

Pre-sessional Working Group for the 63rd Session

Committee on the Elimination of Discrimination against Women

**List of Issues and Questions from NGOs
For the Japan Seventh and Eighth Periodic
Reports**

Japan NGO Network for CEDAW (JNNC)

June 12th, 2015

Japan NGO Network for CEDAW (JNNC)

JNNC is a coalition of Japanese NGOs which was established on December 23rd, 2002 in alignment with the consideration of the 4th and 5th periodic reports of Japan at the 29th session of the CEDAW in 2003. In order to maximize the effect and influence of the CEDAW Convention, NGOs which actively tackle various women issues in Japan banded together for effective lobbying towards the government and the committee. JNNC has been working on continued follow up for the CEDAW concluding comments after the consideration.

Since the 44th session of Committee on the Elimination of Discrimination against Women, JNCC has been working on the matters included in the follow-up of the Concluding Observations. In fact, we are currently preparing a report which we wish to present at the working group meeting to be held in July 2015 prior to the 63rd session of the Committee. The document attached as reference to JNCC's report is prepared also by JNNC and is entitled "Government Response and NGO Evaluation regarding the 6th Periodic Report of Japan". Please look at the 4-grade evaluation of the Government response by the NGOs.

In addition, we wish to draw the attention of the Committee to a particular term used by the Government of Japan in its report and other documents. We request the Committee to keep in mind the difference in meaning of the term in question when considering these documents. The term "gender equality" found in the Government documents corresponds to the term "danjo kyodo sankaku" in Japanese language that literally means "equal participation of men and women" in English. The expression "equal participation of men and women" signifies in the text of the "Basic Act for Gender Equal Society" equal enjoyment of interests and equal sharing of responsibilities between men and women, ensured primarily by equality in opportunity of participation. While Article 3 of this Act stipulates that the Act is aimed at eliminating discrimination against women, there is no provision directly defining the guarantee of equality or the prohibition of discrimination. Moreover the definition of discrimination in the Act is more narrow than that of the Convention. The Act was established in 1999 and has been the basis for the Basic Plan for Gender Equality as well as public policies for women. However, during the consultations held prior to the enactment of the Act, women's groups called for an explicit reference to the elimination of discrimination as the aim of the Act but their opinion was not taken up.

For this reason, "gender equality" used in the seventh and eighth reports of the Government does not necessary mean "equality" as defined by the Convention. It could lead to a misunderstanding of the scope and aim of the public policies for women if the term "gender equality" used by the government of Japan is read and understood as it is meant by the Convention.

The Preamble of the Convention on the Elimination of Discrimination against Women affirms that "the strengthening of international peace and security, the relaxation of international tension, mutual co-operation among all States irrespective of their social and economic systems, general and complete disarmament (...) will contribute to the attainment of full equality between men and women". However, 30 years after the ratification of the Convention, we fear that the policies implemented by the Government of Japan tend not to strengthen but to threaten such spirit of the Convention. We fear that the policy that the Government is boasting of inside and outside Japan as a strong measure for "encouraging women to play more active role in society" might turn to another leverage for making women serve the profit-first economic activities. We hope to stop the policy of Japanese Government that runs counter to the spirit of the Convention by eliminating discrimination against women and promoting gender equality. We do hope therefore that the Committee will take up issues that will be useful to resolve the problems pointed out by the NGOs.

Article 1: Definition of Discrimination

<Questions>

The Committee has called on the Government to incorporate a definition of discrimination into domestic legislation in accordance with article 1 of the Convention. What obstacles have prevented the Government from doing so to date? How can these obstacles be overcome? What progress has been made with regard to domestic legislation?

<Backgrounds>

In para. 358 of its 2003 concluding comments, the Committee “recommends that a definition of discrimination against women, encompassing both direct and indirect discrimination in line with article 1 of the Convention, be included in domestic legislation.” Para. 21 of the 2009 concluding observations states that “the Committee remains concerned at the absence of direct and clear incorporation of the Convention and of a specific definition of discrimination against women in accordance with article 1 of the Convention in domestic legislation,” and para. 22 states that “[t]he Committee calls on the State party to take urgent steps to incorporate the Convention and the definition of discrimination against women, as contained in article 1 of the Convention, fully into domestic legislation and to report on progress made in this regard in its next periodic report.”

However, the Government’s reports to the Committee have never reported on the definition of discrimination in accordance with article 1. This ignores the Committee’s concluding observations and is a violation of the Government’s obligations as a State party. It is necessary to immediately incorporate a definition of discrimination encompassing both direct and indirect discrimination into domestic legislation.

Article 2: Duties of States Parties

<Questions>

1. In the Government’s understanding, what is the domestic legal effect of the Convention?
2. Has the Government taken any measures to ensure that the Convention is fully applicable within the domestic legal system?
3. In order to disseminate the Convention and the Committee’s concluding observations and general comments, would the Government consider incorporating these documents into school curricula, training for civil servants, briefings to Diet members, and subjects covered in the bar examination?
4. Why does the 7th & 8th report contain many references to content in the 6th report, instead of presenting new information?

<Backgrounds>

1. In paras. 19 & 20 of its 2009 concluding observations, the Committee urged the Government to take measures to address the fact that it has failed to ensure the domestic legal effect of the Convention in accordance with article 98 (2) of the Constitution.
2. A March 28, 2014 judgment of the Tokyo High Court stated that “the Court cannot recognize the Convention on the Elimination of All Forms of Discrimination against Women as directly applicable or self-executing.” If Japanese courts do not recognize the Convention as directly binding, it is necessary for the Government to take measures to ensure it becomes fully applicable in the domestic legal system. If the Government does not take such measures, it cannot fulfill its duty as a State party to observe the Convention.
- 3-1. Only 35% of Japanese citizens are aware of the Convention. It is necessary to include dissemination of the Convention as part of the school curricula.
- 3-2. To date, distribution of materials on the Convention to Diet members has been restricted to those who are members of the Committee on Judicial Affairs.
- 3-3. According to the 7th & 8th report, dissemination of the Convention to prosecutors and judges is still restricted to the provision of lectures. A more proactive approach is required, including incorporation into the
4. In the 7th & 8th report, about one-tenth of the 395 paragraphs refer the reader back to the 6th report. This demonstrates the lack of progress in the six and a half years since the 6th report and the failure of the Government to take appropriate action.

Article 2: Promotion of Ratification of the Optional Protocol

<Questions>

In its concluding observations, the Committee has repeatedly called on the Government to ratify the Optional Protocol. Please explain why ratification has not been possible to date. The Ministry of Foreign Affairs (MOFA) says it has been conducting a study group on ratification of the Protocol; what issues has this group been examining? What has the Division for Implementation of Human Rights Treaties been doing with regard to ratification? When does the Government expect to ratify the Protocol?

<Backgrounds>

* The Optional Protocol is an indispensable tool for promoting the application of the Convention in the Japanese judiciary and ensuring its domestic effectiveness. It is the earnest desire of Japanese women that the Government ratify the Protocol as soon as possible.

* In para. 375 of its 2003 concluding comments, the Committee stated that it “strongly believes that the mechanisms available under the Optional Protocol would strengthen the independence of the judiciary and assist it in understanding discrimination against women,” and in para. 20 of its 2009 concluding observations, it reiterated its “strong belief that the mechanisms available under the Optional Protocol would strengthen the direct application of the Convention by the judiciary and assist it in understanding discrimination against women.”

* While the 7th & 8th report notes that the Government considers “the individual communications procedure ... to be noteworthy in the sense that it could effectively guarantee the implementation of the Convention,” it goes on to state only that the Government “is aware of and has been making internal studies on various issues to consider, ranging from whether it could pose any problems in relation to Japan’s judicial system or legislative policy, as to what possible organizational framework would be required for implementing the procedure in the case that Japan is to accept it” (para. 113). This shows that the Government has not changed its position since its last report.

* Given that “in April 2010, the Division for Implementation of Human Rights Treaties was established in MOFA” with the aim of making preparations to ratify the Protocol, the Government should establish a time schedule and initiate concrete procedures towards ratification.

* Committee Chairperson Yoko Hayashi has stated that “Japan’s participation in the individual communications procedure would contribute to the interpretation and application of the concept of human rights in accordance with international treaty standards, would assist in making Japanese society fairer and more open, and would be the third epoch-making event in Japanese judicial history, following the establishment of the modern Japanese judicial system in the Meiji Era and the introduction of judicial review of constitutionality after WWII.”

Article 2: National human rights institution

<Questions>

The Human Rights Commission Bill that was submitted to the Diet session in 2012 was insufficient because the bill does not secure the independence of the new human rights institution. It was to establish the institution as an External Bureau of Ministry of Justice, and authorize the Director of District Legal Affairs to the commission’s local secretariat. The bill has been scrapped. Immediate installation of the independent and effective national human rights institution that meets the Paris Principles is necessary. How does the government consider the installation? (para 34 of Seventh and Eighth Periodic Reports)

<Backgrounds>

Regarding “section 2. Availability and Effectiveness of Legal Assistance against Discrimination” of Article 2 on the Seventh and Eight Periodic Reports of Japan, the government wrote that appropriate consideration as to what the human rights remedy system ought to be was underway, with a review of various discussions made thus far. However, no action has been taken under the current administration since the Human Rights Commission Bill was scrapped.

Moreover, regarding “ Training for Personnel in the Judiciary” on the same report, the government wrote that lectures are held for public prosecutors and judges, and they are given guidance by their superiors as they perform their daily duties on their individual cases. However, there are many human rights violations cases for women who were not relieved at trials in Japan.

Taking a following recent case for an example, judgment of acquittal was given to an assailant in a rape trial. In 2006, the female high school student, who was aspired to becoming a pro golfer and 18 years old at the time, was raped by her golf coach, who was also a golf course manager and 61 years old man at the time. The woman reported the rape four years later but Kagoshima District Public Prosecutors Office decided to dismiss the case. The woman appealed to the inquest of prosecution in 2012, and the man faced mandatory indictment. However, following Kagoshima District Court acquittal in March, 2014, an acquittal was given in the Fukuoka High Court in December, 2014. Though the judges admitted, "the woman fell into the state that she could not refuse", they championed the assailant and acquitted by saying "it cannot be said that the manager was able to recognize the refusal". This example shows how the ignorance to the violence against women and sexist points of view are prevailed firmly in Japanese judges.

In other case, the adjudgment was given not to recognize indirect wage discrimination between men and women. (Related to Article 11, refer Chugoku Electric Power Company case)

Article 2: Japan’s military sexual slavery system or the “comfort women” issue

<Questions>

1. The denial of the facts of Japan’s military sexual slavery system re-traumatizes its victims and constitutes a continuing violation of human rights. The Prime Minister of the State Party has noted in the Diet that “there was no evidence found that proved the forcible taken away [of women]” (Budget Committee, House of Representatives, February 2, 2013). Does the government accept the personal testimonies as evidence?
2. The state party’s report explains the activities of the Asian Women’s Fund (AWF), which was dissolved in March 2007. What measures does the state party plan to take for the victims in the countries which were not covered by the AWF including China and East Timor?
3. Prevention of recurrence is an essential measure for reparation. What efforts has the state party made to educate its students and general public, and particularly its Self-Defense Force personnel who are to play a role in the field of “Women, Peace and Security”?
4. In an interview in a US based newspaper, Prime Minister Abe referred to “comfort women” as those “who have been victimized by human trafficking.” What is the state party’s understanding of its own state responsibility that may accompany this admission?

<Backgrounds>

The state party has as of yet still failed to provide reparation to the damage inflicted on the women from various Asian countries who were sexually enslaved by the Japanese military prior to and during the Second World War through a definitive official apology, compensation, education and others. Further, the state party has followed none of any part of the recommendations from various United Nations human rights bodies including the CEDAW and several other treaty bodies.

- 1, Of the ten lawsuits brought by former ‘comfort women’ in Japanese courts, eight have ruled the facts of damage of these victims based on their personal testimony. On the other hand, the Japanese government made a cabinet decision in March 2007 that "no reference was found that directly suggested the so-called forcible taken away of women", and since this decision, the government has expressed this position both domestically and abroad.

2. While the state party repeatedly reports on the activities of the AWF, over the past 20 years, many UN human rights bodies have concluded that the AWF did not discharge the responsibility of the state under international law. Furthermore, there are issues with the AWF itself. The reason behind the limited selection of countries to be covered by the activities of the AWF was never disclosed. In the case of Indonesia, as there was no investigation was carried out to identify the victims, AWF provided none of the individual women who had come forward as victims of the 'comfort women' system with any remedial measures, and it is groundless that the contracting party's assertion that facilities for the elderly in Indonesia were built "in the regions where former wartime comfort woman seem to exist".

3. In 1997, all middle school textbooks included reference on the 'comfort women' issue; as of 2015, all such reference has been taken out. High school textbooks have also increasingly been erasing the 'comfort women' history from their pages due to a newly issued government criteria that states textbook contents must be based on government's official positions and established court rulings.

Prime Minister Abe has referred to sexual violence before the Sixty-Ninth Session of the General Assembly of the United Nations, September 25, 2014.that "Japan will stand at the fore and lead the international community in eliminating sexual violence during conflicts." Despite his expressed stance in support of elimination of human rights violations against women today, Abe continues to deny the facts of sexual violence committed by his country's military in the past. There has also been no history education about Japan's military sexual slavery system nor any preventative measures provided for the current Self-Defense Forces personnel to ensure the non-repetition of such acts.

4. Prime Minister Abe as quoted in an interview, states, "on the question of comfort women, when my thought goes to these people, who have been victimized by human trafficking and gone through immeasurable pain and suffering beyond description, my heart aches." Washington Post, March 26, 2015.

Article 2: Violence against women (Legal reform issues)

<Questions>

1. (1) What is the reason for the fact that the number of application of protection order is small in light to the real occurrence of domestic violence? Please provide the numbers of rejected cases and withdrawn cases, and the reason why these cases have been rejected or withdrawn.

(2) Please report how long it takes to issue a protection order after it is applied. Does the government consider measures to make this period shorter? Under Domestic Violence Prevention Act, it is necessary to have a court hearing of the other party to issue protection order in principle, but how many protection order have been issued without the court hearing of the other party? Does the government consider to institute (ex parte) emergency protection order which can be issued only by a complaint from one party?

(3) There is no protection order issued for unmarried couples who do not cohabit, but does the government have a plan to include them as those who require protection order?

2. The government holds that they consider the amendment of the provision against sexual violence, but does the government really plan to amend these provisions? If so, when and what revision is the government planning? Does the government plan to revise the provision from the point of view of women's rights to bodily security and integrity?

3. Does the government have a plan to set up one-stop Centre where survivors of sexual violence can receive all the medical, forensic legal and welfare service they need, and follow legal procedure in one place with easy access for the survivors at least in every prefecture with government funding?

<Backgrounds>

1. The numbers of consultation for domestic violence is on the increase, and the number of consultation made at women's support centres reaches almost 100,000 cases a year and 50,000 cases a year at the police. However, the number of application of protection order is only about 3,000 and the number of protection order issued at the court remains at around 2,000 cases annually.

2. Provision in the Penal Code against sexual violence has not been amended since the previous Concluding Observation (i.e. it is a crime which cannot be prosecuted without a complaint; minimum age of consent is 13; there is no specific provision for incest in the Criminal Code and perpetrators are hardly ever punished; there is no clear definition of marital rape and there is hardly any case where perpetrators are punished).

Article 2: Violence against Women

<Questions>

1. What does the government consider as the reason why the use rate of temporary protection at public shelters in each prefecture is declining in the past few years? What does the government recognize is necessary to promptly secure the safety of the victims of domestic violence in an emergency?
2. Is the government planning to invest public funds into private-sector support organizations as important players in women's empowerment?
3. Is the government planning to provide free telephone consultation service specifically for victims of domestic violence and sexual violence on the responsibility of the government?
4. What measures is the government planning to take considering the fact that children and young women need one-step support centers and mid- to long-term recovery support centers as independent expert organizations to recover from the damage of sexual violence?

<Backgrounds>

1. According to "Research on Violence between Men and Women" (Cabinet Office 2014), the severe situation of domestic violence has not been changed, if not getting worse, since the Act of the Prevention of Spousal Violence and the Protection of Victims was promulgated in 2011. While the number of cases has remarkably risen, the support system remains insufficient for children and other victims who need temporary protection immediately.
2. Private-sector organizations provide consistent support for the victims of domestic violence and sexual violence from temporary protection to mid- to long-term recovery support and self-reliance support. Although private-sector organizations are the lifeline for these victims, they constantly experience difficulties from a lack of funds.
3. In spite of the relatively short period of 7 weeks, Purple Dial that was launched in 2011 as telephone consultation service for domestic violence and sexual violence received over 20,000 cases and revealed the severe situation of sexual violence to promote the realization of necessary measures. There is 24-hour free telephone consultation service for the general problems commissioned by the government; however, CEDAW has recommended the States parties to introduce 24-hour free telephone consultation service specialized for women who are the victims of aggression or abuses.
4. According to "Research on Violence between Men and Women" (Cabinet Office 2014), the victims of sexual violence are mainly young women, and women under 19 years old take up 36.8% of the whole cases. The number of women who were arrested or put into custody on a charge of prostitution has multiplied among underage youth too.

