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## **Committee on the Elimination of Discrimination against Women**

### **Concluding observations on the combined seventh and eighth periodic reports of Japan\***

1. The Committee considered the combined seventh and eighth periodic reports of Japan (CEDAW/C/JPN/7-8) at its 1375th and 1376th meetings, on 16 February 2016 (see CEDAW/C/SR.1375 and 1376). The Committee's list of issues and questions are contained in CEDAW/C/JPN/Q/7-8 and the responses of Japan are contained in CEDAW/C/JPN/Q/7-8/Add.1.

#### **A. Introduction**

2. The Committee appreciates that the State party submitted its combined seventh and eighth periodic reports. It also appreciates the State party's written replies to the list of issues and questions raised by its pre-session working group. It welcomes the oral presentation of the delegation and the further clarification provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party for its large delegation, which was headed by His Excellency Mr. Shinsuke Sugiyama, Deputy Minister for Foreign Affairs. The delegation comprised representatives from various Ministries and government agencies including the Ministry of Justice; the Ministry of Foreign Affairs; the Ministry of Education, Culture, Sport, Science and Technology; the Ministry of Health, Labour and Welfare; the Cabinet Office; the National Police Agency; and the Permanent Mission of Japan to the United Nations at Geneva.

#### **B. Positive Aspects**

4. The Committee welcomes the progress achieved since the consideration in 2009 of the State party's sixth periodic report (CEDAW/C/JPN/6) in undertaking legislative reforms, in particular the adoption of:

(a) The revised Part-time Labour Act, 2014, to improve the treatment of part-time workers who are mostly women;

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\* Adopted by the Committee at its sixty-third session (15 February-4 March 2016).

- (b) The Act on the Promotion of Women's Participation and Advancement in the Workplace, in 2015;
  - (c) The Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography and the Protection of Children, in 2014;
  - (d) The revised Anti-Stalking Act, in 2013; and
  - (e) The Act on Child and Childcare Support Act, in 2012.
5. The Committee welcomes the State party's efforts to improve its policy framework aimed at accelerating the elimination of discrimination against women and advancing women's rights, such as the adoption of the following:
- (a) The Action Plan to Combat Trafficking in Persons, in 2014;
  - (b) The Japan Revitalisation Strategy, in 2013; and
  - (c) The Third Basic Plan for Gender Equality, in 2010; and the Fourth Basic Plan for Gender Equality, in 2015.
6. The Committee welcomes the State party's ratification of the following international instruments since the consideration of its previous periodic report:
- (a) The Convention on the Rights of Persons with Disabilities, in 2014; and
  - (b) The Convention for the Protection of All Persons from Enforced Disappearance, in 2009.

## **C. Principal areas of concern and recommendations**

### **Parliament**

**7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with Parliamentarians, adopted at the forty-fifth session in 2010). It invites Parliament, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the next reporting period under the Convention.**

### **Legal status of Convention, visibility and ratification of the Optional Protocol**

8. The Committee notes that under article 98 (2) of the State party's Constitution, treaties that are concluded and promulgated have legal effect as part of domestic law. The Committee is, however, concerned that the Convention has not been fully domesticated and that on 28 March 2014 the High Court of Tokyo ruled that it cannot recognise the Convention as directly applicable or self-executing. The Committee is also concerned that:

- (a) Notwithstanding the State party's efforts to raise awareness, the provisions of the Convention are not sufficiently known in the State party;
- (b) No information has been provided on the timeframe within which the State party intends to ratify the Optional Protocol to the Convention; and
- (c) The Committee's previous recommendations (CEDAW/C/JPN/CO/6) have not been fully implemented by the State party.

