



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women**

**Consideration of reports submitted by States parties under  
article 18 of the Convention on the Elimination of All Forms  
of Discrimination against Women**

**Sixth periodic report of States parties**

**Japan\***

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\* The present report is being issued without formal editing.

# Sixth Periodic Report on the Implementation of the Convention on the Elimination of Discrimination against Women

## Japan

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## **Annex Statistics\***

\* The annexes and statistics are on file in the original language.

## List of abbreviations

Ministry of Foreign Affairs	MOFA
Ministry of Economy, Trade and Industry	METI
National Police Agency	NPA
Ministry of Health, Labour and Welfare	MHLW
Ministry of Internal Affairs and Communications	MIC
Ministry of Agriculture, Forestry and Fisheries	MAFF
Ministry of Justice	MOJ
Ministry of Education, Culture, Sports, Science and Technology	MEXT

## **Part One: Overview**

### **1. Introduction**

1. This is Japan's sixth periodic report submitted to the Secretary-General of the United Nations in accordance with Article 18 of the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter referred to as the Convention on the Elimination of Discrimination against Women or the Convention), which Japan ratified in 1985.

2. Up to this point, Japan has submitted five periodic reports. Japan submitted its First Periodic Report (CEDAW/C/5/Add.48) in March 1987, which was considered at the seventh session of the Committee on the Elimination of Discrimination against Women (hereinafter referred to as the Committee), in February 1988. Its Second Periodic Report (CEDAW/C/JPN/2) was submitted in February 1992, and the Third Periodic Report (CEDAW/C/JPN/3) in October 1993 and they were considered jointly at the thirteenth session of the Committee in January 1994. The Fourth Periodic Report (CEDAW/C/JPN/4) was submitted in July 1998, and the Fifth Periodic Report (CEDAW/C/JPN/5) in September 2002 and they were considered jointly at the twenty-ninth session of the Committee in July 2003.

3. The present report mainly covers developments on the implementation of the Convention in Japan for a period of about four years from the completion of the Fifth Periodic Report in May 2002 up to June 2006.

4. The Specialist Committee on Monitoring and Handling Complaints (taken over by the Specialist Committee on Monitoring and Gender Impact Assessment and Evaluation in July 2004) of the Council for Gender Equality conducted a study and held discussions on the direction of efforts which should be made on the recommendations in the Concluding Comments of the Committee. The results of the discussions were adopted as an opinion of the Council for Gender Equality in July 2004 under the title Implementation Status of Measures for Promoting the Formation of a Gender-equal Society to be taken by the Government and Opinions on Future Efforts (Regarding the adoption and dissemination of international norms and standards in Japan). Based upon the adopted opinion, the Specialist Committee on Monitoring and Gender Impact Assessment and Evaluation deliberated in 2005 on the state of implementation in each ministry and agency in light of the Concluding Comments of the Committee. The results of this deliberation were summarized in the Specialist Committee's recommendation of July 2005.

5. Upon drafting the present report, the Concluding Comments of the Committee on the fourth and fifth periodic reports were duly considered and efforts were made to collect a wide array of public opinions and to reflect them in the report.

6. Concrete examples are as follows: in November 2005, information was collected in writing on items to be incorporated into the Sixth Periodic Report and activities of related NGOs and other organizations from leading bodies and eminent persons, such as local government offices, government-designated cities and gender equality declaration cities, women's groups as well as

various kinds of groups, women members of the Diet, and members of the Council for Gender Equality; at the same time, the same query was extended to the general public using the Internet website of the Gender Equality Bureau of the Cabinet Office, which acts as the secretariat responsible for compiling this report. On 19 December, 2005, likewise, the Liaison Conference for the Promotion of Gender Equality (so-called 'Egalité Network'), an organization within the national machinery for the advancement of the status of women in Japan, held a meeting (hereinafter referred to as the Hearing) for information and opinion exchange with people from various sectors of society on items to be incorporated in this report. The Liaison Conference directly heard opinions of approximately 100 attendees from NGOs and other groups.

7. As a result, a total of 582 answers and opinions were submitted from NGOs, out of which 442 came from groups and 140 from individuals. With a view to introducing and exchanging views on major measures taken by the Government regarding the submitted answers and opinions, a meeting for information and opinion exchange was held in March 2006 with the attendance of approximately 90 individuals from NGOs, local governments and others. The opinions collected through these consultations were referred hereto when compiling this report.

8. As a party to the Convention, the Government of Japan commits itself to continuing its efforts to eliminate all forms of discrimination against women, and to realize a gender-equal society.

## **2. Implementation Status of Policies Related to Gender Equality and Current Situation of Women in Japan**

### **(1) Promotion of Policies Related to Gender Equality**

9. In Japan, gender equality is an important pillar of the structural reforms being promoted by the Prime Minister. To this end, in October 2005 the Prime Minister appointed a Minister of State for Gender Equality and Social Affairs, the first ministerial post to deal exclusively with gender equality. Through this reform Japan's national machinery was further reinforced. In addition, since cooperation with civil society, including NGOs and local governments which conduct their administrative functions in close contact with local residents is indispensable, the Government promotes measures related to gender equality in close collaboration with these entities.

10. In particular, the Second Basic Plan for Gender Equality was adopted by the Cabinet in December 2005 to promote policies related to the formation of a gender-equal society in a comprehensive and systematic manner. Subsequently, the Minister of State for Gender Equality and Social Affairs has visited various parts of Japan and held workshops on this subject, in order to deepen people's understanding of the principle of gender equality and the definition of gender perspective, and for the purpose of enabling both men and women to fully demonstrate their respective abilities and identities in contributing to promote the formation of a hopeful and vibrant gender-equal society(\*).

On June 30 and July 1, 2006, the East Asia Gender Equality Ministerial Meeting was held in Tokyo. Japan took the initiative of acting as chair for the first meeting and invited participants who are

responsible for gender issues. Among the representatives of 16 countries and two international organizations attending the meeting included 14 ministerial-level participants. The participants unanimously adopted the Tokyo Joint Ministerial Communiqué, which included the decision to make such a ministerial meeting an annual event.

(\* In the Second Basic Plan for Gender Equality, a ‘gender perspective’ refers to an attitude with which one recognizes that sexual discrimination, stereotyped division of roles between men and women, and prejudice have their origin in gender and that they are socially constructed. It is also stated that such attitude as intending to neutralize humans by denying differences between men and women, eliminating masculinity and femininity or distinction of sex, and that negation of a family or cultural traditions like the Girl’s Festival (HINAMATSURI) are different from a gender-equal society which citizens strive for.

## **(2) Population**

11. As of 1 October 2005, the population of Japan was 127.77 million, of which women account for 65.42 million, or approximately 51% of the population.

12. The total fertility rate (which refers to the total of age-specific fertility rates for women in a given year) has continued to decline, and reached the lowest in record of 1.25 in 2005 (provisional data). Main reasons for the declining birth rate are thought to be the increasing rate of women marrying and giving birth at a later stage in life and that of people who remain unmarried, and the tendency of couples to have fewer children among others. The average age at the first marriage is rising each year and now stands at 28.0 years for bride and 29.8 years for groom. In addition, among women in their late twenties, who used to have the highest fertility rate, approximately half are now unmarried. Until now, the average married woman used to have two or more children in average, but the cohort of women born after 1960s tend to have fewer children than those born before them. From these results, it is anticipated that the completed number of births from married persons is to decline hereafter.

13. On the other hand, life expectancy at birth keeps rising, standing at the highest level in the world: 85.59 years for women and 78.64 years for men in 2004. The elderly population (aged 65 and over) comprised 25.67 million, and the aging rate (the proportion of elderly population to total population) stood at 20.1%. Of the elderly population, women accounted for 14.8 million, which translates into 73.5 men for every 100 women.

14. Given the declining birth rate and the extension of average life expectancy, it is forecast that a rapid conversion in the population demographic from a barrel shaped graph to an inverse pyramid will take place as a result of the increasing rate of population decrease as well as the growing trend towards fewer children and the increase of the aged. According to future projections, the total population will reach a peak in 2006, after which it will begin to decline. It is projected that by 2050 the population will have shrunk by more than 20% of its current level, and that the elderly population will continue to increase until 2043, with the elderly population growing by 40% of its current level by 2050. As a result, the aging rate will continue to increase rapidly and it is expected to rise to 28.7% in 2025 and 35.7% in 2050.

### **(3) Education**

15. In 2005, the advancement rate in high schools (excluding those students advancing to correspondence courses in upper secondary schools) stood at 96.8% for girls (96.1% for boys), and the rate for girls has always been higher than that for boys since 1969. The percentage of women advancing into higher education institutions (universities, junior colleges, specialized training colleges) is also on increase: 76.2% (74.6% for men) in 2005. In terms of the university (undergraduate) advancement rate, a gap between men and women still exists: 36.8% for women and 51.3% for men, although the percentage of women in higher education institutions, including junior and specialized training colleges, exceeds that of men.

16. Taking a look at the proportion of women by each subject in the various departments of colleges and universities in 2005, the subjects where women occupy the majority were home economics (91.8%), arts (69.3%), humanities (67%) and education (60.9%). At the same time, the proportion of women is increasing in subjects where the proportion of women used to be low, for instance social sciences (31.2%), agriculture (40.5%), science (25.5%) and engineering (10.5%).

17. In 2005, there were 32,518 women teaching in universities and junior colleges (as compared to 28,444 in 2001), or 18.7% (as compared to 16.9% in 2001) of all teachers in universities and junior colleges. Both the number and percentage of women teaching are on the rise.

18. In 2005, the employment rates for college and university graduates were 64.1% for women and 56.6% for men. In addition, the rate of graduates who find employment, excluding those going on to postgraduate study and the like, is 71.4% for women while it is 67.9% men. In either case, the rates for women surpass those of men.

19. As regards the status of men and women in the field of education, according to a study entitled 'Public Opinion Survey on Gender-Equal Society' (conducted by the Cabinet Office in November 2004), 64.1% of women and 70% of men felt that men and women had equal status in school education. Comparing these figures with those in other fields, such as at work where 20.6% of women felt men and women had equal status while 30.2% of men felt the same, and in family life where 33.9% of women and 46.9% of men felt men and women had equal status, it can be said that gender equality is higher in school education than either at work or in family life.

20. In the area of higher education, difference continues to be observed between men and women in terms of rate of students who continue their studies from high school to specialized training college, junior college, or university and from university to graduate school, as well as in terms of the subjects they major in. But this difference is on the decrease.

### **(4) Employment**

21. In 2005, the female labour force (the sum of the employed and the unemployed over the age of 15) was 27.5 million, representing a consecutive increase for two years. Women accounted for 41.4% of the total labour force, representing a consecutive increase for three years. 1.16 million of the female

labour force were unemployed, resulting in an unemployment rate of 4.2%, representing a consecutive decrease for three years (while the unemployment rate for men was 4.6%).

22. The labour force participation rate (the percentage of the labour force in the population over 15 years of age) for women was 48.4%, a slight increase from the previous year (while the male labour force participation rate was 73.3%). The labour force participation rate for women by age group still formed an M-shaped curve, with the rates for women aged 25-29 (74.9%) and 45-49 (73.9%) at the peaks at both ends and that for women of child-bearing and rearing age in the 30-34 age group (62.7%) at the bottom of the M-shape.

23. In recent years, however, the bottom of the M-shaped curve has begun to rise. Compared to 1995, the labour force participation rates for women have increased, with the exceptions of the 20-24 age group and the over-65 age group. It should be noted in particular that an upward trend in the middle-aged group of 55-59 has been growing, in addition to a substantial rise in the 25-34 age group including the 30-34 age group, who are at the bottom of the M-shaped curve. With regard to the labour force participation rates of women by marital status, the rate for the unmarried stood at 63%, showing a slight increase from the 62.2% recorded in the last report, 48.7% for those who are married, a slight decrease from 49.7%, and 29.4%, again a slight decrease from 31%, for the divorced and/or the widowed. Although approximately half of the married women participate in the labour force, the labour force participation rate for women with children under the age of three still remains low at 33.6%, showing only a slight increase from the 28% recorded at the last report.

24. As for wages in 2005 with part-time workers excluded, scheduled salaries for female employees were 65.9% of the scheduled salaries for male employees. Even though the wage difference between men and women is still high, there is some improvement in the long term.

25. This gap is caused by such factors as rank at work, length of service, age, academic background, and various allowances, out of which rank at work and length of service play an especially large role. Meanwhile, comparison of the wages of standard male and female workers (those who are employed upon graduating from educational institutions and continue to work under the same employers), based on the same conditions in terms of length of service, age and academic background, shows the following. In 2005, among university or college graduates, the wage of female workers aged 20-24 makes up 95.6 if the wage of male workers is put at 100, and likewise the wage of female workers aged 35-39 and that of female workers aged 45-49 make up 82.2, marking the widest gender gap.

26. With regard to the number of part-time workers (non-agriculture and forestry employees whose working hours are less than 35 hours per week), female part-time workers accounted for as much as 69.7% of the total part-time workers in 2005, and 40.6% of the total female employees.



## Part Two: Report by Article

### Article 2 (Policy Measures)

#### **1. Measures Taken to Overcome Remaining Obstacles for Women's Equal Participation in Political, Social, Economic and Cultural Activities**

##### **(1) Formulation of the Second Basic Plan for Gender Equality**

27. In 1999, the Government enacted the Basic Law for a Gender-equal Society, which lays down the basic principle related to the formation of a gender-equal society, and clarifies the respective duties of the State, local governments, and citizens. At the same time, the law stipulates that a basic plan for gender equality, which is the basic plan for the formation of a gender-equal society, shall be adopted in order to promote the comprehensive and systematic measures for the formation of a gender-equal society. In response, the Cabinet approved the Second Basic Plan for Gender Equality in December 2005.

28. In the formulation phase of the Second Basic Plan, efforts were made to widely gather opinions and requests from people of various sectors of the society and to reflect as much as possible the opinions and requests from individuals and women's organizations. Efforts were also made to incorporate the results of the 'Beijing +10' World Ministerial meeting held in February/March 2005.

29. In this basic plan, twelve important fields\* were set out together with long-term policy directions up to the year 2020 and concrete measures to be implemented by the end of FY2010 for each of them. In addition, numerical targets were set for each policy so that the results of the efforts made can be demonstrated visually.

##### (\* ) 12 Important Fields in the Basic Plan

- (i) Expand women's participation in policy- and decision-making processes
- (ii) Review social systems and practices and raise awareness from a gender-equal perspective
- (iii) Secure equal opportunities and treatment between men and women in the field of employment
- (iv) Establish gender equality to vitalize rural areas
- (v) Support efforts of men and women to harmonize work with their family and community life
- (vi) Develop conditions that allow the elderly to live with peace of mind
- (vii) Eliminate all forms of violence against women
- (viii) Support lifelong health for women
- (ix) Promote gender equality in the media
- (x) Enrich education and learning that promote gender equality and facilitate diversity of choice
- (xi) Contribute to the Equality, Development and Peace of the global community

- (xii) Promote gender equality in fields requiring new initiatives (science and technology; disaster prevention and recovery; regional activation, town planning, and tourism; environment)

30. As for statistical information and other data, the Basic Plan stipulates that as much gender-disaggregated data should be collected as possible and responsible government ministries and agencies will take appropriate measures in line with the Plan.

31. Through increased cooperation with local governments and people from various sectors of society, the Government will ensure the formation of a gender-equal society by steadily implementing measures listed in this plan.

## **(2) Enactment of or Amendments to Laws and Ordinances**

32. Principal enactment of or amendments to laws and ordinances are as follows:

- (i) Related to Article 2
- Law Concerning Partial Amendment to the Penal Code (promulgated on 8 December 2004)
  - Law Concerning Partial Amendment to the Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children (promulgated on 18 June 2004)
- (ii) Related to Article 3
- Law Concerning Partial Amendment to the Basic Law for Persons with Disabilities (promulgated on 4 June 2004)
  - Law Concerning Partial Amendment to the Long-term Care Insurance Law (promulgated on 29 June 2005)
- (iii) Related to Article 6
- Law Concerning Partial Amendment to the Penal Code (promulgated on 22 June 2005)
  - Law Concerning Partial Amendment to the Law on Control and Improvement of Amusement and Entertainment Business (promulgated on 7 November 2005)
  - Law Prohibiting the Act of Inducing Children through Internet Dating Services (promulgated on 13 June 2003)
- (iv) Related to Article 11
- Law Concerning Partial Amendment to the Law on Securing of Equal Opportunity and Treatment between Men and Women in Employment and to the Labour Standards Law (promulgated on 21 June 2006)
  - Law Concerning Partial Amendment to the Employment Security Law and the Law for Securing the Proper Operation of Worker Dispatching Business and Improved Working Conditions for Dispatched Workers (promulgated on 13 June 2003)
  - Basic Law on Measures for Society with Decreasing Birthrate (promulgated on 30 July 2003)
  - Law Concerning Partial Amendment to the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (promulgated on 8 December 2004)

- Law for Measures to Support the Development of the Next Generation (promulgated on 16 July 2003)
- Act on Special Measures for Improvement of Working Time Arrangements (promulgated on 2 November 2005)
- Law Concerning Partial Amendment to the Child Welfare Law (promulgated on 31 March 2003)
- (v) Related to Article 12
  - Law Concerning Partial Amendment to the Maternal Protection Law (promulgated on 29 July 2005)
- (vi) Related to Article 13
  - Law Concerning Partial Amendment to the Law for the Welfare of Mothers with Dependents and Widows (promulgated on 29 November 2002)
- (vii) Related to Article 16
  - Law Concerning Partial Amendment to the Law for the Prevention of Spousal Violence and the Protection of Victims (promulgated on 2 June 2004)
  - Law Concerning Partial Amendment to the Child Abuse Prevention Law and the Child Welfare Law (promulgated on 1 June 2007)

### **(3) Measures taken by Local Governments**

33. The Basic Law for a Gender-equal Society stipulates that each prefecture shall formulate a Prefectural Plan for Gender Equality in accordance with the Basic Plan for Gender Equality. At the same time, municipalities are encouraged to formulate Municipal Plans for Gender Equality, taking into consideration both the Basic Plan and the Prefectural Plans. As of April 2005, every prefecture already formulated such a plan, and 39.6% of municipalities did so.

34. Formulation of such plans is one of the effective measures to promote comprehensive and systematic formation of a gender-equal society in the local communities. The Cabinet Office, therefore, provides necessary information to local governments and actively supports them.

35. Public and private women's centers, gender equality centers and others, as operation centers for realizing a gender-equal society in the local communities, carry out a wide range of functions including providing information concerning gender equality, venues for women groups and organizations to engage in self-motivating activities, and consultation and conducting survey research and studies. Through human resource development and effective implementation of projects, the Cabinet Office supports these centers so that they will be further improved in accordance with the philosophy behind the Basic Law for a Gender-equal Society and organized in close partnership among them.

### **(4) Specialist Committee on Monitoring and Gender Impact Assessment and Evaluation of the Council for Gender Equality**

36. In 2001, the Council for Gender Equality was established for the purpose of conducting studies and deliberating on the basic policy, principles, and important matters to promote the creation of a

gender-equal society. The establishment of this council significantly strengthened the system for promoting gender equality in Japan.

37. The Specialist Committee on Monitoring and Gender Impact Assessment and Evaluation, established under the Council for Gender Equality, conducts researches and examinations on the Government measures that affect the formation of a gender-equal society, including such question as to whether the Basic Plan for Gender Equality is properly implemented in each Ministry and Agency. In 2005, in order to develop an effective method of studying the effects of the policies and measures on promoting gender equality, the Specialist Committee conducted surveys and case studies on prefectures and government-designated cities, and reported its findings to the Council for Gender Equality.

38. In addition, the Specialist Committee on Gender Impact Assessment and Evaluation (which is now integrated, together with the Specialist Committee on Monitoring and Handling Complaints, into the current Specialist Committee) put together a report on Lifestyle Selection, and Taxation, Social Security, and Employment Systems (covering the concrete direction of the reform of various systems which will have a great effect on individual lifestyle choices, based on a neutral perspective), and reported its findings to the Council for Gender Equality in December 2002. The Specialist Committee also compiled another report on Lifestyle Selection and Employment Systems/Practices (making recommendations on the importance of establishing a system neutral for selection from a wide range of employment patterns and job changes as well as providing education and capacity-building for development of individual abilities). The Specialist Committee reported its findings to the Council for Gender Equality in July 2004.

