

# **JAWW NGO Report**

## **for Beijing+25**



**JAWW (Japan Women's Watch)**

**December 2019**

We, the members of the JAWW, dedicate this Report to the late Hiroko Hara.

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## Preface

Coming 2020 is a very special year for those involved in some form of gender equality and empowerment of women and girls. This is the 25<sup>th</sup> year since the 4<sup>th</sup> World Conference on Women (Beijing Conference) held in 1995. From the end of the 63<sup>rd</sup> United Nations Commission on the Status of Women (hereinafter CSW) held in March 2019 (New York), various assessment work is underway by governments, UN agencies, CSOs/NGOs and others with the key topics of “Beijing+25”.

Japan Women's Watch (JAWW) is an NGO established in 2001. We have been working i) to monitor the situation in order to achieve gender equality in Japan, followed by various advocacy actions and activities, and ii) to implement the Beijing Platform for Action through participation in the CSW with the aim of promoting the advancement of women and girls based on gender equality in cooperation with domestic and overseas networks.

Considering that the predecessor of JAWW was the “NGO Report Writing Group” that was active for the 23<sup>rd</sup> special session of the UN General Assembly, “Women 2000”, held five years after the Beijing Conference, it was natural for the JAWW to make an NGO report in the 25<sup>th</sup> anniversary year of the Beijing Conference. It would be a kind of “must” for the JAWW to do so. However, for a group with less than 100 members, making an NGO report that covers all areas of the Beijing Platform for Action was more difficult both financially as well as in relation to human power than making regular reports on the priority themes of the CSW. However we made it. Fortunately, we were able to have many collaborators this time again, and I am happy to present everyone this “JAWW NGO Report: for Beijing +25”.

This report consists of 21 areas, including 12 areas (A-L) defined in the Beijing Platform for Action plus 9 areas (P-X) added originally by the JAWW. It does not cover the views of the entire NGO community in Japan, but it is written by an expert in each area who consented to write for a JAWW version of NGO report. We respected the views of the authors and the corrections were made only for editorial purposes.

Our writing guidelines listed the issues in each area. The authors were asked to pick up some issues from the list clarifying the reasons to do so, to refer to CEDAW recommendations and SDGs, and to use numerical data and/or concrete examples as much as possible. We also introduced the authors the NGO CSW NY’s “NGO Guidance for National Parallel Reports” for their reference.

The enthusiasm and the spirit of the people worked in the “NGO Report Writing Group” who tried to include different opinions are passed on to the present JAWW. I do hope that this NGO Report will not only examine the 21 areas, but also will help foster young generations who are interested in and aware of gender equality and empowerment of women and girls.

I would like to express my sincere gratitude to those who gave valuable comments and suggestions as the planning committee members, and those who wrote the chapters in their busy schedule and with many restrictions including the number of pages. Thank you very much.

And last but certainly not least, special thanks would be extended to the late Hiroko Hara, the former Convener of APWW (2008-2010) and the first Convener of JAWW (2001-2009), who passed away on October 7<sup>th</sup>, 2019 for her dedication and contribution to gender equality for life.

December 2019

ASANO, Mariko  
Convener, JAWW (Japan Women's Watch)

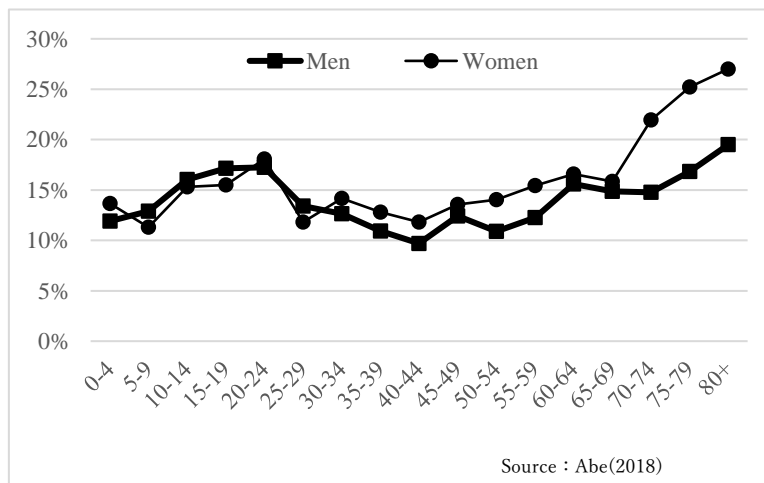
## A. Women and Poverty

ABE, Aya, Tokyo Metropolitan University

### 1. Poverty rate of women in Japan

The relative poverty rate of Japan is 15.7% (MHLW 2017<sup>1</sup>, 2015 value) and among 36 member states of OECD, ranks at the 10<sup>th</sup> highest. The situation is even worse for women in Japan. A brief look at the poverty rate calculated by sex and age group (Graph 1) reveals that during almost the entire adulthood, poverty rate of women is higher than the poverty rate of men. During a life course of women in Japan, there are two peaks when poverty risk is particularly high. The first peak is the ages 20 to 24 and spans the childhood to adolescent. At this stage of life course, the poverty rate is also high for men, and the rates for both men and women are around 18%. During the middle-age years, the poverty rate of women decreases slightly, but remains higher than the poverty rate of men. However, the highest poverty rate is seen during elderly years of women. After age 75, the poverty rate of women is higher than 25%, indicating 1 out of 4 women at this age group is poor. The gender disparity is the largest during the elderly years. As discussed later, this is mainly due to the difference in effectiveness of public pension in alleviating poverty between women and men. Since the 1980s when the public pension matured and the poverty rate of elderly men drastically decreased, yet, the decrease in the poverty rate of elderly women was limited<sup>2</sup>.

**Graph 1. Relative Poverty Rate of Men and Women, by age group**



Poverty rate of women differs considerably by the marital status of women. The highest rate is for divorcees for both working age (20-64) and elderly (over 65). For elderly, it is more than 40% and for working age, more than 30%. The widows also show high poverty rate of about 30% for all ages. Also, the single

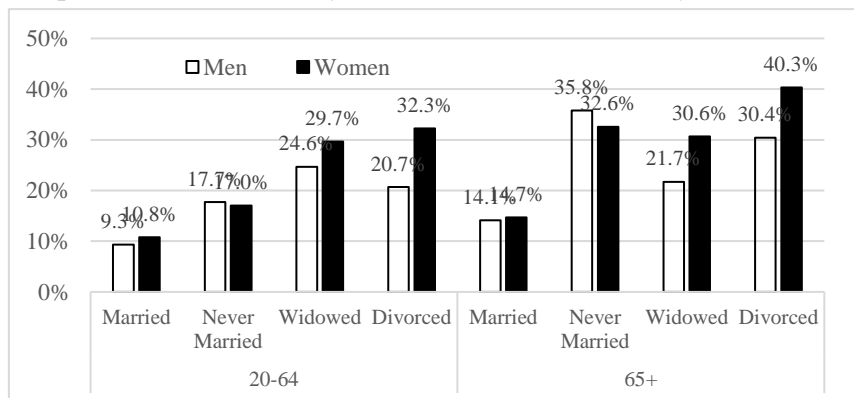
(never married) elderly women show the poverty rate more than 30%. In sum, women face high risk of poverty in elderly if she does not have a spouse. Also it should be mentioned that for all ages, divorcees and widows have higher poverty rate than the never-married women, indicating that marriage can easily become a poverty risk if it is not continued. This is because many women faced with marriage and raising children give up their career and thus loses her human capital. Another

<sup>1</sup> Ministry of Health, Labour and Welfare (2017) *Overview of Results of Heisei 28 nen Kokumin Seikatsu Kiso Chosa*. The definition of poverty line is 50% of equalized disposable income.

<sup>2</sup> Abe, Aya (2018) "Japan's relative poverty rate from 2012 to 2015" Grants-in-aid for Scientific Research(B) Report.

point is that divorcees have higher poverty risk than the widows. The divorce rate of Japan is not as high as some of the countries, but is increasing. Currently, 8.9% of women in their 40s, 9.9% of women in 50s, and 8.5% of women in 60s (Census 2015<sup>3</sup>) are divorcees (and has not remarried), making 1 out of 10 women eventually becomes a divorcee.

**Graph 2. Relative Poverty Rate of Men and Women, by marital status**



Source: Abe(2018)

## 2. Policies toward alleviating poverty among women in Japan

The largest policy for poverty alleviation is the Public Assistance System. However, while the poverty rate is 15.7%, the recipient rate (% of population receiving public assistance) is 1.65% (MHLW<sup>4</sup>, 2019 July figure) and covers only a fraction of the poor. For single-mothers, there is Child Rearing Allowance (maximum of 42,910 yen in case of 1 child), but together with low earnings of women, the poverty rate for single-mothers is very high at 47.6%. Also the allowance covers some cost of child rearing, it is only up to the time that the child is less than 19 years old, and it does not have any effect on reducing destitute among single-mothers after children are grown up. For elderly, the gender disparity of public pension is large. For the Employee’s Pension (earnings related public pension), number of female recipients is only 49.6% of male recipients, and their average old-age pension amount only amounts to 60% of men’s. Most women rely on National pension (fixed amount public pension), but the average old-age pension amount for women is 53,013 yen as opposed to 58,754 yen for men<sup>5</sup>.

In sum, the reason that the gender disparity of poverty rate remains and does not seem to decrease is that Japanese social security system and labour market are designed for and mainly cater for married couples. Together with the increasing divorce rate, the rate of never married women is increasing and estimated to reach 18.4% by 2025<sup>6</sup>. An overall reform of social security system which is designed for individual women, not as a “spouse”, is needed.

<sup>3</sup> Census 2015 in National Institute of Population and Social Security Research (2019) *Population Statistics (2019)*

<sup>4</sup> MHLW(2019) *Survey of Public Assistance Recipients (2019 July)*.

<sup>5</sup> MHLW(2017) *Employees’ Pension/National Pension Report (2017)*

<sup>6</sup> National Institute of Population and Social Security Research (2018) *Household Projections for Japan: 2015-2040*.

## **B. Education and Training of Women**

KAMEDA, Atsuko, Professor Emeritus, Jumonji Women's University

In the Japanese education system, elementary and lower secondary school are compulsory education, and the advancement rate to the upper secondary school is 96% for both girls and boys. However, there remains old practices that separate girls from boys such as a name list by gender with boys first. The number of female teachers is lower than that of male teachers, making school gender unequal. The advancement rate to university and graduate school has increased, although boys are still dominant. Gender equality movements in school show little sign of growth as girls are passive or even reluctant to choose the science courses or develop new ability. In 2016, the Women's Empowerment Act came into effect, aiming to raise the ratio of female managers to 30% as one of its main goals. It also encourages girls to choose Science, Technology, Engineering and Mathematics (STEM) fields under the promotion named "Riko-Challe". However, the result is yet to appear. In 2018, discrimination against girls in the selection process at medical schools came to light, a practice that lasted more than a decade. Girls and women have been systemically blocked from advancing into new fields, which contradicts the equal access to higher education stipulated in the SDG 4-3. It is urgent to prepare and promote a variety of careers and encourage girl's ability development from upper secondary school to university, and from university to profession.

### **1. Receding gender equality by the national curriculum standards**

Around 2000, grass-root movements for gender equality at school gained popularity among citizens and teachers. Later, fierce criticism against gender equality, so-called "gender bashing", intensified across the nation. In 2006, the Abe administration amended the Basic Act of Education in which "co-education" was deleted. Based on the amendment, the national curriculum standards were revised to regulate the content and methods of education. "Moral education" became a subject, and the textbooks were created. As a result, familism is likely to be reinforced. Issues in diversity and gender equality were not included in "Citizenship", that a new subject at upper secondary school. A young generation is purposefully kept away from knowing these issues.

### **2. Re-examine reproduction of gender equality at school**

Gender-segregated practices observed at elementary and lower secondary school was pointed out as a "hidden curriculum" that would lead to fixation of gender roles in the late 1990s. A mixed-gender name list emerged as part of the gender equality movement. After 2000, the movement declined as a result of harsh criticism. Recently, some schools accept students' proposals and allow girls to choose either slacks or skirts for their school uniform, which used to be limited to a skirt. Other schools changed gender-segregated arrangements to gender-free arrangements while abolishing an entry column for a sex identity from their application forms, to accept a gender diversity (Dear Girls, a serial article in Feb 2019, Asahi Shinbun).

On the other hand, sexual harassment by teachers to girls became apparent. Especially, sexual



harassment from male instructors to girls at extracurricular activities became a social issue (White Paper: Sexual Harassment at School, 2001). Some civil groups criticized schools for infringing on children’s human rights, such as forcing their students to dye their hair black. “Peer pressure” is so strong and prevalent at school that children with gender identity issues often find it difficult to adjust themselves to the environment.

**3. Girls’ reluctancy to choose science course and development of a new program based on the “unconscious bias” of teachers**

According to “White Paper on Gender Equality 2019”, Japanese female students scored more than OECD countries on average in the PISA science test (Average score in science: Japanese girls 532 and boys 545 / OECD girls 491 and boys 495. Source: “White Paper on Gender Equality 2019”, p.24). Nevertheless, the number of girls advancing to higher education is low, and the ratio of female scientists remains low (Iceland 47.2%, Japan 16.2%). The fact that less girls advance to science careers is considered not because of their academic performance but because of the lack of role models and parents’ and teachers’ support.

To encourage girls to pursue the science careers, the government focuses on alleviating the effect of “unconscious bias” of teachers that reinforces gender roles. In 2018, it started to develop various training programs for teachers to promote education that would allow more choices for students. This is a new approach from previous programs and is expected to have a fruitful result.

**4. Higher education that prioritizes male students and lower financial returns for a woman**

Enrolment to university level for female students was 31.5% compared with 47.5% for male students in 2000. In 2018, the ratio of female students increased to 50.1% compared with 56.3% for male students although male students were still dominant. Female students tend to attend school from their home while male students are more likely to be allowed to live by themselves, by their parents. On the other hand, advancement to graduate school was 6.3% for female and 12.8% for male students in 2000. The ratio barely changed in 2018 with 5.8% for female and 14.8% for male students. The ratio of advancement to higher education in Japan is lower than other countries.

Table1: Enrollment rate to higher education(%)

	Junior College		University		Graduate School	
	Woman	Man	Woman	Man	Woman	Man
2018	8.3	1.0	50.1	56.3	5.8	14.8
2013	9.5	1.1	45.6	54.0	6.0	15.0
2000	17.2	1.9	31.5	47.5	6.3	12.8

Source:MEXT, School Basic Survey

In Japan, a woman attaining tertiary education gets lower financial returns than a man with a similar level of education. OECD data (Education at a Glance 2018, 2016) depicts private net

financial returns<sup>7</sup> for a man are USD 284,600, thirteen times greater than the returns for a woman USD 21, 000. Across OECD countries, the gender gap is the largest in Japan. And returns for a woman in Japan are about a ninth part of OECD average (USD 192,300) returns for a woman. Higher levels of education attainment not yield higher financial returns for women in Japan.

		(equivalent USD)	
		Japan	
OECD average		woman	man
	woman	man	
2015	192,300	267,100	21,000 284,600
2012	167,600	258,400	33,600 244,000

Source: OECD (Education at a Glance 2018, 2016)

### 5. Lower ratio of female teachers and managers with few role models

“The Fourth Basic Plan for Gender Equality” stipulates an increase in the ratio of female managers to 30% by 2020. However, the goal is far from attained. The Ministry of Education, Culture, Sports, Science and Technology (MEXT) merely lowered the goal to 20%, showing little motivation to change the status quo. In 2018, the ratio of female teachers was 22.9% at elementary school, 9.7% at lower secondary school, 8.8% at upper secondary school, and 16.7% at university (professor or higher). The board of education that determines an educational system for regional governments has set a goal to eliminate “0 female board member by 2020”. The present situation poses difficulty to both female students and teachers when they choose their careers because women have less chance to develop their leadership skills and become role models to others at school. Support and scholarship projects were set to begin to increase female researchers at university and to create an environment where they can focus on their study. These projects need more attention and enhancement.

### 6. Lifelong learning to develop academic and professional careers

There is a discrepancy between school and “society/profession”, resulting in young generations workers quitting their jobs out of disappointment. In 1999, career education began at lower secondary school, which later allowed students to take internships at companies. It is important to connect education with professional careers. It is even more important for women who have difficulty continuing their jobs to receive vocational training from the perspectives of career development and life planning. Outplacement for women, support for female managers, and recurrent training that promote career enhancement and regular employment for women are taking place at local women’s centers, universities, and the National Women’s Education Centre (NWECC). NWECC is important social educational organization for achieving gender equality, plays central part

<sup>7</sup> Private net financial returns attaining tertiary education by gender as compared with adults attaining upper secondary education, in equivalent USD converted PPPs for GDP.

nationwide various opportunities for lifelong learning and career training for women. Based on SDG 4-4, career development for women needs to produce tangible results through vocational training that helps them to attain the skills and knowledge necessary for job performance.

An overall challenge is how to empower women to develop their careers and encourage them to advance to new fields. It is important to acquire certificates in the nursing and care field where women have been a dominant workforce. However, it is more important to encourage them to obtain certificates in ICT technology and data science so they can open a new frontier as described in SDGs 5b and 5c. Filling a gap between education and the new era for women will lead to the creation of a gender equal society.

## C. Women and Health

TSUGE, Azumi, Meiji Gakuin University

TAKAHASHI, Sakino, Translator, Ochanomizu University

### 1. Introduction

Japan has experienced population shrinkage for about a decade and rapid aging of society is under way despite various measures taken by the government. In 2018, total number of new born babies was around 900,000 with total fertility rate of 1.42. Percentage of young-age (0 to 14), working-age (15 to 64), and old-age (65 or older) population in the total population was 12.2, 59.7 and 28.1%, and average life expectancy for women and men was 87.32 and 81.25. This social situation had both direct and indirect influences on the "women and health" issue.

In 2015, Government set new Outline of Measures to Cope with Society with Declining Birthrate with the premise that the low birthrate was the result of delayed birth and reduced number of children due to the delayed marriage, and support of the childcare and child-rearing was deemed insufficient as the countermeasure. "Marriage and first child birth at younger age" and "education of medically and scientifically correct information on pregnancy and childbirth" at high school were featured, and a brochure for high school student emphasizing pronatalist policy was distributed. This brochure, however, included numerous incorrect statistic handlings and inappropriate descriptions with pronatalist bias. As a result of prompt action against this brochure, the government issued a new edition deleting the contents that had been pointed out (Nishiyama and Tsuge eds. 2016).

