

# STOP MULTIPLE FORMS OF DISCRIMINATION based on Race, Ethnicity, Descent, Nationality and/or Disabilities, and GENDER

## Joint NGO Submission to the Committee on the Elimination of Discrimination Against Women the 77<sup>th</sup> Pre-sessional Working Group for the Preparation of LOIPR for Japan

prepared by



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# Multiple Forms of Discrimination Against Women from Buraku, Ainu, Zainichi Korean and Migrant Communities

prepared by: Forum on Minority Women

## ■ Title

■ **Q: Suggested question with a reference para number of the CEDAW COs (CEDAW/C/JPN/CO/7-8)**

■ **Backgrounds:** background information

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## Comprehensive Anti-Discrimination Legislation

**Q 1. Has the Government of Japan considered an enactment of a comprehensive anti-discrimination legislation that prohibits multiple/intersectional forms of discrimination against women belonging to various minority groups? - 13 (c)**

### **Backgrounds:**

Japan has enacted new two acts on the elimination of hate speech<sup>1</sup> and on the promotion of elimination of Buraku discrimination<sup>2</sup> in June and December 2016, respectively. Both acts focus on education and consultation as means of addressing both human rights problems, while having no clauses of prohibition of and sanction on discrimination. In addition, the two acts do not have any perspective of intersectionality. The act to promote Ainu policies was enacted in 2019. It has a clause that prohibits discrimination against the Ainu, but fails to have a sanction clause. It also has no perspective of intersectionality. Therefore, these three new acts have little legal effectiveness in eliminating multiple forms of discrimination against women of these communities.

The government conducted the foreign resident survey in 2016 for the first time, and published the results in March 2017<sup>3</sup>. The survey aimed to identify how foreign residents face discrimination and prejudice in their daily life. Yet, the results did not have disaggregated data by sex. Despite repeated requests from the minority women groups, the Ministry of Justice has not accepted it for some technical reasons. With no specific plan to do a same survey in future, we call for the additional efforts to be made by the government to get disaggregated data based on the results of 2016 survey.

In 2017, the government conducted a human rights awareness survey with the general public. Questions picked up in the survey were related women, children, Buraku, people with disabilities, the Ainu, foreign residents, hate speech, etc. The government expressed that it would use results of the survey for its human rights policies. Yet, it did not show what were found from the viewpoint of intersectionality.

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<sup>1</sup> <http://www.moj.go.jp/content/001199550.pdf>

<sup>2</sup> <https://imadr.net/wordpress/wp-content/uploads/2019/12/Act-on-promotion-of-elimination-of-buraku-discrimination-buraku.pdf>

<sup>3</sup> <http://www.moj.go.jp/content/001249011.pdf>

## Prohibition and Sanction of Hate Speech

**Q 2. Has the Government of Japan adopted legislation to prohibit and sanction sexist speech and propaganda advocating racial superiority or hatred, including attacks on ethnic and other minority women such as the Ainu, Buraku and Zainichi Korean women as well as migrant women?**

**- 21(d)**

### **Backgrounds:**

As mentioned above 1, the current act does not prohibit or sanction hate speech. In the Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD/D/C/JPN/CO/10-11), it was recommended to consider the amendment of the current act to include prohibition and sanction clauses. The survey conducted by Apeuro Zainichi Korean Women Network in 2016 revealed that about 70% of 888 respondents felt anxiety about the prevalence of hate speech and unsafety of being a Zainich Korean in Japan.

In 2017, the supreme court rejected the appeal of the defendant of the hate speech case brought by a Zainichi Korean woman as a plaintiff, thus confirming the ruling of the high court stating that the case constituted an intersectional form of racial discrimination and discrimination against women. The government should follow the judicial decision and improve the legislation to be effective. Due to no prohibition on hate speech in the current act, we continue to see hate speech sexually humiliating and/or encouraging violence against Korean women.

A Zainichi Korean woman was repeatedly attacked on the Internet information site by an anonymous person with humiliating her as being a Korean and a woman. She brought the case to the court asking a deletion of all humiliating messages against her posted by the unknown person, but the district court turned down her complaint in 2019. As of now, all messages have still been on the site.

In August 2019, a university professor said in the TV talk show, "Japanese boys should attack Korean girls when they come to Japan," in response to the incident of battery on a Japanese woman tourist on the street of Seoul. Later, in response to many protests from the viewers, the program host just explained that the TV station did not recognize it as hate speech and that they would any way not allow any speech that could encourage a crime.

