

Initiatives of Government Measures for Persons with Disabilities

Report for fiscal 2011

Chapter 1: Overall initiatives of measures and the current situation for persons with disabilities

[1] Tendencies of policy reforms for persons with disabilities

1. Promotion of policy reforms

(1) Ministerial Board and Committee

The establishment of the “Ministerial Board for Disability Policy Reform” (hereafter called the “Ministerial Board”) in the Cabinet in December 2009 and the inception of the “Committee for Disability Policy Reform” (hereafter called the “Committee”) under its supervision, focusing on the persons directly concerned (persons with disabilities themselves and/or their families) in January 2010, can be nominated as recent significant actions of government measures for persons with disabilities in our country.

This vigorous consideration aimed at the policy reforms was successively carried on in fiscal 2011.

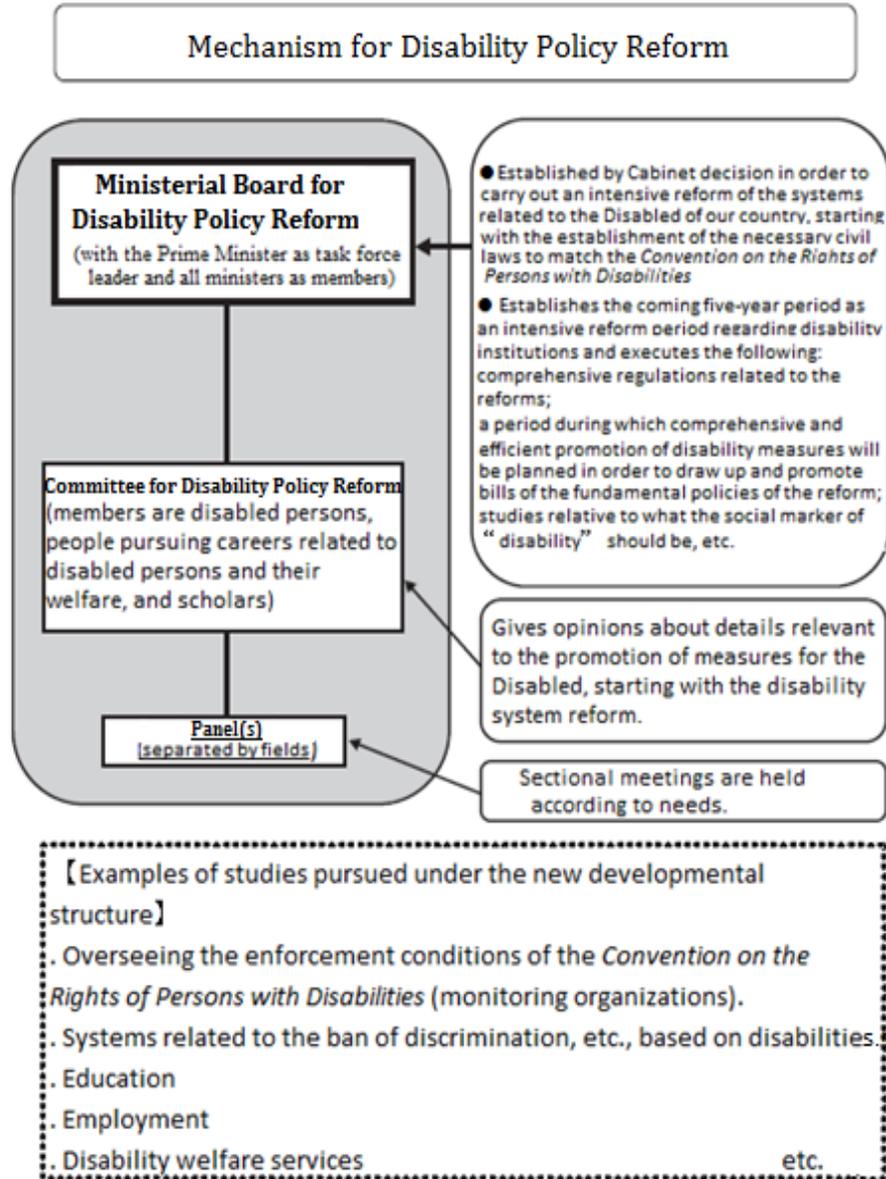
A. The composition of the Ministerial Board and the Committee

The Ministerial Board was established in December 2009, by Cabinet Decision, with the Prime Minister as the head, the Chief Cabinet Secretary and the Minister of State for Measures for Persons with Disabilities, Cabinet Office as assistant leaders, and all the other Ministers of State appointed as Ministerial Board Members, thereby disbanding the previous “Ministerial Board for Promoting Measures for Persons with Disabilities” (hereafter called the “Former Ministerial Board”).

