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NGO Report on the Examination of the Report of the Government of Japan at the 89th session of the Committee on the Elimination of Discrimination against Women

Issues Related to Women and Girls in Ryukyu/Okinawa

Contents

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1. Introduction

(1) Okinawa, now one of the 47 prefectures (administrative regions) in Japan, was once a country called the Kingdom of Ryukyu which was annexed by Japan in 1879 (Ryukyu Disposition). Following the annexation, its languages and culture were banned by the Imperialization policy of the Government of Japan, while the militarization policy led to the expropriation of its land and environmental degradation.[1] At the end of the Pacific War, the islands of Okinawa became the battle fields between the Japanese and U.S. forces. During this battle, approximately a quarter of the Okinawan population lost their lives. The islands had been occupied and placed under U.S. military control until they were returned to Japan in 1972. During the U.S. military occupation, substantial portions of its territory were requisitioned for the construction of the U.S. military bases. Even after the reversion to Japan, the burden of U.S. military bases has not decreased, and currently about 70% of the facilities and areas designated for the exclusive use of U.S. Forces in Japan are concentrated in Okinawa Prefecture, the small islands prefecture that accounts for only about 0.6% of Japan's land area. In recent years, the deployment of Japan's Self-Defense Forces (SDF) to Okinawa has also expanded rapidly, intensifying a discriminatory situation that has continued for 78 years since the end of World War II, in which numerous problems stemming from militarization has been disproportionately imposed on Okinawa.
(2) Our group focuses on women and girls with roots in the Ryukyu/Okinawa region, which has a different historical and political background compared to mainland Japan, and we are focusing on issues related to human rights violations against them.
(3) This report will primarily address gender-based sexual violence stemming from the U.S. military presence in Okinawa, as well as discrimination issues affecting women and girls in the Ryukyu/Okinawa region.

2. Issue 1: Gender-based violence against women

List of issues LOI 9. Gender-based violence against women

(1) Proposal: Proposed Questions to the Government of Japan

Proposed Question 1: The " Preventing and Addressing Sexual and Gender-Based Violence " mentioned in the Third National Action Plan (NAP)[2] – does it pertain solely to violence in conflict situations outside Japan, or does it also include sexual violence and gender-based violence related to foreign military presence within Japan? If the plan excludes domestic situations, please provide an explanation for this exclusion.

Proposed Question 2: The National Action Plan on Women, Peace, and Security (NAP), revised in April 2023 to implement UN Security Council Resolution 1325 (WPS), does not include measures to prevent sexual violence by U.S. military personnel stationed at bases in Okinawa.". It also omits provisions for protecting and supporting those victims of sexual violence in Okinawa, prosecuting perpetrators, and offering official apologies. Clarify the reason for the exclusion of these issues from the NAP.

Proposed Question 3: Regarding the government's response titled "a framework agreement" submitted in the 2016 CEDAW review, explain what measures have been taken within the Japan-U.S. Joint

[2] Ministry of Foreign Affairs of Japan, "National Action Plan on Women, Peace, and Security Third Edition (2023-2028)", pp. 11 (revised in April 2023), available at 100647460.pdf (mofa.go.jp)

Committee—the consultation mechanism between Japan and the U.S.—concerning WPS and Violence Against Women (VAW). Additionally, clarify which documents or sections align the provisions on VAW in "a framework agreement" with those in NAP.

Proposed Question 4: In the context of the "survivor-centered approach" [3] outlined in NAP, particularly regarding "awareness-raising and education to prevent sexual violence and gender-based violence ,"[4] clarify what specific actions the Government of Japan has requested the U.S. government to take, including those for "ending the culture of impunity for perpetrators."[5]

(2) Rationale for Proposed Question - Prevention of Violence Against Women Based on the WPS Agenda and "Ending Impunity for Perpetrators"

