



# Convention on the Rights of Persons with Disabilities

Distr.: General  
29 October 2019

Original: English  
English, Russian and Spanish only

---

## Committee on the Rights of Persons with Disabilities

### List of issues in relation to the initial report of Japan\*

#### A. Purpose and general obligations (arts. 1–4)

1. Please provide information on the measures taken to:
  - (a) Harmonize further the State party's legislation with the Convention, including measures to withdraw derogatory terminology from such legislation, such as the term "mentally incompetent";
  - (b) Adopt the human rights model of disability in legislation, policies and practices, including in relation to assessment criteria and the certification of disability;
  - (c) Develop, implement, monitor and evaluate plans or strategies with a specific focus on the realization of the rights of persons with disabilities at the national, prefectural and municipal levels, including the Basic Programme for Persons with Disabilities, the Prefectural Government Programme for Persons with Disabilities and the Municipal Government Programme for Persons with Disabilities, ensuring close cooperation among the different administrative levels;
  - (d) Ensure the full and effective participation of persons with disabilities, including persons with intellectual or psychosocial disabilities, women and children with disabilities, and persons with disabilities belonging to ethnic and other minorities, through their representative organizations, at all stages, including the design, implementation and review of all disability-specific and other relevant legislation and policies;
  - (e) Provide systematic training for professionals working with persons with disabilities, including social workers, members of the judiciary and police and prison officials, on the Convention and the rights of persons with disabilities.
2. Please provide information on any plans to ratify the Optional Protocol to the Convention.

#### B. Specific rights (arts. 5–30)

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

3. Please inform the Committee about whether the Act for Eliminating Discrimination against Persons with Disabilities prohibits all discrimination on the basis of disability, both direct and indirect discrimination, and multiple and intersectional discrimination, including against women and girls with disabilities, in all areas of life. Please also clarify if the Act recognizes the denial of reasonable accommodation as a form of disability-based discrimination in the private and public spheres.

---

\* Adopted by the pre-sessional working group at its twelfth session (23–27 September 2019).



4. Please indicate the existing judicial and administrative remedies available in cases of discrimination on the basis of disability. Please provide disaggregated statistical data on the investigations conducted, sanctions imposed and remedies provided, including in cases of multiple and intersectional discrimination.

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

5. Please inform the Committee about:

(a) The general gender equality policies that mainstream the rights of women and girls with disabilities, and specific legislation, policies and administrative measures for realizing the rights of women and girls with disabilities;

(b) The measures taken to ensure the full development, advancement and empowerment of women and girls with disabilities for the purpose of guaranteeing the exercise and enjoyment of their rights and fundamental freedoms.

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

6. Please inform the Committee about:

(a) The general policies that mainstream the rights of children with disabilities, including in the areas of early childhood development, education, social protection, and access to early intervention and inclusive services at all levels;

(b) The measures taken to ensure that all children with disabilities have the right to express their views freely, in all matters affecting them, and that due weight is given to their views, in all settings, including family, foster care, education, health and medical settings, and in judicial and administrative proceedings.

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

7. Please provide information about:

(a) The measures taken to combat negative stereotypes and prejudices relating to persons with disabilities in society, including at the family level;

(b) How representative organizations of persons with disabilities have been involved in the development and implementation of awareness-raising plans and strategies.

**Accessibility (art. 9)**

8. Please provide information about:

(a) The legislative and administrative measures taken at all levels to ensure the accessibility of facilities and services open or provided to the public, including buildings, transportation, and information and communications;

(b) The measures taken to include continuous training programmes on accessibility through universal design as part of curricula for professionals, such as architects, designers, engineers and programmers.

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

9. Please inform the Committee about:

(a) The measures taken to ensure that the State party's legislation on assisted dying adheres to the Convention and respects its general principles;

(b) The number of cases of death that occurred during or after forced hospitalization, or physical or chemical restraint of persons with psychosocial disabilities, and the measures taken to prevent such occurrences and prosecute the perpetrators.

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

10. Please provide information about the measures taken, in close consultation with and actively involving organizations of persons with disabilities, to:

(a) Implement, monitor and evaluate the normative framework concerning all persons with disabilities in situations of risk, including earthquakes and nuclear plant disasters, and their results;

(b) Provide accessible information to all persons with disabilities at all stages in situations of risk and humanitarian emergencies;

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

(d) Ensure the effective implementation of the Sendai Framework for Disaster Risk Reduction 2015–2030, paying particular attention to disability inclusion;

(e) Ensure that persons with disabilities whose houses were destroyed in situations of risk and humanitarian emergencies are rebuilt.

