

# Basic Act for Persons with Disabilities

(Act No. 84 of May 21, 1970)

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## Chapter I General Provisions

(Purpose)

Article 1 This Act, in accordance with the principle that all citizens, regardless of whether or not they have a disability, should be entitled to dignity as irreplaceable individuals enjoying fundamental human rights, provides for the basic principles relating to the measures to support the independence and social participation of persons with disabilities in order to ensure that no citizens are divided according to whether or not they have a disability as well as the realization of a society of coexistence with mutual respect for personality and individuality, and moreover, aims to clarify the responsibilities of the national government and local public entities, and to promote in a comprehensive and systematic manner measures to support the independence and social participation of persons with disabilities by such means as providing for the matters serving as the basic measures to support the independence and social participation of persons with disabilities.

(Definitions)

Article 2 In this Act, the meanings of the terms listed in the following items are as prescribed in the respective 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 life or social life because of a disability

or a social barrier.

- (ii) "Social barriers" refers to items, institutions, practices, ideas, and other things in society that stand as obstacles against persons with disabilities engaging in daily life or social life.

(Coexistence in the Local Community)

Article 3 Assuming that all persons with disabilities should be entitled to dignity as individuals enjoying fundamental human rights equally to persons without disabilities, and possess the right to be guaranteed a life befitting of such dignity, the realization of the society provided for in Article 1 must be achieved to the effect of the following matters.

- (i) All persons with disabilities are guaranteed the opportunity to participate in activities in society, the economy, culture, and other fields as constituent members of society.
- (ii) All persons with disabilities are guaranteed the opportunity, insofar as possible, to choose where and with whom they live, and are not precluded from co-existing with other people in the local community.
- (iii) All persons with disabilities are guaranteed the opportunity, insofar as possible, to choose their language (including sign language) and other means of communication for mutual understanding; and opportunities for them to choose the means of acquisition or use of information will be expanded.

(Prohibition of Discrimination)

Article 4 (1) No person may commit an act of discrimination or any other act which violates interests or rights against a person with a disability on the basis of the disability.

- (2) When a person with a disability currently requires the removal of a social barrier and if the burden associated with said implementation is not excessive, necessary and reasonable accommodation must be given to implementing the removal of the social barrier so as not to be in violation of the provisions of the preceding paragraph by denial to do so.
- (3) For the purpose of disseminating awareness and knowledge relating to the prevention of action in violation of the provisions of paragraph (1), the national government is to collect, organize, and provide necessary information in order to prevent such action.

(International Cooperation)

Article 5 The realization of the society provided for in Article 1 must be conducted under the framework of international cooperation in view of the fact that the measures for the realization of such a society are closely related to the measures being taken by the international community.

(Responsibilities of the National Government and Local Public Entities)

Article 6 The national government and local public entities are responsible for implementing in a comprehensive and systematic manner the measures to support the independence and social participation of persons with disabilities in accordance with the basic principles provided for in the preceding three Articles (hereinafter referred to as "basic principles") in order to realize the society provided for in Article 1.

(Public Understanding)

Article 7 The national government and local public entities must take the necessary measures to increase public understanding concerning the basic principles.

(Responsibilities of the People)

Article 8 The people must endeavor to contribute to the realization of the society provided for in Article 1 in accordance with the basic principles.

(Week for Persons with Disabilities)

- Article 9 (1) The Week for Persons with Disabilities is established in order to widely broaden interest and understanding among the people concerning the basic principles and to promote the participation of persons with disabilities in activities in society, the economy, culture, and other fields.
- (2) The Week for Persons with Disabilities is to be the one week from December 3 to December 9 inclusive.
- (3) The national government and the local public entities must endeavor to implement programs which are suited to the spirit of the Week for Persons with Disabilities in close cooperation and coordination with the organizations in the private sector which are engaging in activities related to support for the independence and social participation of persons with disabilities.

(Basic Policy for the Measures)

- Article 10 (1) 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, age, state of the disability, and lifestyle of a person with a disability.
- (2) The national government and the local public entities must hear the opinions of persons with disabilities and other relevant persons and endeavor to respect such opinions when taking measures to support the independence and social participation of persons with disabilities.

