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Committee on the Rights of Persons with Disabilities

Implementation of the Convention on the
Rights of Persons with Disabilities
Initial reports submitted by State Parties
under article 35 of the Convention
Japan

June 2016

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Overview

I The process leading to the Conclusion of the Convention and Where we stand

1. On January 20, 2014, Japan deposited the instrument of ratification of the Convention on the Rights of Persons with Disabilities (hereinafter the “Convention”) with the UN Secretary-General. Pursuant to the provisions of Article 45 thereof, the Convention entered into force for Japan on February 19, 2014. The Initial Report of the Japanese Government covers the period from the time when the Convention entered into force for Japan to the end of February 2016. The Report contains the comments of the Commission on Policy for Persons with Disabilities (hereinafter the “Policy Commission”) that functions as the monitoring framework specified in Article 33 of the Convention, and includes the attached document compiling the results of monitoring of the status of implementation of the Basic Program for Persons with Disabilities (Third), which forms the basis of measures for persons with disabilities that has been conducted by the Policy Commission in preparation for the submission of the Report. During the preparation process, the draft of the Report was also opened for public comments in order to receive opinions from a wide sector beyond the Policy Commission.
2. Japan signed the Convention on September 28, 2007, a year after the adoption of the Convention at the UN General Assembly. The Japanese Government received opinions from persons with disabilities and other relevant persons in Japan to the effect that the reform of various systems for persons with disabilities, including the development of domestic legislations, should be promoted before ratification of the Convention. Taking into consideration these opinions, in December 2009, the Japanese Government established the Ministerial Board of Disability Policy Reform, headed by the Prime Minister and comprising all cabinet ministers as members, in order to intensively reform the systems and policies for persons with disabilities. As a result, various reforms such as the revision of the Basic Act for Persons with Disabilities (August 2011), the revision of the Services and Supports for Persons with Disabilities Act (June 2012) (amended as the Act on Comprehensive Support for Daily and Social Lives of Persons with Disabilities (hereinafter the “Act on Comprehensive Support for Persons with Disabilities”)), the enactment of the Act for Eliminating Discrimination against Persons with Disabilities (hereinafter the “Persons with Disabilities Discrimination Elimination Act”), and the revision of the Act for Employment Promotion etc. of Persons with Disabilities (hereinafter the “Act for the Promotion of Employment for Persons with Disabilities”) (June 2013) were conducted.

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The aforementioned efforts by Japan to enhance domestic systems for persons with disabilities before the conclusion of the Convention have been highly appreciated domestically as well as overseas.

3. Based on the recognition that the implementation of the Convention requires sustained effort, the Japanese Government has committed itself to implementing policies while receiving opinions from persons with disabilities as well as other relevant persons. One of the challenges is to improve relevant statistical data. In particular, the collection of data on the realization of each Convention right disaggregated by sex, age, type of disability, etc. in consideration of the needs of persons with disabilities and other relevant persons is required. Therefore, the Japanese Government intends to improve such statistical data by the time the Second Report is submitted. The Policy Commission intensively reviewed the areas of “support for decision making, etc., including the adult guardianship,” “support for the hospital-to-community transition of persons with mental disabilities, persons with severe disabilities, etc. in need of medical care,” “the inclusive education system,” “employment,” and “information accessibility,” which are considered as important challenges for measures for persons with disabilities, as well as cross-sectional challenges such as “women with disabilities” and “statistics concerning persons with disabilities.”

II General Information on Japan

4. See the “Common core document forming part of the reports of States parties” (HRI/CORE/JPN/2012) for general information on Japan, including its geographic description and demographic characteristics, etc.

III Policies for Realizing Rights under the Convention, Strategies, Domestic Legislative Framework, and Comprehensive Framework to Ensure Elimination of Discrimination against Persons with Disabilities

5. The protection of fundamental human rights is an important pillar of the Constitution of Japan, of which Article 97 stipulates that fundamental human rights are “conferred upon this and future generations in trust, to be held for all time inviolate.” These fundamental human rights include: (i) civil liberties such as the right to liberty and the rights to freedom of expression, thought and conscience, and religion; (ii) social rights such as the right to receive education and the right to maintain the minimum standards of wholesome and cultured living. Article 14 of the Constitution stipulates that all the people are equal under the law and there shall be no

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discrimination.

6. The fundamental human rights of persons with disabilities are guaranteed under the Constitution. In particular, for the purpose of comprehensively and systematically promoting measures to support the independence and social participation of persons with disabilities and thereby improving their welfare, the Basic Act for Countermeasures Concerning Mentally and Physically Disabled Persons was established on May 21, 1970. After the Basic Act was revised on several occasions, including changing the title in 1993 to the Basic Act for Persons with Disabilities, the Basic Act was further revised in 2011 to reflect the objective of the Convention therein. The main points regarding the revision are: the definition of “persons with disabilities” was changed to include the concept of a so-called “social model”; provisions concerning “reasonable accommodation” were established in Japan’s domestic laws for the first time; and changes related to the establishment of the Policy Commission (See Article 33, “National implementation and monitoring” for details of the Policy Commission).
7. Based on Article 11 of the Basic Act for Persons with Disabilities, the Japanese Government is required to establish the Basic Program for Persons with Disabilities as the most fundamental plan to be implemented by the Japanese Government for persons with disabilities. At present, the Japanese Government promotes measures to support the independence and social participation of persons with disabilities based on the Third Basic Program, which was established in 2013 and covers a period of approximately five years from FY2013 to FY2017.
8. Article 11 of the Basic Act for Persons with Disabilities obligates prefectural governments to establish a “Prefectural Government Program for Persons with Disabilities” based on the Basic Program for Persons with Disabilities and in consideration of the situation of persons with disabilities in each prefecture, and municipal governments to establish a “Municipal Government Program for Persons with Disabilities” based on the Basic Program for Persons with Disabilities and the Prefectural Government Program for Persons with Disabilities and in consideration of the situation of persons with disabilities in each municipality. As of the end of March 2014, all prefectures and 1,651 municipalities (94.8% of the total) had established programs.
9. With respect to health and welfare measures for persons with disabilities, a unified framework for welfare services, etc. for persons with disabilities, which is not dependent on the type of disability, was established for persons with physical, intellectual and mental disabilities under the Services and Supports for Persons with

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Disabilities Act enforced from April 1, 2006. This was established along with another framework that can facilitate the hospital-to-community transition of persons with disabilities and provide support for their employment, and in which persons with disabilities can use welfare services, consultation support, etc. that are necessary to live an independent daily life and fulfilling social life.

Based on the basic agreement between the Ministry of Health, Labour and Welfare (MHLW) and the group of plaintiffs and attorneys supporting a lawsuit claiming the unconstitutionality of the Services and Supports for Persons with Disabilities Act (January 2010) as well as recommendations, etc. compiled by the General Welfare Committee of the Council for Institutional Reform for Persons with Disabilities created in the Cabinet Office (August 2011), the Act to revise part of the Services and Supports for Persons with Disabilities Act was established in June 2012. As a result, the title of the Services and Supports for Persons with Disabilities Act was amended to the Act on Comprehensive Support for Persons with Disabilities. At the same time, the Act was revised to include provisions concerning the basic philosophy and expansion of the scope of persons with disabilities (to include intractable/rare diseases). Based on the Act, measures are continuously implemented to help realize the inclusion of persons with disabilities in the community.

10. With respect to “discrimination on the basis of disability” and “reasonable accommodation,” the Basic Act for Persons with Disabilities that was revised in 2011 provides the basic principle that prohibits an act of discrimination or any other act which violates the interests or rights of a person with a disability on the basis of the disability, and additionally provides that when a person with a disability requires the removal of a social barrier and if the burden associated with said implementation is not excessive, reasonable accommodation must be given to implementing the removal of the social barrier in an effort to avoid discrimination against him/her (paragraphs 1 and 2, Article 4 of the Basic Act for Persons with Disabilities).
11. With respect to “prohibition of discrimination on the basis of disability,” the Persons with Disabilities Discrimination Elimination Act that was established in 2013 prohibits administrative organizations and the private businesses sector from violating the rights and interests of persons with disabilities through unfair discriminatory treatment on the basis of disability, and provides that when a person with a disability requires the removal of a social barrier and if the burden associated with said implementation is not excessive, reasonable accommodation must be given to implementing the removal of the social barrier so as not to violate his/her rights and interests (the private businesses sector must make an effort to provide

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reasonable accommodation) (Articles 7 and 8 of the Persons with Disabilities Discrimination Elimination Act).

12. With respect to discrimination against persons with disabilities in employment, part of the Act for the Promotion of Employment for Persons with Disabilities was revised in 2013. In particular, to substantiate the prohibition of discrimination against persons with disabilities in work and employment as specified in Article 27 of the Convention, Articles 34 and 35 of the revised Act for the Promotion of Employment for Persons with Disabilities prohibit business operators from treating persons with disabilities in an unfair discriminatory manner on the basis of disability in employment, while Articles 36-2 and 36-3 of the same revised Act obligate business operators to take measures to remove obstacles that prevent persons with disabilities from carrying out work in the workplace (reasonable accommodation), insofar as the burden for doing so is not excessive.
13. Based on Articles 36 and 36-5 of the revised Act for the Promotion of Employment for Persons with Disabilities, Guidelines for employers on proper treatment of persons with disabilities in regard to matters set forth in the provisions relating to the prohibition of discrimination against people with disabilities, and Guidelines for employers on measures to ensure equal opportunities or treatment for people with disabilities in regard to employment and eliminate barriers so that people with disabilities can use their abilities effectively were established in March 2015 and, following a period of vigorous efforts to make them known to employers' organizations and the like, enforced in April 2016. Furthermore, Chapter 3-2 of the same Act provides that if a conflict over the prohibition of discrimination against persons with disabilities in employment and the provision of reasonable accommodation occurs between business operators and workers with disabilities, business operators must make an effort to voluntarily resolve the conflict upon submission of the latter's complaints, and Directors of Prefectural Labour Bureaus can provide necessary advice, guidance or recommendation, and if deemed necessary, can ask Dispute Coordinating Committees to intervene in such conflicts.

IV Resources for Realizing Rights under the Convention and Pursuit of Cost-Effective Methods

14. Measures for persons with disabilities in Japan are implemented by the relevant ministries and agencies after budgets are earmarked. The FY2015 budget for measures for persons with disabilities amounts to 1,723.3 billion yen. The main budgeted measures for FY2015 include the provision of welfare services to enable

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children and persons with disabilities to live in their local community or familiar locations, rehabilitation support for children with disabilities, and projects to support the community life of persons with disabilities, etc. The budget for living support measures, including the above, totals 1,133 billion yen. Although the total budget for measures for persons with disabilities in 2011 was 1,356.5 billion yen, it increased by approximately 366.8 billion yen, or approximately 27%, over four years.

15. In Japan, budgets for employment injury benefits, disability pension, etc. are not included in those for measures for persons with disabilities, but are included in those for respective measures.

Part 2 Details

Article 1 Purpose

16. Based on the objective of the Convention, the 2011 revised Basic Act for Persons with Disabilities provides that this Act, in accordance with the principle that all citizens, regardless of whether or not they have a disability, should be entitled to dignity as irreplaceable individuals enjoying fundamental human rights, aims to promote measures for persons with disabilities in order to ensure that no citizens are distinguished according to whether or not they have a disability as well as the realization of a society of coexistence with mutual respect for personality and individuality (Article 1 of the Basic Act for Persons with Disabilities).
17. Concerning the definition of “persons with disabilities,” the pre-revised Basic Act for Persons with Disabilities defined a person with a disability as “a person who continuously faces substantial limitations in his/her daily life or social life because of his/her physical disability, intellectual disability or mental disability (hereinafter referred to collectively as “disabilities”).” However, the 2011 revised Act, with reference to the so-called social model, defined a person with a disability as a person with a physical disability, a person with an intellectual disability, a person with a mental disability (including developmental disabilities), and other persons with disabilities affecting the function 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 (Article 2 of the Basic Act for Persons with Disabilities). The Persons with Disabilities Discrimination Elimination Act has adopted the same definition with regard to persons with disabilities.
18. Similarly, social barriers were defined as “items, institutions, practices, ideas, and other things in society that stand against persons with disabilities engaging in daily

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life or social life.”

Article 2 Definitions

19. See Part 1 “Overview,” Article 1 “Purpose” and Article 5 “Equality and non-discrimination” for measures to eliminate discrimination against persons with disabilities.
20. The “Outline for the Promotion of Barrier-Free and Universal Design” adopted at the Meeting of Relevant Cabinet Ministers on the Barrier-free and Universal Design in March 2008 understands “universal design” to mean that facilities and/or goods are designed to avoid creating new barriers so that they can be used by all persons. With respect to the promotion of universal design, the Outline provides that universal design is a challenge not only for a small number of relevant persons but also for each citizen, and that universal design efforts should be promoted in society as a whole, with such efforts promoted based on the understanding that active exchange and information-sharing is carried out between relevant persons.

Article 3 General principles

21. Before ratifying the Convention, Japan established and revised laws in accordance with the objective of the Convention. Regarding the objective of each item of the general principles specified in Article 3 of the Convention, Japan acted as follows.
22. With respect to items (a) and (c) of Article 3, the 2011 revised Basic Act for Persons with Disabilities, assuming that all persons with disabilities should be entitled to dignity as individuals enjoying fundamental human rights equally to persons without disabilities, and possess the right to be guaranteed a life befitting of such dignity, provides the basic principle that all persons with disabilities are guaranteed the opportunity to participate in activities in society, the economy, culture, and other fields as constituent members of society and are not precluded from co-existing with other people in the local community so as to promote their participation and inclusion in society (Article 3 of the Basic Act for Persons with Disabilities). See Article 19, “Living independently and being included in the community,” and others for the inclusion of persons with disabilities in the local community.
23. See Part 1, “Overview,” and Article 5, “Equality and non-discrimination” for item (b) and (e) of Article 3.
24. With respect to item (d) of Article 3, Article 1-2 of the Act on Comprehensive Support for Persons with Disabilities, which was established in 2012 pursuant to the revision of the Basic Act for Persons with Disabilities in 2011, provided the fundamental

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principles that the Act on Comprehensive Support for Persons with Disabilities must aim to achieve. In particular, the following principles are specified: all citizens should be entitled to dignity as individuals enjoying fundamental human rights; a society of coexistence in which no citizens are divided based on the presence of disability should be realized; necessary support should be available in the immediate environment; the opportunity to participate in activities in society should be guaranteed; the opportunity to choose where and with whom persons with disabilities live should be guaranteed; and social barriers should be removed.

25. See Article 9, “Accessibility” for item (f) of Article 3 and Article 6, “Women with disabilities” for item (g) of Article 3.

26. With respect to item (h) of Article 3, Article 3 of the Basic Act on Education provides that a society must be structured such that people can continue to learn on all occasions and in all places, and can suitably apply the results of their learning to refine themselves. Article 4 of the Basic Act on Education provides that people must be given equal opportunities to receive an education suited to their abilities, and the national and local governments shall provide the necessary educational support to ensure that persons with disabilities receive an adequate education in accordance with their level of disability.

Article 4 General obligations

With respect to paragraph 1 of Article 4,

27. The Basic Act for Persons with Disabilities provides that no person may commit an act of discrimination or any other act that violates the interests or rights of a person with a disability on the basis of the disability (paragraph 1, Article 4 of the Basic Act). Assuming that all persons with disabilities should be entitled to dignity as individuals enjoying fundamental human rights and possess the right to be guaranteed a life befitting of such dignity, Article 3 of the Basic Act for Persons with Disabilities provides the basic principle that all persons with disabilities are guaranteed the opportunity to participate in activities in society, the economy, culture, and other fields as constituent members of society.

28. Concerning goods, services, equipment and facilities of “universal design” as defined in Article 2 of the Convention and research, development and promotion of, and provision of information on new equipment suitable for persons with disabilities, the Basic Program for Persons with Disabilities (Third) (II-3) provides that the national government, as one of the “cross-sectional viewpoints common to all sectors,” will promote a barrier-free society in terms of both software and hardware, and improve

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accessibility to make participation by persons with disabilities in society substantive and to ensure that persons with or without disabilities can live a life without worry while demonstrating their capabilities to the utmost.

29. Article 22 of the Basic Act for Persons with Disabilities and the Basic Program for Persons with Disabilities (Second) (III7. (2)) provides that national and local governments must take necessary measures to promote barrier-free access to information; and “JIS X8341-4 Guidelines for Older Persons and Persons with Disabilities—Information and Communications Equipment, Software and Services—Part 4: Telecommunications Equipment” was established in 2005.

With respect to paragraph 3 of Article 4,

30. The Basic Act for Persons with Disabilities provides that the Commission on Policy for Persons with Disabilities (hereinafter the “Policy Commission”), an advisory body composed of a maximum of 30 members to be nominated from among persons with disabilities and persons engaged in business related to the independence and social participation of persons with disabilities as well as persons with relevant knowledge and experience, should be established in the Cabinet Office (Articles 32 and 33 of the Basic Act). At present, the total number of members of the Policy Commission is 28, and the majority of members are persons with physical disabilities (visual disabilities, hearing disabilities, physical disabilities and deafblindness), intellectual disabilities, mental disabilities (including developmental disabilities) or intractable/rare diseases, or organizations of such persons and their families.

31. The Basic Act for Persons with Disabilities provides that the Prime Minister must hear the opinion of the Policy Commission concerning the establishment or change of the “Basic Program for Persons with Disabilities,” and that the Policy Commission may study and deliberate on the Basic Program for Persons with Disabilities, monitor the status of implementation of the Basic Program for Persons with Disabilities and, where deemed necessary, offer an opinion to the Prime Minister (paragraphs 4 and 9 of Article 11, and Article 32, of the Basic Act).

32. The Basic Act for Persons with Disabilities provides that the national and local governments must hear the opinions of persons with disabilities and other relevant persons, and endeavor to respect such opinions when taking measures to support the independence and social participation of persons with disabilities (paragraph 2, Article 10 of the Basic Act).

33. With respect to intervention in the local decision-making processes, the Basic Act for Persons with Disabilities provides that prefectural and municipal governments must establish a body with a council system to study and deliberate the comprehensive and

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systematic promotion of measures they enact for persons with disabilities, and monitor the state of implementation of the measures (in the case of municipal governments, they “may establish” a body with a council system). As of the end of March 2014, all prefectural governments had established a body with a council system, while 841 municipal governments (48.3% of the total) had established a body with a council system (Article 36 of the Basic Act).

34.The Basic Act for Persons with Disabilities provides that prefectural and municipal governments must hear the opinion of the body with a council system when formulating or revising the Prefectural or Municipal Government Program for Persons with Disabilities, and that the body with a council system may study and deliberate this Program, and monitor the status of implementation of the Program (if the municipal government doesn’t establish a body with a council system, it must hear the opinions of persons with disabilities and other relevant persons) (paragraphs 5, 6 and 9 of Article 11 of the Basic Act).

35.Article 87 of the Act on Comprehensive Support for Persons with Disabilities provides that the Minister of Health, Labour and Welfare must establish a system for providing welfare services for persons with disabilities, etc. and the basic guidelines for ensuring the smooth implementation of assistance under the law, and that the Minister must take necessary measures to reflect the opinions of persons with disabilities, etc., their families, and other related persons before establishing or changing the basic guidelines. Articles 88 and 89 of the Act on Comprehensive Support for Persons with Disabilities provide that municipal and prefectural governments must, based on the basic guidelines, establish a welfare plan for persons with disabilities ensuring smooth implementation of services under the law, including securing a system for providing welfare services for persons with disabilities, and that municipal and prefectural governments must make an effort to listen to the opinions of a council consisting of persons with disabilities, etc., their families and other related persons, etc. engaged in work related to welfare, medical care, education or employment before establishing or changing the welfare plan.

Article 5 Equality and non-discrimination

36.The Basic Act for Persons with Disabilities provides the basic principle that prohibits discrimination or any other act which violates the interests or rights of a person with a disability on the basis of the disability, and provides that when a person with a disability currently requires the removal of a social barrier and if the burden associated with said implementation is not excessive, reasonable accommodation

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must be given to implementing the removal of the social barrier (paragraphs 1 and 2, Article 4 of the Basic Act for Persons with Disabilities).

37. With respect to “prohibition of discrimination on the basis of disability,” the Persons with Disabilities Discrimination Elimination Act prohibits administrative organizations, etc. and the private businesses sector from violating the rights and interests of persons with disabilities through unfair discriminatory treatment because of disability, and provides that when a person with a disability requires the removal of a social barrier and if the burden associated with said implementation is not excessive, reasonable accommodation must be given toward this end so as not to violate his/her rights and interests (the private businesses sector shall endeavor to provide reasonable accommodation) (Articles 7 and 8 of the Persons with Disabilities Discrimination Elimination Act).

