

## Abstract

In this thesis I analyze, through the lens of norm diffusion theory, the glaring commitment/compliance gap existent in Japan when it comes to the implementation of women's right to work. I aim to better understand the processes that lead actors to comply or not comply with international women's rights, so that I may suggest ways of improving compliance. To reach this goal, first I introduce the "spiral model" of norm diffusion as my guiding theoretical framework, presenting its basic features and complementing it to better match the case of women's right to work in Japan. Next, I trace the history of international women's rights legal protection, focusing on how Japan has domestically applied international documents dealing with the topic. Then, to solicit expert and relevant analysis from the people affected by this issue, I carried out interviews with Japanese NGO representatives and other individuals whose work is related to guaranteeing women's right to work. Lastly, I analyze the collected data, identify factors explaining why Japan has not reached a satisfactory level of compliance to international women's rights norms, and suggest solutions to bridge this gap in implementation.

Women's rights have in theory been internationally recognized since the advent of the United Nations in the 1940s. However, despite welcomed evolutions in international legal instruments, discrimination based on gender remains, with some countries such as Japan finding it more difficult to overcome it. I can identify a clear contrast between the Japanese political rhetoric of achieving gender equality and the lack of actual introduction of these norms and policies in society. The country has attempted to show a proactive image by ratifying international treaties, but this has not been translated to satisfactory domestic progress, since laws and policies remain weak and thorough information concerning gender inequality issues is not satisfactorily transmitted to society. This is clear in the field of labor, where women are still facing issues from more than 30 years ago, first discussed during Japan's ratification of the CEDAW and the creation of the Equal Employment Opportunity Law (EEOC). Considering the intersectionality of the right to work and of female empowerment, which affects

economic, social and political issues, understanding the reasons behind Japan's commitment/compliance gap is significant for the development of society in general.

Thus, I needed to look at how international norms have been accepted, adapted and internalized by states. The framework I use is the "spiral model" of norm diffusion, a state of the art theory that focuses on the importance of the interaction between domestic actors, the state and transnational actors for the internalization of international human rights norms. The model's distinctive characteristics are its five phases that describe the process of norm diffusion from repression to rule-consistent behavior, the scope conditions that affect the tendency of states to move through these phases and the mechanisms of action at work there. In addition to bringing these points to the forefront of this work, I adapted the model to the case of the Japanese implementation of the women's right to work, by complementing it with Checkel's views on socialization processes, Acharya's theory of norm localization and feminist approaches to norm diffusion and norm contestation. This framework allowed us to analyze the legal and social situation of Japan not only through primary and secondary sources, but also through information collected from semi-structured interviews with Japanese individuals who deal with gender equality issues at the workplace on a daily basis.

Through this analysis, I concluded that the "spiral model" is a useful framework to better understand the Japanese case. Japan could be placed in between phases three (*tactical concessions*) and four (*prescriptive status*) of the model, unable to reach full compliance. I also realized that Japan has not experienced persuasion, with government and society acting for instrumental reasons, and not because they believe guaranteeing the women's right to work is the right thing to do. In addition to that, Japan's high-context communication culture, the predominance in society of traditional gender roles, a worsening economic situation, decreasing salaries, irregular jobs and lack of labor force drive younger generations away from taking a proactive instance to guarantee their rights. With these, we have a tentative list of reasons to explain why Japan remains, in the language of the "spiral model", stuck in the commitment phase, and experiencing problems in reaching compliance.