**9. The Committee calls upon the State party to:**

- (a) **Fully domesticate the provisions of the Convention;**

(b) **Intensify existing programmes to raise awareness of the Convention and the Committee's General Recommendations and of women's human rights among relevant stakeholders in the State party, including government officials, parliamentarians, the legal profession, law enforcement officers and community leaders;**

(c) **Consider ratifying the Optional Protocol and train members of the legal profession and law enforcement officers on the Committee's jurisprudence under the Optional Protocol; and**

(d) **Consider adopting a national action plan on the implementation of the Committee's present concluding observations with clear targets and indicators.**

#### **Definition of discrimination against women**

10. The Committee remains concerned at the lack of a comprehensive definition of discrimination against women, which encompasses both direct and indirect discrimination in both the public and private spheres in line with article 1 of the Convention. It recalls that the lack of such a definition constitutes an impediment to the full application of the Convention in the State party.

**11. The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 22) and calls upon the State party to urgently adopt a comprehensive definition of discrimination against women in national legislation in line with article 1 of the Convention, with a view to ensuring that women are protected against both direct and indirect discrimination in all spheres of life.**

#### **Discriminatory laws and lack of legal protection**

12. The Committee regrets that its previous recommendations regarding existing discriminatory provisions have not been addressed. The Committee is particularly concerned that:

(a) The Civil Code maintains discriminatory provisions as it sets different minimum ages of marriage for women and men at 16 and 18 years, respectively;

(b) The Civil Code still prohibits only women from remarrying within a specified period of time after divorce notwithstanding the decision of the Supreme Court, which shortened the period from 6 months to 100 days;

(c) On 16 December 2015, the Supreme Court upheld the constitutionality of article 750 of the Civil Code that requires married couples to use the same surname, which in practice often compels women to adopt their husbands' surnames;

(d) Despite the abolition in December 2013 of the provision that discriminated against children born out of wedlock in inheritance matters, various discriminatory provisions including the provision in the Family Register Act concerning the discriminatory description during birth notification have been retained; and

(e) There is no comprehensive anti-discrimination law that covers inter-sectional discrimination against women belonging to various minority groups who are frequently subjected to harassment, stigmatization and violence.

**13. The Committee reiterates its previous recommendations (CEDAW/C/JPN/CO/5) and (CEDAW/C/JPN/CO/6) and urges the State party to, without delay:**

(a) Amend the Civil Code in order to raise the legal minimum age of marriage for women to 18 years to be equal to that of men; and revise legislation regarding the choice of surnames for married couples in order to enable women to retain their maiden surnames; and abolish any waiting period for women to remarry upon divorce;

(b) Abolish all discriminatory provisions regarding the status of children born out of wedlock and ensure that the law protects them and their mothers from stigma and discrimination in society; and

(c) Enact comprehensive anti-discrimination legislation that prohibits multiple/intersectional forms of discrimination against women belonging to various minority groups, and protect them from harassment and violence, in line with General Recommendation No. 28 (2010) on core obligations of States parties.

#### **National human rights institution**

14. The Committee reiterates its concern that the State party has not established an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), with a broad mandate to promote and protect women's rights, including protection against multiple forms of discrimination.

15. **The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 24) that the State party establish, within a clear time frame, an independent national human rights institution, in accordance with the Paris Principles (General Assembly Resolution 48/134 of 20 December 1993), and ensure that its mandate covers women's rights and gender equality.**

#### **National machinery for the advancement of women**

16. The Committee notes information from the State party that the "Act for Establishment of the Cabinet Office" clarifies the mandate conferred on the Minister of State for Gender Equality as head of the national machinery for the advancement of women. It is, however, concerned that the roles of the Council for Gender Equality and the Liaison Conference for the Promotion of Gender Equality are not clearly defined. The Committee is also concerned that the lack of clarity affects coordination and the implementation of policies including gender-budgeting.

17. **The Committee recommends that the State party continue to strengthen the national machinery for the advancement of women by clarifying the roles of its various components to enable it to effectively undertake its activities, including gender mainstreaming and gender-budgeting.**

#### **Temporary special measures**

18. The Committee notes the State party's efforts to introduce numerical targets under the Third and Fourth Basic Plan on Gender Equality in order to accelerate de facto equality between men and women. The Committee is, however, concerned at the lack of statutory temporary special measures, including quotas, to address the under-representation of women, including ethnic and other minority women, in decision-making positions in the public and private sectors, as well as in political life, especially in Parliament. The Committee is particularly concerned that rather than statutory quotas, the State party continues to use less effective voluntary initiatives and other incentives such as higher evaluations for companies during the bidding process for public procurement.

