

July 23, 2015

Comment on the draft of General Comment no. 3 on women with disabilities, article 6 of the UN Convention on the Rights of Persons with Disabilities

DPI Women's Network Japan
DPI Japan Women's Committee

We support the draft of the General Comment no. 3 on women with disabilities, article 6 of the Convention.

We agree with the overall emphasis that efforts should be made from the viewpoints of multiple discrimination, intersectional discrimination and all forms of discrimination on all grounds (especially paragraphs 2 to 33).

In Japan, the lack of gender statistics with reference to persons with disabilities has acted as a barrier to legislative reform. Even in the Cabinet Office Commission on Policy for Persons with Disabilities in June and July of this year, the employers' associations and the competent ministries announced that they had no intention of reviewing the form of the employment situation reports, for which gender statistics are not investigated. If there is no data collection and analysis we do not even know if there are any disparities in actual conditions due to gender differences, and the difficulties due to multiple discrimination will continue to be ignored (paragraphs 10, 51 and 68).

We welcome the fact that the CRPD Committee mentioned sexual and reproductive rights as one of the three main subjects of concern with respect to the protection of human rights of women and girls with disabilities (paragraph 5).

On June 23, 2015, a woman who had suffered a eugenic operation submitted a petition for a request under the human rights remedy program to the Japan Federation of Bar Associations (please refer to the attached newspaper article for details). The Japanese government, while receiving recommendations from the United Nations Human Rights Committee both 18 years ago and in 2014, ignored these, claiming that the operations were legal at the time.

A gathering was held on the day of the submission of the petition in Tokyo, at which a large number of participants expressed their views. One statement after another told of the experiences of having their inviolability of the person and reproductive rights and health

severely abused on a daily basis, including such statements as having been encouraged to have an abortion through assertions such as, “You won’t be able to give birth or bring the child up;” refusal to provide the general medical services due to their disabilities; “My uterus was removed without careful consideration despite the absence of a medical condition requiring removal;” and “I was required to stop studying for a year to undergo self-care training so that I would not have to get help from other people to take care of my menstruation,” (paragraphs 43, 45, 47, 49, 50).

Overall, the text including “The legal nature of article 6 is thus cross-cutting in the sense that it accompanies all human rights enshrined in the Convention. All rights must be interpreted in light of article 6” (paragraph 12) and the fact that extremely concrete details have been written into the text is very significant and will be helpful in the application of the Convention (paragraphs 34-68. Especially paragraphs 38, 39, and 48 were often featured in our discussions).

The Cabinet Office Commission on Policy for Persons with Disabilities is now carrying out the monitoring deliberations on the first Japanese government report after ratification. We are also demanding that the General comment on Article 6: Women with disabilities be properly reflected in the discussions (paragraphs 61 to 68).