

**Concluding comments of the Committee on the Elimination of
Discrimination against Women: Japan**

Fourth and fifth periodic reports

337. The Committee considered the fourth and fifth periodic reports of Japan (CEDAW/C/JPN/4 and CEDAW/C/JPN/5) at its 617th and 618th meetings on 8 July 2003 (see CEDAW/C/SR.617 and 618).

Introduction by the State party

338. In introducing the fourth and fifth periodic reports, the representative emphasized that great progress had been made for gender equality in the 1990s. Information, including the opinions of non-governmental organizations, had been sought in the preparation of the present reports. As national government ministries and agencies had been streamlined in 2001, the existing national machinery for gender equality had been strengthened. The Gender Equality Bureau had been established within the Cabinet Office, with responsibility for planning and coordinating the gender equality policies of the Government. The Council for Gender Equality, chaired by the Chief Cabinet Secretary, who also held the post of Minister of State for Gender Equality, consisted of ministers and experts, and monitored the implementation of gender equality policies and studied their effects.

339. The representative drew attention to a number of new legal and other measures. The Basic Law for a Gender-equal Society had been enacted in 1999, followed by the adoption in December 2000 of the Basic Plan for Gender Equality. The latter was comprised of concrete measures to be taken by 2005, as well as long-term policies and principles to be achieved by 2010. Subsequently, most local prefectures had passed gender-equality ordinances to implement gender equality plans mandated by the Basic Law.

340. The first comprehensive law on the prevention of spousal violence and the protection of victims had been adopted in 2001, followed by the establishment of 103 spousal violence counselling and support centres. According to a nationwide survey of November 2002, one in every five women had experienced some form of spousal violence, but most had never sought assistance from public institutions. The Government was undertaking efforts at information dissemination and was also considering further revisions to the law to make it more effective. Laws to punish acts related to child prostitution and child pornography, to protect children and to proscribe stalking behaviour and assist victims further strengthened measures to respond to violence against women.

341. While the revised Equal Employment Opportunity Law (1997) prohibited discrimination against women and had led to a steady spread of equal treatment of male and female employees, gaps still persisted. The issue now was how to eliminate them. Councils had been established to promote implementation of positive action policies. A study had revealed reasons and put forward proposals for addressing the wage gaps between women and men, after which the Government announced guidelines. A Panel on Equal Employment Opportunity Policies between Men and Women was considering how to define what constituted indirect discrimination and would report in 2004. Women constituted 70 per cent of part-time workers, and 40 per cent of employed women worked part time, but the salaries of such workers were lower than those of full-time workers. Based on a report issued in March, the Government was preparing to revise current guidelines concerning the equitable treatment of full-time and part-time employees.

342. Efforts were also under way to enhance the balancing of work and family. The Child Care and Family Care Leave Law had been revised in 2001 to prohibit disadvantageous treatment of employees taking childcare leave and other aspects. Policies had been adopted to support implementation of the law, including five days of leave for men upon the birth of a child, and the creation of an additional 150,000 places for children in day care within three years. A study conducted in 2001 indicated that two thirds of women left the workforce following childbirth due to a general atmosphere unfavourable to childcare leave, absence of childcare facilities, inflexible working management and perception of child-rearing as a woman's responsibility. In order to address the burden of balancing work and family, and the rapidly growing trend towards fewer children, the Government had adopted an immediate action plan to support the development of the next generation, which set goals for increasing the percentage of men who took childcare leave. A relevant law would make it mandatory for local Governments and corporations to implement action plans over the next 10 years. Furthermore, the law for the welfare of fatherless families and widows had been revised in 2002 in response to the growing number of single-mother families, leading to an expansion of measures on child-rearing, employment, economic support and educational expenses.

343. The representative stressed the Government's aim to increase the number of women in policy- and decision-making. For example, guidelines on the recruitment and promotion of women national public service officers were being implemented. In 2002, 25 per cent of members of national policy advisory councils were women, and the goal was to reach 30 per cent by 2005. Nevertheless, women held only 8.9 per cent of managerial positions in Government and the private sector. The Council for Gender Equality had identified three major areas for concrete action. Most notably, it took the unprecedented step of recommending a numerical goal of 30 per cent women in leadership positions in all sectors of society by 2020.

