

New Scholars

**GLOBAL PRESSURE, LOCAL RESULTS: THE IMPACT
OF CEDAW ON WORKING WOMEN IN JAPAN***

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ABSTRACT

Global movements have institutionalized and promoted equal employment opportunity rights in the international community, shaping laws and work conditions on a national level. This article illustrates the history of equal employment opportunity law reform, tracing local-international linkages. How have global movements for equal employment opportunities influenced legal reform processes and employment conditions in a society with a traditional gender-role culture and a rigid employment structure? Analyses of the legal reforms in Japan and of country reports for and responses from the United Nations' Committee for the Convention on the Elimination of all forms of Discrimination against Women (CEDAW) show how women's employment rights have expanded on a national level. The developments in women's employment rights in Japan, in areas such as family leave, sexual harassment, and indirect discrimination prohibitions, consistently follow Japan's interactions with CEDAW.

Gender discrimination in employment continues to be pervasive throughout the world. Parts of the United Nations' Convention on the Elimination of all forms of Discrimination against Women (CEDAW) were intended to combat

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discrimination against women in employment. While some researchers conclude that CEDAW has been helpful (Chan-Tiberghien, 2004; Liu & Boyle, 2001), others argue that it has offered no real benefit to the women of the world (see Minor, 1994). Japan is a particularly interesting country to study because by the early 1980s its management practices were often described as an example for the rest of the world. Yet, during this time gender discrimination in employment carried no legal penalty. Today, working women in Japan have far more workplace rights than they did in the early 1980s. Japan passed its Equal Employment Opportunity Law (EEOL) in 1985, and this was followed by a series of related legal reforms. One important example of these is that women in Japan can now sue employers for sexual harassment and win the case. They also have a family leave policy that is more generous than before. In addition, employers have amended job titles to remove direct references to employees' gender and have allowed a handful of women to perform management jobs that used to be restricted to men only. Is this recent improvement in Japan coincidental or is it thanks to CEDAW?

This article provides a case study of the effectiveness of CEDAW in regulating gender discrimination in Japan and illustrates its EEOL-related legal reform history, tracing the local-international linkages during the time of the expansion of Japanese women's rights. Neo-institutionalists and scholars of Japan (Brinton, 1993; Chan-Tiberghien, 2004; Lam, 1992; Liu & Boyle, 2001) have shown that these legal reforms resulted from international political pressure for Japan to conform to CEDAW. Similarly, former policymakers in Japan (Akamatsu 2001, 2003; Akamatsu & Yamashita, 2003; Osawa, 2003, 2005) have published works on the power of international political pressure in Japan's policy reform, particularly focusing on the national level. These insightful studies, however, have neither investigated the *processes* of social transformations in women's employment rights resulting from local-international links nor revealed the mechanisms for this change in the era of globalization. How have global movements for equal employment opportunities influenced the legal reform processes of and employment conditions in a society with a traditional gender-role culture and a rigid employment structure (Strober & Chan, 1999)? By mapping Japan's legal reform history and related events, this study provides an overview of Japan's legal change processes in a global context. This research shows how the United Nations, as a premier international and global organization, through its programs and provisions can produce a progressive improvement in the conditions of women.

GLOBAL NORM OF WOMEN'S EMPLOYMENT RIGHTS

International Movements for Women's Rights

The earlier women's movements in the world focused on suffrage and issues surrounding reproduction (Barrett & Tsui, 1999; Ramirez, Soysal, & Shanahan, 1997). Since World War I, international governmental organizations, such as the

International Labour Organization (ILO), have institutionalized and legitimized women's rights (Berkovitch, 1999a, 1999b). Nongovernmental organizations working for women's rights-related projects have also flourished in the world (e.g., Boli & Thomas, 1997), putting pressure on nation-states to adopt national laws supporting human rights (Meyer et al., 1997). In recent decades, movements supporting women's rights have intensified both at national and global levels. As a consequence, similar national laws exist across countries with different cultural, historical, and religious backgrounds (Boyle & Preves, 2000). In fact, a country is considered deviant in the world community today if it adopts gender discriminatory laws, because the vast majority of the countries have ratified CEDAW. Some countries implement laws with the idea that the adoption of a law will revitalize the national economy or that a law will grant working parents the right to manage work-family problems. Others do so not because there has been an increasing demand for specific laws, but because such laws have become "international symbols" that might have national level consequences in the global society (Barrett & Tsui, 1999: 213). In either case, isomorphism among national policies (see DiMaggio & Powell, 1983) is evident in the international system today (Barrett & Frank, 1999; Boyle, Songora, & Foss, 2001; Frank, Hironaka, & Schofer, 2000; Ramirez et al., 1997).

