

# **Reviving Japan's Low Fertility Rate: Struggle for True Gender Equality**

**By**

**Yukiko KAWAHASHI  
and  
Kiyoko IKEGAMI**

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### **Introduction**

“There is no doubt that the situation with which we find ourselves confronted today has never been paralleled.” This quote is taken from the preamble to the Fundamental Law against a Decline in the Fertility Rate passed in July of 2003. Its goal to create “a society in which giving birth and raising children instill genuine pride and happiness in its members” is laid out as a pressing theme; as such, Japan’s central focus is on measures not only against ageing but also against the low fertility rate, as well as towards child-rearing support. Within the same context, the preamble to the Basic Law for a Gender-Equal Society, then widely regarded as the “constitution for women” and passed in June of 1999, emphasizes the importance of mutual respect, the sharing of responsibility between men and women, and the freedom to exercise their individuality and abilities regardless of sex. The preamble further claims that “the realization of a gender-equal society carries the utmost importance in the 21<sup>st</sup> century.” It seems that the Japanese government is taking initiatives on ageing, low fertility rate, and child-care for working women, and indeed, it has made corporate and societal provisions in support of these working women. I had hoped that these two laws would lead to the freedom to express one’s individuality and the liberation of women from the socially expected gendered roles. The realization of gender equality has become a dimmer prospect; only de jure gender equality has been achieved, while Japanese women suffer from de facto gender inequality.

### **Ageing and Low Fertility: Cases Predicted**

The cases of developed countries indicate that economic stability and the fertility rate of a country positively correlate with the female employment rate of those aged 25 to 34. However, this is not the case at all in Japan. Japan’s latest release of fertility rate in 2003 of 1.29 is the worst recorded in its history, despite the desire of the majority of Japanese women to have three children. Beginning in the 1960s and rapidly speeding up in the 90s, Japan has been aging at four times the speed as other developed (western) nations; 20% of the Japanese population is over 65 years old,<sup>1</sup> and that percentage is predicted to roughly double (35.7%) by the year 2050.<sup>2</sup>

I was the director for the Office for Gender Equality in the mid-1980s when the Japanese government was revising the national Program of Action in accordance with the international consensus on the issues of equality, development, and

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<sup>1</sup> Ministry of Public Management, Home Affairs, Posts and Telecommunications, Statistics Bureau, *Jinko Suikei* [Projection of Population] (2003).

<sup>2</sup> National Institute of Population and Social Security Research, *Nihon no Shorai Suikei Jinko* [Projection of Japanese Population] (2002).

peace reached at the 1985 Nairobi World Conference which aimed to review the achievements of the United Nations Decade for Women. Wanting to speed up the passage of the Child Care Leave Law, I warned of the difficulty of reviving the fertility rate once it begins to decline, and I called for measures to support working women in both pursuing their career and taking care of their children. Drawing on our 1987 study which predicted a change in women's lifestyle by the year 2000, I proposed to create an environment that enables couples to have as many babies as they want. However, these proposals did not receive adequate attention and was undermined by commonly held notions that linked absence of women in the domestic realm with an increase in juvenile delinquency, the destruction of the family, and a low fertility rate. Although the Equal Employment Opportunity Law (EEOL) was passed in 1985 along with the ratification of the Convention on the Elimination of All Forms of Discrimination against Women, it was not until six years later, in 1991, that the Child Care Leave Law was established.

It may be true that legal efforts have been made by the Japanese government towards the goal of gender equality: the democratization immediately following World War II established gender equality in the Constitution, allowing for female suffrage, equal access to education, and the doctrine of equal work for equal pay between the sexes. In addition to the aforementioned laws, the Part-Time Employment Law was established in 1993. Even more legal progress was made after the adoption of the Fourth World Conference on Women held in Beijing in September of 1995: the Family Care Leave Law (1995) was newly implemented following the partial revision of the Child Care Leave Law; the nature of EEOL changed from one of recommendation to one of prohibition in 1997; and The Basic Law for a Gender-Equal Society was enacted in 1999. Despite the great progress in the legal program of gender equality, according to the United Nations Development Programme, Japan's "gender empowerment measurement" (GEM) ranks at a low 32<sup>nd</sup> place out of 66 countries in 1999, in contrast to its 9<sup>th</sup> place ranking for the "human development index" (HDI). The discrepancy between the ideals of the legal system and reality is reflected in Japan's deep -rooted gender inequality that has led to the present problem of ageing and low fertility rate.

### **When and How Japan's Ageing Began**

#### ***The two factors to ageing: longer national life expectancy and low fertility rate***

The two main factors to ageing are: 1) higher life expectancy resulting from "affluence" and "peace" and 2) the declining fertility rate, a problem common in all developed countries. Following the astonishing economic recovery in a decade after the end of World War II, Japan entered an age of high economic growth in the 1960s. During this time of economic boom, the average Japanese

life expectancy doubled to become the highest life expectancy in the world (78.32 for men and 85.23 for women).<sup>3</sup>

Furthermore, Japan experienced a dramatic decrease in fertility rate as the “two-child” pattern became widespread in line with the proliferation of family planning in the post-World War II period. Despite the second baby boom—the interlude in the declining fertility rate in the 1970s—the younger generation gradually dissociated from the traditional values on life, marriage, and family so that they may want children but were unable to have them due to increasing cost on child-rearing. Then in the 90s, their views further changed to an indifference towards both childbearing and marriages, as shown in the low number of extramarital childbirths. Today, this decline of fertility rate still continues as the economic globalization pushes Japanese economy to become more information and service-oriented. I recall one former Japanese prime minister remarking that the strong bond found in Japanese families had once been a hidden asset of Japan; this is no longer true today. In sum, the Japan we see today is a country of fewer children, more elderly people, with late or no marriages, and divorces.

