

Statement on Sexual Domestic Violence and Partner Sexual Violence

February 2021

All Japan Women's Shelter Network



The essence of domestic violence (DV) by a spouse and intimate partner is domination and control over the other person, and although it often tends to be focused only on physical violence, psychological domination, trapping, and denial of personality are important elements, whether physical violence is involved or not. Also, DV involves psychological control, oppression, and denial of personality, which can cause serious psychological damage to the victim and affect his or her life.

In addition, DV is often accompanied by sexual assaults, but it is difficult to talk about and has not been addressed head-on until now.

We would like to appeal to the public to pay attention to the seriousness of sexual domestic violence against spouses and intimate partners, and suggest that the issue of sexual domestic violence/partner sexual violence be properly included in measures against domestic violence and sexual assault.

I. Recommendations

1. The national and local governments should pay attention to the seriousness of sexual DV and implement the following measures:

Include psychological DV and sexual DV in the scope of protection orders under the DV Prevention Law.

Provide proactive support, including temporary protection, for victims of psychological and sexual DV.

Understand the seriousness of the impact of psychological and sexual DV and provide comprehensive support for the recovery of DV victims.

2. Please create a sex crime that deals with sexual violence between partners.

Under the "assault and threat" requirement stipulated by the current Penal Code's sex crimes, it is difficult to apply sexual violence between partners under a continuous controlling relationship as a sex crime. Either

create a category of crimes that takes into account the characteristics of sexual DV between spouses or partners, or prohibit all non-consensual sexual acts and impose a heavier sentence for sexual DV between spouses or partners.

3. In light of the actual situation of sexual domestic violence, please eliminate the requirement of a spouse's signature of consent for abortion under the Maternal Protection Law. In addition, please make it known and thoroughly enforce the policy that the consent of the male partner is not required for abortion in non-marital relationships.

II Explanatory materials

1. Sexual violence as DV

The problem of sexual violence and resulting pregnancies in DV cases is a frequent occurrence.

In the case of domestic violence cases, sexual violence and resulting pregnancies occur frequently. DV is an act of domination over the partner, and it is not uncommon for psychological abuse or sexual violence to be the only form of violence. It is the domination of the partner through sex. In many cases, people endure for the "satisfaction of the other person," feel the pain of being treated as an object, and feel a sense of helplessness that is repeated, but cannot choose to leave for the sake of their lives.

Even when they complain about the pain of sexual intercourse, they are not treated well. The reality is that sexual violence between spouses is harsh and brutal, but it is not considered a problem.

It is difficult to capture sexual violence in the definition of sexual crimes that requires "assault or threats" because it is an act in an ongoing relationship and there is a sense of obligation to comply as a couple. Victims also find it difficult to recognize sexual violence, so it becomes more common and serious. The domination by sexual violence imposes the greatest difficulties. Victims are reluctant to talk about it, and it takes a long time to recover.

2. Victims of sexual violence are invisible to the public

According to a questionnaire survey conducted by the Cabinet Office

(3,376 respondents to the "Survey on Violence between Men and Women" conducted by the Cabinet Office in December 2017), the most common offender among those who have been forced to have sexual intercourse is their spouse, ex-spouse, or intimate partner (47.6%). This trend of 30-40% has been consistent over the past several surveys.

However, it seems that most of these cases are not criminalized (according to the police crime statistics of 2017, the number of arrests between spouses was 6 for forced sexual intercourse and 2 for indecent assault). Furthermore, it is very difficult for victims to take action to report to the police focusing on acts of sexual violence because their priority is to stay away from their partner and to hide their refuge. Even in cases where the police are consulted about DV, the police officers (mainly from the Life Safety Division) mainly focus on the danger to life and provide assistance in evacuation. It is unlikely that they will pay attention to it and send the case to the criminal division even if sexual violence is involved. It is also difficult to emphasize this in the interviews at the public DV consultation centers or private NGO shelters.

3. Actual situation

(1) Violence during pregnancy and childbirth

Extreme violence is committed during pregnancy and childbirth. There is often physical violence and abuse, such as not caring for the pregnant woman's body, but rather kicking her in the stomach and back, not allowing her to eat, making her do hard work, and verbally abusing her.