### 2. Adolescents and minors

One major health issue among girls is eating disorders caused by intense fear of gaining weight, and typical consequence of the weight loss is amenorrhea. Death by suicide is also a serious issue and Japan has ranked one of the worst in the developed countries with the suicide remaining first in the death cause in the age of 15 to 39. While number of sex transmitted diseases (STD) patients among young women that had increased at or after the turn of the century had declined to the original level or lower, exception is the skyrocketing syphilis cases including pregnant women.

### 3. Pregnancy and child birth

Japan has kept low maternal mortality rate at the level of 3 to 4 in 100 thousand births. However, medical cost of giving birth is not covered by public health insurance except for livelihood protection households, and lump-sum allowance for childbirth is paid from the public health insurance organization if at least one of the parents of the child is enrolled in a public health insurance program. Delivery in one's locality has become difficult in some districts by the shortage of obstetricians and integration of maternity facilities to general and university hospitals.

### 4. Infertility treatment and increase of ART

In the 2010's, two activities, namely, "nin-katsu" the women's activity for seeking pregnancy

and “ran-katsu” the women’s activity for stocking her eggs in liquid nitrogen for use in later life received attention. Infertility treatment is associated not only with physical and mental anguish but also with economic burden while subsidies are partly paid from local government. Recently, in the case of higher age women, treatment is often started from assisted reproductive technology (ART) including in vitro fertilization (IVF) and intracytoplasmic sperm injection. Japan is a country with the highest rate of IVF treatment in the world while the success rate is limited. The cases where male is first evaluated considering the possibility of male infertility are increasing.

## **5. Job and health**

Long working hours have caused karoshi (death from overwork), depression, and various other serious problems irrespective of gender. Women's rate of non-regular employee, however, is much higher with lower income and inferior health insurance coverage. Such poverty of women has serious influences on health issues.

## **6. Recent issues on reproductive rights**

Despite decrease in overall number, abortion rate in late teens and twenties is higher compared to other age groups, and contraception in these age groups is important. The main method used for the abortion in Japan is still curettage and vacuum aspiration (Tsukahara 2014), lagging far behind the global standard where the abortion is induced by administration of medications as recommended by WHO. Crime of abortion is still present in Penal Code despite legalization of abortion by the Maternity Protection Law, and in 2018, Japanese Government was advised by CEDAW for several issues including amendment of the Penal Code and Maternal Protection Act to ensure the legalization of the abortion. So far, the Government has not responded to this advice.

## **7. Infringement of reproductive rights**

Under the Eugenic Protection Law (1948-1996), more than 16,000 people were forcibly sterilized by eugenic reasons. Some of those people demanded national apology and compensation, and in 2019, a district court judged the Eugenic Protection Law to be unconstitutional because of its infringement of reproductive rights to the pursuit of happiness while the court denied compensation to the victims. Several lawsuits are ongoing. Also, in 2019, legislation was enacted to pay compensation to those who underwent forced sterilization under the nation’s now-defunct eugenic protection law. The compensation and the apology, however, are both insufficient.

Nishiyama and Tsuge eds. 2016 *Demagogies of High School Nin-katsu Brochure by MEXT* (in Japanese) Ronso-sha.

Tsukahara 2014 *Abortion Technologies and Reproductive Rights* (in Japanese) Keiso Shobo  
Minister of Health, Welfare, and Labor, 2019.

## **D. Violence against Women**

### **Change of Law System after 2015 and the Problems**

KAINO, Tamie, Professor Emeritus, Ochanomizu University

On July 2017, big reforms of criminal provisions for sexual crime were carried out for the first time in 110 years. There was some progress such as the creation of sexual offences by guardians; however, no review of the requirement of ‘assault and threat’ as well as a lack of examination of victim’s ages of consent for sexual intercourse. Therefore, these reforms are defective as well as leaving problems for future revisions of the law.

Yet, in 2017, the ‘# me too movement’ in USA and its waves brought some effect, such as some people’s action against high official’s sexual harassment. However, the government’s poor support and criticism towards accusers were very strong. On the other hand, so called “JK business”, as well as young women’s forced appearance in adult videos were increasingly revealed, which resulted in some governmental action, although a belated one. In March, 2019, Japanese courts acquitted several sexual violence cases in a row, which delivered a shock to many people. However, women immediately organized action such as ‘flower demonstration’ to voice their protest. This report will focus on the revision of the Penal Code which is fundamental to punish sexual violence and the Domestic Violence Prevention Act which is the core means to prevent violence against women in the private sphere.

#### **1. Limitation of criminal offences provision and enactment of law for the protection and support of victims of sexual violence**

Sexual Crime provisions were made in 1907, but not amended so as to be subjected to the idea of the post-war Constitution of Japan which embodied the equality of men and women and the dignity of individuals. Penal Code reform owed to the strong will of the then female minister, but not to women’s movements, although we should not forget the steady efforts of support activities for the victims of sexual violence after the 1980s, as well as the precious contribution of UN Committee on the Elimination of Discrimination by its repeated recommendations (2009 and 2016) for reform of the Penal Code. Also, the “third Basic Plan for Gender Equality (2007)” wrote clearly about the necessity of amending the provisions for the crime of rape offence by 2015. What is worthy of recognition is that those persons who are the victims of sexual violence had a voice saying that “No drafting without hearing their voices” had pushed the Members of Diet to legislation activities.

The 2017 reform of the Penal Code defined the offence of rape as forced sexual intercourse and expanded it to similar sexual violence as well. In addition, this law was applicable to the act without complaint from victims, applicable to both sex (sex neutrality) and it also introduced forced sexual offences by the guardian. However, there was no reform for rape by spouses or partners, ages of consent for sexual intercourse etc., changes in length of prescription for criminal prosecution and rape to spouses. Elastic requirement for rape was not included in this reform.

The 2017 reform had some provision of review after three years, the most important point of

this review is requirements of forced sexual intercourse i.e. “violence and threat”. As regards this, the UN Committee on the Elimination of Discrimination against Women’s General Recommendation No.35 “Violence against Women based on Gender” is very important. First, the Committee suggested that gender shall play socially constructed roles, behaviors, activities attributes in a given society appropriate for women and men disproportionately. Therefore, it is a problem of society itself, not just that of individuals, and that measures should integrate and enhance the scope of rights of victims as a whole: .i.e. it is necessary to take comprehensive measures.

Secondly, rape defined as a criminal offence “based on lack of freely expressed consent” raising the necessity of consideration of the forced situation. And the Council of Europe Convention on Prevent and Combatting Violence against Women and Domestic Violence (Istanbul Convention) of 2011 declared and defined that sexual violence is a crime based not on consent and the consent shall be given voluntarily as a result of free will in the context of the situation relating to free will (Article 36). Refinements of the concept of “violence against women based on gender” means a change of order of gender and targeting realization of de facto equality; punishment of sexual violence should be depend on consent or non-consent is now an international standard. Therefore, in the next reform, “no consent sexual intercourse” should be examined.

## **2. Institutional fatigue of Prevention of DV Act and the direction of its reform**

Three points could be mentioned as new trends after the 2015 Prevention of Domestic Violence Act. First, core institute, i.e. temporal protections and protection order users are decreasing so quickly, and institutional fatigue has become evident. Secondly, the “Diet Members League for the Prevention of the Rift between Parents and Children” was established which aimed at enabling parents to meet and visit their children who they did not live with after separation or divorce. This legislation implies a ‘watering down’ of the Prevention of DV Act, since the DV Act is for the protection of victims of DV who escape with children. Thirdly, the fact that child abuse and death cases in 2018 and 2019 also involved DV brought to light that there was not sufficient connection between the Child Abuse Prevention Act and the DV Prevention Act in order to save the lives of children. And these applications for protection orders should include mental violence. This is nothing but one example of the need for amendments to the DV Act since this law had no proper remedies or measures to support DV victims. The law only converts the clauses of Chapter 4, “protection and rehabilitation”, clauses of the Anti-Prostitution Act (Care Facilities Services, whose legal bases come from ‘protection and rehabilitation’ of this Act). For the present, movements to enact the new law for the support for women are just starting.

## E. Women and Armed Conflict

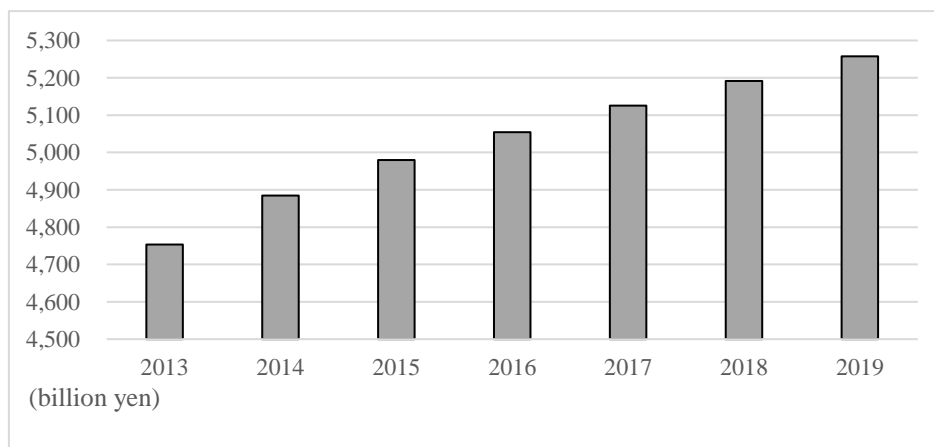
MOTOYAMA, Hisako, Asia-Japan Women's Resource Center

### 1. General situation: increasing militarization

Tensions between states and militarization in East Asia has worsened in recent years, as shown in 140% increase in defense budgets in the region between 2012 and 2018 according to Stockholm International Peace Research Institute (SIPRI). The Japanese government has not done sufficient diplomatic efforts to ease the tensions but rather helped increase it by accelerating militarization itself.

Japan has increased its military spending from 4,753.8 billion yen in 2013 to 5,257.4 billion yen in 2019, while also taking measures to further accelerate militarization such as: forceful legislation of Act on the Protection of Specially Designated Secrets and the establishment of National Security Council in 2013, which may seriously deter freedom of press and civil society as well as civilian control over military by way of putting wide range of information under state control in the name of security; lifting the ban on arms export in 2014 and promoting military cooperation with other countries; allowing military use of Official Development Aid (ODA) funds by revising the Development Cooperation Charter in February 2015; and forceful legislation of the security bills which would lift the constitutional ban on the exercise of collective defense despite large public opposition. These militarizing measures taken by Japan which is one of the world-largest economies may have impacts beyond the region.

Fig.1 Defense-related Budget of Japan



Source: Annual reports of defense of Japan

### 2. Impacts of militarization on local communities and women

Construction of military bases and military deployment on South-eastern islands, such as Ishigaki, Yonaguni, Amami, Miyako, Shimoji, as a response to increasing military tensions in the region has increased concerns in local communities of those small islands and pressure on opponent



political leaders and residents. For example, in Miyako Island, a female member of the local council faced huge pressure and harassment after she voiced concerns over social impacts of the missile base of Japanese Self Defense Armed Forces, including sexual violence against local women by a large number of Armed Forces members deployed to the island.

Also in the islands of Okinawa, where many US military bases concentrate, constructions to relocate the bases are forcefully underway despite clear opposition of local communities. There are an increasing number of reports of disinformation as well as hate speech against the opposition movement, which are often based on ethnic discrimination.

Human rights violations by US military service members including sexual violence have not ceased. In April 2016, a civilian worker at a US military base in Okinawa killed a local woman in an attempt of sexually assaulting her. While the Japanese and US governments have taken some measures to discipline the military members, they have not taken effective measures to address this serious gender-based violence such as strengthening monitoring and reporting systems.

### **3. The “comfort women” and other issues related to the imperial past**

One of the causes of increasing tensions in East Asia is denial by the Japanese government of its responsibilities over human rights violations during the imperial wars and colonization in the past. Especially the disputes between Republic of Korea over individual compensation for the victims have worsened political, economic and cultural ties of the two countries.

The issue of the imperial Japanese military sexual slavery or the so-called “comfort women” is especially serious cause of conflicts. While the Japanese government insists that the Korean government should stick to the agreement of 2015 to “permanently solve the issue”, it has taken increasingly aggressive measures to counter international criticism, including the official demand to revise the texts on the “comfort women” in the 1996 report of the UN special rapporteur on violence against women in 2014<sup>8</sup>; official demand to revise a history textbook of an American publisher in 2014<sup>9</sup>; pressure on domestic and foreign media reports critical of the Japanese government, and a number of cases in which overseas Japanese embassies putting pressure not to build or exhibit memorial statues in Korea, the Philippines, US and European cities.

Such aggressive attitude of the government to deny responsibilities over the sexual slavery system also puts increasing pressure on civil activities and freedom of expression in Japan, as shown in the forced closure of exhibitions depicting the issue.

### **4. Formulation of National Action Plan to implement UNSC Resolution 1325**

Formulation of Japanese National Action Plan (NAP) to implement UN Security Council Resolution 1325 in 2015 is expected to be the first step to incorporate gender analysis and to promote

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<sup>8</sup> “Government requests revision of 1996 U.N. sex slave report.” 16 October 2014, The Japan Times.

<https://www.japantimes.co.jp/news/2014/10/16/national/history/government-requests-revision-of-1996-u-n-sex-slave-report/#.XcetiNVUtPZ>

<sup>9</sup> “Japan urges US publisher to remove comfort women from textbooks.” 15 Jan 2015. The Guardian. <https://www.theguardian.com/world/2015/jan/15/japan-urges-us-publisher-delete-references-comfort-women>

women's participation in decision-making related to peace building and post-conflict development supported by the Japanese government. On the other hand, however, roles of the civil society has been seriously weakened in monitoring and evaluation process, and some of most critical issues that the civil society insisted to be incorporated in the NAP, including the "comfort women" issue and the US military sexual violence, were dropped off from the finalized NAP. Also, the government has lifted the ban on military use of ODA and arms export which contradicts with the government's commitment to human security and women's rights. The government has also been very reluctant to accept asylum seekers including those seeking refuge from gender-based violence.

### **Concluding remarks**

Even though Japan does not face with any armed conflict, accelerating militarization, nationalism and increasing tensions over the past imperialism affects women's and minority rights in various ways. Especially women of ethnic minorities, islands close to national borders and those engaged in anti-militarism and peace movements are increasingly targeted. Focus should be given to militarism and gender relations, rather than conflict management, as well as intersectional feminist approach to peace.

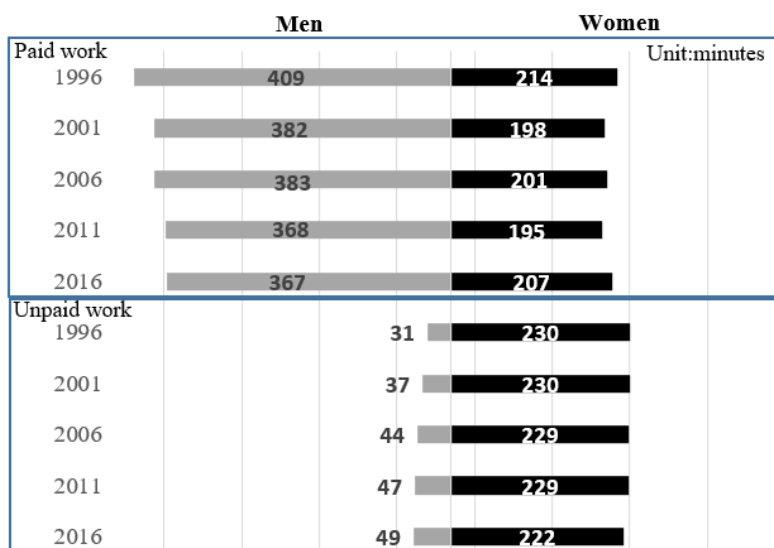
## F. Women and the Economy

SAITO, Etsuko, Ochanomizu University

### 1. Unpaid work still falls disproportionately on women

The issue of unequal gender distribution of unpaid work was raised in the 1995 Beijing Conference on Women, and it was pointed out that the disproportionately long hours spent on unpaid work by women was one of the essential problems deterring women from economic resources. Figure 1 shows the trends in time distribution between paid and unpaid work across gender since 1995. Although hours spent on unpaid work has shown slight increase in men and slight decrease in women since 1996, women still spend 4.5 times more hours on unpaid work than men, as of 2016.

**Fig.1 Time Spent in Paid Work and Unpaid Work by Sex**  
(The average time per day: 1996-2016)



Note: "Unpaid work" contains "House work" "Caring or nursing" "Child Care" "Shopping" "Volunteer and social activities". "Paid work" contains "Commuting to and from school or work" "Work" "School work".

Source: Statistics Bureau in Japan "Survey on Time Use and Leisure Activities" (each year) Average Time Spent on Activities for All Persons by Sex and Usual Economic Activity— Weekly Average, 15 Years Old and Over

When considering hours spent on unpaid work as time one opted not to work in the labor market, the wages foregone (lost profit) as a result of spending time on unpaid work were valued as 1,971,000 yen per woman in 2016<sup>10</sup>. When all unpaid work is calculated in terms of money, the total of unpaid work done in Japan in a year amounts to 143.1 trillion yen (Cabinet Office 2018), which is more than a quarter of the nominal GDP. This practice of visualizing unpaid work by converting to money values has been conducted since 1996, demonstrating that unpaid work still falls disproportionately on women.

<sup>10</sup> The figure was obtained by adding together the monetary values of housework (1,935, 000 yen) and volunteer activities (36, 000 yen) in accordance with the opportunity cost method, based on *Monetary Valuation of Unpaid Work* (2018) issued by the Regional and Satellite Accounts Division, Department of National Accounts, Economic and Social Research Institute (ESRI), Cabinet Office.

