

Ninth Periodic Report  
on the Implementation of the Convention on the  
Elimination of All Forms of Discrimination  
against Women

(Responses to the List of Issues and Questions of the Committee on  
the Elimination of Discrimination against Women)

Government of Japan

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## Introduction

The Basic Act for Gender Equal Society of Japan (hereinafter referred to as “the Basic Act”) provides that “it is vital that the realization of a gender equal society is positioned as the most important issue in determining the framework of 21st-century Japan and those policies on the promotion of the formation of a gender equal society are implemented in all fields.” The Basic Act provides that the Government of Japan (hereinafter referred to as the “GOJ”) shall formulate the Basic Plan for Gender Equality to promote comprehensive and systematic measures.

Based on the Basic Act, the GOJ approved the Fifth Basic Plan for Gender Equality (hereinafter referred to as “the Fifth Basic Plan”) in a Cabinet meeting in December 2020. The Fifth Basic Plan clearly provides the following.

- (a) To adhere proactively to the Convention on the Elimination of All Forms of Discrimination Against Women (hereinafter referred to as “the Convention”) and take measures in line with the Fourth World Conference on Women Beijing Declaration and Platform for Action based on the opinions and discussions of the Committee on the Elimination of Discrimination against Women (hereinafter referred to as “the Committee”) and the United Nations Commission on the Status of Women.
- (b) To fully recognize the significance of the 2030 Agenda for Sustainable Development, enhance and strengthen the national machinery for gender equality, and ensure that gender equality and gender perspectives are integrated into all government initiatives and reflected in policies (gender mainstreaming).
- (c) To ensure the implementation of summit-level and ministerial-level international commitments reached at G7, G20, APEC, OECD and other international fora, and continue to proactively make contributions to international discussions and initiatives.

This Ninth Periodic Report explains the state of Japan's implementation of the Convention for the period from September 2014 to June 2021, focusing mainly on the content of the Fifth Basic Plan, in the course of responding to the List of Issues and Questions from the Committee.

## **Legal status of the Convention and visibility and ratification of the Optional Protocol thereto**

### **Response to paragraph 1 of the list of issues prior to the reporting (CEDAW/C/JPN/QPR/9)**

1. The Constitution of Japan in Article 98 Paragraph 2 stipulates that “the treaties concluded by Japan and established laws of nations shall be faithfully observed,” thus the Convention already has legal effect as a domestic law.

2. The GOJ publishes information about the Convention and the general recommendations adopted by the Committee on the websites of the Cabinet Office and the Ministry of Foreign Affairs. The administrative branch of the GOJ provides the House of Representatives and the House of Councilors with information on the Committee’s concluding observations on the combined seventh and eighth periodic reports of Japan. With regard to judges, lectures are given by the Legal Training and Research Institute every year in order to raise awareness of the Convention and gender equality as part of training for those with new positions and duties.

(Note: The Constitution of Japan stipulates independence of the three branches of government - legislative, administrative and judicial.)

3. One of the points made by the Grand Bench of the Supreme Court in its judgement of December 16, 2015, was compatibility of the Constitution regarding the legal regulations stipulating the period of prohibition of remarriage. Supreme Court Justice YAMAURA Yoshiki mentioned in his summary that “It is an important fact that the United Nations Human Rights Committee and the Committee on the Elimination of Discrimination against Women have told the GOJ that the period of prohibition of remarriage system is in violation of the stipulations of international treaties that guarantee gender equality and allow individuals to make a decision about their own marriage, and have since 1998 repeatedly requested or recommended abolition of the system.” The Supreme Court of Japan decided on June 23, 2021, that Article 750 of the Civil Code, which stipulates “a husband and wife shall adopt the surname of the husband or wife in accordance with that which is decided at the time of marriage,” is constitutional.

However, some Supreme Court Justices have concluded in their individual opinions that the Article is unconstitutional, mentioning as one of the bases of their opinions that the GOJ has received recommendations from the Committee.

4. The GOJ considers the individual communications procedure set forth in the Optional Protocol to the Convention to be noteworthy in the sense that it could effectively guarantee the implementation of the Convention. The Fifth Basic Plan provides that “the GOJ will conduct serious considerations concerning the early ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, including through studying various issues.”

With regard to the acceptance of the procedure, the GOJ is aware that there are various issues to consider including whether it could pose any problems in relation to Japan’s judicial system or legislative policy, and what possible organizational frameworks would be required for implementing the procedure in the case that Japan is to accept it. The Inter-Ministerial Study Group on the Individual Communications Procedure has been collecting information on as many cases as possible of individual communications to the committees established based on the human rights treaties, and conducting research into the responses of the committees. Recently, meetings of the Study Group were held in April 2019 and August 2020. The GOJ continues to seriously consider whether or not to accept the procedure, while taking into account opinions from various sources.

## **Definition of discrimination against women and legislative framework**

### **Response to paragraph 2**

5. The Constitution of Japan in Article 14 stipulates that all citizens are equal and shall not be discriminated against on the basis of gender. The Basic Act stipulates that the formation of a gender equal society shall be carried out, not treating women and men in a way that discriminates against them based on gender. The Convention, which defines “discrimination against women” in Article 1, already has legal effect as a domestic law. The Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (hereinafter referred to as “the Equal Employment Opportunity Act”) prohibits any forms of direct or indirect discrimination between women and men in the area of employment.

6. The Fifth Basic Plan provides multiple and intersecting difficulties of women and girls belonging to minority groups, and violence against them. The Council for Gender Equality, established based on the Basic Act and composed of relevant ministers, experts and scholars with excellent knowledge on gender, will monitor the implementation of the policies in the Fifth Basic Plan.

7. Systems such as the Imperial House of Japan and the royal families of other countries have remained in place to this day against the backdrop of each individual nation’s respective history and tradition with the support of their people. The system of succession to the throne in Japan, which is stipulated in the Imperial House Law, is a matter related to the foundation of a State. In light of the purport of the Convention, which aims to eliminate discrimination against women, it is not appropriate for the Committee to raise this issue in relation to the Imperial House Law.

### **Response to paragraph 3**

8. The Basic Act provides that the GOJ shall establish the Basic Plan in order to comprehensively and systematically promote policies on the formation of a gender equal society (which means forming a society in which both men and women, as equal members of society, are given opportunities to freely participate in activities in any field of society and thereby equally enjoy political, economic, social, and cultural benefits as well as share responsibilities). The Fifth Basic Plan provides specific measures and targets to be achieved by the end of fiscal year 2025, based on the perspective of steadily implementing the various multilateral commitments on gender equality that the GOJ has proactively participated in such as the Sustainable Development Goals (SDGs). In order to achieve the targets with the specific measures in the Fifth Basic Plan, the Council for Gender Equality plays a role of monitoring the implementation of the policies, and delivers its opinions to the Prime Minister and relevant ministers as necessary.

