

REPORT TO CEDAW

June 2009

Japan Federation of Women's Organizations
(FUDANREN)

This report was jointly prepared by the following FUDANREN affiliates;

Japan Federation of Women's Organizations (Fudanren)

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 Section

Japan Lawyers Association for Freedom (JLAF) Women's Section

All Japan Teachers and Staffs Union Women's Section

Japan Federation of National Public Service Employees' Unions Women's Council

National Federation of Prefectural and Municipal Workers' Unions Women's Section

All Japan Construction, Transport and General Workers' Union Women's Section

Japanese Medical and Dental Practitioners for the Improvement of Medical Care (Hodanren)

Women's Section

Introduction

The report is intended to inform the CEDAW Committee about progress made in the situation of discrimination against women in Japan since the previous consideration by the Committee of the national report in 2003, as well as about FUDANREN's view regarding the policies and measures implemented so far by the Japanese Government.

During the period since 2003, the Government has drawn up the Second Basic Plan for Gender Equality and revised the Equal Opportunity Law and the Part-time Work Law. The Government claims that its policy in this field has been completed to include measures for coping with the declining birth rate and increasing support for allowing better work and family life balance, but all the measures implemented so far according to that policy have proved to be not so effective.

Japan's gender empowerment measure (GEM) is lowering every year: in 2008, Japan ranked 58th among 108 countries of the world. This fact testifies to the acceleration of decline in income and participation in decision-making of Japanese women

compared with women in other countries.

In fact, the wage gap between men and women is not decreasing but rather tends to widen further. One of the major causes of this is the increase in the number of working women in precarious employment status, with low wage, deprived of all basic rights and used as disposable workforce. Women in agriculture and self-employed women are also facing deterioration of their business environment. The conditions are worsening for Japanese women for realizing their economic and social advancement.

One of the important changes that have occurred since our previous report is the fact that poverty and social gap have become a problem of society due to the degradation of Japan's economy, a substantial cut in social security budget and a disastrous large-scale reform in the social security schemes. Women, especially aged women and single mothers are the most hard-hit by this change: they have the "right to a minimum healthy and cultural life", a right guaranteed by the Constitution, being violated. Health care insurance has also been revised for the worse, threatening the reproductive health/right of women to "conceive and give birth to a child without any anxiety".

There has been no progress in the implementation of the CEDAW's recommendations of 2003, including the revision of discriminatory clauses in the civil law and the definitive solution of the "Comfort Women issue", despite the repeated petitions of the NGOs.

In order to eliminate discrimination against women in Japan and extend their rights, it is necessary that Japan ratify the Optional Protocol to the CEDAW as well as the ILO Convention on Part-time Work and faithfully abide by and implement the recommendations and resolutions of the CEDAW, the ILO and UN Human Rights bodies such as Human Rights Council and Committee on Economic, Social and Cultural Rights. This will improve the rules governing Japan's society and economy and elevate them to match the international standards.

This requires the drastic revision of the current neoliberal policy of deregulation that gives priority to profit-making activities of big corporations to the detriment of social security, breaking even the most basic economic rules. It is also necessary to revise old and obsolete laws, systems and practices established on the basis of prewar value system and bring them in conformity with the present Constitution.

1 Gender Backlash and Problematic of the Second Basic Plan for Gender Equality (Art.2)

Alarmed by the significant progress being made by the women's movement and policies for the advancement of women, right-wing backlash forces are unfolding a large-scale biased ideological campaign targeted at high school textbook of home economic, sexual education, gender equality bylaws instituted by municipalities, seminars and books on gender topics, women's centers etc.

At municipal level, this campaign has led to the closure of women's centers, adoption by local assemblies of petitions that contradict the Basic Law and Basic Plan for Gender Equality, last-minute cancellation of municipality-sponsored lectures on the Law for the Prevention of Domestic Violence etc. Despite of this, the government has failed to take appropriate action.

Influenced by this backlash, Ministers and mayors have made statements that abuse the human rights of women as illustrated by the former Health Minister's saying that "women are child-bearing machines".

2 Discriminatory laws/provisions(Art.2,13,14)

The Second Basic Plan states that the Government will make a comprehensive review of the taxation system, but it does not include Article 56 of the Income Tax Law. Because of this article, the value of labor by family members who work with the self-employed person is not recognized as necessary cost but as the business owner's income. The current system levies tax on the self-employed not on individual but on household basis. The fact that 80 percent of these family workers, who are facing disadvantages and discrimination because their labor is not recognized as income, are women calls for the abolition of Article 56 of the Income Tax law as a way to eliminate discrimination against women.

