

Part 2 Comprehensive Situation of Promotion (Efforts to the policy of persons with disabilities mainly made in FY2012)

Chapter 1 Background and Status of Promotion of the Measures

Section 1 Background of the Promotion

1. Background of the Measures Relevant to Persons with Disabilities

To promote the measures for persons with disabilities in our country comprehensively had been specified in “Basic Act for Countermeasures Concerning Mentally and Physically Disabled Persons” (revised to “Basic Act for Persons with Disabilities” in 1993) which was enacted in FY1970, 40 years ago. After that, United Nations (hereinafter referred to as “UN”) declared “International Year of Persons with Disabilities” in 1981, which served as a trigger to promote the measures further in Japan.

Based on the trend that “Decade of Persons with Disabilities” (FY1983 to 1992) was declared by UN in 1982 after the declaration of “International Year of Persons with Disabilities,” the first long-term programme on measures for persons with disabilities in Japan was formulated. After that, the long-term programmes have been implemented in “FY1993 to 2002” and “FY2003 to 2012,” three times, in total.

Since at these times, at the time when the FY2012 overall condition of the measures for persons with disabilities is summarized, and also this year is the final year of the 3rd long-term programme, we will overview the comprehensive passage of the measures for persons with disabilities to the present, based on the last three long-term programmes.

(1) Enactment of the Basic Act in FY1970

“Basic Act for Countermeasures Concerning Mentally and Physically Disabled Persons” (Law No.84, FY1970) was enacted unanimously in May, 1970, over 40 years ago, by a bill sponsored by a cross-party group of lawmakers, as a, literally, basic act concerning to measures for persons with disabilities which would lead the individual acts concerning to persons with disabilities that each ministry and agency hold jurisdiction over.

Afterward, “International Year of Disabled Person” was declared, and in FY1982, the following year of it, UN declared “UN Decade of Persons with Disabilities” (FY1983 to 1992). Responding to these international trends, here in Japan the full-scale long-term programme concerning to persons with disabilities was formulated at the first time, and after that, the long-term programmes were formulated twice, and during which the significant developments have been seen in each field of measures for persons with disabilities.

It can be said that “Basic Act for Countermeasures Concerning Mentally and Physically Disabled Persons” was an unprecedented and epoch-making law.

(2) International Year of Persons with Disabilities and the formulation of the first long-term programme (FY1982 to 1992)

UN has made many decisions concerning to promoting measures for persons with disabilities since 1970’s, and made an effect internationally.

Especially, as UN declared FY1981 as International Year of Persons with

Disabilities and passed the decision of requesting every nation to work on this, also in Japan, “Headquarters for Promoting International Year of Persons with Disabilities” led by Prime Minister was established in March, 1980, and in FY1981, the reference year, the relevant events and projects took place, and the government went much further the comprehensive promotion of the measures for persons with disabilities.

As UN had to continue to work on the issues on persons with disabilities, in the next December of 1982, it declared years from FY1983 to 1992 as “Decade of Disabled Persons,” and “World Programme Action Concerning Persons with Disabilities” was formulated.

Responding to these trends, Headquarters for Promoting International Year of Persons with Disabilities formulated the first full-scale long-term programme as a government to move forward the efforts to the measures for persons with disabilities.

Moreover, April in the year, Headquarters for Promoting International Year of Persons with Disabilities was reorganized, and instead “Headquarters for Promoting Measures for Persons with Disabilities” (hereinafter referred to as “Task Force.” The name was changed to Task Force on Promoting Measures for Persons with Disabilities in FY1996) was established in order to move forward measures for persons with disabilities comprehensively and effectively.

Also, in FY1987, the midyear of “UN Decade of Persons with Disabilities,” Task Force formulated “Priority Measures for later term” and established the more specific programme that would be prioritized in later term under the long-term programme.

This idea has been inherited for years, and in the later long-term programmes a priority measure has been set beneath a long-term programme.

Besides, these programmes included the recommendations of “Central Council of Countermeasures against Persons with Disabilities” (later the name changed to “Central Council of Promoting Measures for Persons with Disabilities.” (hereinafter referred to as “Council”).

(3) Formulation of New long-term Programme and Revision of the Basic Act

Responding to these trends that organizations of persons with disabilities expressed their views that after end of “UN Decade of Persons with Disabilities” a new “Domestic Action Programme” should be formulated, and also the resolution of “The Asian and Pacific Decade of Persons with Disabilities” (FY1993 to 2002) which Japan also became a co-sponsor of this was adopted, the Council reviewed the concept of the long-term measures for persons with disabilities based on the past achievement of the efforts, and provided their opinions on it. For this, Task Force formulated “New Long-term Programme Concerning to Measures for Persons with Disabilities” which it looks to 10 years ahead from FY1993 in order to move forward the measures for persons with disabilities much further.

