



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities Twenty-seventh session

Concluding observations on the initial report of Japan*

I. Introduction

1. The Committee considered the initial report of Japan (CRPD/C/JPN/1) at its 594th and 595th meetings (see CRPD/C/SR.594 and 595), 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 the written replies (CRPD/C/JPN/RQ/1) to the list of issues prepared by the Committee (CRPD/C/JPN/Q/1). 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 State party's delegation, 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 its ratification 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, 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 organisations to provide reasonable accommodation for persons with disabilities;
 - (c) Act on Facilitation of the Use of Telephones for the 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);

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

(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) Employment Promotion Act 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 to ensure reasonable accommodations.

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

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

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

(c) Guidelines on Reasonable Accommodation (2016);

(d) Everyone's Public Website Operational Guidelines;

(e) Guidelines for employers for 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 for monitoring the implementation of the Convention;

(g) Prefectural and Municipal Government Programs 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) Lack of harmonization of disability-related national legislation and policies with the human rights model of disability as contained in the Convention by pertaining a paternalist approach to persons with disabilities;

(b) Perpetuation of medical model of disability across legislation, regulation and practice, 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, 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 subjects of human rights on equal basis with others, including through ensuring close consultation with representative organisations of persons with disabilities, in particular, persons with intellectual and psychosocial disabilities;**

(b) **Review its legislation and regulations to eliminate elements of medical model of disability, including the disability qualification and certification system, to ensure that all persons with disabilities, regardless impairment, receive the required support in the community for having 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”, within its national and municipal legislation;**

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

(e) **Take necessary legislative and budgetary measures to eliminate the regional and municipal gaps for providing 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) 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 the municipal and inter-municipal committees on accessibility;

(b) Lack of comprehensive response to the stabbings occurred in 2016 at the Tsukui Yamayuri-en facility, located in Sagamihara, mainly owing to eugenic and ableist mindset in society;

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

10. Recalling its General Comment No. 7 (2018) on Article 4.3 and 33.3: Participation of persons with disabilities, including children with disabilities, through their representative organizations in the implementation and monitoring of the Convention, the Committee recommends that the State party:

(a) **Ensure active, meaningful and effective consultations with the diversity of representative organizations of persons with disabilities at national and municipal levels, including through the means of alternative communication, accessibility and reasonable accommodations, in public decision-making processes, paying attention to self-advocates with disabilities and organisations of persons with intellectual disabilities, persons with psychosocial disabilities, autistic persons, women with disabilities, LGBTIQ+ persons with disabilities, persons living in rural areas, and 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 aiming at combating eugenic and ableist attitudes and legal liability for 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, policy - and lawmakers, teachers, medical, health and social workers, and all other professionals in connexion 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 related to Article 23 paragraph 4 of the Convention.

12. **The Committee encourages the State party to ratify the Optional Protocol to the Convention, and withdraw its interpretative declaration related to Article 23 paragraph 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) The denial of reasonable accommodation is not recognized as a form of discrimination on the ground of disability in all areas of life;

(c) There is 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 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 the 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 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 sanctions against the perpetrator.**

Women with disabilities (art. 6)

15. The Committee is concerned about:

(a) 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 the Fifth Basic Plan for Gender Equality;

(b) 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 the:

(a) Early identification and rehabilitation system, as regulated by the Maternal and Child Health Act, directing children with disabilities, through their medical examination to their social segregation, hindering them from community and inclusive life prospects;

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

18. **With reference to the Joint Statement of the CRC and CRPD Committees on the rights of children with disabilities (2022), the Committee recommends that the State party:**

(a) **Review the existing legislation with the aim to recognize the right to full social inclusion of all children with disabilities and take all necessary measures, including universal design and reasonable accommodations, inter alia, alternative and augmentative methods of information and communication, to ensure their full enjoyment of 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 of prevention of and protection against abuse and violence of children with disabilities.**

Awareness-raising (art. 8)

19. The Committee is concerned about:

(a) Insufficient efforts and budgetary allocation 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 or persons with psychosocial disabilities;

