

Chapter 1 New Developments in Policies for Persons with Disabilities

Section 1 Establishment of “Act for Eliminating Discrimination against Persons with Disabilities”

1 Background

The Convention on the Rights of Persons with Disabilities, which was adopted in 2006 and became effective in 2008, requires signatories to take appropriate measures to prohibit discrimination on the basis of disability, including denial of “reasonable accommodation,” and, in Japan, when the Basic Act for Persons with Disabilities was revised in 2011, “prohibition of discrimination” was stipulated as a “basic principle” in Article 4 of the said Act to reflect the objective of the provisions regarding the prohibition of discrimination in the Convention on the Rights of Persons with Disabilities.

The Act for Eliminating Discrimination against Persons with Disabilities is intended as a means to realize the said provisions and was enacted in June 2013 for the purpose of promoting the elimination of discrimination on the grounds of disability in order to realize a society where no citizens are treated differently on the basis of whether or not they have disability and where all citizens can coexist with mutual respect for one another’s personalities and individuality. (See Figure 1 for a summary of the Act.)

2 Outline of Act for Eliminating Discrimination against Persons with Disabilities

(1) Scope of the Act

This Act deals with all fields relevant to the independence and social participation of persons with disabilities, including employment, education, medical services and public transportation.

Note that concrete measures for the elimination of discrimination in the field of employment (the parts corresponding to Article 7 through Article 12 of this Act) are considered to be secondary to the associated provisions of the Act for Employment Promotion of Persons with Disabilities.

(2) Prohibition of Discrimination on the Grounds of Disability

This Act classifies discrimination on the grounds of disability into two categories, which are “unfair discriminatory treatment” and “failure to provide reasonable accommodation.”

“Unfair discriminatory treatment” refers to acts including refusing, restricting, or adding conditions to the provision of goods and services simply due to someone’s disabilities without justifiable grounds, and all entities are prohibited from committing such acts regardless of whether they are the national government, local governments, or businesses sectors.

Also, if a person with a disability expresses his/her intent to ask for some kind of accommodation, all entities are required to provide necessary and reasonable accommodation in order to remove social barriers (hereinafter referred to as “reasonable accommodation”) as long as providing reasonable accommodation is not an excessive burden to those entities.

Typical examples of reasonable accommodation are as follows: helping persons who use wheelchairs when they enter or exit vehicles, and answering persons with disabilities by using appropriate means of communication (including reading aloud and writing) depending on the nature of their disabilities.

If the rights and interests of persons with disabilities are infringed due to failure to provide such accommodation, such failure falls under discrimination on the grounds of disability.

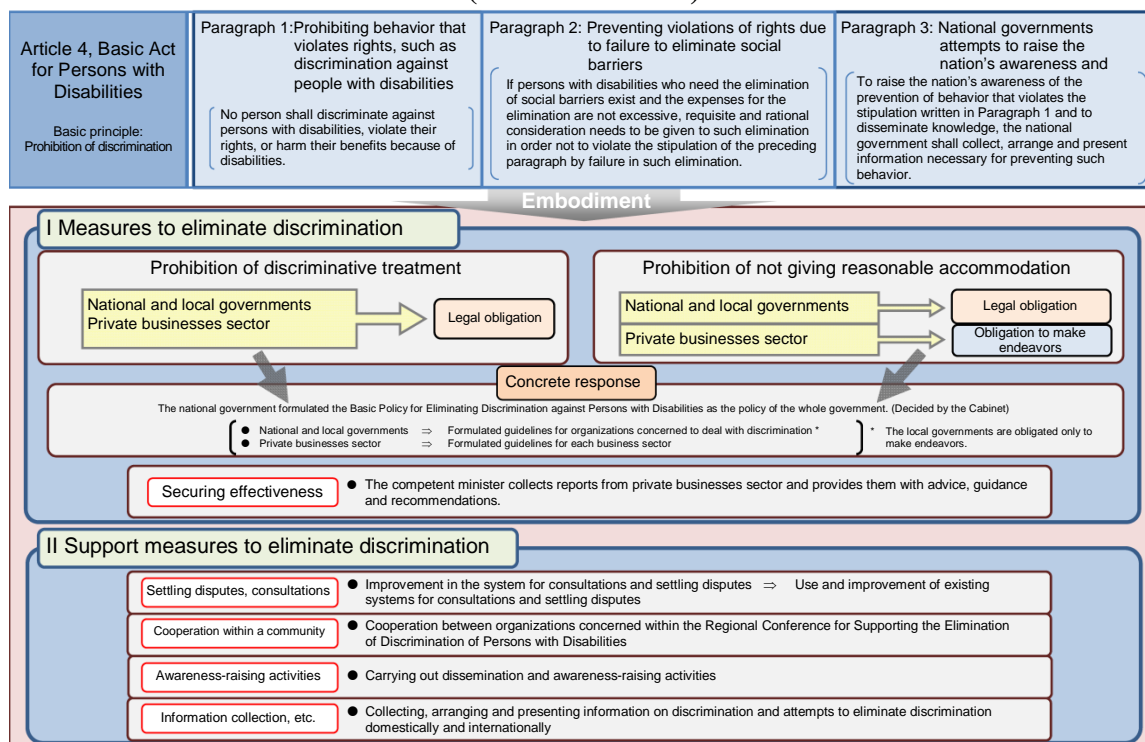
However, the obligation to provide reasonable accommodation is not uniformly imposed

on all entities. The obligation to provide reasonable accommodation is imposed on organizations including governmental agencies as entities that ought to take the lead in implementing these measures, while the obligation to provide reasonable accommodation is limited to the obligation to make endeavors for businesses sectors.