38. The Persons with Disabilities Discrimination Elimination Act has specified the following measures, etc. to be taken to help eliminate discrimination based on disability by administrative organizations, etc. and the private businesses sector:

- (1) Measures to prohibit administrative organizations, etc. from practicing unfair discriminatory treatment, and obligate them to provide necessary and reasonable accommodation for the removal of a social barrier if the burden for doing so is not excessive and to prepare Handling Directions to enable officials to properly respond (local public entities are obligated to make an effort);
- (2) Measures to prohibit the private businesses sector from practicing unfair discriminatory treatment and obligate them to make an effort to provide necessary and reasonable accommodation to the removal of a social barrier if the burden for doing so is not excessive, and measures in which the competent Minister prepares the Handling Guidelines, seek reports, or gives advice, guidance or recommendations in order to facilitate the voluntary efforts of the private businesses sector; and
- (3) Support measures to help eliminate discrimination against persons with disabilities, such as the development systems for consultations and the prevention of disputes, awareness campaigns, and the establishment of Regional Support Councils for Eliminating Discrimination against Persons with Disabilities.

Article 6 Women with disabilities

39. The Basic Act for Persons with Disabilities provides that the measures to support the independence and social participation of persons with disabilities must be

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systematically formulated and implemented through a coordinated framework of cooperation in accordance with the gender, etc. of the person with the disability (paragraph 1, Article 10 of the Basic Act). The Basic Program for Persons with Disabilities (Third), the basic policy based on the Persons with Disabilities Discrimination Elimination Act and the Fourth Basic Plan for Gender Equality specify the necessity to consider that women with disabilities may be placed in more complex and difficult situations due to their disability and gender.

When exchanging opinions about the state of implementation of the Basic Program for Persons with Disabilities (Third), the Policy Commission heard the opinions of female members with disabilities and conducted discussions.

40. Based on the Anti-Prostitution Act, etc., Women's Consulting Offices established in prefectures provide consulting services to women, including women with disabilities, who suffer violence from their spouse, etc. or from stalking, and take such women into temporary protection. Women's Protection Facilities provide necessary protection services to women, etc. who require medium- and long-term support. With regard to their status of the implementation of Women's Protection Project, prefectural governments report that 40% of women admitted to the Women's Protection Facilities have physical, intellectual, and mental disabilities or some kinds of diseases.
41. *With respect to this article, the Policy Commission has provided the following observation (See the Appendix for details).*

To comply with the provisions concerning "women with disabilities" as specified in Article 6 of the Convention, it is necessary to promote the establishment of measures focused on women, such as the enhancement of descriptions and statistics from the viewpoint of women with disabilities and the standard introduction of nursing care by persons of the same gender at welfare facilities, for example. For the membership of various councils and experts' panels at which policies of the national and local governments are determined, positive actions are promoted. Positive actions, etc. should also be promoted for the Commission on Policy for Persons with Disabilities.*

** This term means that the opportunity to voluntarily participate in activities in all fields of society as an equal constituent member of society is positively provided to either of the gender groups to the extent necessary to narrow the gender gap.*

Article 7 Children with disabilities

42. The Basic Act for Persons with Disabilities provides that measures to support the independence and social participation of persons with disabilities must be systematically formulated and implemented through a coordinated framework of

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cooperation in accordance with the age, etc. of the person with the disability (paragraph 1, Article 10 of the Basic Act). The Basic Program for Persons with Disabilities (Third) and the basic policy based on the Persons with Disabilities Discrimination Elimination Act specify acknowledging that support that must be provided for children with disabilities is different from that for adults with disabilities.

43. The Basic Act for Persons with Disabilities provides that to enable persons with disabilities to receive a full education based on their age and capabilities and in accordance with their particular characteristics, national and local governments must provide sufficient information to children and students with disabilities and their parents or guardians, and respect their wishes to the greatest extent possible.

44. Articles 1 through 3 of the Child Welfare Act provide that all children shall be equally afforded a guaranteed quality of life and be kindly treated, and national and local governments shall be responsible for bringing up children in good mental and physical health. It is also provided that these provisions shall consistently be respected in the enforcement of all laws and regulations pertaining to children. When enforcing the Child Welfare Act, prefectural governments, based on the provisions of the law, conduct necessary surveys of children and their homes to make a judgment based on the viewpoints of medicine, psychology, education, sociology and mental health, and provide necessary guidance to them based on these judgments. Such services of prefectural governments are conducted by child guidance centers.

45. The Guidelines for Nursery Care at Nursery Centers provide that if children have disabilities or developmental problems, nursery centers must provide individual support to parents or guardians in collaboration or in cooperation with municipal governments and related organizations.

(See Article 28 “Adequate standard of living and social protection” for payment of the special child rearing allowance, etc.).

Article 8 Awareness-raising

46. The Basic Act for Persons with Disabilities provides the basic principles of the rights of persons with disabilities, and obligates national and local governments to implement the necessary measures to increase public understanding of these basic principles (Article 3 and 7 of the Basic Act). To help the general public increase their interest in and understanding of persons with disabilities, and the challenges they face, as well as to encourage persons with disabilities to engage more in social activities, one week from December 3 to 9 of every year has since 1995 been

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designated as the “Week of Persons with Disabilities” (the provision was established when the Basic Act for Persons with Disabilities was revised in 2004; Article 9 of the Basic Act). Public and private sectors have been actively implementing a variety of events across the country as a part of awareness campaigns and publicity activities during, before and after the week.

47. Since FY 1989, the Cabinet Office, in collaboration with prefectural governments and government-designated cities, has conducted a “Project for Promoting Understanding of Persons with Disabilities to Expand Your Mind’s Connections” as part of the awareness campaigns and publicity activities for young people, in which elementary and junior-high school students, etc. in the country are encouraged to submit “Essays on Experiences with Expanding Your Mind’s Connections” that describe experiences regarding communication with persons with disabilities (and “Poster for the Week of Persons with Disabilities” since FY1993), with awards being given for excellent works.
48. From the viewpoint of effectively and comprehensively promoting barrier-free universal designs for both hardware and software so that all people, including the elderly, persons with disabilities, pregnant women and those with children, may lead a safe and comfortable social life, the Cabinet Office has each year awarded individuals and organizations that have received the Award for the Promotion of Barrier-free and Universal Design from the Prime Minister and the Minister in charge of measures against the aging of society or for persons with disabilities, in order to further promote such noteworthy activities.
49. The Persons with Disabilities Discrimination Elimination Act provides that national and local governments must implement necessary awareness campaigns in order to help the general public increase their interest in and understanding of the elimination of discrimination against persons with disabilities, and to remove various factors which prevent the elimination of such discrimination (Article 15 of the Act).
50. To help improve the capabilities of youths as core players of social activities in Japan and develop their networks, the Cabinet Office has been implementing the “Young Core Leaders of Civil Society Groups Development Program” consisting of Sending Program for Japanese Participants and Invitation Program for Foreign Participants for those engaged in social activities, including activities for persons with disabilities.
51. The Cabinet Office has been sponsoring the National Abilitylympics Competition so that persons with disabilities may compete with each other using their “cultivated” skills to improve their vocational skills and so that companies and the general public may deepen their understanding and recognition of persons with disabilities and also

to promote employment of persons with disabilities.

52. Paragraph 2, Article 16 of the Basic Act for Persons with Disabilities provides that the national and local governments must promote mutual understanding between children and students with and without disabilities by proactively facilitating their interaction and joint studies. The Course of Study, etc. states that the opportunity to communicate with persons with disabilities, etc. and the opportunity for children with or without disabilities to interact with each other and conduct joint studies must be provided.

53. The “Basic Plan for Promotion of Human Rights Education and Encouragement” established based on Article 7 of the “Act for Promotion of Human Rights Education and Encouragement” (hereinafter the “Human Rights Education and Enlightenment Promotion Act”) specifies that as one of the human rights issues, activities to raise awareness and expand the concept of respect for human rights must be enriched and enhanced in an effort to realize a society in which persons with disabilities can become self-reliant and fully participate in activities in the community by eliminating prejudice or discrimination against them and establishing the concept of normalization. Based on the Basic Plan for Promotion of Human Rights Education and Encouragement, the human rights bodies of the Ministry of Justice (MOJ) (See Article 33 “National implementation and monitoring”) implement necessary measures, while holding lectures and round-table talk, distributing leaflets, and conducting awareness campaigns at various events under the slogan of “Promote the Independence and Participation in Society of People with Disabilities” as one of the priority targets of activities for human rights awareness campaigns.

54. The MOJ holds “human rights workshops for national government officials” with the aim of helping national government officials to deepen their understanding and recognition of human rights. In February 2014, the MOJ held the workshop under the theme of “human rights of persons with disabilities.” The MOJ also holds “human rights workshop for local government officials” with the aim of helping local government officials of prefectural and municipal governments to acquire the knowledge required of leaders. The MOJ holds the lecture under the theme of “human rights of persons with disabilities” at the workshop.

Article 9 Accessibility

55. The Basic Act for Persons with Disabilities obligates national and local governments to implement the systematic promotion of measures such as preparing the structures and equipment of facilities of public facilities so that persons with disabilities are able

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to smoothly use them. The Basic Act for Persons with Disabilities imposes a similar obligation on the private businesses sector establishing public facilities (paragraphs 1 and 2, Article 21 of the Basic Act). With respect to information, communication and other services, the Basic Act for Persons with Disabilities provides that national and local governments must take measures to improve access to information and to ensure that necessary information is quickly and accurately relayed to persons with disabilities in order to ensure safety in the event of a disaster or other emergency (paragraphs 1 and 2, Article 22 of the Basic Act). The Basic Act for Persons with Disabilities provides that business operators must endeavor to ensure convenience of use for persons with disabilities (paragraph 3, Article 22 of the Basic Act).

56. The Basic Program for Persons with Disabilities provides measures according to field. For example, the basic policy of the measures for the living environment is to promote a barrier-free living environment (improved access to houses, buildings, the public transport system, walking spaces, etc.) and further promote a consistent barrier-free environment during travel from homes to towns using the transport system. The Basic Program for Persons with Disabilities provides that measures must be taken to improve access to houses, buildings, the public transport system, and walking spaces, etc.

57. The Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons, etc. (hereinafter the “Barrier-Free Law”) established in the light of the universal design concept of providing “freedom and convenience for anyone anywhere” establishes the obligation to conform to the Accessibility Standards when passenger facilities and vehicles, etc., roads, off-street parking facilities, urban parks, buildings, etc. are newly constructed, and imposes the obligation on existing facilities, etc. to endeavor to conform to the Standards. The “Basic Policy on Accessibility” specifies improvement targets for promoting access improvement by the end of FY2020. For example, passenger facilities handling 3,000 or more arriving and departing passengers a day must achieve the target of 100% barrier-free access, and improvements are steadily being made. As for vehicles, including buses with lifts and welfare taxis, the introduction of such vehicles needs to be further promoted to achieve the improvement targets. Reference and actual values for the Accessibility Standards are publicized every year.

58. In 2-1-2 of the basic policy based on the Barrier-Free Law provides that it is desirable to actively implement access improvement measures for specified buildings for which access improvement is not obligated, in order to help improve access to such buildings while taking design or cost adaptability into consideration. According to

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4-1-(1), of the policy, the status of progress of “Accessibility” is initially taken into consideration, further examinations are conducted, and then efforts are made to take necessary measures based on the results of such examinations in order to accelerate accessibility measures (sustained development in stages).

59. Article 4 of the Barrier-Free Law provides that the national government must make an effort to deepen the general Public’s understanding of the promotion of “Accessibility” through educational activities, etc. In particular, simulated experience classes in which participants can experience barriers typical of older persons or persons with disabilities are held across the country. Paragraph 5, Article 8 of the Barrier-Free Law provides that public transport business operators, etc. must provide their staff with education and training necessary for promoting “Accessibility” Therefore, public transport business operators conduct education, training, etc. attended by persons with disabilities.

60. With respect to the implementation or promotion of Research and Development (hereinafter R&D) for facilities, paragraph 1, Article 52 of the Barrier-Free Law provides that the national government must make an effort to secure funds necessary for promoting “Accessibility” and take other measures, while paragraph 2, Article 52 of the Barrier-Free Law provides that the national government must make an effort to provide information, promote R&D and disseminate the results of the R&D with regard to “Accessibility” Based on these provisions, the national government, for example, conducts R&D, etc. on methods to lay tactile walking surface indicators for visually impaired people, discloses the results of such R&D to public transport business operators, etc., and reflects such results in the revision of the Guidelines on Development of Accessibility in Public Transport (part on passenger facilities), and others.

61. The Accessibility Standards applicable to the public transportation system and buildings provide that main facilities, etc. must be indicated to persons with visual disabilities by means of braille, and the standards applicable to the public transportation system provide that the system must be equipped with facilities that make it possible to achieve mutual understanding through use of written information. Related organizations for older persons and persons with disabilities, etc., organizations of owners or administrators of facilities etc., academic experts, administrative organizations, etc. hold meetings of the nationwide barrier-free network in order to understand the current state of efforts made under the Barrier-Free Law, identify challenges, examine countermeasures and submit proposals, etc.

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62. Under the Barrier-Free Law, law enforcement authorities increasingly introduce barrier-free signals such as traffic sound signals, traffic signals for pedestrians that indicate how much time remains until the light changes color, separate and independent traffic lights for vehicles and pedestrians, easily viewable and understandable road signs, such as those that are strongly illuminated, and escort zones at pedestrian crossings, which all improve the safety and convenience of persons with visual disabilities to enable them to safely cross streets.
63. With respect to barrier-free access to information, paragraph 1, Article 22 of the Basic Act for Persons with Disabilities provides that national and local governments must take measures to improve access to information. As a part of such measures, the Basic Program for Persons with Disabilities (III 6. (4)) specifies that public organizations, including local governments, must promote efforts to improve web accessibility, etc. Therefore, “Everyone’s Public Site Operation Model” (established in 2005 and revised in 2011), which is a manual facilitating support for the maintenance and improvement of web accessibility for national and local governments, has been publicized.
64. With respect to the dissemination of closed-captioned broadcasting, etc., the Basic Program for Persons with Disabilities (III 6. (2)) specifies that the easy use of broadcasting services by persons with disabilities must be facilitated through the dissemination of closed-captioned broadcasts (including commercial messages), audio description broadcasts, and sign language broadcasts, etc., by subsidizing the production costs of broadcasters and implementing and enhancing efforts, etc. made based on the “Administrative Guideline to Promote Broadcasting for the Visually/Hearing Impaired.” In particular, under the Act Concerning Promotion of Project for Facilitation of Use of Telecommunications by People with Disabilities Contributing to Improved Convenience of People with Disabilities (Act No.54 of 1993) (hereinafter the “Barrier-Free Telecommunications for Persons with Physical Disabilities Act”) (paragraph 4 of Article 2, and Articles 3 through 5, of the Act), subsidizing a part of the production costs, etc. of closed-captioned, audio description and sign language broadcasts is provided. Paragraph 2, Article 4 of the Broadcast Act imposes on broadcasters an obligation to make efforts to establish as many closed-captioned broadcasts and audio description broadcasts as possible. The “Administrative Guideline to Promote Broadcasting for the Visually/Hearing Impaired” was established and publicized as the guideline of the target goals for the expansion of closed-captioned, audio description and sign language broadcasts until FY2017, and the state of progress for such target goals has been surveyed and

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publicized every year.

65. With respect to the provision or R&D of communication and broadcast services, paragraph 1, Article 22 of the Basic Act for Persons with Disabilities provides that national and local governments must take measures to promote barrier-free access to information. Furthermore, the Basic Program for Persons with Disabilities (III 6. (4)) specifies that the planning, development and provision of information and communication equipment, services, etc. in consideration of persons with disabilities must be promoted to secure, improve and expand their access to information when using such equipment and services. Therefore, a subsidy is provided to organizations or persons engaged in the R&D of communication and broadcasting technology to improve the convenience of persons with disabilities pertaining to such technology. Based on the Barrier-Free Telecommunications for Persons with Physical Disabilities Act (paragraph 4 of Article 2, and Articles 3 through 5, of the Act), a subsidy is provided to persons engaged in the provision or development of communication and broadcasting services for persons with physical disabilities.

66. Prefectural law enforcement authorities have established an “emergency call by fax” and “emergency call by email” system to enable persons with hearing or speech disabilities to send an emergency message to police stations if they become a crime victim or observe a crime.

(See Article 21, “Freedom of expression and opinion, and access to information” for communication support)

(See the last paragraph for Article 21 “Freedom of expression and opinion, and access to information.” for findings made by the Policy Commission concerning this article.)

Article 10 Right to life

67. Article 13 of the Constitution of Japan provides that the people’s right to life, liberty, and the pursuit of happiness shall, to the extent that it does not interfere with the public welfare, be the supreme consideration in legislation and in other governmental affairs. The Basic Act for Persons with Disabilities provides the basic principle that persons with disabilities possess the right to be guaranteed a life befitting of such dignity (Article 3 of the Basic Act), and obligates national and local governments to implement in a comprehensive and systematic manner measures to support the independence and social participation of persons with disabilities (Article 6 of the Basic Act).

Article 11 Situations of risk and humanitarian emergencies

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68. In the Great East Japan Earthquake, elderly people over 65 years old made up the majority of the death toll, and the fatality rate of persons with disabilities was almost twice as high as the rate for the overall affected residents. Many support personnel, including firefighters and social workers, were among the victims of the earthquake. Based on this lesson, the Disaster Countermeasures Basic Act was revised in June 2013 to obligate the heads of municipal governments to prepare a list of persons who cannot seek refuge by themselves and require special assistance to ensure their ordered and rapid evacuation during a disaster or when there is a risk of disaster (these persons are hereinafter referred to as “residents who need assistance to evacuate during a disaster”) from among the elderly, persons with disabilities, infants, etc. who live in municipalities and require special consideration (hereinafter “residents who require special consideration for disaster prevention”) (subparagraph 15, paragraph 2, Article 8 of the Disaster Countermeasures Basic Act) so that measures necessary for protecting the life and limb of residents who need assistance to evacuate during a disaster, such as effective evacuation support, confirmation of safety, etc., may be taken. Furthermore, a system was established in which information is provided to evacuation supporters under normal circumstances as well as during a disaster. The revision of the Act resulted in a thorough amendment of the “Guidelines for Evacuation Support of People Requiring Assistance during a Disaster” (March 2006), and the “guidelines for the evacuation support of residents who need assistance to evacuate during a disaster,” which compiled a list of points to note and reference matters, etc. when preparing and using the aforementioned list of residents requiring assistance, were established and publicized in August 2013. Furthermore, in response to the revision of the Act, which set a best endeavor clause for improving the living environment in shelters, the “Guidelines for ensuring a good living environment in shelters”, was established and released in August 2013. The guidelines include special considerations that need to be made for assisting those who need special consideration in a disaster when operating a shelter (or a welfare evacuation shelter),

69. In March 2015, the Third UN World Conference on Disaster Risk Reduction was held in Sendai City. To make the conference accessible to persons with disabilities, the Japanese Government, together with the Sendai City Government, the Nippon Foundation and the United Nations Office for Disaster Risk Reduction (UNISDR), enacted various measures, including the introduction of barrier-free facilities, Japanese sign language interpretation and international sign language interpretation at each session, and displays of Japanese and English captions on the

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screen so that persons with disabilities could easily participate in the conference, etc. Persons with disabilities acting as main disaster prevention supporters made statements at the plenary session and participated in discussions at working sessions and in related events. The “Sendai Framework for Disaster Risk Reduction 2015–2030,” new international guidelines for disaster risk reduction which were established and adopted at the Conference, have specified the importance of roles played by persons with disabilities.

70. The Basic Act for Persons with Disabilities provides that national and local governments must take measures so that necessary information is quickly and accurately relayed to persons with disabilities in order to ensure safety in case of disasters or other emergencies (paragraph 2, Article 22 of the Basic Act). The same act provides that national and local governments must take necessary measures relating to disaster prevention and crime prevention in accordance with the gender, age, state of disability, and lifestyle of persons with disabilities (Article 26 of the Basic Act).
71. The Law for the Peace and Independence of Japan and Maintenance of the Nation and the People’s Security in Armed Attack Situations, etc. provides that basic human rights must be respected when responding to an armed attack scenario. Article 9 of the Law concerning the Measures for Protection of the People in Armed Attack Situations etc. provides that attention must also be paid to the protection of persons with disabilities when taking measures to ensure protection of the general public.
72. Paragraph 1 of Article 44, etc. of the “standards concerning the personnel, equipment and operation of designated support facilities for persons with disabilities under the Act on Comprehensive Support for Daily and Social Lives of Persons with Disabilities” (hereinafter the “MHLW Ordinance for Facility Standards”) provides that facilities, etc. conducting support for persons in residential care, etc. must be supplied with equipment (fire-fighting devices, etc.) in the event of an extraordinary disaster; and a concrete plan for such a scenario must be established, along with a system in which a report is submitted to related authorities; this plan and system must be fully explained to employees on a regular basis. Designated support facilities for persons with disabilities, etc., welfare service offices for persons with disabilities under the Act on Comprehensive Support for Persons with Disabilities, and designated facilities for children with disabilities under the Child Welfare Act have established similar provisions.

