

Chapter 2 Activity after Ratification of the Convention on the Rights of Persons with Disabilities

Background on the conclusion of the Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities (hereinafter referred to as “CRPD”), which was adopted by consensus at the 61st General Assembly of the United Nations in December 2006 and entered into force in May 2008, is the first international agreement concerning persons with disabilities.

As of March 1, 2016, the number of State and Organizations Parties is 162.

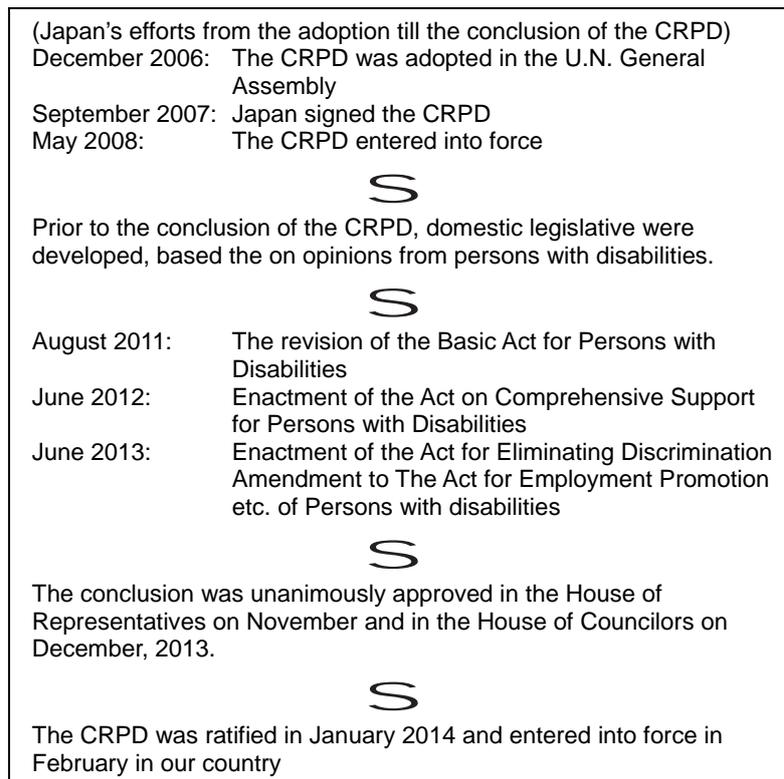
The CRPD stipulates measures for realizing the rights of persons with disabilities to secure their human rights and basic freedoms and to respect their inherent dignity. And it seeks the State Parties to provide them with civil and political rights; rights to education, health, labor and employment; and access to social security, leisure activity, etc. Our country actively participated in the process of establishing the Convention from the drafting stage and signed the Convention on September 28, 2007.

Based on the opinions from persons with disabilities and other relevant persons that the domestic legislation should be developed and various reforms should be made, our government decided, prior to the conclusion of the CRPD, to intensively reform the systems and policies, and established in December 2009 “Headquarters for Institutional Reform for Persons with Disabilities” headed by the prime minister and comprising all cabinet ministers as the members.

Accordingly, various laws and systems have been streamlined: the revision of the Basic Act for Persons with Disabilities (August 2011); enactment of the Act on Comprehensive Support for Daily Social Lives of Persons with Disabilities (hereinafter referred to as “Act on Comprehensive Support for Persons with Disabilities”) (June 2012); and enactment of the Act for Eliminating Discrimination and amendment to the Act for Employment Promotion etc. of Persons with disabilities (June 2013).

Based on these legislations that improved the systems for persons with disabilities, debates were started in the Diet in October 2013 toward the conclusion of the CRPD, which in turn passed in House of Representatives’ and House of Councilors’ unanimous approval on November 19 and December 4, 2013, respectively. Japan deposited the instrument of ratification on the CRPD with the U.N. Secretary on January 20, 2014, thus it entered into force on February 19, 2014 in our country.

