



To the Committee on the Elimination of
Discrimination against Women

A Report to the List of Issues
Prior to the Reporting (LoIPR)

Japan NGO Network for CEDAW (JNNC)

August 25th, 2024

The **Japan NGO Network for CEDAW (JNNC)** is a coalition of 39 NGOs working on the consideration of Japan's ninth report and has called on the Government of Japan (hereinafter referred to as the "GOJ") to implement the Convention and the Recommendations of the Committee since its establishment in 2002. Here is our response to each paragraph of the LoIPR.

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

1. The GOJ cited Article 98(2) of the Constitution and stated that the CEDAW Convention (hereafter referred to as the Convention) already has the force of domestic law. However, there have been no precedents in which domestic courts have remedied gender discrimination using the Convention as a judicial norm.

In July 2024, the Supreme Court ruled that the provisions of the former Eugenic Protection Law providing for forced sterilization violated the Constitution. In analyzing the factual process in the reasons for the decision, the court noted the failure to implement the recommendations of the CEDAW Concluding Observations (2016), but did not determine the conformity with the Convention.

No training nor capacity building has been provided in the administration, the legislature and the judiciary. The GOJ only publishes the Convention and its General Recommendations on the websites and provides such information to the Diet. Training for the judiciary on the precedents of the Optional Protocol (hereinafter the Protocol) should be conducted.

An NGO network aiming for ratification of the CEDAW Protocol (launched in 2019) with 73 NGOs nationwide has submitted as many as 100,000 petition signatures calling for the Protocol's early ratification to the Diet this year. But the petition has not been adopted at the Diet. At the local level, the number of local assemblies that have adopted its petition amounts up to 279 (as of August 3). Ratification of the Protocol is an urgent matter.

Definition of discrimination against women and legislative framework

2. There is no comprehensive anti-discrimination law in Japan.

Since the last review in 2016, several Acts have been enacted to address Buraku discrimination, hate speech, and Ainu indigenous peoples, respectively. These Acts, however, do not have provisions for sanctions and remedies. Also, these lack the gender lens as well as the intersectional perspective. Discrimination against women from these communities remain deep-rooted. The GOJ has never taken any steps including a fact-finding survey into minority and indigenous women.

The Act for Eliminating Discrimination against Persons with Disabilities was revised in 2021. However, it does not explicitly mention the prohibition of multiple and intersectional discrimination against Women with disabilities.

3. Japan has the Basic Act for a Gender Equal Society, but it does not include all the

obligations under Articles 1 and 2 of the Convention. Japan does not have a law prohibiting gender discrimination that stipulates those obligations.

The Basic Plan is revised every five years in accordance with Article 13 of the Basic Law, but even in the Fifth Basic Plan, "enactment of a law prohibiting gender discrimination," "ratification of the Optional Protocol to CEDAW Convention" and "introduction of a selective surname system for married couples," which have been repeatedly recommended by CEDAW, are not included in the outcome targets to be monitored.

With regard to SDGs, a multi-stakeholder roundtable has been established, but it meets only a few times a year and does not function as an executive or monitoring body. The government draft of the SDGs implementation guidelines, revised for the first time in four years, significantly backtracked on the issue of gender equality. Thanks to the lobbying done by the civil society, "realization of gender equality" was included as a priority issue, and "gender" was also included as a stakeholder.

It is strongly recommended that the GOJ should understand the importance of legislation for the elimination of discrimination.

4. The Human Rights Bureau of the MoJ distributes educational materials to raise awareness of the public about Buraku discrimination, Ainu peoples and hate speech in line with the individual Acts on these issues. However, these lack the gender and intersectional perspectives. This is also the same with the annual statistics collected through the counseling services of the Human Rights Bureau. The white paper on human rights that the MoJ and the Ministry of Education, Culture, Sports, Science, and Technology jointly publish every year is a report of their consultation and educational services. It does not closely discuss human rights problems that Buraku, Ainu, non-citizens, and persons with disabilities have faced.

