



Japan Disability Forum

Convention on the Rights of Persons with Disabilities (CRPD)

Parallel Report for Japan's Concluding Observations

Submitted to
the Committee on the Rights of Persons with Disabilities
in March 2021

Japan Disability Forum (JDF)

I. Introduction

1. About the Japan Disability Forum (JDF)

This parallel report was prepared by the Japan Disability Forum (JDF). The JDF was established in 2004 with the aim of promoting the “Asian and Pacific Decade of Disabled Persons” as well as to promote policies in Japan on persons with disabilities and their rights. The JDF consists of 13 national-level member organizations who are mainly organizations of persons with disabilities, as well as support organizations such as family organizations, service providers’ organizations, and professional organizations. Its major activities are to promote (1) the International Convention on the Rights of Persons with Disabilities, (2) the “Asian and Pacific Decade of Persons with Disabilities” and the “Asia Pacific Disability Forum (APDF),” (3) national policies including the “Basic Programme for Persons with Disabilities,” and (4) national legislation on the rights/anti-discrimination of persons with disabilities. The JDF engages in these activities through the establishment of three expert committees with members selected from among its member organizations to advance its work.

Since its establishment, the JDF has been working to promote the Convention on the Rights of Persons with Disabilities (CRPD). It has dispatched a total of 200 related individuals to the Ad Hoc Committee meetings held at the United Nations Headquarters in New York between 2002 and 2006, contributing to the establishment of the Convention. After the Convention was adopted, the JDF has addressed the reformation of national legislation from a civil society standpoint through activities such as exchanging opinions with the government and collaborating with the nonpartisan “Parliamentarian League for the Promotion of the UN Convention on the Rights of Persons with Disabilities,” aiming to facilitate Japan’s ratification of the Convention. Following the ratification of the Convention in 2014, the JDF has been working on initiatives to promote the implementation of CRPD across the country. It dispatched a delegation to brief the 12th Pre-Sessional Working Group for the Committee on the Rights of Persons with Disabilities held in September 2019.

● Member organizations

Japanese Federation of Organizations of the Disabled Persons, Japan Federation of the Visually Impaired, Japanese Federation of the Deaf, Japan Council on Disability, Japan National Assembly of Disabled Peoples’ International, Inclusion Japan, Spinal Injuries Japan, The National Federation of Associations of Families with The Mental Illness in Japan, All Japan Association of Hard of Hearing and Late-Deafened People, Japan Deafblind Association, Japan National Council of Social Welfare, Japanese Society for Rehabilitation of Persons with Disabilities, Japan National Group of Mentally Disabled People

2. Method for the Preparation of Submissions

Two parallel reports were prepared by the JDF over a period of four years.

(1) Preparation of the Parallel Report for the List of Issues

The Preparatory Committee was launched in 2017 and after nine meetings, it prepared a summary report of opinions. In FY2018 (April 2018 - March 2019), the committee became the “JDF CRPD Parallel Report Special Committee” consisting of a total of 30 committee members selected from all JDF member organizations. Fifteen committee meetings were held, and the Parallel Report for the List of Issues was prepared. At the same time, in order to obtain an even wider range of opinions, regional forums were held in seven locations around the country (Toyama, Fukushima, Saitama, Tokyo, Aichi, Osaka, Tochigi), document-based interviews were conducted with related organizations, and these opinions were reflected in the report.

(2) Parallel Report for the Concluding Observations for Japan

In response to the List of Issues, work began on preparing the Parallel Report for the Concluding Observations for Japan in October 2019. Twelve Special Committee meetings were held over a six-month period, and the report was prepared according to the following work process in the same manner as the Parallel Report for the List of Issues.

- a. Eight working groups were established and a draft report was prepared
- b. The Drafting Committee discussed and modified the draft report
- c. The Special Committee discussed and modified the draft report
- d. The Special Committee and the JDF senior board members conducted a final review and the report was completed

Items for the Parallel Report for Concluding Observations were carefully selected from each article with a focus on summarizing them succinctly, and the state of affairs after the Parallel Report for the List of Issues was also partially reflected. Furthermore, in FY2019 (April 2019-March 2020), regional forums were held in three locations in Japan (Iwate, Saitama, Tokyo), and exchanges of opinions were held with persons with disabilities in various areas.

(3) Interviews with Related Organizations

Document-based interviews with related organization were conducted beginning in the fall of 2018. The organizations that were interviewed were those for disabilities not included among JDF member organizations as well as organizations in related fields. The results of these interviews were partially reflected in the Parallel Report for the List of Issues, and they were subsequently incorporated into the Parallel Report for Concluding Observations. Organizations from which opinions were obtained are as follows (in alphabetical order):

All Japan Teachers And Staffs Union
Association of People with Low Vision
DPI Women's Network Japan
General Incorporated Association of Cochlear Implant Transmitted Audition (ACITA)
Japan Developmental Disabilities Association
Japanese Trade Union Confederation
Japan Teachers' Union
Miyagi People with Dementia Network
People First of Japan
Social Heartful Union

3. Contact Information

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- JDF CRPD Parallel Report Special Committee *As of April 2019
Representative: Kazuhiko Abe, President, Japan Disability Forum
Secretary General: Satoshi Sato, Chairperson, Committee for the Promotion of the Convention on the Rights of Persons with Disabilities
Committee Members: Yoshiaki Iizuka, Executive Director, Japanese Federation of Organizations of the Disabled Persons
Kana Sato, Japanese Federation of Organizations of the Disabled Persons
Makoto Oogoda, Japan Federation of the Visually Impaired
Nobuaki Tanaka, Japan Federation of the Visually Impaired
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Yasuhiro Obata, Secretary General, The National Federation of Associations of Families with The Mental Illness in Japan
Tomoyoshi Shintani, President, All Japan Association of Hard of Hearing and Late-Deafened People
Yumiko Minami, All Japan Association of Hard of Hearing and Late-Deafened People
Satoshi Fukushima, Director, Japan Deafblind Association
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Kyoko Hamashima, Japan National Assembly of Disabled Peoples' International

Finally, preparation of this parallel report was possible through the support of subsidy foundations. No financial support was received from the government. We would like to express our appreciation to The KIRIN Welfare Foundation, Sampo Welfare Foundation, The Sumitomo Foundation, and Yamato Welfare Foundation for their support.

We propose the following in accordance with the format of the Concluding Observations by the Committee on the Rights of Persons with Disabilities.

Articles 1-4 Purpose, Definitions, General principles, General obligations

1. **Laws and policies based on the social model/human rights model**

- The Committee is concerned that, despite the comprehensive efforts to revise laws beginning in 2009 in order to ratify the CRPD, the framework of domestic laws and policies is still not sufficiently consistent with the Convention. For example, the substitute decision-making mechanism of the adult guardianship system has not been dismantled in favor of a system of supported decision-making, and many laws retain language that evokes a disability, such as “physical or mental disorder,” which has a negative impact on the ability of persons with disabilities to obtain qualifications. Furthermore, of the laws for persons with disabilities, there are none that specify their right to use support services or the obligation of the government to provide such services. There is a continuing history of persons with disabilities being considered as vulnerable and a burden to society requiring protection, rather than equal citizens with the same dignity and rights, with persons with disabilities and their families bearing the principal responsibility of supporting their lives. When their families could no longer provide care, their main choices became either hospitals or facilities. Many persons with disabilities are not guaranteed “the opportunity to choose...where and with whom they live” (Article 19 (a) of CRPD) or the “opportunity to gain a living by work” (Article 27 (1) of the Convention).
- **The Committee recommends that the State Party revise the fundamental nature of the Basic Act for Persons with Disabilities and other laws, policies, and plans regarding persons with disabilities based on the social model/human rights model of disability. Specifically, the Committee recommends:**
 - a. **Establishing the purpose of these laws, policies, and plans as the realization of social participation by all persons with disabilities as equal citizens.**
 - b. **Making the elimination of social barriers and the development of support the obligation of national and local governments.**
 - c. **Specifying the rights of persons with disabilities to access necessary supports.**

2. **Disability definition and certification based on the social model/human rights model**

- The Committee is concerned that a medical model is used in various individual laws, systems, and practices such as welfare services and disability pensions, and that disability qualification and certification are conducted from a medical standpoint.
- **The Committee recommends that the State Party shift the definition of disability under the law and the certification process to determine eligibility to receive support from the medical model to the social model/human rights model, and shift the evaluation system used in various individual laws, systems, and practices such as social welfare and disability pension from a system based on a medical standpoint to one based on the need for support that takes into consideration the level of difficulty in daily life.**
- The Committee is concerned that disability certification is conducted in accordance with standards that are considerably removed from the level of difficulty in the daily lives of persons with disabilities, putting persons in need of support in a position where they are unable to receive it. For example, the certification standard for hearing disabilities is 70 dB or more, which is considerably removed from the criteria of 41 dB or more used by the World Health Organization (2019), excluding individuals with hearing between 41 and 69 dB.
- **The Committee recommends that the State Party revise the disability certification standards to conform to international standards ahead of shifting to an evaluation system based on the need for support, and take measures so that all persons with disabilities will be provided with necessary support that takes into consideration the level of difficulty in their daily lives.**

3. **Issues regarding the response to the Sagami-hara Stabbings**

- The Committee grieves over the 2016 incident in which 19 persons with severe disabilities were killed and 26 persons with disabilities and staff persons were wounded, and notes with concern that this crime was committed due to eugenic and ableist thoughts. The Committee is concerned that the State Party has not exhibited sufficient initiative in the fight against eugenic and ableist thoughts.
- **The Committee recommends that the State Party comprehensively investigate the causes of the Sagami-hara Stabbings, clarify its stance against eugenic and ableist thoughts, as well**

as take measures such as spreading understanding of the CRPD to eradicate crimes based on eugenic and ableist thoughts and create a society in which all persons with disabilities can live with a sense of security.

4. Recognition of sign language

- The Committee is concerned that, as issues regarding the fundamental human rights of persons with hearing disabilities, their rights to “acquire sign language,” “learn through sign language,” “learn sign language,” “use sign language,” and “protect sign language” (linguistic rights) are not protected by the law; that an environment where sign language can be used as a language in various areas such as judiciary (trials), legislature, administration, labor, health care, education, elections and other various areas has not been developed; and that communication and information are not sufficiently guaranteed. In particular, systems (laws) that develop sign language interpreters and allow them to be placed in agencies of all areas are insufficient.
- **The Committee recommends that the State Party enact a sign language act that guarantees the right to use sign language in all areas, including judiciary, legislation, public administration, labor, health care, education and elections. The Committee also recommends the enactment of a sign language act that will enable the promotion of understanding and spread of sign language, and making it possible to develop, place, and dispatch sign language interpreters.**

5. Abolition of disqualifying clauses (*)

- The Committee is concerned that, in the 187 amendments to law made in 2019, although the disqualifying clauses on the basis of being adult wards were abolished, disqualifying clauses on the basis of “physical or mental disorder” were newly established in their place within these laws; and in at least 160 governmental and ministerial ordinances regarding these subsequently created laws, a “physical or mental disorder” was provided as being a “disability of mental function,” and it has been pointed out that legal discrimination due to disability has actually been strengthened.
- **The Committee recommends that the State Party comprehensively revise the laws and governmental and ministerial ordinances to delete the disqualifying clauses on the basis of disability, and that it change the individual certification methods to ones that evaluate specific abilities, including the provision of reasonable accommodation.**

(*) Disqualifying clauses refer to legal restrictions based on impairments, including those disqualifying persons with disabilities from licenses.

6. Participation of persons with disabilities

- The Committee is concerned that there is a low percentage of persons with disabilities in the national and local governments’ Commission on Policy for Persons with Disabilities; that there is a lack of diversity in members of the national governments’ Policy Commission (aside from non-regular technical advisors), with no self-advocates who have intellectual disabilities, psychosocial disabilities, or are hard of hearing, and with only two women with disabilities or intractable diseases; that there are no obligations for municipal governments to establish commissions on policy; that the percentage of persons with disabilities in committees related to persons with disabilities such as welfare, employment, education, and accessibility are not even known; and that persons with disabilities are sometimes unable to substantively participate in these committees due to lack of accessibility and reasonable accommodation.
- **The Committee recommends that the State Party increase the percentage of members with disabilities in the national and local governments’ Commission on Policy for Persons with Disabilities to at least half; ensure the diversity of commission members (in terms of disability, gender, age, region, affiliated organization, etc.), particularly by increasing the number of women with disabilities and intractable diseases; that it make establishment of municipal government commissions mandatory; that it increase the percentage of members with disabilities on various government councils, etc. and ensure member compositions match those of the policy commissions, mentioned above, particularly when handling content that is closely related to the Convention; and that national and local governments take measures to ensure accessibility and reasonable accommodation so that members with disabilities can substantively participate in the policy-making process.**

7. Elimination of gaps in community support services and social resources

- The Committee is concerned that there have been reports of regional gaps in the provision of

welfare services, for example, a significant gap among municipal governments in terms of the number of hours spent for mobility support (transportation support services), personal assistance (“home-visit care for persons with severe disabilities”) and communication support, as well as the supply of technical aids and the combined use of disability welfare and long-term care insurance. For example, some municipal governments provide subsidies for persons with visual impairments to acquire a braille display as a technical aid, but some do not. There is also a large gap among municipal governments with respect to subsidies to purchase batteries for cochlear implants and expensive new model equipment. With regard to matters such as “accompanying support services” for persons with visual disabilities and “home-visit care for persons with severe disabilities”, there are significant regional gaps in the number of providers, the amount of services supplied, and the number of users. Regional gaps also exist in numerous areas beyond these social service areas, such as accessibility of public transportation and buildings, information accessibility, and employment of persons with disabilities.

