

Country	Japan
SIGI 2019 Category	Low
SIGI Value 2019	24%

Discrimination in the family		20%
	Legal framework on child marriage	50%
	Percentage of girls under 18 married	1%
	Legal framework on household responsibilities	25%
	Proportion of the population declaring that children will suffer if mothers are working outside home for a pay	15%
	Female to male ratio of time spent on unpaid care work	4.8
	Legal framework on inheritance	0%
	Legal framework on divorce	25%

Restricted physical integrity		21%
	Legal framework on violence against women	75%
	Proportion of the female population justifying domestic violence	9%
	Prevalence of domestic violence against women (lifetime)	15%
	Sex ratio at birth (natural =105)	105.6
	Legal framework on reproductive rights	50%
	Female population with unmet needs for family planning	20%

Restricted access to productive and financial resources		30%
	Legal framework on working rights	100%
	Proportion of the population declaring this is not acceptable for a woman in their family to work outside home for a pay	4%
	Share of managers (male)	87%
	Legal framework on access to non-land assets	0%
	Share of house owners (male)	-
	Legal framework on access to land assets	25%
	Share of agricultural land holders (male)	-
	Legal framework on access to financial services	25%
Share of account holders (male)	49%	

Restricted civil liberties		25%
	Legal framework on civil rights	0%
	Legal framework on freedom of movement	0%
	Percentage of women in the total number of persons not feeling safe walking alone at night	66%
	Legal framework on political participation	50%
	Share of the population that believes men are better political leaders than women	28%
	Percentage of male MP's	90%
	Legal framework on access to justice	0%
	Share of women declaring lack of confidence in the justice system	49%

Note: Higher values indicate higher inequality. Percentages range from 0 to 100, while legal variables are categorised as 0%, 25%, 50%, 75% or 100%. See data source [here](#).

Source: OECD (2019), Gender, Institutions and Development Database, <https://oe.cd/ds/GIDDB2019>.

1. Discrimination in the family

a) Overarching legal framework for marriage

The Japanese Constitution establishes that "marriage shall be based only on the mutual consent of both sexes and it shall be maintained through mutual cooperation with the equal rights of husband and wife as a basis" (Constitution of Japan, 1946). Marriage that has taken place in the absence of intention to marry of one or both parties is considered null and void (Civil Code, 1896, as amended). A person who has married under duress may make a claim for rescission of marriage to the family court (Civil Code, 1896, as amended).

Marriages in Japan take the form of civil marriage registration at a municipal government office. Customary and religious marriages are not recognized as valid under the Civil Code (Civil Code, 1896, as amended).

De facto unions and births from these partnerships are generally not socially accepted in Japan (Kumagai, 2014). Same-sex marriage is not legal in Japan. In 2016, an increasing number of municipalities adopted written instruments to recognize same-sex unions and the major political parties pledged to campaign for LGBTI rights ahead of upper house elections (Amnesty International, 2017).

The domestic regulatory framework does not pay specific attention to eradicating harmful practices against widows however there are no reports to suggest that this is an issue in Japan

b) Early marriage

The age of majority is 20 years in Japan, and persons wishing to marry before they have turned twenty must do so with the consent of both parents (Civil Code, 1896, as amended). If consent is obtained, men may marry at 18 years, and women at 16 and will, in effect, be considered to have attained majority age (Civil Code, 1896, as amended).

If a marriage has been concluded before the person is of marriageable age and in absence of parental consent, the marriage may be annulled upon the request of the person who has not reached the required age. This right, however, lapses if the claim has not been within three months after the person in question has reached the age of majority (Civil Code, 1896, as amended).

There are no specific provisions to generate social support for the enforcement of the minimum age of marriage, and the law does not provide for awareness-raising on the legal age for marriage. There is no publicly available information to suggest that there are sanctions for those that facilitate a marriage of an individual who is under the legal age of marriage.

In 2016, the CEDAW Committee expressed concern that the Civil Code retains discriminatory provisions since it sets different minimum ages of marriage for women and men at 16 and 18 years of age, respectively and recommended that Japan amend the Civil Code in order to raise the legal

minimum age of marriage for women to 18 years of age in order for it to be equal to that of men (CEDAW Committee, 2016).

c) Household responsibilities

Unmarried and married women have the same rights as men to be head of household in Japan, and wives are not required by law to obey their husbands. Women have the same rights and responsibilities as men with regard to their children (Civil Code, 1896, as amended). Nonetheless, as has been noted by Japanese NGOs, the provisions of the Civil Code presume that a child born within 300 days of dissolution of a marriage is considered the child of the mother's ex-husband even if the child's biological father is not the ex-husband (Japan Federation of Bar Associations, 2015). This is considered particularly problematic as it may be the case that when a married couple separates due to domestic violence, the women may remain connected to her ex-partner (Japan Federation of Bar Associations, 2015).

The Constitution of Japan guarantees the freedom to choose and change residence for women and men (Constitution of Japan, 1946). There is no information to suggest that there are customary, traditional or religious practices that discriminate against women's legal right to choose where to live.

Japanese NGOs have raised concerns over the persistence of patriarchal attitudes and deep-rooted stereotypes. Such attitudes are particularly prominent in Japanese media, which depicts Japanese families as single-income households with working men and stay-at-home women (Japan Federation of Bar Associations, 2015). Such attitudes have created a sharp division between women and men with regards to participation in housework in Japan, with women spending considerably more time doing housework compared to men (Ishii-Kuntz, 2008). Similarly, gendered differences have been noted as significant in terms of child caring activities where women assume the major responsibilities (Ishii-Kuntz, 2008).

Governmental efforts, including public campaigns, to encourage the sharing of housework and care work have been noted to trigger some changes in societal perceptions toward domestic responsibilities (Ishii-Kuntz, 2008). Current information, however, indicate that Japanese women still play a major role in household and childcare work (Ishii-Kuntz, 2008). Cross-cultural studies have revealed that Japanese fathers spend considerably less time with their children than in other countries such as the US, France and Sweden (Ishii-Kuntz, 2008).

The persistence of patriarchal attitudes and deep-rooted stereotypes that adversely impact women in terms of family responsibilities is also a concern repeatedly raised by the CEDAW Committee in its concluding observations on Japan (see, for instance, CEDAW Committee 2016).

