



Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

List of issues and questions prior to the submission of the ninth periodic report of Japan*

Legal status of the Convention and visibility and ratification of the Optional Protocol thereto

1. Please provide information on the measures taken to ensure the full incorporation of the provisions of the Convention into national legislation. Please report on the training, capacity-building and awareness-raising programmes undertaken by the State party to familiarize the Government, ministries, parliamentarians and the judiciary with the Convention and the Committee's general recommendations. Please indicate whether an impact assessment of such training has been undertaken. Please provide examples of cases in which the provisions of the Convention have been referred to by domestic courts. In the light of the Committee's previous concluding observations on the combined seventh and eighth periodic reports of Japan ([CEDAW/C/JPN/CO/7-8](#), paras. 8, 9 and 50)¹ and the recommendations made by the Working Group on the Universal Periodic Review in 2018 ([A/HRC/37/15](#), paras. 161.11 and 161.12), please elaborate on the consideration given to the ratification of the Optional Protocol and any obstacles to ratification. Please also report on the plan and prospects for approval by the parliament (Diet) in relation to the time frame for ratifying the Protocol.

Definition of discrimination against women and legislative framework

2. In the light of the Committee's previous concluding observations (paras. 10–13) and in accordance with articles 1 and 2 of the Convention, please provide information on specific measures taken to introduce a comprehensive definition of discrimination against women that encompasses direct and indirect discrimination and discrimination in the public and private spheres by State and non-State actors. Please provide information on comprehensive anti-discrimination legislation that prohibits multiple/intersectional forms of discrimination against women and girls belonging to minority groups and protect them from harassment and violence. Please elaborate on the obstacles to the establishment of an independent expert body to monitor and assess the impact of measures taken to eliminate discrimination against women belonging to

* Adopted by the pre-sessional working group on 6 March 2020.

¹ Unless otherwise indicated, paragraph numbers refer to the Committee's previous concluding observations.



minority groups in the State party. Regarding the Imperial House Act, the provisions of which currently exclude women from succeeding to the royal throne, please provide details on the steps that the State party intends to take to enable female succession to the throne.

3. In accordance with the State party's obligations under articles 1 and 2 of the Convention and in line with target 5.1 of the Sustainable Development Goals, to end all forms of discrimination against all women and girls everywhere, and indicator 5.1.1, please specify the timeline for the completion of the process of harmonizing legislation and policies in the State party in order to promote, enforce and monitor equality and non-discrimination on the basis of sex in all areas covered by the Convention.

4. It has been reported to the Committee that two recently adopted legislative frameworks, the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan and the Act on the Promotion of the Elimination of Buraku Discrimination, lack a gender perspective, do not provide for sanctions and redress for offences of hate speech against women and girls belonging to minority groups, and do not prohibit discrimination against Ainu women and girls. Please outline the steps that the State party intends to take to address these gaps. In relation to the Committee's previous recommendation (para. 13 (a)), please provide information on action taken to adopt legislation safeguarding the choice of women to retain their maiden surnames upon marriage. Please elaborate on the measures that the State party intends to take to abolish waiting periods for women to remarry upon divorce, given that the recent partial revision of the Civil Code set the period of prohibition on remarriage at 100 days.

National human rights institution

5. In line with the previous recommendation of the Committee (para. 15), please indicate the steps taken by the State party towards establishing a national human rights institution with the mandate to cover women's rights, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). A draft bill on the establishment of a human rights commission was reportedly prepared and submitted to the Diet in 2012, but there has been no progress on it to date. Please shed light on the efforts being made to overcome the obstacles that have caused the delay.

National machinery for the advancement of women

6. In line with the Committee's previous concluding observations (para. 16), please advise whether the mandates of the Council for Gender Equality and the Liaison Conference for the Promotion of Gender Equality have been defined. Please report on the mechanisms for ensuring the coordination of policies and programmes for gender mainstreaming, including gender-budgeting, among the Office of the Minister of State for Gender Equality, the Council for Gender Equality and the Liaison Conference. Please provide data on the human and financial resources allocated and the steps taken to put in place a system to monitor the implementation of the fifth basic plan for gender equality in the context of the Convention.