The Ministerial Board was established to carry out intensive reforms of systems pertaining to persons with disabilities of our country, starting with the development of domestic legislation necessary for the establishment of the treaty relative to the rights of persons with disabilities (a tentative name—hereafter called “Convention of Rights of Persons with Disabilities, CRPD”); while securing close cooperation between relevant government agencies, it is intended to promote comprehensive and effective measures for persons with disabilities, to assign the current five years as an intensive reform period regarding disability policies, to carry out an overall adjustment concerning the reforms and create a draft of the basic policies of the reforms, and in addition, to conduct a study on the modalities of the term “disability,” as well as other actions. (See Chart 1).

In addition, in order for persons with disabilities to actually be able to actively contribute their opinions and participate in the discussion, the Committee was composed in a way that more than half (15 out of 26) of the members (including observers) are persons directly concerned (persons with disabilities themselves and/or their families).

■ Chart 1 Mechanism for Disability Policy Reform



B. “The first proposal” and the decision of the Cabinet

After holding meetings from January to June of 2010, at the 14th meeting in June 2010 the Committee has summarized the first proposal: "Basic Direction for the Promotion of Disability Policy Reforms" (June 7, 2010).

The basic concept is as follows:

1. Members of society who are "holders of rights"
2. Building a society without "discrimination"
3. A new position from the "social model" perspective
4. Support to enable "community life"
5. Realization of a "cohesive society"

It incorporated things such as the fundamental issues, cross-sectional issues, basic directions of individual fields, and ideas of how to proceed in the future.

The first proposal was submitted to the head of the Ministerial Board (the Prime Minister), and after consideration by the Ministerial Board, "About the Basic Direction for the Promotion of Disability Policy Reforms" was approved by the Cabinet on June 29, 2010. (An overview is shown in Figure 2)

(2) Contents (of "About the Basic Direction for Promotion of Disability Policy Reforms") approved by the Cabinet

This Cabinet Decision, as its basic concept, states that maximum importance should be given to the first proposal of the Committee aiming at the intensive promotion of policy reforms pertaining to persons with disabilities in our country and realizing a cohesive society that accepts individuality and mutually values individual differences and diversity, regardless of the presence or absence of disability.

As follows, the "**Basic Direction and Future Proceedings for Promotion of Disability Policy Reforms**" affirms the following 2 points, firstly in the “Direction of Reforms in the Basic Challenges”.

1. Realization of community life and building an inclusive society (supporting the movement of persons with disabilities to the areas of their choice and enhancing their living assistance after the move, as well as placing strong emphasis on equal social participation and involvement in the development of measures. Create a society without abuse.)

2. The perception and clarification of the definitions” (Review the definition of disability; clarify the definitions of discrimination on the grounds of a disability, sign language and other non-speech languages, including cases when reasonable accommodations were not provided.)

Subsequently, in the "**Basic Direction and Future Proceedings for Promotion of Disability Policy Reforms**" the following three points are defined:

1. Starting with the definitions of disability and discrimination as well as the amendment of the Basic Act for Persons with Disabilities and system promotion policy reform, review and augment the provisions concerning the basic measures.

- Establishment of the council responsible for the promotion of reform during the intensive reform period
- Legal status of so-called monitoring agencies responsible for the implementation and monitoring of the implementation of the CRPD after the intensive reform period, etc.

→ Consideration in accordance with the first proposal, aiming to submit the bill in the year of 2011 (Note: This bill was submitted to the Diet in April 2011 and passed in July. See below for details.)

2. The enactment of laws, concerning issues such as prohibition of discrimination on the ground of disability

- Prohibits discrimination against persons with disabilities and establishes a system with the purpose of providing relief in case of damage.

