

**REPORT
OF THE COMMITTEE
ON THE
ELIMINATION OF DISCRIMINATION
AGAINST WOMEN**

(Seventh session)

GENERAL ASSEMBLY

OFFICIAL RECORDS: FORTY-THIRD SESSION

SUPPLEMENT No. 38 (A/43/38)



UNITED NATIONS

New York, 1988

Japan

232. The Committee considered the initial report of Japan (CEDAW/C/5/Add.48, Amend.1 and Corr.1) at its 108th, 109th and 111th meetings, on 18 and 19 February 1988 (CEDAW/C/SR.108, 109 and 111).

233. In introducing the report, the representative of Japan stated that the end of the Second World War constituted an epoch-making turning point for Japanese women. Whereas before the War the status of women had been very low, the new Constitution, which had been promulgated in 1946, guaranteed for the first time the equality of men and women as a fundamental human right. Thereafter, the Civil Code was revised and a range of domestic laws were enacted, including the Fundamental Law of Education and the Labour Standards Law, which had resulted in sweeping improvements in the legal status of women in the family, the workplace and the society in general.

234. In spite of the rapid socio-economic changes brought forth by the high economic growth rates experienced by the country in the 1960s, equality between women and men had not been fully achieved in practice and the traditional concept of the woman's place being in the home was still deeply rooted. Nevertheless, the momentum towards equality of the sexes continued to build. A milestone in that development was the establishment by the Government in 1975 of the Headquarters for Planning and Promoting Policies Relating to Women, which had formulated in 1977 the National Plan of Action. Its fundamental goal was the realization of the equal rights of women as guaranteed by the Constitution.

235. To facilitate the ratification of the Convention, the Headquarters had worked on an agreement among the ministries and agencies concerned with the revision of prevailing policies. The agreement contained suggestions from the Advisory Council to the Prime Minister on Woman's Affairs, women members of the Diet and women's groups. It was due to all those combined efforts that the Convention could finally be ratified.

236. The representative of the State party highlighted some of the most important changes that had taken place before the ratification of the Convention, including an amendment to Japan's nationality law, a plan to eliminate the sex discrimination

that was inherent in the home economics education, the enactment of the Equal Employment Opportunity Law and the amendment of other laws and regulations protecting women workers. She explained the endeavours of the Ministry of Labour to ascertain progress in the implementation of the laws, and enumerated measures taken to promote de facto equality, which had not yet been fully achieved. At the legal level, equality of the sexes had been almost fully realized. Such measures included the New National Plan of Action, which aimed at the more effective observance of laws enacted or amended to further the equality of men and women not only de jure but also de facto, and to that end set as a comprehensive goal the "creation of a society of joint participation by both men and women". In spite of significant progress, there was still a long way to go and the Government had resolved to continue its unflagging efforts to attain the goal.

237. The members of the Committee praised in particular the frank and concise oral introduction to the report and commended the report, which followed the general guidelines in its statistical data. Experts underlined that Japan had made many efforts before the ratification of the Convention to adapt national laws to its requirements. It showed the strong commitment of the Government and its serious and honest endeavours. However, the Committee felt that the de facto situation of Japanese women lagged far behind the legal situation. It noted that the report did not throw enough light on the practical implementation of the laws and on the factual situation of women. The experts commented that it was most important (a) to recognize the existence of discrimination, (b) to clarify the obstacles to equality and (c) to start fighting against the lack of de facto equality. Therefore, special attention should be paid in the second report of Japan to measures taken under article 5 of the Convention. Some criticism was also put forward that in Japan, which was at the vanguard of technology and was one of the first economic Powers in the world, there was disparity between the extraordinary technical and industrial progress that had taken place and the improvement of the situation of women. The rate of participation of women was still rather low. While appreciation was expressed for the units relating to women within the Prime Minister's Office, it was felt that such a prosperous country could afford an independent ministry for women's affairs.

238. Experts stated that the Japanese example showed the impact on women in the country of the United Nations Decade for Women and of the Convention.