In January 2020, an anonymous new year card with full of intimidation was sent to the municipal community center located in the neighborhood where many Zainichi Koreans live. It contained messages such as "Wipe out Zainichi Koreans on the earth! If find any alive, just kill them," and "Notice of bombing of the community center," apparently targeted at least a woman leader of the center and other residents in the neighborhood. While the mayor of Kawasaki City where the community is located decisively condemned the perpetrator and took immediate security measures, the national government has taken no action nor given any statement of condemnation.

Japan does not have any legal measures for victims of hate speech to remedy, leaving them with no way but

bringing a case to the court. However, a civil complaint usually imposes additional mental stress and pain on victims of racial and sexual hate speech and requires a lot of time and money to spend. Thus, many of them have to compel themselves not to take action but to accept.

To propagate Buraku discrimination, a group called Tottori Loop disseminated the Buraku information on the Internet showing the location and other details of Buraku neighborhoods throughout the country. They also disseminated information about Buraku leaders and activists with their names, positions and addresses (some cases) on their Internet site. The information has still been online. Women leaders as well as residents of Buraku neighborhoods have been put in anxiety and unsafety being a possible target of attack. The act to promote the elimination of Buraku discrimination does not prohibit any acts of discrimination, and it does not provide any measures for remedy as well.

#### Participation in the Decision-making

#### Participation in Decision-Making

**Q 3: Does the Government of Japan provide any specific measures to promote participation of minority women in the decision-making process? – 31(c)**

#### **Backgrounds:**

The government has not implemented the recommendation of the Committee under para 31(c) to take any specific measures to encourage the participation of minority women in the decision-making process. At the local level, with the efforts of Buraku Liberation League, a few Buraku women have been appointed to be a member of a local council to deliberate their gender equal policies. With no representation of minority women at the national level, problems that Buraku, Ainu, Zainichi Korean and migrant women face in the areas of education, employment, health and violence are not understood and addressed adequately by policy makers.

During the law making process towards the act for the promotion of Ainu policies, Ainu women presented their demands to create a local council in the relevant local governments that makes Ainu-related policies and considers measures to be taken accordingly, and appoint Ainu representatives as council member in such a number that make a majority of council while making a gender balance. Their demands were not taken in the new act after all.

#### Survey on Multiple Forms of Discrimination

**Q 4: Has the Government of Japan conducted any survey to find actual conditions of minority women and multiple forms of discrimination they face? If not, does it have any plan to do so? – 35 (e)**

#### **Backgrounds:**

We assume that the concept of multiple and intersectional forms of discrimination does not find its presence in the government policies. We also assume that the government has not attempted to conduct a survey to find

situations of minority women to be taken into its consideration for policy making. We see some social, economic and cultural statistics containing disaggregated data by sex, but not by ethnicity, nationality, ability/disability, and etc. According to the analysis of the 2010 national census made by Human Rights Association for Korean Residents in Japan, Zainichi Korean women marked a higher percentage by 4.1 point in the total unemployment rate and by 7.8 point in the irregular employment rate than other Japanese women. They also marked a higher percentage by 3.5 point and 35.1 point than fellow Zainichi Korean men, respectively.

#### Training of Counselling Staff

**Q 5: Are the counselling staff at the Women Human Rights Hotline as well as 14,000 Human Rights Commissioners given the training program that facilitates their understanding of the multiple form of discrimination and prejudice against Buraku, Ainu, Zainichi Korean and migrant women?**

**Q 6: Does the government provide a counselling service specialized in sexual crimes and stalking activities involving women from minority communities?**

**Q 7: Are the counselling staff at the Spousal Violence Counselling and Support Center located in 278 different locations throughout the country given a training program to help them understand multiple forms of discrimination against minority women and human rights abuses they suffer?**

#### **Backgrounds:**

The survey conducted by Apeuro Zainichi Korean Women Network in 2016 revealed that about 30% of 888 respondents (Zainichi Korean women) did not go to the public counselling service when they suffered discrimination based on ethnicity or gender. Those Buraku, Ainu or Zainichi Korean women who went to the public counselling service tended to find themselves frustrated with the service they were given because of lack of understanding of their difficult situations among counselling staff. Furthermore, in case of domestic violence, women victims were likely to be given damage or humiliated during the counselling service due to little understanding of their situations among counselling staff. As a result, women from minority communities find it very difficult to go to the public service.

