

# Impact of the Recommendations of the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) on Gender Equality in Japan and Poland: Article 7 on Political Representation

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女子に対するあらゆる形態の差別の撤廃に関する国連の条約（CEDAW）に基づいた勧告の日本とポーランドにおける男女平等への影響—第七条（政治代表）を事例とした研究

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## Summary

The United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) ratified in 1979 establishes the moral, civic, and political equality of women. Japan and Poland signed the CEDAW in 1980. The aim of this paper is to focus on Article 7, the elimination of all forms of discrimination against women in political life and to explore if CEDAW has become a useful instrument in enhancing political participation of women in the parliament. This will be examined based on official periodic reports of Japan and Poland submitted to CEDAW and checked with data from Inter-Parliamentary Union.

Geographically almost the same size, however, Japan and Poland have different historical backgrounds and both of them are not internationally recognized as champions in achieving gender equality. Japan is widely known as the most developed and rich country in Asia, ironically with a number of records of discriminatory practices against women.

It took Japan 5 years from signing to ratifying CEDAW, however Poland managed to do so in the same year. Japanese women received the right to vote after World War II, whereas Polish women did so after WW I. Poland has now, for the third time in their history, a female prime minister, whereas Japan has never appointed a female prime minister.

In the Global Gender Gap Report 2015 by World Economic Forum Japan, is shown as one of the countries with the lowest level of gender equality in the developed world, coming in at 101 out of 145 assessed countries in 2015. In contrast, Poland was ranked 51. The report analyzes women's situation in economic participation, education, political participation, and health.

The paper will examine at the differences and similarities of implementing gender equality in Japan and in Poland in the context of political participation of women.

**Keywords:** CEDAW, political participation of women, gender equality, human rights, Japan, Poland

## 要 旨

1979年に批准された、女子に対するあらゆる形態の差別の撤廃に関する条約（CEDAW）は女性の道徳的、市民的、政治的な平等を確立した。日本とポーランドは1980年に調印している。この論文の目的は、政治的生活におけるすべての差別形態の排除をうたう第七条に着目し、CEDAW が国会における女性の政治参加を推進するのに有効な道具となってきたかを検証することである。この分析は CEDAW に提出された日本とポーランドの公式定例報告および列国議会同盟のデータに基づいて行われる。

日本とポーランドの面積はおおむね等しいが、両国は異なる歴史的背景を持ち、男女の平等の達成を国際的に認められている度合いも異なっている。日本はアジアのなかでもっとも発展した豊かな国として広く知られているが、皮肉なことに、女性に対する差別的行動には多くの事例があるのだ。

日本は CEDAW に調印してからそれを批准するまでに5年の歳月を要しているのに対し、ポーランドは同じ年に調印と批准を行っている。日本の女性は第二次世界大戦のあとに選挙権を得ているが、ポーランドの女性は第一次世界大戦のあとに選挙権を得ている。現在ポーランドの首相は女性だが、これは歴史上三回目のことである。それに対し、日本ではまだ女性が首相になったことはない。

世界経済フォーラムの発表する2015年の男女格差指数レポートは、先進国において日本の男女の平等の度合いは最低のレベルにあることを示しており、145か国中101番目と評価されている。対照的に、ポーランドは51番目に位置している。このレポートは経済活動への参加度、教育、政治的参加、そして健康などにおける女性の状況を分析している。

この論文は女性の政治参加の文脈において日本とポーランドの男女平等を推進する点での類似点と差異を調査するものである。

**キーワード：**女子に対するあらゆる形態の差別の撤廃に関する条約（CEDAW）、女性の政治参加、男女の平等、人権、日本、ポーランド

The United Nations Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) ratified in 1979 is considered the international bill of rights of women articulating what has now become a global goal as embedded in the Millennium Development Goals 3 “Gender Equality and Empowerment of Women”.

CEDAW establishes the moral, civic, and political equality of women—women’s right to be free from discrimination and violence and the responsibility of governments to take positive actions to achieve these goals. Japan and Poland signed the CEDAW in 1980 and are among the 189 countries as of 2015 (United Nations, 2015) that have ratified the treaty. It has been already internationally proven that conventions are useful tools that can help to improve the status of disadvantaged groups including women and ethnic minority groups (Fuszara, et al 2012; Baldez, 2014; Byrnes & Freeman, 2011).

The United Nations Committee meets regularly to monitor if the countries that signed the Treaty follow recommendations. Because of the lengthy size of the recommendations, this paper will focus only on Article 7, the elimination of all forms of discrimination against women in the political and public life of the country (United Nations Resolution 34/180, December 18, 1979).

Geographically almost the same size, however, Japan and Poland have different historical backgrounds and both of them are not internationally recognized as champions in achieving gender equality (Fuszara, 2012). Japan is widely known as the most developed and rich country in Asia, ironically with a number of records of discriminatory practices against women (Fujita, 1968; Iwamoto, 2001; Mohwald, 2002; Osawa, 2000).

It took Japan 5 years from signing to ratifying CEDAW, however Poland managed to do so in the same year. Japanese women received the right to vote after World War II from the American General D. MacArthur, whereas Polish women did so after WW I from Marshal J. Pilsudski in the same year as Poland

gained independence after more than 120 years of not existing on the map. Poland has now, for the third time in their history, a female prime minister, whereas Japan has never appointed a female prime minister.

