

## **NGO Joint Report\* of Japan**

**with regard to the consideration of the Sixth Periodic Report of Japan  
for the Forty-four Session of the  
Committee on the Elimination of Discrimination against Women**

**Japan NGO Network for CEDAW  
1 June, 2009**

\* NGO Joint Report of Japan is a compilation of principal areas of concern and recommendations regarding women's status and rights in Japan.

Each issue raised in this report has been written by the responsibility of NGO(s) listed under each issue and does not necessarily reflect collective opinion of all the NGO members of the Japan NGO Network for CEDAW.

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## The Optional Protocol

Japanese Association of International Women's Rights (JAIWR)

**[Concern/Problem]** The Government has not shown clear political will to move toward the ratification of the Optional Protocol to CEDAW.

**[Proposed Recommendation]** The Government should make its political will clear to start moving toward the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.

The Government replied only to the extent that "Japan has neither concluded nor accepted the communications procedures under any international human rights treaties yet. Currently Japan is giving consideration to this matter" in response to the Committee's last concluding observation that stated "the Committee encourages the State party to Continue to consider the ratification of the Optional Protocol to the Convention" (para.103).

The Optional Protocol is the document essential to strengthen the effectiveness of the rights under the Convention and 96 States have already become parties.

The NGOs working in any fields in relation to the Convention in Japan go solid for ratification of the Optional Protocol to the Convention, as the most urgent issue. Japan NGO Network for CEDAW (JNNC), which has 44 member organizations, is currently making collective efforts for ratification of the Optional Protocol to the Convention. An NGO once got up a petition with signatures from no less than 370,000 people, who asked for ratification of the Optional Protocol. A petition for ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women has been adopted unanimously across the parties eleven times so far at the House of Councilors. That means that the national will seeking ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women among the communications procedures under the international human rights treaties that Japan ratified has been expressed most clearly and repeatedly through such a formal body as the Diet.

The Government should make its political will clear to start moving toward the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, in response to the explicit will of the Diet to request the ratification.

## National Machinery/Institution Structure for Implementation of the Treaty [Article 2, 3]

Japanese Association for International Women's Rights (JAIWR)  
New Japan Women's Association (NJWA)  
Japan Accountability Caucus for the Beijing Conference

**[Concern/Problem]** The Government lacks political will to eliminate discrimination against women. Japan's national machinery has institutional weakness.

**[Proposed Recommendations]** The Japanese government should improve the mechanism to ensure the implementation of, among others, recommendations issued by the Committee in its concluding observations.

On the occasion of the consideration of the 6th Periodic Report of Japan by the Committee, we should note that our country has still a long way to go before it achieves the goal of eliminating discrimination against women. Japan's lag in this effort is largely attributed to the weakness of its national machinery and the lack of political will.

The Report makes no serious review on the progress in the implementation of recommendations made by the Committee in its concluding observations in 2003. This reflects the reality that little progress has been achieved.

The 2003 concluding observations recommended that the Government should include specific definition of discrimination against women, direct and indirect, in the domestic legislation, and take temporary special measures to increase the representation of women in political and public life as well as to achieve *de facto* equal opportunities in employment, but the Government has taken little action on these recommendations. Neither has it followed up on the recommendations to repeal discriminatory legal provisions that still exist in the Civil Code, to establish an independent human rights institution, and to ratify the Optional Protocol to the Convention. Meanwhile, the Fundamental Law of Education was revised with the emphasis on patriotism and importance of the family and traditional culture given to it, and the reference to the reproductive health and rights contained in the first Basic Plan for Gender Equality was dropped from the Second Basic Plan. Similar kinds of moves that hinder the effort for mainstreaming gender perspectives and help to entrench the stereotyped perception of gender roles have emerged both at the national and municipal levels. Background to these political setbacks is the attack from the backlash groups taking a hostile view of the CEDAW Convention and the Basic Law for a Gender-equal Society.

We find organizational weakness in the Gender Equality Bureau, which serves as the secretariat for Japan's national machinery for gender equality. It is just one section within the Cabinet Office without a cabinet minister heading it. Its main task is to coordinate the work of ministries and agencies, and is not adequately budgeted. To ensure that each ministry and agency commit themselves to implement the Committee's concluding observations, a "specialist committee on the CEDAW Convention" should be established in the Council for Gender Equality. The national machinery should thus exercise its authority to mainstream gender perspectives into all policies and fulfill in good faith the State Party's obligations under the CEDAW Convention.

## **Discriminatory Laws/provisions**

### **Discrimination in Income Tax Law [Articles 2, 13, 14]**

Women's Council of the National Federation of Merchant and Industrialists Organizations

**[Concern/Problem]** The labor shared by family employees of small and medium enterprises is not recognized in Japan's tax system. This constitutes violation of human rights. Article 56 of the Income Tax Law provides that "in cases where the spouse or other relative co-living in one household with a resident receives a payment of the counter-values from the enterprise for the reason that said person is engaged in the enterprise..., the amount equivalent to the counter-value shall not be reckoned into the necessary expenses". Such payment is categorized as the income of business owners. The denial of wages for their labor puts family employees at a great disadvantage. Eighty percent of family employees are women.

**[Proposed Recommendation] Article 56 of the Income Tax Law that does not recognize wages paid for the labor by family employees should be abolished.**

Family members are engaged in business, housework, child-care, elderly care and other works everyday. About forty percent of family employees are working more than 8 hours a day. But however hard they work, it is unremunerative work.

They are subjected to various disadvantages from nonrecognition of the value of their labor. The amount of reparation for injury by traffic accident is only half of what a full-time housewife is compensated. When they apply for their children to enter a care center, they are at a disadvantage because they are not given official proof of earnings. It is also difficult for them to make a loan with a bank in order to buy a house or a car. Thus, they are unable to achieve independence.

They also live in poor condition of social security. The pension they receive after retirement is very low, and there are many who are entitled to pension.

In other major countries of the world, payment for the labor by family members are recognized as wages. But in Japan, there are 2.85 million family employees without wages, the worst in the OECD member countries.

The Women's League of Licensed Tax Attorney, as well as local governments also presented opinions requesting that Article 56 of the Income Tax Law be abolished and that individuals, not the household, be regarded as the main taxable unit.

## **Discriminatory Laws/provisions :** **People Born out of Wedlock** [Articles 2, 16(d)]

Association for the Support of Children out of Wedlock

**[Concern/Problem]** The government of Japan still discriminates against people who were born out of wedlock.

**[Proposed Recommendation]** The government of Japan has still maintained the family registry system called *koseki* that was originally created as a means to punish unmarried mothers and their children. We recommend the committee to urge the government of Japan to amend the family registry system in order to respect the privacy of people who were born out of wedlock and their mothers and to take measures to eliminate discrimination against them.

When an unmarried mother registers the birth of her child in Japan, it is written as “this family registry was made by the child’s mother when she has filed a registry” and the child’s family registry is composed only by “a mother and her child”. In this way, the family registries of those who were born out of wedlock can clearly tell that his/her mother gave birth to her child without being married. Additionally, the government of Japan has claimed that it is necessary to distinguish people who were born out of wedlock from those who were born in their parent’s married relationship to follow the Civil Code which discriminates people who were born out of wedlock in inheritances.

This family registry system called *koseki* was created in 1876 by the government of the Imperial Japan. The government at that time issued an ordinance in the name of the administrative chief which has said that they have created such system in order “to pillory the immoral women who give birth to a child out of wedlock, give a lesson to them and other women and to prevent births out of wedlock, which is the origin of sins.”

Until today, the government of Japan has not abolished the ordinance. Documenting those people who were born out of wedlock differently from others maliciously violates the privacy of such people and their mothers. It also incites prejudices against them. However the government of Japan has been failing to promote human rights of unmarried mothers and people who were born out of wedlock.

There have been employers who illegally try to obtain the family registry documents of job seekers who come to their companies in order to identify them. Every year, thousands of illegal obtainment of the documents by such employers in cooperation with lawyers has been reported. Such lawyers can be charged of the abuse of their power, but there is no law that punishes the employers who asked the lawyers to obtain the documents for them.

\* This document was translated from its original version in Japanese into English by Azusa Yamashita, Citizens’ Council for Human Rights Japan, an organisation for the establishment of a national human rights institution in compliance with the Paris Principles.

## Discriminatory Laws/ provisions : Civil Code [Articles2, 16]

mNet · Information Network for Amending the Civil Code

### **[Concern/Problem]**

The government of Japan has still maintained discriminatory provisions in the Civil Code, including those with respect to the minimum age for marriage, the waiting period required for women before they can remarry after divorce and the choice of surnames for married couples.

### **[Proposed Recommendation]**

- **to set the minimum age for marriage at 18 for both men and women**
- **to abolish the waiting period required for women before they can remarry after divorce**
- **to adopt a system for the choice of surnames for married couples**

Over 10 years have passed since the Legislative Council, an advisory panel to the justice minister, submitted a report recommending a revision to the Civil Code to abolish discrimination against women.

But the Japanese government has not taken any means against discriminatory provisions.

## **Stereotypes, Cultural Practices :** **Discriminatory Statements by Public Officers [Article 2, List of issues 17]**

Women against Sexist-Ageist Remarks by Governor Ishihara

**[Concern/Problem]** : The Japanese government has not taken any steps against continuous gender discriminatory statements by public officers. For example, Governor Ishihara made a discriminatory statement that the value of a woman's life is limited only to the reproductive function. Females called for him to apologize, explain and revoke the statement, but he has not responded. Although the women filed two cases, the Judiciary did not adjudicate the criminality of verbal violence or whether he, a public officer, violated the obligation under the Constitution of Japan and the CEDAW.

The Government also has not taken any steps to prevent verbal violence. It has not considered that verbal violence hurts women's honor harshly, causes severe physical and mental damage and has the negative power to maintain gender discrimination in society. The government's answer for No.17 on the list of issues is just about general education and public relations, which are not at all effective in practice.

**[Proposed Recommendation]** : **The Japanese government should take legal steps against gender discrimination, including verbal violence, immediately.**

Explanation: In Japan, gender discriminatory statements have been made repeatedly by politicians and people in positions of power. The gender role has been emphasized since patriarchic practices of the pre-war era have not been sufficiently abolished. Although 62 years have passed since the Constitution protecting gender equality was adopted and 24 years have passed since the CEDAW was ratified, the spirit of Article One of the CEDAW has not been properly disseminated and the government has not fulfilled its obligation as a state party under Article Two of the CEDAW.

(1) The statement by the Governor of Tokyo, Shintaro Ishihara, "Old women who live after they have lost their reproductive function are wasteful and sinful," limited a woman's value to the reproductive function, defamed women's honor and violated their right to enjoy diverse lives.

The statement should not be allowed, as he is a public figure. However, he has never publicly regretted his comments and he has never apologized. The lawsuit brought by women to call for revocation of the statement and apology continued from 2005 to 2008. But the court did not penalize the Governor of Tokyo, although it ruled that his view was incompatible with the basic idea of the Constitution and the CEDAW. The Supreme Court, which is the highest court in Japanese judiciary, dismissed the lawsuit in November 2008. How can we protect women's rights if the judiciary does not abide by the Constitution and adjudicate violations against obligation under treaties?

(2) Through the lawsuit, we have learned many things about the Japanese legal system. There is no concept to criminalize and adjudicate verbal violence. There is a lack of understanding that words could cause mental and physical damage. There is no viewpoint to adjudicate a verbal attack as a violent act abusing individual human rights. A legal system to adjudicate verbal violence is needed and the Japanese government must take steps to adopt laws and institution to prevent these damages, which is the obligation of a state party of the CEDAW.

(3) Through the experience of three years of lawsuits, a lack of sensitive viewpoints to consider women's rights in the judiciary was revealed. Education of the people in the judicial system is in need immediately in order to implement the CEDAW. It is the mandate of the judiciary to adjudicate if the Constitutional obligation of public officers is violated and if the government violates the obligation of the CEDAW. The Judiciary must not avoid the mandate.

## Violence against Women : Sexual Violence

Asia-Japan Women's Resource Center (AJWRC)

Space Allies

**[Concern/Problem]** (1) There is no holistic legal definition of sexual violence (that is, sexual crimes in the Penal Code are defined with a view to maintaining sexual morals rather than protecting sexual freedom) and rape in the Penal Code is too narrowly defined. (2) Punishment for rape and other sexual abuses is lenient. (3) Insensitive interpretation of laws and criminal procedures bars many victims from reporting crimes and accessing justice. (4) Education for law enforcement personnel remains insufficient. (5) There is no comprehensive support system for sexual assault victims.

