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Comments on the Follow-up Recommendations of the Concluding Observations to Japan Issued by the United Nations Committee on the Elimination of Discrimination against Women

New Japan Women's Association (NJWA) is an individual-membership based, national organization working for peace, gender equality and women's rights, justice and better living conditions for all, and international solidarity. It holds special consultative status with the United Nations Economic and Social Council.

In late August, 2009, shortly after the United Nations Committee on the Elimination of Discrimination against Women issued its Concluding Observations to Japan's 6th Periodic Report on the Implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the new government under the Democratic Party of Japan (DPJ) was inaugurated replacing the former government led by the Liberal Democratic Party (LDP). With the DPJ's electoral pledge and new Cabinet members' remarks for revising the Civil Code and for ratifying the Optional Protocol to the CEDAW Convention, as well as the positive move toward a drastic revision of the Worker Dispatch Law, people's expectations for change in politics grew and women's movements gathered a new momentum. However, we must severely point out that what the new government has done in the past two years betrayed the trust of women and people. We can see this most clearly in the fact that there has been no progress at all in implementing the two recommendations identified for follow-up: "to take immediate action to amend the Civil Code with a view to repeal the discriminatory provisions in it" and "to adopt temporary special measures, with an emphasis on the areas of employment of women and participation of women in political and public life, including in academia."

After receiving the Concluding Observations, the Japanese government adopted the Third Basic Plan for Gender Equality. The major earthquake that struck north-east Japan on March 11, 2011 with unprecedented damage and the man-made disaster situation at the Tokyo Electric Power Co. (TEPCO) Fukushima Daiichi Nuclear Power Plant have posed fundamental questions on how

Japan's politics, economy and society should be and on too-slow progress in the effort to achieve gender equality.

NJWA presents its comments on the situations concerning the two follow-up recommendations in two aspects.

1. "Civil Code Amendment" and "Temporary Special Measures" in the Third Basic Plan for Gender Equality

On December 17, 2010, the Cabinet approved the Third Basic plan for Gender Equality. The Third Basic Plan, based on the reflections that "in reality, gender equality in Japan remains a work in progress, and a number of outstanding issues have been pinpointed," gives weight to "practicability" and "active observance of international criteria and standards." It also identifies 15 priority fields and set numerical targets in each of them.

◆Amendment to the Civil Code

To amend the "Civil Code" has been a wish of many women in Japan. NJWA conducted an urgent survey on the separate surnames for married couples. We used the survey result to accelerate the campaign for the Civil Code amendment, making representations to the Ministers concerned and submitting written requests to the government on different occasions. In the making of the Third Basic Plan, a reference was made in the Report of the Council for Gender Equality presented to Prime Minister in July 2010 that the amendment of the Civil Code was necessary. But the language was watered down in the approved document, which said, "continue to consider the amendment." Even a new phrase "grasp the trend of public opinion" was inserted. During the consideration of Japan's 6th Periodic Report, the CEDAW Committee members sharply criticized the Japanese government's passive attitude, saying that it was not public opinion but the government's job to repeal the discriminatory legislation. The Concluding Observations state, "the obligations undertaken under the Convention by the State party upon ratification should not be solely dependent on the results of public opinion surveys, but on its obligations to align national laws in line with the provisions of the Convention as it is a part of its national legal system." It is grave that after all the government maintains its passive attitude. And the fact that the language "take cultural and social situations into account" was inserted in the section on "International Cooperation" of the Third Basic Plan, makes us doubtful of the government's political will for carrying out "active observance of international criteria and standard."

To preserve discriminatory legal provisions is a clear violation of the State party's obligation under the CEDAW Convention. Treaties and laws make sure that policies are not influenced by the disposition or views of the government of the time. If the DPJ-led government surrenders to the pressure from the backlash group to back away, it will prove itself identical to the LDP government.

We strongly urge the government to swiftly make a political decision to amend the Civil Code.