The Gender Global Gap Report, a yearly update of gender statistics published by the World Economic Forum (2015), notes the percentage of female lawmakers in Japan remains one of the lowest in any country—and this has been proven to be a factor to fully understand the low political participation of women in Japan (Mikanagi, 2001).

Data available for August 18, 2016 from the Inter-Parliamentary Union ranking of women in parliaments from all over the world shows that Poland is more advanced than Japan with a proportion of 27.4% of women in the parliament (126 seats), while Japan has only 9.5% of women in the Diet (45 seats)<sup>1</sup>. However, little attention has been paid to comparing these two countries, when it comes to female political participation. Through a case study about recommendations, the first aim of the paper is to explore if CEDAW has become a useful instrument in enhancing the political participation of women in national politics in the parliament in particular, which in the long run may have a positive impact on the lives and livelihood of women in both countries.

In the Global Gender Gap Report 2015, Japan is shown as one of the countries with the lowest level of gender equality in the developed world and below that of developing countries such Tajikistan and Indonesia, coming in at 101 out of 145 assessed countries in 2015. In contrast, Poland was ranked 51. The report analyzes women's situation in economic participation, education, political participation, and health. To compare with internationally recognized champions in achieving gender equality in 2015, Iceland topped the list for the sixth consecutive year, followed by Finland and Norway. These countries have

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1 <http://ipu.org/wmn-e/classif.htm>

been consistently on the top of gender equality since the very first issue of The Global Gender Gap Report in 2006. In 2015, the United States ranked 28, China 91, and South Korea 115. Japan is ranked 42 in the health and longevity category, 84 in educational attainment, and 106 in economic participation and 104 in political participation. Polish scores are remarkably better: 42 in the health and longevity category, 38 in educational attainment, 75 in economic participation and 52 in political participation. Looking briefly at the scores it looks like Japan and Poland have different rankings towards gender equality—they were chosen to be examined in this paper because of their uniqueness in their regions.

Gender equality used to be perceived as a justice or a human rights issue, while during the last decade, gender equality is recognized by international organizations such as European Union, OECD or World Economic Forum as a factor for economic growth. It has been reflected in the official policy of Shinzo Abe, the Japanese Prime Minister entitled *Expansion of Women's Participation in Policy and Decision-making Processes in All Fields in Society*. Gender mainstreaming is one of the four horizontal policies of the European Union of which Poland is a member state since 2004.

The second aim of this paper is to evaluate if those statements and official policies of both countries match actual international commitment at the United Nations level. The research question of this policy paper is “Did the recommendations of United Nations CEDAW improve gender equality in Japan and Poland in the field of political participation of women, especially at national level?” The primary focus of this paper is a comparison of recommendations given by United Nations Committee on CEDAW in the field of political participation of women and compare them with data on political representation in order to assess whether both countries are making progress in advancing gender equality. The third aim is to analyze if the CEDAW

recommendations given to the Japanese and Polish governments helped them to undertake steps to improve the situation of women in the field of political participation at the national level. Political participation was chosen as an example, because it has been proved that in order to make a change in any field, there must be at least 30% of the population represented in some bodies, such as local or state parliament (Masumi, 1995, Fuszara et al, 2012). In Poland or Japan (and in many other countries), there has not been enough participation of women in the parliament. For Poland the record is 27.4% to date and in Japan only 9.5%. This is in contrast to Rwanda where seats occupied by women are over 50%.

Using qualitative method, the paper analyzes 4<sup>th</sup> and 5<sup>th</sup> combined official reports submitted by Japanese and Polish governments to the CEDAW and recommendations given by the Committee. These will be compared with the data compiled by the Inter-Parliamentary Union on the basis of information provided by National Parliaments in order to see if both governments used the recommendations given by CEDAW to improve gender equality in their respective countries. The data base shows 190 countries classified by descending order of the percentage of women in the lower or single House.

## **I. ARTICLE 7 OF CEDAW**

CEDAW has been an important tool used by national and international advocates for gender equality. The CEDAW ratified in 1979 is the international bill of rights of women. The CEDAW was followed by the 1993 Declaration of Elimination of Violence against Women in 1993; it condemns violence against women and should invoke any custom, tradition, or religion consideration to avoid their obligations with respect to its elimination. The Beijing Declaration and Platform for Action of 1995 reaffirms the Elimination of Violence against Women.

CEDAW is concerned with civil rights, legal status of women, reproductive roles and rights, impact of cultural factors on gender relations and barriers to advancement of women. CEDAW addresses decisions on family planning and formation.

Article 7 of the CEDAW states that “States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right”. Article 7 gives the following rights to women (1) the rights for women to vote in all elections and public referenda and be eligible for election to all publicly elected bodies, (2) to participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; and (3) to participate in non-governmental organizations and associations concerned with the public and political life of the country (The United Nations General Assembly resolution 34/180 of 18 December 1979, p.3)

### **An overview of political empowerment: Japan and Poland**

Table 1 below shows the ratio of women to men in terms of political representation in the parliament and number of female head of states in the

**Table 1: Participation of women in the parliament, Japan and Poland, 1998 and 2016**

Country	1998	2016
Proportion of women in the parliament		
Japan	4.6%	9.5%
Poland	13%	27.4%
Number of female heads of states in 50 years		
Japan	0	0
Poland	1 Prime Minister	3 Prime Ministers

Source: Inter-Parliamentary Union, [www.ipu.org](http://www.ipu.org)

past 50 years.