Temporary special measures

7. Please provide information on the impact and outcomes of the numerical targets, introduced to accelerate de facto equality between men and women, set out in the fourth basic plan for gender equality. Please report on efforts to adopt statutory quotas, in accordance with article 4 (1) of the Convention and the Committee's

general recommendation No. 25 (2004) on temporary special measures. Please also provide information on measures taken to enhance the rights of women belonging to minority groups and women with disabilities, in all areas of the Convention. Please elaborate on the targets and indicators set forth in the fifth basic plan for gender equality that relate specifically to the advancement of women.

Stereotypes and harmful practices

8. With regard to the Basic Act for a Gender Equal Society, the fourth basic plan for gender equality and human rights education programmes, please advise whether there are data, indicators or information that measure the effectiveness of such laws, plans and programmes in combating the sexual objectification of women and girls and the sexist speech directed against women and girls belonging to ethnic and minority groups, in particular Ainu, Buraku, Zainichi Korean and migrant women. Please elaborate on the measures taken to combat patriarchal attitudes and deep-rooted stereotypes, which are reflected in education, employment, economic and business life, political and public life, and family responsibilities. Please provide information on the steps taken to ensure monitoring, compliance and review and to establish complaint and redress mechanisms in this regard.

Gender-based violence against women

9. In line with the provisions of the Convention and the guidance given in the Committee's general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, please report on the steps taken to amend the Penal Code to ensure that it addresses violence against women, including through provisions penalizing domestic violence, marital rape and incest. Please provide details on the legislation addressing marital rape and clarify whether the existence of a relationship between the parties is regarded as an aggravating factor in the determination of the sentence. Please provide data disaggregated by age, ethnicity, geographical location, immigration status and nationality, and indicate the relationship, if any, between victims and perpetrators, for all forms of violence. Please provide data on the number of cases investigated and perpetrators prosecuted, convicted and punished. Please provide data on shelters and support facilities for victims of violence, and details on the application of restrictive orders in such cases. Please also elaborate on the measures in place to ban pornographic materials that promote sexual violence against women and girls.

10. In line with the previous concluding observations of the Committee regarding the Eugenic Protection Act (para. 25), please provide detailed information on past violations in the form of forced sterilizations of women. Please report on the specific measures being taken to provide all victims of forced sterilization with access to legal remedies, compensation and rehabilitative services.

11. It has been reported to the Committee that corporal punishment is prevalent and widely accepted at school and at home and that the legal framework does not explicitly prohibit corporal punishment in all settings. With reference to the recommendation made by the Committee on the Rights of the Child during the reporting period ([CRC/C/JPN/CO/4-5](#), para. 26), please provide information on the steps taken to prohibit and eliminate corporal punishment of children, in order to support overall efforts to eliminate violence against women and girls.

Trafficking and exploitation of prostitution

12. Please provide information on the results achieved under the action plan to combat trafficking in persons. Please provide updated information, disaggregated by sex, age and nationality, on support and assistance programmes for victims of

trafficking, including victim identification programmes, as well as information on prosecutions, convictions and sentences of perpetrators. Please provide details on the measures taken to improve bilateral, regional and international cooperation in order to prevent trafficking in women and girls, protect victims and facilitate the prosecution of perpetrators. Please also elaborate on the implementation status of reforms under the industrial training and technical internship programme.

“Comfort women”

13. In the light of the pressing and unresolved issue of the State party’s responsibility for violations committed against “comfort women”, please provide information with regard to the previous recommendation (para. 29), including the measures taken to recognize the right of victims to truth, justice and a remedy, with full and effective redress and reparation. Please indicate the measures taken to ensure that leaders and public officials desist from making disparaging statements that have the effect of retraumatizing victims.

