



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Japan\*

#### I. Introduction

1. The Committee considered the initial report of Japan<sup>1</sup> at its 594th and 595th meetings,<sup>2</sup> held on 22 and 23 August 2022 respectively. It adopted the following concluding observations at its 611th meeting, held on 2 September 2022.
2. The Committee welcomes the initial report of Japan, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies<sup>3</sup> to the list of issues prepared by the Committee.<sup>4</sup> It also acknowledges the additional written information provided to the Committee.
3. The Committee appreciates the fruitful and sincere dialogue held with the large high-level delegation of the State party, which was diverse and multisectoral and included representatives of relevant government ministries. The Committee also appreciates the participation of the Chair of the Commission on Policy for Persons with Disabilities.

#### II. Positive aspects

4. The Committee welcomes the measures taken by the State party to implement the Convention since ratifying it in 2014, such as the ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, which has been in force since 2019.
5. The Committee notes with appreciation the legislative measures taken to promote the rights of persons with disabilities, in particular the adoption of the:
  - (a) Act on the Promotion of Measures Concerning Acquisition and Use of Information and Communication by Persons with Disabilities (2022);
  - (b) Act for Eliminating Discrimination against Persons with Disabilities (Act No. 65 of 2013) and its amendments (Act No. 56 of 2021), obligating public and private businesses organizations to provide reasonable accommodation for persons with disabilities;
  - (c) Act on Facilitation of the Use of Telephones for Persons with Hearing Impairments (Act No. 53 of 2020);
  - (d) Act on the Provision of Lump-sum Compensation to Persons Who Received Eugenic Surgery under the Former Eugenic Protection Act (2019);

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\* Adopted by the Committee at its twenty-seventh session (15 August–9 September 2022).

<sup>1</sup> [CRPD/C/JPN/1](#).

<sup>2</sup> See [CRPD/C/SR.594](#) and 595.

<sup>3</sup> [CRPD/C/JPN/RQ/1](#).

<sup>4</sup> [CRPD/C/JPN/Q/1](#).



(e) Act on Promotion of Smooth Movement of Older Persons and Disabled Persons (Barrier-free Law), amended in 2018 and 2020, promoting accessibility standards;

(f) Act to Further the Improvement of Reading Environments for Visually Impaired Persons (2019);

(g) Act on the Promotion of Comprehensive and Integrated Measures for the Realization of a Universal Society (2018);

(h) Act on Cultural and Artistic Activities by Persons with Disabilities (Act No. 47 of 2018);

(i) Act for the Promotion of Employment of Persons with Disabilities (Act No. 123 of 1960) and its amendment in 2013, expanding the coverage of the statutory employment obligation for persons with disabilities to include persons with psychosocial disabilities in addition to persons with intellectual and physical disabilities and obligating the provision of reasonable accommodation.

6. The Committee welcomes the measures taken to establish a public policy framework for promoting the rights of persons with disabilities, which include the:

(a) Handling Directions for Courts for Eliminating Discrimination against Persons with Disabilities (2022);

(b) Fourth Basic Programme for Persons with Disabilities, adopted in 2018;

(c) Guidelines on Reasonable Accommodation (2016);

(d) Everyone's Public Website Operational Guidelines;

(e) Guidelines for employers on non-discriminatory treatment and equal opportunities for persons with disabilities in employment, adopted in 2015;

(f) Establishment of the Commission on Policy for Persons with Disabilities, as an entity in charge of monitoring the implementation of the Convention;

(g) Prefectural and municipal government programmes for persons with disabilities.

### **III. Principal areas of concern and recommendations**

#### **A. General principles and obligations (arts. 1–4)**

7. The Committee is concerned about:

(a) The lack of harmonization of disability-related national legislation and policies with the human rights model of disability as contained in the Convention, which perpetuates a paternalist approach to persons with disabilities;

(b) The perpetuation of the medical model of disability across legislation, regulations and practices, including the disability qualification and certification system, which, on the basis of impairment and capacity assessment, promotes the exclusion of persons who require more intensive support, and persons with intellectual, psychosocial or sensory disabilities, from disability allowances and social inclusion schemes;

(c) Derogatory terminology, such as “mentally incompetent”, “mental derangement” and “insanity”, as well as discriminatory legal restrictions, such as disqualifying clauses, based on “physical or mental disorder”;

(d) Inaccurate translation of the Convention into Japanese, particularly of the terms “inclusion”, “inclusive”, “communication”, “accessibility”, “access”, “particular living arrangement”, “personal assistance” and “habilitation”;

(e) Regional and municipal gaps in providing necessary services and assistance to persons with disabilities in the communities, including mobility support, personal assistance and communication support.

8. **The Committee recommends that the State party:**

(a) **Harmonize all disability-related national legislation and policies with the Convention, recognizing all persons with disabilities as rights holders on an equal basis with others, including by ensuring close consultation with representative organizations of persons with disabilities, in particular persons with intellectual disabilities and persons with psychosocial disabilities;**

(b) **Review its legislation and regulations to eliminate elements of the medical model of disability, including the disability qualification and certification system, to ensure that all persons with disabilities, regardless of impairment, receive the required support in the community in order to have equal opportunities in society and full social inclusion and participation;**

(c) **Abolish derogatory language and legal restrictions, such as disqualifying clauses, based on “physical or mental disorder”, in its national and municipal legislation;**

(d) **Ensure that all terms of the Convention are accurately translated into Japanese;**

(e) **Take the necessary legislative and budgetary measures to eliminate the regional and municipal gaps in the provision of necessary services and assistance to persons with disabilities in the communities, including mobility support, personal assistance and communication support.**

9. The Committee is further concerned about:

(a) The insufficient involvement of persons with disabilities through their representative organizations in consultations concerning legislation and public policies, including those carried out by the National Consultative Council of Persons with Disabilities and by the municipal and intermunicipal committees on accessibility;

(b) The lack of a comprehensive response to the stabbings that took place in 2016 at the Tsukui Yamayuri-en facility, located in Sagamihara, mainly owing to a eugenic and ableist mindset in society;

(c) Limited awareness of the rights recognized in the Convention among the judiciary and justice sector professionals, policymakers and lawmakers at the national and municipal levels, as well as teachers, medical, health, building design and social workers, and other professionals who have a connection with persons with disabilities.

