

# **Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers**

(Act No. 79 of June 24, 2011)

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## **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this act, in recognition of the fact that the abuse of persons with disabilities undermines their dignity and that it is extremely important to prevent the abuse of persons with disabilities so as to ensure their independence and social participation, is to contribute to the protection of the rights and interests of persons with disabilities by promoting policies related to the prevention of abuse of persons with disabilities and support for caregivers, by providing for the responsibilities of the State, etc. to prevent abuse of persons with disabilities, including prohibition of abuse of persons with disabilities, prevention and early detection of abuse of persons with disabilities, etc.; for measures to protect and support the independence of persons with disabilities that have suffered abuse; for support measures for caregivers such as measures for alleviating the burden borne thereby, that are aimed at contributing to the prevention of abuse of persons with disabilities by caregivers (hereinafter referred to as "Support for Caregivers")

(Definitions)

- Article 2 (1) The term "Person with a Disability" as used in this Act means a person with a disability as defined in Article 2, item (i) of the Basic Act for Persons with Disabilities (Act No. 84 of 1970).
- (2) The term "Abuse of Persons with Disabilities" as used in this Act means abuse of Persons with Disabilities by caregivers, abuse of Persons with Disabilities by employees of care facilities for Persons with Disabilities, etc., and abuse of Persons with Disabilities by employers.
- (3) The term "Caregiver" as used in this Act means a person that actually takes care of Persons with Disabilities, other than employees of care facilities for Persons with Disabilities, etc. or Employers.
- (4) The term "Employee of Care Facilities for Persons with Disabilities, etc." as used in this Act means persons engaged in the services provided by support facilities for Persons with Disabilities as defined in Article 5, paragraph (11) of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities (Act No. 123 of 2005) (hereinafter referred to as "Support Facilities for Persons with Disabilities") or the facilities established by the Incorporated Administrative Agency National Center for Persons with Severe Intellectual Disabilities Nozominosono pursuant to the provision of Article 11, item (i) of the Act on the Incorporated Administrative Agency National Center for Persons with Severe Intellectual Disabilities Nozominosono (hereinafter referred to as "Nozominosono") (hereinafter referred to as "Care Facilities for Persons with Disabilities") or engaged in welfare services for Persons with Disabilities under Article 5, paragraph (1) of the Act on Comprehensive Support for the Daily and Social Life of Persons with Disabilities, general consultation support services or specified consultation support services under paragraph (16) of the same Article, transportation support services under paragraph (24) of the same Article, management of support centers for community activities under paragraph (25) of the same Article, or the management of welfare homes under paragraph (26) of the same Article, or other services specified by Order of the Ministry of Health, Labour, and Welfare (hereinafter referred to as "Welfare Services for Persons with Disabilities, etc.") .
- (5) The term "Employer" as used in this Act means a business operator that employs a Person with a Disability (if the Person with a Disability is a dispatched worker (the dispatched worker under Article 2, item (ii) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Protecting Dispatched Workers (Act No. 88 of 1985); the same applies hereinafter), it includes business operators that receive the service of worker dispatching (as defined in item (i) of the same Article) from the dispatched worker and any other similar business operators specified by Cabinet Order, but excludes the State and local governments; the same applies hereinafter) or

a person responsible for the management of the business or other person acting for the business operator on matters related to workers for the business.;

(6) The term "Abuse of Persons with Disabilities by Caregivers" as used in this Act means an act that falls under any of the following items:

- (i) the following acts committed by a Caregiver against a Person with a Disability of whom the Caregiver takes care:
  - (a) assaulting a Person with a Disability in a manner that causes or is likely to cause external injury on the body of or physically restraining a Person with a Disability without justifiable grounds;
  - (b) committing an indecent act against a Person with a Disability or making a Person with a Disability commit an indecent act;
  - (c) directing to a Person with a Disability any words or deeds which would likely be significantly traumatic to the person, including significantly abusive language or a significantly negative attitude toward the person; and
  - (d) materially failing to take care of a Person with a Disability ,including severely depriving said the person of food or leaving the person unattended for a long period of time in a manner that would likely cause the health condition of the person to deteriorate, and also including disregarding acts similar to those listed in any of sub-items (a) to (c) that are committed by any person who lives together with the Person with a Disability but who does not fall under the category of a Caregiver.
- (ii) unjust disposal of the property of a Person with a Disability by the Caregiver or relative, or any other unjust acquisition of an economic benefit from a Person with a Disability.