Article 12 Equal recognition before the law

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73. Article 13 of the Constitution of Japan provides that all of the people shall be respected as individuals. The Basic Act for Persons with Disabilities provides the basic principle that all persons with disabilities should be entitled to dignity as individuals (Article 3 of the Basic Act).
74. The Civil Code of Japan provides that the enjoyment of private rights shall commence at birth (Article 3 of the Civil Code). The Civil Code states that all persons have the capacity to enjoy rights. Even for persons with disabilities, the capacity to hold rights is secured.
75. The adult guardianship system is established to protect and support persons with poor judgment capacity due to dementia, intellectual disability, mental disability, etc. One of the three types (guardianship, curatorship, and assistance) can be used depending on the judgment level capacity of persons with disabilities.
76. The Civil Code provides that in the appointment of a guardian of an adult and a supervisor of adult guardianship, the family court shall consider the opinion of the adult ward, along with all other circumstances, and shall listen to statements from the adult ward (paragraph 4 of Article 843 and Article 852 of the Code, and Article 120 of the Domestic Relations Cases Procedure Act). The appointed adult guardian must respect the intentions of the adult ward, and consider his/her mental and physical condition and living circumstances (Article 858 of the Code). This provision guarantees that the rights, will and preference of the adult ward are respected. These provisions apply *mutatis mutandis* to curatorship and assistance, or similar provisions apply to curatorship and assistance (paragraph 2 of Article 876-2, paragraph 1 of Article 876-5, paragraph 2 of Article 876-8 and paragraph 1 of Article 876-10 of the Code, and Articles 130 and 139 of the Domestic Relations Cases Procedure Act). In the case of assistance, the family court may rule on the commencement of assistance at the request of any person other than the person concerned, only if consent of the person concerned is obtained (paragraph 2, Article 15 of the Code).
77. The scope of the right to rescind and the authority of representation of the adult guardian is clearly specified in the Civil Code, and the adult guardian must respect the will of the person concerned when exercising his/her such right and authority (Articles 7 through 9, and Article 858 of the Code). As for a curator, the scope of his/her right to rescind on his/her authority of representation is specified in the Civil Code. Based on the ruling, the family court may grant the curator the authority of representation or expand the right to consent and the right to rescind for a specific juristic act, depending on the level of capacity for judgment of the person concerned or

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the necessity. However, the family court may rule on the granting of the authority of representation at the request of any person other than the person concerned, only if the consent of the person concerned is obtained (Articles 13 and 876-4 of the Code). Although the family court may specify the scope of the right to consent, the right to rescind and the authority of representation of an assistant for each case depending on the level of capacity for judgment of the person concerned or the necessity, the family court may rule on the granting of the right to consent, etc. at the request of any person other than the person concerned, only if the consent of the person concerned is obtained (Articles 17 and 876-9 of the Code).

78. The family court may supervise the affairs of the guardian, the curator or the assistant, and at any time order them to submit a report on their affairs (Article 863, paragraph 2 of Article 876-5 and paragraph 1 of Article 876-10 of the Code). These measures ensure examination by judicial authorities. If the person concerned recovers his/her judgment capacity, the family court may revoke the ruling for commencement of guardianship, curatorship or assistance (Article 10, paragraph 1 of Article 14 and paragraph 1 of Article 18 of the Code). This provision enables the family court to take measures suited to the conditions of persons with disabilities.

79. The number of users of the adult guardianship system (guardianship, curatorship and assistance) gradually increased from 164,421 cases at the end of FY2012, to 174,565 cases at the end of FY2013, and to 182,551 cases at the end of FY2014. The numbers of users of the adult guardianship system by type of guardianship at the end of FY2014 are as follows: guardianship 149,021 cases (approx. 81.6%); curatorship 25,189 cases (approx. 13.8%); and assistance 8,341 cases (approx. 4.6%). The relationships between adult guardians, etc. (adult guardians, curators and assistants) as of 2011 were as follows: relatives approx. 55.6%; and third parties other than relatives approx. 44.4%. Those as of 2014 were as follows: relatives approx. 35.0%; and third parties other than relatives approx. 65.0%. These results show that the ratio of third parties sharply increased.

80. With respect to the adult guardianship system, it is noted that if a person with disabilities is physically abused or the disability pension of the person with disabilities is stolen by his/her relative, for example, the attorney, etc. nominated as adult guardian may respect the will of the person concerned when securing a safe place for him/her, manage his/her assets and thereby protect his/her health and assets in a proper manner.

81. As consultation support under the Act on Comprehensive Support for Persons with Disabilities, "basic consultation support, etc." is provided, in which necessary

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information, advice, etc. are given in response to inquiries from persons with disabilities, etc., parents or guardians of children with disabilities or caregivers of persons with disabilities with regard to various problems related to the welfare of persons with disabilities, etc. in communities. If it is found to be helpful for persons with disabilities to utilize the adult guardianship system in order to receive welfare services but that such persons are unable to do so unless expenses for the system are subsidized, such expenses shall be subsidized by the municipality's community living support services under Article 77 of the Act on Comprehensive Support for Persons with Disabilities. In FY2014, 1,360 municipalities implemented community living support services.

82. Article 51-11-2 of the Act on Mental Health and Welfare for the Mentally Disabled (hereinafter the "Mental Health and Welfare Act") provides that if deemed especially necessary for providing welfare services for persons with mental disabilities, the heads of municipal governments may request a family court to rule on the matter (ruling for the commencement of guardianship specified in Article 7 of the Civil Code, ruling for the commencement of curatorship specified in Article 11 of the Code, etc.).

83. *With respect to this article, the Policy Commission has provided the following observation.*

The establishment of a social framework to assist decision making and the exercise of legal capacity is urgently needed. The fully substitute guardianship category in the adult guardianship system should be used as a last resort for protecting the rights and interests of persons with disabilities in cases where it is difficult for them to exercise their legal capacity even after the best assistance has been provided. The operation of the adult guardianship system must be improved so that the will of people with disabilities will be respected as much as possible in view of the purpose of laws, even in the case where guardian make a decision on their behalf.

A consensus was reached that a challenge exists concerning the burden of the family court to perform supervision of guardianship. (See the Appendix for details)

Article 13 Access to justice

84. In the case where a person with disabilities becomes a suspect in a criminal case or is subjected to the procedure for a juvenile protection case or similar, or in the case where a person with disabilities is subjected to or becomes a related person in a court procedure for a civil case, family case or administrative case, the Basic Act for Persons with Disabilities obligates national and local governments to give consideration to securing a suitable communication means so that he/she may exercise his/her rights

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without difficulty, and take necessary measures, including training for public officers (Article 29 of the Basic Act).

85. The courts have been improving access to their facilities, including the elimination of uneven steps and the establishment of multi-functional lavatories and elevators so that persons with disabilities can use the facilities inside the courts without difficulty. It is understood that the courts will continue to improve access to their facilities in the future.

86. It is understood that to enable persons with disabilities, be they witnesses or otherwise, to properly communicate with others and exercise their rights without difficulty in various judicial proceedings, etc. in court, judges, at their own discretion, will consider arranging for a sign language interpreter, summary script, etc., or lend hearing aids and translate documents prepared and distributed by the courts into braille, depending on the specifics and the degree of disability. Also, when judges explain to or question persons with disabilities, etc. about procedures, they consider the contents of and way of posing the explanations and questions.

87. It is further understood that judges, at their own discretion, consider the contents of and way of posing the questions when they question children with disabilities, depending on their developmental phase.

88. In the case where a party with disabilities is unable to perform a judicial act to his/her satisfaction due to hearing and speech impairment, low intelligence, etc., he/she, with permission of the court, may appear before a court with an assistant (Article 60 of the Code of Civil Procedure, and Article 25 of the Non-Contentious Case Procedures Act).

89. It is understood that the Legal Training and Research Institute responsible for training judges, and the Training and Research Institute for Court Officials responsible for training officials other than judges, provide training to deepen the understanding of the necessity of giving due consideration, etc. to persons with disabilities by inviting lecturers, including officials of government organizations who are engaged in human rights protection and experts on persons with disabilities, with each court providing similar training.

90. The law provides that in the case of a civil trial or non-contentious case proceedings, if a person involved in an oral argument as a party or a witness, etc. has a hearing or speech disability, an interpreter shall attend the oral argument, or it shall be permissible to ask questions of him/her or have him/her make statements by means of writing (paragraph 1 of Article 154 of the Code of Civil Procedure, and Article 48 of the Non-Contentious Case Procedures Act).

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91. The Code of Criminal Procedure and the Rules of Criminal Procedure contain the following provisions.

(1) The accused or the suspect may appoint counsel at any time, whether he/she is disabled or not (Article 30 of the Code of Criminal Procedure). When the accused is unable to appoint counsel because of indigency or other reasons, he/she may request the court (judge) to appoint counsel, regardless of whether he/she has a disability (Article 36). The same applies to suspects of certain cases (Article 37-2).

The court (judge) may appoint counsel ex-officio if there is no counsel for the accused when: The accused has a hearing or speech disability (item 3 of Article 37); There is the possibility that the accused is insane or has diminished capacity (item 4 of Article 37); It is deemed necessary for other reasons (items 5 of Article 37); The suspect of a certain case is suspected to have difficulty in judging whether or not counsel is required due to a mental disability or any other grounds (Article 37-4).

(2) In the case where a person with a hearing or speech disability is required to make a statement based on judicial procedures, the court may assign him/her an interpreter (Article 176 of the Code of Criminal Procedure).

(3) If a witness in an examination has a hearing disability, the court may question him/her in writing, or if a witness has a speech disability, the court may ask him/her to answer in writing (Article 125 of the Rules of Criminal Procedure).

92. When conducting an interview of a suspect or an unsworn witness with a disability, the investigating organization understands the importance of operating in an appropriate manner in view of the characteristics of the person being interviewed, and gives easy-to-understand questions in consideration of the person's communication ability, utilizes a sign language interpreter or puts messages in writing for persons with hearing disabilities, and if necessary, a public prosecutor would visit the home, hospital, etc. and would conduct an interview of the suspect/witness in the presence of his/her parent or guardian, doctor, etc.

93. In accordance with the Rule of Criminal Investigation, when conducting an interrogation on a person with mental or physical disabilities, a police officer must fully understand the characteristics of the said person, provide consideration for the time and place, etc. of the interrogation, and use appropriate methods in consideration of the degree of his/her disabilities such as arranging a sign language interpreter (the Rule of Criminal Investigation).

94. The Rules of the National Public Safety Commission establish the "Fundamentals of

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Work Ethics,” which attach importance to the respect of human rights and require that education to ensure that police officials comply with work ethics be provided. Under the Rules, police academies and police stations, etc. provide police officials with education to help them deepen understanding of the ways of communication, etc. in consideration of the characteristics of disabilities and of persons with disabilities, and help them implement law enforcement operations in view of human rights, including the rights of persons with disabilities, through lectures on jurisprudence such as the constitution of Japan, the Code of Criminal Procedure and work ethics; practical training by visiting facilities for persons with disabilities; and lectures, etc. by knowledgeable persons (the Rules Concerning Work Ethics and Service of Police Personnel).

95. Training on judiciary proceedings, etc. for leaders of detention operations is conducted to improve their quality. Police academies, police stations, etc. provide professional education, etc. to police officials engaged in detention operations through various opportunities, including training workshops, so as to ensure that they acquire such knowledge, skills, etc., including in regard to judiciary proceedings, which is needed to properly conduct law enforcement operations in consideration of the human rights of the detainees, including persons with disabilities (the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (hereinafter the “Penal Detention Facilities Act”)).
96. Based on the “architectural design standards for smooth transportation, etc. of elderly persons, disabled persons, etc.,” the Public Prosecutors Office has been making an effort to install ramps, automatic doors, elevators, etc. inside its building.
97. Lectures to facilitate the understanding and consideration of persons with disabilities are provided to public prosecutors and officials in correspondence to the years of experience. Along with these lectures, individual prosecutors are given guidance by their superiors as they perform their daily duties through the course of investigations and court proceedings.
98. As civil legal aid services, the Japan Legal Support Center provides legal consultation to persons with disabilities, etc. at their places of residence or other convenient locations. In addition, full-time attorneys from the Center proactively provide legal services to socially vulnerable people, including the elderly and persons with disabilities, in cooperation with local governments, welfare organizations, etc.
99. The Japan Legal Support Center ensures that its relevant officials participate in simulated experience training, through which they can experience barriers that are typically faced by persons with disabilities, etc., so that they can learn how to pay

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consideration to, or help persons with disabilities. In addition, the Center has established a “manual for helping elderly persons and disabled persons,” that all officials are requested to comply with.

Article 14 Liberty and security of person

100. The Basic Act for Persons with Disabilities provides that the national and local governments must provide accommodation to secure a means of communication in accordance with the characteristics of individual persons with disabilities, provide training for relevant officers, and take other necessary measures so that persons with disabilities are able to smoothly exercise their rights in cases where they become subject to procedures related to a criminal case, or a protection case if the subject is a juvenile, or equivalent procedures (Article 29 of the Basic Act).
101. The Penal Code provides that a person who commits homicide (Article 199 of the Code), injury (Article 204 of the Code), assault (Article 208 of the Code), unlawful capture and confinement (Article 220 of the Code), etc. shall be punished. Therefore, perpetrators who commit the above offenses, including against persons with disabilities, may be punished. The Code of Criminal Procedure provides that with regard to investigations, compulsory disposition may not be applied unless special provisions have been established in this Code (the provision of paragraph 1, Article 197 of the Code).
102. Irrespective of whether or not a suspect has a disability, criminal procedures such as showing an arrest warrant, a search warrant, a seizure warrant or other warrant (paragraph 1 of Article 201, and Article 110, of the Code of Criminal Procedure); notifying the suspect at the time of the arrest of his/her right to appoint a defense counsel (paragraph 1 of Article 203, and paragraph 1 of Article 204, of the Code); and notifying the suspect prior to interview of his/her right to remain silent (paragraph 2, Article 198 of the Code) must be taken. Therefore, in the case where the above procedures are to be taken against persons with disabilities, proper attention is to be paid to them in consideration of the characteristics of their disabilities: for example, easy-to-understand explanations are given to persons with intellectual disabilities, and sign language interpreters, etc. are used for persons with hearing disabilities, depending on the specifics and the degree of the disabilities.
103. The Act on Penal Detention Facilities and Treatment of Inmates and Detainees, the Juvenile Training Schools Act, and the Juvenile Classification Homes Act prescribe that proper treatment of inmates must be made in consideration of their circumstances while respecting their human rights. When treating inmates with

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disabilities at correctional institutions, the following measures are taken depending on the specifics and the degree, etc. of their disabilities as follows: (1) for inmates who need protective care, a system in which measures equivalent to those for diseased or injured person is established; (2) corrective instruments such as eyeglasses are lent or supplied to inmates (if they cannot use self-supplied articles); and (3) for sentenced persons with disabilities, measures are taken to mitigate the specific conditions, etc. of prison work.

104. It is provided that proper treatment must be given at detention facilities in consideration of the circumstances while respecting the human rights of detainees. In cases where detainees have disabilities, detention services managers must fully understand the specifics of their disabilities and take medical-related measures, including the provision of medical care by doctors, depending on their physical condition or the condition pertaining to their sickness. Depending on the specific condition of their disability, detainees are allowed to use corrective instruments, including glasses, and mobility aids, including wheelchairs, inside detention facilities. Detention services managers ensure that all detainees undergo a health checkup approximately twice each month, and receive considerations such as meals, including rice porridge (the Penal Detention Facilities Act, and the Rules for Detention of Detainees).
105. The Mental Health and Welfare Act provides an involuntary hospitalization system for persons with mental disabilities, including involuntary hospitalization (Article 29 of the Act) and involuntary hospitalization for medical care and protection (paragraphs 1 and 2, Article 33 of the Act). The involuntary hospitalization system under the Act cannot be applied based only on the fact that a person has a mental disability, but can be applied if the person presents a danger to him/herself or others due to said disability, or if there is no danger to him/herself or others but medical care and protection is required and the person cannot properly judge the necessity of hospitalization. When applying the involuntary hospitalization system, a medical examination by a psychiatrist designated by the national government (paragraph 2 of Article 29, and paragraph 1 of Article 33, of the Act) and written notification on involuntary hospitalization to the person concerned (paragraph 3 of Article 29, and paragraph 3 of Article 33, of the Act) must be made in advance.
106. Treatment, including hospitalization, of persons with mental disabilities as specified in the Act on Medical Care and Treatment for Persons Who Have Caused Serious Cases under the Condition of Insanity (hereinafter the “Mentally Incompetent Persons Medical Care and Treatment Act”) is conducted only in cases

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where: a person with a mental disability commits a serious criminal act such as homicide or arson; the person is considered to have been insane or to have had diminished capacity when the act was committed; and the person is exempted from prosecution or is declared innocent and it is considered necessary for him/her to obtain medical care under the Act to help improve the mental disability which was present when the criminal act was committed and to facilitate his/her social reintegration. The Act provides that before deciding on the treatment, the subject must undergo a psychiatric evaluation, the judgment must be made in the presence of an attorney or an expert on health and welfare, etc. The subject must be given an opportunity to express his/her opinion, and the collegial body consisting of the judge and the mental health evaluator (who is a doctor) must properly determine the necessity of treatment and its contents (Article 2, and Articles 33 through 42, of the Mentally Incompetent Persons Medical Care and Treatment Act).

107. *With respect to this article, the Policy Commission has provided the following observation (See the Appendix for details).*

Concerning the systems and their operation under the Mental Health and Welfare Act, etc., it is necessary to reexamine the appropriateness of Article 33 of the Mental Health and Welfare Act, which is the provision concerning involuntary hospitalization for medical care and protection. It is absolutely necessary to ensure that rights advocates who are independent from families and health-care professionals are involved in the treatment of psychiatric patients in order to protect the rights of the patients. It is important to reduce the number of involuntary hospitalizations including the cases caused by dementia, therefore, it is necessary to conduct surveys on a continuous basis followed by discussions based on the latest accurate statistics.

Article 15 Freedom from torture or cruel, inhuman or degrading treatment or punishment

108. The Act on Penal Detention Facilities and Treatment of Inmates and Detainees, the Juvenile Training Schools Act, and the Juvenile Classification Homes Act prescribe that proper treatment of inmates must be made in consideration of their circumstances while respecting their human rights. When treating inmates with disabilities at correctional institutions, proper treatment is given depending on the specifics and the degree, etc. of their disabilities.

109. The Penal Code provides that a person who commits assault (Article 208 of the Code), injury (Article 204 of the Code), assault and cruelty by special public officers

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(Article 195 of the Code), etc. shall be punished. Therefore, perpetrators who commit the above offenses, including against persons with disabilities, may be punished. If there are facts in violation of punitive laws and regulations, the Public Prosecutor's Office properly handles them based on laws and evidence.

Article 16 Freedom from exploitation, violence and abuse

110. Article 4 of the Act on Prevention of Maltreatment of Persons with Disabilities and Support for Attendants of Persons with Disabilities (hereinafter the "Persons with Disabilities Abuse Prevention Act") provides that national and local governments must, as their duty, make efforts to enhance cooperation between relevant organizations and private entities, and support private entities in the prevention of abuse of persons with disabilities, support rapid and proper protection of abused persons with disabilities and their independence, and offer proper support for their guardians. Article 29 of the Persons with Disabilities Abuse Prevention Act provides that for the prevention of abuse of school children with disabilities, heads of schools must take necessary measures such as establishment of a system in which consulting services are provided to school children with disabilities and formulation of measures to respond to cases of abuse. Based on Articles 32 and 36 of the Act, all municipal or prefectural governments have departments or facilities that perform the function of "municipal centers for the prevention of abuse of persons with disabilities" or "prefectural advocacy centers for persons with disabilities."

