



JAPAN

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ECONOMIC, SOCIAL AND CULTURAL RIGHTS,
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GENDER REPORT

ICESCR GENDER REPORT PROJECT / JAPAN

ORGANISATIONS CONTRIBUTING TO THE REPORT

Action to Eliminate Gender Discriminatory Remarks by Public Officials

Asia-Japan Women's Resource Center (AJWRC)

Association for the Support of Children out of Wedlock

The Association of Korean Human Rights in Japan

Buraku Liberation League

DPI Women with Disabilities Network

Equality Action 21

IMADR-JC

Japan Network against Wartime Sexual Violence

Kyosei-Net for LGBT

m-Net—Information Network for Amending the Civil Code

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This report is intended as a shadow report to Japan’s official reply to the list of issues. Further information on gender issues in Japan is available in our previous Gender Report at <http://www2.ohchr.org/english/bodies/cescr/cescrwg49.htm> . The report is compiled by gender experts working from various NGOs across Japan.

Gender Discrimination

2. Please indicate whether the State party's legislation prohibits discrimination in the enjoyment of economic, social and cultural rights on the grounds specified in article 2, paragraph 2, of the Covenant. Please indicate whether the State party's legislation includes provisions concerning indirect discrimination. Please also indicate the steps taken to amend the legal provisions which are discriminatory on the ground of sex, and the legislative steps to eliminate discrimination based on sexual orientation and gender identity.

I. Definition of Discrimination

The Convention on the Elimination of All Forms of Discrimination against Women clearly defines the discrimination against women in Article 1, whereas there is no such definition in domestic legislation in Japan, thereby many cases of discrimination against women remain unaddressed. In addition, sexist remarks have been repeatedly made by those who are in official positions (politicians).

In the Concluding Observation adopted after the consideration of the sixth periodic report of Japan issued in 2009, the United Nations Committee on the Elimination of Discrimination against Women showed concern in this regard, and also 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 Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (hereafter Equal Opportunity Law). The Committee called 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 has not responded to this request.

II. Indirect Discrimination and Dual Track Employment System

1. Necessity to Revise or Eliminate the Ministerial Ordinance for the Equal Opportunity Law which Preserves Indirect Discrimination

The Equal Opportunity Law revised in 2007 prohibited indirect discrimination with regard to the following three conditions as listed in the ministerial ordinance where there is no legitimate reason; 1) applying a criterion concerning body height, weight or physical capacity when recruiting or hiring workers 2) in the case of the employer adopting a dual career ladder system, requiring workers to be able to accept future transfers with a change of residence when recruiting or hiring workers or 3) requiring workers to have experiences of job relocation when deciding their promotion.

Thus, the indirect discriminations prohibited in the Equal Opportunity Law are limited only to those listed in the ministerial ordinance. As a result, it cannot deal with the complicated and tricky cases effectively. The Government should regard cases of indirect discrimination as a list of examples

2. Problems with Dual Track Employment System

Dual-track employment system, in particular, has caused de facto discrimination against women in employment.

The course-based management system has started being installed mainly in major companies including financial institutions around the time of the establishment and enforcement of Equal Opportunity Law. Gender-segregated management system prevalent before the enforcement of Equal Opportunity Law was changed, and the system comprising career-track course and non-career track course which were managed separately was introduced. At the time of the enforcement of Equal Opportunity Law, Ministry of Labour (then) issued a guideline which stipulated that decisions with regard to direct discrimination shall be made in accordance with employment management category. Thus, gender-segregated management system prevalent before the enforcement of the Equal Opportunity Law merely changed its form to course-based management system comprising career-track position and non-career track position, resulting in gender-based management system and indirect discrimination against women being preserved.

Furthermore, the Ministry of Health, Labour and Welfare has provided the “Guidelines on ways for employers to take appropriate measures with regard to matters provided for under the provisions concerning the prohibition, etc. of discrimination against workers on the basis of sex” (Ministerial Notification No. 614 of MHLW) based on Article 10, para. 1 of the Equal Opportunity Law. In the guideline, it is stipulated that the decisions with regard to direct discrimination shall be made in accordance with “employment management category”.

The Committee on the Elimination of Discrimination against Women expressed its concern that the “employment management category” in this Guideline may provide leeway for employers to introduce a track-based system which discriminates against women.

The State Party should incorporate provisions for a definition of indirect discrimination in the Equal Opportunity Law, and prohibit indirect discrimination, as well as removing the provisions which stipulate that decisions with regard to direct discrimination shall be made in accordance with employment management category. The Government should revise the ministerial ordinance which limit indirect discrimination prohibited under Equal Opportunity Law to three conditions, and make these cases of indirect discrimination into a list of examples. It is required to eliminate the provision which stipulates that decisions with regard to direct discrimination shall be made in accordance with employment management

category, based on the ruling for Kanematsu case at Tokyo High Court which found that a sex based wage system was illegal.

III. Abolition of Discriminatory Legislation within the Civil Code on Marriage (including Discrimination against Illegitimate Children), the Penal Code, and the Anti-Prostitution Act

1. Discriminatory Civil Code on Marriage (including Discrimination against Illegitimate Children)

Since an outline of revision for the Civil Code was submitted in February 1996, there has been very little progress with regard to legal reform of discriminatory family law by the Government. The Government uses public opinion surveys to explain the lack of progress, however, it concerns legal reform relating to human rights, and its progress should not be deterred due to public opinion. On February 14, 2011, a lawsuit for State compensation was filed for illegality of inaction of the State to delay the legal reform to revise the provision on the single surname for married couple, and this case is still pending. In this lawsuit, the Government repeated its arguments such as, “the Convention is non-self-executing,” and “the Convention only obliges the State Parties to establish or maintain domestic systems with a certain level or contents concerning designated matters but does not confer any rights on individuals.” Furthermore, the Government came up with an argument that, “Article 750 of the Civil Code cannot be interpreted as violating the Convention.” Conservative policies have been promoted since Abe Cabinet was formed in December, 2012, and it is of particular concern that the legal reform of discriminatory family law might be deterred.

