



**Convention on the Elimination  
of all Forms of Discrimination  
Against Women**

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COMMITTEE ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN

Seventh session

SUMMARY RECORD OF THE 111th MEETING

Held at Headquarters, New York,  
on Friday, 19 February 1988, at 3 p.m.

Chairperson: Ms. BERNARD

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Convention (continued)

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The meeting was called to order at 3.15 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION (continued) (CEDAW/C/5/Add.37 and CEDAW/C/5/Add.48/Amend.1)

1. At the invitation of the Chairperson, Ms. Malaqón (Dominican Republic) took a seat at the Committee table.
2. Ms. MALAGON (Dominican Republic), replying to the questions raised by the members of the Committee, said that the draft law containing amendments to the Law concerning Families and Women had been submitted in February 1986. Because of the country's external debt and negotiations with the International Monetary Fund, however, the draft law was still pending in the National Congress. The Government sought to ensure the enforcement of laws concerning women through education programmes. The Centre for the Integration of Women in Development had been set up in 1975 as a temporary institution in order to implement the aspects of the country's development plan for 1976-1978 concerning social questions and the integrated development of women. One of its achievements was the adoption of Law No. 855.
3. Married or cohabiting couples accounted for 46 per cent of the total population and 21.6 per cent of such households were headed by women. Although migration was an important factor in that situation, irresponsible fatherhood was also widespread. The Government was aware of that situation and considered Law No. 2402 on the obligation of fathers to support children ineffective. The draft law pending in the National Congress contained an amendment which would make it possible to apply the law more effectively in favour of families and would establish family courts for that purpose. The establishment of industrial free-zones and the development of tourism were among the main reasons for the increase in the number of working women. Through the Department for the Advancement of Women and in direct co-operation with numerous non-governmental organizations, the Government held seminar-workshops which disseminated information on the Convention and its value for the overall development of the country. Since the headquarters of INSTRAW was in the Dominican Republic, her country had also benefited directly from the Institute's efforts to spread information about the Convention.
4. The Department for the Advancement of Women, set up in 1982, was an agency of the State Secretariat of the Presidency and was composed of three divisions: management and co-ordination, organization and training, and project administration and monitoring. Her country's next report would provide specific information on the Department's budget. Its activities included development projects in urban and rural areas, with particular emphasis on the border area, and was financed by both the Government and international agencies.
5. Concubinage was a form of union within the same social framework as marriage, the sole difference being the absence of a marriage contract between the parties.

(Ms. Malaqón, Dominican Republic)

6. Although initially women had migrated to urban areas in search of domestic work, today they sought employment mainly in the large industrial areas. The training provided to women in all regions of the country and agrarian incentives had reduced the number of women employed in domestic work.
7. The phrase "American law" referred to the general legal system found throughout North and South America and was in no way restricted to the legislation of the United States of America. The Dominican Republic recognized those norms of American law which had been specifically adopted in the country. Its law codes were based on the Napoleonic Code. The participation of women as leaders of political parties had been satisfactory and the main parties had had women presidents in the recent past. With regard to the participation of women in the management of trade unions, she pointed out that one of the leading trade unions was currently headed by a woman who was also a deputy in the National Congress.
8. Laws No. 279 and 390 of 1940, both of which had been revoked, should be viewed within the historical and political context of the period of dictatorship, when the policy of the Government had been to protect maternity, which it had considered the basic function of women. Nevertheless, during that period equality of women had been recognized under the law and women had enjoyed civil and political rights.
9. Access to courts in the Dominican Republic was guaranteed without distinction as to sex under both the Constitution and the legal codes. The State provided legal advice and assistance through the State Legal Department and many non-governmental organizations provided free legal advice to women. It had not been considered necessary to adopt temporary measures to ensure the implementation of article 4 of the Convention because the permanent measures in that field had proved to be effective.
10. With regard to article 5 of the Convention, she said that it was difficult to gauge the participation of men in household tasks because of the current economic circumstances in the country and changes in cultural patterns of conduct. Although the religious institutions in the country did not participate in the efforts to change patterns of conduct, they did not impede those efforts. A study of families in both urban and rural sectors had shown that there was a large percentage of families outside of the institution of marriage. Accordingly, the executive branch had submitted a draft law to protect and regulate consensual unions both with regard to inheritance and the relationship of cohabiting couples and their offspring.
11. The increased enrolment of women in centres of higher education was due to both the changes in social and cultural patterns and the greater participation of women in the economic life of the country. With regard to the impact of the guidelines of the International Decade of Women on the increased participation of Dominican women in economic life, she pointed out that the Government had played a very active role in all United Nations activities in that sphere, particularly the International Conference in Mexico which had launched the Decade of Women and the Copenhagen and Nairobi conferences.

