

# **Alternative Report of the New Japan Women's Association on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women in Japan**

## **Executive Summary**

**June 1, 2009**

### **New Japan Women's Association (NJWA)**

Established in 1962, the New Japan Women's Association works for better living conditions, women's rights, peace, and international solidarity. It is an individual-membership based, national organization with the membership of 200,000, and 300,000 subscribers to its weekly newspaper, and it holds special consultative status with the United Nations Economic and Social Council.

### **NJWA's View on the Japanese Government's Policy on the Elimination of Discrimination against Women**

The year 2009 marks the 30th anniversary of the adoption of the Convention on the Elimination of All Forms of Discrimination against Women by the United Nations General Assembly, and it coincides with the consideration by the Committee on the Elimination of Discrimination against Women of the 6th Periodic Report of Japan on the implementation of the Convention. On this historic occasion, the New Japan Women's Association states that women in Japan still have a long way to go before they are totally free from discrimination against them.

NJWA views that the major cause of Japan's lag in this effort is the lack of political will on the part of the Government. International indexes clearly point to Japan's slow progress in achieving gender equality. According to the Gender Empowerment Measure used by the United Nations Development Program (UNDP), Japan's ranking has continued to drop down to 58th out of the 108 countries surveyed. And in terms of the World Economic Forum's Gender Gap Index, Japan is ranked at 98th among the 130 countries, being at the bottom of all advanced nations. The recommendations made by the Committee on the Elimination of Discrimination against Women in its Concluding Observations in 2003 are yet to be implemented. NJWA urges the Government of Japan to mainstream gender perspectives into all policies and to make responsible effort to achieve *de facto* equality between men and women.

### **NJWA's Comments on Japan's 6th Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women**

"Part One: Overview" of the Government's Report only cites developments and statistics, failing to present a real picture of discrimination facing Japanese women in their daily lives and challenges to be addressed in eliminating discrimination against women. Likewise, "Part Two: Report by Article" is no more than a list of "policies and measures" taken by the Government, with no assessment of their impact. NJWA considers that

the Government Report has four major flaws.

1. The Report makes no reference to the fact that in the last ten years “gender backlash” has caused serious delay and setback in the government policy for gender equality.
  - The backlash forces that glorify Japan’s war of aggression and call for the revival of the prewar family system take a hostile view of the Convention on the Elimination of All Forms of Discrimination against Women as well as the Basic Law for a Gender-equal Society. They have thus obstructed the revision of the Civil Code, which currently contains discriminatory provisions. Under the leadership of Shinzo Abe, a hard-liner who would become prime minister in 2006 to resign after a year’s service, they manipulated the national and local parliaments and the mass media to mislead the public into believing that “gender-free” is an extreme idea aiming to break up the family, encourage promiscuity, and deny the differences between men and women. Their all-out attack on the term “gender” and on sex education based on such incorrect and biased assertion have been “successful” in making it taboo to use the term “gender” in public and to promote sex education particularly at school.
  - There have been serious cases of interference from the backlash groups in municipal efforts for gender equality. The municipal government of Tsukubamirai City, Ibaraki Prefecture, canceled a lecture meeting on the revised Domestic Violence Prevention Law planned under its own sponsorship because of menacing protests by opponents over the loudspeaker. The Matsuyama City Council, Ehime Prefecture, adopted a petition providing, among others, that the city in its enforcement of regulations on gender equality “should not encourage gender and women’s studies or research.” The municipal government of Kumamoto deleted the reference to the Convention from the preamble of the city ordinance for the promotion of gender equality inserting instead the language “respect Japan’s own tradition and culture.”
  - On the issue of the Japan’s military “comfort women,” the 6th Periodic Report, same as the previous report, mentions nothing but projects of the Asian Women’s Fund. Giving in to the pressure from the backlash forces, the Government erased the reference to the military “comfort women” issue from most of the school textbooks, remaining insincere about resolving the problem.
2. Accommodating the demands from the business circles, the Government has introduced neoliberal “structural reform” policies into its programs for women, destroying employment, drastically curtailing social security expenditure, and reducing the budget for programs for women. All these have undermined economic foundations for eliminating discrimination against women in our country. NJWA points out that the Report uses deceptive data and figures.
  - The Report says, “The percentage of women advancing into higher education institutions is on increase,” but the reality is that the society now faces the growth in the number of high school students giving up going for further schooling or leaving school early for economic reasons. The increase in poverty has widened the gap in education.
  - 53.4 percent of the working women in Japan are part-timers and other types of non-regular workers.