**[Proposed Recommendations]** (1) **The government should review related clauses of the Penal Code with a view to qualifying sexual violence as sexual acts that occur without consent and against the victim's free will.** (2) **The definition of rape should be expanded to include other types of sexual assault. Also, marital rape and incest should be specifically defined as constituting a crime of rape.** (3) **Increase the minimum punishment and stiffen the penalty.** (4) **Review the standard interpretation of rape law which currently places the burden of proof on victims to prove that they resisted attack.** (5) **Review criminal procedures with a view to eliminating barriers for bringing perpetrators to justice.** (6) **Install measures to protect victims from inappropriate reference in the court.** (7) **Provide mandatory training on sexual violence and gender sensitivity for judges, prosecutors and police officers.** (8) **Strengthen system to support sexual assault victims by developing 24-hour rape crisis centers, training qualified medical staff and increasing funding for NGOs that support victims.**

**Problems with the Penal Code (Article 177):** (1) Sexual crimes are defined in separate clauses under the Penal Code, lacking holistic legal understanding of sexual violence as sexual acts occurring without consent and against the victim's free will. (2) The Penal Code defines rape only as the forcible insertion of a penis into a vagina, excluding penetration into other body parts, rape against male victims, and rape using implements. (3) Almost all cases of marital rape and incest remain unpunished, as they are not clearly defined as crimes constituting rape. (4) The prison sentence for rape is only 3 to 20 years, which is too lenient considering the seriousness of the crime. (5) Sexual violence cannot in principle be prosecuted without a formal complaint filed by the victim.

**Problems with the court system:** (1) Due to the male-centered interpretation of rape law, victims are often required to provide evidence that they desperately resisted the assault. This makes many victims hesitant to report the crime to the police. (2) Due to the prejudices held by police officers, prosecutors and judges, the victim's past sexual history and other irrelevant issues are often referred to during investigation and in the court, causing victims severe secondary suffering and hindering them from accessing justice. (3) The unequal power relations between victims and perpetrators are not adequately considered. Cases in which perpetrators abuse a position of power or authority to coerce participation in sexual acts are often interpreted as consensual one. (4) There is no systemic gender-sensitive training for judges and prosecutors.

**Insufficient victim support:** (1) There is not a single publicly-funded 24-hour rape crisis center. (2) There is a lack of hospitals staffed by sexual assault nurse examiners and dedicated and compassionate doctors. Training of such medical professionals relies heavily on the efforts of NGOs and hospitals which are under-funded.

## Violence against Women Sexual Violence Around Foreign Military Bases

Asia-Japan Women's Resource Center (AJWRC)

**[Concern/Problem]** Sexual assaults against women and girls around foreign military bases remain a serious problem. Facilitated by an ineffective Japanese criminal justice system and the bilateral military agreement that limit jurisdiction of Japanese authorities, many perpetrating soldiers escape punishments. Most of the victims do not receive any legal support or sufficient compensation.

**[Proposed Recommendation]** The Japanese government should take effective measures to prevent, prosecute and punish sexual abuses against women and children by foreign military members. It has to ensure that perpetrators are duly investigated, prosecuted and punished according to the Japanese laws, and that victims are fully compensated.

**Sexual assaults around the bases as continued threats:** Sexual assaults by US soldiers have remained as a serious threat to women and girls living in communities hosting military bases, despite the repeated promise of prevention made by Japanese and US governments. Some recent cases include: gang rape by four soldiers against a 19-year-old Japanese woman in Hiroshima in October 2007; sexual assault of a 14-year-old girl in Okinawa in February 2008; and sexual assault and injury of a 22-year-old Filipino migrant woman in Okinawa in February 2008. Although some of those perpetrating soldiers were convicted in the US court martial, none of them were prosecuted and tried in the Japanese court.

**Problems with conviction of perpetrators:** Under the Status of Forces Agreement, Japan has only limited jurisdiction over sexual crimes committed in Japan, as the US has primary jurisdiction over cases involving on-duty soldiers. While Japanese authorities could exercise jurisdiction over cases involving off-duty soldiers, its powers to investigate and arrest perpetrators become limited when perpetrators are in US custody. Furthermore, there is evidences that Japanese authorities are not actually exercising jurisdiction fully even in cases where it could do so. According to a recently discovered official document of 1953, the Ministry of Justice had virtually ordered relevant authorities to abandon jurisdiction over crimes and accidents by US military personnel except for very serious cases, following a secret negotiation between the Japanese and American governments. Although Japanese Government officially denies the secret agreement and argues that all the sexual crimes are dully prosecuted regardless of the status of perpetrators, 83% of all the crimes committed by off-duty US soldiers between 2001 and 2008 were not prosecuted. Among them, only 25.8% of rape and rape resulting in death and injury and 10.5% of cases of forcible indecency as well as forcible indecency resulting in death and injury were prosecuted, while 73.5% and 56.1% of the same crimes committed by Japanese perpetrators were prosecuted.

**Redress for Victims:** While it is the Japanese government that is responsible for compensation in cases involving on-duty soldiers, cases involving off-duty soldiers are to be solved through negotiations between the parties involved. In reality, it is extremely difficult for victims to receive satisfactory compensation, as perpetrators have the privilege of escaping from Japan without notification, protected by the Agreement, while Japanese government does not provide any legal support for victims. While the US Military may make consolation payments, its application depends on the decision by the US authority and amounts are usually very low. Because of difficulty of achieving conviction in the court, most victims have ended up without redress or forced to be silent for a small amount of token money.

# **Violence against Women : Urgent Necessity of Legal System to Deal with Violence against Women by Self Defense Force Personnel**

Committee to Support Female SDF Official's Court Case of Human Rights

## **[Concern/Problem]**

1. There is no system to help victims of sexual assault committed inside Japan Self Defense Force (JSDF).
2. There is no legal system for JSDF individual under tenure system to appeal and/or to request to disclose reasons when his/her request to renew contract refused.
3. JSDF individuals subjected to the violation of human rights stated above may seek help of lawyers, but JSDF never admit presence/involvement of attorney at any level and refuses any negotiations with their attorney.

## **[Proposed Recommendations]**

**The government of Japan should immediately develop effective systems, by such means as having third parties involved, to help victims of sexual assault committed by JSDF personnel inside bases and to prevent abuse of the right to dismiss in order to guarantee human rights equivalent to other civilians.**

**In addition to above, in case of violation of human rights, as a part of basic rights of a person concerned, presence/involvement of his/her attorney(s) should be allowed and granted in negotiations, appeals and /or related procedures.**

## Background

The court case on going since 2007 suing Japanese government for sexual harassment and power harassment committed against a female JSDF personnel within a base has revealed the following issues;

\*The lack of appropriate and immediate measures to ensure security of the victim and reliable investigation, including secure medical treatment in line with her wish, prohibition of the proximity of the perpetrator and reduction of duties, caused secondary suffrage.

\*After the incident, the victim has been restricted her movement and forcibly requested to retire. After the case was filed, she has been subjected to abuses and exclusion, and her request to renew her contract was refused to be one of the rare two cases of refusal out of 8,000 in Air JSDF.

\*The primary right of investigation is given to criminal investigation unit, a JSDF internal body, which do not follow procedures and guidelines set up by police to deal with sexual assault cases. Their investigation puts importance on protecting JSDF and as a result, it lacks consideration and perspectives to restore victim's human rights.

\*Investigations and judging related to act of delinquency and/or renewal of contract are all conducted under authorities of each unit and no outside body is allowed to be involved. Those who are subjected to investigation and/or judgments are not allowed to have their attorneys.

\*When a JSDF personnel has any objection to judgments, he/she is not allowed to have reasons behind judgments disclosed and there is no means to appeal.

# Violence against Women : The issue of “comfort women”

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

Japan Network against Wartime Sexual Violence

**[Concern/Problem]** The State party still has not accepted its legal responsibility for the “comfort women” system that the Japanese Imperial Military established and operated during World War II, while the aging survivors of “comfort women” system are dying unremedied. The fact that perpetrators have not been prosecuted, that the references to the “comfort women” issue are being deleted from history textbooks used for compulsory education, and that a number of politicians and the mass media continue to defame victims or to deny the facts itself, all intensifies the suffering of the women survivors and constitutes continuing violations of their rights.

**[Proposed Recommendation]** The State party should issue an apology in a way that is acceptable to the majority of victims of “comfort women” system, take immediate and effective legislative and administrative measures to adequately compensate all survivors, prosecute perpetrators who are still alive, educate students and the general public about the historical facts. These measures are essential in order to remedy the survivors and to prevent recurrence of wartime sexual violence.

## 1. CEDAW Committee on the issue of “comfort women”

In its concluding observations of 2003, the Committee recommended that “the State Party endeavour to find a lasting solution for the matter of ‘wartime comfort women’”.

## 2. The report of the Government of Japan

The government report merely describes the projects of the Asian Women’s Fund, which was dissolved in March 2007, and does not refer to any new measure/solution requested in the last concluding observations of the Committee. The AWF projects were directed only to a limited number of victimized countries, and many UN human rights organs have already pointed out that the AWF was insufficient; thus it did not constitute a solution.

## 3. Updates from the last review

After the last review of the Committee in 2003, several UN and other international human rights organizations including the Committee against Torture (CAT), the Human Rights Committee (CCPR)<sup>1</sup>, the Universal Periodic Review of Human Rights Council (UPR) and the ILO, have made recommendations over the “comfort women” issue.

Foreign parliaments, including the United States, the Netherlands, Canada, the ROK, Taiwan and the European Union, several city councils in Japan and Australia passed resolutions calling for the government of Japanese to respond to the call of the international community concerning the “comfort women” issue. Voices of the people in the world urging the Government of Japan to take positive steps are ever-increasing.

## 4. Domestic remedies exhausted, survivors are dying unremedied

Eighteen years have passed since the first victim came forward and spoke out. The survivors are now of very senior age and many of them passed away<sup>2</sup>. Nine out of the ten claims filed at Japanese courts by “comfort women” survivors against the Government of Japan for apology and state compensation have been finally dismissed by the Supreme Court, thus exhausting domestic remedies. Unless the Government of Japan takes legislative and/or administrative measures, the victims are left unremedied, and the issue remains unresolved with Japan failing to act in accordance with its international obligations under the Convention.

<sup>1</sup> Regarding the concluding observation of CCPR, the government of Japan issued an official statement on January 13, 2009 that “a recommendation [of the committee] is not legally binding and is not such that it is a duty for a State party to the International Covenant on Civil and Political Rights to adhere to.”

<sup>2</sup> eg. In South Korea, out of 234 survivors registered, 143 survivors passed away. In Taiwan, out of 58, 40 survivors passed away, as of May 2009)

## Violence against Women : Domestic Violence (DV)

Asia-Japan Women's Resource Center (AJWRC)

**[Concern/Problem]** The Anti-DV law lacks punishments for perpetrators, and its scope is still limited. Also there should be more rigorous implementation of the law. Support system for victims remains insufficient, particularly in terms of long-term assistance for rehabilitation and specific support measures for victims with special needs.

**[Proposed Recommendation]** (1) **Criminalize DV and introduce punishments and effective educational programs for perpetrators.** (2) **The scope of anti-DV law should be expanded as to cover the same-sex couples and non-co-habiting couples.** (3) **Ensure stricter enforcement of the law and court judgments.** (4) **Develop long-term assistance program for rehabilitation of victims including affordable housing, health care service, living assistance and financing for NGOs.** (5) **Study and develop specific assistance programs for victims with special needs.** (6) **Review the immigration policies and other laws that may hinder adequate protection of and redress for DV victims.**

**Problems with the Prevention of Spousal Violence Law:** The Prevention of Spousal Violence Law has twice gone through revision, expanding the scope of the law and enhancing measures to protect victims. Yet, it still does not cover domestic violence occurring in the same-sex couples as well as non-co-habiting couples. Another problem is that, while individual acts of abuse can be prosecuted, domestic violence is not categorized as a punishable crime, and there is no criminal punishments or effective educational programs for abusers. While the police response to domestic violence cases has been improved, more rigorous implementation of the law is necessary. For example, violators of protection orders are not always arrested or prosecuted, except for serious cases. Additionally, court judgments that require compensation to be paid to victims or child support for mothers are not strictly enforced.

**Lack of Long-term Assistance:** It is usually victims, not perpetrators, who lose their homes, jobs and relationships in the process of escaping from violence, and victims receive very little compensation or child support from ex-spouses, if any. While there are publicly funded protection shelters for short-term stays, the number of step-houses for women to prepare for rehabilitation into society after leaving temporary shelters is inadequate, and affordable public housing is not easily available for victims. Although the government puts stress on economic independence by promoting employment, it is difficult for many victims who suffer from serious physical and mental disorders with little work experience to earn enough to support themselves and their families. The incidence of poverty among single mothers is extremely high, with the income only 30 percent on average of that earned by married couples with children.

**Support for Victims with Special Needs:** Support for victims with special needs such as migrant women, minority women, women with disabilities, older women and lesbian women is insufficient. These women often lack access to information and shelters, and adequate support according to their specific backgrounds and needs is insufficient. While support for migrant women has been improved with the revision of Spousal Violence Law, the protection of victims is not necessarily prioritized over the immigration control. Further, the new immigration law that will place harsh punishments including cancellation of the resident status for those fail to comply with tighter information control on foreign residents can put migrant women in greater risks of abuse, as the fear for losing resident status could deter them from reporting and escaping from abusive husbands.

