

## Forensic Research and Japanese Brain Bank: Legal Problems

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Rec date: Dec 20, 2014 Acc date: March 24, 2015, Pub date: March 30, 2015

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### Commentary

In Japan, a national law for autopsy and tissue storage has been applied to manage brainbanks, although this law would need some amendment for research use of human materials. Some problems for Japanese brainbanks and for autopsy-qualified researchers in Japan were discussed.

Tremendous discoveries of mysterious brain functions and exploration of pathophysiology of neuropsychiatric illnesses have successfully been done by ambitious brain researchers. For this purpose, brainbanks, i.e. research resources of post-mortem brain tissues, have had important roles, although there has not yet been universal consensus in ethics and world laws for running brainbanks.

In Japan, autopsy and brain storage has been allowed in some limited situations or individuals, which has been determined by a national law. Actually, due to the law which indicates autopsy and human dead body storage, brain samples have legally been far accessible for limited officially autopsy-qualified researchers assigned by the Ministry of Health, Welfare and Labour in Japan, or for professors and associate professors of departments of anatomy, legal medicine, and pathology. Japanese research system has not yet allowed legal autopsy brains to be used by researchers other than the field of forensic medicine. It has long been an obstacle for brain researchers not to easily obtain control human brains for pathophysiological studies in Japan. It has been said that some amendment of Japanese law for autopsy and dead body storage would be essential so as to develop Japanese brainbanks as well as for progress of brain research.

In such a situation, legal and/or ethical restriction for research use of human brain samples would readily be ignored by ambitious brain researchers. In recent international congress, including the World

Federation of Biological Psychiatry (WFSBP) in Kyoto, Japan, in 2013, it was noticed that some Japanese researchers managed the Fukushima Psychiatric Brainbank as if they had an autopsy-qualified researcher among them, though they already expelled the one from their research group after the Great East Japan Earthquake and nuclear disaster [1].

Women researchers rather than men are more likely to fall the victim to this type of academic harassment caused by men's excessive ambition. This might be a reason why Japanese brainbank system has not yet been well progressed in spite of industrious efforts. In some research fields of histochemistry or neuropathology, a large contribution of women researchers has already been performed. It has been proved that participation of women researchers is indispensable for worldwide brainbanks. In this context, it is not only Japanese legal system indicating autopsy and dead body storage, but also men's excessive ambition that caused to violate legal restriction so as to protect autopsy-qualified researchers [2].

It is expected that forensic research would promote establishment of brainbanks, and brain research using histochemical and/or neuropathological methods. Amendment of Japanese national law for autopsy and tissue storage should be encouraged in view point for developing brain research in recent future.

### References

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