In June 2021, the Supreme Court again ruled the same surname provision constitutional in a matrimonial lawsuit. CEDAW sent an evaluation of the follow-up report to the GOJ in December 2018, but the Ministry of Foreign Affairs did not notify the Cabinet Office for two years and thus, failed to disseminate the report domestically. In its fifth Basic Plan for Gender Equality, the GOJ made no mention of selective surnames for married couples and only included the expansion of the use of maiden names. Public opinion polls show that those in favor of a selective surname system for married couples far outnumber those against, and many local assemblies have adopted petitions calling for the law to be changed. However, the GOJ changed the questions in the survey so that the opposing views would be in the majority. A third lawsuit was filed in March 2024 calling for separate surnames for married couples, and the business community also called for the selective surname system for married couples, but the GOJ has made no effort to revise the law.

The abolition of the waiting periods for women to remarry upon divorce was removed by an amendment to the law (effective from 1 April 2024).

National human rights institution

5. The GOJ submitted the Human Rights Protection Bill to the Diet in March 2002 and the Bill for Establishment of the Human Rights Commission in December 2012, but both bills were scrapped,

and the establishment of a domestic human rights institution has not been raised for discussion ever since then.

The GOJ cites the activities of “the Commissioners for Human Rights.” However, these are the activities of unpaid private citizens in the community commissioned by the Minister of Justice, not a domestic human rights institution based on the Paris Principles that monitors the human rights situation in Japan and submits its own reports for treaty review. Japan needs to establish the domestic human rights institution immediately.

National machinery for the advancement of women

6. The efforts of the national machinery lag far behind the world efforts toward gender mainstreaming with the Convention. An expert Committee for Monitoring the Convention should be established within the Council for Gender Equality to monitor the full implementation of the Convention and create a systematic mechanism to conduct impact studies, gender audits, etc. It is also necessary to strengthen the leadership of the head (Prime Minister) of the Headquarters for the Promotion of Gender Equality, secure sufficient financial resources, and implement gender budgeting across all policy areas.

The GOJ should ensure the participation of people with diverse backgrounds including those with passion and expertise, younger generation, etc., in the policy promotion mechanism, appoint a full-time minister in charge of gender equality, and establish a standing committee for the promotion of gender equality in the Diet.

Temporary special measures

7. In June 2021, “The Act on Promotion of Gender Equality in the Political Field” was revised, introducing initiatives to eliminate factors that inhibit the increase of the number of female lawmakers such as preventing sexual or maternity harassment. However, due to the ruling party’s opposition, the target for the ratio of female candidates was not set. In the following election, the ruling party that constituted an absolute majority did not establish the target. As a result, the number of all female Diet members has increased only slightly. Although NGOs are strongly demanding the quota system, the revision of the law has not been realized as of May 2024.

The representation of Women with disabilities on the Disability Policy Committee of the Cabinet Office, which serves as the domestic monitoring body for the CRPD, has slightly improved. However, the committee has not sufficiently fulfilled its substantive domestic monitoring functions. The policies remain limited to awareness-raising, and there are no established mechanisms for prohibiting discrimination or for implementing affirmative measures to correct disparities. Additionally, gender-disaggregated statistics on persons with disabilities for correcting disparities are not yet in place.

The Fifth Basic Plan categorizes women of the minority groups into the broader group of “women facing multiple difficulties.” It does not consider the importance of promoting the participation of women with diverse backgrounds including minority women in the decision-making process in any areas it covers.

Stereotypes and harmful practices

8. There are virtually no effective preventive measures for the sexual objectification of women and girls. Violations of the Child Pornography Law, in which girls are approached on social media and forced to send child sexual abuse material (CSAM) through sophisticated tactics, continue unabated, and approximately 2,000 perpetrators are arrested each year. However, the punishment is too light compared to the severity of the damage, and there is a lack of preventive measures. CSAM of non-existent children is not subject to regulation under the current law, and the GOJ is reluctant to regulate it on the grounds of freedom of expression. However, CSAMs created by generative AIs are difficult to distinguish from real children, which may promote damage to children and confuse investigations. Countermeasures should be taken immediately.

