

NGOs' answers to the List of Issues and Questions
For the Consideration of the Fourth and Fifth Periodic Reports
by
Committee on the Elimination of Discrimination against Women

JAPAN

Japan NGO Network for CEDAW (JNNC)

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Question 2

On page 64 of the fifth periodic report it is indicated that a social consensus on the definition of indirect discrimination has not been established yet and that the Ministry of Health, Labour and Welfare has been collecting information about measures, precedents and cases from other countries and will continue to review this matter. Please provide information on any efforts being made to amend existing legislation or to introduce new legislation in this respect.

Sex discrimination in Japan continues to exist by transforming itself from direct to indirect discrimination. For example, when employment regulations, which provide family or residence allowances only for male employees are pointed out as being directly discriminatory, the wording will be changed to “head of household,” or “in case of families with two incomes, the one with the higher income. As a result, the recipients of these allowances would remain to be mostly male employees. Introducing track-based personnel management systems and replacing full-time employees with part-time cause women to remain in low-treatment positions.

Female employees and NGO’s have maintained that such treatment amounts to indirect discrimination, and there has been more than 20 suits filed in courts nation-wide for wage discrimination based on sex. They have also submitted ‘shadow reports’ to bring the situation to the attention of CEDAW. As a result, in 1995, in the concluding remarks after the consideration of the 2nd and 3rd Japanese Government Report, it was recommended that the government “report on the measures taken to address the indirect discrimination faced by women.” The 1997 Amendment of the Equal Employment Opportunity Law, however, included no provisions on indirect discrimination. The government also issued a guideline, which permits indirect discrimination based on employment management categories, by legitimizing any differences in treatment between men and women, if their respective employment categories differ. In the 5th Report, finally, the government added a few lines on “so-called indirect discrimination.” We, as NGO’s, cannot agree with its views that there is as yet no social consensus on what constitutes indirect discrimination. The government should amend its laws to ensure effectiveness regarding its international commitments without delay.

The government is currently beginning examination of indirect discrimination at its study group on equal employment opportunity policy. For the moment, it plans to conduct overseas surveys.

The summary of the discussions at the Supreme Court, which was written in the document disclosed in 2001, reveals that the participating judges were of the opinion that wage differences between regular and non-regular employees were valid, unless they violated public order and good morals, as there was no legislation providing for the principle of equal pay for equal work. The discussions indicate plainly that the judges, and the Supreme Court, hold views that are contrary to international treaty law.

Question 3

Please clarify the relationship between the new “Council for Gender Equality” and the “Headquarters for the Promotion of Gender Equality”, both of which share the Gender Equality Bureau as a secretariat. On pages 15 and 16 of the fifth periodic report, reference is made to comments and decisions of the Council for Gender Equality and the Headquarters for the Promotion of Gender Equality, respectively. Please explain the stature of these comments/decisions and how their impact can be monitored.

The chairperson of the Council for Gender Equality is the Chief Cabinet Secretary and the member of the Council is Ministers of 12 Ministries and 12 intellectuals. The council has been convened four times a year. From NGOs’ point of view, the Council has not active in emerging issues, such as backlash to feminism, while the decision made by the Council has been treated better than the Advisory Council for Gender Equality, which is the former body of the Council for Gender Equality. Five Committees of Specialists which are established under the Council have been convened frequently and have published very comprehensive and analytical reports with important recommendations.

Headquarters for the Promotion of Gender Equality was established for smooth and effective promotion of measures throughout Japanese Government. The President of the Headquarters is Prime Minister and Headquarters’ members are Ministers of all Ministries. Both meetings of the Ministers and even senior officers were convened once in 2001 and not convened in 2002. Only meeting of responsible officers was convened in 2002 to discuss implementations of anti-domestic violence law and the revision of the law. According to the proposal made by Mr Matsushita, former Vice Minister for Gender Equality, in 2001, to establish Headquarters for Gender Equality within each Ministry, all Ministries established the Headquarters in their respective Ministries. However, the activities of the Headquarters are so much diverse. The one at the Ministry of Agriculture and Fisheries is the most active. In order to promote and further activate gender mainstreaming in all Ministries, the Headquarters, including ones in Ministries should be convened.

The Council for Gender Equality has been designated to monitor whether the policies implemented by the Government are actually promoting gender equality. However, since the Headquarters chaired by the Prime Minister has not been convened since 2001, the monitoring function has not been implemented properly.

One nation-wide networking NGO, Japan Women's Watch, was established in 2001 to prepare an NGO alternative report for 2005 to evaluate Government's implementation of Beijing Platform for Action and the Outcome documents of UN Special session of Women 2000 has been monitoring the Government implementations.

Question 4

Page 17 of the fourth periodic report mentions that the “Plan for gender equality 2000” incorporated a proposal to study and research the possibility of introducing an ombudsperson in Japan who would resolve problems concerning gender inequality. Was such a study undertaken? If so, what were its recommendations concerning the establishment of an ombudsperson?

On October 17, 2002, the Council for Gender Equality adopted “the Comments on Issues of Enhancing and Strengthening Systems concerned with the Handling of Complaints relating to Measures concerning the Plan for Gender Equality and Relief of Victims whose Human Rights have been Infringed” based on “the Points at Issues of Enhancing and Strengthening Systems concerned with the Handling of Complaints relating to Measures Concerning the Plan for Gender Equality and Relief of Victims whose Human Rights have been Infringed” of April 2, 2002. The Comments refer to the third-party organ to handle complaints stating that some local governments established systems with a certain power to handle complaints regarding policies from a stand point of a third-party. However, in regard to the national level, it only states that the government shall make efforts to improve the application of existing systems and actively make use of them. In relation to the ombudsperson, the Comments merely state: “in regard to the improvement of the system to handle complaints, it is necessary to implement the above stated measures for improvement first. Then, if it is recognized necessary in evaluating the effects of such measures, a research shall be conducted on a new system that functions as ombudsperson and suits the reality of the country.” Therefore, any practical measure has not been taken to introduce the ombudsperson system into Japan.

Issues related to the systems that handle complaints at both the national and the local levels will be discussed under 6. and 7. below.

Question 5

Page 18 of the fifth periodic report indicates, while all participants have formulated plans for gender equality in accordance with the Basic Plan for Gender Equality adopted by the Cabinet in December 2000, only 19.4 per cent of municipalities have formulated municipal plans for gender equality as of April 2001. What is being done or contemplated to encourage a greater number of municipalities to formulate their plans?

Under the Basic Law for Gender Equal Society which was enacted in 1999, while all prefectures are obliged to formulate Basic Plan for Gender Equality, cities and town are recommended to formulate the Plan but not obligated to do so. In order to promote the formulation of Gender Equality Plan at local governments, Gender Equality Bureau of the Cabinet Office prepared guidelines to prepare basic plan for local governments.

In association with the increasing number of local governments which enacted local ordinances for gender equality, the number of local governments, in particular, cities, which prepared the basic plan for gender equality, has also been increased. As of April 2002, the total number of local governments which formulated the basic plan for gender equality was increased to 778, 24% of all local governments. However, the number of towns and villages which formulated the basic plan is very low. Particularly, towns and villages where no women in their town councils or village councils and very patriarchic society exist have hardly formulated the plan. Some of the main reasons to formulate the plan are “Questions on formulating the plan raised by female councilors at the town/village councils” and/or “Petition made by women’s organizations to formulate the Plan”

Many basic plans which have been already formulated at local governments are often replication of the plans of other local governments, the respective prefectures and/or national government. Those plans have very similar schemes and contents. Furthermore some plans have been never implemented. Very few plans include ‘numerical and time bound targets’ and monitoring/evaluation systems.

High quality plans were formulated by the proposal of local women’s groups which conducted a series of research/study activities, and by advisory committees which includes representatives of citizens. Collecting public comments to the draft plans is also crucial element to formulate a specific plan to the respective local areas.

The future problems which should be solved are firstly collaborative formulation of the basic plans by local governments and the civil society, secondly establishment of an outside evaluation system composed by the representatives of citizens and experts with an equal gender representation.

Right wings' attack on the enactment of local ordinances for gender equality has been accelerated since 2001 has hindered the formulation of the basic plans.

Question 6

It is stated on page 19 of the fifth periodic report that the Specialist Committee on Monitoring and Handling Complaints has been conducting studies regarding the handling of complaints relating to the Government's policies and the relief of victims whose human rights have been infringed under the Basic Law for a Gender-Equal Society. What have been the results of its studies and deliberations?

In October 2002, the Specialist Committee on Monitoring and Handling Complaints released a "Comment on Enhancing and Strengthening Systems Concerned with the Handling of Complaints Relating to Measures Concerning the Plan for Gender Equality and Relief of Victims Whose Human Rights Have Been Infringed". The comment reports that aside from the present complaint handling institutions, local governments have been setting up complaint handling system through local gender equality center and such, and that the Ministry of Justice have proposed to establish Human Rights Committee.

However, although the Comment states the importance of cooperation between present institution and local complaint handling institutions, it does not discuss about the possibility of having institution independent from national and local government. Furthermore, independency of national Human Rights Committee is questionable as stated in the next section nor does it handle national government policy. Government and local municipality must take measures to bring in Third Party to their complaint handling system and insure the independence of the mechanism.

Question 7

In March 2002, the Government reportedly submitted the Human Rights Protection Bill to the Diet to introduce a wide-ranging reform of the current human right protection system (see page 20 of the fifth periodic report). This bill reportedly provides for the establishment of a Human Rights Commission, which would provide proper and prompt redress for, and effective prevention of, damages caused by human rights violations. Please provide information as to the current status of the Bill and further information on its provisions, in particular regarding violations of women's human rights.

Provisions of the Bill

Targeted act The Human Rights Protection Bill ('The Bill') prohibits and targets a wide range of infringements based on race, lineage, disability, etc., as well as sex. As for discrimination against women, it is prohibited to: explicitly discriminatorily treat, insult, harass, abuse and sexually abuse on the grounds of sex. Damages caused by these acts are subject to remedies by the National Human Rights Commission ('The Commission.')

Procedures for Remedies The Commission can provide counseling, help in obtaining legal aid for victims, and raising awareness and guidance for perpetrators.

In some case (see the Figure 7-1), the Commission can make special inquiry(request for appearance and submission of related documents, inspection under entrance), conciliation, mediation, recommendation and involvement in legal proceedings.

The Bill totally excludes discrimination against women in the field of employment and labor conditions from authority of the Commission, and entrusts it to the Minister of Health and Welfare.

One who does not obey the Commission's request for special inquiry is fined less than 300,000 JPY.

