

# JAPAN Japan

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## I. NGO Involvement

### Challenges Facing Women's NGOs in Japan

There are many Non-Governmental Organizations (NGOs) in Japan, however, they are greatly under funded.<sup>1</sup> The Government of Japan and Japanese companies are not interested in supporting NGO activities, as they tend to equate NGO activities with anti-government activities. Although the *Non-Profit Organization Act* was enacted in 1998, it does not provide tax exemptions for NGOs. In addition, given Japan's strong economic position and international status as a developed country, it is often difficult to receive financial support from the United Nations and other similarly developed countries.

As such, most of the activities of the Women's Human Rights NGOs are supported exclusively by the passion and unpaid work of women who are dedicated to the promotion of equality between women and men. However, if women want to be involved in NGO activities, they need both free time and money. For example, if an NGO wishes to send a member to an international conference or UN meeting, the member herself must often pay for all or part of the expenses. Therefore, it is relatively difficult for young women, especially women with young children, to be involved with Women's human rights NGO activities. This is one of the reasons why you often only see Japanese women activists of an elder generation at these events.

Most of the involvement in Women's human rights NGOs is at the grass roots level.<sup>2</sup> Women often participate in seminars or workshops and sometimes even organize these events themselves. Conversely, some women

seem to be only interested in the attainment of knowledge and unwilling to translate this new-found knowledge into action. These women tend to be very cautious of political activism and are especially concerned with being labelled as a political activist.

### The Impact of the Beijing Conference on NGO Involvement

Until the Beijing conference (1995), Women's human rights NGOs did not have a network at the national level. About 6,000 Japanese women attended the Beijing Conference. The Beijing NGO Forum encouraged these women to change their collective position within the unequal Japanese society. After Beijing, they began to create new NGOs and to push the national and local governments to embody the Platform for Action into their policies. They have since succeeded in created a network at the national level.

One of the resulting NGOs is the Beijing Japan Accountability Caucus (Beijing JAC). Beijing JAC is an organization based in Tokyo. However, there are also Beijing JAC sister affiliations located in the outlying districts (for example, Beijing JAC Hiroshima, Beijing JAC Sendai, Beijing JAC Shizuoka, Beijing

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JAC Yamaguchi, etc. Although the Tokyo Beijing JAC fulfils the roll of a central information centre it is not considered to be the “headquarters” as each location stands in equal sisterhood.

Based in Osaka, the Working Women’s Network (wwn) is also a notable organization.<sup>3</sup> It too was established after Beijing. Most of the members are working women employed by private companies. The core members are plaintiffs who are struggling with sexual discrimination within their workplace. During the 1990s, more than ten such cases were brought before the courts. Generally, Japanese people tend to be hesitant to initiate legal action. This is especially true for women, who do not possess a strong legal literacy. As such, the current lawsuits initiated by these working women are truly amazing. Many female lawyers support wwn. wwn started with about 100 members in October of 1995 and now maintains a membership in excess of 800 women.

The Beijing Conference and the Platform for Action was a great stimulus for Japanese women activists and their network was established successfully. Such a successful network was proved when they got information on the Women 2000 Special Session of the UN General Assembly (June 5-9, 2000).

In March 1999, the 43<sup>rd</sup> Session of the Commission on the Status of Women (CSW) was held in New York. Some Japanese activists participated at the meeting. They came back with the information that Conference of Non-Governmental Organization (CONGO) had announced that though there would be no NGO Forum at the time of the Women 2000 Special Session of the UN General Assembly, “NGOs are encouraged to compile an alternative report on their country’s implementation of the Beijing Platform for Action as well as work with NGOs in their region

for the compilation of a regional report,” which could be an effective way to input their views into the deliberations of the Special Session. Very soon after they came back to Japan, they got together on the end of March. They drew up a plan to get as many individuals and organizations as possible from all parts of Japan to be involved in compiling an alternative report based on the government’s report to the United Nations. In April, they formed the Japan NGO Report Preparatory Committee and launched into making the Japan NGO Alternative Report. Twelve organizations were charged with each field of 12 areas of concern in the Platform for Action.<sup>4</sup> At the end of July, the contents of the report were finalized at a public meeting. During the making of the report, they got responses from 300 organizations and individuals. Finally in August, they published the Japan NGO Alternative Report.<sup>5</sup>

### Current NGO Awareness of CEDAW

Although some Women’s NGOs are aware of CEDAW, still many more are not. Generally speaking, while many people involved with HR NGOs are interested in the current human rights situation, only a few of them have enough knowledge about the existing human rights law, including international human rights conventions to effectuate their interest.<sup>6</sup> CEDAW is an international convention, and the majority of those involved have even less of an understanding of international human rights treaties than they do of domestic law. Among the group of NGOs that are aware of CEDAW, there is a definite gap in the extent of knowledge about the *Convention*. Nonetheless, while the bulk of these groups know little beyond the name CEDAW, it is important to note that there are also NGOs who continue to utilize CEDAW, attempting to implement change in our unequal society. It is true that these NGOs are few and far between, however, they are building a solid network and are playing an important role in the construction of a gender equal society.

