



**Japan Disability Forum**

# **JDF Comments on the Replies of Japan to the List of Issues in Relation to its Initial Report**

**(July 2022)**

**Annex to the Japan Disability Forum (JDF)'s Report for the session (submitted in March 2021)**

## **I. About this report**

Here, the third parallel report by the Japan Disability Forum (JDF) is submitted to the UN Committee on the Rights of Persons with Disabilities (CRPD). So far, the first report for the List of Issues (July 2019) and the second report for the session (March 2021) have been submitted. This report is positioned as an annex to the second parallel report (for the Session) and summarizes JDF's views on the Japanese Government's "Replies of Japan to the list of issues in relation to its initial report" submitted to the Committee on the Rights of Persons with Disabilities in May 2022. This report was compiled in order to clarify whether the Japanese Government's answers to the List of Issues are appropriate and what the issues are.

Note that each article contains "2. Issues considered important by the JDF", which is the same as that contained in the parallel report for the session submitted in March 2021.

### **■Contact Information**

Japan Disability Forum (JDF)

1-22-1, Toyama, Shinjuku-ku, Tokyo, 162-0052 Japan

c/o Japanese Society for Rehabilitation of Persons with Disabilities

TEL: 03-5273-0601 FAX: 03-5292-7630 Email: [jdf\\_info@dinf.ne.jp](mailto:jdf_info@dinf.ne.jp)

# JDF Comments on the Replies of Japan to the List of Issues in Relation to its Initial Report

## Articles 1-4 Purpose and general obligations

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 1. (a) The government's Replies states that the Japanese term "shin shin soshitsu (insanity/mentally incompetent)" is not an everyday or technical term, but a legal term, and is not derogatory; however, this Japanese expression is a derogatory indicating that the mind and spirit are completely lost. This term is used in the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity, but questions have been submitted regarding this law itself, with respect to its consistency with the Convention on the Rights of Persons with Disabilities (hereinafter "CRPD" or "the Convention").

Furthermore, the Police Duties Execution Act still contains the derogatory term "mental derangement (seishin sakuran)."

Paragraph 1. (b) The government's Replies claims that the social model/human rights model has already been adopted under Japanese law.

Indeed, the Basic Act for Persons with Disabilities and the Act to Eliminate Discrimination against Persons with Disabilities have changed the traditional expression of impairments as the factor that creates difficulties in the lives of persons with disabilities, and now list two factors: impairments and social barriers. However, laws and policies are still based on a medical model that emphasizes self-responsibility and family responsibility, and many social barriers remain. From the perspective of the actual lives of persons with disabilities, it is clear that the social model/human rights model has not been adopted. As a result, many people are still left under long-term care of psychiatric hospitals and facilities. With inclusive education showing little progress, employment and income inequality continue, many people are unable to choose where and with whom they live. When determining qualification to receive services, support needs are either not considered at all or only partially considered, so qualification is determined based on the type and degree of impairment or illness, with some systems additionally considering daily life capacities.

Paragraph 1. (c) The issue asks about "plans or strategies with a specific focus on the realization of the rights of persons with disabilities" in relation to implementation of the CRPD. However, the legal basis for the Basic Programme for Persons with Disabilities mentioned in the Replies contains no provision that its purpose is implementing the CRPD.

Paragraph 1. (d) The issue asks about the participation of organizations of persons with disabilities in all stages of "disability-specific and other relevant legislation and policies"; however, the Replies only mentions three councils related to establishing "disability-specific" legislation and policies. Furthermore, local governments are not mentioned.

Paragraph 1. (e) With regard to training for employees interacting with persons with disabilities, there is no mention of teachers, health care professionals, the architecture field, etc. (perhaps because these are not exemplified in the

issue).

Paragraph 2. The statement that the government is “giving serious consideration” to these issues is promising. However, Japan has yet to ratify the Optional Protocol of any other human rights instruments, including the individual complaints mechanism, and there is absolutely no sign of the CRPD’s Optional Protocol being submitted to the Diet for ratification.

## 2. Issues considered important by the JDF

- (i) Laws, policies, and a disability certification system based on the social model/human rights model (Ref: No. 2, Articles 1-4(1, 2))
- (ii) Efforts to eradicate crime based on eugenic and ableist thoughts (Ref: No. 2, Articles 1-4(3))
- (iii) Recognition of sign language (Ref: No. 2, Articles 1-4(4))
- (iv) Abolition of disqualifying clauses (Ref: No. 2, Articles 1-4(5))
- (v) Participation of persons with disabilities (Japanese and local governments) (Ref: No. 2, Articles 1-4(6))
- (vi) Elimination of gaps in community support services, social resources, etc. (Ref: No. 2, Articles 1-4(7))
- (vii) Review of derogatory language such as “mentally incompetent” (shin shin soshitsu) (Ref: No. 2, Articles 1-4(8))
- (viii) Ratification of the Optional Protocol (Ref: No. 2, Articles 1-4(9))

## Article 5 Equality and non-discrimination

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 3. There is no reply regarding indirect discrimination, multiple discrimination/intersectional discrimination, or women and children with disabilities. In addition to this, denial of reasonable accommodation is not included as a form of discrimination on the basis of disability in the Act for the Promotion of Employment for Persons with Disabilities.

Paragraph 3. In May 2021, the revised Act to Eliminate Disability Discrimination was passed and the Act mandates the provision of reasonable accommodation by the private business sector; however, it was stipulated that “this Act shall come into effect as of the date to be specified by a Cabinet Order within a period not exceeding three years from the date of promulgation,” so it could take up to three years to go into effect.

Paragraph 4. The human rights bodies of the Ministry of Justice are listed as available judicial and administrative remedial measures; however, these do not in fact function to eliminate discrimination and are not very commonly used. Only 36% of local governments have established the Regional Council to Support the Elimination of Discrimination against Persons with Disabilities, and those that do exist are hardly functional, with 25% having held no meetings in FY2017 and 27% meeting once (2019 Cabinet Office). Furthermore, the cabinet minister in charge has not made a single recommendation to the private business sector since 2016.

## 2. Issues considered important by the JDF

- (i) Inadequate definition of discrimination in the Act to Eliminate Discrimination against Persons with Disabilities. (Ref: No. 2, Article 5(1))
- (ii) Narrow scope under the law. (Ref: No. 2, Article 5(2))
- (iii) Inadequate dispute resolution mechanism. (Ref: No. 2, Article 5(4))

(iv) Lack of anti-discrimination laws in judiciary and legislative institutions that prohibit discrimination against persons with disabilities. (Ref: No. 2, Article 5(5))

## Article 6 Women with disabilities

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 5. (a) The government does not recognize that there are gender differences in the discrimination faced by persons with disabilities, and it does not have the gender-based cross-tabulated data necessary to understand the actual situation. The government's Replies mentions the Basic Standpoint of Field 6 of the Fifth Basic Plan for Gender Equality, which states that "creating a society in which the human rights of persons with diverse attributes are respected...reduces the risk of [them] facing complex difficulties." However, under Basic Direction of Measures and Specific Efforts in the same field, in terms of specific efforts to provide an environment in which elderly persons, persons with disabilities, foreigners, etc. can live with a sense of security, there is only mention of legislation to protect the rights of persons with disabilities in general; no specific measures are indicated.

