



JAIWR

Japanese Association of International Women's Rights

Submission of Comments and Recommendations by the Japanese Association of International Women's Rights (JAIWR) for the CEDAW's General Recommendation No. 41 on Gender Stereotypes

Introduction

The Japanese Association of International Women's Rights (JAIWR) is a Japan-based NGO aiming to promote and protect women's human rights based on the Convention on the Elimination of All Forms of Discrimination against Women. In order to reach its goal, JAIWR has conducted research, published an annual journal and educational materials, and held meetings and symposia on topics relating to the Convention and the work of the UN since its foundation in 1987. JAIWR acquired a consultative status with the UN Economic and Social Council in 1998.

JAIWR welcomes the opportunity to provide the following information and recommendations to CEDAW to contribute to its general discussion on "Gender Stereotypes". This submission will focus on the issues, such as hate speech, older women, access to justice, career education, sexual and reproductive health and rights, sports, culture, and the rights to choose a surname after marriage.

Hate Speech (para. 13)

JAIWR recommends that the GR No. 41 elaborates the fact that online harmful messages often deprive the lives of women and girls and urges that it is States' responsibility to protect them from the risks and act to prevent further discrimination against them.

Gender stereotypes often reinforce misunderstanding, drive disinformation, and accelerate discrimination against particular groups. It is unfortunate that we have observed many derogatory messages against women, especially women with intersectional identities including minority women and transgender women by social media. Hate speeches, cyber harassment, cyber bullying - whatever it is called, these discriminatory messages on social media often incur physiological damages of the person who receives and may cause suicides in the worst-case scenario.

Older Women (paras. 21, 30, 33, 34, 37, 39, 54, 76 and 77)

JAIWR recommends that GR No. 41 includes a paragraph on gender stereotyping and older women.

Older women have lived in the era when gender division of roles were strong, with a wife being supported by her husband. As the result of gender stereotyping, women's disadvantages have accumulated over their life course. Furthermore, gender

stereotyping has created and preserved male-centered household-based systems, which do not assume women living alone, in such areas of health insurance, pensions, nursing care insurance, tax systems, corporate spousal allowances, and a civil code (family registration system, forced same surname for married couples and so on). Poverty of older women is not a matter of "personal responsibility," but the structural problem in society as a result of accumulated gender stereotypes.

Older women have been excluded from corporate society. Work interruptions and obstacles to re-entering the labor market as formal workers, and low wages (especially of care workers) due to the low evaluation of unpaid work, which are shouldered mainly by women, have led to low pensions for women. In Japan, there have been lawsuits for pension reductions, with about half of the plaintiffs being women.

For older women who have shouldered unpaid work, policies of the 5Rs (Recognize, Reduce, Redistribute, Reward, Represent) for unpaid work are important, including the evaluation of unpaid care work, redistribution of unpaid work between women/men and in society, equal pay for work of equal value, participation in policy formation. There is a gender stereotype that elderly women are vulnerable and dependent on others, but their right to work safely and with good wages is also important.

It is necessary to change male-centered household systems and practices, which indirectly discriminate against women, to individual-based systems that do not reproduce gender stereotypes.

At the same time, to alleviate the poverty of older women, a non-contributory minimum guaranteed pension system funded by taxes, as well as public assistance (housing, medical care, nursing care, etc.) responding to their individual needs, are necessary. Age, sex and socio-demographic statistics are also important for policies to combat intersectional gender and age discrimination.

Access to Justice (para. 44)

Concerned about the high incidence of gender-based violence against women by military personnel stationed at military bases of other countries in its territory, **JAIWR recommends that the Committee urge the State Parties to ensure access to justice for the protection and redress of women and girls who are victims/survivors.**

We have a high incidence of gender-based violence against women committed by U.S. military personnel in Japan. More than 80% of U.S. military personnel who commit crimes in Japan are not prosecuted, and 80% of crime victims in Japan are not receiving damages or benefits, under the Article 16 of the Status of Forces Agreement. In addition, if the U.S. military personnel who commit crimes in Japan move out of the country, it will be impossible for the Japanese government to arrest them.

ARTICLE XVI of the Agreement regarding the Status of United States Armed Forces in Japan: "It is the duty of members of the United States armed forces, the civilian component, and their dependents to respect the law of Japan and to abstain from any activity inconsistent with the spirit of this Agreement, and, in particular, from any political activity in Japan."

Career education (paras. 71 and 72)

JAIWR recommends highlighting the importance of career education and career guidance in schools to prevent the reproduction of gender stereotypes.

In Japan, career education was stipulated as a system in school education only after 2020, as indicated in the new Courses of Study, and implemented in elementary schools from 2020, junior high schools from 2021, and high schools from 2022. Career education is often influenced by the gender stereotype held by teachers, local stakeholders involved in career education programs, and corporate representatives who accept students for job experiences and internships. This has led to career education being conducted with biased role models and workplace perspectives that reflect the current gender gap.

Additionally, career counsellors became a nationally certified profession in 2016 and assist career guidance programs and job-hunting activities mainly at universities. However, gender stereotypes are rarely mentioned in the training for obtaining and maintaining certification. To the contrary, female workers are addressed as one of the categories of the workers with restriction in the context of diversity in their training program, which could lead to the reinforcement of gender stereotypes.

Therefore, training is needed to prevent the reproduction of gender stereotypes in career education programs and to eliminate stereotypes within career education in schools.

Sexual and Reproductive Health and Rights (paras.83 and 84)

JAIWR welcomes that the concept note highlights the negative impact of gender stereotypes on women's health.