## II. INSTRUMENTS IN INCREASING FEMALE POLITICAL PARTICIPATION

Here I identify the following instruments that could effectively increase female political participation: (I) The State, (II) Civil society, (III) Treaties and conventions (e. g., CEDAW), (IV) Human Rights Councils, (V) Globalization, and (VI) Domestic laws.

*The State:* A number of factors identified by different studies (Byrnes & Freeman, 2011; Landman, 2006) may influence whether the treaty ratification has caused or contributed to women's increased enjoyment of their human rights:

(...) the State may be a party to other human rights treaties that contain similar obligations to those contained in the CEDAW Convention (the Convention on the Rights of the Child, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, or a regional human rights treaty), as well as being subject to other human rights mechanisms, such as the Universal Periodic Review mechanism of the United Nations Human Rights Council or the Council's thematic and country procedures; the State may have accepted international policy commitments under non-binding documents such as the Beijing Platform for Action or the Millennium Development Goals, which overlap with obligations under the CEDAW Convention; ratification may be the result of an underlying commitment by a government and the population to equality of women and men, rather than its cause; existing constitutional and legislative guarantees of gender equality may lead to ratification as a matter of course rather than as a special commitment; and the depth and strength of civil society freedoms and engagement (Byrnes

& Freeman, 2011, p.4).

*Civil society*; While many factors have been identified as playing a role, one of those most regularly mentioned is the role of an articulate and active civil society drawing on international norms in the processes of domestic political debate (Hathaway, 2002; Goodman & Jinks, 2003; Hafner-Burton & Tsutsui, 2007; Gauri, 2011). There is evidence that in Poland, without Congress of Women, one of the biggest women's organizations, the Quota Law would not have been passed in 2011 (Bodnar & Sledzinska-Simon, 2013).

The role of domestic NGOs in the process of reform, and in enhancing the impact of the CEDAW reporting process is crucial. In most cases, domestic NGOs that have been campaigning on equality issues bring their issues to the CEDAW Committee to strengthen their domestic campaign by putting international pressure on governments and exploiting the need to be seen as constructive in their engagement with human rights. Many of the NGOs, in addition to submitting reports, have been present at CEDAW sessions to brief the Committee on their priority issues. The treaty body experts frequently note that NGO contributions are essential to their effectiveness. More important, perhaps, is the NGO's on-the-ground use of the Convention and of CEDAW's ground work to generate awareness and promote change in society (Byrnes & Freeman, 2011).

*Treaties and conventions (e.g. CEDAW)*: There is considerable evidence that international human rights instruments such as conventions or declarations have contributed to increasing women's enjoyment of equality in the world. It is clear, however, that the impacts vary across countries, and that an enormous amount of work remains to be done before women enjoy full equality with men in all countries (Byrnes & Freeman, 2011; Landman, 2006).

Byrnes and Freeman concluded that "while the factors identified by quantitative approaches may contribute to understanding the circumstances

under which treaties are ratified and have an impact, identification of specific changes resulting from the CEDAW Convention requires a close examination of the reporting and review processes in the context of individual States”—and the authors reviewed several individual states—but none of them were Japan or Poland (Byrnes & Freeman, 2011, p.3)

Only a few studies focus specifically on the impacts of the CEDAW Convention on women’s welfare. They show mixed results, but they do provide a basis for concluding that under certain circumstances ratification of CEDAW and reporting it are correlated with significant improvements in women’s enjoyment of at least some of the rights guaranteed by the Convention (Simmons, 2009; Zwingel, 2005).

Ratification of the CEDAW Convention does not necessarily lead to immediate reform even of laws which should be relatively easy to amend. In many cases change is only observed over a number of reporting cycles when the CEDAW Committee, informed by local NGOs and its own expertise, have pressed governments to comply with the Convention. Initial response has often been slow and partial, with governments making only some of the recommended changes, requiring further scrutiny and lobbying to bring laws into full compliance (Byrnes & Freeman 2011).

The most wide-ranging study about CEDAW and one that has been very favorably received in the literature is that undertaken by Harvard political scientist Beth A. Simmons. She selects three rights to examine: education, reproductive health and employment. In her study, Simmons concludes her discussion by stating that “gender equality does not automatically flow from democratization or development, but—involves political agency and demands for change, and arguably CEDAW has strengthened the prospects for meeting those demands in many countries around the world (...) Women mobilize strategically (...) Where they have both the motive and the means to use

international law to improve their rights chances, the CEDAW has proved to be a powerful tool in their hands.” (Simmons, 2009, pp.254–255).

In another empirical study analyzing data relating to 126 States parties to the Convention over the period 1981–2007, Cho Seo-Young explored whether the Convention improves the level of women’s enjoyment of their human rights, in particular whether any such effects are enhanced if a State party has a higher level of democracy, and whether any positive impact was greater in the area of social rights.

