

REPORT TO CEDAW

December 2015

Japan Federation of Women's Organizations

This report was jointly prepared by the following FUDANREN affiliates;

New Japan Women's Association (Shinfujin)/ Democratic Women's Club/ National Confederation of Trade Unions (Zenroren) Women's Bureau/ Women's Council of the National Federation of Merchant and Industrialist's Organizations/ Japan Family Farmers Movement Women's Association/ Japan Lawyers Association for Freedom (JLAF) Women's Section/ Japanese Medical and Dental Practitioners for the Improvement of Medical Care (Hodanren) Women's Section/ All Japan Teachers and Staffs Union Women's Section/ Japan Federation of National Public Service Employees' Unions (Kokko-Roren) Women's Section/ Japan Federation of Prefectural and Municipal Workers' Unions (Jichiroren) Women's Section/ All Japan Construction, Transport and General Workers' Union Women's Section

1 Violence against women (Art.2)

1. Current Situation

According to the Survey on Violence between Men and Women (FY 2014) by the Gender Equality Bureau under the Cabinet Office, 23.7% of women have experienced domestic violence, of which 11.4% have felt threat to life .

The number of the issued protection orders only accounts for between 2,000 and 3,000 cases. This fact suggests that a majority of them are hidden.

Foreign victims of domestic violence are hesitant to report they are exposed to domestic violence or commence divorce proceedings in fear for revocation of the residency status, because a case of domestic violence is not necessarily recognized properly.

The documents released by the Government fail to identify the reality of domestic violence taking children into account.

Rape by a husband is not excluded from the Penal Code, but there is no released court decision which incriminated a husband for rape who lived together.

The Survey on Maternity Harassment (by the Trade Union "Rengo", 2014) shows that 26.3% of women have experienced such harassment. 61.2% of female workers gave up their jobs after pregnancy. By the survey of MHLW 2015, 49% of temporary workers, 22% of regular workers, 13% of contract workers have experienced such harassment. Thus, women with unstable work tend to suffer maternity harassment

2. Issues

Effective awareness-raising campaigns and eradication efforts should be conducted from a perspective of eliminating domestic violence through further research which includes factors relating to children.

Under the Spousal Violence Prohibition Act, the protection order should be extended to violence by unmarried partners who live separately and other cases.

There are many cases of sexual violence, murder and other crimes against women and girls committed by U.S. soldiers stationed in the military bases. The U.S.-Japan Status of Forces Agreement which restrains jurisdiction of Japan for the protection of U.S. soldiers from prosecution should be revised.

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2 Temporary Special Measures, Participation in Political and Public Life (Art. 4 and 7)

1. Political Participation

The level of women' participation in politics remains significantly low. With women accounting only for 9.5% of all lawmakers in the House of Representatives, Japan ranks 153rd (Inter-Parliamentary Union, November 2015), lagging behind most of the nations. In the unified local elections held in April, 2015, the number of women elected to local assemblies slightly increased, but women are still underrepresented in parliament in all levels.

Japan's Seventh and Eighth Periodic Reports only suggest the introduction of positive actions to increase the percentage of female candidates of each political party, with no concrete measure. In the nationwide survey conducted by the New Japan Women's Association on the gender-based discrimination and contempt experienced by female local assembly members, 54 percent of the respondents said that they had felt and/or were feeling uncomfortable or offended by sexism inside and outside the parliament. The survey result reminds us that deep-rooted discrimination against women shown by the stereotyped gender roles and sexist remarks and behavior is a serious obstacle to women's participation in local assemblies, in terms of being elected and of fulfilling their roles as assembly members.

The single-seat constituency system, in which only the candidate with the biggest votes wins the seat, makes it even more difficult for women to be represented. Under this system, the votes are not reflected fairly in the parliament seats. It is therefore urgent to change the present election system drastically to one centering on the proportional representation so that the will of the electorates are reflected accurately. Also, the existing Public Offices Election Law, which imposes restrictions on the freedom of election campaigns, should be fully amended. Donations by corporations and other organizations to political parties to buy political influence and decisions must be banned. Further, subsidies to political parties must be abolished because they violate the Constitution that guarantees the freedom of thought and belief, and because they have become the major cause of degradation of lawmakers and politicians.