There is a high probability of marriage and employment discrimination caused by involuntary outings of Buraku people on the Internet. The physical and mental effects of the fear of having one's home address exposed through such outings (doxing) are significant and need to be remedied. There is a lack of mechanisms to provide effective consultation.

In education, the number of hours for the coeducational home economics subject which helps to eliminate stereotypes has been reduced. In the newly introduced subject of "morality," there is a fear that stereotypes will be reinforced by the appearance of textbooks imprinted with the neoliberal gender role division of labor, which fixes and promotes inequality.

The GOJ needs to establish a mechanism for policy monitoring, inspection, evaluation, and redress in each area to review stereotypes, harmful practices, gender roles, and unconscious bias, and to promote the elimination of harassment, hate crimes, and other human rights violations.

Gender-based violence against women

9. In 2023 the crime of forced sexual intercourse under the criminal code has been revised to crime of non-consensual sexual intercourse. Marital rape is included in the crime, but there is no additional punishment for it. The age of sexual consent has been raised to under 16, and the statute of limitations for prosecution has also been extended.

According to the 2024 survey by the Cabinet Secretariat's Gender Equality Bureau, 27.5% of women (9.9 million people) are victims of domestic violence, and of those, 23.3% (2.3 million people) felt their lives were in danger. Of these, 55.7% did not connect to advice, so they didn't receive support for recovery. The number of sexual violence crimes reported to the police in 2022 was only 1,655.

The number of consultations received by domestic violence centers across Japan has been continuing to increase, exceeding 120,000 in 2022. The number of victims consulting the police has also been increasing, reaching 80,000 cases. However, the number of protection orders granted is on the decline (1,111 cases in 2022). Furthermore, public support functions are deteriorating. The utilization rate of public shelters was 35% (2,963 people in 2022). The

utilization ratio of the long-term recovery support centers is only 18%. Meanwhile, in 2019, 120 private shelters provided protection for 3,414 victims (2021 survey on the Actual Situation of Private Shelter for Victims of Domestic Violence). They play an important role in supporting victims.

The number of domestic violence consultations for Women with disabilities is increasing at a high rate, but support agencies do not sufficiently consider victims with disabilities. Only about 10% of consultations are conducted via email for those who find phone consultations difficult due to hearing impairments. Additionally, cross-gender assistance in care facilities for persons with disabilities continues.

Migrant women are at high risk of victimization: in March 2021, a Sri Lankan woman, a victim of domestic violence, was detained by police in an immigration detention facility for lack of status and died. Remedies for migrant women remain insufficient.

Regarding pornography regulations, the AV Appearance Damage Prevention and Relief Law was enacted in 2022, and in 2023, the Law for Punishing Sexual Grooming of Children under 16 years of age was enacted. The Law Punishing Sexual Posture Photographing and the Law Regulating Sexual Grooming of Persons under 16 Years of Age came into effect in 2023. But child pornography is flooding social networking sites because it is difficult to determine whether or not a person is a child by appearance alone and therefore cannot be removed, under the anonymous reporting system to the National Police Agency's reporting desk.

10. After the last periodic review by the CEDAW committee, a survivor of forced sterilization filed a lawsuit seeking state compensation. This case gained widespread media attention, prompting a series of similar lawsuits by survivors across the country. In response, the Diet passed the 2019 Law on Lump-sum Payment to Survivors of Forced Sterilization, performed under the former Eugenics Protection Act. This law offered 3.2 million yen to each affected individual. However, the number of applications remains low, with only about 4% of the estimated 25,000 survivors tracked by the GOJ applying for compensation. The same law also mandated an investigation to determine the full extent of the damage caused by forced sterilization. However, this investigation failed to locate possible remaining survivors, primarily due to insufficient scrutiny of medical and welfare institutions. In a landmark decision in July 2024, the Supreme Court ruled in favor of the survivors' claim for damages. However, achieving a comprehensive solution, including fair compensation for all victims, necessitates further action. This includes enacting new legislation and creating a robust implementation process. To this end, conducting a more thorough investigation with survivor participation is crucial. This investigation is vital to uncover the truth, verify the findings, and ensure they are reflected in future actions.

