

Chapter 3 Status of Implementation of Measures for Persons with Disabilities

Part 1 Building the Foundation for a Deeper Understanding of Persons with Disabilities

1. Public Relations, Awareness and others.

To realize the inclusive society given in the “Basic Programme for Persons with Disabilities (Third)” (Sep 2013 Cabinet Decision), dissemination of its principles as well as public understanding of disability and persons with disabilities shall be promoted. At the same time, PR and awareness activities shall also be enhanced by the participation of a wide range of citizens, thereby getting their cooperation to consider persons with disabilities.

[Main Measures]

<Week of Persons with Disabilities>

- (1) To deepen the understanding and concern of citizens about disabilities and persons with disabilities and to raise the awareness about the social participation of persons with disabilities, a variety of events are conducted intensively throughout the country, across the public and private sectors, in the Persons with Disability Week from December 3 to 9. In the event of “Week of Persons with Disabilities” of 2016, applications were invited from primary and elementary school students across the country for “Essays on Experiences with Expanding Your Mind’s Connections” and “Poster for Week of Persons with Disabilities” based on the experience of interaction with persons with disabilities. Among the 3,746 essays and 1,468 posters received, 3 essays and 2 posters were selected for The Prime Minister’s Award for best work and were honored in the first part of the “2016 Forum for Persons with Disabilities” held in Tokyo on December 2. In the second part of the same forum, a commemorative symposium was held in which there were activities like a panel discussion on the theme of “What is the truly inclusive society : the question revised – Respecting the dignity and lives of everyone”. Other activities of the week included related organizations taking turns to conduct “Consecutive Seminars in the Week of Persons with Disabilities” on various themes concerning persons with disabilities.

<Other Significant Weeks and Months>

- (2) The PR and awareness activities towards deepening the understanding about persons with disabilities involved conducting “Employment Support Month for Persons with Disabilities” from September 1 to 30, “64th Mental

Health and Welfare Dissemination Campaign” from October 10 to October 16 and “Human Rights Week” from December 4 to 10.

- (3) Various awareness activities were conducted by the local public entities and related organizations across the country during the “Developmental Disability Awareness Week” from April 2 to 8 that also included the World Autism Awareness Day.

<Commendation for the promotion of Barrier-free universal design>

- (4) With a view to effectively and comprehensively promote barrier-free and universal design in both tangible and intangible aspects for all persons including those with disabilities to live safe and comfortable social lives, individuals and organizations that have made distinguished achievements or contributions with regard to such promotions are honored by the Prime Minister and Minister of State for Special Missions. Six organizations were honored in the year 2016.

<Providing information about disability measures>

- (5) The “Commission on Policy for Persons with Disabilities” actively provides information from the viewpoint of information security in managing meetings. The Commission also provides on-demand delivery of every meeting from beginning to end for a certain period on the Internet using video files, audio files, sign language and written summaries.

<Promotion of the understanding of persons with disability for those such as public service personnel>

- (6) The police provide training programs including practical training at facilities for persons with disabilities and lectures by academic experts to police officers to deepen the understanding on the characteristics of persons with disabilities and the communication considering their disabilities, from initial training stages at their appointment in police schools and workplaces like police stations.

- (7) For personnel working at correctional institutions including prisons, various types of training are being provided in Training Institute for Correctional Personnel and eight branch institutes; providing on-site practice to learn about nursing care at social welfare facilities and giving lectures on human rights and psychiatry to learn about how to deal persons with

disabilities, to improve understanding of persons with disabilities.

(8) The human rights bodies of the Ministry of Justice (MOJ) appeal the necessity of understanding and consideration on various human rights problems, including those of persons with disabilities, through workshop for national and local government officials who engage in administration of promoting human rights. Besides, to deepen the understanding and awareness of judicial agencies and law enforcement personnel regarding human rights issues, lecturers are dispatched to prosecutors, correctional facility staffs, immigration officials, judges and family court probation officers for trainings and other activities.

(9) The Japan Legal Support Center (Houterasu) contributes to the improvement of the personnel's response and office environment, by sharing reasonable accommodation for persons with disabilities, taking advantage of results of pseudo elderly or disabled person experience trainings which carried out in its all district offices. Also, through the training of the personnel around the country, it gives knowledge of how to support persons with disabilities and how to respond with understanding their situations.

