

## **Committee on the Rights of Persons with Disabilities**

### **Replies of Japan to the list of issues in relation to its initial report**

#### **A. Purpose and general obligations (arts. 1–4)**

##### **Reply to paragraph 1 (a) of the list of issues (CRPD/C/JPN/Q/1)**

1. Through such actions as extensive consultation with organizations of/for persons with disabilities, the Government of Japan (GOJ) is making continuous efforts to ensure that its laws are in harmony with the object and purpose of the Convention on the Rights of Persons with Disabilities. A specific example of a legal measure to this effect taken by the GOJ includes the enactment in May 2021 of the Act for Eliminating Discrimination against Persons with Disabilities to mandate that businesses make reasonable accommodation for persons with disabilities.
2. Further, the term “Shin-shin-so-shitsu” in Japanese is generally translated as “insanity” in Japan. This term is used in the Penal Code and the Act on Medical Care and Treatment for Persons Who Have Caused Serious Incidents Under the Condition of Insanity (hereinafter referred to as “Medical Treatment and Supervision Act”), and other related laws. It means “a state in which a person lacks the capacity to determine right and wrong, or is incapable of acting according to such discernment due to a mental disability” in a purely legal context to determine whether a person has the capacity to be held responsible under the Penal Code, and is not a derogatory term.

##### **Reply to paragraph 1 (b) of the list of issues**

3. The Basic Act for Persons with Disabilities was revised in 2011 to incorporate the concept of a “social model of disability” in the definition of persons with disabilities within the law to better reflect the object and purpose of the Convention. The Act for Eliminating Discrimination against Persons with Disabilities also adopts the same definition of persons with disabilities.
4. While differences persist due to variations in the purpose and objectives of each support system, the concept of social model of disability has been incorporated into each system under the Basic Act for Persons with Disabilities.

##### **Reply to paragraph 1 (c) of the list of issues**

5. The GOJ is to formulate a basic program for persons with disabilities as the core fundamental plan for measures taken by the GOJ in relation to persons with disabilities based on Article 11 of the Basic Act for Persons with Disabilities.
6. As of April 2020, prefectural and municipal plans for persons with disabilities had been prepared by all prefectures and designated cities, and by 1,571 local municipalities, representing 91.3% of all municipalities nationwide.
7. As of April 2020, a council or a body with a council system based on the Basic Act for Persons with Disabilities have been established in all prefectures and designated cities, and in 691 municipalities, representing 40.2% of all municipalities nationwide.

##### **Reply to paragraph 1 (d) of the list of issues**

8. The GOJ ensures the effective participation of persons with disabilities in the design and implementation of legislation and policies. Specifically, for example, persons with disabilities, and members of organizations of/for persons with disabilities, participate in bodies such as the Commission on Policy for Persons with Disabilities, the Subcommittee on Persons with Disabilities of the Social Security Council, and the Subcommittee of the Employment of Persons with Disabilities of the Labor Policy Council, and legislation and policies are examined based on discussion and deliberations with them.

**Reply to paragraph 1 (e) of the list of issues**

9. Essential information on the Convention and human rights is included in pre-training for people who will engage in consulting support services, and pre- and regular training (every five years) for designated physicians of mental health. In addition to texts from the curriculum for mental health social worker training courses, guidelines will be established clearly mandating that study of the Convention is included in the curriculum of training courses for social workers.
10. For further details of prison guards, prosecutors, lawyers, police officers, law enforcement officials, and other such personnel, see Reply to paragraph 12(b) and Annex1.

**Reply to paragraph 2 of the list of issues**

11. The GOJ considers the individual communications procedure, which is stipulated in the Optional Protocol to the Convention on the Rights of Persons with Disabilities, to be noteworthy in the sense that it could effectively guarantee the implementation of the Convention. With regard to the acceptance of the procedure, the GOJ is aware that there are various issues to consider, including whether it could pose any problems in relation to Japan's judicial system or legislative policy, and what possible organizational frameworks would be required for implementing the procedure in the case that Japan were to accept it. The GOJ continues to seriously consider whether or not to accept the procedure, while taking into account opinions from various sources.

**B. Specific rights (arts. 5–30)**

**Equality and non-discrimination (art. 5)**

**Reply to paragraph 3 of the list of issues**

12. The Act for Eliminating Discrimination against Persons with Disabilities stipulates that the rights or interests of persons with disabilities must not be violated through disparate and unfair discriminatory treatment, in any field except the field of employment, on the basis of disability by administrative organs and business operators (Article 7, paragraph 1; Article 8, paragraph 1 of the same Act).
13. Further, this Act mandates that administrative organs and business operators must provide necessary and reasonable accommodation should persons with disabilities express the need for the removal of social barriers in order to perform administrative or business-related functions. This is provided, however, that the removal of said social barriers does not impose an excessive burden on the administrative organ or business operator. Failure to provide said reasonable accommodation shall be considered a violation of the rights or interests of persons on the basis of disability (Article 7, paragraph 2; Article 8, paragraph 2 of the same Act).
14. The “Opinions on the Review of the Act for Eliminating Discrimination against Persons with Disabilities Three Years After its Enforcement” compiled by the Commission on Policy for Persons with Disabilities in June 2020 outlines the need for considerations to be made in making reasonable accommodation by business operators mandatory from the perspective of ensuring a greater level of conformance with the Convention, while promoting reasonable accommodation for persons with disabilities as a broader social endeavor, including involvement of business operators, based on further hearings with various related parties. The GOJ continued to review this matter in light of these considerations, and submitted a reform bill to revise the Act to mandate that businesses make reasonable accommodation for persons with disabilities at the 204th ordinary session of the National Diet held in March 2021. This bill was passed unanimously by both houses of the National Diet, and was enacted into law in May 2021. The revised Act was later promulgated on June 4 of the same year.

**Reply to paragraph 4 of the list of issues**

15. There are civil procedures available to persons whose rights have been violated by discrimination, such as issuing a restraining order in the form of a lawsuit or a provisional disposition, or making a damage claim arising from tortious acts. Also, the human rights bodies of the Ministry of Justice (MOJ) provide consultations and conduct investigation, and appropriate measures are taken according to the circumstances of the case with the coordination and cooperation of related bodies.
16. In 2018, 2,857 consultations on human rights abuses of persons with disabilities were received involving matters such as violent abuse, human rights violations within social welfare facilities, discriminatory treatment, and coercion, resulting in a total of 345 confirmed cases of investigation and remedy procedures for human rights violation cases.

#### **Women with disabilities (art. 6)**

##### **Reply to paragraph 5 (a) of the list of issues**

17. The Basic Act for Persons with Disabilities stipulates that the measures to support the independence and social participation of persons with disabilities must be systematically formulated and implemented through a coordinated framework of cooperation in accordance with the sex of a person with a disability, and other such descriptors (Article 10 paragraph 1 of the same Act). Further, the Fourth Basic Program for Persons with Disabilities was formulated in 2018 to establish a cross-sectional perspective of detailed support measures that account for the complex circumstances behind issues facing women, children, and elderly persons with a disability.
18. The Fifth Basic Plan for Gender Equality, which was decided by the Cabinet in December 2020, prescribes measures promoting gender equality across a broad range of fields, including measures targeting persons with disabilities.

##### **Reply to paragraph 5 (b) of the list of issues**

19. In education, the Order for Enforcement of the School Education Act was revised in 2013 to redefine the framework used for school placements, and financial measures and support for specialized staff such as “special needs education assistants” are provided by the Ministry of Education, Culture, Sports, Science and Technology (MEXT). Also, MEXT implements the “Project to Improve the Quality of Teachers and Staff in Special Needs Education.” The GOJ is working to develop diverse educational spaces such as attending regular classes, regular classes with special support services, special needs classes, and special needs schools to provide learning opportunities that accurately meet the educational needs of each and every student with a view to promoting the independence of children with a disability, while facilitating their participation in society.
20. The Act on the Comprehensive Support for the Daily Lives and Social Lives of Persons with Disabilities provides for welfare services and consulting support services necessary to lead independent lives and participate in society for persons with disabilities, irrespective of gender.

