

Submission on Japan to the CEDAW Committee by the Japan National Group of Mentally Disabled People (JNGMDP) and CPAO (Child Poverty Action Osaka)

63rd Session of the Committee on the Elimination of Discrimination against Women, February 2016

1. Background

The Japan National Group of Mentally Disabled People (JNGMDP) is the nationwide network of individual mentally disabled people and groups of them, established in 1974. Our membership is composed of only persons with psychosocial disabilities and our mission is to advocate for our own human rights by our own voices. We also are a member organization of the World Network of Users and Survivors of Psychiatry (WNUSP). At the national level, we are a member of the cross disability organization Japan Disability Forum (JDF).

Child Poverty Action Osaka (CPAO) established in 2013, is a group to support children in poverty and difficulty with their family. Currently, CPAO focuses on single-female-parent households where the situations are especially serious.

This submission is intended to explain the additional information about the situation after the previous report for the pre-sessional working group and the need for additional remarks and research of single-mothers and/or women with psychiatric disability. In addition to the proposed recommendation, the current status and the issues in the section 2, two Appendixes are placed. Appendix A describes a series of serious situations for many years on a woman and her daughter. They are abused and/or violated by their father, spouse and official support organizations because of their psychiatric difficulties related to their miserable experiences. Appendix B is a testimony to the CEDAW committee by the women herself.

2. The Proposed Recommendation, the Current Status and the Issues

JNDMDP and CPAO kindly request the Committee to take into account this information in drafting recommendations to Japan and to consider these specific proposed recommendations.

2-1 About the Reducing of Public Assistance Standard

-The Proposed Recommendation

Japan should schedule to research how they will affect to mental health problems among women and should plan to take measures to prevent further impoverishment of women with disability and single mothers after the reduction of housing assistance and addition in the winter to livelihood assistance in Public Assistance since 1 July 2015

The Current Status and the Issues

The housing assistance and the addition in the winter to livelihood assistance in Public Assistance was enforced on 1 July 2015. The amounts of reduction are especially large for households with plural members, includes single mother households, though the transitional measurement for 2 years until 2017 was set. Some of single mother households may be forced to move and changing school for children, otherwise they forced to deplete their small resources to negotiate with the local governments.

This time, there has been a relatively small effect for single women with disabilities on the housing assistance, but the addition in the winter to livelihood assistance was reduced. It may cause health damage to single mother and their children. These situations violate Article 11, Article 12 and Article 14.

2-2 Hold-down to Disability Pension

-The Proposed Recommendation

On the planned criteria change of disability pension for psychiatric/intellectual/development disability in 2016, Japan should take measure to prevent further degeneration for economic situation of women with disability and single mother with disability.

-The Current Status and the Issues

An expert committee under the Ministry of Health, Labour and Welfare (MHLW) have been planning to change the criteria of disability pension for psychiatric/intellectual/development disability since February 2015 ([Web page of the](#)

[committee](#) (in Japanese)). At this time nothing was decided, but it is seen that the MHLW will reduce the number of recipients of disability pension. The Japanese Association of Psychiatric Hospitals (JAPH) have been concerned with this problem and recently calculated the number of recipients with psychiatric disability who will lose their eligibility for pension. According to JAPH, about 79000 recipients in recent 790000 recipients will lose their disability pension after 2016 on the new criteria planned by MHLW ([Link to the document by JAPH](#) (in Japanese)).

As JNGMDP notified repeatedly to the UN Committees [in 2013](#) and [in 2014](#), serious human-rights abuse against inpatients in psychiatric hospitals affiliated with JAPH. Media started to report ([one of the reports by “Japan Today”](#)) on one of the abuse cases in psychiatric hospitals belongs to JAPH, in the last of [the report to the UN Human Rights Committee 111th session by JNGMDP in 2014](#), on August 2015 after 3 years from the victim were killed in 2012. This shows how large the impact to people with psychiatric disability by disability pension reduction will be, even JAPH have been concerned with.

