

STATEMENT
UPR Pre-session on Japan
Geneva, 30th November, 2022
Delivered by: JOICFP

1- Presentation of the Organisations

This statement is delivered on behalf of JOICFP together with its 8 partner organisations - Citizen's Project for Pharmacy access to Emergency Contraception, #Nandenaino Project, SOSHIREN: Women's Network for Reproductive Freedom, Japan Alliance for LGBT Legislation, Spring, Japan Youth Platform for Sustainability, Sexual Rights Initiative, Asia Pacific Alliance for Sexual and Reproductive Health and Rights. This is the first time that the CSO groups have jointly submitted the report on situation surrounding Sexual and Reproductive Health and Rights (SRHR) in Japan.

2- National consultations for the drafting of the national report

The Ministry of Foreign Affairs of Japan held a dialogue with citizens and NGOs on the preparation of the government report for the UPR session on 30th August, 2022.

3- Plan of the Statement

This statement addresses status of Sexual and Reproductive Health and Rights (SRHR) in Japan which are largely held back by the patriarchal social norms, lack of female leadership in decision making positions. Regrettably the government's ignorance to the SRHR has long compromised the Japanese women and persons with wombs' bodily autonomy, specifically in this statement 1) Limited access to Contraceptives, including Emergency Contraceptives. 2) Limited access to Safe Abortion in Japan. 3) Issues with Redress for Survivors of Forced Sterilization. 4) Discrimination based on Sexual Orientation and Gender Identity and Expression. 5) Law Reform of the Crimes of Sexual Violence including Rape. 6) Universal Access to Comprehensive Sexuality Education. Indifference or rather, ignorance to the importance of SRHR is tantamount to denial of women's rights. This is the first comprehensive CSO report addressing these SRHR related problems, some of which have never been brought up in the previous UPRs of Japan.

Access to many of the commonly used contraceptives is denied in Japan. The only available contraceptives such as oral pills, and IUD are costly. Emergency contraceptives, which the WHO has listed on the list of essential drugs and which in many countries are available at the drug store counter, must be prescribed by a doctor. This is despite the time limit in taking the medicine with regards to its efficacy. Abortion, a fundamental right and one of the most critical decisions which determines the lives of women and people with wombs is restricted in Japan. In terms of current laws and policies, abortion can only be performed surgically with a method so antiquated and harmful that WHO recommends that it not be performed anymore.

The Japanese government stubbornly refuses to make amends to the victims of forced sterilisation.

Discrimination based on Sexual Orientation and Gender Identity and Expression is rampant both by the government and some of the uninformed general public. Japan is the only country in G7 that does not have a law prohibiting discrimination based on sexual orientation and gender identity (SOGIE), and the only country in the grouping that does not legally recognize same-sex marriage and civil unions at the national level. The state denies the right to same sex marriage, and forces transgender persons to go through sterilisation surgery should they wish to change

their gender markers on official identity records. The bullying at schools and discriminations at public and work place for LGBTQ people makes them six times more likely to consider suicide compared to cisgender and hetero sexual persons. Yet, the Japanese government has not taken any measures to give them the same rights or provide them the same security as any ordinary person living in Japan.

Persons who have been sexually assaulted or raped face many obstacles and revictimization should they so bravely choose to seek justice, because male centred law systems do not support survivors enough as opposed to perpetrators who benefit from the law's deficiency. Furthermore, to this day sex without consent does not constitute as sexual offence, while the age of consent is still as of today 13 year old. The Japanese government refuses to educate Japanese school children with comprehensive sexuality education which would protect them from possible harm and diseases and help them nurture healthy relationships with the people around them.

JOICFP as well as its partner organizations have worked hard for the promotion of SRHR and Gender Equality. Sadly, however, Japan's perpetually low ranking in the World Economic Forum's Global Gender Gap Index is a testament that the CSOs internal effort alone cannot make the Japanese government aware of its need for change. As such we would like to request for your inclusion of the following points in your recommendations to the Government of Japan.

4- Recommendations (Due to the time limitation, only 3 out of 6 topics discussed in the report are listed.)

1) Limited access to Contraceptives, including Emergency Contraceptives.

*No previous recommendation.

- Make quality modern contraceptives available and accessible and provide them at affordable prices to women of reproductive age through government subsidies.
- Accelerate efforts to make ECs available at pharmacies without a medical prescription. Train pharmacists with SRHR knowledge and on how to support people in need.

2) Limited access to Safe Abortion in Japan.

*No previous recommendation.

- Remove the crime of abortion from the Penal Code and amend the Maternal Protection Act to ensure access to safe, timely, affordable, and respectful abortion care for all persons who need it, without stigmatizing the pregnant person, and without the requiring spousal consent.
- Establish the access to safe and affordable abortion for everyone who needs it by authorizing medical abortion, replacing D&C (dilation and curettage) with other methods such as vacuum aspiration and medical abortion, and include abortion under the national healthcare scheme to ensure affordability, while providing sufficient support and information to people of vulnerable/marginalized groups including non-citizens and minors.

3) Discrimination based on Sexual Orientation and Gender Identity and Expression

In the previous cycle, 12 countries made recommendations to Japan on same sex partnerships and efforts to eliminate discrimination based on SOGIE.

- Eliminate any discrimination based on sexual orientation and gender identity and expression (SOGIE) by legislating an anti-discrimination law with a newly established national equality body, legally recognizing same-sex partnerships and marriages at the national level and revising the Gender Identity Disorder Act (2003) to repeal the forced sterilization requirement.