Moreover, recommendations from international treaty bodies have been ignored in Government’s reports. The Committee of Elimination of Discrimination against Women recommended on November 4, 2011 that the State Party provide, within one year, additional information on: actions taken with respect to preparation and adoption of legal provisions for (i) allowing for the choice of surnames for married couples; (ii) equalizing shares in succession between children born within marriage and children born outside marriage; and (iii) abolishing the six-month waiting period required for women but not men before remarriage. In the additional information regarding the response by the Government of Japan on the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW/CO/6) issued on November 5, 2012, the Government stated that the Cabinet has not submitted the draft law that amend part of the Civil Code as recommended by the Committee, since “there are various opinions concerning these issues in the Government and among the public and it is still necessary to continue to deepen public discussion of these issues”.

2. Discriminatory provision in the Penal Code and Anti-Prostitution Act

In addition to the discriminatory provisions in Penal Code and Family Registration Act mentioned above, there exist other discriminatory legislations which include: (i) Penal Code 212, which penalizes women who have an abortion, and Penal Codes 213 and 214, which penalize those who are involved with abortion, and (ii) Article 5 of the Anti-Prostitution Act, which penalizes women who solicit prostitution (purchase and sales of sex).

Article 2 (g) of the Convention on the Elimination of All Forms of Discrimination against Women calls for the State Party “to repeal all national penal provisions which constitute discrimination against women”.

However, in Japan, there is a provision in the Penal Code to penalize abortion. Article 212 of the Penal Code stipulates that “when a pregnant woman carries out abortion on herself by the use of drugs or any other means, imprisonment with labour for not more than 1 year shall be imposed”. In the Concluding Observations of the sixth periodic report of Japan, the Committee on the Elimination of Discrimination against Women recommended 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”. In the Interim report prepared by the Special Rapporteur of the Human Rights Council, Anand Grover, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, it is stated that “barriers arising from criminal laws and other laws and policies which penalize abortion must therefore be “immediately” removed in order to ensure full enjoyment of the right to health.”

“The act of soliciting for purposes of prostitution is prohibited in a way that is exposed to the public” on pain of penalty in the Anti-Prostitution Act, but there is no punishment for persons who purchase sexual services. In the Concluding Observations of the sixth periodic report of Japan, the Committee on the Elimination of Discrimination against Women expressed concern “that prostitutes are subject to prosecution under the Anti-Prostitution Act, while their clients do not face punishment”. The Committee called 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 urged the State Party “to take measures to facilitate the reintegration of prostitutes into society and provide rehabilitation and economic empowerment programs for women and girls exploited by prostitution”.

Nevertheless, the Government has not taken effective measures to redress the situation. Thus, the Japanese Government has maintained a negative attitude toward changing the legislation on abortion and prostitution.

Article 3 - Equal rights of men and women

Employment

5. In view of the slow progress achieved in addressing women's disadvantages in the labour market, as illustrated by the figures provided in paragraph 181 of the State report, please indicate to what extent the measures taken, such as the "Program for accelerating Women's Social Participation" and the Second Basic Plan for Gender Equality will accelerate women's advancement in employment in public and private sectors, reduce their proportion in part-time employment, and close the gender wage gap. Please also provide information on discrimination cases filed under the Law on Securing of Equal Opportunity and Treatment between Men and Women in Employment.

I. The number of contingent workers is increasing

The percentage of contingent workers is 54.7% of total women workers, and 19.9% of men workers according to the "Labor Force Survey 2011" of the Ministry of Internal Affairs and Communications (excluding Iwate, Miyagi, and Fukushima prefectures). The percentage of female contingent workers has increased, with 42.1% who are part timers, and 12.6% dispatch workers and others. 70% of contingent workers are women, so the issue of contingent work is also a women's issue. Only in the age-group from 25 to 34 years old is the percentage of female contingent workers less than 50%, at 41%. In all other age-groups, more than 50% of female workers are contingent workers.

II. The gender wage gap and poverty

1. Full time female employees' wages were 70.6% that of full time male employees' in 2011 (69.3% in 2010). Among permanent female employees, wages rose to 73.3% that of men (72.1% in 2010), but the drop in wages for men was one of the factors for this.
2. Regarding the gap in predetermined hourly wages, women earn 70.6% of a full time male employee's hourly wages ; a male part timer's hourly wages are 55.5% that of a full time male employee; and a female part timer's hourly wages are 50.3% that of a full time male employee.
3. 42.7% of women and 9.8% of men earn less than 2 million yen annually, and 66.2% of women and 23.4% of men earn less than 3 million yen annually. (from National Tax Agency "Private Enterprise Salary Results Statistics Investigation" 2010).
4. This situation was caused by the fact that the deterioration of employment

opportunities and wages negatively impacted women more seriously than men. Regarding revisions of the Part-time Employment Law, a proposal that ensures consistency with The Labor Contract Law was submitted last June by the Labor Policy Council, but a bill for these revisions has not yet been presented. The Part-time Employment Law, Article 8, imposes three requirements on part-time workers in order to be applicable for the prohibition of discriminatory treatment. Among those three, transfer of work positions and indefinite period of contract should be deleted. Equal treatment should be applied when the contents of work are equal or the same level as those of regular workers. Equal treatment should be applied when the contents of work are equal to or the same level as those of regular workers.

III. The Equal Employment Opportunity Law must be revised

Discussion to review the Equal Employment Opportunity Law is currently being held at the Equal Employment Opportunity Committee of the Labor Policy Council of the Ministry of Health, Labor and Welfare. However, the management side has taken a stance that no revision is necessary. .

Regarding the Equal Employment Opportunity Law, the ILO demanded a review of the enforcement regulations regarding indirect discrimination, and CEDAW expressed concern about clarification of the definitions of discrimination and "the employment management category" in the administrative guidelines. In order to correct the gender gap in Japan, it is necessary to have sufficient deliberation regarding the revision of the law and to actively revise the law.

IV. Gender-specific statistics are necessary

The former government set a goal that 40% of businesses would take positive action by 2014, and considered requiring that businesses must include in their asset securities report information about females on the Board of Directors and information regarding all women employees, so that the status of women in that company could be “visualized”. However, these proposals were rejected due to the objections of management.

If there were a return to the asset securities report of companies as formatted until 1999, which included information regarding employees by gender (the number of people, the average age, length of service, average wages), and information about the number of management classes by gender (department and section managers) were also required, this would provide gender statistics to draw on. There are currently 3,742 listed companies that are obliged to submit asset securities reports.

V. Gender-based Wage Discrimination Court Cases

Currently, the cases below are pending.

