

**Mandate of the Working Group on the issue of discrimination against women in law and in practice**

REFERENCE: OL  
JPN 2/2015:

9 June 2015

Excellency,

I have the honour to address you in my capacity as Chairperson-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice pursuant to Human Rights Council resolution 23/7.

According to the information received:

The current Japanese Civil Code discriminates against women in that it permits 16-year-old girls to enter into marriage, while the minimum age for boys is set at 18 years of age (article 731), and in that it prohibits women from remarrying for six months after the dissolution or annulment of a marriage (article 733).

In this regard, the Working Group wishes to recall CEDAW's Concluding Observations on Japan (CEDAW/C/JPN/CO/6), in which the CEDAW Committee urged Japan to amend the Civil Code in order to set the minimum age for marriage at 18 for both women and men and to eliminate the six-month period required for women before remarriage. This recommendation was reiterated by the Human Rights Committee which, in addition, in its 2014 Concluding Observations on Japan expressed concern at the State's continuing refusal to amend the discriminatory provisions of the Civil Code that prohibit women from remarrying in the six months following divorce and establish a different age of marriage for men and women, on the grounds that it could "affect the basic concept of the institution of marriage and that of the family".

The Working Group would also like to recall the recommendations made in the context of the Universal Periodic Review of Japan, which were accepted by the Government of Japan, and which recommend that it ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), amend the Civil Code and Family Registration Law in accordance with Japan's international human rights obligations, addressing in particular the concluding observations of CEDAW, and set the legal age of marriage at 18 for women as for men (see recommendations 147.12, 147.42 and 147.43 in A/HRC/21/7).

In order to clarify the measures being taken by your Excellency's Government to repeal the discriminatory legislative provisions on marriage, the Working Group would be grateful if you could address the following matters:

1. Please provide any additional information on the current status of the relevant legislation with regard to legal age of marriage and requirements for remarriage.
2. Please provide information on any measures that your Excellency's Government has taken or intend to take in order to implement the recommendations by UN human rights mechanisms, referred to above, and to bring its legislation into compliance with international human rights law.

The Working Group would appreciate a response within 60 days and remains available for any type of technical advice on legislative reform that your Excellency's Government may require.

This communication and your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Emna Aouij  
Chairperson-Rapporteur of the Working Group on the issue of discrimination against  
women in law and in practice