The Japanese Maternal Protection Act still requires a woman to be authorized by her partner to have access to legally performed abortion. As para 83 of the concept note articulates, these third-party authorizations over women's bodily autonomy stemmed from the misconception of gender stereotypes, and lead to preventing women's access to medical treatment.

For example, in 2020, a 20-year-old student was arrested for allegedly abandoning her newborn baby. She visited several clinics to have an abortion in her early pregnancy. She was requested to obtain the consent, but her partner abandoned her without giving it. As a result, she ended up giving birth by herself in the toilet in a park.¹

Regarding gender stereotypes on women with disabilities in para 84, JAIWR recommends that the Committee continue to highlight the vulnerabilities of women with disabilities regardless of age.

¹ Mom abandons newborn after being wrongly denied abortion, THE ASAHI SHIMBUN, July 18 2021 <https://www.asahi.com/ajw/articles/14387528> [accessed Feb 8, 2025].

Under the former Eugenic Protection Act (1948-1996), it was reported over 25,000 people (both sexes) with the ages from 9 to 46 years old for women had coerced sterilization in Japan. The Act contained provisions that allowed sterilization and abortion on people who were considered to be “inferior,” including persons with hereditary psychopathy, hereditary bodily disease or hereditary malformation, mental illnesses and the ‘mentally retarded,’ and authorized doctors to conduct sterilizations without such persons’ consent.

Sports (para.86)

JAIWR recommends the Committee to add “Investigate whether gender discrimination exists in sports participation.” For example, examine the participation ratio in school sports clubs and the usage ratio of sports facilities in middle schools.

In a society where appearance-based stereotypes exist, some may refrain from participating in sports due to concerns that gaining muscle or weight is considered “unfeminine.” The government should assess whether the lack of sports participation leads to disadvantages, such as contributing to eating disorders, and implement policies to address any inequalities.

Culture (para.86)

JAIWR recommends the Committee to further elaborate the negative influence of gender stereotypes in sports and cultural arena, especially in terms of wages, awards, leadership positions and sexual harassment/abuse in para 86.

A comprehensive study on income disparities, including differences between regular and non-regular employment, is necessary not only in the cultural industry but across all sectors. If inequalities exist in wages, awards, or leadership positions, their cause of gender stereotypes must be identified, and concrete measures should be implemented to address the issue. Until society achieves gender equality for female artists and women in leadership, opportunities for financial literacy education must be expanded.

Furthermore, the cultural industry plays a role in reproducing and reinforcing stereotypes that objectify women. There are numerous examples in Japan, but here are two prominent ones:

A case at major television network in Japan², highlighted this issue when a female announcer was subjected to sexual violence by a well-known male figure. The inadequate response to the incident by the company, media, and society exposed systemic failures in addressing gender-based violence. Furthermore, this incident and the following response reveals the toxic gender stereotype in the company and in the

² See “Opinion: Fuji TV scandal exposes Japan Inc.’s use of women as entertainment tools” The Mainichi, Feb 5, 2025 <https://mainichi.jp/english/articles/20250204/p2a/00m/0op/018000c> [accessed Feb 8, 2025].

Shaimaa Khalil & Koh Ewe, “Top executives resign over Japanese TV host’s sex scandal” BBC, Jan 27, 2025 <https://www.bbc.com/news/articles/c0jnq1dv745o> [accessed Feb 8, 2025].

industry, failing to provide support for victims or to address the perpetrators and the root causes of the problem.

Furthermore, the Japanese entertainment industry operates within a patriarchal structure, where relationships are shaped by age and gender stereotyped hierarchy. The system is widely promoted in a positive light and remains widely accepted by society, as a result, fostering gender discriminatory culture.

Rights to Choose Surname After Marriage (para.92)

JAIWR welcomes the concept note's recognition in paragraph 92 that '*mandating name changes*' constitutes a form of gender stereotyping.

Due to entrenched gender stereotypes and social norms, women often feel compelled, whether explicitly or implicitly, to adopt their husband's surname. This practice can reinforce a sense of subordination or assimilation into the husband's family or household, diminishing their individual identity, violating article 16 as well as gender equality principle of the Convention.

In Japan, where 95% of married women adopt their husband's surname, the debate over the currently mandatory single surname system for married couples is deeply tied to issues of gender equality and the dismantling of gender stereotypes rooted in the outdated patriarchal family system.³ One such stereotype is the belief that family cohesion must be outwardly demonstrated through a uniform 'family name'. The mandatory surname change further reinforces the notion that women's primary role is confined to the private, family sphere, within a household where the husband is considered the head, rather than recognising them as autonomous individuals in public or professional spaces.

Realising the *right to choose one's surname after marriage* is a crucial step toward recognising individual identity and promoting equality within marriage. It challenges societal norms that disproportionately burden women and ensures that marriage does not come at the expense of personal autonomy.

³ Human Rights Watch, World Report 2025: Japan (HRW, 2025) <https://www.hrw.org/world-report/2025/country-chapters/japan>, [accessed Feb 8, 2025];

Human Rights Watch, 'Allow Married Women in Japan to Keep Their Surnames' (HRW, 23 December 2020) <https://www.hrw.org/news/2020/12/23/allow-married-women-japan-keep-their-surnames>, [accessed 8 Feb.2025];

Ayako Hatano, 'What Is Your Name? Gender Inequality Embedded in the Same-Surname System for Married Couples in Japan' (Oxford Human Rights Hub, May 9, 2020) <https://ohrh.law.ox.ac.uk/what-is-your-name-gender-inequality-embedded-in-the-same-surname-system-for-married-couples-in-japan/>, [accessed Feb 8, 2025].