#### Education – 33(d)

**Q 8: Does the government take any special measures to facilitate access to education of minority women?**

**Q 9: Does the government provide any remedial measures to those Korean high school students who have been denied to the access to the government's high school tuition support program?**

#### **Backgrounds:**

Due to the long suffering from prejudice and discrimination, Ainu women mark a quite low rate of enrollment

of high school and/or advanced education. Thus, it has caused them difficulties in livelihood, employment and other aspects of their life.

Government of Japan has excluded only Korean High School students from the tuition support program that started in 2010. In addition to students of Japanese high schools, those of other foreigner high schools have not been excluded from the program. As pointed out during the review process of Japan by the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, and the Committee on the Rights of Child, such an exclusion has constituted discrimination against Zainichi Korean that needs to be rectified. It has given negative impacts not only to the affected Korean students in their academic activities, but also financial and mental difficulties and stress to their parents. A large number of Korean students have graduated the high school and gone to the next stage of their life without receiving the support under the program. The government has not taken any measures to remedy them.

#### The 5<sup>th</sup> Basic Plan for Gender Equality

**Q 10: How does the government plan to include voices, opinions or suggestions of women from Buraku, Ainu, Zainichi Korean and migrant communities as well as women with disabilities in the course of developing its 5<sup>th</sup> Basic Plan for Gender Equality?**

#### **Backgrounds:**

According to the government's announcement, the thematic working groups have already been launched for the development of the 5<sup>th</sup> Basic Plan. The government will adopt the final plan by the end of December 2020 after the public comments and hearings to be scheduled in autumn this year.

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Forum on Minority Women consists of the Women Division of Buraku Liberation League, Ainu Women Association, Apeuro Zainichi Korean Women Network and the International Movement Against All Forms of Discrimination and Racism (IMADR). For the past 20 years since 2000, these groups have worked together for the common issue of the multiple and intersectional forms of discrimination at national and international levels.

# **MIGRANT WOMEN and TRAFFICKING in PERSONS**

prepared by: Solidarity Network with Migrants Japan (SMJ)  
Japan Network Against Trafficking In Persons (JNATIP)

## **Title : Violence Against Migrant Women**

**Suggested questions to be included** (reference paragraph number of CEDAW/C/JPN/CO/7-8)

1. Are there any newly implemented measures that the government has taken in order to promote proactive reporting of violence against migrant women and appropriate protection of such women? Has the government conducted the research necessary on the reality of violence against minority women including migrant ones for the implementation of such measures? (23(e))
2. Has the government reviewed the “procedures for revoking the residence status of spouses” under Article 22-4 of the Immigration Control Act? (23(e))

## **Backgrounds**

1. No new measures have been taken regarding violence against migrant women. Although the Act on the Prevention of Spousal Violence and the Protection of Victims states that the human rights of women should be respected, since no national minimum standard on specific policy measures has been established, support measures for migrant women victims are left to local governments, so the efforts still lag behind. First of all, it is necessary to conduct research on the reality of violence against minority women including migrant ones, and to make the results public.
2. Many of the UN human rights treaty bodies have pointed out in a similar way that securing the residence status of migrant women is vital for protecting them from domestic violence. CERD has recommended time and again that the “procedures for revoking the residence status of spouses” under the revised Immigration Control Act, in effect since 2012, should be carefully reviewed because they cause a great setback for the rights of migrant women who are DV victims and making it hard for them to escape from the violence, however the government has not yet followed the recommendation.

Submitted by: Solidarity Network with Migrants Japan (SMJ)

## **Trafficking in Persons**

### **Questions**

3. What preventive measures does the government take against “forced repatriations” that are being exercised despite the will of technical intern trainees? Do the measures taken completely exclude the accepting organizations and the sending organizations? Why is forced repatriation not subject to punishment? (27(a))

