

JAPAN

CEDAW A/43/38 (1988)

232. The Committee considered the initial report of Japan (CEDAW/C/5/Add.48, Amend.1 and Corr.1) at its 108th, 109th and 111th meetings, on 18 and 19 February 1988 (CEDAW/C/SR. 108, 109 and 111).

233. In introducing the report, the representative of Japan stated that the end of the Second World War constituted an epoch-making turning point for Japanese women. Whereas before the War the status of women had been very low, the new Constitution, which had been promulgated in 1946, guaranteed for the first time the equality of men and women as a fundamental human right. Thereafter, the Civil Code was revised and a range of domestic laws were enacted, including the Fundamental Law of Education and the Labour Standards Law, which had resulted in sweeping improvements in the legal status of women in the family, the workplace and the society in general.

234. In spite of the rapid socio-economic changes brought forth by the high economic growth rates experienced by the country in the 1960's, equality between women and men and had not been fully achieved in practice and the traditional concept of the woman's place being in the home was still deeply rooted. Nevertheless, the momentum towards equality of the sexes continued to build. A milestone in that development was the establishment by the Government in 1975 of the Headquarters for Planning and Promoting Policies Relating to Women, which had formulated in 1977 that National Plan of Action. Its fundamental goal was the realization of the equal rights of women as guaranteed by the Constitution.

235. To facilitate the ratification of the Convention, the Headquarters had worked on an agreement among the ministries and agencies concerned with the revision of prevailing policies. The agreement contained suggestions from the Advisory Council to the Prime Minister on Woman's Affairs, women members of the Diet and women's groups. It was due to all those combined efforts that the Convention could finally be ratified.

236. The representative of the State party highlighted some of the most important changes that had taken place before the ratification of the Convention, including an amendment to Japan's nationality law, a plan to eliminate the sex discrimination that was inherent in the home economics education, the enactment of the Equal Employment Opportunity Law and the amendment of other laws and regulations protecting women workers. She explained the endeavours of the Ministry of Labour to ascertain progress in the implementation of the laws, and enumerated measures taken to promote de facto equality, which had not yet been fully achieved. At the legal level, equality of the sexes had been almost fully realized. Such measures included the New National Plan of Action, which aimed at the more effective observance of laws enacted or amended to further the equality of men and women not only de jure but also de facto, and to that end set as a comprehensive goal the □ creation of a society of joint

participation by both men and women. In spite of significant progress, there was still a long way to go and the Government had resolved to continue its unflagging efforts to attain the goal.

237. The members of the Committee praised in particular the frank and concise oral introduction to the report and commended the report, which followed the general guidelines in its statistical data. Experts underlined that Japan had made many efforts before the ratification of the Convention to adapt national laws to its requirements. It showed the strong commitment of the Government and its serious and honest endeavours. However, the Committee felt that the de facto situation of Japanese women lagged far behind the legal situation. It noted that the report did not throw enough light on the practical implementation of the laws and on the factual situation of women. The experts commented that it was most important (a) to recognize the existence of discrimination, (b) to clarify the obstacles to equality and (c) to start fighting against the lack of de facto equality. Therefore, special attention should be paid in the second report of Japan to measures taken under article 5 of the Convention. Some criticism was also put forward that in Japan, which was at the vanguard of technology and was one of the first economic Powers in the world, there was disparity between the extraordinary technical and industrial progress that had taken place and the improvement of the situation of women. The rate of participation of women was still rather low. While appreciation was expressed for the unites relating to women within the Prime Minister's Office, it was felt that such a prosperous country could afford an independent ministry for women's affairs.

238. Experts stated that the Japanese example showed the impact on women in the country of the United Nations Decade for Women and of the Convention.

239. Information was sought on the effect of the technological progress on the female labour force, the rate of female unemployment and vocational training. More information was requested on the results of the Expert Meeting on Homemaking Education and on the activities undertaken during the Women's Week.

240. Experts commented on the large delegation sent by Japan to present the report and commended it for the ample additional material it had distributed during the session, in particular the New National Plan of Action Towards the Year 2000. They inquired to what extent the Convention was being disseminated in the country, whether it had been translated and what the reactions were of the people, especially men. The comment was made, however, that the statistical handbook of Japan for 1987, which had been distributed as additional information, made no specific reference to women.

241. Clarification was requested on the function and the structure of the various local offices concerned with the promotion of the status of women. Members commented on the thoughtless references to women made by former Prime Minister Nakasone in a television interview. They inquired about the reactions of non-governmental organizations and about any legal actions taken against him.

242. It was asked whether the Government had undertaken any serious measures to achieve equal treatment of women in employment, and more information was requested on the equality of the sexes in family life. Clarification was sought as to whether in the extended family the paternal system still

existed, whether the responsibilities for doing gainful work and domestic work still followed traditional patterns, whether men shared in household work, whether domestic servants were frequently employed and who was responsible in practice for decision-making in the family.

243. The experts considered the emphasis put on education and training as a very positive aspect. They inquired whether specific programmes in social education were oriented towards sexual equality.

244. It was asked whether any co-ordination existed between governmental units and non-governmental organizations and what was the most outstanding practical contribution by the Ministry of Labour to the advancement of women.

245. With reference to "essential" equality mentioned in the report, more information was sought on the concept of equality in all spheres of life. Questions were asked about the number and types of cases of sex discrimination in violation of the Equal Employment Opportunity Law, and explanations were sought on the composition of the equal employment opportunity commissions and on any other procedural remedies to complain against discrimination. It was also asked whether women were informed about their rights.

