

## **Chapter 2 Building the Foundation for a Deeper Understanding of Persons with Disabilities**

### **Section 1 Promotion of Public Relations, Awareness and others for Persons with Disabilities**

The “Basic Programme for Persons with Disabilities (Fourth)” (March 2018 Cabinet Decision) sets the “promotion of activities toward deepening the public understanding, public relations and awareness” in the “II Basic Approach.” In it, activities towards deepening the public understanding as well as Public Relations and awareness activities required to understand the principles of “inclusive society” and the concepts of what is called ‘social model’ shall be promoted so that persons with disabilities and person without disabilities can live together in the society while supporting each other.

#### **1. Week of Persons with Disabilities**

Articles 9 of the “Basic Act for Persons with Disabilities” (Act No.84 of 1970) designates the week from December 3 to 9 every year as the “Week of Persons with Disabilities.” The “Week of Persons with Disabilities” shall be implemented throughout the country with the aim of realizing the fundamental principle of the Basic Act for Persons with Disabilities, which is to ‘disseminate the principles for the ‘inclusive society’ where all citizens respect each other’s personality and individuality while supporting each other, and deepening interests and understanding of citizens about disabilities and persons with disabilities.

As the events of the “Week of Persons with Disabilities” of FY2017, the Cabinet Office invited applications from elementary and lower secondary school students across the country for “Essays on Experiences with Expanding Your Mind’s Connections” and “Posters for the Week of Persons with Disabilities.” Among the applications, 3 essays and 2 posters were selected as the best work.

In the presence of their Imperial Highness the Crown Prince and Crown Princess, at the award ceremony of the Week of Persons with Disabilities conducted on December 5, winners (5) of essay and poster's best award, and winners (26) of award for persons of merit involved in persons with disabilities were honored the Prime Minister’s Award by the Prime Minister Abe.

Additionally, as other events of the week, the “Consecutive Seminars” on disabilities or persons with disabilities in collaboration with the organizations of persons with disabilities were conducted for general public during the Week of Persons with Disabilities, December 7 and 8.

#### **2. Public Relations, Awareness activities**

##### **(1) Other Significant Weeks and Months**

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, “65th Mental Health and Welfare Dissemination Campaign” from October 16 to 22, and “Human Rights Week” from December 4 to 10. Various awareness activities were carried out by the local public entities and related organizations across the country during the “Developmental Disorder Disability Awareness Week” from April 2 to 8 that also included the World Autism Awareness Day.

**(2) Commendation for the promotion of Barrier-free universal design**

With a view to effectively and comprehensively promote barrier-free and universal design in both tangible and intangible aspects for all persons including the elderly, persons with disabilities, pregnant women and those with children to live safe and have comfortable social lives, individuals and organizations that have made distinguished achievements or contributions with regards to such promotions are honored by the Prime Minister and Minister of State for Special Missions. Nine organizations were honored in FY2017.

**3. Information provision about disability measures**

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.

**4. Multimedia DAISY of the Annual Report on Government Measures for Persons with Disabilities**

With regards to the summary of measures implemented for persons with disabilities, based on the Article 13 of the “Basic Act for Persons with Disabilities,” the Annual Report on Government Measures for Persons with Disabilities which is the government annually submit to the Diet shall be prepared in the “multimedia DAISY” format as a digital recording book for people with visual disorder or those who have difficulties in reading the printed media, from 2016 and is published on the website of Cabinet Office .

**5. Promotion of Welfare Education**

**(1) Measures concerning Education – Promoting Exchanges and joint Learning**

While the National Curriculum Standards for kindergartens, Elementary Schools, Lower and Upper Secondary schools and Schools for Special Needs Education stipulates to provide opportunities for exchanges and joint learning, the board of education lead the efforts to promote further understanding of persons with disabilities by providing opportunities of exchanges and joint learnings at schools through subjects, sports, culture and art activities. Besides, based on the “Universal Design 2020 Action Plans” (Approved at the Universal Design 2020 Ministerial Meeting on February 20, 2017), the “Mental Barrier-free Learning Promotion Meeting” was established, where proposals on promoting measures for exchanges and joint learning were compiled.