In case of the basic pension, disability pension is not enough income security. In maximum amount, it is below the Public Assistance Standard (Figure 1). For women with psychiatric/intellectual/development disability without enough access to education and decent work, disability pension is particularly important. The situations violate Article 11 and 12 of CEDAW. In another way, it may be described as a violation of Article 14 in the urban area.

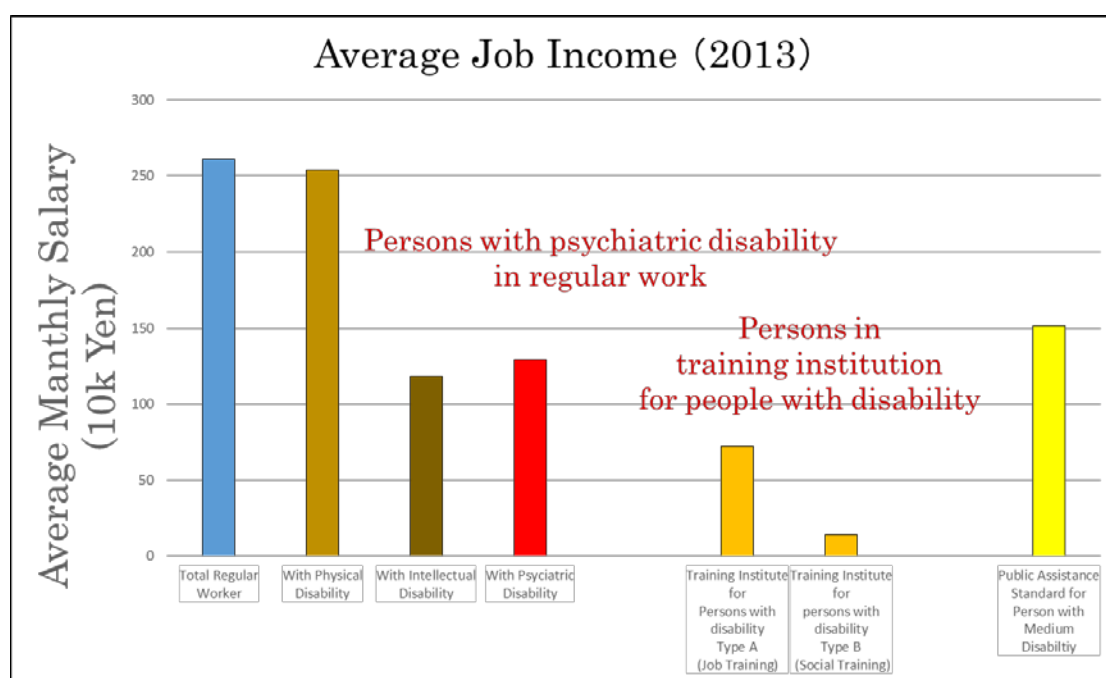


Figure 1: Average Job income in 2013. Persons with psychiatric disability (the red bar, regardless of gender) could earn as 70% as the public assistance standard (the yellow bar in rightmost), even in regular work. These persons are only about 8 % of persons with psychiatric disability in Japan. This figure was cited from a poster for a presentation by Yoshiko Miwa in [the East Asia Disability Studies Forum 2015](#), with data by the MHLW, the Ministry of Internal Affairs and Communications and the Cabinet Office.

2-3 Increase in the Child Rearing Allowance with Limited Effect in Estimation

-The Proposed Recommendation

The possible increase for the Child Rearing Allowance in 30 years for single parent households with 2 or more children in 2016 should be expanded to single parent households with only child, the majority of single parent households.

It should never related with much more stigma as potential illegally recipient that both increasing in the amount of benefits and that in the number of people who are eligible for.