111. The Penal Code provides that a person who commits assault (Article 208 of the Code), injury (Article 204 of the Code), abandonment by a person responsible for protection (Article 218 of the Code), unlawful capture and confinement (Article 220 of the Code), intimidation (Article 222 of the Code), compulsion (Article 223 of the Code), etc. shall be punished. Therefore, perpetrators of the above offenses, including against persons with disabilities, may be punished. With respect to the above offenses, the Code of Criminal Procedure provides investigative authority to judicial police personnel, public prosecutors, public prosecutor's assistance officers, etc. while giving the prosecution authority to public prosecutors (Article 247 of the Code). If there are facts in violation of punitive laws and regulations, the Public Prosecutors Office properly handles them based on laws and evidence.

112. If a public prosecutor makes a decision not to prosecute a case based on the results of an investigation, any person (including persons with disabilities) dissatisfied with the result may, based on the Act on the Committee for Inquest of Prosecution, file a complaint against such a decision with the Committee for Inquest of Prosecution. In

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certain cases, the Committee for Inquest of Prosecution may resolve to prosecute a case. In this case, the attorney designated by the court will prosecute the case.

113. The human rights bodies of the MOJ provide counseling services at nationwide Legal Affairs Bureaus and District Legal Affairs Bureaus, concerning all forms of human rights issues, including those related to persons with disabilities. If they recognize a case suspected of human rights violation, they conduct necessary investigations as a human rights violation case, and take appropriate measures in collaboration and cooperation with related organizations.
114. The Basic Act on Crime Victims that took effect from December 2004 aims to protect the rights and interests of crime victims, etc. by comprehensively and systematically promoting measures for victims. Paragraph 1, Article 3 of the Act provides the basic principle that the individual dignity of all crime victims, including those with disabilities, will be respected and that appropriate measures of treatment will be taken accordingly. Paragraph 2, Article 3 of the Act provides that measures for crime victims are to take appropriate action according to the crime victims' situation and other external factors. The "Second Basic Plan for Crime Victims," which was decided by the cabinet on March 2011 under the Act, has established the Four Fundamental Principles ((1) guarantee the right of crime victims to be treated appropriately while observing their dignity; (2) implement each measure properly, while taking into account individual victims' circumstances; (3) provide seamless and continuous support; and (4) progress while building the national consensus), and 241 specific measures under the foregoing four fundamental principles. At present, related ministries and agencies implement such measures under the Plan.
115. In cases where physical safety must be ensured as soon as possible, such as spousal violence, responsible organizations rapidly and properly respond, including arresting victimizers and protecting victims, etc. while top priority is placed on ensuring the safety of victims, etc. (the Act on the Prevention of Spousal Violence and the Protection of Victims).
116. Based on the Act on the Prevention of Spousal Violence and the Protection of Victims, the Spousal Violence Counseling and Support Centers established by local governments provide proper support such as consulting services for victims of spousal violence, including those with disabilities.
117. The Act on the Prevention, etc. of Child Abuse (hereinafter the "Child Abuse Prevention Act") provides for the prohibition of child abuse, responsibilities of national and local governments to prevent and promptly detect child abuse, and measures, etc. for the protection of and support for the independence of abused

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children in order to facilitate their safety.

118. Based on Article 6 of the Child Abuse Prevention Act, if a child is found to have been abused, police authorities must immediately notify a child guidance center. Article 10 of the Act provides that in the case where the director of a child guidance center asks for assistance from a police station chief when confirming the safety of a child or taking a child into temporary custody if it is deemed necessary to confirm or ensure his/her safety, the police station chief must take measures based on the Police Official Duties Execution Act and other laws and regulations.

Article 17 Protecting the integrity of the person

119. The Basic Act for Persons with Disabilities, in accordance with the principle that all citizens, regardless of whether or not they have a disability, should be entitled to dignity as irreplaceable individuals enjoying fundamental human rights, assuming that all persons with disabilities should be entitled to dignity as individuals enjoying fundamental human rights and that all persons with disabilities possess the right to be guaranteed a life befitting of such dignity, provides that all persons with disabilities are guaranteed the opportunity to participate in activities in society, the economy, culture, and other fields as constituent members of society (Articles 1 and 3 of the Basic Act).

Article 18 Liberty of movement and nationality

120. Acquisition of nationality by birth, loss of nationality and renunciation of nationality are provided for in Article 2, Article 11, and Article 13 of the Nationality Act, respectively, and no distinction is made based on the presence of a disability. The Nationality Act of Japan provides that no person shall be deprived of his/her nationality solely by reason of disability.

121. A certified copy of a family register or passport essentially constitutes a nationality certificate in Japan. A certified copy of a family register can be obtained under Article 10 of the Family Register Act. When obtaining a certified copy of a family register, no distinction is made based on the presence of a disability. Regarding the rights to register a birth, possess a name, acquire nationality at birth, and know the names of the father and mother entered in the family register under the Family Register Act and the Nationality Act, whether a person has a disability or not is considered to be irrelevant.

122. Article 22 of the Constitution of Japan provides that every person shall have the freedom to change his/her residence and to move to a foreign country. The

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Immigration Control and Refugee Recognition Act (hereinafter the “Immigration Control Act”) has no provision to block the use of immigration procedures solely by reason of disability. Article 25 of the Immigration Control Act provides the procedure to confirm the departure of a foreign national from Japan, while Article 61 of the Act provides the procedure to confirm the return of a Japanese national to Japan. These procedures under the Immigration Control Act don’t prohibit or restrict return to the home country itself by a foreign or Japanese national, including a person with a disability.

Article 19 Living independently and being included in the community

123. The Basic Act for Persons with Disabilities provides the basic principle that all persons with disabilities are guaranteed the opportunity to participate in activities in society, the economy, culture, and other fields as constituent members of society, and are guaranteed the opportunity, insofar as possible, to choose where and with whom they live, and are not precluded from co-existing with other people in the local community (Article 3 of the Basic Act). National and local governments must take necessary measures to ensure that persons with disabilities are able to receive appropriate support for living and other appropriate support for their independence (paragraph 3, Article 14 of the basic Act).

124. “Group homes with aid” are provided as a welfare service for persons with disabilities under the Act on Comprehensive Support for Persons with Disabilities so that persons with disabilities can live in the community free of worry. “Group homes with aid” provide for consultation, support in domestic affairs, etc., and aid in daily living such as care for meals, bathing, etc., if necessary, at houses where persons with disabilities who cannot live alone reside jointly with others and independently (group homes).

Persons with disabilities can live in the community only if they receive necessary support at home. Therefore, in addition to “home help services” in which care for bathing, toilet needs, meals, etc. is provided at home, “home-visit care for persons with severe disabilities,” “accompanying support services,” “activity support services” and “comprehensive support for persons with severe disabilities” are also provided depending on the actual condition of users and the types of services provided.

125. In addition to the above, in the case where persons with disabilities must be admitted to facilities for the reason that home caregivers of persons with disabilities become sick or for other reasons, a “short-stay service,” in which care for bathing, etc. is provided for a short period of time, including at night, is also available.

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126. To help improve the daily life and social life of persons with physical disabilities and patients with intractable/rare diseases, etc., the “devices expense subsidy system” has been implemented. In this system, part of the expenses for the purchase or repair of devices (prosthetics, orthotics, wheelchairs, white canes, hearing aids, etc.) that support or substitute body functions is subsidized. In addition to the above, “technical aids provision services” are provided in a flexible manner depending on the actual conditions of the communities and the needs of persons with disabilities, as municipal governments’ community life support services under Article 77 of the Act on Comprehensive Support for Persons with Disabilities. With such services, special beds, special mats, bathing support equipment, and other items are provided or loaned to persons with disabilities, etc. in order to help improve the convenience of their everyday lives.
127. The System for Physical Disability Certificate, the System for Intellectual Disability Certificate and the System for Health and Welfare Certificate of Persons with Mental Disabilities are established for persons with physical disabilities, persons with intellectual disabilities and persons with mental disabilities, respectively. Various support measures are implemented for certificate holders.
128. With respect to the hospital-to-community transition of persons with mental disabilities who are hospitalized for a long period of time, the Review Conference which constituted by experts and mental disabilities parties was held and discussed specific measures, etc. concerning the establishment of local supportive organs and concluded that to further promote the transition it will be essential to strictly implement measures, including support to leave the hospital and support to enable persons with mental disabilities to live in a community, including securing a residence. It will also be necessary to realize structural reform for hospitals so as to enhance medical care necessary for persons with mental disabilities living in the community to maintain and continue their life after their discharge from the hospital. Based on the above conclusion, efforts will be made to implement necessary measures.
129. The Act on Medical Care and Social Supports for Patients with Intractable/Rare Diseases (hereinafter the “Intractable/Rare Disease Act”) took effect in January 2015. The basic philosophy of this Act is to implement measures for patients with intractable/rare diseases in a comprehensive manner to ensure that they are guaranteed the opportunity to participate in activities in society and are not precluded from co-existing with other people in the local community while preserving their dignity (See Article 25 “Health”).

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130. In April 2013, the Act on Comprehensive Support for Persons with Disabilities was amended to include patients with intractable/rare diseases, etc. in the scope of persons with disabilities who can use welfare service, including “group homes with aid” and “home help services.” The number of diseases to be included in the list of intractable/rare diseases, etc. was expanded from 130, as of April 2013, to 332, effective from July 2015 (See Article 21 “Freedom of expression and opinion, and access to information” for communication support).

131. *With respect to this article, the Policy Commission has provided the following observation (See the Appendix for details).*

As for support for the hospital-to-community transition of persons with severe disorders, etc. in need of medical care, it was found to be difficult to use such support in some cases for the reason that the level or operation of services is different from community to community, or because the parents or guardians of the patients became overburdened in some cases. It is necessary for persons with severe disorders, etc. to be guaranteed 24-hour medical care and nursing care so that they can live humanely.

As for support for the hospital-to-community transition of persons with mental disabilities, psychiatric care itself needs to be extended to communities. While it is necessary to provide the hospital-to-community transition of such persons, it is also important to develop resources so that they can live their lives in their communities by supporting them with home-visit care, etc.

Article 20 Personal mobility

132. The Basic Act for Persons with Disabilities obligates national and local governments to: take necessary measures to ensure that persons with disabilities are able to receive appropriate support for living and other appropriate support for their independence (paragraph 3 of Article 14 of the Basic Act); endeavor to develop officials with expertise and skills (paragraph 4 of Article 14 of the Basic Act); ensure that persons with disabilities are able insofar as possible to receive appropriate support at a location that is convenient, and in addition, fully respect their human rights when doing so (paragraph 5 of Article 14 of the Basic Act); take necessary measures including the provision or loaning of welfare assistance devices and assistance dogs for persons with physical disabilities and other necessary measures to enable such persons to engage in daily life (paragraph 6 of Article 14 of the Basic Act); and promote the research and development of welfare assistance devices and training of assistance dogs for persons with physical disabilities (paragraph 7 of Article 14 of

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the Basic Act).

133. The “accompanying support services” are provided as welfare services for persons with disabilities under the Act on Comprehensive Support for Persons with Disabilities. The accompanying support services provide persons with disabilities, etc. who have serious mobility issues due to vision disability with information necessary for traveling as well as mobility support, etc., while they are out. In February 2015, 21,910 persons used such services. This number is approximately 2.6 times higher than in the month of establishment of the system (8,299 persons in October 2011). Municipalities implement a “transportation support service” as part of their community life support services under Article 77 of the Act on Comprehensive Support for Persons with Disabilities. They provide the support service for traveling, including the dispatch of guide helpers, depending on characteristics of the local community, to persons with disabilities, etc. who find it difficult to travel outdoors so that they can lead independent lives in the community and participate in social activities. The number of persons who used such services in March 2014 was 100,488.
134. Paragraph 1, Article 3 of the Act on Assistance Dogs for Physically Disabled Persons provides that assistance dog training business operators must properly understand the types of assistance needed by persons with disabilities who wish to use assistance dogs (guide dogs, service dogs and hearing dogs), and conduct training of the dogs in view of the conditions of the persons with physical disabilities concerned in order to develop excellent assistance dogs. The “Project for Training Assistance Dogs for Physically Disabled Persons” is implemented as part of prefectural governments’ community life support services under Article 78 of the Act on Comprehensive Support for Persons with Disabilities. The Project subsidizes the expenses for developing assistance dogs for persons with physical disabilities who are expected to participate in social activities through their use.

Article 21 Freedom of expression and opinion, and access to information

135. The Basic Act for Persons with Disabilities provides that national and local governments must take necessary measures such as expanding the use of user-friendly computers and related equipment and other information and communications equipment, increasing convenience for persons with disabilities relating to the use of services for telecommunications and broadcasting, and developing facilities for the provision of information to persons with disabilities (paragraph 1, Article 22 of the Basic Act). National and local governments are obligated to give particular consideration to the convenience of use for persons with

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disabilities being ensured when promoting the informatization of administration and utilization of information and communications technology in the public sector (paragraph 2, Article 22 of the Basic Act).

136. With respect to the acceptance and facilitation of use of means, forms and manner of communications, including sign language and braille, in official activities, the Basic Act for Persons with Disabilities provides that all persons with disabilities are guaranteed the opportunity, insofar as possible, to choose their language (including sign language) and other means of communication to enable mutual understanding, with opportunities for choosing the means of acquisition or use of information to be expanded (Article 3 of the Basic Act). Some local governments established a Sign Language Ordinance and are proactively promoting sign language.

137. With respect to requesting enterprises that provide services to the general public to provide information and services in a manner that can be used by persons with disabilities and encouraging the mass media to make their information services accessible to such persons, the Basic Act for Persons with Disabilities provides that private entities providing services related to electronic communications and broadcasting and other forms of information provision must endeavor to ensure convenience of use for persons with disabilities in providing said services (paragraph 3, Article 22 of the Basic Act).

138. The Basic Program for Persons with Disabilities (Second) (III7. (2) a) provides that the guidelines, etc. for the design of information and communications equipment that is usable by persons with disabilities will be included in the Japanese Industrial Standards (JIS). “JIS X8341-3 Guidelines for the elderly and persons with disabilities—Information and communications equipment, software and services—Part 3: Web content” were established in 2004. In June 2013, a guide to software design for information and communications equipment that is usable by the elderly and persons with disabilities, etc. was included in the JIS.

139. Under Articles 77 and 78 of the Act on Comprehensive Support for Persons with Disabilities, municipal and prefectural governments implement: community life support services, in which communication support persons (sign language interpreters, summary scribes, interpreting assistants for persons who are deafblind, etc.) are dispatched or stationed, or support in the form of braille or audio interpretation, etc. is provided to persons with disabilities, etc. who find it difficult to communicate with others due to hearing, speech, voice, vision, or other disabilities; and other services, in which braille volunteers, reading volunteers, summarized transcript writers, sign language volunteers, sign language interpreters, etc., are

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trained. Effective from April 2013, prefectural governments are obligated to implement services to develop sign language interpreters, summarized transcript writers, and interpreting assistants for persons who are deafblind, and if municipal governments cannot implement services to dispatch communication support persons, prefectural governments are obligated to implement such services in order to enhance communication support.

140. To promote social participation by persons with visual/hearing disabilities, information service centers for persons with visual or hearing disabilities that produce and loan out braille or audio books and closed-captioned (sign language) videos and films, etc., dispatch sign language interpreters and summarized transcript writers, and provide consultation services, have been established.

141. The “quick news service in braille,” with which persons with visual disabilities can quickly receive newspaper information and other information in the form of braille data at braille libraries, etc. across the country through a network and can access information on the service’s website at home, is provided, while information on braille and audio books, etc. is available through the general information network for persons with visual disabilities, “Sapie.”

(See Article 9 “Accessibility” for the dissemination of closed-captioned broadcasting, etc., and the provision or R&D of communication and broadcasting services).

142. *With respect to this article, the Policy Commission has provided the following observation (See the Appendix for details).*

Information provision and communication support must be further enhanced. With respect to various media and situations, there are challenges concerning responses in cases of emergency, responses to persons who use highly individualized communication methods, and cross-ministerial responses.

It was noted that challenges remain concerning the provision of accessible texts corresponding to the diversity of persons with disabilities and barrier-free access to administrative information.

Article 22 Respect for privacy

143. The Penal Code provides that a person who commits breaking into a residence (Article 130 of the Code), unlawful disclosure of confidential information (paragraph 1, Article 134 of the Code), defamation (Article 230 of the Code), insults (Article 231 of the Code), and damage to credit (Article 233 of the Code), etc. shall be punished. Therefore, perpetrators who commit the above offenses, including against persons with disabilities, may be punished. If there are facts in violation of punitive laws and

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regulations, the Public Prosecutor's Office properly handles them based on laws and evidence.

144. If the privacy of a person with or without disabilities is breached by the illegal act of a violator, the affected person may demand compensation for damages in tort against him/her (Articles 709 and 710 of the Civil Code). If a violator's act falls under defamation, the person may file an application with the court ordering the violator to effect appropriate measures to restore the affected person's reputation, including publication of an apology (Article 723 of the Civil Code). In this case, although there are no explicit provisions in the Civil Code, it is understood that the person whose privacy is violated may, based on his/her personal rights, file an application with the court ordering the violator to discontinue the criminal act or forbid said act to prevent potential infringement in the future.
145. With respect to information by which specific individuals, including persons with disabilities, can be identified (personal information), the Personal Information Protection Act imposes obligations, including restriction due to purpose of use (Article 16 of the Act), restriction of provision to third parties (Article 23 of the Act), security measures (Article 20 of the Act), and responses to requests for disclosure, etc. from the data subject (Articles 25 through 27 of the Act), to ensure appropriate handling of personal information. The revised Act containing the provision concerning special rules for personal information for which special consideration must be required to avoid any unfair discrimination, prejudice or other disadvantage to the data subject (sensitive personal information) was enacted in September 2015.
146. Article 49 of the MHLW Ordinance for Facility Standards provides that employees and managers of designated support facilities for persons with disabilities, etc. should not disclose, without just cause, personal information of users or their families that they come to know during the course of performing their duties, and that they must take necessary measures to prevent former employees, etc. of designated support facilities for persons with disabilities, etc. from disclosing such information. In addition to designated support facilities for persons with disabilities, etc., welfare service offices for persons with disabilities under the Act on Comprehensive Support for Persons with Disabilities and designated facilities for children with disabilities, etc. under the Child Welfare Act are subject to similar regulations.
147. Articles 53 and 53-2 of the Mental Health and Welfare Act specify provisions concerning punishments to be applied if personnel who are in positions in which the personal information of persons with mental disabilities can become known during the course of performing their duties, such as managers of psychiatric hospitals and

designated psychiatrists, disclose such information without just cause.

Article 23 Respect for home and the family

148. Article 24 of the Constitution of Japan guarantees freedom of marriage (if an adult ward marries or agrees to an amicable divorce, the consent of his/her adult guardian is not required (Articles 738 and 764 of the Civil Code)). Under the Civil Code of Japan, as long as the rights and obligations for guardianship, supervision, property management and child adoption are adhered to, whether or not a person concerned has a disability is considered to be irrelevant.
149. A person with parental authority has the right to designate his/her child's residence (Article 821 of the Civil Code). This ensures that a child cannot be separated from its father/mother against his/her will. However, if the interests of the child are severely damaged due to abuse, etc. from the father or mother, the child may be separated from the offending parent based on the ruling of loss of parental authority as it pertains to the father or mother (Article 834 of the Civil Code). Likewise, if the interests of the child are damaged for the reason that the father or mother finds it difficult to exercise his/her parental rights, the child may be separated from said parent(s) based on the ruling of suspension of parental authority as it pertains to the father or mother (Article 834-2 of the Civil Code). In the case where there is no person with parental authority over a minor based on the above rulings, guardianship will commence (Article 838 of the Civil Code).
150. Japan understands that the provision of paragraph 4 of Article 23 of the Convention does not prevent proper disposition by States Parties for the purpose of immigration control. Since the wording of the provision does not unambiguously support the above understanding, however, Japan made an interpretative declaration to the effect that the provision of paragraph 4 of Article 23 of the Convention does not apply in the case where a child is separated from its father/mother as a result of deportation under the Immigration Control Act.
151. The municipal governments' community living support services under Article 77 of the Act on Comprehensive Support for Persons with Disabilities provide: consultation support, necessary information and advice, etc. to persons with disabilities, etc., parents or guardians of children with disabilities or caregivers of persons with disabilities, etc. with regard to various problems related to the welfare of persons with disabilities, etc. in communities; and necessary support, including communication, coordination, etc. with the authorities concerned, in order to prevent and promptly uncover the abuse of such persons. Prefectural governments' community living

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support services under Article 78 of the Act on Comprehensive Support for Persons with Disabilities implement highly specialized consultation support.

152. In FY2014, the Act Partially Amending the Child Welfare Act was promulgated and enforced. As a result, a new medical expenses subsidy system for children who require treatment for specific chronic pediatric diseases was established and an independence support service for such children was legislated (Articles 19-2 through 19-22 of the revised Child Welfare Act).