- **The Committee recommends that the State Party take necessary legislative and financial measures to eliminate gaps between municipal governments in terms of the number of hours provided for (a) mobility support (transportation support services), (b) personal assistance (“home-visit care for persons with severe disabilities”), and (c) communication support, the supply of technical aids, the combined use of disability services and long-term care insurance, and the status of development of social resources.**

8. Derogatory languages such as “mentally incompetent (shin shin soshitsu)”

- The Committee is concerned that derogatory language such as “mentally incompetent” and “mental derangement” (seishin sakuran) are being used in titles and articles in laws even after the ratification of the Convention.
- **The Committee recommends bringing laws further into alignment with the Convention, including taking measures to remove the derogatory languages such as the term “shin shin soshitsu (insanity/mentally incompetent)” from the “Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity (Mentally Incompetent Persons Medical Care and Treatment Act),” and Article 39 of the Penal Code, and the term “mental derangement (seishin sakuran)” from Article 3 of the Police Official Duties Execution Act.**

9. Ratification of the Optional Protocol

- The Committee is concerned that the State Party has not yet ratified the Optional Protocol to the Convention.
- **The Committee recommends that the State Party ratify the Optional Protocol to the Convention.**

Article 5 Equality and non-discrimination

1. Definition of discrimination

- The Committee is concerned that the Act for Eliminating Discrimination against Persons with Disabilities does not define terms such as direct discrimination, disparate impact discrimination, multiple discrimination/intersectional discrimination, and harassment, and it is not clear if the Act prohibits all discrimination on the basis of disability.
- **The Committee recommends that the State Party provide definitions of direct discrimination, disparate impact discrimination, multiple discrimination/intersectional discrimination, and harassment in the Basic Act for Persons with Disabilities, Act for Eliminating Discrimination against Persons with Disabilities, and Act for the Promotion of Employment for Persons with Disabilities, making clear that these laws prohibit all discrimination on the basis of disability.**

2. Scope of discrimination in the Act for Eliminating Discrimination against Persons with Disabilities

- The Committee is concerned that those subject to discrimination on the basis of disability in the Act for Eliminating Discrimination against Persons with Disabilities are limited to persons who currently have a disability.
- **The Committee recommends that the State Party amend the Act for Eliminating Discrimination against Persons with Disabilities so that the scope of those subject to discrimination on the basis of disability include persons who currently have a disability, persons who have had a disability in the past, persons who are predisposed to have a disability in the future, persons who are presumed to have a disability, and persons affiliated with a person with a disability.**

3. Reasonable accommodation

- The Committee is concerned about the following.
 - a. That the obligation to provide reasonable accommodation imposed upon private business operators by the Act for Eliminating Discrimination against Persons with Disabilities is limited to an obligation to make efforts.
 - b. That denial of reasonable accommodations 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.
- **The Committee recommends that the State Party make the obligation to provide reasonable accommodation imposed upon private business operators a legal obligation in the Act for Eliminating Discrimination against Persons with Disabilities, and that it clarify in the Act for the Promotion of Employment for Persons with Disabilities that denial of reasonable accommodation is discrimination on the basis of disability.**

4. Development of a dispute resolution mechanism and a system of consultation

- The Committee is concerned that legislation, including the Act for Eliminating Discrimination against Persons with Disabilities, contains no dispute resolution mechanism by which persons with disabilities can receive effective remedy in the event of discrimination on the basis of disability, nor is there a monitoring institution for such, and so the actual conditions of discrimination on the basis of disability and its remedy are unclear.
- **The Committee recommends that the State Party establish as legislation, including the Act for Eliminating Discrimination against Persons with Disabilities, a dispute resolution mechanism by which persons with disabilities can receive effective legal remedy and compensation in the event of discrimination on the basis of disability. In addition, the Committee recommends collecting and analyzing cases of consultation and remedy of discrimination on the basis of disability based on this mechanism, and using these to prevent its occurrence.**

5. Establishment of anti-discrimination laws in judiciary and legislative institutions to prohibit discrimination against persons with disabilities

- The Committee is concerned that since public administration institutions are the only state institutions covered by the Act for Eliminating Discrimination against Persons with Disabilities, there is no legislation that prohibits discrimination against persons with disabilities that must be observed by judiciary and legislative institutions.

- **The Committee recommends that the State Party establish legislation that prohibits discrimination against persons with disabilities that must be observed by judiciary and legislative institutions.**

Article 6 Women with disabilities

- 1. Clearly specify the principles of prohibition of multiple discrimination/intersectional discrimination under the law**
 - The Committee is concerned that there is no legal provision that prohibits multiple discrimination/intersectional discrimination against women with disabilities, and that sufficient measures to eliminate discrimination are not being taken.
 - **The Committee recommends that the State Party establish provisions that prohibit and prevent multiple/intersectional discrimination against women with disabilities in the Basic Act for Persons with Disabilities, Act for Eliminating Discrimination against Persons with Disabilities, Basic Act for Gender Equal Society, which aims for gender equality, the Act for Comprehensive Promotion of Labor Policies, which prohibits abuse of authority, and furthermore, that it prepare and implement a plan for ideal consultation and training for such based on these laws.**

- 2. Understanding the actual conditions of victims of sex crimes and remedial measures**
 - The Committee is concerned that there is a lack of understanding of the actual conditions of women with disabilities receiving undesired assistance from persons of a different gender in hospitals, residential institutions, at home, etc. and the actual conditions of sex crimes arising from such; and that measures are not being taken to remedy this. The Committee is also concerned that accessibility is not being ensured in support institutions such as shelters.
 - **The Committee recommends that the State Party work with organizations that represent women with disabilities to gain an understanding of the actual conditions of sex crimes, DV, and undesired assistance from persons of a different gender in hospitals, residential institutions, at home, etc. and take remedial measures; and that it make it possible for all women with disabilities to access reporting, counseling and support agencies and facilities related to violence against women in general.**

- 3. Training for staff at relevant agencies**
 - The Committee is concerned that although it is necessary to conduct training and education for people engaged in health care, medical, welfare, education, law enforcement, judicial and other activities in order to help them understand the actual conditions and issues of multiple discrimination/intersectional discrimination against women with disabilities and appropriately perform their respective duties, no measures are being undertaken to promote such training and education.
 - **The Committee recommends that the State Party establish and implement mandatory training on the actual conditions and prevention of multiple discrimination/intersectional discrimination against women with disabilities for people employed at public agencies.**

- 4. Participation in policy- and decision-making bodies**
 - The Committee is concerned that, in spite of the promotion of positive action initiatives with regard to the membership of various councils and experts' panels, there is no understanding of the actual conditions or the direction of specific measures being shown, and that participation by women with disabilities is not ensured.
 - **The Committee recommends that the State Party establish provisional special measures with regard to the membership of various councils and experts' panels at which policies of the national and local governments are determined, such as ensuring the participation of women with disabilities.**

- 5. Empowerment**
 - The Committee is concerned that there are survey reports (*) that women with disabilities are not being respected, being treated as persons of little value, and otherwise being placed in situations in which they are deprived of power.
 - **The Committee recommends that the State Party promote education programs and implement empowerment programmes for women with disabilities in order to ensure their full development, advancement, and empowerment.**

(*) DPI Women's Network Japan "Difficulty of Women with Disabilities in Living" Survey, 2012

Article 7 Children with disabilities

- 1. Ensuring all rights for children with disabilities, including the right to express their views freely**
 - The Committee is concerned that there is no law that guarantees the rights of all children, including children with disabilities.
 - **The Committee recommends that the State Party establish comprehensive laws concerning children's rights to ensure the rights of all children, including children with disabilities.**
 - The Committee is concerned that the obligation to listen to the views of children, including children with disabilities, and the principle of respecting the views of children of all ages are not clearly provided for in relevant laws, including the Child Welfare Act.
 - **The Committee recommends that the State Party provide for the obligation to listen to the views of children, including children with disabilities, and the principle of respecting the opinions of children of all ages in relevant laws, including the Child Welfare Act.**
 - The Committee is concerned that measures are not being taken to ensure the right of children with disabilities to express their views freely in all matters affecting them, particularly matters concerning their families, foster care, education, health, and medical care.
 - **The Committee recommends that the State Party take measures to ensure the right of children with disabilities to express their views freely in all matters affecting them, particularly matters concerning their families, foster care, education, health, and medical care.**

- 2. Measures to prevent violence, sexual violence, and inhuman treatment toward children with disabilities**
 - The Committee is concerned that there are reports that children with disabilities are more susceptible to fall victim to violence and inhuman treatment and that the reliability of their claims of being a victim of such violence is questioned; that there are reports of insufficient statistics by gender to ascertain the actual status and issues surrounding violence, etc. toward children with disabilities; and that, regardless of the fact that there are records suggesting that most sterilization victims under the former Eugenic Protection Law were minors, there have not been sufficient verification, such as through fact-finding surveys.
 - **The Committee recommends that the State Party:**
 - a. **Take measures to ensure that the expression of the views of children with disabilities that they themselves are victims of violence, etc. are sufficiently considered in judicial and administrative procedures**
 - b. **Provide statistics by gender that give a clear picture of the actual status and issues concerning violence, etc. against children with disabilities**
 - c. **Investigate the facts surrounding the forced sterilization of children with disabilities under the former Eugenic Protection Law and the subsequent Maternal Health Act**

- 3. Ensuring the quality and enhancing the budget of various services for children with disabilities**
 - The Committee is concerned that children with disabilities do not have access to general measures such as education and welfare (measures available to children without disabilities), and that there are reports of cases in which necessary welfare services such as sign language interpretation and personal assistance services are not available due to age restrictions.
 - **The Committee recommends that the State Party make general measures such as education and welfare accessible to children with disabilities and make necessary welfare services such as sign language interpretation and personal assistance services available for all ages.**

Article 8 Awareness-raising

1. Understanding the rights and new concepts under the CRPD

- The Committee is concerned that, although the State Party has conducted various surveys concerning persons with disabilities, including the “Public Opinion Survey on Persons with Disabilities” (Cabinet Office), the content does not give a clear picture of how much progress has been made in the understanding of the rights and concepts of persons with disabilities based on the Convention, or the actual conditions of discrimination and violation of rights.
- **The Committee recommends that the State Party further spread understanding of the CRPD by regularly and comprehensively ascertaining and publishing in national public opinion surveys the perceptions of citizens and the actual conditions concerning the rights of persons with disabilities, violation of rights, discrimination on the basis of disability, provision of reasonable accommodation, social barriers, sign language, support for decision-making, inclusion, and accessibility, including differences by gender, age, and region.**

2. Education and awareness regarding disability

- The Committee is concerned that there is a lack of systematic spreading of awareness to citizens based on the Convention and education to deepen correct perceptions based on the social model/human rights model of disability. For example, in the abovementioned “Public Opinion Survey on Persons with Disabilities” (FY2017), 77.9% of people answered that they did not know about the CRPD. In addition, there are issues such as the fact that there is still deep-rooted ignorance and prejudice toward persons with psychosocial disabilities who have long been subject to segregation and institutionalization/hospitalization, the fact that certain types of intractable diseases are still treated as feigned illnesses, and the fact that the will and independence of persons with dementia are not understood.
- **The Committee recommends that the State Party promote education and awareness concerning disability based on the principles and concepts of the CRPD to a wide range of citizens (including persons with disabilities and their families), particularly by introducing curriculums and educational materials through which people can gain a correct understanding of the CRPD as well as its principles and concepts.**

3. Training for assembly members, administrative officers, and various specialists

- The Committee is concerned that there are insufficient initiatives to spread and provide training on the CRPD among national and municipal assembly members, police and administrative officers, judicial personnel, and various specialists; that no guidelines have been prepared for various ministries, agencies, and local governments to implement the Convention; and that persons with disabilities are not participating in this.
- **The Committee recommends that the State Party train national and municipal assembly members, administrative officers, judicial personnel, and various specialists on content based on the CRPD so that they can correctly understand disability (including all impairments—including dementia—and issues concerning multiple discrimination/intersectional discrimination against women with disabilities), and that it ensure the participation of persons with disabilities and their organizations in the planning and implementation of this training, and the preparation of guidelines to implement the Convention.**

4. Strategies and campaigns to fight the stereotypical image and discriminatory perceptions of persons with disabilities

- The Committee is concerned that a stereotypical image and discriminatory perceptions of persons with disabilities are being reproduced and spread, including in publications and broadcasts, due to a lack of awareness-spreading and education concerning the Convention, and that there are insufficient strategies and campaigns to combat this.
- **The Committee recommends that the State Party establish strategies and conduct campaigns, including the mass media, to raise awareness with the participation of persons with disabilities, in order to combat the stereotypical image and discriminatory perceptions of persons with disabilities.**

Article 9 Accessibility

1. Ensuring accessibility and action plans

- The Committee is concerned that the concept of accessibility is not positioned under the law and the right of persons with disabilities to access physical environments, transportation, information and communications (including information and communication equipment and systems), and other facilities and services open or provided to the public is not specified; that denial of access is not clearly defined as an act of discrimination; and that no effective action plans or strategies to ensure accessibility have been adopted.
- **Accessibility is a prerequisite for persons with disabilities to live independently as well as fully and equally participate in society, and the State Party has an obligation to unconditionally provide accessibility. The Committee recommends that the State Party:**
 - a. **Specify in relevant laws, including the Basic Act for Persons with Disabilities, the right of persons with disabilities to access physical environments, transportation, information and communications (including information and communication equipment and systems), and other facilities and services open or provided to the public. Clearly define denial of access as a prohibited act of discrimination.**
 - b. **Establish a deadline for ensuring accessibility to physical environments, transportation, information and communications (including information and communication equipment and systems), and other facilities and services open or provided to the public, including the assurance of safety, as well as adopt an action plan and strategy to provide both the human and material resources necessary to eliminate barriers.**
 - c. **Revise the Japanese translation of “accessibility” to reflect the obligatory concepts expressed in the Convention.**

2. Public procurement

- The Committee is concerned that there are no public procurement mechanisms with accessibility requirements and no progress in the development and spread of products ensuring accessibility.
- **The Committee recommends that the State Party establish public procurement legislation that makes accessibility mandatory in order to ensure that all newly procured goods and services are fully accessible to persons with disabilities, as well as to develop and spread accessible goods, products, and services.**

3. Accessibility in buildings

- The Committee is concerned that the criteria for building accessibility has not been improved since the 1994 Building Access Law, and there has been no progress in ensuring the accessibility of schools aside from special needs schools, apartments, and small-scale shops under 2,000 m².
- **The Committee recommends that the State Party mandate accessibility in all schools and secure a budget and that it also mandate accessibility in small-scale shops under 2,000 m² and apartments.**

4. Accessibility in public transportation outside of major cities

- The Committee is concerned that the accessibility outside major cities is lagging behind. The Ministry of Land, Infrastructure, Transport and Tourism reported that, as of March 2019, there was a considerable difference in the rate of railway accessibility at railway stations with 3,000 or more arriving and departing passengers a day (90.4%) and those with less than 3,000 arriving and departing passengers a day per day (22%). It is not only railways, but all areas, including buses, taxis, and airport access, in which accessibility has not improved outside of major cities.
- **The Committee recommends that the State Party establish an action plan to ensure accessibility, including the assurance of safety, on public transportation outside of major cities.**

