



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

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**Committee on the Elimination of Discrimination
against Women**
Forty-fourth session

Summary record of the 891st meeting (Chamber B)

Held at Headquarters, New York, on Thursday, 23 July, 2009, at 3 p.m.

Chairperson: Ms. Neubauer (Rapporteur)

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In the absence of the Chairperson, Ms. Neubauer (Rapporteur) took the chair.

The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention *(continued)*

Sixth periodic report of Japan (continued)
(CEDAW/C/JPN/6, CEDAW/C/JPN/Q/6,
CEDAW/C/JPN/Q/6/Add.1 and
CEDAW/C/JPN/CO/6)

1. *At the invitation of the Chairperson, the delegation of Japan took places at the Committee table.*

Articles 7 to 9

2. **The Chairperson** invited Committee members to resume their questions and comments on articles 7 to 9 of the Convention.

3. **Ms. Ameline** referred to the few women in decision-making positions, the result of cultural conservatism. She wanted to know if the targets for women's participation in leadership roles were attainable, and if quota-style measures would be applicable in Japan's political culture. In the private sector, she wondered if unions and professional associations had addressed the matter, given that the exclusion of women amounted to a loss for business and the country as a whole. It would be a positive step if women's visibility grew in key posts in all sectors in Japan.

4. **Ms. Murillo de la Vega** said that the Government should set an example in fighting stereotypes. The fact that targets had been set for 2020 indicated that decisions were being postponed and not actually taken. She would like statistics on the participation of women in local and national Government, broken down by post and field of competence, to determine the existence of vertical segregation. She wondered if the outputs of the National Women's Education Centre, the body that oversaw these matters, were binding or merely recommendations.

5. **Ms. Belmihoub-Zerdani** said that figures for women in Japanese politics were too low. Efforts must be made to promote women at the local level to start political careers, eventually putting more women in decision-making posts in national Government. On its return to Japan, the delegation should organize a press

conference to raise awareness of the Committee and the Convention.

6. **Ms. Okajima** (Japan) said that she recognized that numbers for women in politics and especially in decision-making posts were very low. However, 30 per cent of leadership posts would be held by women by 2020, especially in national politics, medicine and science. The participation of women in politics, nationally and internationally, was studied and publicized to raise awareness of their role.

7. **Ms. Nohno** (Japan) said that as a former nurse, she had had the backing of her profession in her political career, but that other sectors could be more supportive. The needs of women members were being addressed in the Diet, now that their numbers were growing. She agreed that more remained to be done in the area of women's participation in politics.

8. **Ms. Shino** (Japan) said that women made up 22 per cent of staff at the Ministry of Foreign Affairs, and that more and more were entering the senior officers' career track. Japan in general was underrepresented in international organizations so the higher numbers for women there were not indicative of a national trend. The Committee and the Convention would indeed be given greater visibility in the media through a press conference on the consideration of the report.

Articles 10 to 14

9. **Ms. Bailey** said that the Committee had received information that the recent revisions to basic education laws had included the removal of references to gender equality and the promotion of co-education, which ran counter to the Government's obligations under the Convention to promote its goals. She requested information on the reasons for such revisions and on Government efforts to promote positive gender relations and equality in the education system. Similarly, another revision to education laws had set severe constraints on sex education in schools, which could only exacerbate problems related to sexual health and undesired pregnancy common among teenagers. It would, therefore, be valuable to hear more about the Government's position on sex education in schools. It would also seem that references in textbooks to gender issues and to sexual exploitation, in particular "comfort women", had been removed, allegedly in the interest of promoting mutual respect among the sexes. Such a

screening could, however, be based on conservative principles that did little to remove gender stereotypes.

10. Female students outnumbered males in secondary schools but not, apparently, in colleges, and there seemed to be a kind of segregation of female students in terms of fields of study, with women concentrated in typically feminized fields such as home economics, arts and education — all of which had an impact on occupational segregation and pay gaps. Similarly, the 2005 target of 20 per cent female professors and instructors at the college level had been achieved but the target had not been raised for future efforts. She asked what steps the Government was taking or planning to combat gender stereotypes and realize greater gender equality in education, including in vocational training schools. She also asked what the Government was doing to improve the access of minority women to the full range of educational offerings.

