



**Draft update of General Recommendation 19:
Submission of comments by the Japanese Association of International Women's Rights**

September 30, 2016

- 1) In order to prevent conflicting interpretations of the respective effect of the update and General Recommendation 19, the draft update should state more clearly that it does not replace General Recommendation 19, but simply updates it.
- 2) In the 25 years since the adoption of General Recommendation 19, greater attention has been paid to various forms of violence against women (VAW) that were previously overlooked, and new forms of VAW have also arisen. Separate paragraphs should be added on these topics, namely mass rape as a weapon of war in situations of armed conflict, multiple/intersectional discrimination, and VAW in cyberspace.
- 3) The past 25 years have been characterized by the frequent occurrence of VAW in armed conflict. The Committee has already adopted General Recommendation 30 on women in conflict prevention, conflict and post-conflict situations, but the update to General Recommendation 19 should also contain explicit references covering the core aspects of this problem.
- 4) With the development of the Internet and social media in recent years, VAW in cyberspace, such as revenge porn, has become common around the world. The update should recommend that States parties adopt legislation banning VAW in cyberspace.
- 5) In its views on an individual complaint, the Human Rights Committee has recognized that the prohibition of access to abortion constitutes discrimination against women. The draft update should also clearly state that prohibiting or restricting access to abortion is a form of discrimination against women.
- 6) The draft update should more clearly reflect the importance of addressing and abolishing intersectional discrimination, e.g. against disabled women, women with foreign nationality, etc.
- 7) The draft update should contain a recommendation to States parties to clearly criminalize incest. It should recommend that laws be enacted that would enable States parties to deal not only with sexual abuse by those who have legal custody over the victim, but also by the victim's siblings, partner of the victim's mother, grandfather living separately from the

victim, other relatives, teachers, sports instructors, and those living in the victim's neighborhood.

- 8) In many countries, the law still requires that rape be committed by force or threat. The draft update should contain a recommendation that such requirements be abolished.
- 9) The draft update should stress more strongly the need to be sensitive to violence against lesbians, bisexual women, transgender women, and other women belonging to sexual minorities.
- 10) The draft update should more clearly stress the need for States parties to strengthen redress for victims, and aim for transformative forms of reparation that address the gendered structure of existing society.