344. Steps had also been taken to change stereotyped perceptions of gender roles in supporting the balancing of work and family. To that end, education and information activities were undertaken, and a

manual to ensure that government publications were free from stereotyped gender-role images had been widely distributed. Under the auspices of the Council for Gender Equality, a gender analysis of the tax, social security and employment systems had been conducted, and the views had been reflected in the tax systems reforms in the present fiscal year.

345. The representative emphasized that, since 1995, Japan had allocated approximately 10 per cent of its official development assistance (ODA) to support women in all parts of the world in such areas as education, health and participation in economic and social activities, through its Initiative on Women in Development. The total ODA of Japan averaged around \$10 billion per annum.

346. In response to the problem of trafficking in persons, a number of cases had been brought, and information was being exchanged with relevant authorities and embassies in countries of origin to prevent trafficking and protect victims. Japan supported such projects and had hosted meetings aimed at eradicating trafficking, including the Second World Congress against Commercial Sexual Exploitation of Children in December 2001. It had signed the United Nations Convention against Transnational Organized Crime in 2000 and its supplementing protocols in 2002, and the ratification of that Convention had been approved by the Diet in May 2003.

347. In conclusion, the representative stressed the Government's commitment to the implementation of the Convention and appreciated the important role of the Committee on the Elimination of Discrimination against Women, as indicated in its ratification of the amendment to article 20, paragraph 1, of the Convention in June 2003. The representative also stressed the high importance and value the Government attached to cooperation with non-governmental organizations in building a gender-equal society in Japan.

Concluding comments of the Committee

Introduction

348. The Committee commends the State party for the quality and timely submission of its fourth and fifth periodic reports, which comply with the Committee's guidelines for the preparation of periodic reports. It expresses appreciation to the State party for the written replies to the issues and questions of the Committee's pre-session working group and for the comprehensive oral presentation, which provided additional information on recent developments in the State party.

349. The Committee commends the State party for having sent a delegation, headed by the Director-General of the Gender Equality Bureau. The Committee appreciates the frank and constructive dialogue that took place between the delegation and the members of the Committee.

350. The Committee notes with satisfaction that the State party took account of the outcome document of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace for the twenty-first century" in formulating its

Basic Plan for Gender Equality based on all the 12 critical areas of concern of the Beijing Platform for Action.

Positive aspects

351. The Committee congratulates the State party for its important achievements in the promotion of equality between women and men since the consideration of the second and third periodic reports, particularly the enactment in June 1999 of the Basic Law for a Gender-equal Society and the Basic Plan for Gender Equality adopted in December 2000, which demonstrate Japan's goals for and policies on gender equality. It also appreciates that all prefectures are implementing their own plans formulated in accordance with the Basic Law and notes that municipalities that have not yet done so are being encouraged to formulate plans for gender equality at the local level.

352. The Committee notes with appreciation the law reform undertaken by the State party in several areas, including the revision of the Equal Employment Opportunity Law that prohibits discrimination against women from recruitment to retirement and obliges managers to give consideration to the prevention of sexual harassment in the workplace; the 2001 revision of the Child Care and Family Care Leave Law that prohibits disadvantageous treatment of employees because of their taking childcare leave; the 2001 Law for the Prevention of Spousal Violence and the Protection of Victims that provides for protection orders; and the 2000 Law on Proscribing Stalking Behaviour and Assisting Victims that establishes punishment for stalking.

353. The Committee welcomes the strengthening of the national machinery with the establishment of the Gender Equality Bureau within the Cabinet Office, given the task of planning and coordinating gender equality policies; and the establishment of the Council for Gender Equality chaired by the Chief Cabinet Secretary/Minister of State for Gender Equality and comprised of ministers designated, and intellectuals appointed, by the Prime Minister, which monitors the implementation of those policies and surveys the effects of government measures.

354. The Committee appreciates the State party's collaboration with women's non-governmental organizations in the preparation of the reports, as suggested in the Committee's previous concluding comments, and welcomes the State party's commitment to continue to strengthen that partnership.

355. The Committee commends the State party for allocating, under the Initiative on Women in Development, approximately 10 per cent of its official development assistance over the last decade for women's education, health and economic and social participation, to a number of developing countries in various parts of the world.