During Japan's 2016 CEDAW review, Committee member Mr. Niklas Bruun (Finland) raised the question of whether sexual violence committed by foreign military forces stationed in Japan was addressed in the National Action Plan for implementing Security Council Resolution 1325 (2000). He also inquired about measures being taken to ensure that gender considerations were integrated into all security policies.[6] In response, the government stated that sexual violence committed by foreign military personnel in Japan was already addressed under an existing framework agreement, and therefore, it was unnecessary to include the issue in the National Action Plan.[7] The NAP is structured around the "four pillars" (participation, prevention, protection, and relief and recovery) and is divided into sections on international contributions and domestic activities. Although the NAP states its commitment to "create a society that does not tolerate violence against women" in "IV. Implementation of WPS in Japan," the measures for protecting victims and providing remedies are inadequate. In response to these questions, the government stated that sexual violence committed by foreign military personnel in Japan was already addressed under an existing framework agreement, and therefore, it was unnecessary to include the issue in the National Action Plan.The Government of Japan must also clarify how VAW as well as the protection and remedy for VAW victims outlined in the National Action Plan (NAP), are referenced in documents related to the 'framework agreement'..

The NAP further states that the government "will strengthen awareness-raising and education to prevent sexual violence and gender-based violence in conflict, strengthen the rule of law to protect victims and survivors and punish perpetrators, and enhance international cooperation to protect victims and survivors and help them become self-reliant and socially reintegrated." Additionally, it is clearly stated that it will "promote all efforts based on a survivor-centered approach".[8] Based on this, the Ministry of Foreign Affairs has expressed its intention to "request concrete measures from the U.S. side and the development of strategies for preventing incidents and accidents moving forward".[9]

Furthermore, under "II. Preventing and Addressing Sexual and Gender-Based Violence" in the NAP, it clearly states "1. Actions (2) Establishment of the rule of law: provide assistance that contributes to ending the culture of impunity for perpetrators". We would like to confirm the specific measures outlined in this section.

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[3] Ibid., pp. 6.
[4] Ibid., pp. 7.
[5] Ibid., pp 11.
[6] CEDAW/C/SR.1375, para 9
[7] Ibid., para. 16.
[8] National Action Plan on Women, Peace, and Security Third Edition (2023-2028), revised in April 2023, available at 100647460.pdf (mofa.go.jp)
[9] Press Conference by Foreign Press Secretary KITAMURA Toshihiro (Wednesday, July 3, 2024, 4:20 p.m.) available at Press Conference by Foreign Press Secretary KITAMURA Toshihiro | Ministry of Foreign Affairs of Japan (mofa.go.jp)

Additionally, as part of the NAP's efforts to establish a framework for effectively evaluating the action plan's implementation, it states that "the government will report on the implementation of the Action Plan in periodic reports such as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the Universal and Periodic Review (UPR) of the UN Human Rights Council."[10] However, we are concerned that the 9th Report does not provide information on the status of the NAP's implementation.

(3) Proposal: Draft Recommendations to the Government of Japan

Draft Recommendation 1: In the NAP, explicitly include provisions for preventing sexual violence by U.S. military personnel in Okinawa, as well as for the prompt protection, remedy, and compensation of victims of sexual violence, in addition to calling for an official apology from perpetrators. Furthermore, remove the limitations under the Japan-U.S. Status of Forces Agreement, particularly in terms of criminal jurisdiction, that serve as barriers to "ending the culture of impunity for perpetrators."

Draft Recommendation 2: Ensure the participation of female representatives from Ryukyu/Okinawa in the Japan-U.S. Joint Committee in line with the principles of WPS, which promote women's participation in conflict prevention, peacebuilding, and decision-making in peace and security policies. This recommendation aligns with the temporary special measures outlined in Article 4(1) of the Committee on the Elimination of All Forms of Discrimination Against Women and General Recommendation No. 25 and is important for achieving substantive equality for women in decision-making bodies.

Draft Recommendation 3: To effectively advance the WPS agenda further, establish a WPS Center in Okinawa as a research and investigation institution focused on creating a society with zero tolerance for violence against women and girls, as outlined in General Recommendation No. 30, paragraph 38(a) and (b). This center would facilitate comprehensive initiatives, including the prevention of VAW, the protection and remedy for victims, compensation, and official apologies from perpetrators. In addition, we emphasize that, in establishing the center, the Government of Japan should conduct thorough consultations with female representatives of local civil society in Okinawa and ensure adequate support, including budgetary allocations, for initiatives that contribute to the center's objectives.