Figure 9 Japan's efforts from the adoption till the conclusion of the CRPD



1 Participation in the Conference of States Parties

Following the conclusion of the CRPD, Japan, as a State Party, participated for the first time in the 7th Conference of State Parties in June 2014 held at the U.N. headquarters. In the Conference aiming to “consider any matter with regard to the implementation of the present Convention” (Article 40 of the CRPD), persons with disabilities participated as members of the delegation of the Japanese government, and introduced the Japan’s monitoring framework and efforts for Disability-Inclusive Disaster Risk Reduction.

In the 8th Conference in June 2015, State Parties discussed “Mainstreaming the rights of persons with disabilities in the post-2015 development agenda.” Our country stated that comprehensive approach based on human-security is important for sustainable development, and explained the disaster risk reduction activities in the 3rd UN World Conference on Disaster Reduction held in March 2015 in Sendai with the participation of persons with disabilities.

2 Publicity of the CRPD (pamphlets for PRs of the CRPD)

The Article 8 of the CRPD stipulates “Awareness-raising,” requiring “to raise awareness throughout society including at the family level, regarding persons with disabilities” including “effective public awareness campaigns.” To get the contents across people, the Ministry of Foreign Affairs (MOFA) posts the information in the website and Facebook, and the government prepared pamphlets summarizing the purport of the CRPD, background of the adoption, Japan’s efforts, and the main contents and full text of the CRPD, and distributed to all local governments and government- ordinance-designated cities to spread all over municipalities, groups of persons with disabilities, and branches of the Human Rights Bureau. The website of

MOFA lists all the contents of the CRPD, which can be downloaded in Braille and voice data. (For detail, visit http://www.mofa.go.jp/mofaj/gaiko/jinken/index_shogaisha.html.)

3 Preparation of State Party Report

(1) State Parties’ obligation to submit reports, based on Article 35 (International Monitoring Framework)

The CRPD stipulates that State Parties shall submit “a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard” to the “Committee on the Rights of Persons with Disabilities” in the U.N. (Article 35).

In particular, the initial report is required to submit within two years after the entry into force of the CRPD, and thereafter at least every four years. Preparation of reports is required to be in an open and transparent process.

After submitted, the reports will be examined by the Committee on the Rights of Persons with Disabilities, the international monitoring framework (Article 36). The Committee consists of independent 18 experts selected from among the State Parties (the tenure is four years). Their roles are to consider the reports submitted by the State Parties, decide guidelines applicable to the content of the reports, and cooperate with other specialized agencies to effectively promote the CRPD. The Committee must secure the participation of experts with disabilities, and currently most of the members are persons with disabilities.

Pursuant to the provisions of the CRPD, our country was required to submit the first report to the Committee on the implementation of the CRPD. The report was prepared in accordance with the U.N. guidelines on the preparation of State Party reports for the CRPD, and in light of the view of the related-administrative agencies; the result of the status of implementation of the Basic Program for Persons with Disabilities which forms the basis of measures for persons with disabilities that has been conducted by the Commission on Policy for Persons with Disabilities (hereinafter referred to as “Policy Commission”); and public comments.

☪ Figure 10 Outline of the first initial State Party report for the CRPD (prepared including the opinions from the Policy Commission)

Items	Key points in preparing the report
PART I Overview	
1 The Process leading to the Conclusion of the CRPD	Circumstance is described
2 General information on our country	“Shared core documents” are referred.
3 Policies for realizing Rights under the CRPD, Strategies, Domestic Legislative Framework, and Comprehensive Framework to Ensure Elimination of Discrimination against Persons With Disabilities	Describes the “Headquarters for Institutional Reform for Persons with Disabilities” and its background, as well as the Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; Act on Comprehensive Support for Persons with Disabilities; Act for Eliminating Discrimination; and Act for Employment Promotion etc. of Persons with Disabilities
4 Resources for Realizing Rights under the CRPD and Pursuit of Cost-Effective Methods	Budget for measures for persons with disabilities
PART II Details	
Article 1 Purpose	Definition of persons with disabilities (Article 2 of the Basic Act for Persons with Disabilities)
Article 2 Definitions	Describes Article 14 (1) of the Constitution Describes “Discrimination on the grounds of disabilities” and “Reasonable accommodation” (the Basic Act for Persons with Disabilities and the Act for Eliminating Discrimination)