4. Does the government grasp the reality of pregnant technical intern trainees or those who give birth? They are forced to face decisions of either getting abortions or going home. Does the government notify the accepting organizations and the trainees of various protection/support systems on pregnancy and delivery? (27(a))
5. Has the government implemented measures to justifiably punish the coercive sexual exploitation still exercised by the establishments that provide adult entertainment and produce pornographic films? (27(b))
6. Has the government implemented viable measures to delete the pornographic images of forced sexual exploitation once on the internet, to shut off the illegal streaming, and to halt the sales of such videos? (27(b))
7. What measures does the government take to prevent human trafficking of foreign women before they arrive in Japan? What kind of bilateral and/or multilateral cooperation and collaboration does it implement or at least consider? (27(c))
8. What measures has the government taken to make the bilateral agreements with the sending organizations of technical intern trainees viable? Why does it not stop accepting trainees from the countries whose governments have not yet signed, or are not compliant to, the Memorandum of Cooperation? (27(c))
9. Regarding the onsite inspections of technical internship implementing organizations where various cases of exploitation and human rights violation have been reported, has the government's plan to "inspect all 50,000 organizations in 3 years" been executed as planned? (27(d))
10. Does the government grasp the activities of agents of technical intern trainees' sending organizations deployed in Japan? Does the government establish punishment rules for the violation of human rights caused by the sending organizations and their agents? (27(d))
11. Are the acts of exploitation that are done by means of "abuse of power or of a position of vulnerability" or "giving or receiving of payments or benefits to achieve the consent of a person having control over another person" defined in the Trafficking in Persons Protocol justifiably punished? (27(e))
12. Which ministry or agent of the government is supposed to identify labor trafficking victims? (27(e))

## **Backgrounds**

3. The threat of possible forced repatriation means that trainees put up with harsh and/or unlawful labor and discourages them from claiming their rights. They are also heavily oppressed by their unfair substantial debt prior to entry in Japan to cover deposit, penalty charges, and other costs. However, forced repatriation is not subject to penalty, so it is urgent to take effective measures against it.

The government has been trying, since September 2016, to confirm the trainees' will with "Will Confirmation Documents" when they leave the country before the end of their training period. However, since the practice still continues, it is obvious that the document has not served as an adequate countermeasure. Since the forced repatriation is done by supervising organizations or sending organizations, even the "prior notification system"

does not function as an effective measure. Furthermore, these organizations have also accumulated various skills to know how to discourage trainees from claiming their trip home as being a forced repatriation.

Therefore, more careful procedures to confirm the will of those who leave Japan in the middle of their contract term are necessary.

4. As of the end of 2018, out of 328,360 technical intern trainees present in Japan, 43.5% were women and many of them work in the textile/apparel industry in which the highest number of misconduct has been found. Also, regardless of industry, quite a few female trainees are victims of sexual harassment and sexual violence. As for the issues of these pregnancies and deliveries that have emerged recently, cases of being forced to face decisions of either getting abortions or going home never cease. The government is delinquent in notifying the accepting organizations and technical intern trainees of various protection/support systems for such trainees (i.e., labor laws and social security laws).

5. Regarding “intensifying monitoring and inspection programmes in order to prevent sexual exploitation”, the government has not yet been able to take effective measures. The government claims that they appropriately deal with the currently available published or videoed adult materials if they fulfill the requirements for applying penalties and are then charged with criminal offense. However, in reality, the perpetrators are very sophisticated and on the surface they pretend to have confirmed the victims’ agreement. So it is hard to fulfill the requirement for penalties using the Penal Code or Child Prostitution/Pornography Law. Thus, the cases would be charged as either a violation of Worker Dispatching Law or a rather light violation of punitive laws, or even would be dropped.

6. The pornographic videos, once produced, are doomed to be spread through the internet, then afflict serious harm on the victimized women both physically and psychologically, violating their human rights. Therefore, support groups work on requesting the porn production companies and internet servers to delete the images. However, there are cases in which the companies, in order to avoid domestic criminal charges, set up their corporate registrations in the US and install internet servers there, hence do not respond to the request of deletion. In some cases, they even use the overseas internet server to back-stream the otherwise illegal contents (e.g. unexpurgated videos) into Japan. As for terminating the sales of videos using victimized women, the measures being taken are not practically effective.

7. Government measures center on cooperation with investigation after the incident happens, and very little on prevention in advance. So, there have been quite a number of cases of workers from abroad, including technical intern trainees, arriving in Japan without a good grasp of information on the precise situation in Japan (i.e., what is allowed and not allowed with their residence status, actual labor terms and the real labor conditions, detailed remedy systems, etc.) and have been trafficked.

Actually, based on the lessons learned from the large-scale human trafficking case involving Japanese-Filipino Children and their mothers revealed in 2015 in Gifu Prefecture, NGOs repeatedly demand that the government (Ministry of Foreign Affairs) enhance human trafficking prevention measures including comprehensive pre-departure orientation in collaboration with the Philippines Government, but there is no such move.