UN Women's Decade and CEDAW

The United Nations (UN) Women's Decade (1975–1985) effected a huge global political and cultural change. The UN General Assembly adopted CEDAW in 1979, and it entered into effect in September 1981. Its implementation was "faster than any other previous U.N. human rights treaty" (UN Department of Public Information, 2004). The fundamental principle of CEDAW, often described as an "international bill of rights for women" (CEDAW, 2007), is to affirm women's human rights and dignity. The CEDAW provisions (1) define discrimination against women broadly, including both intentional and *de facto* human rights discrimination (Article 1); (2) mandate that nations adopt policies for eliminating discrimination against women; (3) provide specific measures to be taken by state legislatures and other related parties (Articles 2–5); and (4) address specific women's issues in employment and all other areas of social life (Articles 6–16). Sixty-four nations signed on to this convention in 1979. Currently, 185 countries, representing more than 90% of the nations in the world, are parties to the convention (see CEDAW, 2007; Liu & Boyle, 2001; Merry, 2003, 2006). Additionally, though Japan has not yet signed on to it, the CEDAW Committee has set up a new procedure called the Optional Protocol, in which protocol ratifying nation-states are required to receive and consider complaints from individuals or groups within the jurisdiction of the nation-states (CEDAW, 2000).

Signing CEDAW requires nations to report their progress on women's rights, although it imposes no requirement for nations to produce any gender equality

outcome (Akamatsu & Yamashita, 2003; CEDAW, 2007). The CEDAW Committee evaluates the reports and the gender equality outcomes of the member nations. Some argue that this convention will not work to improve women's status in many countries because it has no enforcement mechanisms (see Minor, 1994). Recently, though, the adoption of women's rights-related laws has come into fashion—such women's rights laws have become “international symbols” that have positive consequences in the global society (Barrett & Tsui, 1999: 213; Liu & Boyle, 2001; Merry, 2003, 2006). Japan is “in” in this sense—it is one of many countries that, having ratified CEDAW, have started changing their women's rights-related laws and practices. For Japan, it was politically important to ratify CEDAW by the end of UN Woman's Decade. To do so, Japan needed to pass the EEOL. The adoption of this law was a symbolic action, designed to make Japan appear socially advanced and “respectable in Western eyes” (Bergeson & Oba, 1986: 875). The passage of such a law without mass social support for women's rights at work can produce a contradiction or “de-coupling” (Meyer & Rowan, 1977) between law and cultural reality. Many countries reform their policies without a national consensus. Therefore, violations of laws or treaties are very common (see Hafner-Burton & Tsutsui, 2005, 2007; Hafner-Burton, Tsutsui, & Meyer, 2008).

Japan in the Pre- and Post-EEOL Periods

As noted above, Japan, pressured for change, passed its EEOL bill in 1985 (Brinton, 1993; Lam, 1992; Liu & Boyle, 2001; Osawa, 2003, 2005). At the time of its passage, there was neither mass social agreement with the law, nor was there a powerful women's right movement on the national level (Cabinet Office of Japan, 1984; Inoue & Ehara, 2005; Molony, 1995). For instance, right before the passage of the law, only 18.1% of Japanese citizens thought it was a good idea for women to continue to work after having children (Cabinet Office of Japan, 1984). The majority in Japan believed that women should stay home after marriage. Previous studies of employment policies (Gottfried, 2000; Kimoto, 2000; Peng, 2002a, 2002b) and practices (Brinton, 1989, 1993, 2001; Brinton & Ngo, 1993; Chang, 2004; Charles, Chang, & Han, 2004) show gender distinct work-family roles in Japan. In the pre-EEOL time, women and men were usually hired for specific women's and men's career tracks, respectively. Women's wage on average was much lower than for men with the same educational credentials. They received little job training for better career opportunities while their right to maternity leave was extremely limited.

By 2007, however, 43.4% of Japanese supported the idea of mothers working; this rose to 76.4% if combined with those who agreed with mothers returning to work after some time off (Cabinet Office of Japan, 2007). Family and work are widely discussed topics in Japan today. National newspapers and TV programs, as well as feminist scholars, have intensively covered the problems women in Japan

face, such as the difficulty of taking family leave (see Inoue & Ehara, 2005) and the complexity of sexual harassment policies, legal cases, and reality (see Kanegae, 2000; Kanegae & Hirose, 1994; Muta, 2004a, 2004b, 2005; Ueno, 2000, 2005). In sum, public support for women's employment rights in Japan has grown since around the time of the passage of EEOL in 1985 (Cabinet Office of Japan, 2007; Japanese Ministry of Health, Labor, & Welfare, 2002). In particular, younger women in Japan have shown more awareness of their employment rights (Molony, 1995; Uggen & Shinohara, 2009). Given the social changes, EEOL and related laws have continued to be reformed in Japan, further supporting women's rights at work on the national level. What is the process followed by Japan's series of women's employment rights legal reforms in the global context? To answer this question, this article provides Japan's legal history on this matter and its interactions with the international community.

