



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

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**Committee on the Elimination of Discrimination
against Women**

Twenty-ninth session

Summary record of the 617th meeting

Held at Headquarters, New York, on Wednesday, 9 July 2003, at 10 a.m.

Chairperson: Ms. Açar

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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)*

Fourth and fifth periodic reports of Japan (CEDAW/C/JPN/4, CEDAW/C/JPN/5; CEDAW/PSWG/2003/II/CRP.1/Add.3 and CEDAW/PSWG/2003/II/CRP.2/Add.2)

1. *At the invitation of the Chairperson, Ms. Asada, Ms. Bando, Ms. Kaji and Ms. Hatakeyama (Japan) took places at the Committee table.*

2. **The Chairperson** announced that as a Japanese national, Ms. Saiga would not participate in the Committee's discussion of the reports.

3. **Ms. Bando** (Japan) said that in January 2001, Japan had reduced the number of its governmental ministries and agencies from 24 to 13. The Gender Equality Bureau had been established within the Cabinet Office in order to plan and coordinate the Government's gender equality policies and the Council for Gender Equality had been created as a discussion forum for ministers and intellectuals and entrusted with monitoring the implementation of such policies. The Council was chaired by the Chief Cabinet Secretary, who also held the appointed post of Minister of State for Gender Equality. The strengthened national machinery made it possible for policies to be implemented under the strong leadership of the Prime Minister. Thus, despite the Government's current downsizing, the Gender Equality Bureau had been upgraded and given a central role in the administration.

4. Since the 1999 adoption of the Basic Law for a Gender-equal Society, which set forth the responsibilities of the national and local governments and of citizens, successive cabinets had declared such a society to be one of the highest priorities of the twenty-first century. The Basic Plan for Gender Equality, approved by the Cabinet in 2000, comprised long-term policies and principles targeting the year 2010 and concrete measures to be taken by 2005; it also reflected the outcome of the Twenty-third special session of the General Assembly entitled "Women 2000: Gender Equality, Development and Peace for the 21st Century". As at June 2003, 42 of Japan's 47 prefectures had enacted gender equality ordinances.

5. In accordance with the Law for the Prevention of Spousal Violence and the Protection of Victims, adopted in April 2001, domestic violence counselling and support centres had been established throughout the country. The centres, which were operated by the prefectures and funded from tax revenues, provided temporary shelter and counselling to an average of 3,000 victims per month. Non-governmental organizations (NGOs) also provided support to victims of violence.

6. The courts issued both orders to prohibit approach and orders to vacate; the latter barred perpetrators from the dwellings they shared with their victims. Approximately 100 such orders were issued each month. In a survey of 4,500 women and men aged 20 and older, one in five women reported having experienced physical, psychological or sexual abuse by a spouse and one in 20 reported having feared for her life. The Government was working to increase public awareness of the assistance available to victims by distributing pamphlets, creating web sites, holding symposiums and advertising in the media, using a special symbol for the elimination of violence against women. Consideration was being given to expanding the scope of protection orders to include former spouses and children and extending the period of orders to vacate from two weeks to one month. The Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children, adopted in May 1999, and the Law on Proscribing Stalking Behavior and Assisting Victims, promulgated in May 2000, provided additional protection for victims of violence.

7. The Equal Employment Opportunity Law, amended in 1997, had decreased the prevalence of men- or women-only recruiting, but gender gaps in wages and in managerial posts persisted. Organizations similar to the Positive Action Promotion Council had been established in all 47 prefectures and a proposal developed by the Council was being disseminated. A study group had reported that the primary causes of the wage gap (on the average, women's wages were 66.5 per cent of men's) were the differing status of men and women on the job and women's shorter length of service. Based on those findings, the Government had issued guidelines for labour and management. The Panel on Equal Employment Opportunity Policies was working to build consensus on a definition of indirect discrimination and would issue a report in 2004.