In order to clarify the issue of multiple discrimination faced by women with disabilities, it is necessary to provide official gender-based statistics related to persons with disabilities, and to implement specific measures such as support for persons with disabilities to live and work while rearing children, etc.

As specific efforts in Field 9, welfare facilities for persons with disabilities are listed as one means of "provision of a childrearing and caregiving support infrastructure that affords men and women a variety of options"; however, the phrasing "men and women" is unlikely to account for the existence of persons with disabilities. Furthermore, it does not feel right to characterize welfare facilities for persons with disabilities as a system that affords "men and women a variety of options." There is a need for policies that ensure support in which both those who give and receive care receive the support they need while remaining mutually independent.

Paragraph 5. (b) There is insufficient gender-based cross-tabulated data related to education, and there are no measures being taken to eliminate the gender gap in education. Furthermore, the services provided by the Act on Comprehensive Support for Persons with Disabilities do not take into account the social barriers faced by women with disabilities, including difficulty of accessing support for independent living such as welfare services and counseling due to multiple discrimination. There are insufficient empowerment and support measures for women and girls with disabilities that allow them to participate in the establishment of policies that concern them.

The Japanese government considers it sufficient that support is provided regardless of gender, and it does not recognize the need for gender-specific support for women.

### 2. Issues considered important by the JDF

(i) Clearly specify the principles of prohibition of multiple discrimination/intersectional discrimination under the law (Ref: No. 2, Article 6(1))

(ii) Make multiple discrimination training mandatory for staff at relevant agencies (Ref: No. 2, Article 6(3))

(iii) Establish a mechanism for Persons with Disabilities to participate in policy- and decision-making bodies (Ref: No. 2, Article 6(4))

(iv) Take measures to ensure empowerment (Ref: No. 2, Article 6(5))

## Article 7 Children with disabilities

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 6. (a) The Replies only mentions the receipt of rehabilitation and support services by children with disabilities; there is no mention of measures to ensure that children with disabilities can inclusively access (participate in) the same childcare, education, and other services as other children, and therefore the latter half of the issue has not been answered. With regard to measures concerning children with disabilities under the age of attending school, there is no mention of the provision of accessibility in such forms as nurseries designed to mainstream children with disabilities.

Paragraph 6. (b) While the Replies covers some considerations in education, welfare, and judicial procedure, there is no mention of the fact that there is no obligation to listen to the views of children, and no clear provision on the principle of respecting the views of children of all ages. With regard to education, the Replies states that the parents or guardians of children with disabilities speak on their behalf regarding their views on the school they will attend, and the Board of Education decides whether or not to respect the parents' views; there is no reply to the first half of the issue.

### 2. Issues considered important by the JDF

- (i) Establish laws that protect the rights of all children, including children with disabilities; ensure all rights for children with disabilities, including the right to express their views (Ref: No. 2, Article 7(1))
- (ii) Take measures to prevent violent, sexually violent, and inhuman treatment toward children with disabilities (Ref: No. 2, Article 7(2))
- (iii) Ensure the quality and enhance the budget of various services for children with disabilities (Ref: No. 2, Article 7(3))

## Article 8 Awareness-raising

### 1. Comments on the Replies of Japan to the LOIs

#### Paragraph 7. (a)

\*Insufficient work is being done (surveys, etc.) to understand and verify the results of awareness-raising efforts.

\*The Basic Plan on Human Rights Education and Human Rights Awareness-Raising (2011 Final Revision) based on the Act on the Promotion of Human Rights Education and Human Rights Awareness-Raising does not mention the most recent developments such as the CRPD.

\*There is no mention of training for assembly members, government officials, and specialists.

Paragraph 7. (b) Many efforts by the Government of Japan (GOJ) do not have participation from persons with disabilities and organizations of persons with disabilities.

For example, there is hardly any participation from organizations of persons with disabilities in the planning and preparation processes for "the Barrier-Free Mindset" textbook, and the forums/meetings to promote "joint activities and learning" in education. Consequently, there is hardly any mention in these documents/meetings on the CRPD or inclusive education.

### 2. Issues considered important by the JDF

(i) Regularly ascertain in national public opinion surveys the perceptions of citizens concerning the rights of persons with disabilities and the new concepts under the CRPD, and publish their results.

(ii) Promote education and awareness concerning disability among citizens (including persons with disabilities and their families); particularly by introducing curriculum and educational materials into compulsory education.

(iii) Provide training to national and municipal assembly members, government officers, judicial personnel, and various specialists, and ensure the participation of persons with disabilities and organizations of persons with disabilities in the planning and implementation of this training.

(iv) With the participation of persons with disabilities, establish strategies and conduct campaigns to combat the stereotypes and discriminatory perceptions of persons with disabilities.

## Article 9 Accessibility

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 8. (a) The "Public Website Operation Guidelines" are not mandatory standards.

Paragraph 8. (a) The Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc. (hereinafter "the Barrier-Free Law") does not mandate accessibility at small-scale shops. (Ref: No. 2, Article 9(2))

Paragraph 8. (a) As of 2020, only 309 of Japan's 1,718 municipal governments (roughly 18%) have established their basic concept which required by under the Barrier-Free Law.

### 2. Issues considered important by the JDF

(i) The concept of accessibility is not positioned under the law. There are no laws mandating information accessibility. (Ref: No. 2, Article 9(1))

Note: In May 2022, the "Act on the Promotion of Measures Concerning Acquisition and Use of Information and

Communication by Persons with Disabilities (Information Accessibility and Communication Measures Promotion Act for Persons with Disabilities)" was enacted. Future implementation of this law will be watched closely.

- (ii) There are no public procurement mechanisms with accessibility requirements. (Ref: No. 2, Article 9(2))
- (iii) The mandatory standards for provision of building accessibility are too narrow in scope. (Ref: No. 2, Article 9(3))
- (iv) The provision of accessibility in public transportation outside of major cities is lagging behind. (Ref: No. 2, Article 9(4))
- (v) There is insufficient participation of persons with disabilities in product development and facility maintenance. (Ref: No. 2, Article 9(5))
- (vi) The training programs for the development of specialists is insufficient. (Ref: No. 2, Article 9(6))

## Article 10 Right to life

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 9. (a) The JDF supports the government's reply stating that "(a)t the current time there is no law or regulation that specifically addresses matters of assisted dying, and such a bill is not currently under consideration by the GOJ or the Diet except for Article 202 of the Penal Code prescribing the crime for inducing or aiding suicide, or homicide with consent" (Ref: No. 2, Article 10)

Paragraph 9. (b) The government's Replies that "the number of deaths occurring during or after involuntary civil commitment or physical restraint has not been ascertained" is insufficient; the government must ascertain this information. Furthermore, involuntary hospitalization is a major issue. (Ref: No. 2, Article 14)

### 2. Issues considered important by the JDF

- (i) Prohibition of death with dignity on the basis of disability (Ref: No. 2, Article 10)

## Article 11 Situations of risk and humanitarian emergencies

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 10. (a) The government's Replies is limited to mandating the creation of evacuation plans and the implementation of evacuation training, and introducing a framework for local governments to establish guidelines to support those in need of assistance; it is necessary to verify the results.

