

## Chapter 3 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 the 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 for 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 for Persons with Disabilities. The Week for Persons with Disabilities shall be implemented throughout the country with the aim of realizing the fundamental principle of the Act, 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 FY2020, the Cabinet Office invited applications from elementary and lower secondary school students and others across the country for Essays on Experiences with Expanding Your Mind's Connections and Posters for the Week for Persons with Disabilities, and four essays and two posters were selected as the best works. At the award ceremony, held on December 9, the six winners of best essay and poster works received the Prime Minister's Award. In other related events, an exhibition was held (December 3-9) to publicly display all the Posters for the Week for Persons with Disabilities that had been recommended to the Cabinet Office and the best works of the Essays on Experiences with Expanding Your Mind's Connections. In addition, Consecutive Seminars on topics of disabilities and persons with disabilities were also held (December 5-6) in collaboration with organizations of persons with disabilities.

## 2. Public relations, awareness activities

### (1) Various weekly and monthly initiatives

As public relations and awareness activities to deepen understanding of persons with disabilities, various awareness activities were carried out, including video distribution, poster creation, and distribution during Employment Support Month for Persons with Disabilities (September 1-30), Mental Health and Welfare Dissemination Campaign in October (\*Cancelled in FY2020 due to the impact of COVID-19), Human Rights Week (December 4-10), and Developmental Disorders Awareness Week (April 2-8), including World Autism Awareness Day (April 2).

### (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 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. Nine individuals and organizations were honored in FY2020.

### (3) Organizing World Mental Health Day events

The World Federation for Mental Health (WFMH) has designated October 10 as World Mental Health Day, with the aim of raising public awareness of mental health issues, eliminating prejudice and spreading correct knowledge. The event is also sponsored by the World Health Organization (WHO) and is considered an official international day (International Day of Remembrance). The MHLW holds symposiums and other events to deepen understanding of the persons with mental disorders on the World Mental Health Day, and in 2020, held events such as the silver lighting of Tokyo Tower in honor of the Silver Ribbon Movement.

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

Based on the Act Regarding Comprehensive and Integrated Measures Contributing to the Realization of a Universal Society (Act No. 100 of 2018), in August 2020, the implementation status of governmental measures contributing to the realization of a universal society in FY 2019 was summarized and publicized.

## 4. Information provision about disability measures

The Commission on Policy for Persons with Disabilities, a deliberative body of the Cabinet Office, actively provides information from the viewpoint of information accessibility in light of the high level of attention among persons with disabilities and other stakeholders. In FY2020, the meeting was held via web conference from the viewpoint of preventing the spread of COVID-19. A video of the entire conference, from start to finish, was streamed in real time, combining video and audio of the conference, sign language interpretation, and summary writing. The video was also made available on the Cabinet Office website for a certain period of time. In addition, 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

Since FY2016, the Annual Report on Government Measures for Persons with Disabilities has been prepared and published in the multimedia DAISY format. This is the format for an information system that has been used as an international standard specification for digital recording books for persons with visual disabilities or those who have difficulties in reading the printed media.

## 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 Special Needs Education Schools 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. Based on the Universal Design 2020 Action Plan (approved at the meeting of the Ministerial Council on Universal Design 2020 on February 20, 2017), proposals of measures on joint activities and learning were organized in February 2018 while Joint Activities and Learning Guide was revised in March 2019. In November 2020, case studies were presented at the Online Forum for Joint Activities and Learning.

## (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, learning activities for the youth, 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.)

Japan Volunteer and Citizen Activity Promotion Center of the Japan National Council of Social Welfare conducts public relations and awareness activities and provides information and training on volunteer activities and others.

To develop human resources to solve challenges toward the building an inclusive society at the regional level, the Cabinet Office implemented the Human Resource Development Project for Regional Problem Solution: Community Core Leaders Development Program. In FY2020, due to the global spread of COVID-19, the dispatch and invitation were cancelled and online exchanges were conducted. In the field of persons with disabilities, online discussions and other exchanges were held between 10 Japanese and 10 New Zealand youths.

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

It is vital that public service personnel and others understand what the disability is as well as persons with disabilities to ensure safe and secure life for persons with disabilities 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 various training programs for Probation Office personnel to deepen their knowledge on human rights issues, including understanding persons with disabilities and the characteristics of their disabilities.