356. The Committee notes with appreciation that the State party has accepted the amendment to article 20, paragraph 1, of the Convention, relating to the Committee's meeting time.

Principal areas of concern and recommendations

357. The Committee expresses concern that, while the Constitution stipulates equality between the sexes, no specific definition of discrimination has been included in domestic legislation.

358. The Committee recommends that a definition of discrimination against women, encompassing both direct and indirect discrimination in line with article 1 of the Convention, be included in domestic legislation. It also recommends campaigns to raise awareness about the Convention, in particular the meaning and scope of indirect discrimination, aimed, inter alia, at parliamentarians, the judiciary and the legal profession in general.

359. While appreciating the State party's recognition that the long-standing stereotyped perception of gender roles remains the major obstacle to achieving equality between women and men and noting its efforts based on regular opinion polls in this regard, the Committee remains concerned about the persistence of deeply rooted and rigid stereotypes in Japan regarding the role and responsibilities of women and men in the family and in society, which are reflected in women's situation in the labour market, educational choices and low participation in political and public life.

360. The Committee recommends that the State party design and implement comprehensive programmes in the educational system, including human rights education and gender equality training, and disseminate information on the Convention and the Government's commitment to gender equality, with a view to changing existing stereotypical attitudes on women's and men's roles. It recommends that the State party disaggregate its surveys and opinion polls, not only by sex but also by age and, on the basis of the results increase targeted efforts at advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be intensified and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in the private and public spheres.

361. While acknowledging legal and other measures by the State party to address violence against women, the Committee is concerned about the prevalence of violence against women and girls and about women's apparent reluctance to seek assistance from existing public institutions. It is concerned that the Law for the Prevention of Spousal Violence and the Protection of Victims currently does not cover forms of violence other than physical violence. It is also concerned that the penalty for rape is relatively lenient and that incest is not defined explicitly as a crime under the Penal Code but is dealt with indirectly under a number of different penal provisions. The Committee is further concerned about the particular situation of foreign women who experience domestic violence and whose immigration status might depend on their living together with their spouse. The Committee is concerned that fear of repatriation might be a deterrent for those women to seek assistance or take steps to seek separation or divorce. While appreciative of the comprehensive information provided by the

State party with respect to the measures it has taken before and after the Committee's consideration of the second and third periodic reports of the State party with respect to the issue of "wartime comfort women", the Committee notes the ongoing concerns about the issue.

362. The Committee calls upon the State party to intensify its efforts to address the issue of violence against women, including domestic violence, as an infringement of their human rights. In particular, the Committee urges the State party to broaden the Law for the Prevention of Spousal Violence and the Protection of Victims so as to include different forms of violence, increase the penalty for rape and include incest as a specific crime in its penal legislation, and implement policies in accordance with the Committee's general recommendation 19, in order to prevent violence; provide protection, support and other services to the victims; and punish offenders. The Committee recommends that revocation of residence permits of foreign but separated married women who experience domestic violence be undertaken only after a full assessment of the impact of such measures on those women. The Committee recommends that the State party endeavour to find a lasting solution for the matter of "wartime comfort women".

363. While recognizing the efforts made by the State party to address trafficking in women and girls, including its cooperation for prevention and investigation with law enforcement and immigration authorities in countries of origin and transit in the Asia-Pacific region, the Committee is concerned that information on the extent of the problem is insufficient and the punishment for perpetrators under current laws too lenient.

364. The Committee recommends that the State party increase its efforts to combat trafficking in women and girls. It requests the State party to systematically monitor the phenomenon and compile detailed data reflecting the age and national origin of victims, with a view to formulating a comprehensive strategy to address the problem and ensure that penalties for perpetrators are appropriate. The Committee requests the State party to provide in its next report comprehensive information and data on the trafficking of women and girls as well as on measures taken in this regard.

365. The Committee expresses concern about the lack of information in the reports about the situation of minority women in Japan. It also expresses concern at the multiple forms of discrimination and marginalization that these groups of women may face with respect to education, employment, health, social welfare and exposure to violence, including within their own communities.

366. The Committee requests the State party to provide, in its next report, comprehensive information, including disaggregated data, on the situation of minority women in Japan, especially with regard to their educational, employment and health status and exposure to violence.

