

# Act for Eliminating Discrimination against Persons with Disabilities

(Act No. 65 of June 26, 2013)

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## Chapter I General Provisions

(Purpose)

Article 1 This Act, in accordance with the basic principles of the Basic Act for Persons with Disabilities (Act No. 84 of 1970) and in taking into consideration that all persons with disabilities are equal to persons without disabilities and are entitled to dignity as individuals to enjoy fundamental human rights, and to possess the right to be guaranteed a life befitting of the dignity, aims to promote the elimination of discrimination on the basis of disability, thereby ensuring that no citizens are discriminated according to whether or not they have a disability, and contributing to the realization of a society of coexistence with mutual respect for one another's personality and individuality by providing the basic matters relating to the elimination of discrimination on the basis of disability and for measures for the elimination of discrimination on the basis of disability by administrative organs, etc. and companies.

(Definitions)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) "person with a disability" refers to a person with a physical disability, a person with an intellectual disability, a person with a mental disability (including developmental disabilities), and other persons with disabilities affecting the functions of the body or mind (hereinafter referred to

- collectively as "disabilities"), and who are in a state of facing substantial limitations in their continuous daily or social life because of a disability or social barrier;
- (ii) "social barrier" means items, institutions, practices, ideas, and other things in society that stand as obstacles against persons with disabilities engaging in daily or social life;
  - (iii) "administrative organ, etc." means a state administrative organ, an incorporated administrative agency, etc., a local public entity (excluding enterprises managing a local public entity subject to the application of the provisions of Chapter III of the Local Public Enterprise Act (Act No. 292 of 1952); hereinafter the same applies in paragraph (7), Article 10, and Article 4, paragraph (1) of the Supplementary Provisions) and a local incorporated administrative agency;
  - (iv) "national government administrative organ" refers to the following organs:
    - (a) organs within the Cabinet (excluding the Cabinet Office) or organs under the jurisdiction of the Cabinet that are established based on the provisions of laws;
    - (b) the Cabinet Office, the Imperial Household Agency, and organs prescribed in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (where, under these organs, an organ specified by Cabinet Order prescribed in (d) is established, that organ is excluded);
    - (c) organs prescribed in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948) (where, under these organs, an organ specified by Cabinet Order prescribed in (e) is established, that organ is excluded);
    - (d) organs set forth in Article 39 and Article 55 of the Act for Establishment of the Cabinet Office and in Article 16, paragraph (2) of the Imperial Household Agency Act (Act No. 70 of 1947) and extraordinary organs set forth in Article 40 and Article 56 (including cases where it is applied to mutatis mutandis pursuant to Article 18, paragraph (1) of the Imperial Household Agency Act) that are specified by Cabinet Order;
    - (e) facilities and other organs set forth in Article 8-2 of the National Government Organization Act and extraordinary organs set forth in Article 8-3 of the same Act that are specified by Cabinet Order;
    - (f) the Board of Audit;
  - (v) "incorporated administrative agency, etc." means the following corporations:
    - (a) incorporated administrative agencies (meaning the incorporated administrative agency provided for in Article 2, paragraph (1) of the Act on General Rules for Independent Administrative Agencies (Act No. 103 of 1999); the same applies in (b));

- (b) from among corporations established directly pursuant to the provisions of laws, corporations established by a special act of establishment pursuant to the provisions of special laws (excluding incorporated administrative agencies), or corporations which are established pursuant to the provisions of special laws and require an approval of administrative agencies for their establishment, those specified by Cabinet Order;
- (vi) "local incorporated administrative agency" means the local incorporated administrative agencies prescribed in Article 2, paragraph (1) of the Local Incorporated Administrative Agencies Act (Act No. 118 of 2003) (excluding those engaging in the business set forth in Article 21, item (iii) of the same Act);
- (vii) "company" means a person engaging in commercial affairs or other business (excluding the national government, incorporated administrative agencies, local public entities, and local incorporated administrative agencies).

(Responsibilities of the National Government and Local Public Entities)

Article 3 In accordance with the purpose of this Act, the national government and local public entities must formulate necessary measures relating to the elimination of discrimination on the basis of disability and must implement them.

(Responsibilities of the People)

Article 4 The people must endeavor to contribute to the elimination of discrimination on the basis of disability considering that eliminating discrimination on the basis of disability is important in realizing the society provided for in Article 1.

(Improvement of Environment Relating to Reasonable Accommodation to Implement Elimination of Social Barriers)

Article 5 The administrative organs, etc. and companies must endeavor to improve the structure of the facilities which they themselves have built, prepare equipment, provide training for the relevant staff, and prepare other necessary aspects to improve the environment in order to appropriately ensure reasonable accommodation to implement the elimination of social barriers.