5. Participation of persons with disabilities in product development and facility maintenance

- The Committee is concerned that the participation of persons with various disabilities in product development and facility maintenance is not being ensured.
- **The Committee recommends that the State Party establish a mechanism that enables the participation of persons with disabilities from the beginning stages of product/facility maintenance and reflects their opinions in order to increase products and facilities that are easy to use for persons with disabilities.**

6. Training system

- The Committee is concerned that curriculums used in the education of architects, designers, engineers, etc. to teach them about accessibility through universal design are insufficient, and that there is no widespread training for authorities who issue building permits, engineers' organizations, and all other related parties to deepen their understanding of accessibility.
- **The Committee recommends that the State Party require that a sufficient curriculum be used in the education of specialists such as architects, designers, engineers, and programmers to teach them about accessibility through universal design, and that it require authorities who issue building permits, broadcast/ICT administration committees, engineers' organizations, designers, architects, urban planners, transport authorities, service providers, academic societies, manufacturers, and all other related parties to participate in training in order to deepen their understanding of accessibility.**

Article 10 Right to life

1. **Prohibition of death with dignity on the basis of disability**

- The Committee is concerned that, due to the State Party's lack of laws protecting patient rights and insufficient support systems that guarantee the right to life, such as personal assistance services, there are cases in which there is no choice but to rely on care by family members, and some cases in which it is necessary to choose death; under these circumstances, "The Practice Guidelines for Process of Decision-Making Regarding Medical Treatment and Care in the End of Life Care" issued by the Ministry of Health, Labour and Welfare makes the right to life of persons with disabilities even more uncertain. The Committee is concerned that, in addition, regardless of the opposition of organizations of persons with disabilities, there have been repeated discussions seeking enactment of a law that permits the death of a patient by non-start or discontinuation of medical action such as the use of respiratory equipment or dialysis equipment (so-called "death with dignity").
- **The Committee recommends that the State Party establish laws that protect patient rights and promote the strengthening of support systems that guarantee the right to life, such as personal assistance services; that it take measures to prohibit the death of a patient by non-start or discontinuation of medical action (so-called "death with dignity") on the basis of disability; and that it not enact a law that permits the death of a patient by non-start or discontinuation of medical action.**

Article 11 Situations of risk and humanitarian emergencies

1. Ensuring the participation of persons with disabilities in the enactment of guidelines for disaster prevention and reduction, as well as reconstructing livelihoods.

- The Committee takes very seriously the fact that the death rate of persons with disabilities in the Great East Japan Earthquake was twice that of those without disabilities, and it is concerned that there is insufficient substantive participation by persons with disabilities in national/local government and regional councils, etc. related to disaster prevention and reduction, as well as reconstructing livelihoods. In addition, the Committee is concerned about reports that as a result, guidelines for evacuation, etc. enacted by public administrations did not function effectively during the 2019 typhoons and subsequent disasters.
- **The Committee recommends that the State Party let persons with disabilities and their families to substantively participate as members of national/local government and regional councils related to disaster prevention and reduction, as well as reconstructing livelihoods in order to ensure effective implementation of the Sendai Framework for Disaster Risk Reduction.**

2. Effective use of personal information to confirm safety immediately following a disaster and the establishment of individual evacuation plans

- The Committee is concerned that, regardless of the fact that the Disaster Countermeasures Basic Act allows evacuation assistance registries to be provided to those involved in evacuation assistance during disasters even without the consent of the individual, these registries are not actually used to confirm safety immediately following a disaster on the grounds of protecting personal information. In addition, the Committee is concerned that only 14% of local governments have prepared individual plans in advance that establish evacuation destinations and procedures for all in the registries (from the Fire and Disaster Management Agency's "Findings on the Status of the Preparation of Evacuation Assistance Registries, Etc. [November 5, 2018]"), and that persons with disabilities who are unable to evacuate on their own are exposed to danger.
- **The Committee recommends to the State Party that administrative organs and organizations of persons with disabilities hold discussions in advance so that personal information, such as evacuation assistance registries, held by public administrations can be used effectively to confirm the safety of persons with disabilities during disaster drills in normal times and immediately following a disaster. In addition, the Committee recommends that all local governments establish individual evacuation plans for all in the registries as soon as possible, and that the national government take effective measures to this end. Furthermore, the Committee recommends revising the "Guidelines for the evacuation support of residents who need assistance to evacuate during a disaster" with the participation of persons with disabilities in accordance with international standards such as the Sphere Standards, and taking measures to ensure their effectiveness.**

3. Provision of information at the time of a disaster

- The Committee is concerned that, because necessary information is not provided to persons with disabilities in an accessible manner at each stage of a disaster from occurrence to restoration and reconstruction, they face a situation in which their lives are at risk.
- **The Committee recommends to the State Party that the provision of information at the time of a disaster by public administrations and organs of the media, and the provision of information at disaster sites such as shelters, are conducted in all forms of accessible communication of the choice by persons with disabilities.**

4. Shelters and welfare evacuation shelters

- The Committee is concerned that disaster shelters are not inclusive and accessible to persons with disabilities, and in these shelters reasonable accommodation is not provided and privacy is not ensured. As a result, persons with disabilities are unable to go to shelters and are forced to live in their vehicles or homes in dangerous states. In addition, the Committee is concerned that since information related to welfare evacuation shelters is not publicized, they are not utilized at the time of a disaster.
- **The Committee recommends that the State Party make shelters inclusive and accessible to persons with disabilities as well as take effective national measures to ensure privacy. In addition, the Committee recommends that the State Party revise the "Guidelines for ensuring a good living environment in shelters" in accordance with international standards,**

including the Sphere Standards, with the participation of persons with disabilities. Furthermore, the Committee also recommends providing citizens with information related to welfare evacuation shelters during normal times.

5. Temporary housing

- The Committee is concerned that because temporary housing is not designed with universal design, persons with disabilities living there face numerous difficulties in everyday life.
- **The Committee recommends that the State Party take effective national measures to make temporary housing inclusive and accessible in accordance with the particular characteristics of each disability and make this the basic standard for temporary housing.**

6. The nuclear plant disaster in Fukushima

- The Committee is concerned that people were forced to repeatedly move between shelters during the Great East Japan Earthquake due to the nuclear plant disaster in Fukushima, and there were persons with disabilities who became physically weak and died from hypothermia or other reasons.
- **The Committee recommends that the State Party promptly establish a committee to discuss how persons with disabilities living near nuclear power plants in Japan can safely evacuate if a nuclear plant disaster occurs, and the committee include persons with disabilities who were affected in Fukushima by the Great East Japan Earthquake.**

7. Protecting persons with disabilities and ensuring their safety amidst the spread of COVID-19

- The Committee has the following concerns regarding the protection of persons with disabilities and the assurance of their safety in the State Party amidst the spread of COVID-19.
 - a. That there were several countries where patient priority was determined in a manner in which persons whose conditions worsened were unable to receive treatment in the name of triage due to disability, and that many persons with disabilities felt that their lives were in danger upon hearing reports that the national health care system could collapse.
 - b. That persons with disabilities with a fever or other symptoms who suspected infection were unable to be tested immediately, exponentially increasing the stress and anxiety of persons with disabilities in numerous settings, including in their personal lives, work and activities, and visiting support settings.
 - c. That there were cases of increased discrimination and prejudice due to the spread of the virus, such as welfare service offices and facilities that experienced mass infections being slandered by local residents.
 - d. That there were reports of DV during the stay-at-home period, and this poses the risk of the occurrence and exacerbation of DV and abuse toward persons with disabilities living with their families, especially toward women and children. Even during normal times, it is difficult for women with disabilities to access consultation centers, and even if they did, it is difficult for them to obtain the necessary protection and support; however, amidst the spread of COVID-19, they have been unable to receive help due to the additional factors such as staff shortages at consultation centers.
- **The Committee recommends that the State Party:**
 - a. **Work to increase awareness based on CRPD so that patient priority during infectious disease epidemics is not determined on the basis of disability, and sufficiently expand medical care systems and facilities so that medical care reaches persons with disabilities and all persons who need it.**
 - b. **Establish a testing system where persons with disabilities, their families, and their assistants can be tested quickly if they are suspected of being infected.**
 - c. **Take measures, including enhancing awareness as well as providing counseling and support, in order to protect persons with disabilities from discrimination and prejudice during the spread of COVID-19.**
 - d. **Take effective measures to prevent the occurrence and exacerbation of all forms of violence and abuse toward women, children, and other persons with disabilities even when going outside is restricted due to COVID-19; and provide reasonable accommodation as well as counseling and evacuation facilities.**

8. Accessibility and reasonable accommodation related to information amidst the spread of COVID-19

- The Committee has the following concerns with regard to accessibility and reasonable accommodation related to information amidst the spread of COVID-19.

- a. That there are cases in which telephone numbers are the only contact information provided for COVID-19 consultation centers, public health centers, medical institutions, and other cases in which various information such as that from the national and local governments, business owners, and mass media are not accessible, and that there are cases in which there is a lack of reasonable accommodation related to information.
 - b. That it is difficult to use communication support services based on the Act on Comprehensive Support for Persons with Disabilities, including note-taking/captioning, sign language interpretation, and interpreter-guides for persons with deafblindness, because there is often close contact with interpreters amidst the spread of COVID-19. Since these services were developed based on face-to-face communication, they cannot always be used with remote conference systems and remote sign language interpreting services. This results in cases in which persons with disabilities are isolated or deprived of opportunities to participate in society or gather together.
 - **The Committee recommends that the State Party:**
 - a. **Ensure that information from the national and local governments, mass media, and business owners related to COVID-19, including online information, is provided in a manner that is accessible to all persons with disabilities, and that appropriate measures are taken so that reasonable accommodation is ensured and communication is guaranteed with regard to the provision of information related to COVID-19.**
 - b. **Take effective measures so that communication support services based on the Act on Comprehensive Support for Persons with Disabilities can be used even amidst the spread of COVID-19 so that persons with disabilities are not set back in terms of participation in society. Ensure that communication support services can be used with remote conference systems and remote sign language interpreting services.**
- 9. Ensuring local community support services (including personal assistance) amidst the spread of COVID-19**
- The Committee has the following concerns with regard to ensuring local community support services (including personal assistance) amidst the spread of COVID-19.
 - a. That a lack of infection-prevention supplies and equipment, including disinfectants and personal protective equipment such as face masks (including transparent face masks), face shields, and protective clothing, forced support to be provided without ensuring the safety of persons with disabilities and their assistants, forced service providers to close and discouraged the use of support.
 - b. That, due to infection-prevention measures, there was a substantial decline in the use of support by persons with disabilities and a deterioration in the financial conditions of service providers that provide community living support to persons with disabilities.
 - **The Committee recommends that the State Party:**
 - a. **Retain a sufficient stock of infection-prevention supplies and equipment, including disinfectants and personal protective equipment such as face masks (including transparent face masks), face shields, and protective clothing so that persons with disabilities can receive necessary support with a sense of security even amidst the spread of an infectious disease; and ensure that these are available to persons with disabilities, their families, and service providers that need them. Take into account in such situations, that there are persons with disabilities who are highly likely to become infected or spread infection when coming into contact with assistants such as care givers and interpreters, and those whose conditions are susceptible to worsening if infected.**
 - b. **Compensate service providers for losses in revenue experienced due to COVID-19 to match what their expected revenue would be if not for COVID-19, so as to prevent setbacks in the provision of local community support services to persons with disabilities.**
- 10. Income compensation amidst the spread of COVID-19**
- The Committee has the following concerns with regard to the income of persons with disabilities amidst the spread of COVID-19.
 - a. That there has been a sharp decline in the recruitment activities by companies from the perspective of infection prevention, making it difficult for persons with disabilities to gain new employment. That there even persons with disabilities who are employed will lose their income due to layoff or termination of employment.
 - b. That persons with disabilities who are self-employed and engaged in work where contact with persons cannot be avoided, such as to administer massages, acupuncture, and moxibustion are unable to work from the perspective of infection prevention and are losing income.

- c. That persons with disabilities who work in welfare employment settings have lost their jobs due to reduced economic activity and it is difficult to ensure their wages and salaries.
- d. That although the national government has set forth economic measures such as special cash payments of JPY 100,000 per person, people are expected to complete and submit an application form, and there are people with disabilities who cannot receive the payment due to the inability to read, understand, or complete the form.
- **The Committee recommends that the State Party:**
 - a. **Take effective measures to fully protect the employment of persons with disabilities amidst the spread of COVID-19, even as companies are facing economic conditions of unprecedented severity.**
 - b. **Take effective measures to compensate the income of self-employed persons with disabilities who have lost work amidst the spread of COVID-19.**
 - c. **Take effective measures to compensate the income of persons with disabilities who work in welfare employment settings, where it is difficult to ensure wages and salaries amidst the spread of COVID-19.**
 - d. **With regard to economic measures taken in response to the spread of COVID-19, such as special cash payments, provide appropriate information and support in accordance with the particular characteristics of each disability at all stages from application to payment to ensure that there are no persons with disabilities who are unable to receive the payments.**

Article 12 Equal recognition before the law

- 1. Abolition of the adult guardianship system and provisions establishing the incapacity to sue**
 - The Committee is concerned that there are laws that restrict the equality of persons with disabilities before the law.
 - **The Committee recommends that the State Party eliminate laws that restrict the equality of persons with disabilities before the law by amending the Civil Code to abolish the adult guardianship system and amending the Code of Civil Procedure to abolish provisions establishing the incapacity to sue.**
- 2. Shift to supported decision-making**
 - The Committee is concerned that the support persons with disabilities may require in exercising legal capacity is insufficient, and that the support system allows intervention based on best interests in the name of support for decision-making under guidelines such as the “Guidelines for Support for Decision-Making Relating to the Provision of Welfare Services for Persons with Disabilities” prepared by the Ministry of Health, Labour and Welfare.
 - **The Committee recommends that the State Party eliminate provisions regarding intervention based on best interests from “Guidelines for Support for Decision-Making Relating to the Provision of Welfare Services for Persons with Disabilities” and shift to a system that provides persons with disabilities the support needed when exercising legal capacity based on their own will and preferences in order to shift from substitute decision-making to supported decision-making.**
- 3. Measures to raise the awareness of related professionals**
 - The Committee is concerned that there are insufficient measures to raise the awareness of administrative officers including police officers, judicial officials, and professionals with regard to the right of persons with disabilities to receive equal recognition before the law and to receive support for decision-making.
 - **The Committee recommends to the State Party that administrative officers including police officers, judicial officials, and professionals are trained by instructors, that include persons with disabilities, in order to raise their awareness with regard to the right of persons with disabilities to receive equal recognition before the law and to receive support for decision-making in accordance with General Comment No. 1 of the Committee.**

(*) Please refer to Articles 1-4 regarding disqualifying clauses.

