



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

Pre-sessional working group

21–25 May 2012

### Implementation of the International Covenant on Economic, Social and Cultural Rights

#### List of issues in connection with the consideration of the third periodic report of Japan concerning articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights

#### Japan

#### I. General information

1. Noting the State party's explanation about the difficulty in introducing a system for assessing human rights impact of draft laws and policies, please explain how the State party ensures that laws and policies comply with its obligations under the Covenant.

#### Article 2, paragraph 2 – Non-discrimination

2. Please indicate whether the State party's legislation prohibits discrimination in the enjoyment of economic, social and cultural rights on the grounds specified in article 2, paragraph 2, of the Covenant. Please indicate whether the State party's legislation includes provisions concerning indirect discrimination. Please also indicate the steps taken to amend the legal provisions which are discriminatory on the ground of sex, and the legislative steps to eliminate discrimination based on sexual orientation and gender identity.

3. Please indicate what measures have been taken to address the de facto discrimination faced by Ainu people in the enjoyment of economic and social rights. Please also provide information on any measures taken to address the remaining disadvantages faced by the Buraku after the implementation of the Special Measures Law in 2002. Please also provide information on the mechanisms in place to monitor the improvement of the situation of these groups.

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\* Reissued for technical reasons on 27 June 2012.

4. Please indicate to what extent the measures taken by the State party, such as the Long-Term Programme for Government Measures for Persons with Disabilities and the “Hello Work” public employment exchanges, have eliminated discrimination against persons with disabilities in access to education and employment and protected their right to fair wages and equal remuneration for work of equal value. Please also indicate whether the 2004 amendment of the Basic Act for Persons with Disabilities also provides for reasonable accommodation for persons with disabilities and defines its denial as disability-based discrimination.

### **Article 3 – Equal rights of men and women**

5. In view of the slow progress achieved in addressing women’s disadvantages in the labour market, as illustrated by the figures provided in paragraph 181 of the State report (E/C.12/JPN/3), please indicate to what extent the measures taken, such as the “Program for accelerating Women’s Social Participation” and the Second Basic Plan for Gender Equality will accelerate women’s advancement in employment in public and private sectors, reduce their proportion in part-time employment, and close the gender wage gap. Please also provide information on discrimination cases filed under the Law on Securing of Equal Opportunity and Treatment between Men and Women in Employment.

6. Please inform the Committee on the measures taken to tackle the negative gender stereotypes and the persistence of attitudes regarding the role of women in the family and society.

7. Please provide information on remedial and educational steps taken to address the lasting effects of the exploitation of women as ‘comfort women’ on the enjoyment of economic, social and cultural rights by victims, in particular the measures taken to satisfy the moral and material interests of the victims.

## **II. Issues relating to the specific provisions of the Covenant (arts. 6-15)**

### **Article 6 – The right to work**

8. Please indicate what steps the State party has taken to address unemployment in the context of the global economic crisis. Please also indicate whether in this regard the State party has made further adjustment to the Employment Insurance Scheme and to the services provided to the unemployed.

9. In view of the growing number of workers with short-term and fixed-term contracts, please provide information on the impact of measures taken on the effective protection of the right of the concerned workers to not be deprived of employment unfairly, to equal pay for work of equal value and to social security. Please also indicate the impact of measures taken to prevent the abuse of precarious employment contracts and successive short-term contracts.

### **Article 7 – The right to just and favourable conditions of work**

10. Please provide information on the impact of measures taken, such as the adoption of the 2006 Special Measures for Improvement of Working Time Arrangements and the 2007 Action Policy for Promoting Work-Life Balance, on the reduction of work hours, uptake of leave and equal sharing of family responsibilities between men and women.

11. Please inform the Committee of the impact of the application of the amended Law Concerning Stabilization of Employment of Older Persons on the access to employment for workers over the age of 45 years and older persons and the protection of their working conditions and protection against unfair dismissal.

12. In view of the increasing number of persons hired under fixed-fee contracts for hazardous work, such as in the construction industry, please provide information on the percentage of such workers and how their right to safe and healthy working conditions are protected in law and practice. Please also indicate the employment injury scheme available to them insofar as the Workmens' Accident Compensation Insurance applies only to workers hired by employers and receiving salary.