8. Many core functions were being taken over by part-time workers. Over 70 per cent of such workers were women and their numbers were growing; 40 per cent of working women held such jobs at wages roughly 70 per cent of full-time workers. The Government was preparing to revise current guidelines for the equitable treatment of full- and part-time employees on the basis of a report produced by a council whose members included representatives of labour, management and the public.

9. The Childcare and Family Care Leave Law, amended in 2001, prohibited employers from penalizing employees for taking childcare leave. In July 2001, the Cabinet had established policies for balancing work and family, including the creation of an additional 150,000 places in day-care centres over a three-year period and the granting of five days' paternity leave upon the birth of a child.

10. Two out of three Japanese women left work after giving birth. The phenomenon might be due to an atmosphere which discouraged them from taking childcare leave, inflexible management, long waiting lists for day-care centres, fathers' inability to participate in childcare and the deep-rooted view that mothers were best suited to raising their children. As a consequence, Japan's birth rate was declining rapidly. In its Immediate Action Plan to Support the Development of the Next Generation, the Government had set the goal of raising the number of parents who took childcare leave from less than 1 per cent to 10 per cent for men and from 58 per cent to 80 per cent for women. The draft law for measures to support the development of the next generation, scheduled for adoption that very day, would obligate local governments and corporations to develop and implement plans of action over a 10-year period. In light of the growing number of divorces, the Law for the Welfare of Fatherless Families and Widows had been amended in 2002 with additional measures for child-rearing, employment, economic support and education subsidies.

11. The 2002 Human Development Report gave Japan a Gender Empowerment Measure (GEM) rank of 32 on its list of 66 countries. In an effort to expand women's participation in decision-making processes, the Government had issued and was implementing guidelines for the increased recruitment and promotion of women to public office. The 1996 goal of ensuring that women made up 20 per cent of national advisory

councils by the year 2000 had been met and a new goal of 30 per cent had been set; as at September 2002, 25 per cent of national council members were women. However, women held only 8.9 per cent of management posts in the Government and the private sector. The Council for Gender Equality had recommended that women should hold at least 30 per cent of leadership posts in all sectors of society by 2020; that goal, though not impressive, had been criticized as overly ambitious in Japan. The Council had also made recommendations concerning women's entry into non-traditional occupations and their return to work after maternity and childcare leave. Efforts were also being made to create information networks with business, universities, research institutions and NGOs by March 2004 as compensation for the absence of female role models.

12. In order to change stereotypes regarding gender roles, the Government provided information through magazines and web sites. In a 1997 survey, 37.8 per cent of respondents had disagreed with the view that husbands should work outside the home and wives should stay at home; the 2002 survey had shown a 10 per cent increase in that number. Recent government guidelines for removing gender stereotypes from official publications had been distributed to State agencies and the courts and posted on the Internet. A committee of the Council for Gender Equality had issued an opinion designed to ensure gender-neutral tax, social security and employment systems with the result that tax reforms had been instituted for the current fiscal year.

13. As the largest official development assistance (ODA) donor during the 1990s, Japan had supported women in the developing world both bilaterally and through international organizations. Its 1995 Women in Development (WID) initiative focused on women in education, health and economic and social activities. About 10 per cent of Japan's ODA was earmarked for gender equality projects.

14. Japanese development projects had lowered the enrolment gap between boys and girls in Guatemala, built hospitals for Afghan mothers and children, trained women teachers in Japanese universities and contributed to the United Nations Development Fund for Women (UNIFEM) through the Trust Fund for Human Security. The Governments of Sudan and Japan, in cooperation with the United Nations Children's Fund (UNICEF) and NGOs, would hold a

seminar on female genital mutilation. If adopted, amendments to Japan's Official Development Assistance Charter, currently under review, would give the gender perspective an important role in ODA policies. Lastly, the Parliamentary League for Women and Development, created in 2002, included members of both the party in power and the opposition.