The Bill regards human rights violations by Public Authorities as almost the same as those of private citizens. It limits the range of human rights infringements by Public Authorities, i.e. discrimination and physical abuse, subject to the Special Remedy (with fine) of the Commission. Furthermore, Public Authorities are not obliged to obey orders issued as Special Remedies by the Commission in the Bill which just imposes the same fine to them as to private citizens.

Composition and Character of The Commission According to the Bill, The Minister of Justice holds its jurisdiction over the Commission, and the Commission is placed as an external organ of the Ministry of Justice. On the other hand, The Ministry holds Immigration Bureau and Correction Bureau in its organ which often causes human rights infringements against women to be subject to the Commission such as physical abuse in the Immigration Center and Detention Facilities.

So if the Ministry of Justice administrates the Commission, the Commission's fairness to these cases caused by its parent organization will be damaged.

There is no clear definition on composition and employment of the secretariat of the Commission that is responsible for actual work, so it is possible that the secretariat may be occupied by government officials.

Taking into consideration the aforementioned insufficient remedy for cases caused by public authorities, the Commission under this bill will not be able to be independent from the government to examine the government involved cases.

The Current Status of The Bill The bill was presented to the government in March 2002. But it is still pending because opposition parties and civil groups have been concerned with its regulation to media as well as the aforementioned problems and have opposed to it. Most human rights NGOs are against the bill and demanding the Commission to be enough independent from the government.

<Appendix 7-1>

Question 8

Please provide specific information with respect to article 177 of the Penal Code on rape, including whether rape in marriage can be or has been prosecuted under the provision. Please also provide detailed information on the number of judicial proceedings instituted in connection with rape in marriage and domestic violence, including the number of convictions and the sentences given. Detailed information is further requested about violence within the family, in particular whether such violence has been perpetrated against women, children or older persons and, if possible, information about the relationship between victims and perpetrators. Is incest penalized?

Please refer to the answer to the question 9.

Question 9

Reference is made on page 24 of the fifth periodic report to a report entitled “Toward the Smooth Enforcement of the Law for the Prevention of Spousal Violence and the Protection of Victims” by the Specialist Committee on Violence Against Women. Please provide information as to any recommendations contained in the report and whether these have been implemented.

1. The effect of the recommendation In order to solve the issue of domestic violence it is indispensable that related ministries and agencies have better understanding of the issue and organize an integrated inter-agency effort. Therefore, the report of the Specialist Committee on Violence against Women proposed the following recommendations.

2. The outline of the recommendations

- 1) Efforts based on understanding of the specific characteristic of domestic violence and perspectives of victims.
- 2) Management of “domestic violence centers” based on the collaboration among the related government offices, prefectures, and other related organizations.
- 3) Promoting awareness about the “Law for Prevention of Spousal Violence and Protection of Victims” among medical personnel and provision of information to victims at medical institutions.
- 4) Appropriate and prompt application of protection orders based on a close cooperation between administration and judicial authorities. Training of judges on the issue of domestic violence. Ensuring victims’ safety in the court.
- 5) Training on domestic violence for related personnel as well as a concentrated training program for the personnel who will be directly involved in domestic violence cases.
- 6) Awareness raising for the general public and provision of information on domestic violence to victims including foreigners.
- 7) Researches on the actual damages, influence over next generation, cases of injury which is inflicted on supporters as substitute for victims, and offenders.
- 8) Provision of information to NGOs, building systems of financial support for such NGOs, and actual financial support by local governments.

3. The state of implementation

Because the “Law for Prevention of Spousal Violence and Protection of Victims” was proposed by Diet members and not by the government, the ministries and other governmental agencies have been rather hesitant to engage in the implementation of the law since its enactment. Also, obligations of the government are divided between the Cabinet Office and the Ministry of Health, Labour and Welfare, which prevents an integrated victim support based on welfare perspectives from being effectively performed. In addition, the Cabinet Office has not been very effective in coordinating the related ministries and agencies. These conditions have been causing confusion in provision of actual support at the prefectural level.

There also are widening gaps among prefectures in regard to the consultation and support system and social resources provided. Such gaps have been preventing effective responses coordinated among multiple administrative areas from being made. Furthermore, the Law does not refer to the roles of cities, towns, and

villages and, therefore, these local administrations are not active in taking measures on the domestic violence. Specifying the obligation of [prefectural] administration in the Law was effective in making such administrations take measures on the domestic violence. However, some of them take required measures at the minimum level and/or respond differently to the women suffering from domestic violence and other women in need. There are only few cases where the recommendations above have led to successful results.

Public awareness raising efforts have been made to certain extent through dissemination of information by the internet, educational videotapes, brochures and public lectures.

In relation to the protection order, the speed of response by the court and the safety in the court have been improved. However, there also have been cases that the court was too strict in recognizing the danger and did not issue a protection order. In addition, if the offender contests the procedure, it tends to take longer to get the decision.

The continuous and effective training for related personnel and professionals are still insufficient. As a result victims tend to receive maltreatment from such personnel and, therefore, victims suffer from “second damage.”

Although some local governments have been making efforts in awareness-raising on the domestic violence among the public, the Law has not earned wider recognition yet. People’s awareness about the issue still remains low. Therefore, public awareness raising should not be a temporary endeavor but needs to be carried on continuously.

The concrete supports for foreign women such as providing information and interpretation and translation services are especially insufficient. The financial support for private sectors has never been accelerated. Some private organizations are even fighting for their survival due to low fees paid for temporary protection they provide and suspension of financial assistance from local governments. Coordinated and collaborated efforts to support victims by the government and administrative agencies have not improved almost at all and measures to support self-independence of the victims are far behind of what is expected.

Question 10

Please provide further information as to the enforcement of penal provisions in individual cases of sexual harassment. In addition, please clarify the obligations of employers with respect to sexual harassment under the Equal Employment Opportunity Law.

Sexual harassment includes rape, forced obscenity, and other injuries that trigger serious consequences. However, the penal provisions to punish these acts remain the same since their enactment a hundred years ago. Women's human rights are far from being respected. Moreover, punishments for these physical crimes are far lighter than those for financial crimes such as robbery. The police also often discourage legal proceedings, refusing to acknowledge the injuries for reasons that "the abuser and the victim were acquaintances," "even if temporarily, they had an intimate relationship," "the victim did not escape the situation," "the victim did not call for help," "the victim did not fight back," or that "the victim did not seek advice." This situation often arises from the fact that the application of the law requires "a threat of violence beyond possible resistance." This problem is caused by the lack of awareness that violence against women occurs on the basis of a power relationship. For this reason, most victims of sexual violence suffer for a long time, disengaged from the police and the courts (even according to police estimates, less than 10% of victims report the abuse).

Article 21 of the Equal Employment Opportunity Law stipulates that the business owner "must take necessary care in terms of employment control that women workers are not subjected to disadvantageous labor conditions or harmed by the work environment." However, although it has been six years since the amendment of the law, most work places lack sexual harassment counseling services and do not have a defined system for handling the problem even if it is reported. Counseling services are also often placed within the human resources department, creating a situation in which victims avoid seeking help for fear of affecting their work evaluations. Moreover, due to the lack of training of the counselors, many victims suffer re-victimization by using the services. Oftentimes, even if the victim runs to a government-run consultation services agency and administrative guidance steps in, the employment rights of the abusers are prioritized. Consequently, there are many cases in which victims are forced to resign. This situation is due to the fact that sexual harassment injuries are rarely understood as a serious problem. The law must be changed to one that induces action, not simply consideration of the problem.

Question 11

On page 37 of the fifth periodic report it is stated that the stereotyped perception of gender roles has been developed and standardized over a long period of time and has been a major obstacle to a society with gender equality. In this connection, the Specialist Committee on Surveying Effects has reportedly been introducing studies and deliberations about various systems affecting women's choice of lifestyle, including measures taken by the Government. Please provide information with respect to the findings of this Committee.

The report identifies the particular characteristics of the employment patterns of Japanese women that result in such problems as gender-based wage disparity, difficulty finding re-employment after child-rearing, the prevalence of non-regular employment for middle-aged women, and the so-called 'work adjustment' trend that keeps wages, salaries and working hours under certain levels.

A population breakdown analyzing the employment ratios of Japanese women by age forms an M-shaped curve (see Fig. 11-1). This reflects the fact that in an extremely high number of cases a Japanese woman obtains employment after graduation from high school or university, leaves the workforce upon marriage or childbirth, and re-enters the job market when her children enter elementary school or middle school. In an overwhelming number of cases, this re-employment involves non-regular employment, and due to 'work adjustment' (see Fig. 11-3) in which wages are voluntarily restricted to or below a certain level, most female non-regular employees receive no more than ¥10,300,000 (approximately \$8,600) per year in income, giving rise to a very unbalanced employment pattern (see Fig. 11-4).

These circumstances are a direct result of a tax system, social security system and employment system that, based on outmoded gender-based role divisions, bestow preferences on women who are full-time homemakers.

The report also discusses basic concepts based on which to make these systems neutral from the standpoint of lifestyle choice.

The tax system includes, in addition to a spousal deduction that reduces the tax imposed where a spouse's income does not exceed a certain level, a special spousal deduction (see Fig. 11-5). The report advocates a tax system in which the spousal deduction and special spousal deduction are reduced or abolished, and in which no preference is given to a spouse who does not work. The special spousal deduction was abolished as of this year.

The public pension system incorporates a Type 3 Insured Person's System (see Fig. 11-6) in which the spouse of a salary earner is exempted from paying old-age pension premiums if her income does not exceed ¥13,000,000. The report seeks the abolition of this system and urges that the entire pension system be re-evaluated from the standpoint of neutrality [toward gender and marital status].

Furthermore, Japanese companies often provide a family allowance as part of salary in addition to the basic salary (see Fig. 11-7). This allowance is provided on the condition that the employee's spouse does not earn income above a certain level. However, the current trend is toward performance-based employment, and there is a trend to do away with this family allowance. The report suggests that the employment system be changed to expand the number and types of choices available to workers.

References:

- 11-1 Fig. 5 Employment Ratio by Age
- 11-2 Fig. 6-3 Job Market Entry Ratio for Women 30-44
- 11-3 Fig. 18 Reasons for Work Adjustment
- 11-4 Fig. 23-1 Income Distribution for Female Part-Time Workers
- 11-5 Fig. 16 Structure of Spousal Deduction and Special Spousal Deduction
- 11-6 Fig. 12 Composition of Type 3 Insured Persons
- 11-7 Fig. 20 Family Allowance

Question 12

Please provide information as to the situation of foreign women, including undocumented migrants and trafficked women, who have been engaged in, or forced into, prostitution in Japan. Do they enjoy access to healthcare, temporary shelters or other social services, including while deportation proceedings are taken place? Are the women prosecuted as well as the procurers and brokers?