#### **Response to paragraph 4**

9. The Fifth Basic Plan provides that the GOJ should: work on learning the real situation of women who have to face multiple and intersecting difficulties because of not only the fact that they are foreigners, have foreign roots or from Ainu or Buraku communities, but also their gender; promote education and awareness-raising activities on human rights; and investigate suspected violations of human rights and aid those who experience violations of human rights. Based on the purport of the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan (hereinafter referred to as “Act for the Elimination of Hate Speech”) and the Act on the Promotion of the Elimination of Buraku Discrimination, the GOJ has been working on improving awareness-raising activities and consultation systems regarding human rights issues, including human rights violation against women and girls. The GOJ has also been conducting necessary investigation and taking appropriate measures when detecting suspected cases of human rights violations.

10. Under Article 750 of the Civil Code, which stipulates that “a husband and wife shall adopt the surname of the husband or wife in accordance with that which is decided at the time of marriage,” a husband and wife shall adopt either the husband’s or wife’s surname by agreement. On the other hand, the Fifth Basic Plan provides that the GOJ should conduct further consideration on systems of surnames of married couples including a system allowing both a husband and wife to adopt separate surnames if they wish, based on judicial ruling, while carefully observing public opinions and debates in the Diet. The GOJ has been taking initiatives to deepen discussion both among the public and the Diet by providing relevant information on its websites.

The Fifth Basic Plan provides that the GOJ should work on expanding the use of former surnames as a matter of convenience and take measures to raise awareness of this fact.

The GOJ recognizes that the period of prohibition of remarriage is necessary to avoid a situation in which the presumption of legitimacy is overlapped. Since a review of the presumption of legitimacy system is currently under consideration, the GOJ needs to consider the period of prohibition of remarriage based on consideration about the presumption of legitimacy system.



## **National human rights institution**

### **Response to paragraph 5**

11. The GOJ has been appropriately conducting considerations on the human rights aid system, based on the ongoing discussions. The employees of 50 regional legal affairs bureaus, their branches (a total of 311 nationwide) and approximately 14,000 civil rights commissioners provide a counseling service on human rights. When they identify suspected violation of human rights, they investigate and take appropriate measures.

## National machinery for the advancement of women

### Response to paragraph 6

12. The Basic Act provides the authority of the Council for Gender Equality as follows.

- (a) To provide comments on a draft of the Basic Plan that the Prime Minister is in charge of.
- (b) To study and deliberate on basic principles, basic policies and important matters, and state opinions to the Prime Minister and relevant ministers if necessary.
- (c) To monitor the status of implementation of measures about gender equality, study the impact of measures on the formation of a gender equal society, and state opinions to the Prime Minister and relevant ministers if necessary.

The role of the Liaison Conference for Promotion of Gender Equality, which is decided by the Chief Cabinet Secretary, is to promote initiatives in civil society and civil society organizations (CSOs) for the formation of a gender equal society.

In order to secure gender perspectives and reflect them in policies in all fields (gender mainstreaming), the Fifth Basic Plan provides the following.

- (a) The Council for Gender Equality should examine the implementation of the Fifth Basic Plan, deliberate on issues that require intensive debate and new issues, and evaluate the level of achievement of targets during the interim period.
- (b) Based on the opinions of the Council for Gender Equality, the GOJ should decide the Intensive Policies in around June each year to reflect these in budgeting process (gender budgeting).
- (c) The GOJ should avail of meetings of the Liaison Conference for Promotion of Gender Equality to exchange opinions, share information, and hold dialogues with civil society.

13. The Gender Equality Bureau of the Cabinet Office, which functions as the secretariat of national machinery, had 77 staff members and a budget of 3.7 billion yen (33.64million USD<sup>1</sup>) in fiscal year 2020.

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<sup>1</sup> This figure in USD is provided only for reference and is calculated based on Japan's fiscal year 2020 exchange rate of 110 JPY = 1 USD.

The Council for Gender Equality will monitor the implementation of the policies of the Fifth Basic Plan and deliver its opinions to the Prime Minister and relevant ministers if necessary.

## **Temporary special measures**

### **Response to paragraph 7**

14. Annex 1 shows information on the level of achievement of the targets in the Fourth Basic Plan for Gender Equality (hereinafter referred to as “the Fourth Basic Plan”). This was among the materials used by the Council for Gender Equality in its deliberations on the Fifth Basic Plan.

15. The Basic Act provides that the State is responsible for the comprehensive formulation and implementation of policies, including positive actions (temporary special measures), for the promotion of the formation of a gender equal society. The Fifth Basic Plan provides that the GOJ should call on political parties to implement voluntary measures such as taking positive actions including quotas according to the purport of the Act on Promotion of Gender Equality in the Political Field established in 2018.

16. The Fifth Basic Plan provides that the GOJ should promote education and awareness- raising on human rights in order to deepen understanding of the situation of women who face multiple and intersecting difficulties because of not only their sexual orientation, gender identity, disabilities, the fact that they are foreigners, have foreign roots, or from Ainu or Buraku communities but also their gender and contribute to creating an environment in which a society as a whole respects diversity.

17. Annex 2 shows information on the numerical targets in the Fifth Basic Plan.

## **Stereotypes and harmful practices**

### **Response to paragraph 8**

18. The GOJ has been working on awareness-raising activities on human rights and improvement of consultation systems, from the perspective that discrimination against women and girls, including those belonging to minority groups, is unacceptable. Among the requests of consultation on human rights that the Ministry of Justice received in 2019, 391 cases were concerning women who had experienced forms of discrimination and 5,677 cases were of either coercion or compulsion against women.

19. The Fifth Basic Plan provides that while giving consideration to human rights, the GOJ should endeavor to change the views of both women and men and promote their understanding on gender in order to prevent negative impacts led by unconscious gender bias as well as to eliminate stereotypes of traditional gender roles and gender prejudice. Paragraphs 12 and 13 show the details of monitoring of the implementation of the policies in the Fifth Basic Plan.

The Equal Employment Opportunity Act bans discrimination on the basis of gender in the recruitment, employment, assignment, and promotion of workers. The GOJ has been raising awareness on this issue by providing specific examples in order to eliminate stereotypes of traditional gender roles in employment.