(2) Abortion and pregnancy

It is not uncommon for domestic violence couples to have many children, and many have repeated abortions and pregnancies, due to non-consensual sex and the inability to discuss birth control. In clinical obstetrics and gynecology, pregnant women who do not visit the hospital during their pregnancy before and rush into childbirth, as well as couples who repeatedly have abortions and repeat pregnancies, are recognized as high risk cases of DV. One survivor said, "I got pregnant six times and had an abortion because he wouldn't use birth control."

(3) Sexual assault after divorce

In addition to sexual violence during cohabitation and relationships, there are also cases of sexual violence after divorce when a woman is summoned for visitation with her children.

(4) Simultaneous sexual abuse of children

Sexual abuse of children may also occur at the same time.

There are cases of sexual abuse while living together or in a relationship, where the children are shown the couple's sexual activities. Some engage in sexual acts with their children (teenage or adult daughters) and have their wives assist them or film them.

(5) Digital sexual abuse (Tech sexual abuse)

There is also "digital sexual assault," in which a person is forced to take photographs or videos, or is filmed in secret. In addition, there are cases where a person is drugged into sleep and filmed, and the video or image is taken into possession and used as a threat, spread on the Internet, or sold.

(6) Unwanted sexual activity

This does not mean forced sexual intercourse, but it includes insulting acts such as watching an indecent act. Forced insertion of objects into the genitals is also common. For example, a woman may be forced to insert a vegetable or an egg into her genitals, and when she is unable to take it out, she may have to go to the hospital to have it removed. There are also acts such as forcing partner to go out without wearing underwear. In some cases, they are forced to perform atrocious sexual acts just as they see in adult videos. These sexual acts, when forced without true consent, are considered sexual violence and sexual domestic violence.

(7) Sexual exploitation

Forcing his wife or daughter to prostitute, selling their photographs.

Often husbands tell their wives that she is not attractive as a sexual object.

(8) Other acts of domestic violence include the following:

Forced to listen to your partner's experiences in prostitution/call-girl business and the sexual expressions therein.

Often husbands tell their wives that she is not attractive as a sexual object.

4. Voices heard

(from consultation records, survivors' memoirs, etc.)

(1) Unwanted sexual activity

He asked me for sex in the second week after the childbirth. When I refused because the perineum wound I had sewn up during childbirth had not healed yet and I was still in pain, he asked for a blow job instead.

Whenever I was cooking, he would make me take off my underwear from behind and insert his fingers and penis into my genitals.

My husband made me lick his genitals for an hour until he fell asleep, and when I refused, he became unhappy.

When we were driving, my husband grabbed my head on the passenger seat and brought it to his crotch to suck his penis. When I refused his order, he pulled my head and forced it between his legs.

After my husband urinated in the toilet, he called me without wiping his penis with a tissue and ordered me to lick his dirty penis. I was very uncomfortable, but I could not refuse because he would get angry if I did not comply.

My husband demanded sex almost every day. I was helping out with his business, and my husband, who was home from the office, would often call me back at work with sexual demands. This delayed the processing of his work, but he blamed me for the delay.

My husband wanted to have sex with me even while the children were studying or bathing.

If I refused to have sex with my husband, he would become more verbally abusive and blame me in other aspects of his daily life, so I was forced to have sex with him even if I did not want to.

My husband began to follow me when I went to the bathroom and watch my urinate.

My husband has an abnormally high sex drive and asks me for it to the extent that I cannot sleep at night. When I refuse, he becomes violent and throws things at me. It was painful for me to have sexual intercourse every day, and I had given up on the idea that there was nothing I could do about the situation.

Every night I was stripped naked and forced to have sex. I was naked and he tied me to a pillar and raped me.

I was forced to have sex with my husband in a manner similar to adult videos(audio visual).

My husband tied my hands and feet, tore my clothes with a knife, stripped me naked, beat me, and raped me.

When I refused to have sex with him early in the morning, he beat me four times with his fists.

He insists that I should accept her husband's demands.