The present Japanese Constitution was amended after World War II. It includes a principle of gender equality in article 14. Since after World War II, Japan has adopted her

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policy in harmoniously with the policy of UN although it is sometimes criticized that it is not in harmony with the UN but rather with the USA. The UN set the UN International Women's Year in 1975 and the UN Decade for Women from 1976 to 1985. Therefore, in Japan, the creation of policies for gender equality began in 1975 and continued to be developed during the following 10 years.<sup>7</sup> In addition, the Beijing Conference (1995), and in particular the Platform for Action, impacted Japanese national policy of gender equality.<sup>8</sup>

Japan ratified CEDAW in 1985 that is the final year of the UN decade for Women. Policies, both national and local, have been developed and are legally based in the constitution and CEDAW; however, we do not have any other legally binding domestic laws to promote gender equality. Therefore, the general public, including public servants, cannot easily find a legal basis for promoting gender equality policies. The Government of Japan, having considered a basic bill on a gender-equal society entitled *Fundamental Law Designed to Promote a Gender Equal Society* in response to the report of the Council for Gender Equality submitted it to the 145th Session of the Diet on 26 February 1999. The bill was passed by the Diet on 15 June 1999 and was promulgated and came into force on 23 June. The new law obligates the central government and the prefecture government to draw up a plan of action to promote gender equality and to encourage the city governments to do so. It provides the much needed legal basis for policy implementation. And as such, we can say that the women's movement in Japan is in full swing.

**Are Non-Women's NGOs aware of CEDAW?**

The number of people involved in NGOs who advocate for the disabled, children, elderly person, migrant workers, etc., while somewhat greater than those involved in Women's NGOs, remains quite limited.<sup>9</sup> These individuals are not aware of CEDAW. We need to make a network and exchange information between Women's NGO and Non-Women's NGO. Regarding the general public, including those

working in the public sector, they simply do not know about the *Convention*. Although public servants must execute their duties in accordance with established laws, they are not even aware of the name of the *Convention*, nor are they aware of the fact that Japan has ratified it. We need to push the central and local government to train their servants to have gender perspective as well as necessary legal knowledge to execute gender policy.

The only possible exception to this dilemma is those working within the department of gender equality. Even so, the departments of gender equality at the national and local level have been marginalized and do not have enough authority to carry out its mandate. Particularly, although many public women's centres have been established in many cities for this decade, in one respect, it gave negative impact on gender policy at local level. Nevertheless of the fact that most of public women's centre is public-private centres, they were placed in charge of the services which the department of gender equality should do. As the result, the size of the departments of gender equality was going to be smaller. Most of the public women's centres are composed of small members of civil servants who come from city hall, and more staff who are employed directly as part-timers in the centres. It means that the position of the department of gender policy in city hall became invisible. It is expected, therefore, that the new law will reinforce the department of gender policy.

**Japanese People do not Attach Importance to the Role of Law in Ensuring Human Rights**

Generally, the general public is legally illiterate. They share the common misunderstanding that their daily life has nothing to do with law and that laws are not helpful in ensuring human rights. Such a feeling reflects the distrust of

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politics. They often say that no matter how good a legal system Japan may have, the laws will not be used effectively. They are disappointed with politicians and bureaucracy. But it is also true that they forget that sovereignty rests with the people. They should remember that they have the legitimate power to reform their society.

The general public is also unfamiliar with the concept of rights, particularly individual rights. They tend to regard those who assert their rights as selfish people. When they say that rights are always accompanied by duties, it means that one should assert her or his rights within a range that does not damage the collective interests of the group to which one belongs. In this sense, they like to talk about the importance of unity, harmony and teamwork. They are afraid that assertion of individual rights sometimes destroys the harmony of the group. Some of them argue that human beings cannot live alone, and that they must firstly consider what they should do for all rather than what they want to do for themselves.

But what one calls “the interests of the group” is often the interests of the *majority* of the group; that is to say, the interests of the ruling classes. As such, individual rights are often ignored by the theory of “interests of the group.” In particular, women’s rights have been ignored and marginalized within the Japanese society. Women’s movements work to change the existing gender discriminatory society into a gender equality society. In order to create a new society, one cannot be afraid of change.

### Examples of How CEDAW Has Been Used

NGOs often use the Platform for Action rather than CEDAW in order to develop gender equality policy.

Japan ratified CEDAW in 1985 and established the national machinery in 1986. Since then, Japan’s national machinery has been strengthened by several reforms. After 1986, many local governments established a division for the advancement of the status of women. In addition, the National government and many local governments have developed

“Plans for Action” regarding the advancement of the status of women. These “Plans” refer to CEDAW and were reformed according to the Platform for Action, which was adopted at the Beijing conference (1995). It is now the work of the women’s NGOs to push the Government and local government to implement the Plans at both the national level and the local level. Of particular note are the efforts of the Japan Accountability Caucus Beijing (Beijing JAC). They have established local caucuses and some members have succeeded in becoming Diet members. This is quite remarkable given the fact that female Diet members are very few, comprising only 8.9 percent of the total Diet membership.<sup>10</sup> However, these members tend to use the Platform for Action, as well as established the national and local Plans, rather than CEDAW itself, in their strategies.

One reason for this choice of instrument is that such plans are more concrete than CEDAW. They are incorporated in policies and set goals which the National and local government must attain within a certain time period. Moreover, women’s NGOs work to push the governments to invoke such plans. They do so because women’s NGOs are thus enabled to have their voices heard when the government’s plans are reformed. In juxtaposition to this activism, is the problem of CEDAW having the force of law in Japan, while not being clear to women’s NGOs how CEDAW impacts on national and local policies. Public servants must execute their duties according to law and CEDAW is the main source of law because treaties ratified by Japan have the strength of law and prevail over domestic statutes.

Nevertheless, as mentioned, most public servants do not know of CEDAW. Therefore, if NGOs, which know of CEDAW, wish to persuade the public servants to embody the principles of CEDAW in their policies, they must first explain the convention and often find that it is difficult to make the public servants understand the significance of CEDAW. Thus, it is easier for NGOs to use the national and local plans to develop gender equality policies because public servants are already familiar with them.