-The Current Status and the Issues

On December 24, 2015, Japanese government introduced the budget proposal for the fiscal year 2016. In the budget proposal, the Child Rearing Allowance for single parent households will increase in 30 years for second and after children. But according to the MHLW, 55% of single mother households had only one child in 2011 ([the document by the MHLW](#) (in Japanese)). For them, single mothers and their only daughters/sons, there will be no benefits from the increasing. Further economic assistances for all low income households with children, especially for all single mother households are still required. According to Prof. A. K. Abe in Tokyo Metropolitan University, an expert on social policy about problems around poverty, the poverty rate in single mother households was about 60% in 2011, in contrast to the poverty rate in single father households was 25 % ([the paper by Prof. Abe](#)). It is clear that the benefits for single mother households are still quite insufficient. The situations violate Article 11, 12 and 13 of CEDAW.

According to the budget proposal, the possible increasing for the Child Rearing Allowance will combined with measures to prevent illegally receiving. About the Child Rearing Allowance, “illegally receiving” means only suspicion of virtual marriage. This government’s policy will negatively affect to mental health of single mothers and their

children. According to the budget proposal and some articles in major newspapers, the government will require the responsibility of child support from their ex-husbands, but it is too unreal. The situations will violate Article 13 and 16 of CEDAW. It also will violate Article 9 and 10 of ICESCR.

2-4 Concernment about Discouragement to Apply for the Child Rearing Allowance

-The Proposed Recommendation

Japan should encourage single mothers to apply for the increased Child Rearing Allowance, should ease requirements and should never discourage to apply.

-The Current Status and the Issues

On increase of the Child Rearing Allowance expected in 2016, strong attention will be needed to prevent substantive discouragement to apply, because Japan has stigmatic precedent in similar benefits for persons in poverty and difficulty. In the Public Assistance, application by persons in poverty have been suppressed under the name of “proper enforcement” since 1954 for financial reasons, just only 4 years later the system had launched to give aid to people in poverty and difficulty in 1950. The Japanese government should publicize and encourage to apply, if not, will violates the Article 3, 11, 13 and 16 of CEDAW.

2-4 Requirement for research and aid plan about complex difficulty of mothers, children and whole households in single mother households, including mental health problems

-The Proposed Recommendation

Japan should start strategic research about complex difficulty in single mother households for mothers, for children and for whole households to build packages of measures to aid for those households. The research should include problems about health caused by economic situation and domestic distribution especially for female children.

-The Current Status and the Issues

A head director of an NGO in Fukuoka city, one of the big and developed cities in Japan, but where male-dominance still remains, notes difficulties especially among children in single mother households. The NGO has been supporting youth in 15-25 years old with difficulties without public funding, because there are few official aid and support for those generations. According the head director, there are some neglected or/and economically exploited children/youth in single mother households because of their mothers are in complex difficulty and isolated from the society. Of course, to support the youth comes first for the NPO, as mentioned in the Article 16 of CEDAW. In case that the youth don't like to tell someone about their mother and family, it is difficult to know the situation even by the supporters.

In case of a youth with mental health problem, mental health professional may learn the status in the family, nothing is unclear the real situations about youth with mental health problem and whether the psychiatric intervention could solve the problem in the family or not.

In case of a youth in the household under public assistance, the local government is obligated to assign a caseworker to each household, and the maximum number of households to each caseworker is designated by the Social Welfare Act. The caseworker may learn the detail of the difficulty in the single mother households with official authority. But on the use of this information, there are many considerations, for example, advocating for each member of the households, including the single mother. In the present conditions, prudence is required in handling the information corrected by the caseworkers.

The Japanese government should conduct a series of official surveys to assess the real situations, including studies about the method to the assessment without harm about children/youths in families with difficulty and/or poverty, especially for female children/youths in single mother households. But there is quite insufficient official research. These situations violate the Article 10, 11, 12 and 16 of CEDAW.

3. A Real Example of Difficult Situation on a Single Mother and Her Daughter

A series of serious situations for many years on a woman and her daughter are described in Appendix A. They had been abused and violated by male parent and/or husband. After official support organizations started to help them, the mother and the daughter have been abused by the organizations because of their psychiatric diseases related with their experiences. Appendix B is a testimony to the CEDAW committee by the women herself.