Although CRPD recommendation para 38(b) has been issued, there are no plans for a national investigation. Reproductive health & rights for women with disabilities have not been established.

11. Even after the Child Abuse Prevention Act was revised to prohibit corporal punishment by law, the number of abuse consultations increased 5.8% from the previous year, and has continuously increased since 1990, when the survey began.

The effective measures to prohibit corporal punishment include municipal programs such as "Child Rearing Plaza", "Child Rearing Support Center," and public broadcasting and media

campaigns, but they are insufficient.

Individualized support for “no corporal punishment” by experts, support for voluntary training of perpetrators, and policy measures that ensure the child’s right to life and guarantee education and parenting practices without corporal punishment are needed.

Trafficking and exploitation of prostitution

12. More than 90% of victims are women, with very few support measures for them: temporary protection at women’s facilities, granting of special permission to stay in Japan, and support for returning home. There is no long-term physical and mental health care, support for livelihood and employment, or compensation for damages.

Of the 43 perpetrators prosecuted in 2023, 33 were found guilty, of whom only five were sentenced to prison, 17 to suspended sentences and 11 to fines only. The majority were sentenced to less than three years in prison, a very light punishment.

There are thousands of cases of child pornography and child prostitution detected each year, but this has not led to a fundamental solution, as there are no measures to deal with the demand side of CSAM, child prostitution and exploitation by the sex industry and pornographic-video producers.

Under the TITP, trainees must pay high advance payments, face forced repatriation, are forced to work long hours for low wages, and are subject to assault and verbal abuse. Trainees who cannot bear it and “disappear” have been arrested. In addition, female trainees in particular are in a difficult situation, as they are forced to choose between abortion and returning home after pregnancy or childbirth. The training/employment program newly established in the revised law is also insufficient in terms of freedom to change jobs and elimination of high debt burdens.

“Comfort women”

13. The GOJ has made no effort to ensure the right to truth, justice and a remedy for victims of Japanese military sexual slavery. On the contrary, the GOJ itself denies the facts about Japanese military sexual slavery, stating in the Diplomatic Blue Paper from the 2019 edition onwards that “there are claims that can hardly be said to be based on historical facts, such as the allegations of ‘forceful taking away’ of comfort women and ‘sex slaves’ as well as the figures such as ‘200,000 persons’ or ‘several hundred thousands’ for the total number of comfort women.” The very act of expressing such views to the world as a government is itself continuously violating the rights of the victims.

In two lawsuits filed in South Korea by South Korean “comfort women” victims and their bereaved families seeking compensation from the GOJ, judgments were rendered on 8 January 2021 for the first group by the Seoul Central District Court and on 23 November 2023 for the second group by the Seoul High Court, both ruling out “sovereign immunity” and ordering the GOJ to pay compensation. However, the GOJ protested to the South Korean government in both cases that this was a violation of international law, but did not appeal the rulings. They became final,

but Japan has not paid any compensation.

The control of the textbook contents by the GOJ has taken a step further with the introduction of new screening standards, which state that textbooks must be written based on the unified view of the GOJ or on the precedents of the Supreme Court, where these exist.

Participation in political and public life

14. The Act on Promotion of Gender Equality in the Political Field (2018) demands the equal number of female and male candidates from political parties. However, it has a limit to its actual effect with no penalty but only obligation to make efforts. The Nonpartisan Diet Members' Association aimed to strengthen the law, but the revision in 2021 only resulted in limited contents, failing to legalize the quota system. In the 2021 House of Representatives election, the proportion of female candidates was 18%, far below the GOJ target of 35%, leading to the decrease of women representatives.

Furthermore, in 14% of the local assemblies there was no female councilor and in 24% only one woman. This is a terrible state that 40% of the local assemblies were so-called "Zero or One Assembly" (as of the end of 2013). NGOs not only demand the legislation of the quota system but political reforms in terms of gender including that of the election system that discourages women from running.