Japan is known as a receiving State of trafficking. In spite of the fact that the CEDAW pointed out the necessity to investigate into the actual situation concerning trafficking at its previous review of Japan's national report in 1994, the Japanese government has not yet undertaken any comprehensive research on this issue. The data attached herewith are the outcomes of surveys conducted by private shelters, namely "HELP Asian Women's Shelter" and "House for Women 'Saalaa'", which show part of the current situation regarding trafficking in Japan.

- 1) In Japan, undocumented migrants and trafficked women forced into prostitution are not entitled to receive health care provided by the State, since social security is available only to Japanese citizens and foreigners staying in Japan for more than one year legitimately. Some hospitals and social workers give free health consultation to foreign sex workers, with a particular focus on HIV/AIDS prevention, but the number of women who benefit from such services is extremely limited, for such services are provided only in a very few localities.
- 2) Trafficked women engaged in the sex industry are under constant surveillance by the mafia, and the number of those who have access to temporary shelters is extremely limited, except when they are supported and assisted by their customers or Embassies. Female Protection Institutions, which are recognized as public shelters by the government, were originally established optionally by prefectural governments under the Law for the Prevention of Prostitution, as custodial institutions to rehabilitate those women who offended against the Law. The Law also stipulates the responsibility of prefectural governments to establish Consultation Services for Women, which now also function as Spousal Violence Counseling and Support Centers for victims of domestic violence, after the Law for the Prevention of Spousal Violence and the Protection of Victims was enacted in 2001. However, these institutions remain incapable of accommodating trafficked foreign women. Consequently, it is only a few private shelters like HELP and Saalaa that accommodate those foreign women.
- 3) Undocumented migrants and trafficked women are in most cases arrested as "illegal" migrants and are deported. They are sent to deportation camps, where their treatment is uncontrollable by the civil society, and where they

are exposed to the danger of sexual harassment. Some women trafficked from Burma had to stay in such camps for more than a year, with only a minimum level of health care provided. It was because they were unable to prove their nationality, being forced to carry forged Thai passports.

The most serious problem about Japan's legal system is that the current domestic legislation has no provision which gives the definition of trafficking itself and prohibits the act of trafficking in general. Under the Law for the Prevention of Prostitution, procurers and brokers are merely sentenced to light penalties for abetting illegal labour. If the employers of trafficked sex workers kept their employees' passports in security for their dept, they would merely be punished according to the civil law, their license to run bars being suspended for example. The problem is that the employers' act of violating the fundamental rights of their employees by putting them into bonded slavery would not be brought to account, and thus not be criminalized. On the other hand, undocumented labour is regarded not only as a civil but also as a criminal offense, so the police and Public Prosecutors treat foreign sex workers as "illegal" migrant workers, and usually not as victims of trafficking whose human rights need to be protected. Such insensitivity toward the criminality of trafficking and exploitation from prostitution is exemplified by a case which was recently presented to the Tokyo District Court. It was a case of a Japanese broker, who sold Colombian women to strip tease theatres and forced them to prostitute themselves to repay their debts. Initially it was handled as a case of abetting illegal labour, and not as a case of exploiting women by trafficking them from Colombia. It is hoped that the "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children", supplementing the International Convention Against Transnational Organized Crime, be ratified, which will encourage the Japanese government to develop legal and administrative measures to criminalize procurers and brokers, as well as to protect the rights and ensure the safety of the victims of trafficking.

<Appendix 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7>

Question 13

Please provide information on whether there have been prosecutions in Japan of Japanese nationals who have exploited women and/or girls outside the country.

The Law for Punishing Acts Related to Child Prostitution and Child Pornography, and for Protecting Children (LPACP) was promulgated and went into effect in 1999. This law prescribes punishments for persons engaging in commercial sexual exploitation against children within and/or outside the country. With regard to crimes along this line committed overseas, however, only 3 cases were so far found guilty by the prosecutors out of some arrests by the police during the last 3 years since 1999. Compared with the number of domestic cases, totaling about 3,000 arrests, out of which, 1,900 were prosecuted between 2000 and 2002, the number of cases overseas is very small.

Below is a brief description of each of the three cases prosecuted.

- 1) In the case of a man, president of a major child pornography production in Japan, the decision was delivered in March 2001 in conjunction with his crime in Thailand. The fact that this man was brought to justice and indicted needs to be evaluated highly. But yet, the sentence was incredibly light: one and half years in prison with a stay of execution for three years. It was counted as his first offense because he had never been arrested before. The fact remains, however, that actually he and his staff had sexually abused dozens, or even hundreds, of girls by the time of conviction.
- 2) June 2000, in Cambodia, a 30-year-old construction worker from Japan was arrested for abusing a girl, six years of age, and producing child pornography. He was not penalized right then. Instead, upon returning home, his case was sent the Osaka District Prosecutor's Office in January of 2001, where it was left untouched for over 10 months in the meantime. It was only in December that year that he was finally prosecuted. In April the following year he was found guilty and given the sentence of one year and eight months in prison with a stay of execution for four years.
- 3) A 37-year-old office worker, arrested in Cambodia for abusing a Vietnamese girl of 14 years of age, was sent back to Japan with a suspended decision. December, 2001, or about a year later, the man was arrested and prosecuted according to the LPACP. The Osaka District Court, June 2002, sentenced him to two and half years in prison.

The number of overseas cases actually brought to justice is very small. And, the cases end with very light penalty (two out of three were suspended sentences as shown here) despite the amount of time and efforts that were required to bring them to the court. A drastic measure is badly needed in this regard.

The Japanese police are strongly urged to be more actively engaged in information gathering activities overseas, rather than simply waiting for some clues to be given to them somehow by the local people/police and NGOs in the area. For that purpose, to place liaison officers permanently in several countries is a must. If that were not workable at the moment, then at least an investigation task force of some kind must be worked out so that it can stay in such countries for a considerably long span of time.

Moreover, the abuser should be punished justly in due proportion to the kind and seriousness of the crime committed against children. This is needed in view of the recovery and rehabilitation process of, and the care for

the victimized children. It is also expected, rightly, to serve as a prevention measure against further and/or future exploitation and abuses by the like-minded people.

In order to make the above-stated a reality as early as possible, it is necessary to overcome such problems as different standards adopted in different countries regarding the requirements of evidence recognition in the court procedure, and those of proving the age of the victim. Countries that are affected are called to find an avenue of cooperation in this field.

Question 14

What is the composition/membership of the Positive Action Promotion Council established in 2001 (see page 35 of the fifth periodic report)?

Please refer to the government report for the composition/membership; following are the summary status of positive action in Japan.

The Equal Employment Opportunity Law says no more than that “the State may give consultation and other assistance” to employers that take positive action, but to take positive action itself is not on mandatory basis. The Basic Plan for a Gender Equal Society based on the Basic Law for a Gender Equal Society is nothing but just “to bring about public opinion” and “to plan promoting enterprises to commit positive action.” The Positive Action Promotion Council established in 2001 set up in the Ministry of Health, Labour and Welfare has released a recommendation, only to say that it encourages enterprises to take positive action on their own initiative.

However, in reality, enterprises are preoccupied to reduce their manpower cost under harsh international business competition and prolonged recession by retaining women workers as low wage earners and easy buffer of employment as one imperative measure. Enterprises tend to reject or ignore positive action that would inevitably increase manpower costs. Though eager to utilize capability of women in their business activities, employers are less interested in improving women’s treatment and equality. Despite efforts of the state and local governments for enlightenment as well as providing materials and information, few are the responding private companies that take positive action properly on concrete manner. As such, in order to effectively involve enterprises, it is necessary to make it compulsory to have them take positive action rather than to only encourage their own initiatives. For this purpose, it is important to legislate a law that would force enterprises to mandatorily plan, implement, and report to authority in charge real state analysis and subsequent corrective actions. It is further needed to enact another law that would set a threshold of how women are put in use in a company as criteria to invite the company for business contract with the state or municipalities. However, it is unlikely that the government would move toward such legislation.

Many enterprises claim as excuses of not taking positive action that “there is no problem currently” and “women are playing their roles fully.” It is apparent that they forget necessity of correcting indirect discrimination, and/or misinterpret bringing women’s ability and improving their treatment as separate issues. Therefore, it is indispensable to simultaneously promote banning indirect discrimination and making positive action obligatory.

Question 15

Aside from setting targets to increase women's numbers on the faculties of Japanese universities, are universities contemplating the use of further special temporary measures in accordance with article 4.1 of the Convention to address the low percentage (9.5 percent in 2001) of female faculty members reported on page 36 of the fifth periodic report?

The proportion of women faculty members has remained low across universities in general, and is particularly low among national universities. According to the Basic Survey on School Education in 2002 (see table 1), 14.8% of all university faculty members are women, including 17.5% of faculty members at private universities but only 9.9% of faculty members at national universities. Further, women faculty members -- again particularly those who work for national universities -- are not promoted at the same pace as their male counterparts. The proportion of women full professors was 8.8% across all universities, including 10.4% at private universities but only 5.3% at national universities. At lower ranks (such as full-time assistants), the proportion of women faculty members is somewhat larger: 20.7% across all universities, 27.4% at private universities and 14.5% at national universities. Thus women continue to face discrimination at the entry level and in promotions. Also, discrimination against women is greater at national universities than at private ones.

In accordance with the Basic Plan for the Gender Equal Society enacted in 2000, the Association of National Universities and the Science Council of Japan made proposals to address the low percentage of the female faculty members as an important gender issue in 2000 and 2002 respectively. The Government, however, has been reluctant to actively address to this issue, claiming that personnel issues should be left to each university's discretion. The Ministry of Education and Science, however, is responsible for national universities because it appoints all faculty members at those universities. Yet even though the Ministry is in a position to initiate improvement at national universities, it is at national universities that discriminatory practices against women have been particularly pronounced. The Ministry should take action, such as instituting special temporary measures to bolster the percentage of female faculty members, and these actions should especially target inequities in national universities. Increasing the percentage of female faculty members at national universities would facilitate further progress in private universities as well.

Given that the Treaty was formally ratified, the Japanese Government has an obligation to provide leadership by clearly exhibiting the principles of the Basic Law for the Gender Equal Society to each university. Further, the Government should propose concrete measures to eliminate ongoing gender discrimination by conducting solid research on the factors and mechanisms that cause and perpetuate the under-representation and under-promotion of women faculty members.

< Appendix 15-1, 15-2 >

Question 16

Has there been a measurable impact of low interest rates for women entrepreneurs offered by the Ministry of Economy, Trade and Industry? Has an assessment been made of the Center for the Advancement of Working Women's assistance projects for women who wish to start their own businesses (see page 36 of the fifth periodic report)? If so, what were the findings?