My results conclude that the CEDAW is effective in improving women’s social rights if implemented by democratic institutions. This effect may seem partial as the CEDAW aims at addressing multiple dimensional issues of women’s rights. However, women’s social rights have been arguably most neglected by previous efforts to improve women’s status, given their cultural and habitual nature. Also, improvement in women’s standing in private spheres such as family matters tends to be slower than that in public spheres such as franchise rights and (legal) equal rights for employment. With this regard, this finding of the (conditional) positive effect of the CEDAW on women’s social rights is inspiring. The positive interaction effect over the 27 year-period implies that, under the joint efforts of the commitments to the Convention and democratic institutions, social patterns and cultures of discrimination against women can be changed before one generation passes, although the practice is deeply rooted and habituated in the hundred and thousand years of tradition. The findings suggest important policy implications in promoting women’s rights. To improve women’s rights, collaborative efforts between international human rights regimes and domestic institutions are crucial. As seen above, neither the CEDAW nor the level of democracy alone creates any positive effect on women’s rights. It means that the

international legal frame itself could be merely a cheap talk, if not carried out by proper domestic executors. Also, the democratic development of a country may not be automatically translated into positive development in women's rights. This study on the CEDAW indicates that international human rights regimes, which have shaped international norms and values of fundamental rights, could become a meaningful promise, only with joint efforts of sound domestic institutional conditions (Seo-Young, 2010, pp. 21-22).

*Human Rights Council:* The Universal Periodic Review mechanism of the Human Rights Council is assuming increasing importance in holding the States accountable for the performance of their human rights treaty obligations. This peer-review mechanism has the potential to amplify the recommendations of the CEDAW Committee and other human rights bodies, and provides States with an opportunity and incentive to respond to specific suggestions to its peers and a broader international audience. The Universal Periodic Review itself and its outcomes also provide additional opportunities and material for domestic advocacy using the Convention and other treaties, as well as for the CEDAW Committee and other treaty bodies to follow up at subsequent reviews of State party reports.

The European Court of Human Rights is an international court established by the European Convention on Human Rights. It hears applications alleging that a contracting state has breached one or more of the human rights provisions concerning civil and political rights set out in the Convention and its protocols. An application can be lodged by an individual, a group of individuals, or one or more of the other contracting states, and, besides judgments, the Court can also issue advisory opinions. The Convention was adopted within the context of the Council of Europe and all of its 47 member states are contracting parties to the Convention (Smith & der Anker, 2005). Some of the decisions of

the ECHR led to direct change of law in Poland concerning gender equality—for example a decision from 2007—about violation of article 8 by the Republic of Poland (a case dealing with family and private life) concerning antiabortion law.

Out of all internationally binding instruments, the EU has the strongest mechanism which leads to change at national level—because of the direct involvement of the European Court of Justice. The Council of Europe mechanism is also strong, but not that efficient in terms of time—the procedures are too long, because the applicant has to exhaust all legal instruments available in the member states. And last but not least—United Nations conventions—which are only monitored and recommendations are given.

*Globalization:* Another study of the impact of globalization on women which examined the factors affecting improvements in women's living conditions (life expectancy, literacy, and participation in the economy and parliamentary office) found that international trade and foreign direct investment (or simply globalization), membership in the United Nations and World Bank, and ratification of the Convention were associated with improved conditions for women. The authors concluded: "The most consistently important factor across models is ratification of CEDAW. Participation in this agreement has played a role in increasing female levels of literacy, participation in the economy, and representation in parliament. Further, our analysis confirms that the effects of CEDAW are independent; ratification of CEDAW and positive changes for women on the dependent variables cannot be attributed to underlying domestic factors." (Gray, Kittilson & Sandholtz, 2006, pp.293-333). There are also accounts of how CEDAW Convention has been used in relation to reforming employment equality laws in Japan (Flowers, 2009).

*Domestic laws:* Some international instruments, such as directives and regulations binding in the European Union, require compulsory amendments to the national laws or undertaking some actions in order to speed up some processes such as increasing the number of women in the labor market under the threat of paying financial fines, if the requirement is not met under a given period of time. Directives normally leave member states with a certain amount of leeway as to the exact rules to be adopted. Directives can be adopted by means of a variety of legislative procedures depending on their subject matter, but there is one incentive that makes it obligatory—the threat of a financial fine if the requirements are not met (Steiner, Woods & Twigg-Flesner, 2006).

This is the case for Poland, a European Union member since 2004—the government had to make a lot of amendments and introduce new laws even before accession. It was the case, for example, for Chapter IIa in the Labor Code about antidiscrimination, which has changed the perception of functioning of women in the labor market, ensuring their equal rights with men.

### **III. THE IMPLEMENTATION OF CEDAW IN JAPAN**

Japan signed the Convention on 17 July 1980, with reservations to articles 5(a) and 9 (withdrawn in January 2000).