(4) Background - The Current Situation of Violence Against Women Arising from U.S. Military bases in Okinawa and Measures for Prevention

(i). Repeated Incidents of Sexual Violence by U.S. Military Personnel — The Overburden of U.S. Military Bases in Okinawa

According to statistics from Okinawa Prefecture, between 1972, when the administrative control was returned from the U.S. military to Japan, and the end of 2023, there were 6,235 criminal cases involving U.S. military personnel and related individuals. Of these, 586 were serious crimes such as murder, robbery,

[10] National Action Plan on Women, Peace, and Security Third Edition, pp.18.

and non-consensual sexual intercourse, while 80 were classified as moral offenses, including forcible indecent assault.[11]

Additionally, it has been revealed that, of the 88 cases of non-consensual sexual intercourse involving U.S. military personnel nationwide over the 35-year period from 1989 to 2023, 41 cases, or 46.5%, occurred in Okinawa. Furthermore, of the 75 cases of non-consensual indecent assault, 27 cases, or 36%, took place in Okinawa.[12]

Furthermore, according to a survey by a citizen's group in Okinawa, it is estimated that approximately 1,000 cases of sexual violence stemming from U.S. military bases in Okinawa have occurred throughout the prefecture between 1945, when the U.S. military landed during the Battle of Okinawa, and 2021, with around 900 women being victimized. [13]However, due to the nature of sexual violence, it is believed that the so-called "dark figure" of unreported cases—where victims were unable to come forward—is likely more than double the number of known cases.

(ii) Recent Incidents of Sexual Violence Against Girls by U.S. Soldiers

It was revealed that on June 25, 2024, an alleged assault incident involving a U.S. soldier and a girl under the age of 16 had occurred. The incident occurred in December 2023, when a 24-year-old U.S. airman stationed at Kadena Air Base abducted a girl in a car from a park outside the base and took her to his off-base residence, where he allegedly sexually assaulted her. In March 2024, the Naha District Public Prosecutor's Office indicted the man on charges of abduction for indecent purposes and non-consensual sexual intercourse. At the trial, the girl claimed that she had clearly and truthfully stated her age as being under 16, while the man insisted that 'the girl said she was 18' in an alleged attempt to circumvent the legal requirement that the victim be "under 16 years old" for the crime of non-consensual sexual intercourse. Additionally, the man testified that he had obtained the girl's consent, stating, "I'm innocent. I didn't kidnap nor rape her," as he asserted his innocence. On the other hand, after the incident, the victimized girl tearfully recounted what happened to her family. Subsequently, she experienced severe psychological distress, including losing control of her emotions and engaging in self-harm. The psychological impact on the girl has been significant. (Note: As of the time this report is submitted, the trial is still ongoing, and a verdict has not yet been reached.)

(iii) The Hollowing Out of the Japan-U.S. Joint Committee Agreement on the "reporting procedures" for accidents involving U.S. military personnel in Okinawa.

In response to the 1995 incident in Okinawa, where three U.S. military personnel sexually assaulted a 12-year-old girl, the Japanese and U.S. governments agreed in 1997 to establish "reporting procedures". The purpose of these procedures was to ensure that, upon receiving reports of such incidents/accidents involving U.S. military personnel in Okinawa from the U.S. side, information would be promptly confirmed with the Ministry of Foreign Affairs and the Okinawa Defense Bureau, allowing for a swift response.

However, despite the incident mentioned above occurring in December 2023 and the indictment taking place in March of this year, no information had been provided to Okinawa prefecture. After the news report, statistical data from the Okinawa Prefectural Police revealed that, similarly, five cases of U.S.

[11] Response from Mr. Masahito Tamari, Executive Director of the Governor's Office of the Okinawa Prefectural Government, to the question from the prefectural assembly member Mr. Osamu Toguchi (Japanese Communist Party) during the questions from representatives of parties of the 2nd Regular Meeting of the Okinawa Prefectural Assembly on July 11, 2024.
[12] Same as above
[13] A booklet "Crimes of sexual violence committed by U.S. military personnel against women" (April 1945–December 2021), 13th Edition, edited and published by the Okinawa Women Act Against Military Violence (April 30, 2023).

military personnel being arrested and indicted for “heinous crimes,” including non-consensual intercourse, had occurred by the end of May 2024. However, none of these incidents had been reported to Okinawa Prefecture.