The human rights bodies of the MOJ provide a workshop on human rights for national government officials and a training for human rights awareness trainers for local government officials who engage in the administration of promoting human rights. 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.

Japan Legal Support Center (the JLSC, 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.

## 9. Improvement of statistics on persons with disabilities

From the perspective of policies on persons with disabilities, the Convention on the Rights of Persons with Disabilities (hereinafter referred to as “the Convention”), which Japan has ratified, calls for the improvement of statistics on persons with disabilities. From the perspective of statistical development, the United Nations Statistical Commission has called for a closer examination of data collection and methods related to disabilities. In addition, the Basic Plan concerning the Development of Official Statistics (Phase III) (approved by the Cabinet in June 2020) has called for the improvement of statistics on persons with disabilities, taking into account the needs of policy measures. Under these circumstances, Japan’s statistics are required to be improved. Under these circumstances, a survey research on evaluation and analysis, including comparison of question sets used internationally, was conducted in FY2019, with the aim of studying questions that can be introduced to statistical surveys in Japan to capture persons with disabilities.

The report of the survey research stated that, with regard to the future of statistics on persons with disabilities, it is desirable to introduce questions that capture persons with disabilities in

existing fundamental statistical surveys, such as the Comprehensive Survey of Living Conditions and the Survey on Time Use and Leisure Activities, and to consider what specific questions should be asked in such cases, with the aim of implementing them by FY2022. Based on this, specific studies are being conducted by the relevant ministries and agencies from FY2020 onwards. For example, the Ministry of Internal Affairs and Communications (MIC) is preparing for the Survey on Time Use and Leisure Activities to be conducted in 2021, with the aim of ascertaining differences in the amount of time spent in daily life depending on the presence or absence of disabilities. In addition, the MHLW is considering adding questions that will contribute to the improvement of statistics on persons with disabilities in the Comprehensive Survey of Living Conditions to be conducted in 2022.

## 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 to ensure that persons with disabilities are entitled to human rights and fundamental freedoms and to promote the respect for the dignity of persons with disabilities themselves was adopted at the 61st General Assembly of the United Nations in December 2006 and became effective in May 2008 after the draft meeting was participated by the organizations for persons with disabilities based on the slogan among persons with disabilities: “Nothing About Us Without Us.” 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. It was enforced from February of the same year.

The CRPD stipulates appropriate measures toward the prohibition of any types of discrimination on disabilities. In Japan, the prohibition of discrimination was stipulated in the Basic Act for Persons with Disabilities (Act No. 84 of 1970) in 2011 while it was revised as its basic principal involving the idea of CRPD. Based on opinions from the organizations for persons with disabilities, this stipulation was 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”) and enforced in April, 2016.

### 2. Summary of the Act for Eliminating Discrimination

#### (1) Definition of persons with disabilities

In the Act for Eliminating Discrimination, persons with disabilities refers to persons with physical disabilities, persons with intellectual disabilities, persons with mental disabilities (including developmental disorders) and other persons with disabilities affecting the functions

of the body or mind as stipulated by the Act and who are in a state of facing substantial limitations in their continuous daily or social life because of disabilities or social barrier (items, institutions, practices, ideas, and other things in society that stand as obstacles against persons with disabilities engaging in daily or social life). The eligible persons with disabilities are not limited to holders of disability certificates. It should be noted that higher brain dysfunction is included in mental disorders.

## (2) Eligible companies and domains

Companies are the subject of the Act for Eliminating Discrimination, in addition to administrative organs, etc. Companies means a person engaging in commercial affairs or other business; unpaid businesses, including self-employed workers and volunteers, nonprofit business, such as social welfare corporations and corporations engaging in specified non-profit activities, are treated as companies when they are willing to conduct acts in the same series on a continual basis.

All domains related to independence and social participation of persons with disabilities are in the scope, such as education, medical care, welfare, public transportation, and employment, provided that concrete measures for eliminating discrimination in the employment field shall be governed by the provisions of the Act to Facilitate the Employment of Persons with Disabilities (Act No.123 of 1960).

## (3) Prohibition of unfair discriminatory treatment

Unfair discriminatory treatment is an action to infringe rights and interests of persons with disabilities by refusing to offer goods and services or opportunities, limiting places and time and giving conditions which are not given to those persons without disabilities on the grounds of disability without any good reasons, and such an action by either administrative organs, etc. or companies is forbidden.