**2. Although single mother households and single female households have lower income, their social insurance premiums are of the same level as male breadwinner households. Here again, income redistribution is not working to benefit the poor.**

When looking at household economy status by type of household (Table 1), the income of single female households and single mother households is as low as 70% of that of single males. Moreover, the level of wages and salaries of single mother households is even lower than that of single female households. Non-consumption expenditure, in other words obligatory payments such as tax and social insurance premiums, is highest in dual-income households. This is because these households need to pay more income tax as they have a higher income and they also pay social insurance premiums for the two earners of the household. When looking at the percentage of social insurance premiums against the amount of wages and salaries, all household types are paying more than 10%. Even single mother households with low incomes are paying 11.5% and single female households are bearing the highest burden among all household types listed in the table. Although single mother households receive about 41,000 yen as social security benefit, they must pay 32,000 yen as non-consumption expenditure, meaning that less than 10,000 yen are left for them to spend. What maintains the dominance of male breadwinner households is this inadequacy of income redistribution, which is attributable to the current government's tax/social security systems.

**Table 1 Average of Monthly Receipts and Disbursements by Type of Household (2018)**

Unit: Yen

	Single male household		Single female household		Single mother household		Dual income household		Full-time housewife household	
Income	380,148	% of Wages & salaries	258,842	% of Wages & salaries	266,420	% of Wages & salaries	630,360	% of Wages & salaries	492,256	% of Wages & salaries
Wages & salaries	369,408		236,312		208,592		598,108		437,213	
Other current income	7,299	2.0	16,808	7.1	51,602	24.7	20,854	3.5	45,027	10.3
Social security benefits	7,092	1.9	15,563	6.6	41,640	20.0	20,034	3.3	43,586	10.0
Expenditures	258,306		216,342		242,315		447,656		396,586	
Consumption expenditures	183,686	49.7	171,924	72.8	209,350	100.4	331,859	55.5	301,938	69.1
Non-consumption expenditures	74,620	20.2	44,419	18.8	32,965	15.8	115,797	19.4	94,647	21.6
Direct taxes	30,281	8.2	15,578	6.6	9,038	4.3	46,595	7.8	42,658	9.8
Social insurance premiums	43,981	11.9	28,702	12.1	23,884	11.5	69,119	11.6	51,910	11.9
Disposable income	305,528		214,423		233,455		514,563		397,609	
Wages & salaries -Expenditures	111,102		19,970		-33,723		150,452		40,627	

Source: Statistics Bureau in Japan "Family Income and Expenditure Survey" (2018) Single household of man and woman refer Table 2, Single mother household refers Table 3-6(with under 18 years old unmarried child), Dual income household refers Table 3-11, Full time housewife household refers Table 3-9(one earner and the rate of working of woman spouse 0%)

### 3. Access to financial services is complicating gender issues

According to MHLW Comprehensive Survey of Living Conditions Report, households without any savings accounted for around 10% of all households during the 2000's, but the ratio has been rising since 2010, and in 2016, approximately 15% of households did not have any savings. In particular, around 40% of all single-mother households did not have any savings. Table 2 shows the average and median of bottom and top quartiles for savings amount of single male/female households by employment status. Current amount of savings was larger in men than in women in all groups of regular employees. The bottom quartile of savings amount of non-regular employees was less than 1 million yen for both men and women, with women in the bottom quartile having only 400 thousand yen in savings.

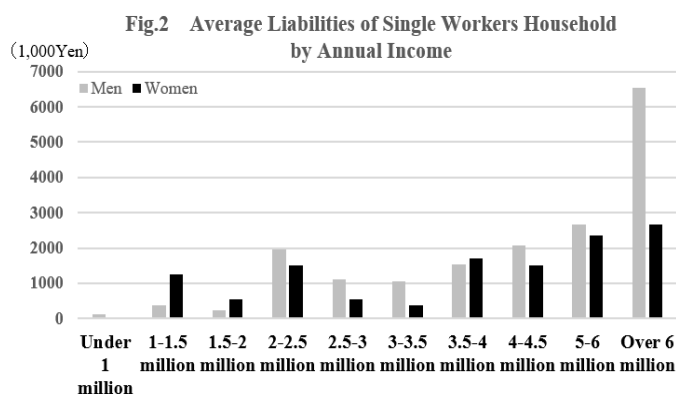
Looking at the liabilities amounts of single workers by annual income level (Figure 2), we can see that women have more debts than men in the annual income level of less than 2 million yen. In annual income levels of 2 million yen or more, men tend to have higher debt amounts with some exceptions. Generally speaking, much of household debts consist of loans for purchase of land/home. The lower level of debts in women suggest that it is more difficult for women to obtain a housing loan than for men. Even women with an annual income of 6 million yen or more have less than half as much debts as men with the same level of annual income. This situation shows that women's access to financial services has been limited. However, with the decline of bank earnings due to the easy-money policies since 2016, financial institutions are now turning to female customers for the first time and developing financial products and services designed for women (such as housing loans for women). These loans are often bundled with insurance covering non-repayment risks. Burdened by high interest rates and insurance premiums, it is not easy to pay back the debt principal and the debtor will have to continue to repay the loan over a long period<sup>11</sup>. This new approach by financial institutions targeted at women will drag women into the financialization of economy and affect women's economic activities in a different way from the past, causing new and complex aspects of gender issues.

Table 2 Savings Amount of Single Male and Female Household by Status in Employment

Unit: 1000Yen

Savings	Regular employment		Non regular employment	
	Men	Women	Men	Women
Average amount of lower quartile	2,350	1,800	800	400
Median	6,000	4,660	4,000	5,450
Average amount of higher quartile	14,100	12,600	63,010	20,660

Source: Statistics Bureau in Japan(2014) "National Income and Expenditure Survey for One-person Households" Table18.



Source: Statistics Bureau in Japan(2014) "National Income and Expenditure Survey for One-person Households" Table14.

<sup>11</sup> For details, see Mariko Adachi, "Monetary Easing and Gender in Abenomics," *Journal of Feminist Economics Japan* Vol. 3 (2018): 43-57.

## **G. Women in Power and Decision-making**

MIURA, Mari, Sophia University

Women's participation in decision-making is extremely low in Japan, which has adversely affected the country's ranking in the Global Gender Gap Index (GGI). Japan was ranked 110<sup>th</sup> among 149 countries as of 2018. Although the ratio of women in decision-making is on the rise partly due to the enactment of the Women's Empowerment Law and the Gender Parity Law, however, both laws do not institute compulsory quotas. They only provide incentives to companies or political parties to compete over women's advancement. It is thus necessary to deepen the discussion for the introduction of the women's quota.

### **1. Women's political participation**

Women comprise 10.1% in the House of Representatives and 20.1% in the House of Councilors. According to the Inter-Parliamentary Union, Japan is ranked 165<sup>th</sup> out of 193 countries as of January 2019. The figures in the local councils are also low, with the prefectural assemblies being at 10.0 %, the ordinance-designated city councils 17.2 %, the city councils 14.7 %, the special ward councils 27.0 %, and the town and village councils 10.1 % (as of 2018).

The Gender Parity Law was enacted in May 2018 to increase the number of women legislators. This calls for political parties to aim at fielding an equal number of male and female candidates. Although not binding, it is nevertheless groundbreaking as the first legislation which considers the gender composition in the parliaments.

In order for the Gender Parity Law to take effect, it is crucial for the legal norm of the equal number of male and female candidates to be enforced. For that purpose, monitoring by the media and civil society is indispensable. If competition between political parties over women's recruitment is triggered, an increase in the ratio of women can be expected.

In the year following the enforcement of the law, the unified local elections and the House of Councilors election were held, and some effects were observed. The shares of women among the contesting candidates were 12.7%, 21.2%, 17.3%, 26.5%, and 12.1% in the elections to the prefectural assemblies, city councils of designated cities, city councils, special ward councils, and town/village councils, respectively; all of these constituted record-highs. The shares of elected women officials were 10.4%, 20.8%, 18.4%, 31%, and 12.4% respectively.

The House of Councilors election was held in July 2019, which resulted in females accounting for a record 28.1% of the total candidates. Of these, 28—the same number as in the previous election—were elected. As the total number of seats in the House of Councilors had increased, the share of women elected decreased from 23.1% to 22.6%; the 56 women representatives (elections are held for half of the seats every three years) constituted 22.9% of the House of Councilors—a record high.

As the Gender Parity Law requires political parties to aim at gender parity in candidacy, we need to examine the ratio of women candidates by parties. At the level of prefectural assemblies, the

share of women among the candidates was 46 % for the Japanese Communist Party (JCP), 26.0 % for the Constitutional Democratic Party of Japan (CDP), 18% for the Social Democratic Party (SDP), 12% for the Democratic Party for the People (DPFP), 8% for the Komeito, 7% for the Japan Innovation Party (Ishin), and 4% for the Liberal Democratic Party of Japan (LDP). Table 1 shows women’s share among the candidates and elected officials of the major parties in the House of Councilors election. The low shares for women in the LDP and Komeito had an impact on the overall trend.

**Table 1 Women’s Shares by Political Parties in the election of House of Councilors**

	LDP	Komei	CDP	JCP	DPFP	CDP	Ishin	Reiwa
Candidate	14.6	8.3	45.2	55.0	35.7	71.4	31.8	25.0
Elected Officials	17.5	14.3	35.3	42.9	16.7	0.0	10.0	50.0

Source: Created by the author based on the Ministry of Internal Affairs and Communications “Results of the 25th House of Councilors General Election”

Article 4 of the Gender Parity Law encourages voluntary efforts such as setting numerical targets for political parties. In fact, the Democratic Party for the People has set a numerical target of 30% of female candidates, and the Constitutional Democratic Party has set a numerical target of 40% for the party list of proportional representation in the House of Councilors’ election. Both parties ran more female candidates than their respective targets, which confirmed the effectiveness of the numerical targets. The Japanese Communist Party did not set the numerical target, but sometimes its share of women candidates exceeded 50%.

## **2. Women's shares in managerial positions**

There has also been a gradual improvement in women’s advancement in companies. As of 2018, women’s ratio was 18.3 % among chief staff, 11.2 %, among managers, and 6.6% among directors. As of 2010, it was 13.7 %, 7.2 %, and 4.2% respectively. Although the ratios have definitely improved over the last eight years, the past three years marked stagnation—the ratios being 18.6 %, 10.3 %, and 6.6%, as of 2016.

The Women’s Empowerment Law was enacted in 2016 as a temporary legislation for ten years, which obligates national and local governments, as well as large companies employing more than 301 personnel to investigate and analyze the current status of female employees, formulate action plans, and disclose relevant information. The government revised the law in 2019 to cover small-and-medium companies and extended the range of information disclosure.

Despite the enactment of the Women’s Empowerment Law, the ratio of women in managerial positions have not increased dramatically because it relies on the mechanism of “visualization” and the recognition of excellent companies performing good practices. As of 2015, women’s ratio at the entry level of companies was 22.2% in the managerial track and 82.1% in the secretarial track. These figures indicate that women receive less opportunities for career development from the beginning of their careers itself.

In order to increase the number of women in managerial positions, it is essential to reduce the hours of unpaid care work that women have been carrying out. In Japan, the duration of engagement in unpaid care work for men, on an average, is 1 hour 17 minutes, which is considerably less than the 4 hours 14 minutes for women. Among the G20 countries, Japan ranks third from the bottom after India (31 minutes) and South Korea (39 minutes), and is similar to Turkey (1 hour 27 minutes). Not surprisingly, Japan, South Korea, and Turkey are countries with a lesser percentage of female managers (the corresponding data from India is missing). In order to increase the ratio of women in managerial positions, it is thus essential to foster awareness of equally sharing unpaid care work between men and women in addition to reducing working hours and encouraging men to take childcare leave.

With respect to the board members of the listed companies, the female ratio is extremely low, 3.7%, in Japan, which is in contrast to 30% in Europe and 40% in the United States. The government revised the corporate governance code in 2018, which mentions to ensure diversity of corporate board members with respect to gender and nationality. Certain effects are likely to occur, albeit to a limited degree.

The government actively promotes women's empowerment and has strengthened the legal foundations, which has led to women's further participation in decision-making. However, drastic improvements cannot be expected due to the uneven sharing of unpaid care work and the lack of compulsory measures such as quotas. Further institutional reform is thus necessary in this regard.



## **H. Institutional Mechanisms for the Advancement of Women Law and System, Central and Local Government**

IWAMOTO, Misako, Mie University

This report focuses on the national machinery for gender equality and gender mainstreaming, which are the main institutional mechanisms for the advancement of women.

### **1. The national machinery for gender equality**

The national machinery for gender equality in Japan consists of three organizations:

- Headquarters for the Promotion of Gender Equality (hereafter Headquarters)
- Council for Gender Equality
- Gender Equality Bureau, Cabinet Office

The headquarters, chaired by the Prime Minister and comprised of one women minister tasked with gender equality and 19 male ministers, (now 2female and 17male ministers) promotes the smooth and effective implementation of gender equality measures. The Council for Gender Equality submits their opinion on the Basic Plan for Gender Equality to the Prime Minister. This council comprises 12 ministers and 12 experts and arranges all the measures taken to promote gender equality. Expert committees under the Council for Gender Equality assist with the functioning of the Council in this respect. Finally, the Gender Equality Bureau's Cabinet Office serves as the secretariat for the Headquarters, the Council for Gender Equality and the Liaison Conference for the Promotion of Gender Equality. In October 2014, the government established the Headquarters for Creating a Society in which All Women Shine at the Prime Minister's Office. It is chaired by the Prime Minister, comprises all ministers, supervises the issue regarding "important guidelines to accelerate of women's empowerment," and bypasses the Headquarters, which has a traditional impact on gender equality.

The national machinery has been located at the highest level of the government, which makes it dependent on varying levels of political commitment by the Prime Minister and the ruling party. Shinzo Abe was one of the leaders promoting gender backlash as the Secretary General of the Liberal Democratic Party (LDP) under the Koizumi administration (2001-2006). The second Abe administration (2012-) put women's empowerment as the 3rd pillar of his economic policy, "Abeno-mics." The government does not emphasize equality and human rights, but rather utilizes women as economic resources. The headquarters of SDGs, chaired by the Prime Minister and comprised of all government ministers, are located in the Cabinet Office. "Plan of SDGs 2019" has 444 items, with only 20 comments on gender.

At the local level, authorities are required to enact an ordinance on the promotion of a gender equal society. All prefectures, except one, and all designated cities have enacted the ordinances. In this one prefecture, the backlash against gender equality promotion has prevented a woman governor from implementing the ordinance on the promotion of a gender equal society. 97.0% of cities and

special districts and 52.6% of towns and villages have the ordinances.

After the Koizumi administration, the LPD-Komei coalition lacked the will to promote gender equality policies. The administrations led by the Democratic Party of Japan (DPJ), comprised of some enthusiastic ministers but did not concentrate on promoting gender equality as a whole. As a result, recognition of gender equality as a term has not improved. Whereas 64.6% recognized the term in 2009, 61.6% and 66.3% of women and men, respectively, recognized the term in 2013. The Japanese Headquarters, with the help of NGOs, cannot overcome the lack of government will in the aftermath of the gender backlash. Japanese ministries do not intervene in matters that are under the authority of other ministries. Reproductive rights are covered strictly by the Minister of Welfare and the Minister of Justice, and education by the Ministry of Education. Regarding domestic violence, protection orders are issued by the courts, and the Ministry of Welfare provides protection for the victims. As a result, only the provision of statistics and public relations remains under the jurisdiction of the Gender Equality Bureau. The Headquarters need to inquire and advise on the matters of other ministries in this respect.

The gender ratio of political representatives is referred to in the section G; with regards to the gender of ministers and the judges of the Supreme Court, the Koizumi administration once included five female ministers, after which one or two female ministers have been more common. DPJ administrations (2009-2012) included between zero and two female ministers. The 2nd Abe administration once had five female ministers, although two of them resigned soon owing to the scandal. The Japanese Supreme Court consists of 15 judges. The first female judge was nominated in 1993. Abe nominated female judges in order to have three female judges at the same time. Nonetheless, after the retirement of these female judges, he nominated male judges, with only one female judge remaining. After the retirement of a male judge, a female judge was nominated for the Supreme Court, resulting in two female Supreme Court judges today.

## **2. Gender mainstreaming**

Gender mainstreaming promotes policies in all areas that concern gender in all policy area. The role of the headquarters needs to be clarified so that measures, including gender mainstreaming and gender budgeting, are promoted effectively.

### **(1) Basic Plans for Gender Equality (2000, 2005, 2010, 2015)**

The government formulates the Basic Plan for Gender Equality every five years, which functions as a coordinating process for gender mainstreaming. It has so far issued four Basic Plans in 2000, 2005, 2010, and 2015. The second Basic Plan was regressive as it was formulated when the ruling party, LPD, was orchestrating an anti-gender equality campaign. In contrast, the third Basic Plan is the richest because it was formulated under DPJ administration. Terms such as gender, reproductive rights, and unpaid work, which were removed from the second Basic Plan, reappeared in the third basic plan. It also included “the benefit of gender equality for men and children,” and set the goal of women occupying 30% of leadership positions in all areas of society. This goal has been adopted by the Fourth Plan as well. In the Fourth Basic Plan, formulated after 2nd Abe

administration, “the benefit of gender equality for men and children” disappeared, with “changes to male-centric labor customs and women’s empowerment” now included. While this new addition stresses measures to fight prejudice, current systems, such as allowances for wives of low income and pensions for wives without payment, need to be changed. Under this Plan, comments on gender, reproductive rights, sex education, and the media are limited.

#### (2) Gender budgeting

The Japanese government has not yet implemented gender budgeting. The Gender Bureau puts together the amount that each ministry considers necessary for promoting gender equality. It amounted to 7.7 trillion yen in 2014 and 8.3 trillion yen in 2018. The increase is caused by the website system at the Ministry of Health, Labour and Welfare, which visualizes 1) the ratio of women and men in each ministry, local public organizations, and private enterprises; 2) differences between women and men’s length of service; 3) working hours; and 4) the number of women administrators in each ministry, local public organizations, and private enterprises with over 100 employees. These statistics reflect the progress of the women’s empowerment policy.

#### (3) Gender statistics

The Statistic Bureau issued statistics on gender till 2012. And the National Women Education Center published a data on gender equality, however, stopped publishing in 2015. The Fifth Plan should include a policy promoting the collection and publication of gender statistics.

