

ONGOING MULTIPLE DISCRIMINATION TOWARD WOMEN WITH DISABILITIES

DPI Women's Network Japan

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Introduction

“DPI Women’s Network Japan”

- 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 UN 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.



A survey on Living Difficulties of Women with Disabilities

- We conducted a survey on Living Difficulties of Women with Disabilities from April to November in 2011. The purpose of the survey was to disclose a large number of difficulties women with disabilities experience which require legal remedy.
- Along with questionnaires and interviews with women with disabilities, a survey on the Domestic Violence Prevention Program and the Basic Plan for Gender Equality was conducted based on the annual reports and the plans posted on 47 prefectures' official websites. The responses of 87 surveyed individuals across the country were categorized into types of issues and analyzed.

Caregiving/Assistance

- Women with disabilities assisted by male caregivers are more uncomfortable and at a higher risk of sexual abuse than men with disabilities assisted by female caregivers. Women's bodies are often seen as sexual objects or valued as commercial products.
- Considering these characteristics of women, it explains why it is such a threat and pain for women with disabilities to receive assistance that involve physical contact from men.

Sexual abuse

- The dominant response in a survey on Living difficulties of women with disabilities, was sexual abuse: as many as 35% responded that they have experienced sexual abuse in their lifetime.
- The responses indicate that the offenders were their bosses at work, teachers or staffs at school, service providers at welfare facilities or healthcare settings, caregivers and family members at home.



Reproductive Health

- Among the responses in our survey, there were of those who were forced to undergo eugenic sterilization under the Eugenic Protection Law. There were other responses from those who were recommended hysterectomy in order to be free of assistance during menstruation.

It was around 1963, I was in my teens, when they operated sterilization (a surgery to disable reproductive functions) on me by force. That caused menstrual cramps and dullness.

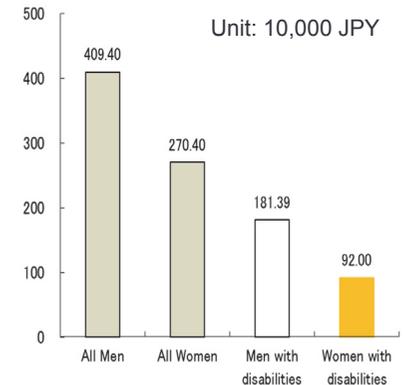
I got married when I was about 20 but divorced. My remarried husband also left me because I could not have a baby.

(60's. Mentally disabled)

Work and Income

- Among persons with disabilities, there is a clear gender wage gap.
- There is income disparity between people with and without disabilities as well as between genders.
- The economic situation of women with disabilities is extremely vulnerable.

Figure: Annual income of single-person households
Survey in two cities of regional



Voices

As I became pregnant, my doctors along with my mother recommended abortion because they thought I was going to have a disabled baby and doubted whether I would be able to raise him/her. (40's. Visually disabled and with intractable disease)

I was sexually molested by my mom's boyfriend. While he was assisting me in bathing, he touched my breasts and other parts of my body. It was horrible. I told my mom but she did not believe me. That was even worse. (30's. Physically disabled)

At a job interview, I was told, "I tell you what, we do not need disabled people. But I am socially obliged at least to interview you. So do not expect too much. I would rather prefer you were man with invisible disabilities. So that is that and I am done. Enough for you, too right?" (30's. Physically disabled)

List of issues: Ongoing multiple discrimination toward women with disabilities; [Japan] July 2015

<Questions>

1. How many cases of domestic violence perpetrated against women with disabilities are reported to public counseling services every year? What is the annual number of disabled women accepted in public DV shelters? What sorts of alternative communication is available for clients, other than telephoning? How many women are accepted yearly into public DV shelters, and what is the percentage of shelters that are able to ensure accessibility for disabled women in their facilities through efforts such as an organized personnel system, including interpreters and personal assistance? (Concluding Observations, CCPR.C.JPN.CO.6, paragraphs 32 and 52) (Reports of State Party, paragraph 42)

2. The questionnaire form titled “Survey on the Employment Situation of Persons with Disabilities,” which follows the Act on the Promotion of the Employment of Disabled Persons in Japan, **does not ask respondents to indicate their gender, even though this has been pointed out by organizations including the Statistic Commission of the Cabinet Office. What is the timeline, and the method, for making this change?** (Concluding Observations, CCPR.C.JPN.CO.6, paragraph 52) (Reports of State Party, paragraph 42)

3. How are the recommendations from the United Nations Human Rights Committee being implemented with respect to research on forced sterilization via the former Eugenic Protection Act, and compensation to victims? (Concluding Observations, CCPR.C.JPN.CO.6, paragraphs 50 and 52)

<Background>

While government policy plans have begun mentioning that women with disabilities face compounded difficulties (Reports of State Party, paragraph 128), specific measures and policies have yet to be drawn up. As a state party to the Convention on the Rights of Persons with Disabilities, Japan is urged to take appropriate measures by highlighting this issue.

1. Under the Act on the Prevention of Spousal Violence and the Protection of Victims, “equality with other persons” must be realized.

- Although the act states, “Respect their human rights regardless of

nationality or disability, etc.” public DV counseling services are only accessible by telephone—meaning that clients with hearing and speech impairments find it difficult to get connected. Additionally, these public shelters have failed to design facilities for wheelchair users and disabled persons who need personal assistance.

2. The absence of a gender perspective within disability statistics is related to the government’s lack of policies in this regard.

- Through the Act on the Promotion of the Employment of Disabled Persons—which was launched with the aim of advocating equality in employment among disabled persons—positive action is urged in order to avert an entrenchment of the wage gap between male and female employees with disabilities.

3. The government of Japan is urged to recognize as human rights violations the harms that were carried out under the former Eugenics Protection Law, and to conduct research and pay compensation accordingly.

- In 1998, the UN Human Rights Committee stated as follows: “While acknowledging the abolition of forced sterilization of disabled women, (the committee) regrets that the law has not provided for a right of compensation to persons who were subjected to forced sterilization, and recommends that the necessary legal steps be taken”. This recommendation, however, has yet to be implemented still today.

- Apologies and compensation have taken place in other countries where forced sterilization motivated by eugenics—was legitimized in the past. Concerning the Leprosy Prevention Act, which was abolished in 1996, the government of Japan has conducted research on the forced segregation of patients and violations of their reproductive rights, and subsequently apologized and paid compensation. The present case proves that a parallel response is again possible.

- Even today, some women with disabilities are urged by medical institutions and family members to terminate their pregnancies and refrain from giving birth, and are refused treatment and hospitalization. They are also sometimes forced to receive care from attendants of the opposite sex in medical facilities and institutions, which for many is an uncomfortable experience. Furthermore, disabled persons are often discouraged from receiving appropriate sex education. In one case, unreasonable intervention by local assemblypersons resulted in the forced suspension of sex education for children with intellectual disabilities.