

Chapter 2 Background and Recent Trends in Promotion of Measures

Section 1 Background to Promotion of Measures

1 Main Pieces of Legislation Concerning Persons with Disabilities before Enactment of Basic Act

Measures for persons with disabilities in Japan after World War II are said to have started with the enactment of the Child Welfare Act, which prescribed basic measures for child welfare including measures for children with disabilities in 1947 in order to help the many children injured by the War, and the School Education Act was enacted in the same year, leading to the beginning of a new school education system, including education for students with disabilities.

Next, the Act for the Welfare of Persons with Physical Disabilities was enacted in 1949. At that time, the purpose of this Act was to improve the welfare of persons with physical disabilities by contributing to the stability of their lives through the national government's and local governments' assistance for persons with physical disabilities and provision of necessary protection and by prescribing the duty of the people to cooperate in these matters on the assumption that persons with physical disabilities would rehabilitate themselves through their own endeavors.

Also, in 1950, the Mental Health Act, which was intended to enhance medical services, protection, promotion of social rehabilitation and the like for persons with mental disabilities, was enacted.

Furthermore, in 1960, the Act on Welfare of Mentally Retarded Persons (currently referred to as the Act for the Welfare of Persons with Intellectual Disabilities), which was intended to develop assistance projects concerned with intellectual disabilities that consistently serve persons ranging from children through adults, and the Act for Employment Promotion of Persons with Physical Disabilities, which was intended to promote the employment of persons with physical disabilities and help them achieve employment security, was enacted.

Although step-by-step progress including the enactment of these Acts had been made, measures were advanced within the discrete frameworks of physical disabilities, intellectual disabilities, and mental disabilities (the so-called three disabilities) and measures tended to be advanced mainly in the field of welfare, in separate administrative fields including welfare, employment, education and medical services.

(1) Enactment of Basic Act

Under such circumstances, the needs for the establishment of a basic act to promote comprehensive measures for persons with physical and intellectual disabilities was growing among persons with disabilities and persons concerned with disabilities from each field who supported persons with disabilities. In 1970, the "Basic Act for Countermeasures Concerning Mentally and Physically Disabled Persons" was enacted through legislation at the instance of cross-party group of House member.

Although the main focus of this Act was persons with intellectual and physical disabilities, this Act was literally enacted as a basic act that forms the basis for all the individual laws relevant to persons with disabilities that each ministry and agency holds jurisdiction over. As a basic act relating to measures for persons with disabilities and it can be said that the enactment of this Act legally put the basic idea of comprehensive promotion of measures for persons with disabilities in Japan on a firm basis for the first time. In 1993, the Act was renamed the "Basic Act for Persons with Disabilities," and on this occasion, it was clearly prescribed that persons with mental disabilities should be included within the scope of the category of persons with disabilities defined by this Act. Also, it was clearly prescribed that persons with developmental disabilities should be included in the scope of the category of "persons with disabilities," and the interpretation

of this term clarified that persons with disabilities caused by intractable diseases are included within the scope of the term, following the revision of the Act in 2011. It can be said that the “Basic Act for Countermeasures Concerning Mentally and Physically Disabled Persons” preceded trends including the “International Year of Disabled Persons” mentioned below and the formulation of domestic long-term programs by the government and was an epoch-making law at that time.

(2) International Year of Disabled Persons and Formulation of First Long-term Program (FY 1982 – FY 1992)

The United Nations (hereinafter referred to as “UN”) has made repeated decisions including resolutions concerning the promotion of measures for persons with disabilities since about the 1970s, which had an international impact, and in 1976, designated the year 1981, five years after 1976, as the International Year of Disabled Persons, requesting efforts from each state.

For this, in Japan, “About the Promotion System for the International Year of Disabled Persons,” which prescribes the establishment of the “Headquarters for the Promotion of the International Year of Disabled Persons” in the Prime Minister’s Office, was endorsed by the Cabinet, and in 1981, the government further advanced the comprehensive promotion of measures for persons with disabilities including holding events and conducting projects.

The International Year of Disabled Persons focused on the promotion of the understanding of persons with disabilities and, at the same time, it served as an opportunity for associations of persons with disabilities and associations relevant to persons with disabilities, which had conducted their activities largely divided according to the types of disabilities, to work together on projects to promote the International Year of Disabled Persons, which is said to have enhanced the motivation for many associations of persons with disabilities to cooperate among each other later.

Because it was necessary for the UN to continue to work on issues relating to persons with disabilities, in December 1982, which was in the year following the International Year of Disabled Persons, it designated the years from 1983 to 1992 as the “United Nations Decade of Disabled Persons,” and the “World Programme of Action Concerning Disabled Persons” was formulated.

Responding to these trends, as per the determination of the Headquarters for the Promotion of the International Year of Disabled Persons, the government formulated the first full-scale and long-term program in Japan and decided to advance efforts for measures for persons with disabilities.

Also, in April of the same year, the Headquarters for the Promotion of the International Year of Disabled Persons was reorganized, and instead the “Headquarters for the Promotion of Countermeasures for Persons with Disabilities” (hereinafter referred to as “Task Force for Measures”; the name was changed to Headquarters for the Promotion of Measures for Persons with Disabilities in 1996) was established in order to comprehensively and effectively promote measures for persons with disabilities.

