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28 February, 2020

To: UN Committee on the Elimination of Discrimination against Women
From: Japan Civil Liberties Union (JCLU)

RE: List of Issues Prior to Reporting (JAPAN)

Dear Madam/Sir

Please allow us to first express our sincere respect and appreciation to the Committee on the Elimination of Discrimination against Women (CEDAW) for your important work on gender equality.

We have been informed that CEDAW will be adopting a List of Issues Prior to Reporting (LOIPR) to the Government of Japan at the pre-session working group which will start on March 2, 2020.

We are concerned that the deadline of submission from NGOs has already passed, but we would be most grateful if CEDAW could reflect the following points to its LOIPR for Japan.

(The Issue)

Japan's Imperial House Act provides that the Imperial Throne shall be succeeded to only by a male offspring in the male line belonging to the Imperial Lineage (article 1), thereby excludes women from succeeding the throne (to be Empress). This falls within the definition of discrimination against women under article 1 of the Convention on the Elimination of All forms of Discrimination against Women (the CEDAW Convention) and violates articles 2 and 15 of the said Convention.

(Reasons and Background)

The Constitution of Japan provides that the Emperor shall be the symbol of the State and the unity of the people, deriving its position from the will of the people with whom resides sovereign power (article 1), and that the Imperial Throne shall be dynastic and succeeded in accordance with the Imperial House Law passed by the Diet (article 2).

The Japanese Imperial House has a long history; Emperor Naruhito, who succeeded the throne in 2019, is said to be the 126th emperor; however, historians argue whether those emperors in the early ages actually existed as their existences have been initiated by ancient mythology. So far,

historically eight (8) empresses have been identified. The last woman who succeeded the throne was Empress Gosakuramachi whose reign was from 1762 to 1771.

Japan enacted the Constitution of the Empire of Japan in 1889 in its course toward modernization. The Imperial House Law, which provided that the Imperial Throne would be succeeded to by a male offspring in the male line of the Imperial lineage (article 1 of the former Imperial House Law), was for the first time enacted in that same year.

After the end of World War II, a new Constitution of Japan was enacted whereby the sovereignty of the people was introduced as a fundamental principle, and equality between men and women was guaranteed (article 14 of the Constitution). After the new Constitution was promulgated (yet prior to its effectuation), the Imperial House Law was also entirely amended in the Diet (Law No.3, 1947). During the parliamentary sessions, MPs debated the possibility of women to become Empress; however, the succession of the throne only by males was ultimately maintained.

When Japan ratified the CEDAW Convention in 1985, the debate on the issue of imperial succession resurfaced in the Diet, however the view of the Government was that the imperial throne was outside of the scope of the CEDAW Convention and, hence, the Imperial House Law needed no amendment.

In 2005, the Government convened an advisory panel of experts on the Imperial House Law producing a report that the Law should be amended so that women could succeed the throne. Nevertheless, the outcome of the report has not been realized as a draft bill until now. Recent opinion polls indicate that more than 80% of Japanese nationals believe that women should be able to succeed the throne. It has been reported by the media that the Government is currently conducting hearings by experts on the issue of male-only succession of throne, however, the procedures have not been transparent and information has not been provided to the public as to the identity of the resource persons for the Government.

The status of the Emperor is based on the Constitution. While the dynastic succession of the throne is provided by the Constitution, succession of male offspring in male line is provided by the Imperial House Law, not the Constitution. The Diet is authorized to amend the Imperial House Law, yet the Government has not taken action towards that direction. Japan must be bound by the equality principle guaranteed both in the Constitution and the CEDAW Convention, both of which are superior to the Imperial House Law in a domestic legal order in Japan.

In conclusion, the exclusion of women to succeed the imperial throne under the Imperial House Law violates articles 1, 2 and 15 of the CEDAW Convention. It deeply rooted in sexism, which reinforces discrimination against women in Japanese society.

The Japan Civil Liberties Union respectfully requests the CEDAW Committee to raise the

above-mentioned issue in a forthcoming constructive dialogue.

Thank you very much for your attention.

Yours faithfully,

/s/ Yoichi KITAMURA
Representative Director
Japan Civil Liberties Union