153. Article 12 of the Child Welfare Act obligates the establishment of child guidance centers. The Act provides that the consulting and assistance activities of child guidance centers must always be conducted so as to meet the best interests of the children. If consultation is requested or notification is received, child guidance centers properly respond in consideration of the situation with regard to the children and their families in accordance with the Act. If a parent or guardian abuses a child, engages in extreme neglect of a child in his/her care, or if the care of a child by the parent or guardian significantly harms his/her welfare, prefectural governments take measures, etc., including facility admission, in consideration of the child's best interests. If it is found to be extremely difficult for the child to receive childcare for unavoidable reasons, municipal governments must provide childcare. These measures, etc. must be taken whether or not the child has a disability.

Article 24 Education

154. Article 26 of the Constitution of Japan provides that all people shall have the right to receive an equal education correspondent to their ability, and that all people shall be obligated to have the children who are under their protection receive ordinary education and such compulsory education shall be free.

155. Paragraph 2, Article 4 of the Basic Act on Education provides that national and local governments shall provide the necessary educational support to ensure that persons with disabilities receive an adequate education in accordance with their level of disability. Article 16 of the Basic Act for Persons with Disabilities provides that national and local governments must provide accommodation to children and students with disabilities such that they are able to receive their education together with children and students without disabilities insofar as possible, in order to ensure that they are able to receive a full education based on their age and capabilities and in accordance with their particular characteristics. National and local governments also must take necessary measures to improve and enhance the content and methods of the education, and must conduct surveys and research in relation to the education of

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persons with disabilities.

156. With a view to assisting infants, children and students with disabilities to become independent or participate in social activities based on the system of laws concerning school education, schools implement special needs education by providing appropriate guidance and necessary support to them in order to assess the educational needs of individuals, help enhance their capabilities and help improve or overcome their difficulties in life and learning, while diverse places of learning such as normal classes, special support service in resource rooms, special needs education classes, and special needs education schools are established. The national government will continue to take measures to enrich these diverse places of learning. As of May 2014, the number of children and students who receive special support service in resource rooms at elementary and junior-high schools totaled 83,750 (as of May 2009: 54,021); the number of children and students enrolled in special needs education classes at elementary and junior-high schools totaled 187,100 (as of May 2009: 135,166); and the number of infants, children and students enrolled in special needs education schools (from kindergarten division to high school division) totaled 135,617 (as of May 2009: 117,035). Considering the provision of Article 16 of the Basic Act for Persons with Disabilities to the effect that “national and local governments must promote mutual understanding between children and students with disabilities and children and students without disabilities by proactively facilitating their interaction and joint studies” and others, interaction and joint studies between children, students, etc. who are enrolled in special needs education schools on the one hand and children and students without disabilities who are enrolled in elementary and junior-high schools, etc. on the other are conducted. In Japan, the number of children and students subject to a moratorium on, or an exception to, compulsory education due to poor health or incomplete development upon request of a parent or guardian totaled 48 in FY2014 (0.0005%).

157. Special needs education assistants who provide support, etc. related to daily life and learning are dispatched to kindergartens, elementary and junior-high schools and high schools. The number of special needs education assistants is expanded year after year. In FY2014, local governments implemented fiscal measures for 49,700 special needs education assistants, which was 3,400 more compared to the previous year. In addition, the number of infants, children and students who need medical care on a daily basis was 7,774 in public special needs education schools in FY2014 (7,842 in FY2013) and 976 in public elementary and junior-high schools in FY2014 (813 in FY2013). The number of parents, etc. who currently accompany children and students

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with disabilities in school on a daily basis is 1,897.

158. With respect to the method of school selection, the Order for Enforcement of the School Education Act was revised in August 2013 as follows: the conventional framework of school selection in which children with disabilities falling under the school attendance standards must, in principle, be enrolled in special needs education schools was revised, and a new framework of school selection in which schools for children with disabilities are selected in comprehensive consideration of the specifics of the disabilities, educational needs for children with disabilities, opinions of children with disabilities and those of their parents/guardians, opinions of experts in education, medicine, psychology, etc., and conditions of schools and communities, etc. was introduced; and opportunities to hear the opinions of parents/guardians and experts were expanded. It was then decided that schools would be selected by education committees after respecting the opinions of children with disabilities and their parents/guardians. The number of children with disabilities who were expected to be enrolled in elementary schools or special needs education schools (as a new first grader) in FY2014 and were subject to investigation and examination by Municipal Educational Support Committees, etc. was 42,352 (39,208 in FY2013). Of these, 8,651 (8,453 in FY2013) fell under the provision of Article 22-3 (the extent which enables entering special needs education schools) of the Order for Enforcement of the School Education Act. Among of these, the number of children who entered special needs education schools was 6,341 (6,190 in FY2013).

159. Support, including the granting of a school attendance incentive for special needs education, is provided to parents/guardians, etc. of children and students with disabilities to reduce their economic burden.

160. The Course of Study for elementary and junior-high schools provides for: the necessity to devise content and methods of guidance in a planned manner, depending on the conditions, etc. of the disabilities of individual children and students by preparing individual education support plans, etc.; the necessity to hold opportunities for interaction and joint studies between children and students with disabilities and those without disabilities; and the necessity to guide children and students without disabilities to treat everybody fairly and impartially and make efforts to realize a society in which people do not suffer disadvantage from discrimination or bias and to make efforts to enhance communication with persons with disabilities. The ratio of preparation of individual education support plans for children and students with disabilities at kindergartens, elementary and junior-high schools, and high schools has increased year after year. The ratio of preparation of such plans for FY2014 was

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81.5%.

161. The Course of Study for Special Needs Education Schools provides matters to be considered based on the type of disabilities involved. Matters to be considered by the elementary and junior-high school division of special needs education schools that educate children and students with visual disabilities include: “children with visual disabilities must be guided in a systematic way to read and write braille or normal text, depending on the condition of their visual disabilities so that they can acquire reading and writing skills; and children who learn by using braille on a routine basis must be properly guided to understand Chinese characters or words depending on the level, etc. of their development.” Therefore, proper guidance is provided by taking into consideration such matters. The matters to be considered by the elementary and junior-high school division of special needs education schools that educate children and students with hearing disabilities include: “guidance methods must be devised so that children with hearing disabilities can actively communicate with each other by properly utilizing various means of communication, including voice, characters and sign language, depending on the condition of their hearing disabilities, etc.” Therefore, guidance by selecting and utilizing diverse communication means, including sign language, is provided. In addition, content regarding sign language or braille is provided in trainings of the independent administrative institutions The National Institute of Special Needs Education targeted at prefectural leaders. In the case where special curriculums are prepared for special support service in resource rooms at elementary and junior-high schools or for special needs education classes, it was decided that curriculums suitable for actual conditions must be compiled in a flexible manner by referring to the Course of Study for special needs education schools.

162. The Act on Promotion of Distribution of Specified Books, etc. Used as Textbooks for Disabled Children and Students provides that the numbers of textbooks in which characters, graphics, etc. are enlarged and the numbers of textbooks in braille that are published must be increased further, and the distribution of specified books, etc. used as textbooks must be promoted by taking necessary measures, etc. to facilitate the use of such books, etc. All enlarged textbooks that conform to the textbooks that are used in FY2014 at compulsory education schools such as elementary and junior-high schools, etc. have been published. In regard to the high school stage, all enlarged textbooks for main subjects that are used at special needs education schools for the visually impaired have been published. Nevertheless, enlarged textbooks for high schools have not been sufficiently distributed because there are a lot of types of textbooks, so surveys and research on their promotion are continuing.

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163. The Educational Personnel Certification Law, etc. provides that persons who wish to acquire a normal teaching certificate for kindergartens, elementary and junior-high schools and high schools must earn the credit of a subject that includes special needs education. Teachers of special needs education schools must, in principle, have a special needs education schools teaching certificate.
164. Based on the objective of the Basic Act on Education, the Basic Program for Persons with Disabilities prepared by the national government provides that considerations to help promote the school attendance of children and students with disabilities in upper secondary education and job support must be enhanced in collaboration with measures related to welfare, labor, etc. As for support for higher education, the Basic Program for Persons with Disabilities provides that information guarantees for students with disabilities, condition-related considerations, barrier-free facilities, proper consideration during the time of entrance examination, etc. and information disclosure by universities, etc. in accordance with the particular characteristics of each disability must be promoted.
165. Article 3 of the Basic Act on Education provides the “concept of lifelong learning,” which means that all members of society, including national and local governments, schools, families, various organizations and companies, must, based on the common understanding of all people, including persons with disabilities, make efforts to realize a society in which the people can continue to learn throughout their lives. Article 4 of the Basic Act on Education provides for equal opportunity in education, and paragraph 2 of the same article provides that national and local governments shall provide the necessary educational support to ensure that persons with disabilities receive an adequate education in accordance with their level of disability. Article 12 of the Act sets down the aspects of social education and provides that national and local governments shall encourage education that takes place within the community and society in response to the demands of individuals and of the community and society as a whole.
166. Article 15-6 and Article 16 of the Human Resources Development Promotion Act provide for the establishment, etc. of Polytechnic Schools for Persons with Disabilities (19 in total). Paragraph 4 of Article 3-2 of the Act provides that vocational training for persons with physical or mental disabilities, etc. shall be offered by giving particular consideration to their physical or mental conditions. Consideration is given to persons with disabilities at other vocational training facilities. The number of persons with disabilities who are enrolled in public polytechnic schools was 608 in FY2012 and 663 in FY2013.

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167. *With respect to this article, the Policy Commission has noted that it is necessary to discuss the state for which Japan should aim and to develop indicators for monitoring the status of progress and collect data in order to promote inclusive education. The Policy Commission then noted that there are specific challenges related to the improvement of the environment, including individualized education support plans, ensuring the effectiveness of individualized education plans, enhancement of reasonable accommodation, respecting the will of persons with disabilities and their parents/guardians, the allocation of special needs education assistants, and the provision of texts in accordance with educational needs (See the Appendix for details).*

Article 25 Health

168. The Act on Comprehensive Support for Persons with Disabilities regards medical treatment to reduce or remove physical disabilities (medical rehabilitation service and medical aid for children with disabilities) and continuous medical treatment for mental diseases (outpatient mental medical service) as medical support for self-help for the reason that such medical treatment is necessary to reduce impediments to persons with disabilities, etc. and is necessary for them to lead a self-reliant life or normal social life, and subsidizes part or all of such medical expenses in order to enhance medical care and medical rehabilitation services for such persons.

169. In March 2014, the “guideline for securing the offer of high quality and appropriate medical care for persons with mental disabilities” (MHLW Notification No.65, 2014), which indicates the direction for all persons involved in health, medical care and welfare for persons with mental disabilities, was announced. The guideline provides that a system to enable the provision of health and medical care services and welfare services, which are necessary for persons with mental disabilities to live in communities, must be established in order to realize a reform from inpatient mental care to mental care that can support persons with mental disabilities living in communities.

170. Measures were taken to enhance the system to provide medical care, such as perinatal medical care, in which advanced medical care is provided to high risk pregnant mothers and newborn infants, and emergency medical care, etc., in which proper care is provided for external injuries, etc. In addition, R&D activities concerning the clarification of causes and clinical conditions, prevention and treatment, etc. of diseases, etc. are promoted, while efforts are made to promote R&D

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and accelerate practical application of technology in new medical fields, including regenerative medicine. With respect to the development of health personnel, efforts were made to improve the quality of medical care professionals such as doctors, dentists, nursing personnel, physical therapists, occupational therapists and speech-language-hearing therapists, etc.

171. To promote measures for intractable/rare diseases, a bill on intractable/rare disease was submitted to the Diet in February 2014. The Intractable/Rare Disease Act was enacted in May 2014 and enforced from January 2015. The contents include: (1) the establishment of the basic policy to promote measures in a comprehensive manner; (2) the establishment of a fair and stable system concerning subsidization of medical expenses; and (3) the promotion of R&D, etc. (subjects of R&D include patients with disabilities caused by intractable/rare diseases). By July 2015, the number of diseases eligible for subsidization of medical expenses was increased from 56 to 306. Diseases not presently included in these 306 are subject to future consideration for their designation as intractable/rare diseases if research concludes that they clearly meet the requirements for being designated as such subsidized diseases.

Article 26 Habilitation and rehabilitation

172. The Basic Act for Persons with Disabilities provides that national and local governments must take the necessary measures to provide necessary rehabilitation (paragraph 1, Article 14 of the Basic Act). With respect to training for personnel engaged in habilitation and rehabilitation services, the Basic Act for Persons with Disabilities obligates national and local governments to endeavor to develop specialized engineering officials or any other officials with expertise and skills (paragraph 4, Article 14 of the Basic Act). With respect to the promotion of usability, etc. of assistive devices and technologies, which are necessary for habilitation and rehabilitation, the Basic Act for Persons with Disabilities obligates national and local governments to take necessary measures, including the provision or loaning of welfare assistance devices and other necessary measures to enable persons with disabilities to engage in normal daily life (paragraph 6, Article 14 of the Basic Act), and to promote the research and development, etc. of welfare assistance devices (paragraph 7, Article 14 of the Basic Act).

173. Paragraph 1, Article 8 of the Act for the Promotion of Employment for Persons with Disabilities provides that measures for vocational rehabilitation must be taken in an integrated and effective manner in accordance with the type and degree of disability

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of individual persons, their hopes, aptitudes, work experience, etc. As of April 2016, the number of Public Employment Security Offices (Hello Work offices), Local Vocational Centers for Persons with Disabilities, and The Employment and Vocational Life Support Centers for Persons with Disabilities totaled 544, 52 and 328, respectively, across the country. Thus, these facilities are located as close as possible to communities where persons with disabilities live.

174. Based on the provisions of subparagraph 3 of Article 20 and other provisions of the Act for the Promotion of Employment for Persons with Disabilities, the development of and training for vocational counselors for persons with disabilities and job coaches for persons with disabilities who are engaged in vocational rehabilitation services for such persons are provided at National Institutes of Vocational Rehabilitation, etc. Furthermore, based on the provision of subparagraph 1 of the same article, National Institutes of Vocational Rehabilitation conduct R&D concerning vocational rehabilitation skills corresponding to various disabilities, and R&D concerning work support equipment, which is helpful for expanding the employment of persons with disabilities. The Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers promotes the use of work support equipment by loaning the equipment free of charge to business owners and associations of business owners for a certain period of time.

Article 27 Work and employment

175. The Basic Act for Persons with Disabilities provides that no person may commit an act of discrimination or any other act that violates the interests or rights of a person with a disability on the basis of said disability (paragraph 1, Article 4 of the Basic Act). The Basic Act for Persons with Disabilities obligates national and local governments to implement vocational counseling, vocational guidance, vocational training, employment placement, and other necessary measures (paragraph 1, Article 18 of the Basic Act), and to take measures to prioritize the employment of persons with disabilities for job types or workplaces that are suitable for them in order to promote their employment (paragraph 1, Article 19 of the Basic Act). Furthermore, the Basic Act for Persons with Disabilities provides that national and local governments must subsidize expenses required for the preparation of facilities or equipment, etc. necessary for business owners to employ persons with disabilities and take other necessary measures (paragraph 3, Article 19 of the Basic Act).

176. With respect to the promotion of employment of persons with disabilities based on proper measures, etc., including affirmative action, Articles 38 and 43 of the Act for

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the Promotion of Employment for Persons with Disabilities obligate business owners, etc. to employ a number of persons with disabilities which exceeds the number (the legal number of persons with disabilities to be employed) obtained by multiplying the number of regular employees of each business owner by the legal employment rate (public organizations: 2.3%, private organizations: 2.0%). For the calculation of the quota, persons with severe physical and intellectual disabilities are counted as two disabled workers. In the case of part-time workers (whose prescribed working hours are 20-30 hours per week), they are counted as 0.5 towards the quota. As of June 2015, the actual employment rate of private companies was 1.88% (1.82% in the previous year) and the number of employed persons with disabilities was 453,133.5, an increase of 21,908 or 5.14% over the previous year. The number of employed persons with disabilities has hit a record level for 12 successive years. Thus, the number of employed persons with disabilities in Japan has steadily increased. Based on the type of disability involved, the number of employed persons with physical disabilities, intellectual disabilities and mental disabilities was 320,752.5, 97,744 and 34,637, respectively.

177. To regulate the economic burden among business owners, a “levy based on the number of employed persons with disabilities” is collected from business owners who employ a number of persons with disabilities that is less than the legal number of persons with disabilities to be employed, while an “adjustment allowance based on the number of employed persons with disabilities” is paid to business owners who employ a number of persons with disabilities that is equal to or more than the legal number of persons with disabilities to be employed. Furthermore, based on the provisions of Article 49 of the Act for the Promotion of Employment for Persons with Disabilities, various grants in aid are provided to those business owners who satisfy necessary conditions, in addition to an “adjustment allowance based on the number of employed persons with disabilities,” so as to regulate the economic burden pertaining to the employment of persons with disabilities, and further promote and help to maintain the employment of persons with disabilities.

178. To help increase employment opportunities for persons with disabilities in the labour market, various rehabilitation services, including job placement, are provided based on the provisions of Chapter 2 of the Act for the Promotion of Employment for Persons with Disabilities. In FY2014, the number of successful cases of employment of persons with disabilities through job placement by Hello Work offices was 84,602, a record for the fifth year in a row. Among these, the numbers of successful cases of employment of persons with physical disabilities, intellectual disabilities, mental

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disabilities, and other disabilities (developmental disabilities, higher brain dysfunction, etc.) were 28,715, 18,723, 34,538 and 3,166, respectively.

179. The Basic Program for Persons with Disabilities provides that “to further promote a shift from welfare, education, medical care, etc. to employment, consistent support services ranging from the promotion of practical work training at companies and pre-employment support to post-employment job retention support must be provided in close coordination among Hello Work offices, Local Vocational Centers for Persons with Disabilities, and the Employment and Vocational Life Support Centers for Persons with Disabilities.” In the “team support project,” personnel from Hello Work offices as core team members established a collaboration system for all related persons such as personnel, etc. of welfare facilities, and such teams provided consistent support services ranging from pre-employment support to post-employment job retention support. In FY2014, the teams supported 26,156 persons with disabilities, and 14,005 of them obtained a job. The breakdown of the numbers of persons eligible for the support provided by the “team support project” is as follows: 3,068 persons with physical disabilities, 11,099 persons with intellectual disabilities, 10,865 persons with mental disabilities, and 1,124 persons with other disabilities. The breakdown of the numbers of persons who obtained employment is: 1,645 for persons with physical disabilities, 6,301 for persons with intellectual disabilities, 5,579 for persons with mental disabilities, and 480 for persons with other disabilities.

180. The Basic Program for Persons with Disabilities provides: that “the establishment and improvement of functions of The Employment and Vocational Life Support Centers for Persons with Disabilities, which are the hub of cooperation among organizations related to employment, health and welfare, education, etc., will be enhanced in the neighborhoods of communities where persons with disabilities live in order to provide comprehensive consultation support ranging from employment to daily life; and that post-employment job retention support will be continued in collaboration with employment support organizations.” In FY2014, Employment and Vocational Living support Centers for Persons with Disabilities supported 140,838 persons in total, with the number of successful cases of employment of persons with physical disabilities totaling 18,379.

181. *With respect to this article, the Policy Commission has provided the following observation (See the Appendix for details).*

To promote the employment of persons with disabilities and increase the number of successful employment cases, it will be important to further enhance support for

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persons with disabilities and business owners, and provide business owners with information concerning the objective of the revised Act for the Promotion of Employment for Persons with Disabilities and the “Guidelines on Prohibition of Discrimination against Persons with Disabilities” and the “Guidelines on Reasonable Accommodation” under related laws so that such principles will be strictly complied with.

Article 28 Adequate standard of living and social protection

182. The Basic Act for Persons with Disabilities provides that national and local governments must take necessary measures relating to the system of pensions, benefits, etc. in order to contribute to the independence of persons with disabilities and the stability of their lives (Article 15 of the Basic Act). With respect to securing housing, the Basic Act for Persons with Disabilities obligates national and local governments to take necessary measures to secure housing for persons with disabilities and to promote the preparation of housing (Article 20 of the Basic Act). Furthermore, the Basic Act for Persons with Disabilities obligates national and local governments to take necessary measures in order to reduce the economic burden on persons with disabilities (Article 24 of the Basic Act).

183. As a form of welfare service for persons with disabilities under the Act on Comprehensive Support for Persons with Disabilities, “transition support for employment” is provided, consisting of training, etc. necessary for persons with disabilities intending to work for companies in order to acquire knowledge and improve their capabilities, while opportunities to work are provided to persons with disabilities who find it difficult to work for companies, etc., along with “support for continuous employment,” consisting of training, etc. necessary for such persons to acquire knowledge and improve their capabilities. In FY2013, the number of persons with disabilities who utilized the work-related welfare service to obtain a job was 10,001, a sharp increase from 7,717 seen in FY2012.