15. Taking into account the Committee's concluding comments on the third periodic report of Japan, the Government was exchanging information with the relevant authorities and embassies of countries of origin in order to prevent trafficking in persons. It supported programmes for the prevention of trafficking in Cambodia and Viet Nam through the Trust Fund for Human Security and, in cooperation with UNICEF and international NGOs, had hosted the Second World Congress Against Commercial Sexual Exploitation of Children in December 2001 and the International Symposium on Trafficking of Children in February 2003. In conjunction with the United Nations Centre for International Crime Prevention and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), for which Japan provided all operating funds, an international seminar had been held in August 2002 to promote ratification of the United Nations Convention on Transnational Organized Crime. Japan's ratification of that Convention had been approved by the Diet in May 2003.

16. Japan had accepted the amendment to article 20, paragraph 1, of the Convention on the Elimination of Discrimination against Women in June 2003. As suggested in the Committee's concluding comments on the third report, NGOs had been involved in preparation of the fifth report; the Government would continue to strengthen its partnership with representatives of civil society.

17. **The Chairperson** said that she was gratified by the Government's commitment to working with civil society and by the presence of many representatives of Japanese NGOs. She also welcomed, Ms. Akamatsu, a former member of the Committee. She was pleased to learn of the Government's acceptance of the amendment to article 20, paragraph 1, of the Convention and hoped that it would soon ratify the Optional Protocol as well.

18. **Ms. Šimonović** congratulated the delegation on the timely submission of the fifth report and on the

participation of NGOs in its preparation. She welcomed the abundance of statistical data contained in the report; however, it would be useful to have more statistics on minority women.

19. Japan had been very active at the Beijing Conference. She would therefore appreciate receiving additional information on the Government's implementation of the outcome of the Twenty-third Special Session of the General Assembly, including any specific targets for the elimination of gender discrimination. She wondered whether the fifth report had been adopted by Parliament and whether Parliament would discuss the Committee's concluding comments. The delegation should also explain the Government's policy for the implementation of gender mainstreaming and gender budgeting in its work.

20. The fifth report stated that the Government was considering ratification of the Optional Protocol but had not yet done so because of concerns that it might violate the independence of the judiciary. However, the Committee was not a judicial body; moreover, the fact that there were already 75 signatories to the Optional Protocol was proof that many States parties did not share the concerns expressed.

21. **Ms. Achmad** asked whether the Government had set a target date for legal reform, as well as for completing the repeal or amendment of all laws which implied discrimination against women. She wished to know if the Human Rights Protection Bill submitted to the Diet was still under discussion. She also asked how it had been drafted, since she had the impression that it lacked provisions to eliminate discrimination against women. The Human Rights Commission which the Bill proposed to establish would be attached to the Ministry of Justice. She was concerned that it would not be fully independent and without full independence, it would not be effective, as human rights violations were often perpetrated by national authorities, mainly the police and immigration officers.

22. **Ms. Ferrer Gómez** said that her questions focused on the Basic Law for a Gender-equal Society of 23 June 1999 and the related principles set out in the Basic Plan for Gender Equality. The Committee's questions regarding Japan's fourth and fifth periodic reports (CEDAW/PSWG/2003/II/CRP.2/Add.2 and CEDAW/PSWG/2003/II/CRP.1/Add.3, question 5) had included a request for information on steps to encourage more municipalities to formulate plans for

gender equality; she wondered what action had been taken or planned in that regard apart from publication of the *Guide to Formulating a Municipal Plan for Gender Equality*.

23. Like Ms. Šimonović, she requested more information about the situation of women and girls belonging to minority groups in Japan, since they were most at risk of double discrimination on the grounds of their gender and racial or ethnic origin. She asked whether they were covered by the Basic Law for a Gender-equal Society and Basic Plan for Gender Equality and whether Japan had established economic and social indicators for women from minority groups and data on violence against them. She also wondered whether the right of residence of a child of one Japanese and one non-Japanese parent was protected, particularly if the Japanese parent failed to recognize the child.