1. Chugoku Electric Power Company Wage Discrimination Case, appeal court : Hiroshima High Court, one plaintiff

This case is about a disparity in wages and classification between male and female staff as a result of an ability ranking system. The female plaintiff is asking for recognition of the classification she was due had she been male, and for payment of the wage difference. The district court ruling held that the wage disparity was unavoidable due to the differences in the length of service and attitudes toward work of female and male workers, and that there were rational grounds for the disparity in classification. Such judgment itself is gender discrimination, so the plaintiff has appealed the ruling. Although the wage disparity is obvious in this case, the focus of the High Court's ruling is whether it will acknowledge the presence of gender discrimination in the disparity of classification and the resulting wage difference, and how it will decide on the correction of disparity in classification and wages.

2. Fuji Star Wage Discrimination Case: Tokyo District Court, one plaintiff

This is a case in which a female designer is suing for wage discrimination based on Article 4 of the Labor Standards Law. She was employed by an apparel company, Fuji Star, in 1986 and contends that there is a wage disparity of 110,000 to 120,000 yen in monthly wages and more than 2 million yen in annual bonuses with a male sales person with the same length of service. A designer job is a female job there, but there are some male designers. The male designers are getting higher wages than their female counterparts and are paid the same as male sales people, with a few exceptions. The company explains that the wage disparity between the female designers and male sales personnel is due to career tracks and that the job of a designer is to supplement the job of a sales person.

But the plaintiff in the case has submitted a written expert's opinion stating that the job of a designer has a higher rating than that of a sales person, according to a gender-neutral job evaluation. The focus of public attention is whether the court acknowledges gender wage discrimination and orders a correction of wage differences.

3. Towa Kogyo Co. Wage Discrimination Case: Kanazawa District Court, one plaintiff

Towa Kogyo Co. is a company dealing with designing, construction and distribution of aggregate plants. After being transferred to the planning section, a female employee acquired the qualification of second class architect and was doing the same job as her male counterparts. But she was paid less than male co-workers, so she challenged her low wages and asked repeatedly for correction. Then the company introduced a career track system in 2002. As a result, she was relegated to general worker status with low

wages, even though she had 12 years' experience as an architect and lost her architect's allowance. In 2011, she filed suit asking for payment of wage differences with male employees in the main career track and payment of damages. The case highlights the fundamental question of the effectiveness of the equal employment legal system. By taking advantage of the fact that the Equal Employment Opportunity Law only addresses and corrects disparate treatment between men and women in the same employment management category, the company introduced a career track system to make the correction of gender wage discrimination impossible and thus was able to lower wages.

Gender Stereotypes

6. Please inform the Committee on the measures taken to tackle the negative gender stereotypes and the persistence of attitudes regarding the role of women in the family and society.

I. Measures and Policies taken by Government

The Japanese Government replied that the measures include holding symposiums, making case study books, having training sessions, providing information, and enlightenment activities. However, the number of people influenced by these measures is very limited, and they lack effectiveness to change myths. In other words, it seems that the government ignores basic countermeasures to review laws and social systems that are not gender neutral and maintain stereotypes; instead, they try to wiggle out of their responsibility with cheap tricks for an alibi. By continuing with its current measures, the government will not achieve any changes in conventional wisdom, nor will it illuminate the effectiveness of trying to find aggressive means of change or the obstacles to achieving results.

As for revising the Civil Code as recommended by the Legislative Council of the Ministry of Justice in 1996, those revisions have been proposed as a bill by members of the Diet seven times in the House of Representatives, and 14 times in the House of Councilors. However all these bills were rejected and no bill to revise The Civil Law has been proposed at all since 2009. The Japanese Government has shown no interest in revision since 1997. Regarding the selective separate surname (the right of a married couple to choose if they will have the same or separate surnames) for a married couple, a civil action was brought in 2011 claiming an unconstitutional omission by the Diet,” and violation of the Convention on the Elimination of All Forms of Discrimination against Women; the Tokyo District Court is going to hand down their opinion in May. Since there has been no change in the legal system that has the current legal marriage system as preconditions, the formation of any form of non-traditional free couple continues to be obstructed and diverse ways of life continue to be hampered with a substantial disadvantage being maintained and without winning equality under the law. So, the nation’s expectation continues to be betrayed.

The new cabinet which was formed at the end of last year set a national goal of economic revitalization as a top priority problem, but took a backward-looking posture toward substantive reform to realize equality in outcomes. Although the government advocates women’s advance and participation everywhere, reform of the male-oriented, stereotypical income model system is as slow as a snail. Please refer to the separate entry regarding women's problems at the work site.

Furthermore, regarding education to change awareness about the established gender division of labor, in 2006 when the present Prime Minister formed his first cabinet, the government forcibly revised the Fundamental Law of Education by deleting the text which established coeducation to guarantee gender equality in education. Judging from compliance with Articles 3 and 13 of the International regulations concerning the International Covenant on Economic, Social and Cultural Rights, and Article 10 of the Convention on the Elimination of All Forms of Discrimination against Women, that was a serious retreat. We would like to call attention to our sense of impending crisis as an NGO.

Furthermore, the Prime Minister played a central role in actions which interfered with educational contents and confiscated teaching materials which had been professionally researched and developed, by claiming that sex education in schools was excessive. It is a well-known fact that the Prime Minister aims to cultivate a traditional sense of morality such as one that idealizes a stereotypical family image. The Board of Education system started with a public election system with democratization after World War II, but it has retreated to an appointment system that has required local government Assembly agreement for a long time. The Prime Minister has pledged to strengthen administration participation to infringe on the independence of the Board of Education even more, and to intervene in education. Concern increases that intervention by the administration in education, to bring a return to an old sense of values and moral education by screening textbooks, will tend to reverse progress that has been made in countering traditional stereotypes.

II. Court Cases

The judiciary has repeatedly made rulings which suggest only that the judiciary plays a role in strengthening stereotypes based on gender. For example, a male assailant whose body strength was significantly superior to a female victim served her a lot of alcohol, then forced her to have sexual intercourse by pinning her down in a car with the doors closed and impregnated her. Later, she also suffered physical injury from having a forced abortion. The court did not recognize the liability of the assailant for compensation for damages.