#### **Children with disabilities (art. 7)**

##### **Reply to paragraph 6 (a) of the list of issues**

21. To underline the importance of consistent support for children with disabilities in their early childhood, the GOJ revised “the Guidelines for Educational Support for Children with Disabilities,” a document that helps local education boards determine school selection for children with disabilities. The GOJ also amended the Order for Enforcement of the School Education Act in 2013 to abolish the conventional framework used for school selection in which children with disabilities who meet the criteria were generally enrolled in special needs education schools. This amendment also served to establish a new framework in which local education boards comprehensively consider and determine school selection of children with disabilities,

respecting the opinions of the children concerned and their parents/legal guardians as much as possible.

22. Child development support centers play a central role in providing support for children with disabilities in the local community. In addition to providing child development support in the best interests of children with disabilities, child development support centers prepare guidelines, and make efforts to provide professional support. Further, the GOJ has also established support programs for visiting day-care centers and other facilities, and these visits have been expanded to encompass infant homes and foster homes to bolster the level of medical treatment and guidance in welfare centers.

**Reply to paragraph 6 (b) of the list of issues**

23. With regard to education, the GOJ amended the Order for Enforcement of the School Education Act in 2013 to abolish the conventional framework used for school selection in which children with disabilities who meet the criteria were generally enrolled in special needs education schools, and to establish a new framework in which local education boards comprehensively consider and determine school selection of children with disabilities, respecting the opinions of children and their parents/legal guardians as much as possible. Under the new framework, the opinions of children with disabilities are often expressed through their parents/legal guardians. To ensure the right of children with disabilities to express their own opinions, the GOJ has notified local education boards that, under certain circumstances, it is prudent to separately consider the opinions of the child according to their disability and developmental status.
24. Regarding health and welfare, decisions on the need for support payments/services are made in accordance with Article 21-5-6 and 24-3 of the Child Welfare Act based on the intentions of the child and the guardians of children with disabilities concerning the use of said support payments/services among other issues. Also, the operational guidelines for child consultation centers stipulate such means as asking questions directly to concerned children with disabilities when providing assistance. In addition, the revised Child Welfare Act introduced in 2019 has paved the way for further review into how to ensure children with disabilities have the opportunity to speak on their own behalf.
25. Family courts are required to ascertain the intentions of a child involved in judicial proceedings, regardless of whether or not the child has a disability, by taking a statement from the child. Family courts must also endeavor to take the child's intentions into consideration in adjudicating or reconciling the case, according to the child's age or degree of development. (See Domestic Relations Case Procedure Act Articles 65 and 258.) Public prosecutors offices are promoting efforts to conduct interviews with children, including those with disabilities, who have been a victim of a crime, by representative from the public prosecutors offices, the police, or the child consultation centers, a working in close collaboration, while taking children's characteristics on making statements into account, to alleviate the psychological burden placed on said children during repeated interviews, and to ensure the credibility of statements made.

**Awareness-raising (art. 8)**

**Reply to paragraph 7 (a) of the list of issues**

26. "Persons with Disabilities Week" runs from December 3 to 9 every year in an effort to boost public interest in and understanding of disabilities and people with disabilities, and to raise awareness for the need to facilitate participation in society by persons with disabilities.
27. With regard to education, the GOJ has taken various measures to foster appropriate understanding of people with disabilities including:
  - 1) revising the Course of Study to promote "joint activities and learning," in which children with disabilities and those without disabilities learn together in the same class room;

2) developing and publishing educational materials such as “the Barrier-free Mindset” textbook; and

3) gathering and publishing good practices in each municipality to promote understanding of issues related to disabilities.

28. Moreover, further training is provided to social welfare workers for persons with disabilities and business owners to relearn the principles of an inclusive society, and to put said principles into practice, as part of the “Project for the Promotion of Basic Principles of an Inclusive Society.” This is part of a drive to establish an inclusive society based on mutual respect for the personality and individuality of all residents, without discrimination based on disability. Forums are held to promote and raise awareness among the general public.

29. Further, in the Basic Plan on Human Rights Education and Human Rights Awareness-Raising established based on Article 7 of the Act on the Promotion of Human Rights Education and Human Rights Awareness-Raising, one of the human rights issues raised concerns the human rights of persons with disabilities, and the Basic Plan clearly calls for the enrichment and strengthening of awareness-raising activities. The human rights bodies of the MOJ are setting out to “Eliminate Prejudice and Discrimination on the Grounds of Disabilities” as a priority target of human rights awareness-raising activities, and are distributing information pamphlets and implementing human rights awareness-raising activities in relation to this matter.

**Reply to paragraph 7 (b) of the list of issues**

30. The forums to promote and raise awareness among the general public mentioned in Reply to 7(a) of the list of issues are held with the involvement of organizations of/for persons with disabilities.

31. During the lead up to, during, and following Persons with Disabilities Week, a wide range of initiatives take place nationwide involving the coordinated efforts of local municipalities and related organizations in addition to those organized by the GOJ.

**Accessibility (art. 9)**

**Reply to paragraph 8 (a) of the list of issues**

32. The GOJ is making further efforts to improve the convenience and safety of transport and facility use under the Barrier-free Law (Act on Promotion of Smooth Movement of Older Persons and Disabled Persons), promote prioritized and integrated barrier-free measures tailored to each region on the basis of basic conceptual proposals prepared by local municipalities, provide operations of a telephone relay service based on the Act on Facilitation of the Use of Telephones for the Persons with Hearing Impairments, etc. enacted in 2020, and formulate and implement measures for the realization of a universal society under the Act on the Promotion of Comprehensive and Integrated Measures for the Realization of a Universal Society enacted in 2018.

33. In a step to improve online accessibility, the GOJ has established guidelines for public institutions to follow to facilitate the use of websites of public institutions by all people, including elderly residents and persons with disabilities (Everyone’s Public Website Operational Guidelines).

**Reply to paragraph 8 (b) of the list of issues**

34. The Kenchikushi Law for Architects and Building Engineers mandates that architects must receive periodic training courses, the content of which includes content from the Barrier-free Law.

**Right to life (art. 10)**

**Reply to paragraph 9 (a) of the list of issues**

35. At the current time there is no law or regulation that specifically addresses matters of assisted dying, and such a bill is not currently under consideration by the GOJ or the Diet except for Article 202 of the Penal Code prescribing the crime for inducing or aiding suicide, or homicide with consent.

**Reply to paragraph 9 (b) of the list of issues**

36. The GOJ is unaware of the number of deaths that have occurred during or after involuntary hospitalization or physical restraint.
37. The system of hospitalization without consent prescribed in the Act on Mental Health and Welfare for the Mentally Disabled does not apply solely on the basis that the patient is a person with a mental disorder. It applies in cases where the patient presents the risk of self-injury or causing harm to others due to his or her mental disorder, or in cases where the patient requires medical care and protection, even if there is neither a risk of self-injury nor of causing harm to others, and the patient is unable to make an appropriate decision concerning the need for hospitalization. In practice, a designated physician of mental health is required to conduct a medical examination of the patient, and provide notice of the hospitalization measures required in writing to the patient.
38. Further, the Act on Mental Health and Welfare for the Mentally Disabled stipulates that physical restraint shall only be used when deemed necessary by a designated physician of mental health. It is prescribed as an unavoidable measure that must only be used until an alternative measure is found in cases where there is an immediate risk of suicide or self-harm, if there is significant hyperactivity or restlessness in the patient, or if the patient's life is endangered due to them being left untreated.

#### **Situations of risk and humanitarian emergencies (art. 11)**

##### **Reply to paragraph 10 (a) of the list of issues**

39. In a disaster, extra consideration must be given to persons with disabilities and other socially disadvantaged people. In consideration of these circumstances, the GOJ has taken steps to enhance evacuation systems in facilities used by persons with disabilities, and has mandated the preparation of evacuation plans and the implementation of evacuation drills. Barrier-free considerations are also increasingly being applied to evacuation routes. Local municipalities establish guidelines for aiding those in need of rescue, and are also promoting other disaster prevention initiatives according to the needs of the local community.
40. The Ministry of Health, Labour and Welfare (MHLW) conducted projects to train voluntary leaders to aid rescue and relief efforts, and to train disaster response leaders well-versed in responding to persons with different disabilities as part of relief efforts tailored specifically to persons with disabilities in the event of a disaster. Further, the GOJ also provided subsidies for projects to build welfare support networks run by private businesses and organizations.