Participation in political and public life

14. It has been reported to the Committee that the target of ensuring that women hold 30 per cent of leadership positions, as set out in the fourth basic plan for gender equality, has not been met, and that there is a lack of representation of women in political and public life, in particular in senior positions. In line with the Committee’s previous concluding observations (paras. 18, 19, 30 and 31), please provide information on the changes made to the content of the legislation on political parties and updated statistics on women’s participation in the legislature, the executive and the judiciary. Please also indicate whether the legislation includes sanctions for non-compliance and whether mechanisms are in place to ensure its implementation. If the legislation was applied during the most recent elections, please provide data on the outcome that it yielded. Please indicate whether campaigns or other efforts have been undertaken to raise awareness of the importance of participation by women in decision-making and the need to empower women in the State party. Please provide information on gender representation targets and strategies for increasing the number of women in leadership positions, in accordance with the fifth basic plan for gender equality.

Nationality

15. Please provide information on the measures that the State party intends to take to ensure legal recourse to women for the problems they face regarding the transmission of nationality to children born out of wedlock. Please also elaborate on the safeguarding measures that the State party intends to take with regard to the attainment of nationality for women and girls where the prohibition on dual nationality and conflicting nationality laws may render them stateless.

Education

16. Please provide information on specific measures, including temporary special measures, taken to increase the proportion of women who enrol in and complete tertiary education, including in fields of study that are traditionally male-dominated, such as science, technology, information and communications technology, engineering, mathematics, medicine and social sciences. Statistics reportedly show that the gender balance at prestigious universities is skewed, and unfair practices in university entrance examinations bar female candidates from being selected for courses in such fields, in particular medicine. Please provide clarification in this regard. In line with the Committee’s previous recommendation (para. 33 (b)), please provide updated data and elaborate on the measures taken to improve the

representation of women in senior management and decision-making positions in the education sector and to increase the number of female professors.

17. According to the information before the Committee, Ainu and Buraku girls have difficulties accessing scholarships, while Zainichi Korean students are excluded from the Government's tuition fee waiver programme for high schools and public scholarship programmes. Local governments have reportedly cut subsidies for Korean schools. Please provide clarification in this regard. Please provide details on how the State party intends to prevent, punish and eradicate violence against women and girls in educational institutions, including bullying and expressions of racist sentiments targeting women and girls from minority groups. Please also report on the obstacles facing girls with disabilities in terms of access to education. Please provide information on the measures taken to include in school curricula mandatory age-appropriate education on sexual and reproductive health and rights, including responsible sexual behaviour. Please report on the efforts made by the State party through the school education system to raise awareness of and combat gender stereotypes.

Employment

18. Please indicate the specific efforts made under the Act on the Promotion of Women's Participation and Advancement in the Workplace of 2015, the Labour Standards Act and other relevant laws to address persistent horizontal and vertical occupational segregation between men and women in the labour market and the prevailing gender pay gap. Please report on the status of enforcement of the principle of equal pay for work of equal value. In line with the previous recommendations of the Committee (para. 35 (c) and (d)), please clarify the efforts made to adopt a legal framework that prohibits sexual harassment in the workplace, provides for appropriate sanctions to deter such harassment and ensures access to justice in cases of employment discrimination, including on grounds of pregnancy and motherhood. Please report and provide data on cases of sexual harassment in the workplace and the outcome of such cases, including investigations into sexual harassment and other forms of discrimination. Please provide details on the kinds and numbers of inspections conducted and the difficulties encountered by labour inspectors.

19. Please provide information on the steps undertaken by the State party to ensure the introduction of provisions related to shared parental leave, promote the equal participation of men in childcare responsibilities and provide adequate childcare facilities. Please indicate whether specific programmes are in place to raise awareness of the rights of domestic workers and to provide protection for this group. Please provide disaggregated information on the impact of policies in the area of employment of women belonging to minority groups and migrant women. Please provide details of the steps that the State party intends to take in order to ratify the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), which is one of the fundamental conventions of the International Labour Organization. Please also provide information on the State party's consideration of whether to ratify the Maternity Protection Convention, 2000 (No. 183), the Domestic Workers Convention, 2011 (No. 189), and the Violence and Harassment Convention, 2019 (No. 190), of the International Labour Organization.

