



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

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**Committee on the Elimination of Discrimination
against Women**
Forty-fourth session

Summary record of the 890th meeting (Chamber B)

Held at Headquarters, New York, on Thursday, 23 July 2009, at 10 a.m.

Chairperson: Ms. Neubauer (Rapporteur)

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In the absence of the Chairperson, Ms. Neubauer, Rapporteur, took the Chair.

The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (continued)

Sixth periodic report of Japan (CEDAW/C/JPN/6; CEDAW/C/JPN/Q/6 and Add.1)

1. *At the invitation of the Chairperson, the members of the delegation of Japan took places at the Committee table.*

2. **Ms. Nohno** (Japan), introducing the sixth periodic report of Japan (CEDAW/C/JPN/6), said that non-governmental organizations (NGOs) played a significant role in promoting gender equality.

3. Japan had acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1985, and its policies to give effect to the provisions of the Convention were now bearing fruit. Benefiting from the Equal Employment Opportunity Act, women now occupied managerial positions in major corporations, while school curricula had been made more gender-neutral, and, in society at large, men were assuming greater responsibility in the home. The Gender Equality Bureau had issued a pamphlet on gender equality to commemorate the thirtieth anniversary, in 2009, of the adoption of the Convention.

4. Nevertheless, progress had been slow, notwithstanding the level of education and economic development in Japan. One reason was the persistence of stereotypes, and more work was needed to change perceptions, particularly among men. A second reason was the difficulty of balancing work and family life, which caused many women to leave their jobs after giving birth to their first child. The promotion of work-life balance and the development of a family-friendly culture remained as major challenges. Thirdly, many working women were concerned about their careers, in which connection positive action was required. Such structural problems could not be overcome quickly: steady and proactive efforts were needed.

5. Following consideration of the previous periodic report, the Second Basic Plan for Gender Equality had been implemented, based on the Beijing Platform for Action. Legislation had been amended and new measures introduced in an effort to realize a gender-equal society. In particular, targets had been set to

improve participation by women in policy decision-making and to increase their representation in leadership positions to at least 30 per cent in all fields by 2020. Higher targets had been set in certain areas, while efforts were also under way to increase the number of female research workers to 25 per cent, particularly in the fields of science, engineering and agriculture, where few women were employed.

6. To meet the 30 per cent target, the programme for the acceleration of women's social participation, adopted in 2008, comprised policies to promote work-life balance, measures to support women's efforts to fulfil their potential, and awareness-raising activities. The occupations of doctor, research worker and public employee had been identified as priority areas, and particular progress had been made in recruiting women as national public employees.

7. The concept of gender equality in employment was now generally accepted as a matter of course. Yet, cases of gender discrimination persisted and had become more complex, with an increase in the number of cases of disadvantageous treatment, including dismissal in the case of pregnancy. Reports of sexual harassment had increased.

8. Those considerations had led to revision of the Equal Employment Opportunity Act, which now prohibited indirect discrimination and dismissal or other disadvantageous treatment in connection with pregnancy and childbirth, and provided for measures to prevent sexual harassment. Companies were being encouraged to take positive action to promote gender equality and work-life balance in order to eliminate the gender gap. The numbers of women in non-regular employment had increased, posing the challenge of ensuring that non-regular workers received fair treatment and an appropriate employment environment. The Government was also increasing its support for new business start-ups in rural areas to promote economic independence for women.

9. Measures to improve work-life balance had been expanded and were more firmly entrenched, as evidenced by the fact that some 90 per cent of female employees had taken childcare leave in 2007, although fewer than 2 per cent of male employees had taken such leave. Efforts had continued to create an environment in which both male and female workers could balance their work and family lives, with shorter working hours and improved leave provisions.

10. The Government had encouraged the private sector to make use of the systems developed, and, since 2003, businesses employing over 300 staff had been required to submit details of the steps they had taken in support of work-life balance. In that same vein, in 2007 a joint Government/business labour council had devised a charter for work-life balance, balancing the need to work with the right to a healthy life. Numerical targets had been set and various initiatives were being implemented.