### Some NGOs Use CEDAW

Under such circumstances, it is very difficult for NGOs to see the actual effect of international human rights treaties including CEDAW. However, there are two notable NGOs that do use CEDAW in the fight to eliminate discrimination against women. One is the Japanese Association of International Women's Rights (JAIWR).<sup>11</sup> JAIWR was established after the Nairobi Conference (1985) to study and disseminate CEDAW. Female law scholars are core members. The president of JAIWR is Ryoko Akamatsu who was the first CEDAW expert from Japan. The association received UN consultative status with the Economic and Social Council in 1998. It published a commentary on CEDAW and a book about CEDAW for teenagers. It also publishes an annual report (Kokusai Josei) in which it reports on the activities involving CEDAW and CSW. When the Government submits its national report for CEDAW, JAIWR adds its own comments and suggests what should be included in the report.

The second NGO to note is the Working Women's Network (WWN).<sup>12</sup> Some of the members are women who work in the Sumitomo Electric Ltd. Company, struggling with discrimination and who are bringing claims before the court, evoking CEDAW.<sup>13</sup> They have also brought an action against the Government for non-implementation of Article 2 of CEDAW. The Government's response to the plaintiff's argument is as follows: Article 2 of CEDAW does not demand that the goal to eliminate discrimination against women must be achieved in every field when the *Convention* is ratified, but expects that the goal should be achieved gradually over some length of time. Although "all forms of discrimination" are prohibited, it is actually difficult to take concrete measures to prohibit discrimination concerning every matter, and CEDAW considers it to be a natural precondition.

Article 2 of CEDAW stipulates that "legislative measure prohibiting all discrimination" as well as "legislative and other measures prohibiting all discrimination against women" must be effectuated upon ratification. However, the article merely puts forth an ultimate goal and does not mandate the objectives to

be followed in order to achieve this goal. Inasmuch, the objectives necessary to achieve the goal of Article 2 of CEDAW do not always need to be facilitated by law, nor do they need to be accelerated by prohibitive provisions. Moreover, during the consideration of CEDAW by the Diet, the Government emphasized the progressive character of CEDAW. However, such an interpretation cannot be drawn from the words used in Article 2 nor from its drafting history. Article 2 obligates State Parties to pursue a policy of elimination of discrimination against women, without delay.<sup>14</sup>

It is not only the Government, but also the courts which do not appropriately understand the international human rights treaties adopted by Japan. Unfortunately, the courts tend to dismiss the arguments based on these treaties. For example, although the *International Covenant on Civil and Political Rights* (ICCPR) has been argued before Japanese courts on numerous occasions, in most cases, the courts have simply dismissed the arguments.<sup>15</sup> But very recently, some district courts have begun to judge the cases with making reference to relevant international human rights treaties.<sup>16</sup>

## II. The Ratification Process

Although Japan ultimately voted for the adoption of CEDAW in the UN General Assembly,<sup>17</sup> it should be noted that during the drafting of CEDAW, Japan made many negative proposals to undermine the adoption of CEDAW.<sup>18</sup> Japan was very reluctant to sign the convention because CEDAW conflicted with Japanese domestic law in many fields. But women's NGOs, in particular, the International Women's Year Liaison Group, along with the mass media and female members of the Diet, persuaded the Government to sign it nonetheless. After much political activism, Japan finally adopted CEDAW at the signing ceremony of the Convention in 1980. The Ministry of Foreign Affairs was anxious to ratify CEDAW before the Nairobi World Conference scheduled for 1985. They wanted to delineate the belief that Japan was reluctant to ensure the equality between women and men. However, Japan had to amend existing Japanese law

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and policy to adjust for CEDAW before ratification could take place.

Prior to ratifying CEDAW,<sup>19</sup> Japan enacted measures in three fields: employment, nationality and education. Within the field of employment,<sup>20</sup> Japan enacted *Equal Employment Opportunity Law* and amended *Labor Standards Law* to relax the restrictions that were applied to only women as protective measures and extended maternity protection.<sup>21</sup> In 1984, and in respect to the field of nationality, Japan amended the *Japanese Nationality Law* under which a child could acquire Japanese nationality only when the father was a Japanese national. Such a principle had contradicted Article 9(2) of CEDAW. Under the present *Japanese Nationality Law*, a child can Japanese nationality when the mother or the father is a Japanese national.

In 1989, and with respect to the field of education,<sup>22</sup> Japan decided to revise the “Courses of Study.”<sup>23</sup> They were revised and were put into effect in primary schools in 1992, in junior high schools in 1993, and in high schools in 1994. Under the new “Courses of Study,” general home econom-

ics was no longer compulsory only for girls. Instead, both girls and boys must be enrolled in either general home economics, industrial arts, or a general living course in high school. Prior to the changes, junior high school industrial arts was a priority for boys, whereas home economics had greater importance for girls. Under the new “Courses of Study,” both girls and boys are required to choose more than seven out of eleven areas, including subjects or woodworking, electricity, homemaking and foods, which are compulsory for both girls and boys. After these reforms, Japan ratified CEDAW without reservation on June 25, 1985.

