

障害者虐待の防止、障害者の養護者に対する支援等に関する法律

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

(平成二十三年六月二十四日法律第七十九号)

(Act No. 79 of June 24, 2011)

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第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、障害者に対する虐待が障害者の尊厳を害するものであり、障害者の自立及び社会参加にとって障害者に対する虐待を防止することが極めて重要であること等に鑑み、障害者に対する虐待の禁止、障害者虐待の予防及び早期発見その他の障害者虐待の防止等に関する国等の責務、障害者虐待を受けた障害者に対する保護及び自立の支援のための措置、養護者の負担の軽減を図ること等の養護者に対する養護者による障害者虐待の防止に資する支援（以下「養護者に対する支援」という。）のための措置等を定めることにより、障害者虐待の防止、養護者に対する支援等に関する施策を促進し、もって障害者の権利利益の擁護に資することを目的とする。

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")

(定義)

(Definitions)

第二条 この法律において「障害者」とは、障害者基本法（昭和四十五年法律第八十四号）第二条第一号に規定する障害者をいう。

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 この法律において「障害者虐待」とは、養護者による障害者虐待、障害者福祉施設従事者等による障害者虐待及び使用者による障害者虐待をいう。

(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 この法律において「養護者」とは、障害者を現に養護する者であつて障害者福祉施設従事者等及び使用者以外のものをいう。

(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 この法律において「障害者福祉施設従事者等」とは、障害者の日常生活及び社会生活を総合的に支援するための法律（平成十七年法律第百二十三号）第五条第十一項に規定する障害者支援施設（以下「障害者支援施設」という。）若しくは独立行政法人国立重度知的障害者総合施設のぞみの園法（平成十四年法律第百六十七号）第十一条第一号の規定により独立行政法人国立重度知的障害者総合施設のぞみの園が設置する施設（以下「のぞみの園」という。）（以下「障害者福祉施設」という。）又は障害者の日常生活及び社会生活を総合的に支援するための法律第五条第一項に規定する障害福祉サービス事業、同条第十六項に規定する一般相談支援事業若しくは特定相談支援事業、同条第二十四項に規定する移動支援事業、同条第二十五項に規定する地域活動支援センターを経営する事業若しくは同条第二十六項に規定する福祉ホームを経営する事業その他厚生労働省令で定める事業（以下「障害福祉サービス事業等」という。）に係る業務に従事する者をいう。

(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 この法律において「使用者」とは、障害者を雇用する事業主（当該障害者が派遣労働者（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（昭和六十年法律第八十八号）第二条第二号に規定する派遣労働者をいう。以下同じ。）である場合において当該派遣労働者に係る労働者派遣（同条第一号に規定する労働者派遣をいう。）の役務の提供を受ける事業主その他これに類するものとして政令で定める事業主を含み、国及び地方公共団体を除く。以下同じ。）又は事業の経営担当者その他その事業の労働者に関する事項について事業主のために行為をする者をいう。

(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 この法律において「養護者による障害者虐待」とは、次のいずれかに該当する行為をいう。

(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:

一 養護者とその養護する障害者について行う次に掲げる行為

(i) the following acts committed by a Caregiver against a Person with a Disability of whom the Caregiver takes care:

イ 障害者の身体に外傷が生じ、若しくは生じるおそれのある暴行を加え、又は正当な理由なく障害者の身体を拘束すること。

(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;

ロ 障害者にわいせつな行為をすること又は障害者をしてわいせつな行為をさせること。

(b) committing an indecent act against a Person with a Disability or making a Person with a Disability commit an indecent act;

ハ 障害者に対する著しい暴言又は著しく拒絶的な対応その他の障害者に著しい心理的外傷を与える言動を行うこと。

(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

ニ 障害者を衰弱させるような著しい減食又は長時間の放置、養護者以外の同居人によるイからハまでに掲げる行為と同様の行為の放置等養護を著しく怠ること。

(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.

二 養護者又は障害者の親族が当該障害者の財産を不当に処分することその他当該障害者から不当に財産上の利益を得ること。

(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 この法律において「障害者福祉施設従事者等による障害者虐待」とは、障害者福祉施設従事者等が、当該障害者福祉施設に入所し、その他当該障害者福祉施設を利用する障害者又は当該障害福祉サービス事業等に係るサービスの提供を受ける障害者について行う次のいずれかに該当する行為をいう。

(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:

一 障害者の身体に外傷が生じ、若しくは生じるおそれのある暴行を加え、又は正当な理由なく障害者の身体を拘束すること。

(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;

二 障害者にわいせつな行為をすること又は障害者をしてわいせつな行為をさせること。

(ii) committing an indecent act against a Person with a Disability or making a Person with a Disability commit an indecent act;