11. The Government acknowledged that violence against women, including spousal violence, sex crimes, prostitution, trafficking, harassment and stalking, was a flagrant violation of their human rights and represented a serious problem that must be overcome as part of the process of creating a gender-equal society.

12. In 2004, statutory penalties had been increased for such crimes as rape, homicide and injury, with additional penalties in cases of gang rape. Awareness-raising campaigns had been conducted.

13. The Act on the Prevention of Spousal Violence and the Protection of Victims had been amended to encompass words and behaviour that caused psychological or physical harm and the system of protection had been expanded to include, for example, the prohibition of phone calls or approaches to children or other relatives. The role of municipalities in that regard had been strengthened. As a result, 185 counselling and support centres had been established, and a telephone guidance service set up. Consultation desks had been put in place in police stations. Overall, the initiatives aimed to create an environment in which it was easier for victims to seek advice and receive support.

14. Trafficking was a serious crime and a grave violation of human rights. Female victims suffered serious physical and psychological harm from which it was difficult to recover. Cognizant of the need for prompt and appropriate responses in such cases, the Government had established a task force and enacted a comprehensive set of measures to prevent trafficking and protect trafficked victims. Those measures were currently being reviewed.

15. In 2005, the Diet had approved ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and had amended the

Criminal Code to make trafficking a crime. Measures had also been adopted to protect victims by excluding them from deportation, other than in the case of prostitution.

16. There was now greater recognition of the difficulties faced by women and an awareness that Japan was only halfway towards achieving gender equality. The Council for Gender Equality had considered the issue of how the circumstances of people facing difficulties, for example, single parents, victims of domestic violence, people with unstable employment and foreigners living in Japan, had worsened owing to the current economic and social environment. In April 2009, the Government had approved a policy package in support of single mothers.

17. The Government was actively considering the possibility of ratifying the Optional Protocol to the Convention, although no consensus had yet emerged.

18. The Government had begun to prepare a new basic plan for gender equality, to be adopted in 2010, and viewed the process as an opportunity to advance gender equality. In that connection, the valuable advice available from the Committee was an important factor.

Articles 1 to 6

19. **Ms. Patten**, with reference to article 1 of the Convention, asked whether any definition of discrimination had yet been incorporated in Japanese legislation, as previously recommended by the Committee. The Government response to question 3 in the list of issues, which referred only to indirect discrimination, now prohibited under the Equal Employment Opportunity Act, was restrictive, problematic and far from the standard required by the Convention. She noted, in that same response, that only three types of discrimination had been listed and only three related sets of measures accepted as appropriate by the tripartite Labour Policy Council.

20. Observing that Japan had ratified the Convention 24 years previously, and recalling that States parties had an obligation to eliminate discriminatory legislation without delay, she enquired how many discriminatory provisions still existed in domestic legislation. The Civil Code, for example, contained discriminatory provisions relating to the minimum age for marriage and choice of surname. What obstacles prevented the Government from amending the legislation concerned?

21. The Government had established a study group on ratification of the Optional Protocol as long ago as 1999, and had reorganized it as an inter-ministerial study group in 2005. She noted that 97 countries had already ratified the Optional Protocol as a way of reaffirming their determination to ensure that women enjoyed their human rights. Consideration of the sixth periodic report provided an opportunity to discuss any obstacles to ratification by the Government and to clarify any misconceptions.

22. **Mr. Bruun** said, with reference to articles 1 and 2, that the status of the Convention in domestic legislation was a matter of serious concern. There had been a number of court cases in which plaintiffs had relied on the provisions of the Convention, but courts had preferred to apply conflicting domestic legislation. That amounted to a violation of the Convention. He asked what the Government was doing to ensure full implementation of the Convention. Some court cases, involving equal pay, had dragged on for over 10 years, a situation that was unacceptable. The Committee had previously noted the need for awareness-raising in Japan, particularly among judges and civil servants, and he wished to know what was being done.

23. Lastly, the existence of a market in pornographic games, in which women were portrayed as enjoying rape, constituted a clear violation of the Convention. What was the Government doing to tackle that problem?