Regarding follow-up measures, and in addition to the revision of the “Courses of

Study” mentioned above, Japan enacted the *Child-Care Leave Law* in 1991, which went into force in April of 1992. Under the law, parents of children under one year old, either mothers or fathers, may take child-care leave. In most cases it is the mother who takes the leave because it is given without pay. According to a survey in 1997, 44.5 per cent of female workers who had given birth took child-care leave, whereas only 0.16 per cent of male workers whose wives have given birth took child-care leave. In 1995, Japan ratified *ILO No. 156 Convention* and revised the *Child-Care Leave Law* to add family-care leave. The new *Child-Care and Family Care Leave Law* went into force in April 1999. And as mentioned, *Fundamental Law Designed to Promote a Gender Equal Society* was enacted in June 1999. It is true that Japan initiated some follow-up measures, but there remains much room for improvement. In particular, there are many issues that should be amended within both civil and penal law.<sup>24</sup>

### III. Reporting to the United Nations

Japan submitted its initial report (CEDAW / C/5/Add.48, CEDAW /C/5/Add.48/Amend.1 and CEDAW /C/5/Add.30/Corr.1) July 25th, 1987. The CEDAW Committee reviewed the report during the 7<sup>th</sup> session on the 18<sup>th</sup> and 19<sup>th</sup> of February, 1988. The second report (CEDAW/C/JAN.2) was submitted in July of 1992, and the third report was submitted in November of 1993. Both the second and the third reports were considered during the 13<sup>th</sup> session on the on the 27<sup>th</sup> and 28<sup>th</sup> of January 23, 1994. The fourth report (CEDAW /C/ JAN.4) was submitted in July 1998 and will be considered soon.

Japan did not invite NGOs to submit opinions to the Government during the preparation of these reports until the fourth report was submitted in July 1998. Following the Japanese second and third reports, approximately 10 shadow reports were submitted to the members of CEDAW by NGOs. As well, 24 people went to CEDAW to observe it. Specifically, 13 out of 24 delegates were members of JAIWR. JAIWR is a sister association of International Women’s Rights Action Watch

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(IWRW). NGOs have not received any guidelines or training on CEDAW from the Japanese Government. JAIWR has provided this much needed information and has filled the gap. JAIWR plays a key role in giving people information about the CEDAW Committee's activities and the Japanese national reports.

When the CEDAW Committee considered the Japanese second and third reports in 1994, some working women sent along a shadow report.<sup>25</sup> They wanted to directly inform the members of the committee about the reality of Japanese working women. They went to CEDAW to talk with the members informally about their working conditions. JAIWR helped them to initiate contact with the committee members. These working women were encouraged to continue to fight the difficulties that they faced in Japan. After they returned to Japan, they decided to bring a case before the courts. At the same time, they established the Working Women's Network (WWN) which is supported by female lawyers.

When the Government prepared the fourth national report, it invited people to submit their opinions regarding the information which was to be sent to the CEDAW Committee. In spite of the participation of NGOs in the process of report preparation, Japan still did not give the CEDAW Committee full and complete information about the current situation. For example, under Article 11, the Government reported on the amendment of EEOL (the *Equal Employment Opportunity Law* amended in 1999), but did not include information about the great number of existing discriminatory cases. On the whole, the Government only reports on positive aspects and does not relay information regarding the existing obstacles, nor does it analyse the reasons why such obstacles remain from an objective standpoint.

The Government should recognize that Japan is one of the least developed countries with respect to equality between women and men and should accept the recommendation of CEDAW. Although the Human Rights Committee (HRC) recommended that Japan correct the discriminatory treatment against children borne out of wedlock in the fourth report considerations, Japan has maintained the

view that the recommendations of human rights treaty bodies are not legally binding. Therefore, they believe they do not have any obligation to obey the recommendations.

#### IV. Use of CEDAW

As mentioned earlier, in the case of the Sumitomo Electric Ltd. company, the plaintiffs have asserted that they Government is in violation of CEDAW. They argue that the Government should have to prohibit discrimination against women in recruitment, hiring, assignment, promotion, vocational training, fringe benefits, compulsory retirement age, retirement and dismissal. This they believe, is especially so in light of the fact that the Government enacted EEOL in order to ratify CEDAW and in consideration of the Government's realized need to prohibit them in 1998 by amending EEOL. The Government argues that CEDAW does not require State Parties to implement the obligations under CEDAW immediately and that a State Party can implement them progressively according to the individual economic and social situation in each country. The case of the Sumitomo Electric Ltd. Company is the first case in which the court has had to interpret CEDAW. Therefore, media is paying close attention to the results and sometimes reports on the activities of the WWN and its use of CEDAW in the court.

In the 1994 concluding comments of the CEDAW Committee, it recommended the following: that Japan identify the legal and functional discrimination faced by Japanese women, identify the measures in place or planned to overcome these obstacles, to ensure that the private sector complies with the provisions of the EEOL, to report on the measures taken to address the indirect discrimination face by women both in terms of promotion and wages in the private sector.<sup>26</sup> Unfortu-

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nately, Japan has not taken measures to implement these recommendations.

JAIWR has made greater contributions than the Government regarding the dissemination of CEDAW, periodic reports, and considerations of the CEDAW Committee's concluding comments. The JAIWR wants people in Japan to be aware of the importance of CEDAW and wants them to use it as an effective tool to push the national and local governments to develop their gender equality policies.

It is appreciable that the textbooks for school students refer to CEDAW as well as *the Convention of Child Rights* and *the Universal Declaration of Human Rights*. But school-teachers do not always teach students about them because teachers themselves do not understand their importance. The UN designated the period between 1990 and 2000 as the "United Nations Decade for Human Rights Education." In Japan, the "Plan of Action for the UN Decade for Human Rights Education" was launched in July of 1997.

Although human rights education in school is one of the most important tools for implementing the principles of the "UN Decade for Human Rights Education," most school teachers do not know how to teach about "rights."<sup>27</sup> The concept of rights is one with which they are not familiar. The result is that they tend to equate human rights with moral norms.

There are many public women's centres. They provide various programs for women. Although they sometimes hold seminar about CEDAW, not very many women participate.

In opposition to this, programs for self-esteem, taking care of children and protecting children from sexual abuse are very popular. Some believe that programs entitled "feminism" or "women's rights" do not appeal to Japanese women. It proves that the number of those who are involved in the women's movement is limited. But it does not mean that most women are satisfied with their present circumstances. If they could fully realize their potential power to change the present circumstances and that CEDAW is a valuable tool to be utilized in this struggle, they would call for a gender equal society.