39. Moreover, the Specialist Committee on Monitoring and Handling Complaints monitored the collection, organization and provision of information related to gender equality. An opinion was adopted at the Council for Gender Equality in July 2004, in which the Specialist Committee made a series of recommendations such as studying the possibility of a new mechanism for identifying sex in the collection and maintenance of statistical information.

## **2. Availability and Effectiveness of Legal Assistance against Discrimination**

### **(1) Measures for Handling Complaints**

40. The Specialist Committee on Monitoring and Handling Complaints (which was taken over by the Specialist Committee on Monitoring and Gender Impact Assessment and Evaluation in July 2004) under the Council for Gender Equality conducted study and deliberation as regards enhancing and strengthening systems for the handling of complaints on measures for gender equality and remedy for victims whose human rights have been infringed. The Specialist Committee put together a report of its study and deliberation, which was adopted as an opinion of the Council for Gender Equality in October 2002.

41. In response to the recommendations of the Specialist Committee, since 2004, the Government has been engaged in activities including: gathering information on how complaints are handled;

reporting its findings to the Specialist Committee on Monitoring and Gender Impact Assessment and Evaluation; conducting training for those in charge of handling complaints; and producing and distributing handbooks on handling complaints.

## **(2) Support Services for Human Rights Violations**

### **a. Services Provided by the Human Rights Organs of the Ministry of Justice (MOJ)**

42. The Human Rights Organs of the MOJ have established counseling offices, set up a counseling hotline specializing in women's rights called the Women's Rights Hotline, and have made arrangements so that, in principle, female human rights volunteers or female staff members of the legal affairs bureaus serve as counselors.

43. At the same time, in April 2004, the Human Rights Organs carried out comprehensive revision of the official directives on investigation and resolution of human rights infringement cases. Under the revised directives, these organs commence swift relief procedures and, in coordination with the Spousal Violence Counseling and Support Centers, police and other related organizations conduct necessary investigation into cases of human rights violations and, by taking the appropriate steps required for each individual case, provide relief for victims of human rights violations and apply preventive measures against further recurrence.

44. In addition, in May 2001, the Council for Human Rights Promotion established within the MOJ, recommended in its report to the Government that it should endeavor to provide redress by establishing a new human rights remedy system centering on the Human Rights Commission (tentative name), an independent administrative commission, to provide a more highly effective investigation procedure and means of redress. According to the Council's report its highest respect, in March 2002, the Government submitted the Human Rights Protection Bill, with establishment of a Human Rights Commission as an independent administrative commission under paragraph 2, Article 3 of the National Government Organization Law to the Diet. The Bill guaranteed the independence of the proposed Human Rights Commission in the exercise of its official authority from the influence of the Cabinet, competent Ministers and others by stipulating that the chairperson of the Commission and the Commission members would be appointed by the Prime Minister with the consent of both houses of the Diet; that neither the chairperson nor members would be dismissed without the grounds for dismissal prescribed by law; that their status would be guaranteed during their tenure; and that Commission would exercise its authority independently. However, the Human Rights Protection Bill was abandoned with the dissolution of the House of Representatives in October 2003. At present, the Government is reviewing the Bill.

### **b. Support Services Provided by the Japan Legal Support Center**

45. The Japan Legal Support Center (JLSC), established in April 2006, started its operations in October of the same year. As one of its services, JLSC provides, pro bono, information necessary for settling disputes through judicial and other legal means (including information on lawyers and pertinent organizations with expertise in providing support for crime victims), in cooperation and collaboration with the State, local governments, bar associations and other organizations and

institutions concerned. Any woman who has been subject to discrimination is eligible to receive various support services including pertinent and useful information concerning legal system and referral to other organizations and institutions concerned. In addition, JLSC runs the Civil Legal Aid System, designed to provide assistance in litigation and other legal services. Any woman who has been subject to discrimination and who meets a certain set of requirements, such as lack of financial capacity, is eligible for assistance including a form of loans or repayment plans to cover the fees for legal representation, as well as other types of assistance.

### **(3) Training for Personnel in the Judiciary**

46. Lectures are held for public prosecutors, in various training schemes according to their years of experience, on such themes as ‘consideration for women and children’. Along with these lectures, individual prosecutors are given guidance by their superiors as they perform their daily duties through the course of investigations and court proceedings.

47. With respect to judges, the Government understands that their training includes a curriculum that features research into themes such as women’s rights and welfare, and that lectures are held on such topics as global human rights issues, women’s rights issues and prevention of sexual harassment, in various training and research groups on a regular basis.

## **3. Information on Violence against Women**

48. Violence against women – including spousal violence, sex crimes, prostitution, trafficking in persons, sexual harassment, and stalking behavior – is a flagrant violation of women’s human rights. As such, it is an important problem that must be overcome as part of the process of achieving a gender-equal society. In order to eliminate violence against women, the Government adopts various approaches including making the general public fully aware of the problem, as well as promoting a wide range of measures in accordance with the forms of violence committed, in a comprehensive manner.

### **(1) Efforts against Spousal Violence**

49. See the section on Article 16.

### **(2) Prevention of Crime against Women (Rape, Indecent Assault, Stalking)**

#### **a. Amendment to the Penal Code**

50. Under the Japanese Penal Code violence against women is punished as rape, forcible indecency, homicide, injury causing death, injury, assault, unlawful capture and confinement, and kidnapping for profit, indecency, marriage, and other crimes. In 2004, in order to deal with serious and heinous crimes, the criminal laws were revised with severer statutory penalties for rape, forcible indecency, rape causing death or injury, homicide, injury causing death, and injury. In addition, the crimes of gang rape and gang rape causing death or injury were newly established, so that a statutory penalty heavier than that applied to ordinary cases of rape or rape causing death may be applied, if two or

more persons at a certain location conspire to commit rape, or if such an attack leads to the victim's death or injury. This revision came into effect on 1 January 2005.

### **b. Rape and Indecent Assault**

51. In 2005, the number of reported cases of rape and indecent assaults was 2,076 and 8,751, respectively, down 152 cases (6.8%) and 575 cases (6.2%), respectively, from 2001. Looking at the transition during the five-year period, from 2001 to 2003, the number of cases increased in both categories but began decreasing since 2004.

52. As far as sex crimes are concerned, in order to promote more pertinent and effective investigations into sex crimes by preventing concealment of damage and alleviating the mental burden borne by victims of sex crimes, Instructors on Sexual-Crimes Investigation Methods' and a 'Sexual-Crimes Investigation Unit were set up at the police headquarters of each prefecture country-wide. Efforts have also been made to alleviate the victim's psychological trauma and burden over time, by promoting the assignment of women investigators capable of handling sex crimes to every police station so that investigative interviews and other activities by policewomen can be facilitated. A 'sexual-crimes investigation evidence collection kit' has been distributed, including tools necessary for evidence collection and change of clothes in case the victim's clothes have to be kept as evidence.

### **c. Prevention of Stalking**

#### **(i) Promotion of Strict and Appropriate Response**

53. If the police find any stalking behavior violating the criminal punishment ordinance, they will take appropriate measures including arresting the offender, based on the will of the victim. Even if no criminal punishment ordinance has been violated, the police will take measures appropriate for each case, including giving crime prevention advice and referring the victim to another institution.

#### **(ii) Strict Response to Stalking**

54. Efforts are being made to develop a system under which, when a request for consultation is made by a victim, administrative measures including warning the offender, legal measures such as arresting the offender, and the activities for victim protection are taken in an appropriate manner. For behavior that is in violation of the Law on Proscribing Stalking Behavior and Assisting Victims (hereinafter referred to as the Law to Control Stalking), all necessary administrative measures, including the issuance of warnings or restraining orders, and the arrest of the offender are ensured. In 2005, there were 1,133 warnings, 22 restraining orders, 1,569 cases of prevention support and 200 arrests based upon the Law to Control Stalking. There were also 701 stalker cases that led to arrests based on other laws, including 117 arrests for trespassing, 112 arrests for bodily injury, 101 arrests for property damage, and 74 arrests for intimidation.

**(iii) Support for Victims and Prevention Measures**

55. In addition to giving advice in self-defense techniques in response to a request from victims based on the Law to Control Stalking, various damage prevention measures are taken in an appropriate manner, including equipping of portable automatic notification devices and other forms of support. At the same time, effective victim support and preventive measures are promoted through closer cooperation with relevant administrative organs and organizations.

56. Moreover, efforts are being made to reinforce awareness of counselors and investigators, as well as to improve their expertise, with a view to enabling them to provide support and consultation and to undertake investigative activities in a pertinent and appropriate manner from the standpoint of the victim.

57. Furthermore, with regard to family members and supporters of victims of spousal violence, efforts are made to provide them with effective protection, based on the Law to Control Stalking.

**(iv) Promotion of Public Relations and Awareness**

58. Public relations and awareness raising activities are promoted regarding what constitutes stalking behavior and what steps are taken by the police to control and respond to such behavior.

**(3) Sexual Harassment Prevention****a. Prevention of Sexual Harassment in the Workplace in General**

59. Under the former Law on Securing of Equal Opportunity and Treatment between Men and Women in Employment (hereinafter referred to as the Equal Employment Opportunity Law), employers were obliged to give consideration to the prevention of sexual harassment in the workplace. The guideline set under this law required employers to give consideration to: (i) establishing a clear policy on sexual harassment, making such policy known to employees, and raising awareness; (ii) responding to requests for help and complaints, and (iii) making a prompt and appropriate response to a sexual harassment case, once it has occurred.

60. Of the 19,724 complaints concerning the Equal Employment Opportunity Law brought to the attention of the Equal Opportunity Employment Department of Prefectural Labour Offices under the Ministry of Health, Labour and Welfare (MHLW) in FY2005, the number of complaints related to sexual harassment reached 7,894, or 40% of all complaints.

61. In March 2006, the Ministry submitted to the Diet a bill to amend the Equal Employment Opportunity Law. The bill includes the following points: employers shall take necessary measures to prevent sexual harassment against male workers as well as female; employers shall be obliged to take necessary measures to prevent sexual harassment, whereas the obligation under the former law was merely the one to give necessary, consideration; and in case a recommendation to meet the said obligation is ignored, the name of the company shall be made public. The bill was passed and adopted



unanimously on 15 June 2006, and was promulgated on 21 June. The amended law came into effect in April 2007.

62. The MHLW raises awareness of the revised Equal Employment Opportunity Law and relating guidelines. The Ministry also gives employers administrative guidance to help them take measures to prevent sexual harassment in cases where they have not taken any action.

63. The Ministry provides information and consultative service on practical and concrete action to be taken, as well as holds seminars for employers, those in charge of personnel and labour affairs, and those assigned to points of contact for consultation, and distributes pamphlets and manuals on how to give advice to employees.

64. Expert sexual harassment counselors are stationed in the Equal Opportunity Employment Department to meet the needs of workers who have suffered emotional distress due to sexual harassment in the workplace.

#### **b. Prevention of Sexual Harassment in National Public Service Workplaces**

65. On the basis of the National Personnel Authority Rule 10-10 (came into effect on 1 April 1999), which provides for prevention of sexual harassment by national public officers, the National Personnel Authority released to each Ministry and Agency on 30 July 2004 a notice of the Director General of the Employee Welfare Bureau entitled 'Prevention of Sexual Harassment'. In this notification, the National Personnel Authority called for ensuring implementation of training to raise awareness of supervisory personnel and others, and establishment of a complaint consultation system which is reliable and useful for victims, among other issues. In response to this National Personnel Authority Rule 10-10 and the notification, each Ministry and Agency is endeavoring to enact internal rules, establish a complaint consultation system, and conduct training for their staff.

66. Furthermore, the National Personnel Authority conducts training for those in charge of sexual harassment prevention in all Ministries and Agencies and those who give advice on sexual harassment complaints. In addition, the National Personnel Authority has designated the week from 4-10 December of every year as the 'National Public Officer's Sexual Harassment Prevention Week', and holds in that week, the 'Symposium on National Public Officer's Sexual Harassment Prevention' and the 'One-day Sexual Harassment Telephone Counseling Service'. In order to raise the awareness of staff members, furthermore, the National Personnel Authority prepared pamphlets on sexual harassment prevention in 2004 for supervisors, and in 2006 for newly recruited staff members. The National Personnel Authority also developed a training curriculum model using this pamphlet as an educational tool, and distributed it to each Ministry and Agency.

67. As the amendment of the Equal Employment Opportunity Law was enforced in April 2007, which put employers under an obligation to take necessary measures to prevent sexual harassment, the National Personnel Authority Rule 10-10 was revised and enforced in April 2007, which obliged the head of each Ministry and Agency to take necessary measures to prevent sexual harassment.

**c. Prevention of Sexual Harassment in the Field of Education**

68. The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has provided guidance in preventing sexual harassment in the educational process by establishing directives and mandating implementation of awareness raising activities and measures for developing consultation systems in national universities. Since April 2004, when national universities became independent administrative entities, the Ministry has striven to raise awareness on the importance of sexual harassment prevention based on the aforementioned directives, by providing information necessary for actively implementing awareness raising activities and developing consultation systems.

69. At many national universities, independent efforts are currently made by including the development of consultation systems for preventing sexual harassment in their mid-term goals or planning. Public and private universities have also been informed that the aforesaid directives have been issued, and are encouraged to work actively to prevent sexual harassment.

70. With regard to sexual harassment in public schools, Boards of Education, which establish schools, provide guidance so that appropriate consideration is given to employment management including review of service provisions, that school personnel are alerted and reminded of the importance of preventing sexual harassment, and that a system for properly handling complaints and consultations is provided. Private schools are encouraged to respond effectively to the call for prevention of sexual harassment.

**(4) Protecting Youth from Sexual and Violent Information****a. Establishment of Guidelines and Ordinances in accordance with the National Youth Development Policy and of Ordinances**

71. It is feared that information from various media that contain images portraying sex and expressions of violence and brutality may have an adverse effect on the development of young people, or that such information may deteriorate the tendency of the general public to tolerate deviant sexual behavior and cruel acts. From this perspective, the Government aims to ensure that the State, local governments, relevant industry organizations, and citizens are united in efforts to tackle the challenge of building a wholesome environment for young people and to promote the measures stipulated in the National Youth Development Policy, established in December 2003, for dealing with the various kinds of harmful information to which young people are exposed. To this end, the Government established the 'Guidelines for the Improvement of the Environment Surrounding Youths' on 7 April 2004, which included (i) actions for the Government to take; (ii) the Government's requests to local governments; and (iii) the Government's requests to relevant industry organizations. The Government has promoted measures based on the Guidelines.

72. In addition, 46 prefectures have passed ordinances regarding protection and nurturing of youth, according to the local situation, and have restricted the sales of 'harmful books'.

## **b. Measures against Illegal and Harmful Information**

### **(i) Measures Taken by the Police**

73. The police, in cooperation with local residents, promote activities to remove automatic vending machines that sell harmful books and illegal and harmful advertising material such as pink fliers.

74. At the same time, in order to protect young people from illegal and harmful information on the Internet, the police, in cooperation with schools and other relevant institutions, engage in awareness-raising activities such as promoting the spread of filtering software and its use in homes, improving young people's ability to make the right choices through the sifting of vast amounts of information available on the Internet, and helping to improve moral education.

75. In addition, in order to protect young people from illegal and harmful Internet content at Internet cafes, the police offer advice on establishment by the Japan Complex Café Association of voluntary regulations including identification check of young people before permitting their entry in cafés and installment of filtering systems on computers used in Internet cafés.

76. Moreover, the problem of internet sites that disseminates harmful content over the Internet, such as so-called 'online-dating sites' which can easily be a breeding ground for child prostitution and related crimes, has become more serious. Thus, the police extend cooperation to private organizations that urge dating site organizers to take the necessary steps to prevent use of these sites by minors and discourage young people from using such sites. (The campaign was launched in June 2004.). Additionally, the police themselves undertake cyber-patrolling on the Internet for child pornography and other illegal and harmful information.

77. Furthermore, the police, together with the public and private sectors, effectively promote measures against illegal and harmful Internet information. One of the measures is the establishment of an Internet 'hotline', a facility that receives reports from Internet users of illegal and harmful information on the Internet, notifies the police of the information and asks Internet Service Providers (ISPs) to delete it from the site, as well as serving as an international network in the private sector concerning illegal and harmful information on the Internet.

### **(ii) Study Group on Countermeasures against Illegal/Harmful Information on the Internet**

78. In the Countermeasures against Illegal/Harmful Information on the Internet (compiled by the IT Safety Council in 2005), the Ministry of Internal Affairs and Communications (MIC) announced its intention to set up a study group by July 2005 comprising academic experts, ISPs and others in order to consider voluntary measures taken by ISPs and ways to effectively support those measures. On the basis of this announcement, the group held its first meeting in August 2005, continued to study the pertinent issues, and published the final report in August 2006. On the basis of this report, four Telecommunications-related industrial groups drew up and published the Guidelines for dealing Illegal Information and Model Clause regarding Responses to Illegal or Harmful Information for Inclusion in Contracts in November 2006.

**(iii) Support for Voluntary Measures by Industry Organizations against Illegal and Harmful Information, including Disseminating Guidelines Drawn up by Industry Organizations and Model Contractual Conditions**

79. The MIC cooperates with industry organizations to set up their guidelines. It supports voluntary measures taken by ISPs, including removal of illegal and harmful information that leads to discrimination against women in general and child pornography in particular, issuing warnings to senders of such information, and suspension of the use of Internet by the senders. The Ministry, when necessary, also endeavors to ensure proper implementation of the guidelines by monitoring how they are implemented.

**(iv) Developing a Mechanism for Judging in Advance the Rights and Wrongs of Using the Site**

80. From the standpoint of helping Internet users judge the safety of the sites, the MIC participates as an observer in a conference comprising academic experts, content producers, ISPs and other parties concerned, and supports efforts to consider creating a mechanism to present information to users on the contents of the sites they may visit so that they can use the information to judge in advance whether it is right or wrong to use them. In FY2005, to promote volunteer efforts in the private sector, the Ministry developed and verified an operating system related to this mechanism.

81. At the same time, the Ministry of Economy, Trade and Industry (METI) has developed a standard for rating websites in Japan and abroad (on a scale of harmfulness), in a discussion group comprised of academic experts and interested parties. Moreover, by distributing filtering software to recipients for self-management, the Ministry promotes the spread of such software with a view to raising social awareness.

**c. Efforts in the Field of Education**

82. The MEXT has striven to protect youths from illegal and harmful information on the Internet by: (i) calling on relevant industries to ensure greater self-restraint; (ii) supporting a nationwide monitoring survey of television programs conducted by Parents and Teachers Association (PTA); (iii) conducting research and surveys on advanced efforts made by NPOs (nonprofit organizations) abroad in the field of Internet video games (2002-2003); and (iv) implementing a model project in which youths and their guardians learn about information morality in their own communities.

**(5) Efforts against Prostitution**

83. Acts that promote prostitution or acts to gain financial advantage through prostitution are subject to punishment under the Anti-Prostitution Law for the following crimes: intermediation; forcing prostitution by embarrassing the victim; receiving remuneration; advancement of money; contracted prostitution; provision of facilities; operating managed prostitution; and financing. If a child is the subject of prostitution, the offender would be punished not only under the provisions of the Anti-Prostitution Law but also under the provisions of the Child Welfare Law that provides for a crime of having children engage in lewd acts.

84. In addition, in order to clearly show that child prostitution is a flagrant violation of children's human rights and should be severely punished, in June 2004, the Act on Punishment of Activities Related to Child Prostitution and Child Pornography, and the Protection of Children (hereinafter referred to as the Act Banning Child Prostitution and Child Pornography) was revised to provide for heavier penalties for child prostitution offenses, including intermediation. The revised law entered into force in July of the same year.

## **(6) Activities to Eliminate Violence**

### **a. Considerations by National Machinery**

#### **(i) Expert Committee on Violence against Women**

85. The Expert Committee on Violence against Women, established under the Council for Gender Equality, aims to conduct survey and deliberate on how measures and policies should be implemented to deal with offenses such as spousal violence, sex crimes, prostitution, trafficking in persons, sexual harassment, and stalking behavior.