24. **Ms. Šimonović** said that slow progress on gender equality in Japan could in part be attributed to its view of the Convention as a declaration rather than as a legally binding instrument that should be fully applied at the national level. The primary obstacle to progress was the lack of full incorporation of the Convention into domestic law, in particular, the provision in article 1 on the definition of discrimination. Thorough training of the judiciary was also important, as judges in Japan must protect women's rights at the national level.

25. Another difficulty was a climate in which gender stereotypes were tolerated. The well-known incident involving disturbing comments about elderly women by the governor of Tokyo had affected women everywhere. It was not clear why the Government, and particularly women in politics, had not reacted strongly to the statement, for without a strong reaction to such remarks, stereotypes would not be changed at the national level. It would be helpful to know what action

might be taken in response to such discriminatory statements in the future.

26. **The Chairperson**, speaking in her capacity as an expert, requested information about the function and mandate of the Gender Equality Bureau of the Cabinet Office, its human and financial resources and how institutional structures for gender equality were assured in the ministries and at the centralized level. She wished to hear more about how gender mainstreaming was provided for, since the adoption of certain discriminatory laws pointed to a lack of consideration of the gender equality perspective.

27. Information on concrete results achieved through implementation of the Second Basic Plan for Gender Equality would also be appreciated. In the new plan mentioned earlier, would the Convention serve as a legal framework for gender equality, or would the Plan be based on the Beijing Declaration and Platform for Action? She also wished to know what opportunities for enhancing expertise existed for those working in the line ministries who needed to take a gender equality perspective and non-discrimination into account in policy development.

28. **Ms. Okajima** (Japan) said that the Japanese Constitution prohibited discrimination on the basis of gender. The Convention did have effect in domestic law, and compliance with it was guaranteed. The Government was developing a Third Basic Plan which would be based not only on the Beijing Declaration and Platform for Action, but also on the Convention, which was an important instrument in compiling the Third Basic Plan. Awareness campaigns and training programmes about the Convention had been targeted to public officials, judges, lawyers and the public. To mark the thirtieth anniversary of Japan's ratification of the Convention, an informational pamphlet had been published.

29. The Bureau had 40 staff members and a budget of 40 million yen. It reported directly to the Cabinet Office. In addition, the Government had allocated 4 trillion yen for other mechanisms for the promotion of gender equality, including an office headed by the Prime Minister, in which all cabinet ministers participated, where policy proposals were decided, with the relevant ministries then devising implementation programmes. Another body, the Council for Gender Equality, chaired by the Chief Cabinet Secretary, was composed of 12 learned persons

and 12 ministers. The Council developed policies, undertook surveys and monitored the effects of Government policies. The Gender Equality Bureau also served as the Secretariat for specialized committees on gender issues.

30. The educational level in Japan was high, but there were few women working in the sciences. Serious work was being done to tear down the notion that women were not skilled in those fields. Role models for young women to provide them with guidance were important.

31. **Ms. Horii** (Japan) said that the indirect discrimination provision had been included in the employment legislation to follow up on concluding observations made in 2003. Achieving a consensus on the definition of indirect discrimination had been difficult. In order to define it, representatives of Government, labour and management had met and discussed examples. Some cases had been cited, but they were not in violation of the provision.

32. **Mr. Sano** (Japan) said that introducing the choice of surname by married couples, raising the age of marriage to 18 and providing equal inheritance rights to people born out of wedlock and those born to married couples had been discussed. Opinions on revision were mixed, and the Government was paying careful attention to public opinion trends.

33. **Ms. Komagata** (Japan) said that training for judges on the Convention included the topics of sexual harassment, domestic violence, gender equality, the Beijing Declaration and Platform for Action and the Convention.

34. **Ms. Shino** (Japan) said that the Constitution stated that international agreements that had been adopted must be honoured in domestic law, and all conventions and treaties were given the same effect as domestic law. An inter-ministerial study group involving the Ministry for Foreign Affairs, the Ministry of Justice and other ministries had been giving serious consideration to the adoption of the Optional Protocol, although opinions on how to proceed varied. Concerns had been raised about the judicial independence of Japan, but serious deliberations would continue.