◆Temporary Special Measures

The Concluding Observations recommended that temporary special measures should be adopted with an emphasis on the areas of employment of women and participation of women in political and public life, with numerical goals and timetables to increase representation of women in decision-making positions at all levels. The Third Basic Plan reiterates the goal set forth five years ago: “to raise the percentage of women in leadership positions in all fields to at least around 30% of the total by 2020,” but there is no guarantee that the goal can be achieved.

Employment

In the field of employment, the greatest obstacle to women’s participation in managerial positions in Japan is the increase in precarious status workers among women. In 2010, after the issuance of the Concluding Observations, the number of women in employment reached record high of 23.29 million. More and more women are being employed as non-regular workers; they make up 53.8% of all women workers, and 69.4% of the total number of non-regular employees (“Labor Force Survey,” Ministry of Internal Affairs and Communications). The wage gap between women and men is not narrowing but widening: in 2010 women regular employees only earned 51.0% of what their male counterparts received (“Monthly Labor Survey,” Ministry of Health, Labor and Welfare). In recent years, non-regular employment has been on a sharp rise in the workplace of public services. Among municipal workers, those in precarious status account for 30% of the total. Low-paid precarious women workers are concentrated in daycare staff, school teachers and cooking staff, nurses and other professions that require particular qualifications, and they are called “official working poor.” This has become a social issue. Criticism is growing against temporary labor that human beings are being used as disposable objects, and a drastic revision of the Worker Dispatch Law has been called for. However, no progress has been made so far due to the pressure from the business circles who are opposed to such revision. Furthermore, the government intends to abandon its responsibility for daycare service, which is essential for women to continue working. A big opposition campaign is developing against it.

In order to increase women’s participation in decision-making positions in employment, the central and local governments should take lead in improving working conditions of women in public services by employing them as regular staff instead of non-regular workers. The government should also change its direction to promote “structural reform” policies under the initiative of the business circles, toward establishing humane work rules which will ensure regular jobs for all.

Political Participation

In the field of political participation of women, negative trends are more and more visible. One of the major factors which have created a huge gap between politics and people’s demands, and

have allowed political corruption to prevail in Japan is the electoral system, in particular, the single-seat constituency system, which does not represent the voters' will fairly and correctly, has had adverse effects on Japan's political situation. It has also much to do with the small percentage of women in the parliament. In Japan, there have been five elections for the House of Representatives after the single-seat constituency system was introduced in 1994, and in none of these elections the winning party did not gain more than 50%. In the recent two elections for the House of Representatives, the winning party obtained 60% of the seats with 40% of the votes. Such disproportionate share of the seats is the result of the single-seat constituency system, under which the winner takes all while the votes cast for the rest of the candidates are wasted. According to the world ranking as of the end of January 2011 of the percentage of women members in the lower chamber published by the Inter-Parliamentary Union (IPU), Japan comes in the 125th with 11.5% of women's share in the lower house, ranked lowest among the major industrialized countries. On the other hand, 20 countries of the top 25 adopt the proportional representation system. The DPJ government is pushing ahead with reducing the number of seats allocated for the proportional representation, and a broad range of women's groups have raised voices against it. In order also to facilitate the introduction of temporary special measures to increase women's participation in political life, we call for revising the electoral system into one centered on the proportional representation, so that the diverse voters' will be represented correctly.

2. Support and Reconstruction Measures for the Great East Japan Earthquake and Gender Issues

The massive earthquake and tsunami that hit extensive areas of east-north of Japan and the resultant nuclear accident at TEPCO's power plant in Fukushima have caused the most devastating damage in post-war history. There is no certain prospect yet either for reconstruction of the disaster-stricken areas and people's lives, or for an end to the on-going nuclear crisis.