I was severely coerced sexually and he did not cooperate with birth control. We have four children. In addition, he began to touch my children's bodies.

My husband, who was often away from home due to his work, forced me to bathe with him when he was home, and he continued to have sexual desires with me. When I refused, he became physically violent.

The sexual violence was severe. She has five children because he does not use contraception.

I was forced to have sex with her every morning and evening, and it was painful.

My husband made me do things just like in pornographic videos. He made me wear my high school uniform and forced me to do the same things in

pornography. He made me urinate in my mouth. So I ran away.

My husband was a salesman for a small company, and he forced me to have intercourse with his customers. I didn't like it, so I ran away with my children.

(2) Verbal humiliation

Whenever he was drunk, my husband would question me about my sexual intercourse with men I had dated before I met him, use obscene words, and use abusive language to sexually humiliate me. I felt humiliated and intense disgust.

When I started working, my husband complained about his sexual frustration, saying, "If you work on weekdays, you won't be able to have sex.

When I refused to have sex with him, he ignored me.

He called me a "whore" and forced me to have sexual relations with him.

(3) Sexual exploitation

He forced me to work in a brothel and told me that I could only work in a brothel when I was young because I was ugly. And he ordered me to give him the money I'd earned.

My husband watched me every day, forced me to make debts, and forced me to spend all day on adult chat. My husband took all the money from me. My husband's mother followed me when I went to the nearby convenience store in the middle of the night.

(4) Digital Sexual Abuse

My husband took videos of me without my knowledge and hid them among the videos of my children's growth. I found out about it when I tried to watch my child's video. The video showed the couple having sex, and the child, who was sleeping in the same room, waking up to watch.

(5) Sexual abuse of a child

I had to have 10 abortions because I could not use contraceptives during

the severe physical violence. So I ran away and got a divorce. My daughter also went away. However, 15 years after the divorce, my daughter became severely depressed. It turned out that she had also been a victim of sexual abuse. Come to think of it, my husband never allowed my daughter to lock the door to her room.

[Quotes from the memoirs written by survivors]

“When I was exhausted from childcare, housework, and work, my husband would ask me to have sex with him. If I refused, the violence would start, so I had no choice but to comply. If I refuse, he will suspect me of having an affair, and I will be violated. As proof that I was not having an affair, he told me to shave my head, so I did it with clippers. My husband laughed at me. After the violence, he would always ask me to have sex with him. He would get angry if he could not ejaculate either orally or with my hands. After ejaculation, my husband would become gentle. For me, sex was just an act to get forgiveness. And I was broken.”

“When the children were out of school and I was doing housework, I would get a call from my husband, asking me to come to his work on the property. I hated it. At work, my husband made me do things I had seen in pornographic magazines and DVDs. He made me strip naked, wear a collar, walk on all fours, and so on. Sometimes they even took pictures and DVDs of me doing it. I didn't want to be alone with him at night, so I stayed close to my child as much as possible.

I was also afraid to go out with my husband. I was told to take off my pants and walk around in the supermarket, or to take off my pants and squat in a park in a famous tourist area when we went on vacation. My skin all over my body became rough and cracked, and the doctors asked me if I was stressed. Because of this, I couldn't talk to my parents or anyone about it for a long time. Many things happened, and after years in court, I finally got a divorce.”

“I was afraid of the night. Whenever my husband wanted to have sex, he would get angry if I went to bed before him. It didn't matter if it was in the middle of the night or in the morning. Every time he turned over in his sleep, I woke up scared. It didn't matter if I was on my period or had a fever. I was

so afraid of sex that my body didn't respond, and my husband violated me, saying that I couldn't feel because I had done it with another man.”

“I was convinced that if my husband asked me to have sex with him, I should not refuse. If I refused, he would violate me. If I had sex with him after he was violent, he would be gentle. I agree to have sex with my husband in order to keep him in a good mood. He demands that I use my mouth or hands, but when I can't do it well, he gets angry and grabs me by the hair and forces my genitals into his mouth. He grabbed me by the hair and forced his genitals into my mouth. I vomited, unable to breathe as I was throttled. At the time, I didn't know it was marital sex abuse. I thought it was my fault.”