367. While welcoming the guidelines for the expansion of recruitment and promotion of women in national advisory councils and the setting

of a numerical goal of 30 per cent for leadership positions in all sectors of society by the year 2020, the Committee is concerned about the low representation of women in high-level elected bodies including in the Diet, local assemblies, the judiciary and the diplomatic service, and as mayors, prosecutors and police.

368. The Committee recommends that the State party take further measures to increase the representation of women in political and public life through, inter alia, the implementation of temporary special measures, in accordance with article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of policy- and decision-making. The Committee urges the State party to support training programmes for future women leaders and carry out awareness-raising campaigns regarding the importance of women's representation in decision-making for achieving gender equality.

369. The Committee is concerned at the existing wage gap between women and men, stemming largely from the difference in type of work, horizontal and vertical employment segregation as expressed by the two-track employment management system, and the lack of understanding regarding the practice and the effects of indirect discrimination as expressed in governmental guidelines to the Equal Employment Opportunity Law. The Committee is further concerned by the high percentage of women in part-time work and by women who are "dispatch workers", whose salaries are lower than those working in a regular situation. The Committee is deeply concerned about the difficulties faced primarily by women in reconciling their personal and family lives with professional and public responsibilities.

370. The Committee urges the State party to amend its guidelines to the Equal Employment Opportunity Law and to increase its efforts towards accelerating the achievement of de facto equal opportunities for women and men in the labour market through, inter alia, the use of temporary special measures in accordance with article 4, paragraph 1, of the Convention. The Committee recommends that efforts be made to eliminate occupational segregation, both horizontal and vertical, through, inter alia, education and training, effective enforcement mechanisms and systematic monitoring of progress. The Committee recommends that measures allowing for the reconciliation of family and professional responsibilities be intensified, that equal sharing of domestic and family tasks between women and men be promoted, and that changes to the stereotypical expectations of women's roles in the family and labour market be encouraged.

371. The Committee expresses concern that the Civil Code still contains discriminatory provisions, including those with respect to the minimum age for marriage, the waiting period required for women to remarry after divorce and the choice of surnames for married couples. It is also concerned about discrimination in law and administrative practice against children born out of wedlock with regard to registration and inheritance rights and the resulting considerable impact on women.

372. The Committee requests the State party to repeal discriminatory legal provisions that still exist in the Civil Code and to bring legislation and administrative practice into line with the Convention.

373. While noting with satisfaction that the Government submitted a Human Rights Protection Bill to the Diet in March 2002, the Committee is concerned about the independence of the proposed human rights commission, which would be placed under the Ministry of Justice.

374. The Committee recommends that the human rights commission proposed in the Human Rights Protection Bill be established in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134 of 20 December 1993, annex, known as the “Paris Principles”) in order to ensure that it will be an independent institution and adequately address women’s human rights.

375. The Committee encourages the State party to continue to consider the ratification of the Optional Protocol to the Convention, while noting the concerns expressed by the State party in its fifth periodic report. The Committee strongly believes that the mechanisms available under the Optional Protocol would strengthen the independence of the judiciary and assist it in understanding discrimination against women.

376. The Committee urges the State party to respond in its next periodic report, due in 2006, to the specific issues raised in the present concluding comments. The Committee also urges the State party to collect and analyse comprehensive data disaggregated by sex and age and to include such data in its next report. It also requests that the report highlight information on results and the impact of legislation, policies and programmes in the implementation of the Convention.

377. The Committee requests that the text of the present concluding comments be widely disseminated in Japan so as to inform the public, in particular administrators, officials and politicians, of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area. The Committee also urges the State party to continue to give broad publicity to the Convention, its Optional Protocol, the general recommendations of the Committee, the Beijing Declaration and Platform for Action, and the results of the twenty-third special session of the General Assembly, entitled “Women 2000: gender equality, development and peace for the twenty-first century”, particularly among women’s associations and human rights organizations.

378. Taking account of the gender dimensions of declarations, programmes and platforms for action adopted by relevant United Nations conferences, summits and special sessions (such as the special session of the General Assembly to review and appraise the implementation of the Programme of Action of the International Conference on Population and Development (the twenty-first

special session), the special session of the General Assembly on children (the twenty-seventh session), the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Second World Assembly on Ageing), the Committee requests the State party to include information on the implementation of aspects of those documents relating to relevant articles of the Convention in its next periodic report.