◆NGO's Initiatives

It has been notable over the past three and a half months since March 11, an unprecedented number of NGOs have voiced and acted for incorporating gender perspectives into measures for victims support and reconstruction. NJWA members all over the country launched fund-raising campaigns for disaster victims and the total amount of money collected reached about 86 million yen (about 1.1 US dollars) as of June 30. NJWA, while bringing the donated money to the disaster-stricken areas, sent requests to both the government and TEPCO based on the pressing needs of women in the disaster areas. On June 10, NJWA made public its proposals for reconstruction in line with the Japanese Constitution and the principles of gender equality, and it made representations to the ministries for taking these proposals into account as they work on the reconstruction. The International Women's Year Liaison Group also called on the government to integrate gender perspectives into reconstruction measures. The Science Council of Japan, an organization representing scientists of different fields in Japan, organized for the first time in its

history the symposium entitled “Disaster Reconstruction Efforts and Gender Equality.”

While the government clings to maintaining and resuming operations at Fukushima nuclear power plant despite the catastrophic damage it has caused, actions and cooperation are spreading among people, especially among young people, calling for the withdrawal from nuclear power generation and shift to more use of natural energy resources. NJWA members in Fukushima and the rest of the country are calling on the local governments as well as the State to take urgent measures to protect life and health of children from radioactive contamination. They are also out in the streets organizing signature drives and demonstrations calling for the closure of all the nuclear power plants in Japan.

◆The Third Basic Plan for Gender Equality Being Tested

The Third Basic Plan includes in its priority fields “Promoting gender equality in the area of regional development, disaster prevention, environment, and others,” placing much emphasis on the efforts in this field. Now, in this time of crisis, the measures set forth by the Third Basic Plan are being tested whether or not they are really practical on the ground. The government has called on local governments to take the needs of women and children into account in responding to the disaster situation, such as setting up locker rooms or similar space in evacuation centers or including women in the facility management, but in reality these measures are not being implemented in most of the evacuation facilities. The Reconstruction Design Council established by the government has only one woman (6.7%) among its 15 members, the Council’s study group has 2 women (10.5%) among its 19 members, and the Committee on the Investigation of Accidents at the Fukushima Nuclear Power Station of Tokyo Electric Power Company has 2 women (20%) among its 10 members. These figures show that the government has still much to do to attain the target of “30% by 2020” set out in the Third Basic Plan.

◆Gender Perspectives and Revitalization of Japan

The disaster-stricken areas up in the north had already faced before the quake the adverse impact of the bad politics promoted by the government, such as accelerated aging with declining population of local communities under the successive governments’ policy to abandon the primary industry, the merger of municipalities resulting in wider-area local administrative units with reduced number of municipal workers, and integration and reduction of medical institutions by “structural reform”. The local women and people have been struggling, hand in hand, to preserve the unity of community and the rich natural environment. Nuclear power plants have been installed in Japan with its technology still immature, deeply connected with the nuclear military strategy of the United States. Politicians, bureaucrats and business leaders who shared vested interests came together to create “safety myth” and imposed those plants in the areas where the industrial infrastructure had already been destroyed.

With the government being so slow in taking support measures for the victims, who have long

been forced to live in the evacuation centers, we now hear from local women that they are worn out cooking for the people living in the centers, or that women temporary staff at daycare facilities or school kitchens have been dismissed. Gender-roles perception and growing non-regular employment have made the already difficult situation facing women in the disaster-hit areas even harder, and the needs of those women are becoming more and more pressing. We cannot overlook the attempts to exploit the situation in the name of reconstruction for pushing ahead with the “structural reform” policies, such as introduction of a “state and county” system, consolidation of fishing and agriculture to allow the entry of large corporations, promotion of Japan’s participation in the “Trans-Pacific Partnership” for trade liberalization, or the consumption tax rate increase.

Only when women are part of the reconstruction process and measures with gender perspectives fully incorporated into are implemented, and when these efforts are linked with the perspectives for ending the present “structural reform” policies that give priority to efficiency and cost reduction and promote nuclear power generation to move toward a new direction for rebuilding the Japanese society into a peaceful and sustainable society with stable employment and people-centered policies, can the government provide the support and reconstruction measures truly beneficial for the disaster survivors. This will also lead to a bright fu of gender equality.