19. **The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 28) and calls upon the State party to consider using temporary special measures, such as statutory quotas, in accordance with article 4 (1) of the Convention and the Committee's General Recommendation No. 25 (2004) on temporary special measures, as a necessary strategy to accelerate the achievement of substantive equality of women and men, in particular to enhance the rights of ethnic and other minority and indigenous women, and women with disabilities, in all areas of the Convention.**

#### **Stereotypes and harmful practices**

20. The Committee remains concerned at the persistence of patriarchal attitudes and deep-rooted stereotypes regarding the roles and responsibilities of women and men in the family and in society. The Committee is particularly concerned that:

(a) The persistence of these stereotypes continues to be reflected in the media and educational textbooks and has an impact on educational choices and the sharing of family and domestic responsibilities between women and men;

(b) The media often depicts women and girls in a stereotyped manner including as sex-objects;

(c) Stereotypes continue to be the root causes of sexual violence against women and that pornography, video games and animation such as manga promote sexual violence against women and girls; and

(d) Sexist speech continues to be directed against women, ethnic and other minority women such as the Ainu, Buraku and Zainichi Korean women and migrant women.

21. **The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 30) and urges the State party to:**

**(a) Intensify its efforts to change social norms that reinforce traditional roles of women and men and to promote positive cultural traditions that promote the human rights of women and girls;**

**(b) Effectively implement existing legal measures and monitoring programmes in order to regulate the production and distribution of pornographic material, video games and animation that exacerbate discriminatory gender stereotypes and reinforce sexual violence against women and girls;**

**(c) Review educational textbooks and materials to eliminate discriminatory gender stereotypes;**

**(d) Adopt legislation to prohibit and sanction sexist speech and propaganda advocating racial superiority or hatred, including attacks on ethnic and other minority women such as the Ainu, Buraku and Zainichi Korean women as well as migrant women; and**

**(e) Regularly monitor and assess the impact, through an independent expert body, of measures taken to eliminate discriminatory gender stereotypes and prejudices against Ainu, Buraku, Zainichi Korean women and migrant women.**

#### **Violence against women**

22. The Committee notes that the Ministry of Justice established a committee to review the Penal Code in order to address various issues including (a) the narrow definition of the crime of rape, which only applies to vagina-penal penetration; (b) raising the low penalties for sex crimes; (c) the adoption of legal provisions explicitly criminalizing marital rape and

(d) the introduction of *ex officio* prosecution of sex crimes. The Committee is, however, concerned that the Ministry of Justice's committee that reviewed the Penal Code did not consider it necessary to explicitly criminalize marital rape. It is also concerned that the age of sexual consent remains 13 years and that the minimum penalty for statutory rape is only 3 years' imprisonment. The Committee is further concerned at:

(a) The lack of provisions in the Penal Code specifically criminalizing incest;

(b) Reports of inordinate delays in the issuance of emergency protection orders by courts, which expose victims of violence, including domestic violence, to a risk of further violence;

(c) Information that migrant women, ethnic and other minorities, and women with disabilities who are victims of violence, including domestic violence, are reluctant to report cases to the authorities, and that migrant women, in particular, fail to do so due to the risk of having their residence status revoked, as they are required to provide "justifiable reasons" for protection under the Immigration Control and Refugee Recognition Act ; and

(d) The uncertainty regarding the application of the Spousal Violence Prevention Act to all women in all family settings and the reluctance of the judiciary to issue protective measures in such cases.