(Basic Programme for Persons with Disabilities)

- Article 11 (1) In order to promote comprehensive and systematic measures to support the independence and social participation of persons with disabilities, the national government must formulate a basic programme relating to measures for persons with disabilities (hereinafter referred to as the "Basic Programme for Persons with Disabilities).
- (2) A prefectural government must formulate a basic programme relating to the measures it will take for persons with disabilities (hereinafter referred to as a "Prefectural Government Programme for Persons with Disabilities") in light of the situation of persons with disabilities in the prefecture based on the Basic Programme for Persons with Disabilities.
- (3) A municipal government must formulate a basic programme relating to the measures it will take for persons with disabilities (hereinafter referred to as a "Municipal Government Programme for Persons with Disabilities") in light of the situation of persons with disabilities in the municipality based on the Basic Programme for Persons with Disabilities and the Prefectural Government Programme for Persons with Disabilities.
- (4) In addition to consulting the heads of the relevant administrative organs, the Prime Minister must hear the opinion of the Commission on Policy for Persons with Disabilities, prepare a draft of the Basic Programme for Persons with Disabilities, and seek the approval of the Cabinet.
- (5) A prefectural government must hear the opinion of the body with a council system set forth under paragraph (1) of Article 36 when formulating a Prefectural Government Programme for Persons with Disabilities.
- (6) Where it has established the body with a council system set forth under paragraph (4) of Article 36, a municipal government must hear the body's opinion when formulating a Municipal Government Programme for Persons with Disabilities, and in other cases, hear the opinions of persons with disabilities and other relevant persons.
- (7) When the national government has formulated the Basic Programme for Persons with Disabilities, it must report this to the National Diet and publicize an outline of the programme.
- (8) When a Prefectural Government Programme for Persons with Disabilities or a Municipal Government Programme for Persons with Disabilities has been formulated in accordance with the provisions of paragraph (2) or paragraph (3), the prefectural governor must report this to the prefectural assembly and publicize an outline of the programme or the municipal mayor must report this to the municipal assembly and publicize an outline of the programme.
- (9) The provisions of Article 4 and Article 7 apply mutatis mutandis to any changes to the Basic Programme for Persons with Disabilities, the provisions of

Article 5 and the preceding paragraph apply mutatis mutandis to any changes to a Prefectural Government Programme for Persons with Disabilities, and the provisions of Article 6 and the preceding paragraph apply mutatis mutandis to any changes to a Municipal Government Programme for Persons with Disabilities.

(Legislative Measures)

Article 12 The national government must take necessary legislative and financial measures in order to achieve the purpose of the Act.

(Annual Report)

Article 13 The national government must submit a report to the National Diet every year on the state of the measures taken for persons with disabilities.

## **Chapter II Basic Measures to Support the Independence and Social Participation of Persons with Disabilities**

(Medical Care, Nursing Care)

Article 14 (1) The national government and local public entities must take the necessary measures to provide necessary medical care benefits and rehabilitation in order for persons with disabilities to restore, acquire, or maintain their vital lifestyle functions.

(2) The national government and local public entities must promote research, development, and expansion of the medical care and rehabilitation provided for in the preceding paragraph.

(3) The national government and local public entities must take necessary measures to ensure that persons with disabilities are able to receive appropriate support for medical care, nursing care, healthcare, living, and other appropriate support for their independence in accordance with the sex, age, state of the disability, and lifestyle of the person with the disability.

(4) The national government and local public entities must endeavor to develop specialized engineering officials or any other officials with expertise and skills for implementing the measures provided in paragraph (1) and the preceding paragraph.

(5) The national government and local public entities must take necessary measures when providing medical care, nursing care benefits, or rehabilitation to ensure that persons with disabilities are able insofar as possible to receive them at a place close to them, and in addition, must fully respect their human rights in doing so.

(6) The national government and local public entities must take necessary measures including the provision or lending of welfare assistance devices and

assistance dogs for persons with disabilities and other necessary measures to enable persons with disabilities to engage in daily life or social life.

- (7) The national government and local public entities must promote the research and development of welfare assistance devices and training of assistance dogs for persons with disabilities necessary for the implementation of the measures provided for in the preceding paragraph.

(Pensions)

Article 15 The national government and local public entities must take the necessary measures relating to the system of pensions, benefits, etc. in order to contribute to the independence of persons with disabilities and the stability of their lives.

(Education)

Article 16 (1) The national government and local public entities must give accommodation to children and students with disabilities being able to receive their education together with children and students without disabilities insofar as possible, so that persons with disabilities are able to receive a full education based on their age and capabilities and in accordance with their particular characteristics, and must take necessary measures to improve and enhance the contents and methods of the education.

- (2) The national government and local public entities must provide sufficient information to children and students with disabilities and their parents or guardians and respect their wishes insofar as possible in order to achieve the purpose of the preceding paragraph.

- (3) The national government and local public entities must promote mutual understanding between children and students with disabilities and children and students without disabilities by proactively facilitating their interaction and joint studies.

