

INTERNATIONAL LEAGUE AGAINST EPILEPSY



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Hon. Mr. Kiyohiro Araki
Chair, Committee of Judicial Affairs, House of Councilors
Tokyo, Japan

30th September, 2013

Honourable Mr Araki,

Re: "Law concerning penalty for acts causing death or injury to other persons by driving a motor vehicle"

The International League against Epilepsy (ILAE), which represents professionals involved in the care of people with epilepsy throughout the world, has been informed that the Government of Japan submitted a "Law concerning penalty for acts causing death or injury to other persons by driving a motor vehicle" to the Committee of Judicial Affairs, House of Councilors on June 19, 2013.

This law concerns six diseases, including epilepsy, and considers affected patients as potential perpetrators of crime by dangerous driving causing death or injury (Section 3, No. 2). However, to our knowledge there is no evidence that accident rates involving people with these diseases are significantly higher compared with accident rates related to other diseases or other risk factors. According to the 2011 Annual Report on Statistics of Traffic Accidents (Institute for Traffic Accident Research and Data Analysis), out of a total of 691,937 traffic accidents in 2011 in Japan, only 266 were caused by seizures or acute illness. Among the 266 disease-related accidents, 78 were caused by epilepsy, 22 by cardiac failure, 61 by cerebrovascular disorder, and 105 by others. This confirms that accidents caused by illnesses affected by the law in question represent an extremely small fraction of all traffic accidents.

As we understand it, the proposed law contradicts the principle of legal equality, will lead to discrimination against people with these diseases, and is likely to hinder early detection and appropriate treatment of individuals with these diseases because such individuals may not seek medical care due to fears about driving restrictions.

In view of the above, may I respectfully request that (i) provisions related to specific diseases be deleted from the "Law concerning penalty for acts causing death or injury to other persons by driving a motor vehicle" and (ii) steps be taken to conduct methodologically sound studies on the relation between diseases and traffic accidents.

I thank you for your kind attention to this important matter and remain available to provide any clarification you may wish to request.

Respectfully

Emilio Perucca, MD
President, International League against Epilepsy

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