

**Alternative Report of the New Japan Women's Association
on the Implementation of the Convention on the Elimination of All Forms of Discrimination
against Women in Japan for the Consideration of Japan's 7th and 8th Periodic Reports by the
Committee on the Elimination of Discrimination against Women**

January 9, 2016

Established in 1962, The New Japan Women's Association (NJWA) is a non-governmental organization in special consultative status with the United Nations Economic and Social Council, working for better living conditions, women's rights, peace and international solidarity. It is an individual-membership-based, national organization with 140,000 members and 220,000 subscribers to its weekly newspaper.

For the consideration of the 7th and 8th periodic reports of Japan by the UN Committee on the Elimination of Discrimination against Women scheduled for February 16th, 2016, NJWA wishes to provide information on the realities of women in Japan in the context of the List of Issues presented by the Committee, and to propose actions to be taken by the Government of Japan as the State Party to the Convention.

Preface

2015 was the year of special significance for Japan, marking the 70th year of the war defeat and the Atomic bombing of Hiroshima and Nagasaki, and the 70th year of the enfranchisement of women as well as of the ratification of the CEDAW Convention. For the international community, it was the year to celebrate the 70th anniversary of the founding of the United Nations and the twenty years from the Fourth World Conference on Women in Beijing. In this milestone year for peace, women's rights and gender equality, the Government of Japan led by Prime Minister Abe Shinzo, after changing the constitutional interpretation upheld by his predecessors that Japan cannot exercise the right to collective self-defense under Article 9 of the Constitution, railroaded the war bills through the Diet despite the opposition from the majority of the people and from the constitutional scholars who regard the war bills as "unconstitutional," including those in favor of amending the supreme law. Facing the reckless act of denying constitutionalism and democracy, women and young people have been at the forefront in the campaign to abolish the war legislation, organizing groups nationwide and mobilizing actions around the call of "Don't let anyone's child be killed" and "Don't decide our future without us!"

Prime Minister Abe has been vocal about promoting "empowerment of women" and "a society in which women shine" both at home and internationally, but 12 of the 20 members of his cabinet including himself, Minister for Gender Equality and the two female ministers belong to the Parliamentary League of Nippon-Kaigi (Japan Conference, founded in 1997), a group which denies the facts of Japan's war of aggression including the sexual slavery known as the "comfort women" issue and other kinds of atrocities the country committed during the war. Nippon Kaigi formed Nippon Josei Kaigi (Japan Conference of Women) in 2001 to run a campaign to collect signatures opposing the Civil Code amendment including the introduction of a system to allow married couples to have separate surnames, on the ground that such a system would "destroy family ties." It also carries out a nationwide campaign to lobby local assemblies to adopt resolutions to this effect. It is a backlash group which takes a hostile view of gender equality, opposing even to the CEDAW Convention and the Basic Law for a Gender-Equal Society. Prime Minister Abe has been a leading figure of this group and he is now pushing ahead with the neoliberal economic policies and militarization in unison.

On December 16, 2015, Japan's Supreme Court's Grand Bench for the first time handed down its decision on the constitutionality of the two provisions in the Civil Code. Regarding the provision prohibiting women from remarrying for six months after divorce, the top court ruled that the remarriage ban that exceeds 100 days contravenes the Constitution. However, it upheld another provision forcing married couples to have the same surname, saying that it is "reasonable for family members to use only one surname" and that any disadvantage for women who changed their surname after marriage and felt their identities were lost can be mitigated by allowing the wider use of their pre-marriage name. The judgement on the common surname rule is unjust because it failed to address the issue from the viewpoint of protecting women's rights and it also took no notice of public polls showing that around 60 percent of respondents between 20 to 50 years of age were in favor of

allowing different surnames. The court decision is not unrelated to the stance of the Government currently dominated by the right wing.