24. **Ms. Gnacadja** asked whether any Japanese law — the Basic Law for a Gender-equal Society or the Law for the Prevention of Spousal Violence and the Protection of Victims, for example — actually defined violence against women, as article 1 of the Convention did. She also wondered how the Japanese Constitution's guarantee of equality was worded, since judges often seemed to uphold legal provisions which discriminated against women and which should logically be seen as contrary to that constitutional guarantee.

25. Japan's fifth periodic report had described a Basic Plan for Gender Equality, adopted in December 2000. However, the fourth periodic report had already mentioned a national plan of action entitled the "Plan for gender equality 2000 — the national plan of action for the promotion of a gender-equal society by the year 2000", adopted in December 1996. She wondered what both plans had achieved.

26. She had noted that the role of the Council for Gender Equality and the Gender Equality Bureau seemed to be to discuss and monitor policy, and she therefore wished to know where responsibility for actual implementation of the Convention lay.

27. She had noted that the human rights organs of the Ministry of Justice and the Legal Aid Association played a role in defending women's human rights by carrying out investigations, but she wished to know what action was taken on the basis of their findings. In particular, she asked for details of the outcome of the

report entitled "Toward Smooth Enforcement of the Law for the Prevention of Spousal Violence and the Protection of Victims" compiled by the Specialist Committee on Violence Against Women.

28. **Ms. Schöpp-Schilling** said that while she recognized that Japan had made a great deal of progress in realizing equal opportunities for women and men, article 2 of the Convention stated that the States parties agreed to take action without delay to prohibit discrimination through laws and other means. She wondered why it had taken Japan so long to consider legislative action, and particularly why it had taken Japan so long to discuss indirect discrimination against women, which was covered by the definition of discrimination in article 1 of the Convention. The twin-track system for women in part-time jobs was a source of discrimination against women.

29. The value which the Government placed on social consensus seemed too great. A truer picture of the situation of gender equality in Japan would probably emerge if information was aggregated by age. She would like to see such aggregation in future reports: younger women were likely to attach greater importance to equality and to balancing work and family life.

30. She was concerned by the Government's cautious approach to the temporary special measures provided for in article 4 of the Convention, and stressed that reflecting the language of the Convention exactly ("temporary special measures") was less confusing than using the term "positive action". She asked if the Government had discussed the use of temporary special measures with the business community, since past statistics showed that the business community might otherwise be slow to implement measures to promote equality.

31. She found it worrying that the principles for a gender-equal society which underpinned the Basic Law included consideration of social systems or practices since the Convention was about changing, not cementing, established practice.

32. Finally, she asked the Government of Japan to reconsider its position on the ratification of the Optional Protocol: its purpose was not to reduce the independence of the judiciary, but rather to help the judiciary to deal with discrimination against women.

33. **Ms. González Martínez** said that she had been impressed by the quality and quantity of information which Japan had provided, demonstrating what had been achieved and the challenges which lay ahead. She would like additional information, however. For example, from the reply to question 4 it was not clear whether an ombudsperson had been appointed. Moreover, since Japan's answers to questions 8 and 9 had indicated that marital rape had been made a criminal offence, she wished to know why the same was not the case for incest, and hoped that the Government would consider steps to remedy that situation.

34. **Ms. Khan**, noting that the principles for the formation of a gender-equal society included consideration of social systems or practices, said that Japanese society seemed quite rigid by comparison with other industrialized countries, and she wondered what steps had been taken to raise policy makers' awareness of the Basic Plan for Gender Equality. Some politicians appeared to have made sarcastic comments about that subject. She asked whether there had been any reaction.

35. She also asked for details of the budget and time frame for action to promote gender equality and wondered if the Government had contemplated affirmative action to increase the presence of women in positions of decision-making power.