Article 2: Ongoing multiple discrimination toward women with disabilities

<Questions>

1. How many cases of domestic violence perpetrated against women with disabilities are reported to public counseling services every year? What is the annual number of disabled women accepted in public DV shelters? What sorts of alternative communication is available for clients, other than telephoning? How many women are accepted yearly into public DV shelters, and what is the percentage of shelters that are able to ensure accessibility for disabled women in their facilities through efforts such as an organized personnel system, including interpreters and personal assistance? (Concluding Observations, CCPR.C.JPN.CO.6, paragraphs 32 and 52) (Reports of State Party, paragraph 42)
2. The questionnaire form titled "Survey on the Employment Situation of Persons with Disabilities," which follows the Act on the Promotion of the Employment of Disabled Persons in Japan, does not ask respondents to indicate their gender, even though this has been pointed out by organizations including the Statistic Commission of the Cabinet Office. What is the timeline, and the method, for making this change? (Concluding Observations, CCPR.C.JPN.CO.6, paragraph 52) (Reports of State Party, paragraph 42)

How are the recommendations from the United Nations Human Rights Committee being implemented with respect to research on forced sterilization via the former Eugenic Protection Act, and compensation to victims? (Concluding Observations, CCPR.C.JPN.CO.6, paragraphs 50 and 52)

<Backgrounds>

While government policy plans have begun mentioning that women with disabilities face compounded difficulties (Reports of State Party, paragraph 128), specific measures and policies have yet to be drawn up. As a state party to the Convention on the Rights of Persons with Disabilities, Japan is urged to take appropriate measures by highlighting this issue.

1. Under the Act on the Prevention of Spousal Violence and the Protection of Victims, “equality with other persons” must be realized.

- Although the act states, “Respect their human rights regardless of nationality or disability, etc.”, public DV counseling services are only accessible by telephone — meaning that clients with hearing and speech impairments find it difficult to get connected. Additionally, these public shelters have failed to design facilities for wheelchair users and disabled persons who need personal assistance.

2. The absence of a gender perspective within disability statistics is related to the government’s lack of policies in this regard.

- Through the Act on the Promotion of the Employment of Disabled Persons—which was launched with the aim of advocating equality in employment among disabled persons—positive action is urged in order to avert an entrenchment of the wage gap between male and female employees with disabilities.

3. The government of Japan is urged to recognize as human rights violations the harms that were carried out under the former Eugenics Protection Law, and to conduct research and pay compensation accordingly.

- In 1998, the UN Human Rights Committee stated as follows: “While acknowledging the abolition of forced sterilization of disabled women, (the committee) regrets that the law has not provided for a right of compensation to persons who were subjected to forced sterilization, and recommends that the necessary legal steps be taken”. This recommendation, however, has yet to be implemented still today.

- Apologies and compensation have taken place in other countries where forced sterilization motivated by eugenics- was legitimized in the past. Concerning the Leprosy Prevention Act, which was abolished in 1996, the government of Japan has conducted research on the forced segregation of patients and violations of their reproductive rights, and subsequently apologized and paid compensation. The present case proves that a parallel response is again possible.

- Even today, some women with disabilities are urged by medical institutions and family members to terminate their pregnancies and refrain from giving birth, and are refused treatment and hospitalization. They are also sometimes forced to receive care from attendants of the opposite sex in medical facilities and institutions, which for many is an uncomfortable experience. Furthermore, disabled persons are often discouraged from receiving appropriate sex education. In one case, unreasonable intervention by local assemblypersons resulted in the forced suspension of sex education for children with intellectual disabilities.

Article2: Minority Women (Indigenous Ainu, Buraku, Zainichi Korean, Okinawa)

Article 2: Duty to eliminate discrimination

<Questions>

1. In the previous concluding observations (CEDAW/C/JPN/CO/6, para.52), the Committee urged the State party to take effective measures, including the establishment of a policy framework and the adoption of temporary special measures, in order to eliminate discrimination against minority women, and also to appoint minority women representatives to decision-making bodies. Please provide information on the measures taken so far.
2. In the previous concluding observations (CEDAW/C/JPN/CO/6, para.52), the Committee reiterated its previous request (A/58/38, para. 366) that the State party include information on the situation of minority women in Japan, especially with regard to education, employment, health, social welfare and exposure to violence, in its next periodic report. In this context, the Committee called upon the State party to conduct a comprehensive study on the situation of minority women, including indigenous Ainu, Buraku and Zainichi Korean and Okinawa women who are faced with intersectional discrimination. Please let us know whether the State Party intends to provide such information and whether a survey has been conducted on the situation of minority women.
3. The Committee likes to know whether the State Party recognizes its obligation to legally recognize intersecting forms of discrimination and their compounded negative impact on minority women and prohibit them. The obligation includes adoption and pursuance of policies and programmes designed to eliminate occurrences of intersectional discrimination, including, where appropriate, temporary special measures in accordance with article 4, paragraph 1, of the Convention and general recommendations No. 25 and 28.
4. The Committee is informed of the propagation of hate speech against Zainichi Koreans in recent years and it is concerned that Korean women, being the target of speech inciting hatred and violence such as “Korean women deserve rape”, have been exposed to increased danger of sexual assault. As pointed out in a recent court decision in Japan, the existing laws lack provisions to deal with such harmful hate speech against minority groups. Awareness raising efforts are not effective enough, either. Given the situation, the Committee shares the view expressed by the Committee for the Elimination of Racial Discrimination in its recommendations to the State Party that it is indispensable to firmly take measures including investigation, prosecution and a new legislation prohibiting discrimination. Please let the Committee know the State Party’s view on this.

<Backgrounds>

1-3. The government of Japan has no data on the situation of minority women nor acknowledges the need to conduct a survey. No mention has ever been made on the situation of minority women in policies and guidelines, including white papers and pamphlets regarding gender equality. Neither has it been touched upon in the human rights policy. Faced with such indifference of the government, Ainu, Buraku and Korean women conducted a survey by themselves from 2004 to 2005. In the last 10 years since then, they have tried hard to let the government officials recognize their situation revealed by the survey and have kept requesting the government to take effective measures as suggested. However, there has hardly been any outcome. Their modest request has been repeatedly rejected by the cabinet and they have even been prevented from bringing the survey results to the attention of the experts group for gender equality. The term “minority women” has been introduced for the first time to the Gender Equality Society Basic Plan in its third edition in 2010. Yet there is no policy concerning Ainu, Buraku, Korean and Okinawa women. Moreover, the government insists that it will not create a policy framework particularly for minority women but the issues relating to them will be dealt with within the general gender policy framework. It is in contradiction with the Committee’s previous recommendations to create and implement a special policy framework to deal with the problems faced by minority women and their needs and to provide them support and remedies as needed.

4. The phenomenon of increasing hate speeches and hate crimes targeting Korean immigrants from Japan's former colony is an indication that such ideologies as racism and colonialism have not been dissolved yet in Japan. According to a survey conducted by an NGO, more than 360 hate demonstrations or rallies took place in 2013 in the country. In those rallies, hate speeches inciting hatred and advocating sexual assault against Korean women have often been used. However, as the district court in Kyoto admitted in its decision in a civil case over racists' attack against Korean school, the existing laws of Japan lack provisions for regulating hate speeches targeting minority groups rather than specific individuals. A new legislation, therefore is, indispensable. The government, however, maintains its view that there are no practices of racial discrimination serious enough to justify legal action. By saying so, the government has in fact been condoning the prevalence of harmful hate speeches.

Article 7: Equality in political and public activities

<Questions>

1. In the State Party's combined 7th and 8th report, there is a description (para.105) touching upon the need to ensure effective participation of minority women representatives in decision making procedures on the issues that may affect them directly or indirectly. Please provide information on how their right to effective participation is actually ensured.

<Backgrounds>

1. The government has never taken initiatives in having minority women representatives in decision making procedures. For instance, most of the members or participants of the meetings organized by Comprehensive Ainu Policy Office are men. In case of Okinawa, many important decisions directly affecting the lives of people of Okinawa are generally made by the U.S. and Japanese governments excluding the people of Okinawa. Representation rate of women of Okinawa is extremely low. In case of Korean immigrants from Japan's former colony, no matter how many generations they have lived for in Japan, they are normally excluded even from local referendum, let alone elections, while they are treated equally as Japanese citizens in paying taxes.

Article 10: Education

<Questions>

1. The State Party was recommended to stop the exclusion of Korean schools from the High School Tuition Support Fund by the Committee on Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9, para.19) and the Committee on Economic, Social and Cultural Rights (E/C.12/JPN/CO/3, para.27). Please provide information whether/when the State Party complied with the recommendation. If not, why.

2. On the same issue, whether/when the State Party has invited local governments to resume or maintain the former level of subsidies to Korean schools once suspended or decreased, as recommended by the Committee on Elimination of Racial Discrimination (in the same document as cited above).

3. According to the information received from the civil society, higher percentage of aged women belonging to Ainu, Buraku, Korean and Okinawa minorities are illiterate than their male counterparts and some younger generation needs literacy training. Yet, support from the local governments tends to discontinue or decrease due to the shortage of budget. The Committee likes to know whether the government of Japan is aware of the problem and the need to take measures so that literacy training in need may be secured.

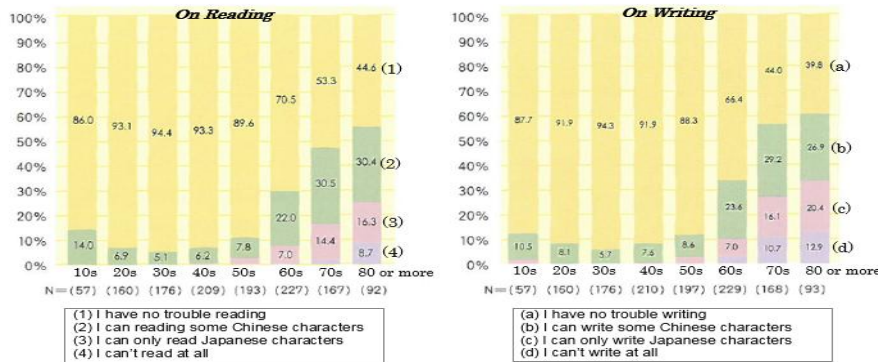
<Backgrounds>

1. The students of Korean schools including girls, who should be entitled to benefit from the High School Tuition Support Fund (Tuition Free Scheme) that started in 2010, have been excluded for nearly five years due to the unfavourable diplomatic relations between Japan and Democratic People's Republic of Korea, for which the students are not responsible.

2. The suspension or decrease of subsidies to Korean schools has affected the lives of mothers of the students more than their fathers. They have been obliged to work longer hours or earn money by selling food or handicrafts so as to raise fund to support Korean schools faced with financial crisis. As it is well known, economic problems affect women and girls in education opportunities and literacy more than their male counterparts.

3. A survey conducted by minority women has revealed that more women than men and more elderly women than young women tend to be illiterate in minority communities. It is obviously because the right to education has not been equally ensured to minorities, particularly minority women, while the right to education is a constitutional right and illiteracy rate is very low in Japan.

Survey on Living Condition of Buraku Women in Osaka Prefecture
 Respondents: Buraku women in Osaka Prefecture older than 15 years old
 Year: 2008
 Number of Respondents: 1,314
 Practitioner: Buraku Liberation League Women Division
 Subject: Literacy



Facts
 According to the survey, the ratio on having trouble with reading and writing is higher among the elderly, but it is noteworthy that 10% of the young generation are having some kind of trouble in reading and writing.

Article 11: Elimination of Discrimination in Employment

<Questions>

1. The Committee likes to know whether the government of Japan is aware of the minority women's situation in the labour market. It is to the Committee's knowledge that some Buraku women's job application, for instance, have been dismissed only because they belong to Buraku. Some companies still use discriminatory investigation service in order to avoid hiring Buraku members. Please let the Committee know what kind of consideration, support or measures have been made, offered or taken by the State Party.

<Backgrounds>

1. The result of the above mentioned survey shows that there are still incidents of dismissal of Buraku women applicants in recruiting process. The difficulties faced by minority women in getting stable full-time jobs are inter-related with the hindrances in pursuing higher education. Minority women often do not have any other option but to work as contracted employees or in small companies as the chart below indicates.

Unemployment rate and contracted/temporary employment rate of Korean residents in Japan who have nationalities derived from Korea compared to the entire population (based on the 2010 Census)

The chart below(1) suggests that Korean women in Japan faced with intersectional discrimination are more disadvantaged in the labour market than their male counterparts.

	Unemployment rate		Contracted or temporary employment rate(2)	
	Entire population	Korean residents who have nationalities derived from Korea(3)	Entire population	Korean residents who have nationalities derived from Korea
All	6.42%	11.02%	34.24%	45.03%
Men	7.43%	12.60%	17.72%	27.25%
Women	5.03%	9.13%	54.56%	62.33%

(1) Prepared by Kang Myong-II, Associate Professor of Korea University in Japan and Human Rights

Association for Korean Residents in Japan,

using the figures of the 2010 Census. (2) The percentage of workers in unstable employment in all the workers. (3) Among Korean residents in Japan on ground of Japan's colonial rule over Korea, approximately 430,000 people have nationalities derived from Korean peninsula. In addition to this, there are more than 350,000 people who acquired Japanese nationality after 1952 and more than 160,000 people hold Japanese nationality by parentage. Therefore, it is estimated there are more than one million Korean residents in Japan in total.

Article 2: Migrant Women

<Questions>

1. In the Concluding Observation on the periodic reports of Japan in 2014, The Committee on the Elimination of Racial Discrimination (CERD) expressed concern over the provisions of the Immigration Control Act Article 22, which allow the authorities to revoke the resident status of foreign women who have been married to a Japanese national or a permanent resident if such foreign women “fail to continue to engage in activities as spouse while residing in Japan for more than six months.” The Committee urged the Japanese Government to review the provision, for they “may prevent foreign women who are victims of domestic violence by their husbands from leaving abusive relationships and from seeking assistance.” What measures has the Government of Japan taken in response to the Committee's recommendation? Does it plan to revise the provisions? (report para.55)
2. Does the Government of Japan plan to ratify the ILO Convention 189 to protect domestic workers?
3. Does the Government of Japan consider to ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families? (report para.144)

<Backgrounds>

1. The CEDAW called upon the Japanese Government to take special consideration on the situations of migrant women and other socially vulnerable groups when it addressed the issue of violence against women in the Concluding Observation in 2009 review. With regard to the provisions in the Immigration Control Act on revocation of resident statuses, the Government explains in the combined 7th and 8th periodic reports that “where such a foreign national requires temporary evacuation or protection for the reason of spousal violence, her status of residence is not revoked, deeming that there is a ‘justifiable reason’ (para.55).” However this provision of exception is not widely known to such foreign women. Also it is difficult for such women to explain their situations to the Immigration Bureau. Thus the revocation provisions are still effectively threatening and preventing foreign women from escaping from abusive situations. The Government should follow para17 of the Concluding Observation by the CERD in 2014 and repeal the revocation provisions and further take proactive measures to stabilize resident statuses of migrant women.
2. The Government's National Strategy to Revitalize the Economy promotes “utilization of foreign human resources” to “promote women's active participation in economy”, which include a plan to introduce “foreign human resources for domestic work assistance” in the national strategic economic zones.
3. In the 7th and 8th periodic reports, the Japanese Government only mentions that it takes “careful consideration” with regard to ratification of the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. It should take early and concrete steps for ratification.

Article 3: National Machinery, Effective Monitoring Mechanisms, Gender Budget

<Questions>

1. Does the Government plan to make the position of Minister of State for Gender Equality a permanent full-time role, in order to strengthen the national machinery for promoting gender equality?
2. Does the Government agree that a permanent and effective monitoring system to promote implementation of the Convention is necessary?
3. Does the Government plan to institutionalize the gender budget?

<Backgrounds>

In response to para. 26 of the Committee's 2009 concluding observations, three measures must be taken, as follows:

1. The Gender Equality Bureau and the Council for Gender Equality, as the national machinery, have strengthened measures to deal with violence against women and disaster reconstruction. However, this is not enough to strengthen the overall national machinery system. It is necessary to change the status of the Minister of State for Gender Equality to a permanent full-time position and to reinforce the power, budget and coordination role of the Gender Equality Bureau.
2. The Specialist Committee on Monitoring was established in February 2011 under the Third Basic Plan for Gender Equality. It has played a certain role in monitoring the progress of measures taken in accordance with the Convention and the Committee's 2009 concluding observations. From here on, the government should strengthen the regular and effective monitoring mechanism system for the implementation of Convention by further promoting the explicit incorporation of the Convention in the legal system and norms, and by selecting individuals with sufficient expert knowledge and authority as members of the Specialist Committee on Monitoring.
3. While the Third Basic Plan for Gender Equality states that "(the government) will consider how the gender budget shall be carried out," there have been no effective steps taken to institutionalize the gender budget, nor any remarks in the 7th and 8th report on why no progress has been made in this regard. It is necessary to start taking concrete measures including introduction of legislation to institutionalize the gender budget with high-level commitment.

In addition, although the 7th and 8th report refers to the three issues above in the context of article 2, they should be taken up in the context of article 3 in accordance with the intent of the Convention.

Article 3: Elderly women ; poverty, medical care and long-term care

<Questions>

1. Please provide enough information about women who receive low pension benefits and women with no pension benefits. Government report states that in order to correct the gender gap in pension benefits and strengthen the financial base and function of minimum guarantee of the public pension system the state party has partially revised the National Pension Act (para. 26 of the 7th and 8th Report). Please explain the real effect of the revision. Does the government have a plan to correct the gender gap in pension benefits and introduce a minimum guaranteed pension into the national pension system? (para. 133)
2. Approximately 70% of the total elderly requiring support or care are women, and the number of such elderly should be increasing more and more (para. 136). Please provide the estimated number of the facilities required in 2025 and a plan to manage it.
3. Please provide information about the influence of the introduction of the Medical Care Service Programs for the Aged 75 (2008) and the revision of the Long-term Care Insurance Service (2011) to the low income elderly women. What measures did the government take in order to enable the low income women to receive medical and long-term health care? (para. 137).

