

**Pre-session Working Group for the 44th Session
Committee on the Elimination of Discrimination against Women**

List of Issues and Questions from NGOs For the Japan Sixth Periodic Report

**Japan NGO Network for CEDAW (JNNC)
November 10th, 2008**

Japan NGO Network for CEDAW (JNNC)

JNNC is a coalition of Japanese NGOs which was established on December 23rd, 2002 in alignment with the consideration of the 4th and 5th periodic reports of Japan at the 29th session of the CEDAW in 2003. In order to maximize the effect and influence of the CEDAW Convention, NGOs which actively tackle various women issues in Japan banded together for effective lobbying towards the government and the committee. JNNC has been working on continued follow up for the CEDAW concluding comments after the consideration.

JNNC currently focuses on the coming 44th session of the CEDAW, which is scheduled for July 2009.

Overview

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Japanese Association of International Women's Rights>

Obligation of State
Party and
Concluding
Comments of the
Committee

Does the Japanese government plan to have a specialist committee on the Convention in the Council for Gender Equality, which undertakes a role to reexamine domestic legislation based on the Convention, publicize the Convention, and accelerate fulfillment of the concluding comments of the Committee?

Japan domestic legislation has NOT been reexamined based on the Convention. This is an obligation of the state party which Beijing Platform for Action reminded. A specialist committee on the Convention should be formed for the publicity of the Convention, and the concluding comments of the Committee should be fulfilled faithfully.

Optional Protocol

What are the reasons for NOT ratifying the Optional Protocol? When does the government intend to approve ratification?

Ratification of the Optional Protocol has been repeatedly urged both internationally and domestically. It was recommended at the 2003 CEDAW Japan report consideration, as well as 2008 Human Rights Council UPR. Domestically, House of Councilors unanimously adopted petition for the Optional Protocol ratification, and this has been accumulated for ten times since 2001. Moreover, 370,000 signatures for the ratification were collected by one of the NGOs. It is a strong desire of Japanese women to ratify the Optional Protocol.

Overview

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<New Japan Women's Association>

Backlash

- (1) What are the reasons why the Japanese government defines the meaning of “gender” only as “socially constructed identity of women and men,” and does not promote the education on the concept of reproductive health and rights, which recognizes women’s right to self-determination ?**
- (2) What lies behind the adoption of a petition banning gender study, or the cancellation of the lecture on the DV Prevention Law by some Japanese municipalities? How has the Japanese government responded to these problems?**

In the second Basic Plan for Gender Equality adopted in 2005, the Japanese government narrowed the definition of the term “gender” as “socially constructed identity of women and men,” from “socially and culturally constructed identity of women and men.” It also deleted from the First Basic Plan the reference to the key concept of reproductive health and rights, stating that it includes the right to “decide freely if, when and how many to have children; to enjoy safe and satisfying sex life; to go safely through pregnancy and childbirth; and to have the best chance of having a healthy infant.” It further removed the section “Diffusing of the understanding about reproductive health and rights.

On the municipality level, in December 2007, the Matsuyama City Council, Ehime Prefecture, adopted the petition providing, among others, that the city in its enforcement of regulations on gender equality “should not encourage gender study or research.” In January, 2008, the Tsukubamirai City, Ibaraki Prefecture, canceled the lecture meeting on the revised Domestic Violence Prevention Law planned under its own sponsorship four days before scheduled date, following the incident that several people who opposed to the holding of the meeting shouted threatening words through loudspeakers before the City Hall.

Article 2 (Availability and Effectiveness of Legal Assistance against Discrimination)

Issues	Questions and Backgrounds	Gov't Report Paras.
Measures for handling Complaints Support Services for Human Rights Violations	<p>(1) What was the opinion adopted by the Council for Gender Equality in October 2002 ?</p> <p>(2) What was the information on the complains gathered and how the complains were handled by the Special Committee on Monitoring and Handling Complaints?</p> <hr/> <p>Japan should establish as soon as possible a national human rights protection institution that complies with the Paris Principle.</p>	<Yoiko Ando> 40, 41 44
Support Services Provided by the Japan Legal Support Center	<p>(1) Japan should inform the data that shows the numbers and matters of civil and domestic cases handled by representatives contacted with the Japan Legal Center according to gender.</p> <p>(2) The Center should pay a fee corresponding with the work of lawyers. Practicing attorneys, usually female lawyers who deal with the cases of divorce and protection order for victims of domestic violence can not get enough fee from the Center corresponding the work which is very hard. As the standard fee of the Center to representatives is very cheep compared with ordinary fee, Japan should provide enough budget to increase the standard fee of the Center</p>	45
Training for Personnel in the Judiciary	<p>Japan should report concretely what, when ,to whom and how studies and trainings on the issues of the gender equality for public prosecutors, judges and personnel in the judiciary have been held so far.</p>	46,47

The CCPR, CESCR, CERD, CEDAW, and CRC have advised Japan to as soon as possible establish a national human rights institution in accordance with the Paris Principle. Japan has accepted at Human Rights Council 8th session to follow up the recommendation in the Report of the Universal Periodic Review (UPR) of Japan on the speedy establishment of a national human rights institution in accordance with the Paris Principle (A/HRC/8/44/Add.2). Japan has to keep the promise as a member of the Human Rights Council to the HRC.

Article 2

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Gov't Report
Paras.

Women against Sexist-Ageist Remarks by Governor Ishihara

Discriminatory
Remarks by Public
Official

Does the government of Japan intend to take concrete measures to prevent discriminatory remarks by public officials? The Governor of Tokyo, ISHIHARA Shintaro, stated in November 2001 that “it’s both useless and sinful for women to live beyond menopause”. The claim of the women who filed a lawsuit against this statement was dismissed even though the court ruled the remark was against CEDAW. Governor ISHIHARA has made further discriminatory remarks towards women even after this judgment was rendered.

Public officials continue to make discriminatory remarks that devalue women’s existence to nothing more than reproductive function. The Minister of Welfare and Labor stated that "women are machines for bearing children". Even though the Japanese constitution prohibits discrimination it does not abide by it’s own standards. There are no mechanisms in place to reprimand such discriminatory statements. In 2001, the final comments of ICERD urged the Government of Japan to take appropriate measures to prevent discriminatory statements. The violent and criminal nature of these discriminatory remarks go unnoticed in Japan. It is vital for the government to take make efforts to eradicate discriminatory statements, which fosters discrimination.

Article 2

Issues

Questions and Backgrounds

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< Association for the Support of Children out of Wedlock >

Children
Born out of
Wedlock

<p>Does Japanese Government think that CEDAW makes a mistake in the interpretation of Convention on the Elimination of All Forms of Discrimination against Women and recommended it?</p>

Background

Japanese government is concerning an admonishment by CEDAW “371: it is concerned about discrimination in law and administrative practice against children born out of wedlock with regard to registration and inheritance rights and the resulting considerable impact on women” in the Japanese report and review of the CEDAW twenty-ninth session (2003), the Japanese government showed a surprising view as follows:

“The No.4 proviso of Civil Code article 900 stipulates that inheritance of children born out of wedlock is a half of that of children born in wedlock, but this stipulation, we think, is not against the principle of gender equality and CEDAW because it does not make inheritance differences between sexes.” (defense document to the brief by Ms. Kazue Fujita, House of Representative member 04/03/05)

Minister of Justice, Ms. Nohno answered to House of Representative member, Chiyomi Kobayashi correcting that government’s view, as follows:

“I cannot say “not to abolish the discrimination in the right to inheritance of children born out of wedlock” is against the concluding observations of the convention committee. If the observations are reasonable, we have to follow them even though they are legally binding. However, I think because the observations on an inheritance of children born out of wedlock misinterpret the treaty, there is no need to amend the Civil Code in response to them.”(30/03/05)

Article 2

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Paras.

< Asia-Japan Women's Resource Center >

Workers conditions in
women's centres

It is essential to enhance the role of women's centres, and it is crucial to stabilize the employment of staff who work on supporting the financial independence of women and gender equality. Does the government intend to take measures to employment more secure?

35

women's centres are part-time workers with single-year contracts or term limits. At best, they earn three-fifths of the wages earned by full-time workers. Although many cases regarding these types of working conditions have gone to court, thus far all of these cases have been unsuccessful. Moreover, the contracts of staff working at women's centers are often terminated and workers find themselves replaced by new staff continuing in the same position; the government has not made improvements in this area.

Human rights hotline
for women,

Because support services for victims of human-rights violations should be gender sensitive, training in each legal field that achievements and progress have been made in this area?

42.150

Many claims about support services have been made by the Legal Affairs Bureau or similar facilities where the concept of equality is still based on fixed gender roles. The quality of support services, however, varies greatly depending on the region, and human resource development is slower in rural areas.

Definitions of sexual violence in the Penal Code	<p>Does the Japanese Government have any plan to review the present definition of rape in the Penal Code, so that various forms of rape are included and sexual prejudices against rape victims are eliminated? Also please indicate if the government plans to increase minimum punishment of rape.</p>	50
	<p>The Penal Code defines rape as forcible insertion of a penis into a vagina, thus excluding other forms of sexual violence such as rape against male victims or rape using materials. Also rape within marriage is not clearly defined as a form of rape in the Penal Code. Further, the definition of rape as “forcible intercourse through assaults or intimidation” is interpreted as requiring victims to show evidence that they resisted against assault - while in reality many victims were not able to resist out of fear and shock- rather than requiring perpetrators to show evidence of consent given by victims on their free will. Further, penalty for rape in Japan is only 3 to 20 years of imprisonment, which is lenient compared to other countries or compared to the crime of robbery in the Penal Code.</p>	
The response to crimes of sexual violence	<p>1 How well has the national standardization of sex crime investigations been established? Which areas are insufficient? Are there any plans to create a deadline for standardization?</p>	52
	<p>What measures does the government take in order to end impunity of sexual violence? Does it conduct any study or analysis of unreported, unfiled or unprosecuted cases? Please also provide concrete plan of gender-sensitive training for judges, prosecutors and police officers.</p>	
Crimes of sexual violence committed by U.S. military personnel	<p>What are the plans to prevent the continued sexual abuses by U.S. military personnel? What does the government plan to do to stop military personnel from acquiring immunity from punishment? Which actions will the government take to insure that victims have access to justice in the courts?</p>	

Sexual abuse by American soldiers is a continual problem and in many cases perpetrators are exempt from prosecution. The background behind this situation is based on gender discrimination in the Japanese criminal justice system and in the Japan-U.S. Status-of-Forces Agreement, which provides advantages to U.S. military personnel. Moreover, the Japanese government does not support victims who want to pursue justice under the criminal code. The only measure taken by the

Japanese government to prevent sexual violence has been to increase police patrols; the Japanese government will not meet with women's groups or local groups to discuss about the fundamental changes that need to be made, including the renegotiation of the Japan-U.S. Status-of-Forces Agreement.