### **Consequences of ageing and what has been done about it (or lack thereof)**

Aging population puts the maintenance of the social security system, including pension, medical care, and senior care, at stake because the growing imbalance between the currently supporting generation and the dependent population inverts the population pyramid. It is estimated that by the year 2050, two taxpayers will have to support one retired person. It is no surprise, then, that the reform of this national pension system caused heated debates at this year’s Diet session, dubbed the “Pension Diet.” The fiscal difficulties of the Employers’ Pension as well as the National Pension have created a great public distrust for the national pension system. Part of the reason of the fiscal difficulties is that 40% of the National Pension remains uncollected, and in my own opinion, this 40% of uncollected pension system reflects the decline in communal sense of solidarity. Perhaps socioeconomic affluence has come at the cost of solidarity among the members of society.

Gender equality, at the core of the ageing and low fertility rate problem, is yet to reach the anticipated level of success because the legal efforts of the Japanese government stem only from concerns about the maintenance of the national pension system. For example, the Law to Support the Development of the Next Generation was passed as a concrete measure of the Fundamental Law against a Decline in the Fertility Rate. However, this law, along with the Fundamental Law against a Decline in the Fertility Rate, faced much opposition by female diet members and women’s rights groups because they felt that the laws allowed the

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<sup>3</sup> “Average Lifespan: 78.32 for Men, 85.23 for Women,” *Fukushi Channeru* [Social Welfare Channel], 14 Jul 2003, 17 Jun 2004 <<http://fukushi.com/news/2003/07/030714-a.html>>.

government to unduly interfere in the choices and decisions of individuals concerning their lifestyles and overemphasized infertility treatment. I personally think that the much reported illness of the Crown Princess is an example of the adverse effect of the unduly interference of the state. In a recent statement made by the Crown Prince, he implied that the pressures put on her to produce an heir, at the expense of her career and her individuality, may have triggered her illness.<sup>4</sup> Moreover, the effectiveness of the Law to Support the Development of the Next Generation is yet to be seen. This law is to give financial incentives to local governments to create daycare centers and private sectors to create a system for maternity leaves, but considering the current economic situation in Japan, these projects appear to be unfeasible.

Furthermore, the diversification of employment pattern and the marked increase since the 1990s in informal employments make the child-rearing an even more unappealing prospect for the younger generation. More than half of the working women are employed as part-time, contract-based, or temporary workers. An increasing number of male employees are so-called “furiitaa” (a person, usually young, who is not employed full-time and holds strings of part-time or temporary jobs). The diversification in the employment pattern often forces individuals to choose between pursuing a career and starting a family. Even worse, in Japan the diversification of employment pattern would make the future of the younger generation unstable and financially insecure. Moreover, the informally employed, women in particular, have suffered from discrimination based on the link between informal employments and “instability.” The Part-Time Employment Law of 1993 lacked a detailed plan to ensure the fair treatment of both full time and part time workers. However, such a plan was not included even in the revision process that took place in 2003.

To this end, Japan emerges as a prime example of a country suffering from the discrepancy between ideals, embodied in its legal efforts, and reality. Japan lacks the leadership of political figures that is essential in the construction of a gender equal society. For example, the former Japanese Prime Minister Yoshiro Mori made a controversial remark at a panel discussion in Kagoshima City: “The purpose of social welfare is to reward women who produce many children. The idea that the state must take care of those women who have not had any children, enjoying a carefree life free of social responsibilities, is outrageous.” Similarly, Mr. Ishihara, the current governor of Tokyo, spoke as follows: “The worst plague that civilization has produced are ‘old hags.’ For a woman who has lost her reproductive abilities to continue living is both a waste of space and a sin.”

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<sup>4</sup> “Movement for Approval of Empress Increased: Revision of Imperial Household Law in Deliberation,” *Tokyo Shimbun Online*, 12 Jun 2004, 18 Jun 2004 <[http://www.tokyo-np.co.jp/00/sei/20040612/mng\\_sei\\_005.shtml](http://www.tokyo-np.co.jp/00/sei/20040612/mng_sei_005.shtml)>.

Comments such as these illuminate the gender bias deeply rooted in Japanese society.

### **Recommendations**

The United Nation's Committee on the Elimination of Discrimination Against Women (CEDAW) in August 2003 recommended Japan to clarify its national law's definition of direct and indirect sexual discrimination, particularly with regards to employment. However, Japan's legal system, rather than clearly ensuring equal opportunity by prohibiting discrimination, only vaguely defines gender equality, using joint participation of men and women. What sustains this Japanese vagueness, as some critics in Japan would argue, is that the notion of gender equality is a concept imported from the West. Thus, advocating the importance of abolishing of sexual discrimination will prove vital in the struggle for gender equality in Japan.

Furthermore, I would like to emphasize the need to rethink the traditional gendered division of labor, namely, the husband is the breadwinner and the wife the homemaker. Because Japan is an atypical country in that the economic development did not lead to greater respect for human rights but rather to the preservation of traditional values, we need to raise public awareness that gender equality will prove vital in the struggle against ageing and low fertility.

### **Concluding remarks**

Japan has made numerous legal efforts to address the problem of gender inequality, which, as I have argued, accounts for ageing and low fertility rate. However, many loopholes and technical problems exist in these laws, reflected in the gender inequality that persists in Japan today. Fortunately, the number of women holding managerial, administrative, and local and national governmental positions is increasing. This is an important and crucial progress, for the realization of gender equality depends upon female participation in decision and policy-making. The combination of legal efforts and this progress of growing participation of women gives me hope that, despite the reluctance of society to accept gender equality, Japan is steadily making progress. It is my conviction that Japan is not backtracking.

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