Regarding the issue of Japan's wartime sexual slavery, known as Japan's military "comfort women" system, the foreign ministers of Japan and the Republic of Korea announced on December 28, 2015 that the two Governments agreed to "resolve" the issue "finally and irreversibly," based on the Japanese Government's acknowledgement of the "involvement of the Japanese military at the time," the expression of "sincere apology and remorse" by Prime Minister Abe, and the Japanese Government's contribution of one billion yen (about 8.3 million US dollars) for a fund which will be set up by the Korean Government. Given that the Japanese Government had consistently stated that the issue had already been settled, the agreement is a step forward. However, the agreement has many flaws of great concern, because it was made without prior consultation with the surviving victims, the contribution is not considered as compensation, and there is no reference to measures for preserving and handing over the historical facts to future generations or for recurrence prevention. Grave still, the removal of the statue of a girl symbolizing a "comfort women" installed in front of the Japanese Embassy in Seoul is said to be a condition for implementing the accord. As the Resolution adopted by the 12th Asian Solidarity Conference on the Issue of Military Sexual Slavery by Japan in 2014 stated, only when the Japanese Government as the perpetrating country clearly and unambiguously expresses the apology both domestically and internationally, and takes continuing measures to make it credible and sincere, such as compensation, accounting of the truth, inclusion of the reference to the issue in the school textbooks, and prohibition and refutation of the abusive statements by public figures, will the apology be acceptable to the survivors. More importantly, in order to eradicate sexual slavery, the worst form of human rights violation and war crimes, all efforts should be made to prevent war. To say the issue is "finally resolved," the Abe administration must end its militarization policies now.

Japan ranks 101st out of the 145 countries under the Global Gender Gap Index 2015, remaining at the bottom of the developed nations. The major cause for this is the country's lag in political participation of women and the growing poverty among women with the percentage of women in non-regular employment reaching 60. The Abe administration advocates "women's empowerment" as a key growth strategy, but its true aim is to utilize women to make Japan the "world's No.1 country in which corporations can perform best without restrictions." It is indeed a neoliberal economic model that gives top priority to the profit-making by transnational corporations while destroying employment and social security.

The Abe administration, with most of the Cabinet members opposing gender equality, stands in the way of the effort to promote "gender equality, development and peace." It has no intention or will to implement the CEDAW Convention as well as the recommendations from the CEDAW Committee, and therefore lacks the credentials to be Party to the Convention. The New Japan Women's Association is stepping up efforts to achieve the immediate resignation of the Abe administration in order to defend peace, restore constitutionalism and advance gender equality.

NJWA's Comments on LOIs and Proposal for Recommendations to be Issued by the Committee

**The number after each subhead refers to the paragraph number of the List of Issues. Items listed after the paragraph number refer to the relevant Convention Article(s), General Recommendation(s) and 2009 Concluding Observations Paragraph (s).*

Institutional framework

1. Article 2 GR 6, 28 CO 21, 22, 23, 24, 25, 26, 58

The Government reports a series of legal measures including the formulation of the Third Basic Plan for a Gender Equality in 2010, but it fails to refer to steps to "incorporate the definition of discrimination" into domestic legislation or to establish an independent national human rights institution as recommended in the 2009 Concluding Observations.

The Government effort to disseminate the Convention is limited to "public dissemination" through web site and "distribution of documents," and the Government's political will to fulfill its obligation under the Convention is

called into question.

The Government also reports on the holding of “hearings” and inviting public comments on the periodic report to be submitted to the Committee as well as on policies to promote gender equality. In reality, “hearings” tend to be opportunities for ministries and agencies to make presentations on their work, and opinions from the public are only to be invited. There have been no substantial dialogue and cooperation between the Government and the civil society.

Proposed recommendations:

- Mechanisms and institutions to promote gender equality should be staffed not by members of anti-gender equality groups such as Nippon Kaigi, but by those with expertise and high-mindedness, well-qualified persons for carrying out effective policies and measures on women in accordance with the Japanese Constitution and the CEDAW Convention.
- The State Party should make known the Convention and the Committee’s recommendations widely with training opportunities, including among politicians, parliamentarians, law enforcement officials, Diet members, and the media. It should also integrate the Convention and recommendations into school education.