Domestic Violence

- 1. Are there any plans to revise the Law for the Prevention of Spousal Violence and the Protection of Victims to apply to domestic violence victims of sexual minorities and domestic violence victims who are not in a marital relationship or cohabitating?**
- 2. Which measures have been taken to provide long-term support—such as access to interpreters, housing, employment, and education—to foreign female domestic violence victims and their children? Which specific measures will be taken to promote support for victims who have special needs such as LGBT, elderly women, and women with disabilities?**

Support for victims of domestic violence of foreign origin and their children and support for victims who are LGBT, elderly, or who have disabilities is insufficient.

Article 2 (Obligation of Taking Measures, Violence against Women)

Issues	Questions and Backgrounds	Gov't Report Paras.
Infra-structure for Eliminating Violence against Women	<p>As the infra-structure for eliminating violence against women, what has the Government done besides “making the general public fully aware of the problem”?</p>	<Yukiko Tsunoda> 48
Sexual Harassment Prevention	<p>(1) Regarding the measures for prevention of sexual harassment to employees according to the revised Equal Employment Opportunity Law, has any research on the actual conditions conducted?</p> <p>(2) If yes, what is the number or pro rata of the company which is taking the measure mentioned above?</p>	62
Prevention of Sexual Harassment in the Field of Education	<p>(1) How does the Government grasp the actual condition and problems of the prevention of sexual harassment in the field of education?</p> <p>(2) Is the Government conducting researches on the appropriate operations of the regulation?</p> <p>(3) If yes, what are the results and problems?</p>	69

Despite the fact that violence against women is caused by women’s low socio-economical status, no measure which combines these factors with elimination of violence can be found.

Even after the year 2007 when the employers’ obligation to prevent sexual harassments became compulsory, many medium-sized and small companies do not take these measures. Are they fully aware that these measures became compulsory? Making these measures compulsory does not protect women from sexual harassment, if the obligation to take measures is thoroughly recognized by medium-sized and small companies where many women are working as casual workers.

Even though the regulation is established, some educational institutions have problems in actual operation. It is suspicious in some cases that opportunities of appropriate training are provided not only for academic staff who are involved in consultation or investigation of sexual harassment but also staff in general. Also, there are problems in the way how they are working on taking steps to prevent similar incidents in future when they face the sexual harassment cases.

Although some universities have established the regulation and organization as measures of sexual harassment prevention, gender education which cut deeply into the root cause of sexual harassment is not efficiently conducted.

Protecting Youth
from Sexual and
Violent Information

How the projects conducted by the MEXT are utilized in the field of school education?

82

The cases of bullying using internet are often reported. From the existing circumstances surrounding children, it is doubtful that researches conducted by the MEXT are well utilized. Especially having considered the speed of spreading pornography using internet, effective responses in the field of education should be taken promptly.

Efforts against
Prostitution

**What is the reality of operation of the Sex Industry Law and the Act on Punishment of Activities Related to Child Prostitution and Child Pornography?
Especially, the Government should investigate the actual condition of women who are working at sex-related business under the Sex Industry Law. Also, the Government should discuss about how they legislate against child prostitution and pornography.**

83,84

It is said that the vast number of women is engaged in acts similar to sexual intercourse at the industry where the Sex Industry Law is applied. In fact, the reality of the situation which women's human rights are violated is not much different from the one occurred at the spots of prostitution under control of the Law for the Prevention of Prostitution.

Protection from the violence and the security for their health should not be ignored. The Government has to know the reality in order to find out the necessary solutions.

Movement for
eliminating the
violence

The Expert Committee on Violence against Women and the Cabinet Office conducted researches on the issues. How have been the results reflecting on the specific measures for prevention of violence?

85-89

Since the Law for the Prevention of Spousal Violence and the Protection of Victims was enacted, many researches have been conducted by various institutions, groups and so on. How the result of research conducted by governmental organization is used? Although researches are supposed to be significant as the presupposition of litigation, the connection between researches and litigation is not necessarily clear. Furthermore, the limitation of the law should be explained and how to overcome it has to be discussed with taking the further amendment of amended law 2007 into sight.

Article 2

Issues

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Gov't Report
Paras.

Women's Active Museum on War and Peace (WAM)

The issue of
"comfort women"

Please indicate whether the State party considers assuming any legal responsibility for the "comfort women" system of military sexual slavery under the former Japanese military regime before 1945, and whether it intends to investigate and prosecute perpetrators who are still alive, educate the general public on this issue, and provide compensation to victims as a matter of right, including in countries that were not covered by the Asian Women's Fund (1995-2007).

Para 91-97

A variety of UN human rights mechanisms have repeatedly urged the Government of Japan to provide redress to the survivors of "comfort women" system. The final comments of the CEDAW in 2003 also recommended that government of Japan to "find a lasting solution for the matter of 'wartime comfort women'", however, the government of Japan has not made any such an effort. Today, the few remaining survivors, regardless of whether they are from the countries covered by the Asian Women's Fund, are still seeking justice and claiming remedy from the Japanese government including apology, compensation, passing down the historical fact to the future generations and promises for non-repetition,

Article 2

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Ainu Association of Hokkaido, Sapporo Branch>

<Buraku Liberation League> <Apro Women Survey Project>

<The International Movement Against All Forms of Discrimination and Racism - Japan Committee (IMADR-JC)>

Comprehensive
Information on
Minority Women

The CEDAW requests the State party to provide, in its next report, comprehensive information, including disaggregated data on the situation of minority women in Japan, especially with regard to their educational, employment and health status and exposure to violence (Concluding Comment Para30). Please answer the question whether the Japanese government has a political will to provide these informations and further plan of action.

98-100

These were requested in the examination of Japan's periodic reports in 2003, as well as in the Concluding Comments, however the Japanese Government, has no intention to collect data concerning the conditions of minority women. The Japanese Government only added three paragraphs about minority women in its 6th periodic report to CEDAW. However, there was no substantive content other than "minority women is within the scope of CEDAW and the Basic Law for a Gender-equal Society". There isn't even one sentence explaining minority women's conditions. The necessity to understand the conditions of these women and to establish a policy isn't recognized at all.

Including Minority
Women to Decision
Making Process

Is there any record of minority women becoming members of any kind of committee or participating in the decision making process under the Council for Gender Equality or other gender equality administrations? Is there any description concerning minority women in the pamphlet or the guideline of the Gender-equality Bureau?

98-100

In the conferences of the Gender equality Bureau as well as in each committee of experts, Ainu, Buraku and Zainichi Korean women are not elected as members of the committee. We should be aware of this situation and include them as members of the committees or in any kind of decision making process. The point of view of minority women is not known and not reflected in the policy either. Moreover, in the measures, the guideline, or in the pamphlets concerning the Gender-equality Bureau there is no description at all regarding minority women.

Introduction and Article 2

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Japan Women's Council |>

Violence
Against Women,
and U.S.Forces in
Japan

Since the end of World War II, the U.S. Forces have been stationed in Japan and have caused many acts of sexual violence and committed many crimes against women and girls. We consider that if the Japanese government keeps postponing a solution to this situation, the government will be criticized under the Convention on the Elimination of Discrimination against Women, the Declaration on the Abolition of Sexual Violence, Beijing Platform for Action, and Security Council Resolution 1325.

How can the government respond to such criticism?

Background

On January 31, 2008, 71,480 Americans were stationed in Japan as U.S. Forces and families. Crimes and accidents caused by U.S. service members occurred 1512 times last year. Among them were five rape cases, and even a 14-year-old girl was harmed. The Forces, who are trained for killing and wounding every day, are very dangerous for women and girls around the bases. According to the Agreement Regarding the Status of U.S. Forces in Japan, the Japanese Government does not have jurisdiction over incidents occurring during hours when service members are on official duty. Even when they are off duty, U.S. troops have privileges in such cases as arrests of suspects, prosecution, trials, legal claims for damages, and so on. It has been made clear that the Japanese government has abandoned the gaining of jurisdiction twice through secret promises made with the U.S. government. Both governments even put pressure on the victims in order to give precedence to national security. The victims are deprived of their human rights under such circumstances.

Article 3

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Japan Accountability Caucus for the Beijing Conference >

Full development
and advancement of
women
(1) Gender
mainstreaming of
the Government

Question

How the government of Japan will promote gender mainstreaming within in the Government, under the situation which the second basic plan to promote gender equality which was approved by the cabinet in Dec. 2005 took backward steps with regard to expression of reproductive rights and sex education under the pressure from conservative politicians ?

Para 104-115

Background

Japan's report has never referred to gender mainstreaming.

Article 3

Issues

Questions and Backgrounds

Gov't Report
Paras.

< Disability Women's Network, Japan >

Measures for
Women with
Disabilities

- (1)**
What kind of measure is necessary for women with disabilities, not for the people with disabilities in general? If the measure for women with disabilities is thought to be unnecessary, what are the reasons?
- (2)**
Tell us the reason why there is no gender based tally up the investigation of actual condition of people with disabilities report by the government.
- (3)**
Tell us the situation of the domestic violence to the women with disabilities. What kind of approach is necessary to resolve the problem of domestic violence on the women of disabilities in the future?
- (4)**
In November 1998, HR Committee sent a recommendation (the result of the review of the "ICCPR"; paragraph 31) to the Japanese Government to retrieve the dignity of the victims of the forced sterilization under the Eugenic Law. What had been taken by the government to retrieve the dignity of them?

106,107,108,109

(1)
There is no mention made of women with disabilities in the paragraph concerning "Measures for Women with Disabilities" on the Japanese government report. There is an article 6 concerning the women with disabilities of the convention on the Rights of Persons with Disabilities, government have to concern for the women with disabilities.

(2)
As an article 6 of the convention mention women and girls with disabilities are subject to multiple discriminations, government has to research the current situation of women and girl with disabilities. To think about the Measures for Women with Disabilities,

it is necessary to know the situation of them.

(3)

There is no report of the domestic violence of women with disabilities by the government. To know the situation must be the first step for resolving the problem.

(4)

According to the official statistics the victim's toll climbed to 16,520 and the 68% are the women, under the Eugenic Law during 1948 to 1996. The government has to investigate the situation of the past and apprehend the current condition and to apologize and compensate to the victims.

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

Subjects

Questions and Backgrounds

Gov't Report
Paras.

Age
Discriminations

<Tokiko Kato (Japanese Association of International Women's rights)>

What are the effects of the Challenge Campaign for women (2003-) and the prohibition of the age-limitation in companies' recruitment by the amendment of the Employment Promotion Law (2007) to women's re-entry to the labour market, especially to the re-entry of middle-aged and elderly women?