8. The regulations on sending agencies of the technical internship program are designated through bilateral

MOCs and the government has concluded them with 14 countries as of June, 2019. However, MOCs are only agreements between administrative bodies and not legally binding. The contents vary greatly depending on the counterpart nation, and besides, MOCs are not designed to be detailed commitments. The government also undervalues the problem of debt bondage through advanced debts which are generally called “commissions” imposed by agents in sending countries, making the situation of trainees to be like slaves. For instance, following the example of South Korea’s bilateral agreement under the Employment Permit System, the Japanese government should suspend accepting trainees from countries that have not yet concluded MOCs and also should take measures such as cancellation or temporary halt of accepting trainees from countries that have concluded MOCs but do not actually abide by them, thus securing viability of the memorandum.

9. In November 2017, the Technical Intern Training Act was enforced and Organization for Technical Intern Training (OTIT) was created to manage the program. The act requires the OTIT to inspect all the implementing organizations in 3 years. However, the cumulative total onsite inspections in 2018 were only 7,886, which means not nearly enough inspections are being done for the 50,000 implementing organizations that exist.

10. There are often cases of sending organizations deploying liaison offices and agents in Japan, monitoring the trainees daily, and assisting the forced repatriations. So it is indispensable to grasp the activities inside Japan of such sending organizations. Furthermore, the government should consider revising the Technical Internship Act so that the human rights violations by the sending organizations and their agents would be punished.

11. In July 2017, the Japanese Government ratified the Trafficking in Persons Protocol. However, its policy has not changed after the ratification and its measures to combat human trafficking have not advanced because of the ratification.

The government claims that “All the acts that fall under the definition of trafficking in persons laid out in the Trafficking in Persons Protocol are considered as criminal offenses in Japan”, but the present Penal Code prescribes the trafficking measures only as “violence or threat”, “deception or enticement” and “buying or selling of human beings” and it is dubious if all the acts of exploitation including the ones done by means of “abuse of power or of a position of vulnerability” or “giving or receiving of payments or benefits to achieve the consent of a person having control over another person” can be actually punished or not.

12. In the government’s annual report on its measures against trafficking in persons, they report 20-40 perpetrators and victims every year. However, only a few labor trafficking cases are reported annually, so it hardly reflects the real situation. The main reason is that the labor standard inspection agencies that are closest to actual labor sites only regulate violations of the Labor Standards Act and do not have the function of identifying human trafficking victims. Among the stipulations of the Labor Standards Act, the one that covers human trafficking is Article 5 “Forced Labor”, but the acts targeted by the article are very much limited, so the stipulation is rarely applied. The Japanese government should promptly install the system of identifying labor trafficking victims to fulfill the duty of a contracting state of the protocol.

Submitted by: Japan Network Against Trafficking In Persons (JNATIP)

## **Migrant Workers Convention**

### **Questions**

13. Why has the government still not ratified the Migrant Workers Convention? Please respond with the specific reasons. (54)

### **Backgrounds**

13. Regarding the Migrant Workers Convention, the government explained in its 7<sup>th</sup> and 8<sup>th</sup> periodic report that “Japan has been giving careful consideration as there are many issues in terms of the principle of equality, and the domestic systems, given, inter alia, that part of the Convention guarantees migrant workers more rights than the rights guaranteed to Japanese nationals or foreign nationals other than migrant workers.” They should clearly indicate in their report on precisely which content in the convention “guarantees for migrant workers the rights that exceed the ones that are guaranteed to other foreigners”.

Submitted by: Solidarity Network with Migrants Japan (SMJ)

for more information about SMJ: <https://migrants.jp/english.html>

# Women with Disabilities

## Disabled Peoples' International (DPI) Women's Network Japan

The Beijing Platform for Action recognizes that women with disabilities face barriers to gaining full equality as well as achieving advancement. Similarly, Article 6 of the UN Convention on the Rights of Persons with Disabilities recognizes that women and girls with disabilities are subject to multiple discrimination and calls on signatory countries, including Japan, to enact appropriate measures to eliminate such discrimination and to ensure the full development, advancement and empowerment of women with disabilities.