Paragraph 10. (b) The government's Replies introduces efforts concerning the provision of information to persons with visual and hearing disabilities in limited situations; however, it is unclear regarding the provision of information to all persons with disabilities in all situations.

Paragraph 10. (c) It is necessary to verify the effectiveness of accessibility of shelters secured and operated by local governments. The government's Replies introduces disaster and reconstruction guidelines from the perspective of women in general, but it does not account for the perspective of women with disabilities. Furthermore, the various disaster prevention guidelines also do not account for the perspective of women with disabilities with regard to the evacuation of persons requiring support.

Paragraph 10. (d) The JDF commends the government's stance of continuing to exchange opinions with persons with



disabilities regarding disaster prevention policies; however, the effectiveness of these policies must be verified. Furthermore, the government must take necessary measures to allow persons with disabilities to participate in the establishment, implementation, and verification of disaster prevention policies at all local governments.

## 2. Issues considered important by the JDF

(i) Ensure the substantive participation of persons with disabilities in all processes of all national and local government disaster prevention policies, including their establishment, implementation, and verification. (Ref: No. 2, Article 11(1))

(ii) Given that information is currently not reaching persons with disabilities in disaster situations, ensure that all persons with disabilities receive the information necessary in all disaster situations. (Ref: No. 2, Article 11(3))

(iii) Ensure that shelters and temporary housings are inclusive and accessible for persons with disabilities. (Ref: No. 2, Article 11(4, 5))

(iv) Under the responsibility of the government with the participation of persons with disabilities, verify the details of the impact on persons with disabilities of the nuclear plant disaster caused by the Great East Japan Earthquake. (Ref: No. 2, Article 11(6))

(v) Amidst the spread of COVID-19, radically expand systems for medical care, testing, vaccination, etc. to ensure that appropriate measures for hospitalization, etc. can be taken for those who need them without selection of life. Furthermore, develop a system for provision of information during hospitalization and hotel recovery based on the particular characteristics of each disability. (Ref: No. 27)

## Article 12 Equal recognition before the law

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 11. (a) The issue posed by the Committee on the Rights of Persons with Disabilities (hereinafter “the Committee”) is asking about measures including the abolition of laws that, in accordance with the interpretation of General Comment No. 1, restrict not only the capacity to enjoy rights but also the capacity to act, the abolition of the guardianship system, and measures to transition from substitute decision-making to supported decision-making. However, by recognizing the capacity to enjoy rights, the government’s Replies reiterates the explanation given in the initial government report of the adult guardianship system, which is based on restricting the capacity to act. Furthermore, the Replies introducing the Act for Promoting the Use of the Adult Guardianship System, etc., is not what the Committee was looking for, and it opposes the Committee’s stance.

Paragraph 11.(a) The Government's Reply (48) states that a comprehensive review of the adult guardianship system is underway, but it is not clearly stated that the review is in accordance with Article 12 of the CRPD and General Comment 1 of the Committee.

Paragraph 11. (b) The government’s Replies introduces support services that support the use of the adult guardianship system in the name of supporting the exercising of legal capacity. Since legal capacity also includes the capacity to act, this does not answer the issue posed by the Committee, which is based on seeking the abolition of the guardianship system.

Paragraph 11. (c) The government’s Replies introduces the decision-making guidelines in the field of disabilities

established by the Ministry of Health, Labour and Welfare in 2017. According to the guidelines, the individual's "best interests" should be ultimately taken into consideration. The Replies is not in line with General Comment No. 1 of the Committee, which holds that "the best interpretation of the individual's will and preferences must take precedence over the individual's best interests." Furthermore, the Replies, which explains the awareness-raising services established to promote the use of the adult guardianship system, is not in accordance with the intent of the issue posed by the Committee.

## 2. Issues considered important by the JDF

(i) Amend the Civil Code to abolish the adult guardianship system, and amend the Code of Civil Procedure to abolish provisions establishing the incapacity to sue or be sued. (Ref: No. 2, Article 12(1))

(ii) Shift to supported decision-making by eliminating provisions regarding intervention based on best interests from the above mentioned guidelines, and shift to a system that provides persons with disabilities the support needed when exercising legal capacity based on their own will and preferences. (Ref: No. 2, Article 12(2))

(iii) With regard to measures to raise the awareness of related professionals, provide training by instructors that include persons with disabilities in accordance with General Comment No. 1 of the Committee. (Ref: No. 2, Article 12(3))

## Article 13 Access to justice

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 12. (a) The government's Replies reports that the government is "aware of" specific examples, but no documentation is provided to show actual numbers these examples have been implemented.

Paragraph 12. (a) The Guidelines for Promoting the Elimination of Discrimination on the Basis of Disability in the Courts mentioned in the government's Replies use the reasonable accommodation framework established in the Act to Eliminate Discrimination against Persons with Disabilities, which is only applicable "so long as the burden associated with the relevant implementation is not disproportionate." This does not align with the duty to provide "procedural accommodations" established in Article 13, which does not recognize disproportionate burden as a justification for not providing accommodations.

Paragraph 12. (a) The government's Replies lists multiple individual provisions from the current Code of Civil Procedure and Code of Criminal Procedure, but it does not provide documentation showing the actual number of cases in which these provisions were applied.

Paragraph 12. (b) The government's Replies reports that training in various fields is being conducted. However, it does not indicate whether this training is conducted regularly as mandated, nor does it indicate how many times per year it is conducted.

Paragraph 12. (c) The government's Replies does not mention discriminatory handling in the form of detention for psychiatric examination on the basis of intellectual or psychosocial disability.

## 2. Issues considered important by the JDF

(i) Japan's legislation contains no general provisions mandating the provision of "procedural accommodations" as

required by Article 13 of the CRPD; therefore, there are no provisions that serve as grounds for persons with disabilities to actively seek the provision of “procedural accommodations,” creating an unstable situation in which this is left up to individual judges in courts. Accordingly, the actual number of cases is not shown. The JDF seeks the establishment of provisions concerning procedural accommodations. (Ref: No. 2, p. 20, item 1)

(ii) The JDF seeks the establishment of provisions to eliminate discriminatory handling such as detention for psychiatric examination on the basis of intellectual or psychosocial disability. (Ref: No. 2, p. 20, item 1)

(iii) This is not included in the government’s Replies, but the Legislative Council Subcommittee on the Code of Civil Procedure is currently giving specific consideration to introducing IT to civil court proceedings. However, specific consideration regarding procedural accommodations for persons with disabilities is not yet complete. Therefore, the JDF requests that the information and communication system used for judicial procedure be made accessible for all persons with disabilities. (Ref: No. 2, p. 20, item 2)

(iv) In Japan, the frequency of implementation of the training required by Article 13 of the CRPD is not disclosed, so the effectiveness cannot be determined. Therefore, the JDF requests that training is made mandatory for all related professionals and implemented regularly. (Ref: No. 2, p. 20-21, item 3)

(v) The JDF seeks the establishment of legislation based on the content of the International Principles and Guidelines on Access to Justice for Persons with Disabilities (Geneva, August 2020) created by the Committee on the Rights of Persons with Disabilities, the Special Envoy of the Secretary-General of the United Nations, et al. under the leadership of Catalina Devandas Aguilar, Special Rapporteur on the rights of persons with disabilities.