(104) 105 (111)

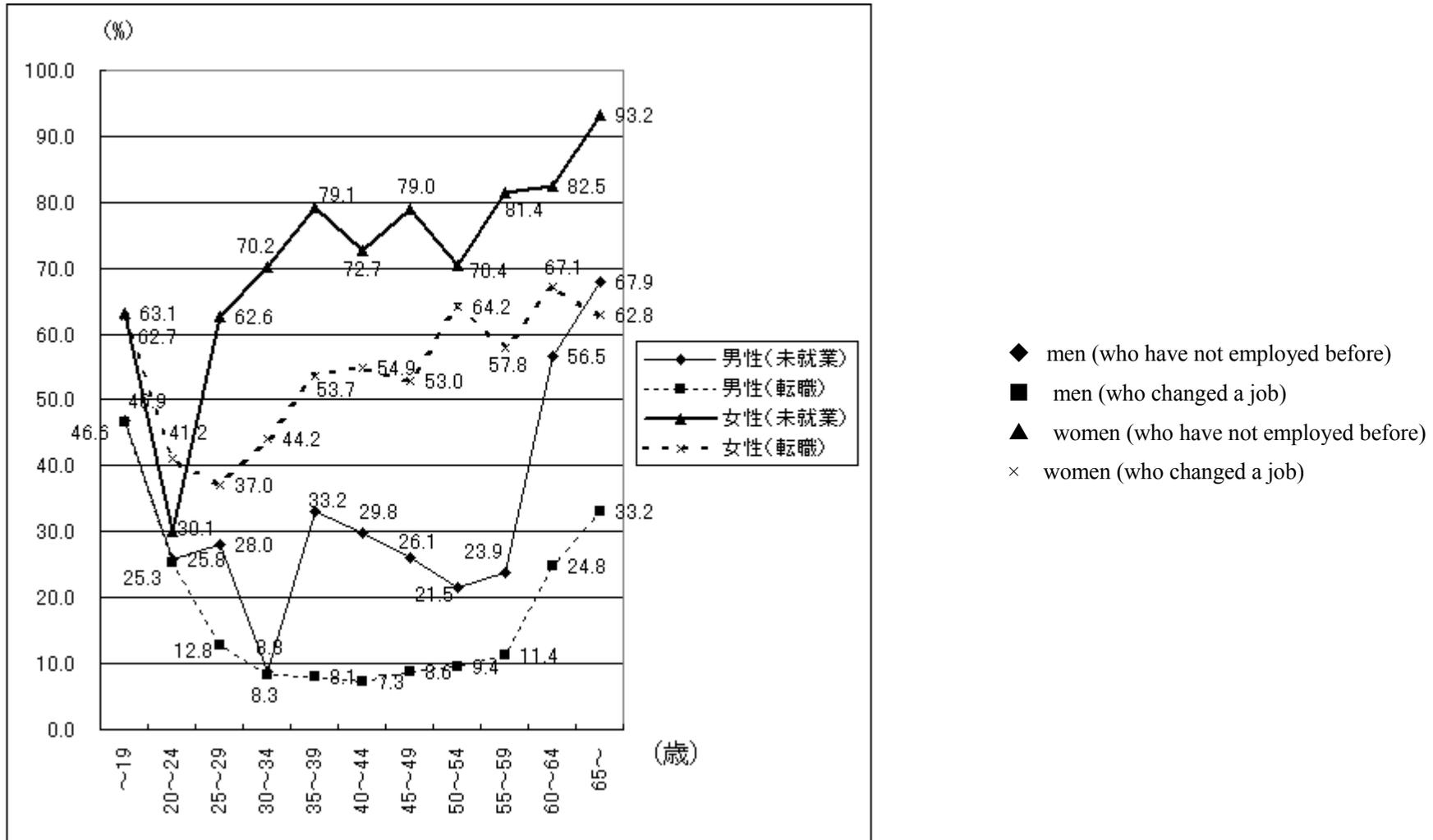
Women's re-entry to the labour market as full-time workers is very hard due to age discriminations (fig.1) and most of women re-entered to the labour market are part-time workers (fig.2). The age discrimination against women who wish to re-enter the labour market is an indirect discrimination against women. In order to make it possible for women to re-enter the market as full-time workers, age discriminations in the access to the labour market should be eliminated.

Article 5 (Sex Role Stereotyping and Prejudice)

Subjects	Questions and Backgrounds	Gov't Report Paras.
Balance between Work and Family Life	<p align="right"><Tokiko Kato (Japanese Association of International Women's rights)></p> <p>What are the measures and the effects for eliminating long working hours, especially long working hours of male workers who are responsible for child rearing?</p>	<p>144 (322)</p> <p>(333) (335)</p> <p>(336)</p>

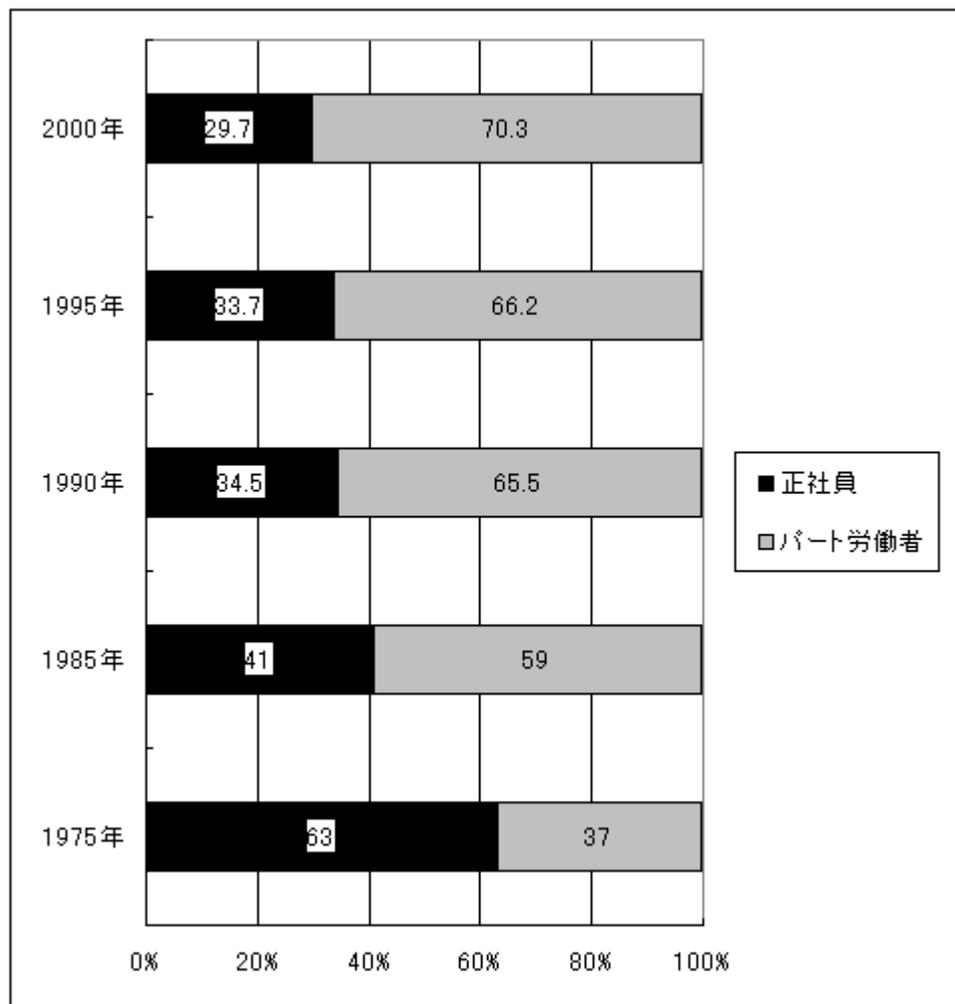
One of the biggest issues in Japan is long working hours, especially working hours of male workers who are responsible for child rearing. Regarding men in 30s and 40s, the hours for child rearing are much shorter than those in other developed countries. The imbalance of work and family life, or paid work and unpaid work, between women and men is very big. Women have to shoulder the burden of unpaid work such as house chores, care for child and elderly people and community activities (fig.1).

Fig.1 The ratio of part-time workers among newly employed workers disaggregated by sex and age



Source: Ministry of Health, Labour and Welfare "Survey on Employment Trends" (2001)

Fig.2 The ratio of the re-entry to the labour market regarding re-employed women (women 35-44 years old who were employed, not just after the graduation of school)



Source: Ministry of Health, Labour and Welfare "Survey on Employment Trends"

vertical: year

horizontal: percentage ■full-time workers

□part-time workers

Article 5

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Gender Budget Study Group (Beijing JAC)>

<Tokiko Kato (Japanese Association of International Women's Rights)>

Unremunerated
Work

(1) What is the reason why the phrase “unremunerated work” which was used in the first Basic Plan of Gender Equality was erased in the second Basic Plan of Gender Equality?

(2) If, in these five years, there is some accumulation of the measurement and the valuation of unremunerated work and if it is reflected in gender budget and policies, please show its contents and its future plan.

(28), 144, (322)

The research and the study of unremunerated work and its reflection on gender budget are a key to eliminate poverty caused by the globalization and inevitable to realize the equal labour environment.

The government has a responsibility to endeavour to research the present situations of unremunerated work, responding to the international efforts to “to measure, in quantitative terms, unremunerated work” which is the precondition for the “sustainable development” in a global scale. However, except some attempts in the Survey on Time Use and Leisure Activities, the government takes no action for the research and study on unremunerated work including the satellite account.

Article 6

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Japan Network Against Trafficking in Persons>

<Asia-Japan Women's Resources Center>

<The International Movement Against All Forms of Discrimination and Racism – Japan Committee (IMADR-JC)>

Human Traffickers

The performance by police in arresting traffickers is improving, but there are questions about the severity of the penalties for this crime. (1) Are these punishments sufficient? (2) What is the second offence rate?

178

Only a tiny percentage of offenders, mostly those with no prior convictions, face punishment for human trafficking, and many of those convicted receive suspended sentences. The offenders who are convicted are typically low-level traffickers and women who had themselves been victims of trafficking. After trafficking was added to the criminal code, cases of human trafficking seem to have become more elaborate; the perpetrators responsible for organized crimes are rarely arrested. Current international cooperation on human trafficking is completely inadequate.

Recognition of
Trafficking Victims

The number of trafficking victims has decreased considerably since reaching its peak in 2005. (1) What is the reason for this? (2) It is possible that this is because there are a considerable number of trafficking victims who are treated as illegal immigrants. Would you agree with this?

