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UPR submission from

Japan Federation of Women's Organizations (FUDANREN).

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**Information for the 2<sup>nd</sup> Universal Periodic Review, Human Rights Council**  
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The Situation of Women's Human Rights in Japan

**Introduction of FUDANREN**

1. The Japan Federation of Women's Organizations (FUDANREN) is composed of 21 organizations including women's groups as well as women's sections of trade unions and civil groups, with a total membership of 900,000. It was founded in 1953 and has pursued joint actions to achieve urgent demands of women. FUDANREN is affiliated with the Women's International Democratic Federation (WIDF, since 1945), which is an International NGO and has a consultative status of Economic and Social Council of the United Nation.

**Implementation of Recommendation Made in the 1<sup>st</sup> UPR and the Concluding observations by CEDAW in 2009**

2. The government provides opportunities for hearing NGO's opinions when it prepares reports on implementation of human rights convention and UPR submission. However, the NGO's opinions have been hardly reflected in the reports. The government should make efforts to improve the situation. FUDANREN informs on the progress made in the implementation of human rights of Japanese women in the context of the results of 1<sup>st</sup> UPR, the Concluding observations by CEDAW in 2009, and the examination result of the CEDAW Follow-up November 2011.

**Swift Ratification of the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women**

3. The government should promptly ratify the Optional Protocol of the Convention on the Elimination of All Forms of Discrimination against Women, giving serious consideration to the recommendations of the 1<sup>st</sup> UPR and the Concluding observations by CEDAW. The Optional Protocol is the essential factor for eliminating discrimination against women in Japan.

**Repeal Discriminatory Legislations**

*Revision of Civil Code and the Family Registration Law*

4. Discriminatory provision of Family Registration Law and Civil Code such as compulsory use of common surnames by married couple, discrimination against children who are born out of wedlock and prohibition period for women to remarriage after her divorce have not been revised yet. CEDAW Follow-up asked the government to provide additional information by November 2012. The government is called for submitting swiftly the bills to revise these legislations to the Diet, not giving in backlash groups who insist "the revision of the laws would lead to destruction of family"

*Repeal the Article 56 of the Income Tax Law*

5. The Article 56 of the Income Tax Law does not recognize compensation for labor shared by family of self-employed business owner as necessary expenses. It is regarded as income of the business owner. Taxes on self-employed are still collected from their households instead of individuals. The families of self employed, which women accounts for 80 %, have been facing with unfair and disadvantageous treatments by the denial of their wage. The Article 56 of the Income Tax Law is discriminatory provision and it should be abolished.

### **Increase Women's Participation in Decision Making**

6. Given that Japan has lagged behind in women's participation in decision making, CEDAW identified implementation of the temporary special measures to increase women's participation as its Follow-up subject. The examination result of the Follow-up noted the Third Basic Plan for Gender Equality (2010 -2015). However, many objectives in the Plan have no grounds for implementation. Actually, no achievements were noticed in the government's report that published a year after setting down the plan. Even regression was found in significant issues. (See para.10 promotion of gender equality in employment)
7. The Basic Plan provides a certain disaster response measure from the gender-equal perspective. However, there is only one woman in the fifteen members of the Reconstruction Design Council on Response to the Great East Japan Earthquake. The implementation of the Plan is insufficient.
8. Female Diet members in the House of Representatives account for only 11.3%. Even the government's special survey committee identified a harmful effect of the single-seat election system as a factor of the low proportion (the committee's report February 2012) .The government and ruling parties are aiming at reducing the number of seats in the proportional representation constituencies in the House of Representative. If the plan brings into effect, the single-seat electoral system will become a main election system. The system does not reflect the will of the people and makes election of female candidates more difficult.

### **Solution to "Wartime Comfort Women" Issue**

9. The government must realize official apology and individual compensation for "wartime comfort women" who were victimized in military sexual slaves by the Former Japanese Imperial Army during the Second World War, punishment for perpetrators and education of the people in response to international demand.

### **Promotion of Gender Equality in Employment**

#### *Rectification Wage Gap between Men and Women and Promotion of Positive Action*

10. Disparities in regular workers' wages between men and women stood at 69.3 percent and widened from the previous year. This is proof that the government's action is behind the need to resolve the problem. Women in managerial positions (equivalent to or higher than section chief in private enterprise) accounted for 6.2% and the percentage was down from 6.5% of a year after setting down the 3rd Basic

Plan for Gender Equality. The percentage of business enterprises participating in positive action fell 28.1 % from 30.2 %. The Plan's target "40% by year 2014", which is the rather modest target, is unlikely to be achieved.