86. In June 2003, the Specialist Committee compiled and published a list of points of contention regarding the review of the Law for the Prevention of Spousal Violence and the Protection of Victims. Also, in March 2004, the Specialist Committee stressed the importance of severer punishment for sex crimes, mental and physical care for victims, response to sex crimes against girls, and measures against trafficking in persons. In July 2005, as part of the revision of the Basic Plan for Gender Equality, the Specialist Committee presented the basic idea behind its efforts to eliminate all forms of violence against women.

#### **(ii) Meeting of Directors from Ministries and Agencies Concerned on All Forms of Violence against Women**

87. The Meeting of Directors from Ministries and Agencies Concerned on All Forms of Violence against Women, established under the Headquarters for the Promotion of Gender Equality, is engaged in deliberating on ways to promote actively measures and policies concerning violence against women in close cooperation among the administrative agencies concerned.

### **b. Raising Social Awareness**

88. The Government has designated the two weeks from 12 to 25 November, which is the United Nations' International Day for the Elimination of Violence against Women, as the period for the Campaign for Eliminating Violence against Women (decided on 5 June 2001 by the Headquarters for the Promotion of Gender Equality). The campaign aims to increase awareness and to educate people so that they will have respect for women's human rights by, among other things, conducting a symposium on violence against women during this period in cooperation and collaboration with local governments, women's groups and other related organizations.

### **c. Research and Study**

89. In a Survey on Violence between Men and Women conducted by the Cabinet Office in FY2005, around 10% of female respondents have ‘on many occasions’ experienced either of ‘physical assault’, ‘mental harassment or frightening threats’, or ‘sexual coercion’ by their spouses. In the same survey, 13.5% of female respondents have experienced in their 10s and 20s either ‘physical assault’, ‘mental harassment or frightening threats’, or ‘sexual coercion’ from their boyfriends whom they have not married at a later date. In addition, 7.2% of the female respondents said they had had experience of being forced by males to have sexual intercourse.

90. In this regard, from FY2002 to FY2005, a study group of intellectuals conducted surveys and researches on ways to rehabilitate perpetrators of spousal violence.

### **4. Asian Women’s Fund (AWF)**

91. The Government of Japan provides the following updates regarding so-called ‘comfort women issue’ in response to the Concluding Comments issued in 2003 by the UN Committee on the Elimination of Discrimination against Women on Japan’s Fourth and Fifth Periodic Reports.

92. The Government cooperated fully with the AWF, which was established in July 1995, to fulfill the Fund’s activities. The Government provided a total of approximately 4.8 billion yen from the time of the Fund’s founding through the end of fiscal year 2005.

93. Using the donation by the Japanese people, the AWF provided 2 million yen each to so-called former comfort women in the Philippines, South Korea, and Taiwan as ‘atonement money’. The Government of Japan also disbursed about 510 million yen from the national budget so that the AWF could undertake medical and welfare support projects. In addition, a letter from the Japanese prime minister expressing apologies and remorse was sent directly to each of the so-called former comfort women along with atonement money, and when medical and welfare support projects were initiated. These projects ended in September 2002.

94. As regards the Netherlands, the AWF discussed with those concerned in the Netherlands ways to provide support for the so-called former comfort women residing in the Netherlands. As a result, it initiated a project in the Netherlands worth a total of 2.45 million yen to improve the living conditions of those in need.

95. Respecting the intent of the Government of Indonesia, the Government of Japan provided 380 million yen to support a project to build housing for elderly Indonesians as a way of improving social welfare for the so-called former comfort women. This project was completed by the end of March 2007.

96. The AWF was actively engaged in resolving various issues that confront women today. These efforts included holding international forums, supporting NGO public relations activities, conducting

opinion surveys and research, providing counseling for women, and conducting research to provide mental care.

97. Although the AWF was dissolved on 31 March 2007, the Government of Japan will continue to endeavour for the enhancement of public awareness concerning the efforts made by Japanese people and government through the AWF.

## **5. Minority Women**

98. Article 14 of the Constitution of Japan stipulates that there shall be no discrimination in political, economic or social relations based on race, belief, sex, social status, or family origin. The Basic Law for a Gender-Equal Society, enacted in 1999 under this principle of equality, treats equally all those who have Japanese nationality, including the 'minority women' who were pointed out in the deliberations of the Committee on the Elimination of Discrimination against Women and the Concluding Comments of the Committee on Japan's Fourth and Fifth Periodic Reports. In addition, unless special circumstances dictate otherwise, the principle of equality found in the Constitution of Japan is applied by analogy to foreign nationals who reside in Japan. Moreover, the same principle of equality is applied in measures and policies concerning education, employment and health, as well as violence against women, contained in the Basic Plan for Gender Equality which was formulated in accordance with the Basic Law.

99. In accordance with the provision of Article 7 of the Act for Promotion of Human Rights Education and Encouragement enforced in 2000, as the general framework for the government's policy on comprehensive and systematic promotion of human rights education and encouragement, the Basic Plan for Promotion of Human Rights Education and Encouragement was formulated by the Cabinet Meeting in March 2002. In the Basic Plan, problems concerning the 'Dowa' issue, Ainu people, foreign nationals and other minorities were listed as matter of human rights. With a view to solving these problems, the Government has taken measures including elimination of the sense of prejudice Japanese people may have towards minorities.

100. The Human Rights Organs of the MOJ conduct various promotion activities in different parts of the country, not only during the Human Rights Week but also throughout the year from the standpoint of prohibiting all forms of discrimination, under the slogans of 'Elimination of Discrimination relating to Dowa issue', 'Deepen Your Understanding of the Ainu People', and 'Respect Foreign Nationals' Rights'.

## **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**

101. For the purpose of public dissemination, the following documents are posted on the websites of the Ministry of Foreign Affairs (MOFA) and the Cabinet Office: the Convention on the Elimination of Discrimination against Women, the Fifth Periodic Report on Implementation of Convention on the Elimination of Discrimination against Women, submitted in September 2002 (Japanese translation),

and the Concluding Comments of the Committee on the Elimination of Discrimination against Women regarding the Fourth and Fifth Periodic Reports issued in July 2003 (English original and Japanese translation).

102. In compiling the Sixth Periodic Report, a wide array of public opinions was collected on the items to be incorporated into this report, through the website of the Cabinet Office, newspapers and other media. At the same time, 'the Hearing on items to be incorporated in the Sixth Periodic Report' was held on 19 December 2005, and 'the meeting for exchanging information and opinions' was held on 24 March 2006 to introduce the major measures taken by the Government which are related to the submitted opinions and to exchange views and thoughts.

## **7. Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women**

103. The Optional Protocol to the Convention on the Elimination of Discrimination against Women contains an individual communications procedure that allows individuals or groups of individuals to bring complaints on human rights violations to the Committee on the Elimination of Discrimination against Women. Japan has neither concluded nor accepted the communications procedures under any international human rights treaties yet. Currently Japan is giving consideration to this matter.

### **Article 3 (Guarantee of Basic Human Rights and Fundamental Freedoms)**

#### **1. Measures to Ensure Full Development and Advancement of Women**

##### **(1) Measures to Support Women's Challenges**

104. As stipulated in the Second Basic Plan for Gender Equality, the Government is making various efforts to promote women's 'Upward' Challenges, 'Horizontal' Challenges and 'Renewed' Challenges in various fields. Upward challenges enable women to play a bigger role in policy decision-making processes. Horizontal challenges expand the scope of the areas where opportunities for women have been traditionally limited. Renewed challenges enable women who have stopped working outside the home to raise children or take care of elderly family members to resume working outside the home. The Basic Plan encourages taking comprehensive measures to implement the overall structural reform toward a society where introduction of new ideas by women and the effective utilization of their abilities enable women to be more active on the one hand and men to lead more balanced lives on the other.

105. In 2005, the Committee for Deliberation on Supportive Measures for Women's Renewed Challenges, presided over by the Chief Cabinet Secretary and comprising relevant cabinet ministers, adopted the Plan of Support for Women's Renewed Challenge aimed at providing comprehensive support for women who have stopped working outside the home for child rearing to resume their careers or start a new company.



## **(2) Measures for Women with Disabilities**

### **a. Steady Implementation of the Basic Programme for Persons with Disabilities**

106. The Basic Programme for Persons with Disabilities (adopted by the Cabinet Meeting in 2002) inherited the principles underlying the New Long-Term Plan for Persons with Disabilities, which is heir to the Long-Term Plan for Persons with Disabilities, established in 1982 as a domestic action plan adopted on the occasion of the United Nation's Decade of Disabled Persons. In addition, the Five-Year Plan for Implementation of Priority Measures was adopted in 2002 by the Headquarters for Persons with Disabilities. The Government has specified concrete numerical targets in keeping with the Basic Programme and the Five-Year Plan and promoted measures as the Government as a whole.

107. In 2004, the Basic Law for Persons with Disabilities was amended to add as a basic principle a new provision that reads: 'No one shall be allowed to discriminate against persons with disabilities or violate their rights and benefits on the basis of disability'. The law has also clarified its responsibilities and those of the local governments and citizens in order to advance its measures and policies more steadily and systematically.

### **b. Week of Persons with Disabilities**

108. Every year since FY 1995, from 3 December to 9 December, is designated as Week of Persons with Disabilities which was also written in a law in FY2004. During this week, the Government conducts public relations and education activities through the mass media.

109. In particular, during the Week of Persons with Disabilities in FY2005, efforts were made to further enrich the programs during the Week, on the basis of the previous year's amendments to the Basic Law for Persons with Disabilities. Various events were undertaken as new initiatives in cooperation with organizations of persons with disabilities' organizations and institutions concerned, including a Seminar Series for the Week of Persons with Disabilities and symposia in Tokyo and Osaka on the subject of promoting greater social participation of persons with disabilities. Unique events as well as public relations and awareness-raising activities were conducted respectively by the government ministries and agencies, local governments, organizations of persons with disabilities, and various institutions concerned.

## **(3) Measures for Elderly Women**

110. The proportion of women among the elderly population is high, and in reality the burden of nursing-care is mainly carried by women. Therefore, solving the problems of the elderly leads to the solution of problems facing women. Meanwhile, in order to make an aging society rich and vibrant, rather than simply placing the elderly on the side to be supported, it is crucial to eliminate fixed concepts and biased views based on age alone and to positively consider the role of the elderly as important members of society, together with other generations.

111. Therefore, in accordance with the Second Basic Plan for Gender Equality, which was formulated in December 2005, the Government works towards improving the nursing system for the elderly with

a view to supporting them by mobilizing the whole society. At the same time, it also implements various measures with the aim of expanding opportunities for participation in society by the elderly, and securing their economic independence.

#### **a. Long-term Care Insurance System**

112. In the long-term care insurance system introduced under the provisions of the Long-term Care Insurance Law as a mechanism to provide social support for nursing care as the population ages, support is provided for the elderly and their families by making nursing-care services available both at home and in nursing-care facilities in a comprehensive manner.

113. As of September 2005, 1.29 million men and 3.02 million women were certified as requiring support or care, whereby women made up approximately 70% of the total. With regard to the gender of principal caregivers, the number of women was larger than that of men, whereby women made up 79.1% and men made up 20.9% in 2003. The rate of female caregivers been decreased compared to the rate of 85.1% in 1995, when long-term care insurance had not yet been introduced.

114. Looking at the implementation situation of the long-term care insurance system since its inception in 2000, the number of elderly persons who use its services has more than doubled, and the system generally receives favorable marks in public opinion polls, which indicates that the system is gradually becoming established as a system underpinning the daily lives of the nation's elderly. Furthermore, with a view to establishing a sustainable long-term care insurance system, the Law concerning Partial Amendment to the Long-term Care Insurance Law, a thorough review of the existing system was passed in 22 June 2005, and promulgated on 29 June of the same year.

#### **Article 4 (Special Measures)**

115. The Government of Japan would like to underline the following special measures that it has taken in response to article 4, paragraph 1 of the Convention, General recommendation No. 25 by the UN Committee on the Elimination of Discrimination against Women and the Concluding Comments issued in 2003 by the Committee on Japan's Fourth and Fifth Periodic Reports.

#### **1. Women's Participation in the Decision Making Process for Government Policies and Measures**

116. As one of the basic principles of ensuring gender equality, the Basic Law for a Gender-equal Society sets forth the 'joint participation in planning and deciding policies'. In order to narrow the gap between men and women, the Basic Law also stipulates taking 'positive actions' as a responsibility primarily of the Government, and secondarily of the local governments.

At the same time, the Second Basic Plan for Gender Equality adopted by the Cabinet meeting in December 2005 sets as its goal 'raising the percentage of women in leadership positions in all fields to at least around 30% of the total by 2020'.

## **(1) Appointment of Women as Members of the National Advisory Councils and Committees**

117. On 15 August 2000, the Headquarters for the Promotion of Gender Equality adopted a decision 'Promotion of the Appointment of Women to National Advisory Councils and Committees'. On the basis of this policy, the Government has systematically endeavored to realize the goal of 'achieving 30% of the total number of appointments' 'at the earliest possible date before the end of FY2005'.

118. Consequently, the share of female members of national advisory councils and committees reached 30.9% as of end September 2005, which means that the goal was achieved half a year earlier than projected. On the strength of this performance, in April 2006, the Headquarters for the Promotion of Gender Equality set a series of new goals including one which says 'by 2020, for the Government as a whole, efforts will be made to achieve a state of gender equality where the number of either male or female members does not fall below 40% of the total.' At present, the Government is proactively appointing women to the national advisory councils and committees to achieve the above goal.

## **(2) Recruitment and Promotion of Female National Public Officers**

119. In June 2001, the Headquarters for the Promotion of Gender Equality adopted a decision Promotion of the Recruitment and the Promotion of Female National Public Officers, which states that a plan for promoting female recruitment and promotion should be established among other measures.

120. Moreover, in April 2004, it was decided that efforts should be made to further enlarge the recruitment and promotion of female national public officers by setting a goal for the Government as a whole, on the basis of the decision Enlargement of the Recruitment and Promotion of Female National Public Officers adopted by the Headquarters and the Guidelines concerning the Enlargement of the Recruitment and Promotion of Female National Public Officers formulated by the National Personnel Authority.

121. At the same time, responding to the Headquarters' decision in 2004, it was agreed at a meeting of directors in charge of personnel management at various Ministries and Agencies to set the target of around 30% for female national public officers to be recruited through the Level I recruitment examination (career officers in the fields of administration, legislation, economics) as a rough indication of the share of women in the total number of recruits for the Government as a whole until around 2010.

122. As a result of efforts made thus far, while the share of women recruited through the Level I examination was 15.6% for FY2001 when the Guidelines were established, the share of female applicants expected to be recruited through the Level I examination rose to 21.1% (as of the end of March 2006). As for promotions, women accounted for 14.9% of chief managers in FY2000, while it increased to 15.8% in FY2003. The proportion of women in the assistant director class in the central Government and the director class in regional organizations increased from 5.2% to 5.4%. The proportion of female directors or higher in the Government also increased from 1.3% to 1.5%.

123. In December 2005, with the situation described above in mind, the National Personnel Authority revised the Guidelines, including the introduction of a mentoring program. Based on the revised Guidelines, each Ministry and Agency adopted a plan that set a series of goals to be achieved by FY2010, and an agreement was reached to make further effort to reach that goals.

124. At the same time, based on the revised Guidelines, a new goal was set for women's share in the number of applicants who pass the recruitment examination for national public officers. Toward this end, the National Personnel Authority is proactively undertaking recruiting activities by holding such events as the '*Kasumigaseki* (i.e. the name of the area where many Ministries and Agencies are located) seminar for female students by female national public officers', which mainly aims to provide a venue for female students and female national public officers to exchange views.

## **2. Women's Participation in the Decision-making Process in Local Governments**

### **(1) Request for Cooperation in Promoting Appointment of Women as Members of the Advisory Councils and Committees of Local Governments**

125. Prefectures and government-designated cities are making efforts to promote the appointment of women in their advisory councils and committees by setting target ratios and cutoff dates for achieving them.

126. In advisory councils and committees for which local governments have set ratio targets, the proportion of female members was 25.9% as of 1 April 2005, which shows a steady increase in female appointment. Similarly, the proportion of women appointed to advisory councils and committees in municipalities established under law or ordinance was 21.3% as of 1 April 2005.

### **(2) Recruitment and Promotion of Local Government Officials**

127. The Government keeps local governments informed about a policy decision entitled Enlargement of the Recruitment and Promotion of Female National Public Officers, which was agreed at a meeting of managers in charge of personnel affairs at various Ministries and Agencies, and of the Guidelines Concerning the Enlargement of the Recruitment and Promotion of Female National Public Officers, in which a mentoring program has been newly introduced.

At the same time, the Government keeps itself abreast of the efforts local governments are making and facilitates information exchange about the best practice of recruitment and promotion of local government officials.

128. Local governments are making efforts to promote appointment of women to their councils and committees by setting ratio targets for promotion of women to managerial positions and training women for such positions. The proportion of women in managerial positions has been steadily increasing.

### **3. Support for Measures Taken by Private Corporations, Educational and Research Institutes, and Other Organizations and Groups**

#### **(1) Support for Female Workers**

129. The Equal Employment Opportunity Law stipulates that the Government may offer support to private corporations which take positive actions to eliminate the existing gap between male and female workers, which is caused by rigid views about the role of men and women.

130. Additionally, in 3 March 2006, the MHLW submitted to the Diet a bill to amend the Equal Employment Opportunity Law that would allow the Government to assist corporations that have taken positive actions to disclose to the public the efforts they are making to support female workers. The bill was passed and adopted unanimously on 15 June and promulgated on the 21st of the same month, and the amended law came into effect in April 2007.

131. According to the Basic Survey of Employment Management of Women Workers implemented in FY2003, the ratio of corporations that 'have already taken positive action' is 29.5% and the ratio of corporations that are 'planning to take positive action in the near future' is 8.8%. Looking at the ratio of corporations that 'are already taking positive action' by the size of corporations, bigger corporations have a higher ratio and 74% of corporations with 5,000 employees or more is already taking positive action.

132. In order to realize substantive equal treatment of men and women, promoting positive actions so that female workers will be able to realize their full potential is indispensable, as is managing their employment without discriminating against them on the basis of gender. To this end, the MHLW conducts awareness-raising activities to deepen the understanding of the general public, as well as that of labour and management, about gender equality in the workplace, by, since 1986 when the Equal Employment Opportunity Law was enacted, designating June as the Equal Employment Opportunity Month.

133. In order to support specific efforts made by corporations, the Government takes initiative in holding industry-classified conferences for employers and seminars for the dissemination and promotion of positive action. Furthermore, measures that are difficult for individual companies to take are also implemented, such as employee training targeting female candidates for managerial positions and female workers in middle-managerial positions. For corporations that have returned so-called 'checklist' (to review the implementation status of positive actions), the Ministry conducts a benchmark project in which corporations have their performance and efforts evaluated and compared to the performance and efforts of other corporations in the same business and receive advice on them. Already, 12,723 corporations have participated in this project. Under the 10-year program, checklists will be sent to every corporation with at least 30 workers to encourage them to make use of this benchmark project.

134. It is vital to enhance awareness of top management to promote Positive Action in corporations. Therefore, the Positive Action Promotion Council was established in FY2001, with coordination with

employer's associations and other organizations, to encourage the member companies to take measures for positive action. From among the activities undertaken by the Council, a collection of concrete examples of Positive Action and a collection of interviews aimed at connecting top management to the field are compiled and efforts are made to disseminate these collections.

135. Furthermore, for companies making positive efforts to promote the realization of female workers' full potential, the Corporation Award for the Promotion of Gender Equality was established in FY1999, to praise such efforts as well as to widely disseminate their efforts to the general public and to contribute to the promotion of the exercise of female workers' abilities and skills. In FY2006, one company was presented with the Minister of Health, Labour and Welfare Award and 40 were given the Prefectural Labour Department Award. A total of 337 companies have been awarded prizes since the Corporation Award was established.

## **(2) Support for Female Entrepreneurs**

### **a. Information and Consultation for Startup Hopefuls**

136. At the Center for the Advancement of Working Women (CAWW), assistance projects such as career advancement seminars, consultation sessions, and information exchange are conducted for women who intend to start a business.

137. Since FY2006, a website has been developed specifically to provide information for women who expect to start a business, a program for referring to mentors (older advisers) who have expertise in corporate management has been started, and a system for granting subsidies has been established, with a view to supporting women entrepreneurs.