180

After the number of human trafficking cases peaked at 117 victims in 2005, the number of reported trafficking victims dropped to 58, and then 43. While the number of reported victims is decreasing, the number of women working in sex-related businesses in violation of the immigration control law has reached more than 1,500 every year. Even if these women

are protected as victims, they are still forced to return to their home countries after finishing the interviews needed for the police investigation. All that these women are left with is emotional pain, financial hardship, and discrimination from society. This does not help

improve their present situation. Support measures that will satisfy victims' basic needs are crucial to improving their situation.

Protection, Support
for the Victims

For the prosecution of traffickers, victims should feel reassured and receive informations, and the protection as well as the support for the victims is essential. Please give some indications concerning concrete measures and budget for the protection and support for the victims, in particular, psychological, medical and legal support. Moreover, concerning policy that guarantees a status of residence to the victims, please indicate the actual length of residence.

183-184

In Japan, as there is no legislation concerning the support and protection for the victims of human trafficking, the budget for the enforcement of policy can't be guaranteed and measures other than the support for returns to country of origin lag behind. Moreover, status of residence is not adequately guaranteed and compensations for the damage aren't either.

Article 7

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Japan Accountability Caucus for the Beijing Conference >

Political and public
life

Question

Women's political participation has not increased in past ten years at national level. At local level, certainly it has advanced a little, but at the end of 2007, the average ratio of female councilors is a merely 10.5%. In the same period, Japan's rank at international statistics on women in national politics rather went down. How would the Japanese Government analyze and evaluate this situation? What will the Government deal with it?

Para.230 and
240

Background

CEDAW recommended the implementation of temporary special measures to increase the representation of women in political and public life to the 5th report.

However, in the second basic plan to promote gender equality which was approved by the cabinet in December 2005, the Government only expects that the female ratio in decision making leaders in various fields would reach to 30% by the year 2020. In political area, the plan does not recommend any action, but states that the Government would research on the countries where women's political participation are more advanced and announce the results.

Overview & Article 8 (Representation)

Issues

Questions and Backgrounds

Gov't Report
Paras.

<New Japan Women's Association>

Dispatch of the
Japanese
Self-Defense
Forces women
members for
international peace
cooperation
Activities

The Government of Japan has sent Self-Defense Forces (SDF) including their female members for international peace cooperation activities.

(1) Does the Government provide any gender training program based on CEDAW, the UN Security Council Resolution 1325 on Women, Peace and Security and other relevant international agreements, to ensure that SDF members have gender perspectives in their conduct and activities when engaged in missions abroad and within their organization.

(2) It has been reported that there was a strong opposition among the public particularly to the dispatch of SDF to Iraq, on the ground that the dispatch violated Article 9 of the Constitution. How does the Japanese government respond to such opinion?

242

The Japanese Self-Defense Forces have been dispatched not only to disaster areas abroad, but also to the countries or areas after the conflict or where anti-terrorist operations are underway, such as East Timor, Iraq and the Indian Ocean. On May 8, 2007, a female SDF member in Hokkaido, northernmost prefecture of Japan, filed a redress suit against the Government claiming that she had not only been molested by a male colleague but forced to retire by her superior after reporting him about the sexual harassment.

Different international organizations and NGOs have reported that many citizens in Iraq including women and children have fallen victims to the military operations conducted in the name of “mopping up terrorist.” The governments of the countries sending their troops to Iraq have one after another decided or announced their will to withdraw their forces. On April 17, 2008, the Nagoya High Court, regarding the lawsuit filed by citizens demanding the SDF deployment in Iraq be suspended, found the airlifting mission of the Air Self-Defense Force was unconstitutional. The court judged that the SDF operations in Iraq violated the limits of the authorizing legislation, Iraq Special Measures Law, whose Article 2 prohibits the use of force (Clause 2) and restricted the SDF activities within non-combat zones (Clause 3), as well as the Constitution’s Article 9, Clause 1, which states the nation forever renounces the use of force as means of setting international disputes.

Article 10 (Improvement of the Education to Promote Gender Equality)

(1) Improvement of Education

Issues

Questions and Backgrounds

Gov't Report Paras

< Japan Network on Education for the Advancement of Gender Equality >

Coeducation

Isn't it against the intention of paragraph 258 that the government of Japan forced the elimination of article 5 "Coeducation" from the 1947 Basic Act on Education, against many people's opposition, in the Diet last year?

258

Separate education high schools, either private or public, are decreasing because of the effort of the parents, teachers and students themselves. Some public high schools, however, are going to change into separate education. The article of coeducation is necessary to the Basic Act on Education in Japan, which has law gender index.

Education of Human Rights and Gender Equity

**(1) How is the education of human rights and gender equity considered in the present Educational Guidelines?
(2) Could they show some concrete examples and tell how to practice the education?**

258

The New Educational Guidelines say moral education, such as patriotism, is to be carried out all through school education. We are afraid it may encroach on children's freedom of conscience. The education of human rights and gender equity is scarcely written only in the textbook of "citizenship" of the junior high school social studies.

The Cabinet of Japan issued the view and the notice not to use the word of gender or gender-free, which is used worldwide. Why don't they change their view and withdraw the notice?

258

Since 2002 a few members of the Diet has assailed using the word gender-free, distorting its meaning as sex-difference-free. In 2004 the cabinet and the Tokyo Metropolitan Education Bureau issued the view and the notice that we should not use the word of gender-free, and in 2006 they noticed that using the word was unsuitable. Those are due to some conservative

people's bashing at the word, which does not mean sex-difference-free but gender-equity.

Home economics

The Ministry of Education and Science on Japan stopped the 4-unit-compulsive-learning of home economics in senior high schools and 3-unit in junior highs. Consequently, many schools decreased the hours of home economics and made it elective subject. That has reduced its content and effects of learning home economics. Why don't they turn it back to the standard of the time when the compulsive coeducation of home economics had started?

258

The ministry of Education and Science admitted 2 unit learning of home economics and gave the higher priority to several subjects necessary for the entrance examinations to universities were given higher priority and home economics was ignored. As the elective subject system was adopted, the balance of the number of both sexes in each class was broken.

Comfort Women

Did the Japanese Government comply with the recommendation and make efforts to solve the problems of "comfort women" during the world war II? CEDAW suggested the facts of "comfort women" be conveyed to next generations through education, but the description of them has disappeared from textbooks.

258

Some right wing historians don't admit that Japan took a lot of Asian women away and forced them to work as sex slaves. They assailed the textbooks which had description on "comfort women." The textbook authorization deliberation committee were yielded to their bashing and gave out the authorization view to eliminate descriptions on "comfort women" or other minus aspects of Japanese history. Description of "comfort women" disappeared from all the junior high school textbooks in 2005.

Sex Education

(1) Is the sex education now going on at school controlled by the Educational Guidelines adequate and enough for children? (2) How do they grasp the present condition of children in Japan?

Because of the bashing at "Sex Education Going Too Fast" and forcing to follow the Educational Guidelines, scientific and systematic sex education necessary for children is not done at school. Among too much information of sex on

the side of men, children want to learn seriously about sex. Scientific and systematic sex education from the viewpoint of human rights and gender equity should be included in the Educational Guidelines and be practiced so that children can take it from their infancy.

Autonomy of Education

The government should demand the Tokyo Metropolitan Education Bureau to esteem autonomy of education and to stop suppression on sex education, shouldn't they?

Tokyo Metropolitan Education Bureau suddenly investigated Tokyo Metropolitan Nanao Protective School and other protective schools for the reason that “unsuitable sex education” was taken there, and punished a lot of teachers. Investigation and punishment as a warning to the others acted as a brake on necessary sex education. The teachers in Tokyo Metropolitan Nanao Protective School, who faced the children’s problems of sex, created the original sex education called “Study of Heart and Body,” listening to the parents’ opinions. Though the sex education was done according to the guidelines of the Ministry of Education, the bureau intervened in the education with some special political values.

(2) Education out of Schools

a) Family Education

Administrative organs have to concentrate on improvement of educational conditions, don't they? “Family Education” is written in the new “Basic Act on Education,” although the right of education belongs to parents. The state’s leading each family as a national campaign reminds us of the prewar general mobilization system.

262

The Japanese government published and delivered “Family Education Notebook” to each family, which cost ¥ 170,000,000 . But there is no reference that the right of education belongs to parents. State intervention in family education is about to start.

(6) Training for the Persons Concerned with Educational Field

School Education Training

Isn't it necessary for NWEC (National Women’s Education Center) to help and support school teachers to attend the workshops to exchanges their teaching practices?

273

Since 2004, “School Education” has been eliminated from the theme and contents of the workshops planned by NWEC.

Japan is still behind other countries in gender equity education. Hidden curriculum, such as a separate list between boys and girls, has now come to be taken again in many schools.

Article 11 (Elimination of Discrimination in Employment)

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Working Women's Network>

Prohibition of
Indirect
discrimination

(1) In listing the cases of indirect discrimination, which fall within the scope of the amended Equal Employment Opportunity Law, why were cases including those involving difference in work content, personnel system and management between full-time and part-time workers (as well as difference in treatment between main career track and clerical track employees) not included in the list?

Para 286

(Backgrounds)

Concluding Comments by CEDAW A/58/38

358. The Committee recommends that a definition of discrimination against women, encompassing both direct and indirect discrimination in line with article 1 of the Convention, be included in domestic legislation..

369. The Committee is concerned at..., and the lack of understanding regarding the practice and the effects of indirect discrimination as expressed in governmental guidelines to the Equal Employment Opportunity Law.

Guide-line
“employment
management
categories”

(2) It is problematic that the Guidelines concerning Equal Employment Opportunity Law tolerate different employment management categories. The situation, in which women are concentrated in low-paying areas with few opportunities for promotion, would be considered indirect discrimination in developed countries. Doesn't the comparison using employment categories amount to indirect discrimination?

Para 290

(Backgrounds)

The Guideline concerning the amended Equal Employment Opportunity Law includes a definition of “employment management category” in its provision regarding direct discrimination. According to the provisions in the Guideline, any discrimination against women would not be found illegal, as long as the companies use separate employment management categories (such as career tracks) and indirect discrimination would be tolerated. Therefore, we strongly requested the deletion of the provisions regarding employment management categories in the Guideline.

Promotion
of
Positive Action

(3) Question

Women in clerical track jobs would be hindered from attending conferences by being told to take phone calls while everyone else is at the conference, or simply told that she need not attend. What is the situation of the progress in the implementation of temporary special measures regarding participation in conferences, training, on-the-job training, and promotion of women in clerical track positions?

Para 292

(Backgrounds)

CEDAW General Recommendation No. 25

8...(T)he Convention requires that women be given an equal start and that they be empowered by an enabling environment to achieve equality of results.