(7) The term "Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc." as used in this Act means an act that is committed by an Employee of Care Facilities for Persons with Disabilities , etc. against a Person with a Disability who has been admitted to or otherwise utilizes the Care Facility for Persons with Disabilities or who receives the services provided by the Welfare Services for Persons with Disabilities, etc., and that falls under any of the following items:

- (i) assaulting a Person with a Disability in a manner that causes or is likely to cause external injury on the body of or physically restraining a Person with a Disability without justifiable grounds;
- (ii) committing an indecent act against a Person with a Disability or making a Person with a Disability commit an indecent act;
- (iii) directing to a Person with a Disability any words or deeds which would likely be significantly traumatic to the person, including significantly abusive language or a significantly negative attitude toward the person;
- (iv) materially failing to fulfill the professional obligation to take care of a

Person with a Disability including severely depriving the person of food or leaving the person unattended for a long period of time in a manner that would likely cause the health condition of the person to deteriorate, and also including disregarding acts similar to those listed in the preceding three items that are committed against a Person with a Disability by other Person with a Disability who has been admitted to or otherwise utilizes the Care Facilities for Persons with Disabilities or who receives the services provided by the Welfare Services for Persons with Disabilities, etc.; and

- (v) unjustly disposing of the property of a Person with a Disability or otherwise receiving an economic benefit from a Person with a Disability in an unjust manner.
- (8) The term "Abuse of Persons with Disabilities by Employers" as used in this Act means an act that is committed by an Employer against a Person with a Disability employed in the place of business and falls under any of the following items:
- (i) assaulting a Person with a Disability in a manner that causes or is likely to cause external injury on the body of or physically restraining a Person with a Disability without justifiable grounds;
  - (ii) committing an indecent act against a Person with a Disability or making a Person with a Disability commit an indecent act;
  - (iii) directing to a Person with a Disability any words or deeds which would likely be significantly traumatic to the person, including significantly abusive language, a significantly negative attitude toward the person, or unjust discriminatory behavior;
  - (iv) severely depriving a Person with a Disability of food or leaving the person unattended for a long period of time in a manner that would likely cause the health condition of the person to deteriorate, disregarding acts equivalent to those listed in any of the preceding three items that are committed against a Person with a Disability by any other worker employed in the place of business; and
  - (v) unjustly disposing of the property of a Person with a Disability or otherwise acquiring an economic benefit from a Person with a Disability in an unjust manner.

(Prohibition of Abuse of Persons with Disabilities)

Article 3 It is prohibited for any person to abuse a Person with a Disability.

(Responsibility of the State and Local Governments)

Article 4 (1) The State and local governments, in order to ensure the prevention of Abuse of Persons with Disabilities, including prevention and early detection of Abuse of Persons with Disabilities, the prompt and appropriate protection

and support for independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and the appropriate Support for Caregivers, are to endeavor to strengthen coordination among government agencies, other relevant organizations and private organizations, provide support to private organizations and develop other necessary systems.

- (2) The State and local governments, for the purpose of ensuring that the prevention of Abuse of Persons with Disabilities, protection and support for independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and Support for Caregivers are appropriately provided based upon expert knowledge, are to endeavor to train officials of relevant organizations or take any other measures required to secure the necessary human resources, including personnel with adequate expert knowledge and skills to take charge of such duties, and to improve their competency.
- (3) The State and local governments, for the purpose of facilitating the prevention of Abuse of Persons with Disabilities, protection and support for independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and Support for Caregivers, are to disseminate information and take other necessary measures to raise awareness about the obligation to report Abuse of Persons with Disabilities, the system of remedies for human rights violations, etc.

(Responsibility of the Public)

Article 5 The Public must endeavor to gain a deeper understanding of the significance of the prevention of Abuse of Persons with Disabilities, Support for Caregivers and to cooperate in policies implemented by the State or local governments for preventing Abuse of Persons with Disabilities, providing Support for Caregivers.

(Early Detection of Abuse of Persons with Disabilities)

Article 6 (1) State and local government departments having jurisdiction over the welfare of Persons with Disabilities and other relevant organs are to endeavor to detect at an early stage Abuse of Persons with Disabilities by working in close coordination, in light of the fact that they are in a position to easily detect the Abuse.

- (2) Care Facilities for Persons with Disabilities, schools, medical institutions, health centers and other business organizations involved in the welfare of Persons with Disabilities and Employees of Care Facilities for Persons with Disabilities, etc., school teachers, medical doctors, dentists, public health nurses, attorneys-at-law and other persons with professional involvement in the welfare of Persons with Disabilities, as well as Employers, must be aware that they are in a position to easily detect Abuse of Persons with Disabilities

and endeavor to detect the Abuse early.

- (3) The persons specified in the preceding paragraph must endeavor to cooperate in the measures to raise awareness for preventing Abuse of Persons with Disabilities and the policies for protecting and supporting the independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities that are implemented by the State and local governments.

## **Chapter II Prevention of Abuse of Persons with Disabilities by Caregivers, Support for Caregivers**

(Report of Abuse of Persons with Disabilities by Caregivers)

Article 7 (1) Any person who finds out that a Person with a Disability is likely to have been subjected to Abuse of Persons with Disabilities by Caregivers (excluding abuse committed against a Person with a Disability under 18 years of age; hereinafter the same applies in this Chapter) must promptly report to that effect to the municipality.