## Political and Public Life : Low Political Participation of Women [Article 7]

Japan Accountability Caucus for the Beijing Conference

**[Concern/Problem]** Despite the repeatedly made recommendations by the Committee, the Japanese government has not undertaken any policies, not even proposed any policies to address the issue of low participation rate of women in politics.

**[Proposed Recommendations]** To conduct a comprehensive survey to identify factors of Japanese women's extremely inactive political participation, such as a survey on the Japanese election system and furthermore, based on the results of the survey, to formulate a plan of action to achieve 30% target for women's political participation in 2020.

Japanese women's low participation rate in politics is mainly due to the government's failure to implement the policies to increase their participation. The government should have already realized that the main reason for (the) Japan's lagging behind in women's political participation is that the government has not taken any positive actions on this issue on the pretext of "equality principles between both sexes."

All together, the area of politics seems a sacred area for the government. For instance, three priority areas of the government's action program to promote women's participation in society formulated in April 2008 do not include the area of politics.

We strongly request CEDAW to make the following four recommendations.

1. Immediate implementation of programs to assist women's political participation, such as cultivating and training women politicians
2. The government should initiate the revision of the election law. The government conducted a study on women's participation in political decision making in other countries in 2008-2009. The conclusion of this study identified the effectiveness of revising the legal system to indirectly increase the number of female candidates. This revision could be done by using the subsidies to political parties.
3. Conduct a comprehensive study of how the following factors in the election system have restrained women's political participation in Japan:
  - a. Various systems such as a single voting in a large-constituency, which is very rare in other countries,
  - b. Extremely expensive conditional, possibly non-refundable deposits for candidacy, which means the candidate must get a certain percentage of votes for the deposit to be refunded
4. Formulation of the plan of action to achieve a 30% target of women's participation in the area of politics in 2020

# Education : Educational Reactions and Gender Equality Education

[Article 10, 12]

Japan Network on Education for the Advancement of Gender Equality

## **[Concern/Problem]**

- (1) The Fundamental Law of Education was changed for the worse in December, 2006. The clause of coeducation being deleted in the new law, education of gender equality was hindered.
- (2) Poverty has affected children's growth, development, learning ability, choice of future, and even robbed of their equal chance of education and the right to keep in good health.
- (3) By the bashing based on ultra-conservative values, sex education at school has been controlled and it has become very difficult to do it.

## **[Proposed Recommendations]**

- (1) Advancement of gender equality education and comprehensive sex education should be included in school education.**
- (2) School education fee should be free in order to guarantee equal chance to education.**
- (3) Description about Japanese military 'comfort women' should be revived in the history textbooks to convey the fact to the next generation.**

- (1) (a) The new fundamental law of education, which was forcibly passed through the Diet by the Government parties in 2006, has no clause of coeducation. Since Japan's gender exponent is still so low, the clause of coeducation and promotion of it is quite necessary. In the Revised Educational Guidelines, gender equality is so treated too lightly that education of gender equality is hindered.  
(b) Description of "gender," "diversity of family," etc. is deleted and rewritten in other words in high school textbooks. Some units in English textbooks, which have gender contents, are treated as well.  
(c) School boys and girls had learned the same contents in domestic science classes same hours a week, but in 2006, the ministry in charge of education permitted schools to decrease the hours of learning domestic science and increased more elective subjects, so that students have less chances to learn the same subjects in the same classrooms.  
(d) Because of the oppression by backlash power, descriptions about "military comfort women" disappeared from textbooks in junior high schools. It is necessary to reform drastically the authorization system of textbooks.
- (2) Poverty spread, the number of children from poor families has greatly increased. Arrears of the expenses for school lunch or learning materials are increasing in primary schools and junior highs. In senior high schools, lots of students have left school because of arrears of tuition fees. No compensation for school education is demanded.
- (3) (a) In 2003, the Tokyo Metropolitan Board of Education suddenly investigated Nanao School for Handicapped Children, saying that unsuitable sex education is taken there; took away teaching materials and punished a lot of teachers. These investigation and punishment as a warning became a brake for sex education at school, check and restriction to the contents of teaching, and also control and supervisions over teaching practices  
(b) In flooding sex information for men, more and more young people are infected with HIV/AIDS and other sexual diseases; pregnancy and abortion of young women, date DV's, stalkers, and sexual crimes are increasing.  
(c) With these facts in mind comprehensive sex education at school, at home and in community, should respond to children's interest and knowledge; and it should be based on scientific facts. It should also include lessons teaching relations between human rights and sex with the spirit of gender equality for its base. The government should support sex education especially at school.

## Employment : Equal Pay for Work of Equal Value [Para. 1 (d) of Article 11]

Equality Action 21

Working Women's Network

**[Concern/Problem]** Regarding the wage gap between men and women of regular workers, the average wage of women was 67.6% of that of men in 2004. The wage gap was expanded to 65.9% in 2005 and was at a standstill with 67.8% in 2008. Forty percent of female workers are part-time workers whose average wage was only 48.5% of that of male regular workers in 2008. Non-regular workers of women such as part-time workers, dispatched workers and contract workers have increased sharply. Yearly incomes for 43.7 percent of women workers are below 2 million yen that is the poverty line.

**[Proposed Recommendations]** The government is requested to take measures to revise a law, including stipulating explicitly the principle of equal pay for work of equal value in the Labor Standards Act, in order to rectify the wage gap between men and women and the gap resulting from differences in the type of employment. The government is requested to establish a gender-neutral job evaluation system as the measures for promoting the principle.

1. The ILO recommended in the Individual Observation that Japan should “take steps to amend the legislation to provide for the principle of equal remuneration for men and women for work of equal value” and that “in order to implement the principle of equal remuneration for work of equal value, there is a need to study and develop measures of objective and non-discriminatory job evaluation.” However, the government argues in response that the principle of equal pay for work of equal value is already included in the existing Article 4 of the Labor Standards Act, and that there is no need for further legislation of the principle. But it is not clear whether the principle is actually included in Article 4, which stipulates that an “employer shall not engage in discriminatory treatment of a woman as compared with a man with respect to wages by reason of the worker being a woman,” The principle should be explicitly written in the Act or its Ordinance for Enforcement.
2. The Ministry of Health, Labour and Welfare reestablished the Study Group on the Issue of Wages Disparity between Men and Women in June of 2008, but the target of the study is limited to regular workers. The wage gap between regular workers and non-regular workers constitutes indirect discrimination against women. It is necessary to include non-regular workers in the target of the study, conducting a survey on wages of non-regular workers and a research of the wage gap.
3. The revised Law Concerning the Improvement of Employment Management, Etc. of Part-Time Workers (the revised Part-Time Work Law) enforced in 2008 stipulates “the prohibition of discriminatory treatment of part-time workers equivalent to ordinary workers”. However, the Law covers only part-time workers who meet all of the following three conditions. (1) Job Description (description of his/her work and the level of responsibilities) is equal to that of ordinary workers (2) Company transfer and overtime work are acceptable as ordinary workers accept. (3) The labour contract is without a definite period. As only a small percentage of part-time workers meet these conditions, the revised law is not effective in narrowing the wage gap.

## Employment : Indirect Discrimination [Article 11]

Working Women's Network

### **[Concern /Problem]**

The “employment management category” defined in the Guideline under the Equal Employment Opportunity Law (EEOC) leads to the concentration of women in low-paying jobs with fewer opportunities for promotion, under the pretext of difference in the kind of jobs or forms of employment. It is an obstacle to equality between men and women in Japan. This provided an opportunity for companies to introduce the career-track based personnel system, and even today, after more than 20 years since the enactment of the EEOC, the percentage of women in the career tracks leading to management positions is just 5.1%. (Ministry of Health, Labor and Welfare, 2004) For those in the clerical job tracks, which are comprised overwhelmingly of women, opportunities for promotion and training remain non-existent, and the wage-gap remains wide.

**[Proposed Recommendations] The "employment management category" stipulated in the Guideline under the EEOC leads to indirect discrimination which gives cover to discrimination based on sex under the guise of difference in jobs or forms of employment. We therefore request that the category be deleted.**

### Background

1. Under the Guideline, discrimination based on sex within the same type of jobs (management track jobs) is prohibited, but would not be illegal if it was between different type of jobs. Therefore, different treatment between men and women, who were deemed to be in different employment categories, would not be within the scope of the prohibition, and the employers would not be found in violation, as long as they establish different employment categories.

### 2. Comparison of the EEOC and the Guideline

EEOC	Guideline
(Article 5) prohibition of discriminatory treatment in recruitment and hiring on grounds of sex	(related to Article 5) <b>prohibition of exclusion of either men or women</b> from recruitment and hiring, <u>in a single employment management category</u>
(Article 6) prohibition of discriminatory treatment in assignment, promotion, demotion, training, etc. on grounds of sex	(related to Article 6) <b>prohibition of exclusion of either men or women</b> from promotion to positions of certain levels <u>in a single employment management category</u>

## Employment : Gender-Based Wage Discrimination

[Article 2, Article 11 and List of Issues 21]

Plaintiff of a case of gender-based wage discrimination in Showa Shell Sekiyu

Plaintiffs of a case of gender-based wage discrimination in Kanematsu Corporation

**[Concern/Problem]** : Two cases of gender-based wage discrimination were ongoing in the Supreme Court at the end of 2008. One was the “Nozaki vs. Showa Shell Sekiyu” case (discrimination in the seniority-based human resource management), and the other is the Kanematsu Corporation case (discrimination in the two-track employment management). There were common problems in the decisions of the high courts on the two cases.

1. There was gender bias of the courts in evaluating the jobs of female plaintiffs.

2. As to obvious discriminations occurred before the enactment of the Equal Employment Opportunity Law (EEO), the high courts ruled, “It cannot be said that the defendant companies were in violation of public order”, saying that many companies had engaged in discriminatory treatment of women at that time.

Such rulings are not only in breach of Article 14 of the Constitution of Japan and Article 4 of the Labor Standards Act, but also are against Article 2 (c) and (f) and Article 11 of the Convention, violating the human rights of women. In January, 2009, the Supreme Court dismissed the appeal in the “Nozaki vs. Showa Shell Sekiyu” case, tolerating the problems mentioned above. The High Court judgment has become final and binding. The Kanematsu Corporation case is still ongoing, but there is an anxiety that the Supreme Court may repeat a decision similar to that of the Showa Shell case. The fact itself that the discrimination, which is the violation of human rights, has not been rectified for a long time is also the problem.

**[Proposed Recommendations]: The government is requested to: 1) Take measures for obliging the courts to comply with the Constitution of Japan, domestic laws and Article 2 (c) of the Convention. 2) Take measures to implement Paragraph 1 (d), Article 11 of the Convention. 3) Ratify the Optional Protocol of the Convention for realizing its objective.**

1. “Nozaki vs. Showa Shell Sekiyu” case: In March, 1994, the lawsuit was filed. The Tokyo High Court decided that Japanese character typewriting (producing a document with around 8000 characters), in which she engaged for 20 years, cannot be said to be a difficult job, without showing any standards<sup>3</sup>. It is gender-based discrimination because Japanese character typewriting was a job assigned to women. The court also stated that discrimination occurred before the enactment of the EEO was not illegal, by reason of “the general situation in our country at that time (the existence of wage gap between men and women and the situations on wages in other companies of the same trade)”. It is necessary to solve the case through the Communication Procedure.

2. Kanematsu Corporation case: In September, 1995, the lawsuit was filed. The high court recognized that the company discriminated against four plaintiffs. However, as for a plaintiff who engaged in a secretarial work at the time of the lawsuit and a plaintiff who worked for under 15 years at the company, the court did not recognize the existence of discriminatory treatment. The high court showed neither job evaluation on the secretarial work, nor reasons for not rectifying discrimination against a woman who served for under 15 years.

3. The establishment of the above-mentioned decisions in Japan means the rationalization of discrimination against women who have worked for a long time from the days before the enactment of the EEO to the present<sup>4</sup>.

<sup>3</sup> The comparison between the work of Japanese character typewriting and the work of the international telex male operator in the job evaluation conducted by the plaintiff side was 100 vs. 71.

<sup>4</sup> The present situations on gender-based wage cases: the following three cases except the Kanematsu Corporation case (the Supreme Court). 1) Hankyu Travel case (one plaintiff): Partial victory for the plaintiff in the Tokyo District Court and still ongoing in the Tokyo High Court. 2) Showa Shell Sekiyu case (12 plaintiffs): Filed the lawsuit with the Tokyo District Court in *Japan NGO Network for CEDAW(JNNC)* <http://www.jaiwr.org/jnnc> [ngoreport@jaiwr.org](mailto:ngoreport@jaiwr.org)

## Employment : Support for balancing work and family [Article 11]

The National Confederation of Trade Unions Women's Bureau

**[Concern/Problem]** At present, 70 % of Japanese female workers stop working on the occasion of their pregnancy or childbirth. In the government statistics, the female labor force participation rate by age group and career still remains in “M-shaped curve”.

