ONLINE LEGAL AID TO EMPOWER VICTIMS OF DOMESTIC VIOLENCE IN JAPAN

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日本の家庭内暴力における被害者権利のためのオンライン法律援助

"If you are going through hell, keep going..."
— Winston Churchill

INTORDUCTION

Domestic violence is a significant problem worldwide. Domestic violence (DV) involves one member of the family exerting power over others through physical or psychological violence. In cases of extreme violence that require police intervention, the victim is typically a woman (Vazquez, 1996), and this form of violence is a major contributor to morbidity and mortality for women (Rhodes et al., 2006). Results from self-report surveys consistently show alarming statistics when extrapolated to the general populace: for example, claims that more than 5 million women in the US are victims of DV (Westbrook 2008), one in four women in the UK (Mirlees-Black, 1999) and one in three women in Japan (Cabinet Office, 2002; Radford and Tsutsumi, 2004). Studies that have examined DV more broadly have found that DV against males is less common but still significant, with males suffering up to one third of DV injuries and twenty-five per cent of deaths (Kelly 2002, Straus et al. 2006).

A critically important issue is how to protect victims, particularly women, who tend to be in a weaker and more vulnerable position than men (physically, psychologically, and economically). Offering protection is often difficult, however, because a large number of victims (male and female) are unwilling to acknowledge or disclose the cause of the trauma, even when sent to hospital emergency departments and interviewed by healthcare professionals (Rhodes et al., 2006). Indeed, due to emotional or financial dependence, as well as more complex issues such as self-blame (Johnson and Ferraro 2000), and even Stockholm syndrome (Graham et al., 1988) where the victim shows loyalty to the aggressor irrespective of the ongoing danger faced (Herman 1992), victims commonly report returning to

the relationship, hoping to change or simply persuade the abuser by plea and promise (Chang et al. 2006). Many victims are also confused by the recursive nature of the abusive relationship which cycles through *honeymoon, calmness, tension-building* and *incident* phases (Corcoran and Melamed 1990, Shurman and Rodriguez 2006).

Online advisory systems provide a number of capabilities that are potentially useful in addressing some of these DV issues. Online advisory systems are interactive online computer-based systems that are capable of providing advice to the public while allowing people to explore options, and so help them to make more informed decisions (Jansen and Steehouder 1994). These systems have been shown to empower citizens, especially those in a relatively weak bargaining position (Li, Gregor and Goode, 2007), and it have also been used to assist poor people in need of legal advice (Koufaris, 2002). On this basis we propose that a DV Online Legal Aid (OLA) system ― a kind of online advisory system that incorporates Decision Support Systems (DSS) functionality and analytic technologies such as data mining ― can help to address the major difficulties described above and thereby empower DV victims in desperate situations.

Consequently, in this paper we explore the role of an OLA in empowering DV victims to make better decisions on their future life paths. In describing that role, we first seek to understand the nature of DV and the DV victims' corresponding information needs that can be addressed with such an OLA. We then look at how to effectively empower the DV victims with OLA, and finally propose guidelines for the design of such an OLA.

Quotations throughout the paper are from four women, each a victim of DV, in a system development exercise using the paper prototyping technique (Snyder 2003). Interviews were conducted in Australia, Japan and China. Each participant approached the first author after hearing about the study via indirect word-of-mouth contact, in an effort to help other people in a similar situation. All women are Asian, aged between 25 and 45, and in a relationship between 6 months and 4 years. Quotations have been included with the consent of each individual, and all personal information has been removed.

UNDERSTANDING THE INFORMATION NEEDS OF DV VICTIMS

The recursive nature and destructive impact of DV
DV incidents can take the form of verbal abuse or physical abuse and chronically violent relationships tend to be a recursive cycle of events similar to those shown in

Figure 1. Following violence, the relationship enters a *honeymoon* phase that is characterised by exemplary behavior, contrition, and forgiveness. These positive feelings deteriorate gradually and an atmosphere of relative calmness, is displaced by one of survival as tensions build within the relationship, with these tensions ultimately erupting in actual violence (Straus et al. 2006). In the absence of proper professional intervention, the severity and frequency of these DV incidents will usually escalate over time, and the honeymoon phase may disappear entirely as violence becomes normalized (Schuller and Vidmar, 1992).
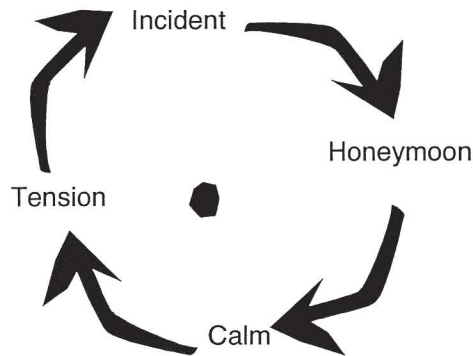
Figure 1. The abuse cycle in DV