35. **Ms. Okajima** (Japan) said that the ruling coalition party had organized a group to consider the issue of regulating video games containing images of sexual violence against women and children. Policy

proposals had recently been compiled and a law banning child pornography was undergoing revision. A resolution with regard to child pornography and virtual images in the National Diet of Japan had unfortunately been abandoned due to the recent dissolution of the Diet. In the outcome document of the Third World Conference Against Sexual Exploitation of Children and Adolescents, for which Japan was a permanent consultant, virtual images had been mentioned as one medium for child pornography. It was hoped that on that basis the Government of Japan would continue to work on the issue of virtual images of child pornography.

36. Incidents like the remarks of the governor of Tokyo must be avoided through efforts to raise the awareness of people holding public office.

37. The Second Basic Plan for Gender Equality stated that 30 per cent of senior positions in all fields should be occupied by women by 2020. The target for the civil service was 30 per cent, which had already been exceeded for new recruits.

38. **The Chairperson**, speaking in her capacity as an expert, said that she wished to follow up on a concern of the Committee that had already been expressed, namely social and cultural patterns of conduct which hampered the elimination of discrimination and the achievement of gender equality. Ratifying the Convention entailed the obligation to modify such social and cultural patterns, which in the case of Japan were based on a view of women as being inferior to men. While the delegation had given information about some efforts made in that direction, those efforts had obviously not been successful, since stereotyped images of women continued to exist.

39. Information received from alternative sources had given indications of various areas where systematic efforts were needed to eliminate stereotypes. She sought information on specific steps taken to challenge the reproduction of stereotyped gender roles in schools and other educational establishments, and in particular, how Japan intended to challenge the preconceived notion that women were basically people who bore and reared children. That notion, in addition to being demeaning to women of childbearing age, also specifically discriminated against single and older women. She also asked how the Government was encouraging the media to play their role in the promotion of gender equality and the human rights of

women, whether the media was self-regulating in that area, and if not, how the Government planned to ensure that the media played its part.

40. **Ms. Murillo de la Vega** said that the best way to eliminate stereotypes was for the Government to get involved directly and to give firm and clear-cut guidelines. In the specific context of the “military comfort women” enslaved for sexual purposes by the Japanese army in World War II, Japan should recognize its responsibilities, make a public apology, prosecute the living perpetrators and pay reparations to the surviving women. By taking those actions, Japan would be able to turn the issue of the military comfort women into an icon for the fight against sexual exploitation. She asked whether there was any intention to take legislative and administrative action, and if so, how long would it be before such action came into force. If Japan intended to make public reparations, when would that happen?

41. **Ms. Awori** said that the Committee had received information concerning high levels of cross-border trafficking of persons, facilitated by the extensive misuse of the entertainment visa. While there were indications that those levels might be dropping again, she asked for accurate information on the number of entertainment visas being issued. The Committee was also concerned at the inadequate nature of the support provided for the victims of trafficking.

42. While the Government was taking various isolated measures against the problem, it lacked a comprehensive law on trafficking. There were many related issues that could only be tackled by an all-encompassing law, rather than by piecemeal amendments to existing laws. She asked whether Japan might consider adopting such a law.

43. Further, the Committee had received information about a new trend in trafficking, effected through the trainee and intern system. According to information received, the trainee programme had been subverted by some companies into a source of cheap labour. At the same time, the Japanese Government was deregulating such programmes, making it easier for small organizations to enter the internship programme. She asked for information about that situation. Noting that the Special Rapporteur on trafficking in persons had visited Japan the previous week and had informally made a number of recommendations, she asked whether the delegation could provide information on

the visit and whether there would be any formal follow-up action.

44. **Ms. Rasekh** observed that while Japan had taken impressive steps towards gender equality and implementation of the Convention, there were still practices in the country that were in contravention both of the Convention and of other international human rights conventions. Commending Japan on the passage of a law banning child prostitution and child pornography, she asked what immediate actions and measures had been taken to ban video games that promoted sexual violence in society and to prosecute the makers and distributors thereof. Sexual violence was a crime, and its promotion through such products should be stopped urgently. Additionally, she asked what concrete measures had been taken against marital rape, incest, sexual violence against children and sexual harassment in the workplace. She observed that in the Penal Code sexual violence was considered an offence against morality, not a crime, and urged its amendment.