239. Information was sought on the effect of the technological progress on the female labour force, the rate of female unemployment and vocational training. More information was requested on the results of the Expert Meeting on Homemaking Education and on the activities undertaken during the Women's Week.

240. Experts commented on the large delegation sent by Japan to present the report and commended it for the ample additional material it had distributed during the session, in particular the New National Plan of Action Towards the Year 2000. They inquired to what extent the Convention was being disseminated in the country, whether it had been translated and what the reactions were of the people, especially men. The comment was made, however, that the statistical handbook of Japan for 1987, which had been distributed as additional information, made no specific reference to women.

241. Clarification was requested on the function and structure of the various local offices concerned with the promotion of the status of women. Members commented on the thoughtless references to women made by former Prime Minister Nakasone in a

television interview. They inquired about the reactions of non-governmental organizations and about any legal actions taken against him.

242. It was asked whether the Government had undertaken any serious measures to achieve equal treatment of women in employment, and more information was requested on the equality of the sexes in family life. Clarification was sought as to whether in the extended family the paternal system still existed, whether the responsibilities for doing gainful work and domestic work still followed traditional patterns, whether men shared in household work, whether domestic servants were frequently employed and who was responsible in practice for decision-making in the family.

243. The experts considered the emphasis put on education and training as a very positive aspect. They inquired whether specific programmes in social education were oriented towards sexual equality.

244. It was asked whether any co-ordination existed between governmental units and non-governmental organizations and what was the most outstanding practical contribution by the Ministry of Labour to the advancement of women.

245. With reference to "essential" equality mentioned in the report, more information was sought on the concept of equality in all spheres of life. Questions were asked about the number and types of cases of sex discrimination in violation of the Equal Employment Opportunity Law, and explanations were sought on the composition of the equal employment opportunity commissions and on any other procedural remedies to complain against discrimination. It was also asked whether women were informed about their rights.

246. Experts asked about the percentage of women in national advisory councils, as well as about the number of women who were labour standards inspectors, and who held responsible positions in prefectural offices. They also asked whether public employment was open to women and what the level of female participation in local government agencies was. Experts also wanted to know the purpose for improving women's skills since it seemed that often more was required from women than from men. Others asked how many labour standards inspectors were women and who appointed them.

247. Clarification was requested on the study courses for women's issues, their contents and the length of studies, and on the preparatory seminars for women's working life. It was asked whether men were encouraged to attend them, and if those seminars might simply perpetuate existing stereotypes.

248. It was asked how long the temporary special measures provided by the vocational training courses had existed and how many women had taken advantage of them. Further information was requested on the roles and positive results of the maternal health management promoters. Questions were raised about the current targets of affirmative action programmes for women in all levels of employment. Experts asked whether programmes had been introduced for quotas or preferential treatment to integrate women more rapidly in areas where they were underrepresented. It was asked what types of assistance were provided to women for their re-entry into the labour market, at which levels re-entry was possible and what their promotion prospects were.

249. Experts asked whether efforts to modify sex stereotyping had brought forth any results, what was being done to eliminate the idea that women's jobs were only supplementary and to what extent men were involved in efforts to achieve equality. Considering that in Japan women and men used different types of language, but that the knowledge of male language was a prerequisite for women who wanted to pursue a professional career, it was asked how women could acquire the necessary tools for competing in a male-dominated society. Information was also sought on the influence of religious institutions on the situation of women.

250. While the report dwelled on all the social measures undertaken by the Government to protect women as mothers, and the importance of article 5 was acknowledged, it was commented that not enough was said on measures to modify stereotyped social and cultural patterns of conduct. It was felt that Japan now needed a strong commitment to identify traditional obstacles and design programmes to change traditional patterns. Questions were asked about the portrayal of women in the mass media and whether sex-related job advertising was prohibited. Experts wanted to know whether those responsible for planning had any influence on the media and on modifying the image of women in the media.

