

## Statement on Supreme Court ruling in lawsuit seeking state compensation for victims of former Eugenic Protection Law

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In a ruling of five lawsuits filed by those who were forcibly sterilized under the former Eugenic Protection Law, the Grand Bench of the Supreme Court on July 3 recognized the law as unconstitutional and ordered the national government to pay damages to them. It also ruled that the “statute of limitations” does not apply to victims of the law. We fully support this court decision and express our sincere respect to plaintiffs, their lawyers, and all their supporters for their hard work.

The Supreme Court ruled that at the time of its legislation, the former Eugenic Protection Law violated Article 13 of the Constitution, which guarantees individual dignity, and Clause 1, Article 14, which guarantees equality for all. This is the 13th case for the top court to rule the law unconstitutional but the first case to declare it unconstitutional from the time of its enactment.

The court also ruled that the statute of limitations, during which the right to seek compensation expires after 20 years, is “unconstitutional” and “extremely contrary to the principles of justice and fairness.” Unlike past rulings, it stated that for the state to cite the statute of limitations to deny damages is “contrary to good faith” and “an abuse of rights.” The ruling dismissed the state’s appeals against four cases which the plaintiffs won as well as sent the other case which the plaintiffs lost back to the high court.

The former Eugenic Protection Law, based on the idea of eugenics that denies the existence of disabled people, deprived individuals of their right to decide whether or not to have children on the grounds of “public interest”. It was the greatest human rights violation of the postwar era and unforgivable. While lawsuits have been filed in various locations seeking state compensation since the Sendai District Court in 2018, six of 39 aging plaintiffs have already died. Plaintiffs have very little time left as many of them suffer mental and physical issues. As of the end of May 2024, only 1,110 people are certified under the lawmakers-initiated law to provide a lump-sum payment to victims of the eugenics law. Many of the 25,000 sterilized victims remain unable to speak out against the grave human rights violation they have suffered.

The latest ruling paves the way for relief not only for plaintiffs but for all victims. The Diet and the government should take the Supreme Court’s decision seriously, promptly apologize to victims, and

take immediate legislative measures to restore the dignity of all victims, including plaintiffs, and their families. In addition, it is essential to thoroughly verify and review how the eugenics law was enacted under the current Constitution, how sterilization continued for nearly half a century, and how victims were left unattended even after the law was revised in order to prevent the recurrence and dispel the eugenic idea that discriminates against people with disabilities. We demand that a third-party organization be established and start working immediately.

Always reflecting on ourselves as a medical organization, we, the Japan Federation of Democratic Medical Institutions, continue to work for a complete resolution of the issue in cooperation with the people concerned. We will make continuous efforts to realize a society in which individual dignity and diversity are respected and people with disabilities can live without anxiety.