### **b. Implementation of Business Inauguration Classes for Women**

138. The METI offers a short-term intensive training course (so-called 'cram schools for business start-up'), where some 30 hours of training are provided to help trainees develop the practical skills they need to start a business. There are also courses geared for women, in which a total of 6,262 women participated across the country during a five-year period from FY2001 to FY2005.

### **c. Preferential Treatment System for Financing**

139. The METI operates a low-interest lending system for those in need including female entrepreneurs through the Japan Finance Corporation for Small and Medium Enterprise (JASME) and National Life Finance Corporation (NLFC). At the same time, the Ministry offers loans without security and surety to those who plan to start their own businesses after their business plans are screened. Especially for female entrepreneurs, a low-interest lending system was launched in February 2003, and in April 2004 the Ministry raised the loan limit to make the system more user-friendly.

### **d. Measures in the Area of Agriculture**

140. See the section on Article 14.

### **(3) Request for Colleges and Universities**

141. The Second Basic Plan for Gender Equality contains the following new provision: National universities shall be requested to make efforts to raise the ratio of female faculty members based on the performance goal of ‘raising the ratio of female faculty members in colleges and universities to 20% by 2010’, which was set forth in a report issued by the Japan Association of National Universities.

### **(4) Expansion of Women’s Participation in Agricultural Cooperatives**

142. The Second Basic Plan for Gender Equality contains another new provision which reads as follows: Efforts shall be made to set participation targets for female board members in agricultural, forestry and fisheries cooperatives and for female agricultural committee members, as well as to strengthen the periodic follow-up and awareness-raising toward achieving those targets.

## **Article 5 (Sex Role Stereotyping and Prejudice)**

### **1. Publicity and Awareness-Raising Activities for the Correction of Stereotyped Perceptions of Gender Roles**

#### **(1) Strengthen Awareness-raising Campaigns for Eliminating Stereotyped Perceptions of Gender Roles**

##### **a. Provisions in the Basic Law for a Gender-Equal Society**

143. In Article 16 of the Basic Law for a Gender-equal Society, it is stipulated that ‘the State and local governments shall take appropriate measures through public relations activities and other measures to increase understanding of citizens on the basic principles’. In accordance with this premise, publicity and awareness-raising activities for the correction of stereotyped perception of gender roles shall be promoted.

##### **b. Second Basic Plan for Gender Equality**

144. The Second Basic Plan for Gender Equality, adopted by the Cabinet on 27 December 2005, set forth the basic direction of its policy as follows: ‘The stereotyped perceptions of gender roles that have been formed in people’s minds over a long period of time constitute a huge obstacle that prevents the realization of gender equality. These perceptions have begun changing with the current of the times, but since many of them persist to this day, public information and awareness-raising activities shall be actively undertaken to deepen awareness and understanding of gender equality so that it will be firmly established.’

145. At the same time, as concrete steps to achieve this goal, the Second Basic Plan clearly states: ‘to Endeavor to eliminate misconceptions about the philosophy of gender equality and the definition of the ‘gender’ perspective, conduct easily understandable public information and awareness-raising activities to avoid any arbitrary application and interpretation,’ and ‘In order to deepen awareness of

gender equality and firmly establish the gender perspective, as well as to promote a revision of various practices and customs in the workplace, family and local community, public information and awareness-raising activities will be conducted with these objects in mind.'

146. Moreover, in order to deepen people's understanding of the philosophy of gender equality and the accurate definition of 'gender' perspective, and for the purpose of enabling both men and women to realize their respective abilities and give full play to their individual characteristics in helping to promote the formation of a hopeful and vibrant gender-equal society, the Minister of State for Gender Equality and Social Affairs visited various parts of Japan and held workshops on this subject.

#### **c. Measures Taken by Headquarters for the Promotion of Gender Equality**

147. The Government designated the week from 23 to 29 June every year as the Gender Equality Week in 2001 (decided by the Headquarters for the Promotion of Gender Equality on 26 December 2000), with the aim of stimulating the momentum to undertake various measures towards the formation of a gender-equal society, at all levels and spheres of society.

In the course of Gender Equality Week, the Government holds a National Conference for the Formation of a Gender-equal Society and conducts proactively public information and awareness-raising activities such as the creation and distribution of PR posters, with the cooperation of local governments, women's groups and other organizations concerned.

148. Furthermore, the Government provides the general public with information on the measures it has taken to promote gender equality and the movements related to gender equality by publishing the bimonthly newsletter 'News from the Headquarters for the Promotion of Gender Equality' and through the twice-a-month e-mail newsletters on gender equality.

#### **d. Efforts Based on the Basic Plan for Human Rights Education and Encouragement**

149. On the basis of the Basic Plan for Human Rights Education and Encouragement, which was formulated by the Cabinet on 15 March 2002, the Government promotes, in a comprehensive and systematic manner, measures and policies concerning human rights education and encouragement in order to realize a society in which human rights are fully respected at the earliest date. This plan takes up issues related to the women's rights among other human rights problems, which the Government is making various efforts to address.

#### **e. Measures Taken by the Human Rights Organs of the MOJ**

150. The Human Rights Organs of the MOJ conduct various human rights promotion activities with the aim of eliminating prejudice and discrimination against women and stereotyped perceptions of gender roles. In particular, during Human Rights Week (4-10 December) held every year with the final day of 10 December designated as the Human Rights Day, the Human Rights Organs conduct intensive human rights promotion activities. During this week, 'Protection of Women's Rights' is employed as one of the slogans, as a way to emphasize the need to protect of women's rights.



## **f. Measures Taken by Local Governments and NGOs**

151. The Government, prefectures and government-designated cities have jointly held the Gender Equality Forum aiming at promoting regional activities and developing an atmosphere conducive to the promotion of formation of a gender-equal society. By FY2005, the Government held the Program to Promote Gender Equality Declaration Cities jointly with 85 municipalities, which encourages local authorities to announce their cities as Gender Equality Declaration Cities where municipalities take various measures to create a gender-equal society.

152. At the same time, local governments have implemented public information and awareness-raising activities based on their own initiatives, such as holding commissions, conferences, forums and symposiums, conducting human resource development programs and awareness-raising lectures.

153. Moreover, the Liaison Conference for the Promotion of Gender Equality (so-called Egalité Network) is held in order to enhance coordination by promoting exchange of information and opinions with people from various sectors of society and among NGOs.

154. In addition, the Government conducts public information and awareness-raising activities that include establishing public information guidelines from the perspective of gender equality, enriching the contents of its website, publishing PR magazines, making better use of its public relations programs, among other measures. In addition, the Government endeavors to create momentum and to enhance awareness for building a gender-equal society, by conducting training courses for staff members of local governments and gender equality centers, or by inviting young people who will play an important role as leaders of their local communities from all over Japan to participate in Young-Leader Conferences.

## **(2) Human Rights Education and Gender Equality Education for Eliminating Stereotyped Perceptions of Gender Roles**

### **a. School Education**

155. At the stage of primary and secondary school education, through elementary school, junior high school and high school, the MEXT promotes appropriate guidance in accordance with the development stage of schoolchildren and students regarding respect for human rights, equality of men and women, the importance of mutual understanding and cooperation between men and women, and the importance of family life. At the same time, it implements various measures and policies to promote well-organized, systematic career education throughout the activities of all school education.

156. Moreover, various measures and policies are implemented in higher education to promote a system of internship that contributes to cultivate a strong sense of pride among students in their job and the ability to make their own career decisions.

157. Furthermore, training related to gender equality is conducted for members of school faculty at the National Center for Teachers' Development and the National Women's Education Center.

**b. Social Education**

158. In order to increase the opportunity for learning about gender equality in local communities, the Ministry conducts practical studies on support measures to enable women to demonstrate their abilities in society and pursue a variety of careers. It also implements model programs under which women are urged to capitalize on the fruits of their learning and other activities to participate proactively with men in making policy decisions.

**(3) Introduce a Gender Perspective into the Media**

159. The Government established a guide for ensuring that PR publications prepared by public institutions are appropriate from the perspective of gender equality, and has been careful to make sure that the expressions used in PR publications prepared by the national administrative organs are not construed as stereotypes based on gender. At the same time, local governments and commercial media are encouraged to make volunteer efforts. The Government conducts information and opinion exchanges with bodies concerned including media which compose the Liaison Conference for the Promotion of Gender Equality.

For measures taken against illegal and harmful information, see the section on Article 2.

**(4) Implementation of Public Opinion Poll**

160. Since 1972, the Cabinet Office has conducted ‘public opinion polls on gender equality’ once every two to three years. In the poll conducted in November 2004, the ratio of respondents (48.9%) opposed to the stereotyped notion of gender roles, namely, ‘a husband should go to work, wife should stay home and take care of the family’ exceeded those in agreement (45.2%) for the first time ever.

161. If disaggregated by gender, the ratio of women opposed to the stereotyped notion of gender roles (53.7%) exceeds the ratio of women in agreement (41.2%), although the ratio of men in agreement (49.7%) still outpaces the ratio of men opposed (43.3%).

162. If disaggregated by generation, the ratio of respondents between ages 20 to 59 opposed to the stereotyped notion of gender roles exceeds the ratio of those in agreement, although the results are completely reversed when the respondent is 60 or older. There is a considerable difference among generations.

163. Even among male respondents, who are more likely to be in agreement with the stereotyped notion of gender roles than opposed to it, the difference today is less pronounced than it has been in the past, which suggests that the attitude toward the stereotyped perceptions of gender roles is steadily changing for both men and women, especially among the younger generation.

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## **2. Measures for Promoting Gender Equality in the Family**

### **(1) Education in the Home**

164. It has been pointed out that the educational power of family has declined due to such recent trends as urbanization, spread of the nuclear family, dwindling number of children, and weaker local connection. Along with the deteriorating problems of juvenile delinquency and child abuse, there is a demand for more solid support for education in the home.

165. The MEXT has prepared a Handbook of Education in the Home, which takes account of gender in family life, and distributed it to every parent with a baby, or a child in elementary or junior high school. At the same time, the Ministry has increased the opportunity to learn about education in the home by organizing gatherings to discuss the role of the father in providing education in the home, and produced Videos on Education in the Home for distribution or lending. Through these and other measures, the Ministry endeavors to provide all parents with carefully thought-out support for education in the home.

166. In order to encourage both men and women to fulfill equal responsibility for raising children and to provide supports for child rearing in cooperation with local communities, since FY2003, the National Women's Education Center has held conferences to promote research and information exchange among those concerned, and to facilitate network-building among institutions, groups and leaders in the field of child rearing. In addition, the Center provides teaching material and information to those in position of leadership and conducts awareness-raising activities by conducting research and developing learning programs for promoting education in the home and supporting child rearing.

167. Furthermore, there are classes and courses for women on the theme of gender equality in family life in local government.

### **(2) Support for the Balance between Work and Family**

168. Various measures have been actively taken to support efforts to manage work and family life so that both male and female employees can lead fruitful working lives, while fulfilling their family roles in matters such as child care and family care. (See Article 11.7 for more detail.)

169. At the same time, in order to eliminate the stereotyped perceptions of gender roles in the workplace, new training programs have been developed in the form of videos and checklists to promote application in a wide variety of sectors.

## **Article 6 (Prohibition of Exploitation of Prostitution of Women and Girls)**

### **1. Efforts against Trafficking in Persons**

#### **(1) Current Legal System**

##### **a. Formulation of the Action Plan of Measures to Combat Trafficking in Persons**

170. Trafficking in persons for such purposes as sexual exploitation and buying and selling of organs is a grave violation of human rights. Women victims suffer serious physical and psychological damage. Since the road to recovery is long and arduous, a prompt and appropriate response is needed from both a humanitarian perspective and a perspective of international organized crime.

171. Cognizant of these implications of trafficking in persons, in April 2004, the Government established in the Cabinet, Inter-Ministerial Liaison Committee (Task Force) regarding measures to combat trafficking in persons, with the Assistant to the Deputy Chief Cabinet Secretary acting as chairperson. In December, the Committee formulated an Action Plan of Measures to Combat Trafficking in Persons as a comprehensive set of measures that include prevention and eradication of trafficking in persons and protection of trafficked victims. Since the formulation of the Action Plan, the Ministries and Agencies concerned have striven to steadily advance the measures formulated to combat trafficking in persons by follow-up evaluation on the progress made in the Committee.

##### **b. Law Concerning Partial Amendment to the Penal Code**

172. The Law Concerning Partial Amendment to the Penal Code was enacted in June 2005 in order to develop legislation to ensure severe punishment of traffickers. It includes the establishment of trafficking in persons as a crime, an increase in the penalties for unlawful capture or confinement and kidnapping, expansion of the scope of purpose requirement for kidnapping and measures for dealing with cross-border trafficking in persons.

173. The law also contains amendments to the Immigration Control and Refugee Recognition Act, which provides for a definition of trafficking in persons.

##### **c. Punitive Provisions for Trafficking in Children**

174. With regard to the trafficking in children, human traffickers whose objective is to force children into prostitution and other harmful acts are severely punished under Article 2 of the Law Banning Child Prostitution and Child Pornography. In addition, stringent measures are also provided under the Child Welfare Law, through severe punishment of such acts as transferring children to those who are likely to force them to engage in harmful and lewd acts, or putting children under one's own control for the purpose of forcing them to engage in harmful acts.

**d. Amendment to the Landing Permission Criteria for the Status of Residence of Entertainer**

175. The amendment of the ministerial ordinance that stipulates the criteria for granting landing permission to applicants for the status of residence of Entertainer (hereinafter referred to as 'the Ordinance on the Criteria') was enforced on 15 March 2005. The amendment deleted the provision that an applicant who intends to engage in entertainment activities such as theatrical performances in Japan shall meet the requirement to be qualified to do so by a foreign central or local government.

176. Furthermore, pursuant to the Action Plan of Measures to Combat Trafficking in Persons, the Ordinance on the Criteria was comprehensively reviewed and amended on 13 March 2006. The amendment to the ordinance, which came into effect on 1 June, increases the severity of the requirements for domestic contracting agencies which accept foreign entertainers.

**e. Approval for the Ratification of the Anti-Trafficking Protocol**

177. In 2005, the 162nd Diet approved ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (so-called Trafficking Protocol).

**(2) Current Situation of Trafficking in Persons****a. Cleared Cases**

178. In 2005, the number of cleared cases for the crime of trafficking in persons was 81 (up 2 from the previous year); the number of persons arrested was 83 (up 25 from the previous year), 57 of whom were proprietors and 26 brokers.

179. As the first case of applying the crime of trafficking in persons which was recently added to the Penal Code, the police arrested two suspects from Taiwan alleged of purchasing two Indonesian women, and two Indonesians suspected of selling the two women to the suspects.

**b. Actual Conditions of Victims**

180. In 2005, there were 117 confirmed victims of trafficking in persons from nine countries (up 40 from the previous year). By nationality, 44 were from Indonesia (37.6 % of the total number of victims), 40 from the Philippines (34.2%), and 21 from Thailand (17.9%). These three countries accounted for 90% of the total number of confirmed victims. A detailed table of cleared cases is shown in Statistical Annex 21.

181. In 2005, the number of victims of trafficking in persons provided with protection or support for return to their home countries by the Immigration Bureau of the MOJ totaled 115 (all females). Out of the 115 victims, special permission for residence was granted to 47 victims who had been staying illegally. The Immigration Bureau has been endeavoring to uncover more potential victims of trafficking in persons and to ascertain their real conditions, by closely cooperating with the relevant

organizations to gather related information concerning trafficking in persons and by adding the gathered information to a database for analysis.

**c. Enhancement Communication through the Government Delegation and Overseas Establishments and Collection of Relevant Information**

182. In order to strengthen cooperation and exchange of information with various foreign governments and relevant organizations, the Government of Japan promotes efforts to reinforce the liaison with the government organizations of other countries concerned and NGOs by dispatching the delegation on Anti-Human Trafficking Measures or through overseas establishments and the like.

**(3) Measures for Victims, Preventive Measures, Public Information and Awareness-Raising**

**a. Measures for Victims**

**(i) Using Women's Consultation Offices as Shelters for Victims of Trafficking in Persons**

183. Women's consulting offices in all 47 prefectures provide support for women in accordance with their various counseling needs, if necessary, providing temporary protection and emergency shelter. Women's consulting offices provide customized consultations to all women regardless of their nationality or age, and thus victims of trafficking in persons also use them as public shelters. In FY2005, 112 women were given protection. The figures since 2001 are shown in Statistical Annex 22.2.

**(ii) Temporary Protection for Victims of Trafficking in persons Offered in Private Shelters**

184. Since FY2005, some victims of trafficking in persons have been temporarily given protection in private shelters, as commissioned by the local women's consulting office, if victims can expect better protection in the private shelters given their efficiency of activities and confidentiality of their location. In FY2005, 52 of the 112 women given shelter as noted above were protected at private shelters.

**b. Prevention Measures**

**(i) Partial Amendment to the Law on Control and Improvement of Amusement and Entertainment Businesses**

185. The Law on Control and Improvement of Amusement and Entertainment Businesses was partially amended in November 2005. The amendment includes: adding the crime of trafficking in persons as a reason for denying a license for operating an entertainment business; and requiring proprietors of entertainment restaurants and bars, store-type sex-related special businesses and the like to confirm that their employees have an authorized status of residence, among other requirements.

## **(ii) Prevention of Entry into Japan Using Forged Passports and Visas**

186. It is highly probable that foreign brokers, traffickers and female victims of trafficking will try to enter Japan with forged or altered passports and visas. Therefore, efforts are being made to install the latest detection devices in airports and seaports as needed to enhance the capacity for identification of traffickers. In addition, efforts are being made to prevent the occurrence of offences related to the crime of trafficking in persons by educating immigration officials in the techniques and knowledge of identifying forged or altered documents.

187. When a highly probable case of trafficking in persons is detected during the entry examination, the examination is conducted keeping uppermost in mind protection of the victim. As for the perpetrators, appropriate measures are taken according to each case, such as reporting the case to the police and other authorities concerned or denying permission for landing. With regard to the victims, in cooperation with the organizations concerned, the most effective measures are taken to protect their physical integrity.

### **c. Public Information, Awareness-Raising Activities and Research Study**

188. From the perspective of eliminating violence against women, the Cabinet Office and the National Police Agency (NPA) in collaboration and cooperation with relevant Ministries, Agencies and local governments, conduct public information and awareness-raising activities including producing posters, leaflets and videos regarding measures to eradicate trafficking in persons, targeting the general public and foreign residents in Japan.

189. Since FY2005, the National Women's Education Center has conducted research on trafficking in persons and its prevention, education and awareness raising. In addition, in February 2006, the Center held the International Symposium on Trafficking in Persons, co-organized by the MOFA and International Organization for Migration (IOM).

## **(4) Coordination with the International Organizations, International Cooperation, and Support**

### **a. Coordination with International Organizations**

190. With regard to protection of victims, the Government works closely with IOM and other international organizations to support smooth repatriation of victims (including providing financial support to help trafficked victims repatriate). In addition, the Government supports various projects undertaken by international organizations through the Trust Fund for Human Security established in the United Nations.

191. By establishing 'contact points' between the NPA and foreign embassies, international organizations, and NGOs concerned with trafficking in persons, the Government has built a system under which information about trafficking cases can be exchanged whenever the need arises. Moreover, once a year, the Government hosts a 'Contact Point Meeting' in which all concerned parties including representatives of various foreign embassies meet to exchange information and views on human trafficking cases.

**b. Hosting of an International Conference (Bali Process)**

192. In Tokyo, from 27-28 June 2005, the Government hosted the Bali Process Workshop on Developing a Coordinated Inter-Agency National Action Plan to Eradicate Trafficking in Persons and Transnational Crime. 46 governments and six international organizations and NGOs participated in it to discuss measures for combating human trafficking.

**c. Dispatch of the Government Delegation**

193. In order to effectively deal with the issue of human trafficking, the government delegation comprised of Ministries and Agencies concerned was dispatched to Thailand and the Philippines in September 2004, to Colombia and the United States in January 2005, to Russia, Romania, Ukraine and France in July 2005, and to Thailand and Indonesia in May 2006.

**d. Bilateral Cooperation**

194. In May 2006, an agreement was reached on setting up, the Japan-Thailand Joint Task Force on Counter Trafficking in Persons, in Bangkok. Subsequently, the first meeting was held, in which it was confirmed that bilateral cooperation would be further promoted in the future to eradicate trafficking in persons.