251. It was asked who was responsible for radio and television concessions and whether there were contracts regarding such concessions. It was asked whether government institutions mobilized women journalists to give publicity to women's rights and how women and men reacted to the new social role of women.

252. Questions were also raised about the reactions of the public to the new handbook on family education, about the practical results among women of the enlightenment programmes and women's reactions to the institutionally required activities.

253. Statistics were requested on the number of working fathers attending the parent education classes.

254. Experts asked what was meant by the reference in the report to "simple" prostitution, whether the law against prostitution contained punitive measures against men, and how the law prohibiting prostitution was enforced. They also inquired whether rape was regarded as a criminal offence, whether it was practised in rural areas by fathers on their daughters. Not enough attention was paid by the authorities to the issues of domestic violence and sexual harassment, and information was requested on relief centres for battered women. Experts also commented on sex tourism and inquired about the role of geishas in Japanese society.

255. Concerning the participation of women in politics, it was noted that the number of women in decision-making positions and the percentage of women in the Diet was rather small, yet in most elections the turn-out of women was higher than for men. Experts asked if there were any positive action programmes to change the situation. It was observed that the number of women who represented the country overseas was higher than the number of women who held political positions inside the country.

256. It was asked whether political parties and the trade unions had special programmes to advance the equal participation of women, whether women's organizations were oriented towards feminist issues or welfare, whether they could obtain grants or subsidies and what the rate of female participation in trade unions was. Experts were also especially interested to learn whether women's

organizations had been consulted about the Convention and the Government's report to the Committee.

257. Praise was expressed for the amended nationality law but more information was sought on it.

258. Experts commented on the different degrees of involvement in higher education of men and women and on the sex-differentiated choices of study and profession. They asked whether text books or curricula gave any educational guidance and whether the sex-related differences in homemaking courses still prevailed. It was also asked whether there existed any affirmative action programmes for professional or vocational guidance.

259. It was observed that women were still highly disadvantaged compared with men in recruitment, promotion and wages. Satisfaction was expressed concerning the recent reduction of protective legislation. It was further asked to which occupations the 1986 guidelines applied as the report mentioned that they did not apply to "occupations whose nature precluded their application", and which types of work were still restricted. It was observed that the report on wages referred only to equal pay for the same work and experts wanted to know how the principle of equal pay for work of equal value was implemented in practice. It was further observed that women's starting salaries were always lower than men's despite the same educational requirements. Experts requested statistical data and examples of wage differentials between male- and female-dominated jobs. They inquired about hidden unemployment among women and sought an explanation for the drastic drop in the rate of participation in the labour force of women in the 25 to 29 age bracket, which contrasted with the increase in the rate of participation of men in the same age bracket. It was asked what was meant when the report mentioned that women were treated more generously than men in the social security system. The fact that the same retirement age applied to women and men was commended.

260. Experts asked what the normal working hours were for women and men, whether maternity leave was paid at 100 per cent, whether the provisions referring to maternity leave were the same for the public and the private sectors and whether the introduction of paternity leave was in any way foreseen. They felt that the child-care leave should exist equally for fathers. The experts underscored the importance of the advancement of a good social infrastructure. Concerning child day-care facilities, it was asked what their opening hours were and whether the operation of day-care facilities was mandatory for employers.

261. Clarification was sought on the types of jobs incorporated in marine employment.

262. The table referring to health guidance for expectant mothers was commented on and it was asked why the number of women who visited health centres to receive guidance was much higher in 1975 and 1980 than in 1986. It was asked whether mother and child health care were free of charge, whether health education came under the authority of the Ministry for Public Health and whether such facilities existed in public and private enterprises.

263. More details were sought on family-planning measures and on sex education facilities and programmes, and it was asked whether abortion was allowed and what the attitude of society was vis-à-vis single mothers.

264. More information was requested on the tax system in Japan and whether it could be said to encourage or punish married women who wished to take up gainful occupation.

265. Considering that the percentage of women engaged in agriculture was much higher than that of men, it was asked whether the extension workers gave enough guidance and training to women.