(c) 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 close participation of persons with disabilities in its formulation and implementation, and 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 the:

(a) Limited strategies to harmonize accessibility obligations at all levels to embed universal design standards and to encompass all domains;

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

(c) Insufficient awareness-raising and training for architects, designers, and engineers concerning accessibility standards and the 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 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 continuous 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 the reports on the cases of deaths of persons with disabilities resulted from the:

(a) Lack of safeguards of the right to life of persons with disabilities, including lack of consideration of their will and preferences as regards the non-start and/or continuation of their medical treatment, including in palliative care;

(b) Physical and chemical restrains in the condition of involuntary hospitalisation on the bases of impairment;

(c) It is also concerned by the lack of statistics on the causes and circumstances of and independent investigation on the deaths in psychiatric hospitals.

24. The Committee recommends that the State party, in consultation with organisations 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 required support for it, as regards their treatment, including in palliative care;

(b) Prevent any form of involuntary hospitalisation and treatment on the bases of impairment of a person and ensure necessary support to persons with disabilities in community-based services;

(c) Conduct thorough and independent investigation on 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) Limited protection under the Basic Act on Disaster Management for the rights of persons with disabilities of privacy and non-discrimination, including the denial of reasonable accommodation;

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

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

(d) Limited accessible information on situations of risk, disaster, and humanitarian emergencies, including accessibility of emergency alert system for persons with intellectual disabilities;

(e) Lack of implementation of the “Sendai Framework for Disaster Risk Reduction 2015-2030” in the Kumamoto Earthquake, Northern Kyushu Heavy Rain Disasters, West Japan Heavy Rain Disasters and Hokkaido Eastern Iburu Earthquake;

(f) Lack of disability-inclusive response to the COVID-19 pandemic, including access to information, vaccines, health services and other economic and social programmes, and the disproportionate impact of the pandemic for 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 denial of reasonable accommodations, and issues related to disaster prevention and reduction and situations of risk and humanitarian emergencies;

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

(c) Build resilient communities engaging the whole community, including persons with disabilities and their families into disaster prevention and reduction planning, by developing individual emergency plans and support systems based on community focal points, identifying 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 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 in its COVID-19 response and recovery plans, including in respect of 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 the restriction of their legal capacity, in particular, of persons with psychosocial or intellectual disabilities, based on assessments of their mental capacity, and by perpetuating substitute-decision making systems, under the Civil Code;

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

(c) Use of the term “the best interest of a person” within 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 autonomy, will and preferences of all persons with disabilities, regardless the level or mode of support they may require.**

Access to justice (art. 13)

29. The Committee notes with concern the:

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

(b) Lack of procedural and age-appropriate accommodations in civil, criminal and administrative proceedings to ensure effective participation of persons with disabilities, and the lack of accessible information and communication for them;

(c) Physical inaccessibility of courts, judicial and administrative facilities.

30. **The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities (2020) prepared by the Special Rapporteur on the Rights of Persons with Disabilities, and Sustainable Development Goal 16, target 3, and recommends that the State party:**

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

(b) **Guarantee procedural and age-appropriate accommodations in all judicial proceedings for persons with disabilities, regardless the impairment of the concerned person, including coverage of the litigation charges for 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 physical accessibility of court buildings, judicial and administrative facilities, particularly, by means of universal design, to guarantee equal access to judicial proceedings for persons with disabilities on equal basis with others.**

Liberty and security of the person (art. 14)

31. The Committee is concerned about:

(a) Legislation that allows the involuntary commitment in psychiatric hospitals and 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) Lack of safeguards to protect the right to informed consent of persons with disabilities, including vagueness of the definition of informed consent, as regards the hospitalization.