11. **Ms. Patten** said that there were aspects of Japan's career-tracking system, in particular the guidelines for employment management categories, that led to discrimination against women, who tended to concentrate in certain low-paying jobs and professions, as companies were given much leeway in applying gender-equality criteria in certain categories. The problem was not new and had been brought to the Government's attention by various bodies and organizations, including the International Labour Organization. The gender pay gap remained high in Japan, especially in the manufacturing sector, which employed many women. It would be useful to have more information on Government efforts to study and improve the situation. She also requested more information, disaggregated by sex, on the proportion of part-time workers covered by protections against wage discrimination in the legislation. Noting that article 4 of the Labour Standards Law seemed to make no reference to the principle of equal pay for work of equal value, she asked whether the Government intended to amend the Law to include a specific provision on equal pay. More information would be useful on how the Government implemented the principle in the public and private sectors. Another set of problems involved irregular, temporary and agency-dispatched workers, many of whom were women and seemed to have very little protection against wage discrimination and job cuts in the current crisis. She requested additional information on how the

Government intended to improve their situation. Noting that domestic workers, who were mostly women, were not recognized as regular wage earners under the current income tax laws, she asked what measures had been planned to correct such discrimination.

12. **Mr. Bruun** said the statistics showed that women in Japan were disproportionately involved in the irregular, fixed-term and agency-dispatched sectors of the labour market. He asked whether the Government had any plans to improve the chances for women to move into more permanent, regular full-time jobs. It would be valuable to have more information on the extent to which women workers in those sectors were protected by legislation on equal treatment. He also asked about migrant and minority women and any measures taken to integrate them fully into the labour market through education and training.

13. **Ms. Ameline** said that the information provided by the Government seemed to show that 70 per cent of women chose to leave the labour market and their careers after having a child, suggesting that conditions of employment and the social environment made it difficult for women to return to work. Noting the key role played by social environment and the availability of child-care facilities in ensuring equality of opportunities, she asked whether the Government had adopted and implemented vigorous policies that would ensure that women with children could remain in the workforce.

14. **Ms. Zou Xiaqiao** noted the rising prevalence of HIV/AIDS in Japan, which was often linked with a rising incidence of sexually transmitted disease in general and sexual exploitation. She asked whether the Government had carried out research into the problem and was planning any action to reverse the trend. Turning to abortion, which was apparently not legal in Japan, she said that such a policy often led to risky illegal abortions with the attendant damage to women's health, particularly among adolescent women. She asked whether the Government had any plans to change its policy or to try to reduce the number of illegal abortions. Pornography seemed readily available in Japan, which could lead to irresponsible sexual behaviour, especially among adolescents. Useful countermeasures would include strengthening sex education in schools and adopting a national programme of action to ensure the healthy development of girls and young women.

15. **Ms. Rasekh** said that the legislation criminalizing abortion seemed quite discriminatory against women, as women were not only forced to bear all of the burden and risks of pregnancy, but were also the only ones to bear the burden of punishment for illegal abortions, even if the father of the child had given his agreement to such a course of action. It would be useful to have more information on the availability of emergency contraceptives. The report gave very little information about problems of access to health care felt by minority women, who had to overcome social stigmas in Japan regarding their appearance. Noting that women in Okinawa faced health threats caused by excessive noise from United States military activities on the island, she asked what the Government was planning to do to improve their situation.

16. **Ms. Zou Xiaqiao** asked for more information on the access of rural women and women in mountainous areas to education, training, health services and credit and on their participation in political and public life. She asked whether any preferences had been established for them to help in creating employment and businesses. It would also be useful to know more about their access to counselling and legal assistance in dealing with domestic violence. She also asked what was being done to study and improve the situation of foreign and minority women who had married Japanese men but had been abandoned or divorced.

17. **Ms. Oshiyama** (Japan) said that the law on education standards had been revised in 2006. Earlier versions had mentioned co-education because there had been discrimination in education during the war; however, since boys and girls now studied together in many schools there was no longer any need for it to be mentioned. Because education about gender equality was very important, it had been included as an objective in the revised law. A new education promotion plan, based on the revised law, which included respect for human rights and education on gender equality, had been introduced in 2008. Students therefore had many opportunities to learn about gender equality.

18. Turning to the question about school textbooks, she said that the Government set standard curriculums for schools, and local boards of education then decided how they would be implemented in individual schools. Textbooks were not written by the Government but were published by the private sector and authorized for

use by the Ministry of Education. Boards of education and individual schools could choose from several authorized textbooks, which incorporated gender equality and respect for human rights where appropriate. If textbooks were found to promote stereotypical gender roles, the Ministry would ask the authors to revise them. Though there was no requirement to do so, many authorized high-school books on the history of Japan contained references to “comfort women”. The content of textbooks was entirely up to their authors.

