

Review of Japan

Alternative Report

by

Asia-Japan Women's Resource Center (AJWRC)¹
on Discrimination and violence against women

1. Protection from Gender-based Violence (Article 2)

1-1. Rape and other forms of sexual violence

Over the past few years, the Japanese government has taken measures to better support victims of sexual crimes: in 2004, the crime of gang rape was added to the Penal Code, and in 2005, the six-month limitation on filing complaints for sexual crimes was abolished and the Law to Protect Victims of Crime passed through legislation. However, more fundamental reforms of related laws and criminal proceedings are needed, as the narrow definition of rape in the Penal Code, gender-biased judges, and ineffective police response remain serious problems for victims of sexual violence seeking justice.

Problems with the definition of rape

The definition of the crime of rape under Article 177 of the Penal Code is problematic in many ways. Firstly, the definition refers only to the forcible insertion of a penis into a vagina, excluding all other forms of sexual abuse, including the rape of male victims. Secondly, the definition of “forcible intercourse through assault or intimidation” necessitates that victims provide evidence of having resisted the attack—which is unrealistic since most victims are unable to resist sexual assault because of fear and shock—rather than requiring the perpetrator to show evidence that there was mutual agreement to have sex. Thirdly, the minimum prison sentence for rape is only three years, which is unreasonably lenient considering the sometimes life-long effects of rape on victims. Fourthly, rape within marriage is not specifically defined as constituting a crime of rape. Finally, even when police are aware that a rape has occurred, rape and other forms of sexual violence cannot be prosecuted or investigated without a complaint filed by the victim (except in cases in which the victim was under 13 years of age). Although this provision is usually explained as a means of protecting a victim’s “honour,” due to discriminative investigation and court processes, it effectively prevents many victims from seeking justice.

Problems with criminal proceedings

While more women are being encouraged to report sexual assaults and are overcoming their sense of shame and fear, women who report sexual assaults may face further suffering due to

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inadequate police response and discriminatory judges. In recent years, the police have improved their response to sexual violence in several ways, such as making medical services for victims free and providing a hotline service to encourage victims to file complaints. But there is a need for more a comprehensive system to assist survivors in accessing medical treatments, counselling, legal procedures, and other supports, in coordination with related institutions and NGOs. The lack of doctors and nurses with specialized training in sexual assault is one of most serious problems. While there are initiatives by some institutions and NGOs to provide such specialized services and training, they are faced with difficulties due to the lack of government support and a lack of coordination with the police. There is also a need for more funding and more thorough training of police officers to better enable them to deal with sexual assault. Further, while the National Police Agency has drawn up policies for victim support, these are only guidelines without strong enforcement and monitoring mechanisms, and no punitive sanctions are taken even if inappropriate actions by officers are identified.

The lack of gender sensitivity training for judges and the narrow interpretation of rape which specifies that it involves a certain degree of tangible force “which makes resistance by the victim very difficult” often leads to impunity or light sentences for perpetrators and to further sufferings for victims. Victims also often face questions about their behaviour or past sexual experience or are repeatedly asked to explain why they didn’t resist or cry for help—even in cases where an unambiguous power disparity existed between the victim and the perpetrator. In cases where the victim was working in entertainment sector, met the perpetrator through a dating service, or had had a previous relationship with the perpetrator, perpetrators often receive lenient sentences or are even set free. In a recent ruling from the Osaka District Court on June 27, 2008, a 25-year-old man who raped a 14-year-old girl was set free, as the court decided “it was possible for him to mistakenly believe that she gave consent to have sex,” since the girl had agreed to date him. The judges further ruled that while the 25-years-old man hovered over her during the rape, he did not use force or intimidation to the degree to make her resistance impossible. Such persistent gender bias in the courts also negatively affects the investigation process, since the prosecutors are reluctant to press charge for cases that have a narrow chance of winning. Thus, victims are often discouraged to file a complaint, or, even if victims do file complaints, there is a good chance that prosecutors will drop charges.