It has not ratified the Optional Protocol, which could have enabled Japanese women to lodge protests on the government's slow implementation of CEDAW. In addition, the 4<sup>th</sup> and 5<sup>th</sup> combined official reports submitted by the Japanese government admit that low political participation of women is partly due to the fact that Special Temporary Measures (e.g. quota or parity system in politics) do not exist in Japan because they are “discriminatory against men”. Interestingly, Japan in the 4<sup>th</sup> report about Article 7 honestly admits that there is low participation of women in politics:

The ratio of women members in the Diet has been increasing, and

exceeded 10 per cent in the House of Councilors in July 1989. The number and ratio of women Diet members among the total were 24 and 4.8 per cent in the House of Representatives and 36 and 14.3 per cent in the House of Councilors, making the total for both Houses to 60 and 8.0 per cent as of March 1998. However, these rates are still at low levels in view of international standards, and some political parties have therefore been considering a quota system for women candidates. (...) Although the number of women members of prefectural assemblies is showing a slight increase, there are only 2,849 women out of 64,260 members, namely, only 4.4 per cent of the total number of prefectural and municipal assemblies in December 1996 (this figure was 3.3 per cent in December 1992, as shown in the third periodic report). This shows that women's participation is still at a low level (CEDAW/C/JPN/4, p.26).

Even though Japan's 5<sup>th</sup> report states in Article 7 that "Women's participation in decision-making processes for policies and administrative measures is not only the request of democracy, but is also indispensable to reflect women's concerns in various policies. However, it has long been pointed out that in women's participation in decision-making processes in the public sector as well as in the private sector, there remains much to be improved." The report does not give a better picture than the previous one:

The number and ratio of women members of the Diet, after the 42nd General Election (as of June 2000), is 35 and 7.3% in the House of Representatives (23 and 4.6% after the 41st General Election (as of October 1996)). Meanwhile, 38 and 15.4% respectively in the House of Councilors after the 19th General Election (as of July 2001) (43 and 17.1% after the 18th General Election (as of July 1998)). The ratio of women members in local assemblies has gradually been increasing and it accounts for 6.8% of all the members of prefectural, city, special district, town and

village assemblies, namely 58,492 as of December 2001 (4.9% as of December 1998). As regards town and village assemblies, according to research on the actual situation, which was conducted for the first time in 2001, it was found that there were municipalities in which women's participation in politics was at a low level. For instance, about half of municipal assemblies did not have women members (CEDAW/C/JPN/5, pp.49-50).

Several other issues can influence low participation of women in public life in general and in politics. First, there are persistent gender stereotypes in education, especially in schoolbooks and in the media. Second, there is a high number of unreported cases of domestic violence. Third, and finally, there is low participation of women in the labour market because of the reasons mentioned above and lack of reconciliation of work and family life policies and measures such as enough day care and preschools centers per population.

It has to be noted that The Basic Law for a Gender-equal Society was enacted in 1999, followed by the adoption in December 2000 of the Basic Plan for Gender Equality. The latter was comprised of concrete measures to be taken by 2005, as well as long-term policies and principles to be achieved by 2010. Subsequently, most local prefectures were supposed to pass gender equality ordinances to implement gender equality plans mandated by the Basic Law. Also the Law for Prevention of Spousal Violence and Protection of Victims was introduced in 2001 and several others concerning labour market and prohibition of gender discrimination, including the revision of the Equal Employment Opportunity Law that prohibits discrimination against women from recruitment to retirement and obliges managers to give consideration to the prevention of sexual harassment in the workplace. In 2001 there was a revision of the Child Care and Family Care Leave Law that prohibits disadvantageous treatment of employees because of their taking childcare

leave. The Japanese government describes a lot of laws and programs in both reports, but none of them has clear incentive to promote women in political participation—there are some provisions for “increasing women’s participation in public decision making”, but since the objective is not clear, it is difficult to monitor or follow up. Also, most of the provisions are about basic human rights and protection against discrimination, while promotion of women in politics would require some special measures.

The CEDAW Committee expressed their concern about this in the official report submitted after the hearing was concluded:

While appreciating the State party’s recognition that the long-standing stereotyped perception of gender roles remains the major obstacle to achieving equality between women and men (...), the Committee remains concerned about the persistence of deeply rooted and rigid stereotypes in Japan regarding the role and responsibilities of women and men in the family and in society, which are reflected in women’s situation in the labour market, educational choices and low participation in political and public life. (...) The Committee recommends that the State party design and implement comprehensive programs in the educational system, including human rights education and gender equality training, and disseminate information on the Convention and the Government’s commitment to gender equality, with a view to changing existing stereotypical attitudes on women’s and men’s roles. It recommends that the State party disaggregate its surveys and opinion polls, not only by sex but also by age and, on the basis of the results increase targeted efforts at advancing the notion of parenting as a social responsibility of both mothers and fathers. It recommends that awareness-raising campaigns be intensified and that the media be encouraged to project a positive image of women and of the equal status and responsibilities of women and men in

the private and public spheres (...) (A/58/38/pp.4-5).

Also, the CEDAW Committee is concerned about the inadequate approach to gender equality policy:

While welcoming the guidelines for the expansion of recruitment and promotion of women in national advisory councils and the setting of a numerical goal of 30 per cent for leadership positions in all sectors of society by the year 2020, the Committee is concerned about the low representation of women in high-level elected bodies including in the Diet, local assemblies, the judiciary and the diplomatic service, and as mayors, prosecutors and police (A/58/38/p.7).

One of the temporary special measures, which can be implemented and is recommended by CEDAW, is parity or quota law and/or system—none of them the Japanese government took into consideration. Only the opposition party carries the draft quota law, but since it is an opponent proposition, it is never discussed in larger meetings of the Diet—there have been several meetings but only in small, opposition party meetings. One of the official responses of Japanese ministers taking part on the defense of the report said that it is viewed as discriminatory to men! (CEDAW/C/SR/618 p.4).