METHODOLOGY

Methodological Approach

Global events encouraging women's rights, such as the International Women's Year (1975) and the UN Women's Decade, are Japan's "great driving force" for the promotion of gender equality (CEDAW, 1987: 2). To capture when and how changes occur in a global context, I utilize the historical research method (Aminzade, 1992; Elder, 2003) of mapping Japan's legal reforms and its interactions with relevant international organizations. In studying Japan's EEOL-related legal reforms, I look at social change trajectories or sequential patterns of legal transformation in Japan. I also apply a content analysis of legal documents to further observe local-international interactions. Examining sequence patterns helps us understand "whether there are typical sequences characterizing particular processes" in social history (Aminzade, 1992: 462). This mapping strategy helps us understand the changing processes and mechanisms about gender equality in Japan from 1985 to the present day.

Data

To map the legal history of women's employment rights developments in Japan, I use a content analysis of national law and international legal reports. I examine six reports submitted by the Japanese government to the CEDAW Committee and the CEDAW Committee's four responses to these reports, in order to see how international pressure has motivated legal changes in Japan. To trace the local-international interactions and the policy reforms more closely, I locate the interactions between Japan and CEDAW in their reports and responses on women's rights issues, particularly focusing on the reforms the CEDAW Committee has called for in Japan.

The Japanese government has communicated with the CEDAW Committee on a number of occasions since Japan ratified the treaty in 1985. To date, Japan has submitted six reports to the CEDAW Committee: in March 1987 (CEDAW, 1987), February 1992 (CEDAW, 1992), October 1993 (CEDAW, 1993), July 1998 (CEDAW, 1998), September 2002 (CEDAW, 2002), and April 2008 (CEDAW, 2008). After a country submits a report, the members of the CEDAW Committee review it and issue a response. The CEDAW Committee issued its responses to Japan in February 1988 (CEDAW, 1988a, 1988b, 1988c), January 1994 (CEDAW, 1994a, 1994b) and July 2003 (CEDAW, 2003a, 2003b). The preliminary record of the sixth response by the CEDAW Committee has recently been published (CEDAW 2009). These interactions between Japan and the CEDAW Committee are found on CEDAW and the Japanese government's home pages, as well as on private Web sites (e.g., Bayefsky, 2007).

Japan's EEOL in a Global Context

Table 1 shows Japan's women's employment-related legal history and its interactions with the international community. The legal reforms in Japan begin with the setting up of bureaucracies and the adoption of policy plans during the UN Women's Decade. With the start of the UN Women's Decade in 1975, the Japanese government began reacting to women's employment rights issues. First, the Prime Minister's Office created the Headquarters for the Planning and Promoting of Women's Policies and a Council on Women's Issues in 1975; this was followed by the establishment of the National Plan of Action for Women and National Women's Centers in 1977. Japan signed CEDAW in 1980. Japan passed its EEOL in 1985. This was also the year in which Japan ratified CEDAW, the final year of the UN Women's Decade, and also the year of the World Conference on Women in Nairobi, Kenya.

The National Diet of Japan officially announced the passage of EEOL on June 1, 1985, after the House of Councillors (the upper house or *sangin*) and the House of Representatives (the lower house or *shugin*) passed the bill on May 10, 1985, and May 17, 1985, respectively. The bill had continued to be debated since 1983. Japan's passage of EEOL created the necessary condition for its CEDAW ratification (Ôhara Institute for Social Research, 1985). On June 25, 1985, Japan submitted its application for CEDAW ratification to the UN secretary-general. The implementation of EEOL followed on April 1, 1986. As Table 1 shows, in the period 1975–1985, the timing of key UN and Japanese women's rights activities illustrates the close link between the global and the national level.

CEDAW Reports and Japan's Responses

The most direct evidence of CEDAW's influence comes from correspondence between the Japanese government and the CEDAW Committee in the form of reports and responses. After Japan's CEDAW ratification (1985) and its EEOL

implementation (1986) came into effect, legal reforms in the interest of women's rights intensified (see Table 1). They were closely linked to Japan's interaction with the CEDAW Committee (in the first through third reports and responses). After the first CEDAW report (1987) and response (1988a, 1988b, 1988c), Japan passed and reformed the Child-Care and Family Leave Law (Leave Law) supporting employed mothers. While it also enacted a tax law reform supporting housewives by exempting nonemployed and part-time working spouses in middle-class families from payment of tax in 1987, Japan continued to reform laws on women's employment. In 1988, Japan set up a gender equal policy for home-economics education, resulting in both girls and boys being required to take home economics courses throughout high school. With the Leave Law reform in 1995, all full-time employees were granted the right to take child-care leave.

