

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

Section 1 Promotion of Public Relations, Awareness and Others

In order to provide for effectiveness in the government's smooth promotion of measures for persons with disabilities, it will be important to obtain the widespread understanding of the public at large while advancing these measures. Public administrative agencies, private-sector enterprises and organizations, the mass media, and other diverse actors concerned will have to collaborate in systematically and effectively promoting wide-ranging public relations and awareness activities.

The Basic Programme for Persons with Disabilities (Fourth) (March 2018 Cabinet Decision) sets the “Promotion of activities related to facilitation of understanding and public relations/awareness-raising” in Part II, “Basic Concepts.” 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 the social model shall be promoted so that persons with disabilities and person without disabilities can live together in society while supporting each other.

1. Week of Persons with Disabilities

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 an inclusive society where all citizens respect each other’s personality and individuality while supporting each other, and deepening interest in and the understanding of citizens about disabilities and persons with disabilities.

As for the events of the Week of Persons with Disabilities in FY2018, 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, and four essays and two posters were selected as the best works. At the award ceremony, held on December 5, the six winners of best essay and poster awards received the Prime Minister's Award. In other related events, an exhibition was held (December 3-7) to publicly display all the Posters for the Week of Persons with Disabilities that had been recommended to the Cabinet Office. Consecutive Seminars on topics of disabilities and persons with disabilities were also held (December 6-7) in collaboration with organizations of persons with disabilities.

2. Public relations, awareness activities

(1) Other significant weeks and months

The public relations and awareness activities to deepen understanding of persons with disabilities involved conducting Employment Support Month for Persons with Disabilities (September 1-30), 66th Mental Health and Welfare Dissemination Campaign (October 15-21), and Human Rights Week (December 4-10). Various awareness activities including awards, lectures and symposiums, and poster creation and distribution events were carried out during the Developmental Disorder Awareness Week (April 2-8), which also included World Autism Awareness Day.

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

With a view to effectively and comprehensively promote barrier-free 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 safely and lead comfortable social lives, individuals and organizations that have

made distinguished achievements or contributions with regard to such promotions are honored by the Prime Minister and Minister of State for Special Missions every year. Six organizations were honored in FY2018.

3. Comprehensive and integrated promotion of measures contributing to the realization of a universal society

The Act Regarding Comprehensive and Integrated Measures Contributing to the Realization of a Universal Society (Act No. 100 of 2018) came into force in December 2018. It provides for annual summation and publication of the status of implementation of government measures contributing to realization of a universal society.

4. Information provision about disability measures

The Commission on Policy for Persons with Disabilities is a Cabinet Office deliberative body that actively provides information from the viewpoint of information security in light of the high level of concern among persons with disabilities and other concerned parties. Specifically, the Commission 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. Information materials for meetings are also posted on the Cabinet Office website on the day and starting at the same time as the meeting, while minutes are posted for meetings that have ended.

5. Multimedia DAISY version of the Annual Report on Government Measures for Persons with Disabilities

Starting in FY2016, the Annual Report on Government Measures for Persons with Disabilities is being prepared in the multimedia DAISY format. This is the format for an information system that has been used in recent years as an international standard specification for digital recording books for visually impaired persons or those who have difficulties in reading the printed media. The report in this format is being published on the website of the Cabinet Office.

6. Measures in education and public welfare

(1) Measures concerning education: Promoting joint activities and learning

For infants, pupils, and students with disabilities as well as infants, pupils, and students without disabilities and members of the local community to engage in shared activities is significant in terms of fostering sociability and abundant human qualities in all infants, pupils, and students. Furthermore, this provides crucial opportunities for members of the community to deepen their correct understanding and awareness of children with disabilities. Therefore, while the National Curriculum Standards for Kindergartens, Elementary Schools, Lower and Upper Secondary Schools and Schools for Special Needs Education provide for opportunities for joint activities and learning, the board of education leads the efforts to promote further understanding of persons with disabilities by providing opportunities for joint activities and learning at schools through subjects, sports, culture, and art activities. Besides, based on the Universal Design 2020 Action Plans (approved at the meeting of the Ministerial Council on Universal Design 2020 on February 20, 2017), the Mental Barrier-free Learning Promotion Meeting was established, where proposals on promoting measures for joint activities and learning were compiled. These proposals were taken into account, and the Guide to Exchange and Joint Learning was revised in March 2019.

(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 for the residents.

7. Promotion of volunteer activities

(1) Volunteer education at schools

Based on the National Curriculum Standards, instruction related to compassion or mutual support or enhancement of volunteer activities are implemented in Morality, Periods for Integrated Studies, and in Tokkatsu (Student-Led Activities) and other events.

At upper secondary schools, the out-of-school learning such as volunteer activities are recognized for up to 36 academic credits when the principal admits them as educationally valuable.