## Article 14 Liberty and security of person

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 13. (a) The Committee seeks information pertaining to the repeal of the Act on Mental Health and Welfare for the Mentally Disabled and the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity. However, the Replies does not provide information on the repeal of these laws.

In addition, Expert Team to review the Mental Health Law, established in October 2021, did not agree to abolish involuntary admission system, though it was agreed to continue to review the admission system. The abolition of involuntary admission was a voice of persons with disabilities, but was rejected.

Paragraph 13. (b) As stated in the government’s Replies, hospitalization itself is declining. However, involuntary hospitalization was on an upward trend until 2019, which should be mentioned considering the purpose of this Article. The peer support mentioned in the government’s Replies is progressing in the sense that service providers are hiring individuals with disabilities; however, there is no participation from organizations of persons with psychosocial and intellectual disabilities.

### 2. Issues considered important by the JDF

(i) Revision of the law to abolish involuntary hospitalization and activity restrictions on the basis of disability. (Ref: No. 2, Article 14(1), p. 22)

(ii) Establishment of guidelines and plans for abolishing involuntary hospitalization and activity restrictions. (Ref: No. 2, Article 14(2), p. 22)

## Article 15 Freedom from torture or cruel, inhuman or degrading treatment or punishment

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 14. (a) The government's Replies should include measures taken to abolish the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity and activity restrictions. However, this is hardly mentioned.

Paragraph 14. (b) The government's Replies mentions psychiatric review boards. However, psychiatric review boards are established for the purpose of determining whether persons with psychosocial disabilities are receiving adequate medical care and protection, not for the express purpose of prohibiting torture, etc. The independent monitoring system described in the Parallel Report (Ref: No. 2, Article 15(1), p. 23) should be considered to be based on the concluding observations of the Committee Against Torture.

Paragraph 15. The government's Replies does include compensation for those forced to undergo surgery under the former Eugenic Protection Law. While the government's Replies is not factually erroneous, it is problematic in its failure to recognize that the compensation system is inadequate. Furthermore, with regard to the problem of not being able to receive legal remedy due to expiration of the statute of limitations, the lack of reply, citing that this is an individual decision by the court, is problematic. The right to claim damages must be recognized the national government.

In 2022, the higher courts concluded that the former Eugenic Protection Law violated the Constitution, and ordered the government to compensate by not applying the expiration of the statute of limitations. However, the government filed a petition for acceptance of appeal to the Supreme Court. The government should withdraw the appeal.

### 2. Issues considered important by the JDF

(i) Begin considering the abolition of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity. (Ref: No. 2, Article 15(1), p. 23)

(ii) Prohibit invasive medical treatment and compulsory treatment for children and persons with disabilities without the consent of the individual, and establish an independent monitoring system to investigate and remedy the violation of rights of those who have received compulsory treatment. (Ref: No. 2, Article 15(2), p. 23)

(iii) For victims of forced sterilization under the former Eugenic Protection Law, set a compensation amount commensurate with the damage done and remove the deadline for application. In addition, the creation/introduction of accommodations in the payment procedures of compensation should be discussed with organizations of persons with disabilities. (Ref: No. 2, Article 17(1))

(iv) Eliminate the time limit for victims of forced sterilization to file a lawsuit. (Ref: No. 2, Article 17(3))

## Article 16 Freedom from exploitation, violence and abuse

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 16. (a) The government's Replies does not include the review of the Persons with Disabilities Abuse Prevention Act. Article 2 of the Supplementary Provisions of the Persons with Disabilities Abuse Prevention Act provides a provision on consideration of review of the law; however, while a review was in fact conducted, the law

was not revised. Even now, educational institutions, medical institutions, public agencies, etc. are not subject to reporting obligations. The government states that the Child Abuse Prevention Act, covers child abuse which focuses on abuse at home, Article 11 of the School Education Act covers abuse at educational institutions; the Penal Code covers physical violence; and the DV Act covers spousal violence. However, cases of abuse in fact continue to occur, making a review of the Persons with Disabilities Abuse Prevention Act essential.

Paragraph 16. (b) The government has directly applied the same reply that it made to 16. (a) regarding the confirmation, prevention, and prosecution of violence and abuse toward women and children with disabilities and persons with psychosocial and intellectual disabilities. In other words, this means that focused efforts are not being made regarding the confirmation, prevention, and prosecution of violence and abuse, including sexual abuse, toward women and children with disabilities and persons with psychosocial and intellectual disabilities. The government should review Article 178 of the Penal Code and work with organizations representing persons with disabilities to consider the establishment of an interview/hearing method that takes into account the particular characteristics of each disability.

## 2. Issues considered important by the JDF

(i) Revise the Persons with Disabilities Abuse Prevention Act to make medical institutions, educational institutions, and public agencies subject to reporting obligations. (Ref: No. 2, Article 16(1), p. 24)

(ii) Implement efforts and training to prevent and remedy abuse toward persons with disabilities. (Ref: No. 2, Article 16(2), p. 24)

(iii) Relax the requirements for “inability to resist” in Article 178 of the Penal Code. (Ref: No. 2, Article 16(3), p. 24)

(iv) Establish and spread an interview/hearing method that takes into account the particular characteristics of each disability. (Ref: No. 2, Article 16(4), p. 24)

(v) Ensure the participation of persons with disabilities in investigative processes, including the “Study Group on Criminal Law Related to Sexual Crimes.” (Ref: No. 2, Article 16(5), p. 24)

## Article 17 Protecting the integrity of the person

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 17. No information is provided on measures to abolish the forced sterilization of persons with disabilities in practice.

## 2. Issues considered important by the JDF

(i) Take necessary measures, including investigation/verification, education, and training, in order to prevent the recurring of practices of forced sterilization/hysterectomies, etc. performed on persons with disabilities, which have still taken place even after the former Eugenic Protection Law was revised to the Maternity Protection Law (1996), and ensure the participation of organizations of persons with disabilities in this process (Ref: No. 2, Article 17(2))

## Article 18 Liberty of movement and nationality

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 18. The government's Replies claims that entry to or exit from the country is not denied based solely on psychosocial or intellectual disabilities; however, the phrase "due to a mental disability" is problematic in that it is liable to foster a stigma against persons with psychosocial and intellectual disabilities. Removing the phrase "due to a mental disability" from this law will cause no practical disruption of any kind to deciding whether a person "has a habitual condition of being unable to understand right from wrong or whose capacity for understanding is significantly lacking" in order to determine their entry or exit from the country. Furthermore, from the perspective of protecting human rights, the phrase should be removed as doing so is likely to reduce the stigma against persons with psychosocial and intellectual disabilities.