The low interest program offered by the Ministry of Economy, Trade and Industry provides women and/or persons over 55 years-old who are starting or have started her/his own business in the past 5 years with loans for plant and equipment investment that need to be paid back within 15 years and for working capital to be paid back within 7 years. The program was launched in Fiscal Year 1999 and since then the number of persons applying to the program has been on the increase. Women have been especially eager to take advantage of the program and start new businesses. In Fiscal 2001, 2,637 cases were applied by women, which is 75.2% of the total application.

There are requests to raise the maximum amount of the loan that can be provided by the program without security and guarantors from 5,500,000yen to 10,000,000yen because many women do not have sufficient personal fund and/or guarantors.

Question 17

It is stated on page 58 of the fifth periodic report that research has been carried out to promote an educational system that values individuality and eliminates stereotypes for gender roles both at home and in local communities. What have been the results of the research?

The Ministry of Education and Science stated that they were now compiling the report of the research. We hope the result will be promptly released after its completion.

In addition, under the sponsorship of the Ministry of Education and Science, the Japan Association for Women's Education published a booklet called "SHIN KOSODATE SHIEN: MIRAI O SODATERU KIHON NO KI (new supporting child raising: ABC's to raise the future generation)." This booklet contains useful tips to eliminate gender-role stereotypes and to raise children with a gender-equal perspective. However, some members of the National Diet attacked the booklet as denying the Japanese tradition. The Minister for Gender Equality (i.e., the Chief Cabinet Secretary) responded to such attacks saying that he also did not agree to what the booklet said. Women's organizations have been making complaints against such statement by the Minister.

Question 18

The fifth periodic report suggests on page 61 that in the current employment situation, female students face disadvantages in the hiring process and that there have been cases of dismissals due to pregnancy and childbirth as well as different treatment of women with respect to retirement and dismissals. What measures is the Government taking to address these matters?

The Revised Equal Employment Opportunity Law (enforced in 1999) prohibited discrimination against women in recruitment and hiring. Therefore, differences in recruitment between men and women have disappeared on the surface. Many companies, however, have no intention to employ women students. They send pamphlets for recruitment to women students later than men students, or send them pamphlets differentiated by sex, and then allow women students to take exams just for form. It is an increasing phenomenon that even women students cannot get jobs except dispatch or fixed-term work. There are personnel staffs who ask women students at the interview if they will get married or have children in future. Such behaviors or questions are a kind of sexual harassment and such cases are happening one after another. No effective measures have been taken against it.

Although the government is promoting support measures for the balancing of working and housework/childcare including through the revision of the Child Care and Family Care Leave Law (2002), the ratio of men who took childcare leaves that is only 0.42%, while it is 56% for women. Although the ratio of women who took childcare leaves is on the increase, even now there are many cases in which women workers are dismissed or compelled to resign from their jobs after just telling employers about their pregnancy. After taking childcare leaves also, there are cases where women employees are told that there is no position to return and are forced to resign from their jobs.

According to the law, it is the duty of employers just to endeavor to ensure workers to return to former jobs or equivalent jobs after taking childcare leaves. There are cases that women's work are changed from clerical work to sales work or work at manufacturing premise, in which they have no experience. There are an increasing number of companies that transfer women to jobs to which they are not accustomed, assess their performance as inefficient, and compel them to resign from their jobs.

One of the most serious problems concerning employment of women is that many women are employed as irregular workers who cannot enjoy the benefits stipulated in the Equal Employment Opportunity Law. Irregular workers such as part-time workers, dispatch workers, contract workers, temporary workers and moonlighters exceeded a half of the total women employees for the first time. Many of the irregular workers are fixed-term workers who do not have fully the rights of workers and social security. The gap between formal workers and irregular workers are expanding more and more. It is the urgent task for the government to secure the employment stability, stipulate the principles of the equal treatment between formal workers and irregular workers in the law, and make companies observe them.

Question 19

It is stated on page 11 of the fifth periodic report that “Part-time workers play a large part in Japan’s economy, however, compared to regular workers there are problems with employment stability and benefits.” Please elaborate on this statement and include information on what measures the Government is taking to improve the employment stability and benefits of women part-time workers. What results have emerged from the study group that was reportedly established (see page 64 of the fifth periodic report) to review the modalities of part-time labour policies?

According to the survey conducted from October to December of 2002, the average number of irregular workers exceeded 30 percent of all workers, and more than a half of women workers have become irregular workers. Most of the irregular workers are part-time workers, among whom women account for 70%. More than a half of part-time workers are fixed-term workers whose jobs are insecure, because they are sometimes rejected to renew their employment contracts. There are increasing phenomena that women full-time workers are compelled to become part-time workers after taking leaves for pregnancy, childbirth or childcare. The wage gap between full-time workers and part-time workers has expanded in ten years after the implementation of the Part-Time Work Law. As the Part-Time Work Law stipulates the duty of companies only to make efforts without principles for the equal treatment, the government could not take measures for the issue except administrative guidance and could not improve the gap.

In July of 2002 the study group on part-time work under the Ministry of Health, Labour and Welfare published the final report. The study group, however, did not discuss such issues as fixed-term workers and quasi-part-time workers, and recommended no measures for treatment and employment security of part-time workers. The final report of the study group proposed a policy direction with “rules for Japanese-style balanced treatment” which consists of (1) the type in which workers are treated equally in principle (in case of a same job without any difference in the actual personnel management including transfer to another department or another office of the company, part-time workers should be treated equally with formal employees) (2) The type in which employers have the duty to consider balanced treatment (in case of a same job with differences in the actual personnel management). Such way of thinking indicates indirect discrimination against women, because whether workers accept work-position conversion and transfer to other locations or not is raised as the reason for the gap between part-time employees and formal employees. Although Japan has ratified the ILO Convention No.156 (Family Responsibilities), the study group did not discuss the issue from this standpoint.

After discussions on the report of the study group on part-time work, a Panel on Equal Employment Opportunity Policies under the Labour Policy Council published the final report on measures for part-time workers in March of 2003. In spite of the opposition of all the labour representatives, the Ministry of Health, Labour and Welfare postponed a revision of the Part-Time Work Law due to the strong opposition of employers to the revision, and revised only guidelines. It will be difficult to improve the situation without a revision of the law.

< Appendix 19-1, 19-2 >

Question 20

Please provide clarification as to the meaning of the term “dispatch worker” referred to on page 65 of the fifth periodic report. How does their employment situation differ from that of part-time workers? Please describe in detail the current situation in the labour market as to career advancement opportunities for women as compared to men in all categories of work.

Labor dispatch is a form of labor where employees employed under a temporary staffing agencies are dispatched to work under clients’ direction. A client supervises workers but does not directly employ that dispatched workers. A temporary employment agency holds liable in terms of employment toward its employee. A client holds liable toward a dispatched workers only within the responsibility of supervising as stated in the Labor Law Regulations such as ban on sexual discrimination based on Equal Employment Opportunity Law and equal pay for equal work set in Labor Standards Law do not apply to clients in terms of their relations with dispatched workers. Due to such nature, dispatched workers engaging in female dominated occupation are pain in lower wage. Gap between women and male workers in dispatched labor is getting more apparent.

Job segregation by sex among dispatched workers is inseparable from clients’ gender based personnel management. Although Labor Dispatch Law was set at the same time as the Equal Employment Opportunity Law, these laws influenced companies to establish a new type of gender based personnel management which is called the track-based personnel management system. As this management spread, most female employees have been fixed on administrative work. Through cut in personnel cost, companies resorted to replace female regular workers engaging in administrative work or what companies call “support work”, to dispatched workers.

Recently, dispatched workers are apparently suffering from cut in hourly wage, longer working hours and unstable employment which their working term is shortened due to clients’ demand. Female workers suffer even more from cut in wage and face even more critical employment environment. To prevent further deterioration dispatched workers are facing, there needs to be a firm rule ensuring dispatched workers receive equal treatment and equal pay as clients’ employees engaging in same job as that of dispatched workers. We must also not forget that the prohibition of sexual discrimination in employment should be applied not only to temporary staffing agency but to clients as well. Job segregation seen in dispatched workers is the biggest barrier to equal opportunity between men and women. It is temporary staffing agencies’ responsibility to train all dispatched workers both men and women in any type of occupation whether it may have been traditionally female or male dominated. However as staffs may work under another staffing agency, it is a risk to invest on occupation training of staffs because many dispatched workers tend to work for several agencies of which an agency may end up not getting the money worth. So agencies become reluctant to commit training their staffs. To overcome deteriorating financial situation for women, a systematic policy on equality between men and women focusing on whole labor market should be prepared and carried out. At the moment, the Japanese Government pays little attention to issues regarding labor of dispatched workers and has not set any policy to ensure equality among dispatched workers.

< Appendix 20-1 >

Question 21

Statistics provided in the fifth periodic report indicate that a gender imbalance exists among judges, prosecutors and police. What measures, including special temporary measures in accordance with article 4.1 of the Convention, are being contemplated to correct this imbalance?

The imbalance in the number of men and women working for the judiciary is of concern, but at the same time, we would like to point out to the gender bias of the members of the judiciary. In the Sumitomo Electric case decision in 2000, the court held that, the gender-based hiring systems of 1965-1975 were not against public order and good morals, and that women were short-term employees with low motivation. In the Sumitomo Chemicals case, the judges found no gender discrimination in the employee regulations providing for leaves of mourning for family members, which stated that for married women, the death of the husband's parent would be treated as the death of her own parent. They stated that the regulations were traces of the traditional household system and were not discrimination against women. These examples show that the judges base their decisions not on the constitution or treaties, but gender-biased social understanding.

In 2001, the first male judge, who applied for child-care leave, received tangible and intangible disadvantages, including threats of transfers to distant areas, and having to write a letter of apology for causing trouble. In the end, he left his position. The case indicates that the judiciary is still finds itself caught in the ideas of traditional role divisions based on sex.

The Japanese judiciary is currently undergoing reforms, but there has been very little input from the gender perspective. To remove the gender bias, there has to be education on gender issues. In that respect, the concluding remarks of the Committee on Social, Economic and Cultural Rights in autumn 2001 recommended promotion of education on human rights and international treaties for judges and other members of the judiciary.

We have heard that, during the training course for judges and public prosecutors, the lecturer told the participants that they are not bound by the recommendations of the UN Human Rights Commissions and other organs, and that there would be no problem, as long as it can be explained by jurisprudence or expert opinions. This has caused us great concern. We believe it is the government's responsibility to conduct education on gender and international law, taking into consideration, experiences in Europe and North America.

Question 22

It is stated on page 68 of the periodic report that the Ministry of Health, Labour and Welfare established a study group to analyze the causes of the wage gap between men and women and to assess the effects of corporate wages and benefits systems and others on the wage gap. What have been the results of the study and has the group made concrete recommendations to close the reported gap?