In 1987, the middle year of the “United Nations Decade of Disabled Persons,” the Task Force for Measures formulated the “Priority Measures for the Latter Phase” and established a more specific program that was to be conducted selectively during the second half of the long-term program.

This formulation led to the establishment of a five-year program for priority measures under a later long-term program and the custom of establishing five-year programs carried over to the Basic Programme for Persons with Disabilities (Second).

In addition, these programs were based on the proposals of organizations including “Central Council for Countermeasures for Persons with Disabilities” (later the name was

changed to “Central Council for the Promotion of Measures for Persons with Disabilities.” The Council was once abolished in 1999, but was re-established by the Prime Minister’s Office; hereinafter referred to as “Council”), which the government had established and was composed of persons including academic experts.

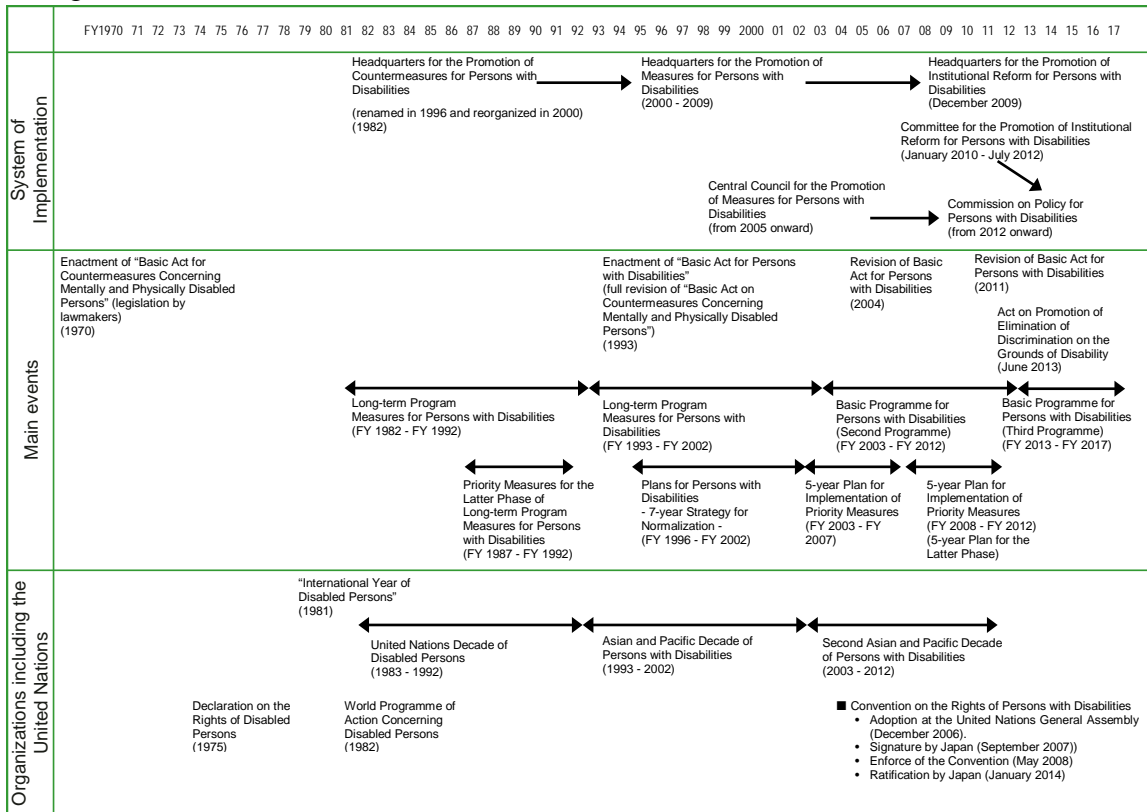
(3) Formulation of New Long-term Program and Revision of Basic Act

Associations of persons with disabilities expressed the opinion that after the end of the “United Nations Decade of Disabled Persons,” a new “Domestic Action Program” must be formulated, and the resolution for the “Asian and Pacific Decade of Persons with Disabilities” (1993 - 2002), for which Japan had also been a co-sponsor, was adopted; responding to these and other trends, the Council discussed the ideal long-term measures for persons with disabilities based on the results of past efforts, and provided their opinions on the measures. For this, the Task Force for Measures formulated the “New Long-term Program Relating to Measures for Persons with Disabilities,” which looked ahead to the following 10 years starting from 1993, in order to further promote measures for persons with disabilities.