## VI. Conclusion

CEDAW has had an impact on Japanese society. While it is true that the Government has made an effort to implement CEDAW, we cannot be too optimistic. The rate of elderly population growth (above 65 years old) is increasing more and more. The rate was 14.8 per cent in 1995 and it is expected to be 21.3 per cent in 2010. On the other hand, the total fertility rate is decreasing (it was 1.43 in 1996).

Japan is at a turning point. The Government often emphasizes that a drastic changeover in the society's sense of values is necessary. The need to change male preference must be included in any such changeover.<sup>28</sup> CEDAW obligates Japan to do so in article 5. In some aspects, the implementation of CEDAW will go ahead, but we must also pay attention to the tendency toward relaxing restrictions on working conditions. In order to make up for the decreased labor force population, the Government wants to integrate women into society. On the other hand, more women continue to lose their jobs and more women have begun to work as part time and unstable workers under recent recession. Particularly, according to 1997 survey, 35.9 per cent of employed female workers are part-time workers (workers less than 35 hours a week) and 67.0 per cent of part-time workers are women. 66.8 per cent of female workers are married women including divorced or widowed women. But about one third of them are part time workers. According 1995 survey, there is a wide gap in payment between full time male workers and full time female worker (100: 62.5). Considering the fact that so many female workers are part time workers, such a gap in fact will widen furthermore. It is the most important for women to join the development process as an equal partner not as a subsidiary one. CEDAW can provide them with a legal foundation when they call for equal rights with men. Japanese leaders of the women's movement need to develop strategies to use CEDAW more effectively not only before the court but also in push ahead gender policy if this change is to come about.



## Endnotes

<sup>1</sup>You can get information on some Japanese NGOs through Jca-Net (<http://www.jca.apc.org/index-en.html>). Click “Link to other web site” (<http://www.jca.apc.org/jca-net/jpd/japan-e.html>).

<sup>2</sup>You can get information on women’s movement in Japan through “fem-net” (<http://www.jca.apc.org/fem/>). Public women’s centres have also lists of local women’s NGOs working in each prefecture and city. You can access to some public women’s centres through National Women’s Education Centre <http://www.nwec.go.jp/English/INDEX.htm>, Click “Link to Other Servers,” and you can find the lists of public women’s centres. Each of centres have various program for empowerment of women and keep contact with grass-root level’s NGOs.

<sup>3</sup>WWN has the English homepage <http://www.asahi-net.or.jp/~wh9s-kedu/> It is rare case among women’s NGOs. Most of them are short of time to make English version or are not familiar with English although they make Japanese version.

<sup>4</sup>For example, Beijing JAC was charged with “Institutional mechanisms for the advancement of women.” Japanese Association Women’s International Rights (JAWIRA) was charged with “Human rights and women.” And Network Kansai (Beijing JAC -Osaka) was charged with “Women and the economy.” In Osaka, Network Kansai (Beijing JAC-Osaka) and WWN could work together to make a report on “women and the economy” because some of them are members of both NGOs. WWN has good information on the field of employment. And Network Kansai has closed relations with Beijing JAC based on Tokyo.

<sup>5</sup>You can get information in English on the Japan NGO Report Preparatory Committee and the Japan NGO Alternative Report at fem-net (<http://www.jca/apce.org/fem.index-enhtml>). I summarized the process of making the Japan NGO Alternative Report with making reference to “On Publishing the Japan NGO Alternative Report” written by Michiko Nakamura, Chairperson of Japan Report Preparatory Committee in the first page of the Japan NGO Alternative Report.

<sup>6</sup>As an example, we have Japan Civil Liberties Union (ICLU [http://village.infoweb.ne.jp/~jclu/index\\_e.html](http://village.infoweb.ne.jp/~jclu/index_e.html)), Japanese Association Women’s International Rights (JAIWR) and Human Rights Forum 21. All of those NGOs are mainly composed of lawyers and scholars. JAIWR email [Jaiwr@aco.com](mailto:Jaiwr@aco.com) and Forum 1Jhrf21jca.opc.org do not have an English Homepage.

<sup>7</sup>In 1975, the Headquarters for the Planning and Promoting of Policies Relating to Women was established within the Prime Minister’s Office. In 1977, “the National Plan of Action” was firstly drawn up and in 1981 “the Priority Target for the Second Half of the Period Covered by “ the National Plan of Action” for the Promotion of Measures relating to Women” were set. In 1986, it was reorganized by, among other changes, expanding its membership to include the Vice-Ministers and equivalents of all Ministries and Agencies. The Office for Women’s Affairs was established within the Prime Minister’s Office to act as Secretariat for the Headquarters and to deal with women’s affairs. In parallel with this action by the central government, all the prefectures and designated cities which have a population of 500,000 or more, and many other cities established sections charged with coordination for measures for women, for example, drawing up action programs.

<sup>8</sup>In 1996, the National Plan of Action for Promotion of a Gender Equal Society by the Year 2000 (“The National Plan of Action 2000”) was drawn up in accordance with the recommendation to set the National Plan to implement Platform for Action. The Basic Law on Administrative Reform of the Central Government, passed in June 1998, stipulates the establishment of the Conference for Gender Equality within the Prime Minister’s Office. The head of the Headquarters for the Promotion of Administrative Reform of the Central Government established within the Cabinet under the same law and headed by the Prime Minister, with all ministers serving as its members decided on reduction of the number of secretariats and bureaus, which has also been approved by the Headquarters. As a part of this decision, a Bureau for Gender Equality (provisional name) will be estab-

lished within the Prime Minister's Office (you can get more information at <http://www.sorifu.go.jp/danjyo/index2.html>).