4. Regarding the prevention of and the countermeasures against abuse of elderly women, what are the current situation of the progress on strengthening coordination among institutions concerned and professionals, and the current situation of the establishment and utilization of shelters for the elderly aiming for the protection of elderly victims of abuse? (Para. 131-134)

<Backgrounds>

1. The poverty rate among female single households at ages from 70 to 79 is so high as 46.3 %. Women's average pension benefit is about 50% of men's and it is far from the amount enabling elderly women to live independently. This is the reason of the growing poverty among older women. The Partial Revision of the National Pension Act to cover the part-time workers by social security pension system would be applied 250 thousands part-time workers making up only 6% of the total 4 million.

The Committee on Economic, Social and Cultural Rights recommended state party to remedy the gender inequality in the pension system and introduce a minimum guaranteed pension into the national pension system in 2001 and 2013. The recommendations have not been implemented. Uniform cut down of the pension benefits by 2.5%, discontinuance of old age addition to welfare and restricted means to get welfare make worse the poverty situation among elderly women.

2. Ministry of Health, Labor and Welfare, recognizing that the number of facilities for the elderly to be cared and the beds for the patients will be increasing toward 2025, it has a plan not to increase but to decrease them in order to cut down the expenditure for social security.

3. Big burden of premium for the Medical Care Service Programs for the Aged, rises of medical expenses and the revision of the Long-term Care Insurance Service for the worse deprive the low income elderly women of the opportunity to receive necessary medical and long-term care services.

4. More than 70% of elderly victims of abuse either in institutions or at home are women. According to the survey of the Ministry of Health, Labor and Welfare (the 2013 fiscal year) in cities, towns and villages, the percentages of cases such as notification, counseling and confirmed abuse are different between the municipalities where the abuse prevention network among the concerned institutions of health and medical welfare and the professionals is constructed, and the municipalities where the network is not constructed. Either percentage is high in the case of no network construction. In addition, there is no published data on shelters for the elderly.

Article 4: Temporary Special Measures (Especially in Politics & Including Quotas)

<Questions>

1. What concrete measures has the Government taken regarding the Committee's recommendation, designated as a follow-up item, that it introduce temporary special measures? What consideration has the Government given to the suggestion, contained in the final report of the "Positive Action Working Group" of SCAE of the Council for Gender Equality, that it take effective measures, and what measures has it actually taken in the areas of politics, the economy, and others?
2. The low level of women's participation, especially in the political area, has shown little improvement over the years. Why has the "request" (see para. 229 of the 7th & 8th report) not produced the desired effects? Does the Government intend to seriously consider introduction of quota systems, which play a key role in promoting women's political participation, and recommend fundamental reform from a gender-equality perspective in the current discussions on electoral reform of both Houses?

<Backgrounds>

1. In response to the follow-up request, the Government stated that it had strengthened efforts on temporary special measures in the Third Basic Plan for Gender Equality by introducing "positive action with 'time-goals', setting numerical targets and timetables for each of the fields." However, the figures for politics and other areas in the 7th & 8th report fall far below these goals.
2. In particular, the goal of "30% by 2020" in the area of politics stated in the Third Basic Plan lacks concrete measures for realization, and is thus a mere aspiration.
 - 2-1. 16.6% of the candidates in the Lower House election in December 2014 were female (16.7% in the August 2009 election), and the election brought the proportion of female members of this House to 9.5% (11.3% in the August 2009 election). The percentages have thus declined since the Committee's 2009 concluding observations were issued. The IPU survey shows that the ratio of female members of the Japanese Lower House is less than half the world average, which exceeds 20%.
 - 2-2. Voter turnouts have been declining. Citizens are losing interest in elections for national and local assemblies, which should be representative of the society.
 - 2-3. In order to change such circumstances the Association for Promoting Quotas (represented by Ms. Ryoko Akamatsu, former CEDAW member) was established in June 2012. With about 50 participating organizations, it has been very active. In response, an all-party Caucus to Promote Women's Participation and Empowerment in Politics was launched in February 2015 with about 50 members from both Houses. The Caucus has been discussing introducing voluntary quota systems in each party as well as codification of such systems.
 - 2-4. The electoral system affects the election of female Diet or local assembly members. The 2011 report (see question 1 above) stated that the enlargement of women's participation "shall be considered as an important topic when reviewing electoral systems." The Government should declare that it has the political will to promote fundamental reform from a gender-equality perspective in the Lower House's Investigation Committee on Electoral System Reform as well as in the Upper House's Consultative Council on Electoral System Reform.

Article 5: Roles of the Media & Government Action in Correcting Stereotypical Gender Attitudes

<Questions>

1. What strategies and positive measures has the government taken to combat stereotypical attitudes about the roles and responsibilities of women and men in the media and advertising as well as invidious depictions of women as sex objects in these sectors, all of which can result in the infringement of women's rights ?
2. How has the government been encouraging an improvement in the extremely low ratio of women in managerial positions in the media?
3. Recent opinion polls on stereotypical attitudes about roles and responsibilities of women and men have revealed that young people, in particular young men, have relatively poor perceptions concerning gender equality. What effective steps has the government taken for the improvement of these perceptions?
4. According to the 2012 opinion poll on a gender-equal society, 74% of respondents considered that "men are being given preferential treatment in the political arena." Has the government engaged in any analysis of the reasons for these perceptions and has it subsequently taken any concrete measures based on the analysis to ameliorate these perceptions?

<Backgrounds>

1. In para. 29 of the 2009 concluding observations, the Committee expressed its concerns over a) frequent depictions in the media of women and men based on stereotypical attitudes of women's and men's roles, and b) over-sexualized depictions of women. These are known to strengthen existing stereotypical attitudes which regard women as sex objects and can result by extension in generating girls' low self-esteem. In para. 30 the Committee strongly urged the government to report the result of the implementation of its strategies to combat the above-mentioned problems in its next periodic report.
2. Female managers have low representation in the industry. They occupied in 2011 only 10.5% of managerial positions in private broadcasting and 3.2% in public broadcasting (NHK). The participation of women at decision-making levels in the media has not made any progress.
3. In the 2004 opinion poll on a gender-equal society the number of respondents who opposed the perception that a "husband is expected to work outside the home, while the wife is expected to take on domestic duties" outnumbered those who agreed with it (48.9% and 45.2%, respectively) for the first time. In the 2012 survey, however, men who supported the perception outnumbered those who were against it (51.6% and 45.1%, respectively). In the past a majority of men who supported the perception were those in their sixties and over; now, however, the majority are men in their twenties (55.7%). This is mostly attributable to a lack of action and education to correct perceptions by the media as well as the overall precarious employment of young people. Therefore comprehensive measures based on gender equality for young people are urgently required.
4. Japan ranked 129th out of 142 countries in the political arena of the gender gap index. According to the 2012 opinion poll on a gender-equal society, with regard to the status of women and men throughout the entire society, the highest number of respondents (74%) considered that in politics "men are being given preferential treatment" followed by in "conventional wisdom, customs and conventions" (70.3%).

Article 5: Gender discriminatory statements and sexist remarks made by public officials that promote " stereotyped perception for gender roles "

<Questions>

The recommendation by CEDAW, Committee on the Elimination of Discrimination against Women, to Japanese government, in August 2009, has been completely ignored, which is “the state party to take measures, including the criminalization of verbal violence, to ensure that government officials do not make disparaging remarks that demean women”.

The sexist remarks by the politicians and government officials continue.

Recent years, anti-Korean, residing in Japan, marches and hate speech spreads, and it must be related to neglecting discriminatory remarks by the public officials.

1. How does the government recognize the present conditions that discriminatory statements and sexist remarks continue?
2. Does the government have a plan to eliminate discriminatory statements and sexist remarks by public officials?

(para 30 Concluding observations of CEDAW)

<Backgrounds>

Main sexist remarks by public officials, after receiving CEDAW recommendation in 2009

*October 1st, 2010

Mr. Yoshikatsu Nakayama, Parliamentary Secretary (during the APEC Women's Entrepreneurship Summit)
"Japanese women find pleasure in working at home and that has been part of Japanese culture"

*November 28th 2011

Mr. Satoshi Tanaka, the director-general of the Okinawa Defense Bureau, (in an unofficial meeting with reporters, when asked about the submission date of an environmental impact assessment report of the planned relocation of U.S. Marine Corps Air Station Futenma to the Henoko district of Nago, Okinawa Prefecture.)

“Would you say, ‘I will rape you,’ before you rape someone?”

*December 7th, 2011

Mr. Shintaro Ishihara, Tokyo Governor (governor’s regular press conference)

(commented about homosexual people) "I think homosexuals have something missing from them somehow. It may be something genetic. I feel sorry for them being a minority."

*May 13th, 2013

Mr. Toru Hashimoto, Osaka City Mayor (in a press conference in the city government building)

“In war time, not only the Japanese army but also those of various countries were utilizing (comfort women). If you want soldiers to have a rest somewhere, a comfort women system is necessary. Anyone can understand that.”

*June 18th, 2014

(Tokyo Metropolitan Government's assembly)

An assemblywoman was heckled in the Tokyo Metropolitan Assembly meeting by several male assemblymen during her interpellation on government support for parenting, saying “you should get married early, yourself,” "Can’t you bear a child?" The chairperson did not stop heckling. Later, only one assembly member came forward, but others didn’t. There is no investigation, nor punishment by the assembly.

Later, it was revealed that the same kind of sexist heckling toward a female lawmaker had occurred earlier in that year in the Diet committee meeting, also.

Article 6: Reduction of Adult Video's Demand and Pornography Survivors' Relief Act

<Questions>

1 In published materials and adult DVDs in which women's body are sexually exploited, there are violent products in which women are seriously suffered from real acts of sexual violence and those acts are showed. Does the government grasp these realities? How does the government conduct investigation to examine these realities? Upon grasping these realities, how does the government formulate policies to respond and address these realities in order to give reliefs for these women?

2 Excessive amounts of photographs and adult videos of these products mentioned above are currently distributed not only domestically but also internationally in the worldwide scale. How does the government take measures to respond to current these situations?

<Backgrounds>

- In pornography in which real women are depicted, a kind of 'agency company (called *production*)' possesses the rights to sexually use women in pornography and these rights are sold to 'a maker' company by the production without women's full consent. The maker company produces pornography without women's full consent. Thus, the rights are sold from one company to another. The production processes of pornography are one forms of sexual trafficking of women. Pornography inevitably involves the sales of sex before becoming 'expression'.
- In almost all produces of pornography produced and sold in Japan, women are enforced to conduct actual sexual intercourses and these production processes of pornography *de fact* involve prostitution.
- Many young women (very often including minors) are depicted in pornography because these young women are deceived, threatened, and enforced to make pornography. Accurate magnitude and complete realities are not yet revealed fully. However, one citizen's organization receives many consultations from these young female victims.
- CEDAW have pointed out that pornography aggravates gender stereotype and degrade women's (especially girls)' self-dignity. Pornography may reinforce males' sexual role and sexuality as violent and having power to control over women. Pornography may also reinforce women's sexual role and sexuality as subordinate. Our concerns on these situations become far serious now because the current spread of the internet makes mass production, mass distribution, and mass consumption of pornography possible.

Article 6: Prostitution and sex industry

<Questions>

1. What measures does the government consider in order to reduce the demands for prostitution, including the criminalization of the purchase of sex?
2. What measures does the government take for the protection and the rehabilitation of women involved in the sex industry, and how effective are they?
3. How are their rights guaranteed?
4. Anti-Prostitution Act can punish the women who sell the sex in effect, and regard women as those who are in need of correction. Does the government have any plan to revise such Anti-Prostitution Act?

Article 6: Trafficking in person

<Questions>

- 1) Please clarify the criteria and process for identifying trafficking victims in labor exploitation and sexual exploitation including children. Please also clarify which agency makes the final decision on identification of victims.
- 2) Please clarify what kind of training were provided to Immigration Bureau staff, police, prosecutors, judges, and social service providers. Please clarify the contents of the trainings, number of trainees, program lengths and frequency. If no training done for these people please clarify why this is the case and inform us of plans for training these categories of officials.

3) To eradicate any forms of trafficking defined in the UN Trafficking Protocol, how do you plan to further tackle the challenge of reducing demand for trafficking?

<Backgrounds>

The Japanese government claims that current domestic laws cover all forms of human trafficking defined in the UN Trafficking Protocol.

However, there are cases of labor exploitation such as abusing foreign trainee programs, and cases of exploitation in the pornography industry identified by NGOs. Such cases hardly ever lead to prosecution and have yet to lead to identification of victims as trafficking victims.

We think one of the problems lies in the current identification criteria and the procedures for identification. If the criteria and process is clear for anyone dealing with such cases, then all exploitation cases, including these new trends, would be recognized as cases of trafficking, and appropriate intervention would take place.

Needless to say, each and every official dealing with potential trafficking victims needs proper training and skills. For this reason we would like to request clarification on these matters, as in questions 1 and 2.

Finally, the notorious commercial sexual exploitation of women and children such as prostitution, child pornography and child prostitution (such as the so called “JK business”) are wide spread, but not much action is happening to stop demand. Question 3 is asking about Japan’s stance on tackling demand for trafficking.

Article 7: Equal participation of women in the political activities

<Questions>

1. The advance of participation of women in the political sphere makes very slow progress only, and the goal has not been accomplished. How does the government analyze the factor? Also, what is the government's resolution for it? (para 229 of Seventh and Eighth Periodic Reports)
2. One of the factors to obstruct women's political foray is social practices under stereotypical and fixed consciousness about gender roles and responsibilities of women and men. What did the government do to eliminate of such social practices? (para 30 of Concluding observations, 2009)
3. Moreover, the way of operate assembly and sexist attitudes of male assembly members make female lawmaker's political activity difficult. Did the government conduct investigations to assess the actual condition of woman lawmakers experiences of being discriminated in the assembly including the local ones?
4. An overwhelming numbers of women Diet members won elections in the proportional representation section. The fact is that single-seat constituency system is disadvantageous for female candidates. To advance woman's political participation at the same level as the man based on the fact as above, does the government examine the improvement to the electoral system from which the woman is derived easily?

<Backgrounds>

The cause of women's political advancement does not proceed is, the presence of such social practices that prevent women's advancement, sense of sexual discrimination in the parliament and political parties, the way of operating assembly without gender-sensitiveness, adverse effects of the electoral system centered on the small constituency system, and so on. The government has set a "promoting participation of women in decision-making process in all fields", but has been reluctant to introduce such quota system and even to layout as an agenda. Female ratio of Diet members remains low. The government is also reluctant to disseminate the Convention to members of Diet in order to eliminate discrimination against women. Moreover, in the government ministers and ruling party, there are many members including female lawmakers, who have a theory contrary to the elimination of the discrimination against women.

Article 8: Equal Participation of Women in International Activities

<Questions>

1. The participation of women in the diplomatic service, in particular at decision-making levels such as representing the government at international conferences and assignments to ambassadorial posts, still remains low. What special measures has the government taken to promote the participation of women in this field?
2. Have the provisions of the Convention been explicitly reflected in the provisions of its Official Development Assistance (ODA) to attain the Millennium Development Goals (MDGs)? Please provide information on any concrete cases in this regard.
3. On the home page of the Ministry of Foreign Affairs it is indicated that an action plan on women, peace and security is under preparation in collaboration with civil society. Please provide information on the implementation of Security Council Resolution 1325 including the preparation of an action plan, and relevant policies and actions encouraging the participation of women in peace and security.

<Backgrounds>

1. In para. 42 of the 2009 concluding observations, the government was called on to take special measures to promote equal participation in the diplomatic service. However, the participation of women in this field remains low. Representation by women at international conferences is also low. The Government should take substantial special measures.
2. No mention is made in the 7th & 8th periodic report of what action the Government has taken to integrate a gender perspective and explicitly reflect the provisions of the Convention in its efforts to achieve the MDGs, despite the fact that in para. 56 of its 2009 concluding observations the Committee specifically requested the Government to include such information in its next report.

3. In para. 84 of general recommendation No. 30 of the Committee, the government is requested to provide information on the implementation of Security Council Resolution 1325 and other relevant Security Council resolutions.

Article 10: Dissolution of the Discrimination and the Promotion of Gender Equality in Education

<Questions>

1. Don't you think the coeducation schools have begun to be a mere name from the collapse of the ratio between boys and girls by the diversification of public high schools? (para.264,274)
2. Poverty of children and women has expanded and deepened, and some girls have given up going to university or continuing to go to high school for the sake of their brothers. What kind of measures do you embody in order to guarantee the growth and development, choice of future course, equal chance to education, the right of children to learn and to keep in good health?
3. Please explain concretely how the gender equality education and sex education in order to overcome stereotype will be promoted under "the Restoration of Education" by the Abe Administration.(para.279)

<Backgrounds>

1. There still remain separate education, that is, boys' public high schools and girls' ones in local areas in Japan. Metropolitan Education Board gave notice in 2003 that they prohibited to use the word "gender free" and to use the gender-mix lists of students. As the result, the word gender has disappeared from all the textbooks and the official documents, and schools that use gender mix lists of students' names have decreased since then. The teaching hours of coeducational domestic science has reduced by half. Because of the long continued bashing, it has become so difficult to practice gender equality education or sex education at school. Neither the contents nor the measures of gender equality education, nor analysis nor study on textbooks or teaching materials to practice such education have yet advanced.
2. The ratio of poor children in Japan is 16.3%, the worst ever since. It is so serious that it has become the worst nine among the nations participating in OECD. On the other hand, education fee is the highest in the world. The Government decided the "General Principles of Children's Poverty" in the cabinet council in August in 2014, but there were no effective measures, such as expansion of a child allowance, introduction of scholarship not necessary to return, expansion of support for getting school education, and children's getting medical care without charge at any hospitals.
3. "The Restoration of Education" policy by the Abe Administration not only goes backward against the promotion of gender equality education but also furthers extremely competitive education and making systems for it. They select and discriminate teachers and children through the nation-wide achievement tests, change "moral education" into a special subject, force nationalistic value such as patriotism on children, and then try to control their mind. Furthermore they censure gender equality education based on scientific recognition as "improper" sex education or too-much-expanded human right education. They also censure history classes related to the responsibility of Japan for the war as "self-torturing" or "politically biased" education and they suppressed the education based on scientific recognition and the historical facts.