### 2. Issues considered important by the JDF

(i) Revise the phrase "due to a mental disability" in Article 5, Paragraph 2 of the Immigration Control and Refugee Recognition Act, which could be a reason to deny entry or exit to persons with psychosocial or intellectual disabilities. (Ref: No. 2, p. 26, item 1)

## Article 19 Living independently and being included in the community

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 19. (a) The government's Replies indicates in Table 1 (p. 22) that there are roughly 150,000 persons institutionalized in welfare facilities (support facilities for persons with disabilities) and roughly 16,000 in facilities for children with disabilities. However, the White Paper on Persons with Disabilities lists the number of institutionalizations as 73,000 persons with physical disabilities, 132,000 persons with intellectual disabilities, and 302,000 persons with psychosocial disabilities. It is possible that the number of persons admitted to facilities in the government's Replies include patients admitted to psychiatric hospitals, but it is unclear how the government produced 507,000 as the number of persons institutionalized.

Paragraph 19. (a) According to the government's Replies, "507,000 persons with disabilities are admitted to facilities" and "roughly 1,600 persons transitioned to community living." This is only around 0.3%, showing that there has been little progress in transition to the community. Furthermore, the total number of discharges does not match the sum total of the breakdown given in Table 3 (p. 22), which shows address after being discharged.

Paragraph 19. (a) The government's Replies is insufficient regarding the portion following "inter alia" in the List of Issues, particularly regarding "sex" and "support provided" after being discharged.

19. (b) The government's Replies is limited to introducing the basic welfare guidelines and welfare service systems such as support for transitioning to the community and community settlement. These are areas in which the JDF Parallel Report has pointed out problems with the way targets are set and the current low level of service use. Furthermore, the Replies introduces the local comprehensive support mechanism for persons with psychosocial disabilities to transition to the community, but the problems with sluggish transition progress have been pointed out in the JDF Parallel Report. Thus, the government has not responded appropriately to the issue posed by the Committee in 19(b), which is concerned with transition to the community and strategic resource allocation.

## 2. Issues considered important by the JDF

(i) The absence of laws regarding the right to live in a community and transitioning to the community is problematic. These must be specified within current welfare laws, and focused budget allocation measures for transition to the community must be taken. (Ref: No. 2, p. 27, item 1)

(ii) In order to promote transition to the community, in addition to the basic guidelines and administrative plans, legally mandate the development of a regional community infrastructure strategy with defined goals and deadlines, and use this strategy as a basis to establish individual transition to the community plans that support the empowerment of hospitalized and institutionalized persons. (Ref: No. 2, p. 27, item 2)

(iii) Establish and implement effective and efficient strategies to ensure that all persons with psychosocial disabilities can transition to the community, including a shift from the allocations of budgets that overemphasize medical care to those that enhance welfare services, and reducing the number of psychiatric beds. (Ref: No. 2, p. 28, item 3)

(iv) Insufficient community support services and problems relating to such support. (Ref: No. 2, p. 29, item 4)

## Article 20 Personal mobility

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 20. The following services of home -visit care for persons with severe disabilities, accompanying support, activity support, assistance for hospital visits, and transportation support for community living support services cannot be used for purposes such as commuting to and from work or school, or for an extended period or year-round. (Ref: No. 2, Article 20(1))

Paragraph 20. Activity support is limited to eight hours per day, and there are also restrictions on the number of hours that accompanying support and transportation support for community living support services can be used. Furthermore, only 91% of local governments provide transportation support for community living support services. (Ref: No. 2, Article 20(3))

## 2. Issues considered important by the JDF

(i) The provision of accessibility is not defined as obligatory under the law. (Ref: No. 2, Article 20(1))

(ii) There are restrictions on purpose of use. (Ref: No. 2, Article 20(2))

(iii) There are restrictions on the number of hours that services can be used. (Ref: No. 2, Article 20(3))

(iv) Universal design taxis frequently refuse wheelchair users. (Ref: No. 2, Article 20(4))

## Article 21 Freedom of expression and opinion, and access to information

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 21. (a) The Basic Act for Persons with Disabilities and the Act on Comprehensive and Integrated Promotion of Measures for the Realization of a Universal Society recognize sign language as a language. However, in actual practice, sign language is only considered as a means of communication and acquisition and use of information. Sign language must first be recognized as a “language” in other laws and regulations, and a Sign Language Act must be established to promote the acquisition, learning, and use of sign language. (Ref: No. 2, Articles

1-4(4))

Paragraph 21. (b)

\*JIS X 8341-3 Level A requires that “audio information on videos should be made accessible with closed captions,” but many websites are not in compliance. With regard to election broadcasts, closed captions are not provided for the House of Representatives proportional representation elections nor for prefectural governor elections. Neither sign language interpreters nor closed captions are provided for the candidates’ career profile broadcasts. Even when sign language interpreters and closed captions are provided, it is usually at the discretion of the candidate or party. (Ref: No. 2, Article 29(2))

\*The government does not acknowledge that other government agencies should provide the same accommodations for persons with visual disabilities as the Ministry of Health, Labour and Welfare.

\*As one of the communication support measures, the government has allocated resources for a system to dispatch interpreter-guides for persons with deafblindness , so the implementation status of this system should be reported.

\*”Easy Read” is a service that summarizes information as easy-to-understand text for persons with intellectual disabilities, those with a different native language, etc. In other countries, Easy Read text is created based on a fixed set of rules and published on government websites, etc. In Japan, there are several inconsistent translations for this service including “yomi-yasui ban” and “wakari-yasui ban”. Understanding and efforts to develop the system are still lacking and further promotion is needed.

Paragraph 21. (c)

\*Although guidelines exist, there is no legal obligation, so most broadcasts are not accessible. The guidelines state that accommodations should be provided for emergency broadcasts as much as possible; however, while central programs are showing some progress, regional programs are slow in implementation. For live broadcasts of Diet sessions, the House of Councilors only provides closed captions for programs to which they can be easily added (when representatives’ questions and question content are provided in advance); moreover the House of Representatives does not provide any sign language interpretation. (Ref: No. 2, Article 21(1) and Article 30(2))

\*Closed captions, sign language, and audio descriptions are still rare for television broadcast programs, and subsidies for these services are scarce, so there are very few television programs that persons with various disabilities can understand and enjoy.

\*Television broadcasts are not accessible to persons with deafblindness, and government efforts do not take into account the existence of persons with deafblindness.