Article 13 Access to justice

1. Establishing laws regarding procedural accommodations

- The Committee is concerned that, in the event that a person with a disability becomes the subject of or is otherwise involved in criminal case procedures or the equivalent (including as the victim), becomes a citizen judge as established in the law concerning participation of citizen judges in criminal trials, or becomes party to or is otherwise involved in civil, domestic, or administrative case procedures, related laws and regulations, including the Code of Criminal Procedure and the Code of Civil Procedure, contain no provisions that ensure diverse means of communication based on the particular characteristics of each disability, and no provisions that the individual be provided with materials related to the litigation in braille, digital form, a form that is easy to read, etc.
- **The Committee recommends that the State Party establish provisions in related laws and regulations, including the Code of Criminal Procedure and the Code of Civil Procedure, ensuring that, in the event that a person with a disability becomes the subject of or is otherwise involved in criminal case procedures or the equivalent (including as the victim), becomes a citizen judge as established in the law concerning participation of citizen judges in criminal trials, or becomes party to or is otherwise involved in civil, domestic, or administrative case procedures, (a) the individual is promptly provided with procedural accommodations based on the particular characteristics of each disability, which includes (i) diverse means of communication including sign language, (ii) materials related to the litigation in braille, digital form, or a form that is easy to read, and (b) there is no discriminatory treatment such as detention for psychiatric examination on the basis of intellectual or psychosocial disability.**
- The Committee is concerned that related laws and regulations do not contain provisions for providing information in an accessible manner to persons with disabilities observing trials.
- **The Committee recommends that the State Party establish legislation for providing information in an accessible manner to persons with disabilities observing trials.**

2. Ensuring accessibility in judicial procedures using information and communication technology (ICT)

- The Committee is concerned that the State Party has a system design that is insufficient for providing procedural accommodations to persons with disabilities when promoting the use of information and communication technology (ICT) in judicial procedures. Specifically, in accordance with the government's "Future Investment Strategy 2018," a "Study Group on IT Conversion in Court Procedures" was established to promote the introduction of IT in court procedures, etc., and a "Summary for IT Conversion in Court Procedures" was compiled on March 30, 2018. Attempts are being made to move ahead quickly with the introduction of IT in courts (e-Filing, e-Case Management, e-Court). Accordingly, exchanging of documents using PDF files is to become standard, posing the risk that involved parties with visual and hearing disabilities in particular will be prevented from participating in court procedures.
- **The Committee recommends that, when promoting the use of information and communication technology (ICT) in judicial procedures, the State Party make the information and communication systems used in judicial procedures accessible to all persons with disabilities in order to ensure effective access to justice for persons with disabilities by providing them with procedural accommodations. This includes the following.**
 - a. **Ensuring that forms sent and received online by litigants and text-based data managed by the court are formatted in a manner that is accessible to persons with visual disabilities, deafblindness, etc.**
 - b. **Designing online video conference systems used during court procedures, etc. in a manner that can be operated by persons with visual disabilities, deafblindness, etc.**
 - c. **Ensuring that persons who are deaf or hard of hearing can use their desired communication method, such as sign language or captions, when conducting court procedures, etc. with an online video conference system.**
 - d. **Updating related legislation concerning court procedures, including the Code of Civil Procedure and the Code of Criminal Procedure, in order to ensure (a) through (c) above.**

3. Training

- The Committee is concerned that there is insufficient training for attorneys, court officials, court judges, public prosecutors, police officers, prison officers, and other law enforcement officials.

- **The Committee recommends that the State Party make it mandatory for attorneys, court officials, court judges, public prosecutors, police officers, prison officers, and other law enforcement officials to receive training on the human rights of persons with disabilities based on the CRPD and the provision of adequate procedural accommodations, and that it conducts this training regularly.**

Article 14 Liberty and security of person

- 1. Revision of the law to abolish involuntary hospitalization and activity restrictions on the basis of disability**
 - The Committee is concerned that there are laws that allow psychiatric hospitals to impose involuntary civil commitment and activity restrictions on persons with psychosocial disabilities, and that liberty and security of person is being threatened for a large number of persons, with approximately 180,000 reported involuntary hospitalizations for medical care and protection in FY2018 (from April 2018 to March 2019) and approximately 1,500 involuntary hospitalized patients as of the end of FY2018.
 - **The Committee recommends that the State Party revise the law to abolish the involuntary hospitalization system that deprives liberty of person on the basis of disability or other cases in accordance with Articles 28 and 33 of the Act on Mental Health and Welfare for the Mentally Disabled, and to abolish activity restrictions on the basis of disability and other requirements in accordance with Article 37 of the same law.**

- 2. Establishment of guidelines and plans for abolishing involuntary hospitalization and activity restrictions**
 - In involuntary hospitalization systems where patients with psychosocial disabilities can be admitted with their consent, voluntary discharge procedures are not recognized, with discharge being determined by the psychiatric hospital administrator. In addition, it has been pointed out that approximately 172,000 patients are admitted for a long-term hospitalization of one year or longer, of which at least 1,773 are admitted for 50 years or more. The Committee is concerned that persons with psychosocial disabilities, that cover intellectual disabilities, and dementia as well, are left unable to be discharged from psychiatric hospitals for long periods due to the involuntary hospitalization system and activity restrictions established in the Act on Mental Health and Welfare for the Mentally Disabled.
 - **The Committee recommends that the State Party address this by establishing guidelines and plans to end the state of affairs in which persons with psychosocial disabilities can be admitted to psychiatric hospitals without their consent and have their activities restricted.**

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

1. **Forced treatment under the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity (iryō kansatsu hō)**

- The Committee is concerned that the State Party has a law that forces persons who have caused serious cases against others under the condition of “insanity” to undergo humiliating or degrading hospitalization or hospital visits without their consent on the grounds of preventing a second offence.
- **The Committee recommends that the State Party begin considering the abolition of the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity (iryō kansatsu hō).**

2. **Non-consensual medical care**

- The Committee is concerned that invasive medical treatment and forced treatment by drug administration and modified electroconvulsive therapy (m-ECT), which have been administered without the consent of children and persons with disabilities, are conducted within the State Party.
- **The Committee recommends that the State Party prohibit non-consensual invasive medical treatment and forced treatment by drug administration and m-ECT, investigate the violation of the rights of persons with intellectual and psychosocial disabilities who have been hospitalized for long periods or received forced treatment, and establish an independent monitoring system to remedy the situation.**

(*) Please refer to Articles 17 regarding the issue of forced sterilization.

Article 16 Freedom from exploitation, violence, and abuse

1. **Revision of the Persons with Disabilities Abuse Prevention Act**

- The Committee is concerned that the scope of reporting obligation under the “Act on Prevention of Maltreatment of Persons with Disabilities and Support for Attendants of Persons with Disabilities” is limited to attendants(caregivers), employers, and welfare facility employees, with medical care institutions, educational institutions, and public agencies not being subject to a reporting obligation, so that abuse toward persons with disabilities in these entities is not reported.
- **The Committee recommends that the State Party begin considering revising the “Act on Prevention of Maltreatment of Persons with Disabilities and Support for Attendants of Persons with Disabilities” to make all institutions, including medical institutions, educational institutions, and public agencies, subject to reporting obligations.**

2. **Efforts to prevent and remedy abuse toward persons with disabilities**

- The Committee is concerned that, regardless of the enactment of the “Act on Prevention of Maltreatment of Persons with Disabilities and Support for Attendants of Persons with Disabilities,” there continues to be cases of serious abuse toward persons with disabilities, and since there is no effective remedy system, investigative body, or training system, persons with disabilities are not sufficiently protected from abuse.
- **The Committee recommends that the State Party establish effective systems, including an independent investigative body, a remedy system, and the implementation of training.**

3. **Punishment for sexual abuse and sexual violence toward persons with disabilities**

- The Committee is concerned that, although there are cases in which minors with disabilities become victims of sexual violence from relatives, school teachers and/or other staff, in a dominant position or relationship to the individual, there is no preventative legislation against this.
- **The Committee recommends establishing laws with a preventative effect against sexual violence toward all persons with disabilities, especially women and children with disabilities, including amending laws, such as relaxing the requirements for “inability to resist” in Article 178 of the Penal Code.**

4. **Judicial interviews**

- The Committee is concerned that, in the event that a minor with a disability becomes victim to sexual violence, no interview/hearing method that takes into account the particular characteristics of each disability has been established in order to reduce psychological burden and ensures the reliability of testimony.
- **The Committee recommends establishing and widely disseminating an interview/hearing method that takes into account the particular characteristics of each disability has been established in order to reduce psychological burden and ensures the reliability of testimony.**

5. **Participation of persons with disabilities in investigative processes, including the “Study Group on Criminal Law Related to Sexual Crimes”**

- The Committee is concerned that no persons with disabilities are participating in the “Study Group on Criminal Law Related to Sexual Crimes” established by the Ministry of Justice in April 2020 with regard to sexual crimes against children and persons with disabilities.
- **The Committee recommends that the State Party ensures persons with disabilities and related persons participate in the “Study Group on Criminal Law Related to Sexual Crimes” conducted by the Ministry of Justice with regard to sexual crimes exploiting disabilities, so that it is possible to take effective measures to prevent sexual crimes against persons with disabilities.**

Article 17 Protecting the integrity of the person

1. Forced sterilization under the former Eugenic Protection Law (1948-1996)

- The Committee notes that the “Act on the Provision of Lump-sum Compensation to Persons Who Received Eugenic Surgery, under the Former Eugenic Protection Law (1948-1996)” (hereinafter, the “Lump-sum Payment Act”) was enacted and went into effect. However, the Committee is concerned that the following issues have been reported.
 - a. That the lump-sum payment provided to victims is low.
 - b. That the apologizing subject in the Lump-sum Payment Act is “we,” and there is no clear apology from the state.
 - c. That the Lump-sum Payment Act does not provide sufficient considerations to [1] persons who are unable to claim payment because they do not know that they have suffered damage due to being deceived or not receiving sufficient explanation, [2] persons who do not know that they can request payment due to an intellectual disability, etc., and [3] persons who do not know how to request payment.
 - d. That the period for applying for lump-sum payment is limited to five years.
 - e. That, in the event that a married victim of sterilization dies before lump-sum payment is requested, the surviving spouse cannot apply for lump-sum payment.
- **The Committee recommends that the State Party include representatives from organizations of persons with disabilities in considerations regarding a method for requesting lump-sum payment that takes into account persons who unknowingly received surgery and persons who require communication support or sign language interpretation, and that it take measures to extend the application period.**

2. Investigation, verification, and measures related to forced sterilization

- The Committee is concerned that, even after the former Eugenic Protection Law was amended to the Maternal Health Act in 1996, persons with disabilities continue to receive forced sterilization, hysterectomies, etc.
- **The Committee recommends to the State Party that the actual conditions of the performance of forced sterilization, hysterectomies, etc. on persons with disabilities are investigated and verified by an independent third-party committee that includes representatives from organizations of persons with disabilities; and that necessary measures are taken to prevent recurrence, including the education, awareness-raising, and training of related education, medical, and welfare support specialists.**

3. Elimination of the time limit for filing a lawsuit related to the forced sterilization of persons with disabilities

- The Committee is concerned that, although illegality was recognized in litigation against forced sterilization on the basis of disability ^(*1), compensation was not allowed due to expiration of the statute of limitations ^(*2), causing a large number of persons with disabilities to abandon litigation.
- **The Committee recommends that, in the event that a person with a disability files a suit for forced sterilization, etc. on the basis of disability, including a claim on national compensation, the State Party take the necessary measures to prevent the application of the provisions of the statute of limitations or extinctive prescription when determining whether or not to recognize the individual’s right to compensation.**

(*1) International community has recognized the non-consensual sterilization of a person with a disability as a form of torture due to being a cruel, inhuman act that denigrates the individual. (OHCHR, UN Women, UNAIDS, UNDP, UNFPA, UNICEF, WHO, 2014, Eliminating forced, coercive and otherwise involuntary sterilization.)