Article 11: Wage discrimination between men and women

<Questions>

1. The wage gaps between men and women are still large despite the measures that have so far been taken to reduce them. Please disclose the details of additional case examples in the circular notice on interpretation of Article 4 of Labor Standards Act that was issued in December 2012 in order to provide general public with more information on the principle of Equal Remuneration for Work of Equal Value. Please also explain about the effects that have been realized through these additional case examples. (Paragraph 320 of the report)
2. Are the judgments regarding the principle of Equal Remuneration for Work of Equal Value that have been made by the courts in the law suits over wage discrimination between men and women based on the international standards of job evaluation? (Paragraphs 317 and 318 of the report)

<Backgrounds>

1. The additional case examples of the Labor Standards Act interpretation simply explain that the following violate Article 4 of the Act:

- 1) setting different standards for family and housing allowances between men and women workers; and
- 2) setting different standards for promotion between men and women workers.

It is obvious that these are gender discrimination. It was pointless that the government added these case examples. The information of the circular notice has not been disclosed: The labor standards office of the Tokyo metropolitan government was not aware of them even in November, 2014.

2. In Japan, many companies have merit-based wage systems. Even now, judgments made by Japanese courts on occupational abilities are affected by gender-related biases held by judges: They have failed to contribute to rectifying the gender discrimination.

1) In July, 2013, the Hiroshima High Court denied the existence of gender discrimination in the ruling for the Chugoku Electric Power Company case, though the ruling noted the existence of disparities in wages and promotion between men and women workers. The reasons for the judgment included: that the regulations on the wage system did not have gender-specific descriptions; that men and women workers of the company were not clearly divided into separate employment categories; and that there was a general tendency among women to avoid becoming managers. In March, 2015, the case was closed with the supreme court's dismissal of the appeal by the plaintiff, leaving no means to rectify the discrimination in the company.

2) In July, 2014, the Tokyo District Court denied, in the ruling for the Fuji Star case, the discriminatory nature of the large gaps in wages and bonuses between men and women workers, by explaining that the gaps were due to the company's discretion. In this case, the court agreed to examine the gaps with the job evaluation method and the differences in the allowances between men and women workers were judged as gender discrimination in the ruling.

3) In March, 2015, the Kanazawa District Court ruled that the employment management system of Towa Engineering Co. Ltd. to apply different rules to employees according to their career tracks was, in effect, a gender-based wage management system and, therefore, was in violation with Article 4 of Labor Standards Act.

The court ordered the company to apply the wage scale for the main career track workers to the plaintiff regarding the age-based wage, but did not order to rectify the plaintiff's category in the merit-based wage system.

Article 11: Indirect discrimination

<Questions>

1. Bearing in mind the paragraphs 21 and 22 of the Concluding Observations, please explain the reason why it was deemed sufficient to add only two cases in the recent review of measures which may constitute indirect discrimination. (paras. 287 – 290)

2. Please provide information on the latest figures on the proportion of women in the “main career track” as well as the number of companies that use the career track system.
3. Please explain why the government is maintaining the “employment management categories” in the Guidelines under the Equal Employment Opportunities Act despite the problems that have been indicated.

<Backgrounds>

*(items for evaluation in the performance assessment)

In the review of the Equal Employment Opportunities Act in 2013, only partial amendments were made regarding measures that may constitute indirect discrimination.

In the gender wage discrimination case against Chugoku Electric Power Co., the Supreme Court dismissed the appeal in March 2015 and let stand the Appeals Court decision which held that the gender gap was a result of the performance assessment. But as the decision had recognized that the overwhelming majority of women in the company were promoted later than their male counterparts. Many of the items for evaluation in the assessment lead to disadvantageous results for women, even when they are not directly based on gender. These items for evaluation for assessment constitute “indirect discrimination.”

* (track based career systems)

The proportion of women in the main career tracks which lead to management positions is still 5.6% (published by the Ministry of Health, Labor and Welfare in 2011) 30 years after the enactment of the Equal Employment Opportunities Act. Meanwhile the general track, which do not lead to management positions consist of mostly women.

Article 11: Increase in non-regular workers

<Questions>

1. Non-regular workers account for 60% of all women workers. What measures has the government been taking to enable non-regular women workers to become regular workers and to raise the wages of non-regular women workers? (Paragraphs 309 and 310 of the report)
2. The overwhelming majority of part-time workers and other types of non-regular workers are women. The extremely low wages of non-regular workers should therefore be regarded as a manifestation of indirect discrimination against women. Please give a detailed account on effective remedial actions the government is planning to take about such indirect discrimination against women. (Paragraphs 302 and 303 of the report)
3. A bill to revise the Worker Dispatch Law was proposed to the ordinary session of the Diet in 2015. The law was just revised in 2012 to clearly state protective measures for dispatched workers. In what ways the rights of dispatched workers will improve with the new revision? (Paragraphs 305 to 308 of the report)

<Backgrounds>

* In the Positive Action policy to promote active participation of women, the government has proposed to prepare diverse ways of employment for women workers. However, it is strongly concerned that the policy will generate new types of discrimination arising from differences in employment management categories and lead to an increase of non-regular workers who suffer from harder working conditions and lower wages than regular workers.

* The proportion of non-regular workers among all women workers has increased to 55.8% in 2014 from 32.1% in 1985. In 2014, the disparity in the hourly wage between regular and non-regular workers was 100 to 55.1 among men workers and 100 to 50.7 among women workers: The gap for women workers is larger than that for men workers by more than 4 points.

* A bill to revise the Worker Dispatch Law again has been submitted to the ordinary session of the Diet in 2015. The bill proposes to limit the employment term of a dispatched worker to a maximum of 3 years. Companies will be able to continue using dispatched workers for a same job by replacing one with another: The only condition is that the companies provide explanations to labor unions. On the other hand, dispatched workers may possibly remain being dispatched workers for life. It is concerned that the revision will result in a decrease of regular workers among women. Labor organizations and the Japan Federation of Bar Associations are opposed to the revision.

Article 11: Regulations on long working hours**<Questions>**

In order to eliminate Karoshi, or deaths from overwork, and enable both men and women workers to strike an appropriate balance between work and personal life, it is indispensable to restrict long working hours. What kind of measures has the government been taking to set a ceiling on working hours, to introduce a system to set an interval between the finish time of work and the start time of the following day's work and to enable workers to use all their paid holidays? (Paragraph 328 of the report)

<Backgrounds>

In 2015, the government submitted to the ordinary session of the Diet a bill to introduce "the high-level professional system" and to loosen the regulations on discretionary work system. Under the proposed system, skilled workers engaged in "highly professional jobs" will be exempted from application of regulations regarding work hours, breaks and holiday and late-night premiums in Chapter 4 of Labor Standards Act. The proposed bill will undermine, if enacted, the principle of eight-hour workday and it is strongly concerned that the new law will lead to an increase in Karoshi and even longer working hours. The bill states that the new system will be applied only to those workers who make about 10 million yen or more a year, i.e. far more than three times as much as the average annual income of all workers, but employers already demand lowering the threshold to include more workers into the new system. Labor organizations and the Japan Federation of Bar Associations are opposed to the introduction of the system.

Article 11: Sexual harassment**<Questions>**

1. Please provide information on the number of cases of consultations regarding sexual harassment received by the Equal Employment Offices as well as the cases that were successfully resolved for the years 2013 and 2014.
2. Please explain why a prohibition of sexual harassment with sanctions cannot be provided for in the Equal Employment Opportunity Act. (para. 69 of the Periodic Report)

<Backgrounds>

The Committee has called for measures with sanctions against discrimination against women including sexual harassment in the area of employment in paragraphs 45 and 46 of the Concluding Observations in 2009. Also, the Economic, Social and Cultural Rights Committee recommended that an offense of sexual harassment be introduced in the legislation and called for sanctions proportionate to the severity of the offense in 2013. The Working Women's Network has made inquiries to the Ministry of Health, Labor and Welfare regarding these recommendations. The Ministry responded that the Equal Employment Opportunity Act was the legal basis for administrative guidance. The Act requests the companies to prevent sexual harassment. According to the Ministry, a prohibition of sexual harassment with sanctions cannot be legislated in the Equal Employment Opportunity Act, and a separate law prohibiting sexual harassment would have to be legislated.

Article 11: Positive Action**<Questions>**

The government submitted a bill to boost women's active role with statistical targets to the Ordinary Diet Session 2015 with a view to ensure effective implementation. However, in its report to CEDAW, the government did not include these targets. Please indicate the reason why the numerical targets were excluded from the report. (*Report para.24, 145, 164*)

<Backgrounds>

Indirect discrimination is prevalent and promotions are based on employment category and employment status. However, the government has failed to statutorily regulate this kind of indirect discrimination in effective manner.

As the Basic Labor Law does not include a clause regulating the total maximum working hours, long working hours and the performance-based pay systems make it difficult for both women and men to bear family responsibilities in practice. Even if the government requests companies to raise the proportion of female workers in managerial position under the slogan “women’s active participation” without establishment of a law to regulate long working hours, the proportion of women in managerial positions will not be improved effectively.

Article 11: Support for Balancing Family and Job Responsibilities

<Questions>

1. Many female workers quit their jobs to care for family members. Please indicate measures taken by the government to support them to continue to work. If more workers are to be encouraged to take family care leave, the need might be to increase the benefits to 67 percent of the salary, as is the case with parental leave. (*Report Para.329, 338*)
2. Please indicate the concrete measures to improve the ratio of job continuity for women who are before and after the birth of the first child. (*Report Para. 328*)
3. The government has carried out deregulation encouraging private companies to participate in the child-care sectors and giving license for operation to small-sized day-care centers with a view to increase the number of childcare centers and of children accepted. However, the deregulation brought disparities in quality of childcare services that the day-care centers provide including environments, floor space, a number of staff, and cares children are taken. What measures does the government provide in order to ensure the quality of childcare? (*Report Para. 343,344*)

<Backgrounds>

1. In five years (from October 2007 to September 2012), 454,000 workers quit their jobs to care for family members and 80 % of them were women.
According to the Basic Survey for Employment Structure 2013 by the MIC (Ministry of Internal Affairs and Communication), the number of workers engaged in care was 2.4million and only 3.2% of them (76,000 workers) used the Family Care Leave System. The maximum family care leave is only 93 days and the Employment Insurance Benefits cover just 40% of workers’ wages.
In reality, the loss of income creates a barrier discouraging workers from taking Family Care Leave.
2. 60% of women quit their jobs before and after the birth of their first child. This situation is attributed to employment practices such as heavy workload caused by understaffing, performance-based pay systems and prevailing long working hours. Pregnant workers and those rearing children are excluded from workplaces through these practices. In fact, IBM Japan dismissed a female worker who used a short-hour working scheme to care for her child claiming that her performance was poor. The case is now under dispute in court.
3. Although childcare is essential for workers to continue to work, according to the Ministry of Health, Labor and Welfare, the number of children who are on waiting lists for day-care centers is 21,371, as of April 2014 (43,184, as of October 2014 by the MHLW). The number of children on the lists has exceeded 20,000 for six years in a row. In reality, few day-care centers are available for parents when their Child Care Leave is over.
The children and childrearing support system was in practice on 1 April 2015. As the deregulation resulted in diversified entities of day-care centers and low standards that the centers are required, the quality of childcare is difficult to be ensured and the costs for the day-care centers that the parent burden differ significantly.

Article 11 (and Article 3): Unpaid work

<Questions>

1. Has the perspective of gender equality policies been ensured for the measurement (time-use survey) and the evaluation (the estimate of the monetary value) of unpaid work conducted by the government? (Para. 321 and 322 of the Seventh and Eighth Periodic Reports) Is there any plan of developing a satellite account of unpaid work from the perspective of gender equality in the future?

2. How were the results of measurement and valuation of unpaid work reflected in concrete gender policies, and what were the effects of such policies?
3. How has the right to decent work been ensured for women who shoulder unpaid housework and care work (child care, elderly care and so on)?

<Backgrounds>

The issue of unpaid work is related to the 2009 Concluding Observations, para. 30 and 48 (Reconciliation of family and work life) and General Recommendations 16 and 17.

1. In 2000, the Cabinet Office publicized the Elderly Care and Childcare Satellite Accounting and, in 2009, the newest study on the quantitative understanding (the estimate of the monetary value) of unpaid work in relation to housework, elderly and nursing care, childcare, shopping and social activities. However, the government's aim of these studies was to activate market production. The coordination of the three parties in the government that are the Statistics Bureau in the Ministry of Internal Affairs and Communications (that conducts the time-use survey), the Economic and Social Research Institute in the Cabinet Office (that conducts the estimate of the monetary value and the development of a satellite account) and the Bureau for Cooperative Participation of Men and Women ("the Gender Equality Bureau" in the government's report) in the Cabinet Office, is insufficient. The government should develop a satellite account on unpaid work including housework from the perspective of promoting gender equality policies.

2. In Japan a consciousness of sexual division of labor is persistent and the working style is based on men's long working hours. According to the 2011 survey, women spent 3 hours and 35 minutes for household work, and men spent 42 minutes. The issue of long working hours should be solved. However, the draft (for the revision of the Labor Standards Law) that can lead to longer working hours has been submitted to the Diet. The low evaluation of unpaid work leads to low wages of jobs with the high percentage of women, including care work, and informal work. The equal remuneration for work of equal value should be realized. However, the Manual of job evaluation publicized by the government is left to voluntary efforts by companies.

The government should conduct the more detailed analysis of gender statistics on the results of the "Survey on Time Use and Leisure Activities" and the estimate of the monetary value based on them, and utilize them more positively as the basic data for gender policies such as employment, support for childcare and elderly care, support for work-life balance and so on.

3. The right to decent work for women who remain to be responsible for unpaid housework and care work has not been ensured. Most of women who re-enter the labor market after childcare can only find low-waged and informal work. The ban on age-limit for the recruitment has not been effective in reality. The M-shaped curve in women's labor-force participation rate has not been improved sufficiently. Opportunities of promotion for working women also have not been ensured. In addition, ILO Convention 183 (maternity protection) has not been ratified yet.

Article 12: Protection of rights to health regarding women, girls and pregnant women after the Fukushima nuclear disaster

<Questions>

1. Implementation status of the recommendations including:

- the recommendation made by the UN Special Rapporteur, Mr. Grover, in 2013, which calls on the Japanese government to “formulate a national plan of evacuation zones and dose limits of radiation (by using current scientific evidence), based on human rights (rather than a risk-benefit analysis), and reduce the radiation dose to less than 1mSv/year”;
- the recommendation made by the Human Rights Committee, which calls on the Japanese government to “take all the necessary measures to protect the life of the people affected by the nuclear disaster in Fukushima and lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk”.

2. What measures are the Japanese government implementing to protect pregnant women, women, and girls from the health risks of low-level radiation exposure? Does the government intend to expand the provision of free medical treatments to include pregnant women, women, and girls living outside of the Fukushima Prefecture, exposed to radiation higher than 1mSv/year? Furthermore, does the government intend to implement comprehensive health examinations other than thyroid examinations to check children for other health risks of radiation exposure?

3. The government recently lifted contaminated zone designations for evacuation areas with a radiation exposure level less than 20mSv/year. The government has also started to promote the repopulation of these areas. What is the basis for the decision to use 20mSv/year as the standard radiation level for lifting evacuation orders? Should the government not take measures to continue supporting women and girls who seek to live take refuge in other areas?

4. Does the government provide appropriate measures for the women who work in nuclear power plants and decontamination work such as, preventative measures against health risks from the radiations, health examinations, and medical treatment?

<Backgrounds>

1. The influence of contamination by the radiation released during the nuclear accident at Fukushima Daiichi Power Station still remains serious, and the accident has not been resolved yet. Moreover, dissemination of radioactive material is ongoing. However, the Japanese government has not taken sufficient measures to prevent risks to health for women, female children and pregnant women residing near the power station.

2. In order to improve the situation, the UN Special Rapporteur on the Right to Health Mr. Anand Grover and the UN Human Rights Committee made concrete and substantive recommendations to the Japanese government in 2013 and 2014, respectively. However, most of the recommendations have not been implemented. The Japanese government plans to lift the designation of contaminated areas with radiation exposure levels under 20mSv/year as evacuation zones. Their intention is to repopulate these areas in order to discontinue government-sponsored compensation and support for housing, effectively forcing the return of locals despite health concerns. The opinions of women, female children, and pregnant women are not taken into consideration.

3. Although the Japanese government should address the health risks of low dose exposure, it has not taken sufficient measures to conduct health examinations and provide medical care: currently, government measures are limited to thyroid examinations and are only for residents of Fukushima Prefecture. Moreover, free medical treatments are limited only to children under 18 in Fukushima Prefecture. Residents over 18 years old must pay medical fees. To make matters worse, medical examinations for those who work at the Power Station are very limited, while medical care for all the workers who dealt with the accident at Fukushima Nuclear Power Station has not been implemented. The Japanese government must establish a system for providing medical examinations, treatments, and recuperation, which addresses the risk posed by low dose exposure.