**[Proposed Recommendations]** The government is requested to take measures to ensure balanced work and family life by regulating long working hours and revising the Law on Child Care and Family Care Leave effectively and to support public child-care system.

In the name of “diversity in the work force”, one in two female workers is a contingent worker such as part-time and temporary. 43.7 percent of female workers earn less than 2 million yen annually. Under the pretext of current economic crisis, there are many cases that female workers who inform their pregnancy or ask maternity leave to superiors are arbitrary transferred to another jobs or changed their status from full-time to non-regular when they return to jobs. Companies that dismiss female workers detrimentally on the occasion of their pregnancy or childbirth are increasing.

For Japanese women who still bear major family responsibility, the reason for giving up their jobs is long working hours that is also a case for men. One in five male full-time workers in their 30s and 40s works more than 60 hours a week.

The Law on Child Care and Family Care Leave stated that workers who are raising children under 12 months old are eligible for taking child care leave for once. However, fixed-term workers hardly take child care leave due to the law's strict conditions. The law does not apply to non-regular workers at public sectors. The law is insufficient in this regard.

A worker who takes child care leave will receive 50% of his/her monthly wage from unemployment insurance from April, 2010. This amendment is, however, still not enough. At present, an employee receives only 30% of wages during the leave and the remaining 20% six month after returning to work. This insufficient financial support prevents workers from taking child care leave. Since the period of the leave isn't accounted for the duration of work, workers face disadvantageous treatment including delay in promotion and less lifetime earnings.

The rate of men who took child care leave is only 1.56%. In order to encourage male workers to take child care leave, it is necessary to change Japanese companies' atmosphere that force long working hours and hinder male workers from taking child care leave, and to improve the entire social environment and financial support.

In addition to the child care leave system, improvement and development of child and nursing care services are essential for both women and men to continue to work. As of April, 2008, about 20,000 children were on the waiting list for admission to day-care centers. At the present situation of the economic downturn, more women are seeking jobs. Those children on the list are rapidly increasing due to shortage of nursery centers. Although increase in public day-care centers is urgent, the government doesn't fulfill its responsibility.

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Dec. 2004. The court is to give a decision in June 29, 2009. 3) Mitsubishi Kagaku Institute of Life Science case (3 plaintiffs): Filed the lawsuit with the Tokyo District Court in Dec. 2008.

## Health: Reproductive Health/Rights - Supporting Pregnancy and Childbirth for Women [Article 12]

Japan Women's Council I

**[Concern/Problem]:** In Japan, sexual and reproductive health/rights have not been established yet.

**[Proposed Recommendations]:** The government is requested to incorporate explicitly the perspective of reproductive health/rights in the legal system of Japan and to strengthen policies to implement it.

1. The First Basic Plan for Gender Equality of 2000 refers to "Spreading awareness of reproductive health/rights" as the "Basic Direction of Measures" of "Supporting Long-life Health for Women". It also refers to "Improve guidance on sex in school education". However, the Second Basic Plan for Gender Equality of 2005 only explains the words of "reproductive health/rights" in the "Objective" of "Supporting Long-life Health for Women". It states, in the "Promotion of Appropriate Sex Education in Schools" as the concrete measures, that "In order to avoid imparting more knowledge than necessary, relevant parties in schools should be thoroughly aware about what is being taught in the classroom". As a result, in many schools, sex education has been conducted under the supervision of a principal, taking a step backward. Artificial abortions performed under 20 years old account for 27.4% of all the abortions in the fiscal year of 2006. Regardless of the lowering trend of the age in sexual behaviors, there are many schools where, in sex education, contraception or abortion is not referred to.
2. The Second Basic Plan for Gender Equality states that "Make efforts for further promotion of measures to enable women to receive medical care services, including health checkups, health guidance/counseling, and medical aid, on a consistent basis from pregnancy to delivery, in their daily living area". However, there are the following problems.
  - (1) In Japan it is the basic principle that the cost of medical health service on pregnancy and childbirth, including delivery and health checkups of pregnant women, are paid by pregnant women themselves. The government subsidizes the cost of delivery, but only a part of it, and pregnant women still have to pay much. As to the cost of health checkup, the central, prefectural and municipal governments subsidize it. However, it is not sufficient, because 1) a part of the cost has to be shouldered by pregnant women, 2) although the subsidy from the government have increased this year, the term is limited only to two years, and 3) there are differences in the amount of subsidies and contents of health checkup among municipal governments.
  - (2) The system of medical health care for pregnancy and childbirth is insufficient. Accidents, including cases where a pregnant woman with troubles during delivery emergently sent to several hospitals was not accepted due to a shortage of beds and died, have frequently occurred.
  - (3) Although the standards of maternity protection for working women are set, many women are non-regular workers and there is the increase of cases in which women were fired immediately after they reported their pregnancy to companies.

## Health : Abortion and emergency contraception

Space Allies/Allies Law Office

### **[Concern/Problem]**

The Penal Code of Japan stipulates in Article 212 that “when a pregnant woman causes her own abortion by drugs or any other means, imprisonment with work for not more than 1 year shall be imposed.” This article has not changed for more than 100 years and has been used as a tool for singling out defiant women for punishment. Furthermore, the Maternal Protection Law requires a woman who seeks an abortion to obtain the authorization of her male partner. Emergency contraceptives, which are an effective way to avert an unwanted pregnancy, are rarely used, even in cases of rape.

**[Proposed Recommendations]:The above-mentioned articles of the Penal Code and Maternal Protection Law, which are discriminatory against women and restrict women’s access to health services and clinics, should be abolished within one year by the Japanese government. The government should also take measures to improve access to emergency contraceptive pills.**

1. The article of the Penal Code which punishes a pregnant woman who causes her own abortion violates not only Articles 2(g) and 12 and 16 of the CEDAW, but also Clauses 14 and 24 of General Recommendation 24 of the CEDAW, Clause 21 of General Recommendation 21 of the CEDAW, and Article 106(k) of the Beijing Platform for Action.

So long as Article 212 of the Penal Code remains, a woman who has an abortion, even in the first trimester, can be punished. The existence of the article itself, which punishes only women, is an intolerable example of discrimination against women and an anachronism relegating women to the status of “baby-making machines.”

Regarding abortion methods, only surgery (dilation and curettage) is designated as the standard abortion method in Japan, even in early-stage abortions, but medical abortions and manual vacuum aspiration should also be permitted, improving the conditions for implementation.

2. The Maternal Protection Law requires a woman who seeks an abortion to obtain the authorization of her male partner. This violates not only Articles 12 and 16 of the CEDAW, but also Clause 14 of General Recommendation 24 of the CEDAW, and is symbolic of the subjugation of women in patriarchy.

3. Because the Japanese Ministry of Health, Labour and Welfare has refused to approve emergency contraceptive pills, including even such widely accepted oral emergency contraceptive kits as “Preven,” low- to medium-dose contraceptive pills are usually used as substitutes. Even then, most Japanese women do not know that emergency contraceptives may be used to avert an unwanted pregnancy.

Related clauses

Article 14 (Abortion based on doctors’ authorization) of The Maternal Protection Law

A doctor who is designated by the medical association of the prefecture is authorized to perform the medical procedure of abortion for the following women, after obtaining the consent of the woman and authorization of her husband.

1 A woman for whom pregnancy or delivery could cause damage to her health for physiological or economic reasons.

2 A woman whose pregnancy is caused by violence or intimidation, during which she could not have resisted or refused.

## Rural Women : Economic Security and Participation in Decision Making of Women in Agriculture [Article 14]

Japan Family Farmers Movement, Women's Section

### **[Concern/Problem]**

Women farmers make up 60% of entire farming population. However, the participation in the decision making; their representation in the board of agricultural committee or agricultural cooperative is still very low.

The number of families that are giving up farming for management insecurity is increasing, but absence of thorough study makes it unable to set up a practical policy.

### **[Requested Recommendations]**

**Along with the environmental improvement for women farmers' administrative participation, conduct a study to grasp the economic situation and set up a practical policy.**

Based on the Second Basic Plan for Gender Equality, the target figure for women's participation is planned. But in reality, representation of women is only 4.3% in agriculture committee (in 2007) and 1.9% in the board of agricultural cooperative (in 2005), and the voice of women is still difficult to reflect in the decision making.

After the ratification of WTO in 1994, the farming income continues to fall. In regard to rice production price, the hourly wage for family labor compensation was 728yen in 1990, but it dropped to 179yen in 2007. This is only one fourth of the national average minimum wage.

In order to empower women economically, the government promotes "Family Management Agreement." Even if this agreement is made, it is hard to carry it out in the economical situation of farmers; they have to sustain their living by withdrawing savings or pension. It is necessary for the government to conduct a study on the economic situation after WTO and immediately set up practical policies to guarantee the price of agricultural products and farmers' income.

## Minority Women : Sexual Minority Women

Space Allies

Regumi Studio Tokyo

Gay Japan News

Kyosei Net for LGBT

### **[Concern/Problem]**

There are few laws that protect the rights of transgender, lesbian, bisexual and DSD/intersex women. Nevertheless, there is no reference by the government to measures or policy plans regarding sexual minority women in the sixth State Report on the Convention on the Elimination of All Forms of Discrimination against Women.

### **[Proposed Recommendations]**

**The Japanese government should enact legislation that prohibits discrimination against sexual minority women, and protects their rights.**

The Japanese government should consider amending legislation which benefits only married and unmarried opposite-sex couples to include sexual orientation among the prohibited grounds for discrimination, and to ensure that benefits granted to unmarried cohabiting opposite-sex couples are equally granted to unmarried cohabiting same-sex couples.

The Japanese government should enact legislation to recognize same-sex relationships between women, including those whose biological sex does not match their gender identity, by guaranteeing them the right to have and raise children, as well as the right to sexual and reproductive health, including access to information and related services.

It is necessary for the government to modify existing systems regarding medical and legal treatment of those people with gender identity disorders, based upon their diverse needs.

The government should also include “well-founded fear of persecution on the basis of one’s sexual orientation” among the grounds for granting asylum, within the definition of refugees in the Immigration Control and Refugee Recognition Act.

## Minority Women : Migrant Women

Solidarity Network with Migrants, Japan

**[Concern/Problem]** Migrant women in Japan continue to face multiple discriminations and violence. Typically, incidence of domestic violence experienced by foreign wives is considerably high. However the unstable resident status makes them hesitant to report and escape from abusers, while they have limited access to information and support systems. Furthermore, the proposed revision of the Immigration Law may put migrant women in greater risks by placing harsh punishments for those who fail to comply with the tighter information control on foreign residents.

**[Proposed Recommendations]** The government should ensure that all the victims of domestic violence and other gender-based violence shall be protected and recover their rights regardless of resident status. Review the immigration law and other policies that may condone violence and exploitation of migrant women and may hinder their access to justice. The government should conduct in-depth study about situation and causes of difficulties facing with migrant women, based on disaggregated data and consultation with migrant women groups, in order to develop specific plan to support migrant women. It should also consider enacting an anti-racism law with special focus on protecting migrant women's rights.

**Domestic violence remain as major problem:** While there has been steady increase of migrant women getting married with Japanese men, they often faces difficulties and exclusion, and incidence of domestic violence experienced by foreign wives is higher than among Japanese wives. However most migrant women do not have access to information about the anti-DV law and support system for victims. Also, under the immigration law migrant women have to be dependent on their violent partners for the extension of spousal visa, which makes many migrant women bear the abuse for fear of repatriation or deportation. While the revision of the Law for the Prevention of Spousal Violence Law has improved support for migrant women by stating special consideration for them, but still it is difficult for women with expired resident status or victims without children to access support and have their visa renewed. Another problem is the lack of long-term assistance for victims, in terms of health care, housing, employment and education for children.

**Problems with the new Immigration Law:** The proposed revision of the Immigration and Basic Resident Registration Law is to place tighter information control on foreign residents. In case spousal resident status holders fail to report to the Immigration Bureau the change of address for 3months or longer, or if they are regarded as "inactive as spouses" due to separation, for example, then their resident status can be cancelled. This may puts migrant women in greater risk to be abused, making it extremely difficult for DV victims to seek rescue and protection, while Japanese spouses (abusers) can exploit their wives' unstable status under the law. Also, under the law, undocumented residents would not be registered in the ward office of their residence and thus would not entitled to public services. It means that migrant women with expired resident status and their children will be deprived of any assistance and supports.

**Lack of concern for migrant women:** Besides the problems of domestic violence, migrant women also face discriminations in workplace and communities. Their employment opportunities are very limited and easy to be exploited. They also face difficulties in childrearing and other reproductive work. Despite the multiple difficulties migrant women face, they are always overlooked in the national policies and plans for gender equality. There is a need for the Gender Equality Bureau to collect data, conduct research to study differentiated difficulties migrant women face, and develop specific plan to empower migrant women.