Nationality

15. With regard to measures for acquiring nationality for children born out of wedlock, there are many legal and factual obstacles in the case of lack of parental cooperation, as there is an age limit of under 18 years for notification.

Regarding the prevention of statelessness, there are two problems: (i) in the first place, there is no system or institution to confirm statelessness; and (ii) in cases other than "parents unknown or stateless" (e.g. when a child born outside Japan cannot acquire nationality under the parents' home country law), the child cannot acquire Japanese nationality and the only way is naturalisation based on a discretionary decision of the Minister of Justice.

Education

16. The percentage of female students is 27.9% in the Faculty of Science and 15.4% in the Faculty of Engineering (2019). Some universities have quotas for women.

The Ministry of Education, Culture, Sports, Science and Technology (MEXT) has made some progress on the "gender-based acceptance rate" in medical schools by issuing a "Notice Calling for Fairness in Entrance Examinations." It is necessary to change the notion that women are inferior to men in terms of working long hours in the medical field and to improve working conditions.

Female teachers and staff cannot hold managerial positions at junior high and high schools because "it is difficult to balance work with housework and childcare." It is necessary to

solve the overburden on women in childcare and nursing care.

The vacancy problem is serious due to the decline in the ratio of applicants for teacher employment examinations and the decrease in the number of applicants for teaching positions. In the background of the current situation, are the large number of retirements, a record number of sick leaves for psychological reasons, long hours of overcrowded work, work system and educational activities, and the Education DX during the Covid pandemic. It is necessary to reform the working style of teachers now.

17. There is no government scholarship program for Buraku children. For Ainu children, the Hokkaido Government offers a scholarship program for higher education, but no gender disaggregated data is published. Korean schools remain excluded from the GOJ's tuition free program for private school students. In line with this, many local governments have withdrawn from their program of subsidizing Korean schools in their administrative district. The GOJ has repeatedly referred to "unmet criteria" to explain the reason for exclusion, despite the political and diplomatic reasons that they had cited before.

In Japan, segregated education is still endorsed, and access to education in an integrated environment for people with disabilities is not guaranteed. In 2003, the Tokyo Metropolitan Assembly condemned the implementation of sex education at the Tokyo Metropolitan Nanao Special Needs School as inappropriate education and issued a warning to the teachers. Subsequently, in a lawsuit filed by the teachers, this was recognized as unlawful political interference. However, the Ministry of Education has not promoted comprehensive sex education until now.

Employment

18. In July 2023, companies published their gender wage gap as required by the Act on the Promotion of Women's Active Engagement in Professional Life. Across those 14,577 companies, female regular workers earned 75.2% of their male counterparts' pay and the proportion decreased to 69.5% when non-regular workers were included. The gaps grew wider as the corporate size became larger. The causes of the gaps are the low proportion of women in management and the low wages of non-regular workers. In companies that use the track-based employment systems, women are overwhelmingly in clerical tracks with fewer opportunities for promotion. This amounts to indirect discrimination based on tracks. In national public service, female non-regular workers earn 37.1% of male regular workers. Addressing the gender wage gap is of immediate concern both in public and private sectors. Poverty among women becomes worse, with older women facing severe difficulties.

53.4% of working women are non-regular workers (compared with 22% of men), comprising 68.2% of all non-regular workers. A national minimum wage of at least 1,500 yen is necessary.

In court cases involving treatment of non-regular workers, the Appeals Court required the payment of bonus of approximately 420,000yen to a secretary at Osaka Medical and Pharmaceutical University (annual income 1.9 million yen) and severance pay of approximately 500,000 yen to Metro Commerce non-regular workers, but the Supreme Court overturned the decisions, stating that non-payment was "not unreasonable" (October 13, 2020). The Supreme Court betrayed the expectations for the implementation of the principle of equal pay for equal work. On April 26, 2024, the Morioka District Court dismissed the claims of a fixed term contract worker working

for an NTT-related company, stating that the wide wage gap and non-payment of bonus (equivalent to 5 months' pay for regular workers) was "not unreasonable" following the earlier Supreme Court judgement. There is a concern that discrimination against non-regular workers will become entrenched.