Article 12: Abortion and sex education

<Questions>

1. Please provide an answer as to government's plan and consideration towards the removal of these provisions, given that it is a penal provisions which constitute discrimination against women (article 2(g)) and it forms a high barrier for women's access to necessary insurance for healthcare.
2. Does the government have a plan to remove this clause which requires a woman who seeks an abortion to obtain an authorization of her male partner?
3. Does the government have a plan to review a policy on abortion method and barrier to abortion services, based on the guidance document by WHO?
4. Government report states that "sex education should not be excessive and extreme". Does this mean that the government will put a restriction on sex education? How does the government guarantee the access to the information on reproductive health, and access to reproductive health, and what are the effects that have been achieved? Especially, abortion performed for girls under 15 years old is on the increase, and its number reaches almost 1,500 cases a year. Can it be said that the government's policy has been effective in such situations?

<Backgrounds>

1. It was recommended in the article 50 of the previous Concluding Observation that the government should remove the provisions in the Penal Code which penalize abortion (article 212 and the Article 214 which penalize professionals who cause women's abortion). However, the government reports (para 359) says that "it is not appropriate to remove the provisions which penalize the abortion."
2. Maternal Protection Act Article 14 requires a woman who seeks an abortion to obtain an authorization of her male partner. This prevents women to have access to necessary healthcare services, and some women are not able to have an abortion even if they wish to do so especially in cases of domestic violence, as female victims of domestic violence or medical institution are afraid that they might be punished due to this clause.
3. Main method of abortion in Japan is dilation and curettage with general anesthesia which is far removed from the method recommended in the guidance material published by WHO, Safe abortion: technical and policy guidance for health systems, Second edition(2012) http://www.who.int/reproductivehealth/publications/unsafe_abortion/9789241548434/en/, and this not only put much mental and physical burden on women, but also economic burden, since cost of abortion is not covered by national health insurance. This sometimes causes unsafe abortion.
4. Government report (para361) states that "sex education should not be excessive and extreme" and it lacks the viewpoints of guarantee of sexual reproductive health/ rights of adolescence.

Article 12: Discrimination in health insurance system

<Questions>

Japan's national health insurance system provides no sickness, injury, and maternity allowances (no compensation for lost income due to absence from work). Does this not damage the health of the insurance holders: rural women, self-employed female merchants or manufacturers, and many non-regular female workers? Does the state party have a plan to change the situation for the better?

Article 13: Taxation system unable to properly assess the value of women's labor in the household

<Questions>

The Third Basic Plan for Gender Equality states, a review of taxation and social security systems will be done in order to rightly appreciate the importance of women's labor in the household. (Part IV Employment etc.). Have you reviewed Article 56 of the Income Tax Law that unfairly assesses the value of household labor of rural women and self-employed female merchants or manufacturers?

<Backgrounds>

Article 56 of the Income Tax Law stipulates that any payments the spouses or other family members of rural workers and self-employed merchants/manufacturers receive cannot be recognized necessary expenses; the value of their labor is added up to business owners' income.

This prevents these spouses and other family members from gaining income certificates, causing such disadvantages as lower compensation than full-time homemakers in the event of traffic accidents, no loans available to buy a car or house, and difficulty in obtaining the entitlement to leave their children at a childcare center. Article 56 is so discriminatory that it hinders the economic self-reliance of rural women and self-employed female merchants or manufacturers.

In the deliberation of the Sixth Periodic Report on the Implementation of the CEDAW, a Japanese government official, asked by a CEDAW committee member, assured the value of their labor would be recognized as necessary cost if there is a declaration based on books and records. As keeping books has become compulsory for every business owner since January 2014, the value of labor should be considered necessary expenses and thus Article 56 of the Income Tax Law is no more necessary. It should be abolished.

Article 13: Elimination of discrimination in economic and social benefits -Women in disadvantaged situation (Fatherless Households)

<Questions>

1. How much did the employment rate and the income of the fatherless households improve after the enforcement of the Act on Special Measures concerning support of employment of Mothers in Fatherless Households and Fathers in Motherless Households? (* the Act on Special Measures concerning support of employment of Mothers in Fatherless Households and Fathers in Motherless Households was enforced in March of 2013)

The expense of bringing up a child is paid to extremely few fatherless households. Legal action to obligate the payment of the expense of bringing up a child should be taken. In case of non-payment, government should establish a system to secure it.

(Seventh and Eighth Periodic Reports, paragraph 370)

<Backgrounds>

1. The policy for fatherless households has been switched from economic support to promotion of employment and financial independence. Even though the employment rate of fatherless households is high, approximately 81%, their income average is less than half of the amount of the households with children. (44.2%, National survey of fatherless households, 2014) The relative poverty rate of the single-parent households which are mostly fatherless households, reaches to 55%. (Basic survey on people's living, 2013) The contradiction between this employment rate and poverty rate is peculiar among the OECD countries. This current situation shows that the policy to the amount of the Child Rearing Allowance and raise the employment rate is not enough.

Less than 40 % of the fatherless households set agreements on the expense of bringing up a child, and approximately only 20% of them receive actually. (National survey of fatherless households, 2014) There is no law on agreements with the child supports, and there is no legal binding on the agreement which is made between the parents.

Article 14: Situation of rural women and elimination of discrimination

<Questions>

1. The Seventh and Eighth Periodic Reports states, “The population of workers engaged in agriculture, forestry, and fisheries is expected to decline.” What caused the decline in the number and ratio of these female workers? (Paragraph 375&371)
2. The ratio of board members of agricultural cooperatives and agricultural committees is under 6%. What is the government’s view about the causes preventing rural women from taking part in decision-making? What measures does it take to deal with these problems? (Paragraph 166 & 372)
3. Please provide the following data: 1) the ratio of farming households joining in the Family Management Agreement among all farmers, 2) the figures showing that the agreement actually contributes to economic empowerment of rural women in it, such as work hours, the amount of pay, and the use of payment.(Paragraph 377)

<Backgrounds>

Due to the liberalization of farm imports, reduced agricultural budget, and other factors, agricultural workforce dropped by half for 30 years and the ratio of women also declined from about 60% to 50%. Agricultural workers are aging with an average age of 65.9. Hardship in farm management has increased their workload, forcing them to take side jobs. The lack of money and time keeps rural women away from participating in decision-making.

Although the number of farming households joining the Family Management Agreement is rising, it is only 1.8 % of all agricultural households (2010). Their income is low: nearly half of the annual income of farmers in the agreement is between 600,000 yen and 1.2 million yen. In reality, most women participating in the agreement spend their wages on living and farming expenses. Thus you cannot say that this agreement contributes to women’s economic empowerment.

Article 16: Elimination of Discrimination in Marriage and Family Life (Allowing different surnames for husband and wife, and unifying minimum age for marriage for men and women)

<Questions>

1. What efforts did the Government of Japan take to raise awareness of citizens about the issues besides publishing the report of the Legislative Council on the website? And how effective were those measures? (para.384)
2. The results of opinion polls could be used as a reference but cannot be a reason for not to undertake legislative measures to address human rights violation. Please indicate if there are any other reasons not to revise the Civil Code besides the results of opinion polls. Also some Ministers often times have expressed the view that “careful consideration is needed since these issues may deeply affect families in Japan and there are different views on the issues among the public.” The Committee believes that if there are various views among the public, the Government of Japan may respond to the needs of the public by increasing options. What are the views of the Government of Japan on this? (para.384)
3. The Minister of Justice told that he does not necessarily consider the issue of allowing different surnames for married couples as a human rights issue at a session of Diet Committee on Legal Issues in March 2014. Please indicate the reasons behind that remarks. (para.384)
4. A research of a reporting agency found that one of four married women used their pre-marriage surname at work places, and that 40% of such women replied that using two surnames of pre-marriage and after-marriage by situations is inconvenient. Why does not the Government take measures to address such inconvenience caused by surname change on marriages? Also please indicate if the Japanese Government considers such inconvenience disproportionately affecting women constitute a discrimination against women. (para.384)
5. What kind of consideration did the Government of Japan take with regard to the minimum age for marriage for women since the response of the Minister of Justice in 2013? (para.384)

<Backgrounds>

1. The Government of Japan noted in the Third Basic Plan for Gender Equality in 2010 that it would continue considering the revision of the Civil Code, including unifying the minimum age for marriage for men and women, and the introduction of optional surname system for married couples. However it has not actually taken any concrete steps for such consideration.
2. Prime Minister Mr. Shinzo Abe led adoption of the movement plans against the introduction of optional surname system for married couples when he was the head of multi-party conservative Diet members' association in 2010. Majority of the cabinet members of the present Abe Administration are strongly against the optional surname system.
3. PM Mr. Abe drew the public opinion as a reason for not to revise the Civil Code, as he noted at the Upper House Budgetary Committee in October 2014 that "careful consideration is needed on the issues of the Civil Code revision as they may deeply influence the families of the nation and there are different views among the people." However, in fact, people who support the Civil Code revision outnumber opponents. The CEDAW pointed out that the public opinion cannot be the reason for not to revise the law in its Concluding Observations in the review of the last report.
4. Minister of Justice Yoko Kamikawa indicated that the Government would not take responsibilities as a member state of the Convention nor it admits legal obligation to follow the Committee's recommendation, as she noted at the Lower House Judicial Affairs Committee that in her understanding, not undertaking the Civil Code revision would not necessarily violate the obligations of the state under the Convention. The revision under the Abe Administration becomes very difficult. On the other hand, the Supreme Court has decided that it would rule out if the government's failure to revise the law would constitute a violation of the Japanese Constitution.
5. The United Nations requested the Japanese Government to increase the minimum age for marriage, pointing out that allowing marriage under the age of 18 may contribute to child marriage. Then Minister Justice Tanigaki noted at a session of the Upper House Judicial Affairs Committee that "there should be further discussion if it would be appropriate to keep the minimum age for marriage for girls as the age of 16, considering the report of the Legislative Council."

Article 16: Elimination of Discrimination in Marriage and Family Life (Prohibition of remarriage imposed only for women for a certain time period after getting divorce)

<Questions>

1. Children's rights could be well protected by setting the rules to determine paternity, without necessarily restricting the freedom of remarriage for women. Some Diet members have repeatedly urged the government to make inquiries to the Legislative Council again, for the situation has greatly changed since the 1996 report of the Council. However the government has not done so. What are the reasons for not taking that measure? (the government report, para. 385)
2. With the increase of remarriage, there seem to be increasing number of couples who face restrictions based on the provision. There are subsequent number of couples who would not or cannot have children for various reasons. The Japanese government insists that the provision is based on a rational reason. However it would be more reasonable if it sets the rules for determination in cases where there are any doubt regarding the paternity, upon abolishing the provision of remarriage prohibition. What are views of the Japanese Government with this regard? (para.385)

<Backgrounds>

1. The reason why the Legal Council recommended to shorten the period of remarriage prohibition to 100 days, rather than abolishing the prohibition altogether, was to avoid overlapping period of paternity presumption in relation to the provision of the Civil Code Article 772 para.2 which was not reviewed in the 1996 report.

2. The Government insists that the provision is based on a rational reason for stabilizing paternity at early stages. However this provision does not necessarily contribute to protecting rights of children. There is considerable number of cases where children born during that prohibition period are not registered on birth.
3. In 2007, the problems faced by children who were not registered because of the provision became a social issue. Although then ruling parties discussed about revision of the provision, it never realized. While the opposition parties also submitted a bill to shorten the time period for prohibition of remarriage, it did not successfully pass the Diet.
4. Not only does the provision restrict the freedom of marriage for women, it also restricts the freedom of marriage for men who would like to marry women who got divorced. For one out of four couples who get married, either husband or wife, or both of them, have been married before. The number of such couples is steadily increasing. In 2013, 173,569 couples or 26.3% of all couples who got legally married in 2013 were such couples with experience of former marriages. As the number of remarriage increases, those who face restriction on the provision may also increase.
5. The Committee recommended in 2009 to abolish the provision. However the Government has not taken measures for abolition.
6. The Supreme Court has announced that it would hold hearings to rule if the provision to prohibit remarriage of women for a certain time period may violate the Japanese Constitution.

Article 16: Substantial equality on distribution upon dissolution of the relationship

<Questions>

Please provide information on the current situation and the measure about the question No 29 of the list of issues to the last sixth periodic report on the type of property that is distributed upon dissolution of the relationship. Also, provide information on difficulties faced by women about distribution upon dissolution of the relationship.

<Backgrounds>

The type of property subject to distribution at the time of divorce is either the property whose monetary value has been determined, or at best the property whose value is calculable. There is a system to distribute pension at the time of divorce, however, it is limited to distribution of average compensation of the Employee's pension and so forth, and it does not distribute all the benefits they would receive after retirement. It does not compensate the future earning capacity which might be reduced due to unequal distribution of work before divorce. This causes women to become impoverished. There is no mention in this regard in the government report this time.

Although, assets are supposed to be distributed as substantial marital asset whether it is registered as a property of husband, wife, or both as long as it has obtained or formed during their marriage period in Japan, actually (1) as one side (mainly wife) have difficulty obtaining the information on the property which is registered as the other side's property (mainly her husband's property), the property is not distributed equally, and therefore, (2) the divorced parents who nurture their children (mainly mother of the children) have difficulty securing their accommodation after divorce.

Article 16: Discriminatory legal system toward children born out of wedlock

<Questions>

1. The Family Registration Act requires the differentiation of the description in the birth notification between a "child who is legitimate" and a "child who is not legitimate". Shouldn't the government abolish such legal requirement? Why does the government retain the concept of "legitimacy" of the child?

2. In the column of the family relationship in family registers, the description of “female/male”, through which it can be recognized at a glance that she/he is a child born out of wedlock, is left unchanged until the child herself/himself applies for the change of description. Shouldn't the government reconsider such system and change the description in a lump at the government's responsibility? In the first place, is the description of the family relationship with the mother and the father necessary? (Isn't it clear that the relationship with the mother and the father is “child”? Isn't it unnecessary to differentiate the description if the government believes that all the children are equal under the law?)

3. In case of no acknowledgement of a child by the father, the column of the father in the family register is blank. Therefore, it is recognized at a glance that the child is not acknowledged by the father. Shouldn't such compilation of the family register and such description method as the blank column for the father of a child born out of wedlock be improved?

4. In case that the mother of a child born out of wedlock gets married and the husband of the mother adopts the child, the mother also has to adopt the child together with her husband. Why does the mother have to adopt her own child? Shouldn't such provision of the Civil Code be amended?

5. The tax exemption for widows/widowers in the tax law is admitted to a divorce case with a dependent (dependents) and a case of a spouse's death even without a dependent (dependents). However, in case of an unmarried woman/man, such exemption is not admitted, even if she/he has a dependent (dependents). Why isn't the tax exemption for widows/widowers admitted to an unmarried mother/father who brings up a child (children)?

<Backgrounds>

Article 900 of the Civil Code concerning succession rights, which had been discriminatory against children born out of wedlock, was abolished in December 2013, following the Supreme Court decision of September the same year that the provision is against the Constitution.

Although the fundamental reform of the legal systems against children born out of wedlock was expected after the decision, many discriminatory legal systems have been retained, including the provision of the Family Registration Act upon which the description in the birth notification is based, to which the previous CEDAW recommendations referred.

1. The Family Registration Act provides that, in the birth notification, the mother of a child born out of wedlock shall describe her child as a “child who is not legitimate” which literally means a “child who is not orthodox”. Even now, the “concept of legitimacy” is retained and the discriminatory term of a “child who is not legitimate” is used in the Civil Code, the Family Registration Act and so on.

2. The description method on the family relationship in the family register was amended in 2004. However, the description in the birth notification before the amendment is left unchanged, unless a child born out of wedlock applies for such change. The discrimination against children born out of wedlock is persistent and they are afraid that, by applying for the change, those around them recognize them as children born out of wedlock. Therefore, the number of applications is very small. In addition, according to the present description method after the amendment of the system, in case of a child born in wedlock the family relationship with the father and the mother is described, but in case of a child born out of wedlock the family relationship only with the mother is described. It has created a new kind of discrimination.

3. Regarding the compilation and the certificate of the family register, the form is fixed. In case that a child is acknowledged by the father, the father's name is described in the column on the father. In case of no acknowledgement by the father, the father's name is not described in the column on the father's name. Therefore, it can be recognized at a glance that the child is not acknowledged by the father. It becomes the cause of the discrimination and the child born out of wedlock and the mother cannot do anything but suffer from it.

4. According to Article 795 of the Civil Code, if a person who has a spouse adopts a minor child born out of wedlock, the spouse also has to adopt the child. As the provision forces biological mothers to adopt their biological children, mothers of children born out of wedlock are surprised and suffer, questioning why they have to adopt their biological children.

5. In the tax system, the tax exemption for widows/widowers is not admitted to unmarried persons. Therefore, single mothers/fathers economically become poorer due to the bigger tax amount, as well as higher fees of childcare, National Health Insurance and so on, whose calculations are based on the tax amount.