##### **Reply to paragraph 10 (b) of the list of issues**

41. In March 2018, the GOJ prepared guidelines on the visualization of evacuation guides through the use by relevant stakeholders of displays and smartphone apps in order to effectively communicate disaster notifications, and evacuate persons with disabilities to the outdoors in stations, airports, hotels, and other such facilities. The GOJ has worked to raise awareness by preparing leaflets summarizing said guidelines, and distributing these leaflets when evacuation training drills are held at such facilities. The GOJ also took steps to facilitate evacuations at venues hosting the Tokyo 2020 Olympic and Paralympic Games by using acoustic communication technology to convert disaster notifications and announcements to text for persons with hearing disabilities.

##### **Reply to paragraph 10 (c) of the list of issues**

42. Based on the guidelines formulated by the GOJ on the basis of opinions from stakeholders including organizations of/for persons with disabilities, local governments shall secure and operate evacuation shelters, and make efforts to secure welfare evacuation shelters for persons who require special considerations, such as persons with disabilities. Local governments promote making special considerations for evacuation shelters, like welfare evacuation shelters, and the GOJ provides them with financial and other forms of assistance.
43. As part of preparing the "Guidelines for Disaster Prevention and Reconstruction from the Perspective of Gender Equality – Women's perspectives for strengthening disaster

response capabilities –” (May 2020), interviews were conducted with organizations representing women with disabilities, and special considerations for the needs of women were incorporated into the guidelines.

**Reply to paragraph 10 (d) of the list of issues**

44. The Sendai Framework for Disaster Risk Reduction enhances the engagement with relevant stakeholders, including persons with disabilities. A team was formed to inspect damage caused by typhoons in 2019. This team considered feedback received from organizations of/for persons with disabilities and identified issues to be addressed. Looking ahead, the GOJ will continue to strive to exchange views with stakeholders including persons with disabilities, concerning the preparation and implementation of disaster prevention policy as needed.

**Reply to paragraph 10 (e) of the list of issues**

45. There is a system in place that uses contributions made by prefectures in the form of mutual aid to provide financial aid to people whose livelihoods have suffered significant damage due to natural disasters (typhoons, floods, and other disasters) to help rebuild their lives.
46. Further, individual assistance measures are provided for persons who lost their homes due to the tsunami that struck in the wake of the Great East Japan Earthquake, and for victims—including persons with disabilities—unable to return home due to the Fukushima nuclear disaster. These measures are largely provided through the Reconstruction Agency, an agency established as part of recovery efforts following the Earthquake.

**Equal recognition before the law (art. 12)**

**Reply to paragraph 11 (a) of the list of issues**

Systems in place under the Civil Code

47. The Civil Code of Japan stipulates that “the enjoyment of private rights shall commence at birth” (Article 3, paragraph 1 of the Civil Code), and that all persons shall have the capacity to enjoy their rights. Concerning this point, there are no restrictions placed on the rights of persons with disabilities on the basis of their disability.
48. The adult guardianship system, based on the Civil Code, allows for different categories of guardianship depending on the level to which the adult ward is capable of making decisions, must respect the wishes of the adult ward, and ensures a review by a judicial organ (further details of adult guardian system in Annex 1). The GOJ is promoting initiatives that facilitate assistance provided by adult guardians for decision-making by adult wards as part of efforts to ensure that the right of self-determination of adult wards is fully respected. Based on the Basic Plan on the Promotion of the Use of the Adult Guardian System approved by the Cabinet in March 2022, the GOJ, with involvement of persons with disabilities and their representative organizations, has been conducting a comprehensive review of the adult guardianship system.

**Reply to paragraph 11 (b) of the list of issues**

49. With regard to consulting support provided based on the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities, the GOJ has put in place a framework for providing information and advice required according to the nature of consultations received from persons with disabilities, parents or guardians of children with disabilities, and caregivers of persons with disabilities as part of “basic consultation support.” In addition, the GOJ implements projects subsidizing the costs incurred from using the adult guardianship system (projects supporting the use of the adult guardianship system) and projects aiding the activities of corporate bodies (projects supporting the adult guardianship system of the corporate guardians).
50. With the revision to the Comprehensive Legal Support Act, which came into full effect in January 2018, the Japan Legal Support Center (Houterasu) became able to provide legal consultations by a visiting attorney or a judicial scrivener to older persons and

persons with disabilities with insufficient cognitive functioning, even without receiving request from the person concerned, if contacted by a welfare agency or similar body.

51. The human rights bodies of the MOJ provide consulting services at all 311 Legal Affairs Bureaus, District Legal Affairs Bureaus, and branch offices concerning human rights issues, including human rights issues specifically relating to persons with disabilities. The human rights bodies of MOJ also establish ad-hoc centers for human rights counselling at support facilities. The human rights bodies of MOJ also launches investigations into cases of suspected human rights abuses, and appropriate measures are taken according to the circumstances of the case with the coordination and cooperation of related bodies.

**Reply to paragraph 11 (c) of the list of issues**

52. The Guidelines for Support for Decision-Making Relating to the Provision of Welfare Services for Persons with Disabilities were prepared and distributed in March 2017, defining and outlining the significance of decision-making support, and compiling standard processes and considerations to follow. The GOJ started training instructors on the basis of these Guidelines in FY2020, while prefectures also implement training programs based on decision-making support.
53. Local governments distribute leaflets and conduct other awareness-raising activities with regard to unjust discriminatory treatment on the basis of disability, and the obligation to provide reasonable accommodation. In addition, Persons with Disabilities Week serves as an opportunity to educate the public on these matters.
54. For more information on awareness-raising activities directed at lawyers, court officials, judges, public prosecutors, and police officers, prison guards, and other law enforcement officials, see Reply to paragraph 12(b) of the list of issues below and Annex1.

**Access to justice (art. 13)**

**Reply to paragraph 12 (a) of the list of issues**

55. The GOJ also understands that courts have outlined the Guidelines Promoting the Elimination of Discrimination on the Basis of Disability in the Courts. This provides guidelines for the smooth execution of rights through the use of appropriate means of communication by parties concerned and witnesses with a disability in various court proceedings. This is determined at the discretion of the judge, and includes such measures as the assigning of a sign language interpreter or the use of note-taking to conduct proceedings, or the provision of hearing aids, or the preparation of court documents in Braille, all of which are to be undertaken according to the nature and degree of the disability of the individual concerned. Additionally, the guidelines also call on judges to take the disability of the person concerned and the method of court procedures into consideration when questioning said persons, or giving explanations of court proceedings.
56. The GOJ understands that when questioning children with disabilities, judges may, at their discretion, adjust the content of their questions and the manner in which they are asked according to the child's stage of development.
57. If the party concerned in civil affairs or non-contentious cases is unable to sufficiently complete court proceedings due to a hearing or speech disability, or due to insufficient intelligence, said party, with the permission of the court, may appear with an assistant in court (Article 60, Code of Civil Procedure; Article 25, Non-Contentious Case Procedures Act).
58. If the person participating in oral arguments in a civil affairs matter, or on the date of proceedings in a non-contentious case (either as the party concerned, or as a witness or in some other form) is unable to hear or speak, he or she may make arrangements to have an interpreter present on his or her behalf, or to enter a statement by means of writing (Article 154, paragraph 1, Code of Civil Procedure; Article 48, Non-Contentious Case Procedures Act).

