



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

Distr.: General  
10 August 2011

Original: English

**ADVANCE UNEDITED VERSION**

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## Committee on the Elimination of Discrimination against Women

Fiftieth session

3 – 21 October 2011

### **Response to the follow-up recommendations contained in the concluding observations of the Committee pursuant to the examination of the sixth periodic report of the State party on 7 August 2009.**

#### **Japan**

1. In its concluding observations regarding the sixth periodic report of Japan (hereinafter referred to as “the Concluding Observations”), the Committee on the Elimination of Discrimination against Women (hereinafter referred to as “the Committee”) requested Japan to provide, within two years, information on the implementation of the specific recommendations identified by the Committee. Current situations concerning the recommendations are provided below.

#### **Common actions regarding the specific recommendations identified by the Committee**

2. The Government of Japan takes the Concluding Observations seriously, and the entire government has been attempting to follow up on its recommendations. The Government has distributed the Concluding Observations to the Diet and the Court, and requested follow-up on its recommendations on their part. The Government has been working on wide dissemination of the Concluding Observations, including by uploading the translated version on its web page. Moreover, it has also been trying to raise awareness of the Convention on the Elimination of all Forms of Discrimination against Women through the creation and distribution of posters and DVDs. The Council for Gender Equality, which consists of Cabinet ministers and intellectuals, discussed the Concluding Observations in November 2010. The current Third Basic Plan for Gender Equality (hereinafter referred to as “the Third Basic Plan”) was approved by the Cabinet in December 2010, after considerable discussion based on the Concluding Observations.

3. The Specialist Committee on Monitoring was newly established under the Council for Gender Equality in February 2011, in order to strengthen the follow-up on the implementation of the Third Basic Plan and the Concluding Observations. In May 2011, the Specialist Committee on Monitoring followed up on the implementation of the specific recommendations of the Concluding Observations, by interviewing relevant ministries to have an explanation about measures implemented by those ministries, as well as Ms. Yoko

HAYASHI, current member of the Committee, to have an explanation about the Convention on the Elimination of all Forms of Discrimination against Women.

4. In addition to the discussions at the Specialist Committee on Monitoring, the ministries explained measures that have been implemented and exchanged opinions with NGOs in June 2011. This document was compiled, through the discussions at the Specialist Committee on Monitoring and exchange of opinions with NGOs.

#### **Paragraph 18**

**The Committee urges the State party to take immediate action to amend the Civil Code with a view to setting the minimum age for marriage at 18 for both women and men, abolishing the six-month waiting period required for women but not men before remarriage and adopting a system to allow for the choice of surnames for married couples. It further urges the State party to repeal the discriminatory provisions in the Civil Code and in the Family Registration Law that discriminate against children born out of marriage and their mothers. The Committee points out that the obligations undertaken under the Convention by the State party upon ratification should not be solely dependent on the results of public opinion surveys, but on its obligations to align national laws in line with the provisions of the Convention as it is a part of its national legal system.**

The latest trends and actions taken by the Government with regard to paragraph 18, from August 2009 when the Concluding Observations were issued to July 2011, are described below.

#### **I. The Supreme Court decision concerning the article of the Civil Code on shares in succession for a child born out of wedlock**

5. The Second Petty Bench of the Supreme Court ruled on September 30, 2009 that Article 900 (IV) of the Civil Code, stipulating that the shares in succession for a child born out of wedlock is half of that of a child born in wedlock, is not in violation of paragraph 1 of Article 14 of the Constitution that provides equality before the law. However, one of the four judges issued a dissenting opinion that the article in question is unconstitutional. Moreover, one of the three judges in the majority provided a supplementary comment that the article in question is at least as of this moment strongly suspected of being unconstitutional, and that he considers that a legislative initiative amending the article is strongly needed.