In recognition of the prevalence of stereotyped perceptions of gender roles and the obstacle that these pose for the realization of gender equality, the Government of Japan has pursued awareness-raising activities, targeting, in particular, men (Government of Japan, 2014). By way of illustration, in order to encourage both women and men to fulfil equal responsibility for raising children, the National Women's Education Centre has undertaken a number of activities to facilitate network-building among institutions, groups and leaders in the field of child rearing (Government of Japan, 2014). In addition, the Centre provides teaching material and information to those in positions of

leadership and conducts awareness-raising activities, including research and learning programmes for promoting education in the home and supporting child rearing (Government of Japan, 2014).

d) Divorce

Under the Civil Code, married couples may divorce by mutual agreement (Civil Code, 1896, as amended). If mutual agreement cannot be reached, the family court can be accessed for mediation and a final decision, should mediation fail (Civil Code, 1896, as amended). Divorce by agreement is reported to be the most common form of divorce in Japan, accounting for 90 % of all divorces (Japan Federation of Bar Associations, 2015).

Judicial divorce is only possible under certain circumstances, including if a spouse has committed an act of unchastity; if abandoned by a spouse in bad faith; if it is not clear whether a spouse is dead or alive for a period of three years; if a spouse is suffering from severe mental illness without any prospect of recovery; or if there are any other grave cause making it difficult to continue the marriage (Civil Code, 1896, as amended).

If parents divorce by agreement, child custody will be decided by agreement, or, if agreement is not possible, determined by the family court in the context of divorce proceedings (Civil Code, 1896, as amended).

As has been noted by, divorce is widely held to be the fault of women, and women seeking to divorce are made to feel that divorce is only a realistic option if they are able to support themselves financially after the divorce (Lunsing, 2016). Such incentives are reported to be frequently used in official divorce counselling (Lunsing, 2016).

Until 2016, women could not remarry unless six months had passed since the dissolution of their previous marriage (Civil Code, 1896, as amended). No similar provisions apply to men. In response to a report by the Legislative Council of the Ministry of Justice in 1996, the Ministry prepared a bill in 1996 and 2010 respectively to revise the provisions of the Civil Code by, amongst other, unifying the marriageable age between women and men and shortening the period of prohibition of remarriage required for women before remarriage. According to NGO reporting to the UN, the provision prescribing the period of prohibition of remarriage has caused the increasing number of children without family registers and thus may conversely harm the interests of the children as a result. (Japan Federation of Bar Associations, 2015). In 2016, the CEDAW Committee noted with concern that the Civil Code continues to prohibit only women from remarrying within a specified period of time after divorce, notwithstanding the decision of the Supreme Court to shorten the period from 6 months to 100 days, and invited Japan to abolish any waiting period for women to remarry upon divorce (CEDAW Committee, 2016). In June, 2016, the Japanese Diet passed an amendment to the divorce law, allowing women the same rights as men to remarry without waiting after divorce, with the exception of pregnant women.

e) Inheritance

Women have equal rights to inherit, both as widows and as daughters (Civil Code, 1896, as amended; Constitution of Japan, 1946). Women can also write a will on equal terms to men (Civil Code, 1896, as amended).

While the Civil Code provides for the right to determine the shares of inheritance of joint heirs by will, the testament may not violate provisions relating to the legally reserved portion of the surviving spouse (Civil Code, 1896, as amended).

In September 2013, the Supreme Court of Japan issued a ruling to declare the unconstitutionality of the provision of the Civil Code which designates the share in inheritance of a child born out of wedlock shall be one half of the share in inheritance of a child born in wedlock (Government of Japan, 2014). In response, the Civil Code was revised in December 2013 to equalize the shares in inheritance of a child born in wedlock and a child born out of wedlock (Government of Japan, 2014). Nevertheless, the amended provision of the Civil Code is not retroactively applied to all inheritance cases, which causes unreasonable disparity among children born out of marriage depending on the time of commencement of inheritance (Japan Federation of Bar Associations, 2015).

More

In Japan, marriage is more often a civil than a religious ceremony, although Shinto and Buddhist marriages also take place (WHO and IPU, 2016). In recent years, the phenomenon of mail-order brides has become more common as some may see it as a modern form of the mediated marriage arrangement (World Health Organization, 2015).

Japanese NGOs have raised concern that foreign women married to Japanese men are inadequately protected under current law and practice in Japan (Japan Federation of Bar Associations, 2015; Japan NGO Network for CEDAW, 2016). In order for foreign women to acquire the status of residence for 'spouse of Japanese nationals' or to renew this status, they need the co-operation of their Japanese husbands (Japan Federation of Bar Associations, 2015). The system, therefore, may allow for Japanese husbands to control their foreign wives (Japan Federation of Bar Associations, 2015). Under the amended Immigration Control and Refugee Recognition Act (in effect as of July 2012), women who reside with the status of 'spouse of Japanese national' may have their residence status revoked if they fail to continue to engage in the activities of a spouse without justifiable grounds, or if they do not reside at the notified place of residence (Japan Federation of Bar Associations, 2015). The Immigration Bureau of the Ministry of Justice has noted that it will give consideration to domestic violence and other issues in determining "justifiable grounds". An NGO shadow report to the CEDAW Committee raises concerns that psychological, economic, sexual and other forms of non-physical violence may not be accurately recognized unlike physical forms of domestic violence with medical certificates and photos (Japan Federation of Bar Associations, 2015). Moreover, it has been noted that in cases in which change in residence status are recognized after divorce are very limited (Japan Federation of Bar Associations, 2015). As a result, many foreign women may be unable to assert their rights out of fear of non-renewal of their period of stay, revocation of their residence status, refusal of change in their residence status as well as ensuing deportation and separation from their children (Japan Federation of Bar Associations, 2015).

The pension division system was adopted in 2007 in order to ensure that women receive a portion of pension after divorce (Japan Federation of Bar Associations, 2015). However, pension division prior to 2008 requires consent of the spouse or adjudication of the Family Court (Japan Federation of Bar Associations, 2015). Therefore, the pension division system has not yet been widespread among

divorce by agreement, which accounts for 90% of divorce in Japan (Japan Federation of Bar Associations, 2015). Furthermore, the system does not apply to women who are already divorced (Japan Federation of Bar Associations, 2015). An NGO Shadow report to CEDAW raises concerns that in the absence of specific measures to address this issue, poverty among elderly women may increase in the future due to the large wage gap between women and men (Japan Federation of Bar Associations, 2015).

2. Restricted Physical integrity

a) Violence against women

The Fourth Basic Plan for Gender Equality (2015) sets the elimination of all forms of violence against women as one of its key goals (Government of Japan, undated). There is, however, no specific law or policy addressing violence against women.

There is no legislation that specifically addresses honor crimes. There are no reports to suggest that honor killings are an issue in Japan.

b) Domestic violence

The Act on the Prevention of Spousal Violence and the Protection of Victims is the primary legislation addressing domestic violence in Japan. While it does not only cover violence against women, it acknowledges that the majority of victims of spousal violence are women and notes that women who find it difficult to achieve economic self-reliance are particularly vulnerable (The Act on the Prevention of Spousal Violence and the Protection of Victims, 2001, as amended).