	Describes “Universal Design” (the Barrier-free Universal Design Promotion Guidelines).
Article 3 General principles	Describes according to the items of the provisions and by referring to the corresponding parts of the Constitution, Basic Act for Persons with Disabilities; Act for Eliminating Discrimination; Act on Comprehensive Support for Persons with Disabilities; Basic Act on Education, etc.
Article 4 General obligations	Describes by referring to the corresponding parts of the Constitution, Basic Act for Persons with Disabilities; Act for Eliminating Discrimination; Basic Programme for Persons with Disabilities; Welfare Equipment Act; Barrier-free Act, etc. If the provisions are overlapped with the explanation stated below, the latter is quoted. Particularly, “Article 3 Involvement into decision-making by persons with disabilities” is described (the Commission on Policy for Persons with Disabilities, the organizations with a council system in local governments, etc.)
Article 5 Equality and non-discrimination	Same description with Article 2
Article 6 Women with disabilities	Describes multiple discrimination against women with disability, and their equality and ability development, by referring to the corresponding parts of Article 11 of the Constitution, Basic Act for Persons with Disabilities, Basic Act for Gender-Equal Society, etc. Especially, describes by referring to actual conditions and remedy for multiple discrimination.
Article 7 Children with disabilities	Describes the equality, best interests and expression of intention of children with disabilities, by referring to the corresponding parts of Article 13 of the Constitution, Child Welfare Act, School Education Act, the Courses of Study for schools for special needs education, etc. Especially, when the rights of children with disabilities susceptible to damage are violated, the remedy is described.
Article 8 Awareness-raising	Describes according to the item of the provisions and by referring to the corresponding parts of the Basic Act for Persons with Disabilities, Basic Programme for Persons with Disabilities, Act for Employment Promotion etc. of Persons with Disabilities (Abilympics), and Course of study curriculum guidance. Specific PR activities are described.
Article 9 Accessibility	According to the items of the provision, describes the physical environment of persons with disabilities, and accessibility to transportation, information communication, facilities and services, by referring to the corresponding parts of the Basic Act for Persons with Disabilities, Basic Programme for Persons with Disabilities, Barrier-free Act, Broadcast Act, Act on projects to facilitate accessibility for persons with disabilities to communication & broadcast, Act on Comprehensive Support for Persons with Disabilities (Communication Support Project), etc.
Article 10 Right to life	Describes by referring to the corresponding parts of Article 13 of the Constitution and the Basic Programme for Persons with Disability.
Article 11 Situations of risk and humanitarian emergencies	Describes by referring to the corresponding parts of the Method for Emergency Management; Civil Protection Law; Basic Act for Persons with Disabilities, Basic Act on Disaster Control Measures, Act on Comprehensive Support for Persons with Disabilities, and Child Welfare Act. Especially, specific measures for emergency management for persons with disabilities are described.
Article 12 Equal recognition before the law	Describes according to the clause of the provisions and by referring to the corresponding parts of the Constitution, Civil Code, Act on Comprehensive Support for Persons with Disabilities, Intellectual Disability Welfare Law, and Mental Health & Welfare Law. Especially, the adult guardianship (including anti-abuse and an examination by the court), and the remedy when the right is violated are described.

