



**Convention on the  
Elimination of all forms of  
Discr  
Against  
Women**

**The Summary Report  
of The NGOs in Japan**

July 2003 Rev.2

Japan NGO Network for CEDAW (JNNC)

<http://www.jaiwr.org/jnnc/english/>

[ngoreport@jaiwr.org](mailto:ngoreport@jaiwr.org)

# Table of Contents

The Ainu Association of Hokkaido, the Sapporo Branch .....	2
The Association of Korean Human Rights in Japan .....	4
Buraku Liberation League .....	5
Council of Democratic Resident Korean Women in Japan .....	7
Equality Action 2003 .....	8
International Movement against All Forms of Discrimination and Racism-Japan Committee(IMADR-JC) .....	9
International Women’s Year Liaison Group .....	11
Japan Anti-Prostitution Association .....	13
Japan Civil Liberties Union .....	14
Japan Federation of Bar Associations .....	15
Japan Federation of Women’s Organizations’ (FUDANREN) .....	16
Japan Network for Abolishing “Koseki” and Discrimination against Children Born out of Wedlock (JNKDC) .....	18
Japanese Association of International Women’s Rights .....	19
Kyofukai, Japanese Christian Women’s Organization - HELP ASIAN WOMEN’S SHELTER.....	20
New Japan Women’s Association (NJWA) .....	21
NPO Dispatched Labor Network .....	23
Violence Against Women in War - Network, Japan (VAWW-NET Japan) .....	24
Women against Sexist-Ageist Remarks by Governor Ishihara .....	25
Working Women’s International Network .....	26

## The Ainu Association of Hokkaido, the Sapporo Branch

---

### Summary of The Report

The indigenous Ainu have for the last 130 years, as a result of being forcibly assimilated and ruled over by the Japanese government and due to structural discrimination, continued to have their human rights violated, and seen the creation of a large disparity between their own educational, economic and environmental conditions and those of the general Japanese population. While the Hokkaido *Utari* Welfare Measures established in 1974, and the 1997 *Law concerning Promotion of the Ainu Culture and Dissemination and Enlightenment of Knowledge about Ainu Traditions* (restricted to cultural matters alone) have resulted in some improvement in the Ainu standard of living and the promotion and understanding of Ainu culture, these were not drastic measures. It is an undisputed fact that our people as a whole continue to suffer economic and social disadvantage.

Amongst Ainu, the situation for Ainu women is even more serious. A lack of equality of educational opportunity due to poor environment combined with poverty means that not just a lack of higher education, but illiteracy among Ainu women over 50 is widespread. These women are thus forced to pursue occupations with bad conditions of employment and often partner with spouses whose social and economic status is also low. As a result, Ainu remain trapped in a vicious circle where they are then unable to provide as they would like for the education of the younger generation. We note the Japanese Government's obligation to take all appropriate measures to ensure to women equal rights in the field of education under **Article 10** of the Convention. We refer in particular to sub-paragraphs **(e)** and **(f)** of **Article 10**, and the duty to provide access for women to programmes of continuing education, including adult and functional literacy programmes and to organize programmes for girls and women who have left school prematurely. We call upon the Japanese government to provide such programmes for Ainu women with literacy problems, in accordance with **Article 10**,

and as part of the obligation to take all appropriate measures, including legislation, to ensure the full development and advancement of women under **Article 3** of the Convention. Such programmes are long overdue given that Japan has been a signatory of the said Convention for nearly 20 years.

When faced with their own children's problems of discrimination, many Ainu women do not know what to do except to weep. Further, there are some Ainu women who as a result of being harassed with words of disdain for being Ainu and suffering physical, sexual or other violence, have their spirit broken and for the remainder of their lives continue to depreciate themselves and detest the fact that they were born Ainu.

Many Ainu women also live in rural communities, which can compound their problems of poverty, difficulty finding appropriate employment, access to education and literacy programmes and other services. In this regard we refer to the obligations upon the Japanese government under **Article 14** of the Convention, in particular sub-paragraphs **(a)**, **(c)**, **(d)** and **(e)** of that Article and ask that measures be taken to ensure these rights in accordance with that Article.

There are various problems for Ainu women, but because of social discrimination and prejudice it can be difficult for these women to discuss their own situation, and the true reality can be very difficult to see. In order to recognise the problems of many Ainu women and to find solutions to these, it is necessary for the government to support and carry out an Ainu population survey and factual survey (a survey of women's issues).

Such action is appropriate, given the ongoing disparity between the educational and economic situation of Ainu women compared with both non-Ainu women and men in general, and the obligation to take all necessary measures to realise Convention rights, under **Articles 3** and **24** of the Convention.

Further, there is an urgent need for the provision

of support and an environment which enables Ainu females, from their infancy onwards, to undertake education and higher education. There is also a need to create circumstances for the social advancement of Ainu women into various fields in society. *We note again in this regard the obligations upon the Japanese government under Article 10, in particular subparagraphs (e) and (f), Article 14, Article 3 and Article 24.*

Discriminatory social structures, receiving a general education and restoring pride in oneself as a person are all connected to the liberation of Ainu women. Can we really call a country which neglects such issues a ratifying country of the Convention on the Elimination of Discrimination Against Women?

# The Association of Korean Human Rights in Japan

---

## Summary of The Report

### Article 2:

Harassments against Korean female students

### Gist

Upon the liberation from the Japanese colonial rule over Korea in 1945, Koreans in Japan, many of them came to Japan as forced labourers, set up Korean schools all over Japan. Just after the establishment of those schools, Korean students have been harassed by Japanese people with abusive words and violent acts. Particularly for last decade or so, many cases of violence, targeted female students in Chima-chogori, a school uniform as well as a Korean national costume, have repeatedly happened in broad day light in Japan.

Recently, the outcome of the North Korea and Japan's Summit meeting in September 2002, together with the Japanese mass media's narrow and one-sided reports of Korean issue triggered many cases of unreasonable harassments against Korean pupils and students, especially vulnerable female students, and those cases reached an intolerant number of 345 as of 31 March, 2003.

For the sake of the safety of Korean children, parents and Korean school staff encouraged students to attend school in a group and not to wear Chima-chogori and other Korean school uniforms. However, threatening telephone calls and Emails have continued of which messages say, "We can easily know Korean children even though they are not wearing Chima-chogori", "I set a bomb in your school", "I am going to kill all Korean girls without fail!" and many more.

In addition to such harassments, Korean students

are facing with discrimination with regard to the access to the higher education and in the process of job hunting due to systematic discriminatory policies towards Korean schools imposed by the Ministry of Education.. Female students suffer from complex discrimination in those areas as female and as member of minority in Japan.