According to the Japan-U.S. Joint Committee agreement, incidents and accidents involving the U.S. military in Okinawa are supposed to be reported by the U.S. military. Upon occurrence, the U.S. military is to notify the U.S. Embassy in Tokyo and the Okinawa Defense Bureau, which then informs the Okinawa Prefectural Government and the relevant municipalities. However, in this case, the U.S. military only notified the U.S. Embassy in Tokyo and failed to contact the Okinawa Defense Bureau. Furthermore, despite obtaining information from the Okinawa Prefectural Police, the investigative authority, rather than the U.S. military, the Ministry of Foreign Affairs failed to notify the Ministry of Defense, resulting in a breakdown in communication. This underscores that both the U.S. military and the Government of Japan arbitrarily failed to comply with the Joint Committee Agreement.

The Ministry of Foreign Affairs has explained that the restrictions on the reporting procedures were implemented to protect the victims' privacy. However, the repeated arbitrary application of these procedures has led to the concealment of incidents, ultimately putting the local community, especially women, at greater risk. This clearly demonstrates that the process lacks both a gender perspective and a focus on preventing sexual violence.

(iv) Towards Preventing Incidents and Accidents at U.S. Military Bases in Okinawa and Establishing a Zero-Tolerance Policy

As indicated in (ⅰ) above, foreign troops have been stationed in the confined area of Okinawa for an extended period since the post-war era, and incidents of sexual violence have persisted due to the inaction of the Government of Japan. Violence against women is a form of gender discrimination and the Government of Japan must implement “by all appropriate means and without delay a policy of eliminating discrimination against women” and adopt a “zero-tolerance” approach that does not tolerate any form of discrimination. To more effectively advance the measures outlined in the NAP, we request that the Government of Japan establish a research institution in collaboration with civil society, experts, and NGOs. Furthermore, we urge the Government of Japan to prioritize the prevention of gender-based violence and violence against women, and to secure financial and material support for comprehensive measures. These should include swift protection and relief for victims, the establishment of a compensation system, prosecution of perpetrators, and formal apologies.

The continued occurrence of sexual violence can be attributed to the fact that, for nearly 80 years since the end of World War II, approximately 70.3% of U.S. military-exclusive facilities in Japan have been concentrated in Okinawa. The people of Ryukyu and Okinawa believe that the most effective way to prevent incidents and accidents associated with U.S. military bases in Okinawa is to remove the bases entirely. At a minimum, we have repeatedly urged the Government of Japan to reduce and consolidate the existing bases and to fundamentally revise the U.S.-Japan Status of Forces Agreement. In the 1996 prefectural referendum on "the revision of the U.S.-Japan Status of Forces Agreement and the reduction and consolidation of U.S. military bases," 89% voted in favor. In the 2019 prefectural referendum on "whether to approve the relocation of the U.S. Marine Corps' Futenma Air Station in Ginowan City to Henoko in Nago City," 71% opposed the relocation. Nevertheless, in December 2023, the Government of Japan has ignored Okinawa Prefecture’s requests for a prior consultation and is pressing forward with the construction of a new U.S. military base off the coast of Henoko in northern Okinawa through forced “substitute execution.” In other words, not only has the government continuously disregarded the will of

the Okinawan people, but it also raises doubts about its genuine commitment to preventing VAW stemming from military bases.

(5)Recommendations Related to "Gender-Based Violence" in the General Recommendations of the Committee on the Elimination of Discrimination against Women

General recommendation No. 19: Violence against women (A/47/38, 1992)
Para 6. The Convention in article 1 defines discrimination against women. The definition of discrimination includes gender-based violence, that is, violence that is directed against a woman because she is a woman or that affects women disproportionately. It includes acts that inflict physical, mental or sexual harm or suffering, threats of such acts, coercion and other deprivations of liberty. Gender-based violence may breach specific provisions of the Convention, regardless of whether those provisions expressly mention violence.
Para 9. It is emphasized, however, that discrimination under the Convention is not restricted to action by or on behalf of Governments (see articles 2 (e), 2 (f) and 5). For example, under article 2 (e) the Convention calls on States parties to take all appropriate measures to eliminate discrimination against women by any person, organization or enterprise. Under general international law and specific human rights covenants, States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation.

