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The Japan National Group of Mentally Disabled People (JNGMDP) is a nationwide network of persons with psychosocial disability.

Today I would like to present the human rights violations of persons with psychosocial disability, especially abuse in psychiatric hospitals, institutionalization, guardianship, and national monitoring system.

The government accepted the recommendation by Armenia “147.86 Continue the effective implementation of the Convention of the Rights of People with Disability (CRPD)”, but there are no effective measures to realize the recommendation.

## 1. Description of the problem

I will start by two tragedies.

One patient died on 28 Apr. 2014. On 1 Jan. 2012 two nurses kicked and stamped on his head in the seclusion room and the patient's neck was broken and on 4 Jan. he was transferred to a general hospital and treated in an Intensive Care Unit (ICU).

Two nurses were arrested and on 14 Mar.2017, the Chiba district court acquitted one and the other was fined for the assault. The public prosecutor appealed the ruling to a higher court.

Another case is death after restraint. Mr. Kelly Savage, a New Zealand and American citizen, died on 17 May this year. He was kept for 10 days in restraints in a psychiatric hospital until his heart stopped. He was transferred to a general hospital, and he was put in the ICU. But he died one week later.

His cardiologist wrote that he suspected the cardiac arrest was caused by DVT and pulmonary embolism. His mother and brother thought that the DVT was caused by the restraint and asked the psychiatric hospital to report the death to the medical safety investigation group, but they refused.

These two cases are the tips of the iceberg and almost every year the media reports inpatients' death or injury by nurses' violence.

Japan is ranked no 1 for the highest number of psychiatric hospital beds and the average length of stay in psychiatric hospitals of OECD countries. But the government is not taking the effective measure of deinstitutionalization and projected that the demand for beds for long stay inpatients might be 100,000 beds even in 2025. And local government should make a numerical goal to plan for community services for persons with disability, including with psychosocial disability, on the premise of this number of beds.

The number of people forcibly hospitalized is increasing. From 1999 to 2015 the number of coercive hospitalizations more than doubled. Also, the number of people in solitary confinement and restraint is increasing.

A national monitoring mechanism is most important to implement the CRPD. But currently there is no national monitoring system of CRPD independent from the government that complies with Paris principle. The government explains that the Policy Commission in Basic Act for Persons with Disabilities is the national monitoring system in Art. 33 of the CRPD, but it is not independent from the government.

Some 190,000 persons are now under guardianship by the Civil Code and now Promoting the Guardianship Act is enacted with the purpose of increasing the use of guardianship, though CRPD Art.12 forbids guardianship itself.

I suggest these questions to the government

## 2. Questions

What policy will the government take to deinstitutionalize and protect the rights of persons with psycho social disability to live in the community?

Why does the government estimate the demand for the number of beds for long stay

inpatients as 100,000 even in 2025?

What policy will the government take to abolish forced hospitalization and forced treatments?

What policy will the government take to abolish guardianship?

Why does Japan need the promotion of guardianship legislation?

Does the government claim that The Policy Commission in Basic Act for Persons with Disabilities is the national monitoring mechanism of CRPD implementation?

Given the current situation in Japan, the following are our recommendations to the government.

### 3. Recommendations (from our report)

Establish a national human rights institution or a national monitoring mechanism of CRPD compliant with Paris principles by including members who are recommended by organizations of people with disability.

Repeal the guardianship system in the Civil Code and abolish Promoting the Guardianship Act.

Repeal Act on Mental Health and Welfare for the Mentally Disabled and make a comprehensive deinstitutionalization plan for psychiatric hospitals.