The study group, which published its report in November 2002, did not have the authority or competence to propose amendments to the Labour Standards Law, and it is very unclear what specific measures it proposes to close the wage gap. It suggests that there are various factors leading to the wage gap, including accumulated effects of work and position assignments, as well as track-based employment management. The study group, however, concerns itself only with the wage gap between men and women in full-time regular employment, and does not mention part-time and non-regular employment, to which category, more than half of women belong.

The report states that wages based on capability assessment is a neutral system, and does not, on its own, lead to wider gap between men and women. There is, however, an evaluation standard inherent in such system, which can cause discrimination between men and women and as a result, the system has been used as a cover for gender-based wage system, entrenching sex discrimination. The fact has been clearly recognized in by the Tokyo District Court in the Showa Shell Sekiyu Case, which was decided on January 29, 2003. The Court declared that the employers had in fact conducted separate promotion management, using seniority system based on academic background for men, and a different system for women.

The report also finds that wages based on job evaluation has become more widespread from the 1990's until today. But Japan has no job evaluation system, which can be used for gender neutral job value analyses, based on the principle of equal pay for work of equal value, provided for in the ILO Convention No. 100. This remains a major challenge that has to be overcome. On September 20, 2001, the Kyoto District Court decided in favour of the plaintiffs in a wage discrimination case against Kyo Gas, finding no difference in job value, and therefore, a violation of Article 4 of the Labour Standards Law.

The study group further notes in its report that wages based on capability assessment, which is widely used in Japan, as well as wages based on job evaluation can be compatible with the principle of equal pay for work of equal value, when it is not gender discriminatory. We would like to emphasize again, that even though wages based on capability assessment can be used as a tool to eliminate discrimination, in order to realize equal opportunity, it is vital that the concept of gender neutral job value and job evaluation system takes root.

We look forward to the implementation of the study group's recommendation, that an objective analysis by wage/employment experts including a personnel management evaluation system, with provision of necessary material from the employers be made possible, so that the remedies system can function effectively. Early decision on the legislation on indirect discrimination is called for.

<Appendix 22-1>

Question 23

On page 34 of the fifth periodic report, it is indicated that the percentage of women who are members of advisory bodies of local governments is lower than at the national level. Has the Government contemplated introducing temporary special measures in accordance with article 4.1 of the Convention to increase women's participation in these bodies?

Once the targeted percentage of women's participation into advisory bodies of national government was obtained in the year of 2000, the Japanese government established further 30 percent increase by 2005 as their next target. As of August in 2002, the percentage of women is 24.7 percent out of the 1,717 members in the national advisory bodies of 98. It should be noted, however, that most of the women were elected based on their private (?) group or organizations, not based on their professional status, and as a consequence, they will not be assigned leading roles in the government bodies. Thus, we need to scrutinize the process of the elections as well as their assigned positions in the government bodies after the election.

In Japan where local governments are tend to follow the national government, the phenomenon described above can be also found in local governments such as prefectures and cities. As of August in 2002, the total number of advisory bodies in prefectures is 1,351 and the total number of the members is 25,971. Among these bodies, 130 bodies (9.6 percent of the total) do not include any women. The total number of advisory bodies in cities is 140, and 13 of them (0.2 percent of the total) do not include any women. Also, we should point out that in some bodies, even if they include a few women, their percentage is extremely low out of the total members. Especially, in some special fields such as urban planning, disaster measures, transportation and health, women members are quite few. The fact that advance by women into these areas is behind shows that the advance by women into professional positions or organizations related to these areas is also behind. Moreover, it shows the tendency that women have more difficulties to be elected based on the professional organizations, rather than based on the private (?) group or organizations.

In total, the percentage of women is 19.1 percent in prefecture, and 15.4 percent in cities. All prefectures establish their own targeted percentage, and most of them are in the rage of 30 to 40 percent. As one of the measures of affirmative action, some local governments exclude an officer at professional bodies and/or city councilor from a candidate for a member of bodies. Also, some of them established a municipal bylaw that specifies a recruit from public including private sectors, or women with priority. Not only trying to promote a participation of women, it is also necessary to clarify the origin of bias behind the adverse trend against women. In order to realize substantial equality between men and women, more special measures in each specialized fields will need to be established by governments. We expect further affirmative actions by Japanese government and authorized ministries.

Question 24

It is reported (page 49 of the fifth periodic report) that the percentage of seats in parliament held by women and the percentage of female administrators and managers are lower than those of other developed countries that are ranked highly by the Gender Empowerment Measurement (GEM). Please provide details about measures that are being implemented or contemplated to improve the ranking of Japan in this respect.

The Basic Plan for Gender Equality which was formulated in Dec. 2001 does not include any positive actions for women's participation in political decision making, except for advisory boards. The Plan only states "The Government requests private sectors, labor unions, employers organizations, education/research institutions, PTA, political parties, cooperatives and other organizations their cooperation in promoting women's political participation and thus promotes consciousness raising of Japanese society." Furthermore, due to the adverse amendment of the election law in Japan which reduced the no. of seats for proportional representation, the number of female senators who won the last election was reduced significantly.

Some local governments have been undertaking several measures, such as consciousness rising for promoting women's political participation, training of female potential candidates, providing relevant information. However, some local governments had to cancel such measures as male council members opposed to such measure, complaining that such measures are discrimination against men. In general, local governments are also not so much in favor of taking positive actions for promoting women's political participation.

NGOs have been very active in promoting such measures. Preparatory courses (which is called "Backup Schools") for female political candidates and their supporters have been established by women's groups throughout the nation. Furthermore, a Japanese version of EMILY's list was established to provide financial support to female candidates.

In Japan, female ratio among civil servants, in particular senior levels is much lower than that of other countries. Based on the enactment of the Basic Law for Gender Equality Society, The National Personnel Authority (NPA) started orientation gatherings on civil servants for female senior students since 2000. In 2001, the Authority formulated Guidelines for increasing recruitment and promotion of female civil servants and requested all Ministries to prepare a plan to implement the guidelines by analyzing the current situation and finding the problems. Consequently, all Ministries prepared the plan for increasing the number of female civil servant by new recruitment and promotion until 2005. Although female ratio among successful candidates for career bureaucrats has been gradually increased, the results of the Personnel Authority's measures are not apparent. Unless civil servants would change their working style and traditional male oriented work ethics, such as very long working hours until midnight and officers who accept deployment to remote offices can get promotion, few female students would apply for the job.

On 8 April 2003, Gender Equality Council finally submitted recommendations to support increasing female ratio of leaders, such as parliamentarians, the chiefs of local governments, senior civil servants, judges, prosecutors and attorneys, and professors, to 30%. The Council requested private sectors and local governments to take positive actions to achieve this goal. However, there have been extremely strong opposition movements against such positive actions by conservatives in Japan. NGOs should monitor how the recommendations will be

implemented by the Government.

Question 25

What concrete steps are being taken to increase the number of women Ambassadors and the number of women working in the Ministry of Foreign Affairs and as staff in overseas establishments in the light of the percentage quoted on page 53 of the fifth periodic report?

Currently only three female ambassadors are working for Japanese Government. They are Japanese Representative to UN Disarmament Committee, Ambassadors to Ghana and Italy. The latter is the first female ambassador in the history to G7 countries. Since the first female ambassador was appointed in 1980, 12 women including three non bureaucrats were appointed to the post.

The ratio of female officers at the Ministry of Foreign Affairs (MOF) is 19.2% which is slightly higher than that of the entire Government. In 2000, the percentage was increased to 20.0%. However, the percentage of career diplomats, 4.4% is significantly lower than the percentage of career officers of other Ministries, 6, 6%. The main reason which was informed by the Personnel Division of the MOF is that the MOF started the recruitment of female career diplomat only since 1975.

In accordance with the Personnel Authority's guidelines to increase the recruitment and promotion of female civil servants, MOF formulated a plan to increase the number of female diplomats. MOF has also established a Committee to promote gender equality with the chairmanship of vice Minister.

The Committee has been working to increase the number of recruitment and promotion of female diplomats. However, the recruitment of women who passed exam for career diplomats has been gradually decreased from 2001 from 19.0% to 14.3%. These results indicate that the MOF's efforts do not work effectively.

Special feature of officers of the Ministry of Foreign Affairs is have recruited more female officers at non-career, professional groups, such as language specialists.

Female ratio among Japanese staff members of international organizations such as United Nations, ILO, UNHCR is over 60%. This situation indicates that women who intend to work in international environment can not find their prospective future at the MOF. MOF should formulate special measures for married female officers for their redeployment.

Question 26

Page 75 of the fifth periodic report indicates that in 2000, the services supporting the health of women throughout their lives were implemented in 27 prefectures and designated cities. Have these services been further extended throughout the country in the past two years?

The Ministry of Health, Labour and Welfare has been conducting a research on gender-specific/gender-sensitive medicine (so-called women's medicine). At the local level, for example, Chiba Prefecture, after Ms. Akiko Domoto took office as the governor, established a medical facility specialized in women's medicine where women doctors are regularly on duty under the sponsorship of the prefecture. There also are a few private facilities for women with women doctors in Tokyo and some other areas. However, due to the enormous popularity among women patients, appointments at such facilities are usually full for more than six months. It is necessary to increase the number of facilities specialized in women's medicine.

[Health support for the victims of domestic violence] It is necessary to provide women who are victims of domestic violence with health support that meets the needs of such women. The issue of health insurance card is especially important. Because the card is issued to a household unit, it is extremely difficult and inconvenient for a woman who is suffering domestic violence and/or trying to hide herself from the husband for women usually are not the head of the household. The card shall be issued to members of the family individually and not to the head of the household. In this regard, it is commendable that some local governments adopted new measures and started issuing the National Health Insurance card to individuals from April 1, 2003.

Question 27

According to page 76 of the fifth periodic report, unwanted teenage pregnancy has risen and, to reverse this trend, the Government set out a basic guideline to be used by local governments that were given the task of preparing handbooks on adolescent sexual behavior and health. Have all the local governments prepared such handbooks? What system has the Government introduced to monitor effectiveness of these handbooks?

The Government decided to withdraw the booklet called "Love and Body Book for Adolescents" published by an affiliate organization of the Ministry of Health, Labour, and Welfare from circulation. This decision was made because some Diet Members questioned that the booklet was too radical in eliminating the gender gap and it encouraged "free sex."

The booklet explains about the knowledge related to sex in a scientific and understandable manner for junior high school students. The booklet should be actively used instead of being suspended.

Question 28

What measures have been taken by the Government, in the light of increasing numbers of persons infected with HIV/AIDS to research women and girls who are considered to be at high risk of contracting HIV/AIDS? Please describe prevention and treatment programs that are specifically targeted at vulnerable women and girls.

