

# The Intersection between LGBT+ and Disability Rights Movements in Japan

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# Mio Sugita, the LDP lawmaker



# Public Protest on July 27th



- The Convention on the Rights of Persons with Disabilities (adopted in 2006; took effect in 2008)
  - Japanese government signed the Convention in 2007.

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- The Basic Act for Persons with Disabilities (revised & enforced in 2011)
- The Act for Eliminating Discrimination against Persons with Disabilities (enacted in 2013; enforced in 2016)
- The Act for Employment Promotion of Persons with Disabilities (revised in 2013; enforced in 2016)

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- Japanese government ratified the CRPD in 2014.

# Two Categories of Discrimination

1. Unfair discriminatory treatment
  - acts including refusing, restricting, or adding conditions to the provision of goods and services simply due to someone's disabilities
2. Failure to provide reasonable accommodation
  - = modifications and adjustments to remove social barriers that persons with disabilities face

# Measures to Eliminate Discrimination

	<b>Prohibition of 'unfair discriminatory treatment'</b>	<b>Prohibition of not providing reasonable accommodation</b>
National and local government	Legal obligation	Legal obligation
Private business sector	Legal obligation	Obligation to make endeavors

# Multiple Discrimination in the Act for Eliminating Discrimination

- Article 8
  - If a person with a disability expresses the genuine willingness to eliminate the social barrier, **the company ... must endeavor to provide reasonable accommodation to implement the elimination of the social barrier ... in accordance with the sex, age, and state of the disability of the person with a disability so that the rights and interests of the person with the disability is not violated.**
- Article 2
  - (ii) "social barrier" means items, institutions, practices, ideas, and other **things in society that stand as obstacles against persons with disabilities** engaging in daily or social life

# Multiple Discrimination & Disabled Women

- Disabled women experience multiple forms of discrimination.
- → Additional barriers
  - barriers to accessing education and employment opportunities
  - high levels of violence
- → Gender specific needs
- However, their voices and lived experiences have been largely ignored within disability law and policy.
  - The “typical” disabled person is a disabled man.
  - the invisibility of disabled women



# Multiple Discrimination & Sexual Minorities with Disabilities

- LGBT persons with disabilities experience exclusion from both the LGBT community and the disability community.
  - LGBT community rarely recognizes accessibility needs. The disability community is unwelcoming for LGBT people.
- → They experience multiple forms of discrimination.
  - Being unable to enjoy living independently
  - Not being included in communities
- → Additional social barriers & their specific needs

# Article 8 & LGBTQ People with Disabilities

- Is the elimination of social barriers in accordance with gender identity covered under Article 8 ?
  - transgender & gender-nonconforming people with disabilities
  - Widespread concept of “Gender Identity Disorder (GID)”
  - The Japanese word “*seibetsu*” means both “sex” and “gender.”
- How about the elimination of social barriers in accordance with sexual orientation ?
  - LGB people with disabilities

# Two Bills Relating to SOGI in Japan

- “Tackling Discrimination based on SOGI” by the opposition parties:
  - It prohibits discrimination not only by the central and local governments but also by the business sector.
  - It also includes the concept of reasonable accommodation and prevention of harassment.
- “Promoting a Better Understanding of SOGI” by the ruling party, the LDP
  - It merely encourages raising awareness of LGBT issues throughout Japan.

# Tom Tanigawa, the LDP lawmaker

## July 29<sup>th</sup>, 2018

It's not necessary to legalize same-sex marriage because it's like a hobby.

A man and a woman get married and have children. Humans have been doing so from antiquity to fend off nations' decline and ruin.