2. Preamble, Article 8 GR 30 CO 55, 56 UNSCR 1325

While announcing a vast increase in aid to Syrian and other refugees, the Government abolished the three principles banning arms export, and it drastically revised the Official Development Assistance (ODA) Charter in February, 2015 to enable the country to fund foreign military forces exclusively for “civil” or “nonmilitary” purposes.” It is also considering establishing an aid system to grant low-interest loans to developing countries for purchasing arms, and to buy weapons from the domestic arms industry and donate them to developing countries. It has faced criticism that ODA would be converted into military assistance. In September 2015, the Government forcibly enacted the war legislation allowing Japan to send its Self-Defense Forces abroad to engage in military activities. On October 1st, the Government launched a new agency at Defense Ministry for equipment management, to centralize its logistical and acquisition needs and deal with the development, procurement, export and international joint development and production of defence equipment. The country’s military spending has reached a record high. These moves will obstruct the effort for achieving the Post-2015 Development Goals.

Proposed recommendations

- The State Party should firmly commit itself to “Gender Equality, Development and Peace,” and stop pushing towards militarization.
- The State Party should reduce the military spending and provide ODA so as to directly benefit the lives of local women and children of the recipient countries.

Temporary Special Measures

3. Article 4 GR 5, 25 CO 27, 28

In response to the Committee identifying the 2009 Concluding Observations’ paragraph 28, which urged the Government to adopt “temporary special measures,” as a follow-up recommendation, the Government set out 15 priority fields in the Third Basic Plan for Gender Equality, which was decided at a Cabinet meeting in December 2010. The Plan also set positive action measures with numerical goals and time frame, such as “raising the percentage of women in leadership positions to at least around 30 percent by 2020.” Most of the goals remain unattained, however, and the only achievement is that percentage of women in national advisory councils and committees have increased to 35.4 percent in 2014.

Proposed recommendations:

- The State Party should analyze the causes of failure in attaining the goals and work out effective positive actions.
- The State Party should do its utmost to achieve 50-50 women and men at the earliest possible date in the public sector, and therefore stop slashing public employees.

Stereotypes and harmful practices

4. Article 5 GR 3 CO 29, 30

There is no end to insulting and discriminatory remarks and human rights violation by public figures against women. The Government has failed to take any preventive measures. On the contrary, Chief Cabinet Secretary who is in charge of promoting gender equality came under fire by encouraging women to “bear more children” to “contribute to the nation.” His comments are unacceptable as a key government official interfering with individual freedom to decide on having or not having children, and stimulating women to bear children as a State policy, which will further encourage stereotypes that women’s role is childbearing.

At his inaugural press conference in January 2014, NHK (Japan Broadcasting Corporation) Chair Momii Katsuhito, one of those handpicked by Prime Minister Abe, sparked criticism by saying that the so-called comfort women system “existed in every country” during the war. Despite a flood of protests demanding his resignation and dismissal by Prime Minister, he remains in his position making abusive statements one after another.

Proposed recommendations:

- The State Party should take measures to ban gender-based discrimination and verbal violence as human rights violation.
- To Management Committee members of NHK, which is responsible for public broadcasting, persons with expertise and high-minded views on human rights and gender equality should be appointed.

Violence against women

5. Penal Code amendment Article 2 GR 12, 19 CO 33, 34

A broader definition and increased penalty for sexual crimes have been a long-held demand of women’s organizations. Finally in November 2015, the Justice Ministry’s Legislative Council started to discuss revising the Penal Code. The amendment is likely to include toughened punishment for sexual crimes (expanding minimum imprisonment term for rape from three to five years; and for rape resulting in bodily injury or death, from five to six years), elimination of the requirement of the victim’s complaint to prosecute crimes, and introduction of new provision to punish those exploiting their status including parents to have sex even without violence or threat. However, broader definition of sexual crimes and criminalization of incest and marital rape are not included.

Proposed recommendations:

- The Penal Code should thoroughly be reviewed to establish a law banning sexual violence with a broader definition of sexual crimes and penalty for incest and marital rape.
- Measures to prevent the second rape should be strengthened including training for the police, judges and other law enforcement officers as well as medical institutions and administrative bodies.