59. The Code of Criminal Procedure and the Rules of Criminal Procedure prescribe the following.
- (1) The accused or the suspect may appoint a defense counsel, regardless of whether they have a disability (Article 30, paragraph 1 of the Code of Criminal Procedure). When the accused or a suspect against which a detention warrant has been applied or issued is unable to appoint a defense counsel due to indigency or other reasons, they may request that the court appoint a public defender (Article 36 and Article 37-2 of the same Code). Further, the court may appoint a public defender ex-officio when the accused is unable to hear or speak (Article 37, item 3 of the same Code), when there is the possibility that the accused is insane or has diminished capacity (Article 37, item 4 of the same Code), or when it is deemed necessary for other reasons (Article 37, item 5 of the same Code). Alternatively, the court may appoint a defense counsel ex-officio when a suspect against which a detention warrant has been issued and the suspect has no defense counsel, and the suspect is suspected of having difficulty in judging whether or not a defense counsel is required due to a mental disability or any other grounds (Article 37-4 of the same Code).
  - (2) If the court has a person who is unable to hear or speak make a statement, it may have an interpreter interpret said statement (Article 176 of the Code of Criminal Procedure).
  - (3) When a witness is unable to hear, questions may be asked of said witness by means of a document, and when a witness is unable to speak, said witness may make responses by means of a document (Article 125 of the Rules of Criminal Procedure).
60. Next, when interviewing suspects and witnesses with a disability, investigating authorities must be aware of the importance of using appropriate interview procedures that accounts for the nature of the disability. Such considerations include, asking questions in an easy-to-understand format taking into account the nature of testimonies provided by persons with an intellectual disability. If necessary, such considerations also include consulting with psychology or welfare personnel that are well versed in the nature of the form that such testimonies take, or alternatively having said personnel attend the interview. Additional considerations include the use of sign language interpretation and written communication for persons with a hearing or speaking disability and, if necessary, visiting the concerned person's home or hospital to conduct the interview.

**Reply to paragraph 12 (b) of the list of issues**

61. Training on rights, understanding and considerations for persons with disabilities are provided to raise awareness for lawyers, court officials, judges, public prosecutors, police officers, prison guards and other personnel. (Further details in Annex 1)

**Reply to paragraph 12 (c) of the list of issues**

62. Concerning the treatment of persons with disabilities by public prosecutors and police officers, and measures addressing persons with disabilities in the courts and court proceedings, access to the judicial process is ensured as outlined in the above paragraph 12(a).

**Liberty and security of the person (art. 14)**

**Reply to paragraph 13 (a) of the list of issues**

63. Please refer to Reply to paragraph 9 (b) of the list of issues on the system of hospitalization without consent prescribed in the Act on Mental Health and Welfare for the Mentally Disabled. (Please refer to Annex 1, paragraph 69, for information on behavioural restrictions.)

The Act on Medical Care and Treatment for Persons Who Have Caused Serious Incidents Under the Condition of Insanity (hereinafter referred to as "Medical Treatment and Supervision Act") also provides the same framework as the Act on Mental Health and Welfare for the Mentally Disabled. Specifically, Article 92 of the Medical Treatment and Supervision Act provides for the imposing of necessary restrictions to the degree necessary to ensure the care and protection of the patient

concerned. Administrators of designated medical institutions must comply with the standards imposed by the Minister of Health, Labour and Welfare based on the provisions of Article 93, paragraph 1 of the same Act. These standards require administrators to respect the dignity of hospitalized patients as individuals, and ensure that they are provided with the appropriate level of psychiatric care and contribute to their reintegration into society while paying due consideration for their human rights. Further, even in cases where it is necessary to restrict the freedom of hospitalized patients to provide treatment, sufficient efforts must be made to provide explanations to the hospitalized patient concerning restrictions applied, and said restrictions must be kept to the minimum level of restriction required based on the symptoms exhibited by the hospitalized patient.

64. Hospitalization and other treatments are applied to persons with a mental disability who are found to have committed a serious crime, such as murder or arson, when said person is deemed to be in a state of insanity or diminished mental capacity at the time of the crime, as prescribed in the Medical Treatment and Supervision Act. Persons who have received final judgment, such as in the form of a disposition not to institute a public action or an acquittal, are required to receive medical treatment prescribed in the same Act as deemed necessary in order to improve the state of the mental disorder diagnosed at the time of the criminal act and to facilitate their reintegration into society. Treatment shall not apply solely on the basis that the patient is a person with a mental disorder. Decisions on the need for and content of the treatment shall be made by a panel composed of judges and medical doctors who are designated as mental health judges, following an appraisal of the subject, and a hearing held with the involvement of lawyers, and mental health and welfare specialists, in which the subject is provided with an opportunity to express themselves. (Articles 2, 33, and 42 of the same Act)

**Reply to paragraph 13 (b) of the list of issues**

65. There has been no increase in the number of persons with mental disabilities hospitalized and the number of long-term hospitalizations exceeding one year has not increased (see the statistics table provided in Annex 4).

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

**Reply to paragraph 14 (a) of the list of issues**

66. Please refer to Annex 1 for behavioural restrictions. .
67. Article 38-4 of the Act on Mental health and Welfare for the Mentally Disabled stipulates that a person who is hospitalized in a mental hospital or his/her family members may request the Prefectural Governor to discharge the patient or order the administrator of the mental hospital to discharge the patient or take necessary measures to improve his/her treatment.
68. Furthermore, in the “Guidelines for Ensuring High Quality and Appropriate Medical Care for People with Mental Disabilities” (MHLW Circular No. 65 of 2014), all parties involved in the health, treatment and welfare of persons with mental disabilities shall strive to achieve objectives including treatment for people with mental disabilities based on the principle such as informed consent.
69. Similarly, Article 92 of the Medical Treatment and Supervision Act states that necessary restrictions may be imposed on the behavior of inpatients to the extent necessary for their treatment or protection.

In addition, pursuant to Article 95 of the Medical Treatment and Supervision Act, a person who has been admitted to a designated inpatient medical institution pursuant to a decision made under the Act, or the guardian of such a person, may request the Minister of Health, Labour and Welfare to order the administrator of the designated inpatient medical institution to take the necessary measures to improve the treatment of the inpatient.

70. In addition, electroconvulsive therapy is effective in cases where a rapid therapeutic effect is required, and in cases where side effects occur and the patient does not

respond to drug therapy, and where the rate of improvement and safety have been established. In principle, it is carried out with the patient's consent and on the basis of a comprehensive judgment with due consideration of the disease to be treated, the possible risks and benefits, and the protection of human rights.

**Reply to paragraph 14 (b) of the list of issues**

71. Prefectures have established psychiatric review boards, which are independent third-party bodies composed of designated mental health physicians and academic experts in the law.

72. The administrator of a mental hospital must report regularly to the Prefectural Governor on the symptoms and other conditions of involuntary inpatients. In addition, inpatients and their families may make requests to the Prefectural Governor for improved treatment or discharge.

These reports and requests are reviewed by the psychiatric review board to determine whether the inpatient should be hospitalized and whether the treatment is appropriate. Based on the results of the examination, the Prefectural Governor shall discharge the person whose hospitalization is determined to be unnecessary or order the administrator of the hospital to take measures such as discharge.

73. In addition, the Minister of Health, Labour and Welfare or the Prefectural Governor may require the administrator of the mental hospital to submit or produce reports or documents concerning the inpatient, or conduct an on-site investigation of the hospital, and may order the administrator of the mental hospital to improve the treatment of the inpatient if their treatment is found to be contrary to the law or extremely inappropriate.

**Reply to paragraph 15 of the list of issues**

74. Since March 2018, measures including the following have been taken in response to sterilization under the now-defunct Eugenic Protection Act:

- Conducted a survey of prefectures, local municipalities with public health centers, and special wards to determine the status of storage of relevant materials (results published in September of the same year)
- Conducted a survey of medical institutions, welfare institutions, and local municipalities other than those with public health centers to determine the status of storage of records on individuals related to eugenic surgery (results published in October of the same year).

75. The “Act on the Payment of Lump-Sum Compensation to People who Underwent Eugenic Surgeries based on the now-defunct Eugenic Protection Act” (hereinafter referred to as the “now-defunct Eugenic Protection Act Lump-Sum Compensation Act”) expresses remorse and apologies in its preamble and stipulates that the GOJ shall make a one-time payment of 3.2 million yen per person to persons who underwent eugenic surgery under the now-defunct Eugenic Protection Act, and as of April 30, 2022, the GOJ has approved payments to 994 persons.

76. In addition, it stipulates that from the perspective of promoting the realization of a society in which all citizens respect each other's personalities and individuality and are not separated by illness or disability, investigations and other measures concerning eugenic surgery is to be conducted.

77. In principle, if 20 years have passed as of April 1, 2020, the right to claim by the victim of the now-defunct Eugenic Protection Act will be lapsed. However, it is up to the courts to decide whether the right to claim compensation for victims of the now-defunct Eugenic Protection Act has lapsed in each individual case.