3 Violence against women (Art.2)

1. Domestic Violence

The Law on the Prevention of Spousal Violence has been revised, but cases of spousal violence is increasing every year which fact calls for effective and adequately-funded measures for eliminating this particular type of violence. To be effective, any measure needs an appropriate intervention of and collaboration among institutions concerned: there have been some cases of address of victim woman

made to known to her aggressor due to misunderstanding of the facts by these institutions.

Underlying recent increase in cases of violence in couples is the economic difficulties for families, caused by growing unemployment and low wage. This also calls for public actions to increase and secure jobs, achieve equal treatment in employment and provide better protection to working people.

2. U.S. Bases and Violence against Women

In the areas around the 135 U.S. bases that are deployed in Japan under the Japan-U.S. military alliance, cases of sexual violence, murder and other crimes committed by U.S. soldiers against local women and children are frequent. Women's demands including elimination of human rights abuses made against women living near the bases, withdrawal of the bases, contribution to international peace by non-military means in observance of Japan's peaceful Constitution, reduction of military spending to allocate more fund to improve living conditions etc. are not taken into account in Japan's national security policy.

In 2007, a woman self-defense soldier was raped by her colleague, but the latter has not been punished. On the contrary, the woman was forced to resign after which she filed a lawsuit against the State.

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

1. Participation in Decision-Making Process

(1) Hiring and promotion of Women by Central Government Bodies and Agencies

Women represent an extremely small percentage of managers: only 1.9percent. In the name of "structural reform" policy, the number of posts for public employees is reduced every year. On these public workplaces, workers are extremely busy and often work overtime. This working environment that is all the more difficult for women who are already heavily burdened by housework and childrearing to be promoted and assume managerial duties. Such situation must be improved.

(2) Hiring and Promotion of Women by Local Governments

In 2008, women accounted for 28.3percent of the total workforce hired by prefectures. The percentage of women among managers was 5.4percent in average for prefectures or 8.2percent for big cities. All these figures show a very small increase. Improvement in promotion of women to managerial posts in public schools is also slow. In primary schools, women account for 62.7percent of all teachers while their percentage remains low among school principals and vice-principals: 18.2percent and 21.6percent respectively.

This situation requires urgent actions combining temporary special measures.

2. Participation in Political and Public Life

The Basic Plan for Gender Equality fails to mention the promotion of women's participation in political life. Women's representation at the parliament is still very low: it is only 9.4 percent at the House of Representatives. One of the major factors of this very low representation of women is the current small-constituency election system that does not reflect proportionally voters' choice and prevents women's participation in national politics. Even at local council level, women's representation is still a little more than 10percent. Practices such as donations to political parties by enterprises and organizations or corporations, their associations, trade unions, local residents' organizations imposing their members the support for particular candidates are also setting barriers to women's participation in political and public life.

5 Education (Art.5, 10, 12)

The "revision" of the Basic Education Law removed the coeducation provision from the law while creating a new provision on "educational capacity of family" in the revised Basic Education Law. However, the root cause of "loss of educational capacity of family" is the fact that both men and women are unable to assume their family responsibility because they are forced to work abnormally long hours as a result of neoliberal structural reform promoted by the Government.

According to the Second Basic Plan for Gender Equality, emphasis is placed on redressing of "excessive sex education" which is a considerable retreat from "more complete sex education" aimed at by the First Basic Plan. Due to restrictions placed on scientific and systematic sex education delivered at school, young people can only get inaccurate commercial information. They are unable to obtain necessary information or means for preventing unwanted pregnancy and contracting of sexually transmitted diseases.

6 Employment (Art.11)

1. Support for balancing work and family

Many workers have to cope with various difficulties including precarious employment status, low wage, poor working environment and long hours of work: they are far from enjoying well-balanced professional and family lives. At present, 70 % of female workers stop working on the occasion of their pregnancy or childbirth. In the government statistics, the female labor force participation rate by age group and career still remains in “M-shaped curve”. Efforts to redress discrimination against working women are yet to be satisfactory.

In order to reduce wage gap between men and women and discriminatory treatment of women workers, it is necessary to: 1) revise the definition of indirect discrimination so that it better reflects the reality; 2) restrict long hours of work to allow both men and women to reconcile professional life with family life; 3) revise the Law on Child Care and Family Care Leave effectively; 4) realize equal treatment without any discrimination in the forms of employment; 5) restrict fixed-term employment and establish indefinite-term employment as the basic form of employment; 6) include in a national law the provision guaranteeing a living wage. In addition, support for working mother such as creation of crèches or after-class school for pupils whose both parents work, should be enhanced so that they can work and rear their children in the same time without being worried.