246. Experts asked about the percentage of women in national advisory councils, as well as about the number of women who were labour standard inspectors, and who held responsible positions in prefectural offices. They also asked whether public employment was open to women and what the level of female participation in local government agencies was. Experts also wanted to know the purpose for improving women's skills since it seemed that often more was required from women than from men. Others asked how many labour standards inspectors were women and who appointed them.

247. Clarifications was requested on the study courses for women's issues, their contents and the length of studies, and on the preparatory seminars for women's working life. It was asked whether men were encouraged to attend them, and if those seminars might simply perpetuate existing stereotypes.

248. It was asked how long the temporary special measures provided by the vocational training courses had existed and how many women had taken advantage of them. Further information was requested on the roles and positive results of the maternal health management promoters. Questions were raised about the current targets of affirmative action programmes for women in all levels of employment. Experts asked whether programmes had been introduced for quotas or preferential treatment to integrate women more rapidly in areas where they were under-represented. It was asked what types of assistance were provided to women for their re-entry into the labour market, at which levels re-entry was possible and what their promotion prospects were.

249. Experts asked whether efforts to modify sex stereotyping had brought forth any results, what was being done to eliminate the idea that women's jobs were only supplementary and to what extent men were involved in efforts to achieve equality. Considering that in Japan women and men used different types of language, but that the knowledge of male language was a prerequisite for women who wanted to pursue a professional career, it was asked how women could acquire the necessary tools for

competing in a male-dominated society. Information was also sought on the influence of religious institutions on the situation of women.

250. While the report dwelled on all the social measures undertaken by the Government to protect women as mothers, and the importance of article 5 was acknowledged, it was commented that not enough was said on measures to modify stereotyped social and cultural patterns of conduct. It was felt that Japan now needed a strong commitment to identify traditional obstacles and design programmes to change traditional patterns. Questions were asked about the portrayal of women in the mass media and whether sex-related job advertising was prohibited. Experts wanted to know whether those responsible for planning had any influence on the media and on modifying the image of women in the media.

251. It was asked who was responsible for radio and television concessions and whether there were contracts regarding such concessions. It was asked whether government institutions mobilized women journalists to give publicity to women's rights and how women and men reacted to the new social role of women.

252. Questions were also raised about the reactions of the public to the new handbook on family education, about the practical results among women of the enlightenment programmes and women's reactions to the institutionally required activities.

253. Statistics were requested on the number of working fathers attending the parent education classes.

254. Experts asked what was meant by the reference in the report to "simple" prostitution, whether the law against prostitution contained punitive measures against men, and how the law prohibiting prostitution was enforced. They also inquired whether rape was regarded as a criminal offence, whether it was practised in rural areas by fathers on their daughters. Not enough attention was paid by the authorities to the issues of domestic violence and sexual harassment, and information was requested on relief centres for battered women. Experts also commented on sex tourism and inquired about the role of geishas in Japanese society.

255. Concerning the participation of women in politics, it was noted that the number of women in decision-making positions and the percentage of women in the Diet was rather small, yet in most elections the turn-out of women was higher than for men. Experts asked if there were any positive action programmes to change the situation. It was observed that the number of women who represented the country overseas was higher than the number of women held political positions inside the country.

256. It was asked whether political parties and the trade unions had special programmes to advance the equal participation of women, whether women's organizations were oriented towards feminist issues or welfare, whether they could obtain grants or subsidies and what the rate of female participation in trade unions was. Experts were also especially interested to learn whether women's organizations had been consulted about the Convention and the Government's report to the Committee.

257. Praise was expressed for the amended nationality law but more information was sought on it.

258. Experts commented on the different degrees of involvement in higher education of men and women and on the sex-differentiated choices of study and profession. They asked whether text books or curricula gave any educational guidance and whether the sex-related differences in homemaking courses still prevailed. It was also asked whether there existed any affirmative action programmes for professional or vocational guidance.

259. It was observed that women were still highly disadvantaged compared with men in recruitment, promotion and wages. Satisfaction was expressed concerning the recent reduction of protective legislation. It was further asked to which occupations the 1986 guidelines applied as the report mentioned that they did not apply to "occupations whose nature precluded their application", and which types of work were still restricted. It was observed that the report on wages referred only to equal pay for the same work and experts wanted to know how the principle of equal pay for work of equal value was implemented in practice. It was further observed that women's starting salaries were always lower than men's despite the same educational requirements. Experts requested statistical data and examples of wage differentials between male- and female-dominated jobs. They inquired about hidden unemployment among women and sought an explanation for the drastic drop in the rate of participation in the labour force of women in the 25 to 29 age bracket, which contrasted with the increase in the rate of participation of men in the same age bracket. It was asked what was meant when the report mentioned that women were treated more generously than men in the social security system. The fact that the same retirement age applied to women and men was commended.

260. Experts asked what the normal working hours were for women and men, whether maternity leave was paid at 100 per cent, whether the provisions referring to maternity leave were the same for the public and the private sectors and whether the introduction of paternity leave was in any way foreseen. They felt that the child-care leave should exist equally for fathers. The experts underscored the importance of the advancement of a good social infrastructure. Concerning child day-care facilities, it was asked what their opening hours were and whether the operation of day-care facilities was mandatory for employers.

261. Clarification was sought on the types of jobs incorporated in marine employment.

262. The table referring to health guidance for expectant mothers was commented on and it was asked why the number of women who visited health centres to receive guidance was much higher in 1975 and 1980 than in 1986. It was asked whether mother and child health care were free of charge, whether health education came under the authority of the Ministry for Public Health and whether such facilities existed in public and private enterprises.

263. More details were sought on family-planning measures and on sex education facilities and programmes, and it was asked whether abortion was allowed and what the attitude of society was vis-a-vis single mothers.