**Freedom from exploitation, violence and abuse (art. 16)**

**Reply to paragraph 16 (a) of the list of issues**

78. Article 3 of the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers prohibits abuse of people with disabilities. Among its efforts, the GOJ has implemented the Support Project and has established systems that enable

prefectures or local municipalities to respond quickly and appropriately in the event of abuse.

79. The following acts and codes stipulate prohibition of abuse and violence including against persons with disabilities, and assistance for victims thereof: the Act on the Prevention of Spousal Violence and the Protection of Victims, the Act on the Prevention, etc. of Child Abuse, the Child Welfare Act, the Civil Code, and the Penal Code.
80. Based on various types of information, including consultations with workers, the Labour Standards Inspection Office monitors and guides workplaces suspected of violating laws and regulations related to labor standards, and gives instructions to correct any violations that are found.

**Reply to paragraph 16 (b) of the list of issues**

81. Please refer to Reply to paragraph 16(a) of the list of issues above, as it also applies to girls and children with disabilities.

**Protecting the integrity of the person (art. 17)**

**Reply to paragraph 17 of the list of issues**

82. With respect to the now-defunct Eugenic Protection Act, in an effort to realize the rights of people with disabilities and to eliminate eugenic ideologies that discriminate against people with disabilities, the Act was revised in 1996 on the motion of a member of the Diet. Specifically, all provisions related to eugenic surgery (sterilization) on the grounds of hereditary mental illness were removed, and the Act was renamed the Maternal Health Act, with the aim of protecting maternal life and health.

In the same year, local governments were informed of the purpose of the revised Act. Please refer to Reply to paragraph 15 of the list of issues for further information.

**Liberty of movement and nationality (art. 18)**

**Reply to paragraph 18 of the list of issues**

83. A person who, due to a mental disability, has a habitual condition of being unable to understand right from wrong or whose capacity for understanding is significantly lacking, and is not accompanied by a designated assistant (Article 4 of the Regulation for Enforcement of the Immigration Control and Refugee Recognition Act) will be denied to land (Article 5, paragraph 1, item 2 of the Immigration Control and Refugee Recognition Act). This decision is not based on the existence of the mental disability, but on the impacts on society associated with the mental disability. No person may be denied to land solely on the basis of intellectual or mental disability.
84. In addition, the determination of whether a person falls under Article 5, paragraph 1, item 2, of the Immigration Control and Refugee Recognition Act is made after a medical diagnosis (Article 9, paragraph 2 of the same Act), taking into account that such determination requires medical judgment, and needs to be carried out with due care.

**Living independently and being included in the community (art. 19)**

**Reply to paragraph 19 (a) of the list of issues**

85. As of October 1, 2018, the total number of people with disabilities was estimated to be 9,647,000, of which 9,140,000 were at home and 507,000 were in institutions..
86. According to the results of the “Report on the Implementation of the Disability Welfare Program: Questionnaire on Transition to the Community” conducted in 2020, approximately 1,600 individuals who were discharged from disability support institutions in FY 2019 have transitioned to community living. Of these, considering the major transition destinations by place of residence, about 700 were housed in group homes and about 900 were housed with their families. In addition, the primary daytime activities for those who transitioned to community living are: daily care

services (about 500 individuals), ongoing employment support category B (about 300 individuals), and general employment (about 200 individuals).

87. Based on the results of a 2019 survey, the number of people in disability support facilities and residential facilities for children with disabilities as of October 1, 2019, are shown according to age in the statistics tables 1 and 2 in Annex 1. Based on the results of the 2019 survey, the post-discharge place of residence of persons who left disability support facilities between October 1, 2018 and September 30, 2019 is shown in table 3 in Annex 1.
88. Please refer to Annex 3 for the status of psychiatric inpatients by gender, age group, and prefecture.

**Reply to paragraph 19 (b) of the list of issues**

89. The provision of welfare services for people with disabilities is ensured through the welfare plans for people with disabilities established by prefectures and local municipalities in accordance with Article 88 and 89 of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities. These plans are established in accordance with the basic guidelines (basic guidelines for ensuring the smooth implementation of welfare services for people with disabilities and day care support for children with disabilities) set by the GOJ. The basic guidelines promote the establishment of support provision systems that make full use of social resources in the community, such as transition from welfare facilities and provision of support for continuing community life, from the perspective of supporting the self-reliance of people with disabilities.
90. Different support services are provided through community living assistance (group homes), support for independent living, support for transition to the community, and support for settlement in the community stipulated in the Act.
91. With regard to the discharge of persons with mental disabilities from medical institutions, from the perspective of promoting further transition to the community, since 2017, the GOJ has been promoting “the Community-based Integrated Care System for Persons with Mental Disabilities.” Under this system, treatment, welfare and nursing care, housing, social participation (employment), mutual assistance, and education for persons with mental disabilities are fully guaranteed.

**Personal mobility (art. 20)**

**Reply to paragraph 20 of the list of issues**

92. Based on the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities, the GOJ carries out various programs. Please refer to Annex 1 for further details.
93. Under Article 7 of the Act on the Promotion of Research, Development and Dissemination of Social Welfare Equipment, subsidies are provided to companies engaged in the development of assistive devices, and necessary information for research, development, and dissemination is collected, analyzed, and provided to those companies.

**Freedom of expression and opinion, and access to information (art. 21)**

**Reply to paragraph 21 (a) of the list of issues**

94. Under the Basic Act for Persons with Disabilities, to the extent possible, all people with disabilities should be ensured the opportunity to make choices about language (including sign language) and other means of communication, and to have greater choice in the way they access or use information (Article 3 of the Basic Act for Persons with Disabilities).
95. In addition, the Act on Measures for the Comprehensive and Integrated Promotion of the Realization of a Society for All, which entered into force in 2018, stipulates that the GOJ and local governments shall pay special attention to ensuring that people with disabilities, the elderly, and others have access to language (including sign language)

and other means of communication, as well as access to and use of information, when formulating and implementing measures for the realization of an inclusive society (Article 8 of the Act on Measures for the Comprehensive and Integrated Promotion of the Realization of a Society for All).

**Reply to paragraph 21 (b) of the list of issues**

96. The Prime Minister's Office website has established the "Prime Minister's Office Web Accessibility Policy" and its main contents, including the transmission of emergency information, are operated with the aim of maintaining Level AA compliance with Japanese Industrial Standard JIS X 8341-3:2016 "Guidelines for older persons and people with disabilities; Information and communications equipment, software and services-Part 3; Web content." On the website, in addition to text and images, some video content is posted, including a video of the Chief Cabinet Secretary's press conference featuring sign language interpretation, which is intended to serve as government dissemination of information.
97. MHLW has launched a "text-to-speech/text magnification service" and offers "digital Braille files."
98. It was made possible for election bulletin statements, which previously had to be submitted in printed form, to be submitted in electronic data form to facilitate their publication in a format compatible with text-to-speech software. In addition, sign language interpretation and captioning can now be provided for political broadcasts for the election of members of the House of Councillors, as well as for studio recordings. For the local elections in April 2019, detailed election information in Braille and audio versions was provided to improve the voting environment for visually impaired voters.

**Reply to paragraph 21 (c) of the list of issues**

99. The GOJ promotes the efforts of broadcasters by subsidizing the production costs of subtitles, explanations, and sign language. In FY2019, it provided subsidies to 122 broadcasters for producing 47,302 subtitled programs, 3,984 explanatory programs, and 1,547 sign language programs.

**Reply to paragraph 21 (d) of the list of issues**

100. In 2004, the national standard JIS X8341-3 (Guidelines for older persons and people with disabilities; Information and communications equipment, software and services; Part 3: Web content) was established after considering existing guidelines in Japan and overseas and taking into account matters specific to the Japanese language. Later, in March 2016, the corresponding JIS was revised to conform to the ISO/IEC 40500: 2012 international standard based on the W3C recommendation "WCAG 2.0."
101. In order to promote compliance with these standards, the GOJ has developed guidelines ("Everyone's Public Website Operational Guidelines") to ensure that the websites of public institutions can be used smoothly by everyone, including the elderly and people with disabilities, and has been supporting the efforts of public institutions to improve web accessibility.