(2) Promotion of volunteer activities (community welfare, etc.)

The Japan Volunteer and Citizen Activity Promotion Center of the Japan National Council of Social Welfare conducts public relations and awareness activities, information provision, training programs, and other such activities concerning meetings of the Japan Volunteer Forum and other volunteer activities and events.

To develop human resources to build an inclusive society at the regional level, the Cabinet Office implemented the Community Core Leaders Development Program. In the program on policies for persons with disabilities, nine youths were dispatched from Japan to Finland, and nine young leaders from Germany, Finland and New Zealand were invited to Japan in FY2018.

8. Promotion of the understanding of persons with disabilities for those such as public service personnel

It is important that public service personnel and others have an understanding of disabilities and people with disabilities for people with disabilities to live in safety and with a sense of security in their communities.

The police provide training programs including practical training at facilities for persons with disabilities and lectures by academic experts to police officers to deepen understanding of the characteristics of persons with disabilities and communication in consideration of their disabilities, starting at the initial training stages of their appointment.

For personnel working at correctional institutions including prisons, various types of training are being provided in the Training Institute for Correctional Personnel and branch institutes. Lectures are given on human rights and psychiatry to learn about how to deal with persons with disabilities, and on-site practice is provided to learn about nursing care at social welfare facilities.

Lectures are being provided as part of the various training programs for the Regional Parole Board or Probation Office personnel to deepen their knowledge on human rights issues, including understanding persons with disabilities and the characteristics of disabilities. As part of this effort, on-site visits are also provided to facilities and other establishments that house persons with mental disabilities and others.

The human rights bodies of the Ministry of Justice provide a workshop on human rights for national government officials to deepen understanding and awareness among national government officials and others involved in human rights. These programs are oriented to employees of central government ministries and agencies. For local government officials who engage in the administration of promoting human rights, they also provide a human rights workshop for local government officials to acquire the

knowledge required on the leaders of such activities. In addition, lecturers are dispatched to Prosecutors Office staffs, correctional facility staffs, immigration officials, judges, and Family Court Investigating Officers for training and other activities.

The Japan Legal Support Center (Houterasu) encourages efforts made by all of its district offices by providing training to staff from all over the country, in which headquarters staff who have obtained qualifications as service care-fitters share their knowledge on how to support persons with disabilities and how to provide careful and appropriate services 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, prepared domestic legislation and obtained the approval of the National Diet, then deposited the instrument of ratification at 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 Japan in 2011, the elimination of discrimination was stipulated as the basic principle in that Act with the purpose of CRPD harmonization. .

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

(1) Eligible persons with disabilities

Eligible persons with disabilities are stipulated in Article 2 of the Act for Eliminating Discrimination as persons with a physical disability, persons with an intellectual disability, persons with a mental disability (including developmental disorders), 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. The persons with disabilities that this applies to are 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 governmental agencies such as national and local public entities. The operators include persons engaged in commerce or other business. Even self-employed workers and volunteers who operate unpaid businesses, and social welfare corporations and designated non-profit corporations that 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 shall be covered by provisions related to the Act on Employment Promotion etc. of Persons with Disabilities (Act No.123 of 1960).

(3) Prohibition of unfair discriminatory treatment

Unfair discriminatory treatment refers, for instance, 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. All parties, whether administrative agencies or business operators, are 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

Providing reasonable accommodation means that when persons with disabilities or those who support their communication, such as their families and helpers, express the intent to seek consideration, they will be given reasonable consideration as necessary, and to the extent that the burden associated is not excessive, to overcome social barriers (a thing, system, practice, idea or anything else in society that acts as a barrier to persons with disabilities in carrying out their daily lives or social lives). Whether or not there is an excessive burden has to be judged comprehensively and objectively according to specific circumstances and conditions of each case in the administrative agencies and business operators, considering elements such as degree of influence on administrative and business affairs (whether or not the purpose, substance, or functionality of official work or business is impaired), degree of feasibility (physical and technical constraints, human and institutional constraints), degree of cost and burden, scale of administrative and business affairs, and fiscal and financial conditions, which must be judged comprehensively and objectively in accordance with specific situations and circumstances. Reasonable accommodation is not mandated uniformly; while it imposes obligations on those such as administrative agencies for business operators, it is considered an obligation to make an effort.

(5) Environmental improvement

Article 5 of the Act for Eliminating Discrimination stipulates that the preliminary remedial actions that are provided mainly for unspecified persons with disabilities 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 measures at public institutions or public transport, 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 not only tangibles such as infrastructure but also intangibles such as staff training.)

(6) Basic Policy/Handling Directions and Handling Guidelines

The Basic Policy on Elimination of Discrimination on the Basis of Disability (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 Handling Directions that are required for the officials to respond appropriately to the prohibition of unfair discriminatory treatment or reasonable accommodation provision. While the local public entities

are obliged to make efforts in this regard, prefectural and designated cities have already formulated the directions.