A good 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 good purpose from an objective viewpoint and considered as unavoidable for the 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 accommodation to implement the elimination of social barriers as necessary, and to the extent that the burden associated is not excessive. Whether or not there is an undue burden has to be judged comprehensively and objectively

according to specific circumstances and conditions of each case in the administrative agencies and companies, 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.

Reasonable accommodation was not mandated uniformly; it imposed obligations on those such as administrative organ, etc. while it was considered an obligation to make an effort for companies. However, the revised Act for Eliminating Discrimination was enacted in the ordinary Diet session of 2021, which amends the latter from an obligation to make an effort to an obligation. The revised Act will come into effect on the date specified by Cabinet Order within a period not exceeding three years from the date of promulgation.

#### (5) Environmental improvement

The Act for Eliminating Discrimination stipulates that the ex-ante measures 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. Those actions are 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 is not only tangibles such as infrastructure but also intangibles such as staff training.).

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

After discussion at Commission on Policy for Persons with Disabilities, the Government formulated the Basic Policy for Eliminating Discrimination against Persons with Disabilities (Cabinet decision on February 24, 2015) in February 2015.

Along this basic policy, administrative organs, etc. are supposed to set handling directions which are necessary for staff to act properly on the prohibition of unfair discriminatory treatment and provision of reasonable accommodation. All prefectures and government ordinance-designated cities have already drawn it up while local authorities have duties to strive to draw it up.

Along the basic policy, each competent minister who has jurisdiction over business of companies sets handling guidelines on the prohibition of unfair discriminatory treatment and provision of reasonable accommodation including essential matters for companies to act properly such as improvement of consulting system, training and awareness, and cases of

reasonable accommodation in each business field.

### 3. Efforts toward implementation of the Act for Eliminating Discrimination

Discrimination on the grounds 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 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. Through the use of this collection of cases, it is hoped that the scope of efforts to eliminate discrimination against persons with disabilities will be further expanded, and that the public's understanding of the Law will be further deepened.

#### (2) Promoting the development of Regional Support Councils for Eliminating Discrimination against Persons with Disabilities

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. All prefectures and government ordinance-designated cities have already developed it while about 70 percent of general cities and about a half of towns and villages have developed it. Since a limited number of councils have been hold, trainings of personnel who can advise properly on the development and activation of Regional Support Councils were conducted in four blocks (Tohoku, Tokai-Hokuriku, Chugoku-Shikoku, and Kyushu) in FY2020.

#### (3) Administrative measures by the competent minister and others

Companies 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 companies 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 FY2020.)

#### (4) Examination of reviewing the Act for Eliminating Discrimination three years after its enforcement

Article 7 of the Supplementary Provisions of the Act for Eliminating Discrimination stipulates that: “The national government is to review the state of reasonable accommodation to implement the elimination of social barriers provided in Article 8, paragraph (2) and other conditions for the implementation of this Act after three years have elapsed since the effective date of this Act, and is to conduct an appropriate review in accordance with the results if necessary.”

In light of the fact that in April 2019 three years elapsed since the enforcement of the Act, the Cabinet Office’s Commission on Policy for Persons with Disabilities conducted an examination of a review, and produced a written opinion in June 2020. Regarding the provision of reasonable accommodation by companies, the written opinion proposed the encouragement of constructive dialog, sharing of case examples, and the pursuit of enriching the consultative system and so on while promoting initiatives including both companies and the general public as a whole. The written opinion also recommended, from the perspective of securing greater consistency with the Convention on the Rights of Persons with Disabilities and on the basis of the opinions of various stakeholders, an examination of making the provision of reasonable accommodation obligatory. Subsequently, the Cabinet Office conducted an interview survey of business groups and organizations for disabled persons in October 2020.

Based on the written opinion and the findings of the survey, the government submitted to the 2021 ordinary session of the Diet a draft revision to the Act, making it obligatory for companies to provide reasonable accommodation, strengthening mutual collaboration between administrative organs and taking measures to boost supportive measures for the elimination of discrimination due to disabilities. The revisions were passed in May 2021. The effective date of the revisions will be a day specified by Cabinet Order within a period not exceeding three years from the date of promulgation.