(*2) The Committee Against Torture has twice recommended that statutes of limitations should not be applied in cases of litigation against torture. (CAT/C/JPN/CO/1, 3 August 2007) (CAT/C/JPN/CO/2, 28 June 2013)

Article 18 Liberty of movement and nationality

1. Immigration and emigration

- The Committee is concerned that, with regard to the provisions of Article 5 (Denial of Landing), Paragraph 2 of the Immigration Control and Refugee Recognition Act (“A person who, due to a mental disability, is constantly unable to understand right from wrong or whose capacity for such understanding is significantly lacking, and is not accompanied by those persons...to assist him or her”), the provisions “due to mental disability,” “is... unable to understand right from wrong,” or “whose capacity for such understanding is significantly lacking” specify “mental disability,” allowing denial of entry or exit to persons with psychosocial disabilities on the basis of disability.
- **The Committee recommends that the State Party revise the phrase “due to 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 disabilities, which cover intellectual disabilities as well.**

2. Reasonable accommodation for immigrant and permanent resident foreign nationals with disabilities

- The Committee is concerned that there is a lack of accessibility and reasonable accommodation for foreign nationals with disabilities who cannot read Japanese. For example, although there are some brochures in foreign languages for general residents, brochures on welfare systems for persons with disabilities are sometimes only provided in Japanese. In addition, it is necessary to ensure accessibility and reasonable accommodation for foreign nationals in their native language and sign language videos to help them understand not just welfare systems for persons with disabilities but also information on daily life in general. However, it has been reported that this type of accessibility and reasonable accommodation are not provided, leaving persons with disabilities likely to suffer more disadvantages than persons without disabilities when entering or leaving the country or when moving for the purposes of immigration or permanent residency.
- **The Committee recommends that the State Party ensure accessibility and methods of communication related to entering and leaving the country, immigration, and permanent residency based on the particular characteristics of each disability as reasonable accommodation to foreign nationals with disabilities entering or leaving the country, including those who will immigrate to or reside permanently in Japan, and to foreign nationals with disabilities who cannot read Japanese.**

Article 19 Living independently and being included in the community

- 1. Absence of laws regarding the right to live in a community as well as transition to the community**
 - The Committee is concerned that there are no laws that specify the rights of persons with disabilities to live inclusive, independent lives in the community or laws that promote “transition to the community,” and that transition to the community programs and community settlement support are not being conducted as policies with focused budget allocation measures.
 - **The Committee recommends that the State Party specify the “right to live in communities” and “transition to the community” in the Basic Act for Persons with Disabilities, the Act on Comprehensive Support for Persons with Disabilities, and the Mental Health and Welfare Act as well as implement these as policies with focused budget allocation measures in order to ensure independent living and community inclusion for persons with disabilities.**

- 2. Transition to the community from residential institutions**
 - The Committee has the following concerns regarding the lack of progress in transition to the community in light of a shortage of social resources, including places to live in communities due to policies that presuppose dependence on family, and the lack of such resources being supplemented by residential institutions.
 - a. That approximately 120,000 persons with intellectual disabilities and approximately 73,000 persons with physical disabilities currently live in residential institutions, and the number of residents in such institutions was only reduced by 8,000 persons with intellectual disabilities (6%) and 14,000 persons with physical disabilities (16%) in the ten-year period leading up to 2015. There has been no progress in transition to the community from residential institutions or parental homes, with the number of persons on waiting lists to enter residential institutions assumed to exceed the number of persons leaving institutions, and not all persons with disabilities are able to exercise the right to choose where and with whom they live.
 - b. That the Basic Guidelines for the 4th Welfare Service Plan published by the Ministry of Health, Labour and Welfare (April 2015 to March 2018) set a target of at least 12% of the 132,000 persons living at residential institutions (as of the end of March 2014) transitioning to community living in the four-year period leading up to the end of March 2018, but only 5.8% have actually transitioned to community living. As a result, the target was lowered to 9% in the 5th Basic Guidelines (April 2018 to March 2021) and further lowered to 6% in the 6th Basic Guidelines (April 2021 to March 2024), and no effective strategy for transition to the community has been implemented.
 - c. That even seven years later in April 2019, only 677 people nationwide had used “transition to the community support” services under the Act on Comprehensive Support for Persons with Disabilities, showing that effective measures for transition to the community are not being taken.
 - d. That, while the transition from residential institutions to places such as group homes is advancing to some extent, there is an absolute insufficiency in the total number of places to live. Besides residential institutions and group homes, there is an overwhelming number of persons living with parental family and only a small percentage living alone or otherwise living independently; persons with disabilities continue to be unable to exercise the right to choose for themselves where and with whom they live on an equal basis with persons without disabilities.
 - e. That approximately 2,000 persons with severe disabilities with a neuromuscular disease (NMD) that require medical care are forced to live in muscular dystrophy wards of the National Hospital Organization (former national sanatoriums) since their community has no system for providing medical care. A large number of persons with psychosocial disabilities, including dementia, and persons with other disabilities are forced to be hospitalized in long-term care beds and general beds under the Medical Care Act.
 - **The Committee recommends that the State Party:**
 - a. **Establish a community strategy to explicitly state goals and deadlines for systematically developing new social resources necessary for persons with disabilities to engage in community living and make the strategy a part of the Act on Comprehensive Support for Persons with Disabilities. Enhance the practicality and effectiveness of transition to the community based on the community strategy by establishing new individual plans (including support for decision-making and empowerment) regarding transition to the community that center on each individual person who is institutionalized or hospitalized long-term. Ensure that the community strategy include plans for the provision of resources to residential institutions and hospitals, and their staff, in their new roles and places of work, as they shift to community services. The implementation of the above plans should**

include the provision of (i) information on transition to community-living for persons with disabilities living in parental homes or in residential institutions or in hospitals, and (ii) support for decision-making in accordance with the provisions of Article 12 of the Convention and General Comment No. 1, (iii) housing, and (iv) family support.

- b. Understand the actual conditions of the independent living of persons with disabilities in the community, such as lifestyles other than living with parents or siblings or in group homes, for example, living alone; understand and take necessary measures with regard to the actual conditions of the multiple difficulties of community living faced by women with disabilities.
- 3. The problems of long-term psychiatric hospitalization; stagnant transition to the community**
- The Committee has the following concerns with regard to the problems of long-term psychiatric hospitalization and the stagnation in transition to the community.
 - a. That the average number of days spent in psychiatric hospitals in Japan is one of the highest in the world at 265.8 days, approximately 60% of patients are hospitalized for one year or longer, and approximately 20% are hospitalized for ten years or longer, showing that no progress is being made in the transition to the community from psychiatric hospitals.
 - b. That there were 358,000 psychiatric hospital beds in Japan 1999, 330,000 of which still existed 19 years later in 2018, accounting for over 20% of the 1,250,000 psychiatric hospital beds in the entire world. That at least 90% of psychiatric hospitals are privately operated, and the management of private hospitals has taken precedence over fundamental revisions of the system to restore the rights of persons with psychosocial disabilities. That despite the formulation of the Vision for Reforming Mental Health Care and Welfare in 2004, which found that there were approximately 72,000 social hospitalization patients who could be discharged if the community was ready, for them, and its aim to reduce the number of such patients to zero in ten years, less than 20,000 people had transitioned to the community in ten years.
 - c. That the State Party's policy for the discharge and transition to the community of long-term inpatients with psychosocial disabilities in psychiatric hospitals deems approximately 70% of long-term inpatients as "severe and chronic" and establishes that these individuals need not be discharged due to requiring medical care. Furthermore, that transition to the community is stagnant due to the system being designed in such a manner that only 10% of these individuals can be discharged and transitioned to the community if they were no longer deemed "severe and chronic."
 - **The Committee recommends that the State Party shift from the allocations of budgets and resources that overemphasize medical care to those that enhance community welfare services, and propose and implement effective transition to the community and community inclusion strategies that include the reduction of hospital beds, in order to eliminate social hospitalization and to enable all persons with psychosocial disabilities hospitalized in psychiatric hospitals to live in the community. Furthermore, the implementation of the above strategy should include the provision of (i) information on transition to community-living for persons with disabilities living in parental homes or in residential institutions or in hospitals, and (ii) support for decision-making in accordance with the provisions of Article 12 of the Convention and General Comment No. 1, (iii) housing, and (iv) family support.**
 - The Committee is concerned about reports that persons with psychosocial disabilities, including dementia, are being admitted into institutions and psychiatric hospitals without confirming their will.
 - **The Committee recommends that the State Party conduct a fact-finding investigation by interviewing individuals on the abolition of the system of involuntary hospitalization for persons with psychosocial disabilities, including dementia, and the extent to which their own wills were respected when they were admitted to resident institutions or psychiatric hospitals.**

Table 1: Number of inpatients in psychiatric departments by length of hospitalization

Total number	Length of hospitalization								
	Less than 1 month	1 month or more but less than 3 months	3 months or more but less than 6 months	6 months or more but less than 1 year	1 year or more but less than 5 years	5 years or more but less than 10 years	10 years or more but less than 20 years	20 years or more	Unknown
280,815	26,828	20,014	29,487	32,179	80,941	38,111	28,857	23,765	633

4. Insufficient community support services and problems relating to such support

- The Committee has the following concerns regarding insufficient community support services under the Act on Comprehensive Support for Persons with Disabilities and problems relating to such support.
 - a. That grant decisions for welfare services are conducted by municipal governments, and the amount of services is often limited by municipal governments as they try to avoid fiscal burdens. That there is also a gap between local governments in the number of service providers. Because of these, there are many regions where sufficient public services necessary for persons with disabilities to live in the community are not being provided. That, in addition, although there are assessment mechanisms in place for grant decisions for welfare services, such as disability support classifications and service use plan proposals, the actual grant decisions are greatly affected by disability support classifications based on the medical model.
 - b. That there is insufficient social protection and support for persons with disabilities who are discharged from institutions and hospitals. For example, “home-visit care for persons with severe disabilities,” the system among those currently in place that is closest to a personal assistance service, is mostly available for persons with physical disabilities and available to only a small percentage of persons with severe intellectual or psychosocial disabilities. That, in addition, there are limits on the use of this service for “commuting to/from or while at work,” “commuting to/from or while at school,” and “driving of a car by a personal assistant,” as well as for participating in politics or in religious, social, or leisure activities, and these are factors that prevent participation in society and community life of persons with disabilities.
 - c. That, although the number of community living support services that are mandatory for municipal governments have doubled from five to ten from 2006 to 2020, the national government’s budget has only increased by a small amount, and the national government’s and prefectural governments’ annual budgets for these services is extremely insufficient. Furthermore, that it is held that the national government and prefectural governments “may subsidize” up to 50% and 25%, respectively, of support service expenses “within the scope of their budgets” to municipal governments, and municipal governments must bear the entire cost alone if there are deficiencies in the national or prefectural government budgets. That municipal governments with small fiscal scales are refraining from providing the communication support and transition support services, both of which are mandatory community living support services, resulting in the widening of regional gaps.
 - d. That there is a shortage of assistants (including personal assistants) and support persons in welfare services overall, which is impeding the community life of persons with disabilities.
- **The Committee recommends that the State Party:**
 - a. **Revise the mechanisms under the current health and welfare services for persons with disabilities that limit the use of services based on the type and degree of disability and the existence of family members and housemates. Shift to mechanisms based on the social model/human rights model, which respect the needs of persons with disabilities and determine the provision and amount of services according to their needs in daily and social life.**
 - b. **Eliminate the legislative and operational restrictions on home-visit care for persons with severe disabilities that prevent persons with disabilities from participating in society on an equal basis with others.**
 - c. **Ensure the necessary budget to eliminate gaps between local governments in the implementation of community living support services.**
 - d. **Take effective measures to eliminate the shortage of human resources in welfare services.**

Article 20 Personal mobility

1. **Obligation to provide accessibility**

- The Committee is concerned that accessibility is not defined in legislation as a precondition for liberty of movement, and that no progress is being made in the provision of accessibility in regions outside of major cities.
- **The Committee recommends that the State Party specify in related legislation, including The Basic Act for Persons with Disabilities and The Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc. (hereinafter “the Barrier-Free Law”), that accessibility with assurance of safety is a precondition for persons with disabilities to live independently, fully, equally participate in society, and that the obligation to provide accessibility is unconditional; additionally, that the State Party establish a development plan with a deadline to guarantee liberty of mobility to persons with disabilities in all regions.**

2. **Elimination of restrictions on purpose of use**

- The Committee is concerned that the systems that allow the mobility of persons with disabilities (home-visit care for persons with severe disabilities, accompanying support, activity support, assistance for hospital visits, transportation support for community living support services) have restrictions that do not allow them to be used for purposes such as commuting to and from work or school, or being used all year long or over a long period, depriving persons with disabilities of the opportunity to work, learn, etc.
- **The Committee recommends that the State Party eliminate the restrictions from the Act on Comprehensive Support for Persons with Disabilities that do not allow home-visit care for persons with severe disabilities, accompanying support, activity support, assistance for hospital visits, transportation support for community living support services to be used for purposes such as commuting to and from work or school, or being used all year long or over a long period.**

(*) Home-visit care for persons with severe disabilities refers to overall life support, including transportation for persons with severe psychosocial, intellectual, and orthopedic disabilities. Accompanying support refers to transportation support for persons with visual disabilities and deafblindness. Activity support refers to transportation support for persons with severe intellectual or psychosocial disabilities. Transportation support for community living support services refers to transportation support for persons with mild to moderate disabilities.

(*) Statements with the same intent exist in Articles 19, 27, and 29.

3. **Elimination of restrictions on number of hours that services can be used**

- The Committee is concerned that, despite the needs of users, activity support is limited to eight hours per day, that there are also restrictions on the number of hours that accompanying support and transportation support for community living support services can be used, that grant decisions are not made according to need, and that sufficient time is not ensured for persons with disabilities to go about their social lives. The Committee is also concerned that in addition, only 91% of local governments provide transportation support for community living support services (as of March 2017), so that not all persons with disabilities are able to use this.
- **The Committee recommends that the State Party:**
 - a. **Eliminate the restrictions on the number of hours that activity support, accompanying support, and transportation support for community living support services may be used.**
 - b. **Have all local governments implement transportation support for community living support services.**
 - c. **Establish standardized implementation guidelines at the national level and work to ensure that there are no municipal governments that restrict the number of hours or fail to implement these services.**

4. **Refusal of wheelchair users by universal design taxis**

- The Committee is concerned that taxis that meet the Universal Design Taxi Certification Requirements established by the Ministry of Land, Infrastructure, Transport and Tourism are frequently refusing wheelchair users.
- **The Committee recommends that the State Party analyze the factors behind the refusal of wheelchair users by universal design taxis as well as thoroughly train drivers on the boarding and alighting process in order to eliminate such refusal, that it revise the Universal Design Taxi Certification Requirements to shorten the work process and ensure sufficient interior space, and that it urge manufacturers to develop new vehicles.**

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

1. Information accessibility legislation

- The Committee is concerned that there are no systematic domestic laws or measures that guarantee information accessibility and communication to persons with disabilities, and as a result, information and communication (including information and communication equipment as well as information and communications systems) are not accessible to persons with disabilities and they are frequently denied the right to freedom of expression.

In addition, the Committee is concerned that equipment is being developed that cannot be used by persons with disabilities because guidelines related to information accessibility and JIS standards have no legal force; that inaccessible websites and television programs that do not provide audio descriptions, sign language interpretation, or captions are being produced; and that these are prevalent.

- **The Committee recommends that the State Party develop specific legislation to guarantee information accessibility and communication for persons with disabilities, and that this legislation provide for such things as legal force, monitoring and sanctions, and the participation of persons with disabilities.**

2. Information provision by public organizations, information at public facilities, and communication

- The Committee is concerned that various documents published by central and local administrations, legislative institutions, and judicial institutions do not provide sufficient information in diverse media such as braille, audio, Easy Read formats, and large print. In addition, the Committee is concerned that various public facilities do not sufficiently provide information and ensure communication in forms such as braille, audio, large print, captions, and sign language interpretation.