### **3. Future task**

The gender backlash in Japan has not ended yet. Conservative lawmakers, which include female lawmakers, have criticized the examination in Geneva by the Committee on the Elimination of all Forms of Discrimination Against Women (CEDAW) as a Marxist conspiracy to suppress Japanese traditions. Headquarters and NGOs need to make efforts to resolve misunderstandings about the Committee, and to make CEDAW’s recommendations commonly known.

# I. Human Rights of Women

OMI, Miho, Kanagawa University, JAWW

## 1. Revising discriminatory provisions against women

Beijing Platform for Action (BPfA) requires governments to ‘promote and protect the human rights of women, through the full implementation of ...the Convention on the Elimination of All Forms of Discrimination against Women (hereinafter, the CEDAW Convention)’ (Strategic objective I.1). However, despite repeated recommendations made by the Committee on the Elimination of Discrimination against Women (hereinafter, CEDAW Committee) and other international human rights bodies, discriminatory provisions remain in Japanese law. The most basic obligation of a state party under the CEDAW Convention to ensure legal (formal) equality for women has not been fulfilled.

Civil Code Article 750 stipulates that a couple ‘shall adopt the surname of the husband or wife’ forcing a couple to choose a surname upon marriage. The couple cannot legally marry if they retain their own surnames. On December 16, 2015, the Grand Bench of the Supreme Court upheld the constitutionality of the article, saying that freedom from being forced to change one’s surname at the time of marriage cannot be regarded as part of personal rights. It recognized the function of a surname to identify a person with her accomplishments and credits acquired before marriage but stated that the meaning of a surname as ‘an appellation for the family’ had greater importance. According to the Specific Report of Vital Statistics in FY2016: Marriage Statistics carried out by the Ministry of Health, Labour and Welfare (MHLW), 96% of couples who married in 2015 chose husband’s surname upon marriage<sup>12</sup>. Reasons for this considerable gap may include a traditional thinking that a woman “enters” the family of her husband when she marries and the power imbalance still exists between men and women, especially concerning financial means. However, there are many women who want to retain their own surnames today, especially among professional and working women. Even in the above Supreme Court decision, all female judges (3 out of 15 judges of the Grand Bench) joined the dissenting opinion to support the unconstitutionality of the article. Another survey on the legal system concerning the family conducted by the Cabinet Office in 2017 showed that 42.5% of the respondents agreed to revise the article so that a couple can retain their own surnames, comparing to 29.3% who considered not necessary to revise the provision and 24.4% who agreed to a revision but to recognize the use of bynames or common names (or maiden names, in this case)<sup>13</sup>. The government should introduce a system for a couple to be able to keep their surnames if they so choose, as the CEDAW Convention requires a State party to ensure “the same personal rights as husband and wife, including the right to choose a family name, ...” (Article

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<sup>12</sup> MHLW, “2 Multidimensional Analysis of Marriage Trends” , p.10, [https://www.mhlw.go.jp/english/database/db-hw/dl/vs06\\_2\\_Multidimensional\\_Analysis\\_of\\_Marriage\\_Trends.pdf](https://www.mhlw.go.jp/english/database/db-hw/dl/vs06_2_Multidimensional_Analysis_of_Marriage_Trends.pdf), accessed on November 4, 2019.

<sup>13</sup> Cabinet Office, “Opinions about Introducing a System Allowing to Choose Separate Surnames for Married Couples” (in Japanese), (9), <https://survey.gov-online.go.jp/h29/h29-kazoku/2-2.html>, accessed on November 4, 2019.

16(1)(g)). On September 30, 2019, the Tokyo District Court dismissed a new case on this matter stating that the plaintiffs' claim could hardly be regarded unconstitutional.

Also on December 16, 2015, the Grand Bench of the Supreme Court decided that the part of Civil Code Article 733 (1) to prohibit women from remarrying for a period exceeding 100 days violated the Constitution and found it reasonable to keep a 100-day waiting period. Article 733 was modified in 2016 in accordance with this decision. The reason to uphold a 100-day waiting-period constitutional was Article 772 of the Civil Code, which provides that a child born after 200 days from the marriage or within 300 days from the divorce shall be presumed to have been conceived during marriage. However, as it is possible to scientifically decide paternity of a child today, there is no need to restrict the freedom of marriage of a woman and her partner. Moreover, this provision is preventing a child from being registered because, especially when domestic violence is involved and it is difficult to get a divorce from the husband, the mother may not submit a birth notification since she does not want to have her child registered with the abusive husband as her/his father. Therefore, Civil Code Article 733 (1) along with Article 772 shall be revised.

The provisions of the Family Registration Act discriminatory against children born out of wedlock, including the one requires discriminatory statement in the birth notification, should be removed in order to protect those children and their mothers. Provisions criminalizing women who obtain abortion and medical personnel who provide or assist it (Penal Code Article 212 to 214) should also be abolished.

## **2. Ratification of the Optional Protocol to CEDAW Convention**

Individual complaint procedure is indispensable to implement the CEDAW Convention in each state and there are already 113 states ratified the Optional Protocol to the CEDAW Convention (hereinafter, OP-CEDAW). Despite the numerous petitions submitted to the National Diet by women's and other NGOs in Japan as well as the repeated recommendations made by the CEDAW Committee to ratify the OP-CEDAW, Japanese government has not moved towards its ratification. The government keeps saying that they are considering how to construct the system to respond to the procedure. The government needs to recognize that individual complaint procedure does not interfere with the independence of the judiciary; it rather strengthens the autonomous decision making by the judiciary, using international instruments. Furthermore, the government should set a clear time frame for ratification as well as to have the legislature, jurists, and law-enforcement officers learn and understand the commitment of the Convention and its Optional Protocol.

## **3. Human rights of minority women**

Racial and gender discriminatory statements have been propagated against ethnic and other minority women, especially Korean Japanese women, through the internet and social networking services. Although the Hate Speech Regulation Act came into force in 2016, it does not have any provision providing criminal sanction. In addition, it protects residents who were born abroad and their descendants only so that it cannot regulate hate speeches against Ainu, Buraku, and Okinawan people who are minorities born in Japan. Acts of hate can be harshest against women who voice their

concerns showing that they are not only discriminatory against minorities but also based on gender stereotypes. Further as well as cautious efforts are necessary to counter such acts of hate in order to prevent and eliminate gender discrimination and violence against women.

#### **4. Conditions of female prisoners**

Since female prisoners are small in number in Japan (about 10%), treatment of prisoners has been developed mostly with male prisoners in mind. Recently, additional female prisons were built and, therefore, over-crowdedness of female prisons has been solved to some extent. However, it does not mean the prisons are operated with gender perspectives. Issues requiring further measures concerning female prisoners include the treatment system of drug dependency prevalent among female prisoners in their 20's to 30's; the relationship between female prisoners and damage caused by domestic violence; the interests of children and intra-institutional child-rearing by female prisoners; and the increase of elder female prisoners, especially repeated thieving by 70 year old and older offenders. In order to deal with these matters, it is necessary to take measures considering social and economic conditions surrounding female prisoners outside prisons in addition to the treatment within the institutions.

#### **5. Comprehensive measures for the protection of women's human rights**

Introducing a comprehensive definition of discrimination against women based on Article 1 of the CEDAW Convention into domestic legislation and establishment of an independent national human rights institution based on the Paris Principles are necessary to protect human rights of women and promote gender equality. They are also indispensable to prevent and respond to indirect and/or intersectional discrimination against women. However, neither has realized yet in Japan. It is truly hoped to have comprehensive measures to eradicate gender stereotypes entrenched in Japanese society in order to realize human rights of women.

## **J. Women and Media**

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translated by OSEKI, Yukari

These five years have marked a significant time for women and media as the reality of sexual assaults of women working in media have been uncovered. Moreover, while women have more opportunities to speak out on SNS networks as such with the development of digital technologies, bashing in the cyberspace have become social issues. It is an urgent need to take measures to those harassments with gender perspectives, that are applicable not only to the real society but also to the digital space.

### **1. Women's participation still below 30%**

Women's participation in mass media has been far behind compared to other countries in the world. In Japan, we don't have the professional organizations like other countries, and new graduates are collectively employed by one organization and work there for life. The media annually publishing the data on women's participation are newspapers, NHK and commercial broadcastings.

In 2019, there are 1922 female workers in NHK (non-commercial broadcasting) which is 18.6% of all workers and 9.5% of all managerial staffs are female. It has been only 11% increase in about 25 years since 1993 when survey was made for Beijing conference. Female correspondent ratio in Newspapers and news services is 20.2% which is below 30% in 2018. According to the survey in 2019 made by Women's Committee of the Federation of Japan Commercial Broadcasting Labor Union, there is no female senior managerial staff in broadcasting and production division of commercial broadcasting companies in Tokyo.

On the other hand, in new Internet media companies the ratio of female correspondents is rather higher and they (including male correspondents) tend to write articles related to gender and diversity willingly.

### **2. #Me Too movement of workers in media and bashing**

The big issue regarding women and media in these five years is that the sexual harassments to the women working in media have been revealed. Female journalists have set up 'Women's Network Working in Media' and started to take actions to make the reality of sexual assaults open to public which might lead to change the society. It has been required to build the society-wide consciousness not to forgive sexual harassments and to enact the comprehensive law to criminalize harassment. The cases of sexual harassments are listed below.

- In 2017, a female journalist in her 20s was interviewed under her own name, in a press conference held by the Foreign correspondents' Club of Japan, and she revealed that she had been raped by the male journalist of a major broadcasting bureau, and made an appeal to have social discussions and law enactment against sexual assaults.

- In 2018, when it was surfaced that the assistant finance secretary has been sexually harassing the female correspondent of a broadcasting bureau, the Ministry of Finance said “there is no crime called sexual harassment.”, which seemed to be defending the harasser. It revealed the lack of awareness of sexual assault in the society.
- In this situation, in 2019, famous male journalist was accused of sexually assaulting female staffs of his own magazine repeatedly for a long time, by the victims having kept silent.

### **3. Diverse female and male figures on TV dramas**

Though not many changes have been seen in the gender roles in news or information programs that a male plays the main role and a female supports him, female figures in the TV dramas have been diversified compared to that time in 1995 and it can be said that stereotype has been decreasing. As LGBT themselves appear on the media and have more opportunities to speak out, it seems that the understanding in diverse sexuality in the society has been better. The TV drama, whose main character is a gay has been popular whereas there is hardly any lesbian on such dramas.

Some new trend has been seen in kids anime program. ‘HUG to! Precure’ has put out messages in 2018 that “the girls can be heroes” and “the boys can be princesses”, which shows the diversity.

Though the video-clip network companies utilizing the Internet have been increased, there is no deeply involved research on how the female and male figures have been described in those programs.

### **4. Internet videos ‘under fire’**

With the growth of the Internet, the movement to say “no” to the expression of women on the Internet has been prominent. In particular, there have been many cases in which local governments used the female figures as sexual objects in their commercial video clips and those were ‘under fire’ receiving a flood of criticisms. Other than the advertisement of local government, there were more cases in which the products advertisements with fixed gender role or only featuring youth have received a lot of criticisms and ended up in the cancellation of advertisement or the apology by sponsor companies.

### **5. Possibilities and risks of the transmission on SNS**

While every person can easily transmit message on SNS and various opinions are sent out, mainly the teenagers have been increasingly involved in the crimes triggered by SNS. In addition, anonymous people have been bashing women speaking out on SNS. The followings are the major cases.

- In 2016, the personal blog titled “Couldn’t enter the nursery school. Death to Japan!!” had been widely referred in mass media. Mothers have sympathetically spoken out on the Internet about the unsolved issue of waiting lists for nursery schools and moved the Diet discussions.
- According to the release by the National Police Agency in 2018, the number of children under 18 who have been the victims of the crime like forcing them to send indecent image of ‘self-photo’, were up to 1,813 which is the worst since 2008 when the first statistics recorded.



- In 2019, the woman who developed the #KuToo movement (kutsu (shoes) and kutsuu (pain)) on the Internet to request the remediation for the company rule forcing only woman to wear high-heels, has received bashings as well as a lot of approbation.

## **6. For protecting individual dignity on cyberspace and ICT to truly help women's empowerment**

There is no sufficient legal countermeasure to deal with the above cyber bashing and sexual assaults and harassment. To protect the individual dignity not only in the real society but also in cyberspace, the prime task is the general legal system development including the 'comprehensive definition of discrimination against women' which has been repeatedly requested from Committee of the Convention on the Elimination of All Forms of discrimination Against Women (CEDAW).

In the cyber space, it is more likely for the individual dignity to get infringed through the strong relations between JK business and SNS, the leakage of fake video like a montage of nude scene and so on. While there have been the amendment of sexual assault law and enactment of Revenge Porn Prevention Act, laws and legislations with more comprehensive gender viewpoint are required.

Collaterally, in consideration of AI prevailing and promotion of Society 5.0, the system structuring for the benefit of digital technology to prevail equally irrespective of gender has been required; for example, more active actions for women in STEM sector to increase, providing training for women, who rarely have chance to improve their ICT skills as non-regular worker or having left their job due to childbirth or child care, and education for improvement of ICT, media literacy aiming for safe access and usage and so on.

## K. Women and the Environment

DOMOTO, Akiko, Japan Committee for the UN Decade on Biodiversity  
ODA, Yukiko, JAWW

The environment has been identified as important area to achieve gender equality and women's empowerment in the Beijing Platform for Action (BPFA). The 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) regard the achievement of gender equality and empowerment of women and girls as crucial for progress across all goals and targets of the SDGs. The SDGs also has Goal 5, which specifically focuses on gender equality and the empowerment of women and girls. In contrast to the close relationship between gender equality and environment and sustainable development in international frameworks, they can sometimes be found at different ends of the spectrum in Japan. The language of gender equality and women's empowerment are often absent in policies and measures for the environment and the environment is frequently on the periphery in the policies and measures in promoting gender equality.

### 1. Three strategic objectives of the BPFA

The BPFA identifies three strategic objectives in section K. Women and the Environment: K.1. Involve women in environmental decision-making at all levels; K.2. Integrate gender concerns and perspectives in policies and programs for sustainable development; and K.3. Promote gender-based impact assessment of development and environmental policies. Section K. will be reviewed based on these three strategic objectives.

First, women's participation in decision-making on the environment and sustainable development is relatively low. The participation rate of women on national advisory councils and committees in the Ministry of Environment (MOE) is 33.6%, ranking second to last among 14 ministries in Japan.<sup>14</sup> The proportion of women in managerial positions at the MOE is 16.3%, a figure that is lower than the average of 19.3% in all ministries.<sup>15</sup> Another example of women's low participation in decision-making is the SDGs Roundtable Meeting, which comprises representatives from multi-stakeholder groups set up by the government in 2016 to promote the 2030 Agenda. The female ratio of members in this roundtable is 28.5%, only 4 out of 14 members.

Secondly, gender perspectives are noticeably absent in Japan's environmental strategies and policies. Gender- and women-oriented language cannot be found in the *Annual Report on the Environment, the Sound Material-Cycle Society and Biodiversity in Japan 2019 (Annual Report on the Environment)*. The ongoing Fifth Basic Environment Plan emphasizes the importance of involving stakeholders from all areas of society in building a "Circulating and Ecological Economy", but no attention is paid to gender differences in interests, priorities and

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<sup>14</sup> [http://www.gender.go.jp/policy/mieruka/pdf/saiyou\\_201812.pdf](http://www.gender.go.jp/policy/mieruka/pdf/saiyou_201812.pdf) (in Japanese)

<sup>15</sup> [https://www.cas.go.jp/jp/gaiyou/jimu/jinjikyoku/files/181102\\_followup.pdf](https://www.cas.go.jp/jp/gaiyou/jimu/jinjikyoku/files/181102_followup.pdf) (in Japanese)

opportunities among stakeholders.

On the gender equality side, the Fourth Basic Plan for Gender Equality designates one small section to the environmental field in which two actions are identified: 1) increasing women's participation in decision making and 2) taking actions to integrate gender perspectives into environmental measures in accordance with international frameworks to solve planetary environmental issues, such as climate change, and to promote sustainable development. Despite these promising plans of actions, no indicators to measure achievements have been identified nor a budget allocated. Furthermore, the Intensive Policy to Accelerate the Empowerment of Women, an annual action plan for women's empowerment, does not include a section on the environment and *the White Paper on Gender Equality* narrowly focuses on Education for Sustainable Development (ESD) in its review of environmental activities, in contrast with the comprehensive actions in the Basic Plan for Gender Equality.

Japan's SDGs Implementation Guiding Principles (SDGs Guiding Principles) is another disappointing example that reveals an indifference to gender equality and gender perspectives. Although the SDGs Guiding Principles recognize that mainstreaming gender perspectives is critical in realizing the objectives of the SDGs, no gender perspectives are expressed in environmental goals. While the SDGs Action Plan, an annual plan on the implementation of the SDGs, emphasizes women's empowerment and has included it as one of three pillars in promoting the SDGs, its contents heavily focus on drawing women into the labor market and neglect removing obstacles to their full participation in the workplace, such as gender-based pay gaps, sexual harassment and the burden of care that falls on women.

Thirdly, there are no gender statistics in environmental issues or they are barely visible. For example, the *Annual Report on the Environment* by the MOE includes the results of a survey on people's behavior, such as using personal shopping bags or separating garbage at source in order to reduce, reuse and recycle waste. However, this data is not disaggregated by gender. Similarly, data on how many people are cognizant of the name and existence of the Aichi Biodiversity Targets and National Biodiversity Strategy 2012-2020 is not broken down by gender. It is regrettable as these are one of only a few questions on human behavior, as most questions focus on plants and biodiversity. At the same time, marginalization of the environment is seen on the gender equality side. The Gender Statistics Database published by the National Women's Education Center (<http://winet.nwec.jp/toukei/>) lacks data on the MOE, even though 13 other ministries are listed.

These anecdotal examples indicate gender equality and the environment and sustainable development are mutually relegated to the margin in each other's field.