11. The Equal Employment Opportunity Law for Men and Women should be revised in order to make wage disparity adjusted and make positive action effective by taking the following measures:
  - i) Eliminate indirect discrimination against women based on employment jurisdiction or employment status.
  - ii) Upgrade positive action from the present "effort requirement" to a "compulsory action" and establish incentive measures as well as punitive provisions.
12. Compensation for social work supporting childcare and nursing care is too low. Since overwhelming majority of those workers are women, raising wages for them is necessary.

#### *Equal Treatment for Non-Regular Workers*

13. Under the name of responding to "diverse ways of work", more than half of female workers work as non-regular workers being replaced regular jobs with contingent one and being accepted low wages without any rights. Part-time female workers earn only 49.5% of male regular worker's wage. Equal treatment between regular work and contingent one has not progressed. Ratification of the ILO Part-Time Convention and enactment of an equal employment law between men and women are needed.
14. The revised Part-time Worker's Law has some progress by adding a provision to "outlaw discriminating against women because of their being part-time workers". However, such workers account for only 0.1 percent. It is necessary to revise the law in order to make it more effective.
15. The need now is: to regulate fixed-term employment and indirect employment such as jobs by staffing agency, to promote measures to give contingent workers equal treatment as permanent full-time workers, and new system that would lead to indirect discrimination should not be considered such as diversification of permanent full-time employment and part-time permanent workers.

#### *Increase Support for Women in both Work and Life*

16. The 3rd Basic Plan for Gender Equality says that the percentage of women continuing with their jobs after giving birth to their first children should be raised to 55 % in 2020. The percentage, in reality, was steady at 38% since a year after setting down the Plan. It means that the remaining 62% of women are still forced to quit their jobs. Support for women in both work and life is insufficient.
17. Male workers are often forced to endure long work hours, shifting most family responsibilities onto women. This is one of the problems making it difficult for

women to continue to keep their jobs. It is necessary to revise the Labor Standards Law to impose the upper limits to work hours.

18. Dismissals and other disadvantageous practices against women workers due to their pregnancy and childbirth are prevalent. It is necessary to strengthen the provision of the Child and Family Care Leave and the Equal Employment Opportunity Law for Men and Women to prohibit unfair treatment of women and to include a provision to require employers to get employees' consent to a transfer a distant office if they have certain family responsibility. Many workers are employed by small- and medium-sized companies, and the need now is to increase government subsidies to such companies in connection with employees' childbirth and child rearing.
19. The government is planning to introduce a new childcare system, adopting market theory, regarding childcare as a field of economic activities, and abandoning public responsibilities for childrearing. The number of babies and pre-school children on the waiting lists for child care centers is increasing. The public childcare system and after-school programs need to be improved in order to solve the long line of waiting lists.
20. The Basic Plan also says the percentage of male workers using childcare leave to 13 percent by 2020. This target is too modest. One year after setting down the Plan, the percentage fell to 1.38% from 1.72%. The facts call for more positive action to be taken.

#### **Unfair Dismissal of JAL Workers**

21. Japan Airlines dismissed 165 flight crew and cabin crew in the end of 2010 for the reason of bankruptcy. Dismissed 148 workers filed lawsuit against the company for cancelling their dismissal and reinstatement, however, the Tokyo District Court declined the case in March 2012. 72 of plaintiffs are cabin crew who had been struggled for the achieving women's rights at their workplaces to balance the work and life. The decision is clearly unfair. The CEO of JAL group testified in the court hearings that there is no necessity to dismiss them because the group made higher operating profit than expected. At JAL workplaces, there is growing concern over deteriorating safety in operation such as many incidents take place, due to the dismissal, understaffing by early retirement and deteriorating wage and working condition. Deficiency of Japanese legal and administrative system does not protect not only women workers but also airline safety for the people.

#### **Female Family Employees in farming and Small- and Medium-Sized Companies**

22. In the sector of farming and small- and medium-sized companies, female family employees are forced to work longer working hours and more intensified works. They even engage in side business in order to make up for falling income. These hard works has caused further health destruction to them. Compensation for the Great East Earthquake victims by the government and the electricity company, in particular, are by no means sufficient. Although they are covered by the National

Health Insurance, it does not provide compensation benefits for absence from work with the reasons of pregnancy, childbirth, or diseases. They should be given sickness, accident, and childbirth benefits similar to those provided to salaried workers.