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

11. Please provide information about the measures taken to:

(a) Repeal all laws that restrict the right of persons with disabilities to equal recognition before the law, and bring the legal framework and practices into line with the Convention, including by amending the Civil Code, end de facto guardianship and replace substituted decision-making with supported decision-making;

(b) Provide persons with disabilities with the support that they may require in exercising their legal capacity;

(c) Raise awareness about the rights of all persons with disabilities to equal recognition before the law and to receive support for decision-making, particularly targeting persons with disabilities and their families, professionals in the judiciary, policymakers and service providers working for or with persons with disabilities.

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

12. Please provide information on the measures taken to:

(a) Assess individual requirements and provide individualized supports and procedural accommodation for persons with disabilities in civil, criminal and administrative proceedings, including physical accessibility of court buildings and judicial and administrative facilities, and official information about proceedings in augmentative and accessible formats, including Braille, digital, Easy Read and sign language, indicating the number of available qualified interpreters;

(b) Regularly provide awareness-raising campaigns, including training programmes for lawyers, court staff, judges, prosecutors and law enforcement officials, including police and prison officers, on the rights of persons with disabilities;

(c) Ensure persons with intellectual or psychosocial disabilities who are suspected of having committed crimes, including those in pretrial detention, are able to gain access to justice without discrimination, on an equal basis with others.

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

13. Please provide information on the measures taken to:

(a) Repeal laws, including the Act on Mental Health and Welfare for the Mentally Disabled, in particular articles 29, 33 and 37, and the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity, which restrict the liberty and security of persons with disabilities on the grounds of actual or perceived impairment, including legislation allowing for the forced institutionalization of persons with disabilities;

(b) Address the increase in the number of hospitalizations of persons with intellectual or psychosocial disabilities, and end their indefinite hospitalization.

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

14. Please provide information on:

(a) The measures taken to abolish in law, including in the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity, and in practice, the use of physical and chemical restraints, including forced electroconvulsive therapy, forced medication, isolation, and other non-consensual, humiliating and degrading practices used on persons with disabilities, in particular those with intellectual or psychosocial disabilities;

(b) Whether there are independent monitoring systems to investigate violations of the rights of persons with intellectual or psychosocial disabilities who receive forced treatment or are long-term hospitalized under the Act on Mental Health and Welfare for the Mentally Disabled.

15. Please indicate the measures taken to investigate cases of forced sterilization of persons with disabilities, including those under the former Eugenic Protection Law, and provide information on whether the statutes of limitations limit access to justice for persons who were subjected to forced sterilization. Please explain the measures under the Act on the Provision of Lump-sum Compensation to Persons Who Received Eugenic Surgery, under the Former Eugenic Protection Law, to provide compensation and redress for persons with disabilities, including updated information on the payments disbursed as compensation.

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

16. Please provide information on the legal and other measures taken to:

(a) Protect persons with disabilities from all forms of violence, including physical, psychological and sexual and gender-based violence, domestic violence, rape, abuse, exploitation and corporal punishment;

(b) Identify, prevent and prosecute the occurrence of all forms of violence against persons with disabilities, particularly women and children with disabilities, in all settings, including homes, schools, hospitals and institutions, as well as cases of violence and abuse inflicted upon persons with intellectual or psychosocial disabilities by their guardians.

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

17. Please provide information on the measures taken to abolish in law and in practice the forced sterilization of persons with disabilities.

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

18. Please clarify whether entry to the State party may be refused on the basis of actual or perceived intellectual or psychosocial disability under article 5 of the Immigration Control and Refugee Recognition Act.

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

19. Please provide information about:

(a) The number of persons with disabilities still in institutions and about those who have been deinstitutionalized and their current situation, disaggregated by, inter alia, sex, age, place of residence and the support provided;

(b) The short- and long-term strategies and resources allocated for the deinstitutionalization of persons with disabilities, including through the transfer of resources from psychiatric hospitals towards the provision of individualized support and accessible services in the community.

**Personal mobility (art. 20)**

20. Please provide detailed information on the use of the mobility aids and assistive devices, technologies and services necessary for the unrestricted personal mobility of persons with disabilities, including home-visit care, accompanying support services, and the transportation support service under community life support services.

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

21. Please provide information on:

(a) The process of recognizing in law Japanese sign language as an official language at the national level;

(b) The measures taken by authorities at all levels to provide official information in accessible formats, including Braille, Easy Read and other augmentative and alternative means and modes of communication, as well as the resources allocated for communication support;

(c) The measures taken to make television programmes accessible for persons with disabilities through the use of audio description, sign language interpretation and captioning;

(d) The measures taken to ensure that websites open or provided to the public are accessible and comply with the standards developed by the Web Accessibility Initiative of the World Wide Web Consortium.

**Respect for privacy (art. 22)**

22. Please inform the Committee about the legislative, administrative and other measures taken to ensure confidentiality and privacy protection for the data concerning persons with disabilities, in particular when using the My Number system, also known as the Social Security and Tax Number system, as well as when receiving communication support.