10. **Recalling its general comment No. 7 (2018) on articles 4 (3) and 33 (3) of the Convention, the Committee recommends that the State party:**

(a) **Ensure active, meaningful and effective consultations with the diverse range of representative organizations of persons with disabilities at the national and municipal levels, including by means of alternative communication, accessibility and reasonable accommodation, in public decision-making processes, paying attention to self-advocates with disabilities, to organizations of persons with intellectual disabilities, of persons with psychosocial disabilities, of autistic persons, of women with disabilities, of LGBTIQ+ persons with disabilities, and of persons with disabilities living in rural areas, and to those requiring more intensive support, including in the implementation and monitoring of and reporting on the Sustainable Development Goals;**

(b) **Review the Tsukui Yamayuri-en case with a view to combating eugenic and ableist attitudes and ensure legal liability for the promotion of such attitudes in society;**

(c) **With the close involvement of organizations of persons with disabilities, provide systematic capacity-building programmes on the rights of persons with disabilities and the obligations of the State party under the Convention, for the judiciary and justice sector professionals, policymakers and lawmakers, teachers, medical, health and social workers, and all other professionals who have a connection with persons with disabilities.**

11. The Committee notes that the State party has not yet ratified the Optional Protocol to the Convention. It also notes with concern the State party's interpretative declaration relating to article 23 (4) of the Convention.

12. **The Committee encourages the State party to ratify the Optional Protocol to the Convention, and to withdraw its interpretative declaration relating to article 23 (4) of the Convention.**

## **B. Specific rights (arts. 5–30)**

### **Equality and non-discrimination (art. 5)**

13. The Committee is concerned that:

(a) The Act for Eliminating Discrimination against Persons with Disabilities does not include multiple and intersectional forms of discrimination, and is concerned about the limited scope of the definition of persons with disabilities;

(b) Denial of reasonable accommodation is not recognized as a form of discrimination on the ground of disability in all areas of life;

(c) There are no accessible complaint and redress mechanisms for victims of disability-based discrimination.

14. **The Committee, in line with its general comment No. 6 (2018) on equality and non-discrimination, recommends that the State party:**

(a) **Review the Act for Eliminating Discrimination against Persons with Disabilities in order to prohibit disability-based discrimination, in accordance with the Convention, including multiple and intersectional forms of discrimination on the grounds of disability, sex, age, ethnicity, religion, gender identity, sexual orientation and any other status, and denial of reasonable accommodation;**

(b) **Adopt the necessary measures to ensure that reasonable accommodation is provided to all persons with disabilities in all areas of life, including in the private and the public spheres;**

(c) **Establish accessible and effective mechanisms, including judicial and administrative procedures, for victims of disability-based discrimination, and provide them with comprehensive redress, and sanction the perpetrators.**

### **Women with disabilities (art. 6)**

15. The Committee is concerned about:

(a) The lack of sufficient measures to promote gender equality in disability-related legislation and policies, such as the Fourth Basic Programme for Persons with Disabilities, and to promote the rights of women and girls with disabilities in gender equality legislation and policies, including in the Fifth Basic Plan for Gender Equality;

(b) The lack of specific measures to empower women and girls with disabilities.

16. **The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities, and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Adopt effective and specific measures to ensure equality and prevent multiple and intersectional forms of discrimination against women and girls with disabilities in its gender equality policies, and mainstream a gender perspective into its disability-related legislation and policies;**

(b) **Take measures to empower women and girls with disabilities, ensuring that all their human rights and fundamental freedoms are equally protected, and including their effective participation in the design and implementation of these measures.**

**Children with disabilities (art. 7)**

17. The Committee observes with concern:

(a) The early identification and rehabilitation system, as regulated by the Maternal and Child Health Act, which leads children with disabilities – on the basis of their medical examination – to social segregation, distancing them from the community and hindering inclusive life prospects;

(b) The lack of clear recognition of the right of children with disabilities to be heard, and to express their views freely on all matters affecting them, in all relevant laws, including the Child Welfare Act;

(c) The lack of full prohibition of corporal punishment of children, including children with disabilities, in home, alternative care and day-care settings, as well as the insufficient measures to prevent and protect children with disabilities against abuse and violence.