The Act covers spousal violence, including from former spouses where violence has been carried out over the course of the marriage, but does not address violence committed by other family members or those in relationships outside of marriage or de facto unions. In July 2013, the Act was revised to also cover violence by intimate partners who share the principal place of residence with victims (Government of Japan, undated). Accordingly, the Basic Policy Concerning Measures for the Prevention of Spousal Violence and the Protection of Victims was also revised (Government of Japan, undated). NGOs have noted, however, that while the scope of application of the protection order under the Act was extended to include violence by intimate partners that share a principal residence, the Government had not made explicit whether same-sex partners may be included (Japan Federation of Bar Associations, 2015). In addition, there are few administrative instruments on protection and assistance for same-sex couples, and it is difficult for victims of violence by same-sex partners to access shelters (Japan Federation of Bar Associations, 2015).

Under the Act, spousal violence includes behaviour that causes both physical and psychological damage, but does not cover acts of economic violence (The Act on the Prevention of Spousal Violence and the Protection of Victims, 2001, as amended). There are six main criminal offences under which domestic violence can be prosecuted, including injury, violence, rape, stalking, violation of protection order and violation of restraint order (Thomson Reuters Foundation, 2013). If the victim has suffered injury, the perpetrator shall be punished with a maximum imprisonment with work of 15 years or a fine of not more than 500 000 Yen (Penal Code, 1907, as amended). The burden of proof lies with the victim, and in civil action suits the victim will have to prove that she or he has been subjected to harm

(Thomson Reuters Foundation, 2013). There are no official records of the number of prosecutions carried out under the Act on the Prevention of Spousal Violence and the Protection of Victims (Thomson Reuters Foundation, 2013).

Other than broad requirements for officials to take into consideration the psychological and physical conditions of the victims and their environment, and to respect their human rights regardless of their nationality or disability, there are no specific provisions for investigation, prosecution and punishment of perpetrators (The Act on the Prevention of Spousal Violence and the Protection of Victims, 2001, as amended). Mediation is not explicitly prohibited under the Act (The Act on the Prevention of Spousal Violence and the Protection of Victims, 2001, as amended).

The Act establishes a positive duty on the part of the State and local authorities to prevent spousal violence and provide appropriate protection and assistance to victims (The Act on the Prevention of Spousal Violence and the Protection of Victims, 2001, as amended). To this end, competent ministers are required to establish preventative and protective policy measures (The Act on the Prevention of Spousal Violence and the Protection of Victims, 2001, as amended). Similarly, prefectures are expected to establish and publicize their own basic plans concerning the implementation of measures for the prevention of spousal violence and the protection of victims within their jurisdictions (The Act on the Prevention of Spousal Violence and the Protection of Victims, 2001, as amended). The last follow-up for the implementation of measures related to the prevention of spousal violence was conducted in 2014 (Government of Japan, 2016). Pursuant to the Act, in December 2004, a Basic Policy on Measures Aimed for the Prevention of Spousal Violence and the Protection of Victims was developed, which outlines the system and the basic ideas underlying the implementation of measures for each issue in the Act and thereby serves as a guideline for the basic plans formulated by prefectures (Government of Japan, undated). The Government is also seeking to address spousal violence in its Fourth Basic Plan for Gender Equality, adopted in 2015.

Also with regard to the protection of victims, the Act requires courts to render a judicial decision promptly with regard to cases pertaining to a petition for a protection order (Government of Japan, 2016). In cases where there are circumstances where waiting for the fixed date for a hearing would jeopardize the intent of the petition for a protection order, the protection orders can be issued without waiting for the fixed date for the hearing of the other party (Government of Japan, 2016). The Court may also issue a restraining order which prohibits the perpetrator from coming close to the victim's residence (Government of Japan, 2016). Expulsion orders are required to order the perpetrator to leave residences that are shared by the spouses (Government of Japan, 2016). Measures for cases where female victims are unable to remain in their own residences include various support services through Women's Consulting Offices and giving priority to the victim for accessing public housing facilities (Government of Japan, 2016).

The Cabinet Office of the Prime Minister issued a Manual on Independent Support for Victims of Spousal Violence in 2011, based on the results of a Model Project for Independence Support for Victims of Spousal Violence implemented in the years 2008-2010, and distributed it to local governments (Government of Japan, undated). In 2011, the Cabinet Office also set up the "Purple Dial – telephone consultation for domestic and sexual violence." (Government of Japan, undated). To improve the accessibility of victims, including victims with disabilities, an automated voice service

automatically connects callers to their nearest consultation office, based on the location data of the phone call (Government of Japan, 2016). The Social Inclusion Support Centre, subsidized by the Government, has also established a free point of contact that is open 24 hours a day and 365 days a year as a point of contact for victims of domestic violence (Government of Japan, undated). The centre provides such services not only in Japanese but also in seven other languages (English, Chinese, Korean, Tagalog, Thai, Spanish and Portuguese) (Government of Japan, 2014).

Since December 2013, the police are relying on a “risk determination check-list” to better determine the risks and measures that need to be taken to further protect the victim of domestic violence (Government of Japan, undated). To reduce the burden on victims and prevent secondary damages, the police has also improved the system for handling cases of domestic violence at night and during holidays by increasing the number of female police officers on duty (Government of Japan, undated). Collaboration between the police and support organizations in relation to protection of victims has also been intensified (Government of Japan, undated).

Reports suggest that domestic violence against women remains a problem in Japan (Japan Federation of Bar Associations, 2015; Japan NGO Network for CEDAW, 2016; US Department of State, 2016(a)). In 2016, the CEDAW Committee noted that inordinate delays in the issuance of emergency protection orders by courts, which expose victims of violence, including domestic violence, to a risk of further violence (CEDAW Committee, 2016). Uncertainty regarding the application of the Spousal Violence Prevention Act to all women in all family settings has also been noted, as has the reluctance of the judiciary to issue protective measures in such cases (CEDAW Committee, 2016). Information also indicates that migrant women, ethnic and other minorities, and women with disabilities who are victims of violence, including domestic violence, are reluctant to report cases to the authorities (CEDAW Committee, 2016). The Government of Japan has yet to put in place measures to specifically address the situation of such groups of women.

NGOs have also reported that the telephone hotline “Purple Line” was a one-time initiative by the Government and was only operational for seven weeks and has now been left entirely in the hands of the private sector (New Japan Women’s Association, 2016). They have also called attention to the absence of emergency protection orders on the basis of credible domestic violence (Japan NGO Network for CEDAW, 2016).