**e. Efforts against Trafficking of Children**

195. In February 2003, the Government, together with the United Nations Children's Fund (UNICEF), hosted the International Symposium on Trafficking of Children, and in October 2005, it contributed approximately \$650,000 to the Southeast Asian Human Trafficking Countermeasures (in the Philippines and Thailand) implemented by UNICEF.

196. In addition, every year since 2002, the NPA has invited representatives of police, judicial bodies and NGO from various Southeast Asian countries to Japan to take part in seminars and conferences for law enforcement officers regarding the problem of commercial and sexual exploitation of children (the fourth was held in November 2005). Participants in these seminars and conferences exchange views on how the problem is tackled in Southeast Asia. Also, in November 2005, the NPA took part in the Regional Strategy Seminar on Child Sex Tourism as part of the follow-up process (Bali Process) of the Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime. In the Seminar, the National Police Agency introduced the efforts made by Japanese police and exchanged information with law enforcement authorities from various countries of Southeast Asia.

**f. Support for Victims of the Major Earthquake off the coast of Sumatra and Tsunami Victims**

197. As part of its countermeasures for preventing the trafficking of children, the Government implemented the Children Support Plan for Tsunami Victims through international organizations (including UNICEF, IOM, WHO [World Health Organization]).



## **2. More Detailed Information on Sex Industry in Japan**

### **(1) Current Situation of Prostitution**

#### **a. Cleared Cases Relating to Prostitution**

198. Crimes related to prostitution are regulated by such laws as the Anti-Prostitution Law, Child Welfare Law, Employment Security Law, and the Law Banning Child Prostitution and Child Pornography. The number of cleared cases relating to prostitution over the past five years is as listed in Statistical Annex 23. Cases accepted by the public prosecutor's offices as they violate the Anti-Prostitution Law and/or the Law Banning Child Prostitution and Child Pornography are as listed in Statistical Annexes 24 and 29.

#### **b. Prostitution-related Crimes by Non-Japanese Women**

199. The situation of non-Japanese women involved in criminal offenses relating to prostitution over the past five years is as listed in Statistical Annex 25. These non-Japanese women entered Japan with the status of Temporary Visitor or Entertainer, or with false passports, worked at restaurants and other places, and engaged in prostitution.

#### **c. Diversifying Forms of Prostitution**

200. Forms of prostitution are diversifying. In addition to prostitution in which customers are induced through 'pink fliers' posted in payphone booths, dispatch-style prostitution services such as so-called 'date clubs' which induce customers by advertising on Internet websites, are seen throughout Japan. Other forms may involve prostitution through so-called online dating sites using cell phones, prostitution disguised as various kinds of 'services' in adult entertainment business facilities, and prostitution of non-Japanese women working in restaurants as 'hostesses'.

201. 'Enjo-Kosai' (Patronage Dating) has originally meant receiving money in return for sexual favors in general. In these days, however, the term has come especially to refer to the kind of act conducted by young girls. Sexual acts committed in the name of patronage dating have drastically increased in number.

202. Cases charged with distribution of obscene material and that through computer networks in the last five years are shown in Statistical Annex 27 and 28.

## **(2) Measures against Prostitution and Sexual Exploitation**

### **a. Prevention of Child Prostitution**

#### **(i) Strengthening Efforts to Tackle the Problem of Commercial Sexual Exploitation Including Child Prostitution**

203. In February 2001, the Government adopted the National Action Plan against Commercial Sexual Exploitation of Children as a follow-up to the First World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996. In December 2001, the Government, together with UNICEF and an international NGO (ECPAT International), co-hosted the Second World Congress against Commercial Sexual Exploitation of Children in Yokohama. Through these and other measures, the Government has tackled the problem of prostitution and sexual exploitation of children in cooperation with various relevant Ministries and Agencies.

204. In January 2005, the Government concluded the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and has earnestly enforced it.

#### **(ii) Awareness-Raising of Japanese Nationals Traveling Abroad**

205. Public relations efforts have been made to prevent occurrence of child prostitution, including clearly stating in brochures prepared by the MOFA for Japanese Nationals traveling abroad that paying money to have sex with children is a crime.

#### **(iii) Efforts Made to Tackle Cases of Child Prostitution and Pornography**

206. Child prostitution and child pornography cases are grave violations of the rights of children and as such have enormous adverse effect on their physical and psychological growth. Therefore, based on the revised Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children (2004), the Police have actively taken strict measures against child prostitution and child pornography. At the same time, based on the Regulation of Acts Inducing Children Using the Internet Dating Services and Other Measures (promulgated in June, 2003) (hereinafter referred to as the Online Dating Site Regulation Law), the Police have taken severe measures against acts that involve the inducement of children to engage in sexual acts through online dating sites.

207. To counter the trend of distributing child pornography across national boundaries via the Internet, the Government has built an international database for child pornography and worked closely with various institutions concerned for exchange of information.

208. For crimes relating to child prostitution committed overseas by Japanese nationals, international cooperation in the area of investigation with foreign law enforcement authorities has been enhanced in order to establish a case. Since the implementation of the Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children 14 individuals have been arrested in connection with eight cases, as of end 2005.

#### **(iv) Prevention of Diversifying Forms of Prostitution**

209. With regard to child prostitution, as typified by so-called 'Enjo-Kosai' (patronage dating), the Police have enforced strict control of perpetrators involved in child prostitution, based upon the Law for Punishing Acts Related to Child Prostitution and Child Pornography and for Protecting Children. Based on the On-line Dating Site Regulation Law, similarly, the Police have taken severe measures against acts that involve the inducement of children to engage in sexual acts through online dating sites. For children, public information and awareness-raising activities have been conducted to help children avoid becoming victims of these sexual crimes and to provide appropriate rehabilitation guidance. The Government has also promoted guidance and awareness-raising activities, through education in the home, in school, and in society in general, to heighten the self-esteem of children and not to let them drawn into prostitution.

##### **b. Sex Tours to Developing Countries**

210. Article 13 (3) of the Travel Agency Law stipulates that travel agents are prohibited from getting involved in their tourists' conduct and receiving services which violate the local laws or ordinances of their destinations. The Government has guided and kept close watch over the operation of travel agencies with the aim of keeping the overseas travel of Japanese tourists sound by urging them to strictly abide by all pertinent laws and ordinances.

211. In addition, travel agency associations have continued making independent efforts such as educating employees of travel agencies through various forms of training.

212. Moreover, in March 2005, the Japan Association of Travel Agents, Overseas Tour Operators Association of Japan, and 60 major travel agencies signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism, which has been promoted by UNICEF. The tourist industry has been united in its effort to prevent sexual exploitation. (At present, 67 major traveling agencies have signed the Code of Conduct.)

#### **(3) Protection of Women Engaged in Prostitution**

##### **a. Protection and Rehabilitation for Women in Need of Protection**

213. The Anti-Prostitution Law has provisions on protection and rehabilitation for women who could possibly engage in prostitution in light of their sexual habit and environments (women in need of protection). Specifically, it stipulates on women's consultation offices, women's counselors and women's protective institutions are stipulated in the Law.

214. In response to recent changes in the socio-economic conditions, the scope of women in need of protection is defined as those who have experience of prostituting themselves and who face problems causing difficulties in their social life, such as the breakup of families, poverty and victimization by sex crime, The Women Protection Program aims at protecting and supporting these women.

215. Women's consultation offices provide such women in need of protection with temporary protection by offering their facilities as emergency shelters, as well as advice on a wide range of matters they face.

216. The women's counselors, commissioned by prefectural governors and mayors, are stationed at women's consultation offices and other welfare offices, where they provide guidance and support services for women in need of protection.

217. The women's protective institutions established at 50 locations across Japan provide vocational and other training to the inmates. These inmates will leave the institutions when they start to work or their own business, return home, return to their home town or are transferred to other organizations or facilities. (There were 5,509 cases of protected women from FY2002 to FY2004.)

#### **b. Support for Girls**

218. In December 2003, the Government formulated the National Youth Development Policy and the Action Plan for the Realization of a Society Resistant to Crime. Since formation of support teams for youth through coordination of pertinent organizations and others was included in these programs in September 2004, the Government finalized 'plans for the establishment of a society-wide support system for juveniles through cooperation with relevant organizations' (agreed by the Division Manager Level Committee on Measures against Juvenile Delinquency). Based on these documents, and centering on youth support centers set up in prefectural police departments, the NPA, in cooperation with the organizations concerned, has conducted support activities such as providing guidance and advice to young people facing problems like delinquency or being the victim of a crime so that they will be able to recover.

219. In addition, the NPA provides counseling for youth suffering from psychological damage caused by being victims of child prostitution and other crimes that cause harm to the welfare of youth. It also provides on-going support, coordinated with guardians, on such matters as improving the environment in which youth victims live to help them recover.

220. Moreover, efforts have been made to support the recovery of youth victims of crimes related to child prostitution so that they will be able to avoid being victimized again.

#### **c. Protection of Non-Japanese Women**

221. In 2005, the MOJ granted special permission for residence to 20 (non-Japanese) female victims of trafficking in persons who had been staying illegally and had been forced to engage in prostitution. In order to provide protection to non-Japanese victims of trafficking in persons, the Ministry has been working closely with women's consultation offices, other organizations concerned, the diplomatic missions of the countries of origin and NGOs that engage in activities for the protection and support of women.

#### **(4) Awareness-Raising Activities and Sex Education**

222. See the section on Article 12.

#### **Article 7 (Political and Public Life)**

##### **1. Women's Participation in the Public Sector**

223. Women's participation in decision-making process for policies and administrative measures is far from satisfactory, as evidenced by the fact that Japan ranked 43rd in 2005 in the world on the Gender Empowerment Measurement (GEM: an international benchmark for measuring gender equality). Japan faces a situation whereby the ratio of seats in parliament held by women and the ratio of female administrators and managers are lower than those of other developed countries that are ranked highly by GEM. Recognizing this fact, the Government is trying to raise awareness of the issue and is taking various measures to promote women's participation in decision-making process for policies and administrative measures.

##### **(1) Female Members of the Diet**

224. The number and ratio of female members of the Diet are as follows: (i) The House of Representatives; 34 female members (7.1%) as of November 2003 (the 43<sup>rd</sup> General Election) and 43 female members (9.0%) as of September 2005 (the 44<sup>th</sup> General Election). (ii) The House of Councilors; 38 female members (15.4%) as of July 2001 (the 19<sup>th</sup> General Election) and 33 female members (13.6%) as of July 2004 (the 20<sup>th</sup> General Election).

##### **(2) Female Ministers**

225. Two ministers (9.1% of the all ministers), one senior vice-minister (4.5%), and seven parliamentary secretaries (26.9%) were female as of January 2006. A woman was appointed for the first time as Minister of State for Gender Equality in October 2005.

##### **(3) Women in the Judiciary**

226. The number of female judges, female public prosecutors and female applicants who have passed the National Bar Examination, are as indicated in Statistical Annex 34-36.

227. The first female Justice of the Supreme Court was appointed in February 1994 and served until September 1997. The second female Justice of the Supreme Court was appointed in December 2001. There were also two female chief judges of courts as of April 2005. The ratio of female judges and public prosecutors has been raising. In addition, the ratio of women who have passed the National Bar Examination has been increasing and has persisted at the 20% level in recent years.

**(4) Female National Public Officers**

228. The number and ratio of female national public officers in managerial positions in the Government are still small (142 and 1.7% respectively as of the end of FY 2004). The total number of female public officers remains flat in recent years. However, the figure demonstrates an upward trend as there were 122 (1.3%) female national public officers in managerial positions in the end of FY 2000. The number and ratio of female national public officers in all positions remains flat in recent years.

**(5) Female Governors and Mayors in Local Governments**

229. There were four female governors, nine city and ward mayors, and six town and village mayors as of December 2005 among 2208 governors and mayors.

**(6) Female Local Assembly Members**

230. The ratio of female members in local assemblies gradually increased from 6.8% in December 2001 to 8.8% (4,236) as of December 2005.

**(7) Female Public Employees****a. Female Local Government Officers**

231. The ratio of female local government officers in general administrative service is on the increase: 24.7% of the total, 15.2% of chief managers and higher and 4.1% of directors and higher were women as of April 2005. (Based on a survey by the Ministry of International Affairs and Communications.)

**b. Boards of Education**

232. The number and percentage of female members of Boards of Education, an executive body of local governments, has been on the increase, as evidenced by the fact that 24.8% (3,325) of the total member was female in May 2003, compared to 21.4% in May 2001.

**c. Female Police Officers**

233. The total number of female police officers in prefectures of April 2005 was around 11,600 (4.7% of the total police officers), about twice the number of 10 years ago.

234. The field of work of female police officers has expanded today to cover a wide range of area, including community safety, traffic police, criminal investigation, and security guard. In particular, the number of cases that can be better dealt with by female officers, such as stalker cases, spousal violence cases, child abuse cases, and protection of victims of sexual offense is increasing.

235. In order for active recruitment and promotion of female officers, efforts are being made to improve work environment for female police officers, for example; enhancing measures against

sexual harassment; introducing baby-sitting service; facilitating napping room; changing room; and shower room especially for female officers on duty.

## **Article 8 (Representation)**

### **1. Participation of Women in the Policy Decision Making in International Field**

#### **(1) Participation of Women in International Conferences**

236. The number of female members officially delegated to international conferences has been gradually increasing. The representatives, alternates and advisors, who were appointed by the Cabinet, were 119 in the duration of May 2001 to May 2006. Among those, female representatives appointed by the Cabinet attended 30 international conferences, which correspond to about 25% of the international conferences.

#### **(2) Women Working Overseas**

##### **a. International Organizations**

237. The percentage of Japanese women to the total number of Japanese staff members at the United Nations Secretariat increased from 57.7% at the end of June 2002 to 59.5% at the end of June 2005. The number of Japanese women working at the UN Secretariat itself reached a record at 66.

238. Also, in the major international organizations including the United Nations, the number of Japanese women engaging in professional post was on the rise as evidenced from 333 in 2002 to 430 in 2006. (Based on a survey by the MOFA).

239. Japanese women were posted as the Director of UNJSPF Secretariat and Investment Management Service, the Executive Secretary of the UNEP Basel Convention, and the UNIDO Deputy Director-General and Managing Director as of the end of December 2005.

##### **b. Ambassadors**

240. There were twelve Japanese female ambassadors since 1980 through 2005. As of December 2005, two Japanese women were serving as Ambassadors to Italy and Norway, which was equivalent to about 1.6% of the total number of Japanese ambassadors.

##### **c. Female Staff of Diplomatic and Consular Missions Abroad**

241. As of May 2006, 1,246 female staff was working at the MOFA of Japan, which was approximately 22% of the total staff. The number of female staff of overseas establishments was 481, accounting for about 15% of the total staff of overseas establishments (as of May 2006).

**d. Dispatch for International Peace Cooperation Activities**

242. A total of 28 female Self Defense Force (SDF) members participated in international peace cooperation activities in East Timor and others; 14 in international disaster relief activities for the victims of the large scale earthquake off Indonesia's Sumatra Island and Indian Ocean tsunami in December 2004; 104 in humanitarian and reconstruction assistance activities in Iraq; and 16 in support activities in the Indian Ocean area to cope with international terrorism. Those female SDF members were placed in charge of operations in areas such as health care, transportation and communications (as of April 2006).

**(3) Gender and Development (GAD)****a. Official Development Assistance**

243. It is estimated that approximately 70% of the 1.1 billion people in conditions of poverty throughout the world and two thirds of illiterate population are women. Japan has provided more than \$7.2 billion in assistance based on the Initiative on Women in Development (WID) announced in 1995, focusing on the three areas of education, health, and participation of women in economic and social activities.

244. Gender-inequality still exists in the world. There is a growing need for addressing new problems that negatively affect women and children, in particular, such as conflicts, spread of infectious diseases, trafficking in persons, and large-scale natural disasters.

245. Based upon this recognition, Japan clearly stated the importance of the perspective of gender equality in the ODA Charter, which was revised in August 2003. Japan has also proposed at the Council for Gender Equality of the Government of Japan in April 2004 that the perspective of gender equality was essential for ODA in order to secure fairness, effectiveness, and efficiency of assistance and that WID initiative was revised to be included in all areas of ODA.

246. In March 2005, Japan has announced the Initiative on GAD, which promotes gender mainstreaming broadly in its ODA. Through the assistance to systems and policies of developing countries Japan seeks to eradicate causes of gender inequality.

**b. International Exchange and Cooperation in the Field of Education**

247. In cooperation with UNESCO, the leading agency for the Education for All movement, Japan contributes to the efforts being made to reach the goals set in the Dakar Framework for Action by providing the following support; (i) contribute to the UNESCO Trust Fund for the Education for All Program; (ii) support the Asia/Pacific Cultural Centre of UNESCO and the National Federation of UNESCO Associations in Japan to disseminate literacy education in the Asia-Pacific region; and (iii) implement the training course conducted by the National Women's Education Center, an independent administrative institution, for overseas governmental organizations related to women's education and leaders of NGOs, as well as providing training for staffs of Cambodian Government



ministries and offices to improve their policy-making capability in promoting gender mainstreaming since FY2004.

**c. Postal Savings for International Voluntary Aid**

248. The MIC contributes accrued interest on Postal Savings for International Voluntary Aid accounts to NGO aid programs in developing countries. Part of the contribution is used to assist women's independence by conducting training to improve their literacy, sanitation, nutrition, and also help them to acquire professional skills.

**d. Japanese Assistance to Women in Afghanistan**

249. The International Conference on Reconstruction Assistance to Afghanistan was held in Japan in January 2002. The Co-chairs' Summary of Conclusions states that women's rights and gender issues should be fully reflected in the reconstruction process in Afghanistan. Responding to these developments, the Advisory Council on Assistance to Women in Afghanistan, a council organized by the Chief Cabinet Secretary, was established in February 2002 and its outcomes were reported in the Japanese Assistance to Women in Afghanistan in May of the same year.

**(4) Participation in the 'Beijing +10' High-Level Plenary Meeting (the 49th session of the United Nations Commission on the Status of Women)**

250. The government delegation headed by Junshiro Nishime, then Parliamentary Secretary of the Cabinet Office, attended the 49th session of the United Nations Commission on the Status of Women ('Beijing +10' high-level plenary meeting: 28 February 2005 to 11 March 2005), which was a follow-up meeting of the Fourth World Conference on Women. The Japanese delegation composed of 24 members, including a government representative Yoriko Meguro, delegates from the MOFA, Cabinet Office, the MHLW, the MEXT and the Ministry of Agriculture, Forestry and Fisheries (MAFF), and three representing NGOs. Fourteen members (58%) of the delegation were women, including a government representative.

251. Not only reporting on the efforts and achievements Japan had made since the Fourth World Conference on Women, Japan explained the recent progress in combating trafficking in persons and announced the new ODA initiative of the international cooperation (the GAD Initiative). Japan also expressed its strong will to make further efforts in the statement by the head of the delegation.

252. During the session, the delegation actively participated in the discussion over the draft declaration and resolutions. In addition, Japan hosted a side-event named 'Japan's Contributions to the Promotion of Gender Equality: Announcement of the GAD Initiative' to publicize its intention to put emphasis on gender perspective in its ODA.

## **2. Implementation of the UN Conference Documents**

253. Measures and policies required to incorporate the outcomes of the 'Beijing +10' high-level plenary meeting were adopted in the formulation of the Second Basic Plan for Gender Equality.

254. For the 'Beijing +10' High-Level Plenary Meeting (the 49<sup>th</sup> session of the United Nations Commission on the Status of Women) and the 60<sup>th</sup> session of the United Nations General Assembly, the Government is making efforts to disseminate information on the outcome documents, national reports and statements of the international conferences through briefing meetings in their preparatory stages and after the conferences, and through various publications and website reports.

255. Additionally, the Government strives to familiarize civil society with discussions conducted at international conferences, global norms and standards for the status of women, and guidelines for tackling the relevant issues by hosting an array of meetings and conferences. The example of the meetings are; (i) 'the Hearing', an information and opinion exchange meeting with people from various sectors of society (ten meetings were held from May 2002 to May 2006); (ii) Policy Dialogue on Gender Equality (once a year since 2001), in which the keynote speech and a panel discussion were held as a follow-up of the Women 2000 Conference; and (iii) the 'Beijing +10' symposium, in which the keynote speech and a panel discussion were held to commemorate the Fourth World Conference on Women.