General recommendation No. 28 on the core obligations of States parties under article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW/C/GC/28, 2010)
Para10. States parties have an obligation not to cause discrimination against women through acts or omissions; they are further obliged to react actively against discrimination against women, regardless of whether such acts or omissions are perpetrated by the State or by private actors. Discrimination can occur through the failure of States to take necessary legislative measures to ensure the full realization of women's rights, the failure to adopt national policies aimed at achieving equality between women and men and the failure to enforce relevant laws. Likewise, States parties have an international responsibility to create and continuously improve statistical databases and the analysis of all forms of discrimination against women in general and against women belonging to specific vulnerable groups in particular.
Para 16. States parties are under an obligation to respect, protect and fulfil the right to nondiscrimination of women and to ensure the development and advancement of women in order that they improve their position and implement their right of de jure and de facto or substantive equality with men. States parties shall ensure that there is neither direct nor indirect discrimination against women. Direct discrimination against women constitutes different treatment explicitly based on grounds of sex and gender differences. Indirect discrimination against women occurs when a law, policy, programme or practice appears to be neutral in so far as it relates to men and women but has a discriminatory effect in practice on women because pre-existing inequalities are not addressed by the apparently neutral measure. Moreover, indirect discrimination can exacerbate existing inequalities owing to a failure to recognize structural and historical patterns of discrimination and unequal power relationships between women and men.
Para 17. States parties also have an obligation to ensure that women are protected against discrimination committed by public authorities, the judiciary, organizations, enterprises or private individuals, in the public and private spheres. This protection shall be provided by competent tribunals and other public institutions and enforced by sanctions and remedies, where appropriate. States parties should ensure that all Government bodies and organs are fully aware of the principles of equality and non-discrimination on

the basis of sex and gender and that adequate training and awareness-raising programmes are set up and carried out in this respect.

General recommendation No. 30 on women in conflict prevention, conflict and post-conflict situations (CEDAW/C/GC/30, 2013)

Para 19. In all crisis situations, whether non-international or international armed conflict, public emergencies, foreign occupation or other situations of concern such as political strife, women's rights are guaranteed by an international law regime that consists of complementary protections under the Convention and international humanitarian, refugee and criminal law.

Para 23. Under the Convention, States parties' obligations to prevent, investigate and punish trafficking and sexual and gender-based violence are reinforced by international criminal law, including jurisprudence of the international and mixed criminal tribunals and the Rome Statute of the International Criminal Court, pursuant to which enslavement in the course of trafficking in women and girls, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity may constitute a war crime, a crime against humanity or an act of torture, or constitute an act of genocide. International criminal law, including the definitions of gender-based violence, in particular sexual violence, must also be interpreted consistently with the Convention and other internationally recognized human rights instruments without adverse distinction as to gender.

Para 38. The Committee recommends that States parties:

(a) Prohibit all forms of gender-based violence by State and non-State actors, including through legislation, policies and protocols;

(b) Prevent, investigate and punish all forms of gender-based violence, in particular sexual violence perpetrated by State and non-State actors, and implement a policy of zero tolerance;

(c) Ensure women's and girls' access to justice; adopt gender-sensitive investigative procedures to address gender-based violence, in particular sexual violence; conduct gender-sensitive training and adopt codes of conduct and protocols for the police and military, including peacekeepers; and build the capacity of the judiciary, including in the context of transitional justice mechanisms, to ensure its independence, impartiality and integrity;

(d) Collect data, and standardize data collection methods, on the incidence and prevalence of gender-based violence, in particular sexual violence, in different settings and with regard to different categories of women;

(e) Allocate adequate resources and adopt effective measures to ensure that victims of gender-based violence, in particular sexual violence, have access to comprehensive medical treatment, mental health care and psychosocial support;

(f) Develop and disseminate standard operating procedures and referral pathways to link security actors with service providers on gender-based violence, including one-stop shops offering medical, legal and psychosocial services for sexual violence survivors, multipurpose community centres that link immediate assistance to economic and social empowerment and reintegration, and mobile clinics;

(g) Invest in technical expertise and allocate resources to address the distinct needs of women and girls subject to violence, including the impact of sexual violence on their reproductive health;

General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 (CEDAW/C/GC/35, 2017)

Para 1 In its general recommendation No. 19 (1992) on violence against women, adopted at its eleventh session, the Committee clarified that discrimination against women, as defined in article 1 of the Convention, included gender-based violence, that is "violence which is directed against a woman because

she is a woman or that affects women disproportionately", and that it constituted a violation of their human rights.