Comparing the wages of men and women in full-time employment leaving out part-timers, the Report says that “there is some improvement in the long run” in narrowing the gap, but this only helps to disguise the fact, because there is no improvement; women only earn 50.4 percent of men’s salaries if part-timers are included in calculation. Hit by the financial crisis originating in the United States, Japan’s economy that excessively depends on external demand is falling apart, and the unprecedented destruction of employment is going on as seen in the massive dismissals of contingent workers, and increase in the number of full-time workers losing their jobs to corporate restructuring.

3. Japan being the only country that suffered the atomic bombing and adopted the Constitution with war-renouncing provision from the remorse over the war of aggression it had waged, the Government did not include any reference to peace. Japan should lead the international community in the effort for promoting the principles of “respect for national sovereignty” and “resolution of conflicts through peaceful means” upheld by the Convention. “The eradication of foreign occupation and domination and interference in the internal affairs of States” (preamble of the Convention) is an urgent need for Japan to protect human rights of Japanese women.

- The Government has been trampling upon war-renouncing Article 9 of the Japanese Constitution to support the war started by the United States, by sending Japan’s Self-Defense Forces units to Iraq or by dispatching Maritime SDF in the Indian Ocean for refueling U.S. aircraft and vessels involved in attacks against Afghanistan. Under Prime Minister who publicly states that he regards the Japan-U.S. alliance more important than the U.N., the Government is going to spend 6.1 billion dollars of Japanese taxpayers’ money for the construction of new bases and installations in Guam in accordance with the “Guam Agreement.”
- In Okinawa Prefecture as well as in Yokosuka, Kanagawa Prefecture and other municipalities hosting U.S. military bases, there has been no end to felonies including rape, killing and injuring committed by U.S. military personnel against local people. In 2006, a woman was robbed and killed by a U.S. serviceman in Yokosuka. In Okinawa, a young girl was gang raped and in 2008 a middle school girl was sexually assaulted by U.S. military members. Specifically in Okinawa, the U.S. military crime rate in 2008 exceeded the level of 2007 in the number of cases and perpetrators. Okinawa had the highest rate of atrocious crimes such as burglary and rape since 1985.

Background to such disturbing situation are the loss of humanity among U.S. military personnel for being involved in the long-drawn war, and the “secret agreement between Japan and the U.S.” that gives exemption to the U.S. military personnel who committed crimes from being prosecuted. The statement signed by the Japanese government reads, “The Japanese authorities do not normally intend to exercise the primary right of jurisdiction over members” of the U.S. military and their dependents, “other than in cases considered to be of material importance to Japan.” Japanese authorities continue to renounce their jurisdiction over the crimes involving U.S. military personnel leaving Japanese women victims helpless. The victims of U.S. military crimes are forced to suffer injustice in silence with their human rights being violated.

4. The Government has much work to do to build a genuine partnership with non-governmental

organizations. In collecting input from the public before drafting the periodic report, the term was short with the deadline set during the year-end and New Year holidays, which made it difficult for women's groups to respond. Likewise, only limited time was given to the meeting for information and opinion exchange between the Government and NGOs. The Government effort for cooperating with NGOs is much of a formality; it collects input but hardly taken any of them into consideration in drafting the report.

## **NJWA Proposal of Recommendations to be Issued by the CEDAW Committee to the Japanese Government**

NJWA calls on the Committee to recommend the Japanese Government fully commit itself to acting on the implementation of recommendations given by the Committee for the 6th Periodic Review as well as the recommendations of the 2003 Concluding Observations.

### ***Legal status of the Convention, definition of equality (Article 1)***

The State party should include a clear definition of discrimination against women in domestic legislation and do its utmost to raise awareness about the CEDAW Convention and the Optional Protocol to the Convention. It should also encourage, particularly policy decision makers and lawmakers such as cabinet ministers, government officials and parliament members, to have deeper understanding of the State party's obligations under the Convention as well as the need for their implementation, and to take concrete actions. The same effort should be made in school education to bring home the Convention to the public in general.