## **Gender-based violence against women**

### **Response to paragraph 9**

20. An amendment to the Penal Code was enacted on July 13, 2017, that established the two new crimes of “custodial indecency” and “custodial sexual intercourse.” These two crimes are applied when custodians commit indecent assault of, or engage in sexual intercourse, anal intercourse, or oral intercourse with, victims under the age of 18 while taking advantage of the influence arising from the fact of having custody of the victim. These crimes are liable to be treated by administering the same severity of punishment as indecent assault and rape, irrespective of violence or coercion are involved.

With the enactment of the amendment, the crime of rape includes sexual intercourse, anal intercourse, or oral intercourse irrespective of the sex of victims. It also brought about a change in the name of the crime of rape to “forced sexual intercourse,” which can be prosecuted without any accusation by victims. The enactment also raised the minimum statutory penalty from three years to five years. (With regard to marital rape, the offender is liable to be charged with “forced sexual intercourse”).

Violence against women and girls is subject to criminal punishment for crimes such as murder, injury, violence, forced sexual intercourse, and indecent assault. Perpetrators are subject to appropriate punishment depending on each case.

The court determines the sentence. There are cases where the court issues a ruling that a penalty is to be more severe than other cases because of the relationship between a perpetrator and a victim.

21. The police put the highest priority on ensuring the life and physical safety of victims, and make arrests or take appropriate measures in case of confirming violation of the Penal Code or related laws. Annex 3 shows details of the police response to cases of violence by spouses and stalking incidents. Annex 4 shows information on the detection and arrest of suspects in cases concerning murder, forced sexual intercourse, violence, injury, and indecent assault.

22. Data on shelters and facilities for victims of violence is as follows.

(a) There were 47 women's consultation offices and temporary protective custody facilities as of April 1, 2019. In fiscal year 2018, these offices and facilities provided temporary protection for 4,052 women who were accompanied by 3,536 family members.

(b) There were 47 women's protection facilities as of April 1, 2019. In fiscal year 2018, these facilities provided protection for 754 women who were accompanied by 359 family members.

(c) There were 124 shelters nationwide run by private organization known to prefectural governments and ordinance-designated cities as of November 1, 2020.

23. Annex 5 shows the information on protection ordered by the courts according to the Act on the Prevention of Spousal Violence and the Protection of Victims.

24. The Penal Code stipulates the punishment for distribution, public display, and possession for the purpose of financial benefit of obscene documents, images, and electromagnetic or online media. The Act on Regulation and Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children stipulates punishment for manufacture, provision, public display, and possession of child pornography. Cases that should be treated as criminal offences are dealt with appropriately by criminal law. The Fifth Basic Plan provides strict control under the Act and promotion of measures to prevent distribution, including self-regulation, by industry organizations. Cases that should be treated as criminal offences have been dealt with appropriately. The GOJ has been promptly detecting obscene pictures of women and girls on the Internet through cyber patrols, and taking measures to make an arrest.

## Response to paragraph 10

25. The Ministry of Health, Labor and Welfare publishes the following information regarding sterilization operated under the now-defunct Eugenic Protection Act on its website: (a) situation of storage of relevant documents in prefectures, cities with public health centers, and special wards (as of September 2018); and (b) situation of possession of personal records related to eugenic surgery in medical institutions and welfare facilities, and municipalities other than cities with public health centers (as of October 2018).

According to the Act on the Payment of Lump-Sum Compensation to People who Underwent Eugenic Surgeries based on the now-defunct Eugenic Protection Act established in 2019, the GOJ provided a lump-sum payment of 3.2 million yen (29,100 USD<sup>2</sup>) to those who underwent surgery conducted under the now-defunct Eugenic Protection Act. The number of the recipients of the payment is 908 (as of the end of May 2021).

Since June 2020, the Diet has been investigating eugenic surgery conducted under the now-defunct Eugenic Protection Act in order never to repeat the situations in which people are forced to undergo surgery or radiation treatment to disable their ability of reproduction due to certain types of diseases or disabilities.

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<sup>2</sup> This figure in USD is provided only for reference and is calculated based on Japan's fiscal year 2020 exchange rate of 110 JPY = 1 USD.



## **Response to paragraph 11**

26. The revised Act on the Prevention, etc. of Child Abuse in 2019 stipulates that those who exercises parental authority shall not use corporal punishment in disciplining children. The Act on School Education prohibits corporal punishment against students by teachers and staff in schools. The GOJ has been examining disciplinary rights under the Civil Code.

The GOJ has been raising awareness of child-raising that does not involve corporal punishment by preparing materials such as leaflets and Internet advertisements.

The GOJ has been conducting a survey on corporal punishment in schools in order to eradicate corporal punishment. The GOJ has also been providing guidance for the boards of education in local governments regarding the distinction between discipline and corporal punishment as well as the initiatives to prevent corporal punishment.

The GOJ has established human rights counselling offices, the dedicated counselling hotline for children “Children’s Rights 110,” and the “Online Human Rights Counselling Desk.” The GOJ has also developed a system that allows more children to have an easier access to consultation, through means such as the distribution of “Children’s Rights SOS Mini-Letters” at elementary and junior high schools. The GOJ has also been conducting necessary investigations and taking appropriate measures when detecting suspected cases of human rights violations.

## Trafficking and exploitation of prostitution

### Response to paragraph 12

27. The GOJ has been working on elimination of trafficking in persons and appropriate protection of victims according to the 2014 Action Plan to Combat Trafficking in Persons, by further strengthening the cooperative system with relevant institutions. The GOJ actively conducts on-site inspections of sex establishments, prepares and distributes leaflets in various languages to call for the filing of abuse to the police, and operates an anonymous hotline. The GOJ also works on public relations and awareness-raising activities using posters and leaflets. In addition, while giving full consideration to the position of victims of trafficking in persons and from the perspective of protecting them, the GOJ implements measures to stabilize the legal status of victims through means such as granting them special permission to stay in Japan when they are in violation of the Act on Immigration Control and Refugee Recognition. The status of measures and proceedings of cases of trafficking in persons identified between April 2019 and March 2020 is as follows: 32 persons prosecuted, and the cases of seven persons dropped due to evidential problems. Out of the prosecuted, 30 were found guilty and two are pending trial. Annex 6 shows the results of the trials of those found guilty.