184. With respect to public housing occupancy, local governments managing publicly-operated housing provide, at their own discretion, preferential treatment to certain households of persons with disabilities when they screen occupants (2005 Notification from the Director of the Housing Bureau of the Ministry of Land, Infrastructure, Transport and Tourism (MLIT)).

(See Article 9 “Accessibility” for improving access to publicly-operated housing).

185. Based on the Act Concerning the Payment of Special Child Rearing Allowance, a special child rearing allowance is paid to children with mental or physical

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disabilities—a special child rearing allowance is paid to children with serious mental or physical disabilities; and a welfare allowance for children with disability is paid to children with very serious mental or physical disabilities. As of the end of FY2013, the special child rearing allowance, special child rearing allowance and welfare allowance for children with disability were paid to 225,201 persons, 66,632 persons and 121,372 persons, respectively.

Article 29 Participation in political and public life

186. Article 28 of the Basic Act for Persons with Disabilities provides that national and local governments must develop facilities or equipment for polling stations and take other necessary measures so that persons with disabilities are able to smoothly vote at an election, national referendum, or poll conducted pursuant to laws or ordinances.

187. Based on Article 47 of the Public Offices Election Act and Article 39 of the Order for Enforcement of the Public Office Election Act, persons with visual disabilities can cast their ballots in braille. Based on Article 48 of the Act, persons who cannot write the name, etc. of a candidate on a paper ballot by themselves due to mental or physical disorder, etc. can cast a ballot by proxy (or cast a paper ballot on which the name, etc. of a candidate selected by persons who cannot write by themselves is written by a helper). Based on Article 49 of the Act, persons with disabilities who are hospitalized or accepted by hospitals, nursing homes for the aged, support facilities for persons with disabilities, etc. that are designated by prefectural election administration committees can cast a ballot at such facilities (absentee balloting at designated facilities), and persons with serious physical disabilities (persons with physical disabilities designated by the Act on Welfare of Physically Disabled Persons, and wounded and sick retired soldiers with certain disabilities among those designated by the Act on Special Aid to the Wounded and Sick Retired Soldiers) can cast a ballot by mail or by other means (absentee balloting by mail or by other means). Based on the provisions of Article 58 of the Act, persons caring for those with disabilities who are deemed to be “persons caught in unavoidable circumstances” by ballot administrators are allowed to enter a polling station together with a voter. Based on the provisions of Article 150 of the Act and the provisions of the election broadcast regulations, sign language interpreters can be used for election broadcasts for elections of proportional representation seats of the Lower House and prefectural governor elections; sign language interpreters and closed captions can be used for election broadcasts for elections of proportional representation seats of the Upper House; and sign language interpreters and closed captions can be used for videos prepared by the political party

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that submitted a nomination of a candidate for single-member district elections for the Lower House. The Ministry of Internal Affairs and Communications (MIC), in collaboration with the Association For Promoting Fair Elections, implements explanatory activities for elections in which efforts are made to disseminate information on balloting methods, etc. that can be used by persons with disabilities.

188. Based on the Act on Special Provisions concerning the Voting Method by Means of Electromagnetic Recording Voting Devices Used for Election of Council Members and Heads of Local Governments, efforts are being made to promote the use of electronic voting that does not require the elector to write by him/herself, enabling electors who cannot write by themselves to cast their vote comparatively easily.

189. Article 9 of the Public Offices Election Act guarantees the voting rights of both persons with and without disabilities. Paragraph 4, Article 46 of the Act prohibits the act of writing the name of an elector on a paper ballot. Article 52 of the Act provides that an elector is not obliged to state the name, etc. of a person eligible for elective office, etc. for whom the elector cast a ballot. Article 227 of the Act provides that the act to violate ballot secrecy by means of public authority will be punished. Article 228 of the Act provides that the act of interfering in the ballot process will be punished. Article 10 of the Act guarantees the right of both persons with and without disabilities to hold office.

190. A provision previously existed to the effect that adult wards had no right to vote and no right to hold office. However, this provision was deleted by the Act on the Partial Amendment of the Public Offices Election Act, etc. for the Recovery, etc. of the Right to Vote of Adult Wards (Law No.21 of 2013), which was enforced in June 2013.

191. With respect to the performance of public duties by persons with disabilities, Article 27 of the National Public Service Act provides that no citizens should suffer from discrimination with regard to the appointment of national public officers, work conditions, dispositions, etc. Article 13 of the Local Public Service Act provides that no citizens should suffer from discrimination with regard to the appointment of local public officers, work conditions, dispositions, etc.

Article 30 Participation in cultural life, recreation, leisure and sport

192. The Basic Act for Persons with Disabilities provides that national and local governments must develop facilities, equipment and other conditions, subsidize activities relating to culture, art and sports, and take other necessary measures so that persons with disabilities can satisfy their desire for or be motivated by culture, or can independently and positively engage in sports or recreation (Article 25 of the

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Basic Act).

193. Article 22 of the Fundamental Law for the Promotion of Culture and the Arts, which was enacted in 2001, obligates the national government to establish an environment in which persons with disabilities can actively engage in cultural and artistic activities. Based on this article, the national government takes measures to enhance such activities.
194. Responding to the interim report, presented by the “advisory body for promoting support for art activities by persons with disabilities,” which held meetings in 2013, since FY2014 the national government conducted a survey to locate art works produced by persons with disabilities and research to assess the current situation regarding how such art works were being produced as well as R&D, etc. to advertise excellent art works to the public. In addition, the national government promotes activities related to culture and art through creating such environments for children with disabilities that they can continuously engage in the activities and by helping organizations that support the cultural and artistic activities of persons with disabilities.
195. Since FY2001, Countrywide Art/Culture Festivals for Persons with Disabilities have been held to enrich the lives of persons with disabilities through their participation in artistic and cultural activities, promote their independence and social participation, and deepen the public’s understanding and recognition of disabilities.
196. Concerts and exhibitions by persons with disabilities, and stage performances, exhibitions, etc. which can be enjoyed by them are held across the country. For persons with disabilities, the National Theatre of Japan and the New National Theatre, Tokyo offer discounted tickets, and admission to national museums of art and national museums is free. Theaters, concert halls, art galleries and museums, etc. in Japan have been improving the environment for persons with disabilities by making lavatories and elevators wheel chair friendly. At the same time, there is a need to address the issues that persons with visual and/or hearing disabilities have limited access to information, and create better environments for them.
197. Since FY2014, caption production support has been provided to organizations that intend to produce film captions in Japanese for film works for which a subsidy for the promotion of culture and the arts was provided so that persons with hearing disabilities may be given the opportunity to enjoy more films. With respect to the Copyright Act, legal arrangements are made to enable persons with disabilities to access cultural works as the case may be in consideration of the wishes, etc. of persons with disabilities.

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198. The Basic Act on Sport was enacted in June 2011. Paragraph 5, Article 2 of the Act stipulates the basic principle that sports must be promoted while giving necessary consideration to the type and degree of disabilities so that persons with disabilities may voluntarily and actively engage in sports. The “Sport Basic Plan” established in March 2012 based on the provisions of the Basic Act on Sport provides that the basic policy challenge is to create an environment in which many persons, regardless of age, gender, presence or absence of disability, may participate in sports activities in accordance with their interests, aptitudes, etc.

199. According to the survey conducted by the Ministry of Education, Culture, Science and Technology (MEXT) (2013), the rate of persons who participated in sports or recreational activities once a week or more frequently in the last year was 47.5% for general adults but only 18.2% for adults with disabilities. Therefore, it is necessary to further promote the participation of such persons in sports activities.

200. Since FY2015, MEXT has been supporting local governments developing frameworks for cooperation between sports-related and welfare-related officials/citizens to promote integrated sports activities for persons with disabilities in the community.

MEXT has also decided to provide support for building bases for sports activities for persons with disabilities at special needs education schools in order to promote regular sports activities for persons with disabilities, including children with disabilities.

201. Based on the provisions of the Basic Act on Sport, to ensure the smooth implementation of the National Para-Sports Festival, a national festival for persons with disabilities, necessary support is provided to the Japanese Para-Sports Association as the organizer as well as to governments of prefectures where the festival is conducted.

202. Based on the provisions of the Basic Act on Sport, the provision of opportunities for persons with disabilities to participate in sports activities through the implementation of sports classes and events to provide opportunities to experience sports, etc., development and training of coaches for sports played by persons with disabilities, and the dispatch of athletes to international sports meetings such as the Paralympics, Deaflympics, and Special Olympics, etc. are promoted by means of subsidies to the Japanese Para-Sports Association. For the purpose of training of players, prioritized support is provided to players and sporting organizations that are highly anticipated to win medals at international sports meetings. The Japanese Para-Sports Association asks private companies to make financial donations or other contributions for the

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purpose of covering expenses necessary for enhancing organizations, implementing sports meetings organized by the Association, dispatching teams of Japanese players to international sports meetings, paying cash rewards to medalists in the Paralympics and developing and training players.

203. Understanding of and interest in all levels of sports activities by persons with disabilities have increased year after year. Many Japanese players participate in international sports meetings. From March to April, 2015, the 18th Winter Deaflympics were held in Khanty-Mansiysk and Magnitogorsk, Russia, and a Japanese delegation of 48 members, including 22 players, participated in the games. From July to August, 2015, the “Special Olympics World Summer Games Los Angeles” were held in Los Angeles, U.S.A., and a Japanese delegation of 118 members, including 77 players, participated in the games. In March 2014, the “Sochi 2014 Paralympic Winter Games” were held in Russia, and a Japanese delegation of 55 members, including 20 players, participated in the games.

204. At the IOC Session held in September 2013, Tokyo was elected as the host city for the 2020 Olympic and Paralympic Games. As a result, Tokyo has become the first city in the world to hold the second Paralympic Summer Games. Paralympic Games in which the world’s top-level athletes participate will encourage persons with disabilities to become independent and participate in social activities through sports activities, and contribute to increased understanding of diverse disabilities by the general public. Furthermore, the establishment of sports stadiums in which consideration is given to accessibility and infrastructure improvement will enable all people, including those with disabilities, to safely and comfortably travel the streets of Tokyo, and promote the realization of Tokyo as a universal design city.

205. The level of competition of recent sports activities by persons with disabilities, including the Paralympic Games, has increased remarkably. Due to an increase in the necessity of further promoting measures for sports activities by persons with disabilities, not only from the viewpoint of welfare but also from the viewpoint of promoting sports activities, projects related to sports activities by persons with disabilities that are conducted from the viewpoint of promoting sports activities were from FY2014 transferred from the MHLW to MEXT in order to further promote sports activities by persons with disabilities.

206. As community life support services based on Article 77 and 78 of the Act on Comprehensive Support for Persons with Disabilities, the “project for the promotion of recreational activities” has been implemented to establish or improve the environment in which persons with disabilities, etc. participate in social activities and

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provide necessary support for them. In the project, various recreational classes and recreational sports festivals, etc. are held in order to promote an increase in the physical strength of persons with disabilities, their relationship with other people, and their leisure activities through recreational activities, and provide them with opportunities to participate in sports activities.

207. Article 21 of the Tourism-based Country Promotion Basic Act provides that the national government must take measures necessary for establishing travel-related facilities and public facilities that the elderly, persons with disabilities, foreign nationals and tourists who require special considerations can easily use, and for improving the convenience of such facilities. Therefore, one-stop information centers to provide consulting services and responses to inquiries, etc. from the elderly and persons with disabilities, etc. who encounter difficulties while sightseeing and traveling are being established, and efforts to enhance the services of such centers are being carried out.

(See Article 9 “Accessibility” for the promotion of barrier-free facilities, barrier-free access to information, including regular broadcasts and the dissemination of closed-captioned broadcasts, etc.).

Article 31 Statistics and data collection

208. Based on the Basic Program for Persons with Disabilities (IV 3), specific targets for achievement are established and the status of implementation of measures and their effects are assessed and evaluated based on numerical values, etc. The Cabinet Office collects basic data concerning persons with disabilities from relevant ministries and agencies, and posts such data on its website (the collection of basic data). In addition, the Cabinet Office conducts international comparative surveys, opinion polls, and attitude surveys, etc. annually concerning measures for persons with disabilities, and posts their results on its website, etc.

209. The Statistics Act provides a confidentiality obligation, etc. regarding information collected in statistical surveys, and such information, including information on persons with disabilities, is properly protected. Furthermore, the Statistics Act provides fundamental principles based on the “Fundamental Principles of Official Statistics” that were adopted by the United Nations, and ethical principles for collecting and using statistics are complied with. Official statistics, including location data are properly publicized through the Internet or using other methods.

210. Personal information on persons with disabilities that is collected by

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administrative organs of the national government is properly handled based on the Act on the Protection of Personal Information Held by Administrative Organs. Any acts in violation of the provisions of the Act will be punished. The Act substantiates the OECD's Eight Principles, which are the international standards concerning the protection of personal information, and thus, the Act complies with internationally accepted rules.

Article 100 of the National Public Service Act provides that national public officers shall not disclose information that they come to know during the performance of their duties.

211. *With respect to this article, the Policy Commission has provided the following observation (See the Appendix for details).*

Statistics of both national and local governments that can be used for monitoring and evaluating their measures regarding persons with disabilities are insufficient. Therefore, surveys covering the entire population of Japan and gender-based surveys need to be implemented.

(See I “The process leading to the Conclusion of the Convention and Where we stand” for the statistical data)

Article 32 International cooperation

212. The Basic Act for Persons with Disabilities provides that the national government is to endeavor to exchange information with foreign governments, international organizations, and other relevant bodies, and take other necessary measures in order to promote measures to support the independence and social participation of persons with disabilities under a framework of international cooperation (Article 30 of the Basic Act).

213. Based on the Development Cooperation Charter, Japan provides assistance to persons with disabilities in developing countries and cooperation in which consideration is given to persons with disabilities from the viewpoint of promoting human security. Assistance mainly consists of loan, grant aid and technical cooperation. As for development carried out with Japanese ODA loan, barrier-free designs are adopted in the construction of railways, airports, etc. in order to extend cooperation framework in which consideration is given for the use of such facilities by persons with disabilities. As for grant aid, cooperation in which consideration is given to use by persons with disabilities is provided, and rehabilitation facilities, vocational training facilities, among others, for persons with disabilities are constructed. Furthermore, Japan provides Grant Assistance for Japanese NGO Projects in which

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Japanese NGOs provide assistance to persons with disabilities (such as support to children with disabilities when they attend schools, vocational training, and provision of wheelchairs.) As for technical cooperation, in order to promote social participation by persons with disabilities and to help realize their rights in developing countries, through the Japan International Cooperation Agency (JICA), measures for persons with disabilities are provided, and their participation in the development process is also supported, by means such as dispatch of persons with disabilities as experts and JICA volunteers to developing countries.

214. Furthermore, as cooperation to the Asia-Pacific region, Japan has provided various forms of assistance to the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP) through the Japan-ESCAP Cooperation Fund (JECF).

Article 33 National implementation and monitoring

215. The Japanese Government has designated the Director for Policy for Persons with Disabilities in the Office of the Director General for Policy on Cohesive Society, Cabinet Office and the Human Rights and Humanitarian Affairs Division, Foreign Policy Bureau, Ministry of Foreign Affairs as the focal points. The Director for Policy for Persons with Disabilities in the Office of the Director General for Policy on Cohesive Society, Cabinet Office will be designated as the coordination mechanism with the government.

216. With respect to the framework for promoting the implementation of the Convention, to help the general public increase their interest in and understanding of persons with disabilities, and the challenges they face, as well as to encourage persons with disabilities to engage more in social activities, one week from December 3 to 9 of every year has since 1995 been designated as the “Week of Persons with Disabilities.” Public and private sectors have been actively implementing a variety of events across the country as a part of awareness campaigns and publicity activities during, before and after this week.

217. As the administrative organ for the promotion and protection of human rights, the Human Rights Bureau is established in the MOJ. As subordinate agencies thereof, the Human Rights Department of the Legal Affairs Bureaus (eight bureaus in total across the country), the Human Rights Division of the District Legal Affairs Bureaus (42 bureaus in total across the country) and their branches (263 branches in total across the country as of April 1, 2015) have been established. In Japan, approximately 14,000 human rights volunteers (commissioned private citizens appointed by the Minister of Justice) conduct human rights promotion and protection activities of

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human rights in cooperation with MOJ's Human Rights Bureau, Legal Affairs Bureaus and District Legal Affairs Bureaus. MOJ's Human Rights Bureau, Human Rights Department of Legal Affairs Bureaus, Human Rights Division of District Legal Affairs Bureaus, their branches, and human rights volunteers are collectively referred to as the "human rights bodies of MOJ."

218. The human rights bodies of MOJ implement various awareness-raising activities based on the "Basic Plan for Promotion of Human Rights Education and Encouragement" established based on the provisions of Article 7 of the Human Rights Education and Enlightenment Promotion Act. Specifically, the human rights bodies of MOJ hold lectures and round-table talks, distribute leaflets, and conduct activities at various events under the slogan of "Promote the Independence and Participation in Society of People with Disabilities" as one of the priority targets of activities for human rights awareness-raising.
219. Article 6 of the Human Rights Education and Enlightenment Promotion Act clearly provides that the general public must cultivate respect for human rights and contribute to the creation of a society in which human rights are respected. The "Basic Plan for Promotion of Human Rights Education and Encouragement" established based on Article 7 of the Human Rights Education and Enlightenment Promotion Act specifies: that local governments, public-interest corporations, private associations, and companies, etc. will play a large role in promoting human rights education and awareness campaigns; that the foregoing organizations, etc. are expected to promote voluntary activities in line with the objective of the Basic Plan in their own fields and standpoints, in organic coordination with each other if necessary; and that the Basic Plan must be implemented in consideration of the activities or opinions of the foregoing organizations, etc.
220. With respect to the framework for protecting the implementation of the Convention, the human rights bodies of MOJ provide counseling services at nationwide Legal Affairs Bureaus and the District Legal Affairs Bureaus concerning all forms of human rights issues, including those related to persons with disabilities. If they recognize a case suspected of human rights violation, they conduct necessary investigations as a human rights violation case, and take appropriate measures, in collaboration and cooperation with related organizations (subparagraphs 26 and 29, Article 4 of the Act for Establishment of the Ministry of Justice; Article 11 of the Human Rights Volunteers Act; and the Regulation on Investigation and Resolution of Human Rights Violation Cases (Instructions of the Minister of Justice)). The number of human rights counseling services concerning violence toward and abuse of persons with disabilities,

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human rights violation at social welfare facilities, discriminative treatment and coercion/obtrusion in 2014 was 2,818. The number of human rights violation cases totaled 448.

221. With respect to the overall framework for promoting, protecting and monitoring the implementation of the Convention, the Basic Act for Persons with Disabilities provides that the “Policy Commission,” an advisory body not exceeding 30 members who are appointed from among persons with disabilities, persons engaged in business related to the independence and social participation of persons with disabilities as well as persons with relevant academic background and experience (Articles 32 and 33 of the Basic Act). The Act provides that with regard to the configuration of the members, the Policy Commission must consider making it possible to carry out studies and deliberations that take into account the various opinions of persons with disabilities and their actual situation (paragraph 2, Article 33 of the Basic Act). At present, a majority of the members of the Policy Commission are appointed from among persons with disabilities or representatives of their families. The Act further provides that the Policy Commission can state opinions concerning the establishment or change of the “Basic Program for Persons with Disabilities,” investigate and deliberate on the Basic Program and monitor the status of implementation, and if necessary, state its opinions to the Prime Minister (paragraphs 4 and 9 of Article 11, and paragraph 2 of Article 32, of the Basic Act). The Policy Commission functions as the monitoring framework specified in Article 33 of the Convention. The monitoring of the implementation of the Convention is conducted as follows: the Policy Commission monitors whether the “Basic Program for Persons with Disabilities,” which forms the foundational body of policies on measures for persons with disabilities, is implemented in accordance with the objective of the Convention. The Policy Commission has monitored the status of implementation of the “Basic Program for Persons with Disabilities (Third)” since May 2015 in order to submit this Report, and documented the results of such monitoring in September 2015 (See the Appendix).

222. The Basic Act for Persons with Disabilities provides that prefectural and municipal governments must establish a body with a council system to study and deliberate the comprehensive and planned promotion of their measures for persons with disabilities and monitor the state of implementation of such measures (in the case of municipal governments, they “may establish” a body with a council system), and that with regard to the configuration of the members of the body, consideration must be given to make it possible to carry out studies and deliberations that take into account the various opinions of persons with disabilities and the actual situation regarding

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persons with disabilities (Article 36 of the Basic Act).