- (2) The provisions concerning the crime of unlawful disclosure of confidential information as set forth in the Penal Code (Act No. 45 of 1907) and the provisions of any other Acts providing for a confidentiality obligation must not be construed to preclude reporting under the preceding paragraph.

Article 8 If a municipality receives a report under paragraph (1) of the preceding Article or a notification under paragraph (1) of the following Article, the official of the municipality who is in receipt of the report or notification must not divulge any information that the official may come to know in the course of duty and that identifies the person who made the report or notification.

(Measures to be Taken upon Receipt of Report)

Article 9 (1) Any municipality which receives a report under Article 7, paragraph (1) or a notification from a Person with a Disability to the effect that the person has been subjected to Abuse of Persons with Disabilities by Caregivers is to promptly implement measures to ascertain the safety of the Person with a Disability as well as to confirm the facts so reported or notified, and consult with parties that work in coordination and cooperation with such municipality pursuant to the provisions of Article 35 (hereinafter referred to as "Municipal Partners in Responding to Abuse of Persons with Disabilities") regarding how to respond to such abuse.

- (2) Any municipality which receives a report under Article 7, paragraph (1) or a notification under the preceding paragraph, in order to ensure the prevention of further Abuse of Persons with Disabilities by Caregivers of the Person with a Disability identified in the report or notification and the protection of the

Person with a Disability, is to properly implement the measures set forth in Article 18, paragraph (1) or (2) of the Act on Welfare of Persons with Physically Disabilities (Act No. 283 of 1949) or Article 15-4 or Article 16, paragraph(1), item (ii) of the Act on Welfare of Persons with Intellectual Disabilities (Act No. 37 of 1960), including promptly accommodating the Person with a Disability into a Support Facility for Persons with Disabilities established by such municipality or a facility specified by Order of the Ministry of Health, Labour, and Welfare as referred to in Article 5, paragraph (6) of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities (hereinafter referred to as "Support Facilities for Persons with Disabilities, etc."), to temporarily shelter the Person with a Disability if it is deemed that the life or health of the person is likely to have been materially endangered due to the Abuse of Persons with Disabilities by Caregivers. In this case, if the Person with a Disability is neither persons with physical disabilities as defined in Article 4 of the Act on Welfare of Persons with Physical Disabilities (hereinafter referred to as " Person with Physical Disabilities ") nor an person with intellectual disabilities as defined in the Act on Welfare of Persons with Intellectual Disabilities (hereinafter referred to as " Persons with Intellectual Disabilities"), the person is deemed a Person with Physical Disabilities or an Person with Intellectual Disabilities and the provisions of Article 18, paragraph (1) or (2) of the Act on Welfare of Physically Disabled Persons or the provisions of Article 15-4 or Article 16, paragraph (1), item (ii) of the Act on Welfare of Intellectually Disabled Persons are applied accordingly.

- (3) The mayor of any municipality which receives a report under Article 7, paragraph (1) or a notification under paragraph (1) of this Article is to properly file a request for a trial pursuant to the provisions of Article 51-11-2 of the Act on Mental Health and Welfare for Persons with Mental and Intellectual Disabilities (Act No. 123 of 1950) or Article 28 of the Act on Welfare of Persons with Intellectual Disabilities in order to ensure the prevention of further Abuse of Persons with Disabilities by Caregivers of the Person with a Disability identified in the report or notification and protection and support for independence of the Person with a Disability.

(Assurance of Accommodations)

Article 10 Municipalities are to take action to secure the accommodations necessary for implementing the measures set forth in paragraph (2) of the preceding Article for Persons with a Disabilities who have been subjected to Abuse of Persons with Disabilities by Caregivers.

(On-Site Inspection)

Article 11 (1) If the mayor of a municipality finds that the life or health of a Person with a Disability is likely to have been materially endangered due to Abuse of Persons with Disabilities by Caregivers, the mayor may instruct an official engaged in duties related to the welfare of Persons with Disabilities to enter the domicile or residence of the Person with a Disability and carry out the necessary investigation or questioning.

(2) When entering a domicile or residence and carrying out an investigation or questioning pursuant to the provisions of the preceding paragraph, the relevant official must carry a certificate of identification and present the same to any person concerned if they so request.

(3) The authority to enter a domicile or residence and carry out an investigation or questioning pursuant to the provisions of paragraph (1) of this Article must not be construed as being granted for criminal investigation purposes.

(Request for Assistance, etc. from Chief of Police Station)

Article 12 (1) When the mayor of a municipality intends to instruct an official to enter a domicile or residence and conduct an investigation or questioning pursuant to the provisions of paragraph (1) of the preceding Article, the mayor may request assistance from the chief of the police station with jurisdiction over the location of the domicile or residence of the Person with a Disability if the mayor deems it necessary for the execution of such duties.

(2) The mayor of a municipality must appropriately request assistance from the chief of police station as necessary pursuant to the provisions of the preceding paragraph, from the viewpoint of fully ensuring the life or physical safety of a Person with a Disability.