264. More information was requested on the tax system in Japan and whether it could be said to encourage or punish married women who wished to take up gainful occupation.

265. Considering that the percentage of women engaged in agriculture was much higher than that of men, it was asked whether the extension of workers gave enough guidance and training to women.

266. Concerning the choice of family name, statistics were requested on the number of men who choose their wife's name. It was asked whether any legal provisions forbade women to change their name upon marriage, whether the husband had to retain his name and what the regulations were for the name of children from within wedlock and whether the legal situation of children born within or outside wedlock was different.

267. Experts asked about the legal grounds for divorce and asked why there was still a time-limit for remarriage after divorce and why it was different for men and women.

268. The representative of Japan, in reply to questions raised by members of the Committee, said that the meaning of "essential equality" in her country's report was that under the Constitution all people were equal under the law and that there would be no discrimination in the political, economic or social fields.

269. Prefectural women's and young workers' offices helped resolve individual disputes between women workers and employers under the Equal Employment Opportunity Law. The Equal Opportunity Mediation Commission set up in each prefectural office and the Equal Employment Opportunity Law were part of the many measures recently promulgated by the Government to improve the status of women, as had been done since the 1947 creation of the Women's Bureau. The Commission was composed of three members who were appointed by the Minister of Labour. The Ministry of Labour had publicized the objects and content of the law.

270. The headquarters for the Planning and Promoting of Policies Relating to Women, created in 1975, was headed by the Prime Minister and was composed of vice-ministers from all the ministries. The secretariat of this headquarters was the Office for Women's Affairs. She provided the Committee with a comprehensive description of these bodies, their composition, functions, programmes and mandates.

271. There were no governmental affirmative action programmes in Japan and no quota systems in employment or in political life. However, a target of 15 per cent had been set for women's participation in national advisory councils in the year 2000. The main obstacles to full equal opportunity were fixed notions about women's abilities and the stereotyped role differentiation between men and women, which was deeply rooted in Japanese society, as well as the heavy burden of family responsibilities shouldered by women.

272. The text of the Convention had been translated into Japanese and distributed nationwide together with an explanatory brochure. Municipal government was also involved in meeting the aims of the Convention and had offered courses for women on consumer education, child care, civics, vocational

orientation, health and safety, family life and household affairs. The Ministry of Education had also encouraged the establishment of parents' education classes for both sexes as well as stimulated the participation of men in social education classes. This was notably important. As at 1985, nuclear families constituted 60 per cent of the total number of families, while extended families constituted 15 per cent. It was difficult to judge whether the average person in Japan was satisfied with the efforts and the reforms, at least the awareness of the importance of equality between men and women had been enhanced, even if it had not made everyone happy.

273. With regard to the general questions of economic development, technological innovations and the status of women, the representative pointed out that there still existed a disparity between the economic situation of Japan in the world and the status of women. It was indispensable for women to realize their potential as individuals and, therefore, the participation of women in policy-and decision-making would be expanded.

274. The distribution of the Convention mentioned above also meant that the mass media had been aware of its ratification. This had had a positive impact on the manner in which women were treated in magazines and newspapers, on television and radio. Public information campaigns were conducted at every opportunity, such as for example Women's Week, Equal Employment Opportunity Month and Human Rights Week. With regard to the influence of religious institutions, religion in Japan was separate from daily social life.

275. Under article 175 of the Penal Code, the distribution of obscene literature was strictly forbidden. Sexual harassment and domestic violence where it existed could be handled by women's consultative offices at each prefecture where victimized women could seek assistance. The representative also provided information statistics on the amount of time spent by women on household duties in comparison with men.

276. Sex education was provided in school so that children would have scientific information about sex and sound views on relations between the sexes. The principle underlying sex education was the dignity of every individual. Many men were reading parent education handbooks, which indicated that men were making efforts to participate in child care and to share in household chores.

277. Simple prostitution, i.e. acts of prostitution themselves, was prohibited but not penalized as organized prostitution was. It could be said that customers should be penalized, but it was argued that since women who engaged in simple prostitution were not penalized, neither should their customers be. For women who resorted to prostitution because of character or of circumstances, rehabilitation and guidance were available. The law provided for penalties for a variety of acts promoting prostitution, such as soliciting.

278. Regarding women's involvement in government and public life, there was no previous tradition of experience in the matter and the role of women was still small; however, it had gradually begun to rise. The percentage of women executives in trade unions was now 10 per cent. Women's organizations were important in this process. Some were philanthropic in nature, but other groups were

political and had been actively involved in the ratification of the Convention. Some had undertaken projects with social and public significance that were financed by the Ministry of Education.

279. With regard to women's participation in international conferences, there were women representatives in a variety of forums, such as the United Nations Commission on Transnational Corporations, the Disarmament Commission and the International Labour Organisation. Many young women were also detached to other committees of the United Nations and, as time went on, they would be more visible.

280. The representative explained the revision of the law on nationality that had taken place. At the moment, a child born of a mixed nationality marriage acquired Japanese nationality if either the father or the mother was a Japanese citizen.

281. Courses other than home economics were open equally to boys and girls. General home economics was still compulsory for girls but not for boys in upper secondary schools, but 299 public schools, or 7.2 per cent of the total number, taught general home economics for boys. The □ course of study□ would be revised to ensure an equal opportunity for boys and girls to take home economics in lower and upper secondary schools.

282. Students who wished to go on to institutions of higher education were not subjected to discrimination on the basis of sex. The Ministry of Education and local boards of education directed schools under their jurisdiction to develop in their students an awareness of the equal ability of men and women in all areas of educational activity.