## **Chapter II Basic Policy on Elimination of Discrimination on the Basis of Disability**

Article 6 (1) The government must provide for a basic policy on the elimination of discrimination on the basis of disability (hereinafter referred to as the "basic

policy") in order to implement comprehensive and integral measures for the elimination of discrimination on the basis of disability.

- (2) The basic policy is to provide for the following matters:
  - (i) the basic direction of the measures relating to the elimination of discrimination on the basis of disability;
  - (ii) the basic matters relating to the measures for the elimination of discrimination on the basis of disability to be taken by administrative organs, etc.;
  - (iii) the basic matters relating to measures for the elimination of discrimination on the basis of disability to be taken by business entities;
  - (iv) other important matters relating to measures for the elimination of discrimination on the basis of disability.
- (3) The Prime Minister must formulate a draft of the basic policy and must seek the approval of the Cabinet.
- (4) In drafting the basic policy, the Prime Minister must take necessary measures in advance so that the opinions of persons with disabilities and other relevant persons are reflected in it, and must hear the opinion of the Commission on Policy for Persons with Disabilities.
- (5) If the approval of the Cabinet has been obtained under paragraph (3), the Prime Minister must make the basic policy without delay.
- (6) The provisions of the preceding three paragraphs apply mutatis mutandis to any changes to the basic policy.

### **Chapter III Measures to Eliminate Discrimination on the Basis of Disability by Administrative Organs, etc. and Companies**

(Prohibition of Discrimination on the Basis of Disability by Administrative Organs)

- Article 7 (1) When conducting its administrative affairs or other work, an administrative organ, etc. must not violate the rights or interests of persons with disabilities through disparate and unfair discriminatory treatment on the basis of disability comparing to persons without disability.
- (2) If a person with a disability expresses the genuine willingness to eliminate the social barrier, an administrative organ, etc., in conducting its administrative affairs or other work, must provide reasonable accommodation to implement the elimination of the social barrier so long as the burden associated with the relevant implementation is not disproportionate, in accordance with the sex, age, and state of the disability of the person with a disability so that the rights and interests of the person with the disability is not violated.

(Prohibition of Discrimination on the Basis of Disability by Companies)

Article 8 (1) When carrying out its business, a company must not violate the rights or interests of persons with disabilities through disparate and unfair discriminatory treatment on the basis of disability comparing to persons without disability.

(2) If a person with a disability expresses the genuine willingness to eliminate the social barrier, the company, in carrying out its business, must endeavor to provide reasonable accommodation to implement the elimination of the social barrier so long as the burden associated with the relevant implementation is not disproportionate, in accordance with the sex, age, and state of the disability of the person with a disability so that the rights and interests of the person with the disability is not violated.

(Handling Directions for Government Employees)

Article 9 (1) In line with the basic policy, the head of national government administrative organs and incorporated administrative agencies, etc. are to provide necessary manuals to enable employees of national government administrative organs and incorporated administrative agencies, etc. (hereinafter referred to as "handling directions for government employees, etc." in this Article and Article 3 of the Supplementary Provisions) to appropriately handle the matters provided for in Article 7.

(2) If the head of a national government administrative organ or an incorporated administrative agency, etc. is to provide handling directions for government employees, etc., it must take necessary measures in advance so that the opinions of persons with disabilities and other relevant persons are reflected in them.

(3) If the head of a national government administrative organ or an incorporated administrative agency, etc. has provided handling directions for government employees, etc., the head or the agency must make them public without delay.

(4) The provisions of the preceding two paragraphs apply mutatis mutandis to any changes to handling directions for government employees, etc.

(Handling Directions for Employees of Local Public Entities)

Article 10 (1) In line with the basic policy, the organizations of local public entities and local incorporated administrative agencies is to endeavor to provide necessary manuals to enable employees of organizations of local public entities and local incorporated administrative agencies (hereinafter referred to as "handling directions for employees of local public entities, etc." in this Article and Article 4 of the Supplementary Provisions) to appropriately handle the matters provided for in Article 7.

(2) If the organization of a local public entity or a local incorporated

administrative agency is to provide handling directions for employees of local public entities, etc., it must endeavor to take necessary measures in advance so that the opinions of persons with disabilities and other persons concerned are reflected in them.