The GOJ concluded the United Nations Convention against Transnational Organized Crime (UNTOC) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime in July 2017. It is possible to implement prompt mutual legal assistance in criminal matters through direct communication between central authorities of States Parties to UNTOC. The GOJ exchanges information with investigative agencies of the sending countries of victims of trafficking in persons through the International Criminal Police Organization (ICPO). The GOJ also hosts a Contact Point Meeting for Trafficking in Persons every year, and exchanges opinions and information with embassies in Tokyo, relevant ministries, prefectures, NGOs, and the International Organization for Migration (IOM). The GOJ has been proactively providing support for prevention of trafficking in persons and protection of victims, mainly in Asian countries, through making donations to United Nations (UN) organizations (such as the UN Office on Drugs and Crime (UNODC), United Nations Entity for Gender Equality and the

Empowerment of Women (UN-Women), and IOM and related funds such as the Japan-ASEAN Integration Fund 2.0, and by expanding projects by the Japan International Corporation Agency (JICA). As part of collaboration (including financial contributions) with the Japan office of IOM that has been continued every year since 2005, the GOJ has provided foreign victims of trafficking in persons who have been identified in Japan with assistance for voluntarily return to their home countries as well as for rehabilitation and reintegration assistance. The GOJ sent public prosecutors to participate in “practical meetings of law enforcement agencies of ASEAN Plus Three regarding improving joint international investigations and operations in the field of trafficking in persons,” held in the Philippines in March 2018, which proved to be a great opportunity to deepen mutual understanding on legal and practical issues and solutions.

28. The GOJ has set up a consultation service for technical intern trainees in the Organization for Technical Intern Training (hereinafter referred to as “the OTIT”). The service is available in eight languages, and technical intern trainees can reach it by telephone or email. The consultation service provides advice to those in need. With regard to suspected cases of violations of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, the OTIT conducts on-site inspections of supervising organizations and implementing organizations, and provides necessary guidance if violations are confirmed. In fiscal year 2019, the OTIT conducted approximately 18,000 on-site inspections, and out of which approximately 6,200 cases were found to be in violation of the Act (such cases included inadequate preparation and keeping of ledgers and documents, training content inconsistent with an original plan, and inappropriate payment of remuneration), and provided guidance to those organizations concerned.

## “Comfort women”

### Response to paragraph 13

29. It is the basic view of Japan that it is not appropriate to raise the issue of comfort women in the report on the implementation of the Convention as the Convention does not apply retroactively to any issues that occurred prior to Japan’s conclusion thereof (1985). On this basis, with regard to the reference that the issue of comfort women is being raised in the list of issues and questions, Japan hereby describes its initiatives for the reference of the Committee.

- (a) As for the issue of comfort women, the GOJ has sincerely dealt with it.
- (b) The GOJ has sincerely dealt with issues of reparations, property, and claims pertaining to the Second World War under the San Francisco Peace Treaty, which the GOJ concluded with 45 countries, including the United States, the United Kingdom, and France, and through other bilateral treaties, agreements, and instruments. These issues, including those of claims of individuals, have already been legally settled with the parties to these treaties, agreements, and instruments.
- (c) On this basis, the GOJ has actively taken additional measures to restore the honor of former comfort women and to provide remedies for them. In 1995, the “Asian Women’s Fund” (hereinafter referred to as “AWF”) was established with the cooperation of the people of Japan and the GOJ for the purpose of carrying out atonement and remedy projects for former comfort women. The GOJ provided a total of 4.8 billion yen (43.64 million USD<sup>3</sup>). Approximately 600 million yen (5.45 million USD) was donated to the AWF by the people of Japan. The GOJ extended maximum cooperation to the AWF, which implemented medical and welfare support projects and provided “atonement money” to offer realistic relief to former comfort women. As part of the AWF’s projects, “atonement money” (2 million yen (18,200 USD) per person), which was funded by donations from Japanese people, was provided to 285 former comfort women (211 in the Philippines, 61 in the Republic of Korea (hereinafter referred to as “the

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<sup>3</sup> Figures in USD in para 29 (c) are provided only for reference. For convenience, these figures are calculated at the rate of 110 JPY = 1 USD, which is close to the average of Japan’s fiscal year exchange rates between 1996 and 2007.

ROK”), 13 in Taiwan). Moreover, the AWF provided funds in those countries/areas for medical and welfare support funded with contributions by the GOJ (3 million yen (27,300 USD) per person in the ROK and Taiwan, and 1.2 million yen (10,900 USD) per person in the Philippines). This amounted to a total of 5 million yen (45,500 USD) per person in the ROK and Taiwan, and 3.2 million yen (29,100 USD) per person in the Philippines. Furthermore, using funds contributed by the GOJ, the AWF extended support for projects to promote social welfare services for elderly people in Indonesia as well as projects to help improve the living conditions of former comfort women in the Netherlands.

(d) When the “atonement money” as well as the medical and welfare support were provided to individual former comfort women, then-Prime Ministers (namely, PM HASHIMOTO Ryutaro, PM OBUCHI Keizo, PM MORI Yoshiro, and PM KOIZUMI Junichiro) sent signed letters expressing apologies and remorse directly to each former comfort woman.

(e) In particular, in the Japan-ROK relations, the issue concerning property and claims between Japan and the ROK was settled completely and finally in 1965 through the Agreement on the Settlement of Problem Concerning Property and Claims and on the Economic Cooperation between Japan and the Republic of Korea. Furthermore, as a result of great diplomatic efforts, the GOJ and the Government of the ROK confirmed that the issue of comfort women was “resolved finally and irreversibly” with the agreement reached at the Japan-ROK Foreign Ministers’ Meeting in December 2015. The Japanese and ROK leaders also confirmed that they would take responsibility as leaders to implement this agreement, and that they would deal with various issues based on the spirit of this agreement. This agreement was welcomed by the international community, including then Secretary-General of the United Nations Ban Ki-moon and the United States Government. In accordance with this agreement, in August 2016, the GOJ contributed one billion yen (8.33 million USD<sup>4</sup>) to “the Reconciliation and Healing Foundation (hereinafter referred to as “the Foundation”) established by the Government of the ROK. The Foundation provided financial support to 35 out of the 47 former comfort women who were alive

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<sup>4</sup> This figure in USD is provided only for reference and is calculated based on Japan’s fiscal year 2016 exchange rate of 120 JPY = 1 USD.

at the time of the agreement, and to the bereaved families of 64 out of the 199 former comfort women who were deceased at the time. The agreement has been received positively by many former comfort women. As stated above, the GOJ has implemented all measures it committed to under the Japan-ROK agreement. The Government of the ROK itself also acknowledges that this agreement is an official agreement between the two governments and the international community is closely following the ROK's implementation of the agreement.