#### **II. Draft law on the amendment of parts of the Civil Law and the Family Registration Act (tentative name)**

6. In January 2010, the Cabinet set to submit the draft law that amends parts of the Civil Law and the Family Registration Act (tentative name), which includes setting the same minimum age for marriage for both men and women, introducing a system to allow the retention of separate family names for spouses, and equalizing shares in succession between a child born in wedlock and a child born out of wedlock, etc to the 174<sup>th</sup> Session of the Diet. The Cabinet did not submit the draft law to the Diet in the end, as the Cabinet decision was not made.

**III. Description regarding the review of the legal systems pertaining to family both in the Council for Gender Equality report in July 2010 and the Third Basic Plan in December 2010, and implementation of awareness-raising activities for the Third Basic Plan**

7. In July 2010, the Council for Gender Equality, which comprises the Chief Cabinet Secretary as a Chairperson as well as 12 Cabinet ministers and 12 intellectuals, submitted to the Prime Minister a report entitled “Basic Vision for Formulating the Third Basic Plan for Gender Equality”. The report stated that the Civil Law should be amended, including the introduction of a system which allows a married couple to retain separate family names, based on the diversification of situations and structures of couples and families and recommendations contained in the Concluding Observations.

8. In December 2010, the Cabinet approved the Third Basic Plan based on the above mentioned report. With regard to this issue, the Second Basic Plan for Gender Equality (approved by the Cabinet in December 2005) stated that “while keeping abreast of trends in public awareness by conducting opinion polls, from the perspective of eliminating career obstacles brought about by the requirement that a married couple has to adopt one of their family names at the time of marriage, and, the Government continues its efforts to deepen public awareness and discussion of the proposed system of allowing married couples to retain separate family names, together with the proposed revisions of 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”. However, the Third Basic Plan stated “the Government continues to discuss the amendment of the Civil Law, including setting the minimum age for marriage at 18 for both men and women and the introduction of a system which allows a married couple to retain separate family names, based on the diversification of situations and structures of couples and families, as well as recommendations contained in the Concluding Observations”.

9. The Government has disseminated the contents of the Third Basic Plan widely, by enriching the website, producing and distributing brochures, and conducting briefing sessions on the Third Basic Plan.

**Paragraph 28**

**The Committee urges the State party to adopt, in accordance with article 4, paragraph 1, of the Convention and the Committee’s general recommendation No. 25, temporary special measures, with an emphasis on the areas of employment of women and participation of women in political and public life, including women in academia, and with numerical goals and timetables to increase representation of women in decision-making positions at all levels.**

The latest trends and actions taken by the Government with regard to paragraph 28, from August 2009 when the Concluding Observations were issued to July 2011, are described below.

**I. Formulation of the Third Basic Plan and enhancement of the efforts on the temporary special measures**

10. In Japan, women’s participation in policy and decision-making processes is still low. The reason includes limited action by the Government, customary personnel practices based on the traditional working style of men including prolonged work hours, and discontinuation of women’s career due to childcare or other domestic matters, which lead to fewer female candidates in leadership positions.

11. The Third Basic Plan, which was approved by the Cabinet in December 2010, highlights the promotion of effective “positive action” and introduced positive action with “time-goals”, setting numerical targets and timetables for each of the priority fields. As for the fields pointed out in the Concluding Observations, the Government places priority on those areas, by setting many more numerical targets in the Third Basic Plan than those in the Second Basic Plan for Gender Equality (from 5 items to 19 items). (See Exhibit I)

## II. Expansion of women's participation in politics

**12. In the Third Basic Plan, the Government newly set the targets for increasing the representation of women in politics. The Government has actively promoted such measures as those encouraged by the Minister of State for Gender Equality for political parties and other related organizations. The concrete efforts are described below.**

13. From the Cabinet Office, based on the Third Basic Plan, the Minister of State for Gender Equality urged each political party and association of chairpersons of local assemblies to expand women’s participation in politics by issuing official documents in February 2011. Moreover, the Senior Vice-Minister had meetings with the secretary-general of each party to discuss the matter and asked for their cooperation. The documents outlined requirements for cooperation in increasing the ratio of female candidates in the election of the House of Representatives, the House of Councillors, and local assemblies, and for efforts in improving the implementation of work-life balance, along with introducing “positive action” including creation of a network of female local assembly members.