It is needless to say that the persistent discrimination and hatred toward Koreans in Japanese society as well as recent hostile reports against Korea is the background of these incidents but the fact that the Japanese government has not taken any positive steps to eliminate those harassments by ignoring recommendations by several human rights organs including the Committee on the Rights of the Child in 1998 resulted in the recurrence of harassments towards Korean children.

### Request

1. The Japanese government has to take all effective measures to prevent harassments toward Koreans, especially female students, including violent and threatening acts.
2. The Government of Japan should commit herself to strengthen human rights education and enlightening activities to eliminate any forms of discrimination and violence based on such discriminations.
3. The Japanese government should correct her systematic discriminatory policies towards foreign schools, including Korean schools, and ensure the system which allows female students to make a meaningful choice for their future without having discrimination.

## Buraku Liberation League

---

### Summary of The Report

Buraku people are discriminated based on their descent (caste-like discrimination), and especially, Buraku women are placed more disadvantageous situation compared to Buraku men and majority women. Neither in the government reports to CEDAW Committee, nor the 1993 National Survey to Grasp the Actual Conditions of Dowa (Buraku) Areas\*1, the situation of Buraku women are grasped. As a result, the precise condition of Buraku women is not yet to be recognized, so that any effective measures to improve the situation have not put into reality. Hence, we request that the government conducts a survey to grasp the reality of Buraku women and based on the results, statistics and analysis should be performed and reflected in the next report. Following is what we especially demand the government to include a concrete description concerning the 4<sup>th</sup> and 5<sup>th</sup> Periodic Reports, and in light of Articles of the Convention, we also request the government to improve its policy and actualize measures to a betterment.

#### 1. Buraku women's participation in the decision making process for government policies and measures (related to Article 4)

Although it is said in the report that "the target year is set to promote women as members of national advisory council and committees", the concrete concept is not clear. The government should take tangible steps to have an effective committee to reflect the voices of people discriminated-against accurately, such as including Buraku women or other minority women in the Committee. The same procedures should be taken in the local level.

#### 2. Enrollment in school of Buraku women (Article 10)

As it is shown in the data 1 (see an Annex "Buraku women"), the percentage of Buraku women of enrollment in school is 6.4% (3.1% for Buraku men), and the

percentage of Buraku women graduated from universities and junior colleges is 2.0% (6.3% for Buraku men). Even the obvious gap exists between women and men in Buraku communities, the government has simply reported the increasing number of women's enrollment in universities and junior colleges (see article 1 (2) of the government's report).

Another ratio (see data 2 of an Annex "Buraku women") shows that the distinction of sex has influenced parents' wish for their children to have a higher education. One of the reasons can be said that because of less education, many of Buraku parents do not understand children's study and have less interest to their education. Such an education environment of a family and economical background in addition, are also producing the results of lower enrollment in schools, especially for Buraku girls. None of the above data is noticed in the government's report and we request an improvement in a system of student loans which now has some requirements to loan out.

#### 3. The reality of illiteracy of Buraku women and a necessity of an improvement measure (Article 10)

In so called an information-oriented society where most of people are literate nowadays, still some Buraku women in both an advanced age and youth struggle in reading and writing. Although the literacy rate has risen because of programs developed in liberation movement, there is obvious gap in literacy rates in women and men in Buraku community. The percentage of 2.6% for Buraku women who can't read at all doubles men for 1.4% (see data 3 and 4 of an Annex "Buraku women"). This circumstance has appeared because of lack of education opportunity for especially women even the right to education is guaranteed by the constitution of Japan and the illiteracy affects in every day life which can cause more discrimination against Buraku women.

Hence, we call for effective measures to solve this problem immediately.

#### **4. Necessity for organization of employment conditions of Buraku women (Article 11)**

Given the situation that many people have struggled to have a stable job in the middle of this great depression of Japanese economy, most vulnerable people like Buraku women and other minority women have been hit directly by the impact. One of the cases is that when Buraku women apply for a regular position of employment, they are often denied by reason of that their origin in Buraku is found out by the company's investigation. Also the illiterate situation (as shown in data 1) has affected Buraku women's low percentage of employment especially in a specialty. Under the above

circumstances, Buraku women often end up in working as a part-timer or in a small business which the wages are low and the condition is inadequate. Hence, we urge the government to take measures to solve problems of unstable jobs and to improve the conditions of part-time jobs which have violated the rule of an equal work and equal wages, and also to appoint Buraku women to the Council set by government to revise the policy for part-time employment.

\*1 the 1993 National Survey to Grasp the Actual Conditions of Dowa (Buraku) Areas

\*All data above is provided by the 2000 survey for Buraku women's condition by the local government of Osaka.

# Council of Democratic Resident Korean Women in Japan

---

## Summary of The Report

### Introduction

The resident Korean women in Japan is defined here as those who had no choice but to stay in Japan as a result of Japan's colonization of Korea (1910~1945) and their descendents. The number of resident Koreans in Japan amounts to 632,405 (As of Dec. 2001). These resident Koreans in Japan ended up with having to live in Japan as the Government of Japan (GoJ) forcibly moved them as laborers. When the San Francisco treaty came into effect in April 1952, they were stripped of Japanese citizenship and lost all military compensations such as the veterans' pension and survivor's annuity as they were deemed as non-Japanese.

We would like to point out, firstly, that the Japanese law regarding the resident Koreans limits itself to its security and control concerns, such as the Immigration and Emigration Control law and the Aliens Registration law, and that it has not attempted to facilitate legal provisions to protect their human rights.

We will list three points to counter the GoJ's 4th and 5th periodical reports. These points are also applicable to the resident Korean men.

### Articles 3&7: Women's political participation

If we refer those who came from the colonized Korea and stayed in Japan as the first generation, now there is the fifth generation. The second generation and thereon were born in Japan and part of the Japanese society. However, they are denied of the right to vote, violating the CEDAW Articles 3, 7-a and 7-b. This completely shuts off the resident Korean women in Japan from politics, let alone participating in the political decision-making process. This is a significant obstacle not only for them to pursue legal recourse to rectify discriminations against them but also to have their views reflected in the local politics - a right for citizens. The right to vote for them should be immediately granted.

### Article 11: Women and employment

The resident Korean women suffer from outright discrimination in employment. They are not eligible for jobs as public servant(- violation of Articles 11-a and 11-c). Some local governments have lifted the restrictions on nationalities for such jobs, thanks to citizens' movements. The GoJ, however, has not made its position on the issue clear. It should eliminate the restrictions on nationalities on the eligibility to become public servant as a national policy.