- (4) The national government and local public entities must conduct surveys and research, secure personnel and improve their qualities, provide suitable educational materials, prepare school facilities, and otherwise develop a suitable environment in relation to the education of persons with disabilities.

(Medical Care and Childcare)

Article 17 (1) The national government and local public entities must take necessary measures so that children with disabilities are able insofar as possible to receive medical care and childcare in their neighborhood and other related support.

- (2) The national government and local public entities must promote research, development and expansion relating to medical care and childcare, train

officers who possess expert knowledge and skills, and otherwise promote the development of a suitable environment.

(Work Counseling)

Article 18 (1) While respecting the freedom of persons with disabilities to choose an occupation, the national government and local public entities must endeavor to secure diverse employment opportunities for persons with disabilities so that persons with disabilities are able to engage in appropriate work suited to their abilities, and must implement vocational counseling, vocational guidance, vocational training, employment placement, and other necessary measures giving consideration to the particular characteristics of each individual person with a disability.

(2) The national government and local public entities must promote surveys and research on the measures provided for in the preceding paragraph in order to ensure diverse employment opportunities for persons with disabilities.

(3) The national government and local public entities must subsidize necessary expenses and take other necessary measures to increase the number of places for persons with disabilities to be able to engage in work activities in the local community and the number of facilities offering vocational training.

(Promotion of Employment)

Article 19 (1) The national government and local public entities must give priority employment to persons with disabilities and take other necessary measures in order to promote the employment of persons with disabilities by the national government and local public entities and employers.

(2) Employers must fairly assess the capabilities of persons with disabilities and secure appropriate employment opportunities in relation to employing persons with disabilities and must endeavor to achieve stability in their employment by implementing proper employment management in accordance with the particular characteristics of an individual person with a disability.

(3) The national government and local public entities must subsidize expenses required for the preparation of facilities or equipment necessary to employ persons with disabilities and take other necessary measures in order to reduce the financial burden necessitated in the employment of persons with disabilities, for the purpose of promoting and continuing such employment of persons with disabilities.

(Secure Housing)

Article 20 The national government and local public entities must take necessary measures to secure housing for persons with disabilities and to promote the preparation of housing suited to the daily living of persons with

disabilities to enable persons with disabilities to live a stable life in the local community.

(Access to Public Facilities)

- Article 21 (1) The national government and local public entities must implement systematic promotion of measures such as preparing the structures and equipment of facilities so that persons with disabilities are able to smoothly use them with regard to government facilities, transportation facilities (including transportation facilities such as vehicles, ships, and aircraft; the same applies in the following paragraph), and other public facilities in order to support the independence and social participation of persons with disabilities, thereby increasing convenience of use for persons with disabilities.
- (2) Enterprises establishing transportation facilities and other public facilities must endeavor to implement systematic promotion such as preparing the structures and equipment of facilities so that persons with disabilities are able to smoothly use them with regard to such public facilities, in order to support the independence and social participation of persons with disabilities thereby increasing convenience of use for persons with disabilities.
- (3) The national government and local public entities must take necessary measures to ensure the development of the structures and equipment of public facilities, which is provided for in the preceding two paragraphs, to be carried out comprehensively and systematically.
- (4) In public facilities which they themselves have established, the national government and local public entities and enterprises establishing those public facilities must increase convenience of use for persons with disabilities with regard to assistance dogs for persons with disabilities that accompany persons with disabilities for the purpose of assisting them in the use of said public facilities.

(Access to Information)

- Article 22 (1) The national government and local public entities must take necessary measures such as expanding the use of user-friendly computers and related equipment and other information and communications equipment, increasing convenience for persons with disabilities relating to the use of services for telecommunications and broadcasts, developing facilities for the provision of information to persons with disabilities, and training and dispatching staff to mediate in communications for persons with disabilities so that persons with disabilities are able to acquire and use information smoothly, express their intentions, and to communicate with other people.
- (2) In addition to taking necessary measures so that necessary information is quickly and accurately relayed to persons with disabilities in order to ensure



safety in cases of disasters or other emergencies, the national government and local public entities must give particular consideration to the convenience of use for persons with disabilities being ensured when promoting the informatization of administration and utilization of information and communications technology in the field of public sector.

- (3) Enterprises providing services relating to electronic communications and broadcasting and other forms of provision of information, and engaging in the manufacturing of computers, related equipment thereof, and other information and communications equipment, must endeavor to ensure convenience of use for persons with disabilities in providing said services or manufacturing said equipment.