36. **Ms. Bando** (Japan) said that those working for gender equality in Japan shared the Committee's frustration at the importance attached to consensus in Japanese society and at the slow pace of change. However, there had undeniably been progress since the ratification of the Convention eighteen years previously. Legislation had been passed to promote equal opportunities and to combat spousal violence and child pornography, for instance, but it was clear that altering legislation did not produce immediate and tangible results. Laws could not change reality on the ground overnight.

37. Turning to the five principles underpinning the Basic Law for a gender-equal society (respect for the human rights of women and men, consideration of social systems or practices, joint participation in planning and adopting policies, managing family life and other activities and international cooperation), she said that the Council for Gender Equality and the Gender Equality Bureau were reviewing social systems

and practices through the Specialist Committee on Surveying Effects. The taxation and social security systems and current workplace practices responded to the traditional pattern of men as family breadwinners and women as homemakers. Although tax and pension calculations were based on the individual, the tax and pension systems paid too much attention to the situation of a household as a unit and had tended to make taxation, social security and workplace practices gender-neutral. While the findings of the Specialist Committee on Surveying Effects would not result in immediate change, they represented a move towards mainstreaming which would affect the Government first and be felt elsewhere at a later stage.

38. Turning to the size and resources of the Gender Equality Bureau, she said a staff of 40 and an annual budget of 800 million yen made it a small-scale operation, but the Bureau was the nucleus of a larger gender-equality effort which covered all government ministries and had an annual budget of 9 trillion yen.

39. It was true that the publicizing of gender-equality measures had drawn dismissive remarks from some political figures, but those remarks had been noticed by the media and by NGOs and had not been ignored. Gender-awareness training courses had also been given to members of the judiciary and the police (especially those dealing with victims of exploitation or violence).

40. Turning to temporary special measures, she said that the Government had not yet agreed to widespread use of numeric targets for recruitment, limiting itself to accepting a goal of 20 per cent for the appointment of women to national advisory councils and committees. That goal, established in 1996, had been met in 2000, and a new target of 30 per cent by 2005 had been set. A database would be constituted to monitor progress. Guidelines for the recruitment and promotion of female national public officers had been used to establish a recruitment and promotion plan for each government agency. The Ministry of the Environment had been particularly active in pursuing those targets, but other ministries' and agencies' targets had been more modest. The Council for Gender Equality hoped that by 2020 women would occupy 30 per cent of leadership positions in all segments of society. That might not seem an ambitious goal, but the setting of any numeric target at all was an achievement, and the figure itself had been criticized by some in Japan as too ambitious.

41. With regard to the appointment of an ombudsperson, she said that she was aware that many countries favoured establishing such a post to handle complaints of discrimination. Japan, by contrast, had a network of Legal Affairs Bureaus, District Legal Affairs Bureaus and four to five thousand Human Rights Volunteers throughout the country. The concept of gender equality should be spread to those bureaus and volunteers and the Specialist Committee on Monitoring and Handling Complaints had made recommendations to achieve that goal. Once again, the course of action which Japan had adopted might strike the Committee as too slow. It was important to consider that having an ombudsperson worked well in Scandinavian countries, for example, because their populations did go beyond about 7 million. Japan, however, was a large country of 120 million people. In addition, many human-rights violations occurred in rural areas; volunteers were better equipped to deal effectively with violations than would a single ombudsperson.

42. The Human Rights Protection Bill, which would provide the Legal Affairs Bureaus and District Legal Affairs Bureaus with the best means of tackling discrimination, had been on the list of pending legislation for some time. Unfortunately, it was still under discussion in the Diet. The Ministry of Justice would be made responsible for the proposed Human Rights Commission purely as an administrative measure: the Commission would actually have substantial independence.

43. The Government did not know the situation of women belonging to minorities in great detail. The Specialist Committee on Monitoring and Handling Complaints was conducting a gender survey, but it would not be looking at the situation of women belonging to minorities in isolation.