### Article 3: Women and education

The right to education for the resident Korean girls is violated. This fact violates the convention against all forms of discrimination and racism and the convention of the rights of the child, which provides for all peoples to enjoy their culture and language. The Ministry of Culture and Science of Japan decided in 6 March 2003 that the graduates of Asian-affiliated foreign high schools are not eligible to sit for the entrance exams for national universities. The GoJ, although later retracted part of it, stated the reasoning for this decision was related to the relationship with the DPRK. The GoJ must protect their right to learn their culture and language.

### Article 2: Women and violence

The international community has recognized that peace is essential to protect women's human rights, since it adopted CEDAW and held international conferences on women. The Korean women in Japan, meanwhile, are facing new challenges in the face of various policies resulting from the increasing conservatism and militarization of Japan. We have witnessed repeated verbal and physical violence against the students in Korean school uniform since the revelation last year of the kidnapping of Japanese by DPRK. Against this background, we demand the GoJ to engage DPRK for normalization, settlement of war reparation, and the full investigation of the "kidnapping" issue including compensations for the victims. We also demand that the GoJ deal with the "military slavery" as decided at the women's international tribunal in 2000, to mark history and contribute to the world's peace.



## Equality Action 2003

---

### Outlines of the group

Originally started as Equal Treatment 2000 Campaign in February 2000, with 30 advocates composing of Diet members from various parties, lawyers, researchers, etc. In April 2001, changed the group name as the current Equality Action 2003. The membership is as many as 800, most of them are women and working in various type of work.

The goal of our group is aimed to have the government to incorporate banning indirect discrimination and equal treatment into relevant laws. We are striving that discrimination stemming from employment types be legally prohibited.

### Summary of The Report

#### Indirect discrimination <Article 2(b)>

Gender discrimination in employment in Japan continues to exist by transforming itself from direct to indirect discrimination, in forms of various fringe benefits, track-based personnel management, and part-time employment, etc. Swift legislation to prohibit indirect discrimination is required.

#### Equal Employment Opportunity Law

##### <Article 11-1>

Equal Employment Opportunity Law was revised to prohibit discrimination in every stage of employment, but is still limited within the same categories of personnel management. Discrimination should not be toler-

ated with excuses of different personnel management and/or employment types.

#### Part-Time Work <Article 11-1>

Although the Ministry of Health, Labour and Welfare is planning to add “Balanced Treatment Rule of Japan” into the Guidelines for Part-Time Work Law, the Rule is to recognize individual acceptability of transfer to other jobs and other locations as a legitimate reason of differential treatment, which is nothing but indirect discrimination. It is important to explicitly specify equal treatment in the Part-Time Work Law.

#### Equal remuneration for work of equal value <Article 11-1(d)>

In order to materialize equal remuneration for work of equal value, it is required to establish a concept of gender-neutral job value as well as a system to evaluate job value on gender-neutral basis, and to urgently legislate positive action and indirect discrimination.

#### Social Security System irrespective of gender <Article 11-1(e)>

In order to amend the taxation and social security into gender-neutral system, it is necessary to reform the public pension scheme from the current household basis to individual basis. Every part-timers should be given public pension rights by repealing the current thresholds for eligibility.

## Outline of The Organization

IMADR is an international human rights organization founded in 1988. IMADR is in consultative status with the United Nations(ECOSOC).

## Summary of The Report

### Multiple Discrimination: A Missing Perspective

The Japanese Government fails to report on the situations of women belonging to minorities (hereafter minority women), despite its treaty obligations to promote and protect human rights of all women in its territory regardless of nationality, ethnic origin, citizenship or legal status. Focus is placed by the government on Japanese women belonging to the majority group, not only in its reporting practice but more importantly in planning actions and taking measures. In fact, the government has shown very little interest and enthusiasm in knowing the realities of minority women and helping them. Hardly any statistics or data exists on their situations. Measures, whether legal or administrative, that are specifically targeted at minority women are almost non-existent.

The government should take the initiatives (i) to conduct researches on the situations of minority women; (ii) to take measures to protect them from acts contradictory to the treaty provisions, to remedy violations, and to promote their rights and status in the society and to ensure their effective participation; (iii) to provide support and services that meet their need. It should prepare a report that contains socio-economic data disaggregated by gender and national/ethnic groups and information on the measures taken.

Minority women are faced with discrimination based not only on gender but also nationality, ethnicity, indigeneity, descent, lack of citizenship or documentation, status of migrant worker or asylum-seeker. They are in general socially and economically marginalized, and faced with more difficulties in almost every aspect

of life than male members of the same group and Japanese women belonging to the majority. Consequently they are vulnerable to abuse, violence and exploitation.

The groups in question are:

- Koreans as the largest national minority living in Japan for generations (mostly not naturalized)
- Ainu people and Okinawans, the indigenous peoples deprived of their language, land and resources
- Buraku people discriminated and segregated on the basis of descent
- Migrant workers mainly from countries in Asia and Latin America
- Women trafficked into sex industry from other countries
- Non-Japanese women married to Japanese men (many of whom are mail-ordered brides from countries in Eastern Europe and Asia).

The pressing problems and issues involving minority women include: [articles of relevance]

(1) Hate crimes and violence against Korean girls in the absence of the government's determination and measures for effective prevention and punishment of the perpetrators. **[Article 2]**

(2) Trafficking of women into sex industries from countries such as Thailand, Colombia, China, Taiwan, Korea and the Philippines. **[Article 6]**

(3) Lack of (or limited) access to health care and other social services for migrant workers, asylum-seekers, and refugees. **[Article 12]** Prioritized criminalization, detention and deportation to basic human rights protection.

(4) Shortage of shelters, lack of medical/mental care and legal support for non-Japanese victims of domestic violence, trafficking and exploitative employment.

Their legal status as undocumented residents or workers often prevents them from seeking help from public authorities. [**Article 2**]

(5) Prevalence of rape and other sex crimes against women and girls in Okinawa by the U.S. military men taking the advantage of the Japanese government's reluctance to prevent and punish the crimes. [**Article 2**]

(6) Systematic discrimination and deprivation of Ainu people, Okinawans, and Buraku people. Many women belonging to these groups suffer from limited educational and employment opportunities, vocational training, and lower income. [**Articles 3, 10 & 11**]

## International Women's Year Liaison Group

---

### **Article 2**

In order to improve the Liaison Conference for the Promotion of Gender Equality, an increase in members from NGOs, activation of discussions with NGOs, etc. are necessary. While ordinances and action plans are being formulated and implemented by local governments, serious backlashes are occurring trying to impede progress and restore stereotyped perceptions of gender roles. Retreats are observed in school textbooks describing the issue of army comfort women,' for example, the word 'army' was deleted and the number of textbook companies which published textbooks for middle school students and dealt with the issue decreased from 6 to 1 in 2002.