**18. With reference to the joint statement of the Committee on the Rights of the Child and the Committee on the Rights of Persons with Disabilities on the rights of children with disabilities, of 2022, the Committee recommends that the State party:**

(a) **Review the existing legislation with the aim of recognizing the right to full social inclusion of all children with disabilities, and take all necessary measures, including universal design, and reasonable accommodation – inter alia, alternative and augmentative methods of information and communication, to ensure their full enjoyment of this right in the general childcare system from their earliest age on an equal basis with other children;**

(b) **Recognize the right of children with disabilities to be heard, and to express their views freely on all matters affecting them on an equal basis with other children, including in judicial and administrative proceedings, and to be provided with disability- and age-appropriate assistance and communication in accessible formats to realize that right;**

(c) **Fully and explicitly prohibit the corporal punishment of children, including of those with disabilities, in all settings, and strengthen measures to prevent and protect against abuse and violence against children with disabilities.**

**Awareness-raising (art. 8)**

19. The Committee is concerned about:

(a) Insufficient efforts and budgetary allocations to raise awareness about the dignity and rights of persons with disabilities in society and in the media;

(b) Discriminatory eugenic attitudes, negative stereotypes and prejudices towards persons with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities;

(c) The insufficient participation of persons with disabilities in the preparation of awareness-raising initiatives, such as the *Barrier-free Mindset* textbook, and insufficient evaluation of these measures.

**20. The Committee recommends that the State party:**

(a) **Adopt a national strategy to eliminate negative stereotypes, prejudices and harmful practices against persons with disabilities, including through the close participation of persons with disabilities in its formulation and implementation, with periodic evaluation;**

(b) **Strengthen measures to develop and adequately fund awareness-raising programmes on the rights of persons with disabilities for the media, the general public and families of persons with disabilities.**

**Accessibility (art. 9)**

21. The Committee notes with concern:

(a) The limited strategies to harmonize accessibility obligations at all levels of government, to embed universal design standards and to encompass all areas of life;

(b) The limited progress in ensuring the accessibility of information and the accessibility of schools, public transportation, apartments and small-sized shops, in particular outside major cities;

(c) Insufficient awareness-raising and training for architects, designers and engineers concerning accessibility standards and universal design under the Convention.

**22. Recalling its general comment No. 2 (2014) on accessibility, the Committee recommends that the State party:**

(a) **Implement an action plan and accessibility strategy, in close consultation with organizations of persons with disabilities, to harmonize accessibility across all levels of government, to embed universal design standards, and to ensure the accessibility of, inter alia, buildings, transportation, information and communication, and other facilities and services open or provided to the public, including those outside major cities;**

(b) **Enhance ongoing capacity-building programmes on universal design and accessibility standards for architects, designers, engineers and programmers.**

**Right to life (art. 10)**

23. The Committee is concerned about reports of cases of deaths of persons with disabilities resulting from:

(a) Lack of safeguards of the right to life of persons with disabilities, including lack of consideration of their will and preferences as regards not starting and/or not continuing their medical treatment, including in palliative care;

(b) Physical and chemical restraints in cases of involuntary hospitalization on the basis of impairment.

It is also concerned by the lack of statistics on the deaths in psychiatric hospitals and the lack of independent investigations into these deaths.

**24. The Committee recommends that the State party, in consultation with organizations of persons with disabilities and independent monitoring mechanisms:**

(a) **Explicitly recognize the right to life of persons with disabilities and ensure the respective safeguards, including the expression of their will and preferences, and the support required for this, as regards their treatment, including in palliative care;**

(b) **Prevent any form of involuntary hospitalization and treatment of persons with disabilities on the basis of their impairments and ensure the necessary support for persons with disabilities in community-based services;**

(c) **Conduct thorough and independent investigations into the causes and circumstances of the cases of deaths in psychiatric hospitals.**

**Situations of risk and humanitarian emergencies (art. 11)**

25. The Committee is concerned about:

(a) The limited protection under the Basic Act on Disaster Management for the rights of persons with disabilities to privacy and non-discrimination, including the denial of reasonable accommodation;

(b) The lack of accessibility of evacuation shelters and temporary housing in situations of risk and humanitarian emergencies;

(c) The insufficient consultations with organizations of persons with disabilities to plan, implement, monitor and evaluate processes of disaster risk reduction and climate change mitigation, including with regard to earthquakes and nuclear plant disasters;

(d) The limited amount of accessible information on situations of risk, disasters and humanitarian emergencies, including on the accessibility of emergency alert systems for persons with intellectual disabilities;

(e) The lack of implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030 in the Kumamoto earthquakes, the northern Kyushu floods, the western Japan floods, and the eastern Iburi earthquake in Hokkaido;

(f) The lack of a disability-inclusive response to the coronavirus disease (COVID-19) pandemic, including the lack of access to information, vaccines, health services and other economic and social programmes, and the disproportionate impact of the pandemic on persons with disabilities who are still in institutions.

**26. The Committee recommends that the State party:**

**(a) Amend the Basic Act on Disaster Management to reinforce the rights of persons with disabilities to privacy and non-discrimination, including the provision of reasonable accommodation, and with regard to issues related to disaster prevention and reduction and situations of risk and humanitarian emergency;**

**(b) Ensure that shelters, temporary housing and other services provided in situations of risk and humanitarian emergencies are accessible and disability-inclusive, taking into account age and gender;**

**(c) Build resilient communities by engaging the whole community, including persons with disabilities and their families, in disaster prevention and reduction planning, by developing individual emergency plans and support systems based on community focal points, which identify gathering points, emergency shelters and evacuation routes that are safe and accessible;**

**(d) Ensure that in situations of risk and humanitarian emergencies, all persons with disabilities and their families can receive the necessary information in accessible formats and on the appropriate devices;**

**(e) Ensure that disaster risk reduction plans and strategies and policies on climate change at all levels are formulated together with persons with disabilities and explicitly respond to their specific needs in all situations of risk, in accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030;**

**(f) Mainstream disability into its COVID-19 response and recovery plans, including with regard to ensuring equal access to vaccines, health services and other economic and social programmes to tackle the negative impact of the pandemic, and adopt measures to deinstitutionalize persons with disabilities in times of emergency and to provide them with appropriate support to live in the community.**

**Equal recognition before the law (art. 12)**

27. The Committee is concerned about:

(a) Legal provisions that deny the right of persons with disabilities to equal recognition before the law, by allowing restriction of their legal capacity, in particular persons with psychosocial and/or intellectual disabilities, based on assessments of their mental capacity, and by perpetuating substitute decision-making systems, under the Civil Code;

(b) The Basic Plan on the Promotion of the Use of the Adult Guardian System, approved in March 2022;

(c) The use of the term “the best interest of a person” in the Guidelines for Support for Decision-making relating to the Provision of Welfare Services for Persons with Disabilities, of 2017.