2. Hiring and Promotion of Female National Public Employees

Officers in managerial positions who are disparate to achieve a numerical target have pressured on female public employees to accept a promotion. As a result of this the employees are appointed to the higher positions against their will and those female

workers who are single or less family responsibilities are coerced to transfer anywhere in the country. These promotions unfavorable for employees have brought about friction among workers. In addition, the government has failed to take responsibilities to facilitate the promotion of female national public employees and has left a setup of concrete measures toward achieving the goals to each ministries and agencies.

A current number of national personnel are less than one third of that in 1968 because of successive personnel reductions in the country's administrative institutions since the year. While labor intensity has increased, the transfer associated with the promotion forces a long commute and a work away from one's home upon the national public employees. In this situation female employees have more and more difficulties in balancing between work and life. As the government has failed to provide substitute personnel for understaffed workplaces, many female workers cannot use support systems for employees for balancing between work and family life and eventually give up their jobs on an occasion of pregnancy, childbirth and care for family members.

Currently 70,000 part-time employees are working at the workplace of the National Government. However there are huge gaps in working conditions between regular and non-regular employees.

In order to redress this situation and to promote the women's participation, what necessary now is to improve the administrative system including the increase in the number of personnel and also it is important to increase awareness among workplaces and officers in managerial positions for planned personnel management.

3. Hiring and Promotion of Women by Local Governments

The proportion of female employees in local governments who got promoted to the class of section chief or higher increased from 4.2% to 7.7% between 2006 and 2015. It showed an increase and did not come close to even 10%.

A 2013 survey conducted by Jichiroren's women's section said that "job planning based on working long hours" and "men's overworking" prevent the promotion of gender equality in workplace. Promoting women's participation in public life needs first to improve working environment for both men and women to work with dignity.

The underlying reasons for such poor progress in local governments are excessive personnel cuts and the replacement of regular employees by the "non-regular". The number of local government employees who work on a regular basis keeps on decreasing over the past 20 years, dropping by 540,000 to 2.74 million between 1994 and 2014.

Local government employees in precarious employment through the country increased in number, to 603,582 in 2012, among them 74.2% is women. As the number of "non-regular" employees who can only earn less than two million yen a year is growing, female employees in the public sector are generally suffering from low wages. For example, in welfare services such as day nurseries, where a large portion of workers are women, the rate of "non-regular" employees is high above 50%, and their lower wages resulted in high turnover. As shown in a case that a plan of launching a care service for babies less than 12 months of age was suspended due to underhanded nursery staff, some services for citizens having children were made to be canceled. As a consequence, many of women are

deprived of their job opportunities.

The responsibility of a local government specified by law is to “promote the welfare of its residents.” The government is obliged to encourage local governments to carry out their tasks by improving the social security program as well as the quality of employment.

3 Stereotyped Perceptions of Gender Roles (Art. 5), Education(Art. 10)

In Japan the perception of gender equality has not fully spread. As the number of double income household increase, the ratio of people who are for the stereotyped perceptions of gender roles has been declining. However, through all generations, the ratio of male college graduates who are in favor of it is high, and the ratio of the female supporting it tends to increase. This result indicates that they somehow failed to have the awareness of gender equality through education.

Recently even government officials have repeatedly made several discriminatory utterances. The statement by the governor in Kagoshima in August has raised criticism. He mentioned, “What has become of girls by learning sine, cosine and tangent?” The change of their recognition in gender equity is needed.

In addition, some separate schools by sex still survive in public education. Before the revision of Basic Act on Education, the article 5 referring to the coeducation existed in the law. However, in this revision the article was eliminated, and as a result, its improvement has been more delayed. So, the article of coeducation should be introduced again into the Basic Act on Education.

There is no description of scholarship in the section of enlarging the educational and learning opportunity on the “7th and 8th Report”. Social inequality and poverty have been enlarging, and are especially serious among female-headed single parents. These are seriously affecting children. In order to assure the sound growth and development of children, effective measures should be taken such as improving the child rearing allowance and financial aid for school expense subsidies, free high school education, introduction of the grant-type scholarship program, free medical care program for children.