The number of cases of sexual harassment on campus have not decreased even after the enactment of provisions prohibiting sexual harassment. The establishment of third party facilities is necessary which victims can consult with. It is urgent for Japan to ratify the Optional Protocol to CEDAW.

### **Article 7 (Article 4 is also relevant)**

Women's representation in local assemblies is particularly low and, therefore, improvements are necessary, such as awareness raising, measures to support working women, etc. As a result of 2000 revision of the Public Offices Election Law, the number of women who won the House of Councilors election in 2001 was less than that in the previous Upper House election.

### **Article 5, 10, and 12**

Backlashes are evident: while textbooks and guidebooks that approve stereotyped perceptions of gender roles are being authorized, textbooks and brochures that try to eliminate these perceptions (issued in commission of the Ministry of Education,

Culture, Sports, Science and Technology) and sex education booklets (issued by organizations affiliated to the Ministry of Health, Labor and Welfare) that address the earlier initiation of sexual intercourse among teenagers are being unjustly under fire, and ministers in charge speak in favor of the unjust accusations. Measures to promote gender equality in school education, including the abolition of non-coeducational public high schools, raising the ratio of women in managerial positions in school, etc., are necessary.

### **Article 11**

As a result of policies to promote diversifying forms of employment and flexible choice of profession, part-time workers and dispatch workers have increased in number and 70 percent of them are held by female workers. Many young people are also employed in these low-waged, short-term, unstable forms of labor and their economic independence is threatened. Even after the revised Equal Employment Opportunity Law came into force, disparity in wages between men and women (50 percent including part time workers) and discrimination in promotion still continue due to so-called indirect discrimination including employment management differentiated by career course and adoption of 'overtime work and transfers as criteria'

Regarding disparity in wages, it is important to eliminate discrimination due to the difference in the forms of employment, such as regular workers and part time workers. The present Part-Time Law doesn't have binding force, and, therefore, even if the policy based on the law is changed, it is impossible to eliminate disparity in wages. Revision of law is necessary, aimed at ratification of ILO Convention on part-time work and establishment

of principles for the fair and balanced treatment.

In order to make up for the insufficiency of day-care centers and after-school measures for children, it is urgent to expand non-profit child welfare facilities.

In the Long-term Care Insurance System, focus is on home care and the burden shouldered by families, particularly women, is still heavy due to the increase in insurance premiums. It is necessary to improve the system so that care that will meet the demands of each family can be given, and to secure resources that will cover long-term objectives.

### **Article 13**

More mothers of fatherless families, including unmarried mothers and widows, are poverty-stricken due to a depression and a cut in the budget for social welfare. There are cases in which some starved to death. More positive measures to provide them

with allowances, shelters, and employment opportunities are necessary, but childrearing allowance is curtailed and further curtailment is expected five years from now. Homeless women are increasing in number.

### **Article 16**

Revision of a Part of the Civil Code concerning surnames of married couples, discrimination against children born out of wedlock, minimum age for marriage and period required for women to remarry after divorce or cancellation of former marriage has not realized yet owing to the conservatives who insist that the revision will 'lead to collapse of the family.' The points at issue on the Law for the Prevention of Spousal Violence and the Protection of Victims are: supporting NGOs are doing the work as subcontractors without financial aid; present protection orders have many flaws and victims are still suffering from secondary violence: emergency protection facilities should be improved qualitatively and quantitatively; measures to reconstruct victims' lives are urgent, such as provision of employment opportunities and shelters and revision of relevant laws, etc. The legal framework of support for victims of violence other than DV is also necessary.

## **Japan Anti-Prostitution Association**

---

### **Outline of The Organization**

The liaison conference group consisted of 14 NGOs that worked together to establish the Anti-Prostitution Law

### **Summary of The Report**

CEDAW Article 6

Present state of affairs in relation to prostitution in Japan

The Japanese government must set about reforming the present legal system in order to respect women's human rights sufficiently.

It is also an urgent task for the government to build up a closer connection between administrative agencies and NGOs as well as to provide enough financial support to NGOs.

## Japan Civil Liberties Union

---

### Outline of The Organization

The Japan Civil Liberties Union (JCLU) is an independent non-profit organization which aims to protect and promote human rights for all persons regardless of beliefs, religion or political opinion. JCLU's work is conducted in accordance with internationally recognized human rights principles, namely the Universal Declaration of Human Rights. The JCLU was founded in 1947, the year the new Constitution of Japan was promulgated.

### Summary of The Report

#### National Human Rights Commission

##### (Article 2c)

1. The Japanese government should make a drastic amendment to the present Human Rights Bill to provide legal guarantees for the independency of the proposed National Human Rights Commission (The Commission.)
2. The Commission should be able to provide affirmative remedies with legal force for any kind of human rights infringement caused by public authorities. The obligation of public authorities to obey orders issued by the Commission should be expressed in the Bill.
3. Discrimination against women in the field of employment and labour conditions should also be included within the jurisdiction of The Committee.

#### Gender Training for Personnel in the Justice Field(Article 2(c))

1. It is necessary for the Supreme Court vis-à-vis judges and legal trainees, the Ministry of Justice vis-à-vis public prosecutors and correction officers and the National Police Agency vis-à-vis law enforcement officers to provide training programs on gender discrimination.
2. The training programs should be extended to cover all lay participants.

3. The government should disclose information on plans and results of these gender training programs

#### Discriminatory remarks made by public officials(Article 2(d))

The Japanese government, on its own responsibility, should take the necessary action against discriminatory remarks made by public officials, especially those in high ranks• A and implement an appropriate training (program) to prevent further recurrence.

#### Discriminatory acts in the public workplace(Article 7)

The Japanese government should make efforts to eliminate gender discrimination and prevent further recurrence in the public domain, especially within the legislative bodies. The government should also work on setting to increase the ratio of female participation in the decision making process.

#### Introduction of Male Midwives(Article 12)

The Japanese government should be prudent enough to allow the possibility of granting midwife's licenses to men by guaranteeing women's rights to privacy, to choose or any other fundamental rights.

#### Domestic Violence (Article 6)

1. In accordance with "Law for the Prevention of Spousal Violence and the Protection of Victims" (DV Law), the National Police Agency should make clear standards for handling domestic violence (DV) cases, in particular, for the arrest of a perpetrator, and for making these standards known to Prefectural Police Headquarters.
2. It should be made clear in such standards that police officers must protect victims and take strict criminal measures against perpetrators who clearly commit criminal acts.