28. **Recalling its general comment No. 1 (2014) on equal recognition before the law, the Committee recommends that the State party:**

(a) **Repeal all discriminatory legal provisions and policies with a view to abolishing substitute decision-making regimes, and amend the civil legislation to guarantee the right of all persons with disabilities to equal recognition before the law;**

(b) **Establish supported decision-making mechanisms that respect the autonomy, will and preferences of all persons with disabilities, regardless of the level or mode of support that they may require.**

#### **Access to justice (art. 13)**

29. The Committee notes with concern:

(a) The provisions of the Code of Civil Procedure and the Code of Criminal Procedure restricting access to justice for persons with disabilities under substitute decision-making regimes, for those in residential institutions, and for persons with intellectual and/or psychosocial disabilities by reason of their perceived lack of litigation capacity;

(b) The lack of procedural and age-appropriate accommodations in civil, criminal and administrative proceedings to ensure that persons with disabilities can participate effectively, and the lack of accessible information and communication for them;

(c) The physical inaccessibility of courts and of judicial and administrative facilities.

30. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, of 2020, and target 16.3 of the Sustainable Development Goals, and recommends that the State party:**

(a) **Repeal legal provisions that restrict the right of persons with disabilities to participate in judicial proceedings, and recognize their full capacity to participate in judicial proceedings in all roles on an equal basis with others;**

(b) **Guarantee procedural and age-appropriate accommodations in all judicial proceedings for persons with disabilities, regardless of the impairment of the person concerned, including covering the litigation charges for procedural accommodations, and access to official information and communication about proceedings in accessible formats, including information and communication technologies, captioning, autism referent persons, Braille, Easy Read and sign language;**

(c) **Ensure the physical accessibility of court buildings and judicial and administrative facilities, particularly by means of universal design, to guarantee access to judicial proceedings for persons with disabilities on an equal basis with others.**

#### **Liberty and security of person (art. 14)**

31. The Committee is concerned about:

(a) Legislation that allows the involuntary committal to psychiatric hospitals and the involuntary treatment of persons with disabilities, based on their perceived or actual impairments or dangerousness, as legitimated by the Act on Mental Health and Welfare for the Mentally Disabled;

(b) The lack of safeguards to protect the right to informed consent of persons with disabilities, including the vagueness of the definition of informed consent, as regards hospitalization.

32. **The Committee recalls its guidelines on article 14 of the Convention, of 2015, and the recommendations issued by the Special Rapporteur on the rights of persons with disabilities,<sup>5</sup> and calls upon the State party to:**

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<sup>5</sup> [A/HRC/40/54/Add.1](#).

(a) **Recognize the involuntary hospitalization of persons with disabilities as discrimination on the grounds of impairment, amounting to deprivation of liberty, and repeal all legal provisions allowing for deprivation of liberty through involuntary hospitalization of persons with disabilities on the basis of actual or perceived impairments or dangerousness;**

(b) **Repeal all legal provisions that legitimize non-consensual psychiatric treatment on the grounds of perceived or actual impairments, and establish a monitoring mechanism to ensure that persons with disabilities are not subjected to forced treatment and have access to the same range, quality and standard of health care on an equal basis with others;**

(c) **Ensure safeguards, including advocacy, and legal and all other necessary assistance, to protect the right to free and informed consent of all persons with disabilities, regardless of their impairment.**

**Freedom from torture and cruel, inhuman or degrading treatment or punishment (art. 15)**

33. The Committee observes with concern:

(a) The forced treatment, including seclusion, physical and chemical restraints, forced medication, and forced cognitive and electroconvulsive therapies, of persons with disabilities in psychiatric hospitals, and the legislation legitimating such practices, including the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases Under the Condition of Insanity;

(b) The lack of independence and scope of the psychiatric review boards for ensuring the prevention of, and reporting on, forced treatment and ill-treatment in psychiatric hospitals;

(c) The lack of independent monitoring systems to investigate violations of the rights of persons with disabilities who receive forced treatment or are hospitalized on a long-term basis, and the lack of complaint and appeal mechanisms in psychiatric hospitals.