### **1. Awareness in Japan of the multiple discrimination faced by women with disabilities**

In Japan, efforts have been made to ratify and bring Japanese laws in line with the Convention on the Rights of Persons with Disabilities. The multiple discrimination faced by women with disabilities was discussed as a part of these efforts. As a result, in the 2011 revision of the Basic Act for Persons with Disabilities, “sex” was added to the list of items to be taken into consideration as basic policy for the measures to prevent discrimination on the basis of disability.

In addition, although the newly established Act for Eliminating Discrimination Against Persons with Disabilities does not contain provisions on multiple discrimination, its supplementary resolution recognizes the fact that women with disabilities are subject to multiple discrimination and stipulate that their human rights should be protected. That said, as in the past, neither the principles nor the basic plans of either the Basic Act for Persons with Disabilities and the Act for Eliminating Discrimination Against Persons with Disabilities contain language regarding multiple discrimination or intersectional discrimination.

At the same time, domestic awareness of multiple discrimination faced by women with disabilities is steadily increasing. This is evidenced by the fact that local government regulations related to the elimination of discrimination based on disability—including those of Kyoto Prefecture, Sendai City, the Tokyo Metropolitan Area, and Shiga Prefecture—have started to incorporate explicit language regarding multiple discrimination of women with disabilities, ahead of the central government.

### **2. Paucity of gender statistics required to assess the current state of discrimination**

Efforts to eliminate multiple and intersectional discrimination against women with disabilities first requires an assessment of the current state of this discrimination. However, the gender statistics needed to assess multiple and intersectional discrimination against women with disabilities is lacking. In addition, no mechanisms exist for comprehensively and systematically implementing measures and policies to assess and eliminate this discrimination.

Although provisions related to women with disabilities have been incorporated into the basic policy based on the Act for Eliminating Discrimination Against Persons with Disabilities and the Fourth Basic Plan for Gender

Equality, which sets forth domestic measures aimed at promoting gender equality, concrete plans of action involving specific numbers and measures have not been developed.

In July 2016, the Japanese government submitted its first report to the UN Committee on the Rights of Persons with Disabilities (CPRD). Of the 42 statistics included in the report, the only gender statistics provided were for the total number of persons with disabilities and that related to employment.<sup>4</sup> What the statistics reveal is that, for all categories of disability (physical, mental, and psychological), men account for more than 60% of employed persons with disabilities, that men are employed at higher rates as regular full-time employees than women, and that women are employed at higher rates as fixed-term employees than men.

### **3. Violence against women with disabilities**

According to the Report on the Protective Care of Women (2016), 47.3% of the women entering protective care facilities had a disability or suffered from an illness of some kind; of these women, 26% were in possession of an official disability ID. Despite evidence of such circumstances, no data exists on the proportion of female and minor victims of domestic violence who have disabilities, and no policies or measures addressing the need to assess and deal with this issue have been implemented.

Regarding the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers, the 2016 annual report issued by the Ministry of Health, Labour and Welfare found that 64% of victims of abuse by caregivers are women and that 13% of the caregivers are spouses. However, the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers does not contain any mention of gender. In addition, data indicate that the proportion of persons with disabilities seeking consultations regarding domestic violence (DV) has been increasing in recent years.

That said, information regarding DV support and consultation services is, in many cases, not available in a form that is accessible by women with disabilities. Although the Act on Prevention of Spousal Violence and Protection of Victims mentions victims with disabilities, it cannot be said that adequate support exists at any level, from consultation to protection and self-reliance support, for women with disabilities who are victims of DV.

Although all individuals involved in healthcare, medicine, welfare, education, public safety, and the administration of justice need to receive training to be able to recognize the multiple and intersectional discrimination and attendant challenges faced by women with disabilities so that they can carry out their duties appropriately, no policies or measures to promote such training exist.

### **4. Participation in planning/policy making by women with disabilities**

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<sup>4</sup> Proportion of employed persons by gender, proportion of employed persons by industry and gender, proportion of employed persons by employment type and gender, proportion of employed persons by fixed number of working hours per week and gender, and proportion of employed persons by occupation and gender.

Regarding the composition of various advisory committees and expert committees involved in the formulation of national and local government policies, although “positive action” such as a quota system can partially be seen, the Commission on Policy for Persons with Disabilities, for example, comprises 30 members, only two of whom are women with disabilities or some kind of illness. As a result, the implementation of any efforts including “temporary special measures” is not being explored.