6. Support to victims Article 2 GR 12, 19 CO 31, 32

According to the 2015 Cabinet Office’s survey on violence between men and women, even with the Spousal Violence Prevention Act in operation, one out of four women experience physical and/or psychological violence including sexual coercion from their spouses, with 11.4 percent of them saying that they felt threat to life and 6.5 percent stating they had suffered sexual violence. However, the fact that the arrest rate regarding domestic violence and sexual crimes is low indicates that it is still not easy for the victims of these crimes to report to the police.

The Government launched “Purple Dial”, a 24-hour hotline for consultation on domestic and sexual violence but it was a one-time initiative for only seven weeks and such effort is now left in the hands of private sector.

Proposed recommendations:

- The State Party should strengthen measures and mechanism to support DV and sexual violence victims, and revise the Spousal Violence Prevention Act to make it more effective to deal with all kinds of cases.
- The State Party should enhance its effort for recurrence prevention through stricter penalty and rehabilitation programs for perpetrators.

7. Child prostitution and pornography GR 19 CO 34, 36

In June 2014, the Law Banning Child Prostitution and Child Pornography was amended to ban and punish the possession by individuals of photos and videos of children under 18 which are intended to expose or focus on children's sexual parts. But the law only covers the photos and videos of children who do exist and there is no regulation on sexual depictions of children in manga (comics), animation and video games.

Between January and June, 2015, 831 cases involving 659 people were prosecuted for producing and distributing child pornography. The number of victims reached 383, the record high since the National Police Agency started collecting statistics in 2000. 90 percent of the victims were women. 60 victims were elementary school children and 31 had their pictures taken after being raped or suffering indecent assault.

Proposed recommendations:

- Legal measures should be taken to regulate human rights violation of women and girls in the name of "freedom of expression."
- Further revision of the Law Banning Child Prostitution and Child Pornography is necessary to make the law more effective.

9. Wartime sexual slavery Article 2 GR 19, 30 CO 37, 38

Since 1994, the Committee has reiterated its recommendation to the Government of Japan to urgently endeavor to resolve the Japanese military "comfort women" issue. However, the Government defiantly states in its 7th and 8th Periodical Report that it is not appropriate to take up the issue in terms of the implementation of State Party's duties regarding the Convention. And it underlines its position that the issues of compensation as well as property and claims including the comfort women issue have been legally settled. The right-wing groups such as Nippon Kaigi are intensifying its attacks on the official government statement pertaining to the Japanese military "comfort women" issue which acknowledged the involvement of the military authorities, expressed sincere apologies and remorse for injuring the honor and dignity of many women, and reiterated firm determination never to repeat the same mistake (Kono Statement, 1993). The Abe administration set up a panel to "review" the Kono Statement intending to discredit the Statement, but the review only found that the "process that led to the drafting was appropriate, and Prime Minister had to affirm in the Diet that his Cabinet "upheld the Statement." Yet the Abe administration has shown no intent to retract the Cabinet decision in 2007 during Prime Minister Abe's first stint in office to adopt a government statement that no direct reference has been found to the forcible recruitment of women by military or government officials. In so doing, the Cabinet gives backing to the right-wing groups' assault on the Kono Statement.

Denying the historical facts of Japan's war of aggression and colonial rule, the Abe administration is making renewed attempts to prepare for war, and it is increasing political interference in education. Today, no reference to "comfort women" and related issues is found in any of the history textbooks used in compulsory school education except one. There have been comments and remarks by government officials and public figures that the "comfort women" system was necessary and existed everywhere, and the Government has not taken any measures to curb hate speech.

In late December, 2015, the Governments of Japan and the Republic of Korea announced that they had agreed to "finally and irreversibly" resolve the "comfort women" issue, but challenges remain as the agreement was made without consulting or involving the surviving victims. The Government is urged to take measures to make the agreement including the apology acceptable for the survivors so that their human rights, honor and dignity are restored.