In a case of discrimination against a woman working in the clerical track, the Tokyo District Court recognized on May 13, 2024, that paying women in the clerical track that did not allow any transfers to different tracks, a nominal housing allowance while paying male workers 80% of their housing rents was indirect discrimination and ordered payment of damages of 3.7 million yen. Regarding the wage gap between men and women in the clerical track, the court recognized that the company had discretion to determine wages and dismissed the claims.

There are 1.12 million non-regular workers in local public service (Ministry of Internal Affairs and Communications survey, April 2020) of which 76.6% are women. The proportion is considerably larger compared with the proportion of women among regular workers (less than 40%). Under the system of appointing staff for the fiscal year introduced in April 2020, the basic labor rights of non-regular workers were deprived, employment insecurity is spreading, and the workers are falling in the gaps between the laws. In June 2024, the Ministry of Internal Affairs and Communications has issued notices to review the recruiting procedures, but the employment insecurity remains.

An online questionnaire conducted by an organization of non-regular public sector workers found the following:

- non-regular public service workers were hired on a 1-year appointment for permanent public service, with low pay and treatment
- many experience harassment at work but are unable to raise their voices due to uncertainty about their contract renewals
- more than 50% earn less than 2 million yen annually, with 70% of the main breadwinners (378) earning less than 2.5 million yen.

The difference in treatment is wage discrimination under the guise of difference in forms of employment, and a review based on the principle of equal pay for equal work is urgently required. The current situation will lead to instability in the provision of public service, and disadvantages to local communities as a whole.

A woman who changed from a regular to a non-regular position by becoming a fixed term contract worker, under the assumption that she would return to a regular position, while she looked for a childcare facility to place her child, asked to be returned to her former position after finding one. She was refused and her contract not renewed by her employer. The Tokyo District Court decided in September 2018 that the non-renewal of the contract was invalid, but did not recognize her right to return to a regular position, and the Appeals Court decided in November 2019 that the non-renewal was valid. It also held that the plaintiff's statements at a press conference amounted to defamation and ordered that she pay 550,000 yen for damages. The Supreme Court dismissed her appeal on December 8, 2020. A clear prohibition on disadvantageous treatment for taking childcare leave is necessary.

The largest number of labor consultations received by the Labor Bureaus around the country is related to harassment. A law prohibiting harassment with sanctions is necessary.

19. Percentage of men taking paternity leave in 2022 was 17%, the highest ever, but still a

long way off from the government target of 50% by 2025. The average days for paternity leave at large companies was 43.7 days, while 60% of them took more than 1 month. However, within companies with less than 300 employees, only 30% took more than 1 month leave, and 46% took less than 5 days. In the Diet session in 2024, the Child Care and Family Care Act and the Act for Measures to Support the Development of the Next Generation were revised, but there is still a long way.

There are many children on the nursery school waiting list, but some are not counted by the government. Those hidden numbers increased by 5,000 last year to 66,168. Increasing number of parents on paternity leave have no choice other than extending their leave. The cabinet adopted a Strategic Plan for Future of Children in June 2023, which includes 1) changing the caregiver to child ratio at nursery school from 1 to 6 children to 1 to 5 for age of 1 or less, and 2) for children age 4 to 5 from 1 to 30 to 1 to 25. This is the first revision in 75 years. However, 30% of nursery schools does not meet the revised standards since they cannot secure enough caregivers.

Technical interns from neighboring countries often experience serious human rights violations, such as being forbidden to date or immediately deported if found to be pregnant or had given birth. A female intern whose baby was born dead was prosecuted for illegally disposing of the remains, but was found not guilty by the Supreme Court.

The GOJ should set a time-bound plan to ratify ILO Convention 111, 183, 189, 190 as well as 175. The Ministry of Labour and Welfare is now examining whether domestic workers are “workers”, but they should be considered workers.