The judgment acknowledged that there was no consent by the victim until just before the violent act of sexual aggression, and that the victim became pregnant and was forced to have an abortion. From the viewpoint of women's health and self-determination of her own life, it is not likely for a woman to agree to have sex without protection against pregnancy with a man whose name she doesn't even know.-Despite that, the court declined her lawsuit because the assailant had no "intention" of sexual violence; in other words, he had no recognition of the unwillingness of the victim.

Such a judgment is remarkably unfair because it is based on "a male standard".

The Japanese judiciary applies without hesitation a criterion that refusal is within the scope of agreement, or the assailants' standard that "I thought consent was provided" when "agreement" is connected with a sexual matter.

However, this criterion regarding such sexual assault is clearly wrong when compared even with the essential requirements as a justifiable cause regarding medical treatments and the criterion for "agreement" by a patient regarding the need for medication ("a sincere agreement based on the explanation" is required).

Since acts of sexual aggression are always accompanied by danger (of sexually transmitted disease and pregnancy), women's health is violated unlike with the aggressive use of medicine for the purpose of the recovery of good health. Therefore, there should be a criterion that is consistent with an individual's self-determination about sex and enforces a right to sex and reproduction that allows women to make a clear, assertive decision. Yet the courts still judge that acts of sexual aggression are consensual (agreement by silence) based on the coping actions of the victim in the face of the assailant's violence. However, this violates an international regulation concerning Economic, Social and Cultural Rights guaranteeing women's rights to decriminalize such acts of "mental and physical injury."

Article 3 – Equal rights of men and women

The Issue of “Comfort Women”

7. Please provide information on remedial and educational steps taken to address the lasting effects of the exploitation of women as ‘comfort women’ on the enjoyment of economic, social and cultural rights by victims, in particular the measures taken to satisfy the moral and material interests of the victims.

I. Introduction

In this report, we are going to point out some of the defects of the Japanese government’s reply to the list of the issues of the committee (E/C.12/JPN/3), and report the current situation and new concerns, regarding the issue of “comfort women”. For the basic information of the issue, please refer to the report we have already submitted (Gender Report Project p.23).

II. Response by Japanese government

The response of the Japanese government to the List of the Issues is a mere repetition of their third report (2009). It may be summarized as follows: The covenant is not retroactively applicable; Japanese government expressed its apology in the statement issued by the then Chief Cabinet Secretary Kono in 1993 (Kono Statement) and in other occasions; the issue had already been solved with the Peace Treaty and bilateral agreements signed after WWII; in order to fulfill its moral obligation, however, the Japanese government had established the “Asian Women’s Fund” and it would continue the support for the spirit of the fund.

III. What the government’s report did not mention

(1) The evaluation of the “Asian Women’s Fund”

The “Asian Women’s Fund” set up by the Japanese government in 1995 was insufficient as a measure to redress the damages, and the government of Japan needs to take new legislative and administrative measures, as repeatedly indicated by the committee of CEDAW(2003/2009), CAT(2007), ICCPR (2008), and the ILO Committee of Experts on the Application of Conventions and Recommendations (CEACR).

The reason why the fund was insufficient was not only the scheme itself but also the scope of the states for the redress. The survivors of “comfort women” who came forward and testified are from 10 countries and regions, namely, Republic of Korea, DPRK, Taiwan, China, the Philippines, Malaysia, Indonesia, the Netherlands, East Timor, and Japan. However, the survivors in Republic Korea, Taiwan, and the Philippines were the only ones who are subjected to receive “atonement money” and a letter from the Prime Minister of Japan. Japanese government insists that they contributed 4.8 billion yen from the government budget, however, only 7,550 million yen, which means less than one-sixth of the money, was directly paid to the victims.

The “Asian Women’s Fund” was disbanded in March, 2007. What the government has been doing is to allocating small amount of money from the government budget to NPOs whose members had worked for the fund, and the staff member will take the survivors who received “the atonement money” to restaurants etc.. These following-up measures are criticized by NGOs supporting the victims that these measures discriminate against the victims who hadn’t received the money and also create another friction.

(2)The remedial and educational steps taken to protect the victims' economic, social, and cultural rights

The fact itself that the State Party has not yet accepted its own legal responsibility for the system of “comfort women” is an impediment to the redress of the victims who suffered grave human rights violations. Moreover, the following measures are taken by the government which violates the social and cultural rights of the victims. As such, the anxiety, fear and the suffering of PTSD of the survivors continues even today.

<Denial of facts> The first Abe Cabinet (2006-2007) officially stated concerning the Kono Statement that there had been no direct reference found in official documents to a forcible recruitment of the women by military or government officials. In August, 2012, when the Japan-ROK relations were declining, public figures including the governor of Metropolitan Tokyo and the mayor of Osaka openly claimed that there was no evidence found to support the forcible recruitment of the women. The Government of Japan did not refute but in effect condoned such claims by saying that no documents were found to support it [i.e. the facts of the forcible recruitment of “comfort women”] and that they were willing to raise an open discussion [as to whether such facts truly existed].

<The denial of memory> On December 14th, 2011, a peace memorial was set up in front of Japanese Embassy in Seoul, Korea, in commemoration of the 1000th weekly Wednesday Demonstrations started in January 1992. Japanese government however, has been demanding the removal of this memorial, claiming that it is against the Geneva Treaty and impairs the dignity of diplomatic establishments abroad. The Japanese Consulate General in New York also requested the removal of a monument of “comfort women” erected in Palisades Park City, New Jersey, USA.

<The lack of education> Even though up until 1997 the “comfort women” issue could be found written in all history textbooks in compulsory education, references decreased in 2002 and 2006, and the phrase “comfort women” cannot be found in history textbooks to be used from the spring of 2012. Many of the victims hope that the historical facts will be passed on to the next generations in order to prevent recurrence, however, there is no reference on the system of “comfort women” even in the national history museums.

<Concerns in the future> On November 4th, 2012, an advertisement was published on “Star-Ledger”, a local newspaper in New Jersey, by a Japanese revisionist group. It said that “comfort women” were not sexual slaves, that there is no proof of their forced recruitment by the Japanese military, and that the police was involved in a good way. In the present cabinet, Prime Minister Abe Shinzo, Minister of Education and Science Shimomura Hirofumi and two other ministers are among the signatories of this advertisement. The Cabinet under Prime Minister Abe inaugurated in December, 2012 expressed in public that it would retract the statement by Chief Cabinet Secretary Kono in 1993. Facing the international criticism to his revisionistic position, he now announces that he will issue his own “Abe statement”.

