



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

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COMMITTEE ON THE ELIMINATION OF
DISCRIMINATION AGAINST WOMEN
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ADOPTION OF THE REPORT OF THE COMMITTEE ON THE ELIMINATION
OF DISCRIMINATION AGAINST WOMEN ON ITS THIRTEENTH SESSION

Draft report

Rapporteur: Ms. Teresita QUINTOS-DELES (Philippines)

Addendum

III. CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Japan

1. The Committee considered the second and third periodic reports of Japan (CEDAW/C/JPN/2 and CEDAW/C/JPN/3) at its 248th and 249th meetings, on 27 and 28 January 1994 (CEDAW/C/SR.248 and 249).
2. In presenting the report, the representative of Japan underlined the importance that her Government attached to the monitoring role of the Committee and pointed out that the change in government in her country in August 1993 had led to epoch-making changes with respect to the status of women and, in particular, with regard to the participation of women in policy decision-making in various fields. As examples she mentioned the appointment of three women Cabinet ministers, of a woman as Supreme Court justice for the first time ever and of the first woman Speaker of the House of Representatives. Copies of the two reports had been widely distributed among members of the Diet, political parties, major women's organizations and journalists. In drafting the third reports, views of NGOs were also taken into account and the Advisory Council to the Prime Minister had been consulted.
3. The main features of the current situation of women in Japan were the progressive ageing of the female population, a decrease in the number of childbirths, a trend towards higher educational attainment, the tendency of

women to marry at a later age and an increase in the number of working women. Women occupied prominent positions in the Administration, the judiciary and the legislature. The rate of female membership in the Diet was 6.8 per cent and in national advisory bodies it was 10.7 per cent. The proportion of women filling managerial posts in the public and private sectors had also been increasing. The representative highlighted the major achievements since the consideration of Japan's initial report in the areas of education, employment and agriculture. She spoke of the plans for enhancing the authority of the national machinery by raising its membership to the ministerial level.

4. Harmonization of work and family responsibility was of great importance to attaining de facto equality. That was why the Child-care Leave Law had been put into force and subsidies given to employers to set up and run child-care facilities. In the Japanese civil service women were free to take entrance examinations in every job category. Recently, full equality had begun to be enjoyed by both sexes with respect to international marriages and adoptions. She explained that since January 1991 the provisions in the Civil Code regarding marriage and divorce had been in the process of being reviewed. Local governments had been very active in promoting measures relating to women since the ratification of the Convention and the community of NGOs was very active in Japan. The representative said that de jure equality had almost been attained; however, customs deeply rooted in stereotypes and the poor representation of women in the decision-making process prevented women from achieving full de facto equality.

1. General observations

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

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

7. In additional comments members commended the extensive replies given to the questions prepared by the pre-session Working Group and they appreciated that in the preparation of the report NGOs had been consulted. Members acknowledged having received a large number of counter-reports from NGOs. That proved the democratic attitude of the Government and showed that women in Japan were mobilizing themselves. However, members felt that the Government should be more attentive to observations made by NGOs, in particular as regards the issues of violence against women and prostitution.

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

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

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

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

2. Questions related to specific articles

Article 2

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

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

14. In reply to the question as to whether the law relating to equal opportunity provided penalties, the representative stated that gender-based wage discrimination was a punishable offence. Breaches of equal opportunity and treatment in private-sector employment, except for wages, were dealt with

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through administrative guidance following investigations made by the Ministry of Labour. In additional comments, members said that the Equal Employment Opportunity Law should provide sanctions in all cases of breaches of the law.

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

Article 3

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

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

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

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

Article 4

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

21. In reply to questions regarding single-parent families, the representative said that households headed by a single mother, irrespective of her marital

status, received loans, counselling, a survivor's pension, a child-rearing allowance and at-home care, and could also obtain night-time child care. Additional special allowances included the payment of a vocational training allowance and the payment of travel expenses.

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

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

Article 5

24. Within the framework of the New Plan of Action to the Year 2000, one of the targets of which was to improve the popular understanding of equality between men and women, several ministries and agencies had undertaken consciousness-raising and public relations activities. The Ministry of Education had established a curriculum extending from elementary to high school which taught gender equality and understanding. Partly as a result of those activities, ways of thinking had begun to change, as could be seen from a public opinion poll conducted in 1992. The representative supplemented that statement by some statistical data.

