shelter has several male or female security staff and robust security measures in place. It is only natural, given the financial support it receives from the government, that the government conducts a status report or monitor the operations, once every three months. The four shelters have been working in close cooperation with each other, holding coordination meetings three to four times a year.

The Singapore government is forming an alliance with the women’s shelters, since there are no public temporary shelters, considering them as ‘performing’ invaluable functions.

These shelters are equipped with a total of 220 beds funded by the government. The number of people accepted ranges from 30 to 100. A family room is provided to the victims, and even if the accompanying child is a boy, and if the mother has no particular problem, the child will be accepted without being separated. The largest shelter F has 27 family rooms and 3 dormitories. Even though it is a temporary shelter, care has been taken to ensure that both mothers and children can live in peace. Psychological support for children is also strengthened, and special counselling is provided to assess their needs from an early stage. Moreover, the I AM S.M.A.R.T. program employed at shelter F

empowers the children. SMART is an acronym for social, merry, articulate, responsible, and task-oriented. These programs support child victims of FV, raising their self-esteem and making them contributing members of society.

The support staff is highly trained and skilled, comprising of a diverse group of specialists. It would not be an exaggeration to say that it is the staff who supports the support system which is there for the victims until they become independent. With financial support from the government, the staff confidently focuses on providing victim assistance. Without private shelters, Singapore's FV policy would not be viable. If we focus only on the positive aspects of the relationship between the government and these shelters, each is working to address domestic violence in a way that makes the most of its position. The child is also positioned as a party to the damage, rather than being considered incidental, and is supported to become independent without anxiety.

8. Conclusion

From the interviews in Japan, it was observed that the local governments, related organisations, and private organisations are individually working to eradicate violence and support victims. However, both the supporters and those who are supported are constrained by the legal system in Japan. Supporters in the field and those in charge of forming assistance plans are struggling to deal with domestic violence. In particular, with regard to support for mother and child victims of domestic violence, while there have been many pioneering efforts, the voices of those involved in providing ground support have not been sufficiently reflected in domestic violence policies. Thus, providing effective support remains a challenge.

On the other hand, the FV policy in Singapore can be seen as a network of care which goes beyond individual positions and works collectively to eradicate FV, based on the Women's Charter and the VAA. There is no hierarchical relationship between the victims and their families, and support is provided to each person with the victim as the first priority. In this context, women's shelters, which receive financial support from the government, have a huge responsibility as they are at the front line of providing support for victims. The root of this network is the citizen who has the responsibility of not being a bystander. Above all, this care network adheres to the philosophy of putting the victim first, and provides multifaceted support, including counselling, to mothers and children affected by domestic violence. Under the FV policy, children are not segregated and subjected to further anxiety, but are supported as an affected party. Thus, the concept of FV in Singapore has many implications for Japan's domestic violence policy.

The factors which contribute to the differences between Singapore and Japan in terms of providing support for the victims of domestic violence can be summarised as follows: first, there are different legal and support systems for mothers and children affected by domestic violence; second, position of women's shelters in the two support systems are different. From the perspective of respecting the human rights of mothers and children affected by domestic violence, it is no exaggeration to say that children are not regarded as direct victims of domestic violence. This is one of the biggest flaws in the legal system of Japan. Another decisive difference between the two countries is that the women's

shelters are placed outside the framework of the DV Act in Japan. Additionally, the support system in Japan is inadequate in that it is impossible for the victims to truly become independent, as evidenced by the lack of an established support system to help the mothers become self-reliant and rebuild their life and that it separates the victim mother and child, which increases anxiety among them. Even though both the government and the private sector in Japan have been working to support mothers and children affected by domestic violence without turning their backs on them, such inadequacies as mentioned above have arisen. The fundamental problem is that the responsibility of eradicating domestic violence and supporting the victims is not shared by the general public and society as a whole.

In Singapore, there is a certain degree of shared awareness and commitment by society as a whole in respecting, caring for, and supporting the victimised parties in order to eradicate FV.

Based on the results of this study, there is a need for the Japanese government to establish a uniform standard of support to some extent. Moreover, it is important to conduct research and surveys from the perspective of FV, including child abuse and domestic violence, and to strengthen the link between policies on domestic violence and child abuse.

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