Recent cases of failed prosecution of rape

- a. An Australian woman was raped by an US serviceman in April 2002 in Kanagawa prefecture. Immediately afterward, she called police; however instead of providing her with immediate medical treatment, the police forced her to cooperate with the investigation, bringing her back to the scene of the crime to take pictures, which caused her serious suffering. She was finally taken to a hospital after several hours of investigation. She left the police station about 10 hours after the incident, without having had any meals or anything to drink and without even being given a replacement for her underwear, which was taken as evidence. After being told that the Japanese prosecutor dropped charges against the perpetrator, she took her case to civil court, and was awarded 3 million yen in compensation in 2005. She also took out a lawsuit against the Kanagawa prefectural police for the humiliating investigation. In December 2007, the Tokyo District Court ruled that while the police had set rules for the treatment of victims of sexual crimes in the *Guidelines to Protect Victims of Crimes* and in the *Handbook on Support for Victims of Sexual Crimes*, these are only internal rules and are thus not legally binding.

- b. On October 14, 2007, four U.S. Marines from the Iwakuni Air Station in Hiroshima City gang-raped a 19-year-old Japanese woman, took her money, and left her crying in a car park. One month later, the Hiroshima District Public Prosecutors' Office decided to drop charges against the suspects, citing inconsistencies in her story. Later, in a U.S. court martial, the victim testified that she had agreed to have sex with one of soldiers. This seems to be the reason behind the failed indictment by Japanese prosecutors—even though she did not agree to have sex with the other men and eventually became the victim of a violent gang rape. The U.S. court martial found each of the Marines guilty of lesser charges, including wrongful sexual contact and sodomy. The Marines who committed this rape received sentences of between 12 months and two years in length.
- c. On February 11, 2008, a U.S. Marine was arrested for raping a 14-year-old girl in Okinawa. While the case provoked anger among islanders, there were also media reports that suggested the girl was also responsible for the crime. Wanting to escape the intense media coverage, the girl dropped charges on February 29, which led to the release of the suspect to U.S. custody. The marine appeared before a U.S. court martial and plead “abusive sexual conduct.” He was cleared of rape charges and sentenced to four years in prison.
- d. On February 20, 2008, a U.S. serviceman in Okinawa brutally raped a 22-year-old migrant worker from the Philippines, injuring her seriously. Having just arrived from the Philippines, she had been brought to a party with other Filipino migrants and U.S. servicemen and then forced to stay in the same hotel room as the perpetrator. On May 16, Japanese prosecutors claimed they “did not have sufficient evidence” to prosecute the suspect, and charges against him were dropped. On July 28, the U.S. Army charged him with rape; a preliminary hearing is currently underway to determine whether he will face a court martial.

1-2. Sexual Violence by Foreign Armed Forces

As the above cases show, sexual violence by U.S. military servicemen stationed in Japan is one of most serious women's human rights issues, particularly for communities hosting the bases.² The problem is not only with the high incidence of sexual crimes, but also with the difficulty of achieving a conviction. Many perpetrators have returned to the U.S. with impunity, facilitated by the sexually discriminatory criminal justice system of Japan and the favourable conditions granted to the U.S. military in the Status of Forces Agreement. Under the Agreement, U.S. soldiers are allowed free movement outside of the bases, while Japanese authorities have only limited power in arresting and trying soldiers who commit crimes in Japan. For example, the Japanese police are not allowed to detain suspects before prosecution, which causes serious problems when trying to conduct thorough criminal investigations. While in cases of serious crimes, such as rape and murder, the Japanese police may demand extradition before prosecution, in reality, Japanese and U.S. authorities fail to take the sensitive nature of sexual violence into consideration and do not cooperate during criminal investigations to bring perpetrators to justice. Despite the fact that the Japanese government and the U.S. military authorities have repeatedly promised to develop preventative measures, no concrete action has been taken to prevent sexual violence.

² *Sexual Crimes by US Soldiers Against Women in Okinawa*, 7th edition (April 1945 – August 2004), Okinawan Women Act Against Military Violence, December 22, 2004

Further, when charges are dropped, cases involving off-duty soldiers are to be solved through negotiations between the parties involved, and in cases involving on-duty soldiers, it is the Japanese government that is responsible for compensation. In reality, it is extremely difficult for victims to receive satisfactory compensation, as perpetrators have the privilege of escaping from Japan without notification, protected by the Agreement. Under this set-up, most victims have ended up without redress or forced to be silent for a small amount of money, as the records compiled by the Ministry of Defence indicate (see Appendix).