### ***National machinery for the advancement of Women (Article 2,3)***

The State Party should strengthen the national machinery for gender equality, and rights and advancement of women. Japan's national machinery is the Headquarters for the Promotion of Gender Equality established within the Cabinet Office. Prime Minister chairs the proceedings of the Headquarters, with Chief Cabinet Secretary and Minister for Gender Equality serving as deputies. The Headquarters comprises all cabinet ministers and high-level government officials. The Gender Equality Bureau of the Cabinet Office serves as secretariat for the national machinery coordinating the work of ministries and agencies. Being under the presidency of Prime Minister, the national machinery is just one section within the Cabinet Office, and the Minister for Gender Equality is assigned to different duties other than the responsibility of the promotion of gender equality. Japan's national machinery is far from exercising strong leadership over the effort to mainstream gender perspectives into all levels of policy making and implementation.

Recently, Prime Minister proposed an idea of dividing and reorganizing the Ministry of Health, Labor and Welfare into two entities, one of which would take charge of national life in general. The plan included the transfer of the Gender Equality Bureau to a national life ministry, which provoked strong opposition from women's groups. The incident exposed the lack of gender perspective and awareness on the part of Prime Minister that the elimination of discrimination against women and the promotion of gender equality should be placed high on Government agenda. The State party should make a common knowledge of policy makers and the public that the elimination of discrimination against women and the realization of gender equality

serve the best interests of society as a whole. It should consider measures including the establishment of an independent ministry to strengthen the authority and role of the national machinery for gender equality.

***Discriminatory laws/provisions (Article 2, 13, 14)***

The State party should repeal the discriminatory legal provisions that still exist in the Civil Code. It should examine from gender perspectives the legislation and systems in formulating or revising them, to see if they are compatible with the Convention. It should also assess and evaluate the impact of the legislation and systems by gender and by age.

***Temporary special measures (Article 4, 7, 11)***

The State party should take temporary special measures to increase the representation of women in politics and public life, as well as to fill up the gap between men and women in wages and in the ratio of those in managerial posts.

***Stereotypes, cultural practices (Article 2,5)***

To eradicate the stereotyped perception of gender roles, the State party should take a resolute stand against gender backlash moves, and incorporate human rights and gender educations into education system. In revising the Second Basic Plan for Gender Equality, the State party should conduct sufficient exchange of views with NGOs to correct the flaws in the Plan as indicated by NGOs.

***Violence against women***

The State party should take immediate measures to resolve the Japanese military “comfort women” issue in accordance with the recommendations made by the Committee’s Concluding Observations of 2003. Since the previous review, more recommendations have been made over this issue by the U.N. and other international human rights organizations such as the Committee against Torture (CAT) in 2007, the Human Rights Committee (CCPR) in 2008 and the Universal Periodic Review of Human Rights Council (UPR) in 2008. The State party should enact a law for the Promotion of Resolution for Issues concerning Victims of Wartime Sexual Coercion Act, a bill that has repeatedly been introduced to the Diet, to restore the dignity of the aging women victims through making official apology and reparations to them.

***Exploitation of prostitution (Article 6)***

The current Anti-Prostitution Law applies punishment only to the prostituting women. The State party should amend the law so as to include stringent punishment of the establishments and prostitution buyers as well as prohibition of granting bank loans for entertainment businesses. It should also make revisions of the Law Banning Child Prostitution and Child Pornography and the *Deai-kei* (matchmaking or dating) Site Regulation Law to punish the prostitution buyers and entertainment businesses. Further, the State party should work to change the present situation in Japan that sexual exploitation in various forms is left unregulated such seen in the flooding in the media of “commercialization of sex,” disdainful treatment of women and pornographic information; online pimping; and distribution of advertisement and flyers inviting

or arranging prostitution. The State party should promote human rights and sex educations in accordance with the development stages of the child.

### ***Political participation and participation in public life (Article 7)***

A major obstacle facing women in getting into parliament is the single-seat constituency system. The State party should reform the election system into one centered on proportional representation. It should also take measures including strengthening of the maternity and child-care leave systems, to create workplace environment favorable to national and local public employees of reproductive age. Positive measures should also been taken to promote women to managerial staff positions.

### ***Education (Article 10)***

The State party should review from gender perspectives the contents of school textbooks to correct gender –biased or discriminatory descriptions. It should also eliminate gender-biased or discriminatory practices in the classroom and among teachers. The State party should integrate the learning of the Convention and other international norms and standards into school education.

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

Upon revision of the law, a provision was introduced in the Equal Employment Opportunity Law to prohibit indirect discrimination, but it confined the prohibition to three requirements for recruitment and /or promotion: 1) Making worker’s height, weight or physical strength requirements for the recruitment or hiring of workers; 2) Making a worker’s acceptance of a transfer that results in a relocation of residence for the recruitment or hiring of a ‘main career track employee’ under the employment management differentiated by career tracking, and 3) Making a worker’s experience of transfer a requirement for the promotion of workers.