IV. Conclusion

In order to protect the economic, social and cultural rights of the survivors, it is imperative that the Japanese government should fully acknowledge the historical facts about Japan's military sexual slavery system immediately. Then, the Japanese government needs show political will and actions, by apologizing in a way acceptable to the survivors, taking legislative and administrative measures for compensation, teaching the historical facts of “comfort women” through textbooks used in compulsory education in order to prevent recurrence, and refuting any denial of the facts by politicians or mass media. Without these remedial measures, the suffering and human rights violation of the women victims will continue.

Article 6 – The right to work

Equal Pay for Equal Work

9. In view of the growing number of workers with short-term and fixed-term contracts, please provide information on the impact of measures taken on the effective protection of the right of the concerned workers to not be deprived of employment unfairly, to equal pay for work of equal value, and to social security. Please also indicate the impact of measures taken to prevent the abuse of precarious employment contracts and successive short-term contracts.

The Revised Labor Contract Act was enacted in August, 2012. According to the amended law, workers whose fixed term contract is repeatedly renewed for a period exceeding five years in total after April 1, 2013, can convert their employment contract to an employment contract without a definite period by request to their employers. However, if there is a period of inactivity exceeding 6 months during which no employment contract was executed, any fixed-term employment contract periods prior to such period of inactivity will be excluded from the calculation of the total contract period. Therefore, some businesses already started making only contracts for less than five years even for the contract of constant work, so that they can terminate workers before the amended law would be applicable.

The irrational working conditions of utilizing “fixed periods” were prohibited. However, the use of "change of job specifications and locations (allocation and transfer)" as one of the criteria to determine whether or not the difference in working conditions is irrational is indirect discrimination that is disadvantageous to women who take responsibilities for their families.

52% of business establishments introduced the system of switching a fixed-term contract worker to a permanent contract worker; however, only 40% of those business establishments have actually made the switch. (from statistics of Ministry of Health, Labor and Welfare in 2011). Even though there is a system to switch from fixed-term to permanent workers, the number of fixed-term female contract workers was 11,700,000 (53.8% of all female workers), and that of male workers was 5,140,000(18.9% of all male workers) in 2010. The number of fixed-term contract workers increased for both females, to 11,880,000 (54.7% of all female workers), and for males to 5,450,000 (19.9% of all male workers) in 2011. (from statistics of Ministry of Health, Labor and Welfare , "Facts of the Working Woman").

According to the Ministry of Health, Labor and Welfare, the number of part-time workers whose total working hours are 20 to 30 hours a week and who would become entitled to the expanded Employee’s Pension plan in the future is approximately 3,700,000. The Democratic Party government submitted a bill that would have reduced the number of newly eligible

people to 450,000, as a start, but a revised law was passed with a further reduction of the number of such persons to 250,000 due to the objection of the Liberal Democratic Party and New Komeito (the current ruling parties) in August, 2012. This revised law will be enforced in October, 2016.

Article 7 - The right to just and favorable conditions of work

Impact of Special Measures for Working Time and Work-Life Balance

10. Please provide information on the impact of measures taken, such as the adoption of the 2006 Special Measures for Improvement of Working Time Arrangements and the 2007 Action Policy for Promoting Work-Life Balance, on the reduction of work hours, uptake of leave, and equal sharing of family responsibilities between men and women.

These measures made some impact, but are still insufficient.

According to the response from the Japanese government, the ratio of workers who worked more than 60 hours a week was 9.4% in 2010. However, the ratio was 14.6% of the entire male workforce in 2011 when you focus on only male workers. Furthermore, it is necessary to examine the facts by generation to investigate the extent of equal allotment of family responsibilities of men and women concerning child rearing.

The ratio of male workers who worked more than 60 hours a week was 12.6% for those in their twenties, 18.7% in their 30s, and 17.7% in their 40s, according to the Ministry of Internal Affairs and Communications "Labor Force Survey". The highest ratio of workers who worked more than 60 hours a week were workers in their 30s.

As for the parental leave utilization rate of men, it was 1.38% in 2010 and became 2.63% in 2011. More effective measures will be necessary to accomplish the goal of 13% of men utilizing parental leave in 2020 as set by the Third Gender Equality Basic Plan.

In recent years the utilization rate of annual leave has increased slightly. However, looking at change over time, it dropped to 49.5% in 2001 from 55.6% in 1984. It has not been restored to reach 50% after 2001. In addition, this utilization rate does not include the carry-over of leave from the previous year, so workers are not able to take even 25% of the leave which they have a right to take.

Annual leave utilization ratios do not indicate ratios by gender. We need to have data analysis by gender in order to understand the situation of the equal distribution of family responsibilities between men and women.

Article 10 – Protection of the family, mothers and children

Human Trafficking

17. Please supply statistical data on trafficking in the State party and information on assistance provided to victims.

1. Statistical data on trafficking published by the Government merely shows the number of victims and number of perpetrators identified by the Government as such through police investigations etc. However, the effort being made by the Government in identifying the victims is not enough, and the number of victims, perpetrators, and cases are by far underestimated with growing sophistication of the human trafficking.

2. Resident status such as “spouse of a Japanese national” and “long-term resident” has started being used, since the Government has restricted the condition for the application for the entertainer visa. There are many agencies which mediate and arrange marriage with a Japanese national, affiliate a foreign national as a child to a Japanese national, and arrange an adoption of a foreign national by a Japanese national, and it is highly suspected that a number of agencies get involved with human trafficking under the cover of these business activities.

3. Training for human trafficking for relevant officials are targeted at police officers and immigration officials, and there is hardly any training programmes for labour inspector’s officials, public prosecutors and judges.

4. It is uncertain that the Government has any criteria for determining victims of human trafficking, and there are many cases where people are not identified as victims of human trafficking even when they meet the standard set forth in Palermo Protocol, partly due to growing sophistication of human trafficking.

5. Protection for the victims of human trafficking has been provided at Women’s Consulting Centers in local prefectural governments, and they are not referred to the private shelter for temporary custody at present. There is no appropriate interpreter for most cases, and cases are dealt with in Japanese at Women’s Consulting Centres in principle. There is no system in place where the Centers are able to provide counseling for the psychological recovery of the victims, and no measure for protecting them from further victimization has been taken in reality. Legal support is rarely offered to victims of human trafficking where they need specialists’ assistance when filing a suit over damage or unpaid wages, and coordination with the Government of origin and NGOs is not sufficient.