283. Regarding employment, the representative gave further information on issues raised by the Committee. It was true in the past women tended to withdraw from the labour market at times of recession and returned when the recession lifted. However, an increasing number of women were now remaining permanently in the labour market, either by finding recession-proof jobs or by securing new jobs. She also gave examples of recent progress in the field of employment such as a considerable decline in □men only□ job advertising. With regard to equal pay for work of equal value, that goal was not yet achieved and there were no statistics on wage differentials between female-dominated and male-dominated jobs. The percentage of part-time workers was higher for women than for men, a majority of part-time workers worked short hours because they liked to share the time between their family responsibilities and their jobs. Subsidies were given to employers to improve their child-care facilities under the Children's Allowance Law. She also explained the result and purposes of the maternal health management promoters. Although some people still held biased views on single mothers, the prejudices, in her opinion, were diminishing and single mothers had access to maternity- and child-health services and family allowances. Women in general could visit health centres to receive guidance as often as they wished. Regarding paternity leave, the Government would welcome it if individual enterprises voluntarily introduced such a system; Japan had not ratified Convention 156 of the International Labour Organisation. The awareness of birth control was widespread through sex education, and the knowledge of contraception by the Ogino method was quite large in Japan.

284. The income tax system encouraged rather than punished women who wanted to work, since taxes were levied separately.

285. In reply to several questions regarding rural women, the representative stated that modernization had now brought about an improvement of women's working conditions and status in farm households. They were a strong force in decision-making. Of the 4,376,000 farm households in Japan, 14 per cent were dependent entirely on their production, while 86 per cent were part-time producers. The latter consisted mostly of women whose husbands worked in non-agricultural jobs. Agricultural work in Japan was not done exclusively by men, but was greatly supported by women.

286. Extension workers were divided into two categories: some taught farmers, regardless of sex, agricultural production techniques and farm management; others helped farm households to improve their living standards.

287. She assured members of the Committee that article 733 of the Civil Code regarding the right for women to remarriage after divorce would be studied in the future, as stated in the report. She admitted that it might be argued that the provision could result in discrimination against women.

288. The representative finally expressed her sincere gratitude to members of the Committee for all the questions asked which showed a keen interest in Japan and commitment to the advancement of women. Although progress towards achieving de facto equality might seem slow, she assured the Committee that Japan would continue its efforts to attain the "common goal".

289. Members of the Committee expressed their appreciation for the comprehensive replies furnished in only 24 hours and congratulated the representative on her efforts and foresight. The experts stated that they would be looking forward to Japan's second report and wished the representative success in her national endeavours.

CEDAW A/49/38 (1994)

546. The Committee considered the second and third periodic reports of Japan (CEDAW/C/JPN/2 and CEDAW/C/JPN/3) at its 248th and 249th meetings, on 27 and 28 January (see CEDAW/C/SR.248 and 249).

547. In presenting the report, the representative of Japan underlined the importance that her Government attached to the monitoring role of the Committee and pointed out that the change in government in her country in August 1993 had led to epoch-making changes with respect to the status of women, in particular with regard to the participation of women in policy decision-making in various fields. As examples she mentioned the appointment of three women Cabinet ministers, of a woman as Supreme Court justice for the first time ever and of the first woman Speaker of the House of Representatives. Copies of the two reports had been widely distributed among members of the Diet, political parties, major women's organizations and journalists. In drafting the third reports, views of non-governmental organizations were also taken into account and the Advisory Council to the Prime Minister had been consulted.

548. The main features of the current situation of women in Japan were the progressive ageing of the female population, a decrease in the number of births, a trend towards higher educational attainment, the tendency of women to marry at a later age and an increase in the number of working women. Women occupied prominent positions in the Administration, the judiciary and the legislature. The rate of female membership in the Diet was 6.8 per cent and in national advisory bodies it was 10.7 per cent. The proportion of women filling managerial posts in the public and private sectors had also been increasing. The representative highlighted the major achievements since the consideration of Japan's initial report in the areas of education, employment and agriculture. She spoke of the plans for enhancing the authority of the national machinery by raising its membership to the ministerial level and appointing an Equal Participation Coordinator with the rank of Director-General in every ministry and agency.

549. Harmonization of work and family responsibility was of great importance to attaining de facto equality. That was why the Child-care Leave Law had been put into force and subsidies given to employers to set up and run child-care facilities. In the Japanese civil service women were free to take entrance examinations in every job category. In 1989 Japan had revised the rules as to which country's laws applied in private international law cases, so as to establish full equality of the sexes before the law with respect to international marriages and adoptions. She explained that since January 1991 the provisions in the Civil Code regarding marriage and divorce had been in the process of being reviewed. Local governments had been very active in promoting measures relating to women since the ratification of the Convention and the community of non-governmental organizations was very active in Japan. The representative said that de jure equality had almost been attained; however, customs deeply rooted in stereotypes and the poor representation of women in the decision-making process prevented women from achieving full de facto equality.

General observations

550. Members congratulated the Government for the progress made in advancing the status of women, especially with regard to the big strides made in a short time, considering the very traditional nature of the society. They commended the authors of the two reports for having followed the Committee's guidelines and for having replied in the second report to the questions that had not been answered during the consideration of the initial report.

551. Regarding the remaining obstacles that still limited the advancement of women, the representative mentioned stereotypes about the roles of women and men in all spheres of life as the principal cause of persistent problems. A major barrier to the participation of women in economic life was insufficient support for the reconciliation of work and family responsibilities. It was, of course, not possible to change the attitudes of people in a short time.

552. In additional comments members commended the extensive replies given to the questions prepared by the pre-session Working Group and they appreciated the fact that in the preparation of the report non-governmental organizations had been consulted. Members acknowledged having received a large number of counter-reports from non-governmental organizations. That proved the democratic attitude of the Government and showed that women in Japan were mobilizing themselves. However, members felt that the Government should be more attentive to observations made by non-governmental organizations, in particular with regard to the personnel management systems affecting women's employment, and the issues of violence against women and prostitution.

