

Human rights violations against persons with psychosocial disability in Japan

In relation to Welfare Benefit Policies

Yoshiko Miwa

Resource of Poverty, Women, Children, and People
with disability in Japan

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Two deaths in psychiatric hospitals

- A death of a male patient in 30s (2014)
 - He was violated by 2 nurses in a seclusion room and his neck bone was broken in 2012
 - After his death, the nurses were arrested and prosecuted, but the higher court ruled them not guilty in 2018.

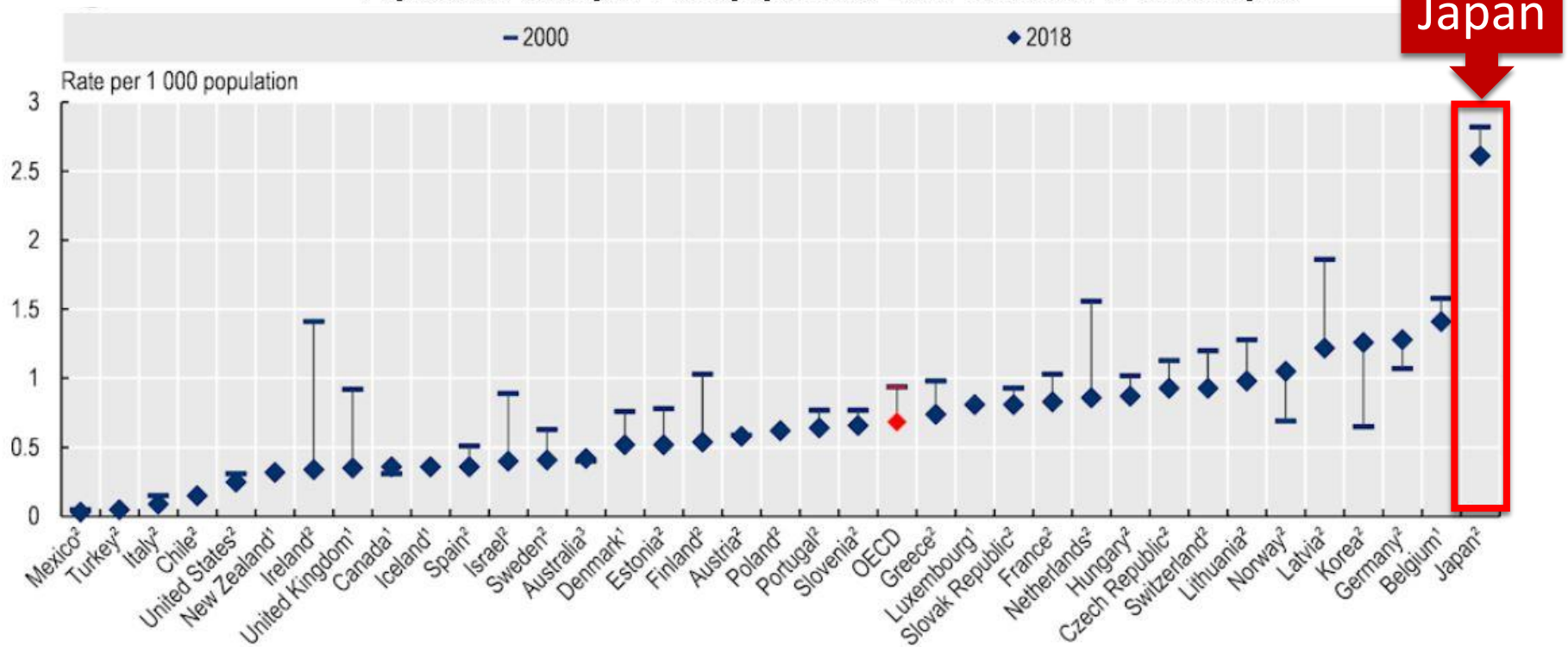
- A death of a foreign male patient in 20s(2017)
 - He died, possibly by DVT, after 10 days under unnecessary physical restraint.

Won in lawsuits, and will lose in future?

- A former female patient who experienced physical restraint in her teens, and a bereaved family of a male patient in 40s who died after physical restraint by DVT, won in lawsuits against the hospitals in 2021.
- The government is going to ease requirement for physical restraint in 2022 (to support psychiatric hospitals on similar lawsuits in near future?).