32. **The Committee recalls its Guidelines on article 14 of the Convention (2015) and the recommendations issued by the Special Rapporteur on the Rights of Persons with Disabilities (A/HRC/40/54/Add.1) and calls upon the State party to:**

(a) **Recognise the involuntary hospitalisation of persons with disabilities as discrimination on the grounds of impairment, amounting to the deprivation of liberty, and repeal all legal provisions allowing for the deprivation of liberty through**

involuntary hospitalisation 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 equal basis with others;

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

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

33. The Committee observes with concern the:

(a) Forced treatment, including seclusion, physical and chemical restraints, forced medication, forced cognitive and electroconvulsive therapies, of persons with disabilities in psychiatric hospitals, and 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) Lack of scope and independency of the psychiatric review boards for ensuring the prevention of and the reporting on forced and ill-treatment in psychiatric hospitals;

(c) Lack of independent monitoring systems to investigate violations of the rights of persons with disabilities who receive forced treatment or are long-term hospitalized, and 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 and 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 and 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) Reported sexual violence and domestic violence against children and women with disabilities, in particular, persons with intellectual or psychosocial or sensory disabilities, and those placed in institutional settings, and the lack of their protection against sexual violence and remedies for them;

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

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

(d) Absence of representatives of organisations 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 persons with disabilities.

36. **In line with its statement issued on 24 November 2021 calling to take action to eliminate gender-based violence against women and girls with disabilities, now, 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 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 perpetrators are prosecuted and punished, and that remedies are provided for victims;**

(b) **Review the Act on the Prevention of Persons with Disabilities and Support for Caregivers for extending the scope of prevention of violence against persons with disabilities in all settings, and for establishing measures to investigate violence and abuse against persons with disabilities and to their remedy;**

(c) **Develop strategies at all levels to ensure the accessibility of victim support services, 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, accessibility and reasonable accommodations, in the judicial processes;**

(d) **Ensure the meaningful participation of representatives of organisations 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 within the “Act on the Provision of Lump-sum Compensation to Persons Who Received Eugenic Surgery, under the Former Eugenic Protection Law” (1948-1996), that establishes a low compensation for persons with disabilities subjected to eugenic surgeries without their consent, omits support to the access to information to victims with disabilities, and provides statutes of limitations to five years;

(b) Reports of sterilizations, hysterectomies and abortions 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 organisations of persons with disabilities, revise the compensation system to the victims of eugenic surgery under the former Eugenic Protection Law, for ensuring identification of all cases, contingent compensations for all them, including by means of support, along with augmentative and alternative methods of communication, to access to information, and by not limiting the application period, in order that all victims are expressly apologized and properly redressed;**

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

Liberty of movement and nationality (art. 18)

39. The Committee is concerned about:

(a) The article 5 of the Immigration Control and Refugee Recognition Act that allows denial of entry to the State party to persons with intellectual or psychosocial disability;

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

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

(a) **Revise Article 5, Paragraph 2 of the Immigration Control and Refugee Recognition Act, which allows denial of entry to persons with psychosocial or intellectual disabilities;**

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

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

41. The Committee observes with concern:

(a) 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 intense support, in particular living arrangements outside community, and of children with disabilities, particularly, children with intellectual, psychosocial or sensory disabilities and those who require more intense support, through the Child Welfare Act, in various types of facilities, depriving them family and community life;

(b) Promotion of institutionalization of persons with psychosocial disabilities and persons with dementia in psychiatric hospitals, both public and private, particularly, the continuance of indefinite hospitalisations of persons with psychosocial disabilities in them;

(c) 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 the Comprehensive Support for the Daily and Social Life of Persons with Disabilities;

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

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

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

42. **With reference to its General comment No. 5 (2017) on living independently and being included in the community and its Guidelines on Deinstitutionalisation (2022), the Committee urges that the State party:**

(a) **Takes expedited measures to end the institutionalisation of persons with disabilities, including children with disabilities, by redirecting its budgets 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 bases with others;**

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

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

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

Personal mobility (art. 20)

43. The Committee is concerned that:

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

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

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

(a) Eliminate the restrictions under the Act on the 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) Lacks in providing information and supporting communication of all persons with disabilities, including those with more intensive support, such as the deafblind;

(b) Barriers faced by persons with disabilities in gaining access to public information and communication, including on television programmes and websites, and gaps among local governments;

(c) The lack of recognition in law of Japanese sign language as an official language, lack of training of sign language and lack of sign language interpretations across 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, television and media services;

(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 trainings 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 nor reasonable purpose by service providers within private and public sectors, and that confidentiality and the protection of 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 it is processed either on the basis of the personal, free and informed consent of the data subject or other legitimate non-discriminatory basis laid down by law, and that it is collected for explicit, specified and legitimate purposes and not processed in a way incompatible with those purposes, that it is processed lawfully, fairly and in a transparent manner, and that the data subject has a right to an effective remedy.