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Appendix A: A Series of Difficult Situations on Setsu Inui and Her Daughter Fumi

Setsu Inui (assumed name), 30, lost her father soon after her birth. After her mother married again when she was at the age of 4, she had been physically and sexually abused by this non-biological father. Setsu's mother divorced from this guy because of his gambling addiction, but she passed away when she was the last of teenage. Working to earn and taking care of the half siblings, Setsu barely graduated from high school.

Setsu married with Hideki (assumed name) when she was 20. At first, Hideki expressed compassion to her developmental history and will to support her brother and sister. After a short time, Setsu became pregnant with her daughter Fumi (assumed name), and Hideki started to violate Setsu physically, sexually, mentally and economically. Hideki told the reason to Setsu in pregnancy that she didn't keep up with the housework.

Domestic violence by Hideki escalated after Setsu gave a birth to Fumi in 2005 when she was 21. Hideki often violated and raped Setsu in front of Fumi. Hideki abused small Fumi by beating with belt, body hanging upside down and slapping that left imprint to Fumi's body.

Moreover, Hideki expressed strong sexual interest to small Fumi. Hideki manipulated Fumi's sexual organ, forced to caress his male sexual organ and to watch porn videos. As Setsu, Hideki often told her his desire to fuck around Setsu and Fumi. In 2009 when Fumi was only 3, Setsu heard from Fumi that Hideki forced her to give fellatio. With a sense to crisis, Setsu visited an official consultation service with Fumi. They are protected in a shelter for single mother and children, and the local government dictated Setsu to receive psychiatric treatment. Setsu and Fumi repeated for several times to be

protected in shelters and to return to living with Hideki.

In 2009, Setsu fell into severe depression and became aware of she couldn't give enough care to Fumi. Setsu decided to leave Fumi for temporary care service provided by a child consultation center. But just after that, the psychiatrist altered her disease name from depression to schizophrenia. The child consultation center decided to isolate Fumi in a foster home in a forceful manner. According to the child consultation center, Setsu neglected Fumi because of schizophrenia. The isolation has been continued for 7 years to the present time. The child consultation center doesn't consider abuse and violence by Hideki as major problems in a consistent way. The center asked Hideki for several times to live with Fumi, Setsu said. The child consultation center allowed Setsu to see Fumi only 2 times in 2011 and 2015 while they were isolated from 2009 to 2016. The center had been explaining the reason "It is inequitable that only Setsu see Fumi while Hideki don't see her", but in spite of the center's recommendation, Hideki had been expressed that he didn't want Fumi anymore. As the child consultation center, the biggest and the only problem have been the neglecting by Setsu with psychiatric disability, and they have never taken into the consideration that Setsu and Fumi have the ability to live within one family.

In 2015, when Setsu saw Fumi at the age of 10, Fumi seemed in harsh condition, mentally and physically. Some specialists about child abuse concern a possibility that Fumi have been being abused in the foster home.

Setsu was diagnosed as schizophrenia in 2010, but no evidence was found in medical records by the psychiatrist at the time. In 2015, a psychiatrist who was specialized in child abuse, examined Setsu and reviewed previous medical records, and diagnosed that Setsu was suffering from PTSD in 2010, not from schizophrenia.

Appendix B: DV survivor Setsu Inui (assumed name)'s testimony that the government kidnapped her child based on perceived psychosocial disability and flamed up her abuse of her child

Thanks to the committee's kind attention and this precious opportunity to my harsh experiences and current status.

I had to part from my birth father at the age of 2 because of my mother decided to divorce. After her next marriage when I was at the age of 4, I lived with my mother, non-biological father and half siblings. The new father was in gambling addiction and abused me repeatedly. Finally, my mother divorced from the father and we soon felt in hard living in a single mother household. In addition to that, my mother suffered from blood

cancer just after the divorce. I was weighted in my late teenage years by my mother's illness and care of young half siblings. I was longing for an ordinary family.