Japan still has over 250,000 Psychiatric beds

Psychiatric beds per 1 000 population, 2000 and 2018 or nearest year



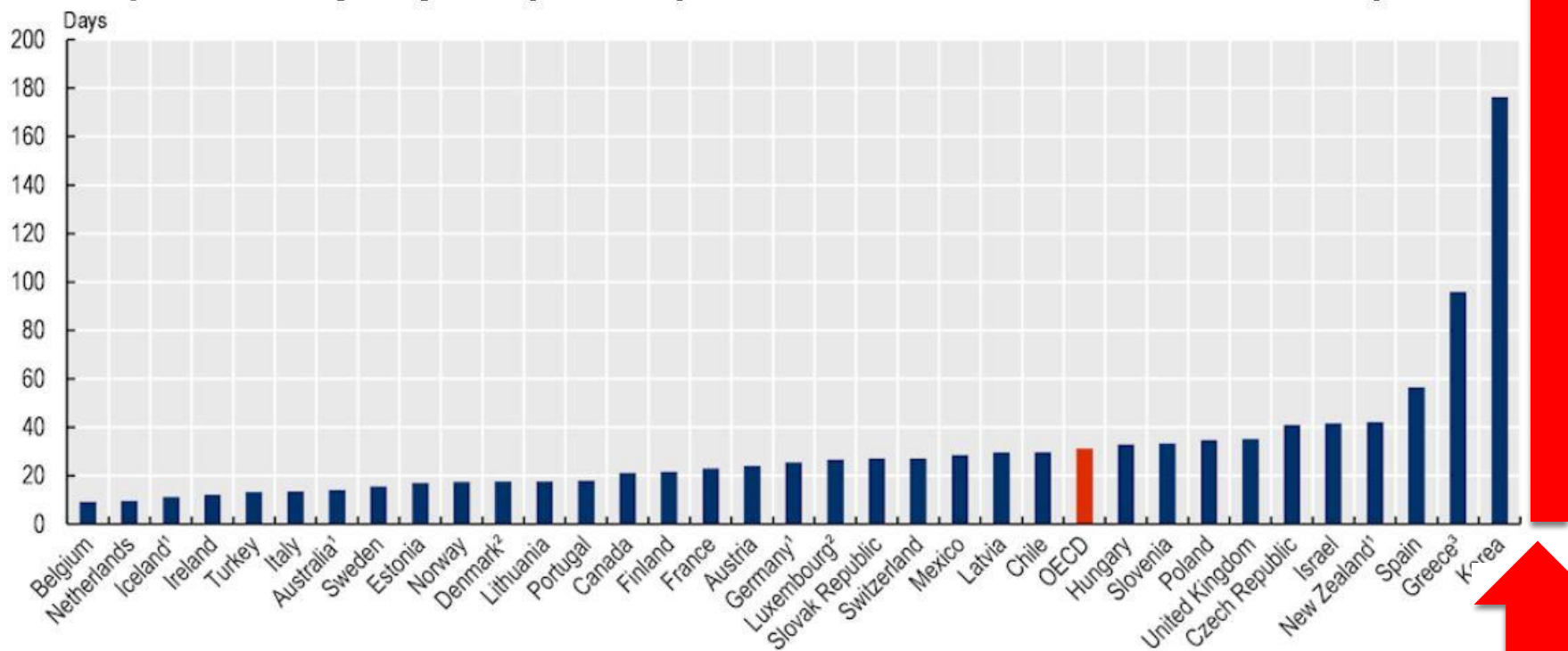
1. Data from 2019; 2. Data from 2018; 3. Data from 2016.

Source: OECD (2020[45]). OECD Health Statistics 2020. <https://doi.org/10.1787/health-data-en>.

OECD (2021), A New Benchmark for Mental Health Systems: Tackling the Social and Economic Costs of Mental Ill-Health, OECD Health Policy Studies, OECD Publishing, Paris, <https://doi.org/10.1787/4ed890f6-en>.

Why do psychiatric patients in Japan need to stay in hospitals for 9 months(average) in Japan?

Average length of inpatient stay, mental and behavioural disorders, 2018 or latest year



Note: Years range from 2014 to 2018.

1. Data from 2017; 2. Data from 2016; 3. Data from 2014.

OECD (2021), A New Benchmark for Mental Health Systems: Tackling the Social and Economic Costs of Mental Ill-Health, OECD Health Policy Studies, OECD Publishing, Paris, <https://doi.org/10.1787/4ed890f6-en>.

