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Committee on the Elimination of Discrimination against Women

Sixty-third session

26 October – 20 November 2015

Item 4 of the provisional agenda

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues in relation to the combined seventh and eighth periodic reports of Japan

Institutional framework

1. Please indicate the measures taken by the State party to further strengthen its national machinery for the advancement of women, including by clearly defining the mandate and responsibilities of its various components, in particular between the Minister of State for Gender Equality and Social Affairs and the Gender Equality Bureau, and enhancing coordination among them, as well as through the provision of adequate financial and human resources. Please also indicate the measures taken to establish an independent national human rights institution in accordance with the Paris Principles, whose competencies include issues related to the equality of women and men. Please further indicate whether the Convention and the General Recommendations are being integrated into capacity building programmes for law-makers, judges, prosecutors, lawyers, as well as the police and other law enforcement officials.
2. Please provide information on the mechanisms and measures adopted to ensure an equal participation of women in the entire process of elaboration and adoption of the Post-2015 Development Agenda.

Temporary Special Measures

3. Please indicate the results achieved by temporary special measures that have been implemented so far and indicate whether the State party envisages adopting additional temporary special measures to accelerate the realization of women's substantive equality with men.

Stereotypes and harmful practices

4. Please indicate whether the State party envisages adopting a comprehensive strategy to combat stereotyping in order to promote a non-patriarchal image of women including that of disadvantaged groups of women, such as older women, women with disabilities, migrant women and women belonging to ethnic and religious minorities. Please indicate the measures taken to combat stereotypical attitudes about the roles and responsibilities of women and men in the media and to eliminate the sexualized depiction of women in

advertising. Please also provide information on the incidence of gender discriminatory statements and sexist remarks made by public officers since the issuance of the previous Concluding Observations and on the measures taken to address this situation. Please also indicate the measures taken to prevent and punish verbal violence against women. Please further indicate the measures envisaged to criminalize hate speeches targeting minority groups, including speeches inciting sexual assault against them.

Violence against women

5. Please indicate whether the State party intends to amend the Criminal Code to: a) integrate a broader definition of sexual crimes; b) increase the penalty for rape; and c) explicitly criminalize incest and marital rape. Please provide updated information on the steps taken to repeal from the criminal code the specific requirement of the victim's complaint in order to prosecute crimes of sexual violence.

6. Please provide data on the number of protection orders delivered in the last five years and the measures taken to speed up their issuance. Please indicate whether the State party considers issuing emergency protection orders on the basis of complaint from one party only under its Domestic Violence Prevention Act. Please also indicate the measures taken to ensure that women victims of domestic violence have the possibility to stay in their home. Please indicate the measures taken to facilitate the reporting of domestic and sexual violence. Indicate, in particular, whether the State party intends to open a 24-hour free hotline specifically dedicated to counselling women victims of violence against women, including minority women and women with disabilities.

7. Please indicate the measures taken to ban the sale of video games or cartoons involving rape and sexual violence against girls and women and to raise awareness among the producers of such materials, in line with the Committee's General Recommendation 19 on violence against women. Please also indicate the measures taken to address the mass production, distribution, and use of pornographic videos where women are targets of sexual violence as well as portrayal of sexualized commercial images of women.

8. Please provide updated information on the measures taken to provide high-quality support services to women, including disadvantaged groups of women such as minority, indigenous and migrant women, in order for them to bring complaints, seek protection and redress. Please also indicate the measures taken to disseminate and ensure the implementation of the legal provisions providing protection to foreign women victims of spousal violence without revoking their status of residence.

9. The Committee is informed of recent public statements that "there was no evidence that proved the forcible taken away [of "comfort women"]". Please comment this information. Please also indicate whether the State party intends: (a) taking compensatory measures for "comfort women" in other countries than the ones covered by the Asian Women's Fund (AWF), including in China and East Timor; and (b) prosecuting perpetrators. Please indicate whether the State party intends reintegrating in school textbooks references to the issue of "comfort women", and raising awareness among the population on this issue.

Trafficking in women and exploitation of prostitution

10. Please provide information on the number of complaints received on trafficking in women and exploitation of prostitution, and on investigations, prosecutions, convictions and penalties imposed on the perpetrators of such crimes. Please indicate the measures taken and envisaged to establish specific shelters for women victims of trafficking throughout the country; ensure that all victims of trafficking have access to adequate services; and ensure their rehabilitation and reintegration as appropriate. Please also

indicate the measures taken to ensure that internship and foreign trainee programmes are not used for the purposes of forced labour and sexual exploitation.

11. Please indicate whether the State party envisages: a) amending the Anti-Prostitution Law to decriminalize women engaged in prostitution, and b) adopting legal and/or other measures aimed at discouraging the demand for prostitution. Please also indicate the measures taken to provide educational and economic alternatives to prostitution, and to introduce exit programmes as well as rehabilitation and reintegration measures for women wishing to leave prostitution.