13. Noting that the Labour Protection Law also covers foreigners, including those without a work permit, please provide information on the measures taken to ensure effective protection against violations of the right to just and favourable conditions of work with regard to irregular migrant workers, workers in the informal economy and those not covered by the domestic labour laws and social security.

### **Article 9 – The right to social security**

14. Please indicate which measures are being taken to address the persistent income gap between men and women under the current pension system.

15. Please provide information on social benefits which older persons who are not eligible to receive a pension are entitled to, as well as on measures taken to address their increasing number. Please also indicate the measures taken to ensure that old age pensions enable an adequate standard of living for their recipients.

### **Article 10 – Protection of the family, mothers and children**

16. Please indicate to what extent the enforcement of the 2005 Act on the Prevention of Abuse of Elderly Persons and Support for Persons Giving Care to Elderly Persons and the 2008 Act on Social Welfare Service has effectively facilitated the reporting of cases of abuse of older persons as well as its prevention.

17. Please supply statistical data on trafficking in the State party and information on assistance provided to victims.

18. Please provide information about steps taken to ensure the citizenship of children born in the State party of Japanese father and foreign mother, irrespective of the marital status of the parents. Please also provide statistical data on the number of children who have acquired citizenship under the new law.

### **Article 11 – The right to an adequate standard of living**

19. Please provide information on the impact of measures taken to assist single-mother and single-older-woman households, who are disproportionately affected by poverty.

20. Please provide information on measures taken to support the livelihood of those affected by earthquakes, including the Great East Japan Earthquake. Please also indicate how the implementation of evacuation and resettlement plans has taken account of the needs of the persons evacuated and, in particular, vulnerable groups, such as older persons, persons with disabilities, children and pregnant women.

21. Please provide information on specific measures taken to ensure access to adequate and affordable housing with legal security of tenure, particularly for disadvantaged and marginalized groups, such as older persons. Please also provide information on any relaxation of the legal provisions defining the circumstances under which evictions may

take place as well as any impact on the right to housing of vulnerable individuals and groups, such as older persons.

22. Please provide information on the findings of the 2007 nationwide investigations into homelessness as well as on the impact of measures taken, such as the Act on Special Measures concerning Assistance in Self-Support for Homeless and the 2008 revised Basic Policy on Assistance in Self-Support for Homeless, on reducing homelessness. Moreover, in the absence of statistical data on evictions and homelessness, please indicate how the realization of the right to housing for disadvantaged and marginalized groups is monitored by the State party.

## **Article 12 - The right to physical and mental health**

23. Please inform the Committee of steps taken to reconsider and strengthen the plans for the prevention of nuclear-power accidents as well as of measures taken to protect and fulfil the right to health of those affected by nuclear accidents, including the Fukushima Daiichi Nuclear Power Plant accident.

24. In view of the increasingly high health insurance premiums, please provide information on the measures taken to guarantee equal access to adequate health-care services, irrespective of income levels.

25. Please provide information on how access to medical care, services and personnel is ensured in the State Party following the policy decision to reduce budgetary expenditures on health care.

26. Please provide information on the health-care measures adopted to address the high suicide rate in the State party. Please also indicate the measures taken to prepare the general public to accept former patients of psychiatric hospitals to prevent their continued hospitalization for social reasons.

## **Articles 13 and 14 – The right to education**

27. Please provide information on the measures taken to address the problem of the increasing cost of education.

28. Please provide information on the impact of measures taken to address the persistent discrimination against children belonging to ethnic minorities and migrant families, in particular children of Korean origin. Please also indicate the measures being taken to guarantee these children's access to affordable education, including of their own language and about their own culture in public schools. Please provide detailed information on financial assistance granted by the State party to minority schools.

## **Article 15 – Cultural rights**

29. Please provide information on the measures taken since the submission of the previous periodic report to guarantee the cultural rights of Ainu people as indigenous people, including the measures taken by the State party to promote the use and learning of the Ainu language, and to promote and protect the Ainu way of life.

30. Please indicate the measures taken to promote and protect the cultural heritage of the Okinawan people.

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