Para 6 Despite those advances, gender-based violence against women, whether committed by States, intergovernmental organizations or non-State actors, including private persons and armed groups, remains pervasive in all countries, with high levels of impunity. It manifests itself on a continuum of multiple, interrelated and recurring forms, in a range of settings, from private to public, including technology-mediated settings and in the contemporary globalized world it transcends national boundaries.

Para 14 Gender-based violence affects women throughout their life cycle and, accordingly, references to women in the present document include girls. Such violence takes multiple forms, including acts or omissions intended or likely to cause or result in death or physical, sexual, psychological or economic harm or suffering to women, threats of such acts, harassment, coercion and arbitrary deprivation of liberty. Gender-based violence against women is affected and often exacerbated by cultural, economic, ideological, technological, political, religious, social and environmental factors, as evidenced, among other things, in the contexts of displacement, migration, the increased globalization of economic activities, including global supply chains, the extractive and offshoring industry, militarization, foreign occupation, armed conflict, violent extremism and terrorism. Gender-based violence against women is also affected by political, economic and social crises, civil unrest, humanitarian emergencies, natural disasters and the destruction or degradation of natural resources. Harmful practices and crimes against women human rights defenders, politicians, activists or journalists are also forms of gender-based violence against women affected by such cultural, ideological and political factors.

Para 21 Gender-based violence against women constitutes discrimination against women under article 1 and therefore engages all obligations under the Convention. Article 2 provides that the overarching obligation of States parties is to pursue by all appropriate means and without delay a policy of eliminating discrimination against women, including gender-based violence against women. That is an obligation of an immediate nature; delays cannot be justified on any grounds, including economic, cultural or religious grounds. In general recommendation No. 19, it is indicated that, with regard to gender-based violence against women, the obligation comprises two aspects of State responsibility for such violence, that which results from the acts or omissions of both the State party or its actors, on the one hand, and non-State actors, on the other.

(6) Recommendations and observations by international human rights treaty bodies on minority women, Okinawa, and U.S. military bases in Okinawa

CEDAW, Concluding observations on the combined seventh and eighth periodic reports of Japan (CEDAW/C/JPN/CO/7-8, 2016)

a. Violence against women

Para 23. Recalling its general recommendation No. 19 (1992) on violence against women, and its previous recommendations (CEDAW/C/JPN/CO/6, para. 30), the Committee urges the State party: (a)To make full use of the provisions of the Convention and the Committee's general recommendation No. 19, as well as its jurisprudence, when amending its Penal Code, in order to ensure that it comprehensively addresses violence against women, including to address domestic violence and incest as specific crimes; (e) To encourage reporting by victims of all forms of violence against women and girls, particularly migrant women, and ensure that shelters are available and adequately equipped for women victims of violence; (f) To ensure training of lead personnel and that all cases of violence against women and girls are thoroughly and effectively investigated and that perpetrators are prosecuted and, if convicted, adequately punished;

b. Temporary special measures to accelerate women's participation in decision making bodies

Para 31. The Committee reiterates its previous recommendation (CEDAW/C/JPN/CO/6, para. 42) and calls upon the State party: (a) To adopt more temporary special measures, such as statutory quotas, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendations No. 25 and No. 23 (1997) on women in political and public life, in order to accelerate women's full and equal participation in elected and appointed positions;

c. Elimination of intersecting forms of discrimination

Para 47. The Committee calls upon the State party to vigorously pursue efforts aimed at eliminating multiple and intersecting forms of discrimination experienced by indigenous and ethnic minority women, such as Ainu, Buraku and Zainichi Korean women, and women with disabilities, lesbian. bisexual and transgender women and migrant women, which affect their access to health, education and employment and their participation in public life, as well as their experiences with health and education services and at the workplace.