The CEDAW says:

The Committee recommends that the State party take further measures to increase the representation of women in political and public life through, inter alia, the implementation of temporary special measures, in accordance with Article 4, paragraph 1, of the Convention, in order to realize women's right to participation in all areas of public life, particularly at high levels of policy and decision-making. The Committee urges the State party to support training programs for future women leaders and carry out awareness-raising campaigns regarding the importance of women's representation in decision-making for achieving gender equality

(...) “and in the end of the statement requests” (...) that the text of the present concluding comments be widely disseminated in Japan so as to inform the public, in particular (...) politicians of the measures taken to guarantee de jure and de facto equality between men and women and of the supplementary measures to be adopted in that area (A/58/38, p.337).

Perception of Japanese women is still connected to the domestic sphere and the ideal of a good mother, who stays at home preparing bento boxes for the family or another extreme in 21st century—a play doll for men’s amusement—a popular image in Japan from maid cafés, anime or manga. Because of the persistence of gender stereotypes deeply rooted in the culture, it is very difficult to address any kind of awareness-raising campaigns (Fujimura-Fanselow & Kameda, 1994; Iwao, 1998). Even government officials during defense of the report admitted that:

(...) aggressive and effective measures should be taken to deal with the remaining problem such as traditional stereotyped gender roles. (...) enactment of legislation did not suffice to change social attitudes, but pointed out that it could help, as could the setting of targets to increase women’s political participation (CEDAW/C/SR/617, p.8).

In the last local elections, despite the fact that there were quite a number of female candidates, only 14% women were elected!

#### **IV. THE IMPLEMENTATION OF CEDAW IN POLAND**

Poland signed the Convention on 29 May 1980, with reservations to article 29, paragraph 1 (withdrawn in October 1997). It ratified the Optional Protocol on 22 December 2003.

The Polish 4<sup>th</sup> and 5<sup>th</sup> report on Article 7 says:

On 27 May 1990 local council elections women accounted for 15% of the turnout and 11% of female candidates won their seats. In June 1993 women

accounted for 13% of all councilors nationwide and 19% of all local candidates. (...) In the October 1991 parliamentary election 42 women (9%) won their Sejm seats and 8 (8%) made it to the Senate (CEDAW/C/POL/4-5, p.35-36).

It has to be noted that this there was one of the first democratic elections after communism collapsed of in 1989 in Poland.

During communist times (since 1945), there was officially stated equality, because the postwar society needed women as labour so there were free of charge state organized day care centers, playschools, easily accessible contraception and all kind of mechanisms to allow women to work. At the same time, there was almost nothing else done in the field of gender equality.

In the 1997 parliamentary election six of the groupings put women in their electoral lists, on average 16% of them in the Sejm lists and 10.4% in the Senate lists. All told, 56 women won their Sejm seats and 13 made it to the Senate, which yields an average 13% for both houses of parliament (CEDAW/C/POL/4-5, p.36).

The report notes also that in:

1997's The National Action Plan for Women the government set the strategic goal of ensuring women equal access to and fuller participation in the structures of power and the decision-making process. The tasks set out by the Plan included among others: drawing up a special report on filling executive posts, with due account taken of those allocated to women and men, including in parliament and local government bodies and increasing the participation of women in local and regional branches of the government administration, as well as in local government bodies (CEDAW/C/POL/4-5, p.37).

The report mentioned involvement of female parliamentarians working despite their political affiliation:

In 1991 a cross-party Parliamentary Group of Women (PGK) was set up as an incipient Institutionalized women's lobby. Apart from its legislative initiatives it played an extremely important role in integrating women's groups across the nation. (...) In the 1993-1997 term of the Polish parliament 45 in 60 female Sejm deputies were members of the PGK and 7 (out of 13) lady senators representing 4 political parties (out of 5 with women-representatives). In April 1998 a Forum for Cooperation of Non-Governmental Organizations with the PGK was established. The Forum represented a regular platform of contacts between non-governmental women's organizations and state structures (CEDAW/C/POL/4-5, p.36).

Poland has a long tradition of women's NGOs. The report says:

The 1990s saw the nascence of a civic society in Poland, manifesting itself through, among other things, the emergence of numerous non-governmental women's organizations. The women's movement was not strong enough to exert a meaningful influence upon either government decisions or the legislative processes. It played, however, an important role in enhancing the public awareness of women's rights, in helping the women to realize the actual extent of their rights and how to claim them, in suppressing unemployment and in lending assistance to victims of domestic violence. Some of the women's organizations ran occupational, legal and educational consultancies providing assistance to victims of violence or trafficking in women, or organizing support groups. The areas of their pursuits also varied from popularization of the human rights vested in women, to their reproductive rights and economic themes. The latter primarily related to the struggle against the unemployment of women. They further included ways of stimulating women's spirit of enterprise, as well as handling domestic violence, and such themes as

health, culture and encouraging women's participation in political and public life (CEDAW/C/POL/4-5, p.37).

Now the most famous and nationwide NGO is the Congress of Women. A lot of members of the Congress come from PGK and remember almost 25 years of struggle to introduce gender equality initiatives such as the first draft law on equal treatment or parity. In 2011, the Congress of Women succeeded in proposing a civil initiative on parity law, which ended up as quota law as a compromise in the course of the parliamentary work.