<sup>9</sup>For example, you can get information about NGOs for migrant workers in Japan at <http://www2.odn.ne.jp/nyukan/englis01.htm> (The Immigration Review Task Force (IRTF)) and at <http://www.geocities.co.jp/CollegeLife-Labo/8108/overstay.htm> (Asian People's Friendship Society (APFS))

<sup>10</sup>Since women acquired suffrage in 1945, there have been 20 elections for the House of Representatives and 17 for the House of Councilors. The turnout of women voters has exceeded that of men in almost every election since 1968. The Diet had 67 female members as of December 1998 (8.9 per cent of the total), 24 in the House of Representatives (4.8 per cent) and 43 in the House of Councilors (17.1 per cent). You can get more information about the present statistics for Japanese women today at <http://www.sorifu.go.jp/danjyo/index2.html>

<sup>11</sup>Although the JAIWR has not their English homepage, you can reach at [Jaiwr@aol.com](mailto:Jaiwr@aol.com)

<sup>12</sup> has their English Homepage (<http://www.asahi-net.or.jp/~wh9s-kedu/>), and gives much significant information.

<sup>13</sup>You can get the outline of Sumitomo Electric Case at <http://www.ne.jp/asahi/wwn/wwin/frameen.html> (Click Bulletin Board). In other case about discrimination against women in workplaces, CEDAW is often evoked but it is not the main issue. But in Sumitomo Electric Case, the interpretation of CEDAW by the government is one of the main issues. As such other cases, we have Nissan Case (1981, Supreme Court judge), Nihon Scherring Case (1989, Supreme Court Judge), Maruko Alarm Industry Case (1996, Nagano District Court judge), The Shiba Shinkin Ban, Case (1996, Tokyo District Court Judge) and Shionogi Case (1999, Osaka District Court Judge).

You can get the information about Shionogi Case at <http://www.ne.jp/asahi/wwn/wwin/frameen.html> (Click "Report").

<sup>14</sup>WWN published The booklet "International Standard of Equality in Workplace" as report of the International Symposium which was held on 7/20/98 at Fukuoka, 7/25 at Osaka, 7/26 at Tokyo in 1998 sponsored by WWN.

Ms. Hanna Schopp-Schilling who is an expert of CEDAW was one of panellists in the Symposium and explained article 2 obligates State Parties to implement CEDAW without delay that is immediately. WWN also invited Dr. Marsha A. Freeman, Director of IWRAP to WWN's symposium held on 16th October 1999 as a main speaker. The plaintiffs requested her through WWN to write her statement about the interpretation of article 2 in order to submit it to the Court. On the day before the Symposium, her statement was submitted to the Court.

<sup>15</sup> See Yuji Iwasawa, *International Human Rights Law and Japanese Law*. Clarendon Press Oxford (1998) pp. 49-53.

<sup>15</sup>For example, Tokushima District Court Judgement on ICCPR Art.14 (1) and the Limitation of Access to Lawyers in Tokushima Prison on 15th March 1996, Judgement on Takamatsu High Court on Art.14 (1) and Rights to Convicted Prisoners to Meet lawyers on the 25<sup>th</sup> Nov.1997, Sapporo District Court Judgement on ICCPR Art.27 and Ainu People as Indigenous on 27<sup>th</sup> March 1997 and Shizuoka District Court Judgement on ICERD and Rejection to enter jeweller's against Brazilian on 12<sup>th</sup> Oct. 1999.

<sup>16</sup>34th session of the United Nations General Assembly on December 18, 1979 by 130 votes to none, 10 abstentions.

<sup>17</sup>For example, Japan proposed to delete article 9 para2 entirely and to amend article 2 (b), article 10 sub-para (b) And article11 para.2 sub-para (a) and (b). See Yuji Iwasawa, *International Human Rights Law and Japanese Law*, Clarendon Press Oxford (1988) pp.207-208.

<sup>18</sup>Japan signed the Convention on July 17, 1980. It came into force on July 25, 1985.

<sup>19</sup>The female labor force continued to expand in 1997, reaching 27,600,000 (40.7 per cent of the total labor force, 67,870,000). The female labor force participation rate was 50.4 per cent of the population 15 years of age and over. The participation rate for married women was 51.3 per cent.

By age group, the female labor force participation rate was the highest in the 20-24 age group (73.4 per cent), gradually declining for women over 25 and bottoming out in the 30-34 age group (56.2 per cent), before

rising again to reach a second peak of 72.2 per cent in the 45-49 age group. The result is an M-shaped curve.

By employment status, 79.8 per cent (21,270,000) of female workers were company employees in 1997. The number of female employees has been rising steadily; in 1997, there were 430,000 more than in 1996. The number of female employees as a percentage of total employees has also increased annually, climbing from 32.0 per cent in 1975 to 39.5 per cent in 1997.

By industry, 83.7 per cent of all female company employees were working in manufacturing services, wholesale and retail trade, and eating and drinking places. Growth in numbers has been substantial in these fields. By adding finance, insurance and real estate to this, the number rises to 88.9 per cent.

By occupation, clerical and related workers accounted for the highest proportion of female employees, followed by craftsmen, manufacturing and construction workers and professional and technical workers. Job areas which have seen the largest growth since 1975 by numbers are clerical and related work, followed by professional and technical occupations, sales workers, and protective service and service workers.

In the past, the majority of Japanese female employees were unmarried (for example, 55.2 per cent in 1962). By 1997, in contrast, the majority (57.3 per cent) were married. If divorced or widowed women are included in the "married" category, the figure rises to 66.8 per cent of all female employees.