(3) Upon receipt of a request for assistance under paragraph (1) of this Article, if a chief of police station deems it necessary for ensuring the life or physical safety of the Person with a Disability, the chief of police station must endeavor to instruct police officers under supervision of the chief of police station to promptly implement measures in accordance with the Police Duties Execution Act (Act No. 136 of 1948) or any other laws and regulations, as may be necessary for supporting the execution of duties as set forth in the paragraph.

(Restrictions on Visitation)

Article 13 If measures under Article 9, paragraph (2) have been taken for a Person with a Disability subjected to Abuse of Persons with Disabilities by Caregivers, the mayor of the municipality or the head of the Support Facilities for Persons with Disabilities, etc. or Nozominosono or the administrator of the designated medical institution specified in Article 18, paragraph (2) of the Act on Welfare of Persons with Physical Disabilities related to the measures, may restrict visits to the Person with a Disability by the Caregiver that committed



the Abuse of Persons with Disabilities against the Person with a Disability from the viewpoint of preventing further Abuse of Persons with Disabilities by the Caregiver and protecting the Person with a Disability.

(Support for Caregivers)

Article 14 (1) Beyond the measures prescribed in item 2 of Article 32, paragraph (2), a municipality is to implement the necessary measures to alleviate the burden on Caregivers, such as providing consultation, guidance, and advice to Caregivers.

(2) Municipalities are to implement measures to secure the accommodations necessary for a Person with a Disability to receive short-term care as measures under the preceding paragraph if, in consideration of the physical and mental condition of the Caregiver, the municipality finds that there is an urgent need to do so in order to alleviate the burden on the Caregiver.

### **Chapter III Prevention of Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities**

(Measures for Prevention of Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities)

Article 15 Providers of Care Facilities for Persons with Disabilities or Welfare Services for Persons with Disabilities, etc. are to implement measures for prevention of Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc., including conducting training for Employees of Care Facilities for Persons with Disabilities, etc. and establishing systems for processing of complaints from Persons with Disabilities that have been admitted to or otherwise utilize the Care Facility for Persons with Disabilities or that receive the services provided by the Welfare Services for Persons with Disabilities, etc. and their families.

(Report of Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities)

Article 16 (1) Any person who finds out that a Person with a Disability is likely to have been subjected to Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc. must promptly report to that effect to the municipality.

(2) Any Person with a Disability that has been subjected to Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc., may notify to that effect to the municipality.

(3) The provisions concerning the crime of unlawful disclosure of confidential information as set forth in the Penal Code and the provisions of any other acts

providing for a confidentiality obligation must not be construed to preclude reporting under paragraph (1) of this Article (excluding reports that are false or that are negligent; the same applies in the following paragraph).

- (4) Employees of Care Facilities for Persons with Disabilities, etc. are not to be dismissed or otherwise treated in an adverse manner because of their reporting under paragraph (1) of this Article.

Article 17 A municipality that receives a report under paragraph (1) of the preceding Article or a notification under paragraph (2) of the same Article, pursuant to the provisions of an Order of the Ministry of Health, Labour, and Welfare, must report information relating to the Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc. so reported or notified, to the prefecture where the Care Facility for Persons with Disabilities involved in the Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc. is located or where the place of business of the Welfare Services for Persons with Disabilities, etc. involved in the Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc. is located.

Article 18 If a municipality receives a report under Article 18, paragraph (1) or a notification under paragraph (2) of the same Article, the official of the municipality that is in receipt of the report or notification must not divulge any information which the official may come to know in the course of duty that identifies the person that made the report or notification. If a prefecture receives a report under the preceding Article, the same obligation applies to the official of the prefecture that is in receipt of the report.

(Measures Taken upon Receipt of Report.)

Article 19 If a municipality receives a report under Article 16, paragraph(1) or a notification under paragraph (2) of the same Article or a prefecture receives a report under Article 17, the mayor of the municipality or the governor of the prefecture is to properly exercise the authority provided for in the Social Welfare Act (Act No. 45 of 1951), the Act on Comprehensive Support for the Daily and Social Life of Persons with Disabilities, and other relevant acts in order to ensure the prevention of further Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc. of the Person with a Disability identified in the report or notification and the protection and support for independence of the Person with a Disability by securing the proper operation of Care Facilities for Persons with Disabilities or Welfare Services for Persons with Disabilities, etc.

(Announcements)

Article 20 Prefectural governors, for each fiscal year, are to make an announcement on the status of Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc., measures taken in cases of Abuse of Persons with Disabilities by Employees of Care Facilities for Persons with Disabilities, etc., and any other information specified by Order of the Ministry of Health, Labour and Welfare.

#### **Chapter IV Prevention of Abuse of Persons with Disabilities by Employers**

(Measures for Prevention of Abuse of Persons with Disabilities by Employers)

Article 21 A business operator employing a Person with a Disability is to implement measures for prevention of Abuse of Persons with Disabilities by Employers, including conducting training for workers and establishing procedures for addressing complaints from the Person with a Disability employed in the place of business concerned and their families.

