



# Convention on the Elimination of All Forms of Discrimination against Women

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Forty-fourth session

20 July-7 August 2009

### List of issues and questions with regard to the consideration of periodic reports

#### Japan

The pre-session working group considered the sixth periodic report of Japan (CEDAW/C/JPN/6).

#### General

1. Please explain whether the sixth periodic report was adopted by the Government and whether it was submitted to Parliament.

#### Constitutional, legislative and institutional framework and status of the Convention

2. The report mentions that a specialist committee on monitoring and gender impact assessment and evaluation conducted a study and deliberated on the adopted opinion of the Council for Gender Equality on the state of implementation in each ministry and agency in the light of the previous concluding observations of the Committee on the Elimination of Discrimination against Women (see para. 4). Please provide information on the recommendations made by the specialist committee in July 2005 and the measures that have been taken to implement those recommendations.

3. In its previous concluding comments (see A/58/38, sect. IV, para. 357), the Committee expressed concern about the lack of any specific definition of discrimination in the domestic legislation and recommended that a definition of discrimination against women, encompassing both direct and indirect discrimination in accordance with article 1 of the Convention, be included in the domestic legislation. Please indicate what measures the Government has taken in response to the Committee's recommendation.

4. Has the Convention on the Elimination of All Forms of Discrimination against Women been invoked or referred to in any domestic court cases, and if so, what has

been the outcome? Additionally, please specify what measures have been taken to increase awareness about the Convention among the judiciary and the legal profession in general.

5. Please describe the current status and progress achieved in the implementation of the second basic plan for gender equality (see para. 29). The response should include information on the impact of each policy set out for each of the 12 fields identified in the plan towards practical realization of gender equality.

6. The report indicates that the Government is reviewing the human rights protection bill which would establish a human rights commission (see para. 44). In the light of Japan's pledge at the Human Rights Council at the end of the universal periodic review (see A/HRC/8/44/Add.1, para. 1 (a)), please indicate the progress made towards establishing a national human rights institution in accordance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights.

#### **Violence against women**

7. Bearing in mind the Committee's general recommendation No. 19 regarding violence against women, please describe steps taken to develop a comprehensive strategy to combat all forms of violence against women, including prosecution of perpetrators, provision of protection and assistance to victims, such as shelters and restraining orders to protect victims, and introduction of capacity-building and awareness-raising programmes for various groups (such as the police, lawyers, health and social workers and the judiciary) and the general public.

8. In its previous concluding observations (see CAT/C/JPN/CO/1, para. 25), the Committee against Torture expressed concern over "the lack of effective measures to prevent and prosecute violence perpetrated against women and girls by military personnel, including foreign military personnel stationed on military bases". Please specify the measures taken in response to this concern.

#### **Trafficking and exploitation of prostitution**

9. The report indicates (see para. 172) that "the Law Concerning Partial Amendment to the Penal Code", which was enacted in June 2005, includes the establishment of trafficking in persons as a crime and introduces an increase in the penalties for such a crime. Annex No. 21 of the report provides statistical data on how many prosecutions have been brought against traffickers from 2001 to 2005. Please give further details about the results to date of those prosecutions in terms of convictions and sentences as well as statistical data and prosecutions since the enactment of the new legislation.

10. In its previous concluding observations (see CAT/C/JPN/CO/1, para. 25), the Committee against Torture expressed its concerns at the cross-border trafficking in persons, facilitated by the extensive use of entertainment visas issued by the Government, as well as at the inadequate nature of support measures for victims, leading to victims of trafficking being treated as illegal immigrants and being deported without redress or remedy. Please describe measures that have been taken to address those concerns as well as any protection measures and assistance given to witnesses and victims of trafficking.

11. Please provide information on the measures taken to address the root causes of prostitution, to prevent the sexual exploitation of women and girls, to raise awareness of the health and safety risks of prostitution and to ensure the protection, rehabilitation and social reintegration of prostitutes who wish to leave prostitution.

12. In its previous concluding observations (see CRC/C/15/Add.231, para. 51), the Committee on the Rights of the Child expressed its concerns at the practice of *enjo kosai*, or compensated dating, and at the low minimum age of sexual consent, which might contribute to the practice and hamper the prosecution of sexual abuse of children. The sixth periodic report acknowledges (see para. 201) that “sexual acts committed in the name of patronage dating have drastically increased in number”. Please indicate what measures have been taken to address those concerns.

### **Participation in political and public life and representation at the international level**

13. The report notes that the number and ratio of female national public officers in managerial positions are small, and figures show a declining trend (see para. 228). Please indicate what measures the State party intends to take in order to increase the participation of women at managerial level, including temporary special measures, in line with article 4, paragraph 1, of the Convention, and the Committee’s general recommendations Nos. 23 and 25.

14. According to statistical data provided in the report, women continue to be underrepresented in decision-making in many areas, in particular in the Diet (9 per cent in the House of Representatives in 2005 and 13.6 per cent in the House of Councilors in 2004), in the national Government (9.1 per cent of all ministers in 2006), in the judiciary (13.7 per cent in 2005), in local governments and in local assemblies. In its previous concluding comments (see A/58/38, sect. IV, para. 368), the Committee recommended that the State party increase the representation of women in political and public life through the implementation of temporary special measures and urged 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. What measures are being undertaken by the State party to increase the number of women in the various levels and branches of Government, including the adoption of temporary special measures?