Particular concern has been noted with regards to the situation of migrant women who do not have permanent resident status in Japan and who are reported to refrain from reporting abuse and seeking legal assistance as they require a guarantee letter from their Japanese spouse to remain in the country (Japan Federation of Bar Associations, 2015; Japan NGO Network for CEDAW, 2016; CEDAW Committee, 2016; Thomson Reuter Foundation, 2013). As such, it may be a challenge for foreign spouses of Japanese citizens to receive support as it could cause their deportation, especially if their term of residency has expired (Japan Federation of Bar Associations, 2015; Japan NGO Network for CEDAW, 2016; CEDAW Committee, 2016; Thomson Reuter Foundation, 2013). While there is an official directive which allows officers not to report the expiration of residency to immigration authorities if a foreigner with expired residency status contacts the police to report spousal abuse, this directive is not binding, and it is reportedly not well known or utilized (Thomsen Reuter Foundation, 2013).

c) Rape

The law criminalizes all forms of rape involving force against women but does not explicitly cover marital rape (Penal Code, 1907, as amended). The law defines rape as “forcible sexual intercourse through assault or intimidation with a female of not less than 13 years of age or sexual intercourse with a female under 13 years of age” (Penal Code, 1907, as amended). It mandates a minimum of three years’ imprisonment, with work for a defined term (Penal Code, 1907, as amended). The law provides for increased penalties for gang rape, although only with a slightly higher penalty of four years’ imprisonment (Penal Code, 1907, as amended). Courts have interpreted “forcible” to mean that physical resistance by the victim is necessary to find that a sexual encounter was rape (US Department of State, 2016 (a)). There is no publicly available information to suggest that there is a national action plan or policy in place to specifically address sexual violence. The law does not provide for protocols or guidance for professionals who may deal with rape, nor does it provide specialized tribunals, legal assistance to victims or medical support. There is no information to suggest that the provisions criminalizing sexual violence are supported by a budget to ensure effective implementation.

The police have established a guidance officer system for investigations related to sex crimes, and have been making efforts to assign female police officers to take charge of sex crime investigations (Government of Japan, 2016). Nevertheless, women continue to be reluctant to report rape due to a variety of factors, including a lack of victim support, potential secondary victimization through police response and court proceedings that by and large lack understanding for rape victims (US Department of State, 2016 (b)). Observers also point out a lack of training for judges, prosecutors, and lawyers to understand sexual crimes and victims continue to challenge effective punishment of perpetrators (US Department of State, 2016 (a)).

The Third Basic Plan on Gender Equality (adopted in 2010 and, in 2015, replaced by the Fourth Basic Plan) established that additional penal provisions for sex crimes, including rape, would be considered (Government of Japan, undated). To this end, in 2014 the Ministry of Justice appointed a committee consisting of lawyers, prosecutors and judges to assess how sex crimes are addressed in other countries’ legal systems and the extent to which such crimes have been prosecuted and punished in Japan (Government of Japan, 2016). The committee was to consider: whether acts similar to sexual intercourse, including anal intercourse, should be made punishable at the same level as rape; whether the statutory penalty for sex crimes should be raised and; whether explicit provisions should be set forth to recognize spousal rape as a crime (Government of Japan, 2016). It concluded that under existing laws, spousal rape, while not specifically mentioned, can be punished and therefore recommended that no changes be made to the legal framework in this regard (Government of Japan, 2016). The Committee considered it necessary to make sex crimes should be made prosecutable offences in the absence of a complaint from the victim (Government of Japan, 2016). To this end, the Ministry of Justice has begun the process of examining how the Penal Code could be amended (Government of Japan, 2016).

In 2016, the CEDAW Committee regretted the decision not to explicitly include legal provisions criminalizing marital rape in the Penal Code (CEDAW Committee, 2016). It also expressed concern at the low age of sexual consent, set at 13, that the minimum penalty for statutory rape is only three years of imprisonment and that the Penal Code still does not specifically criminalize incest (CEDAW Committee, 2016).

With regards to the sale of video games and cartoons involving rape and sexual violence against women and girls, the Government of Japan indicates that self-imposed regulation by the industry and its independent rating organisations have been carried out through ratings and reviews of such media containing sexually explicit and violent scenes (Government of Japan, 2016). In 46 prefectures, ordinances have been enacted, and a list of books designated as detrimental has been created to regulate the reading and/or browsing of such material to young persons (Government of Japan, 2016). Distribution, public display of, and possession for distribution purposes of obscene drawings are also punishable under the Penal Code (Government of Japan, 2016). In 2014, 850 arrests for obscenity offences committed using computer networks, and 185 arrests for crimes related to the sale of obscene DVDs, were made (Government of Japan, 2016). NGO reports have noted that anime, games or manga which depict rape and sexual violence against women and girls are widely distributed without any legal restrictions except for the "obscenity" standard under the Penal Code (Japan NGO Network for CEDAW, 2016). Experts have suggested that the depiction of child sexual abuse is seemingly accepted (US Department of State, 2016 (a)).

In 2016 the CEDAW Committee expressed concern over continuous media depictions of women in a stereotypical manner (CEDAW Committee, 2016). The Committee noted that women continue to be portrayed as sex objects, and noted that such stereotypes are among the root causes of sexual violence against women (CEDAW Committee, 2016). The Committee urged the Government to intensify its efforts to change negative social norms that reinforce the traditional roles of women and men and to more effectively implement existing legal measures and monitoring programmes in order to regulate the production and distribution of pornographic material, video games and animation products that exacerbate discriminatory gender stereotypes and reinforce sexual violence against women and girl (CEDAW Committee, 2016).

d) Sexual harassment

The law does not criminalize sexual harassment but includes measures to identify companies that fail to prevent it, and prefectural labour offices and the Ministry of Health, Labour, and Welfare provide these companies with advice, guidance, and recommendations (US Department of State, 2016 (b)). Companies that fail to comply with government guidance may be publicly identified (US Department of State, 2016 (a)).

The Labour Policy Council - consisting of the representatives of the public sector, employers and employees - conducted deliberations on future measures to promote equal employment opportunities in September 2013 (Government of Japan, undated). In its final report, the Council highlighted the need for revisions to the guidelines that stipulate measures against sexual harassment to also include words and actions in the concept of sexual harassment (Government of Japan, undated). Such revisions took place in December 2013 (Government of Japan, undated).

With a view to raise awareness on sexual harassment among the officials of ministries and agencies, the National Personnel Authority has designated an annual "National Public Employees' Sexual Harassment Prevention Week." (Government of Japan, undated). The Authority also prepares a pamphlet on sexual harassment prevention for supervisors and for newly recruited officials, respectively, and distributes this to ministries and agencies (Government of Japan, undated). In addition, the current basic plan on gender equality foresees a survey on sexual harassment (Japan

NGO Network for CEDAW, 2016). The Plan also includes examination of the possibility of urging employers to create a single mechanism that can address all forms of harassment that pose obstacles in the working life of the employees (Japan NGO Network for CEDAW, 2016).