1-3. Sexual violence under police custody

Even though the National Police Agency has rules that male officer should not interrogate female suspects without a female assistant present and that male officers should not enter women's cells without the presence of female colleagues, these rules are not always strictly followed. In June 2004, the chief warden of Toyohashi Branch of Nagoya Prison was arrested for repeatedly having sexual relations with a detained women and making her pregnant. It was reported that the perpetrator demanded that the woman have a sexual relationship with him in exchange for improved treatment.³ In July–August 2008, a male officer from the Iizuka Branch of Fukuoka Prison forced a detained woman to strip naked on two occasions. It should be noted that sexual violence is committed against male inmates as well, but women are more likely to be targeted. In a series of abuse cases in a Nagoya prison in 2001 and 2002, wardens sprayed water into the anal canals of three male prisoners, causing the death of one victim.

While the Ministry of Justice ordered stricter management of keys to women's cells in 2006, in small-scale prisons, due to severe understaffing, male officers are still allowed to enter women's cells. In 2006, the government revised the Prison Law, adding new measures to protect prisoners, including the establishment of external monitoring mechanisms. However, these measures are insufficient in terms of authority and independence. There is a need for stronger monitoring mechanisms that are focused specifically on preventing sexual violence, including sexual violence against men.

Another problem is that when police officers exploit their power and engage in sexual acts with women in their custody, these sexual acts do not legally constitute sexual violence, and thus are not convicted as such. In 2008, an officer at a Fukuoka Prison who had engaged in a sexual act with an inmate was fired, but not convicted of any charges, because the victim did not file a complaint. In another case in 2003, a victim of domestic violence was further subject to sexual violence by the police. The victim had filed a domestic violence report in December 2003, and was then moved to a protection shelter. The assistant inspector to whom she filed the domestic violence report then repeatedly visited her at the shelter "to check on her situation," as a part of police operations. He raped her in March 2004, while her child was asleep in the same room, which made her unable to resist. However, instead of being prosecuted for rape, the perpetrator was merely dismissed from his job, because "the victim's resistance was not strong enough to consider it an act of rape."⁴ Such a failure on the part of the police to recognize and prosecute the crime of rape not only reflects the narrow definition of rape in the Penal Code, but also implies serious shortcomings in monitoring and prosecuting of violence committed by police personnel.

³ Report by Yomiuri Shimbun, 24 June 2004.

⁴ Report by Asahi Shimbun, 23 August 2004.

1-4. Domestic Violence

The Spousal Violence Law has twice gone through revision, once in 2004 and again in 2007, expanding the scope of the law and enhancing measures to protect victims. Protection orders have been greatly strengthened: perpetrators are now prohibited from contacting victims through phone calls or e-mails, and victims' relatives are now also covered by protection orders. However threats to supporters and advocates of victims are still not included in the scope of law, leaving those people under threat of attack by the perpetrator.

While the police response to domestic violence cases has also been improved since the enforcement of the Spousal Violence Law in 2001, a more rigorous implementation of the measures outlined in this law is needed to ensure the safety of victims. In December 2006, a woman who was a victim of domestic violence was killed by her spouse against whom an order to prohibit approach had been issued. (He had used a private detective to discover her location.) But while the violation of protection orders is not rare, only 3 percent of those with protection orders taken out against them were arrested in 2006.⁵ In many cases, the police merely give warnings to violators without arresting them, and arrests are made only in cases of repeat violations or when violators ignore warnings. Thus, there is a need for the police to implement these protection measures more strictly to ensure safety of victims.

Additionally, punishment for perpetrators is extremely lenient and compensation for victims of domestic violence is far from sufficient. Court judgments that require compensation to be paid to victims or child support for mothers are not strictly enforced. This makes things extremely difficult for victims, who are typically financially in need, as they must begin yet another court hearing to demand payment.

Another problem is the lack of long-term assistance for rehabilitation of victims. It is usually victims, not perpetrators, who lose their homes, their jobs, and their relationships in the process of escaping from violence, and victims receive very little compensation or child support from ex-spouses, if any. While survivors can use publicly funded protection shelters for short-term stays, the number of step-houses for women to prepare for rehabilitation into society after leaving temporary shelters is inadequate, and affordable public housing is not easily available for victims. Although the government puts stress on economic independence by promoting employment, many victims are so deeply hurt by years of abuse that they require counselling and medication to treat mental health problems, which means that they require some time before they are able to accept full-time work. Furthermore, many victims have not had the opportunity to gain work experience. Thus, many domestic violence victims can take only low-paying jobs that are insufficient to support themselves and their families. The incidence of poverty among single mothers is extremely high, and on average, the income of single mothers is only 30 percent of the average income earned by married couples with children.⁶ Instead of developing effective measures to support needy single-mother households, however, the Government has reduced support for the Child-Rearing Allowance, which has been a lifeline for households headed by single mothers. In 2002, under the