The ratio of female teachers makes up over 60 percent in primary schools while it becomes lower in junior high schools and much lower in high schools. In executive posts, the ratio of female school principals and vice principals is on the rise in the long run, however, it is still very low compared with that of female teachers overall. Female professors in junior colleges make up over 50 percent while the ratio in colleges and universities stays low in the level of 10 percent.

As you have seen above, the ratio of female executives in the educational institutions as well as that of female professors in colleges and universities has fallen far short of the target 30 percent to leading positions. It is necessary to conduct the study and research on how to achieve the target ratio, considering their working condition.

Moreover, in the sex education, strong government interventions, sometimes like

suppressions, have historically prevented appropriate gender education from being conducted in class: for example, in its view, teaching the name of the body parts correctly is too excessive, although it is quite appropriate from the viewpoint of sex education. Furthermore, in ‘Abe’s Educational Reform’, the Abe’s Cabinet imposes on students the nationalistic values by making ethics an official subject in schools. Also it strengthens the management and control, and promotes competition in education by the national standardized tests while it denies education based on scientific recognition and historical facts.

Therefore, while we strongly resist the educational interventions by the government, we will study further to improve educational contents in order to realize gender equality.

4 Employment (Art.11)

1. Actual Situation of Working Women in Japan

(1) Gender pay gap remains significant.

An average wage of women is only a half of the men (average annual income for male was 5.14 million yen and for women was 2.72 million yen, Source: the National Tax Agency, Wage Survey on Private Sector, September 2015). 42.9% of female workers earn only annual income below 2 million yen, which is a level of “working poor”. Elements of the following paragraphs 2-7 create gender discriminately low wage structure against women in a complex manner.

(2) Employment Management Category, which has two tracks with a main career track and general employment track, leads to indirect discrimination

In June 2014, the Tokyo Employers’ Association conducted a survey comparing scheduled cash earnings of college graduates employed in the main career track and general employees. The survey found that starting salary at 22 years of age for the former was 211,562 yen and the latter was 187,860 yen, a difference of more than 20,000 yen. The gap even widened to 240,000 yen in comparison of 60-year-old employees, a monthly salary 578,289 yen for the former and 337,971 yen for the latter. Female workers with family responsibilities have difficulty in choosing the main career track which leads to managerial positions because the position require long working hours and potential relocation. Even if they choose the main career track, they have difficulty continuing working. In 2011 the proportion of women who work in the main career track remains low at 5.6%. In that context, very few female workers work in managerial positions (11.3%, Source: Ministry of Internal Affairs and Communications, Labor Force Survey, in 2015).

(3) 60% of female workers give up their jobs on the occasion of pregnancy and birth of the first child.

Women who are pregnant or child-rearing cannot continue to work because of a situation of workplaces where personnel shortage and long working hours became chronic. In addition, harassment against them is prevalent in the workplaces. A number of women who give up their job against their will to continue to work while she is child-rearing are

still high. A labor force participation rate for women by age and rank forms M-shape curve with the rates of women aged 30-34 years old and 35-39 years old of child-bearing and rearing age at the bottom of M-shape. In 2014, a number of the women in this age group that they want to work but are unable to find jobs climbed to 3.03 million. Only 4.0% of non-regular workers including part-time and agency workers continue to work using childcare leave after a birth of first-child.

(4) Many workers give up their jobs for care for family members.

The government statistics showed that approximately 440,000 workers have been forced to leave their jobs by reason of care for family members in the past five years.

(5) A major factor that women shoulder heavier family responsibilities is long working hours of men.

17.0 % of men in their 30's and 16.9% of men in their 40's work as long as more than 60 hours a week (Labor Force Survey, 2014). With this reason, burdens of children and domestic tasks are not equally shared between men and women.

(6) About 60% of female workers are non-regular workers. Equal treatment between regular and non-regular workers has not been established.

Labor Force Survey by the Ministry of Internal Affairs and Communications in 2014 found that a rate of non-regular workers was 21.8% for men and 56.7% for women. It is difficult for women to come by regular employments if she once leaves her job for pregnancy. A rate of workers whose first job after graduating from school was non-regular employments reached 40%. However, a difference between men and women still exists in this rate, 28.4% for men and 48.5% for women.