<Promotion of volunteer activities>

(10) The Cabinet Office conducted "Community Core Leaders Development Program" with the aim of developing human resource capable of resolving issues faced, in order to build an inclusive society at local level. In the fields related to persons with disabilities, 9 Japanese youths were dispatched to Finland and 13 young leaders were invited to Japan from UK, Finland, and Germany in the fiscal year 2016.

2. Promotion of Elimination of Disability Discrimination

The Convention on the Rights of Persons with Disabilities (hereinafter referred to as "CRPD") that defines the measures and others. to realize the rights of persons with disabilities was adopted at the 61st General Assembly of the United Nations in December 2006 and became effective in May 2008. Japan signed it in September 2007, revised the Domestic Law for agreeing and obtained the Diet's approval, deposited the instrument of ratification to the United Nations in January 2014 and enforced it from February of the same year.

The CRPD seeks appropriate measures for the prohibition of discrimination based on disability in all forms; when the Basic Act for Persons with Disabilities

was amended in 2011, the prohibition of discrimination was stipulated in Article 4 of the same Act in a form incorporating the purpose of CRPD as the basic principle.

The Act for Eliminating Discrimination against Persons with Disabilities embodies this stipulation; it was established in June 2013 and came to effect from April 2016.

In the Act for Eliminating Discrimination against Persons with Disabilities, disability discrimination is divided into two categories namely, “Prohibition of unfair discriminatory treatment” and “Providing reasonable accommodation”.

(1) Eligible persons with disabilities

Eligible persons with disabilities are stipulated in Article 2 of the Act for Eliminating Discrimination against Persons with Disabilities as “a person with a physical disability, a person with an intellectual disability, a person with a mental disability (including developmental disability), and other persons with disabilities affecting the functions of the body or mind (hereinafter referred to collectively as “disabilities”), and who are in a state of facing substantial limitations in their continuous daily life or social life because of a disability or a social barrier and not limited to holders of disability certificates. It should be noted that higher brain dysfunction is included in mental disability.

(2) Eligible Business operators and fields

The business operators are also included in the Act for Eliminating Discrimination against Persons with Disabilities, in addition to the governmental agencies such as the national and local public entities. The fields cover all those such as education, medical care, welfare, public transportation, employment, that are related to independence and social participation of persons with disabilities. However, concrete measures for eliminating discrimination in the field of employment (portions corresponding to Article 7 to Article 12 of the Act for Eliminating Discrimination against Persons with Disabilities) shall be entrusted with provisions related to “Act for Employment Promotion of Persons with Disabilities” (1960, Act No.123) (hereinafter referred to as “Act for Promotion of Employment of Persons with Disabilities”).

(3) Prohibition of unfair discriminatory treatment

Unfair discriminatory treatment, for instance, refers to acts such as refusing, restricting or laying conditions to offer goods and services or opportunities on the grounds of disability, without a legitimate reason. Anybody regardless of administrative bodies or business operators is prohibited from carrying out such

acts.

A legitimate reason is a case in which refusing to offer goods and services or opportunities on the grounds of disability can be justified as an act with a legitimate purpose from an objective viewpoint and considered as unavoidable for the said purpose.

(4) Providing reasonable accommodation

Reasonable Accommodation shall give the necessary and rational arrangement when persons with disabilities or those who support their communication such as their families and helpers, seek for some consideration. The consideration shall be given to the extent that the burden associated is not excessive, to help them overcome social barriers (a thing, system, practice, idea or anything else of a society that acts as a barrier to persons with disabilities in carrying out their daily lives or social lives).

Whether the burden is excessive or not has to be judged comprehensively and objectively according to specific circumstances and conditions of each case in the Government agencies and business operators, considering elements such as degree of influence on administrative and business affairs, degree of feasibility, degree of cost and burden, scale of administrative and business affairs and fiscal and financial conditions.

Reasonable accommodation is not mandated uniformly; while it imposes obligations on those such as the Government agencies, the business operators are obliged to take efforts.

(5) Basic Policy based on the Act for Eliminating Discrimination against Persons with Disabilities

① Basic Policy

“Basic Policy for Eliminating Disability Discrimination” (hereinafter referred to as “Basic Policy”).

It was decided that the Government shall establish a basic policy for implementing the measures for promoting elimination of disability discrimination through comprehensive and integrated efforts pursuant to the provisions of Article 6 of the Act for Eliminating Discrimination against Persons with Disabilities. The basic policy was decided by the Cabinet on February 24, 2015.

