

Challenges Faced by Japanese Women with Disabilities and their Policy Proposals*

Kumiko Fujiwara

The Disabled People's International (DPI) Women's Network Japan was established in 1986 aiming to empower women with disabilities and to advocate for the repeal of the Eugenic Protection Act. After 1996, when the law was revised with the deletion of its eugenic clause and changed its name to Maternal Protection Act, the Women's Network sustained its activities temporarily. But stimulated by the hosting in Japan of the DPI World Assembly and the adoption in the United Nations of the Convention on the Rights of Persons with Disabilities (CRPD), the Women's Network was launched once again in 2007. It is currently engaged in advocacy work on various challenges faced by women with disabilities at the national and international levels.

I have been involved in the Women's Network since 2010 when the national annual assembly of DPI Japan was organized in Nagoya. My participation in the national assembly of that year helped me realize that the uneasiness I always had was deeply linked to my life living as a woman, a person with disabilities and their inter-connection. While actively being involved in the national women's network, I took the initiative of setting up the Kansai Regional DPI

Women's Network in 2012 with my peers who shared the same uneasiness with me.

In 2013, Japan ratified the CRPD which reaffirmed that persons with disabilities should be equally guaranteed the human rights stipulated in various international human rights instruments. It should be noted that persons with disabilities from around the world participated in the drafting process of the CRPD. In the process, "nothing about us, without us" was repeatedly voiced. Article 6 of the CRPD recognizes that women and girls with disabilities are subject to multiple discrimination, and provides that state parties shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.

In advocating for Japan's ratification of the CRPD, a nationwide campaign was staged calling for the reform of the existing national legal system regarding persons with disabilities. We actively joined this campaign by focusing on the incorporation of the concept of "multiple discrimination" in reforming laws. Finally, the 2011 revised Basic Act for the Disabled Persons incorporated a new provision on ensuring that any measures for the facilitation of independence and

participation of the disabled persons should be developed and implemented taking the gender and age factors into consideration. The 2013 Third Basic Plan for the Disabled Persons recognizes that disabled women often face a multiplicity of difficult situations due to their status as disabled persons and as disabled women, and specifies that for the sake of adequate planning, implementation, evaluation and review of any measures for persons with the disabilities, the government should enhance information collection and data accumulation by paying attention to sex, age and types of disabilities.

The 7th and 8th Periodic Report of the Japanese Government submitted to the Committee on the Elimination of Discrimination Against Women mentioned the multiple difficulties faced by women with disabilities referring to the revised Basic Act for the Disabled Persons and the Third Basic Plan for the Disabled Persons. CEDAW General Recommendation No. 18 adopted in 1991 stipulates the obligation of the state party to include information about challenges faced by women with disabilities in a periodic report of state parties. Previous periodic reports of Japan listed the subtitle "the disabled

women” on the table of contents, but no information was included in the report except for information about the general policies and measures for the persons with disabilities. Thus, the government mentioned the progress on measures on women with disabilities for the first time by giving substantial information about them.

Yet, the key challenge rests with the genuine implementation of the plan. It is important that the government should take the issue of the multiple difficulties of women with disabilities in the basic policies to be developed according to the recently enacted Law Concerning the Promotion of the Solution of Discrimination on the Ground of Disabilities. It is also important to ensure that gender statistics are collected and policies are put into practice. Even today, official surveys on the persons with disabilities hardly make aggregated data by sex. Consequently, difficult situations of women with disabilities are not understood, and no effective measures for them are taken. Aggregated data in the statistical reports would make it possible to find any gaps or discrepancies existing between men and women with disabilities, for example, in the employment or service use. If such discrepancies are found, it is important to identify causes of such gaps and to develop solutions.

Against this backdrop, the Women’s Network held a survey on difficulties faced by women with disabilities in 2011. The survey results

showed that women with disabilities suffered the most from sexual abuses. The survey results likewise indicated that while they were not seen as “women,” they still suffered sexual exploitation. In the case of women in need of help, assistance provided by male helpers likely created opportunities for such sexual abuses.