553. Members considered that the status of women in Japan was not commensurate with the level of economic development of the country. Women had made a valuable contribution to the country's economic success without having been given an adequate position in all spheres of life. Yet, in the current recession, they were the first ones to suffer. Given the opportunity, women would make a significant contribution to the political, social and cultural development of their country.

554. Regarding the reports, members felt that they referred only to the positive changes. Although they contained much valuable statistical data, there was no analysis of the obstacles to the advancement of women. It would have been appreciated if the Government had prepared its third report after the Committee's session and had taken the Committee's comments into consideration.

555. It was said that the Government, as a large donor country, ought to direct its official development assistance towards helping to enhance the status of women in recipient countries.

556. In concluding, the representative said that she would convey all the comments made by members of the Committee to the Government in an effort to improve the situation.

Questions related to specific articles

Article 2

557. Asked about instances of discrimination against women and the legislative and other measures that had been taken to put an end to such discrimination, the representative enumerated five instances: the obligation for women to retire at an earlier age than men; the provision of dormitory housing for men, but not for women; the exclusion of women workers from training programmes at factories; the recruitment of men as regular, but women as temporary, employees; and the promotion of men over women in identical positions despite shorter records of service. In all those instances, appropriate judicial and administrative measures had been taken to correct the injustices. In other cases, such as complaints that only men were recruited for positions requiring technical skills, that women were not promoted on an equal basis with men and that in the area of recruitment there was discriminatory treatment of female students as a result of the recession currently gripping Japan, discriminatory treatment continued. The Equal Employment Opportunity Law and the Labour Standards Law were currently under review with a view to achieving equal employment opportunity and treatment for men and women.

558. There were also instances of discriminatory customs and practices in areas other than employment owing to stereotypes regarding gender roles; however, their number was declining.

559. In reply to the question whether the law relating to equal opportunity provided penalties, the representative stated that gender-based wage discrimination was a punishable offence. Breaches of equal opportunity and treatment in private-sector employment, except for wages, were dealt with through administrative guidance following investigations made by the Ministry of Labour. In additional comments, members said that the Equal Employment Opportunity Law should provide sanctions in all cases of breaches of the law.

560. Asked about the possibility for women to have recourse to the courts or other tribunals if their rights were infringed, the representative said that anyone might have recourse to the courts to assert rights granted to them under the law. The public service laws provided for imprisonment or fines in cases of discriminatory treatment and any public employee who had been subjected to discriminatory treatment might lodge a complaint or institute a lawsuit.

Article 3

561. Asked whether the National Women's Education Centre offered courses to prepare women for public office, the representative replied that the Centre contributed to the promotion of women's education by organizing practical training courses and conducting research. There were no courses to prepare women for public office, but the goal was to empower women and promote their participation in public life.

562. Regarding the types of studies and diplomas offered at the Open University, the representative said that the university's Faculty of Liberal Arts offered courses in science in daily life, industrial studies, social studies, humanities and natural sciences, after which a bachelor's degree in liberal arts could be

conferred upon graduation.

563. Members commended the Government's intention to strengthen the national machinery and asked whether thought had been given to setting up the office of equality ombudsman. They requested information in the subsequent report on the policies that were pursued to fulfil the targets set for the advancement of women.

564. Members suggested that more attention should be paid to policy measures regarding the status of disabled women and single mothers.

Article 4

565. Regarding the system of reintegration of women employees into the workforce, the representative stated that women who resigned from work because of pregnancy, childbirth or child care could opt to be re-employed. The Ministry of Labour provided a system of grants to employers that adopted and met certain conditions and promoted a comprehensive support plan for the reconciliation of work and child care through the dissemination of information, educational activities, child-care leave, reduced working hours, advice and guidance to enterprises. Since 1988, the proportion of firms that had adopted that plan had increased to 19.7 per cent. One of the reasons for the low percentage was the fear of some firms that they would incur extra expenses in upgrading the skills of returning workers, in addition to the financial difficulties brought on by the current recession.

566. In reply to questions regarding single-parent families, the representative said that households headed by a single mother, irrespective of her marital status, received loans, counseling, a survivor's pension, a child-rearing allowance and at-home care, and could also obtain night-time child care. Additional special allowances included the payment of a vocational training allowance and the payment of travel expenses.

567. Regarding the Week of the Women, the representative explained that no records were kept on the number of participants, but most of them were middle-aged or older women and, recently, a growing number of men. Efforts were being undertaken to increase the number of younger participants and of men. Other efforts to raise consciousness included the Equal Employment Opportunity Month and a panel meeting to solve problems arising from stereotypes and to improve the social environment through wide dissemination of the meeting's proposals.

568. In additional comments, members expressed the view that not enough use had been made of affirmative action, such as the setting of quotas. The question was raised whether special temporary measures had been adopted to help in the employment of young women during the economic recession.

Article 5

569. Within the framework of the New Plan of Action to the Year 2000, one of the targets of which was to improve the popular understanding of equality between men and women, several ministries and

agencies had undertaken consciousness-raising and public relations activities. The Ministry of Education had established a curriculum extending from elementary to high school which taught gender equality and understanding. Partly as a result of those activities, ways of thinking had begun to change, as could be seen from a public opinion poll conducted in 1992. The representative supplemented that statement by some statistical data.

570. Asked about legal measures in relation to sexual harassment, the representative stated that no specific legal measures existed as yet. The most difficult task was to alter the consciousness of supervisors and male colleagues. The Ministry of Labour had established a study group to look into the problem, launched a campaign and started providing advice to women workers. In one specific case, the victim's boss and employer had to pay damages under a court order.