CAT, Concluding observations on the second periodic report of Japan, adopted by the Committee at its fiftieth session (CAT/C/JPN/CO/2, 2013)

a. Violence against women and gender-based violence

Para 20. … In light of previous recommendations made by the Committee (para. 25) and the Committee on the Elimination of Discrimination against Women (CEDAW/C/JPN/CO/6, paras. 31-34), the State party should strengthen its efforts to prevent and prosecute all forms of gender-based abuse, including domestic violence, incest and rape, including marital rape, in particular, by: (a) Adopting and implementing a coherent and comprehensive national strategy for the elimination of violence against women that includes legal, educational, financial and social components; (b) Guaranteeing victims of such violence access to a complaint mechanism, and facilitating victims' physical and psychological rehabilitation. Such support should be extended to victims of all military personnel, including those in foreign forces in the State party; (c) Promptly, effectively and impartially investigating all incidents of violence against women and prosecuting those responsible. The Committee urges the State party to revise its legislation to ensure that the crime of sexual violence is prosecuted without complaint by the victim;

CERD, Concluding observations on the combined tenth and eleventh periodic reports of Japan (CERD/C/JPN/CO/10-11, 2018)

a. Situation of the Ryukyu/Okinawa peoples

Para 17. The Committee is concerned that the Ryukyu/Okinawa are not recognized as indigenous peoples despite its previous recommendation (CERD/C/JPN/CO/7-9, para. 21) and recommendations from other human rights mechanisms. The Committee is also concerned at reports of violence against women in Okinawa, and challenges reportedly faced by the Ryukyu/Okinawa peoples related to accidents involving military aircraft in civilian areas, owing to the presence of a military base of the United States of America on the island of Okinawa (art. 5). 18. The Committee recommends that the State party reconsider its position on recognizing the Ryukyu as indigenous peoples and step up measures to protect their rights. The Committee recommends that the State party ensure the proper safety and protection of Ryukyu/Okinawa persons, including by protecting Ryukyu/Okinawa women from violence and ensuring proper prosecution and conviction of perpetrators of violence against them.

Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, Integration of the human rights of women and the gender perspective: Violence against women. The due diligence standard as a tool for the elimination of violence against women（E/CN.4/2006/61, 2006）

Para 99. Last but not least, where States and/or intergovernmental bodies are deploying military, peacekeeping or civilian policing operations abroad, they must also act with due diligence to ensure that these personnel do not commit acts of violence against women. For this purpose, the sending authority must adopt the necessary legislation and procedures to prevent and respond to such acts as receiving States may lack the capacity to do so.

Report of the Special Rapporteur on violence against women, its causes and consequences, Reem Alsale, Violence against indigenous women and girls (A/HRC/50/26, 2022）

a. Historical background of Ryukyu/Okinawa and sexual violence

Para 27. Expectedly, situations of armed conflict, which often are related to lands, territories and natural resources, have a heavy impact on the rights of indigenous peoples and indigenous women and girls. In nearly every region of the world, indigenous peoples are being displaced and severely affected by violence on their lands and territories. For example, the islands of Okinawa in Japan, once the Kingdom of Ryukyu, historically became the battlefields for various conflicts over territory. Today, reportedly, this still has a profound gender-based impact on Ryukyuan/Okinawan women and girls, who face high rates of sexual violence and domestic violence. Likewise, the armed conflict in and militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, since 2014, and the increase in armed clashes since late 2018 between Indonesian security forces and pro-Papua armed independence groups are examples of conflict that has an impact on indigenous women

b. Impacts of militarization of indigenous lands on indigenous women and girls

Para 84. States and other stakeholders must step up efforts to collect disaggregated data on the situation of indigenous women and girls and on the forms of violence and discrimination they are subjected to, as well as on the impact of militarization of the habitat and territories of indigenous peoples. The data should – to the extent possible – be disaggregated according to age, ethnicity, sex, and the relationship between perpetrator and victim. Data should be used to inform policies that are aimed at preventing and responding to acts of violence against indigenous women and girls.

３．Issue 2: Economic and social benefits (List of Issues No. 22)

(1) Proposal: Proposed Questions to the Government of Japan

Proposed Question 1: Since Okinawa was under U.S. military control for 27 years after World War II, the introduction of the Japanese pension scheme was delayed. As a result, many elderly women are currently without pension coverage or receive low pension benefits, forcing them to live in poverty. Has the Government of Japan conducted a fact-finding survey on this issue? If so, we request the government to provide statistical data.