## **2. Gender perspectives in selected environmental issues**

The Paris Agreement adopted under the United Nations Framework Convention on Climate Change acknowledges the importance of gender equality and empowerment of women in taking actions to address climate change. In spite of such international recognition, gender- and women-specific language is missing in Japan's policies as well as in adaptation and mitigation

measures to stop global warming. Some measures in this field often require scientific, technological and engineering knowledge, but the ratio of women in Science, Technology, Engineering and Mathematics (STEM) areas is disproportionately low in Japan, which may lead to the omission of gender perspectives in Japanese policies on climate change. Furthermore, few women's organizations address the issue of climate change. Found neither in government policies nor advocacy activities, gender perspectives and women's concern are thus rendered invisible.

Contrary to this lack of interest in the domestic arena, the Japan International Cooperation Agency (JICA) applies the Guidelines for Environmental and Social Considerations, which includes gender considerations, to its international cooperation projects. Japan also contributes to the Global Environment Facility and Green Climate Fund that develop and promote tools for gender mainstreaming to encourage actions mainly in developing countries. These examples suggest Japan has a double standard between domestic and international efforts in terms of gender mainstreaming and furthermore, its progress within the country lags far behind its activities overseas.

Chemicals often have different impacts on health depending on sex. The Japan Environment and Children's Study (JECS)<sup>16</sup> is a nationwide, long-term study on the impacts of chemicals on children's health conducted by the MOE. In the study, pregnant women are a focus, but there is no mention of the gender of children in data collection and analysis. This suggests the study assumes that although women are important as mothers, gender is irrelevant to children's health. A similar tendency to focus on women as mothers can also be seen in the *Booklet to Provide Basic Information Regarding Health Effects of Radiation* studied after the disastrous accident at the Tokyo Electric Power Company (TEPCO)'s Fukushima Daiichi Nuclear Power Station.<sup>17</sup> More studies are needed from a gender perspective on a wide range of environmental issues, not only limited to chemicals.

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<sup>16</sup> <https://www.env.go.jp/chemi/ceh/en/index.html>

<sup>17</sup> BOOKLET to Provide Basic Information Regarding Health Effects of Radiation  
<https://www.env.go.jp/en/chemi/rhm/basic-info/1st/pdf/basic-1st-vol1.pdf>

## L. The Girl-child

ABE, Maki, Empowerment Kanagawa

The Convention on the Rights of the Child was adopted by the United Nations General Assembly 30 years ago and it has been 25 years since Japan ratified the convention. Even after incorporating the convention, situations of protecting the rights of girl-child in Japan has not improved.

### 1. Child abuse

In 2019, a cruel incident of child abuse occurred in Noda city, Chiba. Although the victim, a 10-year old girl, was sending SOS signal at school, her abusive father still killed her. According to the report of Ministry of Health, Labor and Welfare in 2018<sup>18</sup>, 49 children were killed by child abuse in 2016. Among the number of deaths by child abuse, 26 of them were boys and 22 were girls. Although the number of boys' death exceeded girls' number, the girl victims seem to have encountered many more brutal situations. Not only did the murder case of the 10-year old girl from Noda city; but also the case of 5-year old girl in Meguro, Tokyo (Mar.2018); a 2-year old girl in Hokkaido (Jun. 2019); and 4-year old girl in Kagoshima (Aug.2019), stand out for its brutality.

At one time, the victim of the Noda case was separated from her parents and put under the protection of the child consultation center. Even though the girl confessed to the staff of child consultation center that she was often forced to take off her underwear in front of her father, she was immediately released to her parents. In order to guarantee the rights of the child, the Japanese government must take immediate action to improve the quality of work that can be done by child welfare workers.

### 2. Sexual abuse

In 2017, the Penal Code was reformed to enable punishing suspects of sexual abuse against children under 18-years old, including the guardians and parents. This change might be considered as one of the big steps forward to handling the sexual abuse case for girls. However, the minimum age of sexual consent remained at 13-years old, which is extremely low compared to other countries and leaves a bigger issue. Jun Yamamoto, who has made a significant contribution to the revision of the Penal Code, wrote in her book that she had been sexually abused by her father from the age 13- to 20-years of age. When her father started abusing her sexually, she had no idea what was happening to her.

The Sexual Abuse Relief Center in Tokyo issued a report<sup>19</sup> that they had consulted 197 youth under 19-years old in 2018. One fourth of them were sexually abused by their father or a sibling. Youth victims were threatened to not tell anybody and had some difficulties telling others because

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<sup>18</sup> [https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000173329\\_00001.html](https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000173329_00001.html) (Last accessed on Oct. 29, 2019).

<sup>19</sup> <https://www.asahi.com/articles/ASM915QZYM91UTIL01M.html> (Last accessed on Oct. 29, 2019).

they were afraid of breaking the family dynamic by doing so. It is believed that the actual number of sexual abuse victims would be enormous. The biggest and most urgent problem for Japanese society is to create a system for the victims of sexual abuse, where they could easily receive proper care and protection.

### 3. Dating violence

In 2016, Empowerment Kanagawa conducted the first national survey<sup>20</sup> of dating violence among youth. The survey was collected from 2,868 students of junior high schools, high schools and colleges, who received the prevention education of dating violence.

Under 20 with dating experience		At least one or more types	
		As a victim	As an assaulter
Total	N = 1186	37.90%	21.00%
Female	N = 771	43.80%	21.40%
Male	N = 415	26.70%	20.20%

Source: Dating Violence Hakusho Vol.5

In the survey, examples of dating violence were broken down into 30 different categories. 1,186 students, who were under 20-years old, answered that they were or had been in a romantic relationship. 37.9% (female 43.8%, male 26.7%) of youth with dating experience answered that they experienced at least one or more types of dating violence. 21.0% (female 21.4%, male 20.2%) of them answered that they assaulted their partner.

There were more victims of sexual violence among the girls between 12- to 15-years old with dating experience. 11.0% of them were forced to have sex without their consent; 8.2% neglected the use of condom; and 11.0% of them were forced or asked to send their partner some sexual pictures. Considering the fact that these numbers were higher than the data taken by the youth over 16-years old, the importance of providing sex education and dating violence prevention education is clear.

### 4. Increase in the victims of child pornography

According to Ministry of Public Management, Home Affairs, Posts and Telecommunications<sup>21</sup>, the possession rates of smartphones in 2018 was 31.0% (6~12 y) and 76.6% (13~19y). The rate of utilization of Internet was 67.1% (6~12y) and 96.6% (13~19y).

*The Act on Punishment of Activities Relating to Child Prostitution, Child Pornography and the Protection of Children* was revised in 2014, to prohibit any possession of child pornography. Yet, even after its revisions, the National Police Agency reported<sup>22</sup> the victim of child pornography had been increasing year by year. There were 541 child porn cases (239 junior high school students, 237 high school students) in 2018, in which sexual images were taken by the children themselves. This number of child pornography cases grew twice as large from five years ago. Based on my experience at schools, some adults reach out to teenagers via social media, pretending to be teenagers by stealing and using younger boy's images from the Internet. Some teenagers were asked to send their

<sup>20</sup> Empowerment Kanagawa, *Zenkoku Dating Violence Jittai Chosa*.

[https://notalone-ddv.org/wp-content/uploads/2018/01/ddv\\_hakusho\\_vol5.pdf](https://notalone-ddv.org/wp-content/uploads/2018/01/ddv_hakusho_vol5.pdf)

<sup>21</sup> <http://www.soumu.go.jp/johotsusintokei/whitepaper/ja/h30/html/nd142110.html> (Last accessed on Oct. 29, 2019).

<sup>22</sup> [https://www.npa.go.jp/safetylife/syonen/no\\_cp/newsrelease/kodomonoseihigaih30-2.pdf](https://www.npa.go.jp/safetylife/syonen/no_cp/newsrelease/kodomonoseihigaih30-2.pdf) (Last accessed on Oct. 29, 2019).

sexual pictures via these fake accounts. The number of victims for these types of cases must be much larger than the number provided by National Police Agency. We have to teach children how to use the Internet and social media safely. Moreover, teachers and parents should make more effort to keep up with how social media and the Internet are being used by the teenagers.

##### **5. The need of sexuality education and human rights education**

In order to stop making girl-children victims of sexual abuse, sexuality education and human rights education hold true potential. In 2018, there was a controversial argument for the sexuality education for junior high school students in Tokyo. Eventually, after multiple NPOs and citizens kept making the plea to change the guidelines of sexuality education, the educational committee of Tokyo revised it for the first time in 15 years. Despite the improvement on sexual education, not every child's rights to have access to the proper knowledge on sex, is assured.

As much as providing the proper sexuality education to protect children from sexual abuse, I believe providing the human rights education to children is just as important and effective. The Child Assault Prevention (CAP) program which started in 1995 in Japan is suitable to convey the principal human rights to children. In the CAP program, children get to learn they have the rights to be "safe, strong and free" through theatrical skits. And when those rights are taken away, they can say "no." Even if they cannot say "no," it is not their fault and they can go tell adults to get help. The CAP program includes a private talking/counseling session with students after the workshop. Some children open up about their experience in child abuse or sexual abuse, which they've never told anybody else. Through the CAP program, not only can they effectively encourage children to notice and own their human rights, they also encourage them to trust and open up to adults nearby. The CAP program could be vital in protecting more children from becoming victims of sexual abuse.

## P. Youth

KAWAI, Chihiro, Girl Scouts of Japan

According to a public opinion poll<sup>23</sup>, 66% of people agree that boys and girls are treated equally and fairly at school, and students also feel there is very little gap between boys and girls at school. However, the ratio of female students enrolling at university is lower than that of male students, and the number of female students majoring in Science, Technology, Engineering and Mathematics (STEM) subjects has remained significantly low for years<sup>24</sup>. It has been shown that a ‘hidden curriculum’<sup>25</sup> impacts on young people’s attitudes and behaviour and causes the unconscious transmission of gender-biased traditional values and perceptions to younger generations. Therefore, it is important to listen to young people and understand their perspectives on and experiences of gender, so that society can be responsive to their needs and nurture the next generation who will play a significant role in building a gender-equal society. Meanwhile, we are also seeing the appearance of young people themselves advocating for equal rights, and their actions are beginning to have an impact on society.

### 1. High school girls experience sexism and gender-based violence in everyday life

In Japan, 62% of high school girls face gender inequality and violence in daily life, according to a survey<sup>26</sup> conducted in 2019. Respondents said that most of the violence takes place in the media (49%), online (46%), in public places such as streets and transportation systems (30%), and at school (18%). Girls have seen that the media treat women negatively and unfairly and give them fixed gender roles, and that women are sexualised and threatened online; this harms girls and can have serious physical, sexual, emotional and psychological effects. The survey revealed that girls and young women internalise their experiences and the messages they receive; that this may cause anxiety, fear, unwillingness to take on new challenges, and low self-esteem; and that this could be one of the main reasons preventing girls and young women from achieving their potential.

The survey also revealed the existence of many aspects of a ‘hidden curriculum’ in the supposedly gender-equal space of school, with girls reporting that the roles and duties of students at school are affected by their gender; that there are fewer female teachers in school leadership positions and teaching STEM subjects; and that teachers often give different levels of encouragement and have different expectations depending on students’ gender. In Japan, the concept of a ‘hidden curriculum’ is not widely acknowledged, and the limited use of sex-disaggregated data and gender analysis make it difficult to identify the core of the problem. This is particularly important in order to establish an effective strategy to develop the next generation in line with the

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<sup>23</sup> Cabinet Office (2016). ‘Public opinion poll about gender equality’ (Sep 2016).

<sup>24</sup> Ministry of Education (2018). ‘School Basic Survey’. University enrolment ratio of female students is 49%, 7 points lower than male students. 27% of students in science are female, 15% in engineering.

<sup>25</sup> Hidden curriculum refers to the unwritten, unofficial, and often unintended lessons, values, and perspectives that students learn in school, while the ‘formal’ curriculum consists of the lessons and learning activities, as well as the knowledge and skills teachers intentionally teach to students.

<sup>26</sup> Girl Scouts of Japan (2019). ‘Survey of high school girls’ perceptions and experience related to gender inequality’.



targets set out in Goal 5—Gender Equality—of the SDGs. It is worth noticing that the percentages of Japanese girls who responded ‘I don’t know’ to several questions in the survey are significantly higher in comparison with results from the U.K.; it is also clear that girls are not always aware of gender-based discrimination taking place around them. These findings indicate a serious need for media literacy and gender education.

## **2. Dating violence**

Dating violence is one aspect of gender-based violence which female students of high school and university frequently face. A survey<sup>27</sup> conducted in 2017 shows that 44% of teenage girls with partners experienced dating violence, and 10% of them were forced to send sexual photos of themselves. The Act on the Prevention of Spousal Violence and the Protection of Victims does not apply to couples who do not live together. Thus, appropriate laws urgently need to be implemented to respond to this form of violence. Local governments understand the need for adequate support for young people, and have created and distributed information packs to raise awareness of the problem. Some schools also organize educational programmes to tackle this issue.

## **3. Early pregnancy and violation of the right to education**

In 2016, a prefectural high school in Kyoto asked a girl who became pregnant to take temporary absence. The school also insisted on her participating in PE lessons if she wished to graduate. (The girl in question decided to take temporary absence from school on Jan 2016). According to the ministry of education,<sup>28</sup> 2098 high school students became pregnant in 2015-2016, and 37% of them were able to complete their course, whereas 49% left school due to pregnancy. Furthermore, in 32 cases, students were asked to leave school because of their pregnancy. Needless to say, it is unacceptable that their schools infringed upon these girls’ right to receive an education. At the root of this issue lie the absence of effective sex education, and ignorance of women’s sexual and reproductive health and rights.

## **4. Sexual harassment while job-hunting**

There have been increasing reports of cases in which female students are sexually harassed while job-hunting. In Japan, it is common for students looking for jobs to contact alumni of their university to seek advice about companies where they are interested in working, and this often involves meeting in person. A survey<sup>29</sup> found that 12.5% of women in their twenties had suffered forms of sexual harassment such as sexual jokes, being asked out for meals or on dates, and inappropriate physical contact during this process. Seniors’ persistent requests for personal relationships and behaviour exploiting their position impact on female students’ motivation to continue job hunting and on their mental health. Urgent and effective action is required to confront this issue as preventive measures against sexual harassment in the workplace are not legally

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<sup>27</sup> Empowerment Kanagawa (2018). ‘White paper on dating violence’.

<sup>28</sup> Ministry of Education (2019). ‘Response on pregnant students’.

<sup>29</sup> Japanese Trade Union Confederation (2019) ‘Survey on harassment at work’.

applicable to job-hunting students.

## **5. Sexual consent**

With club activities, drinking parties and many opportunities to start dating, universities are afflicted by a particular type of sexual violence called ‘campus rape’. The problem results from a lack of awareness, and to respond to this issue, some university students have taken action to increase understanding about sexual violence and the concept of ‘consent’. They have organized a series of campaigns, such as creating handbooks about sexual consent and gathering together to discuss gender issues, in an attempt to end this abuse. Through their activities, they have succeeded in getting the topic of sexual consent included in mandatory classes as part of the orientation programme for new students in an increasing number of universities.

## **6. Campaign against sexism in the media**

In December 2018, a weekly tabloid magazine, SPA!, published an article ranking five universities on how easy it was to persuade female students to have sex at drinking parties. The article, which objectified and sexualized women, prompted outrage among female university students. They launched an online petition protesting about the article, which gathered over 40,000 signatures in six days, and continued discussions with the editorial team until they understood the matter: they had initially apologized for ‘using misleading words’ but had not apologized for the main point of the article. The students publicized their actions online and called for the prevention of similar incidents in future and fair portrayal of women in the Japanese media, not just an apology. This incident was reported by international media and generated people’s attention.

## Q. Women and Work

NAITO, Shino, The Japan Institute for Labour Policy and Training  
KOBAYASHI, Mitsuko, JAWW

According to ‘Public Opinion Poll on a Gender-equal Society’ conducted by the Cabinet Office of the Japanese government in 2019, the number of respondents who answered that ‘women should continue working even after having children’ has increased to 61%. The figure suggests that public opinion on working women seems to be changing. Nevertheless, working conditions for women in Japan remain difficult and women face many obstacles.

### 1. The Act on Promotion of Women’s Participation and Advancement in the Workplace and gender wage gap

The Act on Promotion of Women’s Participation and Advancement in the Workplace was enacted in 2015. This act aims to encourage employers to collect and analyze data on issues of gender and employment in the workplace and to openly disclose their current company status. After the enforcement of this Act, the ratio of female executives or women in managerial positions made a slight increase. However, the ratio of female executives and women at the department manager level still remains extremely low at 15.4% and 5.1%, respectively<sup>30</sup>.

Although the gender wage gap is decreasing, there is still a huge gap; when compared to a male full time worker, a female full time worker only receives 73.3% of his wage<sup>31</sup>. The main reason for the gender wage gap between full time female and male workers is the difference in years of service and job position<sup>32</sup>. In order to redress the wage gap, employers should be aware of and obligated to disclose information on their gender wage gap. It is also problematic that the judiciary in Japan does not find gender wage gap as sex discrimination as can be seen in the case of the Chugoku Electric Power Co., Inc. where the Supreme Court dismissed the plaintiff’s claim for sex indirect discrimination in 2015.

Furthermore, when comparing the hourly rate which includes bonuses between male and female workers in the entire labor force including part-time workers, the average hourly rate of a female worker was only 65.2% of that of a male worker<sup>33</sup>. The gender wage gap in the entire labor force is down to the wage differences between regular (permanent) workers and non-regular workers (temporary/fixed contract based workers). A regular worker tends to have long working hours which can become an obstacle to maintaining balance between work and childcare. This is the primary reason for many women to work as non-regular workers in and after child rearing stage. 56.1% of the female workforce are non-regular workers. This amounts to 68.6% of the entire non-regular workforce<sup>34</sup> and the percentage remains the same for the past few years.

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<sup>30</sup> The figure according to the ‘Basic Survey of Gender Equality in Employment Management 2018 (Ministry of Health, Labour and Welfare)’ for private companies with 30 or more workers.

<sup>31</sup> ‘Basic Survey on Wage Structure 2018’ Ministry of Health, Labour and Welfare.

<sup>32</sup> ‘Guidelines for Reducing the Gender Pay Gap 2010’ Ministry of Health, Labour and Welfare.

<sup>33</sup> From the Mainichi Newspaper online article (9 Jul 2019).

<sup>34</sup> ‘Labour Force Survey 2018’ Ministry of Internal Affairs and Communication.