*As shown in the chart below, the ratio of women in the main career track, as well as that of women in management positions have not improved at all, even in major Japanese companies.

The gender gap situation (2006)

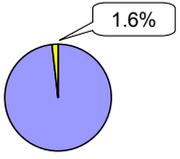
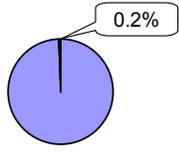
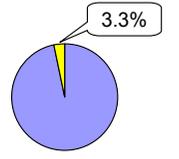
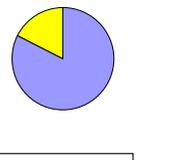
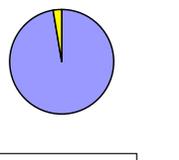
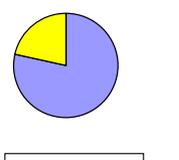
Ratio of men and women in management positions

Ratio of men and women hired in main career track positions



Gender Gap between Men and Women

(2006)

	Sumitomo Electric	Sumitomo Metal	Sumitomo Chemical
Gender ratio in the management	 <p>1.6%</p> <p>Male 3,279 Female 53</p>	 <p>0.2%</p> <p>Male 1,253 Female 3</p>	 <p>3.3%</p> <p>Male 2,912 Female 99</p>
Gender ratio in the career track at the time of hiring	 <p>Male 165 Female 35</p>	 <p>Male 78 Female 2</p>	 <p>Male 85 Female 23</p>

Article 11(Elimination of Discrimination in Employment)

Issues

Questions and Backgrounds

Gov't Report
Paras.

<NPO Dispatched Labour Network>

Dispatched
Workers

(1) The dispatch of non-regular workers with definite term contract was legalized as an exception to Article 44 (Prohibition of Labour Supply Projects) of the Employment Security Law to respond swiftly to women's employment needs. What effects to you think this has had on the improvement of women's economic status?

Para 309、310

(Backgrounds)

The dispatch of non-regular workers with definite term contract was approved only on condition that this should apply only to certain jobs---such as those requiring special skills---that are unlikely to affect the worker's stability of employment and working conditions even if the worker is exposed to competition. Despite the conditional nature of the approval, however, the duration of employment has become considerably shorter, and wages cuts have been effected rapidly. And after the approval was expanded to all jobs in 1999, followed by the deregulation of the duration of employment in 2003, the flaws in the system have become maximized.

(2) Are you cognizant of the causes of disparity between men and women in wages, duration of employment and areas of employment for dispatched workers? Are there guarantees to enable non-regular dispatched workers to fulfill their family responsibilities, such as parenting and looking after family members requiring nursing care, without sacrificing or giving up their jobs?

Para 309,310

(Backgrounds)

Among dispatched workers, there is a huge disparity between men and women, and certain jobs are heavily predominated by only one of the sexes. It is extremely difficult for non-regular dispatched workers to fulfill both family and professional responsibilities. Non-regular workers with definite term contract are overwhelmingly female, and this works to everyone's

disadvantage. The very structure of dispatched labour aggravates the already serious problems caused by sexual discrimination. Unless the structure itself is rectified, it is impossible to eliminate male-female disparity.

(3) Is the elimination of disparity between men and women the aim of the 2008 amendment? Will the amendment actually help the elimination of disparity and contribute to non-regular dispatched workers' job stability and career advancement?

(Backgrounds)

The purpose of the 2008 amendment is said to be to tighten regulations. But in reality, the amendment actually seeks deregulation, and it is feared that this may result in greater disparity.

Article 11(Elimination of Discrimination in Employment)

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Equality Action 21>

Part-time Workers

(1) The revised Part-time Work Law (Law Concerning the Improvement of Employment Management of Part-time Workers) of 2007, which was enforced in April of 2008, prohibits discriminations against part-time workers who meet such requirement as the same job as regular workers. However, the percentage of part-time workers meet this requirement is 4 percent of all the part-time workers. Please indicate whether the government considers that the requirement is too stringent.

Para 308

(Backgrounds)

The revised Part-time Work Law only prohibits discriminations against part-time workers who are engaged in the same conditions as full-time workers regarding ①job description, ②whether company transfer and overtime work are applied or not and ③workers without definite term contract. The Ministry of Health, Labour and Welfare explains that the percentage of part-time workers who meet the requirements of ① and ② is 4 percent of all part-time workers, and the percentage of part-time workers also meet the requirement of ③ declines more. Furthermore, part-time workers who work for the same hours as or more than regular workers are not covered in the Part-time Work Law. Therefore they are excluded from the target against whom discriminations are prohibited.

Part-time Workers

(2) The revised Part-time Work Law stipulates companies' obligation to establish the system in which a part-time worker is transformable to a full-time (or regular) worker. Please provide the number of workers who were transformed from part-time workers to full-time workers and its percentage of women and men. Why are married women excluded from the definition of "freeters (casual workers)"? Please provide information on the data disaggregated by sex regarding the effect of the plan for transforming from casual workers to regular workers.

Para 308

(Backgrounds)

While the government says that the ratio of the companies in which there are workers transformed to regular workers is 41% (2007), the number of workers transformed to regular workers is not announced. The government says that in three years 1 million youth of “freeters (casual workers)” is transformed to regular workers, but married women are not included in the target. While the government plans to generate the employment for 200,000 women of 25-44 years old, we have a concern that non-regular workers including dispatched workers and part-time workers may be increased, because the employment generated for them includes both regular and non-regular work.

Part-time Workers

(3) The income of many of part-time workers per year is below 2 million yen, that is the poverty line, and most of them are women. The low hourly wage of part-time workers produces the poverty of women. What measures should be taken to improve the situation?

(Backgrounds)

Regarding women who work for private companies, the yearly income of 43.7 percent of those women, or 7,690,000 women, is below 2,000,000 yen (9.6%, or 2,640,000 men, in case of male workers in private companies)(2007). These five years, the number of women in poverty has increased by 1,000,000. Especially women in poverty have increased among single mothers, many of whom are part-time workers, and elderly women of a single household.

Equal Remuneration for Work of Equal Value

(1) The Japanese government reestablished “the Study Group on the Issue of Wages Disparity between Men and Women” in June, this year. The target of the study is regular workers as also seen in other studies. Please indicate whether the government considers that, excluding non-regular workers, it is possible to close the wage gap between men and women.

Para 317

(Backgrounds)

The government says that, in accordance with the 2002 report of the study group, the government produces guidelines for the elimination of the wage gap between men and women and distributes pamphlets to keep every company informed about them. However, only such measures are not enough for eliminating the wage gap between men and women. In addition to the issue of the big

gap between men and women among regular workers which is seen still now, there is a problem that more than half of women workers are non-regular workers. Therefore, the wage gap between men and women will become bigger and bigger if effective measures for that are not taken (Fig.1 Wage Differentials based on Male Regular Employees).

Equal
Remuneration for
Work of Equal
Value

(2) Please indicate how the judicial system functions to eliminate the pay gap between men and women through the assessment of the value of a job. Paragraph f of Article 2 of the CEDAW requests to the State party, “To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices”. Please indicate whether the judgments of the courts were accordance with the Convention.

Para 317

(Backgrounds)

There are few cases of judgments which are based upon the job evaluation. Regarding the Showa Shell Sekiyu KK Case (2007) and the Kanematsu Corporation Case (2008), the Tokyo High Court decided, “In those days discriminations against women by companies were popular” and “it cannot be said” that, before the passage of the Equal Employment Opportunity Law, discriminations against women “are offensive to public order”. Both cases are now on trial in the Supreme Court.

Equal
Remuneration for
Work of Equal
Value

(3) The government point out that the keys to rectify the pay gap between men and women are years of employment in the company and the promotion to a managerial position. Please indicate how the government considers such issues as ①the two-track employment management system (regular or non-regular, and general track or administrative track) and ② occupational segregation between men and women.

Para 317

(Backgrounds)

In case of a male worker, the longer the length of service in a company becomes, the higher his job class becomes, but in case of women workers her job class doesn't become higher and the wage neither changes much, even if the length of service in a company become longer (Fig.2 Average Salary by Length of Service). These five years the increase of the percentage of women in managerial positions remains 1-2% (Fig.3 Ratio of Employees Holding Managerial Positions by Length of Service and by Sex). The plaintiffs complaining about wage discriminations, regardless of long-term employment in the companies, are treated unfairly through the big

pay gap. There is a situation that wages for jobs in which many women are engaged tend to be low.

Equal
Remuneration for
Work of Equal
Value

(4) Please indicate whether the government of Japan as the State party of the ILO Convention No.100 considers strengthening Article 4 of the Labour Standards Law, including specifying the Convention into the Enforcement Regulations of the law, in order to stipulate explicitly the principle of the equal remuneration for men and women for work of equal value, and whether the government considers introducing the job evaluation system as the measures for promoting the principle of the equal remuneration for work of equal value.

Para 317

(Backgrounds)

Although the ILO called on the Japanese government to fully implement the Convention No.100, the Japanese government repeated that Article 4 of the Labour Standards Law meets the requirement of the Convention. In response, the 2008 report of the ILO Committee of Experts on the Application of Conventions and Recommendations again requested the Japanese government “to take steps to amend the legislation to provide for the principle of the equal remuneration for men and women for work of equal value”. Regarding the job evaluation system, the government doesn’t get beyond explaining the intention to collect information on the method of analysis and to study it.

Support for the
Balancing Work
and Family

(1) The Report of Japan says that the ratio of women who gave birth to a child took child care leave is 70.6% in 2004 and the ratio is becoming higher year by year. Please indicate how the government considers the fact that around 70% of female workers quit a job on the occasion of the birth of the first child. What kind of measures was taken to improve such a situation?

Para 332

(Backgrounds)

According to the survey of the Ministry of Health, Labour and Welfare, the ratio of women who gave birth to a child took child care leave became higher up to 89.7% in 2007. However, 70% of female workers quit or fired in the occasion of pregnancy or

childbirth without taking child care leave. The M-shape employment still continues. It is in question how the present labour management of companies which makes it hard for women workers to continue their jobs after child birth and for child care will be changed as well as the persistent sexual division of work.

Support for the
Balancing Work
and Family

(2) Please indicate how the government considers to amend the law in order to establish a system in which, under the equal and same conditions as regular workers, non-regular workers with definite term contract can take a maternity leave and child care and family care leave.

Para 331

(Backgrounds)

Now the Council under the Ministry of Health, Labour and Welfare reexamines the Child Care and Family Care Leave Law (Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave). Measures should be taken to abolish the requirement which workers with definite term contract have to meet to take child care leave. Most of non-regular workers renew definite term contract. The law prohibits detrimental treatment against workers who take maternity leave and child care leave. However, as the “renewal of labour contract” hinders taking such leave for non-regular workers, the ratio of workers who took the leave is very low and the number of workers falls far short of the target set by the government.