DV frequently leads to destructive impacts on the direct victim, related individuals like the witnessing children and the society. For the direct victims, regardless of the form of abuse, DV victims typically need a long time to walk out of the shadow of the abusive relationship and the prolonged exposure to abuse often leaves victims suffering from a variety of physical and mental health issues (Walker, 2000). In addition, children who grow up in this environment often suffer from similar behavioural, somatic and emotional problems to children who suffer direct abuse, have poorer edicational and employment prospects, and have an increased risk of abusing their own future life partners (Tolman and Rosen, 2001; Shurman and Rodriguez, 2006; Jaffe et al., 1990).

The victim's decision making process towards ending DV

Understanding the victim's attitude towards ending an abusive relationship is an important first step when developing an intervention strategy because attitude affects the efficacy of individual strategies (Tutty et al. 1993). The transtheoretical model (Prochaska and DiClemente, 1984), shown in Figure 2, is widely used for this purpose, and its application has been reported in many studies (Brown, 1997; Burke et al., 2001). This model specifically proposes that the intervention strategy required in any given case depends on the individual's current state of readiness to end the relationship. An intervention will therefore be most effective when designed

according to this state of readiness. Five stages are proposed in the model: the *precontemplation* phase, in which the victim is unaware of the severity of the problem; the *contemplation* stage in which the victim identifies the abuser's behaviour as DV; the *preparation* stage in which the victim considers whether to leave the relationship; the action stage, in which the victim takes actions to end the abuse; and the *maintenance* stage, in which the victim has moved on (with life) and remains separated from the abuser (Shurman and Rodriguez, 2006:1420).
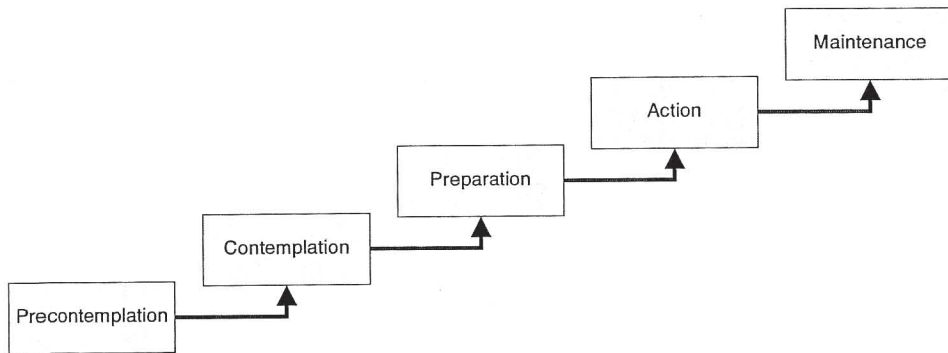

Figure 2. The five stages that DV victims go through towards ending abusive relationship

Prior studies have focused more on how to help those who are determined to end domestic violence (i.e. victims in the *preparation, action* and *maintenance* stages) such as providing emergency shelters, job services or seeking legal protection (Westbrook, 2008, 2009). Unfortunately, very little work has been directed towards identifying and addressing the information needs of the first two groups of people, the *precontemplators*, who do not recognize the abuse they experience as a problem, and the *contemplators*, who are aware of their problem and are considering making a change but have not yet made a commitment to do so (Shurman and Rodriguez, 2006: 1419). Identifying and addressing the information needs of these groups is the focus of this study.

Finding a way to assist these two groups is potentially the most effective strategy because helping victims early in the DV stage will help to prevent tragedy, whereas helping victims in the later stages addresses problems after a tragedy has actually occurred. Clearly, victims of domestic abuse who have been killed or injured severely should have considered leaving the abuser earlier. It is, of course, imperative that assistance be provided to DV victims following a serious incident; however,, we propose that such help should also be directed towards victims at earlier stages in the cycle, for instance, through OLA systems.
The current study proposes that government agencies should set up a single-point-