Japan NGO Network for CEDAW(JNNC) <http://www.jaiwr.org/jnnc> [ngoreport@jaiwr.org](mailto:ngoreport@jaiwr.org)

## Minority Women : Women with Disabilities [Article 1,2,3,4,7,8,11,12,15,16]

DPI Women's Network Japan

**[Concern/Problem]** The section on “Measures for Women with Disabilities” within the government’s report actually contains nothing at all dealing with women with disabilities. In fact, it is difficult to find any policy at all. Article 6 of the Convention on the Rights of Persons with Disabilities, expresses a clear recognition that women and girls with disabilities are subject to multiple discrimination and calls for appropriate measures to guarantee them the exercise and enjoyment of the human rights. The situation in Japan is far from this ideal.

**[Proposed Recommendations]** **The Japanese government should implement policies to recognize the multiple discrimination faced by women with disability. In particular, it should work to eliminate domestic violence against them and provide compensation for forced sterilization. To do this, it must conduct surveys of persons with disabilities and compile statistics disaggregated by gender.**

The Japanese government’s surveys on the situation of persons with disabilities do not separate statistics by gender. As a result, the government cannot grasp the problems of women with disabilities, and cannot implement needed policies. In 1991, the UN Committee on the Elimination of Discrimination against Women recommended that signatory countries provide information on women with disabilities and on measures taken to deal with their particular situation (General Recommendation 18). In 2003, the Committee, in its recommendation (A/58/38(SUPP)) to the Japanese government, following Japan’s fourth and fifth periodic reports, called on it to collect and analyze data disaggregated by gender and age. However, the Japanese government has yet to comply.

No progress has been made in preventing domestic violence against women with disabilities, grasping the reality to protect victims and make physical and psychological recovery possible, and making consultations and refuge facilities accessible to persons with disabilities. Nothing has been done to provide women who have disabilities with educational, work, and income opportunities to gain independence, which is necessary to the prevention of and recovery from abuse.

The Eugenic Protection Law, which was in force until 1996, included provisions for the sterilization of people with disabilities without consent, and 16,520 people were subjected to this provision by 1994, 68% of them women. It is possible that illegal sterilization still happens today. The UN Human Rights Committee issued a recommendation to the Japanese government in 1998 calling for the provision through law of the right to compensation for women with disabilities who had been subjected to forced sterilization (Concluding Observations, CCPR/C/79/Add.102, paragraph 31). However, the government failed to adopt the required legal measures, and has neither carried out investigations nor provided compensation.

## Vulnerable groups of Women : Older Women [Article 3,11,12,13 ]

Japan Federation of Women's Organizations

**[Concern/Problem]** Given the health risks and other vulnerabilities faced by older women, the government's policies targeting them are far from sufficient. Pension disparity between men and women, discriminative medical system for people over 75, revisions of the nursing –care and welfare system have made poverty problem of older women and single mothers more serious.

**[Requested Recommendations]** The government should realize the “correction of the pension disparity between men and women” and establish a “minimum pension benefit.” It should change policy to increase expenditures for social welfare services.

1. Wage disparity between men and women causes a great gap between the pension of men and that of women. The income of most of women who draw their pension is under the standard of welfare. The ratio of non-pensioned, estimated to be more than one million, is larger among women than among men. The discontinuance of old age addition to welfare is so great a damage to older women that their poverty problem is quite serious.

On the other hand, the government's policy to make older people independent doesn't work, for example, it's extremely difficult for women over 65 to find a job.

2. Continuing changes of medical system for the worse gives damage to older women, such as a rise of medical expenses targeting old age, a rise of boarding and rooming charges of recuperating patients and so on. Above all, the medical insurance system that discriminates against the elderly 75 and over is very cruel system, which separates them from the ordinal health insurance, raises their charge, and deteriorates their medical treatment.

3. There are older people increasing who cannot get necessary care because they are unable to bear high charge of insurance and nursing care services. The government has made the nursing system even crueler to older people by turning the recognition system for the worse and by restricting them to use the service irrationally.

4. The average income of fatherless families is less than 40% of ordinary family income. The cut of the childrearing allowance and discontinuance of fatherless family addition to welfare have made their life conditions much harder.

## National human rights institution [Articles 2]

Association for the Support of Children out of Wedlock

**[Concern/Problem]** The government's human rights protection system in Japan can incite discrimination.

**[Proposed Recommendations]** At the consultation on the government's draft report regarding the ICERD with civil society and NGOs, organized by the Ministry of Foreign Affairs on 31 August, 2007, extremely discriminatory remarks against unmarried mothers and people who were born out of wedlock were made by several participants who intended to disrupt the meeting. The Association has filed a complaint of human rights violation to the Human Rights Bureau, the Ministry of Justice. However the Bureau has failed to conclude that the incident was a case of human rights violation because they do not have investigative power under the current legislation and did not take any measure on the case. We recommend the committee to urge the government of Japan to establish immediately an independent national human rights commission that is equipped with an investigative function.

In the past several years, those people who do not support international human rights mechanisms have shown up to the consultations where the government and civil society including NGOs which support the domestic implementation of international human rights standards meet to discuss the government's draft reports on the implementation/unimplementation of the international human rights treaties and disrupted the consultations.

The Association has attended the consultation regarding the ICERD held in August 2007 so as to provide the information that those people who were born out of wedlock can face discrimination under the current legislation when the persons were born in their parents' relationship where there is racial discrimination.

Several participants who were there to disrupt the meeting called those people who were born out of wedlock as "children born as a result of their parents' affairs" and claimed that it was the "world's common sense" to discriminate against those people who were born out of wedlock. When having said so, they repeatedly used the word "illegitimate children" which was deleted from the Civil Code in 1942 because it was found disgraceful to such people and is no longer in use. One of the participants even approached a female member of the Association and asked her repeatedly "how many children did you give birth to as a result of affairs?" The Association filed a human rights violation, however, the Human Rights Bureau failed to conclude that human rights violation occurred because it cannot exercise its investigative power based on the evidences submitted by those who claim that their human rights are violated under the current legislation. The Bureau can issue a non-binding recommendation only when those who are filed as human rights violators admit that they violated someone's rights. In this case, the Bureau was unable to investigate our complaint because those who made discriminatory remarks denied all the acts of human rights infringement. Those who disrupted the consultation have continued their discriminatory remarks they made at the consultation on their websites and claimed that their discriminatory remarks and behaviour against unmarried mothers and people who were born out of wedlock have been backed by the authorities.

## Collection and the Analysis of Data: Unremunerated Work

[Article 5, 11 and 18, General Recommendation No.17]

Japan Women's Council I

**[Problem/Concern]** Unremunerated work is not properly recognized nor studied and there remain social systems and practices which do not function neutrally for women and men.

**[Proposed Recommendations]:** The government is requested to promote for measuring, in quantitative terms, unremunerated work, including the care for children, the sick and the elderly, within and outside households, and domestic chores, to assess and reflect its value in satellite or other official accounts that are separate from but consistent with core national accounts, and to incorporate the value and cost of unpaid work in policies for eliminating the stereotyped gender roles which are also the cause of discrimination in employment, including indirect discrimination.

In Japan, based upon the Platform for Action adopted in the 1995 Fourth World Conference on Women held in Beijing, the first "Monetary Evaluation of Unpaid Work", although it was insufficient, was publicized by the former Economic Planning Agency in 1997.

The First Basic Plan for Gender Equality of 2000 states, as the basic direction of measures of "Reviewing Social Systems and Practices and Reforming Awareness from the Perspective of Gender Equality", that "There are still many social systems and practices which do not function neutrally for women and men in consequence, reflecting the differences in the actual positions of both sexes in society or the notion that an individual should be treated according to her/his status within the family, even if they do not explicitly distinguish gender roles." and "It is required that the conditions of society be adjusted to enable women and men to participate in various activities without stereotyped notions of gender roles. There is a need for reviewing social systems and practices from the individual/oriented perspective, so that they do function neutrally, regardless of whatever lifestyle they may choose." According to its concrete measures, that is, "Promote the quantitative evaluation of unpaid work", the former Management and Coordination Agency had established the Study Group on Unpaid Work Statistics.

However, in the Second Basic Plan for Gender Equality of 2005, the words "unremunerated work" were deleted, due to the bashing from conservatives. At present, regarding unpaid work, the government conducts neither research & development nor the study of the "methodological development". On the other hand, the Economic and Social Research Institute of Cabinet Office conducted the research and development of the Non-profit Institutions Satellite Account. However, according to the Institute, it has no relations with the construction of a "satellite account of unpaid work". That represents backing away from the direction of the international community, including the objective of the Beijing Platform for Action, the Agreed Conclusions of the UN Commission on the Status of Women and the CEDAW Convention.

Japanese government has taken a step backward in the systems of welfare and social security. There is still a big shortage of child-care facilities, and women's burden of care for children and the elderly has increased. Global economic and financial crisis has exacerbated such a situation.

## **Implementation of the Survey on the Actual Conditions of Minority Women and Promotion of their Participation in Decision-Making [Articles 2 and Others]**

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

**[Problem/Concern]:** The Japanese Government does not recognize the need to gain a more concrete understanding of the situation of minority women in Japan, nor the need to take measures to address what problems may come to light as a result of surveying the situation of minority women.

**[Proposed Recommendations] : [Article 2] We urge the government to obtain and provide comprehensive information regarding the living conditions and awareness of minority women including Ainu, Buraku, and Zainichi Korean, by implementing a fact-finding survey, covering, in particular, the fields of education, employment, health and exposure to violence.**

Background: In its 2003 concluding comments, the Committee recommended the government provide comprehensive information on minority women in Japan. It is also essential that the government specify who these minority women are. In order to shed light on how multiple forms of discrimination affect Ainu, Buraku, and Zainichi Korean women in Japan, it is important to systematically collect information and data, to show how the interaction of factors such as age and social or ethnic background affect these women.

To develop measures to solve the problems these women face, their situations must first be understood, by conducting a survey which will clarify their present reality. It is important to ensure the full involvement of minority women in the survey process. Then, in the course of developing policies and measures based on the outcomes of the survey, the perspectives of minority women must be taken into account. Amongst other things, it should be ensured that information on proposed and actual measures is provided to minority women.

**[Problem/Concern]:** There is almost complete failure to ensure the presence or active participation of Buraku, Ainu and Zainichi Korean women in deliberation or preparation of women's policy

**[Proposed Recommendations]: [Articles 2, 7] We urge that the perspectives of minority women, including indigenous Ainu, Buraku and Zainichi Korean women, be reflected in government policy on women, and that to this end, minority women representatives be preferentially appointed to decision-making bodies and councils of both the national and local government, when such bodies deliberate on and/or decide women's policies**

Background: The effective participation of minority women including Ainu, Buraku Zainichi Korean women in policy-making processes, for example the Gender Equality Council, should be actively encouraged. They are part of Japanese society.

**[Problem/Concern]:** Japan does not have a law explicitly defining and prohibiting discrimination as anti-social. Nor does Japan have any law which describes human rights violations, and remedies for victims thereof. **[Proposed Recommendations]: [Article 2] The enactment of a law prohibiting all forms of discrimination including against women, and establishment of a national human right institution.**

Background: The 2005 survey conducted by minority women revealed that minority women were

subject to discrimination in marriage, employment (the workplace) and education, in addition to discrimination they routinely suffered in their daily life. It is important to enact a law to prohibit any and all forms of discrimination, to provide victims (individuals and groups) with remedies and to sanction perpetrators.

# Entrenched Discrimination based on Nationality and Ethnicity in Japanese Society and the Marginalization of Zainichi\* Korean Women – Concern on Education and Equality in Political and Public Activities [Art 3, 10, 7]

Apeuro Women's Survey Project

## Articles 3 and 10: Education

**[Problem/Concern]:** Exposed to human rights abuses due to festering discrimination and prejudice in the Japanese school system, Zainichi Korean children are denied the exercise of their fundamental freedoms. Ethnic schools such as Korean schools, Chinese schools and Brazilian schools in Japan are not entitled to receive financial subsidies or preferential tax treatment. Graduates from these schools are not recognized as qualified to sit university entrance examinations and are excluded from the application of government school health policies. When many girl students of Korean schools suffered violence from members of the public in Japan, the Government of Japan did not take any steps to counter these human rights abuses. To protect themselves from these violent attacks, Korean schools had no option but to change the design of uniforms for female students, which were modeled on Korean ethnic costume. Also, a student was denied membership of a students club in a Japanese university simply because she was a Zainichi Korean. These are emergent human rights problems caused by political failure of Japan.

**[Proposed Recommendations]:** We call for the correction of the discriminatory policies inherent in the Japanese school system, and the enactment of a law to prohibit racial discrimination.