This limitation is based on the fact that this Act is broad in scope and that the relationship between persons with disabilities and businesses sectors depends on the specific situation, which means that reasonable accommodation can take various forms.

■ Figure 1

Outline of the Act for Eliminating Discrimination against Persons with Disabilities (2013 Act No. 65)



Date of enforcement: 1st April, 2016 (the necessary review will be considered over the next three years after enforcement)

(3) Creation of Basic Policy

Because the promotion of the elimination of discrimination on the grounds of disability is relevant to all fields relevant to the independence and social participation of persons with disabilities including employment, education, medical services, and public transportation and affects policies across each office and ministry, the “Basic Policy on Promotion of Elimination of Discrimination on the Grounds of Disability” (hereinafter referred to as “Basic Policy”), which indicates the basic direction of measures for comprehensive and integrated efforts by the government, is to be endorsed by the Cabinet.

The Basic Policy is envisioned as indicating what matters ought to be incorporated in all Handling Guidelines and Handling Directions for various fields, and the basic direction of the government in relation to the ideal way support measures including councils should be, in addition to the basic concepts that apply to overall policies and the ideas of this Act.

In creating the Basic Policy, measures necessary to reflect the opinions of persons with disabilities and other entities concerned (entities including business sectors and economic organizations), including the holding of hearings, are to be taken in advance and also the

Commission on Policy for Persons with Disabilities is to be consulted.

(4) Specification of the Details of Discrimination According to the Handling Guidelines and Handling Directions and Assurance of Effectiveness

What specifically falls under “unfair discriminatory treatment” and what is specifically required as “reasonable accommodation,” shall be examined according to the specific situation and it would be difficult to list such matters in laws in advance.

Therefore, in order to appropriately comply with the prohibition of discrimination on the grounds of disability and promote voluntary efforts to eliminate discrimination on the grounds of disability, pursuant to this Act, examples of unfair discriminatory treatment and good cases of reasonable accommodation shall be indicated in Handling Guidelines and Handling Directions in the future.

a. Efforts of Organizations Including Governmental Agencies

Each entity, including governmental agencies such as the national government and local governments, shall determine “Handling Guidelines” of their own to enable personnel working at each organization to respond appropriately and conduct efforts on the basis of the Handling Guidelines.

If personnel working at organizations including governmental agencies have violated the rights of persons with disabilities, the resulting situation shall be rectified by various means, such as through systems to enforce the regulations within governmental agencies and systems for administrative counseling.

b. Efforts of Businesses Sectors

As a framework for efforts to eliminate discrimination on the grounds of disability to be conducted appropriately by businesses sectors, this Act shall provide for the ministers who hold jurisdiction over each field of business (hereinafter referred to as “Competent Ministers”) to prepare “Handling Directions” and promote voluntary contribution by businesses sectors.

Also, it has been decided that the Competent Ministers may request reports, give advice, give guidance, and give recommendations to businesses sectors if it is deemed to be especially necessary.

(5) Support Measures by the National Government and Local Governments

a. Development of Counseling and Dispute Resolution System

Counseling and dispute resolution for persons with disabilities are already being provided according to the situation through various systems including administrative counseling and mediation by administrative counselors, and investigations and relief for cases of human rights violations as well as human rights counseling by Legal Affairs Bureaus, District Legal Affairs Bureaus, and Civil Rights Commissioners.

Therefore, this Act does not assume establishing new organizations and basically enhances the system by utilizing existing organizations.

b. Regional Support Councils for Eliminating Discrimination against Persons with Disabilities

Also, with a view to building networks to promote counseling and dispute prevention and resolution relating to discrimination on the grounds of disability in communities, organs of the national government and local governments that engage in medical services, nursing care, education and other fields relevant to the independence and social participation of persons with disabilities are to be able to organize Regional Support Councils for the Eliminating Discrimination against Persons with Disabilities (hereinafter referred to as “Councils”) within the boundaries of local governments.

The Councils may include as members representatives of bodies found to be necessary for the Council including NPOs and academic experts, in addition to national and local

governmental agencies.

Thus, it is expected that systems will be built that do not give rise to so-called “gaps in the system” and “the runaround” and that counseling and dispute resolution in each region as a whole will be improved, through configuring networks between agencies concerned and cooperation among various entities.

In addition, an obligation of confidentiality is imposed on persons who are engaged in work for the Councils and persons who have been engaged in work for the Councils.

c. Dissemination, Awareness-raising, etc.

In addition, it has been decided that the national government and local governments shall conduct awareness-raising activities necessary for the elimination of discrimination and further, that the national government shall collect, arrange, and provide information relating to efforts for the elimination of discrimination against persons with disabilities.

(6) Effective Date

In order for efforts toward the elimination of discrimination to be conducted smoothly, it will be essential to appropriately determine the Basic Policy, Handling Guidelines and Handling Directions while fully taking into consideration the opinions of the entities concerned and to familiarize the public with details of the Basic Policy. Therefore, Handling Guidelines and Handling Directions in conjunction with the objectives of this Act, the effective date of this Act shall be April 1, 2016.

Currently, in addition to discussion of the Basic Policy, Handling Guidelines and Handling Directions , educational activities including preparation and distribution of leaflets and posters and the holding of symposiums are being conducted in order to familiarize the public with the objectives and details of this Act.