Proposed recommendations:

- For the earliest possible restoration of dignity of the aging survivors, the State Party should not waste time in taking measures for resolving the issue not by "political settlement" but in a way that is acceptable to the survivors. It should make an official apology, provide compensation, and retract the 2007 Cabinet decision.
- The State Party should refute and take strict action against words and deeds by politicians and public figures discrediting and abusing human rights of victimized women by denying the facts, and against hate speech

which fuels discrimination and human rights violation.

- The State Party should ensure that text books used in school education include the issues of “comfort women” and war responsibility, as well as gender equality perspective.

Trafficking in women and exploitation of prostitution

10. Access to shelters Article 6 G R 19 CO 39, 40

Women’s/Gender Equality centers and women’s consulting offices established in prefectures and municipalities are providing consultations and protection for women suffering from DV and other forms of violence, but there is no specific shelters for women victims of trafficking. Each prefecture has only one public shelter and about 100 private shelters functioning nationwide have a major role to play. But many of them face financial difficulties to keep operating. Women’s centers are also suffering cuts in budget and personnel, and from consolidation.

Proposed recommendations:

- The State Party should ensure that women’s centers are not closed or integrated with other sections or facilities. It also should increase and strengthen the function of women’s consulting offices.
- The State Party should enforce strict regulations on trafficking brokers and prostitution businesses, and take measures to protect human rights of women victims including installing public shelters with professional staff, protecting the right to work of non-Japanese women and establishing a consultation system.

11. Measures for prostitution Article 2 GR 19 CO 39, 40

The current Anti-Prostitution law applies punishment only to the prostituting women, and entertainment businesses remain as hotbed of prostitution and exploitation.

Proposed recommendations:

- The State Party should take action to revise the law so as to include stringent punishment of the prostitution businesses and buyers, and as ban on granting bank loans to entertainment businesses. It is also necessary to increase the budget for Women Protection Program.
- The Act Banning Child Prostitution and Child Pornography and Dating Site Regulation Act should be amended to toughen punishment of prostitution buyers and businesses, as well as to strengthen protection and care for sexually abused girls.

Participation in political and public life

12. Article 3, 4, 7 GR 5, 23 CO 41, 42

Japan still lags far behind other countries in terms of women’s political participation. With women holding only 9.5 percent of the seats in the House of Representatives, Japan ranks 156th in the world as of April 2015, according to the Inter-Parliamentary Union, placing itself among the lowest. Under the 2015 Global Gender Gap Index, the country remains at 101st of the 142 countries surveyed, mostly due to the low level of women’s representation in politics. In the unified local elections in April, 2015, the number of women elected to local assemblies slightly increased, but women are still largely underrepresented in local politics. In its periodical report, the Government only refers to the consideration of introducing positive actions to increase the percentage of female candidates, with no concrete measures provided.

The New Japan Women’s Association conducted a nationwide survey on the gender-based discrimination and contempt experienced by female local assembly members. 54 percent of those respondents said that they felt uncomfortable for offended by physical or verbal abuses from their male counterparts or community members. The survey shed light once again on the reality that deep-rooted discrimination against women observed in gender-based stereotypes and sexual speech and behavior comprise a major obstacle for women to be elected to and to play an active role in local assemblies. Women represent 11.6 percent in local assemblies and 40 percent of municipal assemblies have no female members.

Proposed recommendations:

- Under the current single-seat constituency system, in which the candidate with most vote wins the seat, it is

especially difficult for women to run for the election, and the votes cast are not translated fairly into seats. The State Party should swiftly make a drastic electoral reform to have an election system centered on proportional representation system so that the voters' will are fairly represented in seats.

- The State Party should review thoroughly the Public Offices Election Act which restricts individual's freedom of political campaign, ban political donations by corporations and organizations being used for influence-buying, and abolish unconstitutional subsidies to political parties that have caused degradation of law makers and politicians.

- In order to drastically increase the number of women members in local assemblies, the quasi-single seat constituency system with allotted number of seats limited to one or two should be revised to a system in which votes are fairly translated into seats.

- All assemblies should adopt ordinance, regulations or rules, establish or review ethical code, so as to have "ban on gender-based discrimination and human rights violation," "maternity, child-rearing and nursing leave" as well as "rules on assembly management and election of managerial positions" in place. Assemblies and municipalities should provide gender training to their members and staff.