14. In addition, in order to encourage network formation among female heads of local governments and women’s participation in politics and decision-making, the Cabinet Office held a “Gathering of Women Governors and Mayors” in December 2009, which was to commemorate the 30th anniversary of the CEDAW convention. Twenty-two out of twenty-nine women leaders participated upon the invitation of the Minister of State for Gender Equality and delivered messages on their efforts in regional development, childcare, promotion of gender equality and so on, and adopted a declaration.

15. Also, in order to promote women’s participation in regions, at the conference of the National Governor’s Association in November 2009, the Minister of State for Gender Equality firmly requested the Governors to make efforts in promoting gender equality in their prefectures, distributing a “Women’s Participation Map by Prefecture” which shows women’s participation rate by prefecture in terms of members of prefectural assemblies, managers in local governments, members of agricultural committees, assistant principal or higher positions in senior high schools, and heads of community self-governing bodies.

## III. Expansion of women's participation in the public sector

**16. As for the expansion of women’s participation as national public employees, the Third Basic Plan set numerical targets by job classification, and stipulated that each ministry has to set their own numerical targets for the recruitment and promotion of female public employees. For local public employees, the Government has urged each prefectural governor and head of designated cities to that end. The concrete efforts are described below.**

The measures concerning the expanded recruitment and promotion of female participation in the national public service:

17. The National Personnel Authority revised and issued “Guidelines Concerning the Expanded Recruitment and Promotion of Female Public Employees” based on the Third Basic Plan to each Ministry in January 2011. Based on the guidelines, each Ministry is

required to formulate a “Plan to Enlarge the Recruitment and Promotion of Female Employees” that establishes targets on recruitment and promotion as well as concrete measures towards achieving the targets, recognizing that the expanded promotion will need further efforts beyond the expanded recruitment.

18. In December 2010, when the Third Basic Plan was approved by the Cabinet, the “Basic Policies for the Appointment of Government Officials” was also revised. Based on the Third Basic Plan, the government has promoted the expansion of employment for women with high ability and motivation in the national public service, through the following measures: supporting career development through the expansion of positions available for women by reviewing traditional personnel allocation, providing a range of training, and promoting work-life balance.

The measures concerning the expanded recruitment and promotion of female participation in the local public service:

19. The Ministry of Internal Affairs and Communications had provided information of the Third Basic Plan to local public entities and, in January 2011, sent notification to request that they further promote initiatives to expand the recruitment and promotion of female employees. The Ministry also requested, at various meetings that local officials in charge of personnel matters attended, that initiatives to expand the recruitment of female employees by implementing a flexible work system and career support be promoted.

20. From the Cabinet Office, the Minister of State for Gender Equality urged each prefectural governor and each head of designated cities to introduce “positive action” through official documents in January 2011.

#### IV. Expansion of women's participation in employment

**21. Regarding positive action in employment, the Government has been providing support, based on Article 8 and Article 14 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment, including consultation and information sharing for companies which are engaged in positive actions such as expansion of female employment and positions available for women, increase of women in managerial positions, increase in the length of continuous employment for women as well as improvement of work environments and culture. In addition, the Government introduced a new bidding system, which gives additional points to enterprises which are working positively to address gender equality and work-life balance. Details of these efforts are described below.**

22. Since fiscal year 2010, the Ministry of Health, Labour and Welfare has been providing comprehensive information on positive actions through a portal website which contains information on various actions taken by companies. The website also contains a system that enables companies to self-evaluate the level of promotion of woman’s participation within their company. The Ministry has also been implementing activities to support the introduction of positive actions in the small and medium-sized companies, which tend to lag behind larger companies in this area, through such activities as sending consultants and producing manuals. Furthermore, the Ministry produced a “Guidelines for Reducing the Gender Pay Gap” in 2010, which includes practical support tools such as a questionnaire to assess the actual situation of disparity between men and women and to review payment practices and employment management, in order to raise awareness on the existence of disparity between men and women.