On the other hand, due to progress of the world, “Basic Act for Countermeasures Concerning Mentally and Physically Disabled Persons” was revised and the name of the act was changed to “Basic Act of for Persons with Disabilities.” There are 7 main revisions made: 1) prescribed that the objective of this act is to promote independence of persons with disabilities and their participation in activities in

social, cultural, economic and all other fields to aim at “Full participation and equality” of the persons with disabilities, 2) Disabilities covered by the Act include physical disability, the mentally retarded (the term at the time, currently referred to persons with intellectual disabilities), 3) prescribed that the basic policy is that persons with disabilities are given chances to participate in activities in social, economic, cultural and all other fields as a member who form a community, 4) 9th Dec. was declared as “Day of Persons with Disabilities” in order to deepen the interests and understandings about welfare of persons with disabilities widely among the people, 5) prescribed that the government should formulate a basic programme for persons with disabilities in order to promote the measures concerning to welfare of persons with disabilities comprehensively and systematically, and also local municipalities have to address to formulate a programme conformed to this, 6) the rules and regulations of the obligation of the government and local municipalities in the area of job promotion and use of public facilities and information are developed, and for business bodies, the required efforts and obligation in these areas are prescribed, and 7) the name of “Council for Measures for Mentally and Physically Disabled Persons” that investigates and discusses about establishing basic and comprehensive measures concerning to persons with disabilities was changed to “Council of Promotion of Measures for Persons with Disabilities,” and that the committees and the expert committees are appointed also from persons with disabilities or party involved in a businesses concerning to welfare of persons with disabilities was prescribed. The revised “Basic Act for Persons with Disabilities” was passed in the Diet unanimously 26th November, 1993.

Furthermore, “New Long-term Programme” was decided to be dealt with “Basic programme for Persons with Disabilities” in this law revision.

(4) Formulation of the Basic Programme and Revision of the Basic Act in FY2004

a. Formulation of the Basic Programme (FY2003 to 2012)

As “New Long-term Programme” mentioned above terminates in FY2002, “Council on New Basic Programme for Persons with Disabilities” of persons with disability, parties involved in welfare of persons with disabilities and academic experts has been held. And the discussion team of the ministries and the agencies involved has been established to discuss about it, “Basic Programme for Persons with Disabilities” that are valid from FY2003 to FY2012 has been endorsed by the Cabinet in December of the year, and Task Force determined “The Five-Year Programme for Implementation of Priority Measures.”

This “Basic Programme for Persons with Disabilities” was valid for 10 years, from FY2003 to FY2012, and aims at building a society, in which along with inheriting the concept of New Long-term programme, “normalization” and “rehabilitation,” under the concept of cohesive that all the people respect each character and personality mutually and support each other, the human rights of persons with disability are respected as an equal member of society, and they can participate and involve in the society by their own decision and choice, and share the responsibility as a member of society.

In order to bring the social commitment and participation of persons with disability into reality, it is required to remove causes that limit their activities, and restrict their

social participation, and to support them so that they can maximize their own abilities.

It is not until every member of the society, not only administration but also enterprises, NPO and others share the values each other, become conscious of each role and responsibility, and address the issue proactively that the society can be built up where all the people can equally participate and be engaged in, and it is important to encourage each of the people to understand it and cooperate to it, and be sure to push it forward to put into practice by the society as whole.

In light of this view, four cross-sectional views and four tasks to focus on are decided.