(Report of Abuse of Persons with Disabilities by Employers)

- Article 22 (1) Any person who finds out that a Person with a Disability is likely to have been subjected to Abuse of Persons with Disabilities by Employers must promptly report to that effect to the municipality or prefecture.
- (2) Any Person with a Disability that has been subjected to Abuse of Persons with Disabilities by Employers may notify the municipality or prefecture to that effect.
- (3) The provisions concerning the crime of unlawful disclosure of confidential information as set forth in the Penal Code and the provisions of any other Acts providing for a confidentiality obligation must not be construed to preclude reporting under paragraph (1) of this Article (excluding reports that are false or that are negligent; the same applies in the following paragraph).
- (4) Workers are not to be dismissed or otherwise treated in an adverse manner because of their reporting under paragraph (1) of this Article or notification under paragraph (2) of the same Article (excluding a notification that is false or that is negligent).

Article 23 Any municipality which receives a report under paragraph (1) of the preceding Article or a notification under paragraph (2) of the same Article, pursuant to the provisions of an Order of the Ministry of Health, Labour, and Welfare, must notify information relating to the Abuse of Persons with Disabilities by Employers so reported or notified, to the prefecture where the place of business involved in the Abuse of Persons with Disabilities by Employers is located.

Article 24 Any prefecture which receives a report under Article 22, paragraph (1), a notification under paragraph (2) of the same Article, or a notification under the preceding Article, pursuant to the provisions of an Order of the Ministry of Health, Labour, and Welfare, must report information relating to the Abuse of Persons with Disabilities by Employers so reported or notified, to the Prefectural Labor Bureau having jurisdiction over the location of the place of business involved in the Abuse of Persons with Disabilities by Employers.

Article 25 If a municipality or prefecture receives a report under Article 22, paragraph (1) or a notification under paragraph (2) of the same Article, the official of the municipality or prefecture that is in receipt of the report or notification must not divulge any information which the official may come to know in the course of duty that identifies the person who made the report or notification. If a prefecture receives a notification under Article 23, the same obligation applies to the official of the prefecture that is in receipt of the notification; and if the Prefectural Labor Bureau receives a report under the preceding Article, the same obligation applies to the official of the Prefectural Labor Bureau that is in receipt of the report.

(Measures Taken upon Receipt of Report)

Article 26 If the Prefectural Labor Bureau receives a report under Article 24, the director of the Prefectural Labor Bureau or the chief of the Labor Standards Inspection Office or Public Employment Security Office is to properly exercise the authority provided for in the Labor Standards Act (Act No. 49 of 1947), the Act on Employment Promotion etc. of Persons with Disabilities (Act No. 123 of 1960), the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001), and other relevant acts, in coordination with the prefecture which made the report, in order to ensure the prevention of further Abuse of Persons with Disabilities by Employers of the Person with a Disability identified in the report and the protection and support for independence of the Person with a Disability by securing appropriate working conditions and proper employment management for the Person with a Disability in the place of business.

(Special Provisions for Mariners)

Article 27 For purposes of application of the provisions of the preceding three Articles with respect to Abuse of Persons with Disabilities by Employers of Persons with Disabilities that are mariners to be governed by the Mariners Act (Act No. 100 of 1947), the term "Ordinance of the Ministry of Health, Labour, and Welfare" in Article 24 is deemed to be replaced with "Order of the Ministry

of Land, Infrastructure, Transport and Tourism or Order of the Ministry of Health, Labour, and Welfare"; the term "the Prefectural Labor Bureau having jurisdiction over the location of the place of business involved in the Abuse of Persons with Disabilities by Employers" in the same Article is deemed to be replaced with "the District Transport Bureau or other relevant administrative organ"; the term "the Prefectural Labor Bureau" in Article 25 is deemed to be replaced with "the District Transport Bureau or other relevant administrative organ"; the term "if the Prefectural Labor Bureau" in the preceding Article is deemed to be replaced with "if the District Transport Bureau or other relevant administrative organ"; the term "the director of the Prefectural Labor Bureau or the chief of the relevant Labor Standards Inspection Office or Public Employment Security Office" in the same Article is deemed to be replaced with "the chief of the District Transport Bureau or other relevant administrative organ"; and the term "the Labor Standards Act (Act No. 49 of 1947)" in the same Article is deemed to be replaced with "the Mariners Act (Act No. 100 of 1947)."

(Announcements)

Article 28 The Minister of Health, Labour, and Welfare, for each fiscal year, is to make an announcement on the status of Abuse of Persons with Disabilities by Employers, measures taken in cases of Abuse of Persons with Disabilities by Employers, and any other information specified by the Order of the Ministry of Health, Labour and Welfare.