23. In addition, since 2011 the Ministry has been promoting efforts to address disparities in each industry, by producing and disseminating “Supporting tools for Increase of Visibility of the Gender Gap” which take into account the characteristics of employment management in each industry, as well as “Manuals of Industry-classified Supporting tools”.

24. In fiscal year 2010, for the first time, the Government introduced a bidding system, for projects such as extramural research on gender equality or work-life balance, that gives additional points to enterprises which are working on gender equality and work-life balance, with a view to positively evaluating and supporting those enterprises, as well as ensuring the quality of the outcome of the research. In fiscal year 2010, three government ministries made use of this system on 10 projects in total.

#### V. Expansion of women's participation in academia

**25. Regarding the ratio of female teachers at universities and junior colleges, various efforts of each university based on the idea of gender equality have been encouraged, including through evaluation of national university corporations, such as by setting numeric targets. In addition, efforts have been made to create a female-friendly working environment and to encourage female students to major in science and technology. See below for concrete actions.**

26. In December 2010, the Council for Science and Technology Policy (The CSTP is composed of 14 Cabinet ministers as well as its executive members, and chaired by the Prime Minister.) submitted "Japan's Science and Technology Basic Policy Report" to the Prime Minister. The report includes a numerical target for employment of female researchers as described in Exhibit I, and it includes that universities and public research institutions are expected to formulate concrete plans on the status of efforts related to the promotion of activities of female researchers and its numerical targets and to promote female researchers actively. They are also expected to disclose the percentage of female researchers in offices by job classification for every bureau and department, and to proceed with efforts to increase female researchers in leadership positions, female students majoring in natural science, and competent prospective female researchers.

27. Since fiscal year 2011, the Ministry of Education, Culture, Sports, Science and Technology has been supporting efforts to cultivate an environment for female researchers so that they can balance childbirth/child-rearing and research, such as the allocation of coordinators and support for employment of research and experiment assistants at universities and public research institutions. Also, an independent administrative institution, the Japan Society for the Promotion of Science, increased use of the Restart Postdoctoral Fellowship (RPD) for talented researchers to smoothly re-enter the workplace after temporary suspension of research due to childbirth/child-rearing as well as extended their employment period.

#### VI. Expansion of women's participation in decision-making positions at all levels

**28. In the Third Basic Plan, the Government set targets with numerical goals and timetables at all levels, such as regional activities and in agricultural, forestry, and fisheries communities, to increase the representation of women in policy decision-making positions, in addition to the fields which were indicated by the Concluding Observations (See Exhibit II). The Government encourages principal organizations to take action aimed at adopting the effective "positive action" for each organization, and to correct situations in which no women have been appointed to policy decision-making positions. Details of these efforts are described below.**

29. From the Cabinet Office, in order to promote the Third Basic Plan and expand women's participation in policy and decision-making processes, the Minister of State for Gender Equality urged principal organizations (such as economic organizations, labor unions, cooperative associations, educational and research institutes, medical associations, other professional organizations, industry-classified national organizations, national organizations of PTA, sports groups, and civil society organizations) in January 2011 to expand women's participation. In particular, the Cabinet Office introduced various methods

of “positive action” and required an action aimed at adopting effective “positive action” and promotion of work-life balance for each organization.