⁵ According to a survey conducted by an NGO, 21 percent of victims who sought for protection orders reported that their ex-partners had violated protection orders. While 82 percent of these violations were reported to the police, only 64 percent were arrested. (Hokkaido Shelter Network, *National Survey on Police Response to Victims of Domestic Violence*, March 2007)

⁶ *Comprehensive Survey of Living Conditions of the People on Health and Welfare*, the Ministry of Health, Labour and Welfare, 2003.

Guideline to Support Independence of Single-Mother Households, the minimum income level that entitled single mothers to receive the full allowance was reduced to 1,300,000 yen from 2,048,000 yen, and 80 percent of child support payments from ex-spouses began to be included as part of a single-mother's income. The Guideline also proposed a five-year limit for receipt of the full allowance, which was finally blocked by opposing parties. The government is currently planning further cuts on welfare allowance for poor households.

While cutting the allowance, the Government has introduced a series of work incentive measures for single mothers, including the Act on Special Measures concerning Employment Support for Mothers of Single-Mother Households, announced in 2003. In reality, though, more than 80 percent of single-mothers in Japan are working and yet half of them are in relative poverty. Most single mothers have to take part-time jobs in order to take care of children, and thus receive insufficient income to support their family even if they work 35 hours per week. Consequently, a significant number of single mothers take two or three jobs in order to survive. However, under the new work incentive initiatives, working hard for income leads to cuts in allowance.

Domestic violence victims of foreign origin are faced with more complicated problems, such as language, resident status, limited employment opportunities, and education of children. While the revised Spousal Violence Law prioritizes protection of domestic violence victims over immigration control and the government has improved its response to undocumented victims, victims who flee their spouses without documents are still faced with difficulties to receive necessary support as victims of domestic violence. Even though they are recognized as such, it still takes months for undocumented victims to be granted residence status. This has grave consequences in the lives of the women and their children who are barred from applying for stable jobs and accessing social security benefits. Interpreters who have basic training in victim support are greatly needed. Further, it is necessary to provide more comprehensive support in order to respond to specific needs of victims of foreign origin, such as multi-lingual counselling and legal services, skills training, facilitation of employment, and support for child rearing and education. At present, such support for migrant women is dependent on NGOs that lack of public financial support.

1-5 Sexual Harassment

In accordance with the amendment to the Equal Opportunity Law in 2007, employers are now obliged to take concrete actions to prevention sexual harassment, while they were previously only requested to consider such measures. However, the measures taken by employers are far from sufficient. A number of employers still do not have a mechanism to address sexual harassment, and even in cases where there is such a mechanism, they are frequently ineffective at preventing and intervening in cases of sexual harassment against women. In many instances, victims are told by company advisors to discuss the harassment with the perpetrator; in other cases, victims who consult with an advisor about sexual harassment are then subject to further harassment from management. As a result, the department for equal opportunity of labour offices in each prefecture are receiving an increasing number of claims from workers, while requests for advice from employers are decreasing. However, due to understaffing and the lack of authority and skilled experts at these public offices, they have not been very effective at intervening in sexual harassment cases or in directing employers on how to improve measures against sexual harassment.

Another problem is arising as a result of the increasing number of women forced to work in unstable conditions as part-time or contract workers. These informal workers are significantly vulnerable to sexual harassment and power abuse compared to regular workers. Out of fear that their contract will be cancelled, many of women choose to remain silent about sexual harassment. In a case at the Tokyo Fukushi University in January 2008, the Chancellor of the University forcibly kissed and touched a female contract worker, saying that he would make sure she received a regular position. As a result of this abuse, the victim was forced to leave her job. Many enterprises, even if they have implemented some type of anti-sexual-harassment measure, do not have any effective measure to protect informal workers from sexual harassment and abuses. Filing a court case is extremely time-consuming and compensation is often low. Thus, prevention and intervention at earlier point possible is crucial. But as many trade unions do not represent informal workers and public labour monitoring offices do not function well enough to intervene in individual cases, many victims are forced to remain silent or leave the workplace.