At the same time, due to factors including the progress of society, the Basic Act for Countermeasures Concerning Mentally and Physically Disabled Persons was revised and the Act was renamed the “Basic Act for Persons with Disabilities.” The main items in the revision are as follows: 1) this Act prescribes that the objective of this Act is to promote the independence of persons with disabilities and their participation in activities in society, culture, the economy and other fields and aim for the “full participation and equality” of persons with disabilities, 2) this Act prescribed that the disabilities within the scope of this Act are physical disabilities and what are currently referred to as intellectual disabilities or mental disabilities, 3) this Act prescribed that the basic idea of this Act is that persons with disabilities should be given opportunities to participate in activities in society, the economy, culture and other fields as constituent members of society, 4) this Act designated December 9 as the “Day of Persons with Disabilities” in order to deepen interest in and understanding of the welfare of persons with disabilities widely among the people, 5) this Act prescribed that the national government should formulate basic programs for persons with disabilities in order to promote measures relating to the welfare of persons with disabilities comprehensively and systematically, and also that the local governments should make endeavors to formulate programs conforming to the programs that the national government shall formulate, 6) this Act developed provisions for the responsibilities of the national government and local governments in the fields of utilization of public facilities, information and the like, including promotion of employment, and prescribed that the obligation to make endeavors in these fields should be imposed on business owners and 7) the “Council for Countermeasures for Persons with Mental and Physical Disabilities,” which investigates and discusses the establishment of basic and comprehensive measures relating to persons with disabilities, was renamed the “Council for the Promotion of Measures for Persons with Disabilities.” This Act prescribed that committee members or expert committee members should also be appointed from among persons with disabilities or persons engaged in business relating to the welfare of persons with disabilities. The revised “Basic Act for Persons with Disabilities” was unanimously passed by the Diet on November 26, 1993.

In addition, it was decided that the “New Long-term Program” would be treated as the “Basic Programme for Persons with Disabilities” in this revision of the Act.

■ Figure 3 Trends in Measures for Persons with Disabilities



Source: Cabinet Office

(4) Formulation of Basic Programme and Revision of Basic Act in 2004

a. Formulation of Basic Programme for Persons with Disabilities (2003 - 2012)

In 2002, as the final year of the "New Long-term Program," the "Round-table Conference on the New Basic Programme for Persons with Disabilities" attended by persons with disabilities, persons concerned with the welfare of persons with disabilities and academic experts was held, a deliberation team for each ministry and agency discussed about the program, then the "Basic Programme for Persons with Disabilities" ("Second Programme") that was to run from FY 2003 to FY 2012 was endorsed by the Cabinet in December of the same year, and the Task Force for Measures announced the "Five-year Program for the Implementation of Priority Measures."

This "Basic Programme for Persons with Disabilities" ran for 10 years, from FY 2003 to FY 2012, and carried on the ideas of "normalization" and "rehabilitation," which are ideas from the New Long-term Program, and aimed at the realization of a society under the idea of a cohesive society, where all citizens respect one another's personalities and individuality and support one another, the human rights of persons with disabilities are respected as equal members of society and persons with disabilities participate in society through their own choice and self-determination and share responsibilities as members of society.

In order to make the social participation and involvement of persons with disabilities meaningful, it is necessary to remove the causes that limit their activities and restrict their social participation and to support them so that they can fulfill themselves to the maximum possibility.

It is not until all members of society, not only the administration but also entities including enterprises and NPOs share their values with each other, become aware of their individual roles and responsibilities and voluntarily and proactively work on to realize society where all citizens can equally participate and be involved. It is important to

encourage individual citizens to understand and cooperate in the realization of such a society and in steadily putting it into practice as a whole society.

In light of the views mentioned above, four cross-sectional long-term goals and four tasks to work on were formulated.

The “Cross-sectional long-term goals” are 1) the promotion of a barrier-free society, 2) user-oriented support, 3) development of measures based on the characteristics of one’s disabilities and 4) comprehensive and effective promotion of measures. While the “Tasks to work on” are 1) the enhancement of the power to act and participate, 2) development of a foundation for action and participation, 3) comprehensive efforts for measures for persons with mental disabilities and 4) reinforcement of intraregional cooperation in the Asia-Pacific region.

The Task Force for Measures set more detailed numerical targets as “5 Years for the Implementation of Priority Measures,” and promoted the Second Programme. The Cabinet Office has verified more than 580 measures of the status of the implementation of each category by field and made this public on its website.

b. Revision of Basic Act in 2004

In order to make the social participation and involvement of persons with disabilities meaningful, 11 years had passed since the last revision of the Basic Act in 1993, it is necessary to remove certain obstacles that were limiting the activities of persons with disabilities and restricting their social participation and to support persons with disabilities so that they could develop one’s ability and self-fulfillment. The Basic Act was revised in 2004 for the purpose of responding to the changes in the socioeconomic circumstances surrounding persons with disabilities and further promoting the independence and social participation of persons with disabilities.

The main points of this revision are as follows: 1) prohibition of discrimination on the grounds of disability as the basic concept, 2) extension of the “Day of Persons with Disabilities” (December 9) to the “Week of Persons with Disabilities” (December 3 - 9), 3) imposing the obligation to formulate programs for persons with disabilities on the prefectural governments and municipalities, 4) as basic measures relating to the welfare of persons with disabilities, supplement provisions including measures to promote mutual understanding in education, grants for places where persons with disabilities can engage in work activities in each region, 5) as basic measures relating to the disability prevention, supplement provisions to promote investigations and research on intractable diseases, 6) establishing the “Central Council for the Promotion of Measures for Persons with Disabilities” in the Cabinet Office, which provides its opinions to the Prime Minister on the government’s formulation of the Basic Programme for Persons with Disabilities, and 7) other matters.