→ Consideration in accordance with the first proposal, aiming to submit the bill in the year of 2013 (Note: This bill was prepared by the "Prohibition Discrimination

Panel" under the Committee in November 2010 and is currently under consideration.)

In relation to this, the possibility of urgently submitting the bill on the human rights relief policy is being considered as well.

3. The enactment of the General Welfare of Persons with Disabilities Act

- Providing assistance with no cleavage in the policy system, building a policy that consists of such services as the improvement of the community life assistance system based on individual needs.

→ Consideration in accordance with the first proposal, aiming to submit the bill in the year of 2012, and to enforce it by August 2013 (Note: This bill was prepared by the "General Welfare" under the Committee in April 2010, due to a debate within the same panel, the "Legislation to Comprehensively Support Daily Life and Social Life of Persons with Disabilities (General Support for Persons with Disabilities Act)", which included the contents of the "Independent Support for Persons with Disabilities Act", was submitted to the Diet in March 2012 as the "Bill on the Improvement of Relevant Act and Regulations for the Establishment of New Health and Welfare Policies for Persons with Disabilities for the Realization of Cohesive in the Community". See below for details.)

In addition, for each policy field a "process chart" of the reform is stipulated and concisely indicates the basic directions in specific fields and future proceedings. An overview is shown in Chart 2.

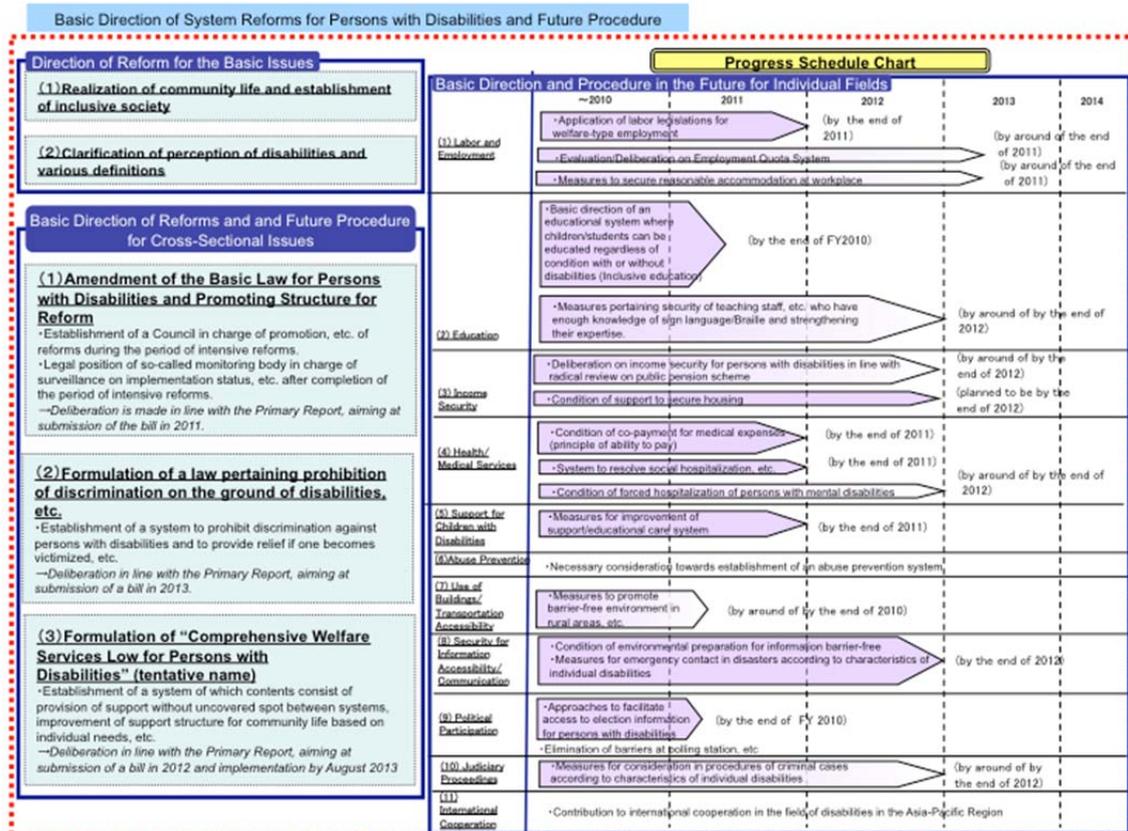
Chart 2: Basic Direction for Promoting System Reforms for Persons with Disabilities (Cabinet Decision on 29 June, 2010) [Summary]

