

May 27 2014

To the Chairperson of the United Nations Human Rights Committee

Submitted by:

DPI Women's Network Japan
Japan National Assembly of Disabled Peoples' International
Initiative for the Compensation for the Victims of the Eugenic Sterilization in Japan
Japan National Group of Mentally Disabled People
SOSHIREN (Women's Network against the Abortion Articles in the Penal Code)

Parallel Report to the Sixth Periodic Report of the Government of Japan
under the International Covenant on Human Rights
(International Covenant on Civil and Political Rights (ICCPR))

Regarding the following:

Violation of the right to liberty and security of person (Art. 9)

Violation of the right to form a family (Art. 23)

In January 2014, Japan ratified the Convention on the Rights of Persons with Disabilities. Its Preamble and Article 6 (Right to Life) mention recognition of the multiple discriminations constantly faced by women and girls with disabilities, equal rights and empowerment, and Article 23 (Respect for home and the family) clearly states, "Persons with disabilities, including children, retain their fertility on an equal basis with others.." Now that Japan has ratified this convention, we report on the current situation given that the Government of Japan has not taken the necessary measures after being issued recommendations by the United Nations Human Rights Committee (HRC) during its 64th Session in 1998.

Japan's former Eugenic Protection Law (in force from 1948 to 1996) aimed "to prevent birth of inferior descendants from the eugenic point of view," legalizing sterilization and abortion in the case of genetic disorder or disability and allowing forced sterilization. Even relying only on official statistics, it is now becoming clear that about 16,500 people were forcibly sterilized (without consent) [under the law]. Seventy percent of them were women.

The very fact that the Eugenic Protection Law legalized sterilization in the case of genetic disorder or disability was a violation of human rights. Furthermore, against the backdrop of its existence and under the pretense of being medical procedures, hysterectomies and irradiation of the ovaries of many women with disabilities were performed against their wishes or without adequate explanation being provided.

In October 1998, the Japan National Assembly of Disabled Peoples' International submitted a counter report to the 4th Periodic Report of the Government of Japan to the HRC that noted the above points. At the 64th session of HRC that same year, Japan was issued the following recommendation in the committee's Concluding Observations (Par. 31): "The Committee, while acknowledging the abolition of forced sterilization of disabled women, 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."

Admitting that forced sterilizations had been carried out under the Eugenic Protection Law, the Government of Japan in its Fifth Periodic Report responded that they were lawful, and that as the law had since been revised, it was not considering providing retroactive compensation. Regarding hysterectomies, the government simply said that it did not recognize it as a method of sterilization. To date, it has not inquired into or compensated the people affected.

As the government regards the forced sterilizations conducted under the Eugenic Protection Law "lawful" and has not provided compensation to those affected, there is great concern regarding the continued violation of rights of those who have been subject to forced sterilization in the past. It is also feared that violations of the sexual and reproductive rights of people with disabilities will continue in the future.

Below are case study summaries of violations of the sexual and reproductive rights of people with disabilities that have come to light through surveys by nongovernmental organizations and researchers in Japan. One pertains to recommendations for an abortion on the grounds of disability made even after the Eugenic Protection Law was amended.

Case studies of women with disabilities that we are aware of:

- a) Sterilized under former Eugenic Protection Law during her teens. Parents forced to consent, and no explanation was given to her. Suffered severe period pain and sluggishness. Was repeatedly divorced due to inability to bear children. (Early 1960s; woman with mental disability)
- b) Subject to hysterectomy at age 12 (before menstruation) without her knowledge. Found out when she began pressing people for answers as to why her periods had not begun at age 15. (Late 1960s; woman with physical disability)
- c) Thought about being institutionalized when her disability was the cause of the cancellation of her sister's engagement. Told by institution, "You cannot be admitted unless you manage your own periods," so she had her ovaries irradiated at age 20. Continuously in bad physical condition and suffers pain all over even now due to severe osteoporosis. Doctor says it is an after-effect of sterilization. (Late 1960s; woman with physical disability)
- d) Institutionalized since the age of 9. Heard many of the staff loathed dealing with the menstruation of women with severe disabilities. Believing they were talking about her, she applied for a hysterectomy at age 20. After being diagnosed for "fibroids," part of her uterus and both ovaries were removed. (Early 1980s; woman with physical disability)

- e) Told by her mother when her periods began in junior high school, “You don’t need to have periods” - suggesting that her uterus be removed. Forcibly sterilized—she did not consent because she thought she would then be unable to bear children. (Around 1980s; woman with physical disability)
- f) When she got pregnant, her mother and doctor recommended an abortion, saying that she might give birth to a child with disabilities and questioning whether she would be able to raise the child. (Early 2000s; woman with intractable disease and visual impairment)

There are cases of apologies and compensation being provided for the violation of human rights through forced sterilization even in countries where it had once been legalized on the basis of eugenics. Even the Japanese government has surveyed people who were forcibly isolated and suffered reproductive rights violations under the Leprosy Prevention Law (abolished in 1996), and has offered an apology and compensation for damages caused that were considered lawful at the time.

The Japanese government should also, regarding damages suffered under the former Eugenic Protection Law, acknowledge the human rights violations, conduct a survey of the damages caused by the forced sterilizations and hysterectomies, and take legislative measures to offer the victims an apology and compensation. We call upon the Human Rights Committee to make this recommendation to the Government of Japan.

Sources and Materials for Case Studies:

- Case studies a), e), and f) were taken from surveys conducted by DPI Women’s Network Japan in 2011, and are referred to in the report below on the current status of multiple discrimination. DPI Women’s Network Japan, “Living Difficulties of Women with Disabilities – A Report on Current Status of Multiple Discrimination,” <http://dpiwomennet.choumusubi.com/english.pdf>, 2012.
- Initiative for the Compensation for the Victims of the Eugenic Sterilization in Japan, “*Yusei Hogo Hoga Okashita Tsumi: Kodomo o motsu koto o ubawareta hitobito no shogen* (The Crime Committed by the Eugenic Protection Law: Testimonies of people who were deprived of the ability to bear children),” Gendai Shokan, 2003.
- “*Wasurete Hoshunai: Kakusaretekita kyosei funin shujutsu* (Please Don’t Forget: The secret of forced sterilizations)” (DVD), Produced and written by the Network to Question the Idea of Eugenics, 2004.
- “*Koko ni Orun Jake* (I’m Right Here)” (DVD), Produced by Eizo Hasshin Terere, 2010.