The Japanese Government has specified four target groups who are in need of special care for prevention of HIV infection. Those groups are adolescents, foreigners in Japan, homosexual men, and employees and customers of the sex industry. In the governmental program to study measures to prevent HIV/AIDS, a research to find out effective measures for each target group has been conducted involving NGOs that are active in promoting awareness in local communities. In regard to the adolescence, Place Tokyo, an NGO, has been conducting a project to research health activities of younger population by gender, for the first time in Japan, for the past three years as the main researcher of the project. As a result of the project, "Sexual Health Book", a pamphlet, was published and already 300, 000 copies were distributed to the youth through schools and local communities. In addition, POPTTEEN, condoms in packages that girls can buy at convenience stores feeling safe and without hesitation, was developed by the collaboration of Place Tokyo, condom manufacturers, and media (girls' magazines), again for the first time in Japan.

For the group involving sex industry employees, SWASH, an NGO constituted by such employees, has been successfully conducting research and awareness raising as part of the program to study measures to prevent HIV/AIDS.

There is no program specifically focusing on the treatment for women and girls with HIV/AIDS.

Question 29

Please supply updated information on progress made regarding the "Outline of a Bill to Revise a Part of the Civil Code" prepared by the Legislative Council and submitted to the Minister of Justice in February 1996 (see page 85 of the fifth periodic report), which covers the minimum age for marriage, the period required for women to remarry after divorce and surnames of married couples.

At present, 97% of all the married couples assume the surname of husbands, and women are not guaranteed the equal opportunity to choose their own surname after marriage in comparison with men. Amendment of the Civil Code which enables all the couples to maintain their respective surname after their marriage has not been realized yet.

The Legislative Council has proposed the draft amendment which introduces the system which enables both wives and husbands to maintain their own surnames after their marriages (in Japanese "Fuufu Bessei"), and which also abolishes the discrimination in the right to inheritance between children born in and out of wedlock. However, there exists the opposition which claims that Fuufu Bessei destroys families, and as a result of strong oppositions from some members of the National Diet and those who are against the realization of gender-equal society, the above draft has not been presented to the Diet.

According to the census of May 2001, more people said yes to Fuufu Bessei than those who said no, but in the Diet the ruling parties and the opposition parties cannot reach a consensus. In such a situation, more and more couples are waiting, hoping to marry in Fuufu Bessei style.

Moreover, amendment of the Civil Code which equalizes marriageable age of women and men, and which reduces the term to prohibit remarriage of women after their divorce, have not been realized yet.

The recent draft amendment of the Civil Code presented from the Ministry of Justice to the ruling parties referred only to the matters relating to marriage and divorce, and did not touch upon the issue of the equalization of the right to inheritance (we are not sure when this draft will be presented to the Diet). On March 14, in the discussion between us (NGOs) and the Ministry of Justice, we asked the reason of the above. The Ministry of Justice answered, "There are strong oppositions against the equalization of the right to inheritance within the ruling parties, and we think that it is better for us to present the draft which proposes Fuufu Bessei first". They said that there were, for example, the following opposition against equalization of the right to inheritance. "Those women who choose to become unmarried mothers must assume the result of their choices." "The Japanese family system is based upon the protection of the people who has registered their marriages and their children born in wedlock." We, at the discussion, proposed that the Ministry makes a booklet which suggests "Why must we discriminate children born out of wedlock in the right to inheritance? We must abolish such discrimination urgently." and persuades the members of the Diet. However, the Ministry said that they have no idea to make such booklets, and they do not have an intention to change the situation to abolish discrimination positively.

The supreme court has made a judgment in 1995 that the discriminatory provision in the right to inheritance is not unconstitutional (without any reference to human rights treaties), and following the judgment, the second and the first bench of the supreme court made judgments on March 28 and 31 respectively this year, both of which said that the provision is not unconstitutional (two of the five judges of respective bench had opposite opinions,

though). But we must notice that, in the judgment of March 31, the chief judge who agreed to the court opinion said, as his supplemental opinion, as follows: "The discriminative provision is not clearly unconstitutional, but quite doubtful to be so. Taking into consideration the proposition of equalization of the right to inheritance from the Legislative Council and the recommendation of equalization of the right to inheritance from the CCPR Human Rights Committee, we greatly expect that the Diet will amend the law in order to equalize the right to inheritance as soon as possible."

On April 1, a member of the Diet asked to the government about the amendment of the Civil Code, and the government answered that it was appropriate to amend the law in such a situation that most of the people admit such amendment, taking into consideration the discussions of respective classes of people. The Ministry has no idea to amend the law at present. However, we must urge the government to abolish discrimination in the right to inheritance. Children cannot select their parents themselves. We shall not permit the present situation of the law which says to the children that it is helpless because they were born from unmarried parents.

Question 30

Please provide information as to whether the Government has adopted measures specifically for women within the "New Long Term Program for Government Measures for Disabled Persons" (see page 31 of the fifth periodic report) to address the vulnerable situation of women with disabilities.

Article 3.1(a) of the Fifth Periodic Report states that the "New Long Term Program for Government Measures for Disabled Persons" declares that the Japanese Government endeavors to pursue comprehensive measures for both disabled women and disabled men in hopes of realizing a society in which everyone participates. The adopted measures treat disabled women and men in the same way. In other words, the Government's policies fail to acknowledge gender issues and integrate the realities that confront disabled women.

In addition, the Government has not adopted any measures or made a formal apology pursuant to the "Concluding Comment" 31 (1998) of the Human Rights Committee. The Comment demanded damages for the suffering inflicted upon the victims of the forced sterilization policy of the Eugenic Protection Law (before it was revised and renamed the Maternal Protection Law). Although the Government apologized to Hanson's disease patients for its discriminatory practices and forced sterilizations, the Government did not acknowledge other disabled women were also subject to forced sterilization. In fact, the government maintains its position in the lawsuits filed by these disabled women.

The Eugenic Protection Law provided for the forced sterilization of persons afflicted with "hereditary mental illness, congenital learning or physical disabilities" as well as those with "mental illness and learning disabilities." There are 16,500 recorded cases of forced sterilizations performed under the Eugenic Protection Law. Of such recorded cases, 70% of the subjects were women. The law also authorized the use of physical restrains, anesthesia and deception to perform the procedures.

Other targets of the forced sterilization policy included patients afflicted with Hanson's disease. Although the sterilization procedures performed on Hanson Patients were completed with the patient's consent, it is

suspected that patients were coerced into giving their consent. Many faced pressure and discrimination from society and were often quarantined in isolation.

Sterilization procedures such as hysterectomies and irradiating the ovaries on disabled women were justified on the basis of “inconvenience of caring for the [patients’] menstruation.” Although the Eugenic Protection Law did not authorize the sterilization of disabled women on the basis of convenience of care, many institutions did so. In 1989 and 1993, newspapers widely reported on the institutional practices and organizations of disabled persons organized protests against the Government. The Government, however, has not put forth a serious effort towards resolving the problem nor has it investigated the number of cases of forced sterilization.

Besides the “New Long Term Program for Government Measures for Disabled Persons,” other Government measures also do not address the special needs of disabled women. For example, in 2001, the Japanese Government enacted the “Law for Prevention of Spousal Violence and Protection of Victims.” This law requires every prefecture to establish a support center for domestic violence victims. However, the law does not make any provisions for women with speech or auditory disabilities to help them make initial contact with the shelter. Likewise, there are no provisions ensuring that wheelchair-bound women be able to access the shelters. In summary, disabled women have no access to emergency protection from domestic violence.

There is no system that serves the needs of disabled women facing physical or sexual violence. The “New Long Term Program for Government Measures for Disabled Persons” calls for the construction of housing facilities for disabled persons in order “to secure a place for them to live.” These measures do not acknowledge the problems of sexual abuse and harassment reportedly experienced by 60% of the women residing in these institutions.

Also, disabled women experience more mental stress than other women during labor and child raising because many people do not accept the idea of disabled women bearing babies and raising children.

Question 31

Please provide updated information on any progress in the consideration given by the Government of Japan to the question of ratification of the Optional Protocol to the Convention.

There was no system for relief of the woman whose rights protected under the Convention was infringed since the reporting system by States Parties was the sole measure for implementation stipulated by the Convention. Since the Convention is a human rights treaty, if it does not have a power to redress the rights provided by the Convention when the rights is violated, it is inevitable to say that the Convention has a very limited value. Therefore, it is worth acclaiming that the Optional Protocol to the Convention with individual communications procedure and inquiry procedure was adopted by the UN General Assembly in October 1999, the year of 20th anniversary of the adoption of the Convention, as it drastically enhances the measures for implementation of the Convention. The Optional Protocol came into force in December 2000 and as of January 12, 2003, it already has 49 state parties and 75 signatories.

However, Japanese Government has been taking rather negative attitude towards ratification of the Optional Protocol, saying “it is a system worth paying attention from the stand point of ensuring effective implementation of the Convention. However, there are opinions that it may violate “independence of the judiciary” and, therefore, we would like to wait and see how it will be practically applied.”

It is not an overstatement to say that the Optional Protocol is a lifeline of the Convention to implement its requirements. Sincere implementation of ratified conventions is an obligation of States Parties and it also required by the Article 98 of the Japanese Constitution. Since the Government of Japan ratified the CEDAW Convention, there is no excuse for the Government to take a negative attitude toward the enhancement of the implementation measures of the Convention. Furthermore, introducing individual communication procedure to human rights treaties is already recognized as an agreed practice by many countries. If Japan hopes to collaborate with the international society, ratification of the Optional Protocol is indispensable.

NGOs have been actively making efforts for the ratification of the Optional Protocol through conducting researches, organizing symposia, lobbying to the Ministry of Foreign Affairs and the Ministry of Justice, nation-wide petition drive, and lobbying to the representatives to the National Diet. Immediate ratification of the Optional Protocol is currently the largest concern for the NGOs.

Question 32

Please indicate any progress made toward acceptance of the amendment to article 20, paragraph 1 of the Convention, on the Committee's meeting time.

The amendment of the Article 20 (1) of the Convention on the duration of the meetings of CEDAW from present provision stating “the Committee shall normally meet for a period of not more than two weeks annually” to “the Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly” was approved by the Fiftieth Session of the UN General Assembly in December 1995. This revision will come into force when more than two thirds of the states parties accept it. However as of February 4, 2003, only 38 countries have accepted.

The National Diet of Japan is now considering the acceptance of this amendment of Article 20 (1). NGOs support the move towards acceptance and have been lobbying to and monitoring of the Government and the Diet for immediate acceptance.