## **2. Women's employment at the stage of childbirth/childcare and harassment regarding pregnancy, childbirth and childcare leave etc.**

More women continue to work after giving a birth or during child rearing by taking childcare leave. Despite this, 46.9% of women resigned after giving a birth to their first child<sup>35</sup>. This results partly from a lack of childcare facilities. As of April 2019, despite variations according to different areas of Japan, a total of 16,772 children were on a nursery waiting list due to lack of placement,<sup>36</sup>.

On the other hand, in 2018, the percentage of men taking childcare leave has increased slightly but remains low at 6.16% (82.2% of women took childcare leave) and the period of leave taken is short<sup>37</sup>. There is a survey indicating that almost 80% of male new recruits want to take childcare leave<sup>38</sup>. However, due to reasons such as 'difficult to find a replacement worker', 'the office atmosphere does not allow men to take childcare leave', 'fearful of negatively impacting their career path', 'the boss does not understand the need' and others, are making it difficult for male workers to take childcare leave<sup>39</sup>. Not only is it difficult for Japanese male workers to take childcare leave, among married working couples, men only spend 46 minutes per day on average on housework and childcare due to long working hours in the office. This is an extremely short period, compared to female workers who spend much longer time of 4 hours 54 minutes on average on housework and childcare<sup>40</sup>, placing Japan at the bottom among developed countries<sup>41</sup>. It is important to create a better working environment so that both men and women can shoulder the housework and childcare equally.

Disadvantageous treatment such as dismissal or disadvantageous personnel relocating by reason of pregnancy, childbirth or taking childcare leave etc. are already prohibited under Equal Employment Opportunity Law (EEOL) or Child Care and Family Care Leave Act. Furthermore, cases of harassment against pregnancy, childbirth or taking childcare leave etc. had reported. According to a survey conducted by the Japan Institute for Labour Policy and Training in 2015, 47.0% of female workers received negative comments such as 'you inconvenience us by taking leave' or 'why don't you just quit?' which made it uncomfortable for them to pursue their rights related to pregnancy, childbirth and leave<sup>42</sup>. To improve this situation, amendments were made on EEOL and the Child Care and Family Care Leave Act in 2016 which obligated employers to take action to prevent harassment by managers or colleagues related to pregnancy, childbirth and taking childcare leave etc. At the same time, amendments were made to the Child Care and Family Care

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<sup>35</sup> '15<sup>th</sup> National Fertility Survey 2015 (A national survey on issues on marriage and childbirth)' National Institute of Population and Social Security Research.

<sup>36</sup> 'An annual report on the status of childcare facilities (1 April 2019)' Ministry of Health, Labour and Welfare.

<sup>37</sup> According to the 'Basic Survey of Gender Equality in Employment Management 2018 (Ministry of Health, Labour and Welfare)' 36.3% of male workers took childcare leave for less than 5 days and 35.1% took between 5 days to under 2 weeks. Whereas 31.3% of female workers took 10 to under 12 months childcare leave and 29.8% took 12 to under 18 months.

<sup>38</sup> 'Survey among new recruits 2017 autumn' Japan Productivity Center.

<sup>39</sup> 'Report on the survey on gender equal opportunity in employment 2017' Bureau of Industrial and Labor Affairs, Tokyo Metropolitan Government.

<sup>40</sup> 'Survey on Time Use and Leisure Activities Sept. 2017' Ministry of Internal Affairs and Communication.

<sup>41</sup> 'Databook of International Labour Statistics 2019' The Japan Institute for Labour Policy and Training.

<sup>42</sup> 'Survey on disadvantageous treatment by reason of pregnancy etc. and sexual harassment' The Japan Institute for Labour Policy and Training.

Leave Act to expand the scope of fixed-term contract workers who are entitled to take childcare leave etc.

### **3. Harassment at work**

In December 2015, Matsuri Takahashi, a new recruit of one of Japan's leading advertising agencies Dentsu Inc., committed suicide due to overwork from long working hours and harassment at work. Following this incident, Japan Business Federation (Keidanren) and Japanese Trade Union Confederation (Rengo) agreed to introduce an overtime cap and measures to prevent harassment in the workplace in March 2017. In the same month, the government also announced 'Action Plan for the Realization of Work Style Reform' which included discussions on preventative measures against harassment in the workplace. In April 2018, a former administrative vice finance minister resigned because of sexually harassing a female journalist which also sparked a #MeToo movement in Japan. Following discussions held in 2018 in the Labour Policy Council attended by representatives of workers, employers, and the public interest members (Government), in May 2019, the Labour Policy General Promotion Act was amended which makes it mandatory to take necessary measures to prevent "Power Harassment" in the workplace. EEOL already makes employers legally obliged to take necessary measures to prevent sexual harassment in the workplace, but there have been calls for stricter measures to prohibit the conduct of sexual harassment itself. Nevertheless, in terms of measures against sexual harassment, only the following revisions were introduced: 1. non-legally binding provision which states employers, executives and workers should pay attention to prevent sexual harassment; 2. prohibition of disadvantageous treatment against workers who make sexual harassment complaints in the workplace; 3. employers to endeavor to cooperate in other employer's investigations when their employee sexually harass a worker of the other employer.

In June, the International Labour Organization (ILO) adopted Violence and Harassment Convention 2019 (No.190) and Recommendation (No.206) and the Japanese government supported for its adoption based on the request from the National Diet. Comparing the standards in this Convention with the current Japanese laws, various shortcomings are found. For example: 1. Japanese laws do not prohibit the conduct of harassment; 2. definition of harassment is too narrow such as limiting the occurrence within 'dominant - submissive relationship'; 3. only 'employees' can claim harassment, excluding people who are not employed (including persons working irrespective of their contractual status, jobseekers, job-hunting students and persons in training); 4. definition of 'workplace' is too narrow; 5. there is no public support system for victims and so on. Although there are regulations for employers to take measures to prevent and respond to harassment in the workplace, the problem is that there are no penalties for the violation of the law therefore many employers do not observe the law (40.8% of employers did not any measures to prevent sexual harassment). And the current administrative remedies conciliate or resolve disputes and their function is not to judge whether a case is harassment or not. This does not address the needs of harassment victims, thus utilization rate is low and incidents remain unreported. It is high time that we discussed radical measures to eliminate harassment which meet global standards.

## R. Migrant Women

YAMAGISHI, Motoko, SMJ Women's Project  
OGAYA, Chiho, Ferris University

According to the most recent statistics of the Immigration Control Bureau of the Ministry of Justice, as of the end of 2018, out of 2,731,093 foreign residents in Japan, 1,403,200 (or 51%) are women. Their residential status includes permanent resident: 475,677, special permanent resident: 161,793, students: 149,278, Technical Intern Training Program (TITP): 142,884, and dependent: 120,199.

Major issues regarding migrant women in Japan can be categorized as follows: One is mainly for the women who have settled in Japan for longer period through intermarriage. The other is related to the women workers who are staying in Japan on a temporary basis such as TITP. Overall situation where migrant women are prone to multiple discrimination and human rights violation based on gender and ethnicity has not been changed in the past five years. Since the 2<sup>nd</sup> Abe administration declared to “utilize foreign human resources” in 2012, the new program to accept migrant domestic workers in the national strategic special zones and the expansion of TITP for elderly care sectors have launched. Since then, increasing cases of labor exploitation and human rights violation against migrant women have been reported. TITP and student visa scheme are sometimes used for *de facto* human trafficking. Japanese Filipino Children (JFC), who had become eligible for Japanese citizenship after 2009 amendment of Japanese nationality law, and their Filipino mothers have also become a new target of trafficking. This report will focus on the situation and some remarkable cases since 2014, in light of CEDAW Recommendation of 2016 and CERD (the Committee on the Elimination of Racial Discrimination) Recommendation of 2014 and 2018 for Japanese government.

### 1. Marriage migrant women and domestic violence (DV)

Since 2000, from 20,000 to 40,000 couples, which comprise 3-5 % of all marriages in Japan, have been international marriages. Including the case of remarriage and divorce, approximately 400,000 marriage migrant women are currently living in Japan. Without national support policy for their settlement, marriage migrant women have been suffering from language and cultural barrier, isolation in the local community, and domestic violence (DV) due to their vulnerable position in their household. These situations have not been drastically changed up to now.

In Japan, while the revised Act on the Prevention of Spousal Violence and the Protection of Victims in 2003 was able to include the phrase which requires to “respect their human rights regardless of their nationality, disabilities” (Article 23-1), responsibilities for protection and support for migrant women DV victims were mainly dealt with in the local government units. Thus, big differences among the cities and towns have remained.

UN organizations have repeatedly expressed concerns regarding the deterioration of the rights of migrant women and the possibilities of more serious DV cases following the 2012 revision of

Immigration Control Act which strengthened the control of migrants with longer period of stay in Japan and the introduction of the cancelation of the spouse visa. CERD Concluding Observation in September 2014 recommended the Japanese government to reexamine the visa cancelation system for spouse of Japanese in Article 22 Paragraph 4-1 in Immigration Control Act in order to prevent the immediate deportation of migrant women who are spouses of Japanese after divorce. It also requested to submit the follow-up report on this paragraph after one year as the item of special concern. However, Japanese government had not addressed this recommendation sincerely, and CERD repeated this recommendation in 2018.

## **2. Human trafficking and migrant women**

Until 1990s, the main channel of human trafficking in Japan was the sexual exploitation which forced Thai and Filipino women who entered Japan as tourists or entertainers to work at night clubs and to coerce them into prostitution. However, since 2000s, many cases of labor exploitation of TITP female workers in garment industry have been reported. Many of TITP workers are heavily debt-bonded in their origin country and forced to work extremely long hours with underpayment in the workplace in Japan. Most of them are exposed to exploitation by sending agency and supervising organizations. Human rights violation such as passport confiscation and surveillance of private life in dormitory are regularly exercised against TITP workers.

Although many female TITP workers have experienced serious sexual harassment, they are usually forced to go home once those human rights violations become publicly exposed. This is a structural problem where workers cannot claim those problems, being afraid of being sent back home. UN and U.S. Department of State have referred to this TITP system as “hotbed of human trafficking” and “modern slavery”. However, Japanese policy against human trafficking has no comprehensive legal procedures and number of victims officially recognized is limited to double digits every year. Among them, labor exploitation cases are only a few.

Under this situation, so-called “Gifu Case” where 31 victims were recognized in 2015 was remarkable. In this case, victims were JFC who came from the Philippines in hopes of acquiring Japanese citizenship/nationality and their Filipino mothers who were promised to be employed in Japan. Contrary to their expectations, they were forced to work as hostesses in night clubs in Gifu Prefecture and Nagoya City to pay back their debt to the recruitment agency for three to four years. Their lives were totally under surveillance without a single day-off, yet they only received 80,000 to 100,000 yen for monthly salary. Police arrested 11 club owners and recognized 31 mothers and JFC as the victims of human trafficking. However, similar human trafficking which targets JFC has been continuing. As CEDAW has repeatedly recommended a holistic legislation against human trafficking to Japanese government, intensified countermeasures and expansion of support for the victims are strongly needed.

## **3. Migrant women’s rights as workers**

Migrant workers in Japan have been contributing to the economy mainly in the unskilled labor market, which has been suffering from labor shortage since the 1980’s bubble economy period.

However, the Japanese government didn't take any measures to accept unskilled migrant workers from the "front door," but only opened the "side door" which only allows, aside from Japanese descendants and marriage migrant women with long-term or permanent resident visa, migrants under TITP or those with student visa to enter Japan to work as *de facto* cheap labor. Those *de facto* migrant workers have not been paid equally as Japanese nationals and their rights as workers have not been protected. They are suffering from long working hours and underpayment. Recently, the cases of sexual harassment and violation of women's reproductive health have been increasingly reported to migrant-support organizations. In one of such cases, a pregnant TITP worker was forced to decide either having an abortion or going back to her home country. In March 2019, Ministry of Health, Labor and Welfare and Ministry of Justice issued a statement to protect the rights of TITP workers to continue their internship (work) with pregnancy and after giving birth.

Many of migrant women with long-term or permanent residency in Japan are working in unskilled labor market with irregular employment. With lack of support system, those migrant women's employment opportunities are quite limited with low level of working conditions. Their rights as workers have been rarely protected, unless they have specific skills.

After three decades of accepting migrant workers under the bubble economy, and with the new scheme of "Specified Skills" under which 340,000 migrant workers in 5 years are expected, it is an urgent issue to reexamine the legal system for protecting and promoting the rights of migrant women as workers.



## **S. Women with Disabilities**

Disabled Peoples' International (DPI) Women's Network Japan

The Beijing Platform for Action recognizes that women with disabilities face barriers to gaining full equality as well as achieving advancement. Similarly, Article 6 of the UN Convention on the Rights of Persons with Disabilities recognizes that women and girls with disabilities are subject to multiple discrimination and calls on signatory countries, including Japan, to enact appropriate measures to eliminate such discrimination and to ensure the full development, advancement and empowerment of women with disabilities.

### **1. Awareness in Japan of the multiple discrimination faced by women with disabilities**

In Japan, efforts have been made to ratify and bring Japanese laws in line with the Convention on the Rights of Persons with Disabilities. The multiple discrimination faced by women with disabilities was discussed as a part of these efforts. As a result, in the 2011 revision of the Basic Act for Persons with Disabilities, “sex” was added to the list of items to be taken into consideration as basic policy for the measures to prevent discrimination on the basis of disability.

In addition, although the newly established Act for Eliminating Discrimination Against Persons with Disabilities does not contain provisions on multiple discrimination, its supplementary resolution recognizes the fact that women with disabilities are subject to multiple discrimination and stipulate that their human rights should be protected. That said, as in the past, neither the principles nor the basic plans of either the Basic Act for Persons with Disabilities and the Act for Eliminating Discrimination Against Persons with Disabilities contain language regarding multiple discrimination or intersectional discrimination.

At the same time, domestic awareness of multiple discrimination faced by women with disabilities is steadily increasing. This is evidenced by the fact that local government regulations related to the elimination of discrimination based on disability—including those of Kyoto Prefecture, Sendai City, the Tokyo Metropolitan Area, and Shiga Prefecture—have started to incorporate explicit language regarding multiple discrimination of women with disabilities, ahead of the central government.

### **2. Paucity of gender statistics required to assess the current state of discrimination**

Efforts to eliminate multiple and intersectional discrimination against women with disabilities first requires an assessment of the current state of this discrimination. However, the gender statistics needed to assess multiple and intersectional discrimination against women with disabilities is lacking. In addition, no mechanisms exist for comprehensively and systematically implementing measures and policies to assess and eliminate this discrimination.

Although provisions related to women with disabilities have been incorporated into the basic policy based on the Act for Eliminating Discrimination Against Persons with Disabilities and the Fourth Basic Plan for Gender Equality, which sets forth domestic measures aimed at promoting

gender equality, concrete plans of action involving specific numbers and measures have not been developed.

In July 2016, the Japanese government submitted its first report to the UN Committee on the Rights of Persons with Disabilities (CPRD). Of the 42 statistics included in the report, the only gender statistics provided were for the total number of persons with disabilities and that related to employment.<sup>43</sup> What the statistics reveal is that, for all categories of disability (physical, mental, and psychological), men account for more than 60% of employed persons with disabilities, that men are employed at higher rates as regular full-time employees than women, and that women are employed at higher rates as fixed-term employees than men.

### **3. Violence against women with disabilities**

According to the Report on the Protective Care of Women (2016), 47.3% of the women entering protective care facilities had a disability or suffered from an illness of some kind; of these women, 26% were in possession of an official disability ID. Despite evidence of such circumstances, no data exists on the proportion of female and minor victims of domestic violence who have disabilities, and no policies or measures addressing the need to assess and deal with this issue have been implemented.

Regarding the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers, the 2016 annual report issued by the Ministry of Health, Labour and Welfare found that 64% of victims of abuse by caregivers are women and that 13% of the caregivers are spouses. However, the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers does not contain any mention of gender. In addition, data indicate that the proportion of persons with disabilities seeking consultations regarding domestic violence (DV) has been increasing in recent years.

That said, information regarding DV support and consultation services is, in many cases, not available in a form that is accessible by women with disabilities. Although the Act on Prevention of Spousal Violence and Protection of Victims mentions victims with disabilities, it cannot be said that adequate support exists at any level, from consultation to protection and self-reliance support, for women with disabilities who are victims of DV.

Although all individuals involved in healthcare, medicine, welfare, education, public safety, and the administration of justice need to receive training to be able to recognize the multiple and intersectional discrimination and attendant challenges faced by women with disabilities so that they can carry out their duties appropriately, no policies or measures to promote such training exist.

### **4. Participation in planning/policy making by women with disabilities**

Regarding the composition of various advisory committees and expert committees involved in the formulation of national and local government policies, although “positive action” such as a quota

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<sup>43</sup> Proportion of employed persons by gender, proportion of employed persons by industry and gender, proportion of employed persons by employment type and gender, proportion of employed persons by fixed number of working hours per week and gender, and proportion of employed persons by occupation and gender.

system can partially be seen, the Commission on Policy for Persons with Disabilities, for example, comprises 30 members, only two of whom are women with disabilities or some kind of illness. As a result, the implementation of any efforts including “temporary special measures” is not being explored.

#### **5. The reproductive health and rights of women with disabilities**

In Japan, 16,500 individuals (of which approximately 70% were women) were subjected to forced sterilization under the Eugenics Protection Law, which was in place from 1948 to 1996. Extralegal hysterectomies and radiation therapy of women with disabilities have also been carried out. The reproductive health and rights of women with disabilities have been grossly violated through such actions.

Despite the issuance of numerous recommendations by the UN Human Rights Commission and the Committee on the Elimination of Discrimination against Women, the Japanese government, for many years, did nothing to address the problem. The filing of the first ever lawsuit demanding state reparations for victims of forced sterilizations under the Eugenics Protection Law in 2018 resulted in deliberation on the issue in the National Diet and ultimately led to the adoption of the Law on the Payment of One-time Reparations for Victims of Eugenic Sterilizations under the Eugenics Protection Law in April of 2019.

However, the one-time reparation amount is extremely low (3.2 million JPY). As of September 2019, twenty plaintiffs have filed lawsuits asking for an apology and reparations in six district and one high courts. Even after establishment of the law, the issue continues to be tied up in the courts.