(f) As stated in the Statement by the Prime Minister issued in 2015, Japan will lead the world in making the 21st century an era in which women's human rights are not infringed upon. Japan contributes to and supports various projects of UN organizations such as UN Women, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict, and the Global Fund for Survivors of Conflict-Related Sexual Violence. Japan is also engaged in combating sexual violence in conflict through means such as proactively providing relief to survivors of sexual violence in conflict who are currently suffering, and raising awareness for the prevention of such violence.

(g) Concerning textbooks which was mentioned in the Committee's concluding observations on the combined seventh and eighth periodic reports of Japan, as textbooks in Japan are produced by private publishers, judgment as to what kind of specific historical issues should be included and how they should be described in a textbook based on the National Curriculum Standards is left to them.

## Participation in political and public life

### Response to paragraph 14

30. The Act on Promotion of Gender Equality in the Political Field, which stipulates that the number of female and male candidates should be as equal as possible, has been amended in 2021 by adding provisions such as developing trainings and consulting system on sexual harassment and harassment related to pregnancy and childbirth. Annex 7 shows the latest statistics on women's participation in the legislative, executive, and judicial bodies.

31. The Act on Promotion of Gender Equality in the Political Field has no penal provisions. The percentage of women among all candidates in the election of the House of Councilors in July 2019 was 28.1%, which represents an increase of 3.4 points from 24.7% in the previous election.

32. The GOJ publishes the status of initiatives taken by political parties in Japan, and conducts research and study on initiatives regarding a quota system of foreign countries and provides information on them, according to the Act on Promotion of Gender Equality in the Political Field.

The central government, local governments and private companies have been promoting proactive measures to encourage women's active participation such as setting targets and publicizing information, according to the Act on the Promotion of Female Participation and Career Advancement in the Workplace (hereinafter referred to as "the Act on Promotion of Women's Participation and Advancement in the Workplace".) The GOJ has been providing information and raising awareness on the contents of the Act on Promotion of Women's Participation and Advancement in the Workplace through consultation meetings and briefing sessions for companies and visits to each company. The GOJ has also been requesting corporate executives and heads of local governments to participate in "Male Leaders Coalition for Empowerment of Women" (257 corporate executives and heads of local governments had participated in the meetings as of April 30, 2021), and providing information to promote women's development, capacity building, and promotion, as well as a change of mindset for empowerment of women and work-style reform.

33. Annex 8 shows an overview of the Fifth Basic Plan and its targets.



## Nationality

### Response to paragraph 15

34. The Act on Nationality stipulates as follows.

(a) A child born out of wedlock to a Japanese mother acquires Japanese nationality at birth.

(b) A child born out of wedlock to a foreign mother and acknowledged by a Japanese father as his child can acquire Japanese nationality by filing a notification while the child is still a minor.)

(c) A child born in Japan whose parents are unknown or stateless acquires Japanese nationality at birth.

Requirements for naturalization of a stateless child are eased under certain conditions.

## Education

### Response to paragraph 16

35. The Fifth Basic Plan provides that the GOJ should promote career choices for women in STEM by taking measures to increase interest in and understanding of careers in STEM among female junior and senior high school students, their guardians, and their teachers. The GOJ has been working on establishing a support system, consisting of representatives of industry, government, and academia, that provides information, presents female role models, and conducts on-site classes, symposiums, and research and study.

36. There was a case of gender-based unfair treatment of applicants in the entrance examination at medical university, and the GOJ pointed out to the university that it was inappropriate. The GOJ worked on revising the Guidelines for University Admission Selection that is a common rule for the entrance examination for all faculties and departments of all universities. The Guidelines now have a new requirement stating that all universities are prohibited from applying unfair and inappropriate selection of applicants using different criteria based on gender. Each university has been working on investigation and improvement of the selection of applicants based on the new requirement. The Fifth Basic Plan provides that the GOJ should inform universities of the new provision, and encourage medical universities in particular to proactively disclose information on their entrance examination such as the pass rates of female and male applicants.

37. Considering that it is essential for schools and boards of education in local governments to empower women to demonstrate their abilities in order to revitalize the organizations, and that the gender composition of positions at the management level may have an impact on forming the attitudes of students, the Fifth Basic Plan provides that the GOJ should promote the appointment of women in decision-making positions, such as education directors and members of boards of education in local governments, and principals and vice-principals in schools. The GOJ has requested boards of education in local governments to proactively appoint women to management positions at elementary- and secondary-level educational institutions. The

GOJ has been promoting the voluntary setting of targets and the taking of initiatives on women's participation and advancement in universities. Annex 9 shows the latest data.

## **Response to paragraph 17**

38. The GOJ widely provides scholarship grants and loans for Ainu children regardless of gender.

The targets of scholarships from the Japan Student Services Organization are legally restricted to university, college of technology, and specialized training college, and Korean schools are not legally categorized in these school types. These scholarships have nationality requirements, and all Korean students living in Japan who meet the requirements (for example, students who are special permanent residents) are eligible.

The High School Tuition Support Fund System is open to students of any nationality as long as they live in Japan. The reason why Korean schools are not covered is that they have been found not to meet the criteria stipulated by the relevant laws and regulations.

The GOJ recognizes that there are local governments that provide subsidies to Korean schools based on their own discretion and responsibility, with attention to ensure appropriate and transparent implementation.

39. The GOJ explains the purport of the Act for the Elimination of Hate Speech and education activities to eliminate unjust discriminatory words and actions at meetings with those in charge of human rights education from prefectural boards of education. The GOJ has been working on to ensure that children have an easier access to consultation by distributing the “Children’s Rights SOS Mini-Letters” at elementary and junior high schools throughout the country. The GOJ has also been conducting necessary investigations and taking appropriate measures when detecting suspected cases of human rights violations. Violence against women and girls is subject to criminal punishment, and perpetrators are subject to an appropriate punishment depending on each case. In addition, the GOJ has been promoting “Life Safety Education” to ensure that children value their lives and do not become perpetrators, victims, or bystanders of sexual crimes and sexual assault by creating educational materials that are suited to each stage of their development including disseminating the information to parents.