Article 13 Access to justice	Describes according to the items of the provisions and by referring to the corresponding parts of the Basic Act for Persons with Disabilities; Comprehensive Legal Support Law; Civil Proceedings Act; Criminal Procedure Act; Norm of criminal investigations; Police education rule; consideration to the operation and training on court procedures, etc.
Article 14 Liberty and security of person	Describes according to the items of the provisions and by referring to the corresponding parts of Articles 13, 14 and 98 (2) of the Constitution; Criminal Procedure Act; Act on Penal Detention Facilities and Treatment of Inmates and Detainees; Treatment in medical prison; Medical Treatment and Supervision Act for the Insane; Mental Health & Welfare Law, etc.
Article 15 Freedom from torture or cruel, inhuman or degrading treatment or punishment	Describes according to the items of the provisions and by referring to Articles 13, 14, 18, and 36 of the Constitution; Penal Code; and Act on Penal Detention Facilities and Treatment of Inmates and Detainees, etc.
Article 16 Freedom from exploitation, violence and abuse	Describes according to the items of the provisions and by referring to the Penal Code; Criminal Procedure; Act on Abuse Prevention for Persons with Disabilities; Act on Comprehensive Support for Persons with Disabilities; Standard for the number of personnel, facilities and operation of the day care centers based on the Child Welfare Law; Act on the Prevention of Spousal Violence; Anti-Prostitution Act; Child Abuse Prevention Law; Act for Establishment of the Ministry of Justice; Basic Act for Crime Victims, etc. Especially, the remedy, when right is violated, is described.
Article 17 Protecting the integrity of the person	Describes according to the items of the provision and by referring to the corresponding parts of Article 13 of the Constitution and the Basic Act for Persons with Disabilities
Article 18 Liberty of movement and nationality	Describes according to the items of the provisions and by referring to the corresponding parts of the Nationality Act, Family Register Act, Article 22 of the Constitution, and Immigration Control Law.
Article 19 Living independently and being included in the community	Describes according to the items of the provisions and by referring to the corresponding parts of the Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; Act on Comprehensive Support for Persons with Disabilities; Act on Welfare of Persons with Physical Disabilities; Act for the welfare of persons with intellectual disabilities; and Mental Health & Welfare Law; Act on Support for Persons with Developmental Disabilities; and Incurable Disease Act.
Article 20 Personal mobility	Describes according to the items of the Provisions and by referring to the corresponding parts of the Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; Act on Comprehensive Support for Persons with Disabilities; Act on Assistance Dogs for Persons with Physical Disabilities; and Act on R&D for Welfare Equipment and Promotion of Dissemination.
Article 21 Freedom of expression and opinion, and access to information	Describes according to the items of the provisions and by referring to the corresponding parts of the Basic Act for Persons with Disabilities (Article 22); Basic Programme for Persons with Disabilities; Broadcast Act; Act on projects to facilitate accessibility for persons with disabilities to communication & broadcast (if overlapped with Article 9, describes as such). Current efforts for promoting sign language are described, including Article 3 of the Basic Programme for Persons with Disabilities and ordinances.
Article 22 Respect for privacy	Describes according to the items of the provisions and by referring to the corresponding parts of Article 13 of the Constitution; Penal Code; Civil Code: Mental and Health Welfare Act; Act on Comprehensive Support for Persons with Disabilities; and Act on the Protection of Personal Information. Especially, the remedy, when right is violated, is described.
Article 23 Respect for home and the family	Describes according to the items of the provisions and by referring to the corresponding parts of Article 24 of the Constitution; Civil Code; Maternal and Child Health Act; Maternal Health Act; Child Welfare Act; Act on Comprehensive Support for Persons with Disability, etc.
Article 24 Education	Describes according to the major items of the provision and by referring to the corresponding parts of Article 26 of the Constitution; Education Act; Basic Plan for Promoting Education; Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; School Education Act; Ordinance for Enforcement of the School Education Act; Guidelines for promoting barrier-free school facilities; Act on encouraging attendance to special support education schools; Course of study curriculum guidance for special support education school; Child Welfare Act; Human Resources Development Promotion Act, etc. Especially, describes an actual progress (data, etc.) following the system reform.