But coming back to the reporting period—another thing which differentiates Poland from Japan—apart from involvement of female parliamentarians into promotion of gender issues—is women holding the most important posts in the state. There were seven women—members of the Polish Government and Hanna Suchocka, the Prime Minister, was one of them (1992-1993). Women hold ministerial positions of Culture and Arts, Justice, Industry and Trade, Territorial Development and Building and very important position of Minister—Member of the Council of Ministers. Also women hold such important positions as—President of the Central Office for Housing Construction and Urban Development and President of Social Insurance Board. Women also performed other key functions. They served as the General Inspector for the Protection of Personal Data, the Commissioner for Civil Rights Protection, the President of the National Polish Bank—all the positions were appointed by the Parliament. Also it is worth mentioning that in 1995 the President of the National Polish Bank ran for the presidency of the Republic of Poland, the only woman in Poland so far to have entered the race for the top job (CEDAW/C/POL/4-5, p.37). None of this kind of data is to be found in the Japanese report.

The CEDAW in concluding comments was concerned about:

(...) continued underrepresentation of women in public and political life

and in decision-making positions, including in Parliament, local representative bodies and the executive bodies of Government, including municipal government. The Committee is especially concerned about the decrease by 9 per cent in women's representation in the upper house of Parliament as a result of the elections in 2005. While welcoming the high proportion of women judges, it notes with concern that women remain underrepresented at the senior level of the judiciary and in higher level courts. (...) The Committee encourages the State party to take sustained measures to accelerate women's full and equal participation in elected and appointed positions, including at the municipal and national levels, senior levels of the judiciary, higher level courts and in international representation. Such measures should include: the adoption of temporary special measures in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation 25; the establishment of benchmarks, numerical goals and timetables; the conduct of training programs on leadership and negotiation skills for current and future women leaders; and regular monitoring of progress made and results achieved. It further urges the State party to undertake awareness-raising campaigns on the importance of women's participation in public and political life and in decision-making (CEDAW/C/POL/CO/6, p.3).

In the end CEDAW gave the same recommendation to Poland, as it did to Japan:

The Committee requests the wide dissemination in Poland of the present concluding comments in order to make the people, including government officials, politicians, parliamentarians and women's and human rights organizations, aware of the steps that have been taken to ensure de jure and de facto equality of women, as well as the further steps that are

required in that regard (CEDAW/C/POL/CO/6, p.7).

## V. SUMMARY AND CONCLUSIONS

The CEDAW ratified in 1979 is by now a well-accepted international bill of rights of women and its aim is primarily to establish a “level playing field” for women and men by eliminating all forms of discrimination against women. In fact, in the Vienna Human Rights Conference in 1993 gender equality is recognized as a basic human right, not a privilege that could be granted as an award or taken away. The first human rights conference held since the end of the Cold War resulted in the Vienna Declaration and Programme of Action (VDPA). The VDPA draws attention to the importance of women’s rights and the rights of the “girl-child”, Part I, para 18 states:

The human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights. The full and equal participation of women in political, civil, economic, social and cultural life, at the national, regional and international levels, and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community.

Both Japan and Poland signed the CEDAW in 1980 along with other member states of the United Nations. Yet compared to Japan, Poland has come a long way in improving women’s status particularly in parliamentary representation as embodied in Article 7 of CEDAW. The main purpose of this paper was to evaluate women’s progress in political representation in Japan and Poland in relation to the provisions given in Article 7 of the CEDAW on parliament. Briefly, I found that while Poland was economically less advanced it nonetheless managed to change the laws and raise social awareness about gender equality, which resulted in 27.4% of women in the parliament in 2016, while the corresponding number for Japan is below 10%. It appears that level of

national income does not matter much in women's political representation as exemplified by the case of these two countries. Indeed, while Japan is a member of Group of Seven, the richest countries in the world, it looks like Article 7 is difficult to implement when men are working long hours, while women stay at home raising kids.

The CEDAW process clearly had an impact to some extent in both countries, Japan and Poland, on formulating gender equality policy. Combined with experts, NGO's advocacy and monitoring process resulted in laws and constitutions that clearly prohibit discrimination and support international law. Several reports and exchanges since joining the Convention indicate that both countries have made significant policy efforts in response to the Convention and the Committee's reviews, by adopting or changing laws.

Despite visible efforts, the de facto situation remains difficult for women as the government has not had a good grip on improving the situation of women in the labour market in regard to child care and elderly care or combating gender stereotypes in the media in Japan. It appears to be a state in which the government has demonstrated the political will to take the Convention seriously in terms of evolving law, but it has stopped short of investing in implementing reforms that are socially difficult. It looks like Poland took the recommendations given by CEDAW more seriously—there were significant changes and a real follow up in implementation of incentives, which lead to enhancing gender equality.

## REFERENCES LIST

- Baldez, L. (2014). *Defying convention: U.S. resistance to the UN treaty on women's rights*. Cambridge: University Press.
- Bodnar, A. and Sledzinska-Simon, A. (2013), Gender equality from beneath: electoral gender quotas in Poland, *Canadian Journal of Law and Society*, Vol. 28, Issue 02,

151-168.