**(2) Public Relations and Awareness for Community Residents**

With deepening the understanding of persons with disabilities considered as one of the essential learning tasks at classes and courses of social education facilities, the out-of-school activities for

the youth as well as the learning activities for general adults and the elderly are being implemented. In order to promote a proper understanding of persons with mental disabilities, the Mental Health Welfare Center or the Health Center works on knowledge dissemination and awareness activities related to mental health welfare for the residents.

## **6. Promotion of Volunteer Activities**

### **(1) Volunteer Education at Schools**

Based on the National Curriculum Standard, instructions related to compassion or mutual support or enhancement of volunteer activities are implemented at special subject: Morality, period for integrated studies and special activities.

At upper secondary schools, the out-of-school learnings such as students' volunteer activities are recognized as up to 36 academic credits when the principal admit them educationally valuable.

### **(2) Promotion of Volunteer Activities (Community Welfare, etc.)**

In order to develop human resource to deal with challenges to build inclusive society at regional level, the Cabinet Office implemented the "Community Core Leaders Development Program." With regards to the sector related to persons with disabilities, 9 youths (including the delegation leader) were dispatched to New Zealand in 2017 and 13 young leaders from Germany, New Zealand and Austria were invited to Japan in February 2018.

## **7. Promotion of the understanding of persons with disability for those such as public service personnel**

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.

For personnel working at correctional institutions including prisons, various types of training are being provided in Training Institute for Correctional Personnel and seven 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.

For personnel working at rehabilitation facilities, lectures are being provided to deepen the knowledge on human rights issues including understanding persons with disabilities and their characteristics; providing on-site visits to the facilities for persons with mental disabilities.

The human rights bodies of the Ministry of Justice 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.

The Japan Legal Support Center (Houterasu) encourages efforts made by all of its district offices through giving training to the staff from all over the country, where the headquarters staff who has obtained the qualification as a service care-fitter shares their knowledge on how to support persons with disabilities, how to provide careful and appropriate service for the users with an understanding of their situations, and other knowledge of similar nature.

## **Section 2 Promotion of Elimination of Disability Discrimination**

### **1. History of the Act for Eliminating Discrimination against Persons with Disabilities**

The Convention on the Rights of Persons with Disabilities (hereinafter referred to as “CRPD”) that stipulates the measures toward realizing 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, 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 elimination of discrimination based on disability in all forms; when the Basic Act for Persons with Disabilities was amended in 2011, the elimination of discrimination was stipulated in Article 4 of the same Act with incorporating the purpose of CRPD as the basic principle.

This stipulation is being embodied in the Act for Eliminating Discrimination against Persons with Disabilities (Act No. 65 of 2013, hereinafter referred to as the “Act for Eliminating Discrimination”), which was established in June 2013 and came into effect from April 2016.

### **2. Summary of the Act for Eliminating Discrimination against Persons with Disabilities**

#### **(1) Eligible persons with disabilities**

Eligible persons with disabilities are stipulated in Article 2 of the Act for Eliminating Discrimination as a person with a physical disability, a person with an intellectual disability, a person with a mental disability (including developmental disorder), 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**

Business operators are also included in the Act for Eliminating Discrimination, in addition to the governmental agencies such as the national and local public entities. The operators include persons engaged in commerce or other business; Even self-employed workers and volunteers who operate unpaid business, or social

welfare corporation and designated non-profit corporation who provide non-profitable business are considered as business operators when they are willing to conduct acts of the same kind on a continual basis. The business fields include all those related to independence and social participation of persons with disabilities such as education, medical care, welfare, public transportation and employment. However, concrete measures for eliminating discrimination in the employment field (portions corresponding to Articles 7 to 12 of the Act for Eliminating Discrimination) shall be entrusted with provisions related to “Act on Employment Promotion etc. of Persons with Disabilities” (Act No.123 of 1960).

**(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 reasonable 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) Environmental improvement**

Article 5 of the Act for Eliminating Discrimination stipulates that the preliminary remedial actions that are provided mainly for unspecified persons should be implemented as an ‘environmental improvement’ for providing reasonable accommodation appropriately to individual persons with disabilities in each case; those actions include barrier-free at public institutions or transportations, service or human assistance for intention manifestation and communication, improved

information accessibility that allows persons with disabilities to obtain, use and deliver information smoothly. (It includes infrastructure as well as staff training.)