## **Chapter V Prevention of Abuse of Persons with Disabilities Attending School**

(Prevention of Abuse of Persons with Disabilities Attending School)

Article 29 The head of a school (meaning a school as defined in Article 1 of the School Education Act (Act No. 26 of 1947), vocational school as defined in Article 124 of the Act or vocational school as defined in Article 134, paragraph (1) of the Act; the same applies hereinafter) is to implement the necessary measures for preventing the abuse of Persons with Disabilities attending the school, including conducting training and activities for raising awareness of teachers and students of elementary, middle/high and higher education and other persons concerned in order to enhance their understanding of disabilities and Persons with Disabilities, establishing a system for consultation with regard to abuse of Persons with Disabilities attending school, and taking measures to handle cases of abuse of Persons with Disabilities attending school.

(Prevention of Abuse of Persons with Disabilities Attending Nursery Centers)

Article 30 The head of a nursery center, etc. (meaning a nursery center under Article 39, paragraph (1) of the Child Welfare Act (Act No. 164 of 1947) or a facility under Article 59, paragraph (1) of the Act which is intended for any of the services provided for in Article 39, paragraph (1) of the Act (excluding institutions targeting a small number of infants or toddlers and other facilities as specified by Order of the Ministry of Health, Labour and Welfare) or a center for early childhood education and care as defined in Article 2, paragraph (6) of the Act on Advancement of Comprehensive Service Related to Education and Child Care of Preschool Children (Act No. 77 of 2006); the same applies hereinafter) is to implement the necessary measures for preventing the abuse of Persons with Disabilities attending the nursery center, etc., including conducting training and activities for raising awareness of the staff of the nursery center, etc. and other persons concerned in order to enhance their understanding of disabilities and Persons with Disabilities, establishing a system for consultation with regard to abuse of Persons with Disabilities attending the nursery center, etc., and taking measures to handle cases of abuse of Persons with Disabilities attending the nursery center, etc.

(Prevention of Abuse of Persons with Disabilities Using Medical Institutions)

Article 31 The administrator of a medical institution (meaning a hospital under Article 1-5, paragraph (1) of the Medical Care Act (Act No. 205 of 1948) or a clinic under paragraph (2) of the same Article; the same applies hereinafter) is to implement the necessary measures for preventing the abuse of Persons with Disabilities using the medical institution, including conducting training and activities for raising the awareness of the staff of the medical institution and other persons concerned to enhance their understanding of disabilities and Persons with Disabilities, establishing a system for consultation with regard to abuse of Persons with Disabilities using the medical institution, and taking measures to handle cases of abuse of Persons with Disabilities using the medical institution.

## **Chapter VI Municipal Center for the Prevention of Abuse of Persons with Disabilities and Prefectural Center for the Protection of the Rights of Persons with Disabilities**

(Municipal Center for the Prevention of Abuse of Persons with Disabilities)

Article 32 (1) A municipality is to ensure that the department within the municipality having jurisdiction over processes related to the welfare of Persons with Disabilities or a facility established by the municipality functions as a Municipal Center for the Prevention of Abuse of Persons with Disabilities.  
(2) A Municipal Center for the Prevention of Abuse of Persons with Disabilities is

to perform the following services:

- (i) accepting reports under Article 7, paragraph (1), Article 16, paragraph (1) or Article 22, paragraph (1) or notifications under Article 9, paragraph (1) or notifications under Article 16, paragraph (2) or Article 22, paragraph (2);
- (ii) providing consultation, guidance, and advice to Persons with Disabilities and Caregivers in order to prevent Abuse of Persons with Disabilities by Caregivers and protect Persons with Disabilities who have been subjected to Abuse of Persons with Disabilities by Caregivers; and
- (iii) disseminating information and taking other necessary measures to raise awareness about prevention of Abuse of Persons with Disabilities and Support for Caregivers.

(Entrustment of Services of Municipal Center for the Prevention of Abuse of Persons with Disabilities)

Article 33 (1) A municipality may entrust all or part of the services listed in each of the items of paragraph (2) of the preceding Article to a Municipal Partner in Responding to Abuse of Persons with Disabilities that it deems appropriate.

(2) The party or parties currently or previously entrusted pursuant to the provisions of the preceding paragraph or their current or previous officers or employees must not, without justifiable grounds, divulge any secret that may have come to their knowledge in relation to the services entrusted.

(3) If a party entrusted, pursuant to the provisions of paragraph (1) of this Article, to perform the services related to accepting reports under Article 7, paragraph (1), Article 16, paragraph (1) or Article 22, paragraph (1) or notifications under Article 9, paragraph (1) or notifications under Article 16, paragraph (2) or Article 22, paragraph (2) receives a report under Article 7, paragraph (1), Article 16, paragraph (1) or Article 22, paragraph (1) or a notification under Article 9, paragraph (1) or a notification under Article 16, paragraph (2) or Article 22, paragraph (2), the party that is in receipt of the report or notification or its officers or employees must not divulge any information that they may come to know in the course of duty that identifies the person who made the report or notification.