34. **The Committee recommends that the State party:**

(a) **Abolish all legal provisions legitimating forced treatment of persons with psychosocial disabilities and leading to their ill-treatment, and ensure that any intervention, as regards persons with psychosocial disabilities, is based on human rights norms and the State party's obligations under the Convention;**

(b) **Establish, in cooperation with representative organizations of persons with disabilities, an effective independent monitoring mechanism for the prevention of, and reporting on, any forms of forced treatment or ill-treatment of persons with disabilities in psychiatric settings;**

(c) **Set up accessible mechanisms to report cruel, inhuman or degrading treatment in psychiatric hospitals, establish effective remedies for victims, and ensure the prosecution and punishment of perpetrators.**

**Freedom from exploitation, violence and abuse (art. 16)**

35. The Committee is concerned about:

(a) The reported sexual violence and domestic violence against children and women with disabilities, in particular those with intellectual, psychosocial or sensory disabilities, and those placed in institutional settings, and the lack of protection for them against sexual violence and of remedies for them;

(b) The lack of scope and effectiveness of the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers, precluding the prevention of, the reporting on and the investigation of violence against persons with disabilities, including children and women with disabilities, in educational, medical and criminal justice settings;

(c) The lack of accessible support services for victims, and of accessible information and reporting mechanisms, including independent reporting systems in residential institutions, and the lack of expertise, accessibility and reasonable accommodation in the judicial processes related to sexual violence;

(d) The absence of representatives of organizations of persons with disabilities in the Study Group on Criminal Law related to Sexual Crimes, established by the Ministry of Justice in 2020, regarding sexual crimes against children and other persons with disabilities.

**36. In line with its statement issued on 24 November 2021 calling for action to be taken to eliminate gender-based violence against women and girls with disabilities, and with targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Carry out the fact-finding investigation on sexual violence and domestic violence against girls and women with disabilities and strengthen the measures for combating all forms of violence against children and women with disabilities, providing them with accessible information about the complaint and redress mechanisms available to them, and ensuring that these acts are promptly investigated, that the perpetrators are prosecuted and punished, and that remedies are provided for victims;**

(b) **Review the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers to extend the scope of prevention of violence against persons with disabilities in all settings, and to establish measures to investigate violence and abuse against persons with disabilities and to provide reparations to victims;**

(c) **Develop strategies at all levels to ensure the accessibility of victim support services, and of information on support services and reporting mechanisms, including in residential institutions, and to provide professional development programmes for the relevant judicial and administrative officers on the human rights model of disability, and on accessibility and reasonable accommodation, in the judicial processes;**

(d) **Ensure the meaningful participation of representatives of organizations of persons with disabilities in the Study Group on Criminal Law related to Sexual Crimes.**

#### **Protecting the integrity of the person (art. 17)**

37. The Committee observes with concern:

(a) The compensation system, as set out in the Act on the Provision of Lump-sum Compensation to Persons Who Received Eugenic Surgery, under the former Eugenic Protection Law (of 1948 to 1996), which establishes a low rate of compensation for persons with disabilities who were subjected to eugenic surgeries without their consent, omits support in the area of access to information for victims with disabilities, and provides statutes of limitations of five years;

(b) Reports of sterilizations, hysterectomies and abortions having been carried out without the free and informed consent of women and girls with disabilities.

**38. The Committee recommends that the State party:**

(a) **In close cooperation with organizations of persons with disabilities, revise the compensation system for the victims of eugenic surgery under the former Eugenic Protection Law, to ensure the identification of all cases, and appropriate compensation for each person concerned, including through the provision of support, along with augmentative and alternative methods of communication, for access to information, and by not limiting the period in which applications can be lodged, in order for all victims to be expressly apologized to and properly redressed;**

(b) **Explicitly prohibit forced sterilizations, including hysterectomies, and forced abortions, for women and girls with disabilities, raise awareness of forced medical interventions as harmful practices, and ensure that persons with disabilities give their prior and informed consent for any medical or surgical treatment.**

**Liberty of movement and nationality (art. 18)**

39. The Committee is concerned about:

(a) Article 5 of the Immigration Control and Refugee Recognition Act, which permits denial of entry to the State party to persons with intellectual and/or psychosocial disabilities;

(b) The insufficient provision of reasonable accommodation and accessibility of information at the Immigration Services Agency, including the insufficient number of qualified interpreters.

40. **The Committee recommends that the State party:**

(a) **Revise article 5 (2) of the Immigration Control and Refugee Recognition Act, which permits denial of entry to the State party to persons with intellectual and/or psychosocial disabilities;**

(b) **Ensure the provision of reasonable accommodation when requested and the accessibility of information at the Immigration Services Agency, including a sufficient number of qualified interpreters.**

**Living independently and being included in the community (art. 19)**

41. The Committee observes with concern:

(a) The perpetuation of institutionalization of persons with intellectual disabilities, persons with psychosocial disabilities, elderly persons with disabilities, persons with physical disabilities and those who require more intensive support, particularly living arrangements outside the community, and of children with disabilities, particularly children with intellectual, psychosocial or sensory disabilities and those who require more intensive support – through the Child Welfare Act, in various types of facilities, depriving them of family and community life;

(b) The promotion of institutionalization of persons with psychosocial disabilities and persons with dementia in psychiatric hospitals, both public and private, and particularly the continuance of indefinite hospitalizations of persons with psychosocial disabilities;

(c) The limited opportunities for persons with disabilities to choose their place of residence and where and with whom to live, including for those dependent on parents and living in their homes, and those placed in particular arrangements such as group homes under the Act on Comprehensive Support for the Daily and Social Life of Persons with Disabilities;

(d) The lack of a national strategy and legal framework for the deinstitutionalization of persons with disabilities residing in residential institutions and psychiatric hospitals, and for their independent living in the community on an equal basis with others, including the lack of recognition of their right to autonomy and full social inclusion;

(e) The insufficient support arrangements for persons with disabilities for living independently in the community, including accessible and affordable housing, in-home services, personal assistance and access to services in the community;

(f) Assessment schemes for granting support and services in the community that are based on the medical model of disability.