19. All universities had been requested to promote women on their faculty and some had introduced quotas for the recruitment of women faculty members. In 2007, 11.1 per cent of all professors had been women, but the figure was 19.7 per cent among faculty members under the age of 40, showing that the representation of women was increasing in the younger generation, which would in turn further promote the recruitment of women.

20. Turning to the issue of women’s career advancement, she said that career guidance was being given in high schools to encourage girls to study traditionally male-oriented subjects. Women researchers were also used as role models.

21. Responding to the queries about sex education in schools, she said that in the past, sex education had been given that was not in accordance with the developmental stage of the children. The situation of young people in Japan was changing and sexually transmitted diseases and abortion were widespread, so educating them in schools about the risks was important.

22. **Ms. Horii** (Japan), on the subject of employment management, said that a long-term view of the development of human resources was being taken. It was important to compare like with like — men and women with different job patterns could not be effectively compared. Ensuring equal opportunities for men and women in similar jobs at the recruitment stage was the reason for the employment management system. There was no gender discrimination once workers had joined a company. The employment management categories were not simply a formality but reflected real differences in jobs and working conditions. Tripartite committees compared the situation of people within a given category to uncover any discrimination.

23. The wage gap between men and women was narrowing, with women's salaries steadily rising to 67.8 per cent of men's by 2008, though of course, progress was still needed. Women's rank and length of service were the underlying causes of the wage gap, so positive action needed to be taken to ensure that women felt more comfortable remaining at work after giving birth.

24. With regard to part-time workers, she said that the rules had been revised in order to ensure the balanced treatment of all kinds of workers, both regular and part-time. There was no discriminatory treatment for part-time workers in terms of access to training and other facilities but no definitive data could be provided. A 2001 survey comparing the conditions of part-time and regular workers had shown that approximately 45 per cent of part-time workers had the same protections as regular workers. Article 4 of the Japanese Labour Standards Law provided for equal remuneration for work of equal value, stipulating that women should not be paid at a lower rate for working shorter hours, which satisfied the provisions of the International Labour Organization (ILO) Equal Remuneration Convention (No. 100).

25. Turning to the impact of the economic crisis on women, she said that there was increased job instability and therefore unskilled workers had been impacted. Since women were responsible for families they were at a disadvantage in the labour market — there had been cases of women being fired after taking maternity leave. Efforts were being made to strengthen safeguards against such practices.

26. There was no legislation on the issue of agency-dispatched workers, though there had been tripartite discussions about who was legally responsible for their treatment, and a revised labour dispatch bill had been submitted to the lower house of the Diet for approval.

27. Subsidies were provided to employers so they could convert part-time workers into regular workers. Labour standards were applicable to minority women on an equal basis and they should also have equal access to health services.

28. The question of maternity leave was a very important one, since some women had been forced to leave their jobs after giving birth. Currently 38 per cent of women continued working after giving birth and the Government hoped to raise that figure to 55 per cent. The Maternity and Child Care Law had been revised in

June 2009 to improve access to child-care facilities for children under three years old.

29. The number of HIV/AIDS consultations in Japan had risen in 2008. According to 2007 figures, 39 people aged between 15 and 19 had contracted HIV, around 70 per cent of whom were female. Awareness-raising measures needed to be taken to address the HIV prevalence ratio.

30. Responding to the question about measures to reduce the rate of abortion, particularly among young people, she said that consulting services were provided for women experiencing difficult pregnancies by doctors or nurses in clinics and efforts to provide such guidance would continue. The principle of the maternity protection law to require the agreement of both partners before an abortion could be carried out was there to protect the father's rights.

31. **Mr. Motomura** (Japan) said that women working in the agricultural sector in Japan had the same access to health-care services as those living in urban areas. If those women wanted to start a business they could access public agricultural improvement loans. The Ministry of Agriculture, Forestry and Fisheries provided training and technical guidance to promote women's entrepreneurship, with a view to increasing the rate of employment of women living in agricultural areas.

32. **Ms. Okajima** (Japan), taking note of the Committee's dissatisfaction with the data on minority women provided in the report, said that Japan's Constitution prohibited discrimination on grounds such as race, creed or sex, thus upholding the principle of equality for all, and that included non-Japanese women in the country. Therefore no special legal framework was needed for members of minorities. With specific reference to the Ainu, she recalled that, as indicated in the responses (CEDAW/C/JPN/Q/6/Add.1, p. 57) to question 24 of the list of issues, they had been recognized by the Diet as indigenous people of Japan and their views were being solicited within the framework of the Expert Meeting set up in 2008 to make recommendations for their advancement

33. In the case of small-business owners who paid salaries off the books to family members, those expenses could not be deducted under article 57 of the Income Tax Law because no record had been kept. However, a "blue paper report" could be submitted for such expenses.