Section 2 Formulation of Basic Programme for Persons with Disabilities (Third)

1 Basic Concepts of Basic Programme for Persons with Disabilities (Third)

(1) Characterization of Basic Programme for Persons with Disabilities

The Basic Programme for Persons with Disabilities was formulated in order to promote measures for the independence and social participation of persons with disabilities comprehensively and systematically pursuant to the provisions of Article 11(1) of the Basic Act for Persons with Disabilities, and was characterized as the most basic program of measures for persons with disabilities taken by the government.

(2) Length of Basic Programme for Persons with Disabilities (Third)

The length of the Third Programme shall be about five years from FY 2013 to FY 2017, keeping in mind the prospect of it increasing in length.

(3) Outline of Basic Programme for Persons with Disabilities (Third)

The components of the Third Programme are “I. Basic Programme for Persons with Disabilities (Third),” “II. Basic Concept,” “III. Basic Direction of Measures by Sector” and “IV. System of Promotion.”

“II. Basic Concept” contains “Cross-sectional viewpoints common to all sectors” as well as the “Basic philosophy” and “Basic principles” of the whole Basic Programme.

“III. Basic Direction of Measures by Sector” classifies measures for support for the independence and social participation of persons with disabilities into 10 fields, and indicates the basic direction of the measures the government will take during the Basic Programme in each field.

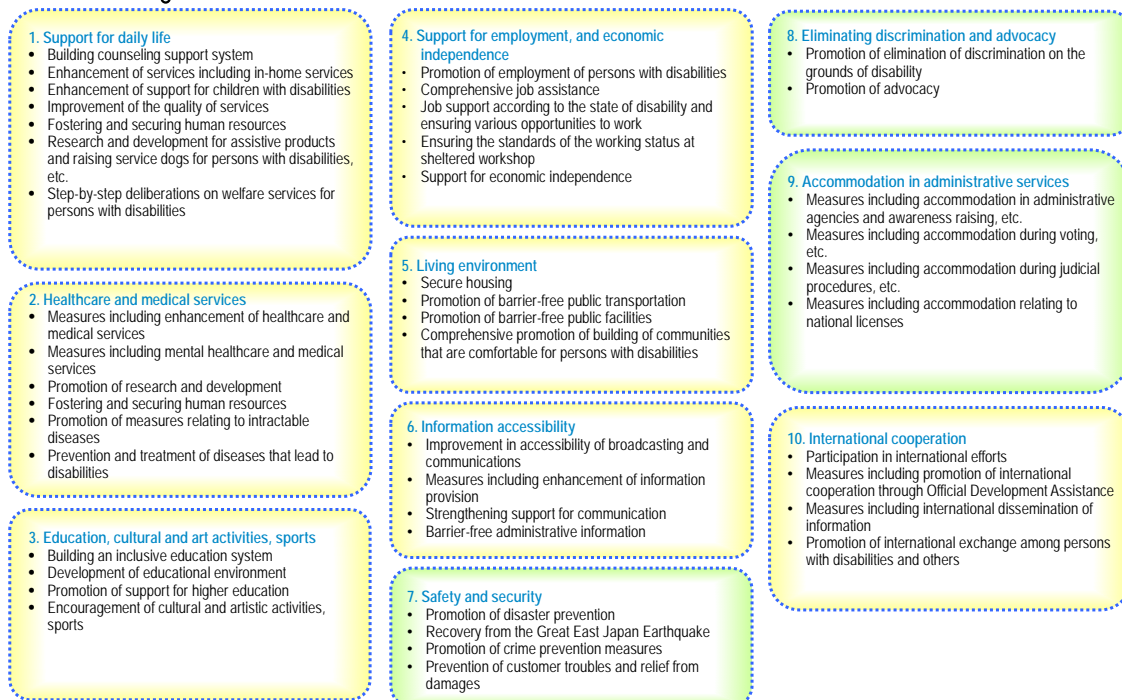
“IV. System of Promotion” describes a system to promote these efforts comprehensively and systematically. A summary of these is shown in Figure 2