With regard to a pay gap between male regular workers and female non-regular workers, since the equal treatment has not been established, taking the wage of the male workers as 100, the wage of the female non-regular workers rated 50.4. (Basic Survey on Wage Structure by MHLW, 2014). While a minimum wage is essential for part-time workers' wages, its national average remains low at 798 yen (2015 revision) and fails to guarantee wages to live.

In particular, the lone parent often works as a non-regular worker. The worker is often excluded from regular employment because the worker cannot work long working hours or takes leave frequently for child-rearing. The relative poverty rate of children has worsened from 10.9 percent in 1985 to 16.3 percent in 2012, the worst ever. The poverty rate of single-parent household stands at 54.6%, the worst level among 34 OECD members.

(7) Occupations such as nurses, childcare workers and care workers are poorly paid jobs and women are concentrated in these fields. The number of non-regular workers is also increasing in these occupations.

These occupations are essential to the fabric of society and allow working women to reconcile work and family responsibilities. However in the occupations, working conditions are poor and they suffer from serious personnel shortage. The situation can

lead to the collapse of social systems that guarantee women a work and life balance.

2. Government measures are inadequate in light of CEDAW

(1) There are shortcomings in the provision of Equal Employment Opportunity Act for Men and Women and in the ministerial ordinance and guidelines for its implementation regarding banning indirect discrimination. As judgment of discrimination against women is to be done according to career tracks or types of employment, the rectification of indirect discrimination is limited. The ministry ordinance cites just three cases of indirect discrimination.

(2) Japan has not ratified ILO conventions 111 and 175. Due to shortcomings in the labor law that should guarantee equal opportunity for men and women, gaps between types of employment are growing wider. The Part-time Employment Act allows employers to treat workers according to their systems of utilizing manpower and the workers' contribution to their companies. This provision makes it possible for companies to intentionally discriminate against part-time workers. This is why discrimination cannot be eliminated.

*Regulation on the use of temporary agency workers was eased in September 2015 under Prime Minister ABE Shinzo's government by adversely revising Worker Dispatch Law. Although temp workers are allowed to be used only for temporary work in the past, it made possible for employers to permanently use temporary agency workers. It is feared that this will encourage companies to replace workers who are directly hired by the companies including non-regular workers, mostly women, full-time regular workers and general staff with temporary agency workers.

(3) As the Labor Standards Law does not provide with the principle of equal remuneration for work of equal value, it is difficult to rectify wage discrimination based on types of employment and job categories.

(4) Laws and practices including the Child Care and Family Care Leave Law for workers during pregnancy, child birth, child care and care for family members don't adequately secure the use of the their provisions.

*Employers are only required to make efforts to secure replacement workers.

*Compensation of employees is inadequate. (67 percent for a woman worker on a maternity leave; 67 percent for a childcare leave for six months and 50 percent after the sixth month until the child becomes 18 months old; 40 percent for an employee on a nursing care leave for 93 days; leave of absence is unpaid for workers who use up to 5 days a year for nursing care of a family member, for workers working shorter hours for childcare, and for pregnant women getting prenatal checkups.)

*If a worker uses a right under the laws for workers during pregnancy, child birth, child care, and care for family members, that worker could face wage cuts, smaller wage increases, lower bonuses and retirement pay and eventually the worker's lifetime earnings become low.

*There no provisions for banning maternity harassment.

*It is difficult for fixed-term workers to use the right of childcare leave because of strict

requirements.

*Labor administration has an inadequate organization setup, including the employment opportunity office.

(Labor disputes currently on court trial)

IBM Japan: A woman worker was dismissed on the grounds that her poor performance arising from her use of the shorter work-time system for childcare in accordance with the Child Care and Family Care Leave Law.

Japan Airlines: A cabin attendant asked the company to transfer her to ground staff work when she became pregnant. But she was not assigned to the position and instead was ordered to take an unpaid leave.

(5) Since Article 36 of the Labor Standards Law stipulates that labor and management can agree on overtime work, it is difficult to control excessively long working hours.

*The Abe administration is planning to revise the Labor Standards Law to ease the working time regulation ostensibly to provide diversity of work schedule that enables women to play an active role. This causes fears that longer working hours will become even more prevalent.