(Ms. Malagón, Dominican Republic)

12. In the Dominican Republic, prostitution was caused by economic factors, which had been aggravated by growing inflation. Although prostitution was not a punishable offence under Dominican legislation, persons who encouraged and organized prostitution were punished. Although the law did not expressly protect prostitutes, those who benefited from prostitution were punished. With regard to the number of women in policy-making positions, she pointed out that the current Attorney-General was a woman. The National Congress included one woman senator and 10 women deputies, showing that the political parties had integrated women into their activities. Forty per cent of the Departments were headed by women and approximately 50 per cent of the provincial governors were women.

13. The report clearly indicated that under existing legislation a married or single woman had complete freedom to acquire the nationality which she desired; the nationality of the parents did not affect that of the children. In 1981 the rate of illiteracy among women had been 26.1 per cent; the current rate was lower as a result of the national literacy programmes. Her country had been a pioneer in sex education in Latin America and its national programmes were conducted through both official and non-governmental organizations. A private university provided a post-graduate programme for training marriage therapists and specialists in the field of sex education. In the Dominican Republic there were many education programmes for those who had left school without receiving a diploma. The adult education programme run by the State and the adult education correspondence courses conducted by non-governmental organizations were particularly noteworthy.

14. Both the Constitution and the Labour Code protected pregnant women and penalized violations of their rights. The State Secretariat of Labour determined the types of work which might be dangerous for women. Her country had ratified ILO Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value. There was no provision for paternal leave in her country and retirement age was the same for both men and women.

15. Family planning was available to all women in the Dominican Republic. Information on that subject was disseminated by radio and in 1985 17.8 per cent of women had practised family planning. Article 211 of the Dominican Labour Code prohibited dismissal for pregnancy and work which might be harmful to health during pregnancy. If a woman could not be transferred from work which might be injurious to health during pregnancy, she had the right to a leave of absence. Under the Labour Code, benefits were the same for men and women.

16. The Women's Bank of the Dominican Republic was a branch of the Association for the Development of Women, a private institution managed by women. It was currently providing small loans to approximately 3,000 women. In the government sector, the Agricultural Bank provided loans to rural women. INSTRAW drew up and co-operated in projects to generate income for rural women. Under the Civil Code, husbands were the sole administrators of joint property and could dispose of it without the consent of their wives. A draft law was under consideration to establish the joint administration of property. The disposition of property upon the death of a spouse depended on the nature of the property arrangement. When property was held

(Ms. Malagón, Dominican Republic)

separately, the surviving spouse maintained ownership of his property. When property was shared, the surviving spouse maintained ownership of half of the joint property and had inheritance rights only when they were specifically established in the deceased spouse's will. An amendment to the law was being considered to ensure inheritance rights for surviving spouses. Under Dominican law, marriage was dissolved through death or divorce. The reasons for divorce included incompatibility, mutual consent, abandonment, alcoholism and adultery. Under current legislation, adultery was a criminal offence only if committed by a woman. An amendment to that discriminatory legislation was being considered, which would depenalize adultery and maintain adultery by either spouse as a reason for divorce. The marriage age in the Dominican Republic was 18 years; in special cases subject to the decision of a judge, the minimum age was 15 years for women and 16 for men. Although under her country's legislation a married woman had the right to choose her last name, she usually accepted her husband's last name and kept her maiden name. Dominican legislation provided the same requirements for the adoption of children by single men or women. Dominican nationality was acquired on the basis of jus soli or jus sanguinis. Citizenship, on the other hand, referred to the exercise of civil and political rights. Her Government would reply to any questions which she had not answered in its next report.