Participation in political and public life

12. The report¹ mentions the existence of the Third Basic Plan defining quotas aimed at increasing the participation of women in political and public life. Please provide information on the effective implementation of this plan and indicate whether it includes incentive, sanctions and/or enforcement mechanisms to ensure compliance with the quotas. Please indicate whether the State party undertakes awareness-raising campaigns about the importance of women's participation in decision-making for society as a whole. Please provide information on efforts made to further increase the participation of women in the political and public life, specifically through the adoption of temporary special measures, including quotas, to accelerate the achievement of substantive equality between women and men.

Education

13. Please indicate whether the State party envisages adopting specific measures aimed at enhancing the education of women, including minority women, by: a) increasing the enrolment of women in traditionally male dominated fields of studies; b) increasing the ratio of females in Colleges and University; c) further increasing the rate of women at managerial positions in schools and the number of women teaching at university; and d) integrating the promotion of gender equality in the Basic Act on Education.

Employment

14. Please indicate further measures envisaged to: (a) develop a comprehensive policy to promote equality of women and men in employment; (b) promote participation of minority women in the labour market; (c) eliminate occupational segregation, both horizontal and vertical; (d) address the predominance of women in fixed-term and part-time and non-regular employment; (e) eliminate illegal dismissal of women due to pregnancy and childbirth; (f) ensure that women are not compelled to resign for not being able to balance work and family life; (g) promote equal sharing of family responsibilities between women and men ; (h) ensure equal pay for work of equal value of men and women, including by adopting legal provisions recognizing this principle; (i) adopt legal provisions sanctioning sexual harassment in the workplace; (j) study the monetary value of women's unpaid work; (k) reduce the gender gap in pension benefit; and (l) ensure the quality of child care.

Health

15. The State party indicated in its report that abortion is a crime, according to article 212 of the Penal Code, except to protect the life and health of the mother as provided for by the Maternal Protection Act (paragraph 359). The Committee is also informed that article 14 of the Maternal Protection Act requires a woman who seeks abortion to obtain an authorization from her male partner. Please provide details on the conditions in which

¹ Unless otherwise indicated, paragraph numbers refer to the combined seventh and eighth periodic reports of Japan.

abortion is authorized, in law and in practice, and indicate the measures envisaged to legalize abortion also in cases of rape, incest and severe malformation of the foetus.

16. Please provide data on: (a) the availability and accessibility of comprehensive age-appropriate education on sexual and reproductive health and rights; and (b) the rate of contraceptives use. Please also provide information on measures taken to provide compensation to women with disabilities who had been subjected to forced sterilization. Please provide information, along with data, on the mental and psychological health of women.

17. The Committee is informed that the State party plans to lift the designation as evacuation zones of contaminated areas with radiation exposure levels under 20mSv/year. It is also informed that: a) health examinations related to the nuclear disaster in Fukushima are limited to thyroid examinations and are only for residents of Fukushima Prefecture; and b) free medical treatments are limited to children under 18 years of age in Fukushima Prefecture. Please indicate the impact of such measures on the health of women, including pregnant women.

National disasters

18. Please indicate whether the State party has incorporated a gender perspective into national disaster management and in relief and recovery strategies and indicate the measures taken to ensure the equal participation of women at decision-making level of natural disaster management.

Disadvantaged groups of women

19. Please indicate whether the State party envisages adopting a comprehensive law and/or regulations to ensure gender-sensitive approach in addressing the needs of refugee and asylum-seeking women and girls. Please indicate whether the State party considers recognizing gender-related forms of persecution as legitimate grounds for asylum. Please also indicate whether alternatives to detention of asylum seekers are implemented, as provided for in the Immigration Control and Refugee Recognition Act (ICRRA), particularly for asylum-seeking women who have specific needs. Please also indicate the measures taken to address the overcrowding in certain detention facilities, including women's prisons.

20. Please provide updated information on access by older women, migrant women, minority women, including indigenous women, women with disabilities and rural women to all rights covered under the Convention. Please provide, in particular, information regarding sexual violence against women with disabilities, and on measures taken to provide shelters for women with disabilities and older women victims of abuse. Please provide information on measures taken to address the feminization of poverty, including the higher rate of women in poverty among older women and female headed households. Please also provide information on measures taken, including through the establishment of a policy framework and the adoption of temporary special measures, to eliminate discrimination against minority women and to appoint minority women representatives to decision-making bodies.

Marriage and family relations

21. The report indicates that a draft law revising the Civil Code unifies the marriageable age between men and women, introduces a system allowing a husband and wife to adopt separate surnames, and shortens the period of prohibition of remarriage required for women (para. 384). Please indicate the steps taken to expedite the adoption of this draft law and to eliminate the period of prohibition of remarriage for women. Please also indicate whether the State party envisages adopting legal provisions requiring child maintenance from the father.

Please also indicate the steps taken to ensure that children born out of wedlock are not discriminated against through the family registry system.

Optional Protocol to the Convention

22. Please provide information on any progress made with regard to the ratification of the Optional Protocol to the Convention and indicate a timeframe for its possible ratification.
