



Japan National Group of Mentally Disabled People

JNGMDP

We request you to write  
“law revision for abolishment”  
on the LOIs for Japan.



Summary of the Suggested Questions on the Parallel Report of JNGMDP

- ▶ Are there any plans to start to **consider abolishing laws** which restrict capacity to act, capacity to sue or be sued, and capacity to plead based on disability, such as the adult guardianship system?
- ▶ Will the government promptly start to **consider abolishing** forced hospitalization and activity restrictions provided for in the Mental Health Law?
- ▶ Has the government prepared **considerations for the abolishment** of the Medical Treatment and Supervision Act?



The government should report on following points:

Article 12 (b): Legal measures adopted to repeal legislation which directly or indirectly restricts the full legal capacity of persons with disabilities on the basis of actual or perceived impairment.

Article 14 (b): Steps taken to repeal any legislation and policies which allow, require, or tolerate involuntary or forced institutionalization, forced treatment, the imposition of restrictions or seclusion of persons with disabilities

Japanese Government's Interpretation of the Convention

Article 12: Japanese government interprets definition of the “legal capacity” in paragraph 2 of Article 12 as “legal standing,” not including “exercising rights.” The government considers the adult guardianship system as support provided for in paragraph 3 of Article 12. (Paragraph 75 of the State Party Report)

Article 14: The government interprets Article 14 to prohibit deprivation of liberty based only on disability. According to the government's interpretation, involuntary hospitalization system and activity restrictions provided for in the Mental Health Law, which are applied based not only on the fact that the person has a psychosocial disability but also on additional conditions, and forced hospitalization provided for in the Medical Treatment and Supervision Act do not violate the Article 14. (Paragraph 105 and 106 of the State Party Report)



Japanese government should have reported measures adopted to repeal legislations which were expected to violate the Convention in the State Party Report. The government, however, interpreted these legislations as comply with the Convention, and did not consider abolishing them.

Japanese government insists that the adult guardianship system is a support provided for in paragraph 3 of Article 12 based on the government's interpretation at the time of ratification. Therefore, if the Concluding Observation only recommends that the state party should shift the systems to the supported decision-making, the government will not make a change. The recommendations will be effective only if the Committee asks “does the government consider abolishing the adult guardianship system?” in the List of Issues, and recommends that “the state party should consider abolishing the adult guardianship system” in the Concluding Observation. The same can be applied to issues on the involuntary hospitalization system and activity restrictions provided for in the Mental Health Law and forced hospitalization provided for in the Medical Treatment and Supervision Act. It will be effective only if the Committee asks “does the government consider abolishing the involuntary hospitalization system and activity restrictions provided for in the Mental Health Law and forced hospitalization provided for in the Medical Treatment and Supervision Act ” in the List of Issues, and recommends “the state party should consider abolishing the involuntary hospitalization system and activity restrictions provided for in the Mental Health Law and forced hospitalization provided for in the Medical Treatment and Supervision Act ” in the Concluding Observation.