

2 Details of the Measures Regarding Persons with Disabilities

The overall promotion of our country's measures for persons with disabilities began in 1970 with the Basic Law on Measures for Persons with Mental or Physical Disabilities. It was then reinforced with the opportunity of the "International Year of Disabled Persons" in 1981. In 1983, based on the proclamation of the "United Nations Decade of Disabled Persons" (a result of the "International Year of Disabled Persons"), the first long-term plan regarding measures for persons with disabilities was formed in our country. In 1993, the Basic Law on Measures for Persons with Mental or Physical Disabilities was revised into the Basic Law for Persons with Disabilities, demonstrating that measures for persons with disabilities were being promoted comprehensively and in an organized manner. With these developments taking place, a ten-year plan regarding the independence and participation in society of persons with disabilities were organized and, in keeping with the framework of the comprehensive and planned measures based on those plans, this framework has been followed to the present day.

In fiscal 2009 we reached the seventh year of the Basic Program for Persons with Disabilities that runs from fiscal 2003 to fiscal 2012, and also the second year of the Five-Year Plan for the Implementation of Priority Measures, implemented under the Former Headquarters in December of 2007 and to be carried out during the second half of the aforementioned plan (hereafter referred to as the Second Half Five-Year Plan). These two plans list the measures to be taken by different government departments regarding persons with disabilities, measures aimed to realize a society trying to become a "Cohesive Society" in which every citizen respects and supports the personality and individuality of others, regardless of whether or not they have disabilities.

In June of 2004, part of the Basic Law for Persons with Disabilities (which had been revised in May of the same year) went into effect. With its targeted regulations, this revision demonstrated support towards the independence and participation in society of persons with disabilities, etc. Furthermore, as its fundamental ideology it banned discrimination based on disability and it established the "Week of Persons with Disabilities" (from September 3rd to the 9th). It also set up a "Central Council for the Promoting of Measures for Persons with Disabilities" in the Cabinet Office, to both deal with the implementation of the aforementioned Basic Program and mandate the formation of a Disability Program by metropolitan and prefectural administrations, as well as by municipal administrations. Appointed by the Prime Minister, the members of this Council are scholars or people engaging in careers related to persons with disabilities and their welfare. In the future, systematic reforms will be carried out based on, among other things, meaning already given to the same

laws in different fields, thus constructing a systematic disabilities policy for modern Japan.

In the field of livelihood support, the Services and Supports for Persons with Disabilities Act was put into effect in 2006; progressing towards a plan to promote local mobility and the reinforcement of employment support with the goal of building a society where one can live peaceably in ones region even if one is disabled. Regarding the welfare services provided in accordance with different types of disabilities (physical disabilities, intellectual disabilities and mental disabilities), a stable system was formed through the reinforcement of the financial responsibility of the State and a reconsideration of the financial burden of recipients. Meanwhile, these services have been reshuffled into organizations overseen in a unified manner by municipal administrations. When introducing the Services and Support for the Persons with Disabilities Act, a "Special Plan" in December of 2006 and "Emergency Measures" were enacted in December of 2007 as drastic relief measures. Also, the financial burden of aid recipients was lightened and the management foundations of these services were reinforced.

Under these circumstances, in September of 2009 the coalition government agreed to abolish the Services and Support for Persons with Disabilities Act and create a comprehensive system without "blind spots." This system is based on how capable recipients are of being responsible for payment. The head office was created by Cabinet decision in December of the same year, and has been pursuing studies aimed to establish a new system by holding promotional meetings composed primarily of persons with disabilities, as well as by carefully listening to the opinions of people related to persons with disabilities.

Concerning persons with developmental disabilities—for whom it had been formerly difficult to provide appropriate support within the three-pronged framework of physical disabilities, intellectual disabilities and mental disorder—the Law for Supporting Persons with Developmental Disabilities was established in December of 2004 and became effective in April of 2005, with the purpose of arranging a structure capable of providing unified support across the fields of employment, education, welfare, medical treatment and healthcare, as well as clarifying the definition of this type of disability.

In the field of Life Environment, the "Ministers' Conference Regarding 'Barrier-Free'" was created in March of 2000 by an oral decision of the Cabinet Office in order to promote a comprehensive and efficient movement toward a globally "barrier-free" society that includes both infrastructural and human resources. Later, in June of 2004 members of the Government united and established through this conference the Barrier-Free Promotion Outline, a policy for moving society towards being "barrier-free" through both infrastructural and human resources. Then, in June of 2006 the Law for Promoting Barrier-free Transport and Facilities for the Elderly and Persons with Disabilities (the New Barrier-free Law) was