**Respect for privacy (art. 22)**

**Reply to paragraph 22 of the list of issues**

102. With regard to the Social Security and Tax Number System (the My Number system), the Act on the Use of Numbers to Identify a Specific Individual in Administrative Procedures (the My Number Act) was established to ensure that My Number and personal information with My Number are handled safely and appropriately including for persons with disabilities. Also, the Act on the Protection of Personal Information seeks to ensure the proper handling of personal information including for persons with disabilities.

**Respect for home and the family (art. 23)**

**Reply to paragraph 23 (a) of the list of issues**

103. Article 770, paragraph 1, item 4, of the Civil Code is based on the consideration that if one of the spouses is suffering from a serious mental illness with no hope of recovery and that person is unable to fulfil the obligations of conjugal cooperation, it is not reasonable to continue the marriage against the will of the other spouse.
104. However, Article 770, paragraph 2, provides that a petition for divorce may be dismissed even if there are grounds falling under Article 770, paragraph 1, if it is considered reasonable to continue the marriage after taking into account all the circumstances of the case.
105. Therefore, the provision in question takes into account the interests of both parties to the marriage and it is completely unjustified to argue that the provision discriminates against people with disabilities.
106. In any case, the GOJ believes that the provisions of the Civil Code and other laws need to be reviewed as necessary in light of changing social conditions.

**Reply to paragraph 23 (b) of the list of issues**

107. The GOJ provides necessary information and advice in response to inquiries from people with disabilities, guardians of children with disabilities, or persons caring for people with disabilities. In child guidance centers, counselling and assistance activities must always take into account the best interests of the child when performing assistance activities, and assistance shall be provided taking into consideration the situation of the child and his or her family when responding to a request for consultation or when a notification is received.
108. In addition, under the Act on Special Child Rearing Allowance, the GOJ provides a special child support allowance and a disabled child welfare allowance.

**Education (art. 24)**

**Reply to paragraph 24 (a) of the list of issues**

109. In order to meet the educational needs of individuals most appropriately, the GOJ provides diverse places of learning (e.g. regular classes; special support services in resource rooms in regular schools, mostly for one or two hours a week; special needs education classes in regular schools; and special needs education schools), ensuring continuity between each curriculum. At the same time, the GOJ has taken various measures including revision of the Course of Study, aiming to promote “joint activities and learning,” in which children with disabilities and those without disabilities learn together in the same class room. Furthermore, in order to provide support for children with disabilities in regular classes and to ensure the right of children with disabilities to choose regular classes as places of learning, the GOJ has taken legislative, political, and financial measures as described in the following paragraphs.
110. With regard to legislative measures, the GOJ has taken various measures including:
- 1) abolishing the conventional framework used for school selection in which children with disabilities who meet the criteria were generally enrolled in special needs education schools, and establishing a new framework in which local education boards have to respect the opinions of children and their parents/legal guardians as much as possible;
  - 2) emphasizing continuity between the curriculums of special needs education schools and those of kindergartens and elementary, junior-high, and high schools by revising the Course of Study;
  - 3) amending the Ordinance for Enforcement of the School Education Act to facilitate deployment of specialized staff such as special needs education assistants and nurses providing medical care;
  - 4) institutionalizing special support services in resource rooms at regular high schools;
  - 5) adding public elementary and lower secondary school facilities to the list of buildings that must comply with the accessibility standards; and
  - 6) requiring the national and local governments to take necessary actions to support schools in which children with medical needs are enrolled.

111. With regard to political measures, the GOJ has taken various measures including:
- 1) revising “the Guideline of Joint Activities and Learning,” a document that shows the good practices of joint activities and learning in each municipality;
  - 2) preparing and publishing the “Barrier-free Mindset” textbook that can be used in school lessons;
  - 3) reforming the teaching curriculum in higher education to ensure that all students who want to become teachers have the opportunity to learn about special needs education; and
  - 4) providing various training opportunities for teachers.
112. With regard to financial measures, the GOJ has taken various measures for increasing the number of teachers and specialized staff involved in special needs education including:
- 1) expanding the funding for specialized staff such as special needs education assistants and nurses providing medical care;
  - 2) standardizing and increasing the number of elementary and junior-high school teachers for special support services in resource rooms in regular schools in each prefecture; and
  - 3) expanding the funding for high school teachers for special support services in resource rooms in regular schools.

**Reply to paragraph 24 (b) of the list of issues**

113. With regard to individual support, the GOJ has taken various measures including:
- 1) revising the Course of Study to require each school to prepare “individual education support plans” and “individual guidance plans” for children receiving special support services in resource rooms in regular schools;
  - 2) facilitating deployment of specialized staff such as special needs education assistants who provides various support for children with disabilities in regular classes;
  - 3) providing financial support for input/output assistive devices for children with disabilities, and for research and studies on the use of Information and Communication Technology for children with disabilities; and
  - 4) revising “the Guidelines for Educational Support for Children with Disabilities” in 2021 to inform local education boards and schools of the appropriate educational methods for each type of disability.
114. With regard to reasonable accommodation, the GOJ has taken various measures including:
- 1) extending the obligation of reasonable accommodation to private schools by amending the Act for Eliminating Discrimination against Persons with Disabilities in 2021;
  - 2) providing examples and good practices of reasonable accommodation on the website of the National Institute of Special Needs Education; and
  - 3) holding seminars to promote reasonable accommodation for school personnel.
115. With regard to training, the GOJ has taken various measures including:
- 1) offering the training opportunities provided by the National Institute of Special Needs Education, Japan Student Services Organization, and each prefecture; and
  - 2) reforming the teaching curriculums in higher education to ensure that all students who want to become teachers have the opportunity to learn about special needs education.

**Reply to paragraph 24 (c) of the list of issues**

116. No relevant data are available.

**Health (art. 25)**

**Reply to paragraph 25 (a) of the list of issues**

117. As a direction that all parties working on the health, medical care and welfare of people with mental disabilities should strive to take, in March 2014, MHLW established the “Guidelines for Ensuring High Quality and Appropriate Medical Care for People with Mental Disabilities” (MHLW Circular No. 65 of 2014). In order to

achieve a change from inpatient psychiatry to psychiatry that supports community living, the guidelines state that a system to ensure the provision of health services and welfare services needed to support community life should be provided.

118. In addition, in order to improve the treatment and living environment for patients with intractable diseases, efforts are being made to establish intractable disease consultation and support centers, i.e., facilities that provide consultation and support for patients with intractable diseases. As of January 2021, approximately one such center has been established in each prefecture and designated city.

**Reply to paragraph 25 (b) of the list of issues**

119. In Japan, necessary medical services, including those for people with disabilities, are covered by the health insurance system. In addition, measures have been taken to reduce the burden of medical expenses for people with disabilities by providing medical expenses necessary for alleviating the state of physical and mental disability and enabling independent living or social living according to certain income categories (medical expenses for services and support for people with disabilities).
120. Also, those who have received a physical disability certificate as stipulated in Article 15 of the Act on Welfare of Physically Disabled Persons, and those who have received a rehabilitation certificate issued by the Prefectural Governor or the head of a designated city are included in the scope of people with disabilities and children with disabilities as stipulated in Article 4 of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities. Depending on the level of need for support, such persons can receive the payment for services and support for persons with disabilities prescribed in Article 6 of the Act.
121. In addition, as part of promotion of measures related to intractable diseases, the number of diseases covered by medical expense subsidies was expanded from 56 to 333 by July 2019.

**Reply to paragraph 25 (c) of the list of issues**

122. With regard to guidance on sexuality in school education, each school, including those for children with disabilities and children with intellectual or mental disabilities, provides appropriate guidance based on the Course of Study and in accordance with the individual student's stage of development, disability, and experience.
123. Measures such as the following are taken, including for persons with disabilities:
- Providing counseling and support for women from adolescence to menopause through the Sex and Health Support Centers; and
  - Promoting health education and lectures in schools by doctors, midwives, public health nurses, and other specialists

**Habilitation and rehabilitation (art. 26)**

**Reply to paragraph 26 of the list of issues**

124. In accordance with Article 76 of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities, the necessary expenses are provided for the purchase of prostheses (assistive devices that supplement or replace the bodily functions of people with disabilities and are used continuously for a long period of time). In addition, under Article 77, item 6, the GOJ provides daily living equipment to facilitate daily living through the Daily Living Equipment Provision Project.
125. The latest payment status (FY2018) under the payment system for prosthetic devices is shown below.
- Purchases: 162,396 applications, 160,087 awarded (98.6%)
- Repairs: 114,045 requests, 113,499 awarded (99.5%)
- Borrowing: 8 applications, 8 awarded (100.0%)
126. The Public Employment Security Office provided support and found employment in 103,163 cases in FY2019. Of these, 25,484 (24.7% of the total) were people with

physical disabilities, 21,899 (21.2%) were people with intellectual disabilities, 49,612 (48.1%) were people with mental disabilities, and 6,168 (6.0%) were people with other disabilities.