30. The Ministry of Agriculture, Forestry and Fisheries has encouraged the equal participation of women and men in policy-making and planning processes in rural communities such as on Agricultural Committees, while supporting entrepreneurial initiatives to improve women’s economic status and improving the working environment for women aimed at promoting gender equality in agricultural, forestry, and fisheries communities. The Basic Plan for Food, Agriculture and Rural Areas decided by the Cabinet in March 2010 clearly expresses the need “to appoint more female board members in Agricultural Cooperatives and Agriculture Committees in order to achieve the government’s goal of gender equality (Target of increasing the share of women in leadership position to at least 30% by 2020), and to raise awareness and make efforts for the achievement of the goal”. In response to this, the Ministry set a goal in August 2010 to reduce to zero the number of Agricultural Committees and Agricultural Cooperatives that have no female board members, and asked for the cooperation of prefectures and interested organizations to this end.

31. The Ministry of Agriculture, Forestry and Fisheries has introduced cross compliance methods that require the fulfillment of requirements set out in other policy measures for subsidization. In fact, the Ministry is paying adequate attention to the promotion of gender equality as a prerequisite for the adoption of some subsidies.

## **VII. Strengthening the framework for the Promotion of Positive Action**

**32. Based on the Third Basic Plan, in order to promote “positive action”, a Positive Action Working Group was established under the Specialist Committee on Basic Issues and Gender Impact Assessment and Evaluation, and a Positive Action Subcommittee was established under the Liaison Conference for the Promotion of Gender Equality. These committees study the promotion of “positive action”. Details of these efforts are described below.**

33. In February 2011, the Government established the Specialist Committee on Basic Issues and Gender Impact Assessment and Evaluation under the Council for Gender Equality. This committee is set up to address fundamental issues for promoting gender equality, to investigate basic policy stance, policy measures that should be taken from the viewpoint of gender equality, and the impact of relevant policy measures on the formation of a gender-equal society. In March 2011, the Positive Action Working Group was established under the committee. The working group is considering measures to promote “positive action” in fields including politics (political parties), the public sector, the private sector, research institutions, and wrapping up an interim report this summer. In accordance with the interim report, the group will conduct further study.

34. In January 2011, the Liaison Conference for the Promotion of Gender Equality, which consists of recommended members from nationwide principal organizations including women’s groups, media, economic organizations, educational, legal bodies, local governments, etc. and is established for advancing the national movement, decided to actively promote women for executive level positions in each organization and to work on subordinated or affiliated companies and organizations to promote women in the companies or organizations.

35. In February 2011, the Positive Action Subcommittee was established under the Conference. The Subcommittee is working on awareness-raising of measures aimed at achieving the target of increasing the share of women in leadership positions to at least 30% by 2020, encouraging efforts of each organization, and reporting the members’ achievements.

36. The Conference is trying to expand its members, in order to extend their activities further within the country.

**VIII. Strengthening awareness-raising and educational campaign**

**37. The Cabinet Office has strengthened its awareness-raising activities, setting “promotion of the positive action” as a theme for fiscal year 2011, by implementing the following activities:**

- In February 2011, the Cabinet Office created a leaflet on positive action, and has been distributing it to various organizations.
  - In April 2011, the Cabinet Office sought the annual catchphrase from the public to deepen understanding and promote positive action. The catchphrase was decided as “Share the Chance and Open up Our Future”.
  - In June 2011, the Cabinet approved the White Paper on Gender Equality, which is the annual report in accordance with The Basic Act for a Gender-Equal Society. The White Paper includes a special feature on the promotion of positive action. The article surveys and analyzes positive actions implemented by other countries and by Japan in each field. Also by sharing good practices, the Government attempts to accelerate the practical efforts of each actor in each field. As the content of this special feature is to be disseminated to all levels and sectors of society on various occasions, the Cabinet Office handed out and explained the White Paper on Gender Equality to political parties and legislators in June 2011.
  - The Cabinet Office set the “promotion of positive action” as a priority theme for fiscal year 2011 “Gender Equality Week”, held each year from June 23rd to 29th, and promoted the effect of positive action.
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