■ Figure 2 Summary of Third Basic Programme for Persons with Disabilities

Characteristics of Third Basic Programme for Persons with Disabilities							
<p>Basic Programme for Persons with Disabilities</p> <p>A basic program relating to measures for persons with disabilities that the government formulated on the basis of the Basic Act for Persons with Disabilities</p>							
<p>Background</p> <table border="1"> <tr> <td> <p>[Past programs]</p> <p>Long-term Program Relating to Measures for Persons with Disabilities (from FY 1982 to FY 1992) New Long-term Program Relating to Measures for Persons with Disabilities (from FY 1993 to FY 2002)</p> <p>*The Basic Act for Persons with Disabilities was enacted in 1993 (complete revision of the Basic Act on Countermeasures Concerning Persons with Mental and Physical Disabilities), and this program can be characterized as a basic program based on the said Act. Basic Programme for Persons with Disabilities (from FY 2003 to FY 2012)</p> </td> <td> <p>[Background to these discussions]</p> <p>This program had been investigated and discussed by the Commission on Policy for Persons with Disabilities, which was first established in May 2012 under the revision of the Basic Programme for Persons with Disabilities (2011). The government prepared program plans based on discussions within the Commission on Policy for Persons with Disabilities. (A hearing on the opinions of the Committee on the original plan for the program was also conducted.) Also, public comment was accepted from August 23 to September 5.</p> </td> </tr> </table>		<p>[Past programs]</p> <p>Long-term Program Relating to Measures for Persons with Disabilities (from FY 1982 to FY 1992) New Long-term Program Relating to Measures for Persons with Disabilities (from FY 1993 to FY 2002)</p> <p>*The Basic Act for Persons with Disabilities was enacted in 1993 (complete revision of the Basic Act on Countermeasures Concerning Persons with Mental and Physical Disabilities), and this program can be characterized as a basic program based on the said Act. Basic Programme for Persons with Disabilities (from FY 2003 to FY 2012)</p>	<p>[Background to these discussions]</p> <p>This program had been investigated and discussed by the Commission on Policy for Persons with Disabilities, which was first established in May 2012 under the revision of the Basic Programme for Persons with Disabilities (2011). The government prepared program plans based on discussions within the Commission on Policy for Persons with Disabilities. (A hearing on the opinions of the Committee on the original plan for the program was also conducted.) Also, public comment was accepted from August 23 to September 5.</p>				
<p>[Past programs]</p> <p>Long-term Program Relating to Measures for Persons with Disabilities (from FY 1982 to FY 1992) New Long-term Program Relating to Measures for Persons with Disabilities (from FY 1993 to FY 2002)</p> <p>*The Basic Act for Persons with Disabilities was enacted in 1993 (complete revision of the Basic Act on Countermeasures Concerning Persons with Mental and Physical Disabilities), and this program can be characterized as a basic program based on the said Act. Basic Programme for Persons with Disabilities (from FY 2003 to FY 2012)</p>	<p>[Background to these discussions]</p> <p>This program had been investigated and discussed by the Commission on Policy for Persons with Disabilities, which was first established in May 2012 under the revision of the Basic Programme for Persons with Disabilities (2011). The government prepared program plans based on discussions within the Commission on Policy for Persons with Disabilities. (A hearing on the opinions of the Committee on the original plan for the program was also conducted.) Also, public comment was accepted from August 23 to September 5.</p>						
<p>Summary (Characteristics)</p> <table border="1"> <tr> <td> <p>① <u>Reconsideration of basic principles of measures for persons with disabilities, etc.</u></p> <p>Basic principles of measures were reconsidered based on the revision of the Basic Act for Persons with Disabilities (2011). (a) coexistence in community, b) eliminating discrimination, c) international cooperation) Also, respect for the self-determination of persons with disabilities was expressly mentioned as cross-sectional viewpoints.</p> </td> <td> <p>④ <u>Reconsideration of measures for existing fields</u></p> <p>Enhancement and reconsideration of existing measures based on the revision of the Basic Act for Persons with Disabilities and new legislation, etc.</p> <ul style="list-style-type: none"> • Enhancement of welfare services according to the needs of children and persons with disabilities (III. 1. (2)(3)) • Promotion of the moving of persons with mental disabilities into communities (III. 2. (2)) • Establishment of a new system for deciding school admissions (III. 3. (1)) • Promotion of employment of persons with disabilities and enhancement of job support (III. 4. (1)(2)) • Ensuring the standards of the working status of persons with disabilities through promotion of priority procurement (III. 4. (3)(4)) • Promotion of implementation of the Convention on the Rights of Persons with Disabilities (III. 10. (1)), etc. </td> </tr> <tr> <td> <p>② <u>Reconsideration of the length of the Programme</u></p> <p>Based on the rapid changes in legislations and socioeconomic circumstances, the length of the program, which had been ten years, was reconsidered and changed into five years (from FY 2013 to FY 2017).</p> </td> <td> <p>⑤ <u>Setting goals for results</u></p> <p>Goals for results* are set for 45 issues in total in order to ensure the effectiveness of the Programme</p> <p>* The level that the government plan aims to achieve by comprehensively implementing concrete measures in each field</p> </td> </tr> <tr> <td> <p>③ <u>Creation of fields for measures</u></p> <p>The following three fields were added based on the revision of the Basic Act for Persons with Disabilities and the enactment of the Act for Eliminating Discrimination against Persons with Disabilities (2013).</p> <p>7. Safety and security Disaster prevention, reconstruction after Great East Japan Earthquake, crime prevention, consumer protection, etc.</p> <p>8. Elimination of discrimination and promotion of advocacy Promotion of elimination of discrimination on the grounds of disability, abuse prevention for persons with disabilities, etc.</p> <p>9. Accommodation in administrative services, etc. Accommodation during voting, etc., and procedures including judicial procedures, etc.</p> </td> <td> <p>⑥ <u>Strengthening the system for promotion of the Programme</u></p> <p>Assessment and monitoring of the status of the implementation of the Programme by the Commission on Policy for Persons with Disabilities on the basis of the Basic Act for Persons with Disabilities are expressly mentioned. Enhancement of information and data relating to measures for persons with disabilities.</p> </td> </tr> </table>		<p>① <u>Reconsideration of basic principles of measures for persons with disabilities, etc.</u></p> <p>Basic principles of measures were reconsidered based on the revision of the Basic Act for Persons with Disabilities (2011). (a) coexistence in community, b) eliminating discrimination, c) international cooperation) Also, respect for the self-determination of persons with disabilities was expressly mentioned as cross-sectional viewpoints.</p>	<p>④ <u>Reconsideration of measures for existing fields</u></p> <p>Enhancement and reconsideration of existing measures based on the revision of the Basic Act for Persons with Disabilities and new legislation, etc.</p> <ul style="list-style-type: none"> • Enhancement of welfare services according to the needs of children and persons with disabilities (III. 1. (2)(3)) • Promotion of the moving of persons with mental disabilities into communities (III. 2. (2)) • Establishment of a new system for deciding school admissions (III. 3. (1)) • Promotion of employment of persons with disabilities and enhancement of job support (III. 4. (1)(2)) • Ensuring the standards of the working status of persons with disabilities through promotion of priority procurement (III. 4. (3)(4)) • Promotion of implementation of the Convention on the Rights of Persons with Disabilities (III. 10. (1)), etc. 	<p>② <u>Reconsideration of the length of the Programme</u></p> <p>Based on the rapid changes in legislations and socioeconomic circumstances, the length of the program, which had been ten years, was reconsidered and changed into five years (from FY 2013 to FY 2017).</p>	<p>⑤ <u>Setting goals for results</u></p> <p>Goals for results* are set for 45 issues in total in order to ensure the effectiveness of the Programme</p> <p>* The level that the government plan aims to achieve by comprehensively implementing concrete measures in each field</p>	<p>③ <u>Creation of fields for measures</u></p> <p>The following three fields were added based on the revision of the Basic Act for Persons with Disabilities and the enactment of the Act for Eliminating Discrimination against Persons with Disabilities (2013).</p> <p>7. Safety and security Disaster prevention, reconstruction after Great East Japan Earthquake, crime prevention, consumer protection, etc.</p> <p>8. Elimination of discrimination and promotion of advocacy Promotion of elimination of discrimination on the grounds of disability, abuse prevention for persons with disabilities, etc.</p> <p>9. Accommodation in administrative services, etc. Accommodation during voting, etc., and procedures including judicial procedures, etc.</p>	<p>⑥ <u>Strengthening the system for promotion of the Programme</u></p> <p>Assessment and monitoring of the status of the implementation of the Programme by the Commission on Policy for Persons with Disabilities on the basis of the Basic Act for Persons with Disabilities are expressly mentioned. Enhancement of information and data relating to measures for persons with disabilities.</p>
<p>① <u>Reconsideration of basic principles of measures for persons with disabilities, etc.</u></p> <p>Basic principles of measures were reconsidered based on the revision of the Basic Act for Persons with Disabilities (2011). (a) coexistence in community, b) eliminating discrimination, c) international cooperation) Also, respect for the self-determination of persons with disabilities was expressly mentioned as cross-sectional viewpoints.</p>	<p>④ <u>Reconsideration of measures for existing fields</u></p> <p>Enhancement and reconsideration of existing measures based on the revision of the Basic Act for Persons with Disabilities and new legislation, etc.</p> <ul style="list-style-type: none"> • Enhancement of welfare services according to the needs of children and persons with disabilities (III. 1. (2)(3)) • Promotion of the moving of persons with mental disabilities into communities (III. 2. (2)) • Establishment of a new system for deciding school admissions (III. 3. (1)) • Promotion of employment of persons with disabilities and enhancement of job support (III. 4. (1)(2)) • Ensuring the standards of the working status of persons with disabilities through promotion of priority procurement (III. 4. (3)(4)) • Promotion of implementation of the Convention on the Rights of Persons with Disabilities (III. 10. (1)), etc. 						
<p>② <u>Reconsideration of the length of the Programme</u></p> <p>Based on the rapid changes in legislations and socioeconomic circumstances, the length of the program, which had been ten years, was reconsidered and changed into five years (from FY 2013 to FY 2017).</p>	<p>⑤ <u>Setting goals for results</u></p> <p>Goals for results* are set for 45 issues in total in order to ensure the effectiveness of the Programme</p> <p>* The level that the government plan aims to achieve by comprehensively implementing concrete measures in each field</p>						
<p>③ <u>Creation of fields for measures</u></p> <p>The following three fields were added based on the revision of the Basic Act for Persons with Disabilities and the enactment of the Act for Eliminating Discrimination against Persons with Disabilities (2013).</p> <p>7. Safety and security Disaster prevention, reconstruction after Great East Japan Earthquake, crime prevention, consumer protection, etc.</p> <p>8. Elimination of discrimination and promotion of advocacy Promotion of elimination of discrimination on the grounds of disability, abuse prevention for persons with disabilities, etc.</p> <p>9. Accommodation in administrative services, etc. Accommodation during voting, etc., and procedures including judicial procedures, etc.</p>	<p>⑥ <u>Strengthening the system for promotion of the Programme</u></p> <p>Assessment and monitoring of the status of the implementation of the Programme by the Commission on Policy for Persons with Disabilities on the basis of the Basic Act for Persons with Disabilities are expressly mentioned. Enhancement of information and data relating to measures for persons with disabilities.</p>						