45. **Ms. Šimonović** expressed concern about Japan’s law on domestic violence, because it covered only persons who were married or cohabiting, thus excluding those who were in a relationship but not living together. It was important to protect all persons who were in intimate partner relationships from domestic violence. Secondly, the 12-day delay before a protection order could be issued was far too long, and must be shortened. Thirdly, the new phone system giving help to women victims of violence was a step in the right direction, but it should be upgraded to provide information on shelters, protection orders, etc., 24 hours a day. She also sought clarification of whether or not marital rape had been criminalized. If it were now considered a crime, that would be an important sign to the general population of how seriously the Government took sexual violence.

46. **Ms. Okajima** (Japan) agreed that the media had a major impact and must be induced to promote a clear message on gender equality. Japan did not have laws or regulations covering how the media should report, but it did have a set of guidelines that could be distributed both by central government and by the prefectural governments. Beyond that, the onus would be on the media to regulate its own way of working. There were increasing numbers of young Japanese women working in the media but they were not yet in leadership positions where they were actually producing content.

The Basic Plan stipulated that 30 per cent of such positions should be filled by women by 2020.

47. With regard to protection of victims of trafficking, the prefectural governments ran women's counselling centres, which served as temporary shelters. Such women would be given help with their everyday concerns, and in the case of foreigners who had been trafficked, there would be help with the language as well. The Penal Code as amended in 2002 imposed harsh punishments for trafficking in persons. Indeed, there was no comprehensive law on trafficking, but by revising existing laws and applying them effectively Japan considered that it would be able to stem trafficking in persons.

48. With regard to child pornography, there were plans to revise the law so that the mere possession of such pornography would be prohibited. However, the Diet had risen, which meant that it had not been possible to bring that to fruition in the last session.

49. A law prohibiting spousal violence had been enacted in 2001 and had since been revised twice, such that it no longer covered just bodily violence, but also verbal violence, including when contained in telephone calls, letters, etc.

50. As for the situation of young people experiencing violence in social settings, the school curriculum included awareness training for young high school students in particular so that they would be able to avoid date violence.

51. **Ms. Horii** (Japan), in response to the question about interns, said that some companies did seem to be using training programmes inappropriately, for example by not paying trainees during their internships. The response of the Ministry of Welfare had been to visit such companies to give them proper guidance, and also to provide guidance for the trainees themselves. Hotlines to provide assistance to the trainees had been set up. The Ministry of Welfare was in close contact with the immigration authorities, and the Japanese parliament had adopted the revised Immigration and Refugee Recognition Act in the previous session. In the past, the labour laws had not been applied to the first year of a training course, but that would no longer be the case.

52. Turning to sexual harassment in the workplace, she said that before its revision in 2006, the Equal Employment Opportunity Act had merely said that

employers would have to give consideration to female employees. With the revision, preventive methods had been strengthened and a prescriptive clause added stating that a company must prevent sexual harassment. The labour mediation and arbitration system covered sexual matters also, and the Government would be giving guidance to companies that did not act appropriately. If such companies did not comply with the guidance, the case would be made public. In 2008 over 9,000 guidance cases had been handled, with 90 per cent of the incidents being corrected in the course of the year.

53. **Ms. Shino** (Japan) said that war violated the human rights of all: women and men, young and old, Japanese or not. Japan had been forced to learn that harsh lesson through its own experience of World War II, and, through its Constitution, had renounced war forever. In August 1993, the Government of Japan had released a statement by the Chief Cabinet Secretary which recognized that the episode of the comfort women had severely injured the honour and dignity of many women. The Government of Japan had offered its apologies and expressed its remorse. The position presented in that statement remained the Government's firm and consistent position. With regard to the issue of reparations and claims from World War II, the Government of Japan had acted in good faith, pursuant to the San Francisco bilateral peace treaties and other relevant treaties, agreements and instruments. Thus, issues arising out of World War II, including the issue of the comfort women, had been legally settled with the parties to those treaties. The Government of Japan and its people had seriously discussed what could be done about the issue and had made maximum efforts for the Asian Women's Fund, contributing about 4.8 billion yen from the national budget to facilitate remedies for the former comfort women who were now of advanced age. Further details could be found in paragraphs 91 to 97 of Japan's report. The Government of Japan would continue actively to contribute to the activities of the Asian Women's Fund in caring for the former comfort women.