## **5. The reproductive health and rights of women with disabilities**

In Japan, 16,500 individuals (of which approximately 70% were women) were subjected to forced sterilization under the Eugenics Protection Law, which was in place from 1948 to 1996. Extralegal hysterectomies and radiation therapy of women with disabilities have also been carried out. The reproductive health and rights of women with disabilities have been grossly violated through such actions.

Despite the issuance of numerous recommendations by the UN Human Rights Commission and the Committee on the Elimination of Discrimination against Women, the Japanese government, for many years, did nothing to address the problem. The filing of the first ever lawsuit demanding state reparations for victims of forced sterilizations under the Eugenics Protection Law in 2018 resulted in deliberation on the issue in the National Diet and ultimately led to the adoption of the Law on the Payment of One-time Reparations for Victims of Eugenic Sterilizations under the Eugenics Protection Law in April of 2019.

However, the one-time reparation amount is extremely low (3.2 million JPY). As of September 2019, twenty plaintiffs have filed lawsuits asking for an apology and reparations in six district and one high courts. Even after establishment of the law, the issue continues to be tied up in the courts.

The reproductive health and rights of women with disabilities remain an issue even after the abolition of the Eugenics Protection Law. Particularly essential are guarantees of opportunities for sex education, full implementation of support services for persons with disabilities raising children, and training for welfare and healthcare workers.

### **Suggested Questions**

- Are the main laws related to the prohibition of discrimination of persons with disabilities and gender equality prohibiting multiple discrimination against women with disabilities?
  
- We request the provision of information on the investigations conducted, sanctions imposed, and remedies provided by judicial and administrative institutions since the last review regarding multiple discrimination against women with disabilities. What efforts have been made to collect, analyze, and disseminate data, disaggregated by sex, age, disability, geographic location, and socioeconomic, education and employment

status of persons with disabilities? We request the provision of cross-tabulated data broken down by sex and other factors.

○ Since the last recommendation, what progress has been made in terms of remedies for victims of the Eugenics Protection Act as well as punishment of the perpetrators?

We request the provision of cross-tabulated data broken down by victims' sex, type of surgery, and type of disability, etc.

We request the provision of cross-tabulated data (broken down by sex) on the status of lump-sum payments in accordance with the "law to pay victims of forced sterilization under the defunct Eugenic Protection Act" that was enacted in April of 2019.

Has progress been made in identifying and prosecuting perpetrators?

Is the statute of limitations hindering access to the administration of justice in terms of restitution to victims?

○ Are special provisional measures being implemented to promote inclusion of women with disabilities on various commissions of inquiry and committee of national and local governments that are responsible for formulating policy?

What provisions aimed at guaranteeing the rights and ensuring the empowerment of women and girls with disabilities are included in laws related to gender equality and other laws, policies, and administrative measures? We request the provision of information on measures that provide opportunities for women with disabilities to exercise their right to fully participate in the political process and that promote their placement in positions responsible for political and public decision-making.

○ What is the status of support for domestic violence survivors with disabilities? We request the provision of specific information on the status of publicity, the number of contacts, the number of domestic violence-related consultations, the status of in-take by public shelters, and each level of self-reliance support that is accessible, in terms of both digital and physical access, to persons with all types of disabilities. In addition, what are the challenges of the current state of support and what policies are needed in the future?

○ Are training and education being provided to various individuals in areas of public health, medical care, social welfare, education, policing, and administration of justice aimed at raising awareness regarding the prevalence and challenges of multiple/intersectional forms of discrimination against women with disabilities? In addition, when support is being provided in each area, is reasonable accommodation being made to guarantee that the information is accessible?

○ What type of sex education that women with disabilities can receive is being provided in the context of public

education aimed at ensuring sexual and reproductive health and rights. What legal mechanisms exist to guarantee childbirth and childrearing support for women with disabilities.

○We request general data and information on school dropout rates for all educational levels, broken down by sex, age, and disability, in comparison with students without disabilities.

○What measures have been implemented to promote employment of women with disabilities? We request information on measures that have been implemented to prevent harassment of women with disabilities in the workplace.

\*\*\* Disabled Peoples' International (DPI) Women's Network Japan : Established in 1986, DPI Women's Network Japan has been working to promote independent living of women with disabilities and has worked for the abolition of the Eugenic Protection Act in the past. Moderately linked with the local organizations for women with disabilities along with individuals with disabilities, we are working on various issues such as providing information in Japan and at international level.

[http://dwnj.chobi.net/?page\\_id=41](http://dwnj.chobi.net/?page_id=41)