Japan
270 days
in 2021

Covid-19 group infections in Japanese psychiatric hospitals (As of June 10, 2021)

	Confirmed cases	Deaths	Infection rate(%)	Death rate(%)
Psychiatric hospitals	4,557 (patients)	141 (patients)	1.84	0.06
General public	766,894	13,903	0.61	0.01

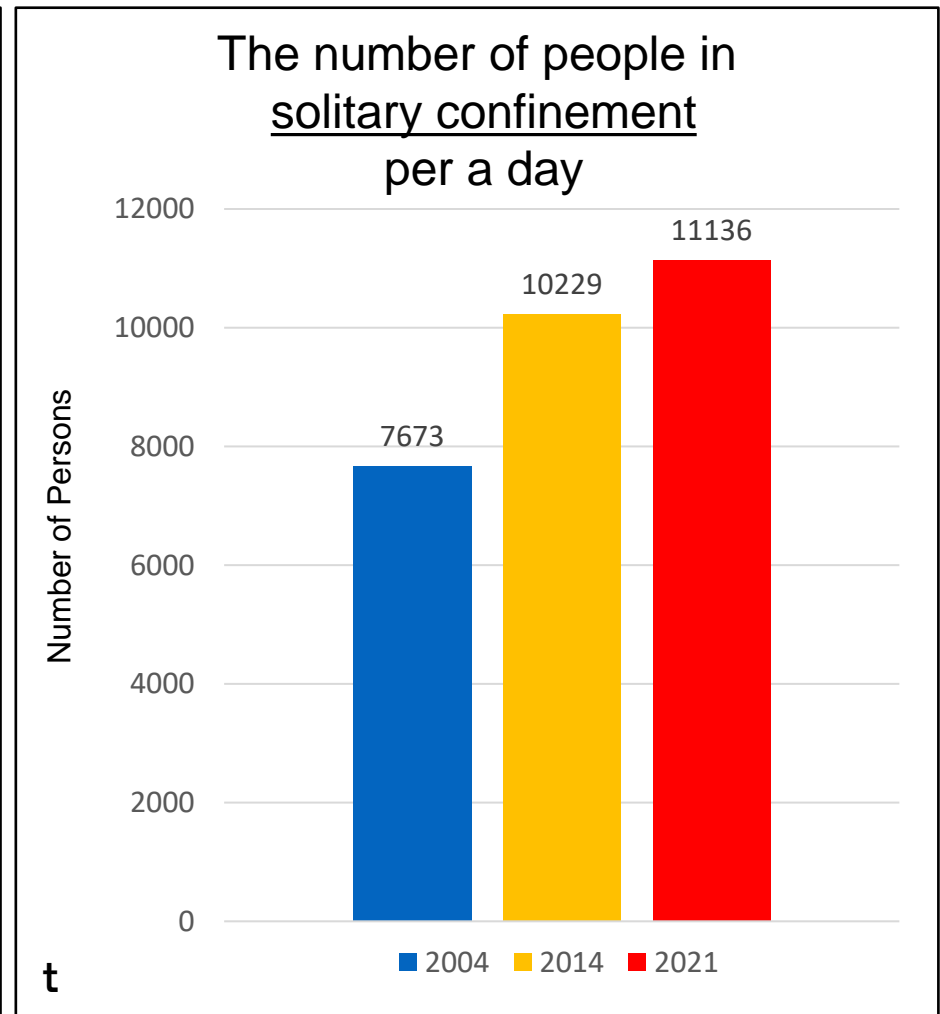
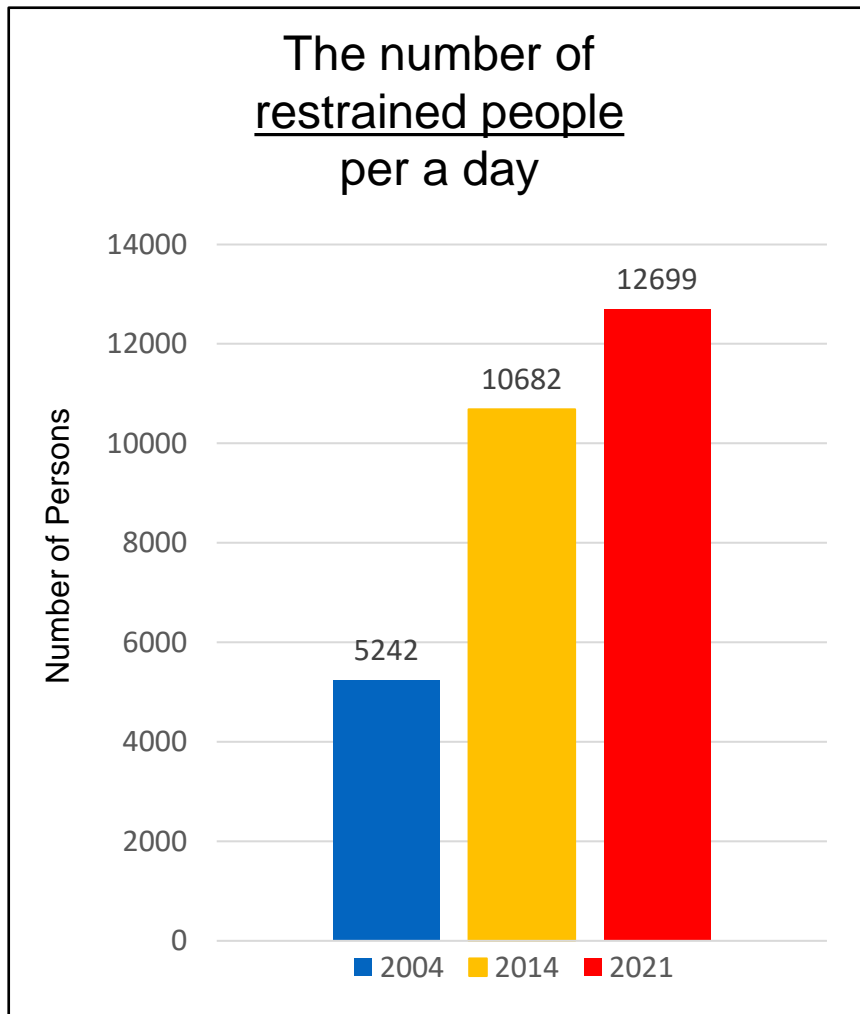
-146 psychiatric hospitals among 1,205 experienced group infection.

