

Distr.: General
7 March 2016

Original: English

ADVANCE UNEDITED VERSION

Committee on the Elimination of Discrimination against Women

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

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

A. Introduction

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

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

B. Positive Aspects

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

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

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

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

Trafficking and exploitation of prostitution

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

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

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

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

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

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

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

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

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

“Comfort women”

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

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

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

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

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

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

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

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

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

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

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

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

Participation in political and public life

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

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