



On Women in Disaster-affected Areas and Human Rights, Sexual Orientation and Gender Identity

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NGO Statement by Azusa Yamashita on behalf of **Rise Together - Women's Network for East Japan Disaster** and **Gay Japan News**

Thank you, Chairperson.

We welcome the positive measures in recent years taken by the Japanese government protecting the rights of women in the areas affected by the Great East Japan Disaster and the rights of lesbian, gay, bisexual and transgender (LGBT) people. These measures include a series of notices issued by the Gender Equality Bureau of the Cabinet Office regarding the special needs of women in post-disaster, establishment of hotlines for women in disaster-affected areas and inclusions of the issues of human rights, sexual orientation and gender identity in the Third Basic Plan for Gender Equality and mental health of sexual minority population in the national policy on suicide prevention.

We are, however, concerned that the following issues remain great challenges for the protection of the rights of these people enshrined in the Covenant.

1. Discriminatory Treatment in Disaster-related Benefits and Lack of Employment Support for Women in Disaster-affected Areas (Article 11; List of Issues question. 20)

Great East Japan Disaster survivor benefits such as the Disaster Condolence Allowance were decided depending on recipients' household income and granted to the heads of households. The amount of the Allowance was doubled when the deceased was a breadwinner who is usually man in Japan. On the other hand, wives with annual income of 1.03 million yen (equivalent of some 10,500 USD) or more were not entitled to the full amount of the Allowance.

This "head of household" policy in the benefits effectively prevented women from receiving the benefit since the heads of households in Japan are usually men. There were women survivors of domestic violence from disaster-affected areas who could not enjoy the benefit because they were separated from their perpetrators who were often heads of the household and the recipients of the benefits.

The number of women seeking jobs eleven months after the disaster increased by 10.8% compared to the previous year. Compared to February 2011, 2.3 times as many women were receiving unemployment benefits in February 2012 while it was 1.7 times as many for men.

We call on the Japanese government to make changes to these gender discriminatory policies and ensure that all survivors can enjoy the disaster-related benefits equally regardless of sex. We also request that the Japanese government

put employment support programs for women in disaster-affected areas in place.

2. Violence Against Women in Disaster-affected Areas

(Article 11; List of Issues question. 20)

Violence against women in disaster-affected areas has reportedly been on the rise. Police reports of domestic violence rose by 33% in Miyagi Prefecture and by 64% in Fukushima Prefecture in 2012 compared to the previous year.¹ Forms of violence that women in disaster-affected areas experienced range from physical, sexual, psychological, verbal and economic violence and the perpetrators include partners, family members, evacuation center managers, fellow residents at an evacuation center, volunteers and fellow residents at temporary housing.²

Women survivors of violence including women of vulnerable groups such as single mothers, women with disabilities, migrant women and non-heteronormative and non-gender-conforming people often face insensitive responses and victim-blaming attitudes by the police and other relevant professionals in seeking help.

Above-mentioned difficulties are greatly attributed to the lack of women's and diverse groups of people's participation in policymaking in disaster-affected areas.³

We call on the Japanese government to ensure the equal participation of women in disaster-response-and-prevention and reconstruction policymaking at all levels. We also request that the Japanese government conduct trainings to public officials at national and local levels, police, community leaders, healthcare providers, leaders of temporary housing and evacuation centers and other stakeholders to equip them with practical knowledge and skills to be able to respond to special needs of women and the vulnerable groups in time of disaster.

3. Lack of Legislation on the Grounds of Sexual Orientation and Gender Identity

(Article 2, paragraph 2; List of Issues question. 2)

Japanese government has repeatedly been recommended by UN human rights mechanisms to legislate anti-discrimination including on the basis of sexual orientation and gender identity and yet to implement.⁴

¹ "Spousal violence serious in disaster-affected areas – over 60% increase in Fukushima, child abuse record high after 2 years since the disaster." (in Japanese) Jiji.com, March 10, 2013. <http://www.jiji.com/jc/zc?k=201303/2013031000071> last retrieved April 28, 2013.

² "Violence against women and children after the Great East Japan Disasters: Results from a case-finding survey" by YOSHIHAMA, TSUGE and YUNOMAE, Rise Together – Women's Network for East Japan Disaster. 2013. Pp. 1-24, *Violence against women and girls in Japan; with special emphasis on violence against women and girls after disaster, for the 57th session of UN Commission on the Status of Women*. Japan Women's Watch (JAWW.)

³ In post-disaster rebuilding committees in 43 municipalities in disaster-affected areas, there are 84 women among 751 committee members and there are no women in nine municipalities as of April 2012. At a prefectural level, there are two out of 19 committee members in Iwate Prefecture, one out of twelve in Miyagi Prefecture and one out of 23 in Fukushima. In prefectural disaster prevention councils, women accounted for only 4.5% of the membership as of April 2012.

⁴ Human Rights Committee stated "The State party should consider amending its legislation, with a view to including sexual orientation among the prohibited grounds of discrimination, and ensure that benefits granted to unmarried cohabiting opposite-sex couples are equally granted to unmarried cohabiting same-sex couples, in line with the Committee's interpretation of article 26 of the

LGBT people continue to face invisibility, marginalization, prejudice, stigmatization, discrimination and violence because of sexual orientation, gender identity and gender expression in different areas of daily lives such as in employment, housing, social security, health services and education.

A clause that effectively excluded same-sex couples from renting public housing was abolished from the Public Housing Law and the amended law allows municipalities to decide qualifications on public housing. Municipalities maintain the substantive exclusion of same-sex couples from renting. Temporary housing built in municipalities which were affected by the Great East Japan was limited to “household.” Since people in same-sex relationship are not legally recognized in Japan, same-sex partners were effectively barred from living together as family.

Law concerning Special Provisions for Handling People with Gender Identity Disorder (GID) requires transgender people who wish to change their legal gender to undergo major surgical interventions, including genital surgery and sterilization. It violates not only their reproductive rights but also their integrity.

We call on the Japanese government to immediately enact anti-discrimination legislation prohibiting discrimination on the basis of sexual orientation and gender identity in employment, housing, social security, health services and education. We also request that the Japanese government review and amend current GID legislation to respect the sexual and reproductive rights of transgender people.

NGO reports regarding the above-mentioned issues by ICESCR Gender Report Project / Japan and Gay Japan News are respectively available at http://www2.ohchr.org/English/bodies/cescr/docs/ngos/GenderReportProjectSpace%20Allies_Japan_CESCR50.pdf and http://www2.ohchr.org/English/bodies/cescr/docs/ngos/Gay_Japan_News_Japan_CESCR50.pdf

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Thank you.

Rise Together’s mission is responding to and best fulfill the needs of the women survivors in the Great East Japan, helping to create opportunities where women can initiate some of the reconstruction efforts and promoting gender sensitivity in the main stream society. risetogetherjp.org

Gay Japan News’ mission is empowering lesbian, gay, bisexual, transgender and intersex people in Japan and achieving human rights of all people regardless of sexual orientation, gender identity or gender expression everywhere. Gay Japan News is a member of ESOCOC-accredited International Lesbian and Gay Association. www.gayjapannews.com

Covenant” in its concluding observations (paragraph 29. CCPR/C/JPN/CO/5. October 2008.)

Human Rights Council in its twenty-second session gave five recommendations to the Japanese government to take legislative measures to eliminate discrimination on the basis of sexual orientation and gender identity. See 147.34, 147.36, 147.85, 147.89 and 147.90 of the Report of the Working Group on the Universal Periodic Review (A/HRC/22/14. December 2012.)