Health

20. According to the information before the Committee, the Penal Code of the State party criminalizes abortion, while under the Maternal Protection Act, spousal consent is required for an induced abortion. Please provide information on the steps that the State party intends to take to amend these provisions in line with the Committee's previous recommendations (para. 39 (a) and (b)). Please report on the measures taken

to increase the accessibility and availability of safe abortions for women. Please indicate the efforts of the State party to provide scientifically correct information regarding safe abortion methods to women needing the service. In line with the previous recommendation of the Committee (para. 39), please provide information on the efforts made by the State party to adopt a comprehensive plan with targets and indicators aimed at preventing suicide among women and girls. Please elaborate with data and statistics on any other measures introduced to address the issue of suicide and the outcomes thereof.

21. Please elaborate on the health status of women affected by radiation contamination. Please indicate the damage to health caused by the Fukushima Daiichi nuclear power plant accident and advise whether a system has been established to provide medical treatment to girls and women, including pregnant women, affected by radiation in Fukushima prefecture. According to the information before the Committee, the effects of tobacco use have been detrimental to the health of women and girls, causing up to 4.88 per cent of deaths among women in the State party, with many girls and women, including pregnant women, affected by second-hand smoke. Please indicate the efforts of the State party to address legislation gaps, in accordance with the State party's obligations under the World Health Organization Framework Convention on Tobacco Control, and prohibit smoking in indoor public spaces and workplaces and discourage attractive promotional packaging.

Economic and social benefits

22. Please report on the efforts undertaken by the State party and the outcomes achieved with regard to the Committee's previous recommendation (para. 41) aimed at minimizing disproportionate impacts on women and girls due to poverty and at reforming the pension scheme, with a special focus on widows, women with disabilities and older women, in order to guarantee a minimum standard of living. Please provide information on the integration of the gender component into the Act on the Provision of Disaster Condolence Grants, as well as efforts to stimulate entrepreneurship among women in the State party.

Rural women and disadvantaged groups of women

23. Please provide information on the measures taken to improve the situation of women in rural areas in the State party, in particular regarding access to and ownership of land. Please elaborate on the measures taken to ensure the participation of women in decision-making processes and policy formulation. In relation to the Committee's previous recommendation (para. 43), please report on the status of the review of the Income Tax Act, which is intended to ensure that women's work in family enterprises is recognized. Please provide detailed information on the steps taken to address the intersecting forms of discrimination faced by women from indigenous, ethnic and other minority groups, including Ainu, Buraku and Zainichi Korean women, women with disabilities, lesbian, bisexual and transgender women, migrant women, older women and widows, in such areas as education, employment, health and participation in political and public life. Please also indicate the specific measures taken to ensure their access to justice and other services, such as shelters, social services and legal and psychological counselling.

Climate change and disaster risk reduction and management

24. Given the disproportionate impact of climate change on women and in line with general recommendation No. 37 (2018) on the gender-related dimensions of disaster risk reduction in the context of climate change, please elaborate on the climate mitigation and energy policy of the State party, including how it intends to specifically ensure the protection and promotion of the rights of women. Please shed

light and provide data on the proportion of women among the members of the Central Disaster Management Council during the reporting period. In reference to the Committee's previous recommendation (para. 45), please also report and provide data on the proportion of women among the members of the disaster management councils of local governments. Please indicate the provisions made to integrate a gender perspective into the State party's framework for climate change adaptation and disaster risk reduction.

Marriage and family relations

25. In the light of the Committee's previous recommendations (para. 49 (a) and (b)), please indicate the steps taken by the State party to govern the distribution of marital property, with clear procedures for divorcing spouses, including ensuring that divorcing women have access to information regarding the financial situation of their spouses. Please elaborate on the measures taken by the State party to guarantee the welfare of children whose parents divorce. According to reports, the term "illegitimate children" is still in use in legal contexts to refer to children born out of wedlock. Please report on the specific measures being taken to abolish such use of the term and eliminate social discrimination against children born to unmarried mothers.