Member NGOs of JNNC

1	Action to Eliminate Gender Discriminatory Remarks by Public Officials
2	Ainu Association of Hokkaido, Sapporo Branch
3	Alliance of Feminist Representatives
4	Apeuro Women's Survey Project
5	Asia-Japan Women's Resource Center
6	Asia-Pacific Human Rights Information Center
7	Association for the Support of Children out of Wedlock
8	Association of Indigenous Peoples in the Ryukyus
9	Association to support the human rights court of the women self-defense officer
10	Buraku Liberation League Central Women's Division
11	DPI Women's Network Japan
12	Equality Action 21
13	Gay Japan News
14	Human Rights Association for Korean Residents in Japan
15	Human Rights Now
16	Japan Accountability Caucus for the Beijing Conference
17	Japan All Solidarity Network for the Settlement of the "Comfort Women" Issue
18	Japan Family Farmers Movement, Women's Section
19	Japan Federation of Women's Organizations
20	Japan Network Against Trafficking in Persons
21	Japan Network against Wartime Sexual Violence
22	Japan Network on Education for the Advancement of Gender Equality
23	Japan Women's Council I
24	Japanese Association of International Women's Rights
25	Japan's Network for Women and Health
26	Kyosei-Net for LGBIT
27	mNet · Information Network for Amending the Civil Code
28	National Federation of Business and Professional Women's Clubs of Japan
29	Nerima Gender Watch
30	New Japan Women's Association
31	NPO Dispatched Labour Network

32	Okayama Communication Network of the World Conference on Women
33	Organization for Promoting Quotas⇒Association for Promoting Quotas (A4Q)
34	People Against Pornography and Sexual violence
35	Regumi Studio Tokyo
36	Society for Abolishing the Family Registration System and Discriminations against Children Born out of Wedlock
37	Solidarity Network with Migrants, Japan
38	Saitama Network for Co-education
39	Space Allies
40	The International Movement Against All Forms of Discrimination and Racism-Japan Committee
41	The National Confederation of Trade Unions Women's Bureau
42	Women's Council of the National Federation of Merchant and Industrialist's Organizations
43	Women's Active Museum on War and Peace (WAM)
44	Working Women's Network
45	Zonta International District 26(Japan)
46	all japan women's shelter network

Government response on the progress to the concluding observations of CEDAW after consideration of the 6th periodic report of Japan and NGO evaluation (2015.3)

Para	Major concerns and recommendations of CEDAW to the 6th periodic report of Japan	Government response in the 7th and 8th periodic report of Japan	Evaluation by NGO
			<ul style="list-style-type: none"> ● : Measures corresponding to the CEDAW recommendations at current stage ▲ : Measures conscious of CEDAW recommendations but insufficient for generating solid effect ✖ : Measures conscious of CEDAW recommendation but failing to meet it Ⓝ : Measures failing to meet CEDAW recommendation or ignoring it
13	<p>[Principal areas of concern and recommendations] The Committee recalls the State party's obligation to implement, systematically and continuously, all the provisions of the Convention, and views the concerns and recommendations identified in the present concluding observations as requiring the State party's priority attention between now and the submission of its next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on actions taken and results achieved in its next periodic report. It calls upon the State party to submit the present concluding observations to all relevant ministries, to the Parliament and to the judiciary, so as to ensure their full implementation.</p>	<p>See Article 2.1. (Measures Taken to Overcome Remaining Obstacles for Women's Equal Participation in Political, Social, Economic and Cultural Activities) and Article 2.6. (Measures to Disseminate the Convention on the Elimination of All Forms of Discrimination against Women, Periodic Reports on Implementation of the Convention, and Concluding Comments of the Committee). Additionally, the Government has taken measures under respective policies.</p>	<p>✖ "Measures taken by the Government" described in paragraph 13 of the "Attached Document 2" of the seventh and eighth combined periodic report regarding the implementation of the CEDAW merely says that "initiatives were implemented through different policy measures" for Art.2-1 and Art.6, but it gives no concrete description of these "measures". Paragraph 112 of the same report indicates that the Government informed in writing the two Houses of the Diet and the tribunals about the 6th Concluding observations, but no description of the effects of that information is mentioned.</p> <p>✖ The CEDAW is asking the Government to provide all relevant ministries as well as the Diet and judiciary authorities with the concluding observations so as to ensure that these observations are thoroughly implemented. However, we could not find evidences that the information provided was actually used for policy measures. Recent court ruling on gender-based wage gap runs counter to the essence of the Convention.</p> <p>✖ Information provision to the judicature is not sufficient. The Ministry of justice has admitted that the Convention is not contradictory with "independence of the judicature". The Government neglects to do what should be done for a thorough implementation of the Convention.</p>
14	<p>[Parliament] While reaffirming that the Government has the primary responsibility and is particularly accountable for the full implementation of the State party's obligations under the Convention, the Committee, stressing that the Convention is binding on all branches of Government, invites the State party to encourage its national parliament, in line with its procedures, where appropriate, to take the necessary steps with regard to the implementation of these concluding observations and the Government's next reporting process under the Convention.</p>	<p>See Article 2.6. (Measures to Disseminate the Convention on the Elimination of All Forms of Discrimination against Women, Periodic Reports on Implementation of the Convention, and Concluding Comments of the Committee).</p>	<p>✖ The seventh and eighth periodic reports do not respond at all either to what was requested by the concluding observations (areas of concern) regarding the sixth periodic report and the previous recommendations that have not been implemented.</p> <p>☆ Some claim that the concluding observations are not legally binding, but Japan committed itself to the implementation of the Convention by ratifying it. As a party to the Convention, Japan has the obligation to faithfully respond to the recommendations made by the CEDAW as human rights instruments enforcement body.</p> <p>✖ "Measures taken by the Government" described in paragraph 16 of the "Attached Document 2" of the seventh and eighth periodic reports regarding the implementation of the CEDAW merely says that "initiatives were implemented through different policy measures for with no concrete description of these "measures".</p>
16	<p>[Previous concluding observations] The Committee urges the State party to make every effort to address the previous recommendations that have not yet been implemented, as well as the concerns contained in the present concluding observations, and report on their implementation in its next periodic report.</p>	<p>The Government has taken measures under respective policies.</p>	<p>✖ The seventh and eighth periodic reports do not at all reflect either what was requested by the concluding observations (areas of concern) regarding the sixth periodic report and the previous recommendations that have not been implemented.</p> <p>✖ Some claim that the concluding observations are not legally binding, but Japan committed itself to the implementation of the Convention by ratifying it. As a party to the Convention, Japan has the obligation to faithfully respond to the recommendations made by the CEDAW as human rights instruments enforcement body.</p> <p>✖ "Measures taken by the Government" described in paragraph 16 of the "Attached Document 2" of the seventh and eighth periodic reports regarding the implementation of the CEDAW merely says that "initiatives were implemented through different policy measures for with no concrete description of these "measures".</p>

18	<p>[Discriminatory legislation] The Committee urges the State party to take immediate action to amend the Civil Code with a view to setting the minimum age for marriage at 18 for both women and men, abolishing the six-month waiting period required for women but not men before remarriage and adopting a system to allow for the choice of surnames for married couples. It further urges the State party to repeal the discriminatory provisions in the Civil Code and in the Family Registration Law that discriminate against children born out of marriage and their mothers. The Committee points out that the obligations undertaken under the Convention by the State party upon ratification should not be solely dependent on the results of public opinion surveys, but on its obligations to align national laws in line with the provisions of the Convention as it is a part of its national legal system.</p>	<p>See Article 16.1. (Provision of Laws Concerning the Family).</p>	<p>▲ Regarding discriminatory provisions on inheritance for children born out of wedlock, the relevant provisions were amended on December 5, 2013, following the Supreme Court ruling of September 4 of the same year deciding that they were anti-constitutional. However, the concept of birth in wedlock has not been abolished: the family registration law imposing to mention if a child was born in wedlock or not in the birth registration has not been revised. The family registry of many children “born out of wedlock” still carries discriminatory descriptions about family relationship.</p> <p>Ⓝ No bills, even those drafted by parliament members, were introduced to the Diet to amend the legislation on the choice of surnames for married couples, the waiting period required for women before remarriage and different minimum marriage ages for men and women.</p> <p>Ⓝ Although the Committee advised not to rely on opinion polls about the introduction of optional system for the choice of surnames for married couples, the Government has adopted a cautious attitude and keeps on repeating that “the opinion of the population is divided and there is no urgency for amending the relevant laws”.</p> <p>Ⓝ Conservative political parties and Diet members oppose the revision of the Civil Law and attacking the proponents of the revision, invoking emotional reasons such as “destruction of family bonds” or “shaking the very foundation of the Japanese society”. As those who oppose the revision constitute the majority in the current Cabinet, even though it declares strongly in favor of women’s participation, the revision of the Civil Law is very unlikely to take place.</p> <p>Ⓝ The Committee more than once requested the Government to send follow-up report, because it had refused to comply with the Committee’s repeated recommendations. However, the Government responded to the recommendations in an unfaithful manner. The fact that Japanese Government refuses to abolish discriminatory institutions reveals its negative attitude for adopting policies in favor of human rights and threatens to turn CEDAW recommendations into a dead letter.</p>
20	<p>[Legal status and visibility of the Convention] The Committee urges the State party to recognize the Convention as the most pertinent, broad and legally binding international instrument in the sphere of the elimination of discrimination against women. The Committee urges the State party to take immediate measures to ensure that the Convention becomes fully applicable in the domestic legal system, and that its provisions are fully incorporated into national legislation, including through the introduction of sanctions, where appropriate. It also recommends that the State party increase its efforts to raise awareness about the Convention and the Committee’s general recommendations among judges, prosecutors and lawyers so as to ensure that the spirit, objectives and provisions of the Convention are well known and used in judicial processes. It furthermore recommends the State party to take measures to further increase awareness and provide capacity-building programmes for civil servants about the Convention and gender equality. It reiterates its recommendation that the State party continue to consider the ratification of the Optional Protocol and its strong belief that the mechanisms available under the Optional Protocol would strengthen the direct application of the Convention by the judiciary and assist it in understanding discrimination against women.</p>	<p>See Article 2.2. (Availability and Effectiveness of Legal Assistance against Discrimination), Article 2.3. (Information on Violence against Women), and Article 2.7. (Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women).</p>	<p>✖ The Committee recommends the Government to raise awareness in the country about the Convention is a legally binding international instrument and fully applicable in the domestic legal system. It also urges the Government to adequately apply the Convention and its recommendations to trials, but almost no concrete case of such application is reported.</p> <p>✖ The Government claims that it is trying to raise awareness about the Convention and the concluding observations in various training programs for judges, lawyers and prosecutors. It should however improve the methods for raising awareness, taking more seriously the fact that these training programs do not actually result in the application of the Convention to trials.</p> <p>✖ Although the Committee recommended early ratification of the optional protocol, the Government has been saying for years that it has other problems to resolve before the ratification regarding the organization for the implementation of the optional protocol. It merely claims that it shall “consider the ratification in a forward-looking manner”. It is an obligation for all parties to the Convention Domestic to apply domestically the Convention, the general recommendations as well as the concluding observations. Given that the introduction of individual complaints mechanism is essential for promoting the domestic application, Japan is required to promptly ratify the optional protocol. As a specific cell has already been established within the foreign ministry for the implementation of human rights instruments, the Government should indicate the reason why Japan cannot proceed with the ratification. It is not enough to just “consider it in a forward-looking manner”.</p>

22	[Definition of discrimination] The Committee calls on the State party to take urgent steps to incorporate the Convention and the definition of discrimination against women, as contained in article 1 of the Convention, fully into domestic legislation and to report on progress made in this regard in its next periodic report.	See Article 2.1.(Measures Taken to Overcome Remaining Obstacles for Women’s Equal Participation in Political, Social, Economic and Cultural Activities) and Article 11.1. (Promotion of Measures to Secure Equal Employment Opportunities).	⑨ ☆ Discussion on the revision of the Equal Opportunity Law had been made in the Workshop on the Equal Opportunity of the Labor Policy Advisory Council until autumn 2013. Trade unions and women groups including JNNC made representations to demand the inclusion of the definition of discrimination in Article 1 into Article 2 of the Gender Equality Law subtitled “Basic Ideas”. An appeal demanding to make the current equal opportunity law into a genuine Law on Gender Equality was sent to the Prime Minister, relevant Ministers and the Advisory Council at the initiative of Labor law scholars and lawyers but these actions did not give any result. The Government simply ignored the CEDAW recommendation. ⑨ It is not sufficient to give the definition of discrimination in labor-related laws alone. Discrimination should be defined by the legal system in an integrated manner.
24	[National human rights institution] The Committee recommends, taking account of Japan’s response at the Human Rights Council at the end of the universal periodic review process (see A/HRC/8/44/Add.1, para. 1 (a)), that the State party establish within a clear time frame an independent national human rights institution in accordance with the Principles, whose competencies should include issues related to the equality of women and men.	See Article 2.2. (Availability and Effectiveness of Legal Assistance against Discrimination).	✖ The bill on the establishment of human rights committee introduced to the Diet in October 2012 (181th session) was scrapped due to the dissolution of the House of Representatives. The content of this bill was not in agreement with Paris Principles adopted in 1993 and therefore insufficient. For instance, the independence of the human rights committee was not guaranteed since it would be established as a body attached to the Foreign Ministry. In addition, it leaves the possibility for the head of a Regional Legal Affairs Bureau to be entrusted with the administrative management of the committee, which is currently the case for the existing human rights protection body within the ministry of justice. The UN Human Rights bodies have judged the existing human rights protection mechanism out of accord with Paris Principles in terms of both independence and effectiveness.
26	[National machinery for the advancement of women] The Committee recommends that the State party further strengthen its national machinery for the advancement of women, including by clearly defining the mandate and responsibilities of its various components, in particular between the Minister of State for Gender Equality and Social Affairs and the Gender Equality Bureau, and enhancing coordination among them, as well as through the provision of financial and human resources. It further recommends that the Convention be used as legal framework for the design of the Third Basic Plan for Gender Equality and that monitoring mechanisms be put in place to regularly assess progress towards achievement of established goals.	See Article 2.1. (Measures Taken to Overcome Remaining Obstacles for Women’s Equal Participation in Political, Social, Economic and Cultural Activities).	▲ While the efforts of Gender Equality Bureau and Gender Equality Conference have been enhanced to cope with urgent challenges such as “violence” and “recovery from natural disaster”, necessary measures for achieving better status for women which is their major objective, especially attribution of more competences and resources as well as more coordinating power to the Minister of State for Gender Equality and the Gender Equality Bureau are not fully implemented. The Government does not mention it in the report. ▲ Although the Third Basic Plan says that “what a gender equality budget should be examined”, no effective efforts have been made for setting solid mechanisms to ensure the efficiency of the above mentioned two bodies. The Government does not give the reasons for this failure in its report. ▲ The Research Committee of Experts for Monitoring Gender Equality Conference has been established with the aim of regularly monitoring the efforts made for the implementation of the Convention and CEDAW Concluding Observations as provided by the Third Basic Plan. While the Research Committee has played a certain role in that direction, many tasks remain to be done regarding the “competences, selection of the committee members and how the meetings should be organized, so as to ensure effective and permanent monitoring of the implementation of the CEDAW recommendations.

28	<p>[Temporary special measures] The Committee urges the State party to adopt, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, temporary special measures, with an emphasis on the areas of employment of women and participation of women in political and public life, including women in academia, and with numerical goals and timetables to increase representation of women in decision-making positions at all levels.</p>	<p>See Article 4, Article 7, Article 8.1. (Participation of Women in the Policy Decision Making in International Field), and Article 11.</p>	<p>▲ The recommendation of 2009 made the temporary special measures as subject to follow-up. The Committee appreciated the numerical goals set by the Third Basic Plan in its opinion about the Government's reply and did not ask for a response of the Government. However, the Committee recommended again the Government to provide detailed information and report about additional measures taken for gender equality. For the time being, only the Advisory Council members have exceeded 30% of the set numerical goal. In the managerial positions from section chief up in the state personnel hierarchy, women account only for 3%.</p> <p>▲ The Minister had requested political parties once a year for 3 years to introduce positive action but as a result of two general elections held after that, the number of women members decreased in both the House of Representatives and the House of Councilors. Temporary special measures have not been concretized. The measures taken do not seem to produce expected results in every area.</p> <p>▲ In the area of employment, targets have been set by the Third Basic Plan. The Government requested the economic circles to collaborate while the Health and Labor Ministry have made specific efforts. Despite of this, no improvement has been seen. Mandatory indication in corporate financial statement of the numbers of male and female managers and their salaries would be efficient, but this has not been realized. The Gender Equality Bureau of the Cabinet created a website to visualize women's participation, but there is no data about salaries by gender.</p> <p>● After the revision of the Basic Law on Disasters in June 2012, the Government sent out notification to prefectural governments urging them to include women in their disaster prevention committees. As a result, there is woman member in every prefectural disaster prevention committee.</p> <p>▲ Average women representation in prefectural disaster prevention committees is 10.7%. In municipal committees, it is below 10%, far from reaching the goal of 30%.</p> <p>▲ The Government is considering a new legal framework for promoting women's participation, but its aim is not the realization of gender equality in human rights. It rather intends to use women more widely for economic interests. In addition, the planned overall revision of the Temporary Labor Law and what is called working time management based on results are likely to increase workers exempted of the application of Labor Standards Law, which will result in expanding prolonged work and women in non-regular jobs.</p>
30	<p>[Stereotypes] The Committee calls upon the State party to further enhance its efforts and to take proactive and sustained measures to eliminate stereotypical attitudes about the roles and responsibilities of women and men, through awareness-raising and educational campaigns. The Committee recommends that the State party encourage the mass media to promote cultural change with regard to the roles and tasks considered suitable for women and men, as required by article 5 of the Convention. The Committee requests the State party to enhance the education and in-service training of the teaching and counselling staff of all educational establishments and at all levels with regard to gender equality issues, and to speedily complete a revision of all educational textbooks and materials to eliminate gender stereotypes. The Committee urges the State party to take measures, including the criminalization of verbal violence, to ensure that Government officials do not make disparaging remarks that demean women and contribute to the patriarchal system</p>	<p>See Article 5.</p>	<p>✖ Education and training for eliminating the perception of stereotyped gender roles in the media are not sufficient. There are many descriptions in line with gender stereotypes in the media, failing to understand the current state of discrimination against women.</p> <p>✖ Education campaign conducted through TV, radio, newspaper and magazines.</p> <p>✖ Women's participation in decision-making in the mass media is still few.</p> <p>✖ It is doubtful that the CEOs and professionals in the media industry are educated to have gender equality perspective.</p> <p>✖ Top executives of public broadcasting corporations repeat discriminatory speeches against women or speeches that violate human rights or deny historical facts, but they do not reflect on their bad conducts or present excuse.</p> <p>✖ Textbooks and teaching materials used by primary and secondary schools are edited on the basis of the Official School Curriculum, but are not revised from gender equality perspective.</p> <p>Ⓝ The Government completely disregards CEDAW Recommendations regarding insults made by governmental employees against women. The Diet does not take up the problem. The Government and the legislature have taken no action to redress discrimination. As a result, abuses are encouraged and public figures continue to make discriminatory speeches against women. Against this background, discriminatory or racist "hate speeches" by civilians are increasing. Legal measure should be taken to control gender-discriminatory speeches by public persons.</p> <p>Ⓝ In June 2014, at Tokyo Metropolitan Assembly, several male members jeered at a female member while</p>