34. **Ms. Shino** (Japan) said that the Government was aware of the noise pollution in Okinawa. Ad hoc consultations were regularly held with the American military base authorities and they had been asked to avoid late-night and early-morning flights. In addition, the Ministry of Defence was subsidizing the installation of noise-proof windows in homes near the base.

Articles 15 and 16

35. **Ms. Awori**, observing that the response to question 28 of the list of issues was not satisfactory, asked again whether the Government had actually taken any action to amend the three marriage provisions in the Civil Code that discriminated against women. Also, a growing number of Japanese men had in recent years been marrying foreign women, whose situation was especially vulnerable. They were protected under the Civil Code only in the case of domestic violence or human trafficking, but needed protection and security also with regard to marriage, divorce and family life. She wondered if any such safeguards were in place in the immigration laws, and whether the assistance given by the Council for Gender Equality to single or divorced mothers extended to migrant women, whose problems were compounded, especially if they were undocumented aliens.

36. **Mr. Sano** (Japan) said that thus far the Government had acted to inform the public through Internet postings and surveys about the possible Civil Code revisions.

37. **Ms. Komagata** (Japan) said that the possibility of giving special residence permits to migrant women who were divorced or abandoned by their spouses was decided on a case-by-case basis on humanitarian grounds and depending on the women's family situation, one consideration being the raising of children.

38. **Ms. Tsukasaki** (Japan) said that there was a special committee within the Gender Equality Cabinet Office that helped both men and women in economic straits to find jobs and created a safe environment for them and their families, and the special committee would be recommending specific responses to their problems.

39. **Ms. Patten** observed that surely the fact that women comprised 70 per cent of the part-time workers in Japan was evidence of discrimination and she would

like to know what the Government was doing about it. The provisions against discrimination in the Equal Employment Opportunity Law were perfect but the accompanying Government Guidelines diluted the law, particularly as regarded career-track jobs for women. The Guidelines should be rescinded and the Law should be applied as it stood.

40. **Ms. Šimonović** asked once more whether — apart from postings about the Convention on the Government's website and years of public consultations — the Convention was a legally binding treaty in Japan and thus required repeal of any discriminatory national legislation at odds with it; and whether the Convention was part of Japan's legal system and could be directly invoked.

41. **Ms. Shino** (Japan) said that she could say categorically that the Convention was legally binding in Japan.

42. **Ms. Rasekh** observed that although the Government did not regard minority women as a special issue, they nonetheless had special needs because of problems such as domestic violence, lack of access to health care or employment, among many. Information provided by non-governmental organizations alone had made clear the plight of the Buraku women or the Korean women in Japan. Separate policies should be developed specifically prohibiting any kind of discrimination against minority women and it should be regarded as a matter of importance.

43. **Ms. Horii** (Japan) said that while the Committee found it discriminatory that 70 per cent of part-time workers were women, it should be noted that 52 per cent of those women chose to work part-time and were appreciative of the variety of work patterns available. There was no indirect discrimination involved, for the Government always aimed at a balanced treatment.

44. The employment management system was organized on the basis of the job category in which either men or women were employed. Clearly there should be equal pay for men and women working in the same job category and the doors should be open to all with regard to hiring, promotion and training in any category. Thus career-tracking offered equal treatment.

45. **Ms. Okajima** (Japan) said that of course the Government was responding to the needs of minority

women, providing assistance with access to education, health and employment and protection against violence. In the case of foreign minority women there was, however, the language barrier to be overcome as well as traditional attitudes; and the public needed to be educated to respect human rights.

46. **The Chairperson**, expressing condolences to the delegation on the death of Ms. Saiga, a well-loved and valuable member of the Committee for many years, observed that the dialogue with the delegation had been informative and had shown that progress had been made in a number of areas, although more work was needed. Reviewing the many areas in which members of the Committee had felt the Government should take action, she said that she hoped that the Committee's concluding observations, when issued, would be disseminated to all ministries and other concerned.

47. **Ms. Nohno** (Japan), observing in her personal capacity that she herself headed a special committee on women's issues within her own political party, said that the delegation assured the members of the Committee that their comments would be taken into consideration and be well publicized.

The meeting rose at 5.30 p.m.