Survey on Difficulties Faced by Women with Disabilities

The following are some of the testimonies included in the survey report:

Sexual abuses

1. I was sexually abused by a boyfriend of my mother while I was taking a bath with his help. He touched my breast and body, and I had a terrible and painful time. I told my mother what had happened, but, worse, she did not believe what I said. (a woman in her 30s who is orthopedically-impaired)
2. I was sexually harassed by my brother-in-law, and I did not tell anybody about it. I am neither able to live independently, nor allowed to break my family tie. It was too humiliating and I cannot find any words [to express my feelings]. (a woman in her 50s with impaired sight)

Sexuality and reproductive right

3. When I had my first menstruation, my mother told me, “You don’t need menstruation.” She meant that I better have an operation to remove my womb so that I would not

disturb others to help me during the period. I did not accept it, and I did not want to hear such words. Women older than me often had such an operation. (a woman in her 40s who is orthopedically-impaired)

Employment and livelihood

4. When I went for a job interview, the company officer told me, “To be honest, we don’t need disabled persons. Male with invisible disabilities is a little better.” (a woman in her 30s who is orthopedically-impaired)

According to available income data from a private research institution, the annual income of a single female with disabilities is 22 percent of the annual income of a single male with no disabilities. On the other hand, the annual income of a single male with disabilities is 44 percent and single female with no disabilities is 66 percent of the annual income of a single male with no disabilities.

Japan has the Act on the Prevention of Spousal Violence and the Protection of Victims. It covers domestic violence against women with disabilities. The Basic Plan for Gender Equality includes among women with multiple forms of disabilities the women with disabilities. Nevertheless, in practice, no specific policies for women with disabilities have been developed and implemented. None of the domestic violence counseling services set up throughout the country provides a sign-language service or barrier-free

facilities. It is a de-facto exclusion of women with disabilities.

These survey results and the income data indicate the importance of taking gender-based statistics and of shedding the light on the real situation. It is also important that the plan is developed with the participation of women with disabilities and that concrete measures are promoted towards the solution of multiple forms of discrimination against women with disabilities.

About Myself

When I became pregnant ten years ago, my doctor and relatives recommended that I abort the baby because of possible impairment of the child or expected difficulties for me to care for him/her. Despite the revision of the law, the basic understanding of society has

just remained the same. To date, many of the children with disabilities are being given birth in the midst of distress and embarrassment of their parents or the sympathy and pity of all around them. In Hyogo prefecture where I currently live, there was once a campaign entitled "not to have a child of misfortune." People still hold the belief that children with disabilities are descendants of the impaired or unhappy children. In such circumstances, it is very difficult for women with disabilities to deliver a baby. It is still too far to have a support system for them to bring up their children.

We will keep our commitment to the realization of a society where even persons with severe disabilities are respected for their sexuality and can live a decent life as an individual without being excluded.

* This is the English translation of the article of the author in Japanese language that appeared in issue 181 of *IMADR-JC Newsletter*, March 2015. The article was based on her presentation at the Minority Women Conference held in November 2014 in Tokyo.

Ms Kumiko Fujiwara is the Secretary-General of the DPI Women's Network Japan.

For further information, please contact: Kumiko Fujiwara, DPI Women's Network Japan, c/o DPI Japan, 5th Musashino Building, 3-11-8, Kanda-Nishiki-cho, Chiyoda-ku, Tokyo 101-0054; ph (813) 5282-3730; fax (813) 5282-0017; e-mail: dpiwomen@gmail.com; http://dpiwomennet.choumusubi.com/english.html.

Focus

Asia-Pacific

Newsletter of the Asia-Pacific Human Rights Information Center (HURIGHTS OSAKA)

HURIGHTS OSAKA

(Asia-Pacific Human Rights Information Center)

8F, CE Nishihonmachi Bldg., 1-7-7 Nishihonmachi, Nishi-ku, Osaka 550-0005 Japan

Phone: (816) 6543-7002

Fax: (816) 6543-7004

E-mail: webmail@hurights.or.jp

Website: www.hurights.or.jp



HURIGHTS OSAKA