17. Mrs. Malagón withdrew.

18. At the invitation of the Chairperson, Ms. Sato (Japan) took a place at the Committee table.

19. Ms. SATO (Japan), responding to questions raised by the members of the Committee, said that the Women's Bureau had been established in 1947 in the Ministry of Labour. It had a local office in each prefecture and actively promoted the advancement of women through research, dissemination of information and liaison work. Other ministries also carried out programmes relating to women within the scope of their mandates. During the International Women's Year, the Headquarters for the Planning and Promotion of Policies relating to Women had been established in order to promote and co-ordinate the policies of ministries and agencies. The Headquarters was headed by the Prime Minister and was composed of vice-ministers from all ministries. The Office for Women's Affairs had been established as its secretariat in the Prime Minister's Office and an Advisory Council, whose members were appointed by the Prime Minister, had the task of making recommendations to the Headquarters. The Headquarters formulated national action plans and each ministry and agency played a substantial role in implementing the policies laid down in the plans. The 20 women and 8 men on the Council were from the non-governmental sector and included scholars, journalists, and representatives of women's organizations, trade unions and employers' associations. The Council reflected the views of the non-governmental sector and the public interest in the formulation and implementation of the national plans. During the Decade, prefectural governments and major city governments had established similar bodies and drafted their own local action plans.



(Ms. Sato, Japan)

20. The role played by women's groups was quite important. They had been active during the International Women's Year and since then had been carrying out a wide range of activities to promote the advancement of women, developing joint-action programmes and operating as a pressure group in order to influence government policies.

21. With respect to job opportunities for women, a number of enterprises had changed their recruitment procedures so as to ensure equal treatment, as a result of which women had begun to enter job markets long dominated by men. Women undergoing vocational training enjoyed the same status as their male counterparts.

22. Prefectural Women's and Young Workers' Offices had provided guidance in a substantial number of cases relating to questions such as recruitment and dismissal, pursuant to the 1986 Equal Employment Opportunity Law. In that connection an Equal Opportunity Mediation Commission had been established to ensure the fair settlement of disputes. The Ministry of Labour had made an all-out effort to publicize the aims of the Law in order to make women aware of their rights.

23. Women's Week had been observed every year since 1949 in a nation-wide campaign for the advancement of women. The theme of each Week had reflected the status of women and the social conditions of the time. In recent years the Week had concentrated on the elimination of stereotyped concepts. Observance of the Week had helped to produce a social climate which had facilitated legislative reform and ratification of the Convention.

24. She noted that there was a disparity between Japan's economic status in the world and the standing of Japanese women. The Government realized that it was essential for women's views to be fully reflected in its policies, and was seeking to increase the participation of women in decision-making. With regard to the effect of new technologies, no serious displacement of workers had yet occurred, thanks to employment practices and the demand for new products, and the Government was taking steps to minimize any problems. The phrase "essential equality" employed in the report simply meant that the Constitution of Japan provided for absolute equality. There were more women part-time workers than men, although the percentage was lower than in other industrialized countries. Comprehensive measures governing such workers were being prepared.

25. The lack of women in important posts could be explained by Japan's lifetime employment practice, under which employees started careers at the lowest level and were subsequently promoted. Women had generally not been employed for sufficiently lengthy periods to reach the most senior positions. The status of women in the home was high: for example, family finances were almost exclusively managed by women. Such favourable family status sometimes deterred women from embarking on careers.

26. The Prime Minister and Minister of Education had both been censured for their insensitive and disparaging remarks about women. The Committee would note from that incident that in Japan even the Prime Minister was not beyond reproach. With

(Ms. Sato, Japan)

regard to Japan's 1987 statistical handbook, the Committee was not an appropriate forum to discuss that issue.

27. Ratification of the Convention had had a positive impact on the portrayal of women in the mass media, and indeed, the number of women employed in the media was increasing. Approximately 100 women served as Labour Standards Inspectors, while 47 Prefectural Women's and Young Workers' Offices were headed by women. So far there had been little progress in quantifying and eliminating wage differentials. There were no plans to introduce paternity leave. In that connection, Japan had not yet ratified ILO Convention No. 156.