23. **Recalling its General Recommendation No. 19 (1992) on violence against women, and its previous recommendations (CEDAW/C/JPN/CO/6, para. 30), the Committee urges the State party to:**

(a) **Make full use of the Convention and the Committee's General Recommendation No. 19 (1992), as well as its jurisprudence, when amending its Penal Code, to ensure that it comprehensively addresses violence against women, including domestic violence and incest as a specific crime;**

(b) **Expedite the amendment of the Penal Code to expand the definition of rape and ensure *ex officio* prosecution of sex crimes;**

(c) **Amend the Penal Code to explicitly criminalise marital rape and raise the minimum penalty for statutory rape;**

(d) **Expedite the judicial process for issuing emergency protection orders;**

(e) **Encourage reporting by victims of all forms of violence against women and girls, particularly migrant women, and ensure that shelters are available and adequately equipped for women victims of violence;**

(f) **Ensure training of lead personnel and that all cases of violence against women and girls are thoroughly and effectively investigated and that perpetrators are prosecuted and, if convicted, adequately punished ; and**

(g) **Ensure that the Spousal Violence Prevention Act also applies to all women in all family settings.**

24. The Committee notes that under the Eugenic Protection Act, the State party through the Prefectural Eugenic Protection Committee, sought to prevent births of children with diseases or disabilities and, as a result, subjected persons with disabilities to forced sterilisation. The Committee notes that out of approximately 16,500 cases of sterilization without consent, 70% concerned women, and no efforts have been made by the State party to provide redress such as compensation, official apologies and rehabilitation.

25. **The Committee recommends that the State party conduct a study on the extent of past violations in the form of forced sterilizations of women under the Eugenic Protection Act and, prosecute and, if convicted, adequately punish perpetrators. The**

**Committee further recommends that the State party adopt specific measures aimed at providing all victims of forced sterilizations with assistance to access legal remedies and provide them with compensation and rehabilitative services.**

**Trafficking and exploitation of prostitution**

26. The Committee notes the adoption by the State party of an Action Plan to Combat Trafficking in Persons in December 2014 and the establishment of the Council for the Promotion of Measures to Combat Trafficking in Persons. The Committee welcomes efforts by the State party to reform the Industrial Training and Technical Internship Programme by introducing draft legislation, which is before Parliament (Diet). The Committee is, however, concerned that the State party remains a source, transit and destination country for trafficking in persons, in particular women and girls, for purposes of labour and sexual exploitation and that:

(a) Women continue to be subjected to sexual exploitation in the entertainment industry, particularly for prostitution and pornographic film production; and

(b) Women and girls coming to the State party under the Industrial Training and Technical Internship Programme continue to be subjected to forced labour and sexual exploitation.

27. **The Committee recommends that the State party:**

(a) **Intensify regular labour inspections and other efforts to combat trafficking in persons, particularly women and girls recruited under the Industrial Training and Technical Internship Programme;**

(b) **Intensify monitoring and inspection programmes targeting establishments that provide adult entertainment and produce pornographic film, in order to prevent sexual exploitation;**

(c) **Continue efforts aimed at bilateral, regional and international cooperation to prevent trafficking, including by exchanging information with other countries in the region and harmonizing legal procedures to prosecute traffickers;**

(d) **Provide information in the next periodic report on the implementation of reforms envisaged under the Industrial Training and Technical Internship Programme; and**

(e) **Ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime.**

**“Comfort women”**

28. The Committee recalls its previous concluding observations (CEDAW/C/JPN/CO/6, paras. 37 and 38) and also refers to numerous recommendations on the unresolved issue of “comfort women” made by other United Nations human rights mechanisms such as the Committee on the Elimination of Racial Discrimination (CERD/C/JPN/CO/7-9), the Human Rights Committee (CCPR/C/JPN/CO/6), the Committee Against Torture (CAT/C/JPN/CO/2), the Committee on Economic, Social and Cultural Rights (E/C.12/JPN/CO/3), several United Nations Special Procedures mandate holders of the Human Rights Council and the Universal Periodic Review (A/HRC/22/14/Add.1, para.147-145 et seq.). While noting the efforts by the State party to attempt to resolve the issue of “comfort women”, most recently through the bilateral agreement between the State party and the Republic of Korea announced on 28 December 2015, the Committee regrets the State party has not implemented the aforementioned recommendations and its position that

the issue of “comfort women” does not fall within the mandate of the Committee, as the alleged violations occurred prior to the entry into force of the Convention for the State party in 1985. The Committee further regrets that:

(a) Recently, there has been an increase in the number of statements from public officials and leaders regarding the State party’s responsibility for violations committed against “comfort women”; and that the announcement of the bilateral agreement with the Republic of Korea, which asserts that the “comfort women” issue “is resolved finally and irreversibly” did not fully adopt a victim-centred approach;

(b) Some “comfort women” have died without obtaining an official unequivocal recognition of responsibility by the State party for the serious human rights violations that they suffered;

(c) The State party has not addressed its obligations under international human rights law towards “comfort women” victims in other concerned countries; and

(d) The State party deleted references to the issue of “comfort women” in textbooks.

**29. The Committee reiterates its previous recommendations (CEDAW/C/JPN/CO/6, paras. 37 and 38) and observes that the issue of “comfort women” gives rise to serious violations that have a continuing effect on the rights of victims/survivors of those violations that were perpetrated by the State party’s military during the Second World War given the continued lack of effective remedies for these victims. The Committee, therefore, considers that it is not precluded *ratione temporis* from addressing such violations, and urges the State party to:**

**(a) Ensure that its leaders and public officials desist from making disparaging statements regarding responsibility, which have the effect of re-traumatising victims;**

**(b) Recognize the right of victims to a remedy, and accordingly provide full and effective redress and reparation, including compensation, satisfaction, official apologies and rehabilitative services;**

**(c) Ensure that in the implementation of the bilateral agreement announced jointly with the Republic of Korea in December 2015, the State party takes due account of the views of the victims/survivors and ensure their rights to truth, justice, and reparations;**

**(d) Adequately integrate the issue of “comfort women” in textbooks and ensure that historical facts are objectively presented to students and the public at large; and**

**(e) Provide information in its next periodic report on the extent of consultations and other measures taken to ensure the rights of victims/survivors to truth, justice and reparations.**

#### **Participation in political and public life**

30. The Committee notes the State party’s efforts to promote the participation of women in political and public life by adopting the Third and Fourth Basic Plan on Gender Equality, which sets numerical targets and a specific goal to achieve 30% representation of women in political, public and private life by 2020. The Committee, however, remains concerned at:

(a) The low representation of women at legislative, ministerial, local government (mayoral) levels as well as in the judiciary, diplomatic service and in academia;



(b) The lack of statutory temporary special measures aimed at accelerating de facto equality between men and women in political and public life; and

(c) The under- representation of women with disabilities, ethnic and other minority women such as Ainu, Buraku and Zainichi Korean women in decision making positions.

**31. The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 42) and calls upon the State party to:**

**(a) Adopt more temporary special measures, such as statutory quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's General Recommendations No. 25 (2004) on temporary special measures and No. 23 (1997) on women in political and public life, in order to accelerate women's full and equal participation in elected and appointed positions;**

**(b) Ensure the effective implementation of the goal set by the Third and Fourth Basic Plan on Gender Equality to achieve 30% representation of women by 2020 at all levels including legislative, ministerial, local government (mayoral) levels as well as in the judiciary, in the diplomatic service and in academia; and**

**(c) Take specific measures, including temporary special measures, to promote the representation of women with disabilities, ethnic and other minority women such as Ainu, Buraku and Zainichi Korean women in decision making positions.**

#### **Education**

32. The Committee commends the State party for prioritising equal access for women and girls to all levels of education and the increase in girls' participation in primary and secondary education. The Committee is, however, concerned at:

(a) The wide gender gap in higher education enrolment, particularly at Universities and Graduate schools, as well as in fields of studies that are traditionally male-dominated such as science, technology engineering and mathematics (STEM);

(b) The large proportion of women who pursue higher education without completing their 4-year university studies, which places them at a disadvantage in the labour market;

(c) The low participation of women in senior management and decision making positions in educational institutions, and their concentration in lower level positions as well as low number of female professors;

(d) Undue sensitivities by politicians and public officials regarding the content of age-appropriate education on sexual and reproductive health and rights;

(e) Reports of low literacy levels among ethnic and other minority communities, in particular, older women from the Ainu and Buraku ethnic communities; and

(f) The lack of data on the educational status of migrant women and women with disabilities as well as lack of information on measures to address bullying and expressions of racist sentiments in schools, particularly targeting Zainichi Korean women and girls.