(6) The minimum wage is not determined based on the cost of living.

(7) The Abe administration has launched such slogans “no care workers to be forced to quit their jobs” and for “support for childcare that nurtures dreams.” On the other hand adverse revisions of childcare and nursing care systems are also pushed forward. The number of children in waiting list for nursery school is growing and the number of people who are unable to receive nursing care has also increased although they need. What we need now is to improve in social security system and childcare system. In occupations such as nurses, childcare workers and care workers, female workers account for nearly 80 percent of all workers. Since the occupations have heavy responsibilities with long working hours but are poorly paid jobs, personnel turnover rate is high. The government is required to take measures for improving the situation.

(8) Women workers are discriminated against based on age.

*In late 2010 cabin attendants were dismissed based on age. The trial was over. They are demanding the company reinstate them to the workplace.

5 Unpaid women workers in rural and urban family enterprises (art.11, general recommendation 16)

General recommendation No.16 recommends the states parties to take the necessary steps to guarantee payment, social security and social benefits for women who work without such benefits in enterprises owned by a family member.

In Japan article 56 of the Income Tax Law stipulates that any payments the spouses or other family members of rural workers and self-employed merchants/manufacturers receive cannot be recognized necessary expenses; the value of their labor is added up to business owners' income.

This prevents these spouses and other family members from gaining income certificates, causing such disadvantages as lower compensation than full-time homemakers in the event of traffic accidents, no loans available to buy a car or house, and difficulty in obtaining the entitlement to leave their children at a childcare center. Article 56 is so discriminatory that it hinders the economic self-reliance of rural women and self-employed female merchants or manufacturers.

In the deliberation of the Sixth Periodic Report on the Implementation of the CEDAW, a Japanese government official, asked by a CEDAW committee member, assured the value of their labor would be recognized as necessary cost if there is a declaration based on books and records. As keeping books has become compulsory for every business owner since January 2014, the value of labor should be considered necessary expenses and thus Article 56 of the Income Tax Law is no more necessary. It should be abolished.

6 Health (Art.12)

While the Committee commended the State party for the high quality of its health services in Concluding Observations in 2009, medical system in Japan has been changed for the worse these years; public services reduced and medical expenses increased. Over 3,600,000 households cannot pay the insurance fees and 1,400,000 of them are not given the insurance cards. The Government is promoting reduction of hospitals nationwide for the decrease of medical expenditure. It should promote expulsion of patients in need of care from hospitals.

Lack of facilities for childbirth and doctors often constitutes a violation of the reproductive rights that are important rights to have and rear children in safety.

While number of childbirth was declined by 17.8%, facilities for birth declined by 42.8% between 1990 and 2014. One of the causes of this is the inefficiency or inadequacy of measures to keep up with the increasing in number of women doctors. Women represent 35.5% under age 29 and 29.8% in thirties.

Of the obstetricians of 2~10 years of practice, women make up 40~60%, but 32.5% of them stop working for childbirths after around 10 years of practice.

This fact reflects the reality of doctors in Japan who, both men and women have to work in severe working environment due to the shortage of doctors. A woman doctor cannot continue to work after she has become pregnant or had a baby. There is no standby for the doctor who takes maternity leave in hospitals and practitioners often work until delivery. Medical services in Japan set up by the overworking of doctors. Better working environment for both men and women doctors should provide safe health services to patients. It is needed to stop changing for the worse but improving of the social welfare.

7 Older women (Art.3, 13)

A vast majority of older people receive low pension payments in Japan. Among pensioners, there is a big difference between men and women: of those who have only the Basic

Pension Plan (monthly allowance is only about 50,000 yen (\$400) on average), 76% are women. Even when women had a job and have Employees' Pension Insurance, they receive as low as 110,000 yen (\$900) on average. Overall, the pension allowance which women receive is about half of the amount that men receive. This is because there were differences in working conditions and wages when they were working (i.e. differences in the number of years continuously worked and job promotion), which are reflected on the amount. It is necessary to rectify the gender disparities and to introduce a pension scheme that guarantees the minimum standard.