40. Children with disabilities require special support depending on the nature of their individual disabilities when they receive education. The GOJ has been working on the development of conditions for

children, including girls with disabilities, to ensure that children with and without disabilities can receive education together as much as possible. Towards independence and social participation of children with disabilities, the GOJ has been developing conditions of continuous and diverse learning opportunities in order to provide guidance that can most precisely meet the educational needs of each individual.

41. The National Curriculum Standards for elementary, junior high and high schools cover contents pertaining to sexual and reproductive health and rights. Schools provide guidance on sexuality through the entire school education activities such as physical education, health and physical education, and Tokkatsu (Student-Led Activities), according to the National Curriculum Standards, in order to ensure that students develop understandings on sexuality and take appropriate actions.

42. In order to achieve the educational goal of cultivating attitudes that respect gender equality set forth in the Basic Act on Education, the Fifth Basic Plan provides as follows; (a) integration of a perspective of gender equality at each stage of teacher training, recruitment, and education and development; (b) promotion of the understanding of gender equality among school principals, teachers and educational staff, and boards of education in local governments; and (c) further development of education and learning that promote gender equality in schools and social education.

At the elementary and secondary school level, students receive guidance on the importance of respect for human rights, gender equality, understanding and cooperation between women and men, as well as the importance of family and family life, throughout school education, depending on their stage of development. The GOJ has been developing programs to raise awareness of gender equality among teachers. In higher education, each university conducts faculty training and career education from a gender-perspective.

## Employment

### Response to paragraph 18

43. The Fifth Basic Plan provides that the GOJ should eliminate discriminatory treatment on the basis of gender and close the wage gap between women and men. It also provides that the GOJ should support the expansion of women's participation and opportunities to demonstrate their abilities in the workplace.

The Act on Promotion of Women's Participation and Advancement in the Workplace stipulates that employers should formulate action plans for women's participation and advancement, and publicize information.

Labour Standards Act in Article 4 prohibits wage discrimination by reason of the worker being a woman.

The GOJ has been working to eliminate any unreasonable differences in treatment between regular and non-regular employees within the same company, by ensuring the smooth implementation of the two acts (Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers (Act on Part-Time and Fixed-Term Workers) and the revised Act on Securing the Proper Operation of Worker Dispatching Businesses and Protecting Dispatched Workers which have been consecutively brought into force from April 2020.

44. The Fifth Basic Plan provides the importance of promoting women's financial independence through various efforts such as taking measures to ensure equal pay for work of equal value.

As noted in Paragraph 43, the Labour Standards Act in Article 4 prohibits wage discrimination by reason of the worker being a woman. Workplaces that have violated the Article are subject to guidance from labour standard inspectors. The numbers of workplaces that were given such guidance because of violation of the Article are as follows: one in 2019, four in 2018, and five in 2017.

45. The Fifth Basic Plan provides that ensuring an equal opportunity and treatment for both women and men in the field of employment such as the elimination of sexual harassment, harassment related to

pregnancy, childbirth and childcare leave, in the workplace, is an essential prerequisite for achieving a society in which everyone who is willing to work can participate and advance regardless of gender.

The Equal Employment Opportunity Act and the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (hereinafter referred to as “Act on Childcare and Family Care Leave”) stipulate the following in relation to employers: (a) obligation to take measures of employment management to prevent sexual harassment, and harassment related to pregnancy, childbirth, and childcare leave in the workplace; (b) prohibition of disadvantageous treatment due to marriage, pregnancy, childbirth and childcare leave.

The Prefectural Labor Bureau, which is a local branch of the Ministry of Health, Labor and Welfare, gives advice, guidance and recommendations to employers who violate the Acts, and discloses their names if they do not follow the recommendations. The GOJ has been working for smooth resolution of disputes with the use of assistance for dispute resolution and the use of conciliation based on the Acts.

46. According to the Equal Employment Opportunity Act and the Act on Childcare and Family Care Leave, the Prefectural Labor Bureau should give advice and guidance to employers, when employers breach their obligations on prevention of sexual harassment, and harassment related to pregnancy, childbirth and childcare leave, or prohibition of disadvantageous treatment due to marriage, pregnancy, childbirth and childcare leave.

The number of corrective guidance issued on sexual harassment held in the workplace: 4,671 in fiscal year 2019, 4,953 in fiscal year 2018, and 4,458 in fiscal year 2017.

The number of corrective guidance issued on harassment related to marriage, pregnancy, and childbirth in the workplace: 5,662 in fiscal year 2019, 6,008 in fiscal year 2018, and 5,764 in fiscal year 2017.

The number of corrective guidance issued on harassment related to childcare leave in the workplace: 5,236 in fiscal year 2019, 5,097 in fiscal year 2018, and 5,741 in fiscal year 2017.

The number of corrective guidance issued on disadvantageous treatment due to marriage, pregnancy, and childbirth in the workplace: 40 in fiscal year 2019, 39 in fiscal year 2018, and 35 in fiscal year 2017.

The number of corrective guidance issued on disadvantageous treatment related to childcare leave in the workplace: 20 in fiscal year 2019, 21 in fiscal year 2018, and 22 in fiscal year 2017.



## Response to paragraph 19

47. In order to encourage married couples to raise children together, the Fifth Basic Plan calls for the submission of bills to the ordinary Diet session in 2021 which includes the following: (a) installation of a new framework to promote childcare leave right after their childbirth; (b) obligating employers to inform childcare leave to their employees who report their own or their spouse's pregnancy or childbirth and to improve the work environment through means such as setting up training and consultation services; and (c) encouraging employers to disclose the rate of male employees taking childcare leave. The GOJ submitted these bills in February 2021, and these bills were passed in June 2021. In addition, in fiscal year 2020 the GOJ launched an initiative to encourage all male government officials to take childcare leave for more than a month.

The GOJ has been working to build social momentum that encourages men to take childcare leave and actively participate in childcare by expanding the "Ikumen Project" and the "Sankyu Papa Project."

According to the Plan for Accelerating the Elimination of Daycare Waiting Lists for Children, the GOJ added daycare spots equivalent to 535,000 children over the five years from fiscal year 2013 to fiscal year 2017. According to the Child-Rearing Security Plan, the GOJ provided daycare spots for 320,000 children over the three years from fiscal year 2018 to fiscal year 2020. The GOJ will work on preparation of daycare spots for approximately 140,000 children over the four years between fiscal year 2021 and fiscal year 2024 under the New Child-Rearing Security Plan.

48. Domestic workers have the right to organize and the right to collective bargaining by law. They are entitled to take out industrial accident compensation insurance. The GOJ has been widely publicizing these facts.