Health

20. The Penal Code prohibits abortion with a penalty, and the Maternal Protection Law requires spousal consent for abortion. (Dilatation and) Curettage method, which is dangerous to the body and mentally taxing, is still a major method of abortion. The initial abortion cost is also expensive, at around 100,000 yen (US\$700). To use oral abortion pills, hospitalization or a hospital stay is required. Oral abortion pills are also expensive, cannot be used at home, few hospitals provide them, thus options remain limited, with only 724 women using the pill in the six months since its launch in May 2023.

Emergency contraceptives are also not available at pharmacies without prescription. The Ministry of Health, Labor, and Welfare (MHLW) has begun a pilot study to sell the pills at some pharmacies, which accounts for 0.2% of all pharmacies, with the serious restriction that only women 16 and older can purchase them, and those 16 and 17 years old must be accompanied by a parent or guardian.

The GOJ has refused to accept key recommendations in the area of SRHR for the UN Periodic Universal Review in 2023 on decriminalization of abortion and the abolition of spousal consent for abortion, and comprehensive sex education.

Regarding suicide prevention, the number of female suicides has been increasing under the COVID 19 circumstances (increase during three consecutive years, from 2020 to 2022), and it is unclear to what extent it can go into addressing the root causes, such as women’s

unemployment, economic hardship, domestic violence, and isolation.

21. Most women who are burdened with the responsibility of caring for children and socially vulnerable people, have opposed the radiation exposure standards which the GOJ raised by 20 times after the Fukushima nuclear accidents. For these 14 years, we have been forced to endure the radiation exposure amount that exceeds several to several tens of times higher than that before the accident. The GOJ plans to reuse the contaminated soil even though 70 percent of the fields and forests of Fukushima Prefecture has not been decontaminated yet. Radioactive contaminated water was also discharged into the ocean. 370 children out of 380,000 have developed the childhood thyroid cancer. However, the GOJ, TEPCO, and Fukushima Prefecture denied any causal relationship between the fact and the accident.

Furthermore, PFAS contamination is not limited to areas around U.S. military bases, but is spreading throughout the country. The blood concentration test for residents of contaminated areas shows that the levels in more than 50% of them exceeded 20ng/ml, which is considered to be a "health risk". The GOJ has not identified the source of the contamination. In addition, Japan has not been allowed to freely investigate PFAS contamination originating from U.S. military bases and has not been able to identify the source of contamination. Though the GOJ has just launched a national study on PFAS in tap water, regulatory limits for both radioactive materials and PFAS are too lax. Health surveys and verification are inadequate.

Economic and social benefits

22. More than 50% of working women are in non-regular employment. Reflecting women's low wages, the amount of employees' pension benefits in 2022 was 164,000 yen for men and 115,000 yen for women, and the poverty rate for elderly single women (in 2021) was 44%. Due to the wage gap between men and women, elderly single women are not guaranteed a sufficient standard of living. In October 2024, the Ministry of Health, Labour and Welfare (MHLW) will extend the employees' pension system to part-time workers (20 hours or more per week) in companies with 51 to 100 employees. However, for companies with 50 or fewer employees, a labor-management agreement is required. The five themes of discussions on pension reform by MHLW include neither reform of the standard family model of a full-time male employee and a full-time housewife which has restricted women's right to work, nor the minimum guaranteed pension system that allows an individual to live alone.

As for public assistance, since 2013, reductions in all aspects have continued. In 2018, additions for child-raising and single-parent households were reduced. The benefit amount for each household in FY2024 is lower than in FY2012, and the poverty among recipients has been deepening. Additional payments for disability and for single-parent households cannot be received simultaneously. Since 2014, simultaneous receipt of child-rearing allowance and disability pension has been partially approved. However, actual operation varies among local governments. Human rights violations on application have not been improved.

"Act on Provision of Disaster Condolence Grant" itself is gender-neutral. However, it is difficult for women to be recognized as primary earners. On the death of a female who is a primary earner, the condolence payment is half of that for a male who is a primary earner. The act has not been amended from the perspective of gender equality. Gender discrimination in the value of life is preserved.