## Japan Federation of Bar Associations

---

### Contents of The Report

I. Spousal Violence (question 8, government report's article 2.4 (1) e, article 16.2 (2)) .....	1
II. Sexual Harassment (question 10, government report's article 2.4 (6)) .....	4
1. Current Legal System	
2. Prevention in the Workplace	
3. Relief the Victims of Sexual Harassment	
III. Rights of Foreign Women (question 12, government report's article 6.1 (2)) .....	5
1. Determining the Number of Victims	
2. Human Trafficking: View from the Inside	
3. Relief for the Victims	
4. Punishment	
IV. Discrimination Against Women in Employment (question 18, government report's article 11.1-1 (1)) .....	8
1. Employment of Women Students	
2. Discrimination Against Women in Resignation and Dismissal	
V. Part-time Workers (question 19, government report's General Introduction 2 (3), article 11.1-2 (1)) .....	9
1. Wide Variety in Employment Forms for Japanese Women	
2. Women Part-time Workers and Their Situation	
VI. Dispatch Workers (question 20, government report's article 11.1-2 (2)) .....	12
1. Dispatch Workers	
2. Changes in the Legal Regulation of Dispatched Labor	
3. Labor Dispatching at a Glance	
4. The Need for Worker Protection	
VII Gender-related Education and Training in the Judiciary (government report's article 2.3 (3)) 15	
1. Statement in Government Report Article 2.3 (3), and the Reality	
2. Problems	
VIII. Poverty in Japan (not covered in government report) .....	17
1. Rising Unemployment and Other Problems	
2. Higher Social Insurance Premiums	
3. The Homeless	
4. Desperate Circumstances for Household Finance	



## Japan Federation of Women's Organizations' (FUDANREN)

---

### Summary of The Report

#### Introduction

Following its previous report (1998), Japan Federation of Women's Organizations (FUDANREN: 20 affiliated organizations including women's associations and women's sections of trade unions and citizens' groups) wishes to submit to the Committee on the Elimination of Discrimination against Women a new report jointly prepared by its affiliates so as to ensure that the realities of Japanese women will be more correctly reflected on the Committee's considerations.

#### Article 2

The Basic Law for a Gender-equal Society enacted in 1999 has some positive aspects but also diverse negative aspects, especially in that it does not provide corporate responsibilities and the right to maternity protection. While progress has been made at local government level in establishing regulations and implementing programs, backward trends favoring stereotyped perceptions of gender roles have emerged.

The governmental investigation into the "wartime comfort women" issue as well as the actions undertaken by the Asian Women's Fund are both insufficient in substance and the problem still needs a comprehensive settlement. In school education, only 3 of the 8 textbooks currently used by lower secondary schools make mention of comfort women.

The House of Councilors adopts in each session a petition calling for the ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women but the governments still refuse to ratify it on the ground that it would violate the independence of judicial power.

#### Article 7 (also related to Article 4)

Causes for low representation of women in the Diet and managerial positions should be brought to light. Adverse revisions in the election system have made the

participation more difficult for women, in particular in the House of Councilors: as a result of 2001 election, the ratio of women Councilors decreased from the previous 1998 level.

#### Article 10

Coeducation in public education needs to be promoted. Backlashes for gender equality including attacks on efforts to make home economics a compulsory subject for both male and female students and withdrawal of sexual education leaflets have been observed.

#### Article 11

About 50% of women workers are employed on non-regular basis. Employment discrimination is the most significant for married women. Even after some amendments have been made to the Equal Employment Opportunity Law, discrimination against women in wage and promotion remains persistent due to indirect discrimination through differentiated career management and result-based wage system. The wage gap between men and women (including part-time workers) is as high as 50% and women occupy only 12% of low managerial positions. Most of part-time and dispatched workers have employment contracts of limited duration and their wages and other working conditions are considerably poorer than regular workers. As no guaranteed minimum pension exists for women workers, the wage and seniority differentials are directly reflected on the amount of pension. As a result of the abolition of protective regulations for women, cases of death from overwork (karoshi) and maternity destruction by long intensive work are increasing. Women have their right to health and safety in the workplace violated.

Women still shoulder most of childcare and nursing care of dependent family members. The quality of childcare service that the government provides as measure to "support to make work compatible with family life" is worsening due to the privatization of childcare

facilities. The services offered by the national nursing care insurance are used only 40%, due to the high level of insurance premiums, expensive fares and inadequate management and infrastructures (also Articles 3 and 12 on aged women and health care).

### **Article 13**

Cuts in childcare benefits for fatherless families in the name of “promotion of self-reliance” pose a grave problem.

### **Article 14**

As a result of deregulation of imports and overseas delocalization of industries, small and medium sized enterprises as well as farms have seen their incomes considerably diminished and women find themselves deprived of conditions that would allow them to become economically self-reliant. More and more women

farmers take side jobs, which fact increases their work burden in addition to housework and the difficulty in participating in social activities. It is therefore necessary to amend tax laws so that work done by family members in family businesses is recognized as waged work and to provide them with adequate paid leaves for maternity and sickness.

### **Article 16**

Following the National Advisory Council’s recommendations and the results of the opinion poll, the Civil Code should be amended as soon as possible to allow married couples to adopt separate surnames. The current law for the prevention of domestic violence has many deficiencies, in particular contracting-out of shelters to NGOs and needs to be improved.

## **Japan Network for Abolishing “Koseki” and Discrimination against Children Born out of Wedlock (JNKDC)**

---

### **Summary of The Report**

We are members of a Japanese NGO, JNKDC, which we operate in order to eliminate discrimination against children born out of marriage and realization of society in which every lifestyles of women are respected and all the women who bear children out of her marriage shall not be discriminated against.

Children cannot select their parents. The government shall not be allowed to discriminate children born out of wedlock by legislation for the reason of the fact that their mothers are not married.

We complain that there are following discrimination against children born out of wedlock in the Japanese law.

1. The Legislative Council of Japan proposed, in 1996, equalization of the right of inheritance between children born in and out of wedlock, but the government deleted it from the draft amendment of the Civil Code which was to be proposed to the ruling parties, for the reason that there are strong opposition inside of the ruling parties. In March 2003, the Supreme Court made two decisions which declared that the discrimination against children born out of wedlock in the right to inheritance is not unconstitutional. The Japanese government has no intention to eliminate discrimination positively.

2. There exist discriminatory expressions in family-relation (between parents) columns on Koseki files, which make clear whether the child is born in or out of wedlock. We use the copies of Koseki files when we get jobs, enter into schools or get passports. For children born out of wedlock, everytime they use the copies, the fact that they were born out of wedlock is exposed to the other people, and in many cases they are refused to get jobs or to enter into schools. The government says that the distinction in family-relation col-

umns is necessary because there is a provision of the Civil Code (Article 900) concerning the right to inheritance. However, discriminatory expressions are not necessary for that purpose, because we can tell who is a child born out of wedlock by just a glance of the family matters columns of Koseki files, not family-relation columns. Moreover, it is not necessary to amend the law in order to eliminate such discriminatory expressions. Amendment of a ministerial regulation will do. The government can eliminate discriminatory expressions as early as even tomorrow.