54. Turning to the question of what was done in schools in order to create a gender-equal society, she said that students were taught to have a perception of gender equality in school, at home and in the community, through courses appropriate to their level of development covering such subjects as civics and social studies. The primary and junior high school

curricula had been revised in March 2008, in order to strengthen attitudes of mutual respect between males and females. For that education to be effective, many teachers would need to learn about human rights and acquire a sense of respect for them. Where necessary such training was included in the teacher training curriculum and also provided to teachers already in service.

55. **Mr. Otani** (Japan) said that marital rape was considered to be rape. Persons convicted of that crime had been punished.

56. **Ms. Komagata** (Japan) said that the ministerial ordinance governing the issuance of entertainment visas had been amended in 2005 and 2006; applicants now had to follow a very strict procedure and the requirements for domestic contracting agencies that accepted foreign entertainers were more stringent than before. Consequently, the number of persons entering the country under such visas had fallen sharply from 100,000 in 2005 to 35,000 in 2008. As for the residence status of victims of trafficking in persons, the 2005 amendment to the Immigration Control and Refugee Recognition Act provided for such individuals to be granted special landing permission and permission to stay in the country. Due consideration was therefore given to such factors when hearing applications for an extension of the period of stay or a change of residence status, as well as in deportation cases. In the period from 2005 to 2008, 230 victims of trafficking in persons had been identified in the country; 104 of them had been given permission to stay despite being in violation of the Act.

57. **Mr. Sano** (Japan) acknowledged the importance of protection orders for victims of spousal violence. However, sufficient time must be allowed for the careful consideration of applications for such orders, since they were often accompanied by other orders, such as those requiring the abuser to vacate the home shared with the victim.

58. **Ms. Šimonović** welcomed the confirmation that the Convention was part of the national legal system. However, the State party's response to question 4 of the Committee's list of issues and questions (CEDAW/C/JPN/Q/6/Add.1), stating that the Convention was not deemed automatically enforceable without the enactment of a domestic law, indicated that the judiciary was not fully aware of the Convention's status. Further education and awareness-raising was

therefore required at the national level. Some parts of Japan's legislation — such as the Civil Code provisions on the minimum age for marriage and the waiting period required for women before remarriage after divorce — remained discriminatory. The amendment of those provisions must be determined not by trends in public awareness but by the State party's obligations under the Convention. With regard to protection orders, it was essential that they should be issued immediately in cases where there were concerns about the life of the victim. The current 12-day period was too long.

59. **Ms. Patten** reiterated the importance of transposing into domestic legislation a definition of discrimination similar to that given in article 1 of the Convention. Although the Constitution enshrined equality, that was not sufficient to address indirect or unintentional discrimination. Nor was it enough to include such a definition only in the area of equal employment opportunity law. Furthermore, several laws did not provide for sanctions and remedies, although it was clear from the Convention that such provisions were necessary to ensure the effective legal protection of women. In the case of sexual harassment, for example, the law provided only for corrective guidance, together with social sanctions, such as naming companies where staff engaged in such practices, that had not in fact even been applied.

60. Lastly, she wondered whether the introduction of a proper legal aid system was being considered, bearing in mind that women's access to justice was often limited by the absence of such assistance.

61. **Mr. Bruun** said he understood that the Convention was fully applicable as part of the national legal system; however, it would be useful to have more information on the guidance provided to judges for resolving conflicts between the Convention and domestic law. In such cases, the provisions of the Convention should prevail.

62. **Ms. Rasekh** emphasized that while laws were needed for the prevention of violence and promotion of equality between men and women, the implementation and enforcement of those laws was equally important. Additional information on concrete measures in such areas as awareness-raising, assistance for victims of sexual violence, and punishment or corrective action for perpetrators would therefore be welcome. It would also be useful to learn whether victims of sexual

harassment in the workplace and the field of education received compensation, and whether measures were in place to protect their jobs or prevent them from dropping out of school.