[Other issues of great importance]

(A) Regarding Japan's Military Sexual Slavery, the so-called "comfort women" issue

Concerning the issue of Japan's military sexual slavery (the so-called "comfort women" issue), the final comment of the Committee for the Elimination of Discrimination against Women to the report of the Government of Japan of 1994 "expressed its disappointment that the Japanese report contained no serious reflection on issues concerning the sexual exploitation of women from other countries in Asia and during the Second World War. (para633, A/50/38) The Committee also encouraged "the Government to take specific and effective measures to address," along with current issues, "war-related crimes and to inform the Committee about such measures in the next report." (para635, A/50/38)

In its latest report, the Government of Japan discusses the activities of the "Asian Women's Fund," which is not a governmental body. However, the report makes no reference whatsoever to such facts as that many of the survivors have furiously rejected the "atonement money," primarily financed by private donations, to be paid to them by the AWF, as no sincere apology and reparation on the part of the Government of Japan based on the acknowledgement of the State's legal responsibility, that the governments of the Republic of Korea and Taiwan both readily opposed the "atonement money" and now are providing their victimised nationals with their own financial support instead, and that there are States which are not designated in the AWF's "atonement projects" (such as the People's Republic of China and the Democratic People's Republic of Korea). In the Diet of Japan, the bill to make the State provide apology and reparation to the survivors is proposed by some of the opposition parties, who assert that the AWF has not been a solution to the issue.

Recommendations concerning the "comfort women" issue have been repeatedly made in UN bodies. For instance, The UN Committee on Economic, Social and Cultural Rights has expressed "its concern that the compensation offered to wartime 'comfort women' by the Asian Women's Fund, which is primarily financed through private funding, has not been deemed an acceptable measure by the women concerned" (para.26), and "strongly recommends that the State party find an appropriate arrangement, in consultation with the organisations representing the 'comfort women,' on the ways and means to compensate the victims in a manner that will meet their expectations, before it is too late to do so" (para.53). (Concluding Observations of the Committee on Economic, Social and Cultural Rights: Japan. 24/09/2001. E/C.12/1/Add.67. para.26 & 53)

Recently, two of the ten "comfort women" claims made to Japanese courts against the Government of Japan for its apology and state compensation, have been finally dismissed by the Supreme Court of Japan. The other eight cases have been dismissed by the lower courts, thus exhausting domestic remedies. Unless a new measure is undertaken by the Government of Japan, it is not acting accordingly to its international obligation under the Convention on the Elimination against Women, and the harm suffered by the victimised women will be left neither repaired nor remedied.

(B) Situations of discrimination against children born out of wedlock

In Japan, there is a problem of discriminations against children born out of wedlock, not only in the area of the right to inheritance, but also in the area of birth notification or Koseki (discriminatory expressions against children born out of wedlock), and also in acquisition of the Japanese nationality by a child born out of wedlock from a mother who does not have Japanese nationality.

In birth notification, unmarried mothers are forced to make clear whether their children are "legitimate" or "illegitimate". If they do not check the columns, their birth notifications will never be accepted, and the children will never be registered in Koseki files, and the children will not be able to get passports to go abroad. There are such great disadvantages as stated above for them. So many unmarried mothers are mentally injured by such discriminatory expressions.

Based on the birth notifications, children born out of wedlock are labelled as such in the family relations (between their parents) column of their Koseki files, which are their family relationships registration files. We frequently use Koseki files, for example, when we get jobs, when we enter into schools, when we get passports, etc. In each circumstance, discriminatory expressions draw attentions of people. As a result of that, many people born out of wedlock fail in getting jobs or getting partners. Such discriminations against children born out of wedlock in society or legal systems sometimes make such people commit suicides, or make them mentally injured. Moreover, mothers of such children blame themselves for fear of discriminations against their children and some of them get mentally ill. In Japan, discriminative thought against women who bear children without getting married is so strong, and unmarried mothers are blamed from people around her like "How pity the child is!". Many unmarried mothers are persuaded to induce abortion when they go to hospital for medical checkups, and become mentally ill.

Discriminatory expressions in Koseki files worsen such situations.

Japanese government says that it is necessary to distinguish between "legitimate children" and "illegitimate children" in the expressions of family relation columns of Koseki files, because there is a distinction between children born in and out of wedlock in the provisory clause of Article 900 item 4 of the Civil Code. Of course, such discriminatory provision must be eliminated immediately as we have already said, but even under the condition that the government maintains such provision without eliminating it, it is not necessary to maintain discriminatory expressions in family-relation columns which continuously produce discriminations, because we can tell whether the child is born in or out of wedlock by seeing another column of Koseki, which is family matters column (the facts and dates of births, deaths, marriages, divorces etc. are entered in this column). Moreover, such discriminatory expressions are based not upon the law, but upon the administrative order, which can be altered by an order from the Minister of Justice, without approval in the Diet.

We sincerely hope that, not only the discriminatory expressions against children born out of wedlock in Koseki, but all the discriminations in Japan against them will be perfectly abolished and eliminated as soon as possible.

<Appendix B-1, B-2>

<Appendix> The numbers indicate the related questions of the “List of Issues and Questions”.

Table 7-1 Act of Human Rights Violation against women which Human Rights Commission regards as Rights to be Protected.

	General relief procedure	Special relief procedure
Discriminatory treatment by public employees and commercial service provider		
Openly showing the will to act in above stated manner		
Discriminatory treatment by the employer regarding employment and labor condition		
Openly showing the will to act in above stated manner		
Act of insult or mistreatment based on sex		
Of above act which will frighten or make one feel uneasy		
Act of sexual harrassment		
Of above act which will frighten or make one feel uneasy		
Abuse		
Act of violence or sexual violent act by public servant or medical/welfare facilities worker, instituteion, school faculty.		
Act of violent act or violent sexual act by spouse		

Graph 12-1 Use of HELP-1

Contents of foreign visitors (2002.1.1-2002.12.31)

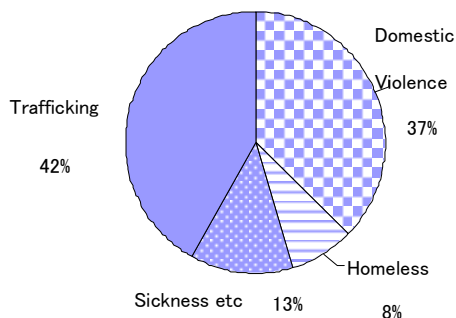


Table 12-2 Use of HELP-2

Number of women who escape from trafficking.

Country	1996	1997	1998	1999	2000	2001	2002	-2003.3
Thailand	9	7	8	5	2	17	16	19(*)
Colombia	5	5	3	4	9	17	7	1
Hong Kong	1							
Taiwan		1		7				
Republic of Korea		1	1	1				
China		1					1	
Mexico				1			1	
Romania				1		1		
Peru							1	
Costa Rica								2
Total	15	15	12	19	11	35	26	22

* 3 of 19 persons are underage.

Table 12-3 Use of HELP-3

The number of visitors in HELP.

*“()” indicates the number of children.

Country	1986-1998	1999	2000	2001.1.1 - 3.31	01.4.1-02.3.31	02.4.1-3.31	Total of numbers
Thailand	1486(64)	12(6)	16(12)	6(3)	24(8)	38(5)	1582(98)
Philippines	386(109)	14(29)	22(24)	5(7)	15(26)	10(18)	452(213)
Colombia	36(5)	6(4)	10(4)	9	11	5	77(13)
Peru	52(10)	3(1)	3(3)		2(2)	1	61(16)
Republic of Korea	27(13)	9(6)	3	2(1)	2	4	47(20)
China	20(7)	4(1)	7(2)	1(1)	2	2(1)	36(12)
Brazil	21(4)	2(1)			2	1	26(5)
Taiwan	15(4)	7			1(1)		23(5)
Mexico	11	1	1		1	1	15
U. S. A	13(2)						13(2)
Iran	8(4)	1					9(4)
Stateless Person		5	3				8
Malaysia	7(2)						7(2)
Indonesia	6(1)				1		7(1)
U. K.	6		1				7
Vietnam	2	1		1	1(2)		5(2)
Hong Kong	5						5
Sri Lanka	3(1)				1	1(2)	5(3)
Bolivia	3				1		4
Chile	3(2)						3(2)
Turkey	3						3
Australia	2				1		3
Canada	3						3
Bangladesh	1(1)		1(1)				2(2)
Guatemala	1(1)	1(1)					2(2)
Kenya	2(2)						2(2)
Guinea		2(2)					2(2)
Burma	2(1)					2(3)	4(4)
Ecuador	2(1)						2(1)
France	2(1)						2(1)
Germany	2						2
Ukraine					1		1
Others**	9(1)		2(1)			2	13(2)
Not Known	2						2
Subtotal	2141(236)	68(51)	69(47)	24(12)	66(39)	66(29)	2434(414)
Japan	855(329)	94(19)	115(63)	50(20)	75(22)	85(43)	1274(496)
Total	2996(565)	162(70)	184(110)	74(32)	141(61)	151(72)	3708(910)

**Others includes Zinbabwe, Costa Rica, Norway. Nigeria, Estonia, Romania, Sweden, Iraq, Laos, Nepal, Algeria.

Table 12-4 Use of Saalaa - 1

Origin of Victims

States of Origin	Number (persons)	Percentage (%)
Thailand	171	93.4
Philippines	6	3.3
Colombia	4	2.2
Others	2	1.1
Total	183	100

Table 12-5 Use of Saalaa - 2

Amounts of debts that victims owe at the time of being trafficked

Amounts of debts (Yen)	Number	Percentage (%)
Less than 1 million	1	0.5
1 million - 2 millions	2	1.1
2.01 millions - 3 millions	10	5.5
3.01 millions - 3.5 millions	42	23
3.51 millions - 4 millions	82	44.8
4.01 millions - 5 millions	11	6
More than 5.01 millions	3	1.6
Not known	32	17.5
Total	183	100

Table 12-6 Use of Saalaa - 3

Whether the employers keep their employees' passports in security for their debt or not

	Number	Percentage (%)
The employers keep their employees' passport	122	66.7
The employees keep their passport by themselves	18	9.8
Not known	43	23.5
Total	183	100

Table 12-7 Use of Saalaa - 4

Jobs in Japan- Detail

Job Detail	Number	Percentage (%)
Service in snack bars	6	3.3
Dance at strip-show	4	2.2
Prostitution	161	88
Not known	12	6.5
Total	183	100

Reference: "Ten Years of Women's House- Saalaa: Reality of violence against Women who hold foreign nationalities" (Japanese title: Joseino-ie Saalaa 10 nen-no ayumi: Gaikokuseki Josei-he-no Boryoku-no Jittai), Women's House- Saalaa, Nov.16 2002