49. The Fifth Basic Plan provides the establishment of a consultation system and information services in multiple languages for employment support, considering multiple and intersecting difficulties that foreign women face because of not only differences in language, culture and values, and isolation in their community but also their gender. As of the end of October 2020, the number of foreign workers is 1,724,328, of which 918,169 are men and 806,159 are women.

50. The GOJ has thoroughly examined the significance of ratifying each convention of the International Labour Organization (ILO) and has ratified those deemed suitable for ratification after carefully ensuring their consistency with domestic legislation. Specifically, the GOJ is discussing challenges on the ratification of Conventions at the ILO Panel, in which representatives of both employers and employees participate.

The Fifth Basic Plan provides that the GOJ should work on specific consideration on challenges on the ratification of the ILO Conventions, which the List of Issues and Questions of the Committee points out, and make continued and sustained efforts to pursue ratification of those conventions. The GOJ will continue to make such efforts.

## Health

### Response to paragraph 20

51. The Act on Maternal Protection requires the consent of a spouse for having an induced abortion in principle, but an induced abortion is legally permitted with the sole consent of the pregnant woman in the following cases: (a) when her spouse is unknown, or unable to express his will; and (b) when her spouse is gone after her pregnancy.

“When her spouse is unknown” includes cases in which the whereabouts of her spouse are essentially unknown. “Unable to express his will” includes cases in which he is practically unable to show his will.

Under the Act on Maternal Protection, an induced abortion should be legally permitted in the case that a woman “gets pregnant as a result of a violent or threatening act, or while being unable to either resist or refuse.” It should be also legally permitted if “the continuation of pregnancy or delivery may significantly damage the pregnant woman’s health because of her physical health or economic status.” The crime of abortion under the Penal Code is not applied in these cases. In addition, the GOJ provides relevant organizations with clarification on the interpretation of the Act on Maternal Protection. At this time, the GOJ points out that the law has no intention to require the consent for an abortion of the perpetrator of forced sexual intercourse. The GOJ further clarifies that the law requires only the consent for an abortion of the pregnant woman when it is difficult to obtain the consent of the spouse because the marriage has practically broken down, such as cases in which the pregnant woman is a victim of violence by spouse.

52. The Act on Maternal Protection stipulates that only doctors designated by prefectural medical associations can perform an abortion. Medical associations review applications to become designated doctors and renew qualifications every two years.

The Fifth Basic Plan provides the following: (a) cooperation among relevant organizations is important when sexual crime/violence or domestic violence is involved; and (b) the GOJ should strengthen a consultation and support system on sex and pregnancy that is provided by professionals such as midwives.

53. The Fifth Basic Plan provides that, in order to deal with unexpected pregnancy-related worries, women's health support centers should develop a counseling system by assigning specialized counselors, provide accompanying support to municipal governments and medical institutions, and collaborate with schools and relevant local institutions.

The GOJ provides counseling support as a part of project on maternal and child health such as home guidance, and expands consultation support at women's health support centers and child guidance centers to those women who have worries with regard to pregnancy, childbirth, child raising, or abortion.

54. According to the Basic Act on Comprehensive Suicide Countermeasures, the GOJ formulates the Comprehensive Measures to Prevent Suicide. In order to reduce the risk of suicide across society, the GOJ has expanded consultation system including telephone consulting and chat-based hotlines for those who are contemplating suicide. In order to support young women who face a variety of difficulties, the GOJ established the Model Project for Supporting Young Women in fiscal year 2018. According to the project, the GOJ provides outreach support, in close collaboration with public and private organizations, such as: conducting night patrols during which officials may approach young women to enquire about their welfare; securing places for young women to stay; and improved consultation and support for self-reliance. Annex 10 shows the relevant data.

## Response to paragraph 21

55. A survey conducted by Fukushima Prefecture indicates as follows.

(a) While a simple comparison may not work due to differences in survey methods, the percentage of premature birth, low birth-weight babies and congenital abnormalities and anomalies are not significantly different from the national averages.

(b) The cases of thyroid cancer that have been discovered to date are considered to be unrelated to the radiation discharged due to the accident.

The GOJ has been assisting the Project to Support the Thyroid Examination conducted by Fukushima Prefecture, which financially supports those who continue to require medical treatment as a result of thyroid examination.

56. The revised Act on Health Promotion was enacted in 2020, in order to strengthen measures against passive smoking and further improve people's health. The Act stipulates as follows.

(a) To eliminate unwanted passive smoking.

(b) To give special consideration to children and patients whose health can be heavily impacted by passive smoking.

(c) Based on the idea that measures should be decided depending on the type and location of facility concerned, to take measures to prohibit smoking or specify smoking areas according to the type of facility and its location, and to require installation of signs related to smoking regulation.

With the revised 2019 Ministerial Ordinance on Enforcement of the Act on Regulations of the Tobacco Business, the GOJ has revised the content of warning labels on cigarette packaging based on the latest scientific findings, which improved the labeling on "effects on others" such as prevention of unwanted passive smoking.

## **Economic and social benefits**

### **Response to paragraph 22**

57. The Fifth Basic Plan provides the following.

(a) To improve working and living environments from the gender-perspective so that women and men can secure sufficient wages to lead a healthy and cultured life without encountering difficulties in life such as poverty.

(b) To provide tailored support to single-parent households for their self-reliance.

(c) To offer support suitable to each lifestyle that varies from person to person so that women who are unable to work due to difficulties in life such as age, illness, and disability do not fall into poverty.

(d) To address the poverty issue among elderly women receiving small or no pensions.

The GOJ has been expanding the application of employee insurance in the pension system since it is important to provide security suitable to each employee. The GOJ has designed the system to make the earnings-related component of its second tier more generous in order to support part-time workers, which is a group that includes a high percentage of women. The Revised Act on the Pension System enacted in May 2020 stipulates that the GOJ shall expand the scope of application from companies with over 500 employees to companies with over 100 employees in October 2022, and to companies with over 50 employees in October 2024. Moreover, the GOJ provides support for living and housing expenses as part of the public assistance system, depending on the level of poverty.

58. Bereaved families receive disaster condolence money, and there is no distinction on the basis of gender. The heads of households, who have suffered significant damage to their homes and household goods due to natural disasters, receive disaster relief funds, and there is no distinction on the basis of gender for disaster relief funds.