127. In the same year, 30,925 people used the regional vocational centers for people with disabilities, of whom 1,185 (3.8%) were people with physical disabilities, 7,783 (25.2%) were people with intellectual disabilities, and 11,686 (37.8%) were people with mental disabilities.
128. In 2019, 197,631 people received support at work/life support centers for persons with disabilities, of whom 22,615 (11.4%) were people with physical disabilities, 91,911 (46.5%) were people with intellectual disabilities, 73,250 (37.0%) were people with mental disabilities, and 9,775 (4.9%) were people with other disabilities. The breakdown by gender and age is not known.

### **Work and employment (art. 27)**

#### **Reply to paragraph 27 (a) of the list of issues**

129. Under the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities, job seeking support services, continued employment support services, and job retention assistance services have been implemented. The number of people with disabilities transitioning from employment-related welfare services for people with disabilities to general employment has increased 11.5 times (from 1,288 in FY2003 to 14,845 in FY2017).
130. In addition, in accordance with the Act to Facilitate the Employment of Persons with Disabilities, including intellectual and mental disabilities, to work in the general employment market according to their abilities and wishes, the following services are provided: detailed job placement at public employment security offices according to the characteristics of the person with disabilities; job evaluation and job preparation training at vocational centers for persons with disabilities; and comprehensive counselling and support for work/life at employment and daily life support centers for persons with disabilities.

#### **Reply to paragraph 27 (b) of the list of issues**

131. The prohibition of discrimination against people with disabilities and the obligation to provide reasonable accommodation in the field of employment are already addressed in the 2013 revisions to the Act to Facilitate the Employment of Persons with Disabilities.
132. In May 2018, it was found that some national agencies and local governments did not meet the employment rate stipulated by law, and therefore, the GOJ reviewed the actual situation and the causes of the cases and adopted the Basic Policy on Employment of Persons with Disabilities in the Public Service Sector. As a result, the employment rate of people with disabilities in the public service has increased (as of June 1, 2019).
133. In addition, in the recruitment and hiring of people with disabilities in local governments, it is considered contrary to the purpose of the Act to Facilitate the Employment of Persons with Disabilities to restrict the recruitment and hiring of persons who can perform the job with reasonable accommodation. With this in mind, on December 28, 2018, in cooperation with MHLW, the Ministry of Internal Affairs and Communications (MIC) requested local governments to conduct fair recruitment and selection.
134. Also, in September 2019, while providing local governments with the results of a survey on the status of local governments' efforts to hire people with disabilities, MIC recommended that local governments promptly take the necessary measures for employment administration, such as "establishing the necessary systems to respond to inquiries and take action appropriately," as required by the Reasonable Accommodation Guidance.
135. In addition, starting in FY2019, local tax allocation grants are provided for the cost of establishing and maintaining facilities and equipment necessary for the smooth

performance of duties, taking into account the disability characteristics of the people with disabilities employed.

**Reply to paragraph 27 (c) of the list of issues**

136. MHLW developed the Guidelines on Prohibition of Discrimination against Persons with Disabilities and the Guidelines for Reasonable Accommodation for employers. MHLW compiled case studies on reasonable accommodation by type of disability and shared the information with employers.

**Adequate standard of living and social protection (art. 28)**

**Reply to paragraph 28 (a) of the list of issues**

137. The Act on Public Housing, the Local Housing Corporation Act, and other laws provide fair procedures and requirements for the recruitment, eligibility, and selection of public housing tenants.
138. In addition, in the area of private rental housing, a new “housing safety net system” using increasing vacant apartments and houses over the last 20 years has been established. The system includes a rental housing registration system that does not deny access to people with disabilities and others in need of housing. This system aims to facilitate the smooth leasing of private rental housing by providing support for housing renovation, reducing the burden on tenants, and providing support for housing assistance activities conducted by the housing assistance council, etc.
139. In addition to this, the Act on Promotion of Smooth Movement of Older Persons and Disabled Persons stipulates that when constructing apartment buildings, efforts should be made to take necessary measures to comply with the Building Mobility Facilitation Standards.

**Reply to paragraph 28 (b) of the list of issues**

140. Protection under the Public Assistance Act is provided to all citizens, including people with disabilities, on a non-discriminatory and equal basis. As part of subsistence assistance, additional disability benefits are provided to recipients of public assistance who are disabled.
141. In addition, according to Article 1 of the National Pension Act and Article 1 of the Employees’ Pension Insurance Act, disability pensions are intended to provide income security against loss of earning capacity in the event of disability during the working life of the individual concerned, focusing on such aspects as significant limitations on the individual’s daily life and ability to work. In principle, the disability pension is not suspended or reduced even if the disability pensioner works and earns an income.
142. In addition, as of October 1, 2019, the Disability Pensioner Support Benefit was established. This is a benefit that is paid to basic disability pensioners whose income is below a certain standard to support their daily life. To make it easier for people with disabilities to apply for this allowance, the application process has been simplified by requiring only the applicant’s name and allowing the use of proxy applications.
143. In addition, under the Act on Special Child Rearing Allowance, the GOJ provides a monthly allowance for severely disabled persons aged 20 and older in the household and for those who need special care in their daily lives. In addition, under the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities, the GOJ has taken measures to reduce the burden of medical expenses on people with disabilities by providing medical expenses necessary to reduce the status of physical and mental disabilities and lead an independent daily and social life according to certain income categories (medical expenses for services and support for people with disabilities).

**Reply to paragraph 28 (c) of the list of issues**

144. Different support services are provided through community living assistance (group homes), support for independent living, support for transition to the community, and support for settlement in the community as stipulated in the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities.

145. With regard to social security for persons with mental disabilities after discharge from a facility, the ongoing treatment of mental illness (outpatient mental health care) is positioned as a medical service for services and support for people with disabilities, with some or all of the medical costs covered by public funds, with the aim of improving treatment and rehabilitation for people with disabilities.
146. In addition, when people with mental disabilities are discharged from the hospital and live in the community, they are able to receive medical services, such as outpatient psychiatric care, day care, and home care. Also, to further support people with disabilities in the community, the GOJ is working to provide outreach support and improve the emergency psychiatric care system.
147. Furthermore, in order to promote the establishment of “the Community-based Integrated Care System for Persons with Mental Disabilities” to provide comprehensive protection for treatment, welfare and nursing care, housing, social participation (employment), community mutual aid and education for people with disabilities, the GOJ is promoting the training of peer supporters and outreach support by local governments.

### **Participation in political and public life (art. 29)**

#### **Reply to paragraph 29 of the list of issues**

148. Under Article 9 and 10 of the Public Offices Election Act, the right to vote and the right to be elected are guaranteed without distinction based on gender or disability.
149. With regard to measures to ensure that people with disabilities can exercise their right to vote and have the opportunity to do so, as mentioned in paragraph 187 of the report, various voting systems have been established (See Annex 1 for further details on measures taken for the operation of these systems).
150. In addition, each local municipality promotes the provision of wheelchairs and accessible voting platforms at polling stations, as well as the elimination of steps in corridors leading to voting booths using fiscal measures provided by the national government for the costs required for national elections.
151. With regard to the provision of election-related information, as mentioned in paragraph 187 of the initial report submitted by Japan, political opinion broadcasts are available in national elections and prefectural governor elections. Following the revision of the law in 2018, based on the candidate’s choice, at least either sign language interpretation or subtitling may be provided for all elections for which political broadcasts are permitted.
152. For national elections, all prefectures prepare and distribute the full text of the election bulletin in Braille and audio versions. Candidates are also required to submit text data compatible with text-to-speech software, and the submitted text data is posted on the prefectural election commission websites.
153. In addition, the House of Councillors has taken steps to accommodate members with disabilities, such as allowing them to be accompanied by caregivers, and allowing their caregivers to vote on the member’s behalf, and taking into account their right to express themselves and vote. Under the current system, people with severe disabilities cannot receive benefits of welfare services while commuting or working. However, the House of Councillors will temporarily cover expenses during their activities as Members of Parliament.