(5) Main Acts Enacted in the First and Middle Parts of the Second Programme

These Acts relating to persons with disabilities which enacted during the first and middle parts of the Second Programme are as follows.

a. “Act on Support for Persons with Developmental Disorders”

In the past, within the three frameworks of physical disabilities, intellectual disabilities, and mental disabilities, it had been difficult to support persons with developmental disorders. For persons with developmental disorders, the “Act on Support for Persons with Developmental Disorders,” which was enacted in 2006 provided the definition of developmental disability and promotes integrated support across fields including health, medical services, welfare, education and employment.

b. “Services and Supports for Persons with Disabilities Act”

In the field of living support, the “Services and Supports for Persons with Disabilities Act” became effective in 2006 to strengthen job assistance and support

deinstitutionalization, and strengthen the welfare service provision systems including restructuring welfare service have been conducted so that persons with disabilities can live with ease in their communities.

After this Act came into force, countermeasures were repeatedly taken for the purpose of buffering against the drastic changes in order to lighten the expenses for users and strengthen the foundations of businesses sectors, to have the Act take a firm hold.

c. “Barrier-free Act”

In the field of living environments, the “Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons” (Barrier-free Act) was enacted in June 2006, and became effective in December of the same year. This act led the formulation of a basic plan through the participation of parties concerned with disabilities, and the promotion of comprehensive barrier-free of daily life environment, including not only public transportation, roads and buildings but also urban parks and off-street car parking lots.

d. Partial Revision of the School Education Act

In the field of education and fostering, the “Act on the Partial Revision of the School Education Act” was enacted in June 2006 and became effective in April 2007. This Act prescribes that in order to flexibly respond to the needs of individual children with disabilities and to appropriately instruct and support them, previous systems of schools for the blind, schools for the deaf and schools for children with disabilities should be converted into a new system of special needs education schools.

Also, the “Basic Act on Education” was revised and enforced in December 2006. In the provisions relating to “equal opportunity in education,” it was newly and clearly specified that the national government and local governments should take necessary measures so that young students with disabilities can receive adequate education depending on the degree of their disabilities.

Moreover, the “Basic Plan for the Promotion of Education,” which set forth an educational vision that should be pursued over the following ten years and measures to be implemented comprehensively and systematically over five years, from FY 2008 through FY 2012, to realize the idea of this revised Basic Act on Education, was endorsed by the Cabinet in July 2008, and the Second Plan succeeded to this Plan since June 2013.

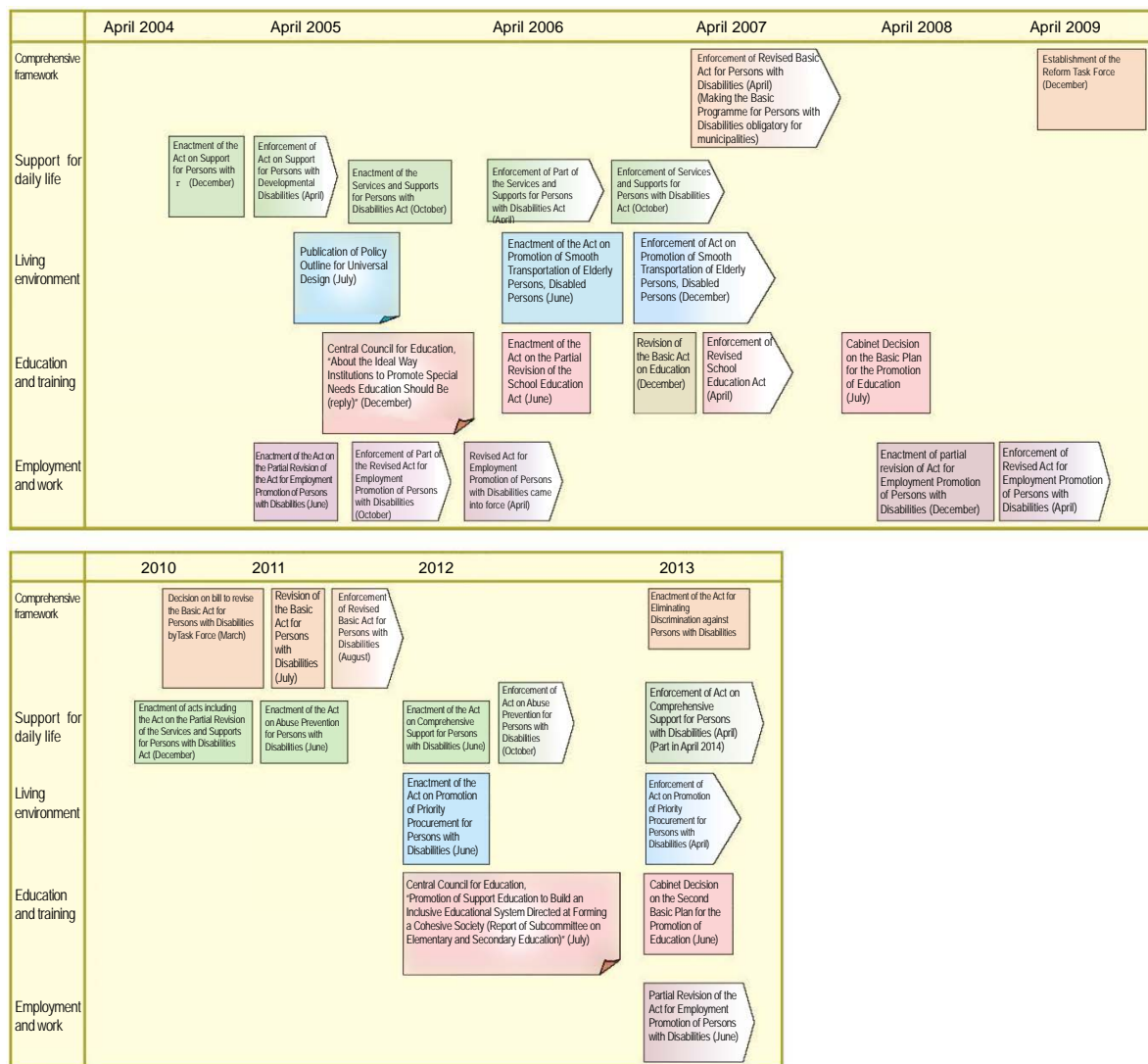
e. Partial Revision of the “Act for Employment Promotion of Persons with Disabilities”