Support for the
Balancing Work
and Family

(3) The government says that the target of “1,800 total annual working hours” has been accomplished. Wasn’t it produced only by the increase of part-time workers? Please indicate how the government considers about the necessity of paid annual leaves which workers can take with their own choice for balancing life at work and family life, but not the increase of “planned annual leaves” based upon a company’s business plan.

Para 336

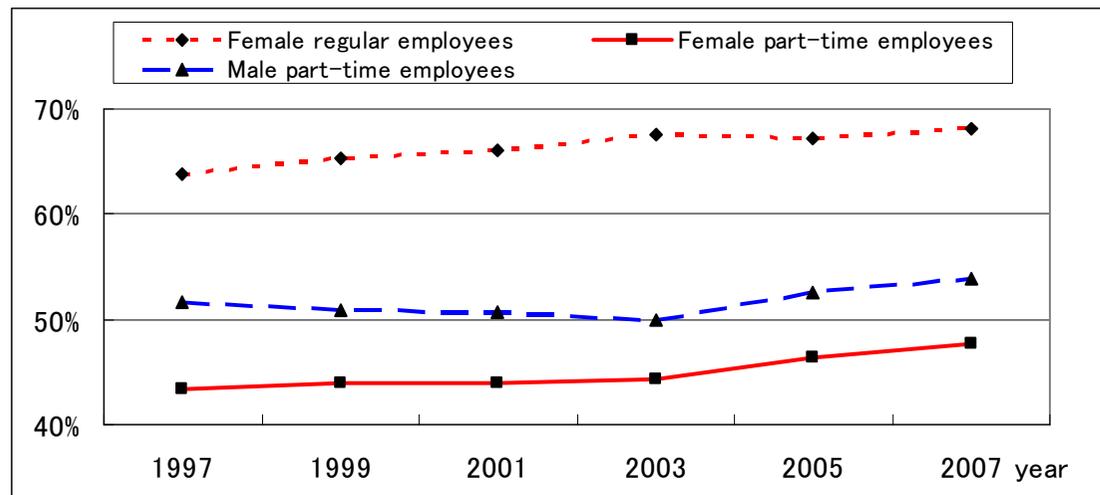
(Backgrounds)

The statistics surveyed by the government on wages compared between men and women exclude part-time workers, but the statistics on working hours include part-time workers. The arbitrary choice of parameters in statistics should be questioned. The

government considers that the promotion of the “system of planned annual leaves” leads to the review of working styles and the decrease of overtime work. However, workers with family responsibilities want the guarantee of the free choice of annual leaves, and direct and concrete regulations including on annual overtime hours and on holiday work.

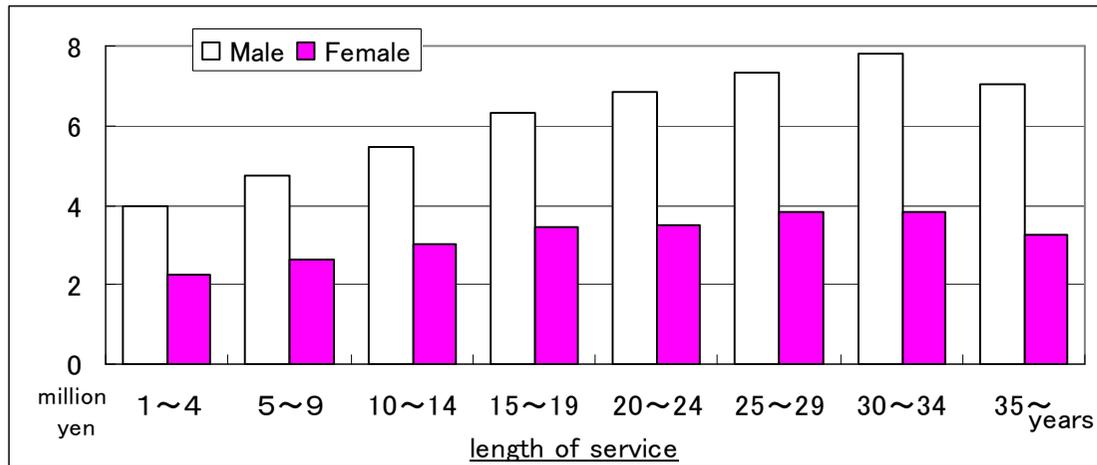
[Annex]

[Figure 1] Wage Differentials based on Male Regular Employees (men=100)



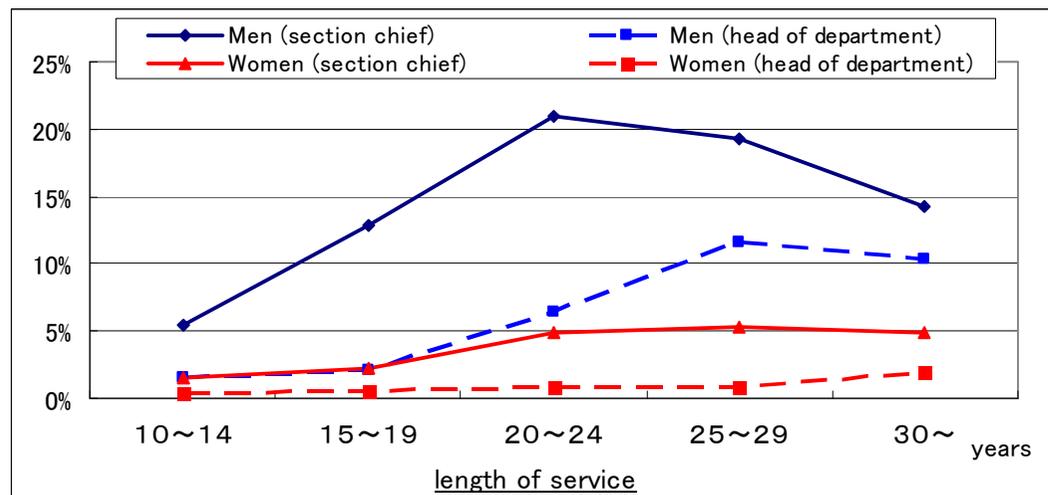
(Source) Ministry of Health, Labour and Welfare, *Basic Statistical Survey on Wage Structure*

[Figure 2] Average Salary by Length of Service



(Source) Ministry of Health, Labour and Welfare, *Basic Statistical Survey on Wage Structure, 2007*

[Figure 3] Ratio of Employees Holding Managerial Positions by Length of Service and by Sex



(Source) Ministry of Health, Labour and Welfare, *Basic*

Article 12

Issues	Questions and Backgrounds	Gov't Report Paras.
Legal Reform for Abortion	Laws and Policies on Abortion and Contraception Does the Japanese Government plan to decriminalize abortion <u>immediately</u>, to abolish the clause of the Maternal Protection Law which requires the husband's permission to abort a pregnancy, to enact a fundamental and comprehensive law concerning Reproductive Health/Rights, to approve emergency contraceptive methods as medical procedures and cover its cost under public health insurance as well as provide such procedures free of charge in cases of sexual violence, to approve the abortion pill, and to apply policies aimed at increasing the practice of contraception when pregnancy is not desired?	<Space Allies> <Japan's Network for Women and Health> <SOSHIREN> 362
Backgrounds	The criminal code prescribes punishment by imprisonment for a pregnant woman found guilty of causing her own abortion by drugs or any other means. Furthermore, the Maternal Protection Law requires not only the pregnant woman's declaration of intent, but also the husband's consent in order to perform an abortion. There is no law in Japan stating fundamental rights concerning pregnancy, childbirth, abortion, and contraception. The Ministry of Health, Labor and Welfare (MHLW) has not yet approved emergency contraceptive pills and abortifacients. The use of modern methods of contraception stands at only 51% in Japan.	
Backlash against Sex Education Policies	Does the Japanese Government have plans to promote comprehensive sex education, including education on reproductive health for adolescents, rights regarding contraception and abortion, and the right of self-determination regarding pregnancy and childbirth, despite movements which seek, based on the specific values held by their proponents, to stigmatize effective sex education by branding it as a "excessive" and "extreme."	366
Backgrounds	A certain sex education text provided to junior high school students was recalled due to protests by a number of Diet members, and members of an education committee and the Metropolitan Assembly of Tokyo strongly criticized the implementation of sex	

education in schools for the developmentally handicapped. Although the first national Gender Equality Basic Plan of 2000 expressed the need for greater awareness regarding Reproductive Health/Rights and declared that “sex education should be enhanced,” the second national Gender Equality Basic Plan of 2005 emphasized that “explicit sex education” should be restricted, indicating a clear regression in the provision of sex education.

Issues	Questions and Backgrounds	Gov't Report Paras.
Issues of Obstetrics and Gynecology	<p>Will the Japanese Government declare specific policies for ensuring sufficient staff and facilities in obstetrics and gynecology, reducing current regional disparities, resolving inadequate collaboration between medical facilities, and decreasing maternal mortality and injury; and enact measures to provide free childbirth and antenatal checkups as well as secure financing for these services, and amend laws on health nurses, midwives and clinical nurses to meet women's needs?</p>	361
Backgrounds	<p>The number of obstetricians and gynecologists has been decreasing, and the number of deliveries per doctor has increased to unprecedented levels. Additionally, medical accidents in obstetric cases have increased. Efforts toward comprehensive and regional perinatal medical centers for mothers and infants are still inadequate, as is cooperation with other medical facilities. Delivery costs are not covered by Japan's public health insurance, and costs differ between regions. Antenatal checkups are provided free of charge in some municipalities, but such places are far from the norm. Also, the health care system is not fully utilizing the skills of midwives.</p>	
Reproductive rights in Workplaces	<p>Does the Japanese Government have plans for specific legislation and/or measures providing for women's mental and physical health in workplaces, including Reproductive Health/Rights for working women?</p>	291

<Space Allies>
<Japan's Network for Women and Health>
<SOSHIREN>

Backgrounds	<p>Working women continue to face difficulties choosing pregnancy and childbirth because of inadequate safeguards and insufficient promotion in the workplace of Reproductive Health/Rights. It is essential to press employers to mitigate discomfort and otherwise accommodate the specific needs relating to pregnancy and childbirth through measures such as the use of “Maternal Health Management Cards.” Sufficient regulation is also necessary to ensure maternity leave and improve conditions for women in workplaces where heavy loads are lifted or carried, or where they may be exposed to hazardous substances. Ratification of ILO 103 and safeguards ensuring maternity leave for women who are irregular employees are also essential. Finally, there is a need for concrete plans that protect against health risks for working women and to bring about safe and gender-sensitive working environments, free from gender discrimination or sexual harassment. Reproductive Health issues must also be brought into safety and health education in workplaces.</p>
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Issues

Questions and Backgrounds

Gov’t Report
Paras.