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

23. Please provide information on the measures taken to:

(a) Eliminate discriminatory provisions against persons with disabilities, including persons with intellectual or psychosocial disabilities, in legislation, such as in the Civil Code, on all matters relating to family life, marriage and divorce;

(b) Provide support for children with disabilities and their parents, as well as parents with disabilities, including single parents with disabilities, to ensure that they can exercise the rights and responsibilities regarding parenthood, on an equal basis with others, in order to prevent family separation on the basis of disability.

**Education (art. 24)**

24. Please provide information about:

(a) The legislative and policy measures and human, technical and financial resources allocated for transition from education in segregated schools towards inclusive education for all persons with disabilities, including deaf and deafblind children and children with intellectual or psychosocial disabilities;

(b) The measures taken to provide individualized support and prevent denial of reasonable accommodation for persons with disabilities in mainstream education at all levels, and ensure systematic training of teaching and non-teaching personnel on quality inclusive education;

(c) School dropout rates of students with disabilities at all levels of education, including tertiary and higher education, disaggregated by sex, age and disability, in comparison with other students.

**Health (art. 25)**

25. Please provide information on:

(a) The measures taken to ensure that laws and regulations concerning health care and services for persons with disabilities and their implementation comply with the Convention, in particular the Act on Medical Care and Social Supports for Patients with Intractable/Rare Diseases;

(b) Whether and how general and specialist health-care services, as well as disability-specific services and equipment, are covered through national health-care schemes and made affordable, available and accessible to all persons with disabilities across the State party;

(c) The measures taken to ensure that persons with disabilities, including children with disabilities and persons with intellectual or psychosocial disabilities, have access to age-appropriate information and education on sexual and reproductive health and rights.

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

26. Please provide information on the measures taken to provide habilitation and rehabilitation, including the provision of assistive devices and technologies by national and local authorities, indicating the number of persons with disabilities, disaggregated by sex, age and disability, who have received such services, as a percentage of all requests for such services.

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

27. Please provide information on the measures taken to:

(a) Promote the employment of persons with disabilities, especially persons with intellectual or psychosocial disabilities and women with disabilities, by transitioning from “welfare employment” and sheltered workshops to the open labour market;

(b) Implement the legal provisions on the prohibition of discrimination on the basis of disability in employment, including the denial of reasonable accommodation, ensure the provision of individualized support and provide remedies in cases of discrimination on the basis of disability in employment, in both the public and private sectors;

(c) Raise awareness among employers on the rights and contributions of persons with disabilities.

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

28. Please provide information on:

(a) The measures taken to ensure that persons with disabilities have access to public and private housing without discrimination;

(b) Whether social protection and support services, in particular disability pensions, welfare benefits and livelihood assistance, are accessible to persons with disabilities and sufficiently take into account the additional costs related to disability so as to safeguard an adequate standard of living;

(c) The measures taken to provide social protection and support to persons with intellectual or psychosocial disabilities after their deinstitutionalization.

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

29. Please provide information on the measures taken to ensure that all persons with disabilities, in particular women with disabilities, can exercise their right and avail themselves of the opportunities to vote and stand for public office and fully participate in the conduct of public affairs, in particular in political and public decision-making positions,

on an equal basis with others, and that electoral processes and election-related information is fully accessible.

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

30. Please provide information on the measures taken to:

(a) Improve all aspects of accessibility as regards the physical environment, transportation, information and communications, including information and communications technology, facilities and services in relation to cultural, tourism, recreational, leisure and sports sites, programmes and activities, in particular for children with disabilities and with regard to the upcoming Olympic and Paralympic Games in Tokyo in 2020;

(b) Implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

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

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

31. Please provide information on the measures taken to collect, analyse and disseminate data, disaggregated by sex, age, disability, geographic location, and socioeconomic, education and employment status, in particular taking into account target 17.18 of the Sustainable Development Goals and the Washington Group short set of questions on disability.

**International cooperation (art. 32)**

32. Please describe:

(a) The measures taken to ensure that international cooperation agreements, projects and programmes implemented by the Japan International Cooperation Agency, including those related to official development assistance, implementation of the 2030 Agenda for Sustainable Development and the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific, are disability-inclusive and compatible with the Convention;

(b) How persons with disabilities, through their representative organizations, are meaningfully consulted and involved in the design and implementation of international cooperation measures.

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

33. Please clarify the role of the Commission on Policy for Persons with Disabilities in relation to whether and how it can perform the task of an independent monitoring mechanism as required by article 33 (2) of the Convention, the human, financial and technical resources allocated to it, and its collaboration with representative organizations of persons with disabilities.

34. Please provide information on the measures taken to establish an independent mechanism for monitoring human rights, including a specific mechanism for monitoring the rights of persons with disabilities under the Convention, that is able to receive, investigate and resolve complaints, in line with the Paris Principles.