## Article 7: Equality in Political and Public Activities

**[Problem/Concern]:** More than 2.15 million people of 190 different foreign nationalities reside in Japan. Of this total, permanent residents make up 870,000, consisting of 430,000 special permanent residents (those from countries formerly colonized by Japan, and their descendants) and 440,000 general permanent residents. As the longest permanent residents, Zainichi Koreans in Japan are currently of their fourth and fifth generations, creditable members of society who have met their tax obligations and contributed to the progress of society. Despite this, they are not given suffrage because of their lack of Japanese nationality, thus excluding them from the sphere of political and public activities. This is also due to the fact that Japan has not taken any action to provide post-war reparations in the context of its colonialist history.

**[Proposed Recommendations]:** We call for the enactment of a law that grants local government suffrage for permanent foreign residents.

## Background

1. In 1995, the Supreme Court rendered a decision stating that "The Constitution does not deny local government suffrage to foreign permanent residents. The granting of local government suffrage to foreign permanent residents settled in Japan is a matter of legislative politics."
2. In 1998, a bill on local government suffrage for foreign permanent residents was submitted to and considered by the Diet, but has not yet become law.

**Notes:** *Special permanent residents* are mainly those of Korean and Chinese nationality, i.e. individuals who were first brought to Japan when Japan colonized these countries prior to and during WWII.

*Permanent residents* are of those with Chinese, Brazilian, Philippine, Korean, Peruvian nationalities.

\* *Zainichi* means: residing in Japan.

## Minority Women : Buraku Women- Issues in Participation in Decision Making, Education and Employment Conditions [Article 14, 10, 11]

Buraku Liberation League Central Women's Division

### Participation of Buraku Women in the Process of Development and Decision Making regarding State Agendas and Policies [Article 14]

**[Problem/Concern]:** No mention was made in the government report regarding the participation of minority women, including Buraku women, in the process of development of government policy.

**[Proposed Recommendations]:** We call for concrete measures such as the appointment of Buraku women representatives to policy advisory committees, to ensure the voices of those affected are heard in decision-making processes during the formulation and adoption of government policy. We call for the same measures to also be taken at the local and municipal level when appointing members to gender equality councils or "basic plan for gender equality" development committees.

#### Article 10: Low School Attendance and High Education Enrolment among Buraku Women

**[Problem/Concern]:** There is a gender disparity in education levels within the Buraku community, as indicated by the lower percentage of Buraku women who go on to higher education. Among parents of Buraku children, many wish to send their sons to "college," while limiting the educational support for girl children to a two year "junior college or specialized vocational schools." This preference is reflected in the above gender-based educational disparity. The causes behind this phenomenon include the fact that programs did not exist to support learning and academic achievement within the Buraku community when these parents were primary school students so Buraku parents themselves often have limited education, and as a result may have less interest in education for their children, and the educational environment at home and in the Buraku community is not always conducive to tertiary education.

**[Proposed Recommendations]:** We call for collection and inclusion by the Government of Japan of information on these facts and challenges, and at the same time we call for the improvement of the educational environment. Also, for official scholarship programs, we call for revisions to the amount provided for accommodation, and terms and conditions for borrowers (currently certain limits are imposed based upon on school records and family incomes).

#### Article 10: Illiteracy among Buraku Women and Need for Remedial Measures

**[Problem/Concern]:** When disaggregated by age group, a higher percentage of elderly Buraku people have difficulties in reading and writing, whereas by gender, a higher percentage of women in the same age group have literacy problems. The Constitution of Japan guarantees the right to education, and it is a basic requirement that every person be able to read and write in order to function in contemporary society. Yet access to education is not fully secured for Buraku women and children. For these reasons, many Buraku people, including both the elderly as well as younger groups, do not freely read and write.

**[Proposed Recommendations]:** We call for a government funded survey to assess illiteracy among Buraku women, and, based upon the outcome, the subsequent implementation of the measures necessary to improve this situation.

#### Article 11: The Need to Improve Employment Conditions for Buraku Women

**Concerns:** The occupational opportunities and wages of some Buraku women are affected by their origin, as some Buraku women find their job applications rejected, due to personal background investigations by employers, which uncover that they are Buraku. The current economic recession has also negatively impacted on the employment of Buraku people, and Buraku women in particular are vulnerable due to job cuts in manufacturing and other manual labor work. Difficulty for Buraku women in obtaining stable jobs originates in their educational backgrounds, which leave them no choice but to take seasonal or irregular work or jobs at small companies.

**[Proposed Recommendations]:** We call for an eradication of discrimination in employment, improvement of work conditions of part time workers, for whom the principle of "equal pay for equal jobs" is not secured, measures for employment promotion, and total ban on personal background investigations.

The present situation of Buraku women, including their socioeconomic status is a result of exclusion from education due to Buraku discrimination and the resulting literacy difficulties many Buraku women have. When combined with discrimination in employment against Buraku, the result is that many Buraku women are obliged to accept unstable jobs or seasonal/irregular work.

## Minority Women: Establishment of the Rights of Ainu Indigenous Women

Hokkaido Ainu Association, Sapporo Branch

**[Problem/Concern]:** Long before the colonial rule by Japan that started 140 years ago, Ainu people developed their own unique culture, society and history, and maintained their own beliefs, values and knowledge in the land called Ainu Mosir (located in northern Japan). However, in the course of modernization of Japan, Ainu people have been denied their unique culture and deprived of land and livelihood, had their very existence as a separate people refuted, and been driven into discrimination and poverty. Consequently, even today, the living standards of Ainu people are far below than those of the general Japanese population. The Hokkaido Ainu Survey on Living Conditions of 2006 and the Survey on Living Conditions of Ainu People of 2008 conducted by Hokkaido University demonstrate these facts. Findings of the surveys showed clear differences in annual incomes, percentage of welfare recipients, lifestyle, occupations and percentage of higher school enrolments among those from the Ainu community, when compared to the general public. As Ainu women are subject to multiple forms of discrimination, they are generally placed in even more severe circumstances than the men in our communities. As women of this indigenous community, we find that we have no legal means or recourse with which to improve our situation under Japanese law.

**[Proposed Recommendations]:** In order to overcome historically-derived discrimination against Ainu people and to correct structurally-caused educational and economic disparities, that the Committee recommend the Government of Japan introduce educational assistance programs which specifically benefit indigenous Ainu women recipients (CEDAW, Articles 3, 4 and 10 and Article 10(f) in particular). We also ask the Committee to call for development and implementation of “Policies for Ainu Indigenous Peoples” (currently under consideration by a government advisory committee) which will prevent and protect Ainu indigenous women from any and all forms of discrimination -such as for example by enactment of a law which expressly defines and prohibits discrimination and provides remedies for victims - in line with CEDAW (Article 2(b), (c) and (e)). The Government must also ensure that the voices of the Ainu indigenous people, including Ainu women, are heard and reflected in the course of developing such policies (Article 3, Article 7(b)), and that these policies include a gender perspective.

Background: In September 2007, the Government of Japan voted in favor of the “UN Declaration on the Rights of Indigenous Peoples.” On June 6 2008, the Diet adopted a “Resolution Calling for the Recognition of the Ainu People as Indigenous Peoples,” and it was followed by the release of a government statement acknowledging the Ainu People as indigenous peoples for the first time in history. In transcribing this position into effective legal policy and rights for Ainu people, it is important that the government enact “policies for *indigenous peoples*” and include a gender perspective.

The Sapporo Branch of Ainu Association of Hokkaido took part in the 2004 survey on Ainu women. The survey questionnaire was completed by 241 Ainu women belonging to 14 different branches of the Association. The survey included questions regarding the education level of Ainu women. A majority of respondents (60% of all respondents, 77% of whom were aged above 40) had not completed schooling beyond elementary or junior high school. 36% of respondents had graduated from senior high school. This is in contrast to the general 93.5% high school attendance rate in Hokkaido municipalities in which Ainu reside, as recorded in the 2006 Hokkaido Ainu Survey on Living Conditions of 2006.

## Minority Women: Education from the Stand view of Okinawa Women [Article 10]

Okinawa Citizens's Information Centre / Association of Indigenous Peoples in the Ryukyus

**[Problem/Concern]:** Despite the fact that there are many elderly Ryukyu and Okinawa women who did not enjoy not only secondary education, but also compulsory primary education due to the war, there has been no survey conducted to find out how many Ryukyu and Okinawa women can read and write. As a result, Okinawan women have not been fully guaranteed the right to education. Students of privately-run night schools (junior high) have to bear more financial burden than those students of ordinary junior high schools.

**[Proposed Recommendations]:** According to Article 10 of CEDAW, the state shall take all appropriate measures to guarantee the equal rights of women in the field of education. Amongst others, according to the item (e) and (f) of Article 10, the state must secure the access to programs of continuing education including adult and functional literacy programs, and organize programs for girls and women who have left school prematurely, respectively. Taking the historical background of Ryukyu and Okinawa into consideration, the government is urged to improve the legal system so as to secure the right to education and implement financial assistant programs throughout the Ryukyu and Okinawa region, which is made up of many small islands.

As recommended in the Committee's Concluding Comments following consideration of the Japanese government's report in 2003, we urge the government to conduct a survey on multiple forms of discrimination and marginalization faced by minority women in Japan, including Ryukyu and Okinawa women, with respect to their education, employment, health, social welfare and exposure to violence, including in particular for Okinawan women, incidents arising as a result of the long stationing foreign military presence in Okinawa.

**Background:** In 1897, the Government of Japan abolished the Ryukyu clan by force and ordered the establishment of Okinawa Prefecture. With this annexation, the indigenous Ryukyu and Okinawa Peoples were placed under the rule of the Japanese Government and forcibly assimilated into the Japanese culture by being prohibited to use their mother tongues and forced to change their custom as well as names.

During the Battle of Okinawa, the largest battle between the US and Japan which took place toward the end of World War II, the ground war was waged involving civilians living there. In addition to insufficient evacuation measures for civilians, the large-scale mobilization of residents to the battle field resulted in a larger number of casualties among the general population (non-combatants) than military personnel. On top of that, the military issued a letter stating that "those who use local languages are to be considered enemy spies," imposing intensive oppression on Ryukyu and Okinawa people. Under these circumstances, people were forced to take part in "mass suicide deaths" and/or died under the order and guidance of the Japanese military, had their food supplies seized, and lost their lives when they were driven out of bomb shelters where they hid.

After the war, Ryukyu and Okinawa was offered to the US who occupied the territory and constructed giant military bases. People were obliged to lead a life of fear in the face of constant danger of outbreak of nuclear war, as the bases were used during the Korean War in the 50s and the Vietnam War in the late 60s. Under the US military rule for the first 27 years following World War Two, people constantly suffered from human rights infringements including land grabs, rape, robbery and murders by American soldiers and civilians.

Even today, 64 years after the war, the huge US military bases are still there, and the toxic contamination caused by PCB and other chemicals is discovered from time to time on land returned to the Japanese government by the US military authorities. Live-fire maneuvers by the US military continue to cause accidental injuries to civilians in the neighborhoods used for these purposes. The Japanese government has failed to provide sufficient assistance to locate and deactivate the many unexploded bombs which are still in the ground in Okinawa, causing explosions; for instance in January 2009, an undetected active bomb exploded causing a serious injury to a nearby construction worker. Wounds of the war show no sign of healing. Against this background, a rally was organized in Okinawa in September 2007 to demand the withdrawal of comments made by the government official textbook examination board which ordered the deletion from Japanese high school textbooks of descriptions of the forced "mass suicide (forced mass death)" of civilians by the Japanese military during the Battle of Okinawa.

As explained above, many people are seeking mature-aged access to education and literacy programs, because they were denied enjoyment of the right to education when they were younger due to the post-war confusion and poverty. There have not been adequate governmental measures to provide redress for the rights these citizens were deprived of at that time.

List of member organizations of Japan NGO Network for CEDAW (JNNC) with  
Shaded Names of NGO who are author (coauthor) of this Essence Report.