Government policy of a 2.5% cut in the pension allowances ended last April (which was enacted along with the raise in consumer tax), but the pension will still be reduced for 30 years to come based on the "macro-economic slide" formula. The Basic Pension Scheme will in the end see a 30% reduction in payment. A survey of elderly women showed that only 6.3% of them "received support from their children." Cases of isolation, starvation, abuse, and crimes among elderly people are on the increase.

Discrimination against and abandonment of elderly people are found in the field of medical care as well. As a result of the Advanced Elderly Medical Service System which started in 2008 and under which insurance fees are endlessly raised whereas the services are not good enough, elderly women have been driven to a difficult condition.

Furthermore, since patient copayments have increased, elderly patients in particular tend to refrain from seeing a doctor. According to a survey by the Health Policy Institute, "we could not go to see a doctor even if we were sick," replied 39% of the households with annual income level below three million yen.

More than 520 thousand people are waiting to be admitted to intensive care homes for the elderly. It is more than the current admission limit of 510 thousand. The Japanese Government is promoting in-home care based on the "Integrated Community Care System," in reality people in need of care cannot have satisfactory services because of the too expensive fee, unjust benefit restrictions, and shortage of facilities and staff, etc. They are helpless and have nowhere else to turn.

In fact, every time the long-term care insurance system was amended, the benefits have been drastically reduced. Improvements of care facilities were restricted, burden of the users increased, users with lighter disabilities refused of their services, and duration and contents of the provided services lessened.

The minus fixation of care remuneration standards has affected seriously on the management of nursing-care establishments. Turnover rates of employees at such facilities are high due to poor working conditions, including low wages and longer working time. Nursing homes suffer from constant labor shortages. Those who have to leave work for the reason of caring for family members are over 100,000 per year, and many of these are women. The Government announces "We'll nullify those who have to leave work for family care burdens," but it is without any concrete measures.

What is needed immediately is to stop policies of reducing social security expenses, and to

expand and enhance public services such as pension, medical care and nursing care.

8 Rural women (Art.14)

The population in agriculture fell from 5,430,000 in 1985 to 2,270,000 in 2014. During the period, the number of women in agriculture decreased from 3,230,000 to 1,140,000. More and more farmers went out of business due to the financial difficulty in farming, mainly promoted by the liberalization of the agricultural market under the WTO Agreement, with no public policy assistance such as direct income support.

The ratio of women in agricultural committees is only 6.3%. According a 2013 survey in Hokkaido, which has a relatively larger number of full-time farmers, 66.3% of female farmers worked more than 9 hours a day, 34.6% of which worked more than 11 hours, up from the ratios in 2007. In busy farming seasons, the hours of housework tend to be longer, 3 to 5 hours a day. Meanwhile, the largest number of spouses of the female farmers (62.8%) spent no time on housework, and the ratio was on the rise. This shows women take on most of the burden of domestic duties since longer work hours caused by the economic difficulty in farming prevent male farmers from doing housework. Thus economic hardship, and longer workhours and housework make it difficult for women to take part in decision making.

As the national health insurance program, covering most of the farmers, provides no compensation benefits for absence from work (injury, sickness and maternity allowances), female farmers suffer from health problems, caused by insufficient rest at the time of sickness, injury, or before and after delivery. (This is the case for the following working women: self-employed women including general practitioners, women working for self-employed family business, part-time female workers) The national health insurance program has to be changed and improved.

Although the Japanese government promotes the Family Management Agreement, only 3.7% of the total farming households concludes the agreement. The agreement isn't legally binding and nearly half of the annual incomes of the farming households under the agreement are low: 600,000 yen to 1.2 million yen. Furthermore, in reality, women spend their incomes under the agreement on living costs and farming expenses, showing that the agreement fails to contribute to the improvement of women's economic status in rural areas. Also, female farmers have no income certificates since Article 56 of the Income Tax Act doesn't admit the payment given to family members working for self-employed business as income. The Government has never conducted any surveys on rural lives since its survey on gender equality in rural areas in 2001. Surveys on rural women in Japan's all prefectures need to be done, with their results to be included in the policies for women. Furthermore, protecting family farming with necessary support is essential to make Japan's agriculture sustainable.