Outline of the 3rd Basic Programme for Persons with Disabilities	
<p>I. Basic Programme for Persons with Disabilities (The 3rd)</p> <p>Description: The most basic plan for measures formulated by the national government to support the independence and social participation of persons with disabilities, based on the Basic Act for Persons with Disabilities.</p> <p>Planning period: Approximately five years between FY 2013 and FY 2017</p>	
<p>II Basic Concept</p> <p>1. Basic philosophy</p> <p>To create a society where all the members of the nation coexist, respecting each other's personality and individuality without discrimination against persons with disabilities. based on the philosophy that all the members of the nation are equally respected as an indispensable individual who has fundamental human rights with or without disabilities (Article 1, Basic Act)</p> <p>2. Basic principles</p> <p>(1) Coexistence in communities, etc. (Article 3) (2) Eliminating discrimination (Article 4) (3) International cooperation (Article 5)</p> <p>3. Cross-sectional viewpoints common to all sectors</p> <p>(1) Respect for the self-decision of persons with disabilities and support for their decision making (2) Comprehensive support from the viewpoint of persons concerned (3) Support considering the state of disabilities, etc. (4) Improvement in accessibility (5) Comprehensive systematic promotion of implementing measures</p>	<p>III Basic Direction of Measures by Sector</p> <p>1. Support for daily life Improvement in welfare services responding to the needs of children or adults with disabilities, etc.</p> <p>2. Health care and medical treatment Promotion of the moving of persons with mental disabilities into communities, the implementation of measures to deal with intractable diseases, etc.</p> <p>3. Education, cultural and art activities, sports, etc. Establishment of a new system for deciding school admissions, promotion of cultural and art activities, etc.</p> <p>4. Support for employment and economic independence Promotion of the employment of persons with disabilities, improvement in support for the employment, increase in employment from the viewpoint of welfare, etc.</p> <p>5. Living environment Securing housing, promoting barrier-free design, urban designing considering persons with disabilities</p> <p>6. Accessibility to information Improvement in accessibility of broadcasting and communications, strengthening support for the communication of persons with disabilities</p> <p>7. Safety and security Disaster prevention, recovery from the Great East Japan Earthquake Disaster, crime prevention, protection of consumers, etc.</p> <p>8. Eliminating discrimination and advocacy Eliminating discrimination on the grounds of disabilities, disability abuse prevention.</p> <p>9. Accommodation in administrative services, etc. Accommodation on the occasion of election and judicial proceedings, etc.</p> <p>10. International cooperation Efforts for implementation of the Convention on Rights, international dissemination of information</p> <p>* The items highlighted in green (7, 8 and 9) are new sectors added to the 3rd plan.</p>
<p>IV System for Promotion</p> <p>1. Securing cooperation 2. Promoting PR and awareness-raising activities 3. Supervising and evaluating the state of progress (Targets) Monitoring and evaluation of progress of plans implemented by the Policy Planning Committee for Persons with Disabilities 4. Legal improvement 5. Investigation and research, and offering information</p>	