42. **With reference to its general comment No. 5 (2017) on living independently and being included in the community, and to its guidelines on deinstitutionalization, including in emergencies (of 2022), the Committee urges the State party to:**

(a) **Take expedited measures to end the institutionalization of persons with disabilities, including children with disabilities, by redirecting its budget allocations from the placement of persons with disabilities in residential institutions towards arrangements and supports for persons with disabilities for living independently in the community on an equal basis with others;**

(b) **Review all cases of persons with disabilities who are hospitalized in psychiatric hospitals to cease any indefinite hospitalization, ensure their informed consent and foster their independent living, along with the required mental health support in the community;**

(c) **Ensure that persons with disabilities have the opportunity to choose their place of residence and where and with whom they live in the community and are not obliged to live in a particular living arrangement, including group homes, and enable persons with disabilities to exercise choice and control over their lives;**

(d) **Launch, in consultation with organizations of persons with disabilities, a legal framework and national strategy with time-bound benchmarks, and human, technical and financial resources, aimed at the effective transition of persons with disabilities from institutions into independent living in the community on an equal basis with others, with recognition of their right to autonomy and full social inclusion, and obligations on prefectures to ensure its implementation;**

(e) **Strengthen support arrangements for persons with disabilities to live independently in the community, including independent, accessible and affordable housing outside any type of congregated premises, personal assistance, user-led budgets, and access to services in the community;**

(f) **Revise existing assessment schemes for granting support and services in the community to ensure that they are based on the human rights model of disability, including the assessments of the barriers in society for persons with disabilities and of the support for their social participation and inclusion.**

#### **Personal mobility (art. 20)**

43. The Committee is concerned that:

(a) Legal restrictions do not allow community living support services to be used for purposes such as commuting to and from work or school, or for an extended period;

(b) There is insufficient access to quality mobility aids and assistive devices and technologies, and forms of life assistance and intermediaries, for persons with disabilities, particularly in regions outside of major cities.

44. **The Committee recommends that the State party:**

(a) **Eliminate the restrictions under the Act on Comprehensive Support for the Daily and Social Life of Persons with Disabilities to ensure unrestricted personal mobility of persons with disabilities in all regions;**

(b) **Reinforce efforts to ensure that necessary mobility aids and assistive devices and technologies are affordable for all persons with disabilities, including by promoting local repairs, providing government and tax subsidies, and waiving taxes and custom charges.**

#### **Freedom of expression and opinion, and access to information (art. 21)**

45. The Committee is concerned about:

(a) Gaps in providing information to and supporting the communication of all persons with disabilities, including those who require more intensive support, such as the deafblind;

(b) The barriers faced by persons with disabilities in gaining access to public information and communication, including television programmes and websites, and gaps at the local government level;

(c) The lack of recognition in law of Japanese Sign Language as an official language, the lack of training in the use of sign language and the lack of sign language interpretation in all areas of life.

46. **The Committee recommends that the State party:**

(a) **Develop legally binding information and communication standards at all levels to ensure the accessibility of information provided to the public, including on websites, on television and in other media formats;**

(b) **Allocate sufficient funding for the development, promotion and use of accessible communication formats, such as Braille, deafblind interpretation, sign language, Easy Read, plain language, audio description, video transcription, captioning, and tactile, augmentative and alternative means of communication;**

(c) **Recognize in law Japanese Sign Language as an official language at the national level, promote access to and the use of sign language in all areas of life, and ensure the training and availability of qualified sign language interpreters.**

#### **Right to privacy (art. 22)**

47. The Committee is concerned that information about persons with disabilities may be collected without their consent and not with a reasonable purpose by service providers in the private and the public sectors, and that confidentiality and protection of the privacy of persons with disabilities are not fully ensured by existing legislation, including the My Number Act and the Act on the Protection of Personal Information.

48. **The Committee recommends that the State party strengthen its legislation on data protection for persons with disabilities by ensuring that data is processed either on the basis of the personal, free and informed consent of the data subject or on another legitimate non-discriminatory basis laid down by law, and that it be collected for explicit, specified and legitimate purposes and not processed in a way incompatible with those purposes, that it be processed lawfully, fairly and in a transparent manner, and that the data subject have a right to an effective remedy.**

#### **Respect for home and the family (art. 23)**

49. The Committee notes with concern:

(a) The provision in the Civil Code (art. 770) discriminating against persons on the grounds of their psychosocial disability, setting it as grounds for divorce;

(b) The separation of children with disabilities from their families, and their institutionalization in particular living arrangements on the basis of their disability.

50. **The Committee recommends that the State party:**

(a) **Repeal discriminatory provisions against persons with disabilities, including article 770 (1) (iv) of the Civil Code which sets psychosocial disability as grounds for divorce;**

(b) **Recognize the right of children with disabilities to family life, and render appropriate assistance, including early intervention and inclusive support, to parents of children with disabilities, including to parents with disabilities, in the performance of their child-rearing responsibilities, to prevent families from being separated on the basis of disability, and, when the immediate family is unable to care for them, undertake every effort to provide them with alternative care in the community in a family setting.**

#### **Education (art. 24)**

51. The Committee is concerned about:

(a) The perpetuation of segregated special education of children with disabilities, through medical-based assessments, making education in regular environments inaccessible for children with disabilities, especially for children with intellectual and/or psychosocial disabilities and those who require more intensive support; as well as about the existence of special needs education classes in regular schools;

(b) Children with disabilities being denied admittance to regular schools due to their perceived and actual unpreparedness to admit them, and the ministerial notification

issued in 2022 according to which students enrolled in special classes should not spend their time in regular classes for more than half of their school timetable;

(c) The insufficient provision of reasonable accommodation for students with disabilities;

(d) The lack of skills of, and the negative attitudes to inclusive education of, regular education teachers;

(e) The lack of alternative and augmentative modes and methods of communication and information in regular schools – including sign language education for deaf children, and inclusive education for deafblind children;

(f) The lack of a national comprehensive policy to address barriers for students with disabilities in higher education, including for university entrance exams and for the study process.

