



## **Economic and Social Council**

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### **Commission on the Status of Women**

#### **Fifty-seventh session**

4-15 March 2013

**Follow-up to the Fourth World Conference on Women and  
to the special session of the General Assembly entitled  
“Women 2000: gender equality, development and peace  
for the twenty-first century”: implementation of strategic  
objectives and action in critical areas of concern and  
further actions and initiatives**

### **Statement submitted by Japan Federation of Bar Associations, a non-governmental organization in consultative status with the Economic and Social Council**

The Secretary-General has received the following statement, which is being circulated in accordance with paragraphs 36 and 37 of Economic and Social Council resolution 1996/31.



## Statement

Violence against women is a manifestation of the historically unfair power relationship that has existed between men and women. It permits men to control and discriminate against women and obstructs improvement in the status of women. It impedes each individual woman's enjoyment of her freedom and her basic human rights. It keeps the general status of women low and acts as an obstacle preventing women from realizing society's shared goals, such as equality, development and peace.

All physical, sexual and psychological violence against women and girls, such as domestic violence, sexual abuse, sexual harassment (whether in the workplace, at educational institutions or elsewhere), human trafficking and forced prostitution, should be eliminated. The international community has devised solutions to these kinds of violence and made repeated efforts, but these are still inadequate and the freedom and rights of women and girls are not adequately fostered and protected.

Even in Japan, where the Government has made certain efforts, the main problems of violence against women still exist. Sex crimes (including sexual harassment and child sexual abuse), domestic violence and trafficking in persons, among others, occur frequently. In 2010, 2,090 people were referred for action by public prosecutors for violations of legislation on child prostitution, child pornography and the protection of children. This number increases annually. Sexual harassment is the subject of most consultations concerning the Equal Employment Opportunity Act convened by regional employment equality consultation bureaux, with more than 10,000 cases heard annually.

The current conditions in Japan are not unrelated to the country's historical background, which for so long has permitted systematic and social domination of women by men. Before the Second World War, because women were routinely deemed inferior to men, the Civil Code denied women legal capacity under the system of patriarchy and women were denied suffrage. Although the Constitution enacted in 1946 provides for gender equality and the Civil Code has been revised, our society has not yet rid itself of the influence of male domination.

An example would be the extremely narrow interpretation of the legal elements comprising the crimes of rape and forced indecency. It is difficult to establish a case when it is not accepted that the victim has put up vigorous resistance, when it is held that the victim had an ingratiating attitude towards her aggressor or when, for example, a hierarchical relationship is used in sexual harassment. These legal issues, in addition to such problems as the existence of myths about rape and the extremely low compensation awarded in proven cases of sexual harassment and sexual violence, make it clear that, even in the judiciary, which is supposed to be the last bastion of protection for human rights, gender bias is deeply rooted. In 2010, a suspended sentence was given in 59 per cent of rape cases, which is extremely high, compared with just 17.9 per cent of robbery cases.

Furthermore, social structures, such as disparity and discrimination between men and women in the workplace, a lack of women executives and a failure to reflect women's thinking in political decision-making, also serve as significant obstacles to the elimination of violence against women. The transformation of discrimination between men and women into a kind of disparity caused by employment formats has made it difficult to spot discrimination and, in some

respects, has even come to foster it. Accordingly, in order to eliminate violence against women, there is an urgent need to tackle it in the workplace and to increase the number of female political representatives.

In Japan, the issue of comfort women gave rise to expressions of concern and admonitions by United Nations human rights treaty bodies and during sessions of the Working Group on the Universal Periodic Review. The problem has still not been resolved, however, and further action by politicians is required. This means that violence against women, including foreign women, is viewed lightly.

Moreover, in Okinawa, there have been many cases in which women and girls have become victims. For example, there have been cases of rape, among other offences, committed by military personnel of the United States of America stationed there. On 16 October 2012, there was a case in which a woman was gang-raped, which shows that there is an urgent need for action.

In order for women to live in peace and safety in Japan, a proactive and sincere response from the Government is required. We must strive to eliminate violence against women and girls, with all men and women, whether from Japan or abroad, standing together in solidarity.

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