**33. The Committee recommends that the State party:**

**(a) Intensify career guidance activities to encourage girls to pursue non-traditional subjects (STEM) and raise awareness among teaching personnel on the importance that girls complete tertiary education;**

(b) Take specific measures, including temporary special measures, to improve the representation of women in senior management and decision making positions in the education sector as well as increase the number of female professors;

(c) Address public concerns regarding the content and provision of age-appropriate education on sexual and reproductive health and rights so that it is systematically integrated into school curricula;

(d) Remove all obstacles to access to education for women and girls with disabilities, migrant women and ethnic and other minority women such as the Ainu, Buraku and Zainichi Korean women; and provide information in the next periodic report on their access to education as well as to scholarships; and

(e) Enhance measures to prevent, punish and eradicate all forms of violence against women and girls, including bullying and expressions of racist sentiments, in educational institutions, particularly targeting Zainichi Korean women and girls.

### **Employment**

34. The Committee welcomes the adoption of the “Act on Promotion of Women’s Participation and Advancement in the Workplace” in 2015, which seeks to empower women in employment, including non-regular workers, ethnic and other minorities. However, the Committee remains concerned at:

(a) The widening gender pay gap, which is partly attributable to the inadequate enforcement of the principle of equal pay for work of equal value;

(b) Continued horizontal and vertical segregation in the labour market and the concentration of women in low paid sectors of employment, which is partly attributable to the track-based system of employment;

(c) The continued concentration of women in part-time work due to family responsibilities, which affects their pension benefits and is partly responsible for post-retirement poverty as well as the persistent reports of maternity and child-birth related harassment;

(d) The lack of an adequate prohibition and appropriate sanctions for sexual harassment as well as the fact that the State party has not ratified the core ILO Convention No. 111 concerning discrimination in respect of employment and occupation;

(e) The persistence of multiple/intersectional forms of discrimination in the employment sector with regard to indigenous women, minority and other women (Buraku, Korean, Okinawa), women with disabilities and migrant women workers; and

(f) The lack of information on the status of women domestic workers in the State party.

35. **The Committee urges the State party to:**

(a) **Intensify efforts under the “Act on Promotion of Women’s Participation and Advancement in the Workplace”, 2015, the Labour Standards Act and other relevant laws, to eliminate structural inequalities and occupational segregation and to reduce the gender pay gap by enforcing the principle of equal pay for work of equal value;**

(b) **Intensify efforts to promote the use of flexible working arrangements and introduce shared parental leave to encourage men to participate equally in child care responsibilities; and ensure the provision of adequate childcare facilities;**

(c) **Adopt legal provisions that prohibit and provide for appropriate sanctions to deter sexual harassment at the work place; and ensure women's access to justice in cases of discrimination in employment, including on grounds of pregnancy and motherhood;**

(d) **Conduct regular labour inspections aimed at enforcing compliance with labour laws and codes of conduct on sexual harassment;**

(e) **Undertake a survey of the employment sector and produce gender statistics with regard, in particular to indigenous and minority women as well as women with disabilities and migrant women workers;**

(e) **Provide information in the next periodic report on the status of women domestic workers in the State party; and**

(f) **Consider ratifying ILO Convention No. 111 concerning discrimination in respect of employment and occupation; and ILO Convention No. 189 (2011) concerning decent work for domestic workers.**

### **Health**

36. The Committee notes the efforts made by the State party to address health concerns related to radiation following the Fukushima Dai-Chi Nuclear Power Plant accident in 2011. The Committee, however, notes with concern the State party's plans to lift the designation as evacuation zones of contaminated areas with radiation exposure levels under 20 millisieverts per year, which may have a disproportionate effect on the health of women and girls.