- **The Committee recommends to the State Party that appropriate measures be taken to ensure that (i) the various documents and services provided by central and local administrations, legislative institutions, and judicial institutions as well as (ii) public facilities provide information and ensure communication in forms that are accessible to all persons with disabilities.**

3. Expansion of full-time employment for sign language interpreters, note-takers/captioners, etc.

- The Committee is concerned that there is insufficient training for sign language interpreters, note-takers/captioners, braille transcribers, readers and DAISY editors; that the certification system for these jobs is insufficient; that full-time employment for these jobs is extremely low and stagnant; and that this is interfering with the rights of persons with disabilities in everyday life and at the time of a disaster.

- **The Committee recommends that the State Party:**

- Enhance the training (development) of sign language interpreters, establish national certifications, and expand full-time employment for sign language interpreters who are highly knowledgeable and skilled in various specialized fields.**
- Develop note-takers/captioners, etc., develop public certifications to enhance their quality and number, and expand their full-time employment.**
- Implement specific measures to further improve the quality of interpreter-guides for persons with deafblindness, while sufficiently taking into consideration the diversity of persons with deafblindness and the individualized nature of support.**
- Make the training (development) of braille transcribers, readers and DAISY editors a mandatory service, specifically by enhancing their developments in various specialized fields, establishing a mechanism by which they receive fair compensation, and guaranteeing their status.**

4. Restrictions on the use of “communication support”

- The Committee is concerned that “communication support”, including sign language interpretation and note-taking/captioning, under the Act on Comprehensive Support for Persons with Disabilities is restricted by purpose of use, the number of hours it can be used, and the areas in which it can be used, and that there are gaps between local governments.

- **The Committee recommends that the State Party eliminate from the Act on Comprehensive Support for Persons with Disabilities the restrictions on purpose of use, number of hours, and usage area of communication support, and make “communication support”, including**

sign language interpretation and note-taking/captioning available according to the needs of persons with disabilities without gaps among local governments.

Article 22 Respect for privacy

- 1. Understanding of the actual conditions of, and measures for, privacy protection for persons with disabilities**
 - The Committee is concerned that the provisions such as those for “special care-required personal information” in the amended Personal Information Protection Act (2015) cannot be said to be widely known, and that no public investigations have been conducted to understand the actual conditions surrounding the violation of privacy of persons with disabilities in institutions and hospitals or the protection of their privacy by companies in the management of customer information.
 - **The Committee recommends that the State Party understand the actual conditions surrounding the violation of privacy of persons with disabilities in institutions and hospitals as well as the protection of the privacy of persons with disabilities by companies in the management of customer information, including attributes such as type of disability and gender, and implement necessary measures.**

- 2. Confidentiality and privacy protection by the private businesses sector and persons engaged in communication support**
 - The private businesses sector and persons engaged in the sector who are involved in communication support such as sign language interpreters, note-takers/captioners, and persons reading and writing for persons with visual disabilities are in a position to obtain the various personal information of persons with disabilities. In addition, detailed information on the physical and mental conditions and daily lives of persons with disabilities may be requested by the private businesses sector and persons engaged in the sector providing welfare services for the purpose of preparing service use plans, or by institutions making decisions regarding services for the purpose of preventing the illegitimate use of services other; however, it is frequently unclear to the user why such information is necessary. The Committee is concerned that confidentiality and the protection of privacy are not clearly provided for by law though there are guidelines established by service providers.
 - **The Committee recommends that the State Party establish explicit and comprehensive provisions in legislation regarding the confidentiality obligations of and privacy protection by private businesses sector and persons engaged in the sector who are involved in communication support and other services to persons with disabilities, and that it conduct training on the ideal method of collecting and managing personal information.**

- 3. Management of the personal information of persons with disabilities (My Number System)**
 - With the start of operations of the My Number System in 2016, the entry of a My Number (individual number) is required when applying for Physical Disability Certificate and Health and Welfare Certificate of Persons with Mental Disabilities, and even when applying for allowances and services for persons with disabilities. In addition, full-scale operation of information coordination between the My Number System, the Physical Disability Certificate, and the Health and Welfare Certificate of Persons with Mental Disabilities began in October 2018.

However, the Committee is concerned that it is unclear when, where, and how information regarding an individual’s disabilities that are linked to the My Number will be used, and that third parties who obtain such information will misuse it and treat individuals in a disadvantageous manner because of their disabilities.
 - **The Committee recommends that the State Party verify whether information regarding an individual’s disabilities, which in particular require privacy protection, is being protected under the My Number System and establish necessary measures.**

Article 23 Respect for home and the family

1. Discrimination in marriage and divorce

- The Committee is concerned that there are reports of opposition to the marriage of individuals with disabilities and their families, particularly those with hereditary diseases and disabilities, by those around them; that the percentage of persons with intellectual and psychosocial disabilities who are married is significantly low compared to persons without disabilities; and that there is a discriminatory provision with regard to the dissolution of marriage that establishes psychosocial disabilities as a condition of divorce (Article 770 Paragraph 1 item iv of the Civil Code).
- **The Committee recommends that the State Party take measures to understand and improve the actual conditions behind why the percentage of persons with disabilities who are married is significantly low, and that it remove all provisions of the law concerning family life, marriage, and divorce that are discriminatory against persons with disabilities, including Article 770 Paragraph 1 item iv of the Civil Code.**

2. The right to family life

- The Committee is concerned that sufficient measures have not been established to support parents with disabilities (including single parents) as well as parents raising children with disabilities and siblings of children with disabilities, resulting in the separation of children from their parents through admission to a children's home or a residential care facility for children with disabilities on the grounds of the parent's or child's disability.
- **The Committee recommends that the State Party provide support to children with disabilities and their parents and siblings as well as to parents with disabilities (including single parents) to ensure that they are able to exercise their rights and responsibilities related to the parent-child relationship on an equal basis with others, so as to prevent families from being separated on the grounds of disability.**

3. Lack of comprehensive support measures for persons with disabilities to form families and related data

- The Committee is concerned that in the State Party, which has a history of conducting forced sterilization on persons with disabilities under the former Eugenic Protection Law, the perspectives of guaranteeing the right to sexuality and reproductivity, the right to form a family, and the right to family life for persons with disabilities are not present in laws related to persons with disabilities such as the Basic Act for Persons with Disabilities or in measures such as the Basic Program for Persons with Disabilities. In addition, the Committee is concerned that there are reports that there is a lack of relevant statistics necessary to establish policies in health and medical care services as well as in education and welfare systems.
- **The Committee recommends that the State Party take all necessary measures, including the following matters, so that persons with disabilities can enjoy the right to sexuality and reproductivity, the right to form a family, and the right to family life.**
 - a. **Collection of relevant statistics and data regarding health and medical care services as well as the education and welfare systems, and implementation of aggregate analysis based on gender, etc.**
 - b. **Amendment of laws related to persons with disabilities, including the Basic Act for Persons with Disabilities.**
 - c. **Steps related to measures such as the Basic Program for Persons with Disabilities.**

4. Elimination of the interpretative declaration of Paragraph 4

- The Committee is concerned that the State Party's interpretative declaration of Article 23 Paragraph 4 of the CRPD does not specify the requirement that exception to the prohibition of separation from parents is allowed only when necessary for the best interests of the child, leaving the possibility that separation could be allowed even without the best interests of the child being considered in the case of deportation in accordance with the Immigration Control and Refugee Recognition Act.
- **The Committee recommends that the State Party eliminate the interpretative declaration of Paragraph 4.**

Article 24 Education

1. Policies to promote inclusive education

- The Committee has the following concerns regarding the promotion of inclusive education.
 - a. That indicators have not been developed and data has not been collected to monitor the progress of inclusive education as pointed out by the Commission on Policy for Persons with Disabilities in the Initial State Party Report from the Japanese government; for example, an accurate understanding has not been gained of the actual conditions of all children with disabilities in regular classes.
 - b. That there has been an increase in the number of children receiving education in separate environments from children without disabilities. For example, the total number of children in compulsory education is on a declining trend at 9.99 million, among which, as of May 2016, about 71,000 children (0.71%) attend special needs education schools (an increase of 1.3 times compared to 2005), about 218,000 children (2.18%) attend special needs education classes (an increase of 2.3 times compared to 2005), and about 98,000 children (0.98%) receive special support service in resource rooms in regular classes (an increase of 2.3 times compared to 2005). In addition, among the children with disabilities attending public elementary and junior high schools who fall under the categories defined in Article 22-3 of the Order for Enforcement of the School Education Act (May 1, 2017), 1,575 were enrolled in regular classes at elementary schools across Japan as of May 1, 2016; however, in 2017, this number declined to 1,444, and the percentage of such children compared to the total number of students also declined.
 - c. That the current mechanism for determining which schools children will attend does not make attending regular schools and classes in their communities standard, creating cases where children who wish to receive any kind of support or accommodation and their parents feel “pressure” to choose special needs schools and classes, and they have no choice but to give up on attending regular classes even if they wanted to do so.
- **The Committee recommends that the State Party take appropriate measures such as data collection to understand the situation of children with disabilities in compulsory education, with a view to realizing inclusive education that allows all children to attend regular schools in the communities in which they live in principle. In addition, the Committee recommends taking legislative and policy-based measures related to the elementary and junior high school systems in order to realize inclusive education. This includes the following:**
 - **Specify “disability” under the listing of discrimination in education that persons should not be subjected to in Article 4 Paragraph 1 (Equal Opportunity in Education) of the Basic Act on Education (amended in 2006).**
 - **Eliminate the restrictive “insofar as possible” provision from Article 16 (Education) of the Basic Act for Persons with Disabilities (amended in 2011).**
 - **Mandate the provision of reasonable accommodation in private schools under Article 8 of the Act for Eliminating Discrimination against Persons with Disabilities.**
 - **Amend Article 5 of the Order for Enforcement of the School Education Act to make it standard for children to attend regular schools and classes in their communities.**
 - **Amend Chapter 8 (Special Needs Education) of the School Education Act and Chapter 6 (Special Needs Education) of the Enforcement Regulations for the School Education Act to be consistent with the intent of Article 24 (Education) of the CRPD. Specifically, in Article 72 of the School Education Act, amend the provisions on the purpose of special needs education to reflect the social/human rights model rather than the medical model. Take the same measures for Article 81 Paragraph 1 and Article 140 of the same law.**
 - **Amend the Course of Study to specify inclusive education and reasonable accommodation.**

2. Basic environmental arrangements (accessibility) and reasonable accommodation

- The Committee has the following concerns regarding basic environmental arrangements (accessibility) and the provision of reasonable accommodation in compulsory education within the State Party.
 - a. That, with respect to the allocation of teachers in compulsory education, there are significant differences in systems and other aspects in regular classes at regular elementary and junior high schools in the community, special needs education classes, and special needs education schools, and there are significant differences in the provision of necessary support and reasonable accommodation depending on which school and classes a child attends.

- b. That there are serious problems with the quality of education due to insufficient basic environmental arrangements such as the lack of accessibility of school facilities and insufficient provision of reasonable accommodation. Meanwhile, special needs schools are also in a dire situation as their education conditions are unable to handle the rapid increase of students.
- c. That there are no systems to support allocation of teachers who specialize in children with disabilities to all elementary and junior high schools, and the allocation of specialists other than teachers has not been institutionalized.
- **The Committee recommends that the State Party:**
 - a. **Enhance the allocation of human, technical, and fiscal resources so as to realize inclusive education, the provision of reasonable accommodation, and basic environmental arrangements (accessibility).**
 - b. **Take measures to prevent refusal to provide “personalized support” and reasonable accommodation in all primary and secondary education, higher education, and lifelong learning.**
 - c. **Ensure the allocation and training of teachers so that persons with disabilities have access to appropriate support. This includes the following:**
 - **Amending the Educational Personnel Certification Law (adding the CRPD and inclusive education to general education curriculums)**
 - **Amending the Act on Standards for Class Formation and Fixed Number of School Personnel of Public Compulsory Education Schools**
 - **Amending the Act on Appropriate Location, Standards for Fixed Number of School Personnel and Other Matters Related to Public High Schools**

3. Sign language and education

- The Committee is concerned that, despite the fact that educating students and children who are deaf requires linguistic knowledge and skills relating to sign language, specialization in this field is on the decline due to the consolidation of special needs schools and teaching licenses, and that the opportunity to acquire sign language and an identity through sign language is not guaranteed due to the collapse of the group education environment resulting from the decline in the numbers of children and students.
- **The Committee recommends that the State Party make it possible for students who are deaf to acquire sign language and an identity by ensuring groups of individuals who use the same language, including introducing programs to acquire sign language in the Course of Study in all curriculums from primary to higher education.**

4. Guarantee of the right to education for persons with deafblindness

- The Committee is concerned that “deafblindness” is not positioned as a unique disability, and there are no special considerations for educating children with deafblindness that take into account that the condition of “deafblindness” differs from hearing and visual disabilities.
- **The Committee recommends that the State Party position “deafblindness” as a unique disability and develop a system that takes into consideration the characteristics and needs of “deafblindness” in the education of children with deafblindness as it differs from hearing and visual disabilities.**

5. High school

- The Committee has the following concerns regarding the high school education of students with disabilities.
 - a. That reasonable accommodation when selecting entrants for high schools is severely insufficient. In addition, there are reports of cases in which public high schools have refused to admit students for reasons such as being “unable to confirm the student’s will,” even when the number of applications was less than the capacity of the schools who would not normally have rejected any students.
 - b. That no support systems have been developed at high schools to enable students with disabilities to receive education according to the particular characteristics of their disabilities. There are reports of cases where private schools have refused to provide reasonable accommodation due to the fact that under the Act for Eliminating Discrimination against Persons with Disabilities, the private businesses sector only has an obligation to make efforts to provide reasonable accommodation.
- **The Committee recommends that the State Party:**
 - a. **Provide reasonable accommodation to all students with disabilities and prohibit their discriminatory treatment when selecting entrants for high schools to ensure that they**

receive equal opportunities as students without disabilities.

