

**T**here are no legal impediments to Japanese women's participation in government and politics, but they are underrepresented in both areas.

Under the serious economic recession where women faces difficulties due to the worsening living conditions such as the retreated social security including medical and pension systems they are becoming more critical about politics. This growing political awareness has made them active participants in political processes such as elections. For instance, during the simultaneous local elections held in April 1999, women's vote rate exceeded that of men in most of the constituencies, which had a great influence on the election results. In fact, there has been an increase, albeit slow, in the number of women holding public office in recent years.

At present, the number of women candidates running for the elections and that of the elected recorded an all-time high; a total of 2,400 women candidates were elected all over the country. As of December 2000, women held 36 seats in the 480-member lower house of the Diet (7.5 percent), and 43 of the 252 seats in the upper house (17.1 percent), the highest number since 1946. There are 2 women in the 19-member Cabinet. Two of the country's 47 governors are women (in Osaka prefecture and in Kumamoto); both were elected during the year.

The Government and ruling parties railroaded through the present Diet session a bill to reduce the House of Representatives proportional representation constituency seats by 20. The cut in the proportional representation constituency seats will result in women's voices and people's will further less reflected in politics. The "Liaison Group for the Implementation of Resolutions for the International Women's Year Conference of Japan" formed by Japan's major women organizations comprising 26 million women, unanimously opposed the single-seat constituency system, calling for a electoral system centered on the proportional representation, one that can reflect the people's will more proper and facilitate women's participation in politics. 49 women organizations have expressed their opposition to the reduction in the proportional representation constituency seats pushed through this time.

Women make up 40 percent of the labor force, and women between the ages of 15 and 64 have a labor force participation rate of 51 percent. Although the Labor Standards and the EEO law prohibit wage discrimination against women, in 1999 female workers on average earned only 62 percent of average male earnings. Women age 20 to 24 earned 91 percent of men's wages for this age group, but average earnings of women age 50 to 54 were only 54 percent of the earnings of men in this age cohort. Much of this disparity results from the "two-track" personnel administration system found in most larger companies, under which new hires are put into one of two categories: Managerial track (those engaged in planning and decision-making jobs and with the potential to become top executives), or general track (those engaged in general office work).

According to a 1998 survey by the Management and Coordination Agency, women held 9.2 percent of managerial positions. Other surveys revealed that the ratio of female managers in Japan is less than 10 percent, the lowest among the developed countries and lower than in many developing countries including the Philippines. A 1998 Labor Ministry survey found that over half of the companies with a two-track personnel system did not even consider women for managerial track positions. According to the Home Ministry, as of April 1999, women constituted 32 percent of all local government workers but held only 4 percent of top local government positions. Female workers have suffered disproportionately from the continued sluggishness of the economy. A 1999 Rengo labor union study reported that the number of nonworking women grew by 420,000 as many gave up looking for jobs due to the tight employment market.

The Constitution and the Equal Employment Opportunity (EEO) Law prohibit sexual discrimination and provide for individual dignity and the essential equality of the sexes in the family. However, sexual harassment in the workplace remains widespread. A 1997 survey by the Ministry of Labor reported that 62 percent of women claimed to have experienced at least one act of sexual harassment. A National Personnel Authority survey of female public servants conducted from July to September similarly found that 69.2 percent of all female respondents believe they have been subjected to acts that constitute sexual harassment. The National Personnel Authority established workplace rules in April 1999 in an effort to stop harassment in public servants' workplaces. New survey data indicates that the most severe forms of sexual harassment may be declining in government workplaces; female public servants who said that

their bosses had pressured them into a sexual relationship dropped from 17 percent in 1997 to 2.2 percent. In April 1999, a revision to the 1997 Equal Employment Opportunity (EEO) Law intended to address problems of sexual harassment and discrimination against women went into effect. The revised EEO Law includes measures to identify companies that fail to prevent sexual harassment, although it does not include punitive measures to enforce compliance. The new law's only penalty is that names of companies that practice sexual discrimination can be publicized. The Ministry of Labor does not enforce compliance through fines or other punitive penalties. However, since the 1999 revision, there was a 35 percent jump in consultations over workplace sexual harassment cases. Under a 1997 revision to the Labor Standards Law an arbitration committee is allowed to initiate procedures to help ensure the rights of female workers at the worker's request, without first having to obtain approval from both management and the worker's union. A number of government entities continued to establish hot lines and designate ombudsmen to handle complaints of discrimination and sexual harassment.