**52. Recalling its general comment No. 4 (2016) on the right to inclusive education, and target 4.5 and target 4.a of the Sustainable Development Goals, the Committee urges the State party to:**

**(a) Recognize the right of children with disabilities to inclusive education within its national policy on education, its legislation and its administrative arrangements, with the aim of ceasing segregated special education, and adopt a national action plan on quality inclusive education, with specific targets, time frames and a sufficient budget, to ensure that all students with disabilities are provided with reasonable accommodation and the individualized support they need at all levels of education;**

**(b) Ensure access to regular schools for all children with disabilities, and put in place a “non-rejection” clause and policy to ensure that regular schools are not allowed to deny regular school for students with disabilities, and withdraw the ministerial notification relating to special classes;**

**(c) Guarantee reasonable accommodation for all children with disabilities to meet their individual educational requirements and to ensure inclusive education;**

**(d) Ensure the training of regular education teachers and non-teaching education personnel on inclusive education and raise their awareness about the human rights model of disability;**

**(e) Guarantee the use of augmentative and alternative modes and methods of communication in regular education settings, including of Braille, Easy Read, and sign language education for deaf children, promote the deaf culture in inclusive educational environments, and ensure access to inclusive education for deafblind children;**

**(f) Develop a comprehensive national policy addressing barriers for students with disabilities in higher education, including for university entrance exams and for the study process.**

#### **Health (art. 25)**

53. The Committee notes with concern:

(a) The barriers faced by persons with disabilities, particularly women and girls with disabilities, and persons with psychosocial and/or intellectual disabilities, in accessing health-care services, which include inaccessible health-care facilities and information, lack of reasonable accommodation, and prejudices about persons with disabilities held by professionals across the health sector;

(b) The segregation of psychiatric care from general medical care, as provided by the Act on Mental Health and Welfare for the Mentally Disabled, and the lack of sufficient community-based health services and support;

(c) The limited measures to ensure access, on an equal basis with others, to quality, age-appropriate sexual and reproductive health services and sex education for all persons with disabilities, particularly women and girls with disabilities;

(d) The insufficient medical expense subsidies for persons with disabilities, including those who require more intensive support.

**54. Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure quality and gender-sensitive health-care services for all persons with disabilities, including by ensuring the implementation of accessibility standards and the provision of reasonable accommodation by public and private health-care providers;**

(b) **Guarantee that information is provided in accessible formats for persons with disabilities, including in Braille, sign language and Easy Read, regarding health services;**

(c) **Integrate a human rights model of disability into the training of health professionals, emphasizing that all persons with disabilities have the right to free and informed consent for any medical and surgical treatment;**

(d) **Develop, in close consultation with organizations of persons with psychosocial disabilities, non-coercive, community-based mental health support, and adopt the necessary legislative and policy measures to dismantle systems that separate mental health care from general medical care;**

(e) **Ensure that high-quality, age-appropriate sexual and reproductive health services and comprehensive sexuality education are inclusive of and accessible to all persons with disabilities, in particular women and girls with disabilities;**

(f) **Establish a mechanism of medical expense subsidies that is based on the person's capacity to cover the costs, and expand these subsidies for all persons with disabilities, including those who require more intensive support.**

#### **Habilitation and rehabilitation (art. 26)**

55. The Committee notes with concern:

(a) The shortage of comprehensive and cross-sectoral habilitation and rehabilitation services, particularly to support children and outside of major cities;

(b) The emphasis on the medical model in habilitation and rehabilitation programmes, and differences in support based on the type of disability, sex and region.

**56. The Committee recommends that the State party:**

(a) **Adopt measures to secure access by persons with disabilities to comprehensive and cross-sectoral habilitation and rehabilitation services, programmes and technologies, within their community, and all over the country;**

(b) **Expand habilitation and rehabilitation systems, taking into account the human rights model of disability, and ensure that all persons with disabilities have access to these services based on their individual requirements.**

#### **Work and employment (art. 27)**

57. The Committee is concerned about:

(a) The segregation of persons with disabilities, particularly persons with intellectual disabilities and persons with psychosocial disabilities, in sheltered workshops and employment-related welfare services, with low wages and limited opportunities to transition to the open labour market;

(b) The barriers to employment faced by persons with disabilities, which include inaccessible workplaces, the insufficient support and individualized accommodation in both the public and the private sectors, the limited mobility assistance and the limited information provided to employers about the capabilities of persons with disabilities;

(c) Gaps in local governments and in the private sector concerning employment quotas for persons with disabilities, as provided by the Act for the Promotion of Employment for Persons with Disabilities, and the lack of a transparent and effective monitoring mechanism to ensure its implementation;

(d) Restrictions concerning the use of personal assistance services for persons who require more intensive support at work.