(Securing of Exclusively Assigned Employees in Municipalities)

Article 34 A municipality and a party entrusted pursuant to the provisions of paragraph (1) of the preceding Article, in order to prevent the Abuse of Persons with Disabilities, protect and support the independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and Support for Caregivers, must endeavor to secure employees who have expert knowledge or experience related to the welfare of Persons with Disabilities or protection of their rights and that are assigned exclusively for such duties.

(Organizational System for Coordination and Cooperation in Municipality)

Article 35 A municipality, in order to properly prevent the Abuse of Persons with Disabilities by Caregivers, protect and support the independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities by Caregivers, and Support for Caregivers, must establish a system for coordination and cooperation with welfare offices under the Social Welfare Act (hereinafter referred to as "Welfare Offices") and other relevant organs, private organizations, etc. In this case, the municipality must give special consideration to the ability of responding quickly and at any time to Abuse of Persons with Disabilities by Caregivers.

(Prefectural Center for the Protection of the Rights of Persons with Disabilities)

Article 36 (1) A prefecture is to ensure that the department within the prefecture having jurisdiction over processes related to the welfare of Persons with Disabilities or a facility established by the prefecture functions as a Prefectural Center for the Protection of the Rights of Persons with Disabilities.

(2) A Prefectural Center for the Protection of the Rights of Persons with Disabilities is to perform the following services:

- (i) accepting reports under Article 22, paragraph (1) or notifications under paragraph (2) of the same Article;
- (ii) providing necessary assistance to the municipalities, including information and advice as well as liaison and coordination among the municipalities, with regard to the implementation of measures by the municipalities pursuant to the provisions of this Act;
- (iii) providing consultation or making a referral to an organ that provides consultation with regard to all sorts of problems related to Persons with Disabilities subjected to Abuse of Persons with Disabilities and Support for Caregivers;
- (iv) providing information, advice, liaison and coordination among the municipalities, and other assistance for purposes of support for Persons with Disabilities subjected to Abuse of Persons with Disabilities and Support for Caregivers;
- (v) collecting, analyzing and providing information related to prevention of Abuse of Persons with Disabilities and Support for Caregivers;
- (vi) disseminating information and taking other necessary measures to raise awareness about the prevention of Abuse of Persons with Disabilities and Support for Caregivers; and
- (vii) providing other necessary assistance for the prevention of abuse of Persons with Disabilities and support for Caregivers.



(Entrustment of Services of Prefectural Center for the Protection of the Rights of Persons with Disabilities)

- Article 37 (1) A prefecture may entrust all or part of the services listed in item(i) or items (iii) through (vii) of paragraph (2) of the preceding Article to a party who works in coordination and cooperation with the prefecture pursuant to the provisions of Article 39 (hereinafter referred to as "Prefectural Partner in Responding to Abuse of Persons with Disabilities") that it deems appropriate.
- (2) The party or parties currently or previously entrusted pursuant to the provisions of the preceding paragraph or their current or previous officers or employees must not, without justifiable grounds, divulge any secret that may have come to their knowledge in relation to the services entrusted.
- (3) If a party entrusted, pursuant to the provisions of paragraph (1) of this Article, to perform the services related to receiving reports under Article 22, paragraph (1) or notifications under paragraph (2) of the same Article receives a report under paragraph (1) of the same Article or a notification under paragraph (2) of the same Article, the party that is in receipt of the report or notification or its officers or employees must not divulge any information which they may come to know in the course of duty that identifies the person who made the report or notification.

(Securing of Exclusively Assigned Employees in Prefectures)

Article 38 A prefecture and a party entrusted pursuant to the provisions of paragraph (1) of the preceding Article, in order to properly prevent the Abuse of Persons with Disabilities, protect and support the independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and Support for Caregivers, must endeavor to ensure that there are sufficient employees who have expert knowledge or experience related to the welfare of Persons with Disabilities or protection of their rights and that are assigned exclusively for such duties.

(Organizational System for Coordination and Cooperation in Prefecture)

Article 39 A prefecture must establish a system for coordination and cooperation with welfare offices and other relevant organs, private organizations, etc. in order to properly prevent the Abuse of Persons with Disabilities, protect and support the independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and Support for Caregivers.

## **Chapter VII Miscellaneous Provisions**

(Dissemination)

Article 40 A municipality or prefecture must clearly indicate the name of its department or facility that functions as a Municipal Center for the Prevention of Abuse of Persons with Disabilities or Prefectural Center for the Protection of the Rights of Persons with Disabilities and the names of Municipal Partner in Responding to Abuse of Persons with Disabilities or Prefectural Partner in Responding to Abuse of Persons with Disabilities or otherwise make known to the public the department or facility and the Municipal Partner in Responding to Abuse of Persons with Disabilities or Prefectural Partners in Responding to Abuse of Persons with Disabilities.