- b. **Ensure support systems that enable students with disabilities to receive a high school education according to the particular characteristics of their disabilities, and mandate the provision of reasonable accommodation by the private businesses sector in the Act for Eliminating Discrimination against Persons with Disabilities.**
- c. **Consider the inclusion of upper secondary education in compulsory education and a system to extend the years of learning according to the particular characteristics of each disability.**

6. University

- The Committee is concerned that provision of reasonable accommodation in entrance exams and after enrollment is left up to each university, resulting in frequent cases where students are unable to receive reasonable accommodation and an expanding gap in the quality and quantity of services for students with disabilities at each university.
- **The Committee recommends that the State Party:**
 - a. **Review the current state of the National Center Test for University Admissions so that reasonable accommodation during the test is based on the needs of each student with disabilities taking it. In addition, establish a system to provide reasonable accommodation to students with disabilities according to the type and particular characteristics of their disability when they use systems or mechanisms other than the National Center Test for University Admissions, for example, foreign language tests.**
 - b. **With respect to reasonable accommodation in entrance exams and after enrollment at each university, monitor the implementation status at each university on whether reasonable accommodation based on the needs of students with disabilities is being provided, and to establish necessary measures.**

Article 25 Health

1. Patient rights

- The Committee is concerned that no laws have been established that specify and guarantee patient rights (enactment of a basic act on medical care).
- **The Committee recommends that the State Party pass a basic act on medical care that specifies provisions concerning patient rights, establish effective guidelines, and revise other related legislation to be consistent with the basic act on medical care.**

2. Special status for psychiatric medical care

- The Committee is concerned that persons with intellectual and/or psychosocial disabilities are prevented from receiving the same safe medical care as others due to the fact that the Act on Mental Health and Welfare for the Mentally Disabled and psychiatric medical care have lower standards than general medical care (psychiatry exception), with separate medical systems focused on inpatient care.
- **The Committee recommends that the State Party dismantle systems that are specially separated from general medical care, including the Act on Mental Health and Welfare for the Mentally Disabled and the psychiatry exception, and establish a system that allows persons with disabilities to receive the same safe medical care as others in their communities without being forced into hospital admission.**

3. Bearing of medical expense

- The Committee is concerned that medical expense subsidies for persons with disabilities are limited to persons with severe impairments. In particular, the Committee is concerned that patients with intractable diseases with mild symptoms are not eligible for subsidies under the “Act on Medical Care and Social Supports for Patients with Intractable/Rare Diseases,” even if they require continuous treatment.
- **The Committee recommends that the State Party establish a mechanism of medical expense subsidy that can be received depending on the person’s capacity to cover the costs for all persons with disabilities and intractable diseases, regardless of the degree of their disability or the degree of symptoms of the intractable disease.**

4. Medical checkups and follow-ups according to life stage

- The Committee is concerned that high quality health examinations including hearing tests are not implemented according to the life stage, from newborn and school age to adulthood, leading to inadequate medical care; and information on medical care and rehabilitation could not be obtained and thus not leading to the acquisition of language (including sign language) and communication support for families and others.
- **The Committee recommends that the State Party provide support for access to early diagnosis of disabilities, including hearing tests and other checkups according to life stage, as well as to appropriate rehabilitation, and that it establish a system that prevents further disabilities, provides language acquisition support (including sign language) and communication support for families, as well as improve quality of life.**

5. Sexual and reproductive health and rights

- The Committee is concerned that there have been the following issues reported.
 - a. That persons with disabilities, including women with disabilities, are often regarded as having no sexual or reproductive desires or abilities, and that their decisions regarding sexuality and reproductivity are not respected.
 - b. That they are not provided with sufficient gender- and age-appropriate information, and opportunities and materials for sex education.
 - c. That there are cases where they are deprived of the ability and opportunity to reproduce through forced sterilization or abortion.
- **The Committee recommends that the State Party conduct training on the sexual and reproductive health and rights of persons with disabilities, especially to persons working at medical, education, and welfare institutions. In addition, the Committee recommends providing persons with disabilities, including women with disabilities, with gender- and age-appropriate information, and sex education and its materials.**

Article 26 Habilitation and rehabilitation

1. Shortage of children's support centers and specialists

- The Committee has the following concerns regarding the fact that there is a shortage of facilities and specialists to support children.
 - a. There is a lack of facilities to support the habilitation and rehabilitation of children, particularly outside of major cities.
 - b. Specialists such as physical therapists, occupational therapists, speech-language-hearing therapists, and psychologists, are not sufficiently allocated in development support centers in each area, though in the 2018 "Basic Guidelines for the Welfare Plan for Children with Disabilities (FY2018-FY2020)," the government set a goal to establish at least one "child development support center" in each municipality. In addition, no mechanisms for adding remuneration for specialists have been established.
- **The Committee recommends that the State Party make arrangements and conduct measures for the appropriate allocation of necessary specialists along with the establishment of support centers in each area so that the necessary support can "begin at the earliest possible stage (Article 26 Paragraph 1 (a))."**

2. Differences in support by type of disability and gender

- The Committee has the following concerns regarding the fact that it is difficult to receive appropriate support depending on type of disability and gender, and that there are also significant regional gaps.
 - a. As there are currently no specialist facilities that can handle the unique disability of deafblindness, even if a person is diagnosed as being deafblind (particularly congenital deafblindness) at medical health care facilities, there is no system that will lead to habilitation for such persons. They have no choice but to use existing facilities for children and adults with visual or hearing disabilities. However, they are unable to receive appropriate support according to the particular characteristics of deafblindness or their needs at those facilities.
 - b. It is difficult for children and adults with visual disabilities to obtain in their neighborhoods, information regarding necessary habilitation and rehabilitation, and the number of specialists and locations where services are provided are limited, particularly outside of major cities. Because no mechanisms have been developed for wide area use of services and dispatch of specialists, persons with visual disabilities are often left isolated and unable to receive support, making it difficult for them to realize independence.
 - c. There are also large regional gaps in medical care and support for living for persons with higher brain dysfunction, and there have been multiple cases in which such individuals have moved overseas or to other areas in Japan in order to receive sufficient rehabilitation. A large number of people are facing difficulties due to being unable to receive the necessary support in work and educational settings. Although the national government is implementing pilot projects and training, the necessary needs are not being sufficiently met.
 - d. Sufficient habilitation and rehabilitation according to gender are not conducted. For example, there have been cases reported where women using above-knee prosthetics find it difficult to receive sufficient adjustments because most prosthetists are men.
- **The Committee recommends that the State Party understand support needs according to disability, gender, and age on a nationwide level, and that it ensure and strengthen regional support centers that are "available...as close as possible (Article 26 Paragraph 1 (b))," and the mechanisms and human resources for services, including information provision and outreach.**

Article 27 Work and employment

1. **Realizing mobility assistance for commuting and assistance in the workplace in the labor market**

- The Committee is concerned that there are persons with disabilities who are unable to transition to the labor market despite having the will and ability to work due to insufficient measures for mobility assistance for commuting and insufficient measures for the use of assistance with the toilet, meals, etc. in the workplace. The Committee is concerned that, although the State Party indicated a commitment to respond to these problems by enhancing subsidies in accordance with the Levy (and Grant) System for Employing Persons with Disabilities in December 2019, (a) these subsidies are only granted if business owners provide above mentioned assistance, so the right of persons with disabilities to work is not guaranteed at businesses that do not provide such assistance, and (b) the use of community support services such as above mentioned assistance was not expanded to the employment sphere.
- **The Committee recommends that the State Party establish measures through the welfare system so that persons with disabilities can receive mobility assistance for commuting and assistance in the workplace.**

2. **Welfare employment settings (sheltered workshops)**

- The Committee is concerned that labor laws are not being applied to persons with disabilities working in welfare employment settings (sheltered workshops), resulting in low wages, and that the payment of workplace usage charges is stipulated by law.
- **The Committee recommends that the State Party apply labor laws to persons with disabilities working in welfare employment settings (sheltered workshops), establish an income security system to eliminate income gaps between persons with disabilities working in welfare employment settings (sheltered workshops) and those without disabilities, and eliminate provisions of law that impose usage charges upon persons with disabilities in welfare employment settings (sheltered workshops).**

3. **Prohibition of discrimination on the basis of disability in matters related to all forms of employment in the public and private sectors**

- The Committee is concerned that, even after the Act for Employment Promotion etc. of Persons with Disabilities prohibits discrimination on the basis of disability, discriminatory treatment has not been eliminated in matters related to all forms of employment (including insufficient allocation of sign language interpreters to Public Employment Security Offices [Hello Work offices]), and that the abovementioned act has insufficient mechanisms to monitor the state of implementation and to provide a remedy.
- **The Committee recommends that, in order to realize the prohibition of discrimination on the basis of disability in matters related to all forms of employment in the public and private sector, the State Party understand the actual conditions of discrimination as a government and take the necessary measures to establish mechanisms to monitor and to provide a remedy from the perspective of ensuring the effectiveness of the prohibition of discrimination.**

4. **The problem of persons with disabilities being excluded from the workplace**

- The Committee is concerned that persons with disabilities were not included in the investigation related to the discovery of the 2018 “number padding problem” in which persons outside the scope of the statutory employment rate were counted as persons with disabilities by national and local administrative institutions. In addition, subsequent employment of persons with disabilities has proceeded hastily without sufficient investigation into the provision of reasonable accommodation and necessary support, and there is already a large number of people who have left their jobs. Furthermore, the Committee is concerned that the exception rate system set to be abolished at the time of the amendment of the Act for Employment Promotion etc. of Persons with Disabilities in 2002 is still in place 18 years later, and that foreign affairs public officers working in overseas diplomatic establishments were newly added to the list of excluded employees.
- **The Committee recommends that the State Party work through organizations that represent persons with disabilities to establish a venue to investigate the “number padding problem” related to the employment of persons with disabilities in which the participation of persons with disabilities is ensured. The Committee also recommends that national and local administrative institutions propose plans to let persons with disabilities employed at**

national and local administrative institutions to be provided with reasonable accommodation and continue to work, as well as to ensure the budget necessary to implement these plans. Furthermore, the Committee recommends to the State Party that all national and local administrative institutions abolish the exception rate system and achieve the statutory employment rate, and that the State Party eliminate policies that exclude foreign affairs public officers from the calculation of the statutory employment rate.

(*) There are some industries in which the employment of persons with disabilities is generally recognized as difficult because there are jobs whose nature is not conducive to the mechanical application of a uniform employment rate. For these industries, a system was established for calculating the number of employed workers in which the number of workers who fall under the exception rate is subtracted (the employer's obligation to employ persons with disabilities is reduced). This exception rate system was abolished in April 2004 by an amendment of law in 2002. As a transitional measure, for the time being, it establishes an exception rate for each industry that requires one and gradually reduces the exception rate toward abolition. However, not only was the abolition of the exception rate system subsequently shelved to the present day, but a policy to expand it in the public sector was indicated.

5. Double counting and special subsidiaries

- Given that there are opinions that the dignity of persons with disabilities is eroded by systems in which only one person with a severe disability employed, but the individual is counted as two people when calculating the statutory employment rate, and opinions that the system of special subsidiaries in which the number of persons with disabilities employed the special subsidiaries is counted in the calculation of the parent company's statutory employment rate, is violating the concept of inclusion, the Committee is concerned about such mechanisms.
- **The Committee recommends that the State Party investigate the current situation and issues of double counting and special subsidiaries, and establish necessary measures.**

Article 28 Adequate standard of living and social protection

1. Housing

- The Committee is concerned that the scope of the “Guidelines for the Design of Elderly Persons’ Housing (last amended in 2009),” a basic policy established as housing accessibility guidelines in accordance with the “Act on Securement of Stable Supply of Elderly Persons’ Housing,” is limited to cases of a decline in bodily function and onset of disability due to aging and does not consider diverse disabilities. The Committee is also concerned that provisions related to making interiors barrier-free are extremely insufficient, resulting in unresolved issues, particularly in private housing (including Urban Renaissance rental housing), such as being unable to move around in a wheelchair inside and being unable to enter the bath due to the presence of steps. Furthermore, the Committee is concerned that there is some public housing constructed by local governments with subsidies from the national government that requires persons with disabilities who will occupy the unit alone to be “self-sufficient,” which prevents them from being able to move in.
- **The Committee recommends that the State Party work with persons with disabilities through organizations representing persons with disabilities to establish legally binding accessibility standards that are substantively applied to private and public housing in order to ensure accessibility in housing for persons with a diverse range of disabilities. In addition, the Committee recommends establishing the necessary measures to ensure that local governments abolish the requirement that persons with disabilities who will occupy public housing alone to be “self-sufficient.”**

2. Income security

- The Committee is concerned that such things as disability basic pensions, social security, and welfare benefits do not reach persons with disabilities who need them, and that disability basic pension standards are significantly low compared to the average income of citizens. In addition, the Committee is concerned that, since survey results show that more persons with disabilities receive public (livelihood) assistance than general citizens, the fact that public (livelihood) assistance criteria were lowered in 2013 and again in 2018 had a negative impact on the lives of persons with disabilities.
- **The Committee recommends that the State Party relax the qualifications for disability basic pensions and raise the standards to a level that allows an adequate standard of living in light of the actual living conditions of persons with disabilities, taking additional disability-related costs into consideration, and that it establish measures to aid persons with disabilities who are not receiving pensions. In addition, the Committee recommends thoroughly investigating the impact that lowering the standards of public (livelihood) assistance has on persons with disabilities and establishing necessary measures.**

3. Support necessary for community living

- The Committee is concerned that the necessary support cannot be received due to usage charges being imposed for the disability service system, and the requirement to transition from the disability service system to the Long-Term Care Insurance System (LTC) upon reaching the age of 65 (40 for persons with specified diseases). In addition, the Committee is concerned that there are cases in which public transport systems do not offer fare discounts that include personal assistants and do not provide fare discounts for some types of disabilities.
- **The Committee recommends that the State Party continue its current measures for free use of the disability service system for low-income individuals, eliminate charges for low-income individuals who are currently imposed charges, and let persons aged 65 and older to choose the disability service system if they wish to do so. In addition, the Committee recommends taking effective measures to establish a substantive public transport fare discount system that includes fares for personal assistants without disparity for all types of disabilities.**

