**Questionnaire on** **the right of persons with disabilities to the highest attainable standard of health**

DPI-Japan with cooperation of the DPI Women’s network in Japan

Introduction:

January 2018, a woman has initiated a lawsuit against the government over a forced sterilization under the Eugenic Protection Act (1948-1996) for the first time in Japan, the Act which had sterilized about 25,000 people in Japan in which 16,500 people were without consent. Women account for roughly 70% of the victims of the forced sterilizations and a significant number of the victims were minors. The UN human rights committees three times have issued recommendations regarding forced sterilizations, demanding apologies and compensation, but to the present day the Japanese government has indicated no intention of offering apologies or compensation, stating that the operations were legal at the time.

Moreover, a case is reported that, even after the amendment of the Act to Maternal Protection Act in 1996, in 2003 a man with psychosocial disability was forced to consent to be sterilized as a pre-condition of discharge from a mental health hospital through his family’s persuasion. He, the victim spoke out in a paper. The fact that language and deeds that negate the lives of persons with disabilities, as mentioned above, continues to this day, are inseparable elements of the same problem.

Reference (In Japanese language):

Kyodo News.23th January 2018. “Give myself back” Ongoing discrimination “I wanted children“ The lawsuit regarding the ex-Eugenic Protection Act

http://www.kahoku.co.jp/tohokunews/201801/20180125\_13057.html

1. Please provide information on existing or planned legislation and policies to ensure the realization of the right to health of persons with disabilities, including current challenges and good practices.

Despite having been recognised the need for patients’ law in Japan through important lawsuits such as the HIV-contaminated blood products and the “Leprosy Prevention Law” in the 1900s and 2000s, there is no legislation with regard to rights of health service users in Japan.

Reference:

Japan Federation of Bar Associations. October 3, 2008.

Declaration on Realizing the Right to Safe and High Quality Medical Treatment

<https://www.nichibenren.or.jp/en/document/statements/year/2008/20081003_2.html>

1. Please provide any information and statistical data (including surveys, censuses, administrative data, literature, reports, and studies) related to the exercise of the right to health of persons with disabilities in general, as well as with particular focus in the following areas:
* Availability of barrier-free general healthcare services and programmes, which take into account all accessibility aspects for persons with disabilities;
* access to free or affordable general healthcare services and programmes, including mental health services, services related to HIV/AIDS and universal health coverage;
* access to free or affordable disability-specific healthcare services and programmes; and
* access to free or affordable health-related habilitation and rehabilitation goods and services, including early identification and intervention.
1. Please provide information on discrimination against persons with disabilities in the provision of healthcare, health insurance and/or life insurance by public or private service providers.
2. Please provide information on the observance of the right to free and informed consent of persons with disabilities regarding healthcare, including sexual and reproductive health and mental health services.

A research reports there are troubles over accessibility to medical treatment and verbal discrimination against women with disabilities.

Reference:

DPI Women’s network in Japan. 2012. Survey on Living Difficulties of Women with Disabilities:

<http://dwnj.chobi.net/pdf/english.pdf>

A case of Neyagawa, Osaka Manslaughter of January 2018 in which a young woman assumed to have psychosocial disabilities and being constrained by her parents over 15 years found dead. No formal investigations have been carried out yet to uncover systematic causes and prevention future problems.

Reference:

Japan Times. 3rd March 2018. “Japan’s media out of step with mental health issues”

https://www.japantimes.co.jp/news/2018/03/03/national/media-national/japans-media-step-mental-health-issues/#.WrkMVExuJjp

Media also reports the neglected health issues of both residents and evacuees of the after earth quick, tsunami and the accident of nuclear power station in and out of Fukushima.

Reference:

Japan Times. 3rd March 2018. “EDITORIAL: 7 years from 3/11 disaster, need for psychological help still strong”

http://www.asahi.com/ajw/articles/AJ201803120026.html

1. Please describe to what extent and how are persons with disabilities and their representative organizations involved in the design, planning, implementation and evaluation of health policies, programmes and services.

There are occasion that persons with disabilities and their representative organization are invited to present their account in various committees and these are called “organizations’ hearing”. In May 2016, a patient with ALS who was once invited to the health and labor committee for “hearing” in the parliament was refused to attend for the reason that he would take time for his speech.

Reference (In Japanese language): Kyodo News. 6th October 2017. “Mr Okabe, the ALS patient who was refused in the committee says we need discussion toward a harmonious society”

http://www.tokyo-np.co.jp/senkyo/shuin2017/shuin\_article/zen/CK2017100602100006.html