571. Regarding cases of domestic violence, the representative quoted statistical data compiled in 1992. Although there was no particular provision in the code for the punishment of abuse or maltreatment of a spouse, the use of violence, infliction of bodily injury, confinement and rape were all criminal acts.

Article 6

572. In reply to the question what available information had led to the comment that there had been a decline in the number of arrests for prostitution-related crimes, the representative said that dealing with prostitution-related cases had become more difficult with the development of more sophisticated forms of prostitution, such as "dispatch prostitution".

573. There was no statistical record on the incidence of violence against prostitutes. Although it was illegal to be the client of a prostitute, there was no provision for punishment.

574. Regarding the question whether the Government had considered providing compensation to women who had been forced into prostitution, the representative said that official organizations never forced women into prostitution. Although the Government did not provide compensation to women who had been forced into prostitution by individuals or private organizations, persons who solicited in public for purposes of prostitution might be sent to the Women's Guidance Home, and girls and women in need of protection were provided with professional counseling, guidance and housing.

575. Asked about the provisions of the Anti-Prostitution Law, the representative said that the law stipulated that prostitution impaired human dignity, was contrary to sexual morality and corrupted the morals of society, and emphasized the illegal and anti-social character of prostitution. The purpose of the Act was to prevent, suppress and prohibit prostitution; however, only acts relating to the promotion of prostitution, not the acts of prostitution, were put under sanctions.

576. In additional comments, members observed that the report included very little information about cases of Asian women who had raised issues of exploitation against Japan. Reference was made to cases of sex tourism, the abuse of other Asian women in the Japanese sex industry, mail-order brides and the exploitation of women through forays of Japanese men into other Asian countries. The Government was

urged to discourage sex tourism. Particular reference was made to the fate of women who had been forced into prostitution by Japanese men during the Second World War, often referred to as "comfort women". It was suggested by some members that the Government should pay overall compensation to the surviving victims without their having to go to court individually, and create a women's fund in memory of those who had died in the meantime, thus meeting its commitment to the women of Asia. They requested an explanation about the measures the Government was planning to take to assist those women.

577. It was said that the report did not provide enough data on prostitution, pornography, violence against women, exploitation of immigrant women, the shelter situation for battered women and the punishments for those offences. Members asked whether criminal gangs profited from the exploitation of women and whether geisha girls or hostesses were still common. They urged the Government to undertake a study on all of those issues and the underlying causes and report on the policy measures taken.

578. In addressing those concerns, the representative said that the Prime Minister had been asked to take stronger measures against organized prostitution. The Government was trying to curb sex tourism through legal amendments that should forbid travel agents to arrange illegal acts for travelers. Any form of prostitution was illegal and the Government was intensifying efforts to protect the rights of foreign workers. Regarding the issue of "comfort women", a study had been undertaken in 1991 and when the findings had been made public in 1993, the Government had extended its apologies to all those who had suffered damage. The Government was considering how best to express its remorse.

Article 7

579. Members welcomed the appointment of female ministers and noted the Plan of Action of 1977 for increasing the number of women in executive bodies. Asked for clarification of the application of the Plan of Action, the representative said that one of its five basic targets was to achieve participation in society by men and women on an equal footing and one of the priority objectives was to promote women's participation in policy decision-making. The Government was seeking the cooperation of local governments, political organizations, labour unions and women's organizations in its task. To promote the participation of women in administration, the Government had set an initial overall target of 10 per cent. The Government had promoted the employment of women as public employees, reviewed the restrictions on women's participation in recruitment examinations for public service jobs, had in 1991 set a newly revised target rate for women in national advisory councils, to be raised to 15 per cent by the year 1995, and abolished all restrictions on women entering the regular national public service.

580. While commending the election of a woman as Speaker of the House of Representatives, members inquired about the reasons for the continuing low percentage of women members of Parliament and the small increase in the number of women in national advisory bodies and in local government. The representative stated that the stereotypes concerning the roles of men and women in society and the short history of women's participation in political life were contributing reasons for the situation. The expansion of women's participation in policy decision-making was one of the priorities of the New Plan

of Action. More specifically, the low number of women in national advisory bodies was related to the small number of women who held senior public posts and were in leadership positions. Therefore, the national machinery asked that more women candidates be recommended to advisory councils and be promoted in their own organizations. The low number of women in local government was explained by the low number of women who played active roles, held high positions or had the necessary knowledge or qualifications.

581. Asked about the rate of participation of women at the upper levels in political parties, the representative said that the percentages varied from 1.2 to 18.1 per cent. Their membership varied from 6.1 to 44.8 per cent. The proportion of female trade union members stood at 28.2 per cent in 1993.

582. Regarding the enrolment figure of women in the National Defence Academy, the representative said that, with a total of 71 female students, women had accounted for 7.5 per cent of the total number of students since 1992.

583. In additional comments, members urged the Government to take specific steps to improve the status of women in positions of power and decision-making.

Article 8

584. Asked about the number of women filling diplomatic posts, the representative stated that in 1993 14.8 per cent of the officials in the Ministry of Foreign Affairs were women. Of the candidates who had passed the Foreign Service Specialist Officer Examination in 1993, more than half had been women. There were four women ambassadors. Members suggested that the subsequent report give information on the percentage of female ambassadors and women holding posts in international organizations.

Article 10

585. Members inquired whether the reasons for the somewhat more optimistic view regarding the percentages of girls studying non-traditional subjects during the period covered by the third periodic report were the result of any particular strategies. The representative said that women had been participating in a greater variety of fields of study as a result of changes in attitudes about gender. The Ministry of Education was trying to develop awareness of the equality of men and women at each grade level in elementary and secondary schools and guidance counselors were encouraging students to select courses of study free of any preconceived notion about gender suitability.