The average age of female employees (37.3 in 1997) and average length of service (8.4 years in 1997) are also steadily increasing. (The corresponding figures for male employees are 40.5 and 13.3 years respectively.)

In 1975, there were 1,980,000 female part-time workers (employees in non-agricultural or non-forestry industries who work less than 35 hours a week). In 1997, the figure had risen to 7,460,000 (35.9 per cent of the total number of the female labor force). Part-time workers amounted to 11,140,000, representing 21.1 per cent of the total labor force. Out of the total number of part-time workers, 67.0 per cent were women. (This passage is an

extract from "employment" in "Women in Japan Today" at <http://www.sorifu.go.jp/danjyo.women99/sl.html>.)

<sup>20</sup>*Equal Employment Opportunity Law* passed the Diet on May 17, 1985. *Equal Employment Opportunity Law* and the provisions related female workers (*Labor Standard Law*) were revised in 1997 and came into effect in April 1999. By the revision, discrimination against women in the field of employment was prohibited more strictly and provisions for protection of only female workers in holiday work, over work and night-late work etc. were deleted.

<sup>21</sup>According to a survey conducted by the Ministry of Education, the total number of children and students in the school system (kindergartens and elementary, lower and upper secondary schools) was still falling as of 1 May 1997.

In 1997, the percentage of girls who advanced to upper secondary school was 97 per cent (94.8 per cent for boys). The percentage of students newly graduated from upper secondary schools who advanced to junior college or university rose to a record 46.8 per cent for girls (34.5 per cent for boys). The percentage of girls entering upper secondary school has exceeded that of boys since 1969, and the percentage entering junior college or university likewise since 1989.

According to a survey in 1997, the number of female university students rose from 864,147 in the previous year to 899,434. At junior colleges there were 402,929 female students, representing 90.2 per cent of all students, a decrease from the previous year.

In 1997, the number of female university graduates was the highest on record at 181,809. Of these, 10,590 went on to graduate school, 117,888 found employment and 1,875 became medical interns and entered clinical training, while 34,685 did not join the labor force. The employment rate for female university graduates increased from the previous year to 64.9 per cent. (The corresponding figure for male graduates was 67.5 per cent.)

In 1997, female teaching staff at elementary schools occupied 62.0 per cent of all full-time positions (this ratio exceeded 60 per cent

for the first time in 1993). Ratios for lower and upper secondary schools reached 40.3 per cent and 24.3 per cent respectively, both record highs. At universities and junior colleges, female full-time teaching staff numbered 16,565 (11.7 per cent of the total) and 8,163 (41.1 per cent) respectively. The proportion of female teaching staff at universities and junior colleges was at the highest level on all-time record as of 1996. (This passage is an extract from “education” in “Women in Japan Today” at <http://www.sorifu.go.jp/danjyo.women99/sl.html>.)

<sup>23</sup>In junior high schools, the different course between girls and boys was introduced in 1958. In 1960 general home economics became to be compulsory only for girls. In those days, the idea that girls and boys respectively have different characteristic and therefore, different education should be provided to each of girls and boys was widely accepted. Particularly it was often underlined that the purpose of general home economics for only girls was to train girls to play their role as good wives and good mothers in future. Therefore, there was very strong resistance against the revision of the “Courses of Study” in the field of home economics. In 1981, the government was asked about the necessary legal and polity amendment to ratify CEDAW in the Budget Meeting in the House of Councillors. The government replied that such a small differential treatment between boys and girls were based on an educational idea suited to each sex and that they wanted to decide on the revision after they researched furthermore on foreign countries’ situation on this issue and discuss with the Foreign Ministry whether such a Japanese style contradicted CEDAW or not.

<sup>24</sup>Under the present *Civil Law*, women cannot marry again until 6 months pass after divorce (article 733). Under the present *Penal Law* abortion maintains to be a crime (article 212-216) although *Protection of Mother’s Body Law* has an article that allows women to abort when they find it difficult to maintain pregnancy because of economic difficulties. Such an article was introduced after World War II but the proposal to delete the article was submitted in the Diet

in 1970’s and 1980’s. Women activists protested against the proposal and succeeded in making it to be rejected.

Milestones in the Advancement of Women Since International Women’s Year are the following; 1975 – Adoption of the World Plan of Action Establishment of the Headquarters for the Planning and Promoting of Policies Relating to Women; Establishment of Special Advisors in the Headquarters for the Planning and Promoting of Policies Relating to Women Convening of the Women’s Problems Council, a private advisory body to the President of the Headquarters Proclamation of the United Nations Decade for Women (1976-1985) by the General Assembly; 1977 – Formulation of the National Plan of Action; Opening of the National Women’s Education Centre; 1981 – Formulation of the Priority Targets for the Second Half of the Period Covered by the National Plan of Action; 1984 – Regional Intergovernmental Preparatory Meeting for Asia and the Pacific for the World Conference to Review and Appraise the Achievements of the UN Decade for Women (Tokyo); 1985 – Amendment of the *Nationality Law* to employ the bilinear system; Promulgation of *Equal Employment Opportunity Law*; Ratification of the *Convention on the Elimination of All Forms of Discrimination against Women*; 1986 – Expansion of the Headquarters for the Planning and Promoting of Policies Relating to Women (the organization was expanded to all ministries and agencies; mandate was also expanded); Convening of the Advisory Council to the President of the Headquarters for the Planning and Promoting of Policies Relating to Women; 1987 – Formulation of the New National Plan of Action towards the Year 2000; Increase in the number of Special Advisors to the Headquarters for the Planning and Promoting of Policies Relating to Women; 1991 – Formulation of the New National Plan of Action towards the Year 2000 (First Revision); 1992 – Entry into force of the *Child Care Leave Law*; Appointment of the first Minister for Women’s Affairs; 1993 – Third Periodic Report for the Convention on the Elimination of Discrimination against Women was submitted to the Secretary-General of the United