In the field of employment, although there existed the “Act on Employment Promotion of Persons with Disabilities,” the needs for vocational support of persons with disabilities have been growing more as they participate in society. It has become necessary to expanding work opportunities to encourage the independence of persons with disabilities. Therefore, the “Act on the Partial Revision of the Act on Employment Promotion of Persons with Disabilities” was enacted in December 2009, which prescribed further promotion of employment for persons with disabilities in small- and medium-sized enterprises and reconsideration of the employment system for part-time work, and became gradually effective since April 2009.

(6) Adoption of Convention on the Rights of Persons with Disabilities at United Nations General Assembly

At the UN, the “Convention on the Rights of Persons with Disabilities,” an overarching and comprehensive international convention to protect and promote the rights and dignity of persons with disabilities, was adopted in December 2006 at a plenary meeting of the 61st UN General Assembly after deliberations on the drafting of the Convention in eight meetings for negotiations since July 2002 and came into force in May 2008. Japan signed the Convention in September 2007 and ratified the Convention in January 2014.

■ Figure 4 Trends in Main Relevant Acts Relating to Measures for Persons with Disabilities



Source: Cabinet Office

Section 2 Recent Trends Including Revision of Basic Law (2011)

1 Promotion of Institutional Reform

(1) Organizations to Promote Institutional Reform

In December 2009, as the successor of the “Headquarters for Measures for Persons with Disabilities,” the “Headquarters for Institutional Reform for Persons with Disabilities” (hereinafter referred to as “Reform Task Force”) was established by the Cabinet. Under the supervision of the Reform Task Force convened, the “Committee for the Promotion of Institutional Reform for Persons with Disabilities” (hereinafter referred to as “Promotion Committee”) mainly composed of parties concerned with disabilities (persons with disabilities and their families).

The Promotion Committee submitted the “Primary Report” in June 2010 and the “Secondary Report” in December of the same year to the head of the Reform Task Force, the Promotion Committee was abolished in July 2012 due to the inauguration of the Commission on Policy for Persons with Disabilities (mentioned below).

(2) “Basic Directions”

In response to the Primary Report by the Promotion Committee, “About the Basic

Direction of Promotion of Institutional Reform for Persons of with Disabilities” was formulated by the Reform Task Force in June 2010, endorsed by the Cabinet in December of the same year.

The key points of the Cabinet Decision are as follows: First, declaring the idea of the “realization of a society where members of society mutually respect differences and diversity of individuality, and coexist with mutual acceptance for one another’s personalities” as the “Basic Direction of Institutional Reform for Persons with Disabilities and Future Prospects.” Second, specifying two matters as the “Directions of Reform on Primary Issues,” “Realization of Living in Regional Society and Building an Inclusive Society” and “Clarification and Perception of its Definitions of Disability.” Next, as the “Basic Directions of Reform on Cross-sectional Issues and Future Programs,” three points, the “Revision of the Basic Act for Persons with Disabilities and System for Reform Promotion,” “Enactment of the Act on Elimination of Discrimination on the Grounds of Disability” and “Enactment of the ‘Act on Comprehensive Welfare for Persons with Disabilities’” (tentative name), were specified.

Also a “Process Chart” of the reform was formulated, and it briefly describes the basic directions and future directions of reform in each field.

2 Revision of Basic Act for Persons with Disabilities and Summary of Revision

In March 2011, a meeting of the Reform Task Force was held and the Bill on the Partial Revision of the Basic Act for Persons with Disabilities was formulated, which was endorsed by the Cabinet and submitted to the Diet in April of the same year.

This Revision Bill was partially amended during the deliberations of the Diet, resulting in the addition of provisions that prescribe disaster prevention and protection of persons with disabilities as consumers, and was unanimously passed and enacted as an act by the House of Representatives in June of the same year and by the House of Councillors in July of the same year; supplementary resolution was attached to the Act and the Act became effective in August of the same year. (However, the paragraph relating to the “Commission on Policy for Persons with Disabilities” became effective within one year of promulgation (became effective on May 21, 2012).)

A summary of the revised Act is shown in the figure below (Figure 5 “Act on the Partial Revision of the Basic Act for Persons with Disabilities (Summary),” and the objective, definitions and basic principles of the Act are as follows.

As for the objective of the Act, in order to promote measures for persons with disabilities in accordance with the purpose of the Convention on the Rights of Persons with Disabilities, the revisions were made with a view to newly specifying an ideal way of understanding persons with disabilities as defined by the said Convention and the ideal society we should be seeking, as well as clarifying the objectives of the measures.