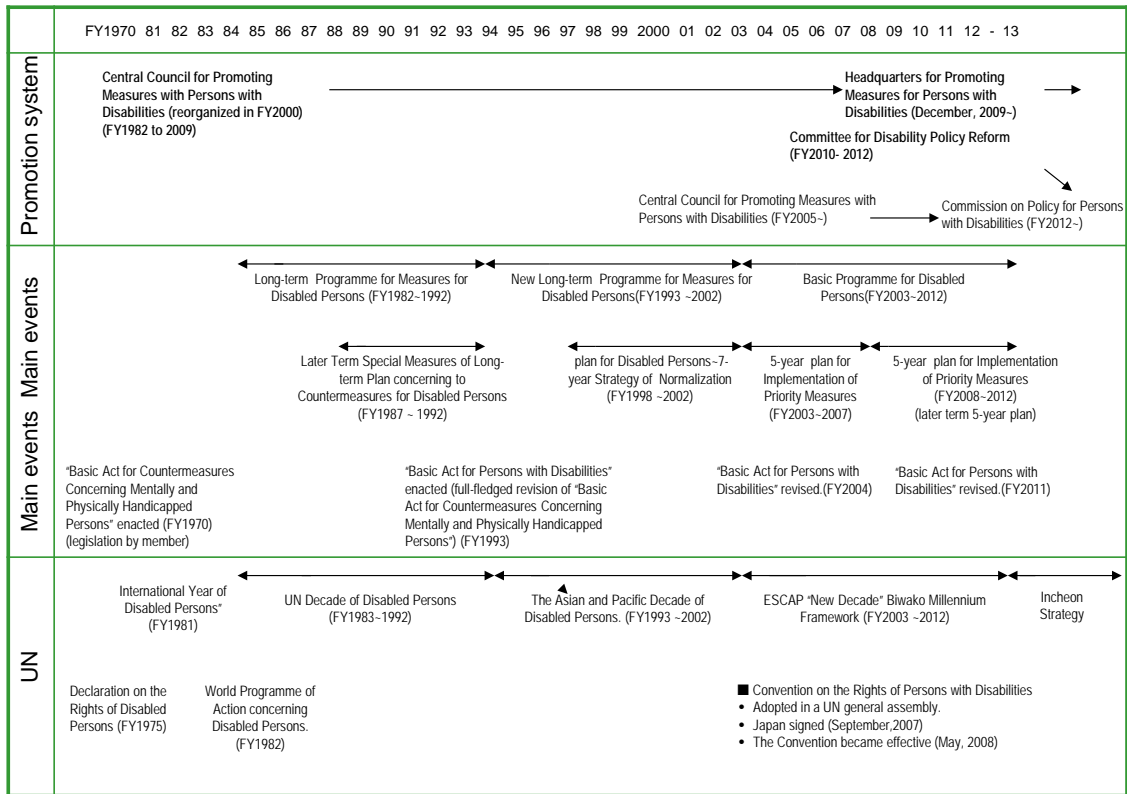
“Cross-sectional views” are 1) promotion of barrier-free, 2) user-oriented supports, 3) development of the measures based on characteristics of nature of disability, 4) comprehensive and effective promotion of measures, while “Tasks to focus on” are 1) enhancement of power to act and participate, 2) development of the foundation where we act on and participate in, 3) comprehensive efforts to the measures for persons with mental disorder, and 4) reinforcement of intraregional cooperation in Asia and the Pacific region.

b. Revision of the Basic Act in FY2004

Since in order to give real substance to social participation and involvement of persons with disability now that 11 years elapsed since the revision was made in FY1993, it is required to remove causes that limit the activities of persons with disabilities and restrict their social participations, to maximize the abilities of persons with disabilities of their own, and to support so that they can self-actualize, this revision was made in FY2004 in order to respond to the changes of socioeconomic circumstances surrounding persons with disability, and to promote their independence and social participations further.

Main revised points are: 1) discrimination and others prohibited on ground of disability, as a basic concept, 2) “Day of Persons with Disabilities” (9th December) expanded to “Week of Persons with Disabilities” (3rd to 9th December), 3) against the prefectures and municipalities, formulation of the programme for persons with disabilities made it obligatory, 4) as basic measures concerning to welfare of persons with disabilities, 5) mutual understanding in aspect of education encouraged, 6) the stipulations concerning to grant for workshops in a local community added, 7) as basic measures concerning to prevention of disability, 8) the stipulations concerning to promotion of investigation and researches of intractable diseases added, and 9) “Central Council for the Promotion of Measures for Persons with Disabilities,” which are allowed to express an opinion to Prime Minister concerning to government’s formulation of Basic programme for persons with disabilities, established in Cabinet Office.

Diagram 20 Trends of Measures for Persons with Disabilities



(5) Main acts enacted in the first and middle stage of Basic Programme (FY2003 to 2012)

Main acts concerning to Persons with Disabilities enacted (the significant revision concerning to persons with disabilities included) in the first and middle stage of Basic Programme for Persons with Disabilities (FY2003 to 2012) are as follows.

a. "Act on Support for Persons with Developmental Disabilities"

For Persons with Developmental Disabilities whom conventionally it has been difficult to support only by three frameworks of physical disabilities, intellectual disabilities and mental disorder, the definition of this disability was clarified in "Act on Support for Persons with Development Disabilities" enacted in FY2006, and a system to do the integrated support across areas of health, medical service, welfare, education, employment and others are being built up. (described in Chapter 4)

b. "Services and Supports for Persons with Disabilities Act"

In an area of livelihood support, aiming at strengthening job assistance and making the shift to local municipalities, "Services and Supports for Persons with Disabilities Act" became effective in FY2006, and the strong efforts have been made to strengthen a welfare service providing system, such as reorganizing the system, so that persons with disabilities can live easily in their local communities.

In order to ensure that the Act will be well-established after effectuation, the repeated countermeasures have been taken for avoiding drastic changes to lighten

the burden of users and to strengthen business foundation of businesses. (described in Chapter 4)

c. Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc.

In an area of living environment, in June, 2006, “Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc.” was enacted, and became effective in December of the year. This caused to promote the formulation of local accessibility plan by the party’s participating, and the comprehensive barrier-free seeing the facilities and routes that a disabled person uses in a daily life, including not always transport system, roads and buildings but also parks in a city and off-street parking places, as one. (described in Chapter)

d. Partial Revision of School Education Law

In an area of education and fostering, “the Law which partially amend the School Education Act,” in which describes that in order to respond to individual needs of children with disability flexibly, and to support and instruct appropriately, conventional system of school for the blind, school for the deaf and school for the children with disabilities are changed to that of special needs education school. It was enacted in June, 2006, and became effective in April, 2007.