<Space Allies>

<Japan's Network for Women and Health>

<SOSHIREN>

Child-Support
Programs

<p>(1) Will the Japanese Government provide better support for raising children, including those with special needs?</p> <p>(2) Does the Japanese Government have plans to counter child abuse, to provide specialized support/counseling for abused children, those with developmental disabilities, and their families?</p>

358

Backgrounds

Although the conditions for childbirth and raising children are still far from ideal, there has been considerable focus in Japan solely on increasing the birth rate. Better childcare environments and expanded financial support are necessary. Support services for families raising children with special needs are significantly behind, and there is a need to better address the mental health issues of postnatal women. There is also a need to provide greater support/counseling for abused children, particularly victims of sexual abuse, and children with developmental disabilities. In addition, family support systems and the training of specialists such as

medical or health care professionals need to be increased. It is also essential to take action against the victimizers—those who have been involved in abuse and child prostitution. Moreover, in addition to support for victims, appropriate prevention and hotline/first response programs are needed.

Issues	Questions and Backgrounds	Gov't Report Paras.
Sexual Transmitted Disease	<p>(1) Does the Japanese Government have constructive policies for improving access to information and medical services relating to sexually transmitted diseases, without discriminating against HIV-positive women who are foreign nationals, sex workers, and illegally-resident foreigners, and with a view to the particular needs of women and the conditions they face?</p> <p>(2) What is the current status of plans for investment in microbicides and other means of female-initiated HIV prevention, and for early ratification of the HPV vaccine?</p>	<p><Space Allies> <Japan's Network for Women and Health> <SOSHIREN> 371</p>
Backgrounds	<p>The number of cases of sexual transmitted diseases is increasing, and women tend to make up a greater percentage of reported cases. It is critically important to provide education and information to youth. Of pregnant women who are HIV positive, 60% are of foreign nationality, so a response that meets their needs is essential. Sex workers are a vulnerable group regarding HIV/AIDS infection, but the criminalization of human trafficking and revisions to Japan's sex industry laws have sent illicit activities underground, with the result that human rights violations and health hazards to workers have become more difficult to prevent or monitor. Stronger legal protections and enforcement are needed to safeguard health and human rights. There is also a need for investment in international research activities on female-initiated HIV-prevention strategies such as those employing microbicides. Regarding the HPV vaccine, effectiveness has already been proven, and it is already available in North America and Europe. In Japan, the annual death toll from cervical cancer is about 2,500, and is rising particularly among women in their twenties and thirties.</p>	

Issues

Questions and Backgrounds

Gov't Report
Paras.

Support for Victims
of Sexual Violence

Does the Japanese Government have plans to provide further support by police and medical professionals for victims of sexual violence, to train and deploy specialized health-care professionals to support victims of sexual violence, to make available emergency contraception, and enhance victim compensation; to promote efforts in the fields of law and education to address the issue of sexual violence against women, including coercion by acquaintances, to criminalize sexual violence by spouses, and to combat violence against women from the viewpoint of protecting Reproductive Health/Rights?

52

Backgrounds

In order to better support victims of sexual violence, there is a need for greater protection and compensation of victims. It is essential to improve the quality of specialist care and to prevent secondary victimization. Because the issue of sexual violence against women by acquaintances has only recently been acknowledged, little is known about how prevalent it may be, and the response in all relevant fields is insufficient.

Under Japanese criminal law, there is no rule exempting spouses from punishment for rape, but the law is never applied when the parties are in a marital relationship because women are considered to have an obligation to accept sexual relations within a marriage. There is also a need to provide shelter for women threatened with violence, as well as effective provisions against stalkers.

<Space Allies>

<Japan's Network for Women and Health>

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<Japan's Network for Women and Health>

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Medical Services
for Women

Does the Japanese Government intend to establish specific policies to address the gender gap in medical services, provide fiscal support to promote breast cancer screening and mental health services that are sensitive to gender and age, and promote more equal association between psychiatry and other medical specializations in the medical and health system and set clear guidelines for female patients' rights?

352

Backgrounds

The number of gynecologic disorders has rapidly increased, particularly among younger women, and breast cancer is the number one malignancy among cancers striking Japanese women. Yet, the percentage of women undergoing screening remains extremely low, partly due to the increased personal expense following the introduction of mammography in screening. It is essential to increase public awareness while reducing the financial cost borne by individuals. Effective strategies are also needed for other disorders of the female reproductive organs and mammary glands, for dealing with the linkage between women's social status and health, and in the area of mental disorders, where gender distinctions are evident. Regarding all issues relating to violence against women as well as mental health issues that stem from fatigue and/or stress arising from the household roles of women, solutions must seek to exterminate violence against women and bring about more equitable sharing of familial and domestic responsibilities, and more effectively coordinate psychiatry with other medical departments. Furthermore, women who do seek help sometimes find their rights abused by medical staff or other patients, owing to gender discrimination. There is also inadequate protection against abuses of women's basic human rights by members of their family.

<Space Allies>

<Japan's Network for Women and Health>

<SOSHIREN>

Medical Services
for Older Women

(1) Does the Japanese Government have specific programs to promote the health of older women?
(2) Does the Japanese Government have concrete policies aimed at correcting the predominance of women among providers of senior care, particularly among those from overseas?

363

Backgrounds

A growing class of older women is sinking into poverty, and it is becoming difficult for them to afford medical insurance and health insurance. The public health system has been revised for the worse, increasing the economic burden borne by the elderly. In addition, the majority of elderly victims of abuse, both in the home and in care facilities, are women. Another critical need is ensuring the mental and physical health (including sufficient rest) as well as economic security of workers providing care for the elderly. The fact that a disproportionate proportion of these caregivers are women must also be addressed. Regarding the acceptance of medical nurses and care workers from other countries, care must be taken to ensure legal standing, inclusion in a social security system, and prevention of discrimination by gender.

Eugenic
Sterilizations

Does the Japanese Government intend to investigate eugenic sterilizations performed without the individual's consent, and to offer an apology and compensation to the victims?

106

Backgrounds

The Japanese Government has not responded to inquiries regarding forced female sterilization and illegal hysterectomies, although the United Nations Commission on Human Rights has admonished the Japanese Government in 1998 to provide compensation to the victims. Although the "Convention on the Rights of Persons with Disabilities" in 2006 declared that the sexual and reproductive rights of handicapped women must be respected, this is rarely acknowledged in Japan. Handicapped women need more education to exercise self-determination regarding sexuality and reproduction; an examination of sexual violence against handicapped women and assistance for victims are also needed.

		<Space Allies>
		<Japan's Network for Women and Health>
		<SOSHIREN>
Rights of Sexual Minorities	<p>(1) Does the Japanese Government intend to formulate policies concerning the Sexual and Reproductive Health /Rights of sexual minorities?</p> <p>(2) What specific plans will be provided for in new laws and public administration to protect the rights of sexual minorities?</p>	98
Backgrounds	<p>Government policies are required to be more sensitive to the health and human rights of sexual minorities in order to achieve the goal of universal health, particularly in the area of Sexual and Reproductive Health/Rights. Sexual minorities are discriminated against in administrative procedures as well as in social and family life, in violation of their human rights. New laws are needed to ban all types of discrimination and protect the rights of sexual minorities; the necessary education and information must be provided, and laws should be enacted to ensure the right to form a household, as well as to confer recognition of non-traditional relationships, such as in PACS, a form of civil union between two adults for organizing their joint life.</p>	
Support for Women in Poverty	<p>Does the Japanese Government have concrete plans to promote the health and basic living conditions of women in poverty? Also, does the Japanese Government have concrete plans to extend medical care to all foreign women in Japan?</p>	373
Backgrounds	<p>The number of impoverished people who cannot access medical services because they cannot pay the National Health Insurance fees has increased, signaling a collapse of the ideal of National Health Insurance. With the abolition of additional welfare payments for single mothers and the movement (since rescinded) to reduce child-care allowances, the financial challenges of raising children are growing more severe. Also, contraceptives and abortions for financial reasons are not covered by National Health Insurance, so there is a need for measures to reduce the financial burden without infringing on the individual's privacy. Furthermore, the medical needs of impoverished foreigners are not being adequately met.</p>	

Issues	Questions and Backgrounds	Gov't Report Paras.
Women's Health in Case of Natural Disasters	<p>What kinds of specific responses are planned regarding women's health issues in the case of natural disasters?</p>	<p><Space Allies> <Japan's Network for Women and Health> <SOSHIREN></p>
Backgrounds	<p>For survivors of natural disasters, there is a need to distribute sanitary products, set up women's toilets as well as living spaces with adequate privacy, prevent sexual violence, assist in the event of childbirth, and support those with illnesses and disabilities. In temporary shelters and afterward, women often face difficulties returning to paid work due to various care-giving responsibilities.</p>	351
Women's Rights for Reproductive Medicine	<p>(1) Does the Japanese Government plan to enact laws or guidelines with the aim of protecting the rights of all women relating to reproductive medicine, to balance the need to support fertility treatments with the need for integrity regarding possible adverse effects and sensitivity to the pressures that may be experienced by those seeking treatment?</p> <p>(2) Does the Japanese Government plan to enact laws or policies aimed at safeguarding those seeking treatment for infertility from becoming tools or samples for the development of assisted reproduction technologies, and for reducing the physical and mental burden of ovum donors?</p>	359
Backgrounds	<p>There has been insufficient review of the legal and ethical issues relating to surrogacy, and restrictions are called for that will protect the Reproductive Health/Rights of all women as well as guarantee the rights of children conceived with the assistance of reproductive technologies.</p> <p>Not only in fertility treatment, but in research on assisted reproduction technologies, it is necessary to consider the physical, emotional, and other effects on women. There is also a need to reduce regional disparities in the availability of treatments for infertility, as well as to reduce—through education on a wider level and counseling on a personal level—the pressures felt by women</p>	

who do not have children.

