

November 10, 2008

Women against Sexist-Ageist Remarks by Governor Ishihara

### **Information 1: The Contents of His Discriminatory Statements**

#### **1. What are the Governor Ishihara's Statements?**

- "This is what Matsui Takahumi has said, not me, but according to him 'it is wasteful and sinful that menopausal women remain alive any longer.' He said that while men remain procreative even at 80 or 90, women lose ability of giving birth once become menopause. It is evil for the globe that such women continue to live until the ages of Kin-san and Gin-san (Translator's Note: Kin-san and Gin-san are Japanese famous twin sisters who lived over 100 years old). I was convinced with this thought, but can not utter so as a politician (laugh)." (The magazine, *Shukan Josei* dated on November 6, 2001)

- "The other day, Mr. Matsui told me an overwhelming story, which I totally agreed with, but I'd rather not to mention here in front of women--- But, even redundant beings in principle, in other words those who have lost missions of existence, are allowed to consume and deprive various things as survivors, particularly as human beings. It is more so in advanced countries. And as a result--- no, I'd stop here (laugh). But anyway, I'm sure that is an example of symbolizing basic contradiction of so called civilization on the globe." (The Journal *Tosei Shinpo* dated on October 26, 2001)

#### **2. What are the Governor Ishihara's Statements about Salmons and Women?**

**(February 25, 2005, at a regular press conference, when he was asked his opinion about the judgment of the Tokyo district court.)**

- "Bringing this case to the court is more strange than the judgment itself." "It is a lawsuit for a lawsuit. The lawsuit was brought only as plaintiffs' performance "

- "All animals make effort at their best and have a hard time in order to preserve their species. Salmons also come back to their river desperately and die after laying eggs. It becomes horrible figure of which even crows eat only eyeballs. (I made the statement) because human being is different from these animals".

(The Problem: In its context, the Governor Ishihara's statement is equal to "It is natural that animals die after laying eggs, like salmons do. Women of human being are against the nature because they do not die after their menopause.")

#### **3. A Resent Discriminatory Statement Against Women by a Public Officer (January 1, 2007, at the meeting on the issue of declining birth rate, in Matsue city)**

- Then Minister of Health, Labour and Welfare, Yanagisawa said "The number of females at the age between fifteen to fifty is fixed. The number of the machines, devices, which can deliver babies is limited. I would like to ask individual females to make effort (to have many babies)."

### **Information 2: The Process of Court Cases and Judgments**

#### **1. The First Court Case (From December 20, 2002 to September 28, 2005)**

The plaintiff women had called for apology and revocation of the statement and claimed compensation for defamation. The plaintiffs were 131 women, either who worked in Tokyo or who lived in Tokyo and a

defendant was the Governor Ishihara.

Tokyo District Court said “ The statement of the Governor Ishihara should be recognized as reveal of his individual view and opinion.” “The view, which evaluated women only by the ability of reproduction, is not incompatible with the Constitution, laws such as Basic Act for Gender-Equal Society and the basic idea of the effort in the international society, such as International Covenant on Civil and Political Rights and Convention on the Elimination of All Forms of Discrimination against Women, which rules respect for an individual person and the equality under the law...” However, the Court dismissed the case. The Tokyo high court sustained the decision of the Tokyo district court.

(The Problem: The court explained that the statement aimed at females as a whole (not only at the plaintiffs as specific people), so the effect on the individual women’s rights and interest is reduced, although the court admitted that the statement was discriminatory.)

## **2. The second court case (From April 20, 2006 to present. It is now before the Supreme Court)**

The second case’s defendants are the Tokyo metropolitan city and the Governor Ishihara. The plaintiffs have sought compensation and apology on the reason that the Governor had slandered the plaintiffs who had been the plaintiffs in the first case, that he had broadcasted his false and discriminatory opinion in a press conference on the first court case, and that the Tokyo metropolitan city has kept having the contents of his press conference on its official website.