3. The government forces the unmarried mothers to make clear whether their children were born “in” or “out” of wedlock on birth notifications. If the mothers refuse to do it, the birth notification shall not be accepted, and Koseki file shall not be made for such children. Resident registration files shall also be made without Koseki files, and children cannot get passports to go abroad.

4. If the mothers do not have the Japanese nationalities, their children cannot get the Japanese nationalities even if the fathers acknowledge the children at the same time as the birth notifications, unless the fathers acknowledge them while the mothers are pregnant.

The CCPR Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Committee on the Rights of the Child respectively recommended to eliminate discrimination against children born out of wedlock, but the Japanese government has not changed its opinion that such distinctions are not “discrimination” and do not violate international human rights treaties.

We sincerely hope that your committee recommend to the Japanese government that it shall eliminate the above discrimination against children born out of wedlock (for example in the expressions on Koseki).

# Japanese Association of International Women's Rights

---

## Outline of the Organization

JAIWR was established in 1987 for the purpose of research and promotion of the Convention on the Elimination of All Forms of Discrimination against Women (hereunder Convention). In 1998, the organization became ECOSOC accredited NGO. Current president of JAIWR is the former CEDAW expert, Ryoko Akamatsu. Main activities of JAIWR include academic research, organizing symposiums and workshops, and publishing articles and books on the Convention. The organization has been paying special attention to the consideration of Japanese reports by the Committee, sending its representatives to monitor the Committee's consideration of Japanese initial report in January 1988 and the combined consideration of second and third periodic reports in 1994. JAIWR have published complete text of each report and the consideration by the CEDAW in its annual journal, increasing the awareness and knowledge of the Convention among Japanese NGOs.

This time, for the consideration of the 4<sup>th</sup> and 5<sup>th</sup> periodic report of the Japanese government, JAIWR played instrumental role in setting up the Japanese NGO Network for CEDAW, organizing major Japanese women's rights NGOs to collaborate in presenting NGO's views to CEDAW Committee.

## Summary of The Report

Since the second consideration of Japanese reports in 1994, there have been many positive changes in or-

der to better implement requirements of the Convention in Japan, including establishment of the Basic Law for Gender- Equal Society and the Law for the Prevention of Spousal Violence and the Protection of Victims as well as strengthening the national machinery. These positive changes were, in a sense, brought out by the influence of the NGO Forum that had been held in conjunction with the Fourth World Conference on Women in 1995 where 5,536 Japanese women had participated. In addition, many local governments have formulated ordinances to promote gender equality (42 prefectures and 109 cities, wards, and towns as of April 2003) which have made favorable impact on the society by putting gender equality on local agenda.

However, at the same time, the fact that "backlash" brought by conservative parties in the process of formulating such ordinances should not be neglected. JAIWR welcomed that Japanese Government tried to accept inputs from NGOs in the process of drafting its fifth periodic report to the CEDAW. However, more substantial discussion with NGOs should have taken place according to the Committee's Concluding Comments (A/50/38).

Japanese NGOs are hoping with much enthusiasm that Japanese Government ratifies the Optional Protocol to the Convention and take necessary procedure to accept the revision of Clause 1, Article 20 of the Convention immediately.

# ***Kyofukai, Japanese Christian Women's Organization*** **- HELP ASIAN WOMEN'S SHELTER**

---

## **Summary of The Report—The Voices of Victims of Human Trafficking – from an NGO Women's Shelter**

### **Women who escaped from trafficking brokers to HELP Asian Women's Shelter (2000 – March 2003)**

<b>Nationality</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003.1 – 2003.3</b>
Thai	2	17	16	19*
Colombia	9	17	7	1
China			1	
Mexico			1	
Rumania		1		
Peru			1	
Costa Rica				2
<b>Total</b>	<b>11</b>	<b>35</b>	<b>26</b>	<b>22</b>

\* = 3 of these women were minors

1. Police and Immigration - officials do not recognize that these women have been victimized.

Ex. 1) 2001 – Colombian women escaped from the place where they were being forced to work and sought assistance and protection at the police station and the immigration office, but were refused help at both places. At last the Colombian Embassy escorted them to the shelter and provided the police with information in an effort to arrest the brokers, but despite the cooperation of the Embassy, the police were inactive in investigating the case. Not only were the brokers not arrested, but during the questioning of the women, they were repeatedly subjected to sexual harassment at the hands of the police.

Ex. 2) 2001, 2002 – Colombian women escaped from trafficking and forced prostitution, but when they contacted the police they were told that, “If you escaped before you prostituted yourself then you can’t be said to be the victim of forced prostitution, can you? But if you were ready to work even though you don’t have a visa then that’s the real crime and you’re the one who’s doing criminal and illegal things.” This was the response they got from the police, instead of active investigation and arrest of the brokers. The women were treated as criminals, not victims.

2. Hospitals – even when the victims are in need of medical care, they are forced to pay all the medical fees themselves. The women who escape to the shelter have been exploited and have no money, so the shelter or other supportive services agencies end up paying their medical fees.

Ex. 1) 2003 – When the Colombian women don’t bring in enough money from customers, the brokers and yakuza gang rape them. One woman was impregnated thus, but still forced to take customers even when she was pregnant. She chose to have an abortion, which was carried out while she was staying at the shelter.

Ex. 2) 2003 – A Thai woman staying at the shelter suffered extreme abdominal pain and was taken to the emergency room. She was diagnosed with appendicitis but since she did not have any money to pay the medical fees she was only given one day’s worth of medication and discharged. Later she was in so much pain she had to go back to an out-patient clinic. Upon negotiation, the Thai Embassy agreed to pay the fee for additional medication.

3. Government – The national government does not provide any financial grants or assistance for the NGOs supporting the victims, and assistance from the Tokyo Metropolitan Government only covers 2 months worth of the shelter’s annual operating costs. The victims do not have any money of their own, so the shelter must provide free room and board for them. The government does not cover room and board fees for victims. Additionally, since the government does not cover repatriation costs, many women are unable to escape from the brokers and/or forced to spend months in the shelter until they manage to round up funds on their own. During this time, the government does not grant them legal immigrant status or any counseling or other victims’ services.

# New Japan Women's Association (NJWA)

---

## Outline of The Organization

Established in 1962, the New Japan Women's Association works for better living conditions, women's rights, peace, and international solidarity. It is an individual-membership based national organization with the membership of 200,000, and 300,000 subscribers to its weekly newspaper.