三 障害者に対する著しい暴言、著しく拒絶的な対応又は不当な差別的言動その他の障害者に著しい心理的外傷を与える言動を行うこと。

(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;

四 障害者を衰弱させるような著しい減食又は長時間の放置、当該障害者福祉施設に入所し、その他当該障害者福祉施設を利用する他の障害者又は当該障害福祉サービス事業等に係るサービスの提供を受ける他の障害者による前三号に掲げる行為と同様の行為の放置その他の障害者を養護すべき職務上の義務を著しく怠ること。

(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
- 五 障害者の財産を不当に処分することその他障害者から不当に財産上の利益を得ること。
- (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 この法律において「使用者による障害者虐待」とは、使用者が当該事業所に使用される障害者について行う次のいずれかに該当する行為をいう。
- (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:
- 一 障害者の身体に外傷が生じ、若しくは生じるおそれのある暴行を加え、又は正当な理由なく障害者の身体を拘束すること。
- (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;
- 二 障害者にわいせつな行為をすること又は障害者をしてわいせつな行為をさせること。
- (ii) committing an indecent act against a Person with a Disability or making a Person with a Disability commit an indecent act;
- 三 障害者に対する著しい暴言、著しく拒絶的な対応又は不当な差別的言動その他の障害者に著しい心理的外傷を与える言動を行うこと。
- (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;
- 四 障害者を衰弱させるような著しい減食又は長時間の放置、当該事業所に使用される他の労働者による前三号に掲げる行為と同様の行為の放置その他これらに準ずる行為を行うこと。
- (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
- 五 障害者の財産を不当に処分することその他障害者から不当に財産上の利益を得ること。
- (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.

(障害者に対する虐待の禁止)

(Prohibition of Abuse of Persons with Disabilities)

第三条 何人も、障害者に対し、虐待をしてはならない。

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

(国及び地方公共団体の責務等)

(Responsibility of the State and Local Governments)

第四条 国及び地方公共団体は、障害者虐待の予防及び早期発見その他の障害者虐待の防止、障害者虐待を受けた障害者の迅速かつ適切な保護及び自立の支援並びに適切な養護者に対する支援を行うため、関係省庁相互間その他関係機関及び民間団体の間の連携の強化、民間団体の支援その他必要な体制の整備に努めなければならない。

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 国及び地方公共団体は、障害者虐待の防止、障害者虐待を受けた障害者の保護及び自立の支援並びに養護者に対する支援が専門的知識に基づき適切に行われるよう、これらの職務に携わる専門的知識及び技術を有する人材その他必要な人材の確保及び資質の向上を図るため、関係機関の職員の研修等必要な措置を講ずるよう努めなければならない。

(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 国及び地方公共団体は、障害者虐待の防止、障害者虐待を受けた障害者の保護及び自立の支援並びに養護者に対する支援に資するため、障害者虐待に係る通報義務、人権侵犯事件に係る救済制度等について必要な広報その他の啓発活動を行うものとする。

(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.

(国民の責務)

(Responsibility of the Public)

第五条 国民は、障害者虐待の防止、養護者に対する支援等の重要性に関する理解を深めるとともに、国又は地方公共団体が講ずる障害者虐待の防止、養護者に対する支援等のための施策に協力するよう努めなければならない。

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.

(障害者虐待の早期発見等)

(Early Detection of Abuse of Persons with Disabilities)

第六条 国及び地方公共団体の障害者の福祉に関する事務を所掌する部局その他の関係機関は、障害者虐待を発見しやすい立場にあることに鑑み、相互に緊密な連携を図りつつ、障害者虐待の早期発見に努めなければならない。

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 障害者福祉施設、学校、医療機関、保健所その他障害者の福祉に業務上関係のある団体並びに障害者福祉施設従事者等、学校の教職員、医師、歯科医師、保健師、弁護士その他障害者の福祉に職務上関係のある者及び使用者は、障害者虐待を発見しやすい立場にあることを自覚し、障害者虐待の早期発見に努めなければならない。

(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 前項に規定する者は、国及び地方公共団体が講ずる障害者虐待の防止のための啓発活動並びに障害者虐待を受けた障害者の保護及び自立の支援のための施策に協力するよう努めなければならない。

- (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.

第二章 養護者による障害者虐待の防止、養護者に対する支援等 Chapter II Prevention of Abuse of Persons with Disabilities by Caregivers, Support for Caregivers

(養護者による障害者虐待に係る通報等)

(Report of Abuse of Persons with Disabilities by Caregivers)

第七条 養護者による障害者虐待（十八歳未満の障害者について行われるものを除く。以下この章において同じ。）を受けたと思われる障害者を発見した者は、速やかに、これを市町村に通報しなければならない。

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 刑法（明治四十年法律第四十五号）の秘密漏示罪の規定その他の守秘義務に関する法律の規定は、前項の規定による通報をすることを妨げるものと解釈してはならない。

(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.