(Counseling)

Article 23 (1) While giving consideration to supporting the decision-making of persons with disabilities, the national government and local public entities must ensure that the counseling services for persons with disabilities, their families and other related persons, the system of guardianship, and other measures or systems to protect the rights and interests of persons with disabilities are appropriately implemented or may be broadly used.

- (2) The national government and local public entities are to develop the necessary counseling framework through a coordinated framework of cooperation among the relevant organs, and are to appropriately provide support to the families of persons with disabilities to enable persons with disabilities and their families to support each other and to provide other forms of support, in order to respond comprehensively to various consultations from persons with disabilities, their families, and relevant persons.

(Reducing the Economic Burden)

Article 24 The national government and local public entities must take tax measures, reduce or exempt user fees for public facilities, or take other necessary measures in order to reduce the economic burden on persons with disabilities or those persons who support persons with disabilities or to promote the independence of persons with disabilities.

(Development of Cultural Conditions)

Article 25 The national government and local public entities must develop facilities, equipment and other conditions, subsidize activities relating to culture, art and sports, and take other necessary measures so that persons with disabilities are able to smoothly engage in cultural and artistic activities and sports or recreation.

(Disaster Prevention and Crime Prevention)

Article 26 The national government and local public entities must take necessary measures relating to disaster prevention and crime prevention in accordance with the sex, age, state of the disability, and lifestyle of persons with disabilities so that persons with disabilities are able to lead a safe and stable life in the local community.

(Protection of Persons with Disabilities as Consumers)

Article 27 (1) The national government and local public entities must provide information in an appropriate manner and take other necessary measures so that the interests of persons with disabilities as consumers are protected and promoted.

(2) Enterprises must endeavor to provide information in an appropriate manner so that the interests of persons with disabilities as consumers are protected and promoted.

(Accommodation in Elections, Etc.)

Article 28 The national government and local public entities must develop facilities or equipment for polling stations and take other necessary measures so that persons with disabilities are able to smoothly vote at an election, national referendum, or poll conducted pursuant to laws or ordinances.

(Accommodation in Judicial Proceedings)

Article 29 The national government and local public entities must provide accommodation to securing a means of communication in accordance with the characteristics of individual persons with disabilities, provide training for relevant officers, and take other necessary measures so that persons with disabilities are able to smoothly exercise their rights in cases where a person with a disability has become subject to procedures relating to a criminal case or a protection case for a juvenile or has become subject to equivalent procedures, or in cases where he or she has become a party or some other relevant person in the proceedings of a civil case, domestic relations case, or administrative case at a court.

(International Cooperation)

Article 30 The national government is to endeavor to exchange information with foreign governments, international organizations, and other relevant bodies and take other necessary measures in order to promote measures to support the independence and social participation of persons with disabilities under a framework of international cooperation.

### **Chapter III Basic Measures Relating to the Prevention of Injuries and Diseases Causing Disability**

Article 31 (1) The national government and local public entities must promote surveys and research relating to injuries and diseases causing disability and their prevention.

(2) The national government and local public entities must disseminate necessary knowledge, strengthen the health protection measures for maternal and child health, promote the early detection and early treatment of injuries and diseases, and take other necessary measures in order to prevent injuries and diseases causing disability.

(3) In view of the fact that the prevention and treatment of intractable diseases causing disability is difficult, the national government and local public entities must endeavor to promote surveys and research on incurable diseases causing disability and painstakingly promote measures for persons with disabilities pertaining to intractable diseases.

### **Chapter IV Commission on Policy for Persons with Disabilities**

(Establishment of the Commission on Policy for Persons with Disabilities)

Article 32 (1) A Commission on Policy for Persons with Disabilities (hereinafter referred to as the "Policy Commission") is established in the Cabinet Office.

(2) The Policy Commission is responsible for the following affairs:

(i) Processing the matters provided for in paragraph (4) of Article 11 (including cases in which this provision is applied *mutatis mutandis* pursuant to the provisions of paragraph (9) of the same Article) relating to the Basic Programme for Persons with Disabilities.

(ii) Studying and deliberating those matters provided for in the preceding item and, where deemed necessary, offering an opinion to the Prime Minister or each of the relevant Ministers.

(iii) Monitoring the status of implementation of the Basic Programme for Persons with Disabilities and, where deemed necessary, making recommendations to the Prime Minister or to the relevant ministers through the Prime Minister.

(3) The Prime Minister or the relevant Ministers must report to the Policy Commission with regard to the measures which have been taken on the basis of a recommendation in accordance with the provisions of item (iii) of the preceding paragraph.