37. **The Committee recommends that the State party reaffirm that the lifting of designation of places as evacuation zones of contaminated areas with radiation exposure is consistent with internationally accepted knowledge on risk factors for women and girls considering that women are more sensitive to radiation than men. It further recommends that the State party intensify the provision of medical and other services to women and girls affected by radiation, in particular pregnant women in the Fukushima Prefecture.**

38. The Committee is concerned at the high ratio of abortion and suicide among teenage girls and women in the State party. It is particularly concerned that:

(a) Under article 14 of the Maternal Protection Act read with article 212 of the Penal Code, women can only obtain an abortion where the continuation of pregnancy or delivery may significantly damage the person's physical health and when a person is raped in a violent or threatening manner or at a time when the person could neither resist nor refuse and becomes pregnant;

(b) Women are required to get consent from their spouses in order to obtain an abortion; and

(c) Suicide rates among women and girls remain high in the State party.

39. **In line with general recommendation No. 24 (1999) on women and health and the Beijing Declaration and Platform for Action, the Committee recommends that the State party:**

(a) **Amend the Penal Code and Maternal Protection Act to ensure the legalization of abortion not only in cases of threats to the life and/or health of a pregnant woman but also in all cases of rape, irrespective of the use of violence, threat against or resistance by the victim, incest and serious foetal impairment and decriminalise abortion in all other cases**

**(b) Revise the Maternal Protection Act in order to remove the requirement of spousal consent for pregnant women to obtain an abortion; and ensure that where abortion is sought on the ground of serious foetal impairment, the free and informed consent of the pregnant woman is obtained; and**

**(c) Adopt a comprehensive plan with clear targets and indicators aimed at preventing suicides among women and girls.**

#### **Economic and social benefits**

40. The Committee notes the State party's efforts to develop strategies for poverty reduction through income-generating activities and access to microcredit. The Committee is, however, concerned at reports of poverty among women, in particular women heads of households, widows, women with disabilities and older women. The Committee is especially concerned at their living conditions due to a wide gender gap in pension benefits. The Committee is also concerned that the Act on the Provision of Disaster Condolence Grants widens the income disparity between men and women as (a) the condolence grant is doubled for persons who are the "primary source of income"; and (b) it gives priority to heads of households, who are often men, to access disaster relief loans.

**41. The Committee calls on the State party to intensify its efforts aimed at poverty reduction and sustainable development. It also calls on the State party to pay special attention to the needs of women heads of households, widows, women with disabilities and older women, and explore the possibility to reform the pension scheme in order to guarantee their minimum standard of living. The Committee further recommends that the State party review the Act on the Provision of Disaster Condolence Grant, in order to integrate a gender equality perspective.**

#### **Rural women**

42. The Committee notes the adoption by the State party of a new Basic Plan for Food, Agriculture and Rural Areas in 2015. The Committee is, however, concerned at the low participation of rural women in decision making, particularly in the formulation of policies; and that the Income Tax Act, does not recognise earnings of spouses and family members of self-employed individuals and farmers as business expenses, which effectively impedes women's economic independence.

**43. The Committee calls upon the State party to eliminate all barriers which restrict rural women's participation in policy formulation; and consider reviewing the Income Tax Act in order to recognise women's work in family enterprises in order to promote their economic empowerment.**

#### **Disaster risk reduction and management**

44. The Committee commends the State party for its leadership in disaster risk reduction and management and its contribution to global efforts to adopt the Sendai Framework for Disaster Risk Reduction 2015-2030. The committee also commends the State party for mainstreaming gender perspectives into its policies on disaster risk reduction, and the adoption of a national Basic Disaster Management Plan. However, the Committee is concerned at the low participation of women in leadership roles in the area of disaster risk reduction and management at the national and local level following the Great East Japan earthquake in 2011.