The most recent period, from 1996 to the present day, shows additional local-international interactions between Japan and the international community. Japan released its National Plan for Gender Equality 2000 in 1996. Following the release of the plan, Japan passed the Basic Law for a Gender-equal Society (Basic Law) and reform bills for other related laws (the Labour Standards Act, EEOL, and Leave Law) in 1997. Japan reported these in its fourth report to the CEDAW Committee. Multiple reforms of these policies coinciding with the UN's 23rd special meeting, "Women 2000," in New York further supported women's employment rights in Japan with the creation of gender equality promotion offices. In 2001, Japan renamed the Gender Equality Office (established in 1994) the Gender Equality Bureau, raising its status, and released the Basic Plan for Gender Equality in 2001. Japan reformed its EEOL (passage of the bill in 2006, implementation in 2007), again strengthening the sexual harassment regulations and adding indirect discrimination measures, before submitting its sixth report in December 2008. Throughout these phases, Japan constantly interacted with the CEDAW Committee and other international organizations promoting women's rights.

RESULTS

Table 2 provides a summary of the history of CEDAW-Japan interactions with a focus on major issues related to gender equal employment. Throughout Japan's CEDAW reports, its tendency has been to assure and reassure the international community that Japan has "made a great effort" to promote women's equality (CEDAW, 1987: 3). Overall, Japan emphasizes its effort in terms of institutional changes and policy campaigns throughout all its reports. Distinct patterns in these interactions emerge as follows. The key topics concerning women's employment rights in the reports and responses include these five issues: (1) Japan's institutional reforms, (2) gender equality consciousness raising, (3) family leave, (4) sexual harassment, and (5) indirect discrimination. As both Japan and the CEDAW Committee view the Japanese consciousness (social attitudes toward gender stereotypes, low awareness of gender issues, and so forth) of women's rights

Table 1. Japan: Legal History of Women's Employment Rights and Interactions with International Organizations, 1975-2009

Year	International organizations	Japan
1975	UN Women's Decade UN 1st World Conference on Women, Mexico	Headquarters for the Planning and Promoting of Women's Policies set up by Prime Minister's Office Council on Women's Issues set up by Prime Minister's Office National Plan of Action for Women National Women's Centers started
1977		
1979	UN General Assembly adopted CEDAW	National Meeting for UN Women's Decade (Second Half of the Decade National Plan of Action for Women)
1980	UN World Conference on Women (Mid-year), Copenhagen Program of action adopted CEDAW signed by Japan	
1981	U.S. EEOC Guideline included sexual harassment UN CEDAW came into effect September 1981 ILO Japan adopted C156 Workers with Family Responsibilities Convention	
1985	UN Women's Decade final year UN World Conference on Women, Nairobi CEDAW Japan's ratification came into effect	EEOL passed
1986		EEOL implemented
1987	CEDAW Japan's 1st report	New National Plan of Action for Women toward 2000 Income Tax Law reformed (special exemption for no income/low income spouses)
1988	CEDAW 1st response to Japan	Labor Law 40 hours/week system introduced
1988		Education Home economics for all introduced
1991		Leave Law passed
1992	CEDAW Japan's 2nd report ILO 1st international reports on sexual harassment	Leave Law implemented Fukuoka Case was first successful hostile sexual harassment case
1993	CEDAW Japan's 3rd report	
1994	CEDAW 2nd and 4rd responses to Japan	Gender Equality Office, Council for Gender Equality, and Headquarters for the Promotion of Gender Equality established

1995	UN World Conference on Women, Beijing ILO Japan ratified C156 Workers with Family Responsibilities Convention	Leave Law reformed
1996	US EEOC filed for sexual harassment against Mitsubishi	National Plan for Gender Equality 2000
1997		Basic Law passed Labour Standards Law reformed (protection of women terminated) EEOL reform passed (prohibition–sexual harassment prevention) Leave Law reform passed
1998	CEDAW Japan's 4th report	EEOL implemented
1999	UN'S Women Watch Japan's 2nd report	Basic Law implemented Leave Law reformed Basic Plan for Gender Equality
2000	UN 23rd Special Session of General Assembly, "Women 2000," New York	Gender Equality Bureau set up by the Cabinet Office
2001		Leave Law reformed
2002	CEDAW Japan's 5th report	
2003		
2004	CEDAW 4th and 5th responses to Japan	
2005	UN 49th Session of the Commission on the Status of Women (Beijing+10), New York	EEOL reform passed, prohibiting (1) discrimination against both sexes (not just women); (2) discrimination against pregnant women and new mothers; and (3) indirect discrimination. The employer became responsible for preventing sexual harassment with a fine of up to 200,000 yen for violation EEOL reform implemented
2006		
2007		
2008	CEDAW Japan's 6th report	
2009	CEDAW 6th response to Japan, expected in summer	

Note: The sources of the information in this table are as follows: Bayefsky (2007); Cabinet Office of Japan (1984, 2007); CEDAW (2007); and UN Women Watch (1998). The following abbreviations are used: Basic Law = Basic Law for Gender Equal Society (Japan); CEDAW = UN Convention on the Elimination of All Forms of Discrimination against Women; EEOL = Equal Employment Opportunity Law (Japan); ILO = International Labour Organization; Leave Law = Child Care and Family Care Leave Law (Japan); U.S. EEOC = Equal Employment Opportunity Commission (U.S.). Prime Minister's Office refers to the Cabinet Office of Japan.