## **3. Hosting the East Asia Gender Equality Ministerial Meeting**

256. The East Asia Gender Equality Ministerial Meeting was held in Tokyo on June 30 and July 1 in 2006 in Tokyo. Japan took the initiative in inviting participants and chaired the meeting, which was attended by representatives of 16 countries and two international organizations (the 10 ASEAN nations together with Australia, People's Republic of China, India, Japan, Republic of Korea, New Zealand, UNESCAP and UNDP) including 14 ministerial-level participants. The meeting provided a forum for informative reports from each country and meaningful discussion on a range of themes, and the participants unanimously adopted the Tokyo Joint Ministerial Communiqué, which included the decision to make such a ministerial meeting an annual event.

257. All participants confirmed the significance of holding a ministerial meeting on the theme of gender equality in the East Asian region and appraised the meeting as a historic step towards major progress in gender equality, peace, and development in the region. In addition, it was agreed that this attempt to develop a regional partnership for gender equality and the empowerment of women should be a good practice and that efforts should be made to disseminate it to the international community.

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## **Article 10 (Education)**

### **1. Reinforcement of Education and Learning to Promote Gender Equality**

#### **(1) Enhancement of Primary, Secondary and Higher Education**

258. The MEXT provides prefectural Boards of Education and related organizations with information, guidance and assistance in order to promote human rights, gender equality, mutual cooperation and understanding, and the importance of family life, while giving due consideration to textbooks and teaching materials, teacher education, and in-service training. The importance of mutual understanding and cooperation between men and women is emphasized in the current Courses of Study (government guidelines for teaching), so that the principles will be widely understood.

259. In particular, education and research activities in higher education level are consciously conducted based on the principles of gender equality. Women are encouraged to pursue careers in various academic fields.

#### **(2) Social Education**

##### **a. Programs in the Local Community**

260. To raise people's awareness of gender equality and cultivate a way of thinking that is not bound by the stereotyped perception of gender roles, the MEXT provides learning opportunities by introducing learning programs, courses and seminars.

261. Survey and Research projects were implemented until FY2002 that promoted education from the perspective of gender equality at home and in the community, which valued the individual characteristics of persons from their childhood as described in the Fifth Report.

##### **b. Learning Opportunities for Education at Home**

262. See the section on article 5.2.

#### **(3) Increasing Opportunities of Education and Learning**

263. The MEXT established the Lifelong Learning Policy Bureau in order to develop a lifelong learning society. The subdivision on Lifelong Learning was also established in the Central Council for Education to study and discuss the promotion and development of a lifelong learning society, including the formation of careers for women.

264. Local entities are also making efforts to develop a lifelong learning society, for example, by setting up lifelong learning council, making lifelong learning plans of their own, and establishing special centers for lifelong learning.

265. Learning opportunities are provided even for working people by introducing transfer university system, accepting working students, daytime/evening courses, evening graduate school, and extension courses so that they can acquire the cutting-edge knowledge or technology at anytime they would like to.

266. Moreover as physically attending class is not the only way to learn, learning opportunities are also provided by using television, satellite broadcasting, and radio at the University of the Air.

#### **(4) Empowerment of Women**

267. Programs for learning to balance activities in the community and family were implemented until FY2002. A report was compiled intending to disseminate their fruits. The MEXT established the Round-table Conference to Support Diversification of Careers for Women, which discussed how to encourage women to plan their own careers and learning flexibly, in accordance with their personal circumstances. Enhancing lifelong learning programs was examined as one of the effective tools at the conference.

268. In response, the MEXT has been providing learning counseling service (since FY 2004) that meets female learners' needs and also, since 2005, it has been providing them with practical training, to acquire the skills for participating in the policy-making process of the local community.

269. Moreover, the National Women's Education Center conducts various activities including; (i) studies on support for women's career development utilizing lifelong learning; (ii) developing a role model database and a system to provide information on career planning; and (iii) holding seminars on support for women's empowerment.

#### **(5) Supporting Women in the Field of Science and Technology**

270. In order to support and promote women's activities in the field of science and technology, the following measures have been taken since FY2006; (i) economic support to institutes that are making outstanding efforts to assist researchers in balancing their research with childbirth and child raising; (ii) assistance to excellent researchers, who took maternity or child raising leave to return to work; and (iii) providing information to assist female students in having wider career choices in the field of science and technology, where fewer female students tend to be enrolled.

271. In addition, the National Women's Education Center holds a number of symposiums to introduce female scientist and researcher role models, and also as avenue for interchanges among high school girls, university students, and excellent researchers.

#### **(6) Training Professionals in the Field of Education**

272. In order to promote gender equality in school environments, the National Center for Teacher's Development offers training in building a gender-equal society.

273. Furthermore until FY2003, the National Women's Education Center hosted seminars for teachers to deepen their knowledge to promote the understanding of gender equality. Since FY2004, the Center has offered various practical training to teachers, school education supervisors, and staff at women's facilities for providing schemes of career development support to women from the perspective of gender equality.

## **(7) Promotion of the Decade of Education for Sustainable Development**

274. At the World Summit on Sustainable Development held in 2002 (the Johannesburg Summit), Japan proposed the resolution of the UN Decade of Education for Sustainable Development, which has been implemented since 2005. In order to promote education for sustainable development to build a sustainable society, which also promotes gender equality, Japan formulated an implementation plan with the cooperation of the relevant Ministries and Agencies.

## **2. National Women's Education Center**

275. The National Women's Education Center, the only national institution dedicated to women's education offering various activities listed below to promote education for women. The MEXT supports various kinds of activities organized by the Center as well as by other public and private women's education facilities nationwide.

### **(1) Study and Exchange Programs**

276. The center has conducted seminars targeting leaders in women's education nation wide, such as the 'Training Course for Staff in Charge of Counseling Services at Women's Facilities' and 'Conference for Research Exchanges among Child Raising Networks.'

277. In addition, under joint sponsorship with four other women's facilities and lifelong learning centers, the National Women's Education Center has hosted the 'Forum to Promote Gender Equality Learning.' In 2005, it also held a forum based on the results of the 'Beijing +10' world cabinet level plenary meeting. In addition, it has conducted the international forums and study and exchange programs for trainees from other countries.

### **(2) Research Programs**

278. The center also conducts research on new issues and reflects the outcomes in the various projects. For example, it has continued to implement a specialized survey on statistics concerning women and men.

### **(3) Information Service**

279. The Information Center for Women's Education of the National Women's Education Center collects, organizes and provides information on women and family issues from home and abroad. In

March 2006, the Center constructed Women's Information Portal 'Winet', which allows user to access a wide range of information relating to gender issues in an integrated manner.

280. The center has played a key role as an information center on women issues by transmitting information to foreign countries and served as a focal point of WINAP under ESCAP, related organs, facilities, groups, and individuals both at home and abroad.

### **3. Career and Vocational Guidance**

281. See the section on Article 11.3.

#### **Article 11 (Employment)**

##### **1. Promotion of Measures to Secure Equal Employment Opportunities**

###### **(1) Strengthening Legislation Concerning Equal Employment Opportunities**

282. Since November 2002, the MHLW convened the panel meeting on Equal Employment Opportunity Policies attended by intellectuals. The panel examined the following four issues: prohibiting discrimination against both men and women; detrimental treatment due to facts such as pregnancy and childbirth, prohibiting indirect discrimination; and promoting positive action in a more effective manner.

283. Based on the report compiled by the panel in June 2004, the Labour Policy Council, the consultative body of the Minister of Health, Labour and Welfare, discussed measures for further promotion of equal employment opportunity since September 2004. And in December 2005, the Council submitted a recommendation regarding further measures to promote equal opportunity.

284. In response to the Council's recommendation, in March 2006, the Ministry submitted to the Diet a bill to amend the Equal Employment Opportunity Law. The bill was passed and adopted unanimously on the 15<sup>th</sup> of June, and promulgated on the 21<sup>st</sup> of the same month. The amended law came into effect in April 2007. In addition, the Ordinance and Guidelines concerning Equal Employment Opportunity Law were also amended and came into effect at the same time as the enforcement of the revised Law.

The main points of amendment are as follows.

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**(Equal Employment Opportunity Law)****1) Expanding the Scope of Prohibition of Gender-based Discrimination****(i) Prohibition of Discrimination Based on Gender**

285. Amendments are as follows:

- a. Under the former law, discrimination against women was prohibited in recruitment, hiring, assignment, promotion, training, fringe benefit, mandatory retirement and dismissal. Under the revised law, discrimination due to gender is clearly prohibited.
- b. The revised law clearly states that discrimination in assignment includes discrimination in allocation of duties and grant of authority.
- c. Under the revised law, discrimination based on gender is prohibited in cases of demotion, change in job type and employment status, encouragement of retirement, and renewal of labour contract.

**(ii) Prohibition of Indirect Discrimination**

286. A new provision was introduced to prohibit indirect discrimination. More specifically, it is prohibited to take measures, without any reasonable reason, which are prescribed in the Ordinance of MHLW; measures which are on the basis of conditions other than sex, and are practically disadvantageous to a substantial extent against members of one sex compared to members of the other.

287. By this provision, even if the employee does not prove that significant disadvantage has arisen because of gender, the employer concerned should not take the measures stipulated in the MHLW Ordinance unless there are legitimate reasons to do so.

288. Under the revised law, the Ministry reviews the MHLW Ordinance or adds new provisions, if necessary, by closely monitoring the trend of court precedents and the extent of consensus reached between labor and management.

289. The MHLW Ordinance prohibits the following three measures which were accepted as appropriate requirements by the advisory council of the Ministry; (i) Making a worker's height, weight or physical strength requirements for the recruitment or hiring of workers, (ii) Making a worker's acceptance of a transfer that results in a relocation of residence a requirement for the recruitment or hiring of a 'main career track employee' under the employment management differentiated by career tracking, and (iii) Making a worker's experience of transfer a requirement for the promotion of workers.

290. In addition, the Guidelines concerning Equal Employment Opportunity Law were also amended. It clearly shows the general definition of indirect discrimination. Furthermore, regarding measures other than those provided in the Ordinance, the Government publishes brochures which state that

some cases could be judged illegal as indirect discrimination in judicial trials, even though they do not violate the Law, and keeps people informed.

## **2) Prohibition of Detrimental Treatment Due to Facts such as Pregnancy and Childbirth**

291. Amendments are as follows:

(i) Under the former law, dismissing female workers on the grounds of pregnancy childbirth or taking leave before and after childbirth is prohibited. In addition to the prohibition on dismissing female workers for requesting leave before childbirth and for other reasons stipulated in the relevant MHLW Ordinance, under the revised law, treating female workers adversely due to facts such as pregnancy and childbirth is also prohibited, even if such treatment does not involve dismissal.

(ii) Under the revised law, dismissal of female workers during pregnancy or within one year after childbirth is invalid so long as the employer fails to prove that the female worker in question was dismissed for reasons other than pregnancy.

## **3) Promotion of Positive Action**

292. Under the former law, the Government gave assistance to employers who institute positive action. Under the revised law, employers who disclose the implementation of positive action are also given assistance.

## **4) Measures against Sexual Harassment**

293. While the former law imposed on employers an obligation to give necessary consideration to prevent sexual harassment against female workers, the revised law imposes on employers an obligation to take necessary measures to prevent sexual harassment. The revised law also requires employers to take necessary measures to prevent sexual harassment against male workers.

## **5) Ensuring the Effectiveness of Equal Employment Opportunity**

294. Amendments are as follows:

(i) Measures of sexual harassment and motherhood-maternal health management are included in a conciliation or public announcement of the name of the company.

(ii) Those who fail to release a report in accordance with the report provision or those who release a false report are punished with administrative fines.



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**(Labour Standards Law)****1) Relaxing of Regulations Regarding Underground Work by Women**

295. Under the former law, as a rule, women were prohibited to work at tunnel construction sites and in mines. However, under the revised law, except for pregnant women and work defined by the relevant MHLW Ordinance as harmful to women, such as drilling done by human power, this restriction is lifted.

**(2) Implementation of the Equal Employment Opportunity Law**

296. In accordance with the Equal Employment Opportunity Law, discrimination against women is prohibited at all phases of recruitment, hiring, and retirement. Equal treatment between men and women has steadily permeated on a system side employment management. However, female students still face disadvantages in the hiring process. At the same time, although the ratio of women who are in managerial positions has gradually increased, the number is still unsatisfactory. In reality, there still many obstacles to gender equality exist, as evidenced by cases where female workers are dismissed due to pregnancy and childbirth, or at the time of their retirement or dismissal.

297. The Equal Opportunity Employment Department receives about 20,000 consultations concerning the Equal Employment Opportunity Law every year from companies and female workers. The Department sends staff to business establishments to gather reports on how the Equal Employment Opportunity Law is being implemented, and systematic guidance is provided based on the results of these reports. The Department provides approximately 5,100 corrective guidance a year against those who violate the law and gives advice for positive action to eliminate the de facto gaps that have emerged between male and female workers.

**(3) Efforts for the Realization of Equal Employment Opportunities****a. Administrative Guidance**

298. In response to the violation of the Equal Employment Opportunity Law, correctional guidance will be given. In addition, for companies that have large de facto gaps in the way they treat men and women, advice with concrete measures to improve the situation is given after analyzing the cause and defining problem areas.

299. As disputes break out more often in the companies that have dual career ladder system, a certain number of these companies are listed and the staff of the Equal Employment Department visits the companies on the list. Based on the Equal Employment Opportunity Law and the Important Notice Concerning Employment Management for Dual Career Ladder System established in June 2000, the department keeps on its eyes on the management system and its implementation, and gives advice where it is necessary.

300. If the violation against the Equal Employment Opportunity Law is found regarding female students' recruitment or job hunting, correctional guidance will be given. The MHLW has provided guidance to those in charge of personnel so that equal hiring rules in accordance with the Equal Employment Opportunity Law will be secured.

**b. Positive Action**

301. See the section on Article 4.

**c. Measures to Prevent Sexual Harassment**

302. See the section on Article 2.

**d. Settlement of Individual Disputes**

**(i) Dispute Settlement Support Based on the Equal Employment Opportunity Law and Assistance to the Mediation of Disputes**

303. To facilitate dispute settlements between female workers and employers relating to equal treatment of men and women, the director of each Prefectural Labour Office actively gives advice, guidance and recommendations. The Disputes Adjustment Commission also proactively undertakes dispute conciliation.

304. The number of individual disputes between female workers and employers is increasing, with 131 cases occurring in FY2005. Of these, the number of cases relating to pregnancy and childbirth increased to more than double in five years, from 53 in FY2000 to 119 in FY2005. Most of the cases were resolved by the support provided by the director of each Prefectural Labour Office. Faced with such situation, in March 2006, the MHLW submitted to the Diet a bill to amend the Equal Employment Opportunity Law. The bill includes the following points: the prohibition of dismissal due to facts such as pregnancy and childbirth shall be expanded to include the prohibition of adverse treatment; and dismissal of female workers during pregnancy or within one year of childbirth shall be invalid so long as the employer fails to prove that the female worker in question was dismissed for reasons other than pregnancy. The bill was passed and adopted unanimously on June 15, and promulgated on the 21st of the same month. The amended law came into effect in April 2007.

**(ii) Dispute Settlement Support Based on the Law on Promoting the Resolution of Individual Labour Disputes**

305. Neither of the advice, guidance, and recommendations given by the Director-General of the Prefectural Labour Bureau under the Dispute Settlement Support System provided in the Equal Employment Opportunity Law nor the mediation provided by the Disputes Adjustment Commission was to be provided for individual disputes over sexual harassment. Instead, those individual disputes were settled either by the advice and guidance of the directors of the Prefectural Labour Office or by the conciliation of the Disputes Adjustment Commission based on the Law on Promoting the

Conciliation of Individual Disputes enacted to promote prompt and appropriate settlement of disputes between workers and employers over matters concerning labour relations. In March 2006, the MHLW submitted to the Diet a bill to amend the Equal Employment Opportunity Law under which individual disputes over sexual harassment and motherhood- health management measures can be the target of the advice, guidance, and recommendations of the directors of the Prefectural Labour Office as well as the conciliation by the Disputes Adjustment Commission. The bill was passed and adopted unanimously on June 15, and promulgated on the 21st of the same month. The amended law came into effect in April 2007.

## **2. Development of Employment Conditions for the Diversifying Forms of Employment**

306. Although the issue does not directly fall under this paragraph, because the majority of part-time workers and dispatched workers are held by female workers in Japan, the measures taken relating to these forms are reported as reference.

### **(1) Part-time Workers**

307. In recent years, part-time labour has increased and become an indispensable part of Japan's economy. Making part-time work a satisfactory form of employment is essential to utilize women's skills and abilities.

308. Based on the Law Concerning the Improvement of Employment Management of Part-time Workers, in addition to promoting the independent efforts of employers for improving the employment management of part-time workers, in August 2003, the MHLW revised the Guidelines for Employers on Improving and Employment Management of Part-time Workers (hereinafter referred to as Guidelines for Part-time Work), clearly indicated its position regarding the balanced treatment of part-time workers and regular employees. At present, in addition to promoting and setting in place the Guidelines for Part-time Work, the Ministry is implementing various support programs for employers who are trying to improve their treatment of part-time workers, for example, by subsidizing their efforts.

### **(2) Dispatched Workers (\*)**

309. The number of dispatched workers in FY2004 was approximately 2.27 million. In 2005, women were accounted as 57.5% of this population.

310. To ensure proper employment opportunities, various measures have been implemented based on the Law for Securing the Proper Operation of Worker Dispatching Business and Improved Working Conditions for Dispatched Workers. At the same time, the Law Concerning Partial Amendment to the Employment Security Law and the Law for Securing the Proper Operation of Worker Dispatching Business and Improved Working Conditions for Dispatched Workers came into effect in 2004. Under the amended law, the measures are being taken to review all regulations related to job placement services and labour dispatch services so that demand and supply of labour is met smoothly and appropriately.

(\*) staff on irregular contract

### **3. Policies to Enable Flexible Choice of Profession**

#### **(1) Development of Vocational Capability**

311. To respond to the diversifying forms of labour while taking advantage of individual skills, the MHLW is proactively advancing certain measures, including; (i) establishment of a career development support system in accordance with vocational life planning; (ii) reinforcement and upgrading of information collection and provision systems related to development of vocational ability; (iii) development of an appropriate vocational ability evaluation system through government and private cooperation; and (iv) securing various educational training opportunities necessary for development of vocational capability.

312. Of those who took the training courses at the public vocational training facilities (288 facilities) in FY 2005, 35% were men while 65% were women.

#### **(2) Career and Employment**

313. Women, compared to men, tend more to undertake clerical work in a working environment and major in the humanities at universities or colleges. This tendency is one of the reasons for the existing mismatches arising between the career choices made by women based on stereotype ideas and the need job types sought by companies. In view of these trends, the Government has been implementing various measures to further improve and enhance vocational guidance at schools so that every student, regardless of gender, can acquire the capability and mindset to think about the path he/she wants to take in life and to consider his/her future career independently.

314. The Government has called on universities and colleges to hold career guidance for students, and has conducted National Vocational Guidance meetings, in which counselors employed at universities can exchange opinions and have discussions with recruitment staff from private companies. Moreover, the government has urged universities to enhance their support for female students seeking employment. It has at the same time requested companies and economic organizations to cooperate so as to ensure equal employment opportunities for female students.

315. The Government is also taking steps to create opportunities for female students to consider vocational choices in keeping with their life plans by providing information on industry and choice of profession. To enable them to choose an appropriate profession. Relevant information is also provided to guidance counselors and others concerned to support them in making appropriate career paths and choices of profession.

### **4. Center for the Advancement of Working Women**

316. The Center for the Advancement of Working Women was established as a ground institution so as to implement measures to support working women in comprehensive and proactive manner. This Center displays the history, current situation and future of working women in Japan. The Center supports working women by conducting seminars and providing consultations for the full utilization

of women's potential. It also assists female entrepreneurs and students in providing information and in choosing appropriate professions.

### **5. Equal Remuneration in Respect of Work of Equal Value**

317. The Article 4 of the Labour Standards Law states the principle of equal remuneration between male and female workers. It determines discriminatory treatment of women with respect to wages based on gender as illegal. In 2005, the average wage of female workers (excluding part-time workers) was 65.9% of male workers, although the disparity has gradually been narrowing down. However, the existing disparity is recognized as significant by international standard. The Study Group on the Issue of Wages Disparity between Men and Women examined the issue of the wage disparity between men and women in Japan, and has later created a report, which has been published in November 2002.