The competent ministers with jurisdiction over the businesses have formulated the Handling Guidelines, in line with the Basic Policy, that include necessary items for business entities to prohibit unfair discriminatory treatment or provide reasonable accommodation (improved counseling systems, training and awareness) as well as specific examples of reasonable accommodation in every business field.

3. Efforts toward implementation of the Act for Eliminating Discrimination

Discrimination on the basis of disability may be considered to exist in large part because of insufficient knowledge and understanding regarding disabilities in the individual members of the public, attributable to a bias in their consciousness. In order to realize an inclusive society in which there is no distinction made among any members of the public because of the existence of disabilities, or otherwise, it is crucial that the measures and the underlying approach of the Act for Eliminating Discrimination permeate society at large.

(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 organizations for persons with disabilities. These are organized by type of disability and discrimination scenario and the data is published as *Reasonable Accommodation Cases*.

(2) Promoting the development of 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. Based on this provision, local organizations concerned build networks that seek to solve cases according to the particular roles of those organizations, and that seek to prevent the occurrence of similar cases, by sharing and discussing information related to cases of consultation and other relevant matters. These and other steps are taken to improve local abilities to cope with these matters. The Councils have already been established in all prefectural governments and designated cities, and for those municipalities where they have not yet been established, experts and other knowledgeable persons are being dispatched from the Cabinet Office as advisors to provide a boost to the measures concerned.

(3) Administrative measures by the competent minister and others

Business operators are expected to make independent efforts to eliminate discrimination against persons with disabilities according to the Handling Guidelines formulated by the competent ministers. However, when specialized treatment is considered necessary, such as when proper implementation is not secured, the business operators engage in repeated illegal treatment, or voluntary improvement cannot be expected, the competent ministers or the chief of local public entities shall take administrative measures against the business operator. (No administrative measures, including the provision of advice, instructions, or recommendation by the competent ministers have been confirmed in FY2018.)

Section 3 Initiatives for the 2020 Tokyo Olympics and Paralympics

1. Details

The Basic Policy for Steps to Promote Measures related to Preparations for and Management of the Olympic and Paralympic Games in Tokyo in 2020 was decided by the Cabinet in November 2015. This policy considers the 2020 Tokyo Olympic and Paralympics Games to be an opportunity to promote the barrier-free mind where everyone respects and supports each other's individuality and personality regardless of whether or not anyone has disabilities. This was coupled with plans to advance urban development in terms of universal design in Tokyo with a view to nationwide deployment. Accordingly, an Action Plan for Universal Design 2020 was decided upon in February 2017 with the aim of increasing opportunities for persons with disabilities and realizing an inclusive society.

2. Summary of the Action Plan for Universal Design 2020

(1) Basic Concept

- Tokyo 2020 Paralympic Games, where athletes with disabilities demonstrate overwhelming competence, is an excellent opportunity to change the public mindset toward the inclusive society.
- It is important to understand that disabilities are created by both personal physical and mental functional disabilities and social barriers. Under the social model of disability, therefore, it is the responsibility of society to remove the social barriers for persons with disabilities, and all people in society need to understand this and reflect it in awareness of themselves.
- We must not lose this opportunity to ensure the implementation of barrier-free mind efforts in ways that involve the general public. We will also pursue the realization of community development based on Universal Design that will measure up to other such initiatives around the world.

(2) Specific efforts

A Barrier-free mind

The barrier-free mind refers to a state of mind in which all people, with their various physical and mental characteristics and differing mindsets, engage in communication with each other and support each other to deepen their mutual understanding. It requires individuals to take specific actions on a continuing basis, and the following three points present vital elements that are to be implemented as measures throughout society at large.

- To understand the social model of disability, which declares society's responsibility for 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 a variety of people who have conditions different from one's own and to develop the sensibility or empathy to imagine the difficulties and pain that everyone undergoes.

B Universal design in community development

Community development deals with vast areas and versatile measures, and the measures involved are also various. Therefore, the Action Plan was focused on these two viewpoints to organize a wide range of measures: emphasis on barrier-free implementation for the Tokyo Games; promotion of high standards of Universal Design in each region across the country.

3. Efforts to accelerate the universal design

The ministries concerned are promoting various measures to realize an inclusive society based on the Action Plan for Universal Design 2020. In this context, the 3rd Universal Design 2020 Ministerial Meeting held in December 2018 confirmed that steps will be taken to develop further measures and various efforts toward realizing an inclusive society will be accelerated.

A framework was also devised to incorporate the perspectives of persons with disabilities in these measures. The Universal Design 2020 Review Council was established with over one-half of the membership consisting of persons whom themselves have disabilities or who belong to support groups for persons with disabilities, and steps were taken to provide additional improvements to the Action Plan measures based on their views.