Also, it was newly prescribed as the objective of the Act to regard persons with disabilities as agent who independently participate in every activity in society based on their own decisions with necessary support, and to realize a society where persons with disabilities can coexist with other people without distinction in every field.

In the provisions in the definitions, based on the provisions of the Convention on the Rights of Persons with Disabilities, a concept about persons with disabilities based on a so-called social model was incorporated, which is the concept that the limitations that persons with disabilities suffer from in daily life or their social lives are caused by the relationship between individual functional limitation and the state of their society.

As for the basic principles of the Act, the basic idea of the Basic Act prior to revision was carried over to these principles, and the concept of “reasonable accommodation,” which was defined by the Convention on the Rights of Persons with Disabilities, was incorporated in the principles.

Also, it was decided that the Council reorganized into the “Commission on Policy for Persons with Disabilities” as an organization that monitors measures for persons with disabilities in Japan and gives recommendations to the Prime Minister as necessary.

A summary of this Act is shown in Figure 5.

(Also refer to “About the Revision of the Basic Act for Persons with Disabilities” (August 2011), on the website for the Cabinet Office, the Policy of Persons with Disabilities (<http://www8.cao.go.jp/shougai/suishin/kihonhou/kaisei2.html>)).

Figure 5

Law for revising a part of Basic Act for Persons with Disabilities (outline)		29th July 2011, enacted, 5th August, 2011 issued
General Provisions (become effective on day of promulgation)		
<p>1) Revision of purpose (relevant to Article 1) In accordance with the principle that all citizens, regardless of whether or not they have a disability, should be entitled to dignity as irreplaceable individuals enjoying fundamental human rights, provides for the basic principles relating to the measures to support the independence and social participation of persons with disabilities in order to ensure that no citizens are divided according to whether or not they have a disability as well as the realization of a society of coexistence with mutual respect for personality and individuality.</p> <p>2) Revision of definitions (relevant to Article 2) Persons with a physical disability, a person with an intellectual disability, a person with a mental disability (including developmental disabilities) and others, who are in a state of facing substantial limitations in their continuous daily life or social life owing to a disability or a social barrier (items, institutions, practices, ideas, and other things in society that stand as obstacles against persons with disabilities engaging in daily life or social life).</p> <p>3) Coexistence in the Local Community (relevant to Article 3) Assuming that all persons with disabilities should be entitled to dignity as individuals enjoying fundamental human rights equally to persons without disabilities, and possess the right to be guaranteed a life befitting of such dignity, the realization of the society provided for in Article 1 must be achieved to the effect of the following matters. - All persons with disabilities are guaranteed the opportunity to participate in activities in society, the economy, culture, and other fields as constituent members of society. - All persons with disabilities are guaranteed the opportunity, insofar as possible, to choose where and with whom they live, and are not precluded from co-existing with other people in the local community. - All persons with disabilities are guaranteed the opportunity, insofar as possible, to choose their language (including sign language) and other means of communication for mutual understanding; and opportunities for them to choose the means of acquisition or use of information will be expanded.</p> <p>4) Prohibition of Discrimination (relevant to Article 4) - No person may commit action of discrimination or any other act which violates interests or rights against a person with a disability on the basis of the disability. - When a person with a disability currently requires the removal of a social barrier and if the burden associated with said implementation is not excessive, necessary and reasonable accommodation must be given to implementing the removal of the social barrier. - The national government is to collect, organize, and provide necessary information in order to prevent such action.</p> <p>5) International Cooperation (relevant to Article 5) The realization of the society provided for in Article 1 must be conducted under the framework of international cooperation</p> <p>6) Public Understanding (relevant to Article 7)/ Public Responsibilities (relevant to Article 8) - The national government and local public entities must take the necessary measures to increase public understanding concerning the basic principles prescribed in 3) to 5). - The people must endeavor to contribute to the realization of the society provided for in Article 1 in accordance with the basic principles.</p> <p>7) Basic Policy for the Measures (relevant to Article 10) - The measures must be implemented in accordance with the sex, age, state of the disability, and lifestyle of a person with a disability. - The national government and the local public entities must hear the opinions of persons with disabilities and other relevant persons and endeavor to respect such opinions.</p>		
Basic Measures (become effective on day of promulgation)		
<p>1) Medical Care, Nursing Care (relevant to Article 14) - necessary measures to provide necessary medical care benefits and rehabilitation in order for persons with disabilities to restore, acquire, or maintain their vital lifestyle functions. - necessary measures when providing medical care, nursing care benefits to ensure that persons with disabilities are able insofar as possible to receive them at a place close to them, and in addition, must fully respect their human rights in doing so.</p> <p>2) Education (relevant to Article 16) - Accommodation to children and students with disabilities being able to receive their education together with children and students without disabilities, to receive a full education based on their age and capabilities and in accordance with their particular characteristics, and necessary measures to improve and enhance the contents and methods of the education. - Provide sufficient information to children and students with disabilities and their parents or guardians and respect their wishes insofar as possible - Surveys and research, secure personnel and improve their qualities, provide suitable educational materials, prepare school facilities, and otherwise develop a suitable environment.