1-6 Trafficking in Persons (Article 8)

The Japanese Government formulated the National Action Plan to Combat Trafficking in Persons in December 2004 and took various measures to prevent trafficking, prosecute perpetrators, and protect victims. According to the National Police Agency, the total number of people protected against trafficking and arrested for trafficking has dropped sharply when compared with rates from the past three years since the formulation of the Action Plan in 2004.⁷ However this cannot simply be attributed to effectiveness of those measures. Most of those who were indicted for trafficking received sentences of only 2-3 years because they were first-time offenders who worked as brothel managers. Those who may be responsible for organizing and controlling these managers have not yet been arrested or indicted.

Problems also remain with the protection of victims. The Government has provided special permission of stay for migrant women who were identified as victim of trafficking. However, the guidelines and procedures for granting the permission to remain in Japan are unclear, and the assessment of the circumstances of arrested women to determine whether they are actually victims of trafficking is dependent on the police and/or the Immigration Bureau. Typically, women who approach police asking for protection are more likely to be treated as victims, while those who are discovered during the investigations of sex-related businesses are more likely to be arrested even if they could be victims of trafficking. Thus, there is a great danger that victims who may face violence or the risk of being trafficked again are deported as “criminals” without any assistance or remedy. The fear of arrest and deportation makes migrant women working in the sex industry an easy target of exploitation and violence by both customers and employers. Furthermore, even if a victim is identified as being in need of protection, permission of stay is only ensured during the time necessary for conviction of perpetrators, and afterward victims are not given the option to stay in Japan. There is also a lack of comprehensive support for victims, including interpretation services, medical care, counselling, and legal support in claiming unpaid wages or compensation.

⁷ The number of those arrested for charges related to trafficking in 2004, 2005, 2006 and 2007 was 58, 83, 78, and 41 respectively, while those protected as victims of trafficking in the same years was 77,117,58 and 40. (National Police Agency press release, February 21, 2008.)

II. Redress for the Victims of Military Sexual Slavery (Article 8)

The Japanese Military Sexual Slavery (involving the so-called “Comfort Women”) during the Second World War remains as one of the most serious unresolved human rights abuses in the Asia-Pacific region and in the world; this issue has significant implications for international justice and for the present-day violence committed against women during armed conflicts and occupation. The Japanese government continues to refuse to provide just and adequate redress and remedy for the victims. While acknowledging the involvement of the Japanese military in the recruitment and management of the sexual slavery system and a making public apology in the 1993 “Kono Statement,” the government insists that it has already taken responsibility through the programmes of the Asian Women’s Fund, established in 1995. Most of the Fund’s activities were not intended to directly benefit victims, and the source of compensation that the Fund offered to victims came from private donations, rather than public funds. Thus, many victims were offended by the Fund and refused to accept “charity money.” The Fund ceased its activities in March 2007.

The Japanese government has also failed to educate students about the issue and to refute attempts to justify the crime. When the issue was first mentioned in junior-high textbooks in 1997, there was a massive backlash led by policy makers and mass-media campaigning to defame the survivors and to justify the war, colonization, rape, and sexual slavery. As a result, most textbook companies have avoided mentioning the issue and currently, only two textbooks among eight make even a negligible reference to the issue. As the survivors get older—and many of them have already passed away—there is an urgent need to bring redress through legislations and administrative measures. While the opposing parties have repeatedly submitted the “Promotion of Resolution for Issues Concerning Victims of Wartime Sexual Coercion Bill” since 2000, it has not gained sufficient support in the Diet.

Since the early 1990s, when victims started to make demands for an official apology and compensation, a number of recommendations have been made by international institutions, including the ILO, CEDAW, the Special Rapporteur on Violence against Women, and the Committee Against Torture. Recently, the United States, Canada, the Netherlands and the European Parliament passed resolutions requesting just and immediate actions be taken by the Japanese government. Most recently, at the Universal Periodic Review of Japan in May 2008, the Democratic People’s Republic of Korea, the Republic of Korea, the Netherlands and France raised the issue and the United Nations Human Rights Council adopted a report that includes recommendations made to the Japanese state to act urgently on the issue. However, the Japanese government has refused to accept any of those international recommendations.

