

Additional information regarding the response by the Government of Japan on the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/6)

November 2012

The Committee on the Elimination of Discrimination against Women recommended that the Government of Japan provide additional information on measures in relation to the following recommendations within one year, in the examination and the assessment of the response by the Government of Japan on the Concluding Observations of the Committee, submitted in August 2011. The following is the current situation and measures undertaken by the Government with regard to the following recommendations from July 2011 up to October 2012.

a) Actions taken with respect to the adoption of the draft law amending the Civil Code, which sets the minimum age for marriage at 18 for both women and men; allows for the choice of surnames for married couples in line with Article 16 (g) of the Convention; and equalizes shares in succession between a child born in wedlock and a child born out of wedlock; and

b) Actions taken with respect to the preparation and adoption of legal provisions abolishing the six-month waiting period required for women but not men before remarriage.

1. Current situation of the draft amendment

The Cabinet has not submitted the draft law that amends parts of the Civil Code and the Family Registration Law (tentative name), which includes the unification of the marriageable age between men and women, the introduction of a system allowing a husband and wife to adopt separate surnames of their own accord, the equalization of shares in succession between a child in wedlock and a child out of wedlock, and the shortening of the period of prohibition of remarriage, etc., to the National Diet thus far, because there are various opinions concerning these issues in the Government and among the public. Under such circumstances, the Government considers that it is still necessary to continue to deepen public discussion of these issues.

2. Actions taken by the Council for Gender Equality

(1) On July 25, 2011, at the Council for Gender Equality, which comprises the Chief

Cabinet Secretary as a Chairperson as well as 12 Cabinet ministers and 12 intellectuals, Minister of Justice Satsuki EDA stated it was regrettable for the Ministry of Justice that the Cabinet was not able to submit the draft law during the ordinary session of the National Diet in 2010, referring to the recommendations of the Committee on the Elimination of Discrimination against Women, because there were various opinions concerning on these issues in the Government. He also stated the Government would continue to make efforts for amendment of the law.

Furthermore, Mr. Takashi KASHIMA, who is the chairperson of the Specialist Committee on Monitoring which has as one of its missions to monitor the progress of the implementation of the Concluding Observations, told the ministers who attended the Council meeting that a political decision was required to amend the Civil Code and strongly urged them to show political leadership on this issue.

(2) On July 25, 2012, the Specialist Committee on Monitoring formed its opinion on the state of implementation of the Third Basic Plan for Gender Equality. In this opinion, the Committee requested that the Government continue to consider amending the Civil Code, which introduces a system to allow the retention of separate surnames for spouses, under the Third Basic Plan for Gender Equality.

(3) On August 1, 2012, in the Council for Gender Equality, Minister of Justice Makoto TAKI stated the Ministry of Justice would make efforts to amend the Civil Code, with adequate explanations of the contents of the amendment to the relevant parties.

3. Response by the Prime Minister in the National Diet

On January 27, 2012, Prime Minister Yoshihiko NODA, at the plenary session in the House of Representatives, replied that he would continue to discuss the issue of amendment of the Civil Code in the Government and with the Diet members from the ruling party, although there were various opinions on the issue.

4. Public Outreach

The Ministry of Justice has been continually disseminating the contents of the significance of the system of allowing a husband and wife to adopt separate surnames of their own accord through its websites, etc. The Ministry of Justice also posted on the websites the ‘Outline of a Bill to Revise the Civil Code’ submitted by the Legislative Council of the Minister of Justice in 1996 (which included the unification

of the marriageable age between men and women, the introduction of a system allowing a husband and wife to adopt separate surnames of their own accord, the equalization of shares in succession between a child in wedlock and a child out of wedlock, and the shortening of the period of prohibition of remarriage, etc.) and a Bill to Revise Part of the Civil Code and the Family Registration Law, which was prepared in 2010, in accordance with the outline submitted by the Legislative Council.

In 2012, the Ministry of Justice reviewed the websites in order to facilitate searches for information about the system of allowing a husband and wife to adopt separate surnames of their own accord and to make the content more readily comprehensible.

5. Follow-up by the Specialist Committee on Monitoring, and Exchange of opinions with NGOs, for Compilation of this Report

The Council for Gender Equality decided that the Specialist Committee on Monitoring is tasked to follow up on the implementation of the recommendations of the Committee on the Elimination of Discrimination against Women; and, in accordance with the decision, the Specialist Committee on Monitoring followed up on them by interviewing relevant ministries on September 13, 2012 to gain explanation of the measures implemented by those ministries.

In addition to the discussions at the Specialist Committee, the ministries explained the measures that have been implemented and exchanged opinions with NGOs on October 10, 2012.

This document was compiled through these discussions at the Specialist Committee on Monitoring and exchange of opinions with NGOs.