Aim and Fundamental Thinking

"Fundamental Direction of the Persons with Disabilities Systematic Reforms Promotions (Primary Opinions) June 7th, 2010" of the Persons with Disabilities Systematic Reform Committee, is of the utmost importance. Accordingly, concentrated reforms of the systems regarding persons with disabilities in Japan shall be carried out.



Symbiotic society regardless of disability, respecting differences and diversity of individuality to each other and recognizing the individuality of each member



(3) "The second proposal"

After the compilation of the first proposal and holding 15 discussion meetings on the contents of the revision of the Basic Act for Persons with Disabilities, in December 2010, the Committee put together the "Second Proposal for Reforms of the Systems of Persons with Disabilities."

In this proposal, as the intent and objectives of the amendments to the Basic Act for Persons with Disabilities, the following three points are first presented: "Building an inclusive society that mutually recognizes individuality and personality", "Shifting the concept of disability into the social model, confirming the basic human rights", "Creating institutions that monitor the implementation of

measures". Secondly, it mentions "General provisions concerned", "Basic measures concerned", "Promotion system", etc.

"General provisions concerned" included 12 topics such as:

1) Purpose:

Such as the realization of a society that respects individuality and personality regardless of the presence or absence of disability

2) Definitions:

Such as reconsidering the definition of disability based on the concept of a "social model"

3) Fundamental principles:

- The right guaranteeing the appropriate life to the dignity of holding the fundamental human rights
- Confirmation of the "right of equality to live in the community" in the Convention of Rights of Persons with Disabilities.
- Confirmation of the "right of social participation on the basis of self-determination that has received the necessary support"
- Use of languages such as sign language and means of communication (Confirmation of the "right to freedom of opinion and expression" under the CRPD), etc.

4) Prohibition of discrimination:

- Reviewing the provisions relating to discrimination on the basis of disability based on the CRPD
- Collecting and providing case studies related to discrimination and its prevention, etc.

Regarding "Basic Measures concerned," they included:

1. Community life, 2. Labor and employment, 3. Education, 4. Health and medicine, 5. Prevention of the causes of disabilities, 6. Ensuring just procedures

concerning promotions of regional migration and health care for persons with mental disabilities, 7. Consultations and as such, 8. Housing, 9. Universal design and technology development, 10. Barrier-free public facilities and ensuring transportation and movement, 11. Information access and language and communication security, 12. Culture and sports, 13. Income security, 14. Political participation, 15. Judicial procedures, and 16. International cooperation.

According to the, Promotion System, they propose that the Central Council on Promotion of Measures for Persons with Disabilities and the Committee be developmentally reorganized and a new council be established that is in charge of monitoring the implementation of measures on the national level. As such, they propose the establishment of a council that has monitoring functions on the local level.

Furthermore, a proposal that set the term, “Persons with Disabilities” to be officially designated as the legal definition for said peoples with disabilities was made.

(4) Decision of the amendment bill of the Basic Act by the Ministerial Board, acceptance from the National Diet and enforcement

On the morning of the eleventh of March, 2013, in light of the second proposal discussed above, the Ministerial Board decided to amend a portion of the, “Basic Act for Persons with Disabilities.” The bill was officially decided upon on April 22nd of the same year at the Cabinet and then later submitted to the National Diet.

The bill went through the deliberations process at the National Diet; at which it was added to deliberations on other similar measures that proposed to protect persons with disabilities from disasters and crime, and to protect them as consumers. The lower house approved unanimously the proposal on June 16th of the same year and then the upper house followed in kind on July 29th also in the same year. The proposal became enacted and enforced as law on August 5th of the same year. However, the section on, “Commission on Policy for Persons with Disabilities,” was postponed to be enforced within the year. It was later enforced on May 21st of 2012.