586. Asked for clarification concerning the "open courses" and specialized education, the representative explained that university extension courses provided learning opportunities to adult citizens in various fields. The courses were open to everyone. The open courses provided opportunities to gain specialized knowledge and vocational skills about daily life and current issues. More than half of the participants were women.

587. Regarding any plans to reform the curriculum in order to expand the subjects offered at all levels,

the representative stated that after the reform of 1989, the national curriculum for both elementary and secondary education became the same. Home economics was mandatory for all students at the upper secondary school level and industrial arts and home-making had to be taken by both boys and girls at the lower secondary school level.

588. Members noted the women's studies programme offered by the National Women's Education Centre and commended the attempt to introduce comparative international information through seminars as beneficial to Japanese women.

589. Regarding consciousness-raising about gender equality and the corresponding training of teachers, the representative said that the Ministry of Education attempted to give teachers sufficient information about gender equality by holding curriculum classes for each area or prefecture.

590. In additional comments members expressed appreciation for the changes made but said that the reversal of stereotyping in the education system and in the media needed to be extended. Attitudes needed to be changed at an early age and great importance should be attached to the sex education of children.

Article 11

591. Members asked whether the principle of equal pay for work of equal value was being considered and what procedures existed for the settlement of disputes concerning remuneration. The representative explained that the data supplied in the reports did not permit a comparison of average remuneration of men and women. The main factors accounting for a difference in the average remuneration of men and women were seniority, the occupation of the employee and the type of industry in which they worked. The Government was trying to strengthen measures to promote the compatibility of work and family responsibilities and to ensure equal opportunity and treatment, in order to narrow the remuneration gap. In addition, the Government had published guidebooks for students to encourage them to consider occupations other than those traditionally taken up by women, and was also organizing meetings to discuss ways of utilizing women's abilities in all fields. Labour standards inspectors supervised the observance of ILO Convention No. 100 concerning equal pay for equal work for men and women whenever a complaint was filed and also when a violation was revealed as a result of an inspection. In many cases damages had been awarded as a result of lawsuits.

592. Remuneration consisted of the basic wages and allowances. Under the Japanese wage system, it was difficult to apply the concept of equal pay for work of equal value or evaluation systems based on gender-neutral criteria, as contained in the Committee's general recommendation 13.

593. Asked whether the Labour Standards Law also dealt with health and safety rules at the workplace and what sanctions were provided for violations of the law, the representative said that issues of safety and health at the workplace were addressed by the Industrial Safety and Health Law, according to which the employer had to ensure the safety and health of workers by establishing a comfortable working environment and improving working conditions in addition to complying with minimum standards. The

sanctions were imprisonment or fines.

594. Regarding the type of protection that was afforded to women in agricultural, forestry or fishing industries and the problems that they encountered in ensuring the economic well-being of their families, the representative said that since only 7 per cent of the women working in those branches of industry were employees, the rest being self-employed or family workers, safety measures and working conditions tended to be poorly controlled. However, the competent ministry undertook several measures to improve conditions, such as consciousness-raising and training activities, mutual labour assistance programmes and the establishment of model farms. Female workers in those fields of industry were protected by the relevant labour laws just like female employees in other industries. The major difficulties for those women were to balance their occupational with their household responsibilities and to cope with the undefined role of women in those operations. The ministry provided education through homelife-improvement extension programmes and promoted the reaching of household agreements on the roles and situations of family members, since in those occupations the male head of household was mostly the decision maker and other family members provided the labour.

595. Asked about the rate of unemployment among women and any assistance provided to ensure minimum living standards for their families, the representative said that owing to the prolonged recession the unemployment rate was rising for both men and women. It stood at 2.8 per cent in November 1993. Unemployment benefits ensured a minimum living standard and were provided regardless of sex for a limited period of time, depending on age and length of previous employment. The Government was currently trying to devise effective employment measures.

596. Regarding a question about the pension systems in the public and in the private sector and the differences between them the representative explained that the national pension schemes provided basic pensions for all. Salaried workers in the private sector were automatically insured under the Employees' Pension Insurance and persons working in the national and local government were covered by the Mutual Aid Association. As the coverage differed in the various schemes, the Government was planning to unify the public pension schemes by 1995.

597. With reference to the current status of the family-care leave scheme, the representative said that the number of firms that had introduced the scheme was gradually increasing. The guidelines issued by the Ministry of Labour described the minimum conditions applicable to permit a worker to take leave to care for a family member, such as duration and gender equality, and contained a list of the persons for whose care leave might be taken. The employee should also be given the choice between taking such leave or making use of such measures as flex-time or staggered working hours. The guidelines had been widely disseminated and were being adopted by many firms; however, the family-care leave scheme had not become law as yet.

598. In additional comments, members appreciated the progress in the employment of women but said that much more needed to be done in areas such as equal employment opportunity, part-time employment and wage disparity. Members observed that the principle of equal pay for equal work had not been complied with, since according to their information women received only 40 per cent of men's

wages. They asked what practical measures the Government was considering to improve the situation. Members referred to similar comments that had been made during the presentation of the initial report. Members felt that women in Japan seemed to be subjected to indirect discrimination through the separate personnel management track systems practised by private companies. Such practices needed to be prosecuted just as much as those involving direct discrimination and measures should be taken to make private firms comply fully with the law. The question was raised whether the Government had an understanding of the concept of indirect discrimination, of which such separate track systems were an example; the Government was urged to include that concept when reforming the Equal Employment Opportunity Act. Questions were raised as to who paid for child-care leave, the Government or the employer, and the kind of obstacles men faced in taking such leave. When women re-entered the labour market, mechanisms should exist to prevent their being forced into part-time employment. Members said that Japanese companies did not make full use of women's skills and capabilities.