**58. Recalling its general comment No. 8 (2022), the Committee recommends that, in line with target 8.5 of the Sustainable Development Goals, the State party:**

(a) **Enhance efforts to speed up the transition of persons with disabilities from sheltered workshops and employment-related welfare services to the open labour market in the private and public sectors, with equal remuneration for work of equal value, in an inclusive work environment;**

(b) **Ensure that the built environment of workplaces is accessible and adapted for persons with disabilities, and provide employers at all levels with training on respecting and applying individualized support and reasonable accommodation;**

(c) **Reinforce affirmative measures and incentives to encourage and ensure the employment of persons with disabilities, particularly persons with intellectual or psychosocial disabilities and women with disabilities, in the public and private sectors, and establish an effective monitoring mechanism to ensure their appropriate implementation;**

(d) **Remove legal provisions that restrict the use of personal assistance for persons who require more intensive support at work.**

#### **Adequate standard of living and social protection (art. 28)**

59. The Committee is concerned:

(a) About the insufficient social protection scheme, including the provisions to cover disability-related expenses, to ensure access for persons with disabilities and their families to an adequate standard of living;

(b) That disability pensions are significantly lower than the average income of citizens;

(c) About the limited progress as regards the accessibility standards applied to private and public housing.

**60. Taking into account the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Strengthen the social protection system to guarantee an adequate standard of living for persons with disabilities and to cover additional disability-related expenses, particularly for those who require more intensive support;**

(b) **Review the provisions concerning the level of disability pensions, in consultation with organizations of persons with disabilities;**

(c) **Establish legally binding accessibility standards that are applied to private and public housing, and ensure their implementation.**

#### **Participation in political and public life (art. 29)**

61. The Committee notes with concern:

(a) The limited accessibility of voting procedures, facilities and materials and the insufficient election-related information, taking into account the diversity of persons with disabilities;

(b) The barriers to participating in political life and public administration, to holding public office and to performing public functions, particularly for women with disabilities.

62. **The Committee recommends that the State party:**

(a) **Amend the Public Offices Election Act to ensure that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use for all persons with disabilities, along with the provision of accommodation as regards election-related information, including election broadcasts and campaigns;**

(b) **Ensure that the participation of persons with disabilities, particularly women with disabilities, in political life and public administration is promoted, that they can hold public office effectively and perform all public functions at all levels of government, by facilitating the use of assistive and new technologies, and providing personal assistants.**

**Participation in cultural life, recreation, leisure and sport (art. 30)**

63. The Committee is concerned about:

(a) The limited accessibility at tourist locations and entertainment facilities;

(b) The barriers to access to television programmes, cultural activities and electronic publications;

(c) The restrictions on participation in sporting events, in particular as regards persons who are deaf, hard of hearing or deafblind.

64. **The Committee recommends that the State party:**

(a) **Enhance efforts to ensure accessibility at tourist locations and entertainment facilities, including those of small size;**

(b) **Provide access to television programmes and cultural activities in accessible formats, and strengthen measures to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled, in order to increase the availability of accessible published works;**

(c) **Ensure access to sports activities for all persons with disabilities, including the provision of reasonable accommodation.**

**C. Specific obligations (arts. 31–33)**

**Statistics and data collection (art. 31)**

65. The Committee notes with concern:

(a) The lack of comprehensive disaggregated data on persons with disabilities, covering all areas of life;

(b) That persons with disabilities in residential institutions and psychiatric hospitals are overlooked in surveys conducted.

66. **Recalling the Washington Group short set of questions on disability, and the Development Assistance Committee of the Organisation for Economic Co-operation and Development policy marker on the inclusion and empowerment of persons with disabilities, the Committee recommends that the State party develop a data-collection system on persons with disabilities in all areas of life, disaggregated by a range of factors, such as age, sex, type of impairment, type of support required, sexual orientation and gender identity, socioeconomic status, ethnicity, and place of residence, including residential institutions and psychiatric hospitals.**

**International cooperation (art. 32)**

67. While noting the Japan International Cooperation Agency Thematic Guidelines on Disability and Development (of 2015), the Committee is concerned that mainstreaming of disability in international cooperation projects is not fully applied, and related strategies and

programmes are not developed in close consultation with organizations of persons with disabilities under the human rights model of disability.

68. **The Committee recommends that the State party:**

(a) **Mainstream the rights of persons with disabilities in its implementation and monitoring of the 2030 Agenda for Sustainable Development at all levels, in close consultation with and with the active involvement of organizations of persons with disabilities;**

(b) **Strengthen its cooperation for the implementation of the Asian and Pacific Decade of Persons with Disabilities 2013–2022 and of the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific.**

**National implementation and monitoring (art. 33)**

69. The Committee is concerned that:

(a) There is no national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) in the State party;

(b) The Commission on Policy for Persons with Disabilities, established as the monitoring mechanism of the Convention, is in the Cabinet Office, has a limited scope, and has insufficient representation of the diversity of disabilities and insufficient gender balance among its membership.

70. **The Committee recommends that the State party take into account its guidelines on independent monitoring frameworks and their participation in the work of the Committee and establish a national human rights institution with a broad mandate on the protection of human rights and with adequate human, technical and financial resources, in full compliance with the Paris Principles, and, within its framework, strengthen the formal capacity of the Commission on Policy for Persons with Disabilities, guaranteeing its independence, representation of the diversity of disabilities, and gender balance among its membership, to monitor the implementation of the Convention.**

## **IV. Follow-up**

### **Dissemination of information**

71. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party’s attention to the recommendations contained in paragraphs 42, on living independently and being included in the community, and 52, on inclusive education.

72. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and Parliament, officials in relevant ministries, local authorities, and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

73. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

74. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

**Next periodic report**

75. **The Committee requests the State party to submit its combined second, third and fourth periodic reports by 20 February 2028 and to include therein information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.**

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