In 2019, the GOJ decided to pay a lump sum of 3.2 million yen to victims of eugenic surgery under the former Eugenic Protection Act, still only 4% of the known number of victims have applied for and received the payment.

Rural women and disadvantaged groups of women

23. The GOJ has never examined the proportion of women's ownership of farmland. Women rarely acquire other farmland than those inherited from their parents. The situation where women find it difficult to participate in farm management (e.g. lack of knowledge about agricultural policy and local agriculture) needs to be improved.

Article 56 of the Income Tax Act has not been reviewed. In rural, commercial and industrial self-employment (where most business owners are men), remuneration for the work of family employees (mostly women) is added to the income of the business owner. Remuneration to family employees is not recognized as a necessary expense of the business, resulting in the forced unpaid work under the tax system. Article 56 is a discriminatory law that violates human rights of women family workers and prevents their economic independence. Petition signatures for the abolition of Article 56 is widely supported and the number of local assembly opinions calling for its repeal reached 572.

There have been no official studies or consultations on the factors preventing the equal participation of indigenous and ethnic minority women in political, economic, social, and cultural activities. Nor has there been any confirmation of the need for equal participation. In April 2024, the Act on Support for Women with Difficulties came into force. The main focus is on support, with no reference to the causes and structure of the difficulties that arise, nor to their complexities and intersectionality.

Climate change and disaster risk reduction and management

24. Although the GOJ has declared to achieve a decarbonized society by 2050, fossil fuel-based thermal power generation still accounts for 72.7% (2022). Natural renewable energy remains at 22.7%, including solar power generation at 9.9% and hydroelectric power generation at 7.1%. There are no policies related to women's rights in climate change mitigation and energy policies in Japan.

The ratio of women in the Central Disaster Management Council is 26.7% (2023), and that in Local Disaster Management Councils is 19.2% at the prefectural level and 10.3% at the municipality level. Moreover, 60% of the municipal offices have only 10% or no women in the disaster prevention department. Therefore, it cannot be said that progress is being made in gender equality in disaster management. In order to reduce disaster risk, it is essential to involve people, especially women from diverse backgrounds, including the elderly and people with disabilities. The revised Climate Change Adaptation Act of 2023 does not mention gender or women. On the other hand, the plan formulated in the same year mentions "decision-making and consensus-building through which gender equality and highly vulnerable groups are taken into consideration." However, Key Performance Indicators (KPIs) set up in this plan do not include any gender-related items or indicators.

Marriage and family relations

25. The 2024 amendments to the Civil Code do not consider financial losses resulting from career interruptions due to marriage as a factor in the distribution of marital property during divorce. Clear criteria for equitable distribution are lacking. Property disclosure orders are now available, but they are not mandatory and depend on the judge's discretion. Child support enforcement has been strengthened, but court proceedings remain burdensome for women. The joint custody system, while aimed at protecting children, has faced criticism for making divorce more challenging for women who have experienced domestic violence.

Even after eliminating discrimination against children born out of wedlock in terms of inheritance in 2013, the concept of legitimacy is maintained. The birth certificate has a column to select "legitimate child" or "illegitimate child", and although some operational changes were made in 2010, being forced to select "illegitimate child" has occurred repeatedly. Furthermore, many of the discriminatory descriptions in the family registry that identify a child born out of wedlock at a glance are still maintained. The term "legitimate" has not been abolished under the amendment of the Civil Code (parent-child legislation) enacted in April 2024.

Additional issue: Sexual violence in Okinawa

In Okinawa there is a high concentration of U.S. military bases, and sexual violence against women by U.S. soldiers occurs frequently. The GOJ knew of the incident that occurred in December 2023 but neglected to inform Okinawa Prefecture. Since then, five more incidents have been reported. Concrete measures, including revision of the Status of Forces Agreement, should be taken to protect women from sexual violence caused by the US military presence.

End of Report