Article 25 Health	Describes according to the items of the provision and by referring to the corresponding parts of Article 25 of the Constitution; Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; Act on Comprehensive Support for Persons with Disabilities; Maternal and Child Health Act; Mental Health Welfare Act; Act for Eliminating Discrimination; Incurable Disease Act, etc.
Article 26 Habilitation and rehabilitation	Describes according to the items of the provision and by referring to the corresponding parts of the Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; Act for Promotion of Employment of Persons with Disabilities; Child Welfare Act; Human Resources Development Promotion Act; and Act on R&D for Welfare Equipment and Promotion of Dissemination, etc.
Article 27 Work and employment	Describes according to the items of the provisions and by referring to the corresponding parts of Article 27 (1) of the Constitution; Basic Act for Persons with Disabilities; Act for Promotion of Employment of Persons with Disabilities; Basic Programme for Persons with Disabilities; Act on Promoting Resolution of Individual Labor-Related Disputes, Human Resources Development Promotion Act, etc. Especially, describes the change in situations following the reform of systems, specific examples, numerical values, etc. Especially, the remedy, when right is violated, is described.
Article 28 Adequate standard of living and social protection	Describes according to the items of the provision and by referring to the corresponding parts of the Article 25 (1) of the Constitution; Basic Act for Persons with Disabilities; Act concerning the Payment of Special Child Rearing Allowance; Act on Comprehensive Support for Persons with Disability; Act for Promotion of Employment of Persons with Disabilities; Human Resources Development Promotion Act; Act on Public Housing, etc.
Article 29 Participation in political and public life	Describes according to the items of the provisions and by referring to the corresponding parts of the Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; Public Officers Election Act; Enforcement ordinance on the Public Officers Election Act; Act on a voting method of using electromagnetic-record voting machine for an election of members and chief of a legislative assembly in local governments; National Public Officer Act, etc. The recovery of voting right of an adult ward is described.
Article 30 Participation in cultural life, recreations, leisure, and sports	Describes according to the items of the provisions and by referring to the corresponding parts of the Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; Barrier-free Act; Act on projects to facilitate accessibility for persons with disabilities to communication & broadcast; Broadcast Act; Act on Comprehensive Support for Persons with Disabilities; Copyright Act; Basic Act for Sports; Basic Plan for Sports; Basic Act for Tourism Promotion; Basic Act for Art and Culture Promotion, etc. Describes the progress toward the Paralympics.
Article 31 Statistics and data collection	Describes according to the items of the provisions and by referring to the corresponding parts of the Act on Protection of Personal Information; National Public Service Act; Statistics Act; and Basic Programme for Persons with Disabilities
Article 32 International cooperation	Describes by referring to the corresponding parts of the Basic Act for Persons with Disabilities; Basic Programme for Persons with Disabilities; and Outline of the ODA. Describes specific cases for global cooperation.
Article 33 National implementation and monitoring	Describes focal points and the coordination mechanism. Describes the framework to promote, protect and monitor, by referring to the corresponding parts of the Basic Act for Persons with Disabilities; Act on Promoting Human Rights Education and Enlightenment; Ministry of Justice Establishment Act; Civil Liberties Commission; Regulations on human rights violation case investigation procedures, etc.
Appendix: Statistics and data	

(2) Monitoring on the Basic Programme for Persons with Disabilities (Third) by the Commission on Policy for Persons with Disabilities (domestic monitoring framework)

The CRPD stipulated for the first time that the State Parties shall establish “a framework to monitor implementation of the present CRPD” in accordance with the domestic legal and administrative systems. In our country the Policy Commission, which was established in 2011 based on the Basic Act for Persons with Disabilities, plays a role of a framework to monitor the implementation of the CRPD.

The Commission consists of 30 persons, including persons with disabilities; members of the project for the independence and social participation of persons with disabilities; and experts. They must deliberate on the preparation and alteration of the Basic Programme, state opinions to the government, watch the implementation of the Basic Program, and recommend to the government. They are obliged to watch the implementation of the CRPD.

Thus the signatory countries are obliged to renovate various domestic systems under the domestic and overseas double supervisions.

Our country’s first report was prepared by hearing and reflecting the opinions of the Commission and based on its surveillance on the implementation of the Basic Programme for Persons with Disabilities. Prior to the submission of the initial reports, the implementation status of the Basic Programme for Persons with Disabilities (Third) (decided by the Cabinet on September 27, 2013) was surveyed.

For the surveillance, the government invited Mr. Ron McCallum (Professor Emeritus of Sydney University), the former chairman of the Committee, asking about the viewpoints of the screening of initial reports, and held a lecture about constructive dialogues between the signatory countries and the Committee, exchanging opinions with him, thus the members of the Commission prepared themselves for surveillance.

The surveillance was basically done by discussing and hearing about the efforts of the related-government departments’ current implementation of the Basic Programme for Persons with Disabilities (Third).

The priorities on the surveillance included four themes: “Support for decision making, etc., including adult guardianship system” “Support for hospital-to-community transition of persons with mental disabilities and persons with severe disabilities, etc. in need of medical care” “inclusive education system, employment, etc.” and “accessibility to information,” for which four working sessions were held to discuss separately, and concurrently other discussions in the Commission were made.