	<p>which discriminates against women. It also urges the State party to strengthen its strategies to combat pornography and sexualization in the media and advertising and to report the results of the implementation in its next periodic report. It calls on the State party to take proactive steps including through encouraging the adoption and implementation of self-regulatory measures to ensure that media production and coverage are non-discriminatory and promote positive images of girls and women, as well as increase awareness of these issues among media proprietors and other relevant actors in the industry.</p>		<p>she was asking questions regarding “measures to assist child rearing”. They said “you should get married first” or “you are not able to bear a child”. The assembly speaker did not stop them. Only one of those male members came forward and acknowledged he made discriminatory jeers, but other did not. The Assembly has failed to investigate the case or punish those who jeered. Similar case occurred in the Diet. The male lawmaker who made discriminatory jeers declared that his conviction was that those who ask for measures for reversing declining birth rate, should first get married and have children. That is how they should assume their social responsibility”. This perception of stereotyped gender role is persistent among local assembly members, including Diet members. This situation is far from gender-equal.</p>
32	<p>[Violence against women] The Committee calls upon the State party to address violence against women as a violation of women’s human rights and to make full use of the Committee’s general recommendation No. 19 in its efforts to address all forms of violence against women. It urges the State party to intensify its awareness-raising efforts with regard to the unacceptability of all such violence, including domestic violence. It recommends that the State party strengthen its work on violence against women and speed up the issuance of protection orders and open a 24-hour free hot-line for counselling women victims of violence against women. It also recommends that the State party ensure that high-quality support services are provided to women, including immigrant women and women of vulnerable groups, in order for them to bring complaints, seek protection and redress, thus ensuring that they do not have to stay in violent or abusive relationships. In this respect, the State party should take the necessary measures to facilitate the reporting of domestic and sexual violence. The Committee recommends that the State party implement comprehensive awareness-raising programmes throughout the country directed at these groups of vulnerable women. It calls upon the State party to ensure that public officials, especially law enforcement personnel, the judiciary, health-care providers and social workers, are fully familiar with relevant legal provisions and are sensitized to all forms of violence against women, and that they are capable of providing adequate support to victims. It urges the State party to collect data and to conduct research on the prevalence, causes and consequences of all forms of violence against women, including domestic violence, and to use such data as the basis for further comprehensive measures and targeted intervention. It invites the State party to include statistical data and the results of measures taken in its next periodic report.</p>	<p>See Article 2.3. (Information on Violence against Women).</p>	<p>▲The average time needed for issuance of protection orders is getting ever longer since the enactment of DV Prevention Law. The law has become ineffective for swift protection of DV victims. ▲The acceptance rate of protection orders evolves around 80%, but that of Tokyo District Court is below 60% which fact is affecting other district courts in the country. Gender bias is notable in the tribunals’ decisions regarding domestic and sexual violence. The creation of an urgent protection order system is necessary. ▲“National Hot-line (Purple Dial) for Domestic and Sexual Violence” experimented in February 2011 was a remarkable project as the first 24 hour free call hot-line in Japan but was not established as an independent hot-line against domestic and sexual violence victims. The hot-line currently operating is run by citizens’ support groups. The Comprehensive Social Support Center funded by the Government operates its own hot-line service for domestic and sexual violence victims with over 1,500 incoming calls a day. The State and the Government should play a leading role in implementing hot-line service. ▲Since the enactment of the DV Prevention Law, there is a rapid increase in the use of counselling services offered by the DV Centers (about 100,000 cases) and the Police (about 40,000 cases) while the use of services provided by DV centers that have urgent shelter accommodation is stagnant and tends to decline. This shows the inadequacy of the existing mechanism for responding to urgent complaints made by women by offering them appropriate support. ▲Although assaults committed by law enforcement personnel, the judiciary, health-care personnel and administrative officers against violence victims pose a serious problem, their education and training are neither adequate nor comprehensive. ▲The revision of the DV Prevention Law in 2013 allows its application to any couple who share the living base. However, the protection concerning a couple of same sex is unclear. The judges have the opinion that the protection order cannot be used by such a couple. The area of application remains too narrow. ▲The Anti-Stalking Act was revised in 2013 but serious cases of stalking murder have occurred after the revision. As the subject of the law is stalking for sentimental motifs, it cannot deal with poriomania and SNS. In addition, warning has little effect. The law is still insufficient for the protection of victims as there are only about 100 restraining orders issued a year. ●The Gender Equality Bureau since the East Japan Great Earthquake till today has been implementing counselling program for women regarding their specific concerns and violence in cooperation with citizens’ organization in the disaster-stricken areas.</p>

34	[Violence against women] The Committee urges the State party to eliminate in its Penal Code the requirement of the victim's complaint in order to prosecute crimes of sexual violence and to define sexual crimes as crimes involving violations of women's rights to bodily security and integrity, to increase the penalty for rape and to include incest as a specific crime.	See Article 2.3. (Information on Violence against Women).	<p>✖ The Government says in the Third Basic Plan that it will consider the question of making sex crimes prosecutable ex officio etc. but it does not explain how it will consider the question in concrete terms. The Expert study committee on violence against women in 2012 prepared a report but the Ministry of Justice has not announced any concrete action towards the "consideration of the question. The future steps for the consideration of penal provisions for sexual crimes referred to in the Third Basic Plan have not been shown at all.</p> <p>✖ In September 2013, the Minister of Justice declared that sexual crimes would be punished more severely and set up a deliberation committee within the Criminal Investigation Bureau. However, any concrete consideration has been made so far and the direction of the legal revision remains unclear. It will take a long time before the law will be eventually revised after the examination by the Legislative Council and adoption by the Diet.</p>
36	[Violence against women] The Committee strongly urges the State party to ban the sale of video games or cartoons involving rape and sexual violence against women which normalize and promote sexual violence against women and girls. The Committee also recommends that, as indicated in the delegation's oral assurance during the constructive dialogue, the State party include this issue in its revision of the Act Banning Child Prostitution and Child Pornography.	See Article 2.3. (Information on Violence against Women).	<p>▲ The revision in 2004 of the Act Banning Child Prostitution and Child Pornography prolonged the maximum penal servitude period but no further revision was made. On June 18, 2014, the Act was revised to penalize simple possession of child pornography. However, the revised Act does not punish the expressions of sexual violence against children such as manga and animation. Further study and research need to be promoted on the connection between the expressions of sexual violence and sexual crimes against children.</p> <p>▲ It is still possible to easily access to child pornography on internet.</p> <p>▲ In Japan, pornographic DVDs called "Chaku-ero" with children and schools girls with extremely small swimming suits posing to accentuate the sex are produce and sold. They are Japanese and foreign girls. The Head of Criminal Investigation Bureau stated in the Commission of Legal Affairs of the House of Councilors that these pornographic DVDs should be subject to the application of the Act Banning Child Prostitution and Child Pornography, but in reality, they are produced and sold with almost no control. They should be punished as soon as possible as child pornography.</p> <p>▲ No control over manga, animation and video games depicting sexual violence or sexual abuse against women and girls such as rape and incest. The Government should restrict these means of expression that make sexual violence against women and girls daily practice.</p> <p>▲ The revision of 2014 extended the maximum penal servitude but in reality, many cases of child prostitution are dismissed with a fine.</p> <p>▲ In the name of freedom of expression, expressions of sexual violence that humiliate the personality of women and children are made public.</p>
38	[Violence against women] The Committee reiterates its recommendation that the State party urgently endeavour to find a lasting solution for the situation of "comfort women" which would include the compensation of victims, the prosecution of perpetrators and the education of the public about these crimes.	See Article 2.4. Basic Position and Efforts of the Government of Japan on the " Comfort Women" Issue.	<p>④ Regarding the issue of Japanese armed forces' "comfort women", the CEDAW has issued its observation three times since 1994, but the State party has always claimed that the issue is not subject to the Convention and refused to implement the Committee's recommendations. Despite the Committee's recommendation calling for the education of the public, descriptions related to "comfort women" have disappeared from history textbooks used in compulsory education schools. Governmental officials and public figures frequently make statements denying the historical facts without being refuted by the Government. As they do not take back or present excuse for their statements denying historical facts, their distorted vision of history is permeating into Japanese society. The civil society has provided over 500 archives related to "comfort women" system found in Japan and abroad during 20 and some years that followed the second governmental investigation, but the Government did not take them in consideration. Fact-finding effort for preventing the recurrence made so far has not been sufficient. This state of affairs represents a second rape for the victims and seriously violates their human rights against the Convention. At the same time, the attitude of the Government has encouraged the backlash forces that try to deny historical facts leading to rampant hate speech, adoption by local assemblies of resolutions and exhibitions claiming that "comfort women" issue is a fabricated story that are spreading nationwide. The Government has also put pressure on school textbooks through official authorization system and as a result, descriptions concerning "comfort women" have removed from middle and high school textbooks (NJWA).</p>

40	<p>[Trafficking and exploitation of prostitution] The Committee requests the State party to take further measures to protect and support victims of trafficking and address the root cause of trafficking by increasing its efforts to improve the economic situation of women, thereby eliminating their vulnerability to exploitation and traffickers, as well as to take measures for the rehabilitation and social integration of women and girls who are victims of exploitation of prostitution and trafficking. The Committee calls on the State party to take appropriate measures to suppress the exploitation of prostitution of women, including by discouraging the demand for prostitution. It also urges the State party to take measures to facilitate the reintegration of prostitutes into society and provide rehabilitation and economic empowerment programmes for women and girls exploited in prostitution. The Committee requests the State party to continue to monitor the issuance of visas for internship and trainee programmes closely. The Committee calls upon the State party to ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.</p>	See Article 6.	<p>▲The measures currently implemented are not directed to the root cause of the problem but merely symptomatic treatment or education and communication. ▲The Government report should describe the effects of the measures, including the effects of international cooperation with sending countries. ✖ It should take up the issue in gender quality education since childhood for eliminating prostitution. ▲The Government should indicate what has been realized and what has not been realized by 2009 Action Plan to Combat Trafficking in Persons, determine the causes of the failure and indicate the way to remove them. ▲ The report mentions about protection and counseling but how these activities are related to social reinsertion is unclear. No program that may lead to economic empowerment. ✖The report refers to “corrective education in penal facilities, juvenile training schools and women’s guidance homes”. This is a way to treat the victims as criminals. ▲The Government should explain why Japan has not ratified the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the U.N. Convention against Transnational Organized Crime” after 10 years since its adoption and indicate how it intends to ratify it. ▲A study should be conducted on both the perpetrators and the victims of child prostitution to grasp the truths about the trigger, motive, period of the crime etc. ▲Counselors and people concerned have testified for the close relationship existing between prostitution and victimization of sexual violence. This shows the need for measures by public authorities to support victims of sexual violence after they get out of child guidance clinics or women’s consultation centers, so as to help them recover and socially rehabilitated. ✖The report should refer to the report submitted by Joy Ngozi Ezeillo, Special Rapporteur on Trafficking in Persons, Especially Women and Children. ✖No consideration has been made about revising the existing law, including the removal of Article 9 of Anti-Prostitution Act leading to penalization of prostituting women and Chapter 3 treating these women not as subject to protection and recovery but as subjects to correction.</p>
42	<p>[Equal participation in political and public life] The Committee urges the State party to strengthen its efforts to increase the representation of women in political and public life, through, inter alia, the implementation of special measures in accordance with article 4, paragraph 1, of the Convention, and with the Committee’s general recommendation No. 25, in order to accelerate the realization of women’s de facto equality with men. It encourages the State party to ensure that the representation of women in political and public bodies reflects the full diversity of the population. The Committee requests the State party to provide data and information on the representation of women, including migrant and minority women, in political and public life, in academia and in the diplomatic service, in its next periodic report. It calls upon the State party to consider using a range of possible measures, such as quotas, benchmarks, targets and incentives, in particular with regard to the accelerated implementation of articles 7, 8, 10, 11, 12 and 14 of the Convention.</p>	See Article 7.	<p>▲ National public service personnel: the ratio of women hired through the examination is increasing but they account for less than 10% in high-level posts. The Government only requests the ministries to try to reach the set goals. ✖Political area: the goals have been set but the Minister in charge has not done more than requesting the Houses and political parties. No action has been made to implement the obligations of State party by institutionalizing the positive action. ⓃNo data or information regarding women’s participation in political and public life, in academia and in the diplomatic service that take into account migrant and minority women. In the seventh and eighth combined Report, the Government does not respond to the recommendations contained in the concluding observations. The areas are limited to political and public life and the data provided are not more than those concerning the current situation. No reference is made to women in international activities, education, employment, health-care, and agriculture. Lack of consistency with the attached document 2. ⓃNo more than consideration regarding concrete measures including quota system, benchmarks, targets and incentives. ●Since immediately after the East Japan Great Earthquake, the Gender Equality Bureau has issued several documents on “the Response to the Earthquake Disaster taking into account the Gender Equality Perspective”. It then verified and publicized the effects of these documents in 2012 and 2013. On that basis, it developed the “Guidelines for Disaster Prevention and Reconstruction Measures with Gender-Equality Perspective” to be implemented in shelters and temporary houses.</p>

44	<p>[Education] The Committee recommends that the State party give serious consideration to reintegrating the promotion of gender equality in the Basic Act on Education so that the State party's commitment under the Convention to protect women's full rights in the field of education is integrated into domestic law. The Committee also urges the State party to ensure that education policy includes measures to encourage girls and women to pursue education and training in non-traditional fields and so broaden their opportunities for employment and careers in better paying sectors of the economy. The Committee recommends that in the Third Basic Plan for Gender Equality the quota set for the ratio of female faculty in university and colleges be increased from 20 per cent to ultimately facilitate movement towards parity in the sex ratio in these institutions.</p>	See Article 10.	<p>✘ The Basic Act on Education lays down "equality between men and women" but the School Education Act does not.</p> <p>▲ The Third Basic Plan stipulates the improvement of education and learning that promotes gender equality and equal participation. However,</p> <ul style="list-style-type: none"> — the importance accorded to education and learning by the Guidelines for School Teaching for the promotion of gender equality is quite inadequate; — neither research nor changes have been made about the contents of education so that they contribute to the promotion of gender equality; — neither research no revision has been made about textbooks and teaching materials. Still no mention of the "comfort women" issue in the textbooks used in middle schools; — the progress made in the implementation of gender equality-promoting education as stipulated in the Third Basic Plan has not been verified; — efforts done in schools, homes, local communities, workplaces etc. for the elimination of perceptions of stereotyped gender roles as well as for the education that raises awareness about gender equality have been insufficient; — due to strong bashing against "excessive sex education", schools managers are intimidated and cannot provide adequate sex education; — education opportunities for spreading full knowledge of the Convention and gender equality awareness among political, administrative and judiciary circles are insufficient; — it is not good to impose a limit to the revenue of families for the entitlement to free high school education and exclude Korean school students from that entitlement; — "Education Renaissance" initiated by Abe Government is based on competition (as seen in the national standardized test), evaluation by results, control and nationalism. It intensifies competition and inequalities among children, teachers and schools; <p>▲ Women researchers hired in science and technological as well as academic areas is increasing, but their increase is very small. Also, at secondary education level, girls choosing scientific and technical courses are increasing but very slightly.</p> <p>✘ At higher education level, women are concentrated in lower teaching posts such as assistant to a professor. Most of low income temporary teachers are women.</p>
----	---	-----------------	--