	Organization
1	Action Center for Working Women
2	Ainu Association of Hokkaido, Sapporo Branch
3	Apeuro Women's Survey Project
4	Asia-Japan Women's Resource Center
5	Asia-Pacific Human Rights Information Center
6	Association for the Support of Children out of Wedlock
7	Association of Indigenous Peoples in the Ryukyus
8	Buraku Liberation League Central Women's Division
9	Committee to Support Female SDF Official's Court Case of Human Rights
10	DPI Women's Network Japan
11	Equality Action 21
12	Gay Japan News
13	Human Rights Now
14	The International Movement Against All Forms of Discrimination and Racism-Japan Committee (IMADR-JC)
15	Japan Accountability Caucus for the Beijing Conference
16	Japan All Solidarity Network for the Settlement of the "Comfort Women" Issue
17	Japanese Association of International Women's Rights
18	Japan Family Farmers Movement, Women's Section
19	Japan Federation of Women's Organizations
20	Japan Network Against Trafficking in Persons
21	Japan Network against Wartime Sexual Violence
22	Japan Network on Education for the Advancement of Gender Equality
23	Japan's Network for Women and Health
24	Japan Women's Council I
25	Kyosei-Net for LGBTI
26	mNet · Information Network for Amending the Civil Code
27	The National Confederation of Trade Unions Women's Bureau
28	National Federation of Business and Professional Women's Clubs of Japan
29	Nerima article 24 of Constitution Watch
30	Nerima Gender Watch
31	New Japan Women's Association
32	NPO Dispatched Labour Network
33	Okayama Communication Network of the World Conference on Women
34	Okinawa Citizens' Information Centre
35	Plaintiff of a case of gender-based wage discrimination in Showa Shell Sekiyu
36	Plaintiffs of a case of gender-based wage discrimination in Kanematsu Corporation
37	Regumi Studio Tokyo
38	Solidarity Network with Migrants, Japan
39	SOSHIREN
40	Space Allies/Allies Law Office
41	Women against Sexist-Ageist Remarks by Governor Ishihara
42	Women's Active Museum on War and Peace (WAM)
43	Women's Council of the National Federation of Merchant and Industrialist's Organizations
44	Working Women's Network

# The Result of Ainu Woman Questionnaire Survey (Excerpt)

Survey conducted by Ainu Association of Hokkaido, Sapporo Branch

Duration of Survey : October 2004-February 2005

Most of the respondents of this survey were members of the Ainu Association of Hokkaido, with two hundred and forty-one women from 14 branches and one district being surveyed out of a total of fifty-four branches.

## Your Age

	Number	%
18~19	6	2
20~29	15	6
30~39	23	10
40~49	43	18
50~59	68	28
60~69	52	22
Over 70	21	9
Others	0	
No answer	13	5

Because members of the Ainu Association of Hokkaido were the main targets of the survey, 77% of respondents were aged over 40 years. In seeking the cooperation of each branch, it was not communicated that they should consider reaching a wider age range.

## 1. Your level of education

Level of Education Completed		Number	%
Compulsory education	Elementary school	25	10
	Junior high school	118	50
Senior high school		61	26
Technical High school		1	0
Professional training college		15	6
College		7	3
Public university		0	0
Private university		3	1
Graduate school		1	0
Never been to school		1	0
No answer		9	4
Total		241	100

Given that 77% of respondents were over the age of 40 years, a majority of 60% had graduated elementary or junior high school. Thirty-six percent had finished at least high school, with 4% completing college or university. According to the 2006 Hokkaido Utari Survey on Living Conditions, 93.5% go on to attend senior high school (the average in municipalities where Ainu live).

## 2. Work

Are you currently working?

	Number of respondents	%
Employed	137	56
Unemployed	88	37
No answer	16	7
Total	241	100

What is your approximate income per year (including taxes)?

	Number of respondents	%
Under half a million yen	49	20
Half a million to 1 million yen	67	29

1 to 1.3 million yen	31	13
1.3 to 2 million yen	20	8
2 to 3 million yen	8	3
3 to 5 million yen	3	1
5 to 7 million yen	0	0
7 to 10 million yen	0	0
Over 10 million yen	0	0
No answer	63	26
Total	241	100

### 3. Welfare

#### Public livelihood assistance (Social Security)

	Number of respondents	%
Currently receiving	29	12
Have received in the past	21	9
Have never received	158	65
No answer	33	14
Total	241	100

We learnt from the survey that about 20% of the women were receiving public assistance or had received it in the past.

According to the 2006 Hokkaido Ainu Survey on Living Conditions, 38.3 per mill (equivalent to 3.83%) lived on public assistance (out of 1000 Ainu living in municipalities). Our survey

methodology was different, so it is difficult to compare results, but the number of Ainu women depending on public assistance is clearly more.

### 4. Health

#### Do you suffer from any chronic diseases?

	Number of respondents	%
Yes	75	31
No	147	61
Don't know	0	0
No answers	19	8
Total	241	100

Thirty-one percent answered positively, of which 14% said that they were not visiting the hospital for appropriate medical care. Regarding why, 20% raised financial reasons and, though few, some said that it was because they were not enrolled in a health insurance scheme.

#### Do you go to the hospital when you need medical attention?

	Number of respondents	%
Yes	188	78
No	33	14
No answers	20	8
Total	241	100

When asked whether they had a health insurance card, 10% answered in the negative.

### 5. Violence

#### 1) Experience of domestic violence

Seventeen percent of respondents said that they had been hit, kicked or beaten several times, and 20% admitted to once or twice. A total of 37% of the Ainu women who responded said that they had suffered some sort of spousal violence. We are unable to tell from our survey methodology whether this number is statistically high or low. We did, however, confirm that there definitely are women who are suffering from such violence.

Chart 6-1 Have you experienced violence from your spouse or significant other?

	I have been hit, kicked or beaten		I have had things thrown at me		I have had things valuable to me destroyed or thrown away		I have been called "fool," useless" and told I should die	
	Number of respondents	%	Number of respondents	%	Number of respondents	%	Number of respondents	%
Many times	40	17	20	8	8	3	24	10
Once or twice	48	20	27	11	18	7	26	11
Never	133	55	105	44	137	58	119	49
No answer	20	8	89	37	78	32	72	30
Total	241	100	241	100	241	100	241	100
	Almost 40% answered "many times" or "once or twice"		About 20% answered "many times" or "once or twice"		10% answered "many times" or "once or twice"		About 20% have experienced verbal abuse from their spouse	

	I have been denied living expense allowance		My relations with family or friends are restricted or prohibited and my phone calls and mail are checked		I have been forced to have sex against my will	
	Number of respondents	%	Number of respondents	%	Number of respondents	%
Many times	19	8	25	17	48	20
Once or twice	10	4	19	20	33	14
Never	154	64	150	55	113	46
No answer	58	24	47	8	47	20
Total	241	100	241	100	241	100
	Over 10% said that they had been denied living expense allowance		Almost 40% had experienced such restrictions, bans and checks		Over 30% answered "many times" or "once or twice"	

## 2) Seeking help

Among those that confided in or consulted others regarding the violence they had suffered, 14% said they had approached doctors, rather than family or friends, perhaps because of the after effects of the physical or verbal abuse. In some cases, the spouse had verbally abused the woman by insulting all Ainu women, and that led to being hurt and feelings of self-contempt, as well as the loss of pride as a human being. This made us think about how much better it would be to have a shelter for women who suffer this violence, where they can feel safe and have people to consult for advice.

Sixty-four percent left this question blank, despite there being the choice "I did not consult anyone/anywhere." We cannot be sure what this number represents, but it is important to consider the reasons for the respondents not answering this question.

Have you consulted regarding the violence you have suffered from your spouse?

	Number of respondents	%
Yes	48	23
No	70	33
No answers	93	44
Total	211	100

Over 20% said that they had approached someone for advice and over 30% said that they did not consult anyone at all.

For those who answered “Yes” above, who did you consult?

	Number of respondents	%
Police	0	0
Regional and District Legal Affairs Bureaus, Civil Liberties Commissioner	2	1.2
Consultation offices/consultant for women	0	0
General facilities for women (e.g. women’s centers, gender equality centers)	0	0
Offices of the administrative divisions of Japan	0	0
City hall/municipal office	1	1
Court	0	0
Private organizations (e.g. Bar Association, private shelter)	0	0
Doctor	21	14
Family/Relative	13	9
Friend/Acquaintance	2	1
Other	0	0
I didn’t consult anyone	3	2
No answer	97	64
Multiple answers	13	9
Total	150	100

# Results of the Survey of Buraku Women (Excerpt)

Questionnaire conducted by Buraku Liberation League Central Women's Division

Duration of Survey: January 15, 2005

## Your Age

	Number	%
18~19	0	0.0
20~29	23	1.6
30~39	67	4.8
40~49	309	22.0
50~59	504	35.9
60~69	393	28.0
Over 70	100	7.1
No Answer	9	0.6
Total	1405	100.0

This survey does not reflect the situation of all Buraku women because the respondents were limited to women active in the Buraku Liberation Movement who were present at the Buraku Liberation League's 50th National Women's Rally held in Tottori prefecture in January 2005. We were still, however, able to learn about the situation of about 1,405 Buraku women because of this survey. Over 90% of the respondents were over the age of 40, so the survey results more or less reflect the situation of Buraku women over the age of 40.

## 1. Education and Literacy

At 44.7%, the highest level of education attained by most respondents was high school, followed by junior high school at 34%. Viewed by age group (see Chart 3-1), we can observe the effects of the scholarship system. Generally, the source for scholarships was the Japan Scholarship Foundation, but under the Dowa measures, a system began in Osaka City in 1956 providing scholarships and lump sum payments for those unable to attend school for economic reasons. Local governments and the State have provided scholarships since the Law on Special Measures for Dowa Projects was passed in 1969.

As a result of these scholarships, the education levels of women now in their 50s rose. Before this, women now between the ages of 60 and 69 only completed elementary school (8.4%) or junior high school (58.0%). Further, 3% of the total number of women dropped out of either elementary or junior high school.

### 1) Highest Level of Education Attained, by age group (lower tier = percentage)

	Compulsory education		High School	College	Technical College <sup>1</sup>	University (Public)	University (Private)	Graduate School	Did not go to school	No answer	Total
	Elementary School	Junior High School									
20-29 years	—	1	9	6	2	1	3	1	—	—	23
		4.3	39.1	26.1	8.7	4.3	13.0	4.3			100.0
30-39 years	—	5	40	9	7	—	4	—	—	2	67
		7.5	59.7	13.4	10.4		6.0			3.0	100.0
40-49 years	1	12	190	52	26	3	21	—	—	4	309
	0.3	3.9	61.5	16.8	8.4	1.0	6.8			1.3	100.0
50-59 years	8	173	253	30	18	5	11	—	—	6	504
	1.6	34.3	50.2	6.0	3.6	1.0	2.2			1.2	100.0
60-69 years	33	228	114	1	5	2	—	—	2	8	393
	8.4	58.0	29.0	0.3	1.3	0.5			0.5	2.0	100.0
Over 70 years	16	57	19	—	1	1	1	—	2	3	100
	16.0	57.0	19.0		1.0	1.0	1.0		2.0	3.0	100.0
No answer	2	2	3	1	—	—	—	—	—	1	9
	22.2	22.2	33.3	11.1						11.1	100.0
Total	60	478	628	99	59	12	40	1	4	24	1405
	4.3	34.0	44.7	7.0	4.2	0.9	2.8	0.1	0.3	1.7	100.0

<sup>1</sup> Vocational schools where junior-high school graduates are trained mainly in technology and engineering.

Reference: 2000 National Census - Academic Background of Women (excluding current school goers)  
(Unit: %)

	Elementary/Junior High School	High School/Junior High School under old education system	College/Technical College	University/Graduate School	Unknown	Did not go to school
20s	5.7	41.8	33.7	14.2	3.3	1.3
30s	5.0	48.9	29.6	13.1	3.3	0.1
40s	10.6	54.2	21.5	10.7	3.0	0.1
50s	26.4	54.3	10.4	5.0	3.8	0.1
60s	43.9	45.2	4.7	2.2	3.8	0.2
70s+	58.3	32.7	3.3	1.0	4.1	0.7

Compared to the 2000 National Census on the academic background of women in Japan (see Chart 3-2), we can see that the percentage of respondents in our survey over the age of 50 whose highest education level attained is elementary or junior high school is higher, and that the number of years attending school is less. Also, asked whether they had ever received a scholarship, because most respondents were elderly, 43.8% said that they did not avail of any because there was no scholarship system back then. Viewed by age, the ratio of women receiving scholarships increases as the age group becomes younger.

## 2) Reading

	Number of respondents	%
I have no trouble reading	1208	86.0
I can read some Kanji	153	10.9
I can only read Hiragana and Katakana	23	1.6
I can't read at all	4	0.3
No answer	17	1.2
Total	1405	100.0

Asked how well they can read a newspaper, 10.9% said that they could read some Kanji, 1.6% said that they could only read Hiragana and Katakana and 0.3% said that they cannot read at all.<sup>2</sup>

## 3) Writing

	Number of respondents	%
I have no trouble writing	1111	79.1
I can write some Kanji	236	16.8
I can only write Hiragana and Katakana	33	2.3
I can't write at all	2	0.1
Other	1	0.1
No answer	22	1.6
Total	1405	100.0

<sup>2</sup> The Japanese writing system contains three different types of characters: Kanji (Chinese characters), Hiragana (Japanese characters) and Katakana (characters adapted from Kanji). Among them, Kanji is far more difficult in writing and reading.