### **Participation in cultural life, recreation, leisure and sport (art. 30)**

#### **Reply to paragraph 30 (a) of the list of issues**

154. A survey is being conducted on barriers to participation in and viewing of sports by people with disabilities, including children with disabilities who attend school, and a project is being implemented to improve the environment for people with disabilities to participate in sports in familiar places.

155. The GOJ is supporting the strengthening of physical education and sports club activities in special needs schools and the establishment of local sports clubs for people with disabilities based at special needs schools.
156. The National Stadium, which was the main stadium for the Tokyo 2020 Olympic and Paralympic Games, was developed with “the best universal design in the world” as one of its basic principles. In order to understand the needs of the stadium’s different users, a universal design workshop was held with the participation of senior citizens and disabled people’s organizations. By listening to the people involved and paying close attention to a variety of users, regardless of disability, age, gender, or nationality, a comfortable environment for many people to watch the Games was created. Further details in Annex 1.
157. In terms of culture, the Basic Plan for the Promotion of Cultural and Artistic Activity of Persons with Disabilities was established in March 2019 in accordance with the Act on Cultural and Artistic Activity of Persons with Disabilities, which came into effect in June 2018. In this connection, the GOJ is implementing various initiatives aimed at supporting the enhancement of cultural and artistic activities by people with disabilities.
158. National museums and art galleries in Japan provide free admission for people with disability certificates, and theaters, museums and art galleries across the country are working to create environments that enhance accessibility for visitors, such as installing wheelchair-accessible restrooms and elevators.
159. See Reply to paragraph 8(a) of the list of issues above regarding the accessibility law, the “Act on Promotion of Smooth Movement of Older Persons and Disabled Persons.”

**Reply to paragraph 30 (b) of the list of issues**

160. The Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled entered into force in Japan on January 1, 2019. Domestically, the Act on Partial Revisions to the Copyright Act, which includes necessary measures to accede to the Marrakesh Treaty, was promulgated on May 25, 2018. The revisions for the Marrakesh Treaty entered into force on January 1, 2019 as well as the Treaty.
161. The revised Act added email transmission newly to acts subject to limitation of copyrights such as reproduction, transfer, and automatic public transmission. Thus, it makes it possible, for example, to transmit emails of transcription data created and provided for a person with physical disabilities who cannot hold a book, or for a person who has difficulty reading books due to various disabilities without the permission of the right holder.
162. Article 13 of the Act to Further the Improvement of Reading Environments for Visually Impaired Persons (the “Reading Accessibility Act”), which took effect in June 2019, stipulates that based on the framework of the Marrakesh Treaty, the GOJ takes necessary measures to improve the environment including efforts to develop consultation systems, for obtaining electronic books, etc that are accessible to persons who are blind, etc. and can be transmitted via the Internet from foreign countries sufficiently and smoothly. In accordance with the Act, the Basic Plan to Further the Improvement of Reading Environments for Visually Impaired Persons was established in July 2020. In order to realize a society in which all citizens, regardless of disability, can equally enjoy the blessings of written and printed culture through reading, the GOJ will comprehensively and systematically promote the development of a reading environment for the visually impaired.

**C. Specific obligations (arts. 31–33)**

**Statistics and data collection (art. 31)**

**Reply to paragraph 31 of the list of issues**

163. In the Third Master Plan Concerning the Development of Official Statistics, which began in FY2018, the GOJ included the goal of improving statistics on people with disabilities. As part of specific efforts, the Cabinet Office, MIC, and MHLW have collaborated to develop statistics to enable comparisons between persons with and without disabilities. In doing so, the study included questions proposed in the Short Set Questions of the Washington Group on Disability Statistics on the nature of the problem of capturing data on people with disabilities. MIC is preparing to conduct the Survey on Time Use and Leisure Activities in 2021 to determine differences in the amount of time people spend on daily tasks depending on whether they have a disability. In addition, MHLW is considering adding questions to the Comprehensive Survey of Living Conditions to be conducted in 2022 that will help improve statistics on people with disabilities.
164. In order to enhance special needs education for children with disabilities, MEXT has conducted a survey on the status of support systems in communities and schools, informed local education boards of the results, and disseminated related information on the Internet.
165. In order to determine the actual living conditions and needs of children and adults with disabilities at home, MHLW conducts the “Survey on Difficulty in Living” every five years and publishes the results on its website.
166. Each year, the number of people with physical, intellectual, and mental disabilities employed by companies is determined and published on the basis of reports from companies that are obliged to employ at least one person with disabilities based on the statutory employment rate. In addition, for workplaces with five or more employees a survey is conducted every five years and the results are published regarding the gender and wages of the people with disabilities they employ.
167. Also, MHLW monitors the employment status of people with disabilities at the public employment security offices and publishes a report on it annually by type and degree of disability.

#### **International cooperation (art. 32)**

##### **Reply to paragraph 32 (a) of the list of issues**

168. In 2015, the Japan International Cooperation Agency (JICA) developed thematic guidelines titled, “Disability and Development,” which set out its policies in the field of disability. The guidelines indicate that JICA’s policy is to work specifically on disability and making disability a mainstream topic in JICA projects in accordance with the Convention on the Rights of Persons with Disabilities.
169. The “Guidelines for Environmental and Social Considerations” indicate that JICA must take into account the rights of people with disabilities in its projects. (Further details in Annex 1).
170. When conducting an individual case review, consideration for persons with disabilities must be described in the record. In accordance with this provision, JICA confirms at the time of the case reviews that people with disabilities are not excluded as beneficiaries from yen loan projects and overseas investment and loan projects. Disability mainstreaming initiatives have been included in 23 project plans of FY2020, including a COVID-19 crisis response emergency support loan.
171. For example, organizations of/for persons with disabilities were involved in the survey planning stage of the construction of the Delhi Metro in India (project name: Delhi Mass Rapid Transport System Project).

##### **Reply to paragraph 32 (b) of the list of issues**

172. The GOJ believes that when providing international cooperation, it is important to fully understand the actual situation and requirements of the target country, and to respond both flexibly while respecting the culture of that country and with attention to detail in regard to various local needs, including the needs of people with disabilities.
173. Specific initiatives include

- 1) Consulting with organizations of/for persons with disabilities;
  - 2) Establishing guidelines to ensure the participation of people with disabilities in various projects; and
  - 3) Promoting participation of groups led/run by people with disabilities in citizen participation cooperation projects. (Further details in Annex 1.)
174. Citizen participation cooperation projects are proposed and implemented by NGOs, universities, and local governments, among others. After consultation with organizations of/for persons with disabilities, a system was established to allow for the application of an additional budget for reasonable accommodation that exceeds the maximum limit of the project budget as of FY2021.

**National implementation and monitoring (art. 33)**

**Reply to paragraph 33 of the list of issues**

175. The implementation of the Convention is monitored by the Commission on Policy for Persons with Disabilities. The Commission monitors whether the implementation of the Basic Plan for Persons with Disabilities, which forms the basis of disability policy, is in accordance with the object and purpose of the Convention. The Commission also monitors the implementation of the Basic Plan for Persons with Disabilities and, if deemed necessary, it may make recommendations to the Prime Minister, or through the Prime Minister to the relevant minister. (Further information on the achievements of the Commission is provided in Annex 1).
176. The Prime Minister appoints members of the Commission on Policy for Persons with Disabilities and in order to strengthen human and technical resources and expand the participation of people with disabilities, four expert commissioners, including persons with mental disabilities and academic experts, were added to the fourth commission (2019-2021). Further, in the appointment of the fifth commission members (2021-2023), three additional members were added, including people with disabilities and academic experts. The Commission includes many members from groups representing people with disabilities and their families, meaning that the views of organizations representing people with disabilities are reflected.

**Reply to paragraph 34 of the list of issues**

177. The GOJ continues to consider the appropriate form for a human rights remedy system, taking into account the discussions that have already taken place.
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