

# NGO Information for the Universal Periodic Review by the Human Rights Council on the Human Rights Situation in Japan

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New Japan Women's Association

## 1. About the organization

The New Japan Women's Association (NJWA) was founded in 1962, and it has 200,000 members and 300,000 weekly organ paper readers throughout Japan. NJWA is a non-governmental organization in special consultative status with the United Nations Economic and Social Council.

## 2. Human rights situation in Japan – From the perspective of gender equality and human rights of women

Different international indicators on gender equality, and human rights and advancement of women show that Japan lags far behind from international standards, ranking at lowest among developed countries. According to the Gender Empowerment Measure used in the annual Human Development Report of United Nations Development Program, Japan ranked 42nd out of 75 countries in 2006, and dropped to 54th among 95 in 2007. The World Economic Forum's Gender Gap Report placed Japan in terms of gender gap index 80th among the 115 countries surveyed in 2006, and 91st out of 128 in 2007. In Japan, more and more women are advancing into economic and social activities, but when their participation in the decision-making levels is strikingly low. On the occasion of the review by the Human Rights Council of Japan's human rights situation, NJWA would like to provide information on some grave issues facing Japanese women from the perspectives of gender equality and human rights of women.

### (1) Backlash

One of the factors preventing the progress in gender equality and advancement of women in Japan is "backlash" move. During the 1990's, important international conferences on human rights and women were held one after another. Coupled with the powerful initiatives by NGOs, these conferences produced significant outcomes encouraging the member states to take effective measures. In Japan, the Basic Law for a Gender-equal Society was enacted and the national machinery for promotion of gender equality was set up. Alarmed by these moves, a group consisting of the people, including parliament and cabinet members, who glorify the war of aggression Japan had waged during WWII and uphold the traditional

family system, have intensified their attacks on the efforts for promoting gender equality and women's advancement, using the mass media in their favor. Lawmakers and cabinet ministers have made disgraceful statements to distort the meaning of "gender," a term unfamiliar to the Japanese public saying, "gender' is a word to be used in dealing with the problems facing developing countries and I have reservations about using the term in the cases of developed countries," or "the Convention on the Elimination of All Forms of Discrimination against Women is the principal source of radical feminism." They even have gotten at the term "gender-free," meaning free of gender bias and being used mainly in the field of education. Their attempt to mislead the public by labeling the word as coming from a "radical idea aiming to break up the family, encourage the public to have entirely open attitude toward sexual behavior, and to negate the differences between men and women," has led to the serious setback in the government effort for promoting gender equality.

In 2005, in revising the Basic Plan for Gender Equality, the government not only inserted a commentary on the term "gender-free" adopting the distorted interpretation of the backlash group, but deleted the reference on reproductive health/rights from the original plan. Furthermore, the Cabinet Office issued an office memo to the prefectures and 12 major cities that they should refrain from using "gender-free" in their work. In 2006, under the initiative of Prime Minister Abe Shinzo, a leading figure of the backlash group, the Fundamental Law of Education was revised and the section referring the co-education principle was repealed. Currently, the backlash group is collecting signatures in support of the petition for abolishing and/or revising the Basic Law for a Gender-equal Society as well as the Basic Plan for Gender Equality. It has also set up an organization called Family Value Society Japan, aiming to obtain a consultative status with the ECOSOC, so that it can "counter UN-supported feminism."

NJWA is urging the government to take effective measures for gender equality based on the Convention on the Elimination of All Forms of Discrimination against Women and the Japanese Constitution, without surrendering to the backlash group.

## **(2) Civil Code**

Japan's civil code contains provisions discriminatory against or disadvantageous to women, concerning in particular marriage and family. NGOs have long been calling for the amendment of these provisions, and the Committee on the Elimination of Discrimination against Women has also recommended the Japanese government for the amendment. Some of the discriminatory provisions in the civil code are:

- Minimum age for marriage: 18 for men and 16 for women,
- Waiting period required for women to remarry after divorce: Women cannot remarry within six months after divorce, and the baby born to a woman within 300 days of her divorce must be regarded as having been fathered by her former husband and registered under his name. To address the public criticism that this 300-day provision does not fit

reality and has caused the problem of children without family registry, the Ministry of Justice issued a notice that a child who has a doctor's certificated showing the mother became pregnant after she got divorced will be accepted as the child of the women and her current husband. Nevertheless, many cases are left unsolved.

- Choice of surnames for married couples: Under the current law, a "single –surname" system is applied to married couples, and does not allow them to retain their family names respectively.
- Legal portion of inheritance: The existing law provides that a child born out of lawful wedlock can inherit half of what a child born to the legally married couple receives.

Pressed by women's movement and public opinion calling for free choice of family names, Justice Minister in 2001 expressed his intention to work for an early amendment of the civil code, but the opportunity for change was wrecked by the backlash group opposing it on the ground that such amendment would undermine the family system.