When I was in deep sadness after my mother had passed away, I married at a young age with ex-husband because he sympathized my unfortunate development history. Just after marriage, I became pregnant with my only daughter. After she was born, I raised her alone with many distresses without supports from relatives or public welfare. In the end, I felt unbearable to domestic physical/sexual/mental/economical violence from the ex-husband since I was pregnant. The ex-husband domestically violated my daughter too. He violated and raped me in front of her. He hanged her upside down, beat her with a belt, and beat her with his hand as hard as to left damage with her body. He also manipulated her sexual organ, forced to stroke his male sexual organ and to watch porn videos.

When my daughter was at the age of 3, she said to me "Dad forced me to fellate him". I experienced flashbacks of abuses by my non-biological father in my childhood. I felt a sense of crisis, and consulted official organizations repeatedly. Each time we were protected in shelters, but my money and mobile phone were confiscated, and we were placed under lock and key. I was medicated with psychotropic drugs forcibly, bullied from staffs and other residents, and received poor foods every day. My daughter became unstable. She desired to back to home and play in preschool. I told that to the staff, but they had never considered. In the meantime, she became to have difficulties with excretion under the horrible environment of the shelters. I hoped to live in an apartment with her, and make her to attend preschool again. But no one considered to realize my hope, including psychiatrist to whom I was visiting because I was prescribed to visit her by the local government.

I repeated to be protected in shelters with my daughter and to return to the ex-husband with the expectation that he would retrieve himself. There was not suitable care in the shelters, but we suffered from punitive treatment under the Anti-Prostitution Act and became disordered physically and mentally. In 2009, I lost hope and felt into depression. I decided to put her into a childcare institution temporally when she was at the age of 3. As a consequence, I was labeled an abusing mother who can't protect the child by the local government and the child consultation center. I also was condemned as a neglecting mother with psychiatric disease. They also considered that I could not break the chain of abuse and my childcare was unstable, because I was abused in my childhood.

Since the time, my daughter and I have been isolated each other for 7 years. The child consultation center is still arguing discriminatory that "For women with disability and single mother in economically/socially unstable status, there is no right to bring up their

own children”. When my daughter and me will celebrate reunion in one family? I was a domestic violence victim, and I have never received human consideration. Finally, I divorced from the ex-husband, but the court deprived me of the parental authority to my daughter. Only custody remained for me. Now, the ex-husband is still keeping parental authority.

I was allowed to see my daughter in 2011 for the first time a year and 6 months later the isolation was started. My daughter was a really vibrant and active girl when I was living with her, but at the time, I found that she became mute. After 2011, the local government has been continuing not to allow me to see my daughter for many reasons like “the equal opportunity to visit the daughter for both parents”. In 2015, a lawyer on my expense negotiated with the local government, and succeed to make me see my daughter again after 4 years. She, at the age of 11, didn’t have the concept of “parent”. Her body height was only 120 centimeters in spite of her age, and was wearing a set of broken shoes. I can’t consider that she has been under adequate and enough care, while she has been cared in an official foster home under the child consultation center with tax revenues.

In addition, I have been demanded child support for her from the child consultation center. They insist many reasons to suppress my visiting right to my daughter, for example, “Now she is in bad condition”, “In the past, you, the mother of her, had abused her. It is the fact”, “You don’t have the parental authority for her”.

When I visited my daughter at the age of 11 in 2015, her head was hidden by a cloth. I couldn’t know the condition of her head and hair. She told me “I am eating food waste like the homeless”, “I have no favorite food” and “I have no dream”. I remember her childhood when she was at the age of 3. She went to preschool, had been in physically normal development. She also in intellectually advanced development as same as children at the age of 4 or above. Some specialists about child abuse are worrying if she was abused and the foster home is obscuring the fact.

I have a hope to make my daughter to learn about “loving family” and “reliable parent”. I hope her future without discrimination because of psychiatric disability, and of course, I hope that someday she will return to me, to her own family. I have a psychiatric disability, and I have parental love because I am a human being same to all other.

At last, I hope that the committee will express recommendations to the Japanese government to realize all of my hope.

Sincerely,
Setsu Inui