III. Gender Discrimination in Labour (Article 3)

Despite the Labour Standards Act and the Equal Employment Opportunity Law prohibiting discrimination based on sex, women hold only 10 percent of management positions in economic institutions and earn 51 percent of men’s earnings on average.⁸ This is not because of women’s low participation in the labour market, but because of the informalization of the workforce, which affects women and youths most. The number of informal workers has increased from 19 percent to 30 percent of the total workforce in the past decade, and their hourly wages have dropped to 40 percent of those of regular workers.⁹ Women comprise 70

⁸ 2005 *White Paper on Gender Equal Society*, Gender Equality Bureau, Cabinet Office, 2005.

⁹ *Economic Survey of Japan 2006*, OECD, 2006

percent of those informal workers, compared to only 30 percent of formal workers. Many of these women are forced to choose to part-time work—the tougher competition and longer working hours resulting from deregulation of labour standards in recent years makes it more difficult for women, who are considered to be the primary caretakers, to balance paid work and family responsibilities.

Informal workers are not only paid significantly less than formal workers, but also excluded from benefits such as paid leave and family allowance, even though some of them work as long as formal workers and have a great deal of responsibility. Furthermore, many informal workers are under threat of losing work contract or the chance to be promoted as a formal worker, which makes them vulnerable to sexual harassment and power abuse. Contract work is often terminated without renewal at the end of the employment period, especially when women announce their pregnancy. Due to this “market dualism,” relative poverty among the working age population is rapidly growing.

Most of these employment practices are in breach of existing labour standards. Several international organizations including the ILO, CEDAW and OECD have also raised concerns about the growing income inequality, urging the Japanese Government to tackle this issue. However the Government instead proposes the further deregulation of labour standards, while leaving the labour standards monitoring mechanisms too weak to address cases of violation.

The revised Part-Time Workers Law that passed the Diet in May 2007 was announced as a means of ensuring equal treatment for part-time workers. However, under this law, part-time workers who are eligible for the same treatment as full-time workers must meet the following three conditions: (1) the tasks and level of responsibility are equivalent to those of regular workers at the same workplace, (2) the employment contract does not have a fixed term, and (3) the variety of tasks and positions and the number of transfers to other domestic and overseas branches are the same as those of full-time workers. These narrow definitions do not meet the reality of more than 12 million part-time workers. The Minister of Health, Labor and Welfare admitted that only 4–5 percent of part-time workers would benefit from the revised law.

RECOMMENDATIONS TO THE GOVERNMENT OF JAPAN

Rape and other forms of sexual violence

- Review the present definition of rape with the goal of changing the definition to focus on the unjustifiable nature of sexual acts without agreement, against victims’ free will, as opposed to the current focus on tangible evidence of force or intimidation or the degree of resistance from victims. The current definition of rape should also be expanded to include other forms of forcible sexual acts, such as rape against male victims and rape within marriage.
- Review and revise the standard interpretation of laws against rape with the goal of eliminating sexual stereotypes against women and reflecting a more gender-sensitive understanding of sexual violence, particularly taking consideration of power relations between perpetrator and victim. Ensure that judges receive gender-sensitive training.
- Increase the minimum punishment for crimes of rape, considering seriousness of the crime.
- Institute measures to protect victims from inappropriate reference to past sexual experience or other issues based on sexual prejudice.

- Ensure that women victims of rape or other sexual abuse are eligible for protection measures such as shelters and to rehabilitation programmes.
- Provide more funding for the training and hiring of qualified medical personnel to increase numbers of hospitals staffed by sexual assault nurse examiners and dedicated and compassionate doctors and to facilitate referrals to other support services.
- Ensure that prosecutors receive gender-sensitivity training and that specialized task force for prosecuting crimes of sexual violence in order strengthen the response of prosecutors to gender-based violence and to end impunity.
- Introduce stronger monitoring mechanisms in order to protect against abuse in prisons, with a specific focus on preventing sexual violence.

Sexual violence by foreign armed forces

- Ensure the safety of women and girls around the U.S. military bases by taking necessary measures to prevent and prosecute sexual abuses and to protect victims; this includes a review of the Status of Forces Agreement.
- Work in collaboration with the including Ministry of Defence and police to ensure that victims have access to justice through criminal proceedings as well as negotiations with the perpetrator/U.S. military authority.