In August the former governor of Osaka, Isamu Yamada, was sentenced to an 18-month suspended prison term after pleading guilty in a criminal court to molesting a 21-year-old campaign worker. In a 1999 civil suit, he was ordered to pay the campaign worker \$107,000 (11,235,000 yen), the largest award ever in the country in a sexual harassment suit. Women's groups viewed the result as a positive step forward in the effort to combat sexual harassment.

The Labor Standards Law forbids wage discrimination against women. Under the revised EEO Law, women may work overtime shifts for the first time.

In addition to discrimination, the traditional male/female division of labor at home places disproportionate burdens on working women, who are still responsible for almost all child-care and household duties.

According to National Police Agency statistics, 2,060 rapes and 6,310 indecent assaults were reported through November. However, a government-sponsored poll showed that violence against women, particularly domestic violence, often goes unreported due to social and cultural concerns about shaming one's family or endangering the reputation of one's spouse or offspring. Husbands have been prosecuted for spousal rape; usually these cases involve a third party who assisted in the rape. The National Police Agency confirmed 7 cases of spousal rape through November. Typically women who are victims of domestic violence return to the home of their parents rather than file reports with the authorities. Therefore National Police Agency statistics on violence against women probably understate the magnitude of the problem. In the domestic violence survey conducted by the Prime Minister's Office released in February, 5 percent of wives said they had experienced "life-threatening violence" at least once. According to a survey conducted by the Prime Minister's Office in 1998, one in three women reported some form of physical abuse in the home. Frequent complaints by female commuters that they have been groped or otherwise molested on crowded trains led the Tokyo Metropolitan Police Department to establish special molestation complaint offices at three Tokyo train stations in 1995. In December the Keio Electric Railway Company announced plans to introduce women-only rail cars on late night trains in the Tokyo area over the holiday season to deal with the problem of groping. A Keio spokesman stated that the company had received 351 complaints about groping in the year ending March 31, an increase of 100 complaints over the previous 12-month period. Many local governments are responding positively to a need for confidential assistance by establishing special women's consultation departments in police and prefectural offices. A new anti-talking law went into effect in November in response to rising complaints about women's lack of recourse in dealing with stalkers. Through December 26, the police arrested 20 persons under this new law.

Women's and disabled person's advocacy groups continue to press for a government investigation into sterilization cases that were carried out between 1949 and 1992, a formal government apology and compensation.

In 1993 the government spokesperson publicly acknowledged and apologized for the former Imperial Government's involvement in the army's practice of forcing as many as 200,000 women (including Koreans, Filipinos, Chinese, Indonesians, Dutch, and Japanese) to provide sex to soldiers between 1932 and 1945. A 1999 U.N. Sub-commission on Prevention of Discrimination and Protection of Minorities report included a recommendation that the Government provide state compensation to former "comfort women" and prosecute those responsible for setting up and operating "comfort stations" during World War II. The Government has been unwilling to pay direct compensation to individual victims, on the grounds that postwar treaties already settled all war claims.