Proposed Question 2: Please clarify what measures the government is taking to provide a relief measure for elderly women without pension coverage or with low pension benefits, and what steps it has taken to improve the current system.

(2) Rationale for Proposed Questions - 27 Years of U.S. Military Rule after the World War II

According to the Ministry of Health, Labor and Welfare's "FY2023 Survey of the Insured under the Medical Care System for Elderly in the Later Stage of Life"[14], the number of individuals without pension coverage is 490,000. This represents an approximate 1.3% "No pension rate" out of a population of 36 million people aged 65 and over, indicating that one in every 100 elderly individuals does not have a pension. Due to discrimination based on their origins, minority women were unable to fully enjoy educational opportunities, which also impacted their employment prospects. Many elderly women, while engaged in low-wage, non-regular employment, were unable to adequately pay pension premiums. As a result, they do not meet the qualifications to receive a pension and are forced to live without one.

The number of people in Okinawa Prefecture aged 65 or older who are not receiving pensions due to lack of pension eligibility or deferral of benefits is approximately 12,000 in FY 2019, accounting for 3.7%. This is higher than the national average of approximately 2.2%.[15]

After World War II, Okinawa was separated from Japan and placed under the U.S. military control. This delayed the development of various laws and regulations for social welfare. Although the pension scheme was implemented in Japan in 1961, Okinawa did not have its own pension scheme until 1970. When Okinawa returned to Japan in 1972, special measures were taken several times such as allowing retroactive payments for previous years, but many individuals failed to make their payments. As a result, many people are now living in retirement without a pension or with a low pension.

In February 2024, the Okinawa Prefecture conducted a survey to assess the actual levels of impoverishment among the elderly, aged 60 and over.[16] The results revealed a 60% increase in the number of consultations in 2023 compared to 2019. The most common issue reported by elderly individuals seeking consultations was impoverishment, primarily concerning a lack of or absence of pension. Local communities, welfare councils, and other support organizations have strongly advocated for significant reforms to the current system, including removing age restrictions on the loan system and limitations on benefits due to asset retention.

Noting the existing large gender gap in pension benefits and raising concerns about the living conditions of women,[17] the Committee called for exploring the possibility of reforming the pension scheme,[18] but no fundamental measures have been taken.

In its General Recommendation No. 28, the Committee identifies the creation of a comprehensive statistical database of women from specific vulnerable groups as a positive obligation of States Parties to eliminate discrimination against women. Accordingly, the Government of Japan is obligated to establish a comprehensive statistical database of Ryukyu/Okinawa women and girls. Additionally, the Government should conduct a thorough fact-finding survey to identify and address the specific needs of these vulnerable groups of women.

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[14] Health Insurance Bureau, Ministry of Health, Labour and Welfare, " FY 2023 Survey of the Insured under the Medical Care System for Elderly in the Later Stage of Life" (2023) available at: https://www.e-stat.go.jp/stat-search/files?page=1&layout=datalist&toukei=00450388&tstat=000001044907&cycle=0&tclass1=000001044908&tclass2=000001219188&tclass3val=0

[15] General question at the 2nd regular session of the 2024 Okinawa Prefectural Assembly (18 July, 2024), available at: https://smart.discussvision.net/smart/tenant/pref_okinawa/WebView/rd/schedule.html?year=2024&council_id=175&schedule_id=718

[16] Okinawa Prefectural Government, "Report on the Survey of Impoverishment of the Elderly" (2024) available at: https://www.pref.okinawa.lg.jp/_res/projects/default_project/_page_/001/030/048/honnpenn.pdf

[17] Para. 40, CEDAW/C/JPN/CO/7-8

[18] Para. 41, CEDAW/C/JPN/CO/7-8

(3) Proposal: Draft Recommendations to the Government of Japan

Draft Recommendation 1: Conduct a comprehensive fact-finding survey and create a statistical database on elderly Ryukyuan/Okinawan women without pension coverage.

Draft Recommendation 2: Implement comprehensive institutional reforms to provide relief measures for impoverished households of elderly Ryukyuan/Okinawan women without pension coverage or with low pension benefits.