6. There are neither measures nor policies for protecting male victims of human trafficking.

7. In order to tackle the issue of human trafficking, the Government has been making an attempt to prevent potential victims from entering the country through visa screening, and through tightening immigration control. At the same time, the Government has been reinforcing the residence management system through taking measures for illegal employment. However, these measures are far from sufficient, and there is no effective measure especially to control the demand for the human trafficking.

Article 9 – The right to social security

Measures taken to address the persistent income gap between men and women under the current pension system

14. Please indicate which measures are being taken to address the persistent income gap between men and women under the current pension system.

Although it is crucial to expand application of employees' pension insurance scheme to part-time workers most of whom are women, the 2012 Act on Partial Revision of the National Pension Act was very limited in scope, with little prospect to address the problems of increasing number of part-time workers who are not eligible to social security. While the former DPJ administration initially aimed at covering 3.7 million part-time workers by the Act, facing with strong opposition from the retail and distribution industries that employ a number of women part-time workers without social security, eventually the conditions for new applicants became very limited to those with working hours more than 20 hours per week, with annual income more than JPY940,000, working record of more than one year under an employer with more than 501 employees. This condition will only apply to 250,000 part-time workers, about 2% of 12 million part-time workers by the government estimates. Furthermore, it is concerned that employers may avoid their workers be covered by the new law, by reducing working hours for example. According to a 2010 survey, 36.1% of female part-time workers were employed by small-scale employers with less than 30 employees.

In order to close the wide gender gap under the current pension system, there is also a need to address the wide income gap between men and women by ensuring gender equality in labour market, and to reform the Third Insured Person system under the National Pension System. The Third Insured Person system is to ensure access to National Pension for wives who are economically dependent on spouses without paying insurance fees. This system has been criticized as discriminative against working women, and as promoting instable low-paying jobs for women by giving preferential treatment to households with wives who earn less than JPY1300,000. While the former DPJ administration had pledged to review the system, it failed to do so for the fear of facing strong opposition from the conservative parties. The current LDP administration that came into power in December 2012 is not willing to review the current pension system.

Article 9 – The right to social security

Social benefits for older persons who are not eligible to old age pensions; measures taken to ensure that old age pensions enable an adequate standard of living.

15. Please provide information on social benefits which older persons who are not eligible to receive a pension are entitled to, as well as on measures taken to address their increasing number. Please also indicate the measures taken to ensure that old age pensions enable an adequate standard of living for their recipients.

The number of people who are not eligible to receive pension is estimated to be about 11.8 million in 2012. Although the number by gender is not given, women made up 57.7% of 407,309 people without pension in 2004. Although the government's measures to shorten the period of pension premiums is largely welcome, it is concerned that a number of people without enough income, with majority of women, are unable to pay premiums even though the required period is shortened and thus still not eligible for the national pension. It is pointed out that a number of people on unstable or low-paid jobs do not afford to pay the fixed amount of the national pension premium.

As the Japanese state replies, major social benefit scheme for older people with no or little income of old age pension is the public assistance. However, the Japanese government has gradually abolished the additional payment for elderly households on public assistance in 2004. Given high costs for medical treatments, this has resulted in greater health risks and lower standard of living for elderly people, even though they are already on public assistance. Furthermore, the new LDP administration that came into power in December 2012 has announced deduction in public assistance from fiscal year 2013. Although amount deduction is rather small for elderly households, with increasing pressure and social stigma against welfare dependents, impacts of the deduction could be life-threatening particularly for elderly people or people with disabilities with greater health risks.

Article 11- The right to an adequate standard of living

Impact of state measures taken to assist single mother and single older woman households, who are disproportionately affected by poverty

19. Please provide information on the impact of measures taken to assist single mother and single older woman households, who are disproportionately affected by poverty.

I. Impact of measures to assist single mother households

The Japanese government has promoted so-called “workfare” policy, which is to cut benefits for single mother households and instead strengthen support for employment. However, more than 80% of single mothers in Japan are already on employment. Still, their income remains only 30% of general households. According to a survey in 2011, labour force participation rate of single mother households was 80.6%, while average employment income was only JPY1,810,000, and the average income including public assistance was JPY2,230,000, well below the poverty line,. This shows that there has been no crucial change in the situation of single mother households who are unable to earn enough income from their low-paid jobs, even though the government has focused on improving employment of single mother households. Rather, the survey indicated that more single mothers are on casual low-paid employment, while formal employment among single mothers has decreased.

Employment income of single mother households is lower, because about half of them are on low-paying part-time jobs in order to balance between childcare and paid jobs, given long-working hours and other formal labour practices that cannot conform with family responsibilities. Single mothers are also more likely to get jobs in low-paying service sector, since many are disadvantaged in terms of education and career development. However, the state programs are focused on providing education to get jobs whatever available, rather than addressing handicap of single mothers. A single mother organization concluded that the state employment programs were found little effective from a survey conducted among its members. According to a state assessment report on the program implementation, the employment and independence support centers for single mother households received 101,536 employment consultations from single mothers in 2011, while the number of cases that actually led to employment was 6,273, about 6% of the consultations. However the Japanese government is not willing to review effectiveness of those employment promotion measures in consultation with single mothers.

Regarding the child bearing assistance, another major support program for single mother households, the government had decided in 2002 to make significant cut in amount for recipients who are on the program for more than 5 years. However it has not been

implemented so far, due to strong opposition from single mothers.

The new LDP administration that came into power in December 2012 has announced in January 2013 that it would cut JPY74 billion or 7.3% of total expenditure for public assistance for households in poverty from fiscal year 2013, which will affect 96% of households currently on public assistance. The deduction will be largest for households with children, with majority of single mother households, some of which will receive 14% less amount of assistance. Not only single mother households already on public assistance, this deduction will affect single mother households not on public assistance, since the amount of public assistance is used as standards for other support measures for single mother households below or around the poverty line. Given that a number of households in poverty are reluctant to apply for public assistance, due to the fear for social stigma and discrimination, there is a strong concern that the deduction in public assistance will result in generational reproduction of poverty. However the present administration does not take any effective measure to address negative effects of the policy on single mother households.