② Handling Directions

The Government agencies such as the national and local public entities shall formulate the required “Handling Directions”, based on the Basic Policy so that

the staff can provide appropriate support regarding the prohibition of unfair discriminatory treatment and providing reasonable accommodation. (*Local public entities are obliged to make efforts)

③ Handling Guidelines

The Cabinet Minister with jurisdiction over the business shall prepare the “Handling Guidelines” according to the Basic Policy so that business entities can provide appropriate support regarding prohibition of unfair discriminatory treatment and providing reasonable accommodation.

(6) Project for developing a System for Regional Support Councils for Eliminating Discrimination against persons with disabilities

Article 17 of the Act for Eliminating Discrimination against Persons with Disabilities stipulates that the organizations of the national government and local public entities shall be able to organize “Regional Support Councils for Eliminating Discrimination against Persons with Disabilities” (hereinafter referred to as “Regional Council”); these councils shall act as networks that take efforts to solve cases according to each role and prevent the occurrence of similar cases, by sharing and discussing the information related to the cases of consultations and others.

The Regional Council takes measures independently based on the actual circumstances of each region rather than details organized uniformly across the country. Therefore, to promote its establishment, the Cabinet Office is going forward with “Project for developing a system for Regional Support Councils for Eliminating Discrimination against persons with disabilities”. To mention, “Advisers” are dispatched to local public entities who are considering establishing regional council (FY2016: 23 locations across the country), to support the establishment.

(7) Regional Forums and others

The Cabinet Office conducted “Regional Forum to eliminate discrimination against persons with disabilities” in 2016 at 15 locations across the country, with the aim of promoting the understanding of the Act for Eliminating Discrimination against Persons with Disabilities and enforcing the Act smoothly; Mr. Katsunobu Kato, Minister of State for Special Missions, attended the regional forum at Kanagawa; the forum aimed at the promotion of efforts in the region and fostering of the momentum. In addition, leaflets and posters were created to publicize the purpose of the Act and the details.

(8) Reasonable Accommodation Search

The Cabinet Office collects and organizes specific examples of those such as Reasonable Accommodation, based on the Act for Eliminating Discrimination against Persons with Disabilities, and publishes the data collection as “Reasonable Accommodation Search” in the website of the Cabinet Office. In the Reasonable accommodation search, in addition to the search function, a mechanism has been incorporated to list specific examples for each type of disability and each living scenario which will facilitate provision of information according to the user request.

3. Initiatives for the 2020 Tokyo Olympic and Paralympics

Considering the 2020 Tokyo Olympic and Paralympics Games (hereinafter referred to as “Tokyo Games”) as an opportunity, an “Action Plan for Universal Design 2020” (hereinafter referred to as “Action Plan”) was decided in February 2017 with the aim of increasing opportunities for persons with disabilities and realizing an inclusive society; the plan was to go forward with the creation of a universal design in Tokyo while considering the nationwide expansion and promote “Barrier-free mind” where everyone respects and supports each other’s individuality and personality regardless of whether people are disabled or not. In making the decisions, “Cabinet Meeting for Universal Design 2020” was conducted under the presence of the Prime Minister and organizations for persons with disabilities.

(1) “Barrier-free mind” - Action Plan and Efforts

(Points)

- To understand “social model of disability”, which is the social responsibility of removing the social barriers for persons with disabilities.
- To thoroughly ensure that there is no discrimination (unfair discriminatory treatment and not providing reasonable accommodation) against persons with disabilities (and their families)
- To nurture the ability to communicate with various people whose conditions are different and cultivate the ability to imagine the difficulties and pain that everyone undergoes and empathize.

(Main Measures)

- Improvement of guidance and textbooks, etc. based on the next course of study guidelines to be sequentially implemented from FY2020.

- Formulation and dissemination of common nation-wide service manuals from FY2017 in the service industries (transportation, tourism, distribution, food service, etc.)
- Establishment of a mechanism to foster a national culture that can understand disability and talk naturally to persons with disabilities who are in trouble.

(2) “Universal Design Community Development” effort from the Action Plan

(Points)

- Emphasis on “barrier-free” implementations for Tokyo Games.
- Promotion of high standards of Universal Design in each region across the country

(Main Measures)

- Revision of transportation barrier-free standards (Ministerial Ordinance) and Guidelines in 2017.
- Revision of design standards of buildings such as hotels in 2016.