2. Wide Wage Gap Still Persists

There are a number of factors that maintain a wide wage gap between men and women: women in managerial positions are still very few; more than 50percent working women are in precarious status or working part-time.

Today, one worker out of three, or one out of two for young people and women, is in precarious employment status (part-time, temporary, fixed-term etc). Over 10 millions workers (of 7.59 millions are women) earn less than two millions yens (about 20,000 US\$) a year. Following the dismissal by large corporations of their “irregular employees”, the employment situation is getting still worse.

3. Extension of Precarious Employment

The number of “irregular” workers that was 9.86 millions in 1993 increased by about 1.8 times to reach 17.31 millions in 2007 and 70percent of them are women.

Especially temporary workers have grown to attain 2.55 millions in 2005 and 60percent of them are women.

4. Narrow Definition of Indirect Discrimination—Problematic of the Equal Opportunity Law

The revision of the Equal Opportunity Law in 2006 restricted the definition of indirect discrimination to three types of discrimination. This has led to considerable drop in the number of cases recognized as indirect discrimination cases. Discrimination through different forms of employment was not included in the law.

5. Ineffective Revision of Part-Time Work Law

The revision of the Part-time Work Law in 2007 limited the prohibition of discrimination to part-time workers who meet three requirements for recognition. Following the revision, a large majority of part-time workers were classified as workers subject to the “effort for equal treatment” provision, a provision on the obligation of the employer to only “make effort”.

6. Deficient Labor Administration

The Equal Opportunity Unit of the Ministry of Health and Labor has only one branch office in each prefecture. The branch offices are poorly staffed with some administrative officials and unable therefore to grasp the real situation of workers. The Government is planning to integrate and/or downsize its Prefectural Labor Bureaus where Equal Opportunity Units are located. Such a measure, if implemented, would lead to the degradation of the guarantees for the users.

7 Health, the Right to Conceive and Bear a Child without Worry (Art.12)

In Tokyo in 2008, a pregnant woman died because of the absence of a doctor who was able to deal with emergency cases. The lack of health care in obstetrics is such that the term “delivery refugee” is now invented and used to meaning a pregnant woman who cannot find any hospital or clinic where she can safely deliver her baby. Such a situation often constitutes a violation of the reproductive rights that are important rights to have and rear children in safety.

One of the causes of this is the inefficiency or inadequacy of measures to keep up with the increasing in number of women doctors. In recent years, women represent over 30percent of medical students and those who obtain the doctor’s certificate.

However, the working environment is so poor in health institutions that a woman doctor cannot continue to work after she has become pregnant or had a baby. In fact, not a small number of woman doctors have to quit after pregnancy or childbirth. This further aggravates the shortage of doctors, especially obstetricians and pediatricians whose majority are young women. Women obstetricians who deal with maternity have to give up working at delivery rooms when they have their own child. In fact 50percent of women doctors 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.

8 Rural women (Art.14)

Women farmers make up 60% of entire farming population. However, the participation in the decision making, their representation in the board of agricultural committee or agricultural cooperative, is still very low.

The number of families that are giving up farming for management insecurity is increasing

After the ratification of WTO in 1994, the farming income continues to fall. For instance, the average wage of rice growing farmers is only one fourth of the national average minimum wage.

If the farmers make “Family Management Agreement”, being promoted by the government, it is hard to carry it out in their economical situation. They have to sustain their living by withdrawing savings or pension.

The government should conduct a study on the economic situation after WTO and immediately set up practical policies to guarantee the price of agricultural products and farmers’ income.

9 Vulnerable groups of women (Art.3,11,12,13)

Given the health risks and other vulnerabilities faced by older women, the government’s policies targeting them are far from sufficient.

The government should realize the “correction of the pension disparity between men and women” and establish a “minimum pension benefit.” It should change policy to increase expenditures for social welfare services.

Big wage disparity between men and women causes a gap of their pension. The

income of most of women who draw their pension is under the standard of welfare. The ratio of non-pensioned is larger among women than among men. The discontinuance of old age addition to welfare is so great a damage to older women that their poverty problem is quite serious.

Continuing changes of medical system for the worse gives damage to older women, such as a rise of medical expenses, boarding and rooming charges of recuperating patients and so on. Above all, the medical insurance system that discriminates against the elderly 75 and over is very cruel system, which separates them from the ordinal health insurance, raises their charge, and deteriorates their medical treatment. This system should be abolished immediately.

Many older people cannot bear high charge of insurance and nursing care services. The government has made the nursing system even crueler by restricting them to use the service.

The average income of fatherless families is less than 40% of ordinary family income. The cut of the childrearing allowance and discontinuance of fatherless family addition to welfare have made their life conditions much harder.

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