### **Stereotypes and education**

15. The report notes (see para. 15) that the percentage of women in institutions of higher education is on the rise, except at the university level, where a gap between men and women still exists (36.6 per cent for women and 51.3 per cent for men). Please provide information on measures taken to reduce that gap.

16. While the report indicates that both the number and percentage of women teaching in universities and junior colleges are on the rise (see para. 17), women account only for 18.7 per cent of teachers. Please indicate measures undertaken to increase the participation of women in the teaching profession at university and junior colleges.

17. In the constructive dialogue during which the fourth and fifth periodic reports of Japan were considered by the Committee, the issue of a sexist remark made by a

Government official was raised by a Committee member (see CEDAW/C/SR.617, para. 59). Please indicate what steps have been taken to ensure that Government officials do not make disparaging sexist remarks that demean women and typify the unequal patriarchal system which discriminate against women.

#### **Employment and reconciliation of work and family life**

18. The report is silent on both maternity and paternity leave entitlements. Please indicate the parental leave entitlements for both women and men, as well as the percentage of men taking advantage of paternity leave, including measures taken to encourage men to take such leave.

19. The report explains the dispute settlement system put in place in cases of dispute between female workers and their employers, which aims at conciliation but does not provide information in cases of failure of such conciliation (see paras. 303-305). Please indicate what legal avenues are available to the employees in case of violations of the revised Equal Employment Opportunity Law and what sanctions are foreseen for the employers found to be in breach of their obligations under this legislation. Please provide statistics about the number of cases brought by women and the outcome of such cases.

20. The report indicates (see para. 292) that the revised Equal Employment Opportunity Law provides for assistance for employers who institute positive action. Please provide further information about positive actions that were undertaken by employers, the assistance that employers received under the revised law and to what extent such assistance benefited the women employees.

21. According to the report, in 2005, the average wage of female workers (excluding part-time workers) was 65.9 per cent that of male workers. Apart from the guidelines on the improvement measures of wage and employment management for eliminating wage disparity between men and women, compiled in 2003 by the Ministry of Health, Labour and Welfare, and the application of which is voluntary, please elaborate on any other measures developed and undertaken to address the wage gap between men and women.

22. The report mentions that the guidelines concerning the Equal Employment Opportunity Law were amended (see para. 290). Please provide details about those guidelines, in particular with regard to how they encompass indirect discrimination in the sections relating to employment management, recruitment and hiring, assignment (including allocation of work and vesting authority) and promotion.

23. Please give further details about the measures employers have an obligation to take under the revised Equal Employment Opportunity Law to prevent sexual harassment in the workplace (see para. 61). Please clarify whether the revised law includes punitive measures to enforce compliance other than publicizing the names of offending companies. Please indicate to what extent the new measures foreseen by the revised Equal Employment Opportunity Law have been enforced.

#### **Minority, immigrant and refugee women and other vulnerable groups**

24. In its previous concluding comments (see A/58/38, sect. IV, para. 366), the Committee requested the State party to provide, in its next report, comprehensive information, including sex disaggregated data, on the situation of minority women

in Japan, with regard to their educational, employment and health status and exposure to violence. Please provide such information.

25. The report does not provide any information on the situation of migrant women and refugee women. Please provide such information, in particular the economic and social situation of migrant and refugee women and the measures in place to support them and protect them from violence and exploitation.

26. The report notes that women have a longer lifespan than men (see para. 13) and predicts that the aging rate of the population will continue to increase rapidly, rising to 28.7 per cent in 2025 and 35.7 per cent in 2050 (see para. 14). Given the health risks and other vulnerabilities faced by older women in Japan, please expand on Government policies and initiatives specifically targeting this section of the population, beyond the measures aimed at improving the nursing-care system (see paras. 110 to 114).

### **Health**

27. The report indicates the ratio of abortions in the teenage population was 10.5 to 1,000 females in 2004 (see para. 355). What steps are being taken to promote a comprehensive sex education plan, including education on reproductive health, so that adolescent girls have access to age-appropriate reproductive health and family planning information and to affordable contraceptive methods? Does the Government plan to decriminalize abortion?

### **Marriage and family life**

28. In its previous concluding comments (see A/58/38, sect. IV, para. 371), the Committee expressed its concerns that the Civil Code contained discriminatory provisions, including those with respect to the minimum age for marriage, the waiting period required for women before they could remarry after divorce and the choice of surnames for married couples. The report does not indicate any concrete actions that the Government has taken to repeal the legal provisions in the Civil Code discriminating against women. Please provide this information.

### **Economic consequences of divorce**

29. Please provide information on the type of property that is distributed upon dissolution of the relationship and indicate, in particular, whether the law recognizes intangible property (i.e., pension funds, severance payments and insurance). Please also indicate whether the law provides for the distribution of future earning capacity and human capital or considers enhanced earning capacity or human capital in any manner in the distribution of property upon dissolution (e.g., through a lump-sum award reflecting the other spouse's estimated share in this type of asset or by allowing for an award of compensatory spousal payment).

### **Optional Protocol**

30. In the light of the Committee's previous concluding comments (see A/58/38, sect. IV, para. 375), please indicate any progress made with respect to the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women.