### **(3) Violence against Women including DV and the Media**

There has been progress in addressing violence against women and sexual violence, particularly in legislation, such as the enactment of the Law for the Prevention of Spousal Violence and the Protection of Victims (Domestic Violence Law), the Law Banning Child Prostitution and Child Pornography, and the Law Concerning the Regulation of Acts Inducing Children Using the Internet Dating Services and Other matters. These laws are to be amended in terms of their provision making young girls involved in prostitution punishable, rather than protecting them. The present Anti-Prostitution Law also criminalizes women, leaving the buyers of prostitution with impunity.

There is almost no legal regulation on pornography; advertisement with images of nearly naked women in public transportation, blue magazines are displayed for sale in convenience stores where children come for shopping, and junk mails with obscene pictures are delivered freely through the Internet or cellular phones. On the other hand, due to the backlash offensive, sex education at school has considerably been restricted, depriving both girls and boys opportunity to have scientific, human-rights based knowledge of sex and gender.

Addressing the human rights of the girl child and women and the problem of commercialization of sex, it is necessary for the government to take further steps than imposing voluntary restraint on the media, such as taking legal measures, and promoting sex education based on reproductive health/rights not only at school but also in communities and society as a whole.

### **(4) Japan's Military "Comfort" Women**

Since 1990's, when the women survivors who were forced into sexual slavery by the Japanese military during WWII came forward to speak out, the movement calling on the Japanese

government to apologize and compensate the victimized women widely grew especially in Japan and Asian countries. Despite recommendations issued by the Committee on the Elimination of Discrimination against Women and other UN bodies, the Japanese government has not fulfilled its responsibility by making an official apology to and reparation for the victims. In the Diet, opposition parties have repeatedly presented the bill for a complete settlement of the problem, but the bill has been shelved in the face of strong resistance from the ruling parties. In 2007, the United States Congress adopted a resolution urging the Japanese government to apologize and compensate the victims. The Canadian, Dutch, European Parliaments also adopted resolutions to the same effect. The Japanese government is now called internationally to address the issue with sincerity.

### **(5) Working Women**

In Japan, women workers including part-timers are being paid 49.8 percent on average of what men workers earn. Wage gap between men and women has not been diminished but is increasing.

Due to the financial circles' strategy to drastically slash personnel costs through restructuring, wage cut, and employing more and more non-regular workers instead of full time workers, wages are decreasing for both men and women. The growth of non-regular workers among women is one of the factors entrenching the wage gap. Women make up 71.8 percent of short-time employees including part-timers, and 63.2 percent of the new female high school graduates are employed as part-timers. Many women full-time workers quit job against their will for pregnancy, childbirth and child rearing, and reenter the labor market as non-regular workers.

The questionnaire survey conducted by NJWA on the "Way of Work" shows that working more than 80 hours a month, which goes beyond the danger line of causing death from overwork, has become normal practice for men and women alike. One respondent working for a foreign-affiliated company said that on weekdays she came home after 11 o'clock every night, spending her weekends entertaining the client or attending lecture meeting, so that she did nothing but slept on occasional holidays. A group home manager said that the employer replaced the allowance that had been paid for overtime up to 20 hours with a uniform overtime payment (4000 yen or about 36 US dollars). Japanese workers are forced to work not only long and hard but also without overtime pay. For those at child-bearing age, in their thirties and forties, the situation is even severer. One of the respondents to the questionnaire of this age said that she was having hard time reconciling child-rearing and work, and that she would be dismissed if she took a day off. Another said that she had no time to spend with her child.

### **(6) Increase of Women in Poverty**

With top priority given to competition and profit seeking in all areas, poverty and gap

between the rich and poor are increasing in Japan. Today, more than one million households are living on welfare and about half of them are families of the elderly. Due to the increase in divorce, the number of single-female-parent households has grown to 950,000. 85 percent of these single mothers have jobs, but their annual income is 2.12 million yen, less than that of two-parent households. Poverty is expanding among women. However, the government is lowering the standards for receiving welfare benefits, abolition of additional welfare benefits for single-mothers and elderly people, and reduction of child-rearing allowance for single mothers. Such policy makes it difficult for these households even to maintain basic living standards.

According to the NJWA's survey on the living conditions of single-mother households, 84.9 percent of the respondents answered that they were badly off, and more than 50 percent said they were working poor. Many of them cannot let their children receive education as they wish, and they are asking the government not to cut the child-rearing allowance, a life rope for them.

## **(7) Other issues**

### Election system

In 1995, the single-seat constituency system was introduced for national elections. Being a system advantageous to major political parties, it has failed to reflect, and in many cases distorted, the will of voters, and has been a major cause of under-representation of Japanese women in parliament. The present election system should be changed to the one centered on proportional representation system.

### Optional Protocol to CEDAW

Regarding the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women adopted by the UN General Assembly in 1999, the Japanese government has been reluctant to ratify it. NJWA will work harder to get the Optional Protocol ratified as soon as possible, with a view to improving the status of Japanese women, which falls short of the international standards.

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