44. Article 14 of the Constitution clearly stated that all people were equal under the law and prohibited discrimination on grounds of race, creed, gender, social status or family origin. On that basis, the Basic Law for a Gender-equal Society and various other anti-discrimination instruments had been enacted. On the other hand, many questions had been raised in the Diet as to whether ratification of the Optional Protocol to the Convention might have an adverse effect on the independence of the judiciary, she could not say when Japan would ratify it.

45. With regard to progress since the Fourth World Conference on Women and the Special Session of the General Assembly "Women 2000", the reports before the Committee contained a full account, highlighting improvements in the national machinery for the advancement of the status of women and the enactment or revision of equal-opportunity legislation and laws to combat stalking, spousal violence and child pornography. Rape between spouses was prohibited by law, but there was no specific penalty for incest because that offence would be dealt with under other laws.

46. While the largest cities in Japan were certainly capable of enacting their own local ordinances, it would be difficult for smaller towns and villages. However, with active cooperation by local citizens, it was to be hoped that smaller communities would still be able to find ways of dealing with gender-related issues. The central Government could not directly instruct municipalities as to the action they should take, but it did provide guidance for their policies and activities. The Ministry of Health, Labour and Welfare discharged its responsibility to prevent discrimination in the workplace through regional and local labour bureaux. The overall monitoring of the implementation of gender policy was the responsibility of the Council for Gender Equality and the Specialist Committee on Monitoring and Handling Complaints, which was under the Council's authority.

47. Her Government had been slow to take action on indirect discrimination because for many years there had been no definition of indirect discrimination in Japanese law. A study group had now been set up to work out such a definition. Since employers, labour unions and public-interest entities had traditionally sought to reach agreements by consensus, it would be a major challenge to achieve equitable treatment for part-time workers. She was unable to state when the Human Rights Protection Bill would pass into law, since it was still under consideration in Parliament. However, the Basic Plan for Gender Equality set the target as 2005. Her Government was concerned that the victims of domestic violence should receive the necessary help and should not suffer secondary damage. It was therefore important to ensure that the officials concerned received appropriate training and to coordinate their work. Apart from domestic violence, the Specialist Committee on Violence against Women also dealt with other forms of violence, including

trafficking, sexual harassment and prostitution. The Law for the Prevention of Spousal Violence and the Protection of Victims had come into force only a year earlier; it currently covered only spouses, but it had been suggested that its scope should be extended to include widows and former spouses.

48. **Ms. Kaji** (Japan) said that her Government was cautiously but seriously studying the possibility of ratifying the Optional Protocol to the Convention, with particular reference to the possibility that individuals could submit communications to treaty bodies such as the Committee and to the precedents set by other States. Her Government would take due account of the views of the Committee on how the independence of the judiciary might be affected by the system of individual communications.

49. It was stated in the Constitution that Japan would comply faithfully with international conventions. Her Government construed that provision as creating an obligation for Japan to enact domestic laws which would oblige it to implement the provisions of the Convention. It was, however, true that the necessary legislative changes could not take place overnight.

50. **Ms. Asada** (Japan) said that although her Government was implementing the principle of affirmative action in employment and the gender gap was narrowing in the institutional sense, much more aggressive and effective measures should be taken to deal with the remaining problems such as traditional stereotyped gender roles. Employment practices based on those roles were preventing women from fulfilling their potential. Affirmative-action measures by employers were voluntary, but the Government was encouraging them. A tripartite labour policy council, having studied the situation of part-time workers, had produced a policy proposal to deal with indirect discrimination and measures were being prepared on that basis.

51. **Ms. Hatakeyama** (Japan) said that police statistics for 2002 showed that women made up 494 of the 1,300 murder victims and 11,582 of the 11,833 victims of indecent assault and rape.