46	<p>[Employment] The Committee urges the State party to prioritize the realization of women's de facto equality with men in the labour market, so as to achieve full compliance with article 11 of the Convention. It recommends that the State party take concrete measures, including temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25, to eliminate both vertical and horizontal occupational segregation and close the gender-based wage gap between women and men, as well as measures to prevent the practice of illegal dismissal of women in cases of pregnancy and childbirth. It encourages the State party to establish sanctions for discrimination against women in the employment field in both the public and private sectors, including sexual harassment, so as to create effective enforcement and monitoring mechanisms and to ensure that women have access to means of redress, including legal aid and timely disposal of their cases.</p>	See Articles 4 and 11.	<p>✖ The Government fails to respond to the Committee's concern about "dual career ladder system" and "equal remuneration for equal work or work of equal value". The dual career ladder system is maintained and discrimination against women continues. No progress in the consideration of a job evaluation system based on gender-neutral international standards.</p> <p>▲ As a result of the deliberations on the revision of the Equal Opportunities Act until autumn 2013, the Act was not revised but several measures have been implemented since July 2014, including partial amendment of ministerial orders containing indirect discrimination, institutionalization of guidelines on dual career ladder system, amendment of sexual harassment guidelines generalizing the prevention and after-event measures. These changes had taken into account the Committee's recommendations, but they are not fundamental ones, far from establishing sanctions against discrimination done to women.</p> <p>▲ In 2013, the Committee on Economic, Social and Cultural Rights recommended the institution of an act banning sexual harassment with sanctions considering it as a crime. Reminded of this at a meeting with the WVN, the Ministry of Health and labor replied: "the anti-sexual harassment guidelines included in the Equal Opportunities Act are administrative guidance. They are meant to request the employers to prevent sexual harassment. The Act cannot force enterprises to ban or sanction sexual harassment. A separate act banning sexual harassment would be necessary for this". There is a need for a drastic revision of the Equal Opportunities Act regarding sanctions against sexual harassment.</p> <p>▲ The 2014 Diet ordinary session partially amended the "Part Time Labor Act". And the amended Act took effect in April 2015. However, the discriminatory provisions corrected by the amendment concerns only 250,000 workers (including 100,000 directly concerned by the amendment) while there are 9.69 million people working on part time basis. The working conditions of part time workers have been partially improved through ministerial orders and guidance.</p> <p>▲ In autumn 2014, the Government introduced to the Diet a "bill for the promotion of women's active participation". The same bill will be re-introduced to the 2015 Ordinary Diet Session. It is a legislation whose duration is limited to 10 years and does not contain any measure for ensuring precarious workers (60% of them are women) to fully participate.</p> <p>▲ There is still a big pay discrepancy between men and women. In July 2013, Hiroshima High Court in a trial concerning gender discrimination within Chugoku Electric Power Company, while being aware of gender gap in pay and qualifications, did not acknowledge the presence of gender discrimination within the company on the ground that there was no gender-based pay scales, no clear gender-based distinction of lower and higher posts and the fact that women tend to avoid accepting managerial posts. The appeal was rejected in the Supreme Court in March 2015. Hence, there is no more chance for correction of discrimination. In July 2014, Tokyo District Court acknowledged the gender gap based on job evaluation in the case of Fujistar. However, while admitting there was gender discrimination in allowances, it did not penalize the big gender difference in basic salary and bonuses as discriminatory saying that it belonged to company's discretion.</p> <p>✖ In 2012, under the previous Government, a revision was made for enhancing the protection of temporary workers, but in autumn 2013, a amendment bill was drafted, removing de fact the prevention of use of temporary workforce to replace regular staff and creating the fear the legalization of lifetime precarious status for some temporary workers. In September 2014, the bill was introduced to the Extraordinary Diet Session. If the bill passes, it would further increase women workers in non-regular work, while women constitute the great majority of workers registered at temporary staff agencies and account for 57% of precarious workers.</p>
----	--	------------------------	--

48	<p>[Reconciliation of family and work life] The Committee encourages the State party to step up its efforts to assist women and men to strike a balance between family and employment responsibilities, inter alia through further awareness-raising and education initiatives for both women and men on the adequate sharing of care of children and domestic tasks, as well as by ensuring that part-time employment is not taken up almost exclusively by women. The Committee urges the State party to strengthen its efforts to improve the provision and affordability of childcare facilities for children of different age groups and encourage more men to avail themselves of parental leave.</p>	See Article 11.	<p>▲ Only 38% of women return to their former workplaces after the birth of a first child (in 2011): 60% retire. The cases of women not finding a childcare facility for returning to work after childcare leave are increasing and women have begun to campaign to demand more facilities. The so-called “maternity harassment” including dismissals for pregnancy or childbirth is getting serious. On September 2014, victims of maternity harassment presented the Ministry of health and Labor a petition requesting to end illegal dismissals and termination of employment contracts. It is necessary to create an environment where women can continue to work.</p> <p>▲ Prime Minister Abe asked economic circles to accord 3 years of childcare leave to women workers but he was criticized for trying to force women to accept all child rearing efforts, because they will have no legal and financial guarantees for taking the 3 years leave. What is actually needed is more childcare facilities and the guarantee of maternity and childcare leaves for precarious women workers.</p> <p>▲ In 2012, only 1.89% of men took childcare leave which is far from 13% goal set for 2020. No research has been made to determine why they cannot take childcare leave.</p> <p>▲ In order to balance family and work responsibilities, it is urgent to review the long working time practices. However, the Government is trying to create workers to whom the legal labor standard of 40-hour workweek is not applied, their work being evaluated by results not by time spent on work. It is necessary therefore to conduct a detailed gender-analysis of the findings of Ministry of Public Management’s “Basic Survey on Social Life” and “Estimation of Unpaid Work” of the Cabinet based on it and to widely use the results of this analysis as basic data for developing policies concerning employment, support for child rearing and nursing care, for balancing family and work.</p> <p>▲ The Third Basic Plan says that efforts shall be made to grasp the realities of housework, child rearing, nursing care, volunteer activities and other non-remunerated activities and conduct researches and studies for economic and social evaluation of child rearing and nursing care work borne by families. The collected data and these researches and studies are not sufficiently used for developing effective policies.</p> <p>▲ Due to a poor reform of nursing care system, public care provision has been reduced and transferred onto families, especially on women. During the five years until 2012, 481,000 people quit their jobs for nursing care of their family members. Their number continues to increase. Women represent a majority of nursing care workers but because of low pay and heavy workloads, about 70% of them leave their jobs within 3 years of service.</p>
----	---	-----------------	--

50	<p>[Health] The Committee recommends that the State party promote sexual health education targeted at adolescent girls and boys, and ensure access to sexual health information and all services, including those directed at interruption of pregnancies, for all women and girls. The Committee also requests the State party to provide, in its next report, sex-disaggregated data on health and the provision of health care and more information and data on the prevalence of, and measures taken against, sexually transmitted diseases, including HIV/AIDS, among women. The Committee recommends that the State party amend, when possible, its legislation criminalizing abortion in order to remove punitive provisions imposed on women who undergo abortion, in line with the Committee's general recommendation No. 24 on women and health and the Beijing Declaration and Platform for Action. The Committee requests the State party to include in its next report information on the mental and psychological health of women.</p>	<p>See Article 12.2. (Health Support for Pregnancy and Childbirth), Article 12.3. (Measures against Problems that Threaten Women's Health), and Article 12.4. (Psychological and Mental Health of Women).</p>	<ul style="list-style-type: none"> ✘ The Ministry of Justice has made it clear that it would not repeal the legal provisions that defines abortion as a crime. It explained that the abortion is not punished if it meets the requirements defined by the Maternal Protection Act. However, the Act in question requires the consent of the spouse for abortion. In the event that, due to DV, the consent cannot be obtained, the woman concerned will be forced to unwanted pregnancy and childbirth by the State, through the deterrent effect of punishment of the crime. ✘ The Government mentions measures taken for the protection of mother and child, but most of them are directed to married women and aimed at increasing childbirths. As for contraception and abortion, the service provision is poor and sexual reproductive rights are not taken into account in the policies. ✘ The bills for comprehensive support for women's health introduced to the Diet by parliamentarians do not suppose reproductive health /rights. ✘ Sex education is receding after the revision of the Official Guidelines for School Teaching. Almost no information about sexual reproductive health/rights. ✘ The decreasing rate of STDs is diminishing or turning to increase. No adequate measure for ensuring diffusion of correct knowledge and making health care system more accessible to young people. ✘ Various studies have confirmed the connection between domestic violence and women's physical and mental health. It is also closely linked with employment. This should be clearly set out in the policy and measures should be implemented to cope with these problems. ✘ In relation with the nuclear power plant accident occurred in 2011, the effect of radiation on women's reproductive function should be exposed by continuous epidemiological studies. If such studies are already in process, it should be mentioned so, if not, such studies must be made. ▲ Since the East Japan Great Earthquake till today, the Gender Equality Bureau has been implementing the project for counseling women about their concerns and violence in disaster-stricken areas jointly with citizens' organizations. The Government should mention that, as far as disaster and women's mental and psychological health are concerned, there is a relative strong connection between the psychological disorders such as anxiety, depression and PTSD often reported by women calling for counseling and damages caused by the earthquake, tsunami and radiation. ✘ There are many cases of healthcare institutions refusing women with disabilities the consultations for giving birth on the ground of their disabilities. ✘ Persons with disabilities cannot receive adequate sex education. In the past, there was a case of local assembly members unfairly intervened to stop sex education provided to children with mental disabilities. ✘ The Government should investigate whether women with disabilities can access to information and services regarding sexual health and take measures to ensure their access.
----	--	---	---

52	<p>[Minority women] The Committee urges the State party to take effective measures, including the establishment of a policy framework and the adoption of temporary special measures, to eliminate discrimination against minority women. To this end, the Committee urges the State Party to appoint minority women representatives to decision-making bodies. The Committee reiterates its previous request (A/58/38, para. 366) that the State party include information on the situation of minority women in Japan, especially with regard to education, employment, health, social welfare and exposure to violence, in its next periodic report. In this context, the Committee calls upon the State party to conduct a comprehensive study on the situation of minority women, including indigenous Ainu, Buraku and Zainichi Korean and Okinawa women.</p>	<p>See Article 2.5. (Minority Women).</p>	<p>✘ The 8th area of the Third Basic Plan deals with persons with disabilities or with foreign nationality, but there is no concrete description of policies, measures and numerical targets concerning Ainu, Buraku, Zainichi Korean and Okinawa women.</p> <p>✘ The Plan says that “necessary measures shall be implemented” but no effort or no study has been made to determine what are “necessary measures”. As a result, no measure has been implemented. At first, minority women should be heard. As the Committee recommended, a comprehensive study on the situation minority women should be conducted, including indigenous, Ainu, Buraku, Zainichi Korean and Okinawa women.</p> <p>✘ It is necessary to include representatives of minority women in various study committees set up under the Gender Equality Conference. It is indispensable as a first step that relevant meetings create opportunities for hearing minority women tell their actual situation and exchanging views about it.</p> <p>✘ It is necessary to render visible the hidden existence of minority women and their problems in the report to the Committee, white papers and booklets issued by administrative bodies for gender equality.</p> <p>✘ Although the Basic Act on persons with disabilities, amended in 2011, stipulates that “measures for supporting the self-reliance and social participation of disabled persons should be developed and implemented according to their gender” and the Third Basic Plan for persons with disabilities mentions the problems specific to women with disabilities, their appointment to decision-making bodies is not progressing. Of 28 members of the Cabinet’s second committee on policy for persons with disabilities, only 2 are disabled women.</p> <p>✘ The Third Basic Plan for persons with disabilities stipulates that “from the perspective of adequate Plan, Do, Check and Act (PDCA) of measures for persons with disabilities, efforts shall be made to improve information and data taking into consideration the sex, age and disability type of persons with disabilities. Nevertheless, the State has not yet collected all data necessary to grasp the actual situation of women with disabilities. According to the compound survey on discrimination conducted by DPI Network of Women with Disabilities, of 87 women surveyed, 35% have suffered sexual damage. Some reported unpleasant assistance by men, proposal of hysterectomy for avoiding help for menstruations, forced sterilization operation in childhood etc. The Government should investigate these cases and ensure prevention and reparation.</p> <p>▲ The 8th Area “Development of the Environment Allowing the Elderly, persons with disabilities, Foreigners etc. to Live in Security” provides for sexual minorities including lesbian and bisexual women as well as transgender persons, but does not mention anything about “responses of each Ministry/ Agency”, leaving these minorities in ignored situation.</p> <p>▲ The “Yorisoi Hotline” project partially financed by the Ministry of Health and Labor and by Reconstruction Agency established a specific telephone line for sexual minorities. The guidelines for the revision of the Gender Equality Act define sexual harassment by someone of same sex. There are progresses compared with the previous Committee observations. But concrete actions and measures required by the Committee such as a survey to grasp the actual situation, provision of housing to couples of same sex, accommodation of transgender domestic violence victims in shelters have not been implemented yet.</p>
----	---	---	---

54	<p>[Vulnerable groups of women] The Committee requests the State party to provide, in its next report, a comprehensive picture of the de facto situation of vulnerable groups of women in all areas covered by the Convention, and information on specific programmes and achievements. The Committee calls upon the State party to adopt gender-specific policies and programmes that would cater to the specific needs of vulnerable groups of women.</p>	<p>See Article 2.5. (Minority Women), Article 3.2. (Measures for Women with Disabilities), Article 3.3. (Measures for Elderly Women), and Article 3.4. (Measures for Foreign Women).</p>	<p>✘ Reference is made separately to women with disabilities, trafficking of persons, victims of domestic violence and single mother families, but almost no mention of women's poverty.</p> <p>✘ The Government reports that the Third Basic Plan provides for "support to men and women having difficulties in making a living, such as poverty" and promoting measures. This corresponds to the provision of information requested by the Committee regarding a comprehensive picture of the de facto situation of vulnerable groups of women. However, no survey has been made about poverty of elderly women or gender ratio of people living on welfare. In addition, no measure that leads to the elimination of root-causes.</p> <p>✘ From 2016, following the revision in 2012 of the law, the social insurance will be extended to cover precarious workers, as a measure to solve the problem of poverty of women whose 70% work in precarious status. The additional workers who will be entitled to social insurance account for only 10% of them.</p> <p>✘ No reference is made concerning the definition of work of women, their income, the pension system that helps to maintain gender gap such as the third category insured related to poverty etc.</p> <p>✘ The poverty rates by gender and by age show the growing gender gap over 65 years. Poverty of elderly women is due to low amount of pension they receive. Women who have no pension are said to be in great number, but no data is made available. The Government should first present the actual situation and refer to the consideration of fundamental solution.</p> <p>✘ A survey should be conducted about the consequences for women of the revision of the Livelihood Protection Act that includes reduction of allowance and introduction of more strict requirements.</p> <p>▲ 60 to 90% of single-mother families have not used any public schemes for livelihood protection. Nearly 50% of them did not even know the existence of such schemes (2013 Survey on Single-Mother Families). Measures should be taken to investigate the cause of this failure, inform these families about the support schemes in place and encourage to use them.</p> <p>✘ In March 2013, the "Act on Special Measures for the Employment of Parents in Single-Parent Families" took effect. It is necessary to make an assessment of the increase of employment opportunities attributable to this Act and whether it has resulted in increase of income.</p> <p>▲ The stance of taking into consideration the difficulties encountered by women with disabilities has been confirmed in the Third Basic Plan for Persons with Disabilities, the statement made at the Diet deliberation on the Act for Eliminating Discrimination against Persons with Disabilities, the supplementary resolution adopted with that Act, and the Diet deliberation of the ratification of the Convention on the Rights of Persons with Disabilities. In the Third Basic Plan for the Persons with Disabilities in particular, the following sentence was incorporated as basic policy: "we will be mindful of the fact that women with disabilities may be placed in situations with compound difficulties because of being disabled and being women at the same time". From PDCA perspective, information and data on persons with disabilities shall be increased and extended taking into account their sex, age and type of disability. The seventh and eighth combined report of the Government, quoting above-mentioned Act and Basic Plan, also referred to the compound difficulties of women with disabilities. The problem is to implement the Plan without delay while taking into account the challenges to be addressed in the basic policy of the Act for Eliminating Discrimination against Persons with Disabilities. It is also necessary to set as standard gender-based statistics concerning the problems of persons with disabilities and develop concrete policies accordingly.</p>
55	<p>[Beijing Declaration and Platform for Action] The Committee urges the State party to continue to utilize, in implementing its obligations under the Convention, the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.</p>	<p>The Government has taken measures under respective policies.</p>	<p>✘ No information as to how the Beijing Declaration and Action Program have been used or not used in implementation of the Convention. For the items that have not been implemented, the factors that prevented the implementation should be stated clearly in the report.</p>

56	<p>[Millennium Development Goals] The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Goals, and requests the State party to include information thereon in its next periodic report.</p>	<p>See Article 8.1. (Participation of Women in the Policy Decision Making in International Field).</p>	<p>▲Gender perspective remains “collateral” to the 2005 “Gender and Development Initiative” and 2010 “New Policies” in healthcare and education areas. Concrete contents of these policies, targets, responsibilities are still unclear.</p> <p>▲In the area of health, policy focus is much more on maternal and infant mortalities, and insufficient on reproductive health. In addition, development policies do not take sufficiently into account the human rights, including women’s human rights.</p> <p>▲The connection with the CEDAW, Beijing Declaration and Action Program is almost completely ignored.</p> <p>●The Government proposed at the 56th CSW the resolution entitled “Gender Equality and Women’s empowerment in Natural Disaster”. Domestically, it is necessary to implement concrete measures including enhanced training of women leaders and gender seminars for personnel involved in disaster prevention so as to promote the participation of women in decision making.</p>
57	<p>[Ratification of other treaties] The Committee notes that States’ adherence to the nine major international human rights instruments¹ would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the Government of Japan to consider ratifying the instruments to which it is not yet a party, namely, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities.</p>	<p>See Article 3.2. (Measures for Women with Disabilities) and Article 3.4. (Measures for Foreign Women).</p>	<p>▲The Convention on the Rights of Persons with Disabilities has been ratified.</p> <p>▲No deliberation so far about the ratification of the Convention on the Rights of Migrant Workers.</p>
58	<p>[Dissemination] The Committee requests the wide dissemination in Japan of the present concluding observations in order to make the people, including Government officials, politicians, parliamentarians and women’s and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee requests the State party to strengthen the dissemination, in particular to women’s and human rights organizations, of the Convention, its Optional Protocol, the Committee’s general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twentythird special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”.</p>	<p>See Article 2.6. (Measures to Disseminate the Convention on the Elimination of All Forms of Discrimination against Women, Periodic Reports on Implementation of the Convention, and Concluding Comments of the Committee) and Article 8.2. (Implementation of the UN Conference Documents).</p>	<p>▲The Committee’s Concluding Observations are made available on the Cabinet’s internet site, but it is doubtful that government personnel, politicians and parliamentarians who are involved in the implementation of these observations are actually aware of them.</p> <p>▲The Convention, the Committee’s general recommendations, Beijing Declaration and Action Program as well as the document resulting from 2000 Women’s Conference have been translated into Japanese and can be found in the Cabinet internet site, but the Japanese translation of the Optional Protocol of the Convention is not. Further efforts are needed to raise general awareness about these documents.</p>