The Fifth Basic Plan provides the review of various systems through utilizing the My Number System in order to make individuals, as opposed to households, the recipients of benefits and the bearers of burdens under those systems

In order to encourage women to start their own business, representatives from related ministries, local governments, and organizations supporting women entrepreneurs hold liaison meetings with stakeholders. They hold the meetings to widely share expertise on supporting women that has been built up through “the Network for Supporting Women Entrepreneurs” which is run by local financial institutions, industrial and start-up support organizations, private businesses providing career counseling to women, and non-profit organizations. The GOJ conducts trainings for the development of those providing support as part of this network. The Japan Financial Corporation provides financial support for women who are willing to start their own businesses. The GOJ supports the efforts of local governments supporting women’s entrepreneurship by providing the Regional Women’s Activity Promotion Grants.

## **Rural women and disadvantaged groups of women**

### **Response to paragraph 23**

59. The Fifth Basic Plan and the Basic Plan for Food, Agriculture and Rural Areas that the GOJ has approved in a Cabinet meeting in March 2020 provides the following: (a) promotion of women's participation in management; (b) fostering of women workers in agriculture, forestry, and fisheries as community leaders; (c) promotion of women's participation in policy making in agriculture, forestry, and fisheries; (d) development of work environments in which women can work with less difficulties; (e) reduction of the burden of childcare and nursing care; and (f) promotion of efforts to change stereotyped ideas of traditional gender roles.

In order to improve the situation of women farmers including in terms of land ownership, the GOJ has promoted the conclusion of the Family-Management Agreement that determines the division of roles and working conditions among family members. In order to expand women's participation in decision-making, the Act on Agricultural Committees and Related Organizations, Agricultural Cooperative Act, Fisheries Cooperative Associations Act and the Forest Owners' Cooperative Associations Act were revised to introduce new provisions that require the appointment of agricultural commissioners and union executives without gender or age bias. In addition, the GOJ has decided to conduct an annual survey among agricultural committees and agricultural co-operatives to find out how many women have been appointed to these positions and to make this information public. The GOJ also promotes the appointment of female directors in the Land Improvement Districts.

60. The Act on Income Tax is applicable to everyone regardless of gender, so the GOJ does not believe that the Committee's previous recommendation pointing out that the Act may prevent women's economic self-reliance is appropriate.

61. Paragraphs 6, 9, 16, 18, 38, 39 and 40 show information on the steps taken to deal with multiple and intersecting discrimination that women belonging to minority groups face.



62. The Japan Legal Support Center provides information on legal systems and consultation desks for free to help resolve legal issues, including prejudice and discrimination against minority women in response to inquiries from them.

## Climate change and disaster risk reduction and management

### Response to paragraph 24

63. The Fifth Basic Plan provides the following.

(a) To take more actions from a gender-equality perspective in national disaster responses.

(b) To promote actions from a gender-equality perspective at the local government level, such as encouraging women's participation in decision-making and disaster responses, preparing and utilizing sex-disaggregated data, taking measures that take into account gender differences in impacts and needs arising from disasters, and ensuring safety and security of women in evacuation facilities.

(c) To consider international trends in addressing environmental issues, expand women's participation in policy and decision making, and proactively work on integrating a gender perspective into efforts in disaster response.

The Long-term Strategy under the Paris Agreement that the GOJ approved in a Cabinet meeting in 2019 provides that it is necessary to promote climate change measures in line with elements of SDGs other than climate change in order to achieve the whole SDGs.

64. Data on the proportion of women among members of the Central Disaster Management Council is as follows.

| Year | Central Disaster Management Council |
|------|-------------------------------------|
| 2015 | 18.5%                               |
| 2016 | 13.8%                               |
| 2017 | 13.8%                               |
| 2018 | 10.3%                               |
| 2019 | 6.9%                                |
| 2020 | 13.8%                               |
| 2021 | 16.1%                               |

65. Data on the proportion of women among the members of the disaster management councils of local government as follows. By the end of fiscal year 2021, the GOJ will follow up on the status of efforts of local governments and make them public. The GOJ will continue to conduct a follow-up annually.

| Year | Prefectural disaster management councils | Municipal disaster management councils |
|------|--|--|
| 2015 | 13.2%                                    | 7.7%                                   |
| 2016 | 14.0%                                    | 8.0%                                   |
| 2017 | 14.9%                                    | 8.1%                                   |
| 2018 | 15.7%                                    | 8.4%                                   |
| 2019 | 16.0%                                    | 8.7%                                   |
| 2020 | 16.1%                                    | 8.8%                                   |

66. Paragraph 63 shows the commitments on climate change and risk management of disaster in the Fifth Basic Plan. The Basic Disaster Management Plan approved by the Central Disaster Management Council also has been revised in its provisions to incorporate a gender perspective into each phase of disaster response. (Annex 11 shows the details.) In May 2020, the GOJ called on local governments for utilizing the “Guidelines for Disaster Planning, Response and Reconstruction from a Gender-equal Perspective,” and the Fifth Basic Plan provides its thorough utilization.

## **Marriage and family relations**

### **Response to paragraph 25**

67. The Civil Code regulates the division of property upon divorce and does not impose any restrictions on the method of dividing property. The Civil Code clearly stipulates the procedure to be taken by family courts when the parties do not reach an agreement on the division of properties as well.

The revised Act on Civil Execution, which came into effect in April 2020, established a new procedure for creditors who have a title of obligation such as a court ruling. This new procedure enables the creditors to obtain information on the property of debtors from a third party other than the debtor. The revised Act also strengthens the system of property disclosure. With these revisions, a woman who is considering to divorce is able to obtain information on her spouse's savings, real estate and workplace from banks, registry office, or municipal government through the court if her spouse fails to pay child support.

The Fifth Basic Plan provides research and consideration to secure payment of child support, consideration of amendments in Acts to review the system of child support, and specific measures for safe and secure visits and contact. The GOJ continues to give due consideration to these points.

The Civil Code stipulates two different rules for the determination of paternity between a child born in and out of wedlock. The first rule is based on the idea that a child conceived by a wife during marriage is likely to be her husband's child, and that presuming a child to be naturally born in wedlock on the basis of marriage is conducive to the protection of the interests of the child. The second rule, on the other hand, is based on the idea that it matches the interests of a child who was born out of wedlock, where there is no such a presumption based on marriage, to establish his/her paternity by either voluntary or forced recognition. The term "a child born out of wedlock" merely refers to a child born between a man and a woman who are not legally married, and it does not equate to discrimination against children born out of wedlock at all. The revised Civil Code, which came into effect in 2013, stipulates that children born both in and out of wedlock are entitled to have equal shares of inheritance.