Nevertheless, sexual harassment, including in the workplace, remains widespread in Japan (Japan NGO Network for CEDAW, 2016). NGOs report that among sexual harassment cases, employees suffered secondary harassment after lodging complaints as well as damages to their mental and physical health (Japan NGO Network for CEDAW, 2016). They have noted that women who make formal complaints continue to be demoted, compelled to leave the job, or even dismissed or their contracts terminated (Japan NGO Network for CEDAW, 2016).

e) Female genital mutilation

There are no specific legal provisions outlawing female genital mutilation (FGM). FGM does not appear to be practiced among the Japanese, nor among indigenous and ethnic communities in the country, and there have been no reports suggesting cases of FGM among immigrant communities.

f) Abortion

Abortion in Japan is governed by the Maternal Protection Law. Abortion is allowed in the first 24 weeks of a pregnancy but only under three circumstances: to save a woman's life or preserve her physical health; when the pregnancy is the result of rape or incest; or for economic or social reasons (Maternal Protection Law, 1948). Abortions are not specifically allowed in order to maintain a woman's mental health or on the grounds of there being a problem with the foetus. However, since the law allows abortions to be performed for socio-economic reasons, mental health and fetal impairment grounds are presumably covered by this ground (Japanese NGO Network for CEDAW, 2017). Consent from either the woman or her spouse is needed to carry out a termination (Maternal Protection Law, 1948). If the woman is mentally impaired consent may be granted by her guardian (Maternal Protection Law). The woman's consent is also not required if the pregnancy is the result of rape or incest (Maternal Protection Law). An abortion carried out if the required circumstances are not met is a punishable offence under the Penal Code but only for the mother, and not for the father (Penal Code, 1907, as amended; Japanese NGO Network for CEDAW, 2017).

Medical abortions, where the pregnancy is terminated by a pill, are not allowed in Japan (Tsukahara, 2014).

NGOs have noted that while the number of criminal prosecutions in regard to abortion have been declining, the fact that abortion is criminalized in the Penal Code fosters attitudes among medical personnel that abortion is a wrongdoing (Japan NGO Network for CEDAW, 2016). This causes adverse effects such as giving a woman who have had an abortion severe mental suffering out of a sense of guilt or pressuring a woman to give birth and then abandon the baby as she misses the timing to abort (Japan NGO Network for CEDAW, 2016).

Reports have also highlighted that s consent of the spouse is required for abortions, women who suffer from domestic violence by their male partners are particularly vulnerable and may give birth against their will (Japanese NGO Network for CEDAW, 2017). NGOs have also reported that doctors tend to

request a minor to obtain an authorization from her parents, even though there is no such provision under the Act (Japanese NGO Network for CEDAW, 2017).

More

Following a bilateral agreement with the Republic of Korea, in late 2015 on the military sexual slavery system before and during World War II, in July 2016 the South Korean government launched the Japanese government-funded “Reconciliation and Healing Foundation” (Amnesty International, 2017). The Japanese government emphasized that the funds were not for reparations, in line with its stance that all such claims were settled during post-war negotiations (Amnesty International, 2017). Civil society in South Korea continued to call for the 2015 agreement to be revoked, deeming it unconstitutional and invalid because survivors were not represented during the negotiations (Amnesty International, 2017).

The Anti-Stalking Act was revised in July 2013 (Government of Japan, undated). Major revisions included restrictions on the act of continuously sending e-mails, expansion of the jurisdiction of Prefectural Public Safety Commissions that can issue restraining orders or take other measures, establishment of a new request system for restraining orders or other measures, establishment of a new notification system concerning warnings and restraining orders or other measures upon request, and support measures for victims taken by women’s consulting offices and other organizations (Government of Japan, undated).

Japan is a destination, source, and transit country for men and women subjected to forced labour and sex trafficking, and for children subjected to sex trafficking (US Department of State, 2016 (b)). Traffickers have been reported to use fraudulent marriages between foreign women and Japanese men to facilitate the entry of women into Japan for forced prostitution in bars, clubs, brothels, and massage parlours (US Department of State, 2016 (b)). Japanese citizens, particularly runaway teenage girls, children of foreign and Japanese citizens who have acquired citizenship, and their foreign mothers, are also subjected to sex trafficking (US Department of State, 2016 (b)). The phenomenon of *enjo kosai*, also known as “compensated dating,” and variants of the “JK business” (*joshi-kosei*, or high school girl) continue to facilitate the sex trafficking of Japanese children (US Department of State, 2016 (b)). Sophisticated and organized prostitution networks target vulnerable Japanese women and girls—often in poverty or with mental disabilities—in public areas such as subways, popular youth hangouts, schools, and online; some of these women and girls become trafficking victims (US Department of State, 2016 (b)). Organizations in Japan contact children of Japanese fathers and Filipino mothers to assist them and their mothers to acquire citizenship and move to Japan for a fee; once in Japan, some mothers and children are then exploited in sex trafficking to pay off the debt incurred for the organizations’ services (US Department of State, 2016 (b)). Japanese men continue to be a significant source of demand for child sex tourism in Asia (US Department of State, 2016). In 2015, the Government of Japan increased prosecutions and convictions of traffickers although nine of the 27 traffickers convicted in 2015 received only fines as punishment (US Department of State, 2016 (b)). National Legislation is not in accordance with the definition of trafficking in international law (US Department of State, 2016 (b)). The government modestly increased efforts to protect trafficking victims but did not develop specific protection and assistance measures for trafficking victims, such as establishing a nationwide network of shelters exclusively for trafficking victims apart from the existing

network of shelters for victims of domestic violence (US Department of State, 2016 (b)). Japan is not a signatory to the 2000 UN Trafficking in Persons Protocol.

3. Restricted Access to productive and financial resources

a) Secure access to land and assets

Japan has not ratified ILO Convention No. 169 on Indigenous and Tribal Peoples in independent Countries (1989). In 2014, the Human Rights Committee noted with concern the situation of indigenous communities in Japan and the lack of recognition of the rights of those groups to their traditional land and resources. It invited Japan to take further steps to revise legislation ensuring these rights and to ensure that they are fully involved in decisions that affect them (Human Rights Committee, 2014).

Women have equal rights to men to own, manage, make decisions about and use property as collateral, regardless of marital status (Civil Code, 1896, as amended; Constitution 1946).

Married women have the same rights as their spouses to administer property (Civil Code, 1896, as amended). Upon divorce by mutual agreement, the Civil Code merely specifies that one party may claim a distribution of property from the other party (Civil Code, 1896, as amended). In the absence of agreement, a claim can be made by either of the two parties to the family court for a disposition (Civil Code, 1896, as amended).