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Summary of Discussions

Challenges Based on the Status of Implementation of
the Basic Program for Persons with Disabilities (Third)

September 2015

Commission on Policy for Persons with Disabilities

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Monitoring of the Status of Implementation of the Basic Program for Persons with Disabilities (Third)

September 2015
Commission on Policy for Persons with Disabilities

The Convention on the Rights of Persons with Disabilities (hereinafter the “CRPD”) was ratified by the Japanese Government in January 2014, and took effect in February 2014. Within two years after ratification of the CRPD, the States Parties are required to submit a report on the status of implementation of the CRPD to the United Nations Committee on the Rights of Persons with Disabilities. When preparing the government report, the Japanese Government is required to collect the views of the Commission on Policy for Persons with Disabilities (hereinafter the “Policy Commission”), which monitors the status of implementation of the Basic Program for Persons with Disabilities, and reflects them in the government report. The Policy Commission has therefore monitored the Status of Implementation of the Basic Program for Persons with Disabilities (Third) to enable the Japanese Government to submit the government report under the CRPD.

Before conducting the monitoring, the Policy Commission invited Ron McCallum, Professor Emeritus, University of Sydney, who has worked as the former chairperson of the United Nations Committee on the Rights of Persons with Disabilities, to deliver a lecture on the viewpoints of examination of governmental reports by the UN Committee on the Rights of Persons with Disabilities, as well as on the constructive dialogue that took place between the UN Committee and the States Parties. The Policy Commission then exchanged opinions with Mr. McCallum so that all members of the Policy Commission would share a unified mindset with regard to the monitoring.

Basically, information on the current status of implementation of the Basic Program for Persons with Disabilities (Third) was collected from relevant ministries and agencies, and discussions were undertaken with regard to the monitoring work.

In particular, the following four themes were considered as important theme for the monitoring: “support for decision making, etc., including adult guardianship system”; “support for the hospital-to-community transition of persons with mental disabilities, persons with severe disabilities, etc. in need of medical care”; “the inclusive education system, employment, etc.”; and “information accessibility.” The Policy Commission therefore decided to separately hold four working sessions to discuss each theme in parallel with discussions at Policy Commission meetings.

Three or four members of the Policy Commission worked as coordinators for each working session. These coordinators gained the participation of persons with detailed knowledge of each theme, including persons with disabilities, representatives of related organizations and experts [in the field]. The coordinators then collected opinions from the participants while engaging in detailed discussions during the working sessions.

At the Policy Commission meetings, discussions were held concerning cross-sectional themes such as “women with disabilities” and “statistics concerning persons with disabilities.” In particular, all members of the Policy Commission held detailed discussions concerning “support for the hospital-to-community transition of persons with mental disabilities” and “the inclusive education system,” which had been discussed during the working sessions.

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Since May 2015, the Policy Commission conducted 13-time-discussion in total—eight times over the four working sessions, and concurrency five times (on all themes) based on the results of the working session discussions. Subsequently, the Policy Commission compiled a “Summary of Discussions —Challenges Based on the Status of Implementation of the Basic Program for Persons with Disabilities (Third).” In the summary of the discussions, opinions presented from relevant ministries and agencies were also included in addition to opinions presented from members of the Policy Commission.

This year is an intermediate year of the Basic Program for Persons with Disabilities (Third). Therefore, the Policy Commission expects that respective ministries and agencies will implement related measures of the Basic Program in full consideration of the “summary of discussions” during the remainder of its implementation period.

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* The “Status of Implementation of the Basic Program for Persons with Disabilities (Third)” is not attached hereto

III Basic Trends in Measures by Field

1. Support for daily life

(1) Support for decision making, etc., including adult guardianship [WS I]

[Discussions] Adult guardianship system violates the CRPD?

- 1) The CRPD denies substitute decision-making. Therefore, adult guardianship system, including the right to rescind, which is a protective vicarious framework, may violate the CRPD.
- 2) Decision making involves a variety of issues, ranging from simple to sophisticated/legal. For matters that cannot be understood, decisions cannot be made. When decision making is necessary for any important matter that causes irrevocable disadvantage to a person concerned, protection of his/her rights under adult guardianship system is necessary. Therefore, adult guardianship system in fact does not violate the CRPD.

(Ministry of Justice (MOJ))

The MOJ understands that Japan's adult guardianship system does not violate the CRPD. Under the Civil Code, a guardian must respect the will of the person concerned (the adult ward) and consider his/her mental and physical condition and living circumstances (Article 858 of the Civil Code). Furthermore, the Civil Code provides various measures to protect the interest of the person concerned, thereby respecting the rights, will and preferences of the person concerned (Article 12, paragraph 4 of the CRPD). If surrogate authority is not granted to guardians without exception, even when decision making by the person concerned is practically impossible (for example, he/she suffers from serious dementia, etc.), the person concerned cannot in effect conduct any legal acts, and therefore would not be protected at all.

[Discussions] The adult guardianship system itself has limitations?

- 1) Even if it is difficult to confirm the will of the person concerned and substitute decision-making is conducted by necessity, adult guardianship should be considered to be limited and used as a last resort, and operation of the system, including support for decision making, should be improved.
- 2) The reality is that a legal professional can abruptly be appointed as an adult guardian but cannot provide support for decision making. It is therefore necessary to develop a system in which an adult guardian is not left alone to provide support by himself/herself; rather, family members and affiliates who are familiar with the everyday life of the person concerned and/or decision-making supporters, including welfare professionals, gather around the person concerned on a continuous basis in order to consult and coordinate with each other.

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- 3) It is difficult to confirm the will of the person concerned and make decisions that reflect his/her will. Although it is a medium- or long-term challenge, I believe that it is necessary to accumulate model cases initially and promote support for decision making.
- 4) The precondition for using adult guardianship system is that the person concerned has no capacity for judgment. Although the obligation to consider his/her mental and physical condition and living circumstances is imposed, it is not clear how the will of the person can be respected. Therefore, one urgent challenge is to hold discussions on this issue. I believe that the relationship between the current adult guardianship system and the CRPD can be discussed only after research and verification of the current adult guardianship system is carried out repeatedly.

[Discussions] The burden on family courts is heavy?

- 1) Isn't it too burdensome for family courts to conduct supervisory activities in addition to their primary activities? In many overseas countries, administrative organizations conduct supervisory activities. It would be realistic for Japan to establish a measure to be implemented over a medium- or long-term period under which organizations with knowledge of support for decision making support corporate guardians and/or adult guardians, etc.
- 2) I believe that guidelines or suchlike pertaining to support for decision making (dealing with three areas: daily life, life planning, and when life is threatened) could be established in line with the intentions of the person concerned. I also believe that even if conflict occurs among related parties in connection with support for decision making, such conflict could be resolved by organizations in charge of coordination and judgment, if such organizations were established.
- 3) It may be possible to share the burden of providing support for decision-making by taking the following approach. That is, by increasing support provided by municipal governments for on-site decision making, and waiting until the final stages of decision-making before family courts perform their functions and roles.

(2) Support for the hospital-to-community transition of persons with severe disabilities, etc. in need of medical care [WS II]

[Discussions] Living in communities should be possible in all cases?

- 1) I hope that 24-hour medical care and nursing care would be guaranteed for all persons with severe disabilities so that they can live in a manner befitting human dignity, irrespective of which communities they live in.
- 2) Housing support in communities such as group homes is highly evaluated. However, the current level of compensation is too low for caregivers to provide medical care, including sputum suction, to persons in need of such care.
- 3) General consultation desks, which respond to inquiries about medical care and welfare depending on the patient's condition and the change in living conditions, and about related measures for patients with progressive intractable diseases, should be established in communities.

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[Discussions] How should children in need of medical care be supported?

- 1) Constant nursing care must be provided to children in need of medical care. However, as some municipalities have very strict rules about the provision of welfare services, parents of such children who cannot fully avail of those services are left to bear an excessive nursing care burden.
- 2) Medical type facilities for children with disabilities provide medical care (24 hours, 365 days), but only inside the facilities themselves. Considering their child's welfare, parents of children in need of medical care find it difficult to send their children to such and must bear the burden of medical care themselves.
- 3) The condition under which recuperation can be used is a degree of disability amounting to five or more. Therefore, children with progressive intractable diseases can use medical type facilities, but may not be able to utilize care for daily life.
- 4) According to a survey, 70% or more of parents are required by schools to attend to their children while at school. Almost all of the parents attending to their children at school also provide medical care to them. It is my wish that training costs will be subsidized and a subsidy should be provided for the establishment of a medical care implementation system so that various procedures, including sputum suction, may be utilized to the maximum extent possible and medical care can be provided at childcare and education facilities.

2. Health care and medical treatment

(1) Support for the hospital-to-community transition of persons with mental disorders [WS II]

[Discussions] Systems, including the Act on Mental Health and Welfare for the persons with Mental Disorders (hereinafter the “Mental Health and Welfare Act”), and their operations, should be improved?

- 1) It is necessary to re-examine the adequacy of Article 33 of the Mental Health and Welfare Act, which sets out the provisions concerning involuntary hospitalization for medical care and protection.
- 2) In the case of involuntary hospitalization for medical care and protection, citizens exert power over other citizens. It is difficult to obtain the international community’s understanding of the practice.
- 3) Some people say that the increased number of cases of involuntary hospitalization for medical care and protection suggests a tendency to take the will of the persons concerned into account less. On the other hand, others say that it is premature to conclude that the will of the persons concerned is disregarded and their rights are infringed upon in many cases in consideration of the fact that the number of days of hospitalization has become shorter and the frequency of hospitalization has increased under the concept that emergency intervention is necessary when symptoms worsen. Therefore, this matter must be re-examined.
- 4) The special provision of the Medical Service Act provides that one psychiatrist must be allocated for every 48 beds. However, I believe that an appropriate number of psychiatrists should be allocated in consideration of the type/extent of psychiatric care required.
- 5) Under the designated psychiatrist system, applications for improving treatment, etc. may be submitted to the Mental Health Review Board. Under the system, however, the right to restrict the acts of hospitalized patients is concentrated on only one designated psychiatrist.
- 6) It is absolutely necessary to ensure that defenders of patients’ rights are independent from family members or medical care professionals involved in such treatment to protect the rights of patients in psychiatric wards.
- 7) The results of examinations made by the Mental Health Review Board are as follows: the number of cases for which the Board determined “it is appropriate to transfer the patient concerned to another type of institution” or “continued hospitalization is no longer necessary,” numbered nine out of all 260,000 applications; and the ratio of cases for which the Board determined “continued hospitalization is no longer necessary” was 5.8% for all 308 applications for treatment improvement. Although some people say that the designated psychiatrist has made the correct judgment, I believe that the number or the ratio of applications accepted is too small. The results of examinations may indicate that the Board has not fully performed their examination function. This matter should be re-examined.
- 8) Article 10, subparagraph 3, of the Ordinance for Enforcement of the Medical Service Act provides that patients with mental illness shouldn’t be hospitalized in medical wards other than psychiatric wards. Even now, some medical care professionals of other departments refuse to treat patients with mental illness, although this practice is beginning to decrease.
- 9) In the case of dementia, the actual conditions of social hospitalization for psychiatric medical treatment are accepted. However, such conditions should be improved.
- 10) In the past, many psychiatric hospitals may have accepted long term social hospitalization. At present, however, they have changed their manner of treatment based an examination of former treatment methods. It is necessary to conduct surveys, including the “Report on the Results of Survey of Use of Psychiatric Beds,” on a continuous basis, and discussions should be carried

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out based on the latest accurate statistics.

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(Ministry of Health, Labour and Welfare (MHLW))

Involuntary hospitalization for medical care and protection is carried out when a person is diagnosed by a designated psychiatrist as having a mental disability that requires hospitalization for medical care and protection, but the same person is not able to make an appropriate judgment on the necessity of hospitalization due to his/her mental disorder. When involuntary hospitalization for medical care and protection is to be carried out, the hospital is obligated to inform the person concerned in writing of the medical examination by the designated psychiatrist and the hospitalization order. The hospitalization procedures are rigorously designed from the viewpoint of the protection of human rights. Furthermore, a framework is in place under which the appropriateness of hospitalization is examined by the Mental Health Review Board.

When involuntary hospitalization for medical care and protection is to be carried out, a medical examination by the designated psychiatrist as well as the consent of the patient's family, etc. are required. The foregoing was determined by comprehensively considering the following. Due to the fact that it is necessary to protect the rights of persons with mental disorders, and also because increased importance is being placed on informed consent, a procedure that offers sufficient explanations to family members, etc. living together with the person concerned and that secures agreement regarding hospitalization is desirable. After revision of the related law, the patient's family, etc. is allowed to file an application for discharge from the hospital.

As for community life support services, the MHLW will make efforts to enhance medical care/welfare services in communities based on the direction indicated in the report compiled by the "advisory board for detailed measures toward the hospital-to-community transition of long-stay inpatients with mental disorders."

[Discussions] How should local infrastructure in communities be enhanced?

- 1) When persons with mental disorders live in communities, social support for their families is insufficient.
- 2) The CRPD requires that measures by which persons with mental disorders need not be hospitalized be taken from the viewpoint of guaranteeing their right to live in communities. Therefore, it is important to facilitate the hospital-to-community transition of persons who are long-stay inpatients and develop resources to enable those with mental disorders to live in communities.
- 3) Psychiatric care itself needs to be expanded to communities. It is necessary to increase expenditure on community care and the number of personnel, and to create "mobile teams" who visit persons with mental disorders living in communities and provide welfare and medical care services to them.
- 4) The number of business operators who have withdrawn from providing support for the transition to community life has increased due to unprofitability of the business as a result of low compensation. Therefore, it is my hope that the reasons why the number of service users is small should be analyzed once again and a budget for compensation suitable for addressing the particular features of mental disorders should be arranged.
- 5) I strongly hope that professionals will support persons with mental disorders in community life.
- 6) Persons with mental disorders find it extremely difficult to settle in private-sector housing.
- 7) Hospital-to-community transition cannot be achieved if the physical space or equipment is simply moved from the hospital room to the dwelling facility. Once psychiatric wards have lost their social role, they should be closed, and shouldn't be used for segregating or accommodating people for different purposes.

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(MHLW)

When persons with mental disorders who have been hospitalized for a long time are discharged, their transition must, in principle, be made directly to community life (their home, private apartment, or group home). Group homes on the premises of mental hospitals are permitted on a trial basis, to be established as a transitional place of residence for those who feel uneasy about directly transitioning to communities, even if support is provided for their discharge from hospitals. The conditions for establishing and operating such group homes include the following: that persons use them voluntarily even when third parties are involved; that such group homes are physically independent from hospitals; and that the period of use should be two years or less in principle.

3. Education, cultural and art activities, sports, etc.

(1) The inclusive education system [WS III]

[Discussions] How is inclusive education progressing?

- 1) Discussions should be held about the goal of inclusive education, the indicators for monitoring its progress and how to promote it while taking the foregoing factors into account.
- 2) The following data will be helpful for discussing progress: Data collected from nurseries, elementary schools, junior high schools, and high schools, as well as those collected separately from special needs education schools or classes for special needs education. If possible, those data categorized by type of disability will be beneficial. Descriptions concerning the actual conditions of interaction between students attending special needs education schools or classes for special needs education and students without disabilities will be also helpful. As individualized education support plans and individualized teaching plans serving as qualitative data are important, I recommend that these data should be analyzed, including the evaluation by individuals with disabilities themselves who used them.
- 3) To prevent individualized education support plans from being “pie in the sky,” the whole process, from preparation to utilization, should be visualized.
- 4) Plans to use assistance for facility admission and plans to use services are required to be made by closely coordinating consultation support for disabled children and individualized education support plans.
- 5) As for liaison councils for special needs education, it is necessary to investigate the actual conditions of how they are established and analyze how their functions are performed.
- 6) When making reports on the progress of inclusive education, attention should be paid to the fact that children with various kinds of disabilities jointly receive education and how their respective needs can be satisfied.
- 7) When making reports on the progress of inclusive education, the viewpoint of whether or not children have any disability is important. In addition, attention should be paid to the kinds of difficulties children with disabilities face with regard to learning and attendance at schools and what kind of support schools provide.
- 8) Distributing education support materials to schools across the country was effective for deepening the understanding of school attendance.
- 9) As for reasonable accommodation, it is necessary to enumerate both positive and negative examples and analyze them so that anybody can understand the meaning of reasonable accommodation.
- 10) During entrance examinations at high schools, children with disabilities are excluded due to the current system of checking certificates of disabilities and school reports, etc. This is a problem that prevents the realization of inclusive education.

(Ministry of Education, Culture, Sports, Science and Technology (MEXT))

As provided in the CRPD and the Basic Act for Persons with Disabilities, inclusive education is understood to mean education in which consideration should be given such that children with disabilities as well as those without disabilities can jointly receive education as far as possible under the education philosophy of enabling children with disabilities to develop their capabilities, etc. to the maximum extent and effectively participate in a free society.

Among others, the report from the Central Council for Education, Elementary and Junior High School Education Committee, which was publicized in July 2012, makes recommendations to the effect that: it is important to establish a flexible, diversified framework that can provide the most suitable instruction for meeting educational needs at a given time, with the goal of promoting

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independence and social participation; it is important to provide continuous, diverse places of learning (regular classes, special support service in resource rooms, classes for special needs education, schools for special needs education) in place.

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[Discussions] Is the will of the person concerned and his/her parents respected?

- 1) With regard to respect for the will of the person concerned and his/her parents, the ideal situation would be reflected by related data showing that the acceptance ratio of children concerned by elementary and junior high schools in communities is steadily improving.
- 2) Special needs education assistants are actively allocated to children with developmental disabilities, but the same is not true for children with intellectual disabilities. This fact runs contrary to the concept of striving to make it possible for children with disabilities to jointly receive the necessary support and education in the same place as children without disabilities. I fear that the number of children with disabilities who seek specific support to attend schools for special needs education will increase contrary to the concept of the inclusive education. I believe it is necessary to consider the best balance for budget allocation among other factors, and establish a framework in which children with disabilities and their parents who wish to apply to schools in their local communities will be accepted as far as possible.

(MEXT)

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Among others, the report from the Central Council for Education, Elementary and Junior High School Education Committee, which was publicized in July 2012, makes recommendations to the effect that: it is important to establish a flexible, diversified framework that can provide the most suitable instruction for meeting educational needs at a given time, with the goal of promoting independence and social participation; it is important to provide continuous, diverse places of learning (regular classes, special support service in resource rooms, classes for special needs education, schools for special needs education) in place.

Depending on the actual conditions of children with disabilities in need of support, each local government allocates special needs education assistants to each school to support children with disabilities in their daily life and learning activities. Children with intellectual disabilities are not excluded from such programs whatsoever.

[Discussions] Is improvement of the environment promoted?

- 1) Establishment of the education consulting and support system from an early stage, enhancement of the function of schools as information centers for special needs education, and an increase in the quorum of teachers as well as improvement in the allocation and number of special needs education assistants is highly appreciated. However, further improvement in the quorum of teachers is still needed, and the number of classrooms remains insufficient.
- 2) The allocation of special needs education assistants is financed by the general account budget, including tax allocation grants, by boards of education. However, the cost should be financed by a government subsidy from MEXT.
- 3) I hope that the provision of text books meeting educational needs, including digital and audio text books, etc. for children and persons with developmental disabilities will be further increased.

(MEXT)

Expenses for allocating special needs education assistants are paid to local governments as a local grant tax depending on the actual conditions of local communities. The amount of said expenses has been increased year after year depending on the actual situation regarding the allocation of such assistants by local governments.

(2) Culture and sports

- 1) Efforts being made to improve the current situation in which the sports participation rate of persons with disabilities is lower than that of persons without disabilities are appreciated.
- 2) Some persons with disabilities aim at becoming No.1 in the world, while others simply wish to exercise in the neighborhood approximately once a week. Therefore, if the general term “sports for persons with disabilities” is used, diverse needs are difficult to identify.
- 3) Various challenges remain in regard to the promotion of cultural activities, etc. of deafblind persons.
- 4) As for barrier-free films, various ministries and agencies should cooperate on initiatives such as closed captions and audio guidance.

4. Support for employment and economic independence [WS III]

[Discussions] How should the legal employment quota be achieved?