Education

13. Article 10 CO 43, 44

The Abe administration is carrying forward policies to increase poverty and gaps between the rich and poor, affecting children in particular. It is also strengthening political grip on education, imposing nationalist values through introducing moral education as a regular school subject, and tightening control on and escalating competition among children through nationwide academic testing. The current Government's hostile view of scientific recognition and historical facts is reflected in the education policy. The 7th and 8th Periodic Report explains the reason why the "promotion of co-education" provision was deleted from the Basic Act on Education upon revision, saying that "the purport of co-education has widely been understood and systematic gender differences in educational opportunities no longer exist. In reality, however, some prefectures still maintain gender segregated public schools. And in school education, little reference is made to the CEDAW Convention. It should be noted that the Fourth Basic Plan for Gender Equality mentions the introduction of "Day of Family" and "Week of Family," which may lead to shifting social responsibility for childrearing and nursing to families.

Proposed recommendations:

- The State Party should reinstate the provision on "promotion of co-education" in the Basic Act on Education.

- The State Party should ensure that in school, historical facts including the issue of Japanese military "comfort women" and Japan's war responsibility, and gender equality are taught. It should also provide systematic sex education based on science.

- The State Party should maximize learning opportunities for every child by ensuring compulsory education completely free of charge, by drastically reducing tuition fees of high school and higher education and by establishing an emergency support system. These measures should be taken immediately.

- The State Party should increase the school hours for home economics, which are now decreasing, with full-time teaching staff allocated.

Employment

14. Article 11 GR 13, 17, 21 CO 45, 46, 48

The employment rate of women aged 15 to 65 years increased from 56 percent in 1990 to 64 percent in 2014. However, the number of female regular workers decreased by 350 thousand from 10.5 million in 1990 to 10.15 million in 2015, while women with non-regular jobs grew by 6.97 million from 6.46 million to 13.43 million in the same period ("Labor Force Survey" by the Ministry of Internal Affairs and Communications, 2015). Today, 60 percent of female workforce in Japan is non-regular workers, which constitutes a major cause of wage gap between men and women remaining wide. Now that one third of the working women earn less than 1.14 million yen (about 9,700 US dollars) a year, about half of them receive 2 million yen (about 17,000 US dollars) or less, and the poverty rate of single-mother families exceeds 50 percent, poverty has become a women's issue. These realities are also reflected in Japan's child poverty rate hitting 15.7 percent, higher than the average of Organization for Economic Cooperation and Development (OECD) member countries, which is 13.7 percent.

Under the Abe administration, the Workers' Dispatch Law was adversely revised only to help companies to use women as low-cost workers. Maternity harassment, demoting or even laying off women because of pregnancy, childbirth and taking leave, is also prevalent, such as dismissing a 5-month pregnant female worker, or converting a full-time female worker into a contract employee with 80 percent pay cut on her returning to work after maternity leave.

The Comprehensive Support System for Children and Child-rearing which started in April, 2015, has caused a grave situation that families with more children face a drastic increase in day care fee. The problem of childcare waiting list remains unsolved, and there are cases that municipalities strip nursery access from parents taking childcare leave for a new-born.

Proposed recommendations:

- The State Party should ensure that full-time employment is a common labor practice for both women and men, and drastically revise the Equal Employment Opportunity Act with a view to redress the gender-based wage gap, to ban indirect discrimination against women according to "track-based employment management" as well as to employment pattern, to enhance maternity protection, to make positive actions mandatory for employers, and to establish equal treatment of all workers.
- The State Party should thoroughly review its employment and labor policies and take action to redress the current situation that nurses, day care staff and nursing care workers, majority of whom are women, work at low pay, to increase the minimum wage and to establish a national minimum wage system.
- The State Party should introduce legislation to prevent and ban sexual, power, maternity and other forms of harassment.