-Since 2021 July, situations are unknown because of too many infection and less information disclosure. There is no official survey.

-Outcomes of the infected patients who were transferred to other hospitals were mostly unknown.

Source: Original research by J. Ariga (a former nurse in a psychiatric hospital)

The number of solitary confinement and restraint cases (per a day)



(data from MHWL patients research on 30 June in 2004 to 2021)

Why Japan has a large number of physical restraints?

Country	Mean restraint rate in native units ^a	Age group considered in denominator	Mean number of restraint events per day per 1 million population	restraint events relative to Australia	Mean number of restraints per 1000 bed-days
Australia	0.92 restraint events per 1000 bed-days	All ages	0.165	1	0.92
New Zealand	0.0305 restraint events per day per 1 million people	15-64	0.0305	0.19	0.14
United States	0.36 h of restraint per 1000 h of inpatient psychiatric care	All ages	0.371	2.25	1.48
Japan (ages 20-64)	62.3 people restrained per day per 1 million people	20-64	62.3	378	37.4
Japan (all ages)	98.8 people restrained per day per 1 million people	All ages	98.8	600	44.1

Source:

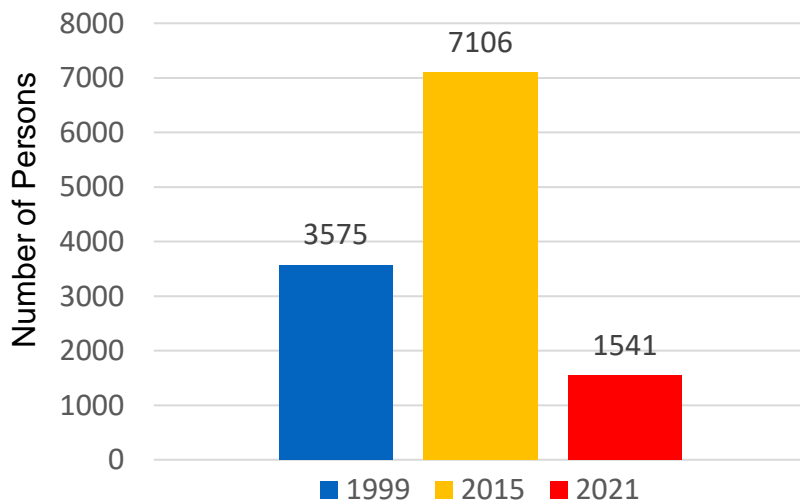
Newton-Howes, G., Savage, M., Arnold, R., Hasegawa, T., Staggs, V., & Kisely, S. (2020). The use of mechanical restraint in Pacific Rim countries: An international epidemiological study. *Epidemiology and Psychiatric Sciences*, 29, E190. doi:10.1017/S2045796020001031