## Summary of The Report

### On Part I: General Introduction

The Fifth Periodic Report cites a series of statistical information and legal measures on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, but lacks analysis of and concrete measures to resolve the problems facing women, failing to respond to the concluding observations presented by the Committee on the Elimination of Discrimination against Women in 1994. The NJWA points out four factors on the backward progress in eliminating discrimination against women in Japan, with regard to the attitude of the Japanese government on the issue.

- Despite women's demand that the term "gender equality" should be used in naming a basic law for the elimination of discrimination, the Government clung to the term "equal participation" instead. However, it uses the "Basic Law for a Gender-equal Society" as the English translation of the law, which is a deception. Since the establishment of this law, the term "gender equality" has disappeared from state documents and policies.

- From the viewpoint that respect for the rights and equality between both sexes are universal values under any social, economic circumstances, we requested the government not to insert the language "...can respond to changes in socioeconomic circumstances" into Article 1 of the Basic Law that stipulates the purpose of the law, but the Government did not agree. As we had worried, the Government has since pushed ahead, in

the name of "gender equality" and "independence of women," with the "structural reform" policies by reducing wages, worsening labor and conditions, and cutting the expenditures on education and social welfare.

- The Fifth Periodic Report makes no reference to peace, despite the earnest desire of the Japanese women. Being the government of the only atomic bombed country with the Constitution that renounces war, the Japanese government has, under the U.S. thumb, forced through overseas dispatch of the Self-Defense Forces and arms build-up. Worse still, it at once expressed its support to the war on Iraq started by the U.S. and Britain in defiance of the U.N. Charter. It now plans to enact contingency bills, and adversely revise the Constitution as well as the Fundamental Law on Education, with a view to making Japan a war-nation.

- In Japan today, forces that glorify Japan's war of aggression and aim to revive the traditional family system are intensifying attacks on gender-equal education including sex education, and against municipalities working on an ordinance to promote gender equality. Lack of the firm attitude on the part of the government toward such "backlash" has caused great difficulties to women's movements and policies on women.

### On Part II: Report by Article

Our alternative report covers all the articles of the Convention, but here, due to the space limitations, we focus on proposals on some specific issues. We demand that the government should:

- Take legislative and other effective measures to eliminate discrimination immediately through ratification of ILO conventions so as to redress the wage disparity, and by making prohibitive and penal provisions for indirect discrimination, which are not established even in the "revised" equal employment opportunity law (Article 2, 11);

- Change its attitude of refusing the ratification of

optional protocols to the CEDAW and other conventions on the ground of concerns about Japan's judicial right to be infringed (Article 2,6);

- Facilitate the enactment of a member bill to facilitate the solution of the war-time forced sexual damage, so as to solve the military "comfort women" problem in conformity to the recommendations repeatedly issued by the U.N. (Article 2);

- Take measures to ensure human rights and livelihood for the disabled or aged, single mothers, and all those socially vulnerable women, instead of imposing the reduction of pension and welfare in the name of "self-reliance" (Article 3, 11, 13);

- Recognize the removal of the protective measures for women from the Labor Standards Law is in violation of the Convention, and take measures for dismissal regulation and job creation, while ensuring human labor conditions that will allow workers to cope with both job and family responsibilities (Article 4,11);

- Take a firm line on "backlash" against gender equality and in favor of gender roles (Article 5, 10,12)

- On diversifying forms of prostitution and trafficking, inflict strict punishment on procurers, brokers, and buyers, providing victimized children and women with sufficient degree of protection (Article 6);

- Support the health of women throughout their lives based on the reproductive health/rights, providing sex education from childhood, constant health consultations, and ensuring pregnancy and medical treatment for pregnancy, childbirth and diseases common to women covered by health insurance (Article 12);

- Evaluate women's labor in agriculture and self-owned business, and revise the tax and health insurance systems for their advancement (Article 14);

- Amend the Civil Code without delay to address the issues including surnames of married couples and out-of-marriage children (Article 16).

# NPO Dispatched Labor Network

---

## Outline of The Organization

President: Mami Nakano, Attorney-at-law. Established in 1991, recognised as an NPO in 2001.

Members consist of corporate and non-corporate trade unions, temporary workers registered with temporary staff dispatch agencies (referred heretofore as "dispatched workers), non-regular employees of various categories, regular employees, lawyers, university professors and other individuals and organisations.

This NPO interfaces with, and advises to, the Ministry of Labor, Health and Welfare, as well as provides consultation and research services concerning dispatched workers.

## Summary of The Report

Labor Dispatch. Article 11.1-2(2)

Dispatched workers in predominantly female job categories work for lower-than-average wages, thus bringing down the overall average wage level. The wage gap is widening between female and male dispatched workers.

Sexual discrimination in employment for dispatched workers is closely related to gender-biased personnel management policies of the companies that hire them. Although the Labor Dispatch Law and the Equal Employment Opportunity Law were enacted simultaneously, the laws enabled companies to continue practising sexual discrimination in employment by establishing a new type of gender-biased personnel management system that set two separate career tracks for workers. Under this system, most women were assigned positions subsidiary to those on the "fast track." And in the course of corporate restructuring, many women in these subsidiary positions were replaced by dispatched workers.

Today, dispatched workers are getting their hourly wages cut and working longer hours in more unstable conditions---namely, they are more prone to be terminated unexpectedly. The situation is worse for female dispatched workers than their male counterparts.

To prevent this situation from getting even worse, a firm set of rules is necessary to make sure that dispatched workers receive equal pay and equal treatment as other employees engaged in the same job in the same place of work.

And just as important, a strict ban on sexual discrimination in employment must be enforced not only on corporations that hire dispatched employees, but also on the agencies that dispatch these people to corporations.

Sexual discrimination in the dispatched labour sector constitutes the biggest barrier to equal employment opportunity for all. Temporary staff dispatch agencies must see to it that men and women alike are trained equally in any type of occupation, irrespective of whether it was traditionally male-dominated or female-dominated.

To rectify the deteriorating earnings by women, a policy of equal treatment of both sexes must be implemented systematically throughout the entire labour market. At present, the Japanese government has yet to pay any real attention to the problems being faced by dispatched workers. No government policy has been set to ensure equal treatment of male and female dispatched workers.



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

---

### **Outline of the Organisation**

- VAWW-Net Japan was founded in 1998 with the commitment to building a non-militarized world in order to eliminate violence against women in war and armed conflicts. Our three areas of concern are: 1)Japan's military sexual slavery ("comfort women"), 2)sexual violence around US military bases, and 3)violence against women in current armed conflicts.

- VAWW-NET Japan was on the International Organizing Committee for the "Women's International War Crimes Tribunal on Japan's Military Sexual Slavery".