The State party should review the definition of indirect discrimination in the current law to fit reality and introduce rigid provision banning all forms of indirect discrimination. It should further review the Labor Standards Law to introduce specific provisions on the prohibition of gender-based discrimination against workers, on the principle of “equal pay for work of equal value” and on the ban on discriminatory treatment of workers. It should ratify and implement the ILO Convention No. 100 concerning “equal remuneration for men and women workers for work of equal value.

The State party should address the unlawful dismissals of female workers taking maternity or childcare leave. To create conditions to make it easier for workers of both sexes to take leaves, it should introduce penal regulations in the Family and Medical Leave Act, give rigid instructions to companies, and raise awareness among the public about the leave systems. Further, the State party should take responsibility to enhance public nursing care facilities both in number and in quality.

### ***Economic empowerment (Article 11, 13)***

The adverse revision of the Worker Dispatch Law that fundamentally eased regulations on the use of temporary workers including in the manufacturing industries has made the use of “disposable labor”

prevalent. 50 percent of the female workers are non-regular workers including those employed on temporary status. The rapid decline in economy has increased women facing dismissal and hardships of life. The State party should improve the legislation to regulate non-regular employment, investigate the actual situation of women workers and take measures to address their problems, increase and broaden unemployment benefits, secure accommodations for those in need, and build a safety net including livelihood assistance.

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

To provide pregnant women free medical check-ups and to increase the number of vanishing obstetricians and pediatricians as well as maternity and children's hospitals, the State party should improve the medical service fee system, stop closing and merging of public hospitals, and improve working conditions of female obstetricians for enabling them to reconcile work and family responsibilities. The State party should also set up more public health centers and increase public health nurses to promote community-based health care services. The State party should further provide sex education based on the concept of reproductive health and rights, and disseminate information on this concept.

### ***Rural women (Article 14)***

Farming in Japan is largely run by farming families, and women are key players in it. The State party should withdraw the bill to revise the Agricultural Land Law, which aims to allow corporations to advance into farming, because the revised law, if enacted, will devastate family farming. For the advancement of rural women, the State party should improve the tax and health insurance systems to provide compensation benefits for absence from work for sickness, injuries, or childbirth, and to recognize the value of labor by family members working with the self-employed persons as their own income

### ***Minority women (Article 1,2,3,4,7,8,11,12,15,16)***

The State party should take concrete steps to implement the Diet resolutions calling for Ainu to be recognized as indigenous people of Japan. It should make it illegal discrimination based on gender, sexual identity and sexual orientation. It should not force children born in Japan to immigrant couples living without legal visa to deport to the parents' country or to be left behind in Japan as their parents are deported.

### ***Vulnerable groups of women (Article 3,11,12,13)***

The abolition of the program of additional welfare benefits to single-mother households under the economic crisis has further aggravated the hardships facing these families. There are mothers with low wage who have no choice but to send their children to protection institutions, or children who give up proceeding to higher education. The State party should drastically strengthen assistance to single parent households.

Four or five out of women of aged 75 or above live alone. Nearly 80 percent of them have to live on the annual income less than 2 million yen, and more than 50 percent live on even less than 1.5 million yen. The average amount of public pension benefits received by senior women in Japan is 860 thousand yen a year, which is less than 50 percent of what men receive. Worse still, the Government policy to cut welfare

spending has caused a deplorable situation among the elderly. Under the newly introduced healthcare insurance system for the elderly aged 75 or over, a growing number of senior citizens cannot afford medical treatment because of the additional burden of premium and share of the expenses imposed on them. And the Nursing Care Insurance Law was revised to reduce government burdens and impose extra burdens on care service users. Many elderly people are not eligible anymore to receive nursing care services. The State party should review and improve the entire social security system from gender perspectives.

***Follow-up to the Beijing Declaration and Platform for Action and the Millennium Development Goals***

In the Beijing +15 follow up process, the State party should go further than just presenting the list of “improvements” in policies and legislation. It should dig into the causes of Japan’s lag in the progress for the advancement of women and the elimination of discrimination against them. The State party should identify the obstacles to the effort for achieving these goals and come up with concrete measures to implement the Convention and other international agreements.

***Ratification of other treaties***

The State party should ratify the Optional Protocols to the CEDAW Convention and the International Covenant on Civil and Political Rights, as well as unratified ILO Conventions and other treaties