Paragraph 21. (d)

\*Although the JIS X 8341-3 standard was established, it is rarely observed since there is no legislation guaranteeing its implementation.

\*Even widely used communication apps fail to provide accessibility for persons with visual disabilities, posing a serious obstacle to their social lives, such as not being able to receive information from businesses and local governments. The national government is neglecting to improve the situation.

2. Issues considered important by the JDF

(i) Enactment of an information accessibility legislation. (Ref: No. 2, Article 21(1))



Note: In May 2022, the "Act on the Promotion of Measures Concerning Acquisition and Use of Information and Communication by Persons with Disabilities (Information Accessibility and Communication Measures Promotion Act for Persons with Disabilities)" was enacted. Future implementation of this law will be watched closely.

- (ii) Guarantee accessibility to information from public organizations and information and communication in public facilities. (Ref: No. 2, Article 21(2))
- (iii) Promote full-time employment of sign language interpreters, note-takers/captioner, etc. (Ref: No. 2, Article 21(3))
- (iv) Removal of restrictions on the use of communication support. (Ref: No. 2, Article 21(4))

## Article 22 Respect for privacy

### 1. Comments on the Replies of Japan to the LOIs

#### Paragraph 22.

- (1) After several recent revisions, the My Number Act and the Act on the Protection of Personal Information were most recently revised in the Act on the Arrangement of Related Laws for the Formation of a Digital Society (promulgated on May 19, 2021, with the majority going into effect on September 1, 2021). The revision of these laws has moved forward without most persons with disabilities sufficiently understanding their purpose including the advantages and disadvantages; in particular, it is unclear how personal information concerning disabilities will be used and protected in the future. The involvement of organizations of persons with disabilities in policy design and implementation is desired going forward.
- (2) There is no mention of confidentiality and privacy protection by service providers (individuals and/or organizations) engaged in communication support.

### 2. Issues considered important by the JDF

- (1) Understand the actual conditions of privacy violations and privacy protection of persons with disabilities and take necessary measures.
- (2) Establish legislation and conduct training regarding confidentiality and privacy protection by service providers (individuals and/or organizations) engaged in communication support.
- (3) Verify whether personal information regarding disabilities is being protected under the My Number System and establish necessary measures.

## Article 23 Respect for home and the family

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 23. (a) With regard to the provision that a spouse can file for divorce if the other spouse "is suffering from severe mental illness and there is no prospect of recovery" (Civil Code Article 770(1)(iv)), the government's Replies is that "there is no discriminatory provision." However, defining a disability or illness as "severe mental illness" and specifying it as blanket grounds for divorce is an absolute disqualifying clause on the basis of disability or illness; therefore, item (iv) of said provision must be removed as it is discriminatory against psychosocial disability. (Ref: No. 2, Article 23(1))

Paragraph 23. (b) In terms of current childrearing support measures, there is mention of “Basic Consultation Support” in accordance with the Act on Comprehensive Support for the Daily and Social Life of Persons with Disabilities, special childrearing allowances, welfare allowances for children with disabilities, and counseling and assistance activities at child guidance centers. However, there is no mention of support for parents with disabilities, and the Replies is insufficient from the perspective of support “in order to prevent family separation on the basis of disability.” (Ref: No. 2, Article 23(2))

## 2. Issues considered important by the JDF

(i) Remove provisions that are discriminatory against persons with disabilities regarding divorce from Article 770(1)(iv) of the Civil Code and other laws (Ref: No. 2, Article 23(1))

(ii) Remedy the separation of children from their parents through institutionalization resulting from insufficient measures to support the right to family life of parents and children with disabilities and their siblings (Ref: No. 2, Article 23(2))

(iii) Given its history of forced sterilization of persons with disabilities under the former Eugenic Protection Law, the State Party must remedy the lack of comprehensive support measures for persons with disabilities to form families (revision of the Basic Law for Persons with Disabilities, etc., measures such as the Basic Programme for Persons with Disabilities) and related data (data on health and medical care services and education and welfare systems, aggregate analysis based on gender, etc.) (Ref: No. 2, Article 23(3))

(iv) The interpretative declaration of Paragraph 4 should be withdrawn, as it leaves a possibility for a child to be separated from their parents without considering the child’s best interests in the case of deportation in accordance with the Immigration Control and Refugee Recognition Act, (Ref: No. 2, Article 23(4))

## Article 24 Education

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 24. (a) The list of issues asks about measures and resource allocation for the transition towards inclusive education for “all persons with disabilities, including deaf and deafblind children and children with intellectual or psychosocial disabilities.” However, the Replies does not mention the progress of the transition towards inclusive education based on each type of disability.

Paragraph 24. (a) With regard to the mechanism to decide which schools children will attend, item (i) of 24. (a) of the government’s Replies introduces the revision of the 2013 Order for Enforcement of the School Education Act. However, since enrollment in local elementary and junior high schools in the local community is still not a general rule, problems often arise such as children and students with disabilities being unable to attend an elementary or junior high school in their local community even when their guardians desire to place them in these schools.

Paragraph 24. (a) Items (ii) through (iv) of 24. (a) of the government’s Replies describe the special needs education assistant system and budgetary measures. However, no evidence is provided to show how effective such systems actually are. Furthermore, as pointed out in item 1(b) of JDF No. 2 (p. 36), despite the reduced number of overall children (children that should receive compulsory education), there is no mention of the increase in the number of children receiving education in environments segregated from children and students without disabilities, such as

special needs schools and special education classes.

Paragraph 24. (b) The Replies of Japan reports that awareness raising and training on reasonable accommodation have been conducted, but it includes no mention of measures to prevent the denial of reasonable accommodation, which is one of the issues posed by the Committee. It is stated that, in the event that the desires of a child's guardian differ from the views of the school and the Board of Education regarding the provision of reasonable accommodation, dispute resolution will be handled by an Education Support Committee established by the prefecture's Board of Education. However, this Education Support Committee cannot be considered a third-party institution, and therefore cannot be expected to be effective in proposing a solution upon which both parties can agree.

## 2. Issues considered important by the JDF

(i) Take legislative and policy measures to ensure that as a rule, all children and students with disabilities who wish to attend mainstream schools in the communities in which they live are able to do so (Ref: No. 2, p. 34, item 1)

(ii) Take measures to provide individualized support and reasonable accommodation, and prevent denial of reasonable accommodation in all schools and classes, revise the criteria for allocation of teachers and school staff, and revise the curriculum of general teacher training courses to include studies on the CRPD and the rights of persons with disabilities (Ref: No. 2, p. 35, item 2)

(iii) Provide education in sign language for students and children who are deaf (Ref: No. 2, p. 37, item 3)

(iv) Guarantee the right to education for persons with deafblindness (Ref: No. 2, p. 37, item 4)

## Article 25 Health

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 25. (a) Psychiatric care is operated within a special framework that is segregated from general medical care. Therefore, persons hospitalized in psychiatric hospitals are being denied treatment from other departments even if they contract COVID-19, and hundreds have died of pneumonia without being able to transfer to different hospitals. The government's Replies reports on the "March 2014 Guidelines to Ensure the Provision of High-quality and Appropriate Health Care to Persons with Psychosocial Disabilities (2014 Ministry of Health, Labour and Welfare Notification No. 65). However, these guidelines are not subject to the Regional Medical Care Planning and hospital bed function reporting that apply to general health care. Therefore, this cannot be considered the same quality of medical care provided to other persons stipulated in Article 25(1)(a) of the Convention, making the government's Replies factually erroneous.