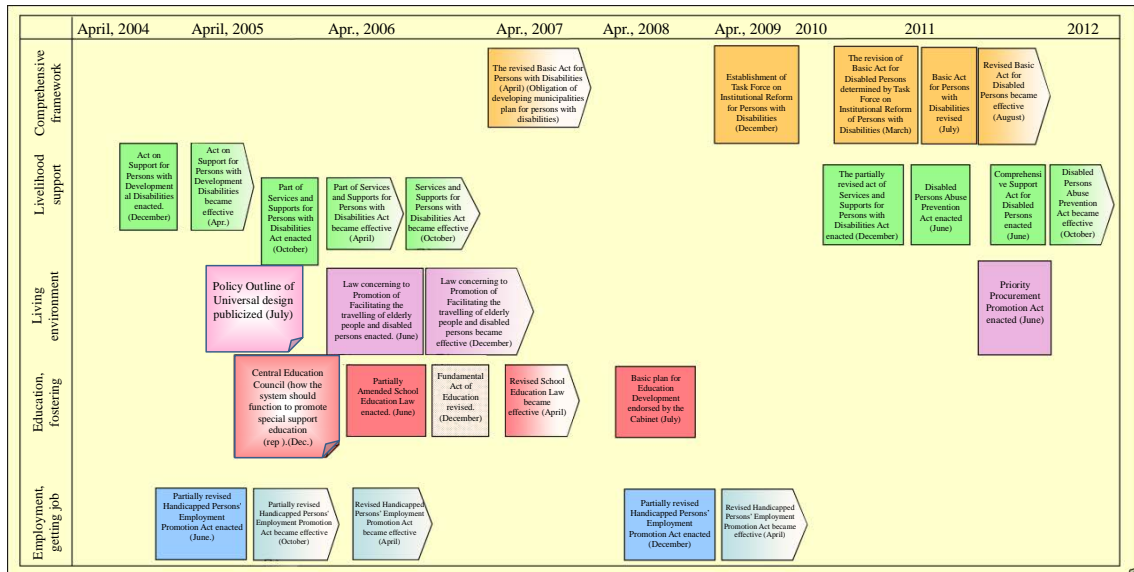
Furthermore, in December, 2006, “Basic Act on Education” was revised completely, and became effective in the same month, and newly specified in the stipulation concerning to “Equal Opportunity of Education.” It is also for children with disabilities the government and local municipalities should take the necessary measures so that they can receive the adequate educations depending on the degree of their disability.

Moreover, “Basic Plan for Promoting Education,” which is made for realizing the idea of the revised Basic Act on Education gets a clear view of education about 10years ahead, and the plan indicates the measures that the government should work on comprehensively and in a planned manner in 5 years from FY2008 to 2012. The Cabinet approved the plan in July, 2008.

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

In areas of employment, with the increasing needs for employment of persons with disabilities as they participate in our society, it is necessary to provide support for their occupational self-reliance by increasing job opportunities. Therefore, “The Revised Act for the Promotion of Employment for Persons with Disabilities” was enacted in December 2009, which specified the measures to promote further employment for persons with disabilities in small and medium-sized enterprises, and to review the employment quota system appropriate for part-time work, and became effective in series from April, 2009. (See page 23 for the immediate revision programme.)

Diagram 21 Trends of Main Relevant Laws Related to Measures for Persons with Disabilities



Source: Cabinet Office

(6) Adoption of Convention on the Rights of Persons with Disabilities in UN General Assembly

In UN, “Convention on the Rights of Persons with Disabilities” (tentative name, hereinafter referred to as “the Convention”), the overall and comprehensive international convention to protect the rights and dignities of persons with disabilities and promote it, was adopted in December, 2006, in the plenary session of the 61th UN General Assembly, through discussions about draft convention in eight negotiations since July, 2002, and was publicized for signing on 30th March, 2007. Japan signed the Convention in September of the year and it became effective in May, 2008. (Currently we are seeking an earlier conclusion with developing domestic laws and others)

Section 2 Recent Movements of Revision of the Basic Law (2011)

1. Promotion of Institutional Reform

(1) Organization to Promote Institutional Reform

In December, 2009, as the successor of “Task Force on Measures for Persons with Disabilities,” “Task Force on Institutional Reform for Persons with Disabilities” (hereinafter referred to as “Task Force”) was established in Cabinet Office, and under the supervision of the Task Force, “Committee for the Promotion of Institutional Reform for Persons with Disabilities” (hereinafter referred to as “Committee”) was convened.

The Committee submitted “Primary Report” in June, 2010, “Secondary Report” in December of the year, to chief of the Task Force.

(2) “Basic Direction”

After Primary Report of the Committee was submitted, it has been determined by Task Force in June, 2010, and also endorsed by the cabinet in December of the year.