- 1) The employment of persons with disabilities by prefectural boards of education as supervisory authorities over teachers and schools is helpful for promoting measures related to the education of persons with disabilities. Therefore, prefectural boards of education are required to achieve their legal employment quotas.
- 2) I hope that companies that fail to promote employment are encouraged to understand the current conditions regarding persons with disabilities.
- 3) Not only job assistance to persons with disabilities but also support to companies will be necessary. It is highly appreciated that the Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers has already provided various kinds of support. However, the organization is required to provide information on support and review the type of support it provides as the case may be.
- 4) Small and medium-sized enterprises (SMEs) have already received various types of support as well as new subsidies. However, this support, etc. needs to be enhanced further. I hope that employment measures will be further promoted through the publishing of figures concerning the status of implementation of the Consultation and Enlightenment Service of Employment of Persons with Disabilities.
- 5) In the future, persons with diverse disabilities, including developmental disabilities and intractable diseases, may seek to avail of consultation services. Therefore, I hope that the training of Hello Work staff will be enhanced on a continuous basis and that support for job retention after employment will be promoted.
- 6) Support to persons with acquired disabilities tends to be insufficient. I want companies to understand the necessity of facilitating return to the workplace by allowing persons with acquired disabilities a specific period of time for rehabilitation. One challenge is how to ask companies to deal with the return to work program based on the same program for government officials with acquired disabilities.
- 7) As on-the-job training and capacity development contribute to the expansion of occupational fields for persons with disabilities, I hope that such training, etc. will be fully promoted.
- 8) Before enforcement of the revised Act for Employment Promotion etc. of Persons with Disabilities, it is important to inform persons with disabilities and companies of the objective of the revision and provide them with information on the “Guidelines on Prohibition of Discrimination against Persons with Disabilities” and the “Guidelines on Reasonable Accommodation,” which were published in March 2015. Companies are required to consistently comply with these guidelines.

[Discussions] How should special subsidiary companies be treated?

- 1) I hope that personnel interchange between parent companies and their special subsidiary companies will be promoted; special subsidiary companies should provide know-how regarding the employment of persons with disabilities that they have built up; and parent companies should utilize this know-how to expand the employment opportunities of persons with disabilities.
- 2) If persons with acquired disabilities are loaned out to special subsidiary companies without their consent, such cases will be regarded as a problem from the viewpoint of inclusiveness.

5. Living environment

- 1) Persons with mental disabilities find it extremely difficult to take up residence in private houses. (reiterated)
- 2) Under the Barrier-Free Law, the living environment for persons with disabilities is improved, but the number of facilities, buildings, etc. covered by the act is extremely small.
- 3) It is important to investigate the barrier-free status of facilities, etc. not covered by the Act on Promotion of Smooth Transportation, etc. of Elderly Persons, Disabled Persons (hereinafter the “Barrier-Free Law”).
- 4) I believe that the barrier-free target figures are low.
- 5) Although the number of welfare taxis is reported to have increased, this seems inaccurate. This may be because the standard of most existing welfare taxis is different from the standard expected by persons with disabilities. Therefore, it is necessary to reexamine the universal design standard.
- 6) In the case of improving barrier-free software, new systems tend to be created by introducing new technologies without considering usability by persons with disabilities, which may result in problems.

6. Accessibility to information [WS IV]

[Discussions] The provision of information should be enhanced?

- 1) The use of sign language and audio descriptions has not become common in broadcast media.
- 2) Some election broadcasts don't offer closed captions or sign language services. The live broadcasts of the Diet deliberations offer neither closed captions nor sign language services.
- 3) The displays in buses, trains, athletic fields, and other facilities other than stations are insufficient and are not used. Therefore, it is necessary to examine future policy.
- 4) Accessibility to information by persons with disabilities in broadcast media has improved; however, information accessibility in cases of emergency has not significantly improved.
- 5) During emergencies, information must be accurate, but the timely receipt of information may be more important than its accuracy in some situations.
- 6) At present, no standards exist for providing closed captions to various video materials, including videos on the Internet.
- 7) It is necessary to appoint persons with disabilities or their representatives to the panel that is authorized to determine information-related standards. The panel should be authorized to examine standards across ministries and agencies.

(Ministry of Internal Affairs and Communications (MIC))

The MIC has taken measures, including the establishment of goals, the publication of actual results and the subsidization of production costs, etc. to help disseminate the use of sign language and audio descriptions in broadcasts.

Sign language interpretation is available for election broadcasts for the election of proportional representation seats of the House of Representatives and for prefectural governor elections. Sign language interpretation and closed captions can be available for election broadcasts for the election of proportional representation seats of the House of Councilors. For single member election for the House of Representatives, sign language interpretation or closed captions may be used in videos prepared by the political party that nominates a candidate. In some elections, sign language interpretation is not used. Since sign language interpreters are not evenly distributed in all regions, one challenge is how to secure them. In the case of closed captions, captions must be recorded in a limited period of time. Therefore, the challenge is how to arrange such captions in a limited period of time.

It is also challenging to provide closed captions and sign language interpretation for live broadcasts of Diet sessions due to the importance of the deliberations that take place. We have been informed that it is difficult to provide closed captions etc. at present due to the need for accuracy and fairness in such live broadcasts. However, the MIC will continue to ask the broadcasters concerned to resolve such challenges through promotion of technological development, etc.

ADVANCE UNEDITED VERSION

[Discussions] Communication support should be enhanced?

- 1) I hope that examinations will always be carried out while considering the care of persons with severe and multiple disabilities and patients with serious intractable diseases who utilize highly specific communication methods.
- 2) I hope that measures will be taken to improve information accessibility for hearing-impaired persons who have no Physical Disability Certificate.
- 3) Some local governments restrict the scope of persons who can use services as well as the purpose of use. They have not fully examined the kind of communication support that is needed at locations where persons from multiple prefectures and municipalities participate.
- 4) I hope that businesses that dispatch interpreters and assistants for deaf-blind persons will be established in all regions. Since support is necessary for various areas, including places of employment, education and daily living, cross-ministerial measures should be taken.
- 5) To ensure that persons with disabilities can avail of information and communication technologies, it is important to enhance measures for supporting the use of such technologies by persons with disabilities and develop personnel to support such uses.

[Discussions] How should accessibility to textbooks be improved?

- 1) It is necessary to accurately assess information support needs, ensure the accessibility of persons with disabilities to textbooks, supplemental materials, exam questions, answer sheets, teachers' oral instructions, etc., and ensure, in principle, that the above information support services are available as part of the normal curriculum.
- 2) Differences between MEXT's approaches to further publicize and promote standard type enlarged textbooks and those for other enlarged textbooks and multimedia texts exist. For the latter, it is insufficient for MEXT to only indirectly support volunteers.
- 3) To enable educational institutions' access to various types of materials, an institutional framework in which schools etc. can obtain the original data necessary to convert books into digital or Braille form from textbook publishers is necessary.

(MEXT)

As for audio texts, MEXT has been subsidizing their production costs and system operation costs for Internet delivery since FY2014. At present, if an application is filed with the voluntary group producing such texts, any student may receive them free of charge.

To further publicize and promote the use of audio texts in the future, MEXT has been organizing and operating meetings for interested persons from schools and boards of education in each of five blocks (Sendai, Tokyo, Nagoya, Osaka and Fukuoka).

ADVANCE UNEDITED VERSION

[Discussions] Is administrative information more barrier-free than before?

- 1) The provision of Web accessibility assistance tools doesn't guarantee the accessibility of individual administrative information. What is required for this measure is to make administrative information itself more accessible.
- 2) I hope that government ministries and agencies and local governments will clarify how Web accessibility policies are established, what tests are conducted, and what they set out to achieve.

7. Safety and security

- 1) As for evacuation centers, consideration should be given for evacuees from the viewpoint of women with disabilities.
- 2) Methods for assisting persons with mental disabilities in seeking refuge at a time of disaster should be carefully considered.
- 3) After the Great East Japan Earthquake, a scheme to assess the extent of the influence of prolonged evacuation and the type of responses that should be taken was not formulated. It is understood that in particular, persons with developmental disabilities, intellectual disabilities and children in vulnerable situations tend to develop PTSD (post-traumatic stress disorder). Therefore, it is important to thoroughly understand the fact that there are persons in need of various forms of support.
- 4) It is necessary to investigate the actual situation concerning participation by persons with disabilities in the planning and implementation of recovery programs.
- 5) Since drugs for persons with rare diseases and patients with intractable diseases cannot be procured easily in all regions, we have devised diverse ways of storing such stockpiling such drugs for use in an emergency. Recently, however, we received instructions from the MHLW to the effect that such drugs shouldn't be left unused. Therefore, we have concerns over how to stock drugs in preparation for disasters.
- 6) I hope that information on consumer damage will be compiled separately for those with dementia and those with intellectual disabilities. In addition, such data should also be compiled by gender.

8. Eliminating discrimination and promoting advocacy

- 1) When establishing a system for preventing the infringement of rights and remedying damage suffered by persons concerned, it is necessary to clarify the procedures involved should abuse occur as well as the organization that will perform the function of damage relief.
- 2) The fact that hospitals, schools and nursery centers are exempt from compulsory reporting of maltreatment the obligation to give notice under the Act on Prevention of Maltreatment of Person with Disabilities and Support for Attendants of Person with Disabilities (hereinafter the “Persons with Disabilities Abuse Prevention Act”) is a serious problem.
- 3) With regard to the Persons with Disabilities Abuse Prevention Act, we must not only subscribe to the viewpoint that persons with disabilities may become victims but also that their families may become victims as well.
- 4) Cases concerning human-rights relief under the jurisdiction of the MOJ, cases of abuse under the Persons with Disabilities Abuse Prevention Act, and cases concerning discrimination under Act for Eliminating Discrimination against Persons with Disabilities (hereinafter the “Persons with Disabilities Discrimination Elimination Act”) which will be enforced from FY2016 overlap at some points. Is there no framework to handle such cases in a cross-sectional manner?
- 5) The provision of reasonable accommodation for persons with disabilities will cause excessive burden. Therefore, I believe that providing proper responses will be impossible unless data on actual cases is accumulated.

9. Accommodation in administrative services, etc.

(1) Accommodation for judicial proceedings, etc.

- 1) At the time of police questioning, a witness or interpreter should be allowed for persons with intellectual or developmental disabilities.
- 2) I am concerned that unless the whole process of police questioning is recorded or video-taped, only the most important part could be omitted and the interrogated person's assertion may be completely misconstrued.
- 3) I understand that even when persons with disabilities who have served out their penal servitude wish to return home, they are considered to have difficulties in community life and are sent to facilities without carefully considering the consequences thereof because such facilities can receive additional compensation. Therefore, it is necessary to verify once again whether the community life support program really benefits persons with disabilities.
- 4) It is important to prevent re-offending by inmates with disabilities who are incarcerated in correctional institutions by implementing programs that consider the characteristics of their disabilities.

(2) Accommodation for national qualifications, etc.

- 1) With respect to reasonable accommodations required at the time of implementation of examinations for various national qualifications, challenges will be identified by compiling data such as the following on examinees who stated their disabilities and/or required accommodations: the total numbers of such applicants including a breakdown according to disability, the particular details and number of actual cases of reasonable accommodations provided for examinations, and the number of licenses granted. I also hope that the so-called "disqualification clause" will be reviewed as necessary.
- 2) Last year, some cases occurred in which a number of persons were not able to take civil service examinations because only those who were able to respond to printed questions and commute to the place of examination by themselves were allowed to take the examinations under the relevant clauses. At present, almost half of the local governments maintain such requirements. Therefore, a common guideline for civil service examinations should be established to eliminate such practices.

(MIC)

Before implementing civil service examinations, local governments should establish candidacy requirements for such examinations in view of the specific responsibilities of the positions that they wish to recruit for.

On the other hand, the reasonable accommodation specified in Article 36-2 of the revised Act on the Promotion of the Employment of Disabled Persons that will be enforced from April 2016 applies to local governments. Therefore, the MIC has already asked local governments to take appropriate measures in consideration of the purpose of the revised act and the purpose of the guidelines on reasonable accommodation, and will provide necessary information, etc. to them in the future as well.

IV System for Promotion

- 1) Even if organizations for persons with disabilities, etc. prepare pamphlets and conduct events as publicity and enlightenment activities, their effects will be limited only to persons with disabilities and their close supporters. The challenge is how to conduct publicity and awareness-raising activities for the general public in the future.
- 2) When examining measures for persons with disabilities, it is important to gather the opinions of persons with disabilities themselves while considering the balance between those whom those measures are intended to benefit in terms of gender and the types of disabilities involved.

Statistics Concerning Persons with Disabilities

- 1) One of the problems regarding statistics concerning persons with disabilities is that a survey on disabilities has never been conducted for the entire population of Japan. Therefore, for example, the possibility of including a question on disability in the population census should be examined.
- 2) The amount of accurate statistics that can be used for monitoring and evaluating measures is insufficient both for national and local governments. If such statistics are lacking, they should be prepared.
- 3) The act of calculating detailed statistics by gender should be practiced without fail. The States Parties to the CRPD are obligated to take measures to eliminate multiple forms of discrimination as specified in Article 6 of the CRPD. Therefore, such detailed statistics by gender will be helpful for eliminating a situation where the actual conditions of multiple forms of discrimination are not known.
- 4) When taking measures to help persons with disabilities, it is necessary at first to investigate the current status of employment income, employment quota, and employment support systems, etc. to identify whether gender differences exist.
- 5) For example, concerning employment, the inclusion of a survey by gender in the Report on the Employment Status of Persons with Disabilities will have limitations. Therefore, an examination should be carried out into the possibilities of utilizing the Survey on the Employment Situation of Persons with Disabilities in order to cross tabulate data by gender.

(MHLW)

Under the system of the Report on the Employment Status of Persons with Disabilities, companies with 50 or more employees are obligated to report on whether or not they have fulfilled their employment obligations. If they fail to submit a report or submit a false report, they will be penalized. Since this is not a survey, reporting by gender is not requested. On the other hand, the Survey on the Employment Situation of Persons with Disabilities is a sample survey of business establishments with five or more employees concerning the actual conditions pertaining to persons with disabilities, including working hours, wage, etc. categorized according to gender. Therefore, from the viewpoint of investigating the actual conditions of employment by gender, it will be more appropriate to devise ways to do so using the items of the Survey on the Employment Situation of Persons with Disabilities.

Women with Disabilities

- 1) Revision of the Equal Employment Opportunity Act for Men and Women resulted in favorable effects. However, challenges remain, exemplified by the fact that there are still cases wherein the wheelchair lavatory is located only in the men's section.
- 2) Social participation by women in Japan is lower compared to other advanced countries. Opinion polls reveal that Japanese people still retain traditional attitudes toward gender-based roles. This is an additional challenge.
- 3) Positive actions are being promoted with regard to memberships of various councils and expert panels that determine the various policies of the national and local governments. Positive actions, etc. should also be promoted for the Commission on Policy for Persons with Disabilities.
- 4) Challenges remain in that necessary information concerning medical institutions is difficult to obtain. Support and arrangement of suitable environments are necessary to ensure that women with or without disabilities can give birth to and bring up children without anxiety.
- 5) A system is needed that enables women with disabilities to contact and consult a women's support desk for the victims of sexual violence and spousal violence.
- 6) With respect to the Persons with Disabilities Abuse Prevention Act, examinations should be carried out from the viewpoint of women with disabilities.
- 7) To comply with the provisions concerning "women with disabilities" as specified in Article 6 of the CRPD, it is necessary to promote the establishment of measures focused on women, such as the enhancement of descriptions and statistics from the viewpoint of women with disabilities and the standard introduction of nursing care by persons of the same gender at welfare facilities, for example.

List of Coordinators and Persons as a Reference at Working Sessions

[Working Session I: Support for decision making, etc., including adult guardianship system]

- Coordinators: Masahiro Tanaka, Yukinori Tamaki and Kazuhiro Nozawa
- Persons as a Reference:
Shoichi Sato (Kokugakuin University), Miyuki Tsuzuki (Japan Sun Industries)
and Mizuko Hosokawa (Toyama Ikuseikai)

[Working session II: Support for hospital-to-community transition of persons with mental disabilities and persons with severe disabilities, etc. in need of medical care]

- Coordinators: Hideki Ueno, Makoto Ohama, Yoko Kawasaki and Junichi Hirakawa
- Persons as a Reference:
Yoshikazu Ikehara (Tokyo Advocacy Law Office)
Midori Orita (Parents of artificially-ventilated children Group
<Bakubaku-no-Kai>)
Tamotsu Takeda (Atendo & Center for Independent Living - Hop)
Miyuki Yamamoto (Osaka Seishin Iryo Jinken Center)

[Working Session III: Inclusive education system, employment, etc.]

- Coordinators: Satoshi Sato, Masayoshi Tsuge and Masatsugu Tsujii
- Persons as a Reference:
Hideaki Ominami (Promotion of National Federation of Special Needs
Education), Nobuaki Tanaka (Meijo Law Offices), Hitomi Nagano (Sophia
University) and Yumi Murakami (VoiceManage)

[Working Session IV: Accessibility to Information]

- Coordinators: Fujizaburo Ishino, Shinichiro Kadokawa and Yoshiki Takeshita
- Persons as a Reference:
Takeo Kondo (The University of Tokyo), Tomoyoshi Shintani (All Japan
Association of Hard of Hearing and Late-Deafened People) and Akira
Terashima (Urawa University)

* Names of members are listed in the order of the Japanese syllabary (not alphabetical order) and in the order of first name followed by surname; titles are omitted; and names of organizations represent those that the Secretariat is aware of.

**List of Speakers and Persons as a Reference for
the Commission on Policy for Persons with Disabilities**

[21st Commission on Policy for Persons with Disabilities]

- Ron McCallum, Professor Emeritus, University of Sydney, former chairperson of the United Nations Committee on the Rights of Persons with Disabilities

[23rd Commission on Policy for Persons with Disabilities]

- Yukiko Katsumata, National Institute of Population and Social Security Research

[25th Commission on Policy for Persons with Disabilities]

- Atsushi Nishida, Tokyo Metropolitan Institute of Medical Science

* Titles are omitted; and names of organizations represent those that the Secretariat is aware of.

Times and Dates of Meetings of
the Commission on Policy for Persons with Disabilities
and Working Sessions for the Monitoring of Status of Implementation of
the Basic Program for Persons with Disabilities (Third)

<p>May 29 (Friday), 13:30 - 17:30 [Four hours]</p> <p>The 21st Commission on Policy for Persons with Disabilities</p> <p>Speech by Ron McCallum, former chairperson of the United Nations Committee on the Rights of Persons with Disabilities</p> <p>[</p> <ul style="list-style-type: none"> “1. Support for daily life” “2. Health care and medical treatment ” “3. Education, cultural and art activities, sports, etc.” “5. Living environment” <p>(*Excluding themes handled by working sessions)</p> <p>June 29 (Monday) 13:30 - 17:30 [Four hours]</p> <p>The 22nd Commission on Policy for Persons with Disabilities</p> <ul style="list-style-type: none"> “7. Safety and security” “8. Eliminating discrimination and promoting advocacy* (*excluding themes handled by working sessions) “9. Accommodation in administrative services, etc.” “10. International cooperation” <p>“IV System for Promotion”</p>	<p>May 19 (Tuesday)</p> <p>10:30 - 12:30: Working Session IV (1) [Two hours] [Information accessibility]</p> <p>13:30 - 15:30: Working Session II (1) [Two hours] [Support for the hospital-to-community transition of persons with mental disabilities and persons with severe disabilities, etc. in need of medical care]</p> <p>May 22 (Friday)</p> <p>10:30 - 12:30: Working Session I (1) [Two hours] [Support for decision making, etc., including adult guardianship system]</p> <p>14:00 - 16:00: Working Session III (1) [Two hours] [Inclusive education system, employment, etc.]</p> <p>June 1 (Monday)</p> <p>10:30 - 12:30: Working Session IV (2) [Two hours] [Information accessibility]</p> <p>13:30 - 15:30: Working Session II (2) [Two hours] [Support for the hospital-to-community transition of persons with mental disabilities and persons with severe disabilities, etc. in need of medical care]</p> <p>June 5 (Friday)</p> <p>13:30 - 15:30: Working Session III (2) [Two hours] [Inclusive education system, employment, etc.]</p> <p>June 12 (Friday)</p> <p>10:30 - 12:30: Working Session I (2) [Two hours] [Support for decision making, etc., including adult guardianship system]</p>
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ADVANCE UNEDITED VERSION

July 10 (Friday) 13:15 - 16:15 [Three hours]

The 23rd Commission on Policy for Persons with Disabilities

- Report on the summary of discussions from each working session
- Exchange of opinions

August 10 (Monday) 13:15 - 16:15 [Three hours]

The 24th Commission on Policy for Persons with Disabilities

- Further discussions covering all areas

August 31 (Monday) 13:15 - 16:15 [Three hours]

The 25th Commission on Policy for Persons with Disabilities

- Confirmation of amendment to opinions expressed at the 24th meeting