599. Asked about measures to improve the status of part-time workers, the representative said that part-time workers were covered by the Labour Standards Law, which set minimum labour standards. In order to improve their welfare and working conditions, the Law Concerning the Improvement of Employment Management of Part-time Workers had been enacted and put into force in 1993. A number of measures had been taken on the basis of that law, and efforts in that direction were expected to intensify.

600. With reference to the Japanese wage system, which is based on seniority, the representative said that it was not discriminatory towards women because of the child-care system. The provision of vocational training for women who re-entered the labour market was paramount.

601. Members asked whether measures had been taken to reduce the working week to 40 hours in order to strengthen the family.

Article 12

602. In the course of additional questions raised, members asked whether there was a nationally organized screening programme for cervical and breast cancer.

603. Members referred to the medical tests that were mandatory for women serving in private bath houses. The fact that they were not informed of the results constituted a violation of human rights.

Article 14

604. In referring to the status of rural women, members said that particular attention should be paid to them as their traditions were usually the strongest and progress difficult to achieve. Special programmes should be designed to involve rural women in decision-making.

Article 16

605. Members observed that very little information had been supplied in the reports relating to the reform of the Civil Code intended to improve the status of women and children in the family and asked for clarification of the current legal situation of women in the family. The representative said that a national advisory commission had started reviewing the provisions concerning marriage and divorce under the Civil Code. An interim report had been published in 1992 and through mid-May, the views of the public and the courts had been solicited until mid-May 1993. On the basis of those views, the deliberations on the relevant issues were still ongoing.

606. In additional comments, members referred to discriminatory practices relating to marriage and family relations, such as those regarding the prohibition against women remarrying within a certain period and children born out of wedlock. Greater consideration should also be given to the elderly female population and, following related research, information should be provided on policy measures and programmes. Members asked also when the ongoing review of the Civil Code would be finished and what the reasons for the recent increase in the divorce rate were. Members stressed the need to address rigid gender-role stereotypes in the family and to increase male participation in family life.

607. The Committee deferred its concluding comments on the reports of Japan until its fourteenth session.

CEDAW A/50/38 (1995)

626. The Committee on the Elimination of Discrimination against Women (CEDAW) considered the combined second and third periodic reports of Japan (CEDAW/C/JPN/12 of 9 July) at its 248th meeting, on 27 and 28 January 1994.

Introduction

627. The Committee commended the Government of Japan on the presentation of a detailed combined report, which followed the guidelines for reporting and provided information on questions left unanswered during consideration of the initial report. The Committee also noted with appreciation the extensive responses given to the questions put by the Pre-session Working Group, but expressed its concern that the information was not provided in sufficient time for the pre-session group to consider it fully. The Committee, while appreciating the richness of the report, asked the Government of Japan to bear in mind the Committee's constraints of time for considering reports, so that in the future a fuller dialogue between the distinguished representatives of the Government of Japan and the Experts could take place.

Positive aspects

628. The Committee noted and commended that some consultation with non-governmental organizations having an interest in issues affecting women had occurred. It noted in particular the active interest taken by Japanese non-governmental organizations in the Convention and also noted the independent reports provided by them. The Committee considered that this interest was indicative of the level of mobilization and concern among Japanese women and the degree of consensus about the major obstacles faced by them in achieving equal status with men.

629. The Committee also commended the Government of Japan on the progress made in a short time in advancing the status of women, particularly in the increased participation of women in public and political life, and the plans of the Government to improve further that participation. The Committee also applauded the way in which the Government had encouraged the broader participation of women in education and its action in implementing a family leave scheme.

Principal subjects of concern

630. The Committee observed with concern that although Japan ranked second among the countries of the world in terms of overall resource development, according to the United Nations, her ranking was reduced to fourteenth when the socio-economic status of Japanese women was taken into consideration. The Committee considered that this demonstrated the State's indifference to integrating women fully in the economic development process of the country.

631. The Committee also expressed its concern that although the report contained a wealth of data, it

was otherwise descriptive and lacked critical analysis of the obstacles to full implementation of the Convention in Japan.

632. The Committee noted further that, despite the introduction of the Equal Employment Opportunity Act, individual discrimination continues.

633. The Committee expressed its disappointment that the Japanese report contained no serious reflection on issues concerning the sexual exploitation of women from other countries in Asia and during the Second World War. It noted that Japan's commitment to the Convention required it to ensure the protection of the full human rights of all women, including foreign and immigrant women.

Suggestions and recommendations

634. The Committee asks that the Government of Japan engage in effective dialogue with Japanese women's organizations during the preparation of the next periodic report so that a better picture of Japanese women emerges. The legal and functional discrimination faced by Japanese women, both in the private sphere and in the workplace should be identified, as should the measures in place or planned to overcome these obstacles.

635. To enable the Committee to have a better understanding of commercial sexual exploitation or prostitution of immigrant women in Japan, more detailed information should be provided on the sex industry in Japan. The Committee requests the Government of Japan to undertake a study of the sex industry in Japan and to provide information on the findings in its next report. The Committee also encourages the Government to take specific and effective measures to address these current issues as well as war-related crimes and to inform the Committee about such measures in the next report.

636. The Government of Japan should ensure that the private sector complies with the provisions of the Equal Employment Opportunity Act and report on the measures taken to address the indirect discrimination faced by women, both in terms of promotion and wages in the private sector.

CEDAW A/58/38 (2003)

37. 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.