Issues	Questions and Backgrounds	Gov't Report Paras.
Gender Issues in International Cooperation Backgrounds	<div data-bbox="439 600 1933 735" style="border: 1px solid black; padding: 5px;">With regard to timelines, amounts, and uses of funds for international cooperation, what are the specific plans in the following areas: gender equality, maternity health care, gender balance issues in the international effort to combat HIV infection, and support for Reproductive Health and other needs of women in disaster relief?</div> <p>In the area of cooperation for international development, active funding is essential for reduction of maternal mortality and universal access to Reproductive Health Services, which is the target of Millennium Development Goal 5, gender equality and women's empowerment (MDG 3), reduction of gender inequality in HIV/AIDS issues, and health/nutrition education not only for women but all inhabitants in program areas. In humanitarian aid and disaster relief, it must be recognized that women have particular needs; the Japanese government's immediate response to the Indian Ocean Tsunami set a good precedent which should be followed.</p>	<Space Allies> <Japan's Network for Women and Health> <SOSHIREN> 246

Article 13

Questions and Backgrounds

<Japan Federation of Women's Organizations >

< Women's Council of the National Federation of Merchant and Industrialist's Organizations >

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| <p>(1)What are the work conditions for women working as family employees?</p> <p>(2)Are wages paid to women who work for family businesses deductible from business profits?</p> <p>(3)Are rights to social security and welfare guaranteed to them as they are to other employed women workers?</p> |
|---|

There are about 1,150,000 women family employees in Japan. This means that about 80% of those who are working exclusively for family business are women.

Under Japan's tax system, wages paid to a business owner's family members co-living in the same household are not regarded as business expenses. Such wages are categorized as business income of the business owner. Thus in self-employed businesses, not individuals but the household is regarded as the main taxable unit. This constitutes a violation of human rights, trampling on the concept of equality under the law. Organizations of family employees are demanding that the Income Tax Law be revised.

(Supplement 1. Adopted resolutions)

Some have filed lawsuits against the tax authorities, but the Supreme Court judged the present system as constitutional.

(Supplement 2. One case)

The amount of deductions allowed from the business owner's income for relatives engaged in the family business is 860,000 yen for spouse and 500,000 yen for other relatives. Because such small amounts are recognized as “income” of family members engaged exclusively in the family business, it is difficult for them to achieve social and economic independence.

Self-employed women are subjected various disadvantages. The national health insurance program, in which most owners of small and medium enterprises are enrolled, does not provide compensation for business suspensions caused by pregnancy and childbirth, sickness, or injuries. They are also not eligible for unemployment benefits. Their rights to childbirth and childcare leaves are not recognized.

Supplements

1. Adopted resolutions or presented opinions since 2003 requesting the government to abolish Article 56 of the Income Tax Law include the Women's League of Licensed Tax Attorney, Kinki Youth Licensed Tax Attorney League, and 13 local governments.
2. In one case in which a lawyer paid a licensed tax attorney, who happened to be his wife, fees for preparing his taxes. Tax authorities applied Article 56 of the Income Tax Law to the case and did not recognize the fee as a necessary business expense. The lawyer, asserting that Article 56 of the Income Tax Law constitutes a violation of Article 14 of the Constitution of Japan that provides equality under the law, filed a suit against the tax office concerned. The local court supported his appeal, but the high court and the Supreme Court ruled against him.

Article 14

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Japan Federation of Women's Organizations>

< Japan Family Farmers Movement Women's Association >

Rural Women

- (1)What are the influences of rapid increase of import of farm production on rural women (income, labor and health condition) ?**
- (2)How much is the average labor reward for a woman farmer?**
- (3)What percentage of the farm households have concluded Family Business Agreements? What are the reasons of the small number of percentage?**
- (4) Is there any compensation or support system for no work by illness, childbirth, baby care and nursing?**

383,384

Farm production price fell down sharply by increasing import production; in the case of paddy growers, their family reward amounts to 179 yen per one hour which is only 27% of the workers' minimum wage. Therefore, even if they are the member of Family Business Agreements, women cannot get any reward. So they are forced to get salaried jobs and work long time including housework. Most of rural women are facing health destruction by the lack of compensation or support system for illness, childbirth, baby care and nursing.

Article 16 (Marriage and Family Life)

Issues

Questions and Backgrounds

Gov't Report
Paras.

<Yukiko Tsunoda>

Amendment of
Civil Code

How does the Government cope with the fact that the amendment for the system of marriage and divorce (The outline of amendment of Civil Code in 1996) is not progressed?

393

On the final comment for the Japanese Government by the CEDAW in 2003, the CEDAW expressed the concern regarding the discriminatory provision in the Civil Code (paragraph 35), and requested the deletion of these discriminatory provisions and to accommodate litigation and administrative practice to the Convention (paragraph 36).

Five years have passed since then. Yet, these discriminatory provisions in the Civil Code remain unchanged. Twenty years have passed since the amendment of the Civil Code was interrupted by the opposition forces in the diet. The government should pursue the affirmative policy in order to realize the amendment of the Civil Code. The amendment is not the one with nature which is naturally understood by the time goes on.

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

- (1) The Law for the Prevention of Spousal Violence and the Protection of Victims should be amended again.**
(2) How does the Government analyze the cause of the violence?
(3) What is the Government considering as specific measures for eliminating the cause?

395

Even after the amendment in 2007, problems of the protection order system have not solved (e.g. A protection order does not have power of enforcement. An eviction order is valid only for two months. Prohibited acts are limited. Etc)

A protection order has a mechanism which psychologically forces the abusive spouse to follow the order because of criminal penalty, and this is not effective to the assailant who does not intend to follow the order.

For the prevention of violence against women, human rights education and gender education are necessary as more fundamental solution of the violence. However, the government has not proposed this kind of education.

Spousal Violence
Counseling and
Support Centers

What is the Government considering the financial dispatch in order to secure quality and quantity of the staff for sufficient use of the functions of the Spousal Violence Counseling and Support Centers?

397-399

Spousal Violence Counseling and Support Centers are originally reformed by Counseling Centers for Women under the Law for the Prevention of Prostitution, and were invested the new function. Spousal Violence Counseling and Support Centers are also invested the role as a shelter for the victims of human trafficking.

Although the original function as a Counseling Centers for Women is still necessary the investment of multi-function creates extremely harsh situation. The nature of jobs in Counseling and Support Centers is face-to-face type and requires a lot of work. Therefore, enough number of trained staffs with special knowledge is necessary. However, the actual condition is far from this.

Training for
Relevant Officials

In order to provide effective training for human rights and gender sensitization, and to raise the awareness for domestic violence against women throughout among the judiciary, how is the training for the judiciary such as judges implemented?

400,401

In the final comment to the Government in 2003, CEDAW recommended that active campaign should be conducted targeting members of the Diet, judges and legal professionals because of lack of awareness of the convention and gender issues by legal professionals. The Law for the Prevention of Spousal Violence and the Protection of Victims provides trainings for relevant officials. However, it is not obvious how the training for legal professionals implemented (Note: It is mentioned in 47, but it is not enough.) Gender training in this field is extremely important for prevention of the second damage, as the judiciary institution is the primary rescue organization.

Personally Preventing Damage	<p>How many women are using the system of personally preventing damage?</p> <p>According to Rules on Assistance by the Police Commission for Personally Preventing Damage caused by Spousal Violence based on article 8-2, The Law for the Prevention of Spousal Violence and the Protection of Victims, negotiation between the victim and her abusive spouse at the police office is listed as a support to prevent the damage by themselves. However, considering the huge difference of the power between both parties, this system is dangerous and unpractical. Supports for security of victims' safe should be considered other than this system.</p>	403
Measures	<p>Regarding the method of enlightenment, should we consider the use of effective media other than pamphlets?</p> <p>Pamphlets are not easily obtained as the place of distribution is limited. It is necessary to find a way to make it easy to access such as by campaign on popular TV programs.</p>	405-407
Prevention of Child Abuse	<p>(1) What is the reality of regional differences regarding the response to child sexual abuse?</p> <p>(2) What are the measures to improve the situation?</p> <p>There is no or only a few doctors who can treat sexually abused children other than big cities, and it is difficult to access them.</p>	411
Research on Child Abuse	<p>(1) As a result of research, what is found to be insufficient in Japan?</p> <p>(2) What are the measures to improve it?</p>	420
Discrimination against Girls' Rights and Human Rights Infringement	<p>(1) As a result of consultation on human rights violations, what are found?</p> <p>(2) What is the actual condition of discrimination against girls like?</p> <p>The actual condition of discrimination against girls is not fully recognized by the socially.</p>	422,423

Other issues

Issues

Questions and Backgrounds

Gov't Report
Paras.

<New Japan Women's Association>

Work-life-balance

- (1) Why does Japan's birth rate remain record-low, although the Government speaks of strengthening countermeasures to the falling birthrate?**
- (2) Why is Japan ranked lowest among the industrialized nations in terms of labor participation rate of the women between 30 and 39 years of age? Why is the percentage of Japanese men workers taking a child-care leave extraordinarily low? Does this have something to do with the fact that Japan's men workers in their thirties work longest hours?**

In Japan, it costs 1.2 million yen on an average for one child to receive education from elementary school to university. The poll show that the biggest obstacle for having as many children as the couple wishes to have is the "high cost." The labor participation rate of Japanese women aged between 30 and 39 ranks 23rd among the 24 OECD countries. 55 percent of the female workers are non-regular workers (record-high). The child-care allowances provided by the State are only 10,000 yen a month for a child under three years old, and 5,000 yen a month until finishing elementary school (10,000 for the third child). The government is promoting privatization of day-care centers, making child-care services something the parent(s) must take full responsibility of, or something accessible according to how much the parent(s) can pay for. The percentage of Japanese male workers taking a child-care leave is 1.56 (fiscal 2007), one out of four male workers in their thirties work "more than 60 hours a week," and a father with a child under six years old spends only 25 minutes for child care, and 48 minutes for housework.

List of NGOs involved in preparation for the list of issues and questions from NGOs, Japan NGO Network for CEDAW (JNNC)

26 NGOs, 5 individuals

Organization	Organization
Ainu Association of Hokkaido, Sapporo Branch	NPO Dispatched Labour Network
Apro Women Survey Project	Okayama Communication Network of the World Conference on Women
Asia-Japan Women's Resources Center	SOSHIREN
Association for the Support of Children out of Wedlock	Space Allies
Buraku Liberation League	The International Movement Against All Forms of Discrimination and Racism – Japan Committee (IMADR-JC)
Disability Women's Network, Japan	Women against Sexist-Ageist Remarks by Governor Ishihara
Equality Action 21	Women's Council of the National Federation of Merchant and Industrialist's Organizations
Gender Budget Study Group (Beijing JAC)	Women's Active Museum on War and Peace (WAM)
Japan Accountability Caucus for the Beijing Conference	Working Women's Network
Japan Family Farmers Movement Women's Association	Individual
Japan Federation of Women's Organizations	ANDO, Yoiko
Japan Network Against Trafficking in Persons	KATO, Masae
Japan Network on Education for the Advancement of Gender Equality	KATO, Tokiko
Japan Women's Council I	TATSUE, Tokizane
Japanese Association of International Women's Rights	TSUNODA, Yukiko
Japan's Network for Women and Health	
New Japan Women's Association	