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**Committee on the Elimination of Discrimination
against Women**
Pre-session working group
Twenty-ninth session
30 June 18 July 2003

**List of issues and questions with regard to the consideration of
periodic reports****Japan**

1. The pre-session working group examined the fourth and fifth periodic report of Japan (CEDAW/C/JPN4 and CEDAW/C/JPN5)

Issues and questions

(References to page numbers of the report are based on the English text.)

Legislation and the national machinery

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.

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.

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?

5. Page 18 of the fifth periodic report indicates that, while all prefectures 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?

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?

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 rights 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.

Violence against women

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?

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.

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.

Stereotypes

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 the major obstacle to a society with gender equality. In this connection, the Specialist Committee on Surveying Effects has reportedly been conducting 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.

Prostitution and Trafficking

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 taking place? Are the women prosecuted as well as the procurers and brokers?

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.

Employment and education

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

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 per cent in 2001) of female faculty members reported on page 36 of the fifth periodic report?

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?

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?

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?

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?

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.

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?

22. It is stated on page 68 of the fifth 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?

Participation in public life and decision-making

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?

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?

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 percentages quoted on page 53 of the fifth periodic report?

Health

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?

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 behaviour and health. Have all local governments prepared such handbooks? What system has the Government introduced to monitor the effectiveness of these handbooks?

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

Equality in marriage and family law

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.

Women with disabilities

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.

Optional Protocol and amendment to article 20(1)

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.

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.