318. According to the report, the wage disparity is largely based on the factors enumerated below:

- (i) the differences in job classification, length of services, age, educational background, and benefits between men and women,
- (ii) the problems in the administrating the wage system including the personnel, and the personnel management.

The report further states that such measures listed below are necessary in eliminating the disparity;

- (i) establish wage and appraisal systems as fair and transparent,
- (ii) practice the positive action,
- (iii) promote working places to be compatible with family life (family-friendly).

319. Following this report, in 2003, the MHLW compiled the Guideline on the Improvement Measures of Wage and Employment Management for Eliminating Wage Disparity between Men and Women so that management and labour could tackle against the disparity voluntarily. The Ministry has since been striving to ensure the utilization of this guideline by distributing pamphlets to labour-related organizations.

320. Moreover, the Ministry implements actions and measures to promote harmony between work and family life. Through the preparation of reports and continuous effort to follow-up with changing situations in the wage disparity, the Ministry facilitates reinforces interests and efforts of employers and workers to reduce the wage disparity.

321. Furthermore, in order to assist companies in conducting employment management in a proper manner, the Ministry has developed education and training programs. Such programs, aiming to

dissolve the existing perception of gender roles, are actively utilized in the form of videos and checklists.

## **6. The Actual Condition of Women's In-Home Activities**

### **(1) Basic Survey Related to Time-Budget**

322. Since 1976, the MIC has conducted a survey on time-budget as part of its Survey on Time Use and Leisure Activities every five years. In 2001, the Ministry tried to enrich the basic data contributing to the quantitative understanding of in-home activities including housework and international comparisons by adding the after-code type of survey sheets to the pre-code type survey sheet used in past surveys. The same kind of survey was conducted in October 2006.

## **7. Establishment of Child Care and Family Care Systems**

### **(1) To Strengthen Measures that Enable Women to Balance their Family and Job Responsibility**

#### **a. Formulation of the Implementation Plan Based on the Outline of Measures for Society with Decreasing Birthrate**

##### **(i) Basic Law on Measures for Society with Decreasing Birthrate**

323. The Basic Law on Measures for Society with Decreasing Birthrate was enacted in July 2003 and entered into force in September of that year.

324. The Government enacted this law in order to prevent birthrate from further declining due to realization that the rapidly declining birthrate would have a profound impact on people's lives in the 21<sup>st</sup> century. In addition to clearly laying out the basic principles and the measures to be implemented, the law aims to enhance measures to deal with the problem of declining birthrate in a comprehensive manner.

325. Based on this law, the Council on Measures for Society with Decreasing Birthrate guided by the Prime Minister and composed of the entire cabinet, was founded in the Cabinet Office.

##### **(ii) Outline of Measures for Society with Decreasing Birthrate**

326. The Basic Law on Measures for Society with Decreasing Birthrate requires the Government to formulate the outline of comprehensive measures based on a long-term perspective. To meet this requirement, the Cabinet approved the Outline of Measures for Society with Decreasing Birthrate in June 2004 after deliberation.

The Outline cites three perspectives – 'hope and strength for realizing self-reliance,' 'removal of anxieties and obstacles' and 'new support and solidarity for child raising: family bond and community

ties’ – and four important challenges that the Government needs to overcome – ‘self reliance of young people and raising healthy children,’ ‘balancing work and family and reviewing working styles,’ ‘understanding the importance of life and the role of the family.’ and ‘new support and solidarity in child raising.’ A list of 28 measures is added as to take concrete action in the near future.

### **(iii) Support Plan for Children and Child Raising**

327. As a concrete plan to implement the Outline of Measures for Society with Decreasing Birthrate, which was decided by the Cabinet in June 2004, the Concrete Action Plan of Priority Measures Based On the Outline of Measures for Society with Decreasing Birthrate (Support Plan for Children and Child Raising) was formulated by the Council on Measures for Society with Decreasing Birthrate in December of that year. The plan stipulates concrete measures and targets regarding matters that the Government, together with local governments, businesses and other organizations, implement for the duration of five years, from 2005 to 2009, as to follow four important issues raised in the Outline of Measures for Society with Decreasing Birthrate. In addition, it sets concrete targets in a wide range of fields, including the encouragement of young people to become self-reliant and to review working styles.

### **(iv) New Measures against Decreasing Birthrate**

328. In June 2006, the Council on Measures for Society with Decreasing Birthrate decided on the New Measures against Decreasing Birthrate so as to result in more prompt decrease in the birthrate.

329. In the New Measures against Decreasing Birthrate, in addition to comprehensively implement the support for child raising at any levels of child’s maturity, the Government aims to promote support for balancing child raising and restructuring working styles. Also, in combination with these measures, the Government promotes a nation-wide campaign to revive family bonds, community ties, as well as the way of perceiving society as a whole.

330. Based on the New Measures, the Government has decided to further strengthen its birthrate measures with the aim of reversing the decline.

## **b. Support for Balancing Work and Family, and Review of Working Styles**

### **(i) Revisions of the Law on Child Care and Family Care Leave Law**

331. In December 2004, the Government enacted the Law Concerning Partial Amendment to the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave to strength the support for balancing work and family. The main points of this law are as follows: (i) expansion of the range of workers entitled to take child and family care leaves; (ii) extension of the child care leave; (iii) relaxation of the limit on the number of times workers are allowed to take as family care leave; and (iv) establishment of a leave system for a child in need of nursing care.

332. According to the Basic Survey on Women Workers' Employment Management conducted in FY2004, 70.6% of women who gave birth to a child took child care leave, while 0.56% of men took child care leave. Compared to the corresponding figures of 64% (women) and 0.33% (men) in FY2002, there was an increase in both men and women who took child care leave. For FY2004, the number of men and women who took child care leave was 96.1% for women to 3.9% for men. Compared to the FY2002 figures of 98.1% for women and 1.9% for men, FY2004 figures shows that there was an increase in the rate of men, however, the overall level remains low.

### **(ii) Support for Companies that Promote Balancing Work and Child Raising**

333. Since FY2002, the Government has granted assistance to employers who develop and adopt a system that encourage a flexible working style such as shorter work hours for parents of preschool-aged children. Moreover, since FY2005, the Government has also granted assistance to employers who have taken exemplary measures towards creating such a work environment that welcomes men to take part in child raising. Furthermore, in FY2006, the Government established a program of providing grant-in-aid, for the limited duration of five years, for employers of small-to-medium companies whose workers have taken child care leave or have taken advantage of shorter working hours for the first time.

### **(iii) Establishment of the Law for Measures to Support the Development of the Next Generation**

334. In July 2003, the Government enacted the Law for Measures to Support the Development of the Next Generation. This law defines the responsibilities of the Government, local governments, employers, and citizens so as to create the environment where children, who will play a key role in the next generation, are born and raised in good health. According to the law, the Government will tackle the issue in a systematic and focused manner over the next ten years. (i.e. until March 2015).

335. In order to promote efforts of employers to provide support for those raising children, the Law requires employers to formulate a general business owner action plan to promote the creation of a work environment where parents can balance work and child raising. Specifically, it requires employers with 301 or more employees to formulate a general business owner action plan and to submit it to the Prefectural Labour Bureau. The law also necessitates employers with 300 or less employees to endeavor to formulate a general action plan. Employers in both categories need to implement certain measures according to the plan. As of March 2006, 99.1% of employers with 301 or more employees have submitted a general business owner action plan.

### **(iv) Revision of the Special Measures Law Concerning the Promotion of Shorter Working Hours**

336. The Special Measures Law Concerning the Promotion of Shorter Working Hours, which aims to systematically shorten working hours to '1,800 actual annual working hours' uniformly for all employees, was revised into the Special Measure Law Concerning the Improvement in the Establishment of Working Hours. The revised law promotes independent efforts by labour and management to improve working conditions through establishing adequate working hours for employees, considering individual lives including child raising. The revised law came into effect in



April 2006. From FY2006, in addition to implementing measures that place emphasis on promoting efforts to encourage workers to take their annual paid holidays by popularizing the system of planned paid holidays and restricting overtime work, the Government plans to conduct publicity and enlightenment activities to build social momentum for harmonizing work and family life.

**(v) Dissemination of the Guidelines Concerning Teleworking**

337. Regarding teleworking, in March 2004, the Government established the Guidelines for the Appropriate Introduction and Implementation of Work at Home Using Information and Telecommunications Devices to clarify methods of labour management, and has carried out publicizing.

**(vi) Measures to Support the Balancing Life at Work and Family Life of National Public Officers**

338. From the viewpoint of increasing flexibility and variety of the working hour system for national public officers, the study group attended the intellectuals which was established in the National Personnel Authority in October 2003, has been examining policies to support the balancing of work and family life.

339. Based on the interim report submitted by the study group, the National Personnel Authority revised the rules in December 2004 and introduced a leave for male employees to participate in child care and the staggered working hour system so that they can look after their children and family members in need of nursing care.

340. Moreover, in order to promote a supportive environment of balancing work and family life, the National Personnel Authority released the Guidelines Concerning the Utilization of the System to Support Employees to Balance Work and Child Care in February 2005 to all Ministries, and follow up on their efforts is taken by a liaison council.

341. Furthermore, in August 2006, the National Personnel Authority submitted opinions to the Diet and Cabinet to amend the Law concerning Childcare Leave for National Government Employees in order to introduce the short-time working system for childcare, which enables employees to balance work and childcare.

Based on the opinions, the Government submitted a bill to partially amend the Law concerning Childcare Leave for National Government Employees to the Diet in order to introduce the short-time working system for childcare. The bill was approved and promulgated in May 2007.

**(vii) Support for Re-employment and Launching of New Businesses**

342. The 'Re-employment Support Project' has been introduced to support those who quitted their jobs for child care or nursing care but wish to return to the work in the future. Since 2002, various services are available in all over Japan. At the same time, in place of the Compatible Support Hello

Work Centers to support for juggling career and family, MHLW established public employment security offices called Mothers' Hello Work in 2006 to assist child-raising mothers and others to seek employment. These offices were arranged in such a way that mothers would not hesitate to visit it with their children. Officers in charge provided career counseling and job placement services tailored to individual situations and needs for child-raising mothers who are ready to reenter employment.

343. In addition, various kinds of support are provided to help women with children to launch a new business, such as establishing a funding program for female entrepreneur and providing them with information about launching a new business. (See Article 4.3 [2] a)

### **c. Enriching Child Care Services**

#### **(i) Development of Day-care Centers**

344. As part of the Strategy for No Children on the Waiting List, the Government promoted efforts to increase the capacity of day-care centers by more than 150,000 children over a period of three years starting in FY2002. As of April 2004, the number of children waiting for admission to day-care centers decreased for the first time in five years. This decline continued for another year, too, so that in April 2005, the number of children waiting for admission dropped to around 23,000.

345. Municipalities with 50 or more children waiting for admission are being required under revisions in the Child Welfare Law to formulate a child care plan to shorten the waiting list systematically. Moreover, efforts are being made under the Child Care Support Plan adopted in December 2004, to increase the capacity of day-care centers in the next subsequent three years.

346. In October 2001, the mutual society Health Insurance of the MEXT established the 'Kasumigaseki Nursery,' the first child care facility in Kasumigaseki, the government office district, with its management enterprised to the private. In response to the needs of parents working at the MEXT, various kinds of service are provided, including extended child care hours to 10 p.m. and a temporary child care service. With such a large number of applicants, the Kasumigaseki Nursery's importance as a service provider helping parents to balance child raising and work continues to rise.

#### **(ii) Implementation of Mutual Aid Activities on Raising Children**

347. The MHLW supports municipalities that have family support centers (437 centers as of the end of March 2006), whose members comprise workers, housewives and others in the process of raising infants, elementary school children and others. Through mutual aid activities, these centers link and coordinate those looking for assistance in finding a place to leave their children while they work with those desiring to provide such assistance. Since FY2005, the MHLW has also been running an emergency support network program in which individuals with specialized skills are registered as staff and dispatched to meet the urgent needs of workers in the process of raising children, on occasions such as the child suddenly gets sick or the parents have to take an urgent business trip.

#### **d. Support for Child Raising in Kindergarten**

348. To meet the diversifying needs of parents with kindergarten children, 'day care' service, provided both prior to and after normal school hours and during long vacations, is being expanded. Approximately 55% of the kindergartens provided such service in 2001, and this figure rose to more than 70% nationwide by 2005.

### **8. Report on International Comparison of the Social Environment regarding the Declining Birthrates and Gender-Equality**

349. The Specialist Committee on the Declining Birthrate and Gender Equality, established under the Council for Gender Equality, conducted research and studies on the relationship between declining birthrate and gender equality based on statistical data. In September 2005, the Committee focused on the relationship between labour force participation rates of women and birthrates, and examined the impact social environments such as policies, systems and values had on this relationship. The Committee published its findings in the Report on International Comparison of the Social Environment regarding the Declining Birthrates and Gender-Equality.

350. Of the 24 OECD member countries, a report found that in a society, which has high labour force participation rates of women with increasing birthrate, its social environment was characterized as seen greater progress in enabling people to balance work and life by reviewing working styles of both women and men and developing day-care centers and other facilities. That kind of society also re-examines stereotyped perceptions of gender roles, and ensures equal employment opportunities. From these findings, it is clear that measures and policies concerning gender equality contribute to stemming the trend towards a decreased birthrate. The Government is therefore proactively implementing measures to promote gender equality.

#### **Article 12 (Health)**

##### **1. Maintaining and Promoting the Health of Women throughout Their Lives**

###### **(1) Overview of the 21<sup>st</sup> Century Sukoyaka (i.e. healthy and happy) Family National Campaign**

351. In 2000, the 21<sup>st</sup> Century Sukoyaka (i.e. healthy and happy) Family National Campaign was adopted to propose a vision for the principal measures for maternal and child health in the 21st century. The plan is a national campaign promoted jointly by all the parties concerned, such as the Government, local governments, medical institutions and citizens. It sets the objectives that should be achieved by 2010.

###### **(2) Health Support Service**

352. The Government expanded consultation and health education services provided by public health nurses and others concerning health problems peculiar to women throughout their lives (such as gynaecological problems, menopausal disorders, pregnancy, contraception, childbirth concerns, infertility). Further, the Government continually training sessions for consultation advisers.

353. A research study on supporting women's health throughout their lives was conducted along with a research study identifying causes and exploring cures for diseases common to women, such as osteoporosis. The Government has organized research focusing on menopausal disorders since 2002.

## **2. Health Support for Pregnancy and Childbirth**

### **(1) Supporting the Health of Women throughout their Lives**

#### **a. Adolescents**

354. As an objective to be achieved by 2010, the 21<sup>st</sup> Century Sukoyaka (i.e. healthy and happy) Family National Campaign advocates generating a downward trend in the rates of artificial abortion and sexually transmitted disease among the teenage population.

355. In Japan, the ratio of artificial abortions in the teenage population was 10.5 (out of 1000 females) in 2004. In order to reduce this ratio, the Government implements projects under which doctors and nurses consult with adolescent boys and girls on their anxieties and worries about sex, and maternity nurses offer advice to those who worry about pregnancy.

#### **b. Period of Pregnancy and Childbirth**

##### **(i) Health Support for Women during Pregnancy and Childbirth**

356. The Maternal and Child Health Law, which was enacted in 1965, prescribes providing maternal and child health support. In accordance with the law, health guidance, health checkups, and continuous health management based on the Maternal and Child Health Handbook are provided for prenatal/postnatal women, infants, preschool children and others. The Government has also taken steps to increase the number of breast-feeding, for example, by introducing the efforts of local governments to promote breast-feeding.

357. As an objective to be achieved by the year 2010, the 21<sup>st</sup> Century Sukoyaka (i.e. healthy and happy) Family National Campaign has promoted measures to decrease the maternal mortality rate and increase the ratio of people satisfied with their pregnancy and childbirth.

358. The Government constantly reviews the content of the Maternal and Child Health Handbook to reflect the growing number of working women. Description on father's participation in child care, and the system concerning support for the balancing of work and child raising in the workplace from the perspective of working fathers and mothers was expanded in the handbook.

##### **(ii) Enrichment of Consultation on Infertility and Other Services**

359. The 21<sup>st</sup> Century Sukoyaka (i.e. healthy and happy) Family National Campaign and the Support Plan for Children and Child Raising stipulate support for women who suffer from infertility as a measure to be taken. In accordance with these plans, special centers for consultation on infertility

were established in 54 locations in prefectures and designated cities in FY2005 and a part of the cost of fertility treatment has been subsidized since FY2004.

### **(iii) Enrichment of Prenatal Medical Care**

360. In 2004, the number of maternal deaths was 49 and the maternal mortality rate was 4.3 per 100,000 total births. In 2005 (provisional data), the infant mortality rate was 2.8 per 1,000 live births; and the neonatal mortality rate was 1.4 per 1,000 live births, which accounted for 51% of infant mortality. While the prenatal mortality rate (the number of fetal deaths at 22 weeks and over gestation period, plus the number of early neonatal deaths, divided by the number of births plus the number of fetal deaths at 22 weeks and over gestation period, which was multiplied by 1,000) was 4.8. All these figures are declining year by year.

361. The 21<sup>st</sup> Century Sukoyaka (i.e. healthy and happy) Family National Campaign advocates reducing the maternal death rate by half and maintaining Japan's status as the country with the lowest prenatal mortality rate in the world as an objective to be achieved by 2010. The Government promotes improvement of prenatal and neonatal intensive care units across the country to provide advanced health care services for pregnancy, childbirth, infancy and childhood. The Government also promotes the establishment of a medical system for pregnant women and newborn infants in prefectures.

### **(iv) Environment and Conditions for Women's Contraception**

362. Low dosage birth control pills were approved for use in 1999, and female condom and other contraceptive devices in 2000. In 2005, the Maternal Protection Law was partially amended, to extend the deadline from 2005 to 2010 by which the Instructor for Birth Control, such as a midwife, can sell medication and use devices necessary for birth control (\*).

(\*)Regarding artificial abortions, the Programme of Action of International Conference on Population and Development held in 1994 and the Beijing Declaration and Platform for Action adopted in the Fourth World Conference on Women in 1995, clearly stated that any measures or changes related to abortion within the health system can only be determined at the national or local level according to the national legislative process. Since artificial abortions in Japan are regulated under the Penal Code and the Maternal Protection Law, it is illegal to have an artificial abortion when it is in violation of either of these laws.

## **c. Adulthood and Senility**

363. Osteoporosis is a disease causing bone fracture and other problems, and in a progressively aging society, it is expected to become more common. Thus, early diagnosis of people with decreasing bone density and prevention of osteoporosis are needed.

364. For this purpose, a checkup for osteoporosis for women in their 40's or 50's, in other words, shortly before or after menopause, has been included in the overall health examination under the Health and Medical Service Law for the Aged. In 2000, under the Elderly Health and Medical Service

4th Plan, checkups for osteoporosis were separated from others for easier access. Further, from 2005, the targets for these checkups were expanded to women 40, 45, 50, 55, 60, 65, and 70 years of age.

## **(2) Promotion of Appropriate Sex Education**

### **a. Promotion of Appropriate Sex Education in Schools**

365. The number of artificial abortions and the rates of infection with sexually transmitted diseases today are increasing among young people. Thus it is important that both male and female students acquire knowledge appropriate to their stage of development about sex and reproduction, and take control of their own health care. It is also important for young people to learn to value their own life and have consideration for the physical and mental health of others based on respect for life and personal character, and on the spirit of gender equality.

366. To this end, schools should stress the importance of mental bonding and the dignity of life, and implement sex education appropriate for different stages of a youngster's development. Sex education is currently taught in schools in accordance with the Courses of Study (government guidelines for teaching), and should be based on the student's stage of development. Efforts should be also made to build mutual understanding within the school as a whole while obtaining the understanding of parents and the local community. In order to avoid imparting more knowledge than necessary, relevant parties in schools should be thoroughly aware about what is being taught in the classroom. At the same time, the Government, after examining the relevant issues compiling a collection of cases, and holding guidance workshops, should inform every Board of Education of what constitutes the appropriate contents of sex education and how it should be taught.