## 2. Work

### 1) Work Situation, by age group (lower tier = percentage)

	Working	Not working	No answer	Total
20-29 years	23 100.0			23 100.0
30-39 years	61 91.0	6 9.0		67 100.0
40-49 years	287 92.9	22 7.1		309 100.0
50-59 years	412 81.7	89 17.7	3 0.6	504 100.0
60-69 years	199 50.6	174 44.3	20 5.1	393 100.0
Over 70 years	28 28.0	66 66.0	6 6.0	100 100.0
No answer	3 33.3	5 55.6	1 11.1	9 100.0
Total	1013 72.1	362 25.8	30 2.1	1405 100.0

Reference: Work Situation (2000 National Census) (Unit: %)

	Working	Not working	Unknown
Total Number	45.6	53.4	1.0
15 to 19 years	13.5	85.9	0.6
20 to 29 years	64.0	34.2	1.8
30 to 39 years	54.4	44.6	0.9
40 to 49 years	66.9	32.5	0.6
50 to 59 years	59.9	39.5	0.6
60 to 69 years	30.6	68.6	0.8
70 years+	9.8	88.7	1.5

According to Chart 4-1, 72.1% of respondents are currently working. Viewed by age group, 91% of those in their 30s (54.4% according to the 2000 National Census, Chart 4-2), 92.9% of those in their 40s (66.9% in National Census), 81.7% of those in their 50s (59.9% in National Census), 50.6% of those in their 60s (30.6% in National Census) and 28% of those in their 70s (9.8% in National Census) are working women. It is generally said that the labor curve for women in Japan forms an “M” shape, recently coming to resemble a trapezoid, but Buraku women work throughout their lives, regardless of age, and their labor structure is not M-shaped.

### 2) Work position

	Number	%
Self-employed	67	6.6
Family Business	45	4.4
Company manager/executive	29	2.9
Full-time/company employee	355	35.0
Contracted or temporary employee	56	5.5
Part-timer	328	32.4
Homemaker	24	2.4
Other	83	8.2
No answer	26	2.6
Total	1013	100.0

Above chart shows that 35% of respondents are full-time or company employees and 32.4% are engaged in part-time work. A large number of respondents said they worked in small places employing

only 1-4 people and earn a pre-tax income of around 2 million yen a year. The majority worked an average of 40 hours a week. It is clear from the survey that despite being part-time workers, there are women who are working practically in the same conditions as those who work fulltime.

### 3. Discrimination in Marriage

Most women were married, at 72.2%, followed by widowed, at 13.8%, or divorced, at 9.1%. Of those married, 80% were in their 50s, 83.5% in their 40s, and 64.9% in their 60s. Of those divorced, 12.3% were in their 40s, 7.9% in their 50s, and 6.9% in their 60s. Of those widowed, age was a factor, with women in their 60s the majority.

#### 1) Experience of Discrimination in Marriage

	Number of respondents	%
Yes	407	29.0
No	979	69.7
No answer	19	1.4
Total	1405	100.0

Asked whether they had ever experienced discrimination in marriage (see Chart 2-1), 29% answered affirmatively.

\* Discrimination in marriage refers to the non-Buraku partner breaking off the engagement or the partner's parents or relatives opposing the marriage on the grounds of the person being of Buraku origin.

#### 2) Experience of Discrimination in Marriage, by age group (lower tier = percentage)

	Have Experienced	Have Not Experienced	No Answer	Total
20-29 years	5 21.7	18 78.3	—	23 100.0
30-39 years	23 34.3	43 64.2	1 1.5	67 100.0
40-49 years	109 35.3	196 63.4	4 1.3	309 100.0
50-59 years	153 30.4	345 68.5	6 1.2	504 100.0
60-69 years	97 24.7	292 74.3	4 1.0	393 100.0
Over 70 years	17 17.0	80 80.0	3 3.0	100 100.0
No answer	3 33.3	5 55.6	1 11.1	9 100.0
Total	407 29.0	979 69.7	19 1.4	1405 100.0

If we look at experiences of marriage discrimination according to age group (see Chart 2-2), over 30% of women in each of the groups have suffered - 34.3% in their 30s, 35.3% in their 40s and 30.4% in their 50s, as well as 21.7% in their 20s. Respondents in their 60s and 70s have not experienced much marriage discrimination, but this is thought to be because arranged marriages were common at the time, particularly among Buraku people. Incidents of discrimination in marriage have increased together with the number of love marriages between Buraku and

on-Buraku people.

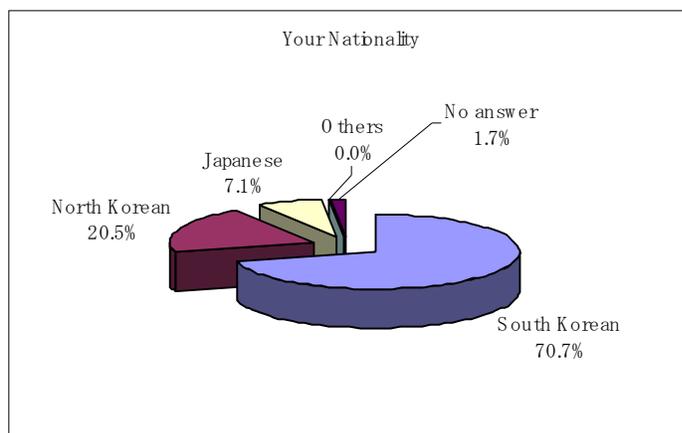
## Results of the Survey of Zainichi Korean Women (Excerpt)

Questionnaire conducted by the Apeuro Women's Survey Project

Duration of Survey: July 2004-May 2005

The Apeuro Women's Survey Project is the group that decided to survey the situation of Zainichi Korean women, being women with roots in the Korean peninsula, regardless of whether their nationality is North Korean, South Korean or Japanese. Members participating in the project numbered 42. The survey was conducted mainly in the Kansai area, where there is a relatively greater concentration of Zainichi Koreans. The questionnaires were disseminated through the women's networks, and 818 women responded. The results show that there are people in Japan who maintain their ethnic characteristics, contradicting the true state of affairs of the entire Zainichi Koreans. We await a comprehensive government-conducted survey on this issue.

### Your Nationality



North Korean 578 (70.6%)

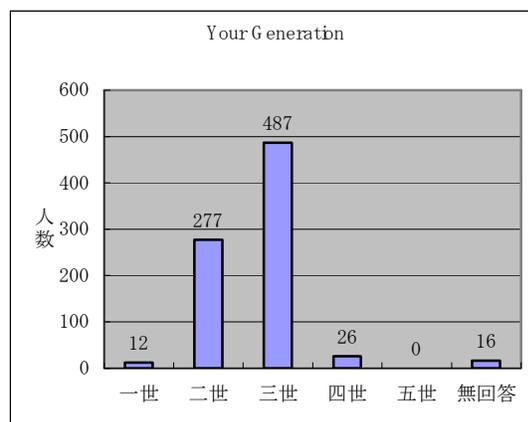
South Korean 168 (21%)

Japanese 58 (7%)

No Answer 14 (2%)

### Your Age

No	Age	No	%
1	18 to 19 years	96	11.7%
2	19 to 29 years	191	23.3%
3	30 to 39 years	145	17.7%
4	40 to 49 years	223	27.3%
5	50 to 59 years	109	13.3%
6	60 to 69 years	34	4.2%
7	Over 70 years	10	1.2%
0	No answer	10	1.2%
	Total	818	100.0%



Replace in Chart→Number of Women, First generation, Second generation, Third generation, Fourth generation, Fifth generation, No answer

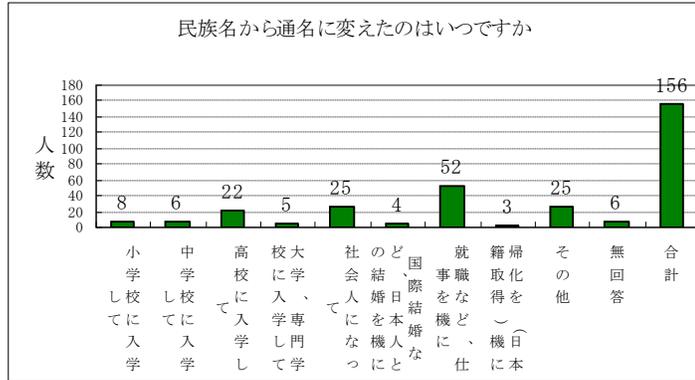
The generation of women born on the Korean Peninsula are referred to as “first generation,” with those born in Japan as “second generation” and their children as “third generation.” With Japan's forced assimilation policies, these terms are important keywords in analyzing the background of the women surveyed.

### 1. Changing their ethnic name

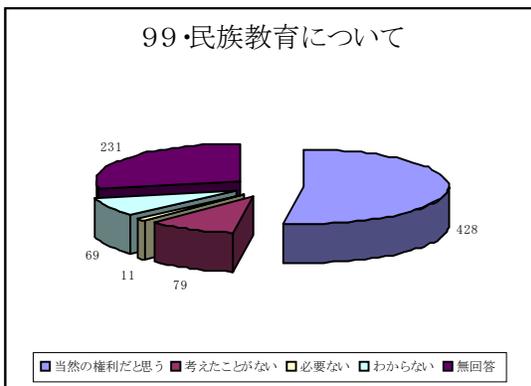
Regarding changing their ethnic name to a Japanese name, 156 women responded in the affirmative. Whether to use a Japanese name or an ethnic Korean name is a critical turning point for Zainichi Koreans.

Discrimination on a daily basis can be evaded by taking on a Japanese name.

Replace in Chart→When did you change your name?, Number of Women, When I entered elementary school, When I entered junior high school, When I entered senior high school, When I entered university/vocational college, When I started working, When I married someone of another nationality/Upon marrying a Japanese man, Upon taking a job, Upon becoming naturalized and acquiring Japanese nationality, Other, No answer, Total



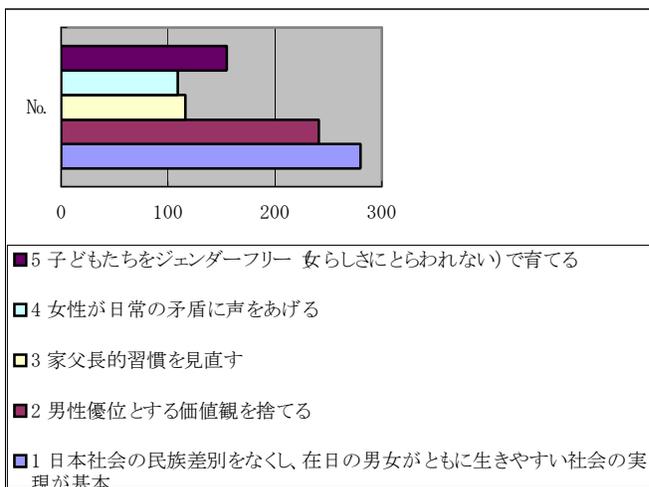
### 2. Ethnic Education



Regarding ethnic education, most respondents (426) answered that it is a definite right.

Replace in Chart→Ethnic education, It is a definite right, I've never thought about it, It isn't necessary, I don't know, No answer

### 3. On the most effective way to eliminate discrimination against women in Zainichi Korean society



Two-hundred and eighty women (34.2%) responded that to eliminate discrimination against women, it is necessary to eliminate ethnic discrimination in Japanese society.

Replace in Chart→Raising children in a gender-free way (without emphasizing femininity), Women protesting contradictions regarding gender in everyday life, Reconsidering patriarchal customs, Getting rid of the sense of value that holds men superior to women, It is fundamental to eliminate ethnic discrimination in Japanese society and make it an easier place to live for both Zainichi Korean men and

women.

#### 4. Work

How are Zainichi Korean women being oppressed in the workplace, with multiple forms of discrimination based on ethnicity, nationality and gender? Can their labor curve be interpreted to form an M-shape<sup>1</sup>?

The chart below shows survey results based on age and employment status, subtracting respondents who left this question blank.

Age range	Employed	%	Unemployed	%
18-19	13	43.3	17	56.7
20-29	146	79.8	37	20.2
30-39	111	79.9	28	20.1
40-49	186	89	23	11
50-59	82	85.4	14	14.6
60-69	18	62.1	11	37.9
Over 70	4	50	4	50

These results show that their labor curve is different from that of Japanese women in general, which forms an M-shape.

**Have you ever been discriminated against based on nationality and origin when looking for a job?**

No	Item	Number	%
1	I have been rejected based on nationality or origin	34	4.1
2	I have felt discrimination	86	10.9
3	I haven't been discriminated against in particular	290	34.8
4	I don't know	113	13.6
5	I have been rejected for using my ethnic name	14	2.6
6	Other	29	3.7
0	No answer	252	30.3
	Total	818	100

About 30% responded that they had not been discriminated against in particular, and over 10% each answered that they did not know or that they had felt discriminated against.

<sup>1</sup> A term coined to express the character of the labor rate of Japanese women over different age groups. The rate is high until their mid-20s. They leave the workforce between ages 25 and 34 for marriage and childrearing, then return from age 35 until their 50s, the rate decreasing as with age. This curve forms the shape of the letter M.