The reproductive health and rights of women with disabilities remain an issue even after the abolition of the Eugenics Protection Law. Particularly essential are guarantees of opportunities for sex education, full implementation of support services for persons with disabilities raising children, and training for welfare and healthcare workers.

## T. The Role of Men and Boys

ITO, Kimio, Kyoto Sangyo University

In 2018, during a university entrance examination, a sexual discrimination case was uncovered. Tokyo Medical University excluded many female examinees, using the demerit system because they were women. After this scandal, Japanese media reported that other medical universities were suspected for conducting similar treatment of female students. In Japan, we can find many similar cases even now.

This is one example of the male-dominant and female-excluded structure of the Japanese society which is still prevalent today. It is necessary for Japan to have a more diverse and gender equal society.

### 1. Male-dominant workplace discourages women's aspirations

According to the panel research on "new employees' career plan and aspiration for promotion" conducted by NWECC (National Women's Education Center) from 2016 to 2019, at the beginning of their career, relatively high aspiration for promotion among female workers declines drastically after one year of working. This suggests that male-dominant Japanese workplaces discourage women's vocational aspirations.

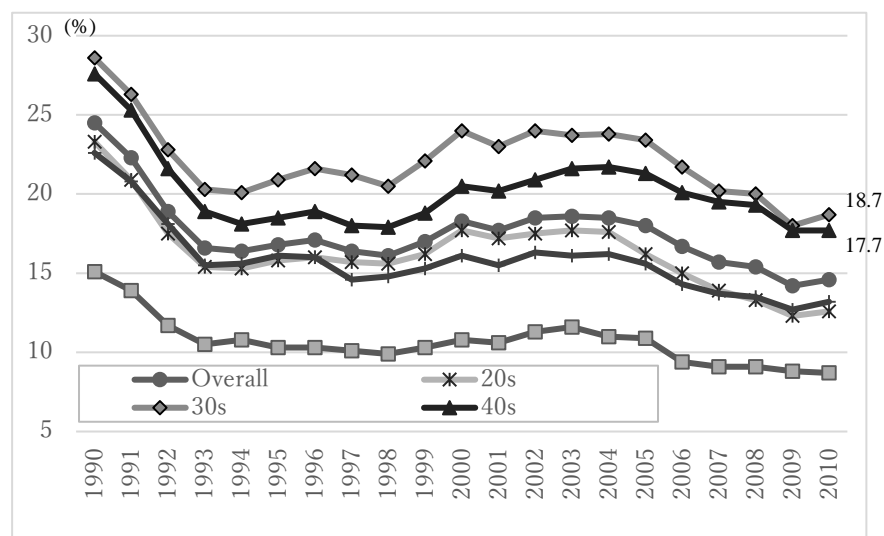
At the same time, men's aspiration for promotion also decreases although to a lesser degree compared to women. Therefore, we can imagine that it isn't comfortable to be in a Japanese workplace for men, either.

### 2. Long working hours

The biggest problem of the work environment in Japan is the long working hours. "Men of their thirties and forties who work for long hours equal to or greater than 60 hours per a week" are said to make up approximately 25 percent of the workforce at the turn of the century. This number has been decreasing recently -- by around 15% by 2010 (figure 1), but it is a fact that the working hours of men in the prime of their lives is still too long. At the same time, the problem of "conforming pressure" in a workplace dampens women's mind and restricts the way of men as "work-only human beings (Shigoto-ningen)". 'Conforming pressure' means pressure from colleagues to work under the same working conditions. For example, if your colleagues work long overtime hours, you are expected to work the same.

It is impossible to improve the problem of man's childcare leave acquisition as the case of "conforming pressure" to the men by a workplace still exists. In Japan, both men and women are entitled to take childcare leave since the 1992 Childcare Leave Law was enacted. Moreover, there is a system which makes it possible to extend the child care leave by 1 to 2 months per year, too, if child care leave acquisition is taken as a couple: PAPANAMA parental leave plus. Even though there is such a good system, Japanese men's child care leave acquisition percentage is only about 6%. It is said that there are "cold eyes against a man taking child care leave" by their workplace in a background.

**Figure 1: Percentage of workers who work more than 60 hours per week (men, by age range)**



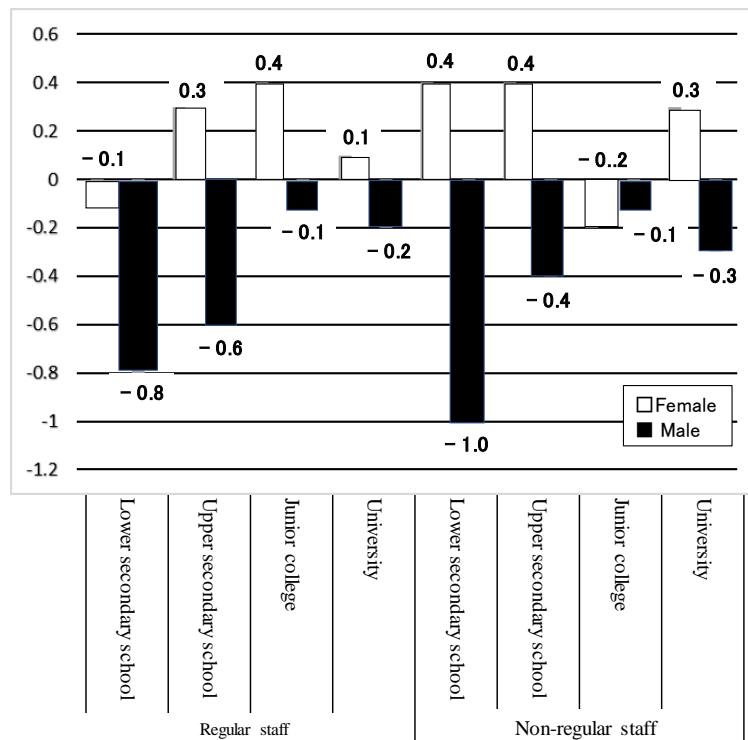
Remarks: 1. Compiled from data from the "Labour Force Survey" Ministry of Internal Affairs and Communications  
 2. The figures represent percentage of the total number of non-agriculture and forestry workers

### 3. Masculinization of deprivation

There is a situation that has been developing since 1997 as a result of decreasing male office workers' annual income with relation to such a severe working environment (figure 2). The decrease of real wages produces a feeling of weakness from the viewpoint of a man as the former breadwinner. Moreover, the switch from a society which was formerly led by a "manufacturing centered industry" to an information and service centered industry. Moreover social change to the 4th Industrial Revolution by AI and IoT has produced big changes to the Japanese industrial structure. However, Japanese society hasn't handled this change sufficiently with respect to gender and diversity.

In the face of such social change, many men seem to be tired with the unconscious feelings of "something being robbed" in their homes, workplaces and local communities where they formerly maintained their superiority through economic power. Many men are beginning to feel dissatisfied and unstable. I want to call this situation, "Masculinization of Deprivation". Now we need gender policies for men to prevent the socio-pathological phenomena that men possessed by (toxic) masculinity from coming about.

**Figure.2: Compound Annual Growth Rate of Average Annual Earnings by Education by Type of Employment (2005-2013)**



Source: Ministry of Health, Labour and Welfare *Basic Survey on Wage Structure*

#### 4. Increasing domestic violence consultation

In European and American society, the move that considers "ferocious indiscriminate murder cases" from the viewpoint of toxic masculinity spreads. It is possible to think that there is the Masculinization of Deprivation described above in the rear of the brutalization of toxic masculinity. It is manifested as DV and sexual violence when such toxic masculinity is turned against woman. Indeed, also, even if it places in Japan, a DV consultation number is increased in victim support center, too, even with point of running to the police.

However, present Japan's DV and sexual violence handling by the governments is completely insufficient, and the perpetrator rehabilitation education program is dependent on private Non-Profit Organisations. Proper support and rehabilitation programs need to be created.

#### 5. Gender equality policy for men and boys that doesn't quite progress

The field of "men and children" was set to government "the Third Basic Plan for Gender Equality" and was decided in a Cabinet meeting in 2010 among all 15 fields. Gender policy for men was established for the first time, including development of a comprehensive consultation program for man. However, five years later in the 4th plan (cabinet decision in 2015), the policy that narrowed down the target to men specifically disappeared. It will be necessary that a gender equality policy for men and boys be set to the 5th plan to be decided in a Cabinet meeting in 2020 once again.

## **6. Men's ability of care**

It is the 21st century, and the United Nations and EU are both releasing a policy proposal based on the investigation about "role of men and boys" toward a gender equal society. Among all these efforts, the key word is Caring Masculinity.

Most men are weak in the power of the consideration for others (and moreover themselves). Men lack the "ability of sympathy" to others. Even if under bad body condition, men often manage to work hard because they lack the power of care for themselves. For men, it is necessary to have the power to care for others' (and their own) life/body/character/thought (there is even an argument to be made that training the ethics of man's care is important for peace-building in the world). Taking care comes to be centered around child-care in European society. However, in Japan, "care" often means elder-care more than child-caring. So, I want to paraphrase "caring masculinity" into "the men's ability of care" for adapting to Japan.

The reason why I use the concept of "men's ability of care" is because I want to highlight the importance of the men's ability to take care of children and elders, and at the same time the ability to be cared for. When they come to be cared for, elderly Japanese men sometimes cannot accept and appreciate the care they receive from others in gratitude. They sometimes refuse dependency on others (that might rob them of their powerful masculinity) and at the same time they think unconsciously the care from others (especially from women) as too "natural"(so they cannot say thank you for another's help) Therefore, I emphasise that a men's ability to accept care is an indispensable problem in an aged society in the future.

International society has been turning its eyes to men's gender problem little by little. However, in Japanese society, this problem is still invisible and nameless. We must work toward the realization of a policy for gender equality for men and boys whole-heartedly.

## U. Older Women

KAMOZAWA, Saori, Nihon University, JAWW

Japan is confronted by the challenge of an aging society and elderly women form a high percentage of the population aged 65 and over. Recently, issues around elderly women have come to the front as a multiplex of problem created by the social system related to gender inequality. For example, wage differentials by gender, employment discrimination against women and inequality in the social security systems.

In the Standard Model, elderly women are considered to be mostly married women whose lives are guaranteed by their husbands' income and pension. Therefore, elderly women's multiple issues are thought of as minority issues. Additionally, a lack of data and understanding about their actual situation means that there is no clear awareness of the problems of elderly women within Japanese society.

To promote gender equality as SDG5, which is related to SDG1.2, in the first instance it is necessary to measure and reduce poverty amongst elderly women.

### 1. Increasing numbers of elderly women who live alone

Japan is facing a super-aged society, the ratio of the population aged 65 and older to the total population has exceeded 21%, which is the highest of any other country in the world.

According to the Annual Report on the Aging Society (Cabinet Office 2019), the population aged over 65 is 28.1% of the total population of Japan, the highest ever. The breakdown between men and women is 15.46 million men and 20.12million women, meaning that the sex ratio is 76.8 men for every 100 women. Moreover, The National Institute of Population and Social Security Research (2018)<sup>44</sup> estimated that the ratio of women aged over 65 who live alone will increase from 21.8% in 2015 to 24.5% in 2040.

### 2. Poverty amongst elderly women who live alone

In 2008 The Gender Equality Bureau Cabinet Office set up an investigative commission into men and women who have difficulties. Their report published in 2010 presented the relative poverty rate by gender and age. For most age groups the poverty rate for women was higher than men, and the gap between men and women became wider with age. Consequently, 15.1% of elderly men and 22.1% of elderly women live in relative poverty. Moreover, amongst elderly women who live alone, the poverty rate was 44.6% which is highest recorded. The Ministry of Health, Labour and Welfare<sup>45</sup> announced that half of households who receive income support were elderly ones and the gender ratio between ages 65 to 75 was almost the same as those who receive income support. However, over the age of 75 women's households need public assistance twice the rate as men. The reason being that the population of women in that age

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<sup>44</sup> National Institute of Population and Social Security Research (2018) Household Projections for Japan: 2015-2040.

<sup>45</sup> Ministry of Health, Labour and Welfare (2017) Annual Survey on Public Assistance Recipients.



group is larger and after their husbands die, widows' monthly income is reduced. Because women's average life span is longer than men, this situation will be continue and poverty amongst elderly women will get worse.

### **3. People living without or on a low pension**

Most pensioners who used to work at large companies receive, in addition to their basic pension, an employee's pension. However, 14.7% of elderly women who live alone receive only the basic pension and the annual income of 91.7% of women who live alone without an employee's pension was less than ¥1.5 million (\$1,650)<sup>46</sup>. The basic pension was ¥65,000 a month if paid at the full premium in 2017. Therefore, their actual annual income is presumed to be less than ¥1million (\$1,100)<sup>47</sup>.

While, the annual income of 45% of women who have both an employee and basic pensions was less than ¥1.5 million. The employee pension's amount depends on how long they work, or how much they earn; therefore women often receive less than men. In 2016, the pension system was modified and part-timers can apply to join the employee's pension scheme, but it is often not enough to cover this gap. The 2012 Act<sup>48</sup> which related to public pensions aimed to support the elderly who don't have a pension or live on a low pension. To qualify recipients need to pay a premium for at least 25 years which has changed from 10 years. These measures are not enough to fully address issues around the poverty of elderly women.

### **4. Health and care amongst elderly women**

The healthy life expectancy in Japan, which is defined as the period a person can enjoy life without any limitations to daily activities resulting from health problems is 72.14 for men and 74.79 for women. While life expectancy is 80.98 for men and 87.14 for women, the gap period between two are 8.84 years for men and 12.35 years for women. During this period individuals are likely to need care or medical treatment. Care givers at home are mainly spouses (58.7%) and 66.0% are wives who provide care for their husbands at home, while only 34% of husbands give care to their wives.

In 2019, 4.5 million women received services from the care insurance system, twice the number of men. In order to receive these services, a long-term care insurance premium is deducted from the over 65's years-old pension. In addition, service users also have to pay a contribution by themselves. Basically this is 10%, but it is dependent on income. While measures for those on low income were implemented, the elderly who face financial difficulties tend to restrain their spending to pay for care. It is necessary to conduct more research with a gender perspective in order to determine how the economic gap leads to a care gap.

### **5. Damage from fraud and abuse**

<sup>46</sup> Ministry of Health, Labour and Welfare (2012) Survey on the Recipients of Old-age Pension.

<sup>47</sup> ¥109 = \$1 (December 2019).

<sup>48</sup> Act to Partially Amend Public Pension Act, etc. for strengthening of Financial base and Minimum Guarantee Function of Public Pension System (2012).

The Metropolitan Police Department announced that the number of victims of billing fraud in 2018 has increased, with elderly women aged over 70 comprising half the total. Especially important was, the ‘ore ore swindle’ so called because a swindler makes a phone call and starts the conversation with "ore ore (me, me)",pretending to be the victim’s son—77% of victims are women aged over 70 who must be the targets of the crime, because the elderly women’s population is bigger than men and most live alone.

Research about elderly abuse by The Ministry of Health, Labour and Welfare (2017)<sup>49</sup>, showed that 70% of victims of abuse reside in care institutions and 76% of victims at home are over 65 years-old women. According to this research, 40% of abusers at home were sons and 20% were husband. Generally speaking, younger men tend to abuse the elderly.

## **6. Guarantee of human rights for elderly women**

The United States promotes a human rights approach for the elderly, pointing out violation of human rights as ‘poverty and inadequate life condition’, ‘age discrimination’, and ‘violence and abuse’, with the U.N. being presumed to take legal action for them. However, there is little discussion of this topic in Japan, especially about the elderly women are behind the statistics. The guarantee of fundamental human rights for elderly women is important and it is necessary to active to engage this issue from a gender perspective.

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<sup>49</sup> Ministry of Health, Labour and Welfare (2017) The Report of the research relating to ‘The Act on the Prevention of Elderly Abuse, Support for Caregivers of Elderly Persons and Other Related Matters’.

## V. Agricultural, Fishing and Forestry Women

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### 1. Current status of women in agriculture, forestry and fisheries, as seen in statistics

Japan's farming population has decreased to about one-fourth over the 25 year period from 1990 to 2015, while the female agricultural working population is now less than half, at 48%. The fishery industry has also decreased to 13%, with more and more women leaving the industry. The percentage of women in forestry is still low, however in recent years this has increased slightly (Table 1).

**Table 1. Changes in female workers in agriculture, forestry and fisheries** unit: thousands, %

Year	1990	1995	2000	2005	2010	2015
Female working population in agriculture	3,403	2,372	2,171	1,788	1,300	1,009
Ratio of females	60.2	57.3	55.8	53.3	49.9	48.1
Female working population in forestry	18,0	13,8	11,5	7,0	8,7	9,1
Ratio of females	16.4	16.4	17.2	15.0	12.6	14.3
Female working population in fisheries	67	54	44	36	30	22
Ratio of females	18.1	17.9	16.9	16.3	14.8	13.1

Source: Agricultural and Forestry Census, and Fishery Census, by year; forestry population taken from the National Census

Although the participation rate of women in the main organizations of agriculture, forestry and fisheries has increased, agricultural cooperatives have the highest organizational female participation rate at 21%, while less than 10% of participants in fishing cooperatives and forestry cooperatives are women. The number of agricultural committee members and agricultural cooperative officers involved in making important decisions on regional agriculture is less than 10% each, while the number of fishing cooperatives and forestry cooperatives officers is less than 1% each (Table 2).

**Table 2. Changes in the female participation ratio in major organizations in agriculture, forestry and fisheries** unit: %

Year	1990	1995	2000	2005	2010	2015
Agriculture committee members	0.15	0.33	1.8	4.1	4.9	7.4
Agricultural cooperative members	12.1	13.02	14.2	16.1	18.9	21.2
Number of agricultural cooperative officers	0.10	0.20	0.6	1.9	3.9	7.2
Fishery cooperative members	5.8	5.8	5.7	6.8	5.7	5.6
Number of fishery cooperative officers	0.10	0.14	0.2	0.0	0.4	0.5
Forestry union full members				6.6	8.2	9.4
Number of forestry association officers				0.2	0.4	0.4

Source: Ministry of Agriculture, Forestry & Fisheries, Bureau of Economic Affairs, Administration Division; Agricultural Cooperatives Division; Fisheries Agency Cooperative Division

The 2015 Agricultural Census asked respondents about the “gender of the agricultural manager” and “gender of participants in management policies, if any” and found that there were still fewer than 10% female managers (Table 3).