Article 29 Participation in political and public life

- 1. Accessibility regarding voting methods, voting environment, and paper ballots.**
 - The Committee is concerned that voting methods and voting environment are not accessible to persons with disabilities, and that the right to vote is not ensured for persons with disabilities.
 - **The Committee recommends that the State Party rectify the following matters, including amending the Public Offices Election Act, to make voting procedures accessible, easy to understand, and easy to use so that all persons with disabilities can exercise their right to vote.**
 - a. **With respect to voting methods, amend Article 46 of the Public Offices Election Act, which stipulates that voting must be completed by voters themselves, preventing persons with disabilities who have difficulty writing on their own from exercising their right to vote; consider and introduce diverse voting formats such as circling candidates, optical answer sheets, and electronic voting.**
 - b. **With respect to the casting of ballots by proxy, amend Article 48 Paragraph 2 of the Public Offices Election Act, which limits assistants to polling station officials, as it prevents persons with deafblindness who need to convey their will through an interpreter and persons with disabilities who can only convey their will to a family member or personal assistants from exercising their right to vote; consider and introduce casting of ballots by proxy by a companion personally chosen by the individual in accordance with the particular characteristics of the disability.**
 - c. **With respect to absentee ballots, amend Article 49 Paragraph 2 of the Public Offices Election Act, which includes a requirement that persons voting by absentee ballot must be “persons with a severe physical disability,” as whether or not this voting method can be used is determined based on the medical model; allow use of this voting method by persons with disabilities for whom it is difficult to vote at a polling station due to various social barriers, and always make it possible to vote using braille on absentee ballots.**
 - d. **With respect to early voting, work to improve the situation, including establishing additional polling stations in institutions and hospitals, so that persons with disabilities can vote early at locations closer to them.**
- 2. Information accessibility and reasonable accommodation relating to elections**
 - The Committee is concerned that accessibility and reasonable accommodation pertaining to information relating to elections including election broadcasts, election bulletins/election notices, street speeches, live broadcasts of Diet sessions are not sufficiently ensured.
 - **The Committee recommends that the State Party provide election broadcasts and live broadcasts of Diet sessions in sign language, closed captioning, audio description, and data broadcasting (so that persons with deafblindness can obtain the information through braille display); legally mandate the provision of election bulletins and notices in braille, audio, large print, digital, and phonetic transcription (kana) versions; ensure that election bulletins and notices are provided to persons with disabilities in hospitals and institutions; and introduce a system in which all persons with disabilities are provided with information so that they can access it in their preferred format from a diverse range of formats, including providing information in street speeches by sign language and text.**
- 3. The right to hold office**
 - The Committee is concerned that, when running for election or acting as assembly members, persons with disabilities face the barrier of being unable to use public services including community living support services, so the percentage of assembly members with disabilities is extremely low.
 - **The Committee recommends that the State Party establish specific measures to actively provide accessibility and reasonable accommodation for candidates and assembly members with various disabilities, including women with disabilities, in order to guarantee their right to hold office and substantive participation as assembly members. In particular, the Committee recommends revising the provision in Ministry of Health, Labour and Welfare Notification No. 523 that excludes “commuting, outings relating to economic activities such as sales activities, regular outings throughout a year, or for long periods of time, and inappropriate outings from the standpoint of social norms” from the definition of outings so as to allow the use of community living support services, including home-visit care for persons with severe disabilities, during activities as an assembly member.**

- 4. Participation of persons with various disabilities, including women with disabilities, in the policy formation process such as administrative councils**
- The Committee is concerned that the participation of persons with disabilities on various administrative councils is insufficient, and that, even when they do participate, they are unable to do so substantively because accessibility and reasonable accommodation are not ensured.
 - **The Committee recommends that the State Party establish a mechanism to investigate, monitor, and publish the actual conditions of the participation of persons with disabilities in the policy formation process to ensure that persons with various disabilities substantively take part in the policy formation process through participation in various councils.**

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

1. Access to recreation and leisure activities

- The Committee is concerned that accessibility is not ensured at tourist locations (including temples and shrines) and entertainment facilities (amusement parks, aquariums, cinemas, theaters) in that there are many physical barriers, and seating positions are not provided on an equal basis with others, and only audio information is available.
- **The Committee recommends that the State Party take specific measures, including the following, in order to ensure accessibility at tourist locations and entertainment facilities, including those of a small scale.**
 - a. **Amend the Barrier-Free Law to establish mandatory standards for entertainment facilities, including amusement parks, in order to ensure equality with others.**
 - b. **Include small-scale entertainment facilities under 2,000 square meters under specially specified buildings that are required to ensure accessibility (Barrier-Free Law).**
 - c. **Revise the Guidelines for Promoting Smooth Transportation in Buildings established based on the Barrier-Free Law, and increase the number of seats and distribute them in such a way that persons with disabilities can choose seats in the same way as those without disabilities.**
- The Committee is concerned that the actual status surrounding the leisure activities of persons with disabilities is not understood, and a general survey found that 70% of persons with intellectual disabilities “have never participated” in local events.
- **The Committee recommends that the State Party understand the actual status and issues as well as establish specific measures regarding the recreation and leisure activities of persons with disabilities as a whole according to the type of disability, gender, region, and age.**

2. Accessibility to enjoy cultural works

- The Committee is concerned that there is no legal obligation to provide closed captioning, sign language, and audio descriptions on television programs; accessible screenings in cinemas; and information accessibility in museums including art museums, resulting in persons with disabilities being unable to sufficiently access cultural activities.
- **The Committee recommends that the State Party establish specific effective measures for persons with disabilities to access television programs as well as cultural activities such as those offered by museums, including art museums, and cinemas, in accessible formats.”**
- The Committee is concerned that the “Architectural design standards for smooth transportation, etc. of elderly persons, disabled persons, etc. (supplement for facilities with audience seating such as theaters and stadiums),” which were established in 2015 regarding physical accessibility in cultural facilities including cinemas, theaters, and concert halls, are merely guidelines and not legal standards, and there are problems with hearing loop seating and wheelchair seating, and its sightlines.
- **The Committee recommends that the State Party incorporate standards in compliance with the IPC Accessibility Guide regarding accessibility at cultural facilities, including cinemas, theaters, and concert halls, into the Guidelines for Promoting Smooth Transportation in Buildings; guarantee the installation of hearing loop seating and the freedom of wheelchair users to choose a seat (including the type of seat and seats next to companions who are not wheelchair users); and promote the development of physical accessibility in audience seating as a whole in cultural facilities, including ensuring sightlines.**
- The Committee is concerned that, while the State Party ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled and enacted the Barrier-Free Reading Act, the provision of data by publishers for braille and audio translations is not legally mandated, and reading environments for persons with reading difficulties are extremely insufficient, such as the inaccessibility of electronic publications.
- **The Committee recommends that the State Party amend the “Barrier-Free Reading Act” with a view to complete implementation of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, mandate the provision of data by publishers for braille and audio translations; implement the measures, including financial measures, stipulated in the abovementioned law; and improve reading environments for persons with reading difficulties.**

3. Access to sports

- The Committee is concerned that the information accessibility and provision of reasonable accommodation related to information communication during competitions and practice are insufficient for persons who are deaf or hard of hearing, late-deafened persons, and persons with deafblindness, and that there are many cases where they are, in practice, subject to restrictions on participation in general sporting events.
- **The Committee recommends that the State Party establish measures to allow the participation of persons with disabilities for whom substantive participation is made difficult, including persons who are deaf or hard of hearing, late-deafened persons, and persons who are deafblind.**
- The Committee is concerned that there are no guidelines related to information accessibility at sports facilities, and that there are insufficient measures to conduct smooth information delivery and communication during sports games and emergencies. In addition, the Committee is concerned that the “Architectural design standards for smooth transportation, etc. of elderly persons, disabled persons, etc. (supplement for facilities with audience seating such as theaters and stadiums)” are merely guidelines and not legal standards, and there are problems with the wheelchair seating and its sightlines.
- **The Committee recommends that the State Party incorporate standards in compliance with the IPC Accessibility Guide regarding accessibility at sports facilities into the Guidelines for Promoting Smooth Transportation in Buildings; guarantee the installation of hearing loop seating and the freedom of wheelchair users to choose a seat (including the type of seat and seats next to companions who are not wheelchair users); and promote the development of physical accessibility in audience seating as a whole in sports facilities, including ensuring sightlines.**

Article 31 Statistics and data collection

1. Absence of data necessary to implement and monitor the CRPD

- The Committee notes that the State Party has begun the reform of statistical data collection relating to persons with disabilities that can be compared to persons without disabilities. However, the Committee is concerned about the unclear overall schedule for the introduction of statistical surveys, and their contents that clearly demonstrate the extent to which the rights expressed in the Convention have been achieved, compare data to persons without disabilities, and classify data by gender, age, disability, etc., And the Committee is also concerned that organizations of persons with disabilities are scarcely involved in this initiative. In addition, the Committee is concerned that, despite the fact that there are a large number of long-term inpatients at psychiatric hospitals and persons with disabilities living in residential institutions in the State Party, it has not conducted a survey of the wishes of these individuals.
- **The Committee recommends that the State Party take the following measures while taking into account Target 17.18 of the Sustainable Development Goals (SDGs).**
 - a. **Incorporate questions regarding disability into the Population Census, the Comprehensive Survey of Living Conditions, the Labour Force Survey, the School Basic Survey, and other Fundamental Statistics so as to achieve statistics on persons with disabilities that can be compared to those of persons without disabilities.**
 - b. **Implement detailed fact-finding surveys on persons with disabilities as Fundamental Statistics that target persons who have responded that they have disabilities in the abovementioned surveys.**
 - c. **Classify the results of these statistical surveys by gender, age, disability, and region, use them for policy evaluation through analysis including cross tabulation, and make it available for secondary use by organizations of persons with disabilities and other organizations.**
 - d. **Implement surveys targeting users of residential institutions and long-term inpatients at psychiatric hospitals through a method that involves interviews with them to the greatest extent possible.**
 - e. **Ensure the participation of organizations of persons with disabilities, including organizations of women with disabilities, in all processes of the abovementioned surveys, including planning, implementation, analysis, dissemination, and use.**

Article 32 International cooperation

1. **Mainstreaming of disability and the participation of persons with disabilities**

- The Committee is concerned that there are no specific guidelines or procedures to promote the mainstreaming of disability in accordance with the Convention with regard to the formation and implementation of all international cooperation projects by the Japan International Cooperation Agency (JICA) and other such agencies.
- **The Committee recommends that the State Party ensure that international cooperation agreements, projects, and programs implemented by JICA include the perspective of persons with disabilities, including those conducted through Official Development Assistance or in relation to “The 2030 Agenda for Sustainable Development” or the “Incheon Strategy to ‘Make the Right Real’ for Persons with Disabilities in Asia and the Pacific,” and that it work with organizations of persons with disabilities to establish specific measures so that these are implemented in accordance with the Convention.**
- **The Committee recommends that the State Party work with organizations of persons with disabilities to establish specific guidelines regarding budgetary measures for reasonable accommodation so that persons with disabilities and organizations of persons with disabilities are consulted and involved in a more significant manner in the formation and implementation of all international cooperation projects. The Committee also recommends establishing specific measures to ensure that when persons with disabilities participate in projects, they are not given different restrictions or treatment than others on the basis of disability, reasonable accommodation is provided based on constructive dialogue with persons with disabilities, and their substantive participation is realized.**

2. **Measures for the field of disability in the implementation of SDGs**

- The Committee is concerned that the Japanese government’s SDG implementation guidelines do not include specific measures based on human rights in accordance with the Convention with regard to the field of disability, and that specific measures have not been considered to cross-sectorally address all goals and priority issues.
- **The Committee recommends that the State Party hold close discussions and reflect them in the Japanese government’s SDG implementation guidelines to ensure that efforts in the field of disability and cross-sectoral efforts are made in accordance with the Convention.**

3. **Promotion by the Japanese government of the “Asian and Pacific Decade of Persons with Disabilities”**

- The Committee is concerned that the Japanese government is reducing its support for the “Asian and Pacific Decade of Persons with Disabilities.” In addition, the Committee is concerned that there are no specific measures to secure budgets for reasonable accommodation at international conferences on the Decade.
- **The Committee recommends that the State Party formulate specific support measures to promote the “Asian and Pacific Decade of Persons with Disabilities” and implement action plans such as the Incheon Strategy.**
- **The Committee recommends that the State Party formulate specific measures to secure budgets for reasonable accommodation, including support for Economic and Social Commission for Asia and the Pacific (ESCAP), to enable the participation of persons with disabilities in international conferences on the Decade.**

Article 33 National implementation and monitoring

1. Establishment of an independent human rights institution

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- The Committee is concerned that the State Party does not have a national human rights institution in line with the Paris Principles.
- **The Committee recommends that the State Party promptly establish a mechanism independent from the government in line with the Paris Principles to promote, protect, and monitor the implementation of the CRPD.**

2. Strengthening of the independence and function of the Commission on Policy for Persons with Disabilities

- The Committee is concerned that the Commission on Policy for Persons with Disabilities does not have (a) authority to manage its own personnel affairs, (b) its own budget, or (c) its own secretariat, so it cannot be said to be independent from the government; that the legislature and judiciary are exempt from monitoring by the Commission on Policy for Persons with Disabilities; and that there is a lack of diversity in the membership of the Commission (aside from non-regular technical advisors), with no self-advocates who have intellectual disabilities, psychosocial disabilities, or are hard of hearing, and only two women with disabilities or intractable diseases.
- **The Committee recommends that the State Party establish and ensure sufficient budgets for independent personnel and executive office systems to increase the independence and functionality of the Commission on Policy for Persons with Disabilities, add the legislature and judiciary to the entities subject to monitoring by the Commission, increase the percentage of members with disabilities on the Commission on Policy for Persons with Disabilities to at least half, and ensure diversity (disability, gender, age, region, affiliated organization, etc.) of membership on the Commission.**

3. Monitoring systems in local governments

- The Committee is concerned that, despite the fact that local governments are important members of the State Party and are the implementing bodies of a large number of social services, hardly any monitoring of the implementation status of the Convention is being conducted in local governments.
- **The Committee recommends that the State Party monitor the implementation status of the Convention in local governments at the time of the next regular report and incorporate the content into the State Party Report.**

4. Monitoring of the Convention and the involvement of organizations of persons with disabilities and civil society

- The Committee is concerned that, when preparing the State Party Report, there were no opportunities for interviews with organizations of persons with disabilities that were not selected as members of the Policy Commission, and there were practically no opportunities for organizations of persons with disabilities and civil society to be involved in the monitoring of the Convention.
- **The Committee recommends that the State Party establish a venue to conduct interviews and exchange opinions with organizations of persons with disabilities aside from the Commission on Policy for Persons with Disabilities so that such organizations and civil society are actively involved in monitoring the Convention, and that the government provide financial support for the activities of organizations of persons with disabilities in monitoring the Convention on the condition that the independence of the activities of such organizations is guaranteed.**