28. Substantial numbers of women had taken advantage of training courses and vocational counselling. In particular, assistance was provided for women wishing to re-enter the job market. There was no quota system in employment or in political life. Under the Equal Employment Opportunity Law, job advertisements could not discriminate between men and women. The main obstacles to equal opportunities for women were rooted in stereotyped concepts of women's abilities and roles, together with the heavy family responsibilities borne by women. Nuclear families constituted some 60 per cent of the total, with extended families accounting for a further 15 per cent.

29. The text of the Convention had been translated into Japanese and distributed throughout the country, together with an explanatory brochure. Trade unions had made considerable efforts to involve women in management, although the number of female executives was still small. With regard to maritime employment, fewer than 1 per cent of workers were women. As noted in the report, the Government provided subsidies to employers for the establishment of child-care facilities.

30. With regard to participation in international forums, Japan had a number of women representatives in various United Nations bodies. Their numbers would increase in the near future.

31. The maternal health management promoters referred to in the report gave advice on maternal health care. The sharp reduction shown in table 23 in the percentage of women aged 25 to 29 who worked could be explained by marriage and childbirth. Conversely, the percentage increase shown for men in that age bracket was due to recent graduates entering the labour market. On average, women worked some 20 hours less per month than men, because of legal restraints, the greater number of women in part-time employment and women's greater household responsibilities.

32. With regard to article 5 (a) of the Convention, the Committee would note that parent education classes were aimed, in part, at countering stereotypes. In that connection the Government conducted various information campaigns on a regular basis. Although no government affirmative action programmes existed, efforts were being made to increase the number of women employees in the Government. A target of 15 per cent by the year 2000 had been established.

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33. Before ratification of the Convention, suggestions from women's NGOs and women members of the National Diet had been duly taken into account. However, the Government had taken full responsibility for preparing the report in accordance with the Committee's guidelines.

34. Sex education was provided at school, from the point of view of health, physical education and moral education, so that pupils would have scientific information about sex and sound views on relations between the sexes. In health and physical education, in particular, they were taught about such matters as conception, pregnancy and delivery, marriage and family life, and family planning. The principle underlying such education was the dignity of the individual and the aim was to teach students how to behave in public and private.

35. In reply to questions about government grants for efforts to improve the status of women, she confirmed that the Ministry of Education, Science and Culture had granted financial aid to programmes of social and public significance undertaken by women's organizations, at the latter's request.

36. Regarding the proliferation of institutes and bureaux, she noted that, in order to meet the diverse needs of women in all walks of life, the ministries and agencies concerned had taken a variety of measures. Overlap was avoided by means of co-ordination and co-operation with local government.

37. In principle, general home economics was a compulsory course for girls in upper secondary schools but not for boys. At present, however, 7.2 per cent, of such schools taught general home economics to boys. All other courses were open to boys and girls equally. In 1987 the Curriculum Council had recommended to the Minister of Education, Science and Culture that boys and girls in lower and upper secondary schools should have the same opportunities to take home economics courses. The Ministry of Education, Science and Culture was preparing a revised curriculum, which would take effect from 1993 in lower secondary schools and 1994 in upper secondary schools. With regard to the question on the proportion of men in courses for parents, they made up 20 per cent of participants.

38. The Office for Women's Affairs maintained close contact with various media and tried to change the way in which they portrayed women by providing them with as much information as possible about what women were actually doing and what they were capable of doing. The media were receptive to such information.

39. In response to the question as to whether women's organizations were oriented towards political change or rather to philanthropic activities, she replied that that depended on the character of the individual organization.

40. Although women's suffrage was guaranteed under the principle of equality between men and women, as enshrined in the post-war Constitution, it was true that very few women were entering politics. Reasons included the continued existence of gender stereotypes and the great influence that those had on politics, in particular. The number of women leaders in Japanese society was still quite small,



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owing to the short history of women's participation in public life. Recently, however, it had gradually begun to rise and it appeared that the trend would continue.