**(6) Basic Policy/Handling Directions and Handling Guidelines**

The “Basic Policy for Eliminating Disability Discrimination” (hereinafter referred to as “Basic Policy”) was decided by the Cabinet on February 24, 2015, pursuant to the provisions of Article 6 of the Act for Eliminating Discrimination.

In line with the Basic Policy, the Government agencies such as the national and local public entities shall formulate the “Handling Directions” that is required for the officials to respond appropriately to the prohibition of unfair discriminatory treatment or reasonable accommodation provision (\*Local public entities are obliged to make efforts); Prefectural and designated cities have already formulated the directions by the end of FY2017.

The Cabinet Ministers with jurisdiction over the business has formulated the “Handling Guidelines,” in line with the Basic Policy, that include necessary items for business entities to provide appropriate support regarding prohibition of unfair discriminatory treatment or reasonable accommodation provision (improved counseling system, training and awareness) as well as specific examples of reasonable accommodation in every business field.

**3. Efforts on the implementation of the Act for Eliminating Discrimination**

**(1) Reasonable accommodation cases**

The Cabinet Office collects specific examples of those such as reasonable accommodation or environment improvement based on the Act for Eliminating Discrimination from the ministries concerned, local public entities and organization for persons with disabilities; provide them by the types of disabilities or life scenes, and publishes the data as “Reasonable Accommodation Cases.”

**(2) Promoting for developing a System for Regional Support Councils for Eliminating Discrimination against Persons with Disabilities**

Article 17 of the Act for Eliminating Discrimination 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 Councils were already established in all prefectural governments and designated cities by the end of FY2017). To mention, “Advisers” are dispatched to local public entities who are considering establishing regional councils to support the establishment.

**(3) Regional Forums**

The Cabinet Office held the “Regional Forum” with the aim of hearing widely opinions from persons with disabilities and persons concerned in regions, enforcing “the Act for Eliminating Discrimination smoothly as well as promoting the efforts taken and fostering the momentum in each region.

- (4) Administrative measures by the competent minister and others**  
Business operators are expected to take independent efforts to eliminate discrimination against persons with disabilities according to the Handling Guidelines formulated by the competent ministers; however, when special treatment is considered necessary such as proper implementation is not secured, the operators repeats illegal treatments or voluntary improvement cannot be expected, the competent ministers or the chief of local government entities shall request the operator to report, or provide advice, instruction or recommendation. (No administrative measure by the competent ministers has not been confirmed in FY2017.)

### **Section 3 Initiatives for the 2020 Tokyo Olympics and Paralympics**

#### **1. Details**

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 have disability or not.

#### **2. Summary of the Action Plan for Universal Design 2020**

##### **(1) Basic Concept**

- Tokyo Games, where athletes with disabilities demonstrate overwhelming competence is a great opportunity to change the public mind toward the inclusive society.
- It is important to understand ‘disabilities’ is created both by personal physical and mental functional disabilities and social barriers, and “social model of disability,” which is the social responsibility of removing the social barriers for persons with disabilities and reflect that to individuals’ awareness.
- We must ensure to implement the “Barrier-free mind” efforts for the general public and promote the community development based on the Universal Design (The contents described in the Action Plans shall be reflected into the various measures for persons with disabilities that are described in this white paper).

##### **(2) Specific Efforts**

###### **A “Barrier-free mind”**

The “Barrier-free mind” described in the Action Plan means the state where all people who have physical and mental characteristics and different mindset have communication and support each other to

deepen the mutual understanding. It requires individuals to take specific actions on a continual basis; below is three essential points for that.

- 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 foster the abilities to communicate with various people who have different conditions and develop the sensibility or empathy to imagine the difficulties and pain that everyone undergoes.

#### **B Universal Design in Community Development**

Community development deal with an extremely wide areas and versatile measures; therefore, the Action Plan focused two viewpoints; ‘Emphasis on “barrier-free” implementation for Tokyo Games’ and ‘Promotion of high standards of Universal Design in each region across the country’.

### **3. Efforts on accelerating the Universal Design**

While the ministries concerned are promoting various measures to realize the inclusive society based on the Action Plan, the “2nd Universal Design 2020 Ministerial Meeting” was held in January 2018, where they confirmed the implementation of proactive efforts both in ‘mind’ and ‘community’ areas, making further development of measures and accelerating various efforts toward realizing the inclusive society.