266. Concerning the choice of family name, statistics were requested on the number of men who choose their wife's name. It was asked whether any legal provisions forbade women to change their name upon marriage, whether the husband had to retain his name and what the regulations were for the name of children from within wedlock and whether the legal situation of children born within or outside wedlock was different.

267. Experts asked about the legal grounds for divorce and asked why there was still a time-limit for remarriage after divorce and why it was different for men and women.

268. The representative of Japan, in reply to questions raised by members of the Committee, said that the meaning of "essential equality" in her country's report was that under the Constitution all people were equal under the law and that there would be no discrimination in the political, economic or social fields.

269. Prefectural women's and young workers' offices helped resolve individual disputes between women workers and employers under the Equal Employment Opportunity Law. The Equal Opportunity Mediation Commission set up in each prefectural office and the Equal Employment Opportunity Law were part of the many measures recently promulgated by the Government to improve the status of women, as had been done since the 1947 creation of the Women's Bureau. The Commission was composed of three members who were appointed by the Minister of Labour. The Ministry of Labour had publicized the objects and content of the law.

270. The headquarters for the Planning and Promoting of Policies Relating to Women, created in 1975, was headed by the Prime Minister and was composed of vice-ministers from all the ministries. The secretariat of this headquarters was the Office for Women's Affairs. She provided the Committee with a comprehensive description of these bodies, their composition, functions, programmes and mandates.

271. There were no governmental affirmative action programmes in Japan and no quota systems in employment or in political life. However, a target of 15 per cent had been set for women's participation in national advisory councils in the year 2000. The main obstacles to full equal opportunity were fixed notions about women's abilities and the stereotyped role differentiation between men and women, which was deeply rooted in Japanese society, as well as the heavy burden of family responsibilities shouldered by women.

272. The text of the Convention had been translated into Japanese and distributed nationwide together with an explanatory brochure. Municipal government was also involved in meeting the aims of the Convention and had offered courses for women on consumer education, child care, civics, vocational orientation, health and safety, family life and household affairs. The Ministry of Education had also encouraged the establishment of parents' education classes for both sexes as well as stimulated the participation of men in social education classes. This was notably

important. As at 1985, nuclear families constituted 60 per cent of the total number of families, while extended families constituted 15 per cent. It was difficult to judge whether the average person in Japan was satisfied with the efforts and the reforms, at least the awareness of the importance of equality between men and women had been enhanced, even if it had not made everyone happy.

273. With regard to the general questions of economic development, technological innovations and the status of women, the representative pointed out that there still existed a disparity between the economic situation of Japan in the world and the status of women. It was indispensable for women to realize their potential as individuals and, therefore, the participation of women in policy- and decision-making would be expanded.

274. The distribution of the Convention mentioned above also meant that the mass media had been made aware of its ratification. This had had a positive impact on the manner in which women were treated in magazines and newspapers, on television and radio. Public information campaigns were conducted at every opportunity, such as for example Women's Week, Equal Employment Opportunity Month and Human Rights Week. With regard to the influence of religious institutions, religion in Japan was separate from daily social life.

275. Under article 175 of the Penal Code, the distribution of obscene literature was strictly forbidden. Sexual harassment and domestic violence where it existed could be handled by women's consultative offices at each prefecture where victimized women could seek assistance. The representative also provided information statistics on the amount of time spent by women on household duties in comparison with men.

276. Sex education was provided in school so that children would have scientific information about sex and sound views on relations between the sexes. The principle underlying sex education was the dignity of every individual. Many men were reading parent education handbooks, which indicated that men were making efforts to participate in child care and to share in household chores.

277. Simple prostitution, i.e. acts of prostitutions themselves, was prohibited but not penalized as organized prostitution was. It could be said that customers should be penalized, but it was argued that since women who engaged in simple prostitution were not penalized, neither should their customers be. For women who resorted to prostitution because of character or of circumstances, rehabilitation and guidance were available. The law provided for penalties for a variety of acts promoting prostitution, such as soliciting.