Furthermore, the government's Replies concerning the Act on Medical Care and Social Supports for Patients with Intractable/Rare Diseases merely introduces the current system, and does not respond as to whether or not it is consistent with the Convention.

Paragraph 25. (b) The government's Replies is limited to introducing the current system. Based on the relevant provisions of laws that are based on the medical model, there are persons with disabilities and intractable diseases who are not included in the scope of laws concerning medical care and services for persons with disabilities.

Paragraph 25. (c) The government's Replies states that the educational system is providing adequate guidance and information on sex. However, there is a tendency for sex education to be avoided, resulting in inadequate education

on topics including intercourse, pregnancy, contraception, and abortion. The official curriculum guidelines contain a “constraint provision” stating that “the process of pregnancy shall not be covered,” which contributes to the lack of sex education. Furthermore, there are some areas in which the guidelines on sexual education for special needs schools differ from the guidelines for mainstream education, which contributes to persons with disabilities being seen as persons who lack the desire or ability to engage in sexual or reproductive activities. The JDF believes that there is no choice but to remove the “constraint provision” and make revisions to homogenize the official curriculum guidelines and the curriculum guidelines for special needs schools. There are marked discrepancies between the government’s and the Convention’s interpretations of sexual and reproductive health. The government’s Replies states that information is provided by women’s health support centers; however, this information pertains to sexual and reproductive health according to the government’s narrow interpretation. Furthermore, it is difficult for persons with disabilities to access women’s health support centers.

## 2. Issues considered important by the JDF

- (i) Establishment of legislation for patient rights (Ref: No. 1, Article 25(3), p. 37)
- (ii) Incorporation of psychiatric care into general medical care, including abolishing the Mental Health Law Disabled (Ref: No. 2, Article 25(2), p. 37)
- (iii) Medical expense subsidies for persons with intractable diseases (Ref: No. 2, Article 25(3), p. 37)
- (iv) Medical checkups and follow-ups according to life stage (Ref: No. 2, Article 25(4), p. 37)
- (v) Implementation of education, counseling, and training pertaining to sexual and reproductive health and rights (Ref: No. 2, Article 25(5), p. 37)

## Article 26 Habilitation and rehabilitation

### 1. Comments on the Replies of Japan to the LOIs

#### Paragraph 26.

(1) As noted in the JDF Parallel Report for Japan’s Concluding Observations (Ref: No. 2, Article 26), there are problems with a shortage of resources to support for children and differences in support based on type of disability, sex, and region. Under these circumstances, it is problematic that the national government does not have an accurate understanding of the situation concerning the provision of services based on age and gender, or the provision of services by municipal governments including the Daily Living Equipment Provision Project. Therefore, the State Party should describe how it will ascertain this information and respond to these issues going forward.

(2) The Replies of Japan reports that the public employment service placed 103,163 persons with disabilities in jobs in FY2019. However, according to the Survey on Employment of Persons with Disabilities conducted by the Ministry of Health, Labour and Welfare (FY2013 and FY2018), the increase in the number of employed persons with disabilities during this period was only about 180,000, increasing from 631,000 to 812,000. The government must ascertain why this significant increase in the new employment of persons with disabilities did not lead to an increase in the overall number of persons with disabilities employed, and take comprehensive and effective measures from the perspectives described in Article 27.

## 2. Issues considered important by the JDF

(i) There is a shortage of children's support centers and specialists. (Ref: No. 2, Article 26(1))

(ii) There are significant differences in support based on type of disability, sex, and region. (Ref: No. 2, Article 26(2))

## Article 27 Work and employment

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 27. (a) While the government's Replies indicates the number of persons who have transitioned to the open employment market, it does not mention the number of retirees, etc., making the actual state of the open employment market unclear. Furthermore, there is a clear difference in the employment rate of persons with and without disabilities, but the results of the government's efforts to remedy this difference have not been verified. (Ref: No. 1, Article 27(1)(1)(iii))

Paragraph 27. (b) According to the 2014 survey conducted by a representative organization of persons with disabilities, many local governments included "the ability to commute by oneself" as an application qualification. The government's Replies states that local governments have been advised to conduct fair hiring practices with regard to restricting the application of persons who can perform duties if provided with reasonable accommodation. However, the extent to which this has improved application qualifications at local governments has not been verified. Furthermore, the government's Replies gives no mention of the Committee's request for information on remedial measures. (Ref: No. 1, Article 27(1)(7)(ii))

Paragraph 27. (c) Despite the government's efforts introduced in the Replies, persons with disabilities have reported obstacles to promotion, inability to adjust work hours, etc. due to insufficient understanding of reasonable accommodation in the workplace. The effectiveness of the government's efforts must be verified. (Ref: No. 1, Article 27(1)(8)(i)(ii))

### 2. Issues considered important by the JDF

(i) As a government, understand the actual conditions of employment discrimination in all forms in both the public and private sectors, and establish mechanisms to monitor and remedy the situation. (Ref: No. 2, Article 27(3))

(ii) No persons with disabilities were included in the investigation related to the discovery of the 2018 "number padding problem" for employment numbers of persons with disabilities. Given that this case concerns the human rights of persons with disabilities, the background, progression, post-discovery response, etc. should be re-investigated with the involvement of persons with disabilities. (Ref: No. 2, Article 27(4))

(iii) From the perspective of ensuring that all persons with disabilities who are willing to work can sufficiently demonstrate their capability to do so, the current system of mobility assistance for commuting and assistance in the workplace is difficult to use and has an extremely small eligibility scope. This system must be significantly enhanced and made more accessible by allowing the use of support through the welfare system. (Ref: No. 2, Article 27(1))

## Article 28 Adequate standard of living and social protection

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 28. (a) For some time, persons with disabilities have been reporting issues such as residential accessibility

standards limiting the scope of response to physical disabilities, leaving other types of disabilities. It is necessary to verify whether these issues have been remedied through measures such as the new residential safety net system introduced in the government's Replies. (Ref: No. 2, Article 28(1))

Paragraph 28. (b) The standards for disability basic pensions are significantly low compared to the average income of citizens, and there are some people who cannot even receive this pension, so it cannot be said that an adequate standard of living is safeguarded. (Ref: No. 1, Article 28(1)(1)(iii))

Paragraph 28. (c) In 2010, the government deemed "user-borne expenses (co-payment) associated with health care for independent living" an important issue at hand in a basic agreement with a plaintiff group claiming the unconstitutionality of the Services and Supports for Persons with Disabilities Act. However, this issue has hardly been given any consideration since then, and the promise has gone unfulfilled.