Health

15 and 16 Article 12 GR 24 CO 49, 50

The Committee has reiterated its recommendation to the Government of Japan to amend the legislation criminalizing abortion to remove punitive provisions imposed on women, but there has been no progress so far, due to the lack of understanding on the part of the Government about women's human rights and right to sexual self-determination, as seen in the no-mentioning of "reproductive health and rights" in its periodic report. As abortion damages women mentally and physically, the decision whether or not to have abortion is up to women. It goes without saying that the State should not intervene in the individual choice by imposing punishment. Regarding sex education as well, the Government lacks women's rights perspective, as it only states in the periodic report that "schools should stress the importance of mental bonding and dignity of life, and give guidance on sex appropriate for different stages."

Proposed recommendations:

- The State Party should remove the provisions in the Penal Code which penalize abortion (Article 212-214), and revise the Maternal Protection Act Article 14-2 so that women can have an abortion without consent from their spouses including the cases of pregnancy because of domestic violence.
- The State Party should make clear its position to acknowledge reproductive health and rights, and take measures for women to have access to necessary information and services including sex education based on science.

17. Health problem related to the nuclear disaster in Fukushima

CO from the UN Committee on Economic, Social and Cultural Rights (May 17, 2013) 24, 25

CO from the UN Human Rights Committee (August 29, 2014) 24

Due to the nuclear disaster in Fukushima, about 60 thousand people are still displaced within the prefecture, and nearly 44 thousand continue to live in other prefectures. Of all who evacuated from their communities, 1,200 children under 18 live within the prefecture, while 10,500 of the same age bracket living outside the prefecture. The Government declared that the reconstruction has completed and started to reduce the financial support for the disaster areas, announcing the lift of the designation as evacuation zones of contaminated areas with radiation exposure levels under 20mSv/year, and the end of the compensation payments as well as the end of free rent stipend for voluntary evacuees living outside Fukushima. Health checking related to nuclear

disaster is limited to thyroid examination and mental health of residents of Fukushima. No systematic health examinations for those living in other prefectures are provided.

Proposed recommendations:

- The State Party should retract the official announcement that the Fukushima nuclear crisis had come “under control,” and take responsible measures to have the situation truly under control based on thorough investigation of the accident causes, to provide compensation and to carry out decontamination.
- The State Party should subsidize the routine health checkups and medical treatment for children and all disaster victims wherever they live.

National Disasters

18.

After the Great East Japan Earthquake that occurred on March 11, 2011, awareness has been growing among the public about the importance of women’s participation in decision-making and in the field of disaster prevention and post-disaster reconstruction, about the necessity of incorporating a gender perspective into national disaster management and recovery policies, and about the need for promoting gender equality on a daily basis. The Government also gives special attention to this area, playing an active role in the international community by introducing a resolution in the United Nations Committee on the Status of Women, or by hosting the Third UN World Conference on Disaster Risk Reduction in Sendai. It also underlines women’s participation in disaster prevention and reconstruction in the Fourth Basic Plan for Gender Equality, but the reference is limited to “requesting” or “asking” local governments and entities with no proposal for concrete measures. Almost five years have passed since the disaster, about 200 thousand people still live in evacuation, and many of the victims have not been able to restore their way of living. Yet the Government is reducing and cutting the support. More importantly, we cannot expect much from the Government in this regard since it has failed to implement the CEDAW Convention and Committee’s recommendations.

Proposed recommendations:

- The State Party should evaluate the role women played in rehabilitation and reconstruction, promote women’s participation in decision-making positions as well as in the field, and to establish a system with a gender perspective incorporated to meet the diverse needs of expectant and nursing mothers, elderly people, those with disabilities, children, LGBTs and non-Japanese women.
- The State Party should withdraw its plan to end the assistance for the disaster victims and instead strengthen support to help victims restore their living and businesses including housing, women finding jobs or starting business or receiving job trainings. Day care and nursing care should also be supported. Given that violence against women, children and the aged increased among the disaster victim families, the State Party should work out preventive measures.