278. Regarding women's involvement in government and public life, there was no previous tradition of experience in the matter and the role of women was still small; however, it had gradually begun to rise. The percentage of women executives in trade unions was now 10 per cent. Women's organizations were important in this process. Some were philanthropic in nature, but other groups were political and had been actively involved in the ratification of the Convention. Some had undertaken projects with social and public significance that were financed by the Ministry of Education.

279. With regard to women's participation in international conferences, there were women representatives in a variety of forums, such as the United Nations Commission on Transnational Corporations, the Disarmament Commission and the International

Labour Organisation. Many young women were also detached to other committees of the United Nations and, as time went on, they would be more visible.

280. The representative explained the revision of the law on nationality that had taken place. At the moment, a child born of a mixed nationality marriage acquired Japanese nationality if either the father or the mother was a Japanese citizen.

281. Courses other than home economics were open equally to boys and girls. General home economics was still compulsory for girls but not for boys in upper secondary schools, but 299 public schools, or 7.2 per cent of the total number, taught general home economics for boys. The "course of study" would be revised to ensure an equal opportunity for boys and girls to take home economics in lower and upper secondary schools.

282. Students who wished to go on to institutions of higher education were not subjected to discrimination on the basis of sex. The Ministry of Education and local boards of education directed schools under their jurisdiction to develop in their students an awareness of the equal ability of men and women in all areas of educational activity.

283. Regarding employment, the representative gave further information on issues raised by the Committee. It was true in the past women tended to withdraw from the labour market at times of recession and returned when the recession lifted. However, an increasing number of women were now remaining permanently in the labour market, either by finding recession-proof jobs or by securing new jobs. She also gave examples of recent progress in the field of employment such as a considerable decline in "men only" job advertising. With regard to equal pay for work of equal value, that goal was not yet achieved and there were no statistics on wage differentials between female-dominated and male-dominated jobs. The percentage of part-time workers was higher for women than for men, a majority of part-time workers worked short hours because they liked to share the time between their family responsibilities and their jobs. Subsidies were given to employers to improve their child-care facilities under the Children's Allowance Law. She also explained the result and purposes of the maternal health management promoters. Although some people still held biased views on single mothers, the prejudices, in her opinion, were diminishing and single mothers had access to maternity- and child-health services and family allowances. Women in general could visit health centres to receive guidance as often as they wished. Regarding paternity leave, the Government would welcome it if individual enterprises voluntarily introduced such a system; Japan had not ratified Convention 156 of the International Labour Organisation. The awareness of birth control was widespread through sex education, and the knowledge of contraception by the Ogino method was quite large in Japan.

284. The income tax system encouraged rather than punished women who wanted to work, since taxes were levied separately.

285. In reply to several questions regarding rural women, the representative stated that modernization had now brought about an improvement of women's working conditions and status in farm households. They were a strong force in decision-making. Of the 4,376,000 farm households in Japan, 14 per cent were dependent entirely on their production, while 86 per cent were part-time producers. The latter consisted mostly of women whose husbands worked in non-agricultural jobs. Agricultural work in Japan was not done exclusively by men, but was greatly supported by women.

286. Extension workers were divided into two categories: some taught farmers, regardless of sex, agricultural production techniques and farm management; others helped farm households to improve their living standards.

287. She assured members of the Committee that article 733 of the Civil Code regarding the right for women to remarriage after divorce would be studied in the future, as stated in the report. She admitted that it might be argued that the provision could result in discrimination against women.

288. The representative finally expressed her sincere gratitude to members of the Committee for all the questions asked which showed a keen interest in Japan and commitment to the advancement of women. Although progress towards achieving de facto equality might seem slow, she assured the Committee that Japan would continue its efforts to attain the "common goal".

289. Members of the Committee expressed their appreciation for the comprehensive replies furnished in only 24 hours and congratulated the representative on her efforts and foresight. The experts stated that they would be looking forward to Japan's second report and wished the representative success in her national endeavours.