- (3) If the organization of a local public entity or a local incorporated administrative agency has provided handling directions for employees of local public entities, etc., it must endeavor to make them public without delay.
- (4) The national government must cooperate in preparing the handling directions for employees of local public entities, etc. to be prepared by the organization of a local public entity or a local incorporated administrative agency.
- (5) The provisions of the preceding three paragraphs apply mutatis mutandis to any changes to handling directions for employees of local public entities, etc.

#### (Handling Guidelines for Companies)

Article 11 (1) In line with the basic policy, the competent minister is to provide the necessary directions to enable companies to appropriately handle the matters provided for in Article 8 (hereinafter referred to as "handling guidelines").

- (2) The provisions of Article 9, paragraphs (2) to (4) apply mutatis mutandis to changes to the handling guidelines.

#### (Collection of Reports, Advice, Guidance, and Recommendations)

Article 12 When the competent minister deems it particularly necessary for the enforcement of the provisions of Article 8, the minister may seek a report or provide advice, guidance, or recommendations to companies with regard to the matters provided for in the companies.

#### (Special Provisions on Measures by Employers)

Article 13 The measures for the elimination of discrimination on the basis of disability to be taken toward employees by an administrative organ, etc. and companies in position as an employer is governed by the provisions of the Act on Employment Promotion, Etc. of Persons with Disabilities (Act No. 123 of 1960).

### **Chapter IV Support Measures to Eliminate Discrimination on the Basis of Disability**

#### (Development of System for Consultations and Prevention of Disputes)

Article 14 The national government and local public entities are to respond accurately to consultations from persons with disabilities and their families and other relevant persons concerning discrimination on the basis of disability,

and are to work for the development of a necessary system to ensure that they are able to prevent or resolve any disputes relating to discrimination on the basis of disability.

(Awareness-Raising Activities)

Article 15 The national government and local public entities are to conduct necessary awareness-raising activities in order to broaden the interest and understanding of the public with regard to the elimination of discrimination on the basis of disability and, in particular, to resolve the various factors which prevent the elimination of discrimination on the basis of disability.

(Collection, Organization, and Provision of Information)

Article 16 The national government is to collect, organize, and provide information relating to the measures for the elimination of discrimination on the basis of disability both in Japan and abroad in order to contribute to the efforts to eliminate discrimination on the basis of disability.

(Regional Support Councils for Eliminating Discrimination against Persons with Disabilities)

Article 17 (1) The organizations of the national government and local public entities engaged in doing work in the field of medicine, nursing care, or education or other fields connected to the independence and social participation of persons with disabilities (hereinafter referred to as "relevant organizations" in this paragraph and paragraph (2) of the following Article) may form a regional support council for eliminating discrimination against persons with disabilities (hereinafter referred to as a "regional support council") composed of the relevant organizations in order to effectively and smoothly conduct measures for the elimination of discrimination on the basis of disability based on consultations on discrimination on the basis of disability conducted by the relevant organizations in the area of the local public entity as well as case examples relating to the consultations.

(2) The organizations of the national government and local public entities forming a regional support council pursuant to the provisions of the preceding paragraph may add the following persons as constituent members of the regional support council when necessary:

- (i) specified non-profit organizations established under Article 2, paragraph (2) of the Act on Promotion of Specified Non-Profit Activities (Act No. 7 of 1998) and other organizations;
- (ii) person with relevant expertise;
- (iii) other persons deemed to be necessary by those organizations of the national government or local public entity.

(Administrative Affairs of Regional Support Council)

Article 18 (1) In order to achieve the objective of paragraph (1) of the preceding Article, a regional support council is to exchange necessary information and is to hold discussions on measures for the elimination of discrimination on the basis of disability based on consultations from persons with disabilities and case examples relating to the consultations.

(2) The relevant organizations and constituent members set forth in paragraph (2) of the preceding Article (hereinafter referred to as "constituent organizations, etc." in the following paragraph) are to carry out measures for the elimination of discrimination on the basis of disability based on the case examples relating to the consultations in consideration of the results of the discussions set forth in the preceding paragraph.

(3) When a regional support council finds it necessary for the exchange of information or discussions provided for in paragraph (1) or when the council finds it necessary in considering a request received from another constituent organization, etc. relating to the measures for the elimination of discrimination on the basis of disability taking into consideration the consultation provided by the constituent organization, etc. or a case example relating to the consultation, it may make a request to the constituent organization, etc. for the provision of information relating to the person with the disability who was the subject of the consultation or the case example relating to discrimination, or for expressing an opinion or other necessary cooperation.

(4) The general affairs of a regional support council are to be processed by local public entities forming the regional support council.

(5) If a regional support council has been formed, local public entities must make public to that effect pursuant to the provisions of Cabinet Office Order.