Basic Trends in Measures by Field



* Green items (7, 8, and 9) are new fields in the Third Programme

2 Background to Formulation of Basic Programme for Persons with Disabilities

(1) First Long-term Program

The comprehensive promotion of measures for persons with disabilities was described in the “Basic Act on Countermeasures Concerning Persons with Mental and Physical Disabilities” enacted in 1970 (revised to “Basic Act for Persons with Disabilities” in 1993), and afterwards, the United Nations declared the “International Year of Disabled Persons” in 1981, which served as a catalyst to promote such measures further.

The action program (prescribed by the UN in 1979) for the International Year of Disabled Persons gave recommendations for various efforts to each country, and one of those efforts was the formulation of domestic long-term programs in each country.

For these, in Japan, the “New Long-term Program Relating to Measures for Persons with Disabilities” was formulated at the Headquarters for Promoting the International Year of Disabled Persons (headed by the Prime Minister) in March 1982 based on the objectives of the “Ideal Domestic Long-term Action Program” that the Central Council for Countermeasures for Persons with Disabilities, which corresponds to the current Commission on Policy for Persons with Disabilities, provided opinions on in January 1982.

This program indicated the future direction and goals of measures for persons with disabilities in Japan across every field: awareness-raising and dissemination activities, healthcare, medical services, education/nurturing, employment/working and welfare/living environments.

In addition, in order to promote measures relating to the said Program and other measures relating to persons with disabilities comprehensively and effectively, the Headquarters for Promoting Countermeasures for Persons with Disabilities (headed by the Prime Minister) was established in April 1982 by the Prime Minister’s Office. (The Headquarters was renamed the Headquarters for Promoting Measures for Persons with Disabilities and further, it was taken over by the Headquarters for Institutional Reform

for Persons with Disabilities).

(2) Long-term Program Based on the Basic Act for Persons with Disabilities

The "New Long-term Program Relating to Measures for Persons with Disabilities" was formulated in 1993 and additionally, the Basic Programme for Persons with Disabilities (Second) (from 2003 to 2012) (hereinafter referred to as "Second Programme"), which was based on the Basic Act for Persons with Disabilities (Act No. 84 of 1970), which was revised in 1993, was formulated, and the national government has endeavored to promote measures for persons with disabilities comprehensively and effectively under the idea of normalization and rehabilitation. (Note that the "New long-term Program Relating to Measures for Persons with Disabilities" is deemed to have been a Basic Programme for Persons with Disabilities based on the said Act, due to the revision of the Basic Act for Persons with Disabilities in 1993, and the Basic Programme formulated in 2002 is the second program among the programs based on the Basic Act for Persons with Disabilities.)

The Second Programme states that the kind of society that our country must aim to realize is a "Cohesive Society" where all citizens respect and support the personalities and individuality of others, regardless of they have disabilities or not, and steady efforts have been performed in each field. Meanwhile, progress in terms of laws and regulations including the enactment of the "Act on Support for Persons with Developmental Disabilities" in 2004 (Act No. 167 of 2004), the "Services and Supports for Persons with Disabilities Act" in 2005 (Act No. 123 of 2005) and the "Barrier-free Act" (Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc.) has also been made.