Table 2. CEDAW Committee—Japan: Summaries of Interaction on Women's Employment

Reports (yr) Responses (yr)	1st (1987) 1st (1988)	2nd (1992), 3rd (1993) 2nd & 3rd (1994-1995)	4th (1998, 5th (2002) 4th & 5th (2003)	6th (2008) 6th (2009)
Gender equality consciousness	Both CEDAW and Japan admitted that stereo- types are obstacles to change CEDAW encouraged information dissemination	CEDAW acknowledged growing gender equality consciousness, but pointed at polls showing women still discriminated against. CEDAW requested con- sciousness information	CEDAW warned that Japan put too high a value on consensus Japan reported that discrimination complaints had increased and the bureau's Web site provided information	Japan reported public cam- paigns against stereotypical gender roles. Gender Equality Week celebrated since 2001
Family leave	Japan said it had no paternity leave plan CEDAW said Japan had not yet ratified ILO #456	Japan reported gender equality consciousness- raising campaigns CEDAW said Japan should enact legislation on behalf of family/low fertility issue Japan reported longer leaves but payment for such leaves was not compulsory in 1990. Japan reported leave for both men and women in both public and private sectors in 1994	CEDAW said Japan must change the reality, not just make new laws Japan reported benefits added but still two-thirds of women quit jobs due to inflexible manage- ment, childcare shortage, and uninvolved fathers, and as a result birthrates declined	Japan reported that the 2004 Leave Law reform had strengthened the support for working families; working parents were increasingly taking leave

<p>Sexual harassment (SH)</p>	<p>CEDAW asked about the situation Japan recognized that there was a problem</p>	<p>Both CEDAW and Japan agreed that no measure against sexual harassment was currently in place</p>	<p>Japan reported growing numbers of complaints being filed and legal reforms designed to prevent SH</p>	<p>Japan reported that the 2007 EEOL reform included employer responsibility for prevention; SH accounted for 40% of EEO complaints</p>
<p>Indirect discrimination (ID)</p>	<p>CEDAW questioned policies about the dual-track job system, the social security system, income tax, and the retirement age Japan defended its tax system and the benefits of its policy on women</p>	<p>CEDAW pointed at indirect discrimination in terms of the dual-track system, retirement age, pay, pensions, lack of training for women, etc., and encouraged affirmative action Japan admitted that its tax and social security systems restricted women's work hours</p>	<p>CEDAW urged Japan to define ID, including the dual-track employment system, as discrimination Japan reported an affirmative action plan (30% women in leadership positions by 2020) and admitted that its tax and social security systems were currently of the traditional, male-oriented type</p>	<p>Japan reported that the 2007 EEOL reform prohibited ID due to body size, relocation issues, and pregnancy</p>

as an obstacle to change, consciousness raising becomes necessary (information dissemination, public campaigns). Japan responds with quick legal reforms on issues of family leave and sexual harassment, although a number of issues in women's employment come up in the report-exchanges between the Japanese government and the CEDAW Committee. Japan left some of the issues of indirect discrimination, such as dual career tracks created as a barrier to women's promotion (Kodera, 1993), unresolved, while the EEOL reform in 2007 for the first time included definitions of some forms of indirect discrimination. Japan's report in 2008 announces that it has included indirect discrimination regulations in its EEOL reform (CEDAW, 2008). The following section closely traces Japan-CEDAW interactions in the reports and responses summarized in Table 2.

What Reforms Has CEDAW Called for in Japan?

The CEDAW Committee responds to Japan's reports, commenting on issues raised and encouraging further improvement of women's status. While the Japanese government is bound to report its general achievements in terms of women's rights to the CEDAW Committee every four years, Japan also regularly provides updates of general information on women's status, such as demography, national legal reforms in women's employment rights, public sources for improving women's status, and other areas that highlight its progress and achievements in women's rights. Japan's CEDAW reports include information on women's employment rights, in addition to issues around prostitution, violence against women, and Japan's Official Development Assistance (ODA) spending on other countries. In this section, I elaborate only on topics relevant to women's work rights. The CEDAW Committee's responses in the "Consideration of the Reports" include detailed final evaluations of Japan's CEDAW reports, which include the acknowledgment of positive steps as well as critiques and warnings. The CEDAW Committee calls specifically for de jure and de facto equality for women. Thus, as Japan stresses its institutional reforms and its compliance with the global legal norm of women's rights, the CEDAW Committee continues to suggest that Japan should further improve women's conditions to actualize de facto gender equality.