The key points include: First, setting a goal of realizing co-existent society in which we mutually respect the difference of characters between us and diversity, and accept individual personality each other, and regarding “Basic Direction of Institutional Reform for Persons with Disabilities and the Future Programme,” two points, “Realization of Living in a Local Community and Building an Inclusive Society” and “Perception of Disability and Clarification of the Definitions,” were prescribed as “Direction of Reform in Primary Issues.”

Next, as “Basic Direction of Reform in Cross-sectional Issues and the Future Programme,” three points, “Revision of Basic Act for Persons with Disabilities and Reform Promotion System,” “Enactment of a Law Pertaining Prohibition of Discrimination on Ground of Disability” and “Enactment of “General Welfare Act for Persons with Disabilities” (tentative name)” were prescribed.

Also “Roadmap” of the reform was decided for each area of measures to describe briefly about the basic direction and the future programme.

(For the detailed information, see homepage of Cabinet Office, Measures for Persons with Disabilities.

(http://www8.cao.go.jp/shougai/whitepaper/h24hakusho/zenbun/zuhyo/zuhyo1_02.html)

In December, 2010, “Secondary Report for the Promotion of Institutional Reform for Persons with Disabilities” concerning the revision of Basic Law for Persons with Disabilities was organized by the Committee, and the Task force has gone forward the creation of the bill of Basic Law for Persons with Disabilities based on this.

2. Revision of the Basic Law for Persons with Disabilities and its Outline

In March, 2011, the conference of the Task Force took place, and the bill to revise a part of Basic Law for Persons with Disabilities was determined, which was endorsed in the Cabinet and submitted to the Diet.

This amendment bill was revised partially during the period of Diet proceedings, such as adding the descriptions about disaster prevention, security and protection of persons with disabilities as a consumer, and became law in unanimous vote in both House of Representatives in June of the year, and House of the councilors July of the year, and the supplementary resolution was attached to it and it became effective in August of the year. (However, for the description of “Council of Measures for Persons with Disabilities,” it has become effective within one year from this publication (on 21st May, 2012))

The outline of the revised law is shown in the table below (Diagram 22 “Law for revising a part of Basic Law for Persons with Disabilities (outline),” and the objectives, definition, fundamental rules and others are as follow.

(1) Objectives (relevant to Article 1 of the Law)

In order to promote the measures for persons with disabilities in adherence of the spirit of Convention on the Rights of Persons with Disabilities (tentative name) (hereinafter referred to as “Convention”), The revision has been made, from the point of view of newly specifying way of persons with disabilities that is formulated in this convention and what kind of society we should seek, and clarifying the objective of the measures.

Newly prescribed is that the objective of this law is to view persons with disabilities

as main bodies which participate in every activity of the society based on their own decision, with receiving the necessary support, and to realize a society in which persons with disabilities can co-exist with other people without prejudice in every area.

(2) Definition (relevant to Article 2 of the law)

Convention on the Rights of Persons with Disabilities makes it principal that persons with disabilities are assured equal opportunity as people without disabilities, by removing social barrier that hinders them from living: “Persons with disabilities include those who have ... impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.” (Article 1), and also, reasonable accommodation and others are defined (Article 2).

Based on the purpose of the institutional reform this time in adherence with the spirit of Convention on the Rights of Persons with Disabilities, the required amendment has been made.

(3) Fundamental rules (relevant to Article 3 to 5)

Fundamental rules are prescribed as things to go by, in order to realize a society that is laid down in (1), or a society in which persons with disabilities can coexist with other people without prejudice irrespective of with/without disability. (Article 3 to 5)

Besides, the provision of fundamental principles was included in Article 3 before amendment, and the content has been taken over to the fundamental rules after amendment.

Diagram 22 “Law for revising a part of Basic Law for Persons with Disabilities Persons (outline)” (29th July 2011, enacted, 5th August, 2011 issued)