- Byrnes, A. and Freeman M. (2011) *The Impact of the CEDAW Convention: paths to equality*, Background Paper for World Development Report 2012, World Bank
- Cho, Seo-Young, (2010) *International Human Rights Treaty to Change Social Patterns: The Convention on the Elimination of All Forms of Discrimination against Women*, Centre for European Governance and Economic Development Research Discussion Paper No. 93, Retrieved June 2, 2015 from [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1553083](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1553083)
- Eto, M. (2001). Women's leverage on social policymaking Japan. *Political Science and Politics*, 34, 241-246.
- Flowers, P. R. (2009). Refugees, Women, and Weapon. Institutional Norm Adoption and Compliance in Japan. Stanford: University Press.
- Fujita, T. (1968). Women and politics in Japan. *Annals of the American Academy of Political and Social Science*, 375, 91-95.
- Fuszara, M. and Druciarek M. and Nizynska A. and Zbieranek J. (2012). *Women on the polish political scene*, Warsaw: Instytut Spraw Publicznych.
- Fujimura-Fanselow K., and Kameda A. (1994). *Japanese women: new feminist perspectives on the past, present and future*, The Feminist Press at CUNY.
- Gauri, V. (2011). The cost of complying with human rights treaties: the Convention on the Rights of the Child and Basic Immunization, *Review of International Organizations* 6, 33-56.
- Goodman, R. and Jinks D. (2003). The effects of human rights treaties. *European Journal of International Law*, 14, 171-183.
- Gray, M. M. and Kittleson M. C. and Sandholtz W. (2006). Women and Globalization. A Study of 180 countries, 1975-2000, *International Organization* 57(4), 161-800
- Hafner-Burton, E. M. and Tsutsui K., (2007). Justice lost! The failure of international human rights law to matter where needed most. *Journal of Peace Research*, 44, 407-425.
- Hathaway, A. O. (2002). Do human rights treaties make a difference? *Yale Law Journal*, 111, 1935-2002.
- Iwamoto, M. (2001). The Madonna boom: the progress of Japanese women into politics in the 1980s. *Political Science and Politics*, 34(2), 225-226.
- Iwao, S. (1998). *The Japanese woman*. Free Press.
- Landman, T. (2006). *Studying human rights*, New York: Routledge.
- Masumi, J. (1995). *Contemporary politics in Japan*, Berkley: University of California

- Press.
- Mikanagi, Y. (2001). Woman and Political Institution in Japan, *Political Science and Politics*, 6(2), 211-212
- Mohwald, U. (2002). *Changing attitudes towards gender equality in Japan and Germany*. Munich: Judicium.
- Ogai, T. (2001). Japanese women and political institutions: why are women politically underrepresented? *Political Science and Politics*, 34(2), 207-210.
- Osawa, M., (2000). Government approaches to gender equality in the mid-1990s. *Social Science Japan Journal*, 3(1), 3-19.
- Simmons, B. A., & Dobbin F. & Garrett G. (2008). *The global diffusion of markets and democracy*. New York: Cambridge University Press.
- Simmons, B. A. (2009) *Mobilizing for human rights: international law in domestic politics*. Cambridge: Cambridge University Press.
- Smith, R. K.M. and van der Anker, C. (2005). *The essentials of human rights*, Hodder Arnold.
- Steiner, J. and Woods, L. and Twigg-Flesner, C. (2006). *EU law*, Oxford: Oxford University Press.
- The Global Gender Gap Report, The World Economic Forum, Retrieved March 2, 2015, from <http://reports.weforum.org/global-gender-gap-report-2014/>
- The Inter-Parliamentary Union, Data Retrieved June 2, 2015 from <http://www.ipu.org/wmn-e/world.htm>
- The United Nations Beijing Declaration and Platform for Action (1995), Retrieved June 2, 2015 from <http://www.un.org/womenwatch/daw/beijing/platform/>
- The United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), Retrieved June 2, 2015 from [www.treaties.un.org](http://www.treaties.un.org)
- The United Nations Declaration of Elimination of Violence against Women, (1993) Retrieved June 2, 2015, from <http://www.un.org/documents/ga/res/48/a48r104.htm>
- The United Nations Millennium Declaration—Millennium Development Goals (2000), Retrieved June 2, 2015 from [http://www.undp.org/content/undp/en/home/mdgoverview/mdg\\_goals.html](http://www.undp.org/content/undp/en/home/mdgoverview/mdg_goals.html)
- The United Nations Resolution 34/180, (1979), Retrieved June 2, 2015, from <http://www.un-documents.net/a34r180.htm>
- The United Nations Convention on the Elimination of All Forms of Discrimination against Women [Public Reports: CEDAW]. Retrieved March 10, 2015, from <http://>

daccessddsny.un.org/doc/UNDOC/GEN/N07/243/80/PDF/N0724380.pdf? Open  
Element

The Vienna Declaration of Human Rights, (1993), Retrieved June 2, 2015, from [http://  
www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx](http://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx)

Wotipka, C. and Ramirez, F. (2008). *World society and human rights: an event history  
analysis of the Convention on the Elimination of All Forms of Discrimination against  
Women*. New York: Cambridge University Press.

Zwingel, S. (2005). *How do international women's rights norms become effective in  
domestic contexts? An analysis of the CEDAW*. Bochum: Univ. of Ruhr.