Japan so far has highlighted its efforts in gender equality consciousness raising, family leave policies, and sexual harassment prevention. Yet, it has avoided defining and dealing with indirect discrimination in women's employment issues until its latest report. Let us look at each of these four issues individually.

Gender Equality Consciousness

Raising social consciousness of women's rights is a major project that the CEDAW Committee continues to assign to Japan. Japan emphasizes its efforts in this area in its reports. In its first report in 1988, Japan identified people's stereotypical attitudes to gender roles as obstacles to change (CEDAW, 1988a, 1988b,

1988c). Again, Japan expressed the significance of consciousness raising in its second report, in 1992 (CEDAW, 1992). In its third report, in 1993, Japan provided more specific information on its dissemination efforts, such as tax subsidized local- and ministry-level consciousness-raising campaigns (CEDAW, 1993). In the CEDAW Committee's second and third joint response to Japan (CEDAW, 1994a), the committee acknowledged that Japan showed "efforts to raise consciousness includ[ing] the Equal Employment Opportunity Month and a regular panel meeting to solve problems arising from stereotypes and to improve the social environment through wide dissemination" of information (CEDAW, 1994a: 5). Nevertheless, the CEDAW Committee notified Japan that the "government [had] failed to provide information on women's awareness of their rights and legislation on employment and discrimination" (CEDAW, 1994b: 4). What this means is that Japan has been emphasizing effort while the CEDAW Committee has been more interested in results.

Japan uses its own consciousness-raising effort to show its dedication to women's rights. Yet it refers to the not-yet-majority support for certain women's rights questions indicated by the national opinion survey when it explains to the CEDAW Committee why legal enforcement in reality is weak in Japan today. In the CEDAW responses (CEDAW, 2003a, 2003b) in 2003, the CEDAW Committee expressed its frustration that Japan values social consensus "too much" and noted that people's attitudes are "not an excuse" for Japan's non-compliance with international law (CEDAW, 2003a: 29). Toward the end of the Japan-CEDAW interaction in 2003, Japan again responded to the CEDAW Committee that people's "stereotypes" are problems (CEDAW, 2003a: 50), repeating the view in its earlier report. In its reports, the Japanese government emphasizes that not all individuals support gender equality.

Family Leave

Taking family leave has become a new right of working parents in Japan. The CEDAW Committee raised the issue of family and child-care leave in its first response to Japan in 1988 (CEDAW, 1988a, 1988b, 1988c). Japan's next report in 1990 was somewhat defensive about the situation, reporting no pregnancy discrimination against workers in most companies and pointing to how its social security system provided adequate wages for maternity leave. Nevertheless, Japan responded to the committee by reforming its policies, lengthening and partially paying for maternity leave (CEDAW, 1992) and legally allowing both working parents, not just women, to take parental leave. This did not stop the CEDAW Committee from asking Japan more questions about the practical conditions of the family leave policy, including details of benefits and payment systems (CEDAW, 1994a, 1994b). CEDAW pointed out that although Japan amended its laws (CEDAW, 2003a) to increase the amount of leave policy benefit (CEDAW, 1998, 2002) from the late 1990s, virtually no working fathers took any family leave and

the majority of mothers still left work upon childbirth (CEDAW, 2003b). Japan explained that this resulted from factors beyond the government's control, such as inflexible management, a child-care shortage, and uninvolved fathers (CEDAW, 2003b).

In 1994, the CEDAW Committee brought up Japan's low birthrate as an issue, pressuring Japan to enact legislation further supporting gender equality on behalf of the family (CEDAW, 1994b). This was the first time that the fertility issue had arisen in the Japan-CEDAW interactions. At least in the Japan-CEDAW record, declining fertility in Japan and issues of women's employment rights have been seen as related problems that can be solved by a greater emphasis on gender equality. To summarize, the CEDAW Committee first called on Japan for family leave. Japan has responded with new policies, but has appeared reluctant to vigorously promote them.

Sexual Harassment

Sexual harassment at work was not presented as a social or employment problem for Japan in the first set of Japan-CEDAW interaction records. In its first response to Japan in 1988, the CEDAW Committee simply asked Japan about the local situation concerning sexual harassment and violence against women. In Japan's third report, in 1993 (CEDAW, 1993), however, sexual harassment became a problem in the workplace due to legal cases and media attention to the issue in Japan (Shinohara, 2009). Japan's fourth and fifth reports provided details on increasing sexual harassment allegations (CEDAW, 1998) and legal amendments specifically defining and preventing harassment at work.

