

Ongoing disability policy reform process - Japan's experience -

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Launch of disability policy reform in Japan

- New administration under DPJ started (September 2009).
- Ministerial Board for Disability Policy Reform (MDPR) established as Government's high level mechanism for disability policy reform with Prime Minister being head thereof (December 2009).
- Mandate of MDPR is to proceed with intensive systemic reform to change Japan's legal and administrative system to meet requirements leading to Japan's ratification of Convention on the Rights of Persons with Disabilities (CRPD).
- Committee for Disability Policy Reform (CDPR) was organized to discuss and report to MDPR on a wide range of matters pertaining to disability policy reform. With vigorous participation of a wide range of stakeholders, CDPR functions as "engine" for Japan's disability policy reform.
- A professional with extensive knowledge on CRPD, and being a person with disability himself, was invited to join Cabinet Office to serve as head of secretariat to CDPR.
- The CDPR itself embodies active involvement of persons with disabilities in the development of national policy.
- The immediate five years (2009-2014) is considered as intensive period for the systemic reform

Mechanism for Disability Policy Reform

Ministerial Board for Disability Policy Reform (MDPR)

- Head: Prime minister;
- Members: All Ministers of State

Committee for Disability Policy Reform (CDPR)

- 24 members and 2 observers
- Chair, Co-chair: both persons with disabilities
- Out of 24, 14 members are persons, or family members of persons, with disabilities
- Other members: experts knowledgeable of CRPD, experts with backgrounds of local administration, labor community and business

Panel(s) : to be organized as necessary – currently one on Comprehensive Welfare Services already running (as from April, 2010); another to be established in 2010 for discussions on anti-discrimination law on disabilities.

The 1st meeting of *CDPR* convened on January 12, 2010.

CDPR held 14 sessions, typically 4-hour discussions in each session, during the January-June 2010 period.

A primary report of *CDPR* was put together on June 7, 2010.

*It covers CDPR views on principles of disability policy reform, as well as setting forth a **Road Map** for the Government to proceed with in respective policy areas.*

CDPR views on **principles** of disability policy reform are set forth under the following five headings in its primary report:

1. Right-based approach
2. A society without discrimination
3. Concept of disability on the basis of “social model”
4. Right to live in the community and necessary support
5. Building an inclusive society

Direction of reform concerning fundamental issues are set forth under the following eight headings:

1. Full recognition of the rights of persons with disabilities to live in the community, and building an inclusive society: *facilitating transition from living in residential institutions to living in the community, with the person's choice, and with the provision of support services for community life*
2. Recognition of the social model-based concept of disability: *raising awareness among the public, emphasizing the "social model" vis-à-vis "medical model"*
3. Definition of (persons with) disability: *setting definitions in respective program areas to embrace all people with disabilities who need services*
4. Definition of discrimination on the basis of disabilities *setting a legal definition of discrimination to include denial of reasonable accommodations*
5. Respect for appropriate communication means and modes: *ensuring freedom of expression and access to information through various forms of communication and language of choice, including sign language*
6. Freedom from abuse: *prevention, early detection, monitoring and support*
7. Issue of how to express "disabilities" ("Shougai") in Japan's legislation: *an issue peculiar to the context of Japanese language*
8. Survey and information basis: *need to reflect the reality of persons with disabilities in policy formulation*

Direction of reform concerning cross-sectional issues are set forth under the following three headings:

1. Amendment of the current ***Basic Law for Persons with Disabilities***: aiming at revising the definition of persons with disabilities, and of discrimination; and revision of provisions in respective policy areas.

Also, providing **CDPR with robust legal basis**:

after the ratification of CRPD, a body succeeding to *CDPR* to be mandated as mechanism for monitoring the implementation of CRPD in Japan.

A bill (or bills) for these purposes to be submitted to Diet's ordinary session in 2011.

2. Development and enactment of **an anti-discrimination law on disabilities**: a Panel for developing an anti-discrimination law to be established under *CDPR* in 2010. A bill to be submitted to Diet's ordinary session in 2013.

3. Development and enactment of **a comprehensive welfare services law for persons with disabilities**: to be enacted along with the disestablishment of the current *Law for Supporting Independence of Persons with Disabilities*; a bill to be submitted to Diet's ordinary session in 2012, and to enter into force by summer, 2013.

Issues to be discussed in respective policy areas

Calendar years on respective items are the expected times for conclusion

1. Labor and Employment

- Reconsideration of legal employment rate by 2012
- Applying labor regulations on sheltered workshops by 2011
- Provision of reasonable accommodations in workplace by 2012

2. Education

- Basic direction regarding inclusive education by 2010
- Ensuring teachers with appropriate capacity of using sign language and/or braille and training of experts by 2012

3. Income security

- Review of income security for persons with disabilities in conjunction with public pension reform by 2012
- Housing support for persons with disabilities by 2012

4. Medical care

- Reconsideration of hospitalization without consent of persons with psychiatric disabilities by 2012
- Supporting measures for the transition from hospitalizations to living in the community by 2011
- Revision of user payment scheme of medical care by 2011

5. Children with disabilities

- Improvement in the systems for consultation, and in those for medical services and education by 2011

6. Prevention of abuse by reason of disabilities

- Definition of types of abuse; and establishment of a monitoring body for abuse

7. Access to built environments and public transport

- Improvement in accessibility in non-urban areas by 2010

8. Access to information and communications

- Improvement in accessibility environments by 2012
- Ensuring emergency contact at times of disaster by 2012

9. Participation in political activities

- Improvement in provision of information for election for persons with disabilities by 2010
- Barrie-free at the poll stations

10. Judicial procedures

- Securing due procedures for criminal cases concerning persons with disabilities by 2012
- Appropriate training for judicial professionals

11. International cooperation

- Promoting contribution to international cooperation on disability issues and matters related to disabilities

The Road Map of the Reform