## 2. Issues considered important by the JDF

(i) Establish legally binding accessibility standards that are applied to private and public housing. (Ref: No. 2, Article 28(1))

(ii) Ensure that disability basic pensions take into consideration additional disability-related costs in light of actual living conditions. Understand the impact of lowering public assistance standards on the lives of persons with disabilities. (Ref: No. 2, Article 28(2))

(iii) Allow persons aged 65 and older to choose the disability service system if they wish to do so. (Ref: No. 2, Article 28(3))

## Article 29 Participation in political and public life

### 1. Comments on the Replies of Japan to the LOIs

29. The government's Replies effectively states that no measures whatsoever are being taken to eliminate multiple and intersectional difficulties. In reality, women with disabilities face major issues with regard to "participation in policy- and decision-making bodies." (Ref: No. 2, Article 6)

In addition, the government's Replies with regard to voting, running for office, and performing official duties demonstrates insufficient understanding of problems such as lack of information accessibility. (Ref: No. 2, Article 29)

### 2. Issues considered important by the JDF

(i) Accessibility regarding voting methods, voting environment, and paper ballots (Ref: No. 2, Article 29(1))

(ii) Information accessibility and reasonable accommodation relating to elections (Ref: No. 2, Article 29(2))

(iii) The right to hold office (Ref: No. 2, Article 29(3))

(iv) Participation of persons with various disabilities, including women with disabilities, in the policy formation process such as administrative councils (Ref: No. 2, Article 29(4))

## Article 30 Participation in cultural life, recreation, leisure and sport

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 30. (a) Concerning the issues relevant to this Article, the government's Replies describes active efforts such as the promotion of universal design in relation to the Tokyo Olympic and Paralympic Games; however, the fact that the Replies mentions special needs schools three times leads us to doubt whether the government has an understanding of the Convention. (Ref: No. 2, Article 30(1, 3))

The lack of sign language interpretation for the broadcasting of the opening ceremony of the Tokyo Olympics once again manifests the need to enact a sign language act and an information accessibility act. (Ref: No. 2, Articles 1-4(4) and Article 21(1))

Paragraph 30. (b) The government's Replies regarding the Marrakesh Treaty fails to mention the issues related to the implementation of the treaty. (Ref: No. 2, Article 30(2))

### 2. Issues considered important by the JDF

(i) Access to recreation and leisure activities (Ref: No. 2, Article 30(1))

(ii) Accessibility to enjoy cultural works (Ref: No. 2, Article 30(2))

(iii) Access to sports (Ref: No. 2, Article 30(3))

## Article 31 Statistics and data collection

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 31.

Questions regarding disability were first introduced in the 2021 Survey on Time Use and Leisure Activities and the 2022 Comprehensive Survey of Living Conditions, and the ability to compare these statistics with those of citizens without disabilities is a step forward. However, these two surveys alone do not cover the majority of the 11 indicators of the SDGs, which require the comparison of statistics on persons with and without disabilities. Furthermore, the questions regarding disability in the Survey on Time Use and Leisure Activities do not specify the type of impairment.

### 2. Issues considered important by the JDF

(i) Incorporate questions regarding disability into Fundamental Statistics as necessary in order to fulfill the SDG indicators that require data which allows comparison between persons with and without disabilities (Ref: No. 1, Article 31(1)(a))

(ii) Implement additional detailed fact-finding surveys on persons with disabilities (Ref: No. 1, Article 31(1)(b))

(iii) Make statistical data relating to persons with disabilities available for secondary use by organizations of persons with disabilities and other organizations (Ref: No. 1, Article 31(1)(c))

(iv) Implement surveys targeting users of residential institutions and long-term inpatients at psychiatric hospitals (Ref: No. 1, Article 31(1)(d))

(v) Ensure the participation of organizations of persons with disabilities, including organizations of women with disabilities, in the planning, implementation, analysis, dissemination, and use of the above mentioned surveys (Ref: No. 1, Article 31(1)(e))

## Article 32 International cooperation

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 32. (a) With regard to the promotion of disability inclusion under the topic of international cooperation, the government's Replies mentions the JICA's (Japan International Cooperation Agency) Thematic Guidelines on Disability and Development. However, these are merely guidelines and are insufficiently positioned to promote the mainstreaming of disabilities in Official Development Assistance through JICA. Furthermore, with regard to efforts based on the Guidelines for Environmental and Social Considerations mentioned in the Replies, while the efforts are commendable, there are issues with follow-up on the implementation of assessments based on these guidelines. (Ref: No. 2, Article 30(1))

### 2. Issues considered important by the JDF

(i) Mainstreaming of disability and the participation of persons with disabilities (Ref: No. 2, Article 30(1))

(ii) Measures for the field of disability in the implementation of SDGs (Ref: No. 2, Article 30(2))

(iii) Promotion by the Japanese government of the "Asian and Pacific Decade of Persons with Disabilities" (Ref: No. 2, Article 30(3))

## Article 33 National implementation and monitoring

### 1. Comments on the Replies of Japan to the LOIs

Paragraph 33.

\*The Commission on Policy for Persons with Disabilities is an organization under the Cabinet Office, and lacks independence from the standpoint of budget and personnel.

As noted in the government's Replies, this Commission "can make recommendations to relevant ministers," but it has not made a single recommendation since its establishment approximately ten years ago. The Commission on Policy for Persons with Disabilities failed to formulate its own opinions and views and make recommendations with regard to serious matters that cannot be overlooked in the implementation of the CRPD, such as harm caused by the former Eugenic Protection Law and the padding of numbers for the employment of persons with disabilities by central government ministries and agencies.

In this way, the Commission on Policy for Persons with Disabilities is significantly lacking in independence.

\*Above all, the scope of monitoring by the Commission on Policy for Persons with Disabilities is the Basic Programme for Persons with Disabilities public administration plan. Therefore, the judicial field is out of scope for monitoring by the Commission, and no system exists to monitor the implementation status of the CRPD in the legislative and judicial fields.

\*In addition to this, there is no mention whatsoever of how monitoring will be positioned around the views of organizations of persons with disabilities that were not selected as members of the Cabinet Office Commission on Policy for Persons with Disabilities.

Paragraph 34. The government's Replies states that it "continues to give appropriate consideration" to an independent human rights monitoring mechanism in accordance with the Paris Principles, but it is unclear what specifically is



being considered and how.

2. Issues considered important by the JDF

(i) Establishment of an independent human rights institution and a monitoring system that includes the legislative and judicial fields (Ref: No. 2, Article 33(1))

(ii) Strengthening of the independence and function of the Commission on Policy for Persons with Disabilities and ensuring of diversity in its membership (disability, gender, age, region, affiliated organization, etc.) (Ref: No. 2, Article 33(2))

(iii) Monitoring of the Convention and the involvement of organizations of persons with disabilities and civil society (Ref: No. 2, Article 33(4))