</p> <p>3) Medical Care and Childcare (relevant to Article 17) - Necessary measures so that children with disabilities are able insofar as possible to receive medical care and childcare in their neighborhood and other related support. - Research, development and expansion relating to medical care and childcare, train officers who possess expert knowledge and skills, and otherwise promote the development of a suitable environment.</p> <p>4) Work Counseling (relevant to Article 18) - Secure diverse employment opportunities and implement vocational counseling, vocational training and other necessary measures giving consideration to the particular characteristics of each individual person with a disability.</p> <p>5) Promotion of Employment (relevant to Article 19) - Priority employment to persons with disabilities and take other necessary measures in order to promote the employment of persons with disabilities by the national government and local public entities and employers. - Secure appropriate employment opportunities and proper employment management in accordance with the particular characteristics of an individual person with a disability.</p> <p>6) Securing Housing (relevant to Article 20) - Secure housing for persons with disabilities and promote the preparation of housing suited to the daily living of persons with disabilities to enable persons with disabilities to live a stable life in the local community.</p> <p>7) Access to Public Facilities (relevant to Article 21) - Implement systematic promotion of measures such as preparing the structures and equipment of facilities so that persons with disabilities are able to smoothly use them with regard to government facilities, transportation facilities (including transportation facilities such as vehicles, ships, and aircraft.</p> <p>8) Access to Information (relevant to Article 22) - Training and dispatching staff to mediate in communications for persons with disabilities so that persons with disabilities are able to acquire and use information smoothly, and express their intentions, and so that they are able to communicate with other people. - Taking necessary measures so that necessary information is quickly and accurately relayed to persons with disabilities in order to ensure safety in cases of disasters or other emergencies.</p> <p>9) Counseling, Etc. (relevant to Article 23) - Consideration to supporting the decision-making of persons with disabilities, ensuring the counseling services for persons with disabilities, their families and other related persons. - Develop the necessary counseling framework so as to be able to respond comprehensively to various consultations from persons with disabilities, their families, and other, and the support of activities for families of persons with disabilities to support each other and other forms of supports.</p> <p>10) Development of Cultural Conditions (relevant to Article 25) - Necessary measures so that persons with disabilities are able to smoothly engage in cultural and artistic activities and sports or recreation.</p> <p>11) (New) Disaster Prevention and Crime Prevention (relevant to Article 26) - Necessary measures relating to disaster prevention and crime prevention in accordance with the sex, age, state of the disability, and lifestyle of persons with disabilities so that persons with disabilities are able to lead a safe and stable life in the local community.</p> <p>12) (New) Protection of Persons with Disabilities as Consumers (relevant to Article 27) - Provide information in an appropriate manner and take other necessary measures so that the interests of persons with disabilities as consumers are protected and promoted.</p> <p>13) (New) Consideration in Elections (relevant to Article 28) - Develop facilities or equipment for polling stations and take other necessary measures so that persons with disabilities are able to smoothly vote at an election.</p> <p>14) (New) Consideration in Judicial Proceedings (Article 29) - Accommodation to securing a means of communication in accordance with the characteristics of individual persons with disabilities, provide training for relevant officers, and take other necessary measures so that persons with disabilities are able to smoothly exercise their rights in cases where a person with a disability has become subject to procedures relating to a criminal case or become a party or some other relevant person in the proceedings of a civil case.</p> <p>15) International Cooperation (relevant to Article 30) - Exchange information with foreign governments, international organizations, and other relevant bodies and take other necessary measures.</p>		
Commission on Policy for Persons with Disabilities (become effective on day of promulgation)		Supplementary Provisions
<p>Establishment of the Commission on Policy for Persons with Disabilities (government) (relevant to Article 32-35) - Reorganize Central Council for Promoting Measures with Persons with Disabilities, and instead, establish "Commission on Policy for Persons with Disabilities" in Cabinet Office. (The members are to be appointed by Prime Minister from Persons with Disabilities, those who are engaged in businesses relating to independence and social participation of persons with disabilities, and academic experts.) - Investigate and discuss about the formulation of Basic Programme for Persons with Disabilities, and provide their opinions, and observe and recommend about the situation of implementation of this programme.</p> <p>Body with a Council System in a Prefectural Government (local) (relevant to Article 36) - Reorganize local Councils for Promotion of Measures for Persons with Disabilities, and add observation work of the situation of implementation of the measures concerning persons with disabilities to affairs under the jurisdiction.</p>		<p>Review (relevant to Supplementary Provisions Article 2) - When three years has passed after enforcement, the situation of implementation shall be reviewed, and the necessary measures taken based on the result. - Based on the situation of implementation of the measures depending on nature of disability, ensure the cooperation between healthcare, medical and welfare services in a local community, and other ways of support systems for persons with disabilities shall be deliberated, and the necessary measures shall be taken based on the results.</p>

3 Main Recent Trends

(1) Main Relevant Acts Recently Enacted

a. “Act on Abuse Prevention for Persons with Disabilities”

In order to promote measures relating to the prevention of abuse of persons with disabilities by determining measures to protect persons with disabilities who have suffered from abuse and to support the guardians of persons with disabilities, the “Act on Prevention of Abuse of Persons with Disabilities and Support for Guardians of Persons with Disabilities” (Act on Abuse Prevention for Persons with Disabilities) was enacted in June 2011, and became effective in October 2012.