41. "Simple prostitution" meant acts of prostitution themselves, but not prostitution by organized businesses leading a person into prostitution. While the law prohibited simple prostitution and using the services of a prostitute, it contained no penal provisions for those violating those prohibitions. Women who resorted to prostitution because of character or circumstances were not punished under the law. Guidance and measures for their protection and rehabilitation were provided by law. Since women who engaged in simple prostitution were not punished by law, it could be argued that their customers should not be punished either. The law provided penalties for a variety of acts promoting prostitution and acts related to prostitution such as soliciting, which were visible to the public and might offend third parties.

42. The courses offered at women's classes included consumer education, child care and education, civics, vocational guidance, health and safety, cultural pursuits, women's history, household affairs and family life. Classes ranged from 20 to 60 hours of study, spaced over terms ranging from three months to one year. Courses provided by the municipalities included various kinds of training for leaders in women's education (including women's groups and women's organizations), and study courses on legal matters, consumer problems, child rearing, liberal arts and hobbies.

43. With regard to the aim of the preparatory seminars for women's working life, she pointed out that in Japan most housework was done by women, who consequently had the extra burden of co-ordinating those domestic responsibilities with their working lives. The objective of the seminars was therefore to eliminate the stereotype of gender roles. Seminars along the same lines for men had been organized by several local governments and women's organizations. The family education handbook was widely read. An increasing number of men, particularly younger men, were making efforts to participate in child care and share in household chores.

44. Even greater efforts should be made in the future to ensure the social education of men and change their attitudes. Since 1986 the Ministry of Education, Science and Culture had encouraged the establishment of a new type of parent-education class for working parents, in view of the increasing number of two-income families. In 1986 the number of men participating in such classes had been 1,238, or 19.2 per cent of total enrolment. In 1981, "classes for prospective parents" had been introduced. In 1986, the number of male participants had been 5,376, or 23.4 per cent of the total. At the Women's Education Centre, women's studies on changing roles had been established in 1980, and were regarded as a model programme. Ten per cent of the participants were male.

(Ms. Sato, Japan)

45. With regard to higher education in Japan, there were differences in the way in which men and women were prepared for university and junior-college entrance, as well as in their subject choices. More women entered junior colleges than universities. The number of women wishing to major in science and engineering had gradually increased. Students wishing to go on to institutions of higher learning were no longer discriminated against on the basis of gender. Schools were instructed to develop in their students an awareness of the equal ability of men and women in all areas of educational activity. In no course of study were Japanese students taught to accept traditionally stereotyped roles.

46. On the subject of Japan's agricultural structure and agricultural extension services, she replied that women in rural areas had become very active, not only in the agricultural labour force but also in decision-making with respect to agricultural management. In the typical Japanese extended family, three generations lived together. However, since the economic boom of the 1960s, the younger generation had moved in growing numbers to non-agricultural industries, leaving most of the operation of family farms to women and the elderly. Despite mechanization, women had had to shoulder communal duties traditionally carried out by male farmers, and their role was constantly expanding. Fourteen per cent of Japanese farm households were wholly dependent on farming for household income, and 86 per cent of Japan's farming was done by part-time farmers. In those instances, farming was done mainly by the wife, while her husband worked in a non-agricultural job.

47. Extension workers taught agricultural production techniques and farm-management methods, and instructed farmers in home-life improvement. The technical aspects were taught to all farmers regardless of gender. However, most farmers who were young and eager to gain instruction and succeed to their fathers' farms were male. The programmes tried to disseminate knowledge and techniques relevant to the lives of rural women and the overall aim was to improve living standards.

48. In response to a question concerning page 53 of Japan's report, she replied that "other occupations" referred to a limited range of occupations, e.g. male singers.

49. On the subject of hidden unemployment among women, she said that in the past women had tended to withdraw from the labour market at times of recession and to return when the recession lifted. However, more women were currently remaining permanently in the labour force, finding recession-proof jobs or managing even at such times to secure new ones.

50. No provision in the current Japanese income tax code made a categorical distinction between men and women. Income taxes were levied separately, and the tax system encouraged rather than punished women who wanted to work.

(Ms. Sato, Japan)

51. On the subject of medical check-ups and health guidance, the number of periodical medical check-ups had decreased because the number of women aged between 25 and 30 had recently declined. However, women could visit health centres to receive guidance as often as they wished.