52. **Mr. Flinterman** said that States parties to the Optional Protocol to the Convention like Japan, which had an independent judiciary had found that the recourse to international human rights recourse procedures strengthened the independence of the judiciary, giving it increased authority to apply the

provisions of international human rights instruments in proceedings at the domestic level.

53. Echoing the concerns of other treaty bodies regarding the status in Japanese law of international human rights instruments and the very few court cases in which reference had been made to those instruments, he said he would welcome the views of the reporting State on the self-executing character of the provisions of the Convention and what steps it had taken to familiarize the judiciary and the legal profession in general with those provisions.

54. With reference to the issue of “wartime comfort women”, the Government should state whether it was willing to hear the continuing grievances of the victims and the non-governmental organizations representing them. Lastly, he welcomed the delegation’s statement that the Government was giving serious attention to the situation of women belonging to the various minorities in Japan.

55. **Mr. Melander** agreed with the Japanese delegation that the enactment of legislation did not suffice to change social attitudes, but pointed out that it could help, as could the setting of targets to increase women’s political participation. The reporting State should also give further consideration to establishing an ombudsman system in which the ombudsman must have real power to take action where a person’s rights were violated. The Government should also consider incorporating the definition of discrimination as contained in the Convention into Japanese law.

56. **Ms. Morvai** recalled that the fifth periodic report (page 20 of the English-language text) stated that a Human Rights Protection Bill had been submitted to the Diet in March 2002, and that it was designed to introduce “a drastic reform of the current human rights protection system”. It was gratifying that the Government admitted that the system needed such a reform, but it was worrying that the Bill was still pending. She requested details of the ways in which the current system was considered imperfect, particularly in relation to women’s rights, and the ways in which it would be improved by the passage of the Bill.

57. She requested additional information on the scope and functioning of the legal-aid system in civil law cases, particularly discrimination cases, and on access to the criminal and civil legal-aid system. She further requested comparative data on government expenditure

on legal aid for criminal and for civil cases, and what proportion of that expenditure benefited women.

58. Page 20 of the report also referred to conditions that must be met in order for legal aid to be granted in civil cases. She asked whether the conditions were different in criminal cases, requested clarification regarding the application of those conditions, and suggested that to prejudge the issue of how likely it was that a case would be won might prevent test cases from being brought successfully and prevent the development of new jurisprudence. The reporting State should also provide more information on the training of judges and specify whether judges in training were made aware of Japan's gender-specific international obligations, including those under the Convention. She expressed support for Mr. Flinterman's remarks concerning the Optional Protocol and the independence of the judiciary.

59. Referring to a recent media report where the Governor of Tokyo had been quoted as saying that it was both wasteful and sinful for women to continue living beyond menopause, she requested verification of that report and added that if the report was indeed accurate, action by non-governmental organizations and official apologies were not enough; the authorities must take serious measures to eliminate such sexist attitudes among public officials.

60. **Ms. Kwaku** said that the publicity the Government had given to the Convention as evidenced by the large and high-level delegation and the many non-governmental organizations that had shown interest in its report was to be commended. With regard to articles 2 and 3, she would like to know how many women were members of the Council for Gender Equality, whether the current Chief Cabinet Secretary, who was also Minister for Gender Equality, was a man or a woman, the percentage of the national budget allocated for gender activities and whether that amount was sufficient.

61. She enquired about the current situation regarding the enforcement of laws governing child pornography. She commended the long-term programme on disability and asked if its impact had been measured, the percentage of the population involved and what percentage of the disabled were women. The next report should also contain information on minority women.

62. **Ms. Shin** said that, although the delegation of Japan was large, it was regrettable that the Chief Cabinet Secretary and Minister had been unable to attend. She was concerned at the lack of information on minorities and that the information provided in the statistical annex to the report often did not address the substance of the issues. The 40-person staff of the Gender Equality Bureau seemed small compared to the size of the population; expansion of its budget and staff could be taken as a sign of increased commitment on the part of the Government to address gender issues. She echoed the concerns expressed about the independence of the Human Rights Commission and asked what proportion of commissioners would be women.