The absence of legislation that governs the distribution of property upon the dissolution of marriage has been raised as a concern by the CEDAW Committee (CEDAW Committee, 2016). In 2016, the Committee noted that property distribution is negotiated and agreed by the couple on the basis of a case law developed under a regime of deferred community property, according to which any property that is proved to have been accumulated while the couple lived together is to be equally divided regardless of the title to it (CEDAW Committee, 2016). It expressed particular concern that negotiations and agreements on property distribution happen outside legal regulation where power imbalances between women and men exist and, therefore, women are placed at a disadvantage (CEDAW Committee, 2016). The CEDAW Committee also noted that most divorcing women reportedly lack the necessary information and means to demand the disclosure of the financial situation of their husbands, including business and career assets, since the law does not provide any procedural tools and guidelines. Furthermore, under the consent divorce regime, the law does not provide for a judicial review procedure over custody and child support matters that would safeguard the welfare of children with the result that, in cases where no agreement is reached on paying child support, children are left destitute (CEDAW Committee, 2016).

There is no publicly available information indicating that there are public measures in place to protect women's rights to land- and non-land assets or to promote women's legal literacy.

In its fourth basic gender equality plan, the Government has set the promotion of gender equality in regional communities, agricultural, forestry and fishery communities (Government of Japan, 2016). A new Basic Plan for Food, Agriculture, and Rural Areas was formulated in March 2015 based on the Food, Agriculture and Rural Areas Basic Act (Government of Japan, 2016). This Basic Plan sets forth clear and concrete measures for promoting women's participation (Government of Japan, 2016).

In their reporting to the Committee on the Elimination of Discrimination against Women, Japanese NGOs have noted that despite the fact that more than half the population engaged in agriculture are women, the ratio of women as members of agricultural committees and officials of agricultural cooperatives is less than 6 per cent (Japan Federation of Bar Associations, 2015). They encourage the Government to put in place quotas to ensure more equal participation (Japan Federation of Bar Associations, 2015). Concerns have also been raised with regard to the unclear situation of rural women's ownership of farmland and forestry as business assets (Japan Federation of Bar Associations, 2015).

b) Secure access to formal financial resources

There are no restrictions for married and unmarried women to access formal financial institutions and to obtain credit.

To support female entrepreneurs, the Ministry of Economy, Trade and Industry operates a low-interest lending system for those in need, including female entrepreneurs, through the Japan Finance Corporation (Small and Medium Enterprise Unit/Micro Business and Individual Unit) (Government of Japan, 2014). The Industry also offers loans without security and surety to those who plan to start their own businesses, after their business plans are screened (Government of Japan, 2014). Aiming particularly at female entrepreneurs, a low-interest lending system was launched in February 2003, and the Industry has raised the loan limit several times as of April 2004 (Government of Japan, 2014). To further support the business activities of rural women, the Government provides information on management and supports income-generating activities such as the processing of agricultural products so that rural women group can run their businesses stably (Government of Japan, 2014). The Government also extends interest-free loans to support the activities of women and the aged who engage in agriculture and coastal fisheries (Government of Japan, 2014). The Basic Plan for Food, Agriculture and Rural Area encourages the conclusion of Family Business Agreements from the viewpoint of promoting women's participation in farm management and business start-ups and clarifying their status as executive female farmers (Government of Japan, 2014). In 2006, the system of accreditation of farmers was revised and married couples running a farming business with joint ownership are now accredited as certified farmers, leading to an increase in female certified farmers (Government of Japan, 2014). Women who are playing a significant role in farming and the revitalization of local communities are also expected to play a leading role in creating a so-called Sixth Industry (increase of added value by integrating production, processing and sale of agricultural and fisheries products and creation of new industry by utilizing local resources) (Government of Japan, 2014).

Nonetheless, following the 2011 tsunami, NGOs have reported that the many women working in agricultural and fishing villages have been particularly affected in terms of loss of business activities. They have highlighted that Government support to people who are starting community-based businesses has indeed led to creation of employment opportunities and revitalization of communities, but that for women to start businesses, there are still difficulties such as accessing credit and loans (Japan Federation of Bar Associations, 2015).

c) Workplace rights

Japan has ratified ILO Convention 100 (Equal Remuneration) and 156 (Workers with Family Responsibilities). Japan has not acceded to Conventions 111 (Discrimination in Employment and Occupation), 183 (Revision of Maternity Protection) and 189 (Domestic Workers) despite recommendations from international human rights mechanisms to do so (CEDAW Committee, 2016).

The Act on Securing of Equal Opportunity and Treatment between Men and Women in Employment prohibits discriminatory treatment by gender (Act on Securing of Equal Opportunity and Treatment between Men and Women in Employment, 1972, as amended). The prohibition extends to recruitment and employment; assignment, promotion, demotion and training; fringe benefits; change in job type and employment system; retirement, dismissal and renewal of an employment contract. Job advertisements and selection criteria are not expressly covered. Through revisions to the Act in 2006, indirect discrimination is prohibited as well (Government of Japan, 2014). Indirect discrimination is defined as measures which are on the basis of conditions other than sex, are practically disadvantageous to a substantial extent against members of one sex compared to members of the other, and are taken without any reasonable reason (Government of Japan, 2014). The adoption of the Act on the Promotion of Women's Participation and Advancement in the Workplace in 2015, seeks to further empower women in employment, including non-regular workers (CEDAW Committee, 2016).

Article 4 of the Labour Standards Act sets the principle of equal remuneration between male and female workers. It determines discriminatory treatment of women with respect to wages based on gender as illegal. Nevertheless, the existing disparities between men and women with regards to wages are deemed significant (Government of Japan, 2014; CEDAW Committee 2016). A Government-appointed 'Study Group on the Issue of Wage Disparity between Men and Women under Changing Wage and Employment Systems' analysed factors causing wage disparities and concluded that workers and employers are becoming less aware of wage disparity between men and women (Government of Japan, 2014). In response to the report by the Study Group, the Government has formulated Guidelines for Supporting Labour-Management Efforts for Eliminating Wage Disparity between Men and Women in August 2010.

The Government reports that wage disparity between men and women is largely a result of disparity in job classes and service years and notes that it has sought to foster an employment environment where women can also continue working by promoting the introduction of positive actions and providing workers with support for achieving work-life balance (Government of Japan, 2014). In the area of government administration, regarding national government employees, the Guidelines for Initiatives to Promote Work-Life Balance and the Empowerment of Female National Government Employees were formulated in October 2014 (Government of Japan, 2016). These Guidelines set forth three pillars for reform: working styles, balance between an active career and childcare/nursing care, and women's active participation in the workplace (Government of Japan, 2016). Based on these Guidelines, the relevant ministries formulated action plans that include new numerical targets for the recruitment and promotion of female national government employees and are advancing these measures in a comprehensive and planned manner (Government of Japan, 2016).