Domestic violence

- Expand the scope of the Domestic Violence Law to include domestic violence that occurs in relationships other marriage (e.g., in dating relationships and same-sex couples). Expand the scope of protection orders to protect advocates of victims against threats.
- More rigorously implement the measures outlined in the Spousal Violence Law to ensure the safety of victims. Violators of protection orders should be taken into police custody and criminally charged.
- Strengthen long-term rehabilitation assistance programs, including access to affordable housing, counselling services, effective programs for facilitating employment.
- Strengthen assistance for victims with special needs including women from foreign origins, elderly women, women with disabilities and LGBT people.
- Review the reasons behind the extreme level of poverty among many single mothers with the goal of developing programs to help mothers break the cycle of poverty. These measures should not be expected to replace the Child-Rearing Allowance.
- The minimum income level required to receive the full Child-Rearing Allowance should be raised to reflect the actual level of income required by single mothers.
- Strictly enforce and the increase the level of severity of punishment given to domestic violence offenders. Ensure that domestic violence offenders who have been ordered to provide compensation to victims are held responsible for paying these amounts; it should not be necessary for victims to file follow-up suits to receive payment.

Sexual harassment

- Enhance the mechanisms for monitoring the implementation of anti-sexual harassment measures by employers and for intervening in individual complaints by strengthening the Office for Equal Treatment with more staffing, funding, and authority to put punitive sanctions on employers who are not in compliance with the law.
- Institute specific measures to protect informal workers from sexual harassment and other sorts of power abuse (e.g., request employers to report on measures taken for those workers).

Trafficking in Persons

- Clarify the guidelines and measures for identifying victims of trafficking and involve NGOs and advocates in the process.
- Expand assistance to victims of trafficking, including the guarantee of residence status (if it is desired), interpretation, medical care and counselling, and legal support for claiming unpaid wages or compensation.

Gender equality in work

- Immediately take effective measures to address the considerable wage gap between formal and informal workers and to ensure equal rights through legislation and administration with a specific focus on gender, taking note that the majority of those workers are women. For this purpose, strengthen mechanisms to monitor and enforce labour standards and introduce stronger punitive sanctions against discriminative treatment of informal workers.
- Develop strong measures to ensure adherence to the principle of equal pay for work of equal value under the ILO Convention 100, following recommendations from the ILO and CEDAW.
- Focus current efforts to promote balanced paid work and family responsibility on shortening working hours, enforcing labour standards, and enhancing public childcare. Expand the scope of these efforts to include include low-paid informal workers.

Military sexual slavery

- Immediately act on the recommendations made by the international bodies and take adequate measures for redress for the victims of the “comfort women” system through legislation and administration.
- Refute any and all arguments to justify the crime or deny state responsibility, and ensure that education about the issue is provided in all levels of the educational system.

Appendix

Number of crimes and accidents involving member of US Armed Forces, civilian component and their dependents, and cases in which compensation to victim were made

(Prepared by the AJWRC from the data provided by the Department of Defence Facilities, Ministry of Defence, 31 March 2006, through the Association of Victims of US Military Crimes)

		Cases involving on-duty soldier	Cases involving off-duty soldier	TOTAL
2001	Number of cases	345	1,388	1,733
	Number of compensated cases	343	40	383
	Amount of compensation (million yen)	141	199	341
2002	Number of cases	320	1,624	1,944
	Number of compensated cases	278	8	286
	Amount of compensation (million yen)	341	13	353
2003	Number of cases	315	1,764	2,079
	Number of compensated cases	316	36	352
	Amount of compensation (million yen)	151	35	185
2004	Number of cases	255	1,611	1,866
	Number of compensated cases	283	24	307
	Amount of compensation (million yen)	157	114	271
2005	Number of cases	239	1,516	1,755
	Number of compensated cases	260	41	301
	Amount of compensation (million yen)	358	33	392

Note:

1. "Number of cases" is the accumulated number of cases that came into knowledge of the Department of Defence Facilities as crimes or accidents involving US troops.
2. "Number of compensated cases" and "Amount of compensation" cover cases that were treated under the Article 18 of the US-Japan Status of Agreement and thus compensated. Cases involving off-duty soldiers are to be resolved based on negotiation between the parties involved as a rule. The large difference between the number of cases involving off-duty soldiers and the number of compensated cases is due to exclusion of cases resolved as such.