Disadvantaged groups of women

20. Article 14 GR 18, 26, 27, 32 CO 51, 52, 53, 54

Japan’s agriculture depends largely on family farmers and women are playing an important role. The Government, however, is pushing ahead with the Trans-Pacific Partnership (TPP) negotiations and dissolution of agricultural cooperatives, which will greatly affect family farming. It also intends to revise the Agricultural Land Act and to change the Agricultural Committee system for making it easier for private firms to enter into the agriculture sector. The decline of family farming will lead to the job loss for women, and hinder the sustainable food production, environment conservation, and development of communities and their culture. The Income Tax Act Article 56, which provides that earnings of spouses and family members of the self-employed individual and farmer is not recognized as business expenses, is discriminatory against women engaged in family farming and businesses as it obstructs their economic independence.

The Government’s neoliberal policy has brought widening income gap and poverty, and the rise in poverty rate of women and children is a grave issue for the Japanese society. The situation is particularly serious for female-headed households with children. Although 80 percent of these mothers are working, the half of them are in non-regular employment, and the average annual income of single-mother families is only 1.8 million yen (about 15,300 US dollars).

Proposed recommendations:

- The State Party should withdraw from the TPP negotiations and promote family farming, recognized by the United Nations as important for sustainable food production and reducing poverty. It should also make clear its intent to abolish the Income Tax Act Article 56.
- The State Party should stop adversely revising labor laws including the Workers' Dispatch Law, which will only expand non-regular employment. It instead should take an employment policy to ensure that stable permanent employment is a common labor practice, and to raise the minimum wage. It should also end the current policy of reducing the payment of the Child Rearing Allowance, a lifeline for single-parent families, to half to the recipients who have received it for five years. It should instead take measures to increase the allowance payment, eliminate income restrictions, and raise the additional payment for an extra child or children. The State Party should subsidize municipalities for their family support measures, such as building more authorized public daycare facilities, stopping daycare fee increases, and providing affordable public housing of good quality.

Marriage and family relations**21. Article 16 GR 21, 29 CO 17, 18**

The Committee has repeatedly issued recommendations that the Government should amend the Civil Code to repeal the discriminatory provisions. The steps taken so far is the amendment made in 2013 to equalize the shares in inheritance of a child born out of wedlock, according to the Supreme Court ruling that the Civil Code provision which designates the share of such child shall be one half of the share in inheritance of a child born in wedlock is unconstitutional.

On December 16, 2015, the Supreme Court's Grand Bench for the first time handed down its decision on the constitutionality of the two provisions in the Civil Code. It upheld the provision forcing married couples to have the same surname, saying that any disadvantage for women who changed their surname after marriage can be mitigated by allowing the wider use of their pre-marriage name. The judgement is unjust because it failed to address the reality that the wider use of maiden name is not a perfect solution for disadvantage and for identity crisis women experience by changing their names and it totally lacks a human rights perspective. It should be noted that the ruling reflects Japan's lag in gender equality in the judiciary, given that only three of the fifteen judges are women, and these women are among the five judges who stated that the common surname provision as unconstitutional. Regarding the provision prohibiting women from remarrying for six months after divorce, the top court ruled that the remarriage ban that exceeds 100 days contravenes the Constitution. However, the remarriage ban period for women itself constitutes discrimination against women and therefore should be abolished.

The Supreme Court ruling states that a system to allow married couples to choose whether to use the same surname or separate ones should be decided by the people and debated at the Diet for possible enactment. The legislature is now called for to take appropriate action.

Proposed Recommendation:

- The Diet, national legislature, should immediately amend the discriminatory provisions in the Civil Code.

Optional Protocol to the Convention**22. Article 2, CO 19, 29**

The Diet adopts the petition for ratification of the Optional Protocol to the Convention every year, but the Government has not shown political will to take action. The 7th and 8th Periodic Report notes that the Division for Implementation of Human Rights Treaties was established in the Ministry of Foreign Affairs and that the Government "continues to seriously consider whether or not to accept the procedure." The reference in the Fourth Basic Plan for Gender Equality to this issue is that with the number of countries becoming parties to the Optional Protocol increasing, the Government continues to seriously "consider" the early ratification.

Proposed recommendation:

- The State Party should take initiatives on "early ratification" of the Optional Protocol to the Convention.