According to civil society organizations, negative bias towards women affects their employment possibilities, including in terms of hiring, transfer, terms of recruitment, work assignment and allocation, decision of personnel development, evaluation of personnel and performance and other aspects at the stage of management of wage and employment (Japan Associations of Bar Associations, 2015). As a result, women have less experience, challenging their possibilities to be recruited for managerial positions (Japan Associations of Bar Associations, 2015). The problem is further compounded by prevalent societal attitudes, in particular on the part of men, that women should take on domestic duties and men be the primary breadwinners (Japan NGO Network for CEDAW, 2015). This is reinforced by the Japanese welfare system where basic unit of both taxation and social insurance is the family, and wives are categorized as dependents (Eto, 2010). The male breadwinner norm, reinforced by generous social benefits for non-employed wives, may discourage women from engaging in public life both financially and psychologically (Eto, 2010). Efforts to eliminate gender discrimination in recruitment are also jeopardized by the fact that many women are employed as non-regular employees and work in part-time employment arrangements (Japan Associations of Bar Associations, 2015; Japan NGO Network for CEDAW, 2015). The continued concentration of women in part-time work owing to family responsibilities may affect their pension benefits and be partly responsible for increasingly high rates of post-retirement poverty (CEDAW Committee, 2016).

Women are prohibited from entering certain professions, including mining (Labour Standards Act, 1947). There are no restrictions for women to work the same hours as men.

Maternity leave is mandated under the Labour Standards Act (Labour Standards Act, 1947). Maternity leave can be taken for a total of 14 weeks and is paid at 67 % of the wage (National Health Insurance Act). Maternity leave includes six weeks before the birth, the remaining eight weeks after birth, six weeks of which are obligatory (Nakazato and Nishimura, 2017). All women employees are eligible for Maternity leave, but only those covered by the Employees' Health Insurance systems are eligible for Maternity benefit payment (Nakazato and Nishimura, 2017). This means that women enrolled in the National Health Insurance system (including Special national health insurance societies), such as self-employed women, or part-time or casual employees, are not eligible for Maternity benefits (Nakazato and Nishimura, 2017). Paternity leave is not envisioned. The benefit payment is tax-free and the recipients are exempted from social insurance contributions (Nakazato and Nishimura, 2017). There is no statutory entitlement to paternity leave in Japan.

Parental leave may be taken by any of the two parents if the child is less than one year of age (Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave, 1991). Though each parent is entitled to 12 months after birth including the maternity leave period, parental leave can be extended until the child is 14 months old if both parents take some of the leave (Nakazato and Nishimura, 2017). The mother cannot take parental leave at the same time as she is on maternity leave (8 weeks post-birth). Payment for parental leave includes 67% of earnings for the first 180 calendar days of parental leave taken by each parent and 50% of earnings for the following period of parental leave (Nakazato and Nishimura, 2015).

The law does not prohibit employers from asking about a woman's pregnancy or her intention to have children during recruitment or promotion processes. Dismissal of pregnant workers is prohibited under the Labour Standards Act, but there are no requirements to ensure that women can return to

their position, or an equivalent position, after maternity leave (Labour Standards Act, 1947; Act on Securing of Equal Opportunity and Treatment between Men and Women in Employment 1972).

Despite the protective measures, women who are pregnant or have children to look after still face difficulties in continuing to work and “maternity harassment” is reported to be a serious problem (Japan Federation of Bar Associations, 2015). The Japanese welfare state reinforces the idea that, for the health and emotional well-being of children, mothers should look after their children for at least the first three years of life (Eto, 2010). Japanese socio-political culture therefore does not encourage women with children to pursue careers in the public sphere (Eto, 2010). As a result, the pattern of Japanese women’s participation in the labour market is characterized by the so-called M-curve, whereby many Japanese working women in their late twenties and early thirties resign from their full-time jobs to raise children, returning to the work-place in part-time positions when their children are in their teens (Eto, 2010).

Women are not required to have permission from their husband or legal guardian to register a business or to choose their occupation and work.

To facilitate dispute settlements between workers and employers relating to equal treatment of men and women, the director of each Prefectural Labour Office actively gives advice, guidance and recommendations. Labour Standards Inspectors request workplaces to submit necessary documents or question employers and workers to examine their payment terms in detail (Government of Japan, 2014). They check whether wage disparity at the relevant workplace is only due to gender or due to differences in workers’ duties, abilities and skills, and if any violation of the prohibition to discrimination is found, they give necessary guidance to the workplace (Government of Japan, 2014).

The number of cases for which mediation by the Disputes Adjustment Commission of the Labour Office is being sought remains low, suggesting that the Commission falls short of the role of dispute resolution (Japan Federation of Bar Associations, 2015). In 2013, less than 50% of the cases were resolved through mediation (Japan Federation of Bar Associations, 2015). Workers seeking to access the mechanisms have also been reported to face difficulties to prove the employer’s intent of discrimination, and effective redress has been elusive (Japan Federation of Bar Associations, 2015). NGOs have also highlighted that it is essential to improve access to the judiciary for so that female workers who bear responsibilities for child-rearing can exercise their rights without feeling physical, financial and psychological burdens (Japan Federation of Bar Associations, 2015). Of concern is also that cases relating to discrimination in employment, maternal protection and unpaid overtime work tend to be regarded as individual cases, rather than systematic problems that require company-wide efforts (Japan Federation of Bar Associations, 2015).

Companies are not required by law to report on how they pay women and men and there is no information to suggest that there are penalties for companies that discriminate against women in recruitment and promotion. In this regard, Japanese civil society organizations have called on the Government to take a tougher line with companies which are found to be violating the non-discrimination in employment clause in violation of laws, and consider introducing financial sanctions (Japan Federation of Bar Associations, 2015).

4. Restricted Civil liberties

a) Citizenship rights

The Nationality Law provides women the same rights as men to acquire, change, retain and confer their nationality (Law on Nationality, 1950, as amended). The Constitution of Japan also guarantees the freedom of all persons to divest themselves of their nationality (Constitution of Japan, 1946).

Japan has not acceded to the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness, either, and has no definition of the term “stateless person” or regulations for protection of such people. NGO reporting suggests that this may be particularly problematic when Japanese men deny their relationship with children born of non-Japanese women (Japan Federation of Bar Associations, 2015). In such cases such of invalidation of affiliation, some people lose Japanese nationality retroactively at birth, and cannot obtain nationality of a foreign mother, either, thereby becoming stateless (Japan Federation of Bar Associations, 2015).

Under the Family Register Act, married and unmarried women have equal rights to men to register the birth of their children (Family Register Act, 1947, as amended). In September 2013, the Supreme Court issued a ruling to declare the unconstitutionality of the Civil Code provision which granted only half of the shares in inheritance to children born out of wedlock. This ruling led to amendments to the Civil Code to equalize the shares between children in marriage and children out of marriage. The revisions did not, however, concern the Family Register Act which requires the mother to report whether the child is born in or out of wedlock when registering the birth. The effect has been continuous discrimination against children out of marriage, a concern noted in the context of the Universal Periodic Review (UPR, 2012) and by CEDAW Committee (CEDAW Committee, 2016).