The claim against the Governor Ishihara was dismissed because of the case law, in which the court ruled public officers should not be called his responsibility of statements made during his job, by the victims (They could be called by the government body in stead of by individual victims). About the claim against the Tokyo metropolitan city, the judgment by the Tokyo district court showed a sympathetic statement to the Governor without reasonable explanation. It was worse than the judgment of the first case, which recognized his statement as to be discriminatory and problematic. The Tokyo high court sustained the decision of the district court by misquotation from the judgment of the Supreme Court on the first case. At present, the claim against the Tokyo metropolitan city is pending before the Supreme Court.

The number of the plaintiff is 92 at the time of the district court and 60 at the time of Supreme Court.

(The Problem: 1. The decision without explanation. 2. Misquotation from the decision of the Supreme Court. 3. The lack of the thought on the issue of discrimination.)

### **Information 3: What the Government of Japan has done and what it has not done**

#### **1. The Review of CEDAW on the Fourth and Fifth Report of the Government of Japan (July 8, 2003)**

Expert Ms. Khan (from Bangladesh) mentioned that some politicians had appeared to have made sarcastic comments about that subject, and asked the government of Japan what steps had been taken to raise policy makers’ awareness of the Basic Plan for Gender Equality.

In response to this question, the representative of Japanese government said that it was true that the publicizing of gender-equality measures had drawn dismissive remarks from some political figures, but those remarks had been noticed by the media and by NGOs and had not been ignored. It also said that Gender-awareness training courses had also been given to members of the judiciary and the police (especially those dealing with victims of exploitation or violence).

(The Problem: The government did not have the view that the government should take action by itself. Training can not have any effect on public officers who are in high, leading positions.)

#### **2. The Concluding Comments of the Committee on the Elimination of Discrimination against Women**

**(July 18, 2003)**

Para 358) ...It (The Committee) also recommends campaigns to raise awareness about the Convention, in particular the meaning and scope of indirect discrimination, aimed, inter alia, at parliamentarians, the judiciary and the legal profession in general.

(The problem: The campaigns and the trainings by Japanese government are not targeted on the people mentioned in the concluding comments)

### **3. The Committee on the Elimination of Racial Discrimination provided its concerns and recommendations about the Governor Ishihara's racially discriminatory statement made in April 2000.**

Five experts referred statements of the Governor Ishihara in the review on the government of Japan (March 2001).

para13) The Committee notes with concern statements of a discriminatory character made by high-level public officials and, in particular, the lack of administrative or legal action taken by the authorities as a consequence, in violation of article 4 (c) of the Convention, and the interpretation that such acts can be punishable only if there is an intention to incite and promote racial discrimination. The State party is urged to take appropriate measures, in compliance with article 7 of the Convention, to prevent such incidents in the future and to provide appropriate training of, in particular, public officials, law enforcement officers and administrators with a view to combating prejudices which lead to racial discrimination.

The government of Japan has done neither any investigations nor any action, saying "The view of Japanese government is different from CERD. " and " it is what had already finished in the past "

(The Problem: 1. The government of Japan has not made any effort to eliminate discriminations by making it own interpretation of the international standards, which is different from the interpretation by the international community. 2. The government of Japan does not understand that discriminatory actions by public officers in leading position would keep, promote and expand discrimination in the society.)

### **4. What should the government of Japan do?**

- 1)The government should alter its superficial and unconcerned attitude on the discrimination issue.
- 2)The government should evaluate the effectiveness of its policy and embody the concept of the Convention in its policy thoroughly.
- 3)The government should show not only what it has done, but also what it could not do. It also should evaluate obstacles to implementation and show solutions.
- 4)The government should adopt a law which promotes elimination of discrimination against women.

### **5. What should the court do?**

- 1)The court should fill the role of securing human rights under the Constitution.
- 2)The court should promote the separation of power thoroughly.