By that time, legal cases against sexual assailants and employers had already been heard in Japan (see Hayashi [1995] for a discussion of the landmark Fukuoka sexual harassment case). Additionally, sexual harassment suits against Japanese male workers and automobile firms were heard in the United States. In 1998, Mitsubishi settled a class action sexual harassment lawsuit for \$34 million (EEOC, 1998). In 1999, a jury awarded a plaintiff \$4.4 million from Mazda because of sexual harassment by her supervisor (WAGE Project, 2005). Japan has been more proactive on the issue of sexual harassment than other women's employment rights issues. In the case of sexual harassment, I suggest, Japan is reacting to the court cases against Japanese harassers and employers within Japan and in the United States, and the media coverage of these cases (see Shinohara, 2009). In the latest report, Japan informed the committee that its EEOL reform enacted in 2007 strengthened the sexual harassment regulations, including preventive measures and fines for violators.

Indirect Discrimination

The CEDAW Committee has called for Japan to eliminate both direct and indirect de facto discrimination against women; Japan has reacted minimally to the

issue of indirect discrimination against women until recently. The initial EEOL prohibited employers from using overt gender labels, for example. Yet, it was still legal to indirectly sort employees into gender-specific groups using career course labels. Since direct gender discrimination—such as hiring only males for “men’s jobs”—became illegal, employers have started using nongendered career track titles such as *sôgôshoku* (comprehensive career track job, formerly called a man’s job) and *ippanshoku* (general noncareer job, formerly called a woman’s job) (Kodera, 1993). Although this has allowed a small number of women to enter the comprehensive career tracks, the labels have overall allowed the retention of gender discriminatory hiring and promotion systems. The CEDAW Committee has responded to Japan that this indirect structural discrimination should also be targeted for change. Throughout the first five reports and responses between Japan and the CEDAW Committee after 1986, the Committee continued to bring up forms of indirect discrimination against women, such as the dual-track job system and the same retirement age for both men and women in the social security system, as targets for change. After the fifth Japan-CEDAW interaction, the 2006 EEOL reform bill, enacted in 2007, defined some forms of indirect discrimination as violations of EEOL. The prohibited indirect discrimination practices include (1) requiring employees to have specific heights and weights at entry to the job; (2) requiring employees to relocate to other regions or countries in order to be hired in the formerly male career track (*sôgôshoku*); and (3) requiring employees to have relocation experience to get promotion (CEDAW, 2008). This shows that Japan has started reacting to the issue of indirect gender discrimination at work.

In sum, the continuing interactions between Japan and the CEDAW Committee have encouraged and produced changes at least on the institutional level. Japan has brought up women’s employment issues—employer and employee consciousness of women’s rights, family leave policy, sexual harassment, and finally in the last report indirect discrimination—in the CEDAW reports after the CEDAW Committee has pointed out an issue. The first two reports from Japan, in 1988 and 1990, sounded more defensive of its practices. The style of the reports shifted to a greater degree of acknowledgment of issues over time, showing Japan’s understanding of its problems and its needs for action in women’s employment rights issues.

DISCUSSION

Revisiting Women’s Employment in Japan

After the UN Women’s Decade (1975–1985), Japan’s legal efforts for women’s employment rights accelerated. Japan ratified CEDAW after it had passed EEOL in 1985, as required by the CEDAW Committee. Issues and conditions around gender, employment, and family lives in Japan have faced a number of challenges since that time. Since 1975, the women’s labor force participation rate has

increased by 2.8% (from 45.7% in 1975 to 48.5% in 2006) in total, while women's employment rate has risen markedly (from 58.9% in 1975 to 67.2% in 1985, 78.3% in 1995, and 84.6% in 2005) (see Shirahase, 2005). Though between 1955 and 1975, women generally left the labor force, they have gradually started coming back to work as employees, while there has been a national shift from a production-based economy to a service- and information-oriented economy, in a difficult transition phase. Japan's EEOL and related legal reforms for women's rights at work occurred in this socioeconomic transition.

Ongoing Policy Reforms and Outcomes

Although the family leave policy looks more generous in Japan than in the United States, for example, the majority of women in Japan still leave their jobs upon childbirth (approximately 70%). This is because the majority of female workers in Japan are unqualified for the policy benefit—the policy support for the minority of women on the career track. Even if mothers with young children wish to return to work, the shortage of child-care and the priority given to children of mothers already in the labor force are obstacles for those who want to go back to work after a long absence. Japan's policy arrangements make it hard for mothers to return to full-time jobs, if such positions are even available. While full-time employees qualify for generous leave benefits, the majority of working women do not qualify for these. Although school-supported after-school activities are generally available in Japan, most mothers have already been absent from work or have been unskilled part-time or contract workers for quite a few years by the time their children enter elementary school (Iwao, 1993). Therefore, the current work-family policy design, shaped by both internal and external demands in Japan, supports women's movement away from work and toward intensive mothering with little career potential in the course of their lives.