(Support for the Independence of Persons with Disabilities Subjected to Abuse of Persons with Disabilities)

Article 41 The State and local governments are to take the necessary measures, including securing a place of residence and providing employment assistance, to enable Persons with Disabilities subjected to Abuse of Persons with Disabilities to smoothly lead an independent life in their community.

(Research and Study)

Article 42 The State and local governments are to perform an analysis of cases of Abuse of Persons with Disabilities which caused significant mental or physical damage to a Person with a Disability and conduct research and studies on measures for prevention and early detection of Abuse of Persons with Disabilities, methods for properly responding to cases of Abuse of Persons with Disabilities, requirements for supporting Caregivers, and any other matters necessary for preventing the Abuse of Persons with Disabilities, protecting and supporting the independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and Support for Caregivers.

(Prevention of Damage Caused by Unjust Economic Transactions)

Article 43 (1) A municipality is to provide consultation on the damage incurred by a Person with a Disability as a result of a transaction that a person other than the Caregiver, relatives of such Person with a Disability, Employees of Care Facilities for Persons with Disabilities, etc., and Employer concerned performs with such Person with a Disability with the aim of unjustly gaining an economic benefit from the Person with a Disability (hereinafter referred to as an "Unjust Economic Transaction") or refer such Person with a Disability to the municipal department in charge of consumer processes or other relevant organ or entrust a Municipal Partner in Responding to Abuse of Persons with Disabilities to provide consultation on the damage incurred by Persons with Disabilities as a result of Unjust Economic Transactions or to refer such Persons with Disabilities to the relevant organ.

(2) The mayor of a municipality, with regard to a Person with a Disability that was or is likely be damaged due to an Unjust Economic Transaction, is to properly file a request for a trial pursuant to the provisions of Article 51-11-2 of the Act on Mental Health and Welfare for the Persons with Mental and Intellectual Disabilities or Article 28 of the Act on Welfare of Persons with Intellectual Disabilities Persons.

(Promotion of the Adult Guardianship System)

Article 44 The State and local governments, in order to ensure the prevention of Abuse of Persons with Disabilities, protection and support for independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and prevention of and relief from damage caused to Persons with Disabilities by Unjust Economic Transactions, must promote the widespread use of the adult guardianship system, by implementing measures for the dissemination of the system, measures to alleviate the financial burden related to the use of the system, etc.

### **Chapter VIII Penal Provisions**

Article 45 A person who commits a violation of Article 33, paragraph (1) or Article 37, paragraph (1) is punished by imprisonment with required labor for not more than one year or a fine of not more than 1,000,000 yen.

Article 46 A person who, without justifiable grounds, refuses, obstructs or evades an on-site inspection under Article 11, paragraph (1) or refuses to answer or gives a false answer to questions asked under the same paragraph or causes the Person with a Disability to refuse to answer or give a false answer to the questions is punished by a fine of not more than 300,000 yen.

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

(Effective Date)

Article 1 This Act comes into effect as of October 1, 2012.

(Review)

Article 2 The Government, with regard to the improvement and enhancement of the system for preventing Abuse of Persons with Disabilities in schools, nursery centers etc., medical institutions, public agencies, etc., the measures for effectively ascertaining or ensuring the safety of Persons with Disabilities, the implementation of systems of home visit consultation for Persons with Disabilities, etc., and other systems for preventing the Abuse of Persons with

Disabilities, protecting and supporting the independence of Persons with Disabilities subjected to Abuse of Persons with Disabilities, and Support for Caregivers, etc., is to examine the status of enforcement of this Act within three years after this Act comes into effect, taking into consideration the status of the overall review of the legislative system related to the prevention of child abuse, elder abuse, spouse violence, etc. and take necessary measures based on the results of the review.

(Adjustment Provisions)

Article 4 If the effective date of this Act is prior to the effective date of the Act for Partial Amendment of the Basic Act for Persons with Disabilities (Act No. 90 of 2011), for purposes of application, until the day before of the effective date of the Act, of the provisions of Article 2, paragraph (6) of the Act on the Prevention of Elder Abuse and, Support for Caregivers of Elderly Persons and Other Related Matters as amended under the provisions of Article 2, paragraph (1) and the preceding Article, the phrase "Article 2, item (i) " in these provisions is deemed to be replaced with "Article 2."

**Supplementary Provisions [Act No. 27 of April 6, 2012] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the date of promulgation.

**Supplementary Provisions [Act No. 51 of June 27, 2012] [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2013; provided, however, that the provisions set forth in each of the following items come into effect as of the date specified therein.

(ii) The provisions of Articles 2, 4, 6 and 8 and the provisions of Articles 5 through 8, 12 through 16 and 18 through 26 of Supplementary Provisions come into effect as of April 1, 2014.

**Supplementary Provisions [Act No. 67 of August 22, 2012] [Extract]**

This Act comes into effect as of the effective date of the Children and Child Rearing Support Act.