63. **Ms. Murillo de la Vega** said that the Committee was aware from other sources that most of the claims filed before the Supreme Court by former “comfort women” had been rejected. She therefore wondered whether the women were actually receiving the funding allocated to them and whether any legislative or administrative measures existed in that regard. She also wished to know whether the military personnel who had perpetrated the abuse would be punished.

64. **Ms. Zou Xiaqiao** pointed out that a number of other treaty bodies and international organizations had called on Japan to explain the issue of “comfort women”, which indicated that the measures it had taken, including through the Asian Women’s Fund, were not acceptable to everyone. She therefore hoped that the Government would show the political will to address the issue fully and sincerely. Secondly, she sought clarification as to whether legislation specifically criminalized marital rape, and what form of punishment was received by persons convicted of that crime.

65. **Ms. Okajima** (Japan) acknowledged that further awareness-raising measures were needed in order for the provisions of the Convention to be fully incorporated within domestic law and society.

66. **Ms. Komagata** (Japan) said her delegation recognized that the judiciary needed more education on the Convention. In that connection, training courses had already been established for judges. As for the issue of access to the legal system, the legal assistance centres established pursuant to the law on comprehensive legal support provided financial assistance for victims — including victims of sexual harassment — who lacked the necessary financial resources, once it had been established that there was a case to be examined.

67. **Mr. Otani** (Japan) confirmed that marital rape was criminalized as rape.

68. **Mr. Sano** (Japan) said that his Government would like to revise certain provisions of the Civil Code once it was clear that the majority of people were in favour of such changes. In that connection, in 1996 it had published its proposals for a number of

amendments to the Civil Code that would, inter alia, allow married couples to use separate surnames. It had conducted a public opinion survey on those proposals and had disseminated the results in an effort to deepen public awareness and discussion of the proposed changes. While he acknowledged the importance of issuing protection orders as quickly as possible, he also reiterated the need for applications to be given careful attention. Immediate protection could, where necessary, be provided by the police.

69. **Ms. Horii** (Japan) said that her Government fully understood the intent of article 1 of the Convention. Both the Equal Employment Opportunity Law and the Ordinance of the Ministry of Health, Labour and Welfare specified measures that constituted indirect discrimination. Furthermore, some definitions of discrimination would be established in the courts and would subsequently enter into case law.

70. On the question of sanctions and remedies in sexual harassment cases, it should be noted that companies receiving corrective guidance had adopted the proposed measures in 90 per cent of cases; that was why no companies had been publicly named. Measures taken in the workplace to counter sexual harassment should allow victims to remain in their jobs. Rather than imposing heavy penalties on companies, it was therefore considered more effective to improve employers’ understanding of the issue and to promote conciliation between the parties concerned, including through mechanisms such as the Disputes Adjustment Commission.

71. On the issue of violence against women, women’s consulting offices provided victims with a wide range of support services, including temporary protection, interpretation assistance for foreign nationals, assistance with employment, and, in some cases, rental guarantees for victims of domestic violence. If a woman suffered from mental health problems as a result of sexual harassment in the workplace, that was sometimes certified as a legal injury case.

72. **Ms. Oshiyama** (Japan) said that sexual harassment should never be tolerated in schools since it damaged the victim’s dignity and personality, as well as poisoning the whole educational environment. The Government provided schools with guidance on the issue and teaching staff were warned that engaging in such conduct would lead to their immediate dismissal. Victims of sexual harassment at school were generally

cared for by school nurses, who were familiar with the students' physical and psychological health and were able to provide counselling. Assistance was also provided by school social workers and child guidance centres, as appropriate.

73. **Ms. Shino** (Japan) reiterated that the question of reparation and claims after the Second World War had been settled through the San Francisco Peace Treaty. On the question of remedies for former "comfort women", funds had been made available in line with the wishes of the individuals and countries concerned; some had not wanted individual payments.

The meeting rose at 12.55 p.m.