Power of International Networks in Global Society

Intensifying the globalization of legal norms for women's rights was a crucial factor influencing Japan's legal reforms for women's rights at work. Tables 1 and 2 show the process of the diffusion of global norms into local Japanese society. The mechanisms surrounding Japan's ongoing legal change are complex; yet, Japan's joining the international network on women's rights by participating in the first UN Conference on Women in Mexico in 1975, signing CEDAW in 1980, and ratifying it in 1985 appear to be key events. The tables confirm the power of international networking in women's policy reforms in Japan, suggested by neo-institutionalists (Chan-Tiberghien, 2004; Liu & Boyle, 2001) and scholars of Japan (Brinton, 1993; Lam, 1992) as well as by former policymakers (Akamatsu, 2001, 2003; Osawa, 2003, 2005). Future research should explore the reasons why Japan's international linkage continued to affect legal reforms to the point where national consciousness and conditions began to change.

Successful Streaming of Local “Social Expectation” for Women’s Work Rights

Employment rights issues brought up by the CEDAW Committee have raised the consciousness of Japanese government officials and politicians, as we see in the legal reforms that have followed the CEDAW responses. The CEDAW-Japan linkages have not only fostered an international conversation on paper but also produced a flow of global norms into the world of Japanese understanding, at least on the “formal” policy level. In any case, Japan-CEDAW interactions have produced a social stream or “social expectation” (Hasegawa, Shinohara, & Broadbent, 2007) toward legal change, even though Japan’s CEDAW ratification and the first EEOL constituted merely a symbolic reaction to international political pressure.

Global norms of women’s rights at work appear to be diffused into Japanese society and to be quite well retained (see Barrett & Tsui, 1999; Boli & Thomas, 1997; Liu & Boyle, 2001; Merry, 2003, 2006; Meyer et al., 1997), rather than disappearing promptly due to the foreignness of the cultural orientation or the lack of actual benefit to women (Minor, 1994). To date, Japanese employment law on women’s rights has undergone several reforms, further expanding women’s rights at work. On April 28, 2006, the councillors of the Japanese Diet (or *sangin*) passed another EEOL reform bill, proposed by the Cabinet Office of Japan, which included a statement of another possible reform in five years. This reformed EEOL was implemented in April 2007. With this reform, some forms of indirect discrimination against women workers have become illegal on paper and perpetrators can be fined. These are some of the women’s rights topics that CEDAW charged Japan to improve. The reports and responses have continued to create normative resources to which feminist activists (see Liu & Boyle, 2001, for the initial stage of the EEOL reform) can refer. The institutional changes and disseminated information have provided such activists with legitimacy toward their claims of discrimination against women. In conclusion, it is fair to say that Japan has not eliminated gender discrimination in employment in behavior (Brinton, 1989, 1993, 2001; Brinton & Ngo, 1993; Chang, 2004; Charles et al., 2004; Gottfried, 2000; Kimoto, 2000; Peng, 2002a, 2002b), but that working women in Japan have more legal workplace rights than they did before Japan’s CEDAW ratification—and this is no coincidence.

CONCLUSION

This article has illustrated the history of Japan’s legal reforms for women’s employment rights, tracing the local-international linkages. The definitions of “women’s equal rights at work” vary depending on national culture, history, and political orientation. Working women in Japan had very little resources to continue working after starting their families during the pre-EEOL years. Also, they had few places to which to bring their work harassment claims (Kanegae &

Hirose, 1994). Today, it is illegal for an employer to suggest that a woman worker should leave work due to her pregnancy. This shows how far women in Japan have come from the days when they had little legal recourse against such employment discrimination. It is important to note that this was neither a simple change nor due simply to democracy. Many countries with democratically elected governments have made less progress than Japan over the same time period. For instance, Russia also signed CEDAW but it has a deplorable record on women's workplace rights and conditions, even though Russia today is a democracy (Gerber & Hout, 2004; Teplova, 2007). Thus, the positive legal reform for women's work rights in Japan cannot be solely attributed to such a political system. When peoples and nation-states can resist international pressure (and many people and nations do reject changes in women's rights around the world: see, for example, Hafner-Burton & Tsutsui, 2007; Liu, 2006), why do people in a country decide to change? I call for future research to gain a better understanding of why international pressure was so effective in the Japanese context.

EEOL, starting only as a symbolic law in Japan, was first adopted due to international pressure, rather than due to socially developed large national movements supporting women's employment rights. Yet, the Japanese government's interactions with the CEDAW Committee over time created and strengthened the normative and structural resources of which local activists and ordinary women workers can take advantage (Liu & Boyle, 2001). This is important especially at the present time, when we hear constantly about economic downturns, violations of workers' rights, and rampant violations of human rights in general. This study has documented and described how women's employment rights in a society once without an equal employment policy expanded in response to CEDAW. Using Japan as an example, the study has confirmed that, ever so incrementally, activists for human rights can see rays of light, through local-international interactions effected by international organizations' programs and provisions.

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