It is also a serious problem that the state support measures for single mothers reflect discrimination against unmarried single mothers. Japanese government gives preferential treatment to bereaved single mothers by providing them with bereaved family pension. On the other hand, unmarried single mothers are not covered by tax deduction scheme that is available for single mothers by death or divorce. As a result of discrimination by the state and by the society, unmarried single mother households are more likely to fall in poverty, with average income of JPY171,1000, while average income of divorced single mothers is JPY2,195,000, and JPY2,881,000 for bereaved single mothers.

II. Impact of state measures to assist single elderly woman households

The relative poverty rate among single female households aged above 65the working age group (ages 20 to 64) is 32% and 52% for. The main reason for this is inadequacy of pension. In particular, elderly women face greater risks of impoverishment due to their limited access to pension. However the government does not take any research or policy development focusing on particular impoverishment risks faced by single elderly woman households. The former DPJ administration failed to submit a bill to reform the present pension scheme that is discriminative against working women, and the new LDP administration does not intend to reform it (For more details, please refer to the report on the LOI para.14 and 15).

Women and the Disaster

20. Please provide information on measures taken to support the livelihood of those affected by earthquakes, including the Great East Japan Earthquake. Please also indicate how the implementation of evacuation and re-settlement plans has taken account of the needs of the persons evacuated and, in particular, vulnerable groups, such as older persons, persons with disabilities, children and pregnant women.

I. Discrimination in Cash Benefits

The amount of cash benefits provided to disaster-affected people depended on the household status of the recipient. As most heads of households in the affected region were male, many women did not receive the full amount of cash benefits or assistance, since more compensation was provided to the main breadwinner or the person registered as the ‘the head of household’ – usually a man – than to other members of the family. The amount of compensation, known as the Disaster Condolence Allowance (DCA), paid to bereaved families also differed. The DCA was based upon the deceased’s employment earnings and the income level of the bereaved. The DCA was paid double if the deceased was the breadwinner. In addition, if the wife of a deceased husband earned more than 1.03 million yen a year, the wife was not entitled to receive the full DCA (full payments were five million yen and in cases where the survivor’s income was greater than 1.03 million yen/year payments were restricted to 2.5 million yen).

These compensations are usually calculated on a household basis and delivered to the head of the household. In some reported cases, the victims of domestic violence could not receive the disaster-related compensation from the government, since these victims were living away from the abusers, who are often registered as the head of the household.

These examples illustrate indirect discrimination against women in cash benefits as well as devalue housewives’ contribution to the household. The Japanese Government must change gender-discriminatory policies in order to ensure that all disaster-affected persons receive benefits, equally.

II. Lack of employment support to women and diverse people

The Japanese government states that sufficient mechanisms and suitable programs are available to meet all individuals’ ability and effort to gain employment. For disaster-affected persons, securing employment requires special consideration. Post-disaster re-employment policy needs specific governmental intervention aimed at creating jobs in the

disaster-affected areas and programs designed to help women and persons with disabilities. In disaster-affected areas many core industries were destroyed. People need to learn new skills and have access to training in order to gain employment.

The need for special women's employment aid is clear in government data. More women (10.8% increase) were seeking jobs in February 2012 compared to the previous year . In October 2012 data, more women than men were seeking jobs in the disaster-affected prefectures of Fukushima, Iwate, and Miyagi (Ministry of Health, Labour and Welfare). The increase in the number of individuals receiving unemployment benefits from February 2011 (prior to the disasters) to February 2012 is greater for women than men (2.3 times vs. 1.7 times) in these prefectures (Cabinet Office, 2012).

The governmental initiative, '*Japan as One*' Work Project (*Nihon wa hitotsu shigoto project* -- <http://www.mhlw.go.jp/english/topics/2011eq/dl/emp02.pdf>) focuses on reconstruction of infrastructure and support for corporations. Employment support programs for women and persons with disabilities are not included in this project.

In addition, there is a lack of child support programs such as a shortage of nursery schools. Single-parent-headed households of either gender have not received enough support in employment and childcare. The Japanese Government should promote employment-support programs focusing on economically vulnerable people such as women, persons with disabilities, and single-parent-headed families so as to promote reconstruction of their livelihood.

III. Lack of female and vulnerable persons' participation in policy-making

The Japanese Government reported that it "encouraged municipalities to prepare a list of those in need of support and to develop individual plans for those in need based on the *Guidelines for Evacuation Support of People Requiring Assistance During a Disaster* (Guidelines) (paragraph 103), however, these Guidelines have not been effectively implemented. According to the research done by Miyagi Prefecture, one of the disaster-affected prefectures, only 28.6 % municipalities recognized needs of diversity and gender-specific female issues during the response periods (Miyagi Prefecture, 2012 - <http://www.pref.miyagi.jp/uploaded/attachment/126007.pdf> (Japanese).

In order to mitigate and prevent the hardships of vulnerable groups, decision-makers must ensure the representation and participation of women and diverse persons into groups, such as: management teams of evacuation centres, temporary housing boards, local community groups, and into local disaster response and prevention planning decision-makers. As of April 2012, women represented 4.5% of the membership in local disaster prevention councils, at the prefectural level (Cabinet Office). The Japanese Government must set targets (30% by

2020) and an action plan in order to promote female participation in disaster response and prevention planning and policy-making.

IV. Failure to meet international standards and guidelines

In many evacuation centres some women were unable and/or hesitant to use toilet facilities due to access issues, such as shortage and location. Women's health, subsequently, deteriorated. Women usually bore the burden of preparing food for evacuees. This was a huge and tiring task. In the evacuation centres little attention was paid to the needs of women and diversity. The Japanese Government must ensure that local municipalities comply with the international standards, such as *the Sphere Project: Humanitarian Charter and Minimum Standards in Humanitarian Response* (2011), *Making Disaster Risk Reduction Gender-Sensitive: Policy and Practical Guidelines* (UNISDR, UNDP and IUCN, 2009) and *Operational Guidelines of the Protection of Persons in Situations of Natural Disaster* (IASC, 2011) in order to protect the welfare and rights of the vulnerable, including women, during and after disasters.