### **Summary of The Report**

**Japan's military sexual slavery, otherwise known as the "comfort women" issue**

#### **Related Articles of CEDAW**

Article 2 (b) (d) [Policy Measures]

### **Conclusions**

1. The fourth and fifth reports submitted to CEDAW by the Government of Japan discuss only on the activities of the Asian Women's Fund. Their "atonement money" project has virtually come to its end in May 2002. The total number of women who have received the AWF's "atonement money" amounts to only 285. Neither the Governments of ROK nor Taiwan have welcomed the AWF as a solution because it is not an act of the Government of Japan itself, and both countries are already providing their nationals who are "comfort women" victims with financial support for medical care and everyday life.

2. Various UN bodies have made recommendations to the Government of Japan in regards to the issue of wartime "comfort women", the most comprehensive of which are: UN Special Rapporteurs (1996 by Radhika Coomaraswamy and in 1998 by Gay J. MacDougall), Concluding Observations of the Committee on Economic, Social and Cultural rights (Japan. 24/09/2001. E/C. 12/1/Add.67. paras. 26&53), ILO Reports of the Committee of Experts on the Application of Conventions and Recommendations, Forced Labour Convention 1930 (Observation 2000, Japan, para.10 & Obser-

vation 2001).

Nevertheless the Government of Japan has taken no effective measures to respond to UN directives to date. As an active member of the United Nations, Japan has a responsibility to follow UN counsel immediately and sincerely.

3. Both in its fourth and fifth reports, the Government of Japan claimed that junior high and high school textbooks have references to this issue. However, out of eight history textbooks that past screening by the Education and Science Ministry for use in junior high schools in 2002, only one has reference to the "comfort women" issue. The other seven have no reference in relation to the issue.

4. To date, claims made by survivors in Japanese courts calling for sincere apology and compensation have been unsuccessful. Two out of ten lawsuits filed by "comfort women" victims against the Government of Japan have been dismissed finally by the Supreme Court, exhausting local remedies. The other eight have been dismissed by the high and district courts. The present domestic judiciary system will not work for redress on this issue.

### **Recommendations**

The government of Japan must provide the following remedial measures in order to fulfil its responsibility.

1. Acknowledge fully its responsibility and liability for the establishment of the "comfort" system, and that this system was in violation of international law.

2. Issue a full and frank apology, taking legal responsibility and giving guarantees of non-repetition.

3. Compensate the victims and survivors and those entitled to recover as a result of the violations declared herein through the government and in amounts adequate to redress the harm and deter its future occurrence.

4. Establish a mechanism for the thorough investigation into the system of military sexual slavery, for public access and historical preservation of the materials.

5. Set up education policies to prevent the negligence of the historical facts by post-war society and the recurrence of wartime sexual violence, including accurate and meaningful inclusion in textbooks.

# **Women against Sexist-Ageist Remarks by Governor Ishihara**

## Outline of the organization

Established in March, 2002. Calling for full apology and retraction of the discriminatory remarks by the governor of Tokyo ISHIHARA Shintaro: "it's both wasteful and sinful for women to live beyond menopause". The group also serves as the secretariat for the lawsuit claiming apologies and compensation from ISHIHARA Shintaro.

## Summary of The Report

### **Related articles of CEDAW Article 2 (d)**

#### **Discriminatory acts or practices by public authorities**

- Discriminatory remarks by a public authority whose obligation is to actively implement the Convention may aggravate discrimination and violence against women.
- Having signed the Convention, the government of Japan has a responsibility to take appropriate measures toward retraction of discriminatory remarks, full apology, and prevention of recurrence, and to supervise local governments to comply with the Convention.

# Working Women's International Network

---

## Outline of Organization

NGO working for the improvement of the status of working women, while supporting the Sumitomo Cases plaintiffs

## Summary of The Report

On Article 11 of CEDAW

9 years ago in 1994, WWIN submitted a report (A Letter from Japanese Women Circle ) at the time of the consideration of the Japanese government report at CEDAW, regarding the sex discrimination in companies. Following the consideration, CEDAW issued the following concluding observations in 1995.

The Committee noted further with interest that, despite the introduction of the Equal Employment Opportunity Law, individual discrimination continues.

The Government of Japan should ensure that the private sector complies with the provisions of the Equal Employment Opportunity Law and report on the measures taken to address the indirect discrimination faced by women, both in terms of promotion and wages in the private sector.

The Japanese government, however, has not taken any effective steps, and the elimination of sex discrimination in Japan has not made much progress. In 1994, women employed by 3 manufacturers of the Sumitomo corporate group applied to the Osaka Women and Young Workers' Office for mediation under the Equal Employment Opportunity Law for the correction of wage discrimination between men and women. In the end, the 9 women employed by the 3 Sumitomo manufacturers were compelled to file suit in August 1995. In the Sumitomo Electric Case, the plaintiffs also sued the government for violating the CEDAW by the failure of the Osaka Women and Young Workers' Office to start mediation under the Equal Employment Opportunity Law.

In July 2000, the Osaka District Court decided in

the Sumitomo Electric Case that, "the separate hiring tracks for men and women is against the objectives of Article 14 of the Constitution, but cannot be said to violate public order and good morals in the cases for women hired around 1965-1975. There is a notable difference in wages between men and women, but the difference arises from the differences in pay raise and promotion based on hiring categories, and is not sex discrimination. For women hired before the enactment of the Equal Employment Opportunity Law, the Law does not apply retroactively, therefore, there is no responsibility to correct the difference." The decision dismissed all arguments by the plaintiffs, who are now appealing at the Osaka Appeals Court. The plaintiffs of the Sumitomo Chemicals also lost their case in March 2001.

## **WWN's recommendation towards CEDAW in realizing gender equality**

- (1) Include an explicit provision prohibiting indirect discrimination in the Equal Employment Opportunity Law
- (2) Include an explicit provision prohibiting indirect discrimination in the Basic Law for a Gender Equal Society
- (3) Make fundamental amendments to the new guideline under the amended Equal Employment Opportunity Law, including abolishing the provision regarding "within each employment management category." The new guideline stipulates that existence of discriminatory treatment should be decided within each employment management category, allowing companies to maintain their track-based employment management, which leads to sex discrimination.
- (4) Include an explicit provision for the principle of equal pay for work of equal value in the Labour Standards Law
- (5) Faithfully implement CEDAW, ILO Convention No. 100 and other international treaties

- (6) Ratify the Optional Protocol to CEDAW as early as possible
- (7) Ratify ILO Convention No. 111 as early as possible
- (8) Conduct education programs regarding gender and international law for members of the judiciary including judges, prosecutors, lawyers, family court mediators, etc.