Nations; 1994 – Establishment of the Office for Gender Equality, Council for Gender Equality, and Headquarters for the Promotion of Gender Equality; 1995 – Revision of *the Child Care Leave Law* (legal establishment of Family Care Leave System); Ratification of *International Labour Organization Convention no.156*; 1996 – “Vision of Gender Equality,” a report by the Council for Gender Equality; Establishment of the Liaison Conference for the Promotion of Gender Equality; Formulation of the National Plan of Action for Promoting a Gender-Equal Society by the Year 2000 (the Plan for Gender Equality 2000); 1997 – Establishment of the Council for Gender Equality by law; Revision of *the Equal Employment Opportunity Law* and related laws; Appointment of the Minister for Gender Equality; 1998 – Council for Gender Equality presented to the Prime Minister in the form of a report on the proposal for a *Fundamental Law Designed to Promote a Gender-Equal Society*: Developing the Basic Conditions for Creation of a Gender-Equal Society; Fourth Periodic Report for *the Convention on the Elimination of Discrimination against Woman* was submitted to the Secretary-General of the United Nations; 1999 – Enactment of *the Fundamental Law Designed to Promote a Gender-Equal Society*

<sup>25</sup>“A Letter from Japanese Women.” Country-Report to the Japanese Government’s second periodic report as a State Party to CEDAW (9 July 1992). It is available if you contact with WWN.

<sup>26</sup>Concluding Observations on Japan adopted by the Committee on the Elimination of Discrimination Against Women (A/50/38, paras. 627-636.) is the following;

626. The Committee on the Elimination of Discrimination against Women (CEDAW) considered the combined second and third periodic reports of Japan (CEDAW/C/JPN/12 of 9 July) at its 248th meeting, on 27 and 28 January 1994.

### **Introduction**

627. The Committee commended the Government of Japan on the presentation of a detailed combined report, which followed the

guidelines for reporting and provided information on questions left unanswered during consideration of the initial report. The Committee also noted with appreciation the extensive responses given to the questions put by the Pre-session Working Group, but expressed its concern that the information was not provided in sufficient time for the pre-session group to consider it fully. The Committee, while appreciating the richness of the report, asked the Government of Japan to bear in mind the Committee’s constraints of time for considering reports, so that in future a fuller dialogue between the distinguished representatives of the Government of Japan and the Experts could take place.

### **Positive aspects**

628. The Committee noted and commended that some consultation with non-governmental organizations having an interest in issues affecting women had occurred. It noted in particular the active interest taken by Japanese non-governmental organizations in the Convention and also noted the independent reports provided by them. The Committee considered that this interest was indicative of the level of mobilization and concern among Japanese women and the degree of consensus about the major obstacles faced by them in achieving equal status with men.

629. The Committee also commended the Government of Japan on the progress made in a short time in advancing the status of women, particularly in the increased participation of women in public and political life, and the plans of the Government to improve further that participation. The Committee also applauded the way in which the Government had encouraged the broader participation of women in education and its action in implementing a family leave scheme.

### **Principal subjects of concern**

630. The Committee observed with concern that although Japan ranked second among the countries of the world in terms of overall resource development, according to the United Nations, her ranking was reduced to fourteenth when the socio-economic status of Japanese women was taken into considera-

tion. The Committee considered that this demonstrated the State's indifference to integrating women fully in the economic development process of the country.

631. The Committee also expressed its concern that although the report contained a wealth of data, it was otherwise descriptive and lacked critical analysis of the obstacles to full implementation of the Convention in Japan.

632. The Committee noted further that, despite the introduction of *the Equal Employment Opportunity Act*, individual discrimination continues.

633. The Committee expressed its disappointment that the Japanese report contained no serious reflection on issues concerning the sexual exploitation of women from other countries in Asia and during the Second World War. It noted that Japan's commitment to the Convention required it to ensure the protection of the full human rights of all women, including foreign and immigrant women.

### *Suggestions and recommendations*

634. The Committee asks that the Government of Japan engage in effective dialogue with Japanese women's organizations during the preparation of the next periodic report so that a better picture of Japanese women emerges. The legal and functional discrimination faced by Japanese women, both in the private sphere and in the workplace should be identified, as should the measures in place or planned to overcome these obstacles.

635. To enable the Committee to have a better understanding of commercial sexual exploitation or prostitution of immigrant women in Japan, more detailed information should be provided on the sex industry in Japan. The Committee requests the Government of Japan to undertake a study of the sex industry in Japan and to provide information on the findings in its next report. The Committee also encourages the Government to take specific and effective measures to address these current issues as well as war-related crimes and to inform the Committee about such measures in the next report.

636. The Government of Japan should ensure that the private sector complies with the

provisions of the Equal Employment Opportunity Act and report on the measures taken to address the indirect discrimination faced by women, both in terms of promotion and wages in the private sector.

<sup>27</sup>See *Human Rights Education in Asian Schools* (Asia-Pacific Human Rights Information Centre, 1998). If you want to get information about this book, you can contact with Asia-Pacific Human Rights Information Centre (e-mail: [webmailphurights.or.jp](mailto:webmailphurights.or.jp), web site: <http://www.hurights.or.jp>)

<sup>28</sup>In 1995, The Prime Minister's Office conducted a poll to survey people's awareness regarding gender equality. According to the poll, 75.6 per cent of people (80.9 per cent of women, 70.1 per cent of men) think that there is male preference in the whole society. And 66.2 per cent of people answer that the reason is that they maintain male preference in customary and other social practice.