“Law for revising a part of Basic Act for Persons with Disabilities (outline)”		29th July 2011, enacted, 5th August, 2011 issued
General Rules (to become effective on day of promulgation)		
<p>1) Revision of the prescription of objective (relevant to Article 1)</p> <ul style="list-style-type: none"> In accordance with the principal that irrespective of with/without disability all the people shall be respected as an irreplaceable individual who enjoys basic human rights equally, we shall seek such a society that all the people coexist with respecting each personality and character each other, without prejudice on the ground of disability. <p>2) Revision of the definition of persons with disabilities (relevant to Article 2)</p> <ul style="list-style-type: none"> Persons with impairments to physical or mental functions, such as physical or intellectual disabilities, or psychiatric disorders (including developmental disabilities) and others, and who are being subject to the substantial limitation of daily lives and social lives continuously due to disability they have and social barriers (things, systems, customs, ideas and all other things that become a barrier for person with disabilities). <p>3) Coexistence in a local community (relevant to Article 3)</p> <p>1) To realize the society prescribed in 1) shall be premised on that all the persons with disabilities are valued their dignity as an individual who enjoys basic human rights equally as people without disability, and have the right that the life appropriate for the dignity are assured, while what is described below shall be promoted.</p> <ul style="list-style-type: none"> All the persons with disabilities shall be ensured opportunities to participate in activities in every area All the persons with disabilities are ensured opportunities to choose to live where and with whom, and not be hindered from coexisting with other people in a local community. All the persons with disabilities are ensured opportunities to choose the means of communication like language (including sign language) and others, and opportunities to choose the means of obtaining and using information shall be increased. <p>4) Prohibition of discrimination (relevant to Article 4)</p> <ul style="list-style-type: none"> You shall not conduct activities that violate the rights and profits like discrimination and others on ground of disability, against persons with disabilities. For removing social barriers, a necessary and rational consideration shall be given to the implementation when there exist a person with disabilities, and the burden to implement it is not heavy. The government shall collect, organize and provide the information required to prevent discrimination. <p>5) International Coordination (relevant to Article 5)</p> <ul style="list-style-type: none"> To realize the society that is prescribed in 1) shall be carried out under the international cooperation. <p>6) Public Understanding (relevant to Article 7)/Public Responsibilities (relevant to Clause 8)</p> <ul style="list-style-type: none"> The government and local municipalities shall implement the necessary measures so as to deepen people's understanding of basic principles prescribed in 3) to 5). People shall make efforts to contribute to the realization of the society prescribed in 1) in accordance with basic principles. <p>7) Basic policy of the measures (relevant to Article 10)</p> <ul style="list-style-type: none"> The measures shall be implemented depending on sex, age state of disability an actual condition of life of the persons with disabilities. We shall listen to the opinions of the persons with disabilities and other party of concern, and try to respect the opinions. 		
Relevant to Basic Measures (to become effective on day of publication)		
<p>1) Medical service, nursing care (relevant to Article 14)</p> <ul style="list-style-type: none"> Necessary measures so that persons with disabilities can receive adequate supports, such as medical service, nursing care and healthcare service, and livelihood support, depending on age, sex, state of disability and actual condition of life. To take the necessary measures so that they can receive benefits of medical service and nursing care in a local community, and to respect their human rights fully, etc. <p>2) Education (relevant to Article 16)</p> <ul style="list-style-type: none"> Necessary measures to improve and enhance the content and method of education in order for children with disabilities to be able to get appropriate education that their characteristics are considered depending on age and ability, with giving consideration to them so as to be able to get education together with children without disabilities. Provide the full information for the children with disabilities and their guardians, and respect their intentions as much as possible. Researches and studies, secure proper persons and improve their quality, provide the adequate educational materials, and promotion of development of school facilities and other environments. <p>3) Medical treatment and education (relevant to Article 17)</p> <ul style="list-style-type: none"> Necessary measures so that persons with disabilities can receive medical treatment and education and other relevant supports in a local community. Study, development and promotion of the prevalence, and cultivation of staff with special knowledge and skills. <p>4) Vocational consultation (relevant to Article 18)</p> <ul style="list-style-type: none"> Measures like employment counseling, job training and others with giving consideration to characteristics of each person with disability, along with making effort to ensure many different job opportunities. <p>5) Promotion of employment (relevant to Article 19)</p> <ul style="list-style-type: none"> Priority employment of persons with disabilities and other measures to promote employment of persons with disabilities in the government, local municipalities and business establishments. Business owners shall give them appropriate opportunities of employment, and carry out proper employment management depending on characteristics of each of persons with disabilities etc. <p>6) Secure housings (relevant to Article 20)</p> <ul style="list-style-type: none"> Necessary measures to promote to secure and develop housings so that persons with disabilities can live in a stable life in a local community. <p>7) Making public facilities barrier-free (relevant to Article 21)</p> <ul style="list-style-type: none"> For traffic structures (moving vehicles like trains, ships, airplanes and others included) and other public facilities, planned promotion of development and others of the structures and equipment of the facilities so that persons with disabilities can use smoothly. <p>8) Making barrier-free in use of information etc. (relevant to Article 22)</p> <ul style="list-style-type: none"> Necessary measures to foster or dispatch the people who mediate the communication of the persons with disabilities, so that the persons with disabilities could get and use information smoothly to indicate their intentions, and communicate with others. Necessary measures so that the necessary information to secure safety can be delivered rapidly and precisely at the time of disasters. <p>9) Counseling and others (relevant to Article 23)</p> <ul style="list-style-type: none"> Counseling for the families of the persons with disabilities and other parties concerned with considering helping decision making of the persons with disabilities. Develop the necessary counseling system so as to be able to respond comprehensively to many different counseling from the persons with disabilities, their families and other parties involved, and the supports of the activity for the families of the persons with disabilities to support each other, and other supports. <p>10) Development of cultural conditions (relevant to Article 25)</p> <ul style="list-style-type: none"> Necessary measures so that persons with disabilities can smoothly do cultural activities, sports or recreational activities. <p>11) (New) Disaster prevention and security (relevant to Article 26)</p> <ul style="list-style-type: none"> Necessary measures for disaster prevention and security so that the persons with disabilities can live safely and easily in a local community, depending on sex, age, status of disability and actual situation of living. <p>12) (New) Protection of persons with disabilities as a consumer (relevant to Article 27)</p> <ul style="list-style-type: none"> Providing information in an adequate way and other necessary measures, in order to defend and enhance the profits of the persons with disabilities as a consumer. <p>13) Consideration during election (new) (relevant to Article 28)</p> <ul style="list-style-type: none"> Necessary measures when voting, such as development of facilities and equipment in polling places so as to facilitate their smooth voting. <p>14) Consideration in judicial proceedings (new) (relevant to Article 29)</p> <ul style="list-style-type: none"> Considering ensuring communication means depending on characteristics of each person with disabilities so that he/she can exercise his/her rights smoothly when he/she is subject to a criminal case, or becomes party involved in a civil case, and necessary measures like training on concerned personnel, and others. <p>15) International cooperation (relevant to Article 30)</p> <ul style="list-style-type: none"> Exchange the information with foreign governments, international organizations, and other necessary measures. 		
Committee on Persons with Disabilities' Policy etc.	(to become effective on the day designated by the government ordinance within one year of date of publication)	
<p>Committee of Measures for Persons with Disabilities (government) (relevant to Article 32 to 35)</p> <ul style="list-style-type: none"> 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 Plan of Persons with Disabilities, and provide their opinions, and observe and recommend about the situation of implementation of this plan. <p>Councils and other organization of collegial system (local) (relevant to Article 36)</p> <ul style="list-style-type: none"> 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. 		
Supplementary provision		
<p>Deliberation (relevant to Supplementary provision Clause 2)</p> <ul style="list-style-type: none"> 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 result etc. 		