**Table 3. Gender of the Manager** Unit: thousand, %,

Male manager	Female manager	Female ratio (%)
1,241	89	7.2

Source: Agricultural and Forestry Census 2015

In this way, women's participation in agriculture, forestry and fisheries has not progressed, and women are moving away from these industries. Furthermore, it is difficult to accurately grasp the number of women working in forestry from the Agricultural and Forestry Census statistics.

## **2. Women’s new activities in agriculture, forestry and fisheries, and issues in women's organizations**

New activities aimed at women have begun to appear in recent years. The “Agricultural Women's Project” was launched in 2013 in the field of agriculture, while the “Forestry Girl's Association @” was launched in forestry in 2010.

The “Agricultural Women's Project” is a project of the Ministry of Agriculture, Forestry and Fisheries, and aims to increase the number of young female farmers who choose agriculture as a profession combining knowledge cultivated in farming with corporate technologies. According to a 2018 summary of the Secretariat, the number of participants had increased from 37 to 715, while the number of participating companies had increased from 9 to 37, and the number of educational institutions had increased to 5 (Ministry of Agriculture, Forestry and Fisheries website). In the same year, the “Sea Treasure, Fishery Women's Vitality Project (‘*Umi-no Takara, Suisan Joshi-no Genki Purojekuto*’)” was launched by the Fisheries Agency, with 39 members (Fisheries Agency website).

Conversely, “Forestry Girl's Association @” was established in various regions around Japan, inspired by the first “Forestry Girl's Association @ Kyoto”, as a place for women who are interested in forests and forestry to share and spread the best aspects of forestry. Currently, these associations are being run in 25 regions, and the activities differ in each region. These are voluntary organizations with members comprising students and members of local society, who act together to create a loosely linked organization called “forestry girls @”.

These young women’s activities are characterized by the use of the Internet and social media. The pioneer “Forestry Girl's Association @” smoothly combines the virtual world with reality, such as by bringing together information on the internet at its monthly meetings and local activities. In addition, “Forestry Girl's Association @” and “Agricultural Women's Project” are focusing strongly on their cooperation with other related industries.

Although these new initiatives and organizations are being established, note that conversely, the Rural Women Empowerment and Life Improvement Association, a former national external organization that had been supporting agricultural, forestry and fishing women for many years, has

disbanded. Similarly, the Female Farm Managers' Board dissolved after completing its mission. Extension workers (women) for farm life improvement, who had fostered female agricultural entrepreneurial groups and worked closely with women, were also abolished. As a result, there is now only weak support for women who have finished raising their children and who are expected to undertake various other activities, and they are delayed in their organization accordingly. Due to the declining birthrate, aging population and privatization policies in agricultural and fishing villages, women's organizations in agriculture, forestry and fisheries have not yet been able to fully link all generations, from the young to the elderly people.

### **3. Improving the status of women in agriculture, forestry and fisheries**

In rural areas, gender roles in housework, childcare and nursing care have been strongly retained. In addition to these tasks, women are expected to be engaged in agriculture, forestry and fisheries, as well as entrepreneurship. Being involved in up to 5 layers of work means that it is difficult for agriculture and entrepreneurship to become the main businesses for these women as long as they still need to take care of their homes and families, and they are also unlikely to become the main managers. In addition to the establishment of preschools and nursing homes nearby, above all, men's cooperation is needed in the home.

In forestry, the number of female workers has increased slightly. Women are now able to take over men's jobs if they can master the technology, such as mechanized logging machines. Career paths that enable women to acquire skills are being opened at various training centers, and government support is also substantial. Support for young women is increasing gradually, but there are still a number of issues, such as farmland inheritance and asset building, due to the insufficient policies for women over middle age.

## **W. Minority**

### **Issues Surrounding Sexual Orientation and Gender Identity**

Japan Alliance for Legislation to Remove Social Barriers based on Sexual Orientation  
and Gender Identity (SHIMODAIRA, Takeru, Vice Executive Director)

The 2014 recommendations of the United Nations Human Rights Committee pertaining to issues of sexual orientation<sup>50</sup> and gender identity<sup>51</sup> in Japan included the following: 1) adopting an anti-discrimination law unequivocally prohibiting discrimination; 2) preventing and alleviating the harm caused by prejudice and harassment; and 3) enabling same-sex couples to live in public housing. Similarly, recommendations made in 2008 advised: 1) adopting an anti-discrimination law; and 2) providing cohabitating same-sex couples and cohabitating unmarried hetero-couples equal treatment. Despite identical recommendations being made repeatedly over the years, not only has there been absolutely no reduction in the number of the recommendations to be taken and enacted, the number of recommendations has actually increased.

Chief among these is the issue of harassment. According to an opinion poll about Sexual Orientation and Gender Identity (SOGI<sup>52</sup>) conducted by the Japanese Trade Union Confederation (RENGO) in 2016, 60 percent of respondents who were close to someone from the LGBT community answered that they knew someone who had either experienced SOGI harassment in the workplace first hand, or had witnessed or heard about such harassment. On the other hand, the percentage of respondents who answered that they were not close to anyone from the LGBT community, but knew someone who had either experienced SOGI harassment in the workplace first hand, or had witnessed or heard about such harassment, remained at a low 20 percent. This suggests that unless people know and are around someone who is a member of the LGBT community, they don't really understand nor recognize SOGI harassment.

As background information relative to this problem, it may be useful to note that those with a heterosexual sexual orientation, who feel no incongruity between the gender assigned at birth and the gender with which they identify (i.e., for example, a man, assigned male at birth, who identifies as a man and is attracted to women) are considered by society to be the normal, typical majority, while other genders and sexualities, which have long been unrecognized and invisible, are forced to be the object of discrimination and oppression. Sexual minorities, most especially the "women" of these sexual minorities, are in an extremely difficult, untenable situation in a society in which even "ordinary" women, assigned female at birth, identifying as women and attracted to men, suffer from a gender gap resulting in a clear disparity between their wages and education level and those of men<sup>53</sup>.

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<sup>50</sup> Sexual Orientation refers to one's emotional, romantic and sexual attraction to people of a particular gender.

<sup>51</sup> Gender Identity refers to the gender that a person perceives themselves to be and with which they self-identify.

<sup>52</sup> SOGI is an acronym for Sexual Orientation and Gender identity.

<sup>53</sup> "Man" here refers to a person who does not feel any contradiction or incongruence between assigned gender at birth and gender identity, and is attracted to women.

Relative to the above, our organization received reports of complex, difficult, serious cases<sup>54</sup> centered around the intersection of gender and sexuality:

“When I came out as a lesbian, someone said, ‘I can fix that for you. You’ll change your mind, once you have more experience with men and get to know us better.’ and then I was raped.”

And the list goes on. Sexual minorities have been made invisible and subjected to oppression and discrimination for so long that even though they suffer undeniable harassment, they find it difficult to speak out against such harassment for fear of having their gender and sexuality revealed which, they have good reason to believe, is very likely to result in further harassment and maltreatment.

Nevertheless, some local governments are not waiting for national legislation to be enacted to tackle the aforementioned problems and make progress addressing these issues. In March of 2019, the Toshima Ward of Tokyo passed an ordinance not only prohibiting discrimination, but also SOGI harassment and the outing of others. This ordinance explicitly prohibits forcing an individual to come out. Moreover, in 2017, amid the growing excitement and enthusiasm in both the public and private sectors relative to hosting the Tokyo 2020 Olympics and Paralympics, the “Sustainable Sourcing Code for the Tokyo Olympic and Paralympic Games in 2020” was announced. This Code requires all Tokyo 2020 Olympic and Paralympic suppliers of goods and services to comply with regulations prohibiting SOGI discrimination and harassment. In addition, in 2018 “The Model Rules of Employment” of the Ministry of Health, Labour and Welfare, was amended to incorporate a new provision adding “the prohibition of all other forms of harassment” which expanded and clarified the definition of prohibited harassment by including SOGI-related discriminatory speech and conduct among its examples of prohibited harassment. Furthermore, both employer associations and labor organizations are advancing initiatives to tackle SOGI issues while the government, employers and employees are each taking concrete measures to address these issues in the employment arena.

I would now like to introduce several categories of SOGI harassment.

#### **[Five Categories of SOGI Harassment]**

1. Discriminatory actions, ridicules and the use of pejorative language such as “rezu (les in Japanese)” or “homo”<sup>55</sup>
2. Bullying, ignoring and acting violently toward members of the LGBT community.
3. Gender Coercion: forced to live, work and dress as an undesired gender with which one does not identify.
4. Unjustified personnel reassignments and dismissals; unjust refusals of school admissions and transfers.
5. Announcing someone’s SOGI without their permission (“outing”)

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<sup>54</sup> Cited from “A List of Difficulties We Confront in Society Due to Sexual Orientation and Gender Identity (3rd Edition)” a list our organization compiled utilizing information obtained from various other SOGI organizations, support groups and experts.

<sup>55</sup> Words such as “homo”, “okama (fag; faggot)”, “les (les; lesbo)”, “onabe (bull dyke)”, and “otoko-onna (she-male, chick with dick)” are discriminatory, derogatory terms which, historically, have had pejorative connotations.

As further regards the issue of harassment, the Labor Policy General Promotion Law, which includes a provision for the prevention of “power harassment”, was unanimously revised, in May 2019, to require the guidelines for power harassment prevention measures<sup>56</sup> to be amended to expand the definition of power harassment to include the following categories of harassment: (1) SOGI; and (2) unwanted outing in the workplace. As companies are now obligated to prevent power harassment in these two new categories, measures to protect privacy are also required in light of the newly instituted outing protection provisions. We feel these legal reforms represent tremendous progress and we rate them highly.

Despite the progress made, however, efforts to pass a comprehensive, nationwide, anti-discrimination law, as the United Nations has repeatedly advised Japan and described above, have fallen woefully short and, to date, no such legislation has been enacted. We will, nevertheless, continue to strongly demand that the Japanese government enact a truly effective anti-discrimination law which not only contains provisions preventing harassment, but also explicitly prohibits discrimination.

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<sup>56</sup> It should be noted, #3 and #4 in the list of Five Categories of SOGI Harassment mentioned, might not fall into either of the newly added harassment categories, 1) SOGI; 2) unwanted outing in the workplace, of the amended guidelines for the power harassment prevention measures of the revised Labor Policy General Promotion Law



## **X. Disaster Risk Reduction and Reconstruction**

DOMOTO, Akiko, President of JWNDRR  
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### **1. Sendai Framework for Disaster Risk Reduction (SFDRR) and Sustainable Development Goals (SDGs)**

The 2011 Great East Japan Earthquake brought our attention to the importance of formulating and implementing disaster risk reduction (DRR) policies and programs by taking into consideration different needs of people. Accordingly, the SFDRR (2015-2030), adopted at the Third UN World Conference on DRR (Sendai, 2015), emphasized the importance of disaster preparedness, disaster risk reduction, building back better (BBB) with people-centered approach, participation of women, the elderly and persons with disabilities in the decision-making processes, and leadership of women and youth in DRR. The SFDRR was then included in the Goal 11 and 13 of the SDGs (2015-2030). The SDGs emphasize that the Goal 5 on achieving gender equality and empowerment of all women and girls is prerequisite to achieve all the other 16 goals, thus promoting DRR with a gender perspective is not an exemption.

### **2. Progress made by the government of Japan and remaining challenges**

The government of Japan made strenuous efforts for promoting DRR, however the gender perspective has not yet been fully integrated into the Disaster Countermeasure Basic Act and related policies. The Cabinet Office has promoted the development of Local Disaster Management Plans (LDMPs) based upon the national-level Basic Disaster Management Plan. As a result, 984 LDMPs have been formulated as of April 2017. However, the gender and diversity perspectives need to be further integrated into these plans.

The Fourth Basic Plan for Gender Equality (2015) stipulated that gender differentiated needs should be considered at all the disaster management cycle of preparation, emergency, restoration and reconstruction. And women's participation in decision-making processes in the cycle should be promoted. It is necessary to promote gender mainstreaming in DRR by all the stakeholders, including Gender Equality Bureau of the Cabinet Office, line ministries concerned with DRR, women's groups and CSOs.

The female ratio of the Disaster Management Council, headed by the Prime Minister, was 6.9% in 2018. The female ratio of Prefectural and Municipal Disaster Management Councils was only 2.1% in 2004, but increased to 14.9 % in 2017, as a result of lobbying made by the women's groups such as Japan Women's Network for DRR (JWNDRR). However, the female ratio of local community DRR councils is still 8.1% in 2017. Despite the commitment made by the Fourth Basic Plan for Gender Equality to increase the female ratio for such councils up to 30% by 2020, it still has a long way to go. The female staff ratio at the departments concerned with DRR in the local governments is 9.7% at the prefectural levels and 6% at the city/village levels.

The Gender Equality Bureau published the Guidelines for DRR and Reconstruction from a

Gender Perspective in 2013 and distributed them to local governments. The Guidelines were made based upon the experiences of women who were unable to obtain emergency goods they needed and the space for nursing and changing their clothes at emergency shelters in 2011. They also faced difficulties with the management of emergency shelters which were mostly controlled by local elderly males. The Guidelines, therefore, emphasized that the female ratio in the local DRR councils should be increased, and the integration of gender perspective into the development and revision of local DRR plans should be promoted. It was reported that the Guidelines were useful at the time of 2016 Kumamoto earthquake. However, they are not yet well-known and utilized in other local communities. Six years has passed since the inception of the Guidelines, therefore, they need to be updated, with a broader perspective, to further promote women's participation in the decision-making processes on DRR and pay due attention to specific situation of Fukushima. Women's groups and CSOs, including the JWNDRR, should fully and effectively participate in the process for updating the Guidelines so that their experiences, knowledge and lessons learnt should be well-reflected in the new version of the Guidelines.

It was an outstanding action taken by the government to establish the Gender Equality Unit at Reconstruction Agency in the Cabinet Office in February 2012. The Unit collected the cases on good practices for promoting gender equality and women's empowerment on DRR in Iwate, Miyagi and Fukushima prefectures in Tohoku, so that the lessons learnt from the Great East Japan Earthquake should be shared among women and men in Japan. It is recommended that the Reconstruction Agency should be sustained with Gender Equality Unit beyond its termination by 2020, so that the gender perspective should be well-integrated in the recovery and reconstruction processes in the future disasters with the establishment of communication mechanisms among diverse stakeholders. In addition, as stipulated in the SFDRR, the sex, age and disability disaggregated data (SADDD) on DRR should be collected by the Reconstruction Agency in collaboration with the Statistics Bureau, so that evidence-based DRR policies with a gender perspective should be formulated and effectively implemented in the coming years.

### **3. Challenges for women's groups and CSOs**

One of the positive outcomes of the Great East Japan Earthquake is that the networks among the survivors of disasters were formed and strengthened. For example, Women's Net Kobe applied their hotline services for supporting GBV survivors in Tohoku in 2011. The National Council of Women and Gender Equality Centers as well as JWNDRR played an extremely important role to promote women's leadership in local and volunteer DRR associations. All kinds of manuals for emergency shelter management and disaster preparedness with a gender and diversity perspective were published in multi languages and DVDs by local women's groups with local governments all over Japan. Among others, the "DRR for Tokyo Life" published by metropolitan Tokyo government in 2018 need to be further updated from a gender perspective.

The Gender Equality Bureau is now preparing for the adaptation of the Fifth Basic Plan for Gender Equality (2020). The lessons learnt so far on DRR with a gender/diversity perspective should be well reflected in the Plan. The national-level Basic Disaster Management Plan (2016) emphasized

that gender differentiated needs and concerns should be considered at all the disaster risk management processes and women's participation in decision-making processes on DRR should be promoted. However, the Plan did not make it clear how the specific measures should be taken to achieve those goals. Women's groups and CSOs should monitor the progress made and further request for more effective implementation measures of the Plan.

It is a well-known fact that the gender gaps are quite wide in social, economic and political spheres in Japan. Therefore, it is important to tackle the underlying causes for gender inequality and make strenuous efforts for enabling women to take more proactive roles and stronger leadership on DRR and reconstruction. It is also needed to promote not only infrastructure, such as high sea walls, but also non-structured assistance, such as livelihood recovery and disaster preparedness of the communities, with more gender-equal and women's empowerment perspectives under the Japanese Official Development Assistance (ODA) as well as overseas assistance provided by the women's groups, CSOs and private sectors.

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**NAKAMICHI, Hitomi:** Member of JAWW. Faculty of Contemporary Studies, Kyoto Women's University, Doctor of Agriculture (Kyoto University): Rural Sociology, Policy for Rural Women. Co-author of *Women and Families in Rural Japan*, 2000, Tsukuba-Shobo, Co-author of *What is gender difference* (Academic Conference Series), 2008, Japan Science Support Foundation. Editor of *Women in Japanese Fishing Communities*, 2009, Agricultural and Forestry Statistics Publishing Inc.

#### W. Minority

**Japan Alliance for Legislation to Remove Social Barriers based on Sexual Orientation and Gender Identity (Japan Alliance for LGBT Legislation, J-ALL):** Our organization was established at April 5, 2015, aiming at legislation to remove social barriers based on sexual orientation and gender identity. Our main activities include 1) Policy Proposal, 2) Lobbying for Legislation, 3) Public Relations & Education (to hold symposium, study session etc), and 4) Research, Publication & Consultation. <http://lgbtetc.jp/>

#### X. Disaster Risk Reduction and Reconstruction

**Japan Women's Network for Disaster Risk Reduction (JWNDRR):** The JWNDRR was established in 2011 after the Great East Japan Earthquake to promote the collective power of more than 150 women's organizations and CSOs in Japan and enhance partnership with those organizations. Currently Akiko Domoto is the President, former Governor of Chiba Prefecture, and Yumiko Tanaka is Vice-President. Professor of Josai International University and member of JAWW. URL: <https://jwndrr.org/>

## JAWW NGO Report for Beijing+25

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JAWW (Japan Women's Watch)

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