Respect for home and the family (art. 23)

49. The Committee notes with concern the:

(a) Provision of the Civil Code (Article 770), discriminating persons on the grounds of their psychosocial disability as setting it as condition of divorce;

(b) 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 Paragraph 1 item iv of the Civil Code that sets psychosocial disability as a condition of divorce;

(b) Recognise 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 alternative care within the community in a family setting.

Education (art. 24)

51. The Committee is concerned about the:

(a) 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 or psychosocial disabilities and those who require more intensive support, as well as the existence of special needs education classes in regular schools;

(b) Denials to admit children with disabilities to regular schools due to its perceived and factual unpreparedness to admit them, and the ministerial notification issued in 2022 by which students in special classes should not spend their time in regular classes for more than half of their school time;

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

(d) Lack of skills of and negative attitudes on inclusive education of regular education teachers;

(e) 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) Lack of national comprehensive policy, addressing barriers for students with disabilities at higher education, including university entrance exams and the study process.

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

(a) Recognize the right of children with disabilities to inclusive education within its national policy on education, legislation and administrative arrangement with the aim to cease segregated special education, and adopt a national action plan on quality inclusive education, with specific targets, time frames and 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 accessibility 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 related to special classes;

(c) Guarantee reasonable accommodations for all children with disabilities for meeting their individual educational requirements and ensuring inclusive education;

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

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

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

Health (art. 25)

53. The Committee notes with concern the:

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

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

(c) 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) Insufficient medical expense subsidies for persons with disabilities, including those with 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 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 based on the person's capacity to cover the costs, and expand these subsidies for all persons with disabilities, including those with 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 of the medical model in habilitation and rehabilitation programmes, and differences in support based on type of disability, sex and region.

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

(a) **Adopt measures to secure access to comprehensive and cross-sectoral habilitation and rehabilitation services, programmes and technology, within their community, and in all the State party;**

(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 or psychosocial disabilities, in sheltered workshops and employment-related welfare services, with low wages and limited opportunities to transition to the open labour market;

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

(c) Gaps in the local governments and the private sector concerning the employment rate system for persons with disabilities, as provided by the Act for the Promotion of Employment for Persons with Disabilities, and 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. **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 its 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 about:

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

(b) Disability pensions are significantly low compared to the average income of citizens;

(c) Limited progress related to 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 cover additional disability-related expenses, particularly for those who require more intensive support;**

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

(c) **Establish legally binding accessibility standards that applied to private and public housing, and ensure its 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 elections-related information, according to the diversity of persons with disabilities;

(b) Barriers to participate in political life and public administration, to hold office and perform 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 accommodation of 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, they can effectively hold office 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) Limited accessibility at tourist locations and entertainment facilities;
- (b) Barriers to access television programs, cultural activities, and electronic publications;
- (c) 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 a small scale;**
- (b) Secure the access to television programs and cultural activities in accessible formats, and strengthen measures to implement the Marrakesh Treaty to increase the availability of accessible published works;**
- (c) Ensure the access to sport 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 the:

- (a) Lack of comprehensive disaggregated database on persons with disabilities, covering all areas of life;
- (b) Overlook of persons with disabilities in residential institutions and psychiatric hospitals 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 data collection system and data base on persons with disabilities at all areas of life and disaggregated by a range of factors, such as age, sex, type of impairment, type of support they require, sexual orientation and gender identity, socioeconomic status, ethnicity, 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 (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 to 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 and 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 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 Paris Principles at the State Party;

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