367. Furthermore, on the basis of discussions held by the Central Council for Education, the Government intends to review how sex education should be taught in the future.

### **b. Providing Opportunities to Learn about Sex**

368. Efforts have been made to enrich learning opportunities that support education at home and in communities, to help young people understand the importance of sex and reproduction.

## **3. Measures against Problems that Threaten Women's Health**

### **(1) Measures against HIV/AIDS, Sexually Transmitted Diseases**

369. Comprehensive measures including the prevention of and medical service concerning HIV/AIDS are implemented through cooperation among the Government, local governments, and NGOs, including medical service groups and patient groups. The Government has taken these measures in accordance with the Principles in Prevention of Specified Infectious Disease in Relation to Acquired Immunodeficiency Syndrome (hereinafter referred to as AIDS Prevention Guidelines), which were formulated in 1999, based on the Law Concerning the Prevention of Infectious Diseases and Medical Care for Patients Suffering Infectious Diseases.

370. The number of HIV-infected patients and AIDS patients is still increasing. It was reported that the number of HIV-infected patients and AIDS patients in 2005 exceeded 1,000 as in 2004. The number of HIV-infected patients was 769 men and 63 women and as for AIDS patients reported, 340 men and 27 women.

371. In light of this serious situation, the Government revised the AIDS Prevention Guidelines in March 2006. In accordance with the Guidelines, the Government takes into account human rights and has made intensive efforts to spread correct knowledge and raise awareness, to enrich the system of checkup and consultation at public health centers, and to rebuild the system of providing medical service.

## **(2) Education on and Understanding of HIV/AIDS**

372. Students should acquire in school correct knowledge about HIV/AIDS appropriate for their different stages of the development and learn how to act suitable action. The Government has implemented the following three measures: (i) producing and distributing textbooks on HIV/AIDS to elementary, junior and senior high schools; (ii) conducting training of teaching staff; and (iii) operating an HIV/AIDS education information network. Additionally, textbooks for raising awareness were produced and distributed to junior and senior high schools in 2006.

## **Article 13 (Economic and Social Benefits)**

### **1. Measures for Single-Mother Families and Widows**

373. For single-mother families, including unmarried mothers and widows, based on the Law for the Welfare of Mothers with Dependents and Widows and the Child Rearing Allowance Law, the Government has promoted various measures for such mothers to bring stability to their life and encourage them to become independent. These include: extension of low-interest or interest-free loans to start a business; a project for establishing self-support centers to help single-mothers find a job that provide consistent employment support services ranging from job consultation, employment support training session to provision of employment information; and provision of childrearing allowance.

374. In response to the 2002 revision of the Law for the Welfare of Mothers with Dependents and Widows, the Government implements comprehensive measures to promote the independence of single-mother families, including child raising and livelihood support, assistance in finding a job, and securing sufficient funds to pay children's education expenses, as well as other economic support.

## **Article 14 (Rural Women)**

### **1. Special Attention to Rural Women**

#### **(1) Women Engaged in the Agriculture, Forestry and Fisheries Industry**

375. Of the total population engaged in agriculture, 1,780,000 are women (53.3%). In forestry, the number is 10,000, which is 16.7% of the total. In fisheries, there are 36,000 women, which is 16.3% of the total. (All figures are as of 2005.)

376. Women in Japan thus play an important role in sustaining agriculture, forestry and fisheries. Women also contribute greatly to the management of life in rural areas and to the maintenance and revitalization of local communities. Consequently, expectations are high to the contribution of women in these areas in the future.

### **(2) Laws and Ordinances for a Gender-equal Society in Rural Areas**

377. The new basic plans were formulated in accordance with both the Food, Agriculture and Rural Areas Act in March 2005 and the Basic Law for a Gender-equal Society in December 2005. The new plans contain clear and specific measures for promoting participation of women.

378. Promotion of women's participation is described in both the basic plans formulated in March 2002 in accordance with the Fisheries Basic Act and the Forest and Forestry Basic Act in October 2001. In line with these basic plans, comprehensive measures are taken with a view to achieving a gender-equal society in rural areas.

379. To the same end, the MAFF established the Headquarters for the Promotion of Gender Equality with the senior vice-minister as president in May 2001. The Ministry also formulated an annual action plan to exchange views on the subject with women engaged in agriculture, forestry and fisheries, and gave public recognition to those who have contributed to gender equality.

### **(3) Changing Consciousness and Behavior in All Places**

380. To raise awareness on this subject in local communities and families, including male members, the Government has promoted implementation of measures such as releasing in 2005 guidance notification setting targets for women's participation in rural areas, thus further increasing the ratio of women to the total number of board of directors at agricultural cooperatives.

381. The participation of women in decision-making processes for policies and administrative measures in rural areas is as indicated in Statistical Annex 45. While the ratio of women remains low, it has been on the rise in recent years.

### **(4) Improvement of Environment Favorable for Women's Lives and Activities**

382. The population of workers engaged in agriculture, forestry, and fisheries is expected to decline significantly in the future. It is therefore necessary to cultivate the widest range of human resources in these industries. To do so, efforts must be made to create an environment where motivated women can make full use of their capabilities and participate in their local communities as they make policy regarding these industries or management. To this end, steps are being taken including providing information and promoting the development of women's networks in such communities.



### **(5) Improvement of Women's Economic Status in Rural Areas**

383. According to the survey conducted in 2004, more than 90% of women engaged in agriculture express a desire to receive wages and salaries for their work in farming. However, only 49.6% of women actually receive some form of compensation for engaging in agriculture according to the survey conducted in 2003.

384. In recent years, an increasing number of farm households have concluded Family Business Agreements that set wages, number of holidays and other matters on the basis of negotiations among family members. In 2005, approximately 32,000 households concluded such Family Business Agreements.

### **(6) Consolidation of Women's Status as Executive Female Farmers**

385. The system of accreditation of farmer was revised in June 2003. In a recent society where the number of female farmers who participate in decision making process is growing, certified farmer, as joint ownership is given to the married couple running farming business. Additionally, in accordance with the New Basic Plan for Food, Agriculture and Rural Area and the Second Basic Plan for Gender Equality (both formulated in 2005), promotion of Family Business Agreements, certified female farmers, and the incorporation of their farm operation were contained, and the actions are promoted.

## **2. Ensuring Women's Participation and the Benefits in the Development of Rural Areas**

### **(1) Farmers' Pension Fund**

386. Since 2002, any female engaged in agriculture, who is insured under National Pension Category I with the age under 60 can join the Farmers' Pension Fund even without owning farmland, due to the 2001 Farmers' Pension Fund Law amendment. Furthermore, spouses and successors who concluded Family Business Agreements can be the subject of the aid policy, those people are eligible to receive the Government's subsidy for their insurance expenses.

387. The revision of the law did not only to make it easier for women to receive pension benefits but also to raise their social status as farming business management. The ratio of women under the Farmers' Pension Fund increased from 5.9% in 2001 to 7.6% in 2004. Efforts will be further made to inform more farmers about this pension scheme.

### **(2) Income Generating Activities**

388. Income generating activities such as morning market and selling of local products have increased year by year as was 9,050 such activities made in 2006. Most female entrepreneurs earn less than ¥3 million, but female entrepreneur with sales of more than ¥10 million are definitely on the rise. Also, the number of female entrepreneurs, who contribute to improve the economic status of women, is increasing. At the same time, these women contribute to diverse and stabilize their business, and play a leading role in revitalization of communities.

### **(3) Technical and Management Guidance in Agriculture, Forestry, and Fisheries**

389. Regional agricultural extension service offices provide comprehensive and systematic assistance to people working in the areas of agriculture, forestry, and fisheries, offering technical and management advice, information, and seminars and training courses.

390. Extension service offices support activities of women by, for instance, providing information on technology, management, finance, and other issues of interest to women, such as offering advice on writing business diary and account books, analyzing businesses based on bookkeeping, and extending support for the improvement of working conditions.

### **(4) Financing for Women**

391. The Government provides information on management and supports income generating activities such as processing of agricultural products so that rural women group can run their businesses stably. The Government also extends interest-free loans to support the activities of women and the aged, who engage in agriculture and coastal fisheries. In 2002, the Agricultural Improvement Loans established a preferred quota for female entrepreneurs.

### **(5) Overall Support for Rural Women to Improve their Lives**

392. Overall support service for rural women has shown considerable results to improve their lives. It is now providing services, focusing on daily-life issues more closely related to the production scene and to the community as a whole, such as improving agricultural work, coordination of farming and living plans, and revitalization of communities.

## **Article 16 (Marriage and Family Life)**

### **1. Provision of Laws Concerning the Family**

393. While keeping abreast of trends in public awareness, and from the perspective of eliminating career obstacles brought about by the requirement that a married couple has to adopt one of their surnames at the time of marriage, and in conjunction with the pros and cons of proposed revisions to the marriage and divorce system, including setting the minimum age for marriage at 18 for both men and women and reducing the set period prohibiting women from remarrying after divorce or annulment of a previous marriage, the Government continues its efforts to deepen public awareness and discussion of the proposed system of allowing married couples to use separate surnames.

### **2. Family Violence**

#### **(1) Spousal Violence**

##### **a. Current Situation**

394. During 2005, the number of cleared cases of husbands who exercised violence against wives was 126 for homicide, 1,264 for bodily injury and 359 for battery. The total of these numbers was 1,749, up 12.5% from the previous year's 1,554.

**b. Revision to the Law for the Prevention of Spousal Violence and the Protection of Victims**

395. In June 2004, the Law for the Prevention of Spousal Violence and the Protection of Victims (hereinafter referred to as the Law for the Prevention of Spousal Violence) was revised. The main revisions are: (i) redefinition of the term 'spouse'; (ii) expansion of the definition of 'violence'; (iii) expansion of the protection order system; (iv) clarification of the responsibility of the Government and local governments for providing victims with support to become self-reliant; and (v) clarification of the responsibility of relevant officials to respect the human rights of victims irrespective of the facts such as nationality and disability.

396. Based on these revisions, not only physical violence but also verbal abuse that has a harmful mental and physical effect on victims is included in spousal violence. Violence and verbal abuse that divorced ones receive from former spouses is also included. In December 2004, based on the Law for the Prevention of Spousal Violence, the competent ministers (Prime Minister, National Public Safety Commission, Minister of Justice, Minister of Health, Labour and Welfare) formulated a Basic Policy on Measures for the Prevention of Spousal Violence and Protection of Victims. The Basic Policy describes the outline of the system and the basic ideas underlying the implementation of measures for each item provided in the Law. As such, it serves as a guideline for the basic plans formulated by prefectures.

**c. Spousal Violence Counseling and Support Centers**

397. Based on the Law for the Prevention of Spousal Violence, the Government set up Spousal Violence Counseling and Support Centers in 152 locations throughout Japan (as of 1 May 2006).

398. Among the consultations by the Women's Consulting Offices (47 offices throughout Japan) and by Women's Consultants in FY2005, violence by husband or partner accounted for 21,125 cases or approximately 28.9% of consulted cases, and ranked first among major complaints (FY2005).

399. With the enforcement of the Law for the Prevention of Spousal Violence, the Women's Consulting Offices have strengthened their functions by providing consultations not only on weekdays but also on holidays and evenings, formulating measures to provide psychological care for the victims, and having staff receive professional training. At the same time, they provide support that meets the particular needs of victims. For example, if a victim comes to a Women's Consulting Office with her child, she is placed in a Daily Life Support Facility for Mothers and Children. Moreover, to enhance the protection of victims, in FY2002, a new system was established under which social welfare facilities and private shelters that meet a certain standard are commissioned to provide shelter to victims of spousal violence. Since FY2004, staff has been assigned to temporary shelters operated by Women's Consulting Offices in eight locations throughout Japan to take care of babies who accompany their mothers to these shelters.

**d. Training for Relevant Officials****(i) Training for Counselors of Spousal Violence Counseling and Support Centers**

400. In FY2005, seminars were held five times for counselors and managerial staff at Spousal Violence Counseling and Support Centers scattered throughout Japan to support consultation activities and improve the quality of consultations. Additionally, the Government dispatched to Spousal Violence Counseling and Support Centers experts with long experience to give advice and guidance. The programs for supporting efforts to enrich the consultation services were conducted at these centers in 34 prefectures and four government-designated cities in FY2005. Moreover, in line with the revision to the Law for the Prevention of Spousal Violence, training materials were thoroughly revised to incorporate consideration for foreign and disabled victims, and incorporate measures to support the self-reliance of victims.

**(ii) Training for Staff of Women's Centers related to Consultation Service**

401. In FY2004, professional training for staff in charge of counseling was conducted in 44 prefectures, and training for staff of women's consulting office was conducted in three prefectures. The subjects of this training included trafficking in persons and counseling methods as well as spousal violence. The targets of training included both public and private institutions.

**e. Providing Information on Support for Victims of Spousal Violence**

402. The Government provides information over the Internet that enables victims of spousal violence to receive appropriate support and counseling without difficulty as well as information on legal and institutional matters that are helpful to relevant officials in charge of supporting victims of spousal violence.

**f. Measures Taken by the Police**

403. Based on the Law for the Prevention of Spousal Violence, the police established the 'Rules on Assistance by the Police Commissioner for Personally Preventing Damage Caused by Spousal Violence' to provide necessary assistance for victims of spousal violence.

404. To improve the system of consultation, the police have endeavored to develop an environment favorable for victims seeking advice; for example, placing female police officers, thereby reducing the burden on victims and also preventing secondary damage. Moreover, in addition to arresting the perpetrators based on consideration for the will of the victims, the police have taken measures to prevent the occurrence of damage from spousal violence by, for example, giving the perpetrators directions and warnings. For the victims, irrespective of whether the perpetrators are arrested or not, depending on the case, guidance and suggestions necessary for preventing damage from spousal violence are offered.

### **g. Measures Taken by the Human Rights Organs**

405. The Human Rights Organs of the MOJ prepare and distribute brochures to enlighten people on the subject of abuse including spousal violence. In calling for protection of women's rights, the organs also conduct various promotion activities in different parts of the country, not only during the Human Rights Week but also throughout the year, under the slogan of 'Protection of Women's Rights.'

406. At the same time, the organs endeavor to help victims by providing consultation on every aspect of women's rights at their counseling offices and through the Women's Rights Hotline, a counseling hotline which specializes in women's rights.

407. Additionally, with the revision of the Law for the Prevention of Spousal Violence, efforts are being made to provide protection and relief to victims by further strengthening cooperation with relevant organizations.

### **h. Services Related to Measures for Victims Taken by the Japan Legal Support Center**

408. See the section on Article 2.2(2).

### **i. Treatment of the Residence Status of Foreign Women Identified as Victims of Domestic Violence**

409. When an application for extension of the period of stay or change of the status of residence is received from a foreign woman living apart from her husband or divorced on the grounds of domestic violence, by taking into consideration the actual extent of damage suffered or the situation in which the victimized woman is placed (e.g., having to raise the children, her will to stay married to her abusive husband, the state of the divorce arbitration proceedings), the MOJ, taking into full consideration the humanitarian aspects of the case, makes an appropriate judgment. In handling cases of this kind, efforts are made to carefully consider the safety and privacy of the victim by, for example, making sure that her husband, the perpetrator, is not allowed to approach her.

## **(2) Prevention of Child Abuse**

### **a. Revision to the Child Abuse Prevention Law**

410. In April 2004, the Law concerning Partial Amendment to the Child Abuse Prevention Law was enacted to improve the seamless and comprehensive measures for child abuse: from prevention of occurrence to early identification, quick response, protection and support. The revised law came into effect in October of the same year. The main stipulations are: (i) review of the definition of the term child abuse; (ii) revision of the responsibility of the Government and local governments; (iii) expansion of the notification requirement related to child abuse; (iv) request for aid addressed to the police commissioner; (v) development of the regulation on visitation by and correspondence with abusive parent; (vi) support for victims of child abuse who have fallen behind in their school work so that they can catch up, go on to higher education, and find employment.

411. Child abuse cases handled by Child Guidance Centers (182 centers throughout Japan) in FY2004 totaled 33,408, of which 1,048 or 3.1% were cases of sexual abuse. The Government has made efforts to promote various measures, such as strengthening consultation functions of Child Guidance Centers and establishing networks in local communities, so that the Child Guidance Centers, in close cooperation with relevant organizations of welfare, health, medical care, police and education, can deal with child abuse in an appropriate manner.

**b. Measures Taken by the Human Rights Organs**

412. In addition to preparing brochures to enlighten people on the subject of abuse and distributing them to the legal affairs bureaus and district legal affairs bureaus throughout Japan as well as to the prefectures and government-designated cities, the Human Rights Organs of the MOJ conduct various promotion activities in different parts of the country, not only during the Human Rights Week but also throughout the year, under the slogan of 'Protection of Children's Rights'.

413. The organs endeavor to help victims by providing consultation on every aspect of children's rights at their counseling offices and through the Children's Rights Hotline, a counseling hotline which specializes in children's rights.

414. At the same time, when there is a call alleging violation of a child's rights, after conducting investigation into the case, various measures are taken to provide redress for the abused child. In addition, efforts are made to prevent recurrence of human rights violations against children by educating the persons concerned on the importance of respect for human rights. The organs are strengthening cooperation with local community networks for child abuse prevention to provide more effective assistance to the victims.

415. Further, given that November has been named Child Abuse Prevention Month since FY2004 the organs have endeavored to make greater efforts to prevent child abuse by holding a National Conference of Volunteers for Children's Rights Protection in November each year.

**c. Protection of Abused Children**

416. The police regard child abuse as an important target of their youth protection measures, and are therefore strengthening their efforts to prevent its occurrence. Specifically, in April 2004, based on the revision to the Child Abuse Prevention Law, the police took the following appropriate measures to deal with child abuse: (i) early identification and fast and accurate reporting of child abuse cases; (ii) appropriate response to requests for assistance from the superintendents of Child Guidance Centers to the police commissioner; (iii) proper prosecution and assistance for children; (iv) improvement and strengthening of the protection system and strengthening of cooperation with Child Guidance Centers and other organizations concerned; and (v) thorough guidance and education for staff.

417. Moreover, to protect children who do not have anyone to take care of them or children whose custody is not appropriate to be placed of their parents, the police endeavor to participate in the regional council for measures for children in need of protective care that can be established by a local government.

418. The Basic Plan for Crime Victims was formulated on the basis of the Basic Law for Crime Victims and came into effect in April 2005. In accordance with the plan the police endeavor to improve their cooperation with the relevant organizations involved in the protection of victims of child abuse. The police also provide guidance and training for police personnel so that they can enhance skills for identifying child abuse and increase knowledge concerning special characteristics of child abuse.

**d. Publicizing the Appropriate Response to Child Abuse to People Involved in Education**

419. The MEXT has in the past repeatedly publicized, through prefectures, the obligation of those involved in school education including school nurses and those involved in social education to report child abuse to child guidance centers. In addition, efforts are being made to disseminate the main stipulations of the Law concerning Partial Amendment to the Child Abuse Prevention Law promulgated in April 2004.

420. Furthermore, survey research had been undertaken since FY2005, to improve the efforts being made in each school and Board of Education to prevent child abuse by collecting and analyzing the improved efforts being made both in Japan and abroad. The Government put together the research results in a report.

**(3) Discrimination against Girls' Rights and Human Rights Infringement**

**a. Measures Taken by the Human Rights Organs**

421. In the Basic Plan for Human Rights Education and Encouragement, the issue of children's rights was raised as one of the human rights issues. Aiming to realise a society where all children, including girls, are respected highly and are able to enjoy fundamental human rights, the Human Rights Organs of the MOJ have conducted various promotion activities in different parts of the country, not only during the Human Rights Week but also throughout the year under the slogan of 'Protection of Children's Rights'.

422. Moreover, the Human Rights Organs provide consultation on human rights violations, such as discrimination against girls, at their counseling offices and through the Children's Rights Hotline, a special telephone counseling service.

423. In April 2004, with the aim of conducting relief activities quickly, flexibly and accurately, the MOJ carried out comprehensive revision of the official directives for investigation and resolution of human rights infringement cases. After the required investigation, depending on the case, in addition to formulating various measures to provide redress for the abused girl, the organs make efforts to prevent recurrence of violations against the rights of girls by educating the persons concerned on the importance of respect for human rights. In addition, depending on the case, the abused girl, her parents and other persons are referred to other relevant administrative organs, or are given legal advice.