V. Violence Against Women

1. Research Findings of Violence after the Disaster and their Implications

A recent case-finding survey conducted by the Women's Network for East Japan Disaster found a wide range of abuse and exploitation perpetrated against women and children after the March 11, 2011 disasters, including quid pro quo type abuse (e.g., demanding sex in exchange for food or shelter); exploitative, coercive abuse of sexual nature by disaster response personnel and volunteers; physical, sexual, and/or verbal assault against women by acquaintances; and sexual abuse against boys and girls.¹ The majority of the 82 unduplicated cases found in this study involved perpetrators that the victims knew, including fellow residents at an evacuation center and those in a position of power (evacuation center leaders) and those who were expected to help disaster victims (disaster response personnel and volunteers). The reported cases involved various ways in which women were sexually assaulted and forced into unwanted sexual contact by individuals who provided (or were in the position to provide) material or emotional assistance and protection.

The vulnerabilities faced by single women must be recognized. While any women could be victimized, the cases reported in this study point to a high risk among single women, single mothers, and those otherwise unattached or living alone. A considerable number of incidents of violence and harassment against single women that took place in spaces of daily living at evacuation centers. This calls for additional efforts to be put into the design,

¹ Yoshihama, M., Tsuge, A. & Yunomae, T. (2013). Violence against women and children after the Great East Japan Disasters: Results from a case-finding survey (pp. 1-24). In Japan Woman Watch (Ed.), *Violence against women and girls in Japan; with special emphasis on violence against women and girls after disaster, for the 57th session of UN Commission on the Status of Women*. Tokyo: Japan Women's Watch (JAWW).

operation, and management of evacuation centers. For example, placing space partitions in communal living space at evacuation centers is a bare necessity; separate quarters/rooms should be made available. Consideration for separate space is not limited to gender, but should include other dimensions—separate space should be made available for mothers and families with infants and small children, and persons with special medical needs. Separate space is not a luxury or a special favor; it is a necessity because the risk of men’s violence undeniably exists.

2. The Effect and Limitations of Governmental Responses

After the Great East Japan Disasters, the Gender Equality Bureau of the Cabinet Office issued a series of notices calling attention to the needs of women in post-disaster response. One notice, issued on March 24, 2011, requested relevant governmental units to develop preventive measures to address gender-based violence. These other notices² and a list of promising approaches subsequently published by the Gender Equality Bureau noted the need to respond to gender-based violence. While these documents reflect increased attention and an effort to address the needs of women in disaster response, they were not widely disseminated among local agencies and programs involved in disaster response.

These governmental documents also tended to place responsibility on women and children to prevent victimization: e.g., encouraging women to take preventive measures such as “not walking in deserted areas alone”; warning women and children against going to bathroom alone. Developing and implementing measures to address the perpetrators’ accountability are a critical step toward preventing violence against women and children. Risk reduction and prevention also require holding bystanders accountable and creating a social norm that everyone in the community and society can and should do something to prevent violence against women and children.

3. Need for Training

The case-finding study also found that in the vast majority of domestic violence cases, violence had begun prior to the March 11, 2011 disasters. While it is true that trauma and stress from the disasters affected the behavior of the perpetrators, trauma and stress alone do not cause domestic violence. Causes of domestic violence rest in the very societal structure and ideology that perpetuate gender inequality of male domination and female subordination. Domestic violence is perpetrated against women in the absence of disasters. One third of married women reported having experienced husbands’ violence at least once, according to the Gender Equality Bureau’s study. It is imperative that stronger prevention measures be implemented not only in peace times, but also in the wake of disasters.

Also the case-finding study of the Women’s Network for Great East Japan reported victim-blaming attitudes and insensitive response of professionals and other individuals to

² One was issued on March 16, 2011, revised on March 24, 2011; another was issued on April 4, 2011; and the third one was issued on June 23, 2011.

whom victims turned for help. Training is urgently needed, which include the following:

- Training of health care professionals, helping professionals, the police, community leaders, and others who are in a position to assist victims and confront perpetrators to prevent second/third injuries.
- Training of leaders of evacuation centers and temporary housing, as well as civil servants who administer these housing programs to recognize and address special and additional needs of women and children; the training should also emphasize the need to promote women's participation in decision-making and the value of gender equality more broadly.
- Training of disaster response personnel, including volunteers, to prevent exploitative and otherwise unethical conduct by these individuals who are expected to assist disaster-affected individuals.

Training should accompany other means to increase the quality of disaster response, such as standards, guidelines, reporting system, monitoring and evaluation.

VI. Lack of research and statistics of vulnerable group of people

The effect of the disaster on vulnerable groups such as the elderly, foreigners, persons with disabilities, and LGBT persons has not been examined by the government. One NGO studied the effect of the disaster on persons with disabilities in Minami Soma City. The survey's data was not disaggregated by gender. The government must conduct research on these vulnerable groups and about women in these groups. Results must be made public and be available to be incorporated into local disaster prevention planning.

Women's Health After the Disaster

23. Please inform the Committee of steps taken to reconsider and strengthen the plans for the prevention of nuclear-power accidents as well as of measures taken to protect and fulfill the right to health of those affected by nuclear accidents, including the Fukushima Daiichi Nuclear Power Plant accident.

I. Lack of reproductive health and rights perspective

Reproductive health and rights are not reflected into the policies and measures to aid the victims of the nuclear accident. The Japanese government noted that pregnant women and children under 18 are able to take free ultrasound thyroid examinations to measure the effects of radiation on the body. This policy excludes persons who are in their reproductive years. Many women and men are worried about the effects of radiation on future pregnancies. Free medical examinations for this group, children, and already-pregnant women are imperative to community health. Access to mental-health counselling would greatly enhance community wellness and ensure a caring public health response. Reproductive health and rights must be included into disaster response, reconstruction processes, and disaster prevention plans. Free and accessible medical and counselling care options need to be a core of any public health response.

II. The right to health of evacuees

The right to health of evacuees from the Fukushima nuclear accident is not fully protected. Evacuees from outside the government-designated area have been discriminated against. They are not able to access quality medical examinations. Medical examinations are free as long as they stay in Fukushima. Evacuees must pay for the examination cost if it occurs in their place of evacuation. These extra costs are an additional burden to the already-evacuated persons. Since many are trying to maintain two households, one in Fukushima and another in the place of evacuation, the economic situation of each household can easily deteriorate. The right to health of every disaster-affected person must be protected regardless of living location and evacuation status.