**45. The Committee recommends that the State party accelerate the participation of women in decision-making and recovery processes related to disasters at all levels, in particular at the local level. It should also continue its efforts aimed at integrating a**

**gender perspective into all sustainable development policies, as well as into disaster risk reduction and post-disaster management.**

#### **Disadvantaged groups of women**

46. The Committee is concerned at reports that indigenous and ethnic minority, such as Ainu, Buraku and Zainichi Korean women, as well as other women such as women with disabilities, LBT women and migrant women continue to experience multiple and intersecting forms of discrimination. The Committee is particularly concerned that these women continue to have limited access to health, education and employment.

**47. The Committee calls upon the State party to vigorously pursue efforts aimed at eliminating multiple and intersecting forms of discrimination experienced by indigenous and ethnic minority women such as Ainu, Buraku and Zainichi Korean women, as well as women with disabilities, LBT women and migrant women which affect their access to health, education, employment and participation in public life, as well as in their experiences with the health and education services and at the workplace.**

#### **Marriage and family relations**

48. The Committee is concerned at the absence of legislation that governs the distribution of property upon dissolution of marriage in the State party. It notes that, as a result, property distribution is by negotiation and agreement by the couple based on a case law developed regime of deferred community property under which any property that is proven to have been accumulated while the couple lived together is to be equally divided regardless of the title to it. The Committee is concerned that:

(a) Negotiations and agreements on property distribution happen outside legal regulation where power imbalances between women and men exist and, therefore, women are placed at a disadvantage;

(b) Most divorcing women reportedly lack the necessary information and means to demand disclosure of their husbands' financial situation, including business and career assets, as the law does not provide any procedural tools and guidelines; and

(c) Under the consent divorce regime, the law does not provide for a judicial review procedure over custody and child support matters in order to safeguard the welfare of children with the result that in cases where no agreement is reached for paying child support, children are left destitute.

**49. In line with its General Recommendation No. 29 (2013) on economic consequences of marriage, family relations and their dissolution, the Committee recommends that the State party:**

(a) **Adopt comprehensive legislation that governs the distribution of all forms of marital property, with clear and defined procedures that can be followed by divorcing spouses;**

(b) **Ensure that divorcing women have access to information enabling them to demand and obtain disclosure of the financial situation of their spouses; and**

(c) **Review the law governing custody and child support in order to provide for judicial review proceedings in cases where divorce is reached by consent of the parties, and ensure that children's welfare, including their economic needs through child support payments, are guaranteed.**

#### **Optional Protocol to the Convention**

50. The Committee encourages the State party to ratify the Optional Protocol to the Convention.

#### **Beijing Declaration and Platform for Action**

51. The Committee calls upon the State party to utilize the Beijing Declaration and Platform for Action, in its efforts to implement the provisions of the Convention.

#### **2030 Agenda for Sustainable Development**

52. The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.

#### **Dissemination**

53. The Committee recalls the obligation of the State party to systematically and continuously implement the provisions of the Convention. It urges the State party to give priority attention to the implementation of the present concluding observations and recommendations between now and the submission of the next periodic report. The Committee therefore requests the timely dissemination of the concluding observations, in the official language of the State party, to the relevant state institutions at all levels (national, regional, local), in particular to the Government, the ministries, the Parliament, Senate and to the judiciary, to enable their full implementation. It encourages the State party to collaborate with all stakeholders concerned, such as employers' associations, trade unions, human rights and women's organisations, universities and research institutions, media, etc. It further recommends that its concluding observations be disseminated in an appropriate form at the local community level, to enable their implementation. In addition, the Committee requests the State party to continue to disseminate the CEDAW Convention, its Optional Protocol and jurisprudence, and the Committee's General Recommendations to all stakeholders.

#### **Ratification of other treaties**

54. The Committee notes that the adherence of the State party to the nine major international human rights instruments would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to consider ratifying the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

#### **Follow-up to concluding observations**

55. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 13(a) and 21(d)& (e) above.

#### **Preparation of the next report**

56. The Committee invites the State party to submit its ninth periodic report in March 2020.

57. The Committee requests the State party to follow the "Harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents" (HRI/MC/2006/3 and Corr.1).