(3) Trends in the International Community

During the Second Programme, the "Convention on the Rights of Persons with Disabilities", which is an overarching and comprehensive international convention to protect and promote the rights and dignity of persons with disabilities, was adopted by the UN in 2006, and became effective in 2008.

Also, in the Asia-Pacific region, regional efforts have been conducted in order to realize a society without barriers on the basis of rights for all citizens based on the "Biwako Millennium Framework," which was adopted at the high-level intergovernmental meeting of the UN Economic and Social Commission for Asia and the Pacific (ESCAP) held in Shiga Prefecture in 2002. Also the "Incheon Strategy to 'Make the Right Real' for Persons with Disabilities in Asia and the Pacific," which is the action program for the "Asian and Pacific Decade of Persons with Disabilities" (from 2013 to 2022), was adopted in November 2012.

(4) Trends in Japan

On the other hand, in Japan, with a view to protecting and promoting the rights and dignity of persons with disabilities, our country has acknowledged the significance of the Convention on the Rights of Persons with Disabilities, has actively been involved in the discussion about the Convention from its drafting stage and has been developing domestic laws for the implementation of the said Convention since signing it in 2007.

In the 2011 revision of the Basic Act for Persons with Disabilities, a concept about persons with disabilities based on a so-called social model, which is the concept that the limitations that persons with disabilities suffer from in daily social lives are caused by the relationship between individual functional limitation and the state of their society, and the concept, "reasonable accommodation," defined by the Convention on the Rights of Persons with Disabilities were incorporated into the Act. The Commission on Policy for

Persons with Disabilities was established as an organization that monitors the status of the implementation of the Basic Programme on Persons with Disabilities in Japan and gives recommendations. Also, the Act on Comprehensive Support for Persons with Disabilities (Act on Comprehensive Support for the Daily Lives and Social Lives of Persons with Disabilities, Act No. 123 of 2005) was enacted in 2012. Furthermore, in order to realize the basic principle, “Prohibition of Discrimination,” from the provisions of Article 4 of the revised Basic Act for Persons with Disabilities and promote the elimination of discrimination on the grounds of disability, the Act for the Eliminating Discrimination against Persons with Disabilities (Act No. 65 of 2013) was enacted and in order to promote the prohibition of discrimination in the field of employment, the Act for Employment Promotion of Persons with Disabilities (Act on Employment Promotion, etc. of Persons with Disabilities, Act No. 46 of 2013) was revised.

Also, meanwhile, laws including the Act on Abuse Prevention for Persons with Disabilities (Act on Prevention of Abuse of Persons with Disabilities and Support for Guardians of Persons with Disabilities, Act No. 79 of 2011), the Act on Promotion of Priority Procurement for Persons with Disabilities (Act on Promotion of Procurement of Goods Supplied by Facilities Where Persons with Disabilities Work by the National Government, Act No. 50 of 2012) and the Act on the Partial Revision of the Public Offices Election Act for the Recovery of the Right to Vote of Adult Wards (Act No. 21 of 2013) were enacted at the instance of House member.

Based on development of these legislations, the government obtained the Diet’s approval for the conclusion of the Convention on the Rights of Persons with Disabilities. Japan ratified the said Convention on January 20, 2014, and the said Convention became effective on February 19 in Japan.

(5) Formulation of Basic Programme for Persons with Disabilities (Third)

At the final year of the Second Programme, based on the trends in international society mentioned above and progress of past domestic efforts, the Commission on Policy for Persons with Disabilities conducted new investigations and discussions starting in July 2012. As a result, the Commission on Policy for Persons with Disabilities made a summary of the “Opinion of the Commission on Policy for Persons with Disabilities Relating to the New ‘Basic Programme for Persons with Disabilities,’” and submitted it to the Prime Minister on December 17, 2012.

For this, the government prepared a draft of the New Basic Programme for Persons with Disabilities based on the ideas expressed in the opinions of the Commission on Policy for Persons with Disabilities, and heard of the opinions of the Commission on Policy for Persons with Disabilities about the draft.

Based on the opinions of the Commission on Policy for Persons with Disabilities and opinions proposed via public comment, the government formulated the Basic Programme for Persons with Disabilities (Third) (hereinafter referred to as “Third Programme”) (endorsed by the Cabinet on September 27, 2013). It was decided that the government shall further promote measures to support the independence and social participation of persons with disabilities, in order to realize a cohesive society where all citizens respect and support the personalities and individuality of others regardless of whether or not they have disabilities.

3 Characteristics of Basic Programme for Persons with Disabilities (Third)

(1) Reconsideration of Basic Principles of Measures for Persons with Disabilities

As mentioned above, a) coexistence in community, b) eliminating discrimination and c) international cooperation were incorporated into the Third Programme as basic principles of the Programme based on the details of the revision of the Basic Act for Persons with Disabilities in 2011.

(2) Reconsideration of Length of Programme

Based on the rapid changes in the socioeconomic situation surrounding recent measures for persons with disabilities, although the length of the program had been ten years for the Second Programme, it was reconsidered and changed to five years this time (from FY 2013 to FY 2017).

(3) Addition of Fields for Measures and Reconsideration of Measures for Existing Fields

Based on the revision of the Basic Act for Persons with Disabilities and the enactment of the Act for Eliminating Discrimination against Persons with Disability (2013), the following three fields were added.