(Obligation of Confidentiality)

Article 19 Persons engaging in the affairs of a regional support council, or persons who were engaged in the affairs of a regional support council must not disclose any confidential information they have come to know relating to the affairs of the regional support council without good reason.

(Matters to Be Provided for by Regional Support Council)

Article 20 Beyond what is specified in the preceding three Articles, the necessary matters concerning the organization and operation of a regional support council are provided for by the regional support council.

## **Chapter V Miscellaneous Provisions**



(Competent Minister)

Article 21 The competent minister in this Act is the Minister who has jurisdiction over the business of companies which are subject to the handling guidelines, or the National Public Safety Commission.

(Affairs to Be Handled by Local Public Entities)

Article 22 The affairs under the authority of the competent minister as prescribed in Article 12 may be conducted by the head of a local public entity or other executive agency pursuant to the provisions of Cabinet Order.

(Delegation of Authority)

Article 23 The matters under the authority of the competent minister pursuant to the provisions of this Act may be delegated to the employees under the authority of the competent minister pursuant to the provisions of Cabinet Order.

(Delegation to Cabinet Order)

Article 24 Beyond what is specified in this Act, necessary matters for the implementation of this Act are specified by Cabinet Order.

## **Chapter VI Penal Provisions**

Article 25 A person who violates the provisions of Article 19 is subject to be punished by imprisonment of not more than one year or a fine of not more than 500,000 yen.

Article 26 A person who has failed to make a report under Article 12 or who has made a false report is subject to a non-criminal fine not exceeding 200,000 yen.

## **Supplementary Provisions**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2016; provided, however, that the provisions of the following Article of Article 8 of the Supplementary Provisions come into effect on the day of promulgation.

(Transitional Measures Concerning Basic Policy)

Article 2 (1) The national government may provide for a basic policy even before the enforcement of this Act pursuant to the provisions of Article 6. In this case, the Prime Minister may make this public even before the enforcement of this Act pursuant to the provisions of the same Article.

(2) The basic policy specified pursuant to the provisions of the preceding paragraph is deemed to be specified pursuant to the provisions of Article 6 on the effective date of this Act.

(Transitional Measures Concerning Handling Directions for Employees of the National Government)

Article 3 (1) Even before the enforcement of this Act, the national government, the head of an administrative organ or an incorporated administrative agency, etc. may provide for handling directions for employees of the national government, etc. and make them public, pursuant to the provisions of Article 9.

(2) The handling directions for employees of the national government, etc. specified pursuant to the provisions of the preceding paragraph are deemed to be specified pursuant to the provisions of Article 9 on the effective date of this Act.

(Transitional Measures Concerning Handling Directions for Employees of Local Public Entities)

Article 4 (1) Even before the enforcement of this Act, the organization of a local public entity or a local incorporated administrative agency may provide handling directions for employees of local public entities, etc. and make them public pursuant to the provisions of Article 10.

(2) The handling directions for employees of local public entities, etc. specified pursuant to the provisions of the preceding paragraph are deemed to be specified pursuant to the provisions of Article 10 on the effective date of this Act.

(Transitional Measures Concerning Handling Guidelines)

Article 5 (1) Even before the enforcement of this Act, the competent minister may provide for handling guidelines and make them public, pursuant to the provisions of Article 11.

(2) The handling guidelines specified pursuant to the provisions of the preceding paragraph are deemed to be specified pursuant to the provisions of Article 11 on the effective date of this Act.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided in these Supplementary Provisions, the necessary transitional measures for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 7 The national government is to review the state of reasonable

accommodation to implement the elimination of social barriers provided in Article 8, paragraph (2) and other conditions for the implementation of this Act after three years have elapsed since the effective date of this Act, and is to conduct an appropriate review in accordance with the results if necessary.

(Partial Amendment of the Basic Act on Persons with Disabilities)

Article 8 Part of the Basic Act on Persons with Disabilities is amended as follows:

The following item is to be added to Article 32, paragraph (2).

(iv) processing the matters under its authority pursuant to the provisions of the Act for Eliminating Discrimination against Persons with Disabilities (Act No. 65 of 2013).

(Partial Amendment of the Act for Establishment of the Cabinet Office)

Article 9 of the Act for Establishment of the Cabinet Office is to be amended as follows:

The following item is to be added after Article 4, paragraph (3), item (xliv).

(xliv)-2 preparing and promoting the matters set forth in the basic policy on the elimination of discrimination on the basis of disability (referring to those matters provided in Article 6, paragraph (1) of the Act for Eliminating Discrimination against Persons with Disabilities (Act No. 65 of 2013)).