b. “Act on Comprehensive Support for Persons with Disabilities”

Based on the revision of the Basic Act for Persons with Disabilities and discussions within entities including the Reform Task Force, in order to take new measures for the health and welfare of persons with disabilities to realize coexistence in local communities, the “Act on Comprehensive Support for the Daily Lives and Social Lives of Persons with Disabilities” (Act on Comprehensive Support for Persons with Disabilities) was enacted in June 2012, and became effective in April 2013 (a portion of the Act became effective in April 2014).

c. “Act on Promotion of Priority Procurement for Persons with Disabilities”

The “Act on Promotion of Procurement of Goods Supplied by Facilities Where Persons with Disabilities Work by the National Government” (Act on Promotion of Priority Procurement for Persons with Disabilities), which specifying what is necessary to ensure opportunities to receive orders for facilities where people with disability work, was enacted in June 2012, and became effective in April 2013. It was intended to increase the demand for goods supplied by facilities where persons with disabilities work and to contribute to the promotion of the independence of persons with disabilities including those who have started working at these facilities and persons with disabilities who work at home.

d. “Act on the Partial Revision of the Public Offices Election Act for the Recovery of the Right to Vote of Adult Wards”

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) was enacted as lawmaker-initiated legislation and became effective in June 2013.

As a result, the regular election for the members of the House of Councilors was held in July 2013 as the first national election, since the recovery of the right of adult wards to vote.

e. Partial Revision of “Act for Employment Promotion of Persons with Disabilities”

The Subcommittee on Employment of persons with disabilities at the Labor Policy Council issued a written summary of the opinions of the Subcommittee, “About the Enhancement and Strengthening of Future Measures for the Employment of Persons with Disabilities” in March 2013.

Based on this, in April of the same year, the “Bill on the Partial Revision of the Act for Employment Promotion of Persons with Disabilities,” prescribes measures to prohibit discrimination against persons with disabilities in the field of employment, and prescribes to include persons with mental disability in calculating the legally mandated employment rate, was endorsed by the Cabinet and submitted to the Diet, and in June of the same year, this bill was passed.

f. “Act for Eliminating Discrimination against Persons with Disabilities”

In order to realize a society where no citizens are treated differently on the basis of whether or not they are disabled, and where all citizens can coexist with mutual respect for one another’s personalities and individuality, the “Act for Eliminating Discrimination against Persons with Disabilities” was enacted in June 2013. (See Chapter 1 for details.)

(2) International Efforts

In anticipation of the end of the “Asian and Pacific Decade of Persons with Disabilities” (2003 - 2012), a meeting on efforts to be made after 2013 in the Asia-Pacific region was held by the representatives of concerned states within the UN Economic and Social Commission for Asia and the Pacific (ESCAP) and discussions on the next “Decade” made progress.

In November 2012, at the ESCAP meeting held in Incheon, South Korea, the “Incheon Strategy,” which is the action program for the “Third Asian and Pacific Decade of Persons with Disabilities” was adopted, and according to this Strategy, efforts shall be made in each state including Japan.

■ Figure 6

Outline of the Revised Act for the Promotion of Employment for Persons with Disabilities

The revised Act shall specify the measures such as to define the measures to prohibit discrimination against persons with disabilities and minimize the obstacles for the people with disabilities to work at the work places (obligation to provide reasonable accommodation) and include mentally-disabled persons in the legally mandated employment quota ratio, considering the employment situation of persons with disabilities.

1. Efforts to ratify the Convention on the Rights of Persons with Disabilities

(1) Prohibition on discrimination against persons with disabilities

Prohibit discrimination on the ground of disabilities in the field of employment.

(2) Obligation to provide reasonable accommodation

Oblige employers to take measures to minimize the obstacles for the persons with disabilities to work at the workplace except when those measures correspond to excessive burden for employers.

(Conceivable examples)

- To adjust the height of desks and workbenches for people in wheel chairs
- To explain to people with intellectual disabilities not only verbally but also with written or pictorial instructions for their easy understanding

→ Concrete examples of (1) and (2) are supposed to be provided on the “Guideline” which is established after hearing opinions of Labor Policy Council, which consists of representatives of workers, employers, public interests, and persons with disabilities.

(3) Complaint handling / Support for dispute resolution

- ① Oblige employers to make efforts to resolve complaints about (1) and (2) from their employees with disabilities voluntarily.
- ② Improve special provisions about disputes related to (1) and (2) of the Act on Promoting the Resolution of Individual Labor-Related Disputes (such as the mediation conducted by the Dispute Coordinating Committee and the recommendation by the DG of Prefectural Labor Bureau etc.).

2. Revision of the calculation basis for the legally mandated employment quota ratio

Include mentally-disabled persons in the legally mandated employment quota ratio; provided, however, that, only for 5 years after enforced in 2018, the system shall allow to determine the ratio lower than that calculated by the standard method, within the increased part of the ratio derived from the revision of the calculation basis.

3. Others

Take measures such as to clarify the range of persons with disabilities, etc.

Above mentioned 2 is to be enforced on Apr. 1st 2018, 3 on Jun. 19th 2013 (only as for clarifying the range of persons with disabilities), and the others on Apr. 1st, 2016.