- III. 7. Safety and security (disaster prevention, recovery from the Great East Japan Earthquake, crime prevention, consumer protection, etc.)
- III. 8. Eliminating discrimination and advocacy (promotion of elimination of discrimination on the grounds of disability, disability abuse prevention, etc.)
- III. 9. Accommodation in administrative services, etc. (accommodation during voting and procedures including judicial procedures, etc.)

Also, the existing fields previously listed in the Second Programme had enhanced and reconsidered, based on new legislation relating to recent measures for persons with disabilities. The details of the revision of the Basic Act for Persons with Disabilities include enhancement of welfare services according to the needs of children and persons with disabilities (III. 1. (2) (3)), promotion of the moving of persons with mental disabilities into communities (III. 2. (2)), establishment of a new system for deciding school admissions (III. 3. (1)), promotion of employment of persons with disabilities and enhancement of job support (III. 4. (1) (2)) and ensuring the standards of the working status of persons with disabilities at work center through promotion of priority procurement (III. 4. (3) (4)).

(4) Setting Goals for Results and Strengthening Systems of Implementation for Programme

To ensure the effectiveness of the Programme, 45 goals for results were set. Also, assessment and monitoring of the status of the implementation of the Programme by the Commission on Policy for Persons with Disabilities on the basis of the Basic Act for Persons with Disabilities and the enhancement of information and data relating to measures for persons with disabilities are expressly mentioned.

Section 3 Ratification of “Convention on the Rights of Persons with Disabilities”

1 Background and Details of Enactment of “Convention on the Rights of Persons with Disabilities”

The Convention on the Rights of Persons with Disabilities, which is intended to protect and promote the rights and dignity of persons with disabilities, was adopted by consensus at the 61st General Assembly of the United Nations in December 2006 as a result of four years of negotiations. The Convention entered into force in May 2008. As of the end of March 2014, the total number of States and Organizations Parties was 143.

① The general principles of this Convention are respect for inherent dignity, individual autonomy and independence of persons with disabilities, non-discrimination, full and effective participation and inclusion in communities. And this Convention prescribes that ② the States Parties shall take measures to ensure and promote the realization of every human right and fundamental freedom for all persons with disabilities without discrimination on the basis of disability. Also, the Convention prescribes that ③ in order to ensure effective implementation of this Convention, the States Parties shall maintain, strengthen, designate, or establish a framework to monitor implementation within the State Party and ④ there shall be established a Committee on the Rights of Persons with Disabilities, which shall consist members elected by the States Parties and prescribes other matters as well.

2 Ratification of “Convention on the Rights of Persons with Disabilities” by Japan

Japan, in addition to participating in the process of establishing the Convention from the drafting stage, has aimed for the formation of a convention for persons directly concerned with disabilities, through the implementation of exchanges of opinion with domestic NGOs and participation in an advisory role for a government delegation that represents NGOs for persons with disabilities. In September 2007, Japan signed this Convention and ratified it in January 2014. It is expected that the ratification of this Convention by Japan will strengthen further the efforts to realize the rights of persons with disabilities. For example, monitoring is conducted by various means, including the monitoring of the status of the implementation of the Basic Programme for Persons with Disabilities by the “Commission on Policy for Persons with Disabilities,” established on the basis of the Basic Act for Persons with Disabilities, which was revised in 2011. Also, the States Parties shall submit reports on the status of the implementation of the Convention, including performance of obligations based on the Convention, to the “Committee on the Rights of Persons with Disabilities” established by the United Nations and shall receive various recommendations from the said Committee which consists experts from different states on the details of the reports. This means that there will be international monitoring as well.

Convention on the Rights of Persons with Disabilities Structure of Provisions

Preamble	family
Article 1: Purpose	Article 24: Education
Article 2: Definitions	Article 25: Health
Article 3: General principles	Article 26: Habilitation and rehabilitation
Article 4: General obligations	Article 27: Work and employment
Article 5: Equality and non-discrimination	Article 28: Adequate standard of living and social protection
Article 6: Women with disabilities	Article 29: Participation in political and public life
Article 7: Children with disabilities	Article 30: Participation in cultural life, recreation, leisure and sport
Article 8: Awareness-raising	Article 31: Statistics and data collection
Article 9: Accessibility	Article 32: International cooperation
Article 10: Right to life	Article 33: National implementation and monitoring
Article 11: Situations of risk and humanitarian emergencies	Article 34: Committee on the Rights of Persons with Disabilities
Article 12: Equal recognition before the law	Article 35: Reports by States Parties
Article 13: Access to justice	Article 36: Consideration of reports
Article 14: Liberty and security of the person	Article 37: Cooperation between States Parties and the Committee
Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment	Article 38: Relationship of the Committee with other bodies
Article 16: Freedom from exploitation, violence and abuse	Article 39: Report of the Committee
Article 17: Protecting the integrity of the person	Article 40: Conference of States Parties
Article 18: Liberty of movement and nationality	Article 41: Depositary
Article 19: Living independently and being included in the community	Article 42: Signature
Article 20: Personal mobility	Article 43: Consent to be bound
Article 21: Freedom of expression and opinion, and access to information	Article 44: Regional integration organizations
Article 22: Respect for privacy	Article 45: Entry into force
Article 23: Respect for home and the	Article 46: Reservations
	Article 47: Amendments
	Article 48: Denunciation
	Article 49: Accessible format
	Article 50: Authentic texts