Table 15-1

Table1 Faculty Numbers by Rank, Sex, and National/Public/Private University

	Total			National University			Public University			Private University		
	Total	Men	Women	Total	Men	Women	Total	Men	Women	Total	Men	Women
Total	155,050 (100%)	132,160 (85.2%)	22,890 (14.8%)	60,930 (100%)	54,907 (90.1%)	6,023 (9.9%)	10,860 (100%)	8,572 (78.9%)	2,288 (21.1%)	83,260 (100%)	68,681 (82.5%)	14,579 (17.5%)
Full Professor	60,295 (100%)	55,005 (91.2%)	5,290 (8.8%)	20,964 (100%)	19,860 (94.7%)	1,104 (5.3%)	3,632 (100%)	3,166 (87.2%)	466 (12.8%)	35,699 (100%)	31,979 (89.6%)	3,720 (10.4%)
Assistant Professor	36,202 (100%)	30,983 (85.6%)	5,219 (14.4%)	17,111 (100%)	15,466 (90.4%)	1,645 (9.6%)	2,686 (100%)	2,166 (68.6%)	520 (19.4%)	16,405 (100%)	13,351 (81.4%)	3,054 (18.6%)
Lecturer	19,897 (100%)	15,722 (79.0%)	4,175 (21.0%)	5,297 (100%)	4,539 (85.7%)	758 (14.3%)	1,616 (100%)	1,181 (73.0%)	435 (27.0%)	12,984 (100%)	10,002 (77.0%)	2,982 (23.0%)
Research Assistant	37,530 (100%)	29,394 (79.3%)	8,186 (20.7%)	17,279 (100%)	14,767 (85.5%)	2,512 (14.5%)	2,831 (100%)	1,981 (70.0%)	850 (30.0%)	17,420 (100%)	12,646 (72.6%)	4,774 (27.4%)

Data Source: Basic Survey on School Education, Ministry of Education and Science 2002

Table 15-2

Table2 Faculty in degree-granting institutions

Faculty	Total	Men	Women	Ratio of women
Literature	7,105	2,724	1,381	19.4%
Foreign languages	1,936	1,484	452	23.3%
Humanities	2,588	1,991	597	23.1%
Law and legal studies	3,422	3,051	371	10.8%
Economics	5,267	4,743	524	9.9%
Buisiness	1,892	1,712	180	9.5%
Commercial science	1,762	1,610	152	8.6%
Science and technology	3,231	3,097	134	4.1%
Science	3,149	2,914	235	7.5%
Engineering	13,814	13,348	466	3.4%
Agriculture	2,230	2,157	73	3.3%
Medicine	23,085	19,380	3,705	16.0%
Dentistry	3,497	2,959	538	15.4%
Pharmacy	2,555	1,966	589	23.1%
Nurcing	1,373	280	1,093	79.6%
Education	5,458	4,644	814	14.9%
Musicology	1,214	732	482	39.7%

Data Source: Basic Survey on School Education, Ministry of Education and Science 2001

Table 19-1

Numbers of workers classified by types of employment (the average numbers in 2002)

	Total of men & Women	Women	Men
Employers except executives	49.07 million (100%)	20.58 million (100%)	28.49 million (100%)
Formal staff of governments & employees	34.71 million (70.7%)	10.47 million (50.9%)	24.24 million (85.1%)
Part-time employees and Moonlighters	10.43 million (21.3%)	8.16 million (39.7%)	2.26 million (7.9%)
Dispatch or temporary employees and others	3.94 million (8.0%)	1.95 million (9.5%)	1.99 million (7.0%)

“Labour Force Survey” conducted by the Ministry of Public Management, Home Affairs, Posts and Telecommunications

Table 19-2

Changes of scheduled cash earnings per hour of full-time workers and part-time workers (disaggregated by sex)

Year	Women			Men		
	Full-time workers	Part-time workers	Gap	Full-time workers	Part-time workers	Gap
1990	989 yen	712 yen	72.0	1632 yen	944 yen	57.8
1992	1127 yen	809 yen	71.8	1812 yen	1053 yen	58.1
1994	1201 yen	848 yen	70.6	1915 yen	1037 yen	54.2
1996	1255 yen	870 yen	69.3	1976 yen	1071 yen	54.2
1998	1295 yen	886 yen	68.4	2002 yen	1040 yen	51.9
2000	1329 yen	889 yen	66.9	2005 yen	1026 yen	51.2
2002	1340 yen	890 yen	66.4	2028 yen	1029 yen	50.7

“Basic Survey on Wage Structure” conducted by the Ministry of Health, Labour and Welfare

Table 20-1

Comparison on hourly wage and annual salary of dispatch workers

	Hourly fee (yen)	Average daily wage (yen)	Average monthly wage 10thousand yen)	Annual salary (10thousand yen)
Overall	1255.0	9263.2	18.8	239.5
Female	1228.4	8848.4	17.2	208.1
Male	1574.7	12215.4	26.2	388.0
Software development	2069.3	13628.3	27.6	440.8
Office equipment operation	1203.2	8524.1	17.3	204.7
Filing	1241.0	8793.3	16.5	193.7
Accounting	1175.7	7999.6	15.3	195.2
Reception, parking management	1171.3	8259.8	19.8	188.7
Telephone marketing	1200.6	8298.1	15.5	198.2
Sales	1475.7	10107.1	23.9	328.6
Sales clerk	1050.0	7366.7	13.5	161.3
Administrative work	1207.0	8721.2	17.1	212.1

“Report on survey of labor dispatch business and its situation” (as of Jan. 2001 Survey includes dispatch workers working on permanent basis)

Table 22-1

ANNUAL INCOME COMPARISON BETWEEN MALE & FEMALE 1983~2001

(A Trading Company)

		Before EEO Law	After EEO Law			After Revised EEO Law		
Age	Men & Women	1983	1988	1992	1994	2000	2001	
25y.o	M.Managerial	¥3,624	¥4,098	¥5,097	¥5,130	\$36,788	\$39,290	\$41,763
	F. Clerical	¥2,984	¥3,328	¥4,066	¥4,108	\$29,461	\$31,466	\$32,868
	F % of M	82.3%	81.2%	79.8%	80.1%	80.1%	80.1%	78.7%
30y.o	M.Managerial	¥5,575	¥6,247	¥7,786	¥8,112	\$57,991	\$61,936	\$64,698
	F. Clerical	¥3,604	¥4,011	¥4,851	¥4,958	\$35,501	\$37,916	\$39,606
	F % of M	64.6%	64.2%	62.3%	61.1%	61.2%	61.2%	61.2%
35y.o	M.Managerial	¥7,023	¥7,849	¥9,637	¥10,010	\$73,451	\$78,448	\$81,945
	F. Clerical	¥4,039	¥4,490	¥5,421	¥5,531	\$39,616	\$42,311	\$44,198
	F % of M	57.5%	57.2%	56.3%	55.3%	53.9%	53.9%	53.9%
40y.o	M.Managerial	¥8,070	¥8,981	¥10,907	¥11,241	\$80,655	\$86,141	\$89,981
	F. Clerical	¥4,329	¥4,805	¥5,791	¥5,887	\$42,165	\$45,033	\$47,049
	F % of M	53.6%	53.5%	53.1%	52.4%	52.3%	52.3%	52.3%
45y.o	M.Managerial	¥8,595	¥9,406	¥11,292	¥11,579	\$82,736	\$88,365	\$92,304
	F. Clerical	¥4,531	¥4,895	¥5,894	¥5,981	\$42,838	\$45,753	\$47,792
	F % of M	52.7%	52.0%	52.2%	51.7%	51.8%	51.8%	51.8%
Yen amounts in thousands						\$1=120		

EEO Law =The Equal Employment Opportunity Law
 Men=Managerial Female= Clerical
 F % of M = Female earnings as a % of Male earnings

Sample format B-1

(1) Birth Notification

Notified on dd/mm/yyyy

To the mayer of _____ city

(Child)
Name of the child Surname First Name
Family relation between the parents <input type="checkbox"/> Legitimate child ((order of birth) <input type="checkbox"/> son / <input type="checkbox"/> daughter) <input type="checkbox"/> Illegitimate child (<input type="checkbox"/> male / <input type="checkbox"/> female)
Time of birth (am/pm) hh:mm of dd/mm/yyyy
Place of birth
Residence
Name of the head of the house
Family relation with the head of the house
(Mother and Father of the Child)
Name of Mother and Father
Birthday of them
Honseki (Registered domicile. In case of foreigners, enter nationality here)
(The following columns are omitted)

Sample format B-2

(2) Koseki (Original form is written vertically)

Honseki(Registered Domicile) 1-1 Yamate, Suginami-ku, Tokyo		Name: Taro Kono
This file was made on dd/mm/yyyy		
Born in Chiyoda-ku, Tokyo on dd/mm/yyyy Get married with Ume Yamada on dd/mm/yyyy Acknowledged Kazuo Yamakawa on dd/mm/yyyy		Father Tadashi Kono Mother Yoshi First son
		Taro
		Born on dd/mm/yyyy
Born in Nakano-ku, Tokyo on dd/mm/yyyy Get married with Taro Kono on dd/mm/yyyy		Father (blanc*1) Mother Haru Yamada Female*2
		Ume
		Born on dd/mm/yyyy
Born in Shinjuku-ku, Tokyo on dd/mm/yyyy		Father Taro Kono Mother Ume First daughter*3
		Kei
		Born on dd/mm/yyyy

*1 It means that Ume Yamada is not acknowledged by her father.

*2 It means that Ume Yamada is a girl born out of wedlock.

*3 It means that Kei Kono is the first daughter born in wedlock between Taro and Ume.

List of NGOs involved in preparation for the answers, Japan NGO Network for CEDAW

22 NGOs

DPI – Disabled Women’s Network

ECPAT/ STOP JAPAN

NPO Dispatched Labor Network

Violence Against Women in War -Network Japan (VAWW-NET Japan)

Equality Action 2003

Japanese Association of International Women’s Rights

International Women’s Year Liaison Group (47 National Organizations)

Japan Civil Liberties Union

Women and Health Network

Kyofukai, Japanese Christian Women’s Organization - HELP ASIAN WOMEN’S SHELTER

House for Women "Saalaa"

Tokyo Women’s Union

Japan Network for Abolishing “Koseki” and Discrimination against Children Born out of Wedlock

Japan Federation of Women’s Organizations

Japan Federation of Bar Associations

International Movement against All Forms of Discrimination and Racism - Japan Committee

National Network on Domestic Violence Law for the Victims

Femin

PLACE Tokyo: Positive Living and Community Empowerment Tokyo

Japan Accountability Caucus, Beijing

Anti-eugenic Network of Women and Disabled People, Japan

Working Women’s International Network