63. It was incomprehensible that the sentence for robbery (5 to 15 years in prison) was heavier than the sentence for rape (2 to 15 years). An explanation was also needed to explain why trafficking was not a criminal matter but was dealt with under immigration regulations. Although some compensation had been offered to the "comfort women" sexually exploited during World War II, their demands had not been fully met, and she asked if there were any plans to consider further compensation.

64. **Ms. Manalo** said that the responses offered to the Committee's questions on the prosecution of prostitutes, pimps and brokers and punishment for Japanese nationals involved in sexual exploitation of women outside the country were unsatisfactory and must be further clarified. She would also like to hear a definition of the term "gender neutrality" and to know its implications as far as article 5 was concerned. Any statistics or other measurement of the strengthening of the human rights complaint system would be welcome.

65. She would like to know how many cases of marital rape had been brought to court, and why the report contained no statistics on that matter. Pending the enactment of a specific law against sexual harassment in the workplace, the next report should provide statistics on that situation.

66. **Ms. Tavares da Silva** said that the report contained little information on efforts within the Ministry of Education to eliminate gender stereotypes through education, which was essential to cultural change. She also wondered if any research had been conducted on the image of women in the media and

whether women had a presence in that occupation as decision makers, either as journalists or producers.

67. She asked if the laws on violence against women covered all its aspects — physical, sexual and psychological. Japan had acknowledged that it was a destination country for trafficked women, but a clearer picture was needed of the incidence of trafficking and the support measures available to victims.

68. **Ms. Bando** (Japan) said that the Convention was not applied directly in the courts unless it had first been incorporated in domestic law. As for compensation to the “comfort women”, Japan could not be expected to apply the Convention retroactively for sixty years. The Asian Women’s Fund was the Government’s maximum response. The Chief Cabinet Secretary, who also served as the Minister for Gender Equality, was responsible for coordinating all twelve Ministries in addition to filling in for the Prime Minister in his absence. His many responsibilities made it difficult for him to leave Japan, but he strongly supported the efforts of the Gender Equality Bureau. The Council for Gender Equality, over which he also presided, had seven women and five men of learning and experience. It had been stipulated that representation of either gender must not fall below 40 per cent. An increase in the budget and staffing of the Bureau would certainly be welcome but unlikely, given the current downsizing among government agencies. She was therefore seeking partnerships with non-governmental organizations and the private sector.

69. Under the 1999 law, child prostitution and pornography were illegal and persons who exploited children sexually were punished. It was true that the similar offence of exploitation of women could not be as effectively prosecuted. The heavier penalties for robbery than for rape were perhaps a throwback to an earlier era of poverty, and it was important to call attention to that problem. No current laws dealt with trafficking directly, although immigration and employment statutes were applied. The Government was aware of the seriousness of the situation and had started to address it. Non-governmental organizations provided support and shelter to victims, who were usually deported without prosecution.

70. The term “gender neutrality” was used in the context of the tax and social security system, which was currently designed to maintain the traditional situation of the husband as the main family

breadwinner; any income the wife earned was considered supplemental. Incomes below a certain threshold were not taxed, which discouraged women from realizing their earning potential to the fullest.

71. The image of women in the media, who were often portrayed as objects either of sex or violence, had a great impact. The independent media in Japan would resist any form of direct government interference but it was hoped that they would regulate themselves. Only 10 per cent of print journalists were women; the percentage was even lower in television.

72. In Japan, 3,520,000 persons were considered disabled; 460,000 of them were women. The targets for the first plan for disabled persons had been met in 2001 and a programme for 2003-2012 put in place. The independence of the Human Rights Commission was highly important, and it would have its own secretariat. No fewer than two of the five members, or 40 per cent, would be women, to ensure that women’s human rights were protected.

The meeting rose at 1 p.m.