The Coercive hospitalizations

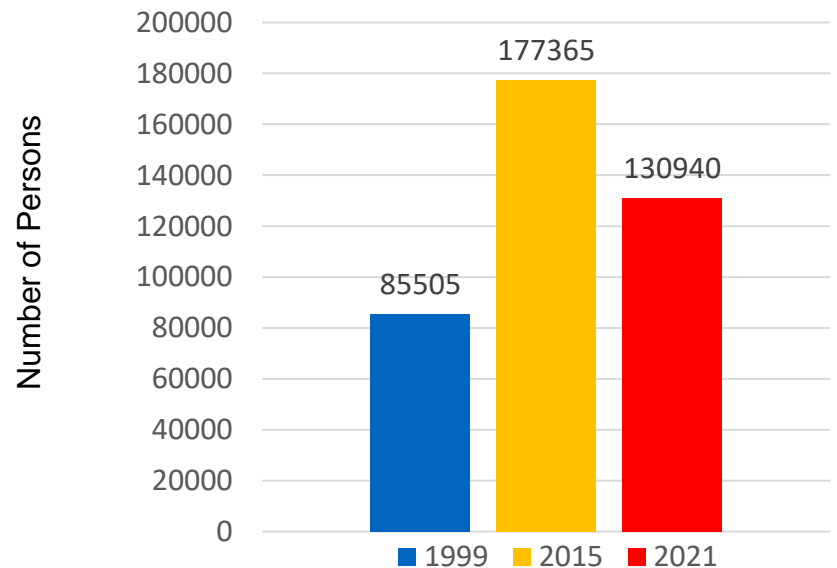
Since 2015, decreasing but still large numbers

Only consent by family
(or local government) is needed

The number of coercive hospitalizations for dangerousness per a year



The number of coercive hospitalizations for medical necessity and incompetence per a year



(Source: Survey by Ministry of Health, Labour and Welfare(MHLW))

Recommendations and Questions

Japan should eliminate every form of human rights violations related to psychosocial disability.

Does the government have any plans to dissolve current hospital centered mental health care system and construct new community-based ones?

-What policy does the government take to deinstitutionalize and protect the rights of persons with psychosocial disability to live in the community the same as others?

-When the government establish the national monitoring mechanism with Paris principle?

-Why does the government need forced hospitalization and forced treatments?

-When does the government take to abolish guardianship?

Designated Defects in Welfare Benefit Policy as a background

- A governmental plan to reduce patients in psychiatric hospitals by Ministry of Finance(MOF) in 2022
 - For 46,000 welfare benefit recipients in psychiatric hospitals (especially 30,000 patients who have stayed there over 5 years).
 - To reduce medical cost (Hospitalization costs twice to community life support)
 - Political Power:
Ministry of Health , Labour and Welfare (MHLW)<< MOF
- Preparation by MHLW:
Support for group homes and living facilities for people in need (with weak countermeasures against abuse and exploitation)



Another forms of Institutionalization?

Historical structure for institutionalization

1950

Current welfare benefit system started

1952

A notice by Ministry of Health and Welfare enabled forced hospitalization for welfare recipients (even for the recipients without psychosocial disability)

1960

Tokyo Metropolitan and some prefectures promoted hospitalization of welfare recipients

Economic human rights violation against people with vulnerability

- Low capture rate of welfare benefit (22.6 % in 2016)
-> 2 million recipients and 7 million people in needs (among population (120 million))
- Too strict eligibility
- Asylum seekers and foreigners in provisional release(“Karihomen”) are not eligible
- Restriction and reduction of amount has been progressing since 2013

Recommendations and Questions

Ratify the Optional Protocols of the ICCPR, CRPD, and other constitutions.

How and what are needed to provide adequate welfare benefits as human right protection to eliminate every poverty in Japan?

Is “human rights” in Japan only nominal?

Thank you

Thank you in advance for questions and
recommendations for Japan