(4) Deliberation and supplementary resolution

- a. The Government shall deliberate the situation of enforcement of Basic Law for Persons with Disabilities after this revision, when three years have passed after this law became effective, and take the necessary measures based on the result.
- b. In order for persons with disabilities to be able to live independently in a local community with receiving the necessary support, the government shall deliberate about ensuring mutual organic solid cooperation between healthcare, medical service and welfare, and other ways of support system for persons with disabilities, and take the necessary measures based on the result.
- c. Supplementary resolution has been attached, both in House of Representatives and House of Councilors, by reason that appropriate measures should be taken for some points when the revised law was established. (See also “Revision of Basic Law of Persons with Disabilities (August, 2011),” on website of Cabinet Office, Measures for persons with disabilities) (<http://www8.cao.go.jp/shougai/uishin/kihonhou/kaisei2.html>)

3. Main recent movements

(1) Main relevant laws recently established

a. “Abuse Prevention Act for Persons with Disabilities”

In order to promote measures for preventing abuse of persons with disabilities by deciding countermeasures for protecting the persons with disabilities who have suffered from physical abuse and for supporting the guardians, “Law Pertaining to Abuse Prevention of Persons with Disabilities and Supports on Their Guardians” (Abuse Prevention Act for Persons with Disabilities) was enacted in June, 2011, and became effective in October, 2012 (described in Chapter 4).

b. “Comprehensive Support Act for Persons with Disabilities”

In order to take a new healthcare and welfare measures for persons with disabilities to realize a coexistence in a local community based on the revision of Basic Law for Persons with Disabilities and the deliberations in Task Force and others, “Act for supporting daily lives and social lives of persons with disabilities comprehensively” (Comprehensive Support Act for Persons with Disabilities) was enacted in June, 2012, and became effective in April, 2013 (in April, 2014, for a part of it). (Described in Chapter 4)

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

“Act on Promotion of Government’s Procurement of Goods Supplied by facilities for persons with disabilities to work” (Act on Promotion of Priority Procurement for Persons with Disabilities) that is intended to increase the demand of goods supplied by facilities for persons with disabilities to work by deciding the necessary items to ensure opportunities of receiving orders of facilities for persons with disabilities to work, and which will be contributed to encourage independence of the persons with disabilities and those who work at home, was enacted in June, 2012, and became effective in April, 2013 (described in Chapter 3).

(2) International Efforts

In regard to an international efforts, as an action guideline of late 5 years relating to

“Biwako Millennium Framework (BMF)” that is the action plan of “Decade of Persons with Disabilities, Asia and the Pacific” (FY2003 to 2012), “Biwako plus Five” was adopted in UN Economic and Social Commission of Asia and the Pacific (ESCAP) in September, 2007.

In FY2011, keeping in mind that “The Asia and the Pacific Decade of Persons with Disabilities” (FY2003 to 2012) ends in this year, the meeting was called by the representatives of countries involved in ESCAP mentioned earlier, to discuss the efforts to the measures for persons with disabilities in Asia and the Pacific after FY2013, and discussion about the next “Decade” has been progressed.