52. On the situation of elderly women in Japan, she confirmed that there were increasing numbers of elderly people living alone, 80 per cent of whom were women. That could be ascribed to the longer life expectancy and the growing trend towards the nuclear family. However, the percentage of elderly people living alone was still smaller in Japan than in other developed countries. There was an awareness of the need to improve women's welfare in old age and to educate them to support themselves. That was also apparent in the New National Plan of Action towards the Year 2000.

53. Ninety-eight per cent of Japanese women took their husband's family on marriage, but there was no legal prohibition against a husband taking his wife's name. Children took the family name only. According to the Civil Code (art. 763), husband and wife could divorce by agreement. When an agreement could not be reached, they could bring an action for judicial decision. The main motives for divorce were incompatibility and unfaithfulness. Article 733 of the Civil Code provided for a six-month period during which women only were not permitted to remarry. The purpose of the article was simply to prevent confusion with regard to paternity and to protect the interests of children. It might be argued that, while the concept underlying the article was understandable, the six-month period was too long and could result in discrimination against women. The article would be reviewed in the future.

54. Geishas had to undergo long and highly-disciplined training in the traditional arts of Japan. Theirs was a serious profession, which could not therefore be said to be incompatible with the ideals of the Convention.

55. On the subject of recruitment examinations, in 1975 there had been 12 job categories for which women had not been allowed to take entrance examinations for national public service. In 1977 the Headquarters for the Planning and Promoting of Policies relating to Women had drawn up a plan to reduce the number of restricted public service job categories. The restrictions were being steadily removed, and only one job category with such restrictions remained.

56. Awareness of the importance of equality between the sexes had certainly been raised, even if that was not to everyone's complete satisfaction. Concerning the portrayal of women in the media, she stated that, under article 175 of the Penal Code, the distribution or publication of obscene literature was strictly prohibited. Warnings were regularly issued by the authorities to those mass media promoting prostitution or having a negative influence on minors. As to sexual harassment and domestic violence, each prefecture had women's counselling services where victimized women could seek help.

(Ms. Sato, Japan)

57. Under the old Nationality Law, an unmarried foreigner wishing to obtain Japanese nationality had been required to reside in Japan continuously over the preceding five years. A foreign-born husband of a Japanese woman had had to reside in Japan for three years prior to naturalization. However, the foreign-born wife of a Japanese man had been exempt from that requirement. Under the amended Law, a foreigner - regardless of gender - married to a Japanese citizen could obtain Japanese nationality if he or she had resided in Japan for three years. If the couple had been married for three years or more already, the period of residence could be reduced to one year. Under the old Law, a child had been able to obtain Japanese nationality only if the father had been a Japanese citizen at the time of his or her birth. Under the new Law, a child born of a marriage acquired Japanese nationality if either the father or the mother was a Japanese citizen.

58. Responding to a question regarding differences in women's and men's vocabularies, she said that the differences in women's and men's spoken languages were not really differences of vocabulary. Language was not a barrier to women competing equally with men.

59. Regarding the influence of religious institutions on equality, she said that religions in Japan were generally separate from daily social life. Freedom of religion for all was guaranteed under the Constitution.

60. There was indeed a telecommunication code, and the Ministry of Post and Telecommunication was responsible for granting concessions to radio stations.

61. She confirmed that pregnant women and infants enjoyed free health checks. On the subject of birth control, she replied that awareness of birth control methods was spread through sex education, and knowledge of contraception by the Ogino method was quite extensive in Japan.

62. Concerning the inheritance rights of children born out of wedlock, article 900 of the Civil Code stipulated that the share of a child who was not legitimate was one half that of a legitimate child. The question whether legitimate and illegitimate children should be treated equally with regard to inheritance was open to dispute. It could, however, be argued that in order to protect a legitimate marriage, the inheritance rights of illegitimate children should be different from those of legitimate children.

63. Japan had 23,000 day-care centres with space for 2 million children.

64. Concerning the attitude of Japanese society towards single mothers, it was undoubtedly true that some people had biased views against them. However, such prejudices were gradually being reduced and single mothers wanting help were provided with maternity and child health services and family allowances.

The meeting rose at 5 p.m.