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

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

Article 6

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

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

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

30. Asked about the provisions of the Anti-prostitution Law, the representative said that the law stipulated that prostitution impaired human dignity, was contrary to sexual morality and corrupted the morals of society, and emphasized the illegal and anti-social character of prostitution. It was illegal to be the client of a prostitute, but there was no provision for punishment. The purpose of the Act was to prevent, suppress and prohibit prostitution; however, only acts relating to the promotion of prostitution, not the acts of prostitution, were put under sanctions.

31. In additional comments, members observed that the report included very little information about cases of Asian women who had raised issues of exploitation against Japan. Reference was made to cases of sex tourism, the abuse of other Asian women in the Japanese sex industry, mail-order brides and the exploitation of women through forays of Japanese men into other Asian countries. The Government was urged to discourage sex tourism. Particular reference was made to the fate of women who had been forced into prostitution by Japanese men during the Second World War, often referred to as "comfort women". It was suggested that the Government should pay overall compensation to the surviving victims and thus meet its commitment to the women of Asia. They requested an explanation about the measures the Government was planning to take to assist those women.

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

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

to all those who had suffered damage. The Government was considering how best to express its remorse.

Article 7

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

35. While commending the election of a woman as Speaker of the House of Representatives, members inquired about the reasons for the continuing low percentage of women members of Parliament and the small increase in the number of women in national advisory bodies and in local government. The representative stated that the stereotypes concerning the roles of men and women in society and the short history of women's participation in political life were contributing reasons for the situation. The expansion of women's participation in politics was one of the priorities of the New National Plan of Action. More specifically, the low number of women in national advisory bodies was related to the small number of women who held senior public posts and were in leadership positions. Therefore, the national machinery asked that more women candidates be recommended to advisory councils and be promoted in their own organizations. The low number of women in local government was explained by the low number of women who played active roles, held high positions or had the necessary knowledge or qualifications.

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

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

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

Article 8

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

Article 10

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

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

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

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

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

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

Article 11

46. Members asked whether the principle of equal pay for work of equal value was being considered and what procedures existed for the settlement of disputes concerning remuneration. The representative explained that the data supplied in the reports did not permit a comparison of average remuneration of men and women. The main factors accounting for a difference in the average remuneration of men and women were seniority, the occupation of the employee and the type of industry in which they worked. The Government was trying to strengthen measures to promote the compatibility of work and family responsibilities and to ensure equal opportunity and treatment, in order to narrow the remuneration gap. Some of the measures included the publication of guidebooks and the organization of meetings to discuss the issue. Labour standards inspectors supervised the observance of Convention No. 100 of the International Labour Organization (ILO) concerning equal pay for equal work for men and women whenever a complaint was filed and also when a violation was revealed as a result of an inspection. In many cases damages had been awarded as a result of lawsuits.

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

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

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

50. Asked about the rate of unemployment among women and any assistance provided to ensure minimum living standards for their families, the representative said that owing to the prolonged recession the unemployment rate

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was rising for both men and women. It stood at 2.8 per cent in November 1993. Unemployment benefits ensured a minimum living standard and were provided regardless of sex for a limited period of time, depending on age and length of previous employment. The Government was currently trying to devise effective employment measures.

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

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

53. In additional comments, members appreciated the progress in the employment of women but said that much more needed to be done in areas such as equal employment opportunity, part-time employment and wage disparity. Members observed that the principle of equal pay for equal work had not been complied with, since according to their information women received only 40 per cent of men's wages. They asked what practical measures the Government was considering to improve the situation. Members referred to similar comments that had been made during the presentation of the initial report. Members felt that women in Japan seemed to be subjected to indirect discrimination through the separate trade system practised by private companies. Such incidents needed to be prosecuted just as much as those involving direct discrimination and measures should be taken to make private firms comply fully with the law. Questions were raised as to who paid for child-care leave, the Government or the employer, and as to the kind of obstacles men faced in taking such leave. When women re-entered the labour market, mechanisms should exist to prevent their being forced into part-time employment. Members said that Japanese companies did not make full use of women's skills and capabilities.

54. Asked about social security, maternity leave and pension entitlements of part-time workers, the representative said that they were covered by the provisions of the Labour Standards Law and various measures adopted in 1993.

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

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

Article 12

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

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

Article 14

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

Article 16

60. Members observed that very little information had been supplied in the reports relating to the reform of the Civil Code in order to improve the status of women and children in the family and asked for clarification of the current legal situation of women in the family. The representative said that a national advisory commission had started reviewing the provisions concerning marriage and divorce under the Civil Code. An interim report had been published in 1991 and in 1993 the views of the public and of the courts had been solicited. Based on those views, the deliberations of the relevant issues were still ongoing.

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