Throughout months from October to November, 2012, the meeting was called in Incheon, Korea to discuss and make a decision about the next “Decade.”

(3) New Basic Programme of Persons with Disabilities

In December, 2012 Committee for Persons with Disabilities’ Policy summarized “Opinion of Committee for Persons with Disabilities’ Policy Pertaining to New “Basic Programme for Persons with Disabilities,” and submitted it to Prime Minister. Based on this, the government is going ahead with the formulation of Basic Programme for Persons with Disabilities.

(4) Revision of “Act for the Promotion of Employment for Persons with Disabilities”

In March 2013, Committee for Employment of Persons with Disabilities, Labor Policy Council, summarized the report pertaining to “Enhancement and Enforcement of the Future Measures for Persons with Disabilities’ Employment.”

On 19th April of the year, “Bill for the Revised Act for the Promotion of Employment for Persons with Disabilities”, which specifies the measures to prohibit the discrimination against persons with disabilities in the area of employment and to include persons with mental disabilities in the legally mandated employment quota ratio, was endorsed by the Cabinet and submitted to the Diet (See Diagram 23 for outline of the law).

(5) “Act for Resolution of Discrimination of Persons with Disabilities”

In September 2012, working group of prohibition of discrimination in Committee for Persons with Disabilities’ Policy summarized “The Report by Working Group of Prohibition of Discrimination on ‘Legislation Pertaining to Prohibition of Discrimination on Ground of Disability.’”

After that, on April 26, 2013 “Bill Pertaining to Promotion of Resolution of the Discrimination on Ground of Disability (bill for Act for Resolution of Discrimination of Persons with Disabilities)” was endorsed by the Cabinet, and submitted to the Diet.

This bill became June in the year. (See Diagram 24, for outline of the act)

(The details of each of main Act introduced in this Chapter are described in the relevant sections in Chapter 2 to 5.)

■ Diagram 23 Outline of the “Revised Act for the Promotion of Employment for Persons with Disabilities”

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.

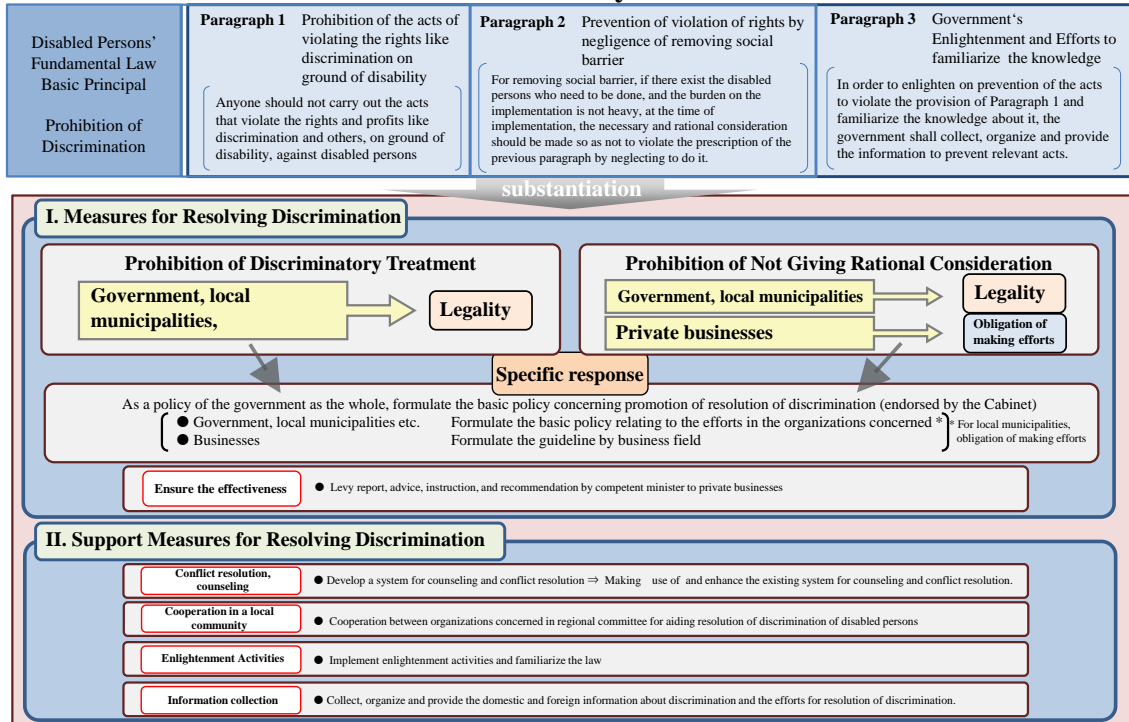
3. Others

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.

Diagram 24 Outline of “Act on Promotion of Resolution of Discrimination on ground of Disability”

Outline of “Act on Promotion of Resolution of Discrimination on ground of Disability”



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