The "Asian Women's Fund" (AWF) was established in 1995 as a private, government-sponsored fund to "extend atonement and support" to former "comfort women." The AWF supports three types of projects: Payments to individual victims; medical and welfare assistance to individual comfort women; and funding projects to improve the general status of women and girls. Projects in the first category are funded by private donations, while the second and third

types of projects are financed by the Government and administered by the AWF. As of December, the AWF had collected donations totaling approximately \$4.6 million (486 million yen) and given lump-sum payments of almost \$19,000 (2 million yen) each and a letter of apology signed by the Prime Minister to more than 170 women. These women also received medical and welfare assistance from the AWF. In 1998 the AWF reached an agreement with a Dutch affiliate to start compensation payments to former Dutch comfort women. Government officials estimate that up to 100 Dutch women were forced to provide sexual services during World War II.

The Government's refusal to pay direct compensation continues to draw international criticism. In December a coalition of NGO's held the Women's International War Crimes Tribunal in Tokyo, a 5-day long mock trial designed to publicize the plight of former comfort women and the sentiment among many that the Government had not taken responsibility adequately for the abuses suffered by comfort women during World War II. In September, 15 former comfort women filed a class action lawsuit in a U.S. federal district court against the Japanese Government seeking compensation and an apology. At year's end, the case was pending. Similar lawsuits have been filed in other jurisdictions in previous years. In 1998 the Yamaguchi District Court ordered the Government to pay \$2,542 (300,000 yen) in state compensation to three Korean former sex slaves for neglecting its constitutional duty to enact compensation legislation following the Government's 1993 admission. However, the Court denied the plaintiffs' demand for an official government apology. This was the first court judgment rendered in favor of foreign war victims. Five other cases concerning former comfort women are pending in Tokyo District Court.

In 1998 the U.N. Committee on Human Rights noted that "traffic in women and insufficient protection for women subject to trafficking and slavery-like practices remain serious concerns." Japan is a destination country for trafficking in women for purposes of sexual exploitation. Brokers in source countries (e.g., the Philippines, the states of the former Soviet Union, and Thailand) recruit women and "sell" them to Japanese intermediaries, who in turn coerce them into the sex trade by subjecting them to excessive debts and seizing their passports. Agents, brokers, and employers involved in trafficking for the sex trade often have ties to organized crime. Reliable statistics on the number and origin of women trafficked to the country are unavailable, but a government-funded study released in August found that nearly two-thirds of foreign women surveyed following arrests for immigration offenses stated that they were working in the sex industry under duress. Ministry of Justice statistics indicated that 1.5 percent of the 24,661 women deported in 1999 were deported as prostitutes (others who worked in the sex industry were deported for other reasons). According to the Ministry of Justice, there were 126,982 foreign women who overstayed their visas in 1998; it is not known how many such women are involved in the sex industry or have been trafficked. Many women who are trafficked into the country, particularly from the Philippines, enter on entertainment visas. An estimated 40,000 women from the Philippines enter the country each year on such visas. "Entertainers" are not covered by the Labor Standards Law, and have no minimum wage protections; however, there are indications that they may be somewhat less vulnerable to abuse by employers than female migrant workers entering on other types of visas or illegally.

During the year, Human Rights Watch published an extensive report on Thai women in Japan. According to the report, many Thai women are enticed to come to the country with offers of lucrative legitimate employment, only to be forced into the sex industry; many others reportedly know that they will work in the sex trade. The passports of the trafficked women usually are confiscated by their "employers," leaving them unable to escape their circumstances.

The Government makes little effort to assist victims of trafficking for sexual purposes other than to house them temporarily in facilities established under the Anti-prostitution Law, in detention centers for illegal immigrants, or through referrals to shelters run by NGO's; generally they are deported as illegal aliens. Women without documentation or sufficient funds to return to their country of origin may be detained for long periods. Several NGO's provide assistance to trafficking victims. 

#### Sources

- Country human rights report (2000): Japan <<http://www.state.gov/g/drl/rls/hrrpt/2000/eap/index.cfm?docid=709>>
- Women in power and decision-making <<http://www2.aik.co.jp/c-pro/shinfujin/Women2000/njwapower.html>>
- Gender equality movement in Japan <<http://www.isiswomen.org/pub/wia/wia101/japan.html>>