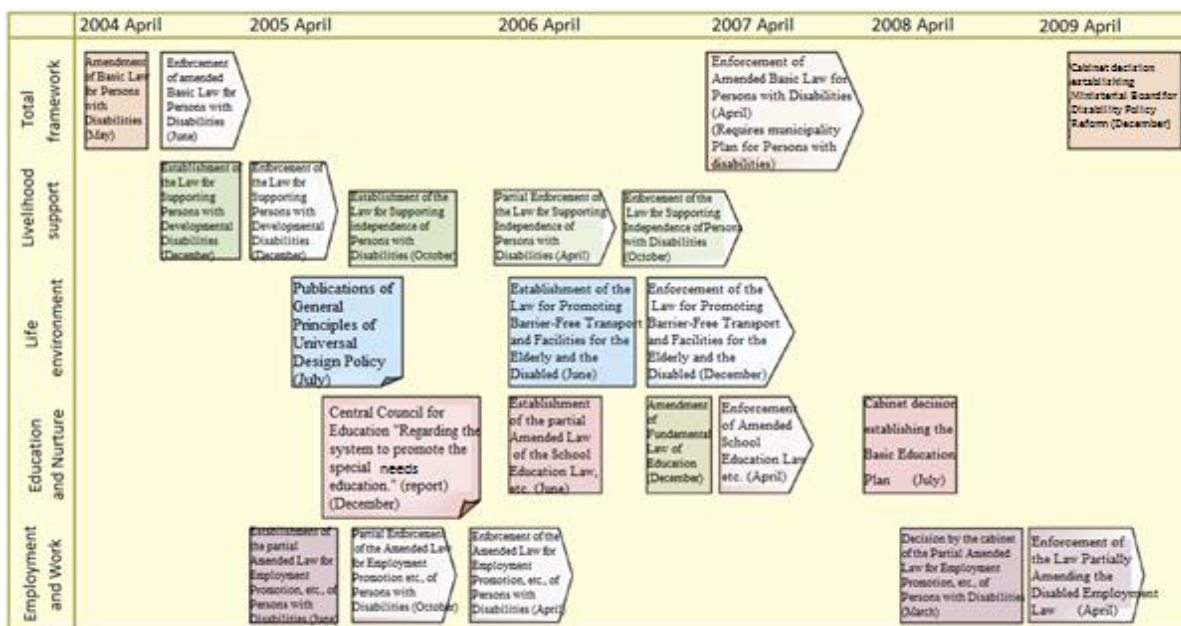
established, going into effect in December of the same year. Due to this law, concerned persons participated in both the formulation of the basic plan and the planning of the overall promotion of the "barrier-free" changes, involving routes and facilities used in the daily lives of persons with disabilities, including not only public transportation, roads and buildings but also public gardens and parking lots. In March of 2008, based on the permeation of "universal design," a design accessible to everyone in such a way that no new barriers arise in facilities and products, the "Ministers' Conference Regarding 'Barrier-Free'" amended the Barrier-free Promotion Outline and established the Barrier-free Universal Design Promotion Outline, which made it clear that they are promoting both "barrier-free" and "universal design." The "Ministers' Conference Regarding "Barrier-Free" was reorganized in March by a partial oral amendment of the Cabinet Office for the same purpose, becoming the "Ministers' Conference Regarding "Barrier-free Universal Design".

In the field of Education and Nurture, the School Education Act and other acts were amended in June 2006 so as to respond to the individual educational needs of each child with disabilities in a flexible manner and to support and guide them in an appropriate way. The amendments, which came into force in April 2007, include the transition of the system of schools for the blind, for the deaf, and for children with intellectual disability, physical disability, and health impairment to schools for special needs education.

In December 2006, the Basic Act on Education was completely amended and went into effect. The revised act includes a new clause in the article of "Equal Opportunities of Education" that requests both central and local governments to provide necessary support to children with disabilities so that they are fully educated in a manner appropriate to their disabilities. Furthermore, in order to realize the concept of this amended act, the Basic Plan for the Promotion of Education was decided by the Cabinet. This plan shows the educational vision to be pursued over the next decade, and also explains the measures to be implemented over the five-year period from FY2008 to FY2012.

In the field of employment, needs regarding work for persons with disabilities have increased concomitantly with these peoples' augmented participation in society; it thus became necessary to plan for independence at work, as work opportunities for persons with disabilities are increasing. Consequently, in December of 2008 the Laws partially amending the Disabled Persons' Employment Promotion Law were passed and went into effect sequentially starting in April of 2009. The content of these laws includes, among other things, a revision of the system of employment quotas corresponding to short-time work, further promoting the employment of disabled persons in small- and medium-sized businesses.

■ Chart 2 Principal Trends of Legal Measures Concerning Persons with Disabilities



Source: Cabinet Office

■ Chart 3 Changes in Budget Amounts Concerning Disability Measures

Unit: JPY 100,000,000

| Fiscal Year | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 (Estimate) |
|------------------------------|----------|----------|----------|----------|--------|-----------------|
| Budget (hundred million yen) | 9,989 | 10,191 | 11,222 | 11,775 | 11,953 | 12,968 |
| | (3,335)* | (3,571)* | (3,674)* | (3,725)* | | |

*Total expenditures that can be determined as relating to measures regarding persons with disabilities

*The values in () are the costs other than the actual budget for the "Promotion to Create a Friendly Town for Persons with Disabilities".

This cost, after 2009, has become hard to specify but necessary measures are still being promoted.

Source: Cabinet Office

■ Chart 4 Number of Persons with Disabilities

| | Total number (Ten Thousand of Persons) | Total number (Ten Thousand of Persons) | Total number (Ten Thousand of Persons) |
|---|---|---|---|
| Children and persons with Physical disabilities | 366 | 358 | 9 |
| Children and persons with intellectual disabilities | 55 | 42 | 13 |
| Persons with mental disorders | 323 | 290 | 33 |

Source: Ministry of Health, Labor and Welfare "Investigation of Actual Situation with Children and Persons with Physical Disabilities"(2006)

Ministry of Health, Labor and Welfare "Basic Investigation of Actual Situation with Children (and Persons) with Intellectual Disabilities"(2005)

Ministry of Health, Labor and Welfare "Investigation of Social Welfare Facilities etc."(2005) (Facilities related to the senior citizen are excluded)

Finally, around the same time the Biwako Plus Five program was adopted by the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) as an action guideline for the Second-Half Five-Year Program related to the "Biwako Millennium Framework" (BMF), the action plan of the "Asian and Pacific Decade of Persons with Disabilities" (2003-2012).

Thus, from the 2004 revision of the Basic Law for Persons with Disabilities forward, the measures for persons with disabilities in our country have steadily advanced towards the realization of a "Cohesive Society" in which every citizen respects and supports the personality and individuality of others, regardless of whether or not they have disabilities.