Each of the working sessions was chaired by 3 to 4 members of the Commission as coordinators, and participated by persons with disabilities, concerned groups and experts, all of whom are well-versed in each theme.

In addition, the Commission discussed “women with disabilities” and “statistics concerning persons with disabilities,” and held a general meeting to deepen the discussion on the above themes “support for the hospital-to-community transition of persons with mental disabilities” and “the inclusive education system.”

The Commission held 13 meetings in all: four working sessions (eight times) and a general meeting (five times), and finally compiled the “Summary of discussions: challenges Based on the Status of implementation of the Basic Programme for

Persons with Disabilities (Third),” which included opinions from both the Commission and the related-government departments.
 Because FY 2015 falls under the halfway of the implementation period of the Basic Programme for Persons with Disabilities (Third), each government agency must develop measures based on the “Summary of Discussions” for the remaining period.

<Schedule of both monitoring and drafting initial reports on the Basic Programme for Persons with Disabilities>

Commission for Persons with Disabilities

FY 2015	
April 17	How to proceed with forthcoming discussion
May 29	Lecture by Mr. Ron McCallum (the former chairman of the Committee) Surveillance of the implementation status of the Basic Programme for Persons with Disabilities (Third)
June 29	Surveillance of the implementation status of the Basic Programme for Persons with Disabilities (Third)
July 10	Reporting the Summary of Discussions from each Working Session and opinion exchange
August 10	Opinion exchange on all fields of the Basic Programme for Persons with Disabilities (Third)
August 31	About the modified versions of both the “Summary of Discussions” and “the draft on the implementation status of the Basic Programme for Persons with Disabilities (Third)”
September 24	About the surveillance of the implementation status of the Basic Programme for Persons with Disabilities (Third) About the draft of the first initial reports required by the CRPD
October 26	About the draft of the first initial reports required by the CRPD
December 18	About the draft of the first initial reports required by the CRPD

Working Session of the Commission for Persons with Disabilities
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FY 2015	
May 19	Support for hospital-to-community transition of persons with mental disabilities and persons with severe disabilities, etc. in need of medical care (1)
May 19	Accessibility to information (1)
May 22	Support for decision making, etc., including adult guardianship system (1)
May 22	Inclusive education system, employment, etc. (1)
June 1	Support for hospital-to-community transition of persons with mental disabilities and persons with severe disabilities, etc. in need of medical care (2)
June 1	Accessibility to information (2)
June 5	Inclusive education system, employment, etc. (2)
June 12	Support for decision making, etc., including adult guardianship

system (2)

In the meeting to negotiate for making a draft of the CRPD, it was decided that the national monitoring framework on an implementation status should be left to each country's discretion. So, the involvement of the State Parties in the preparation of State Party reports on the monitoring of the implementation status varies among them. The government thought that the significance of the CRPD is to link the U.N. Committee's final observation to improvement of domestic systems as early as possible, while reflecting the results of the Policy Commission's monitoring to the report. Therefore, the key points of the Policy Commission's comments were included in the State Party report, and the "Summary of Discussions" the results of the implementation status on the Basic Programme for Persons with Disabilities (Third), were attached to the report.

In addition to reflecting the Policy Commission's discussion to the State Party report, the government also collected from January 15 to February 13, 2016, public comments from people concerned other than the members of the Policy Commission.

4 Future stream (examination of State party reports)

State party reports, submitted to the U.N. Committee, are monitored (considered) internationally by the Committee. The Committee's consideration on the implementation status of the CRPD in each country, together with the activities for inter-governmental human rights forums, has become an important mechanism to protect and promote human rights in the world community.

After submission of the report, a list of issues is sent to the State Parties to request to reply. Thereafter, the date of the examination is announced, and a face-to-face examination is carried out at the U.N. Office in Geneva during the session of the Committee, then the U.N. final observation is adopted together with its suggestion and recommendation, and publicized as the U.N. document. (Until now, as of March 1, 2016, 33 countries' first initial reports were examined.)