



**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 presented 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 (see para. 4). Please provide information on the recommendations made by the “Specialist Committee on Monitoring and Gender Impact Assessment and Evaluation” in July 2005 and the measures that have been taken to implement those recommendations.

3. In its previous concluding observations (A/58/38, 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.

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5. Please describe the current status and progress achieved in the implementation of the Second Basic Plan for Gender Equality (see para. 29 of the report). The response should include information on the impact of each policy set out for each of the twelve 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 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 Paris Principles.

Violence against women

7. Bearing in mind the Committee's general recommendation 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.

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8. In its last concluding observations (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 of those prosecutions in terms of convictions and sentences as well as statistical data and prosecutions since the enactment of the new legislation up to date.
10. In its last concluding observations (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 visa 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 deported without

redress or remedy. Please describe measures which 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 last concluding observations (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 this practice and hamper the prosecution of sexual abuse of children. The 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% in the House of Representatives in 2005 and 13.6% in the House of Councilors in 2004), in the national government (9.1% of all ministers in 2006), in the judiciary (13.7% in 2005), in local governments and in local assemblies. The Committee, in its previous concluding observations (A/58/38, para. 368), 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

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15. The report notes (see para. 15) that the percentage of women in institutions of higher education is on the rise except at university level where a gap between men and women still exists (36.6% for women and 51.3% for men). Please provide information on measures taken to reduce this 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% 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 (CEDAW/C/SR.617, para.59). Please indicate what steps have been taken to ensure that some 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

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- 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 aim at conciliation but does not provide information in cases of failure of such conciliation (see report para. 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 which 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% of male workers. Apart from the Guideline on the Improvement Measures of Wage and Employment Management for Eliminating Wage Disparity between Men and Women compiled in 2003 by the Ministry for Health, Labour and Welfare and the application of which is voluntarily, 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 work-place (see para. 61 of the report). Please clarify whether this revised law includes punitive measures to enforce compliance other than publicizing the names of offending companies. Please indicate to which 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 observations (A/58/38 para.365), 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 to rise to 28.7% in 2025 and 35.7% 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 system (see para. 110 to 114).

Health

27. The report indicates the ratio of abortions in the teenage population was 10.5 out of 1000 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 last concluding observations (see A/58/38 para. 371), the Committee expressed its concerns that the Civil Code still contained discriminatory provisions, including those with respect to the minimum age for marriage, the waiting period required for women before they can remarry after divorce and the choice of surnames for married couples. The report does not indicate on 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 on dissolution of relationship, and indicate, in particular, whether the law recognizes intangible property (i.e. pension funds; severance payments; insurance). Please also indicate whether the law provides for the distribution of future earning capacity and human capital, or consider 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 light of the Committee's last concluding observations (see A/58/38 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.
