

Committee on the Elimination of Discrimination against Women (CEDAW)

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**Citizens' Group for Deliberation of the Japanese Constitutional Issues (CGDJCI)**

### **Contact**

Address) 1-25-16-103 Shibakubo, Nishi-Tokyo shi Tokyo 188-0014 JAPAN

Tel) +81-80-6624-7499

Mail) [constitution@meiho.co](mailto:constitution@meiho.co)

### **About NGO**

Japan has a long history of 2600 plus years during which the Japanese people have built a time-tested and stable society. As a Japanese NGO, we respect this heritage and act for the future-oriented Japan.

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1. Relevant Articles, LOIPR and statements of the Government Report  
-C/JPN/7-8 Paras 8,9 and 50.  
-CWDAW/C/JPN/QPR/9 Para1.

2. Main Points

Regarding human rights issues related to women's lives, we welcome the introduction by the United Nations of the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW) and the regulated Optional Protocol to realize the Convention. "Human rights issues concerning women's lives" are legal according to the customs and habits of each state, but some systems may lead to the destruction of women's lives, such as the case of female genital mutilation (FGM). In addition, regarding forced marriages leading to human trafficking, we welcome the provisions in the United Nations Convention that protect women. In these respects, we think that individual communication procedures in developing countries can be useful from the viewpoint of women's human rights protection.

On the other hand, in countries where such harmful customs do not exist and where the

judicial system is duly established, as is the case in Japan, the system which Japan has cherished so far has rationality within the country and individual laws work to protect against human rights violations that may affect women's lives. Considering these, we don't think that the ratification of the optional protocol is suitable for the Japanese system.

### 3. Current Situation and Background

As mentioned in the previous paragraph, in Japan there is no situation where legal habits and customs threaten women's lives. As of deaths caused by domestic violence and stalking incidences which NGOs dealing with women's issues mention as the positive reason for introducing the optional protocol, they are to be punished respectively by existing individual laws like "Prevention of Spousal Violence and the Protection of Victims,"<sup>i</sup> and "Act on the Regulation of Stalking, etc."<sup>iiii</sup> Human trafficking is to be punished by the Penal Code of Japan.<sup>iv</sup> Also, in the Japanese judiciary, three-instance system has been adopted, which assures that sufficient judgment is available. Considering these laws, we fear that to add a new step to the judicial procedure by individual information system, it will take longer time and become more complicated when it comes to solving the issue.

### 4. Conclusion

We request the Committee on the Elimination of Discrimination against Women (CEDAW):

- 1) To recommend the ratification of the optional protocol, exclusively against those countries having customs and habits which directly affect human lives,
- 2) In order to examine the situation mentioned in the previous paragraph, to send a Special Rapporteur to investigate on the spot.

In addition, we ask CEDAW to give the following recommendations to the Japanese Government:

- 1) The Japanese Government should clearly indicate its intention to CEDAW regarding the optional protocol.
- 2) Regarding individual laws, the Japanese Government should collect information pertaining to the human rights situation of women, in particular, and concerning serious issues, it should be encouraged to revise individual laws so that they can protect human

rights.

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<sup>i</sup> <https://www.japaneselawtranslation.go.jp/en/laws/view/113>

<sup>ii</sup> [https://laws.e-gov.go.jp/law/412AC0100000081/20230616\\_505ac0000000063](https://laws.e-gov.go.jp/law/412AC0100000081/20230616_505ac0000000063)(Japanese)

<sup>iii</sup> [https://www.npa.go.jp/hakusyo/h29/english/p16-17\\_WHITE\\_PAPER\\_2017\\_E\\_16.pdf](https://www.npa.go.jp/hakusyo/h29/english/p16-17_WHITE_PAPER_2017_E_16.pdf)

<sup>iv</sup> Article 226-2, Penal Code of Japan