(Organization and Operation of the Policy Commission)

Article 33 (1) The Policy Commission is composed of a maximum of thirty

members.

- (2) The members of the Policy Commission are appointed by the Prime Minister from among persons with disabilities, persons engaged in business related to the independence and social participation of persons with disabilities as well as persons with relevant knowledge and experience. In this case, with regard to the configuration of the members, the Policy Commission must give consideration to make it possible to carry out studies and deliberations that take into account the various opinions of persons with disabilities and the actual situation of persons with disabilities.
- (3) The members of the Policy Commission serve on a part-time basis.

Article 34 (1) If the Policy Commission deems it to be necessary in order to carry out its assigned affairs, it may ask the head of a relevant administrative organ to submit materials, express an opinion, give an explanation, or provide other necessary cooperation.

- (2) If the Policy Commission finds it particularly necessary in order to carry out its assigned affairs, it may ask for necessary cooperation from a person other than those prescribed in the preceding paragraph.

Article 35 In addition to those matters provided for in the preceding two Articles, matters relating to the organization and management of the Policy Commission are provided for by Cabinet Order.

(Body with a Council System in a Prefectural Government)

Article 36 (1) A council or other body with a council system is established under a prefectural government (including the designated cities set forth under paragraph (1) of Article 252-19 of the Local Autonomy Act (Act No. 67 of 1947); hereinafter the same applies) in order to process the following matters:

- (i) Processing the matters provided for in paragraph (5) of Article 11 (including cases in which this provision is applied *mutatis mutandis* pursuant to the provisions of paragraph (9) of the same Article) relating to the Prefectural Government Programme for Persons with Disabilities.
  - (ii) Studying and deliberating matters necessary to promote comprehensive and systematic measures for persons with disabilities in the prefecture, and monitoring the status of the implementation of the measures.
  - (iii) Studying and deliberating matters requiring necessary coordination and adjustment among relevant administrative organs for the promotion of measures for persons with disabilities in the prefecture.
- (2) Consideration must be given to the composition of the members of the body with a council system set forth under the preceding paragraph so that the body is able to conduct studies and deliberations listening to the opinions of various

persons with disabilities and taking into account the actual situation of persons with disabilities.

- (3) In addition to the matters set forth under the preceding paragraph, the necessary matters relating to the organization and management of the body with a council system set forth under paragraph (1) are provided for by prefectural or municipal ordinance.
- (4) Pursuant to the provisions of a municipal ordinance, a municipal government (excluding designated cities) may establish a council or a body with a council system in order to process the following affairs:
- (i) Processing the matters provided for in paragraph (6) of Article 11 (including cases in which this provision is applied mutatis mutandis pursuant to the provisions of paragraph (9) of the same Article) relating to the Municipal Government Programme for Persons with Disabilities.
  - (ii) Studying and deliberating matters necessary to promote comprehensive and planned measures for persons with disabilities in the municipality, and monitoring the status of the implementation of the measures.
  - (iii) Studying and deliberating matters requiring necessary coordination and adjustment among relevant administrative organs for the promotion of measures for persons with disabilities in the municipality.
- (5) The provisions of paragraph (2) and paragraph (3) apply mutatis mutandis to cases where a body with a council system has been established pursuant to the provisions of the preceding paragraph.

#### **Supplementary Provisions [Extract]**

(Effective Date)

1. This Act comes into force as from the day of promulgation.

#### **Supplementary Provisions [Act No. 90 of August 5, 2011] [Extract]**

(Effective Date)

Article 1 This Act comes into force as from the day of promulgation. However, the provisions given in the following items come into force on the date specified in each item.

- (i) The provisions of Article 2, and Article 4 of the Supplementary Provisions, Article 5 (limited to the parts pertaining to item (iii) and item (iv) of the Table set forth under the same Article), paragraph (2) of Article 8 and Article 9 (limited to the parts pertaining to the revised provisions of the Table set forth under paragraph (2) of Article 37 of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999)): the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation.

(ii) and (iii) (Abbreviated.)

(Review)

Article 2 (1) The national government is to review the state of enforcement of the Basic Act for Persons with Disabilities after revision pursuant to this Act after three years have elapsed since the effective date of this Act, and take necessary measures based on the results.

(2) The national government is to review the securing of a coordinated framework of cooperation for healthcare, medical care, and welfare and otherwise the direction of the support system for persons with disabilities in light of the actual implementation of the measures corresponding to the disabilities so that persons with disabilities are able to lead independent living while receiving necessary support in the local community, and is to take necessary measures based on such results.