The Family Register Act requires all births to be registered within 14 days of the birth, and does not allow for late registration (with the exception of children born abroad) (Family Register Act, 1947, as amended). In 2016, the US Department of State reported that individuals were allowed to register births after the deadline of 14 days, but were required to pay a fine (US Department of State, 2016 (a)). The law does not foresee any specific measures to increase birth registration in rural areas.

The Constitution does not recognize or prohibit multiple/intersectional discrimination. In 2016, the CEDAW Committee noted with concern that there is no comprehensive anti-discrimination law that covers intersectional discrimination against women belonging to various minority groups who are frequently subjected to harassment, stigmatization and violence (CEDAW Committee, 2016).

Laws and regulations relating to nationality do not require the promotion of awareness of women’s equal rights as men to acquire, change or retain their nationality and confer nationality to their children or spouse.

Women have equal rights to apply for passports, and to acquire travel documents for their minor children (Passport Act, 1951).

The Constitution guarantees all citizens – men and women – the same rights to travel outside of the country and to return (Constitution, 1946).

b) Voting

The right to vote is granted equally to all men and women having Japanese nationality aged 20 or older (Constitution, 1946). Universal suffrage is guaranteed under the Constitution (Constitution, 1946). There is no information to suggest that women's exercise of their legal right to vote is challenged by customary, traditional or religious practices in Japan.

c) Political voice

With regard to eligibility for election, all Japanese, whether male or female, aged 25 or older are able to stand for election for the House of Representatives, while every Japanese aged 30 or older is able to stand for election for the House of Councillors (Government of Japan, 2012).

The level of women's representation in Japan lags behind that in not only other advanced countries but also many developing countries (Eto, 2010). In particular, the electoral system, socio-political culture, absence of quotas and the activities and attitudes of women concerning their own representation have been noted to adversely influence the under-representation of Japanese women (Eto, 2010). Among these, the most serious obstacle is reportedly women's lack of enthusiasm for a larger political presence, which is sustained by Japanese political culture and social customs (Eto, 2010).

To address the limited participation of women in political decision-making, the Government's Third Basic Plan for Gender Equality (approved by Cabinet in December 2010) focuses on the expansion of women's participation in political fields (Government of Japan, 2014). The plan set the goal of the ratio of female candidates for both the House of Representatives and the House of Councillors at 30% by 2020 (Government of Japan, 2014). Based on this Plan, the Minister of State for Gender Equality has requested that each political party and association of chairpersons of local assemblies cooperate in introducing positive actions such as increasing the female percentage of political party leadership or in total candidates to run for national or local elections (Government of Japan, 2014). The Plan establishes non-binding targets only and there are no sanctions if the targets are not met (Government of Japan, 2016). In its reporting to the UN, the Government noted that its Expert Committee on Basic Gender Equality Issues and a Government-commissioned impact assessment and evaluation of gender equality in the political field indicated the need for more careful consideration of the more substantial relationship between objectives and means in relation to the Constitution, as establishing a mandatory quota system could impose excessive burdens on the opposite sex (Government of Japan, 2016).

In 2016, the CEDAW Committee noted with concern the lack of statutory temporary special measures, including quotas, to address the underrepresentation of women, including ethnic and other minority women, in decision-making positions in the public and private sectors, as well as in political life, especially in the parliament (CEDAW Committee, 2016). The Committee also noted that rather than effectuating statutory quotas, Japan continues to use less effective voluntary initiatives and other incentives such as higher evaluations for companies during the bidding process for public procurement

(CEDAW, 2016). It recommended that Japan introduce temporary special measures, including statutory quotas (CEDAW Committee, 2016).

With regard to the political participation of women belonging to minorities, the Human Rights Committee has regretted the lack of information and recommended that Japan take concrete measures to assess and support the political participation of minority women, including from the Buraku group (Human Rights Committee, 2014). Similar concerns have been raised by the CEDAW Committee (CEDAW Committee, 2016).

d) Access to justice

The Constitution provides for the equality of all under the law, and prohibits discrimination based on sex in political, economic and social relations (Constitution, 1946).

Women's testimony carries the same evidentiary weight in court as a men's in all types of court cases, and there is no information to suggest that there are customary, religious or traditional practices that discriminate against women's right to sue, be sued, or provide evidence in legal proceedings.

The legal framework in Japan does not include elements to ensure that women are able to exercise their right to sue, and procedural rules do not take account of the particular interests of women and girls. There is no legislation or provisions in place to protect women from violence in political and public life, nor are human rights defenders specifically protected in law or policy.

The Council for Gender Equality is the primary body tasked with monitoring gender equality, and operates within the Cabinet Office of the Prime Minister (Government of Japan, 2014). The Act for the Establishment of the Cabinet Office" clarified the mandate conferred on the Minister of State for Gender Equality as head of the national machinery for the advancement of women (CEDAW Committee 2016). The Third Basic Plan on Gender Equality seeks to strengthen the monitoring role in relation to the practical implementation of the plan and the latest concluding observations by the Committee on the Elimination of Discrimination against Women (Government of Japan, 2014). The Plan refers to the maximum realization of the functions of the Council, such as monitoring of the implementation of the plan, disseminating the results, and expression of opinions (Japan NGO Network for CEDAW, 2016). In light of this, the Council for Gender Equality established a Specialist Committee on Monitoring in February 2011 in order to further strengthen the Council's monitoring role (Government of Japan, 2014).

There is no independent national human rights institution in Japan with a mandate to receive and investigate complaints from victims of discrimination. A Human Rights Commission Bill, submitted to the Diet in 2012, sought to establish a new human rights commission as an external bureau of Ministry of Justice, with the Director of District Legal Affairs to be the commission's local secretariat and therefore in non-compliance with the independent-criteria of the Paris Principles (Japan NGO Network for CEDAW, 2016). The Bill was withdrawn and there has been no further action to establish a national human rights institution under the current government administration (Japan NGO Network for CEDAW, 2016).

The Master Plan concerning the Development of Official Statistics, adopted by the Cabinet in 2014, incorporates the necessity to improve statistics by gender (Government of Japan, undated). Japan has

also strengthened efforts for raising awareness of personnel in charge of statistics concerning gender statistics through providing support to dispatch lecturers for the training on gender statistics at the United Nations Statistical Institute for Asia and the Pacific and also providing lectures at the Statistical Research and Training Institute of the Ministry of Internal Affairs and Communications since 2013 (Government of Japan, undated).

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