第八条 市町村が前条第一項の規定による通報又は次条第一項に規定する届出を受けた場合においては、当該通報又は届出を受けた市町村の職員は、その職務上知り得た事項であつて当該通報又は届出をした者を特定させるものを漏らしてはならない。

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.

(通報等を受けた場合の措置)

(Measures to be Taken upon Receipt of Report)

第九条 市町村は、第七条第一項の規定による通報又は障害者からの養護者による障害者虐待を受けた旨の届出を受けたときは、速やかに、当該障害者の安全の確認その他当該通報又は届出に係る事実の確認のための措置を講ずるとともに、第三十五条の規

定により当該市町村と連携協力する者（以下「市町村障害者虐待対応協力者」という。）とその対応について協議を行うものとする。

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 市町村は、第七条第一項の規定による通報又は前項に規定する届出があった場合には、当該通報又は届出に係る障害者に対する養護者による障害者虐待の防止及び当該障害者の保護が図られるよう、養護者による障害者虐待により生命又は身体に重大な危険が生じているおそれがあると認められる障害者を一時的に保護するため迅速に当該市町村の設置する障害者支援施設又は障害者の日常生活及び社会生活を総合的に支援するための法律第五条第六項の厚生労働省令で定める施設（以下「障害者支援施設等」という。）に入所させる等、適切に、身体障害者福祉法（昭和二十四年法律第二百八十三号）第十八条第一項若しくは第二項又は知的障害者福祉法（昭和三十五年法律第三十七号）第十五条の四若しくは第十六条第一項第二号の規定による措置を講ずるものとする。この場合において、当該障害者が身体障害者福祉法第四条に規定する身体障害者（以下「身体障害者」という。）及び知的障害者福祉法にいう知的障害者（以下「知的障害者」という。）以外の障害者であるときは、当該障害者を身体障害者又は知的障害者とみなして、身体障害者福祉法第十八条第一項若しくは第二項又は知的障害者福祉法第十五条の四若しくは第十六条第一項第二号の規定を適用する。

(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 市町村長は、第七条第一項の規定による通報又は第一項に規定する届出があった場合には、当該通報又は届出に係る障害者に対する養護者による障害者虐待の防止並びに当該障害者の保護及び自立の支援が図られるよう、適切に、精神保健及び精神障害者福祉に関する法律（昭和二十五年法律第百二十三号）第五十一条の十一の二又は知的障害者福祉法第二十八条の規定により審判の請求をするものとする。

(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.

(居室の確保)

(Assurance of Accommodations)

第十条 市町村は、養護者による障害者虐待を受けた障害者について前条第二項の措置を採るために必要な居室を確保するための措置を講ずるものとする。

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.

(立入調査)

(On-Site Inspection)

第十一条 市町村長は、養護者による障害者虐待により障害者の生命又は身体に重大な危険が生じているおそれがあると認めるときは、障害者の福祉に関する事務に従事する職員をして、当該障害者の住所又は居所に立ち入り、必要な調査又は質問をさせる

ことができる。

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 前項の規定による立入り及び調査又は質問を行う場合においては、当該職員は、その身分を示す証明書を携帯し、関係者の請求があるときは、これを提示しなければならない。

(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 第一項の規定による立入り及び調査又は質問を行う権限は、犯罪捜査のために認められたものと解釈してはならない。

(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.

(警察署長に対する援助要請等)

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

第十二条 市町村長は、前条第一項の規定による立入り及び調査又は質問をさせようとする場合において、これらの職務の執行に際し必要があると認めるときは、当該障害者の住所又は居所の所在地を管轄する警察署長に対し援助を求めることができる。

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 市町村長は、障害者の生命又は身体の安全の確保に万全を期する観点から、必要に応じ適切に、前項の規定により警察署長に対し援助を求めなければならない。

(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 警察署長は、第一項の規定による援助の求めを受けた場合において、障害者の生命又は身体の安全を確保するため必要と認めるときは、速やかに、所属の警察官に、同項の職務の執行を援助するために必要な警察官職務執行法（昭和二十三年法律第百三十六号）その他の法令の定めるところによる措置を講じさせるよう努めなければならない。

ない。

- (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.

(面会の制限)

(Restrictions on Visitation)

第十三条 養護者による障害者虐待を受けた障害者について第九条第二項の措置が採られた場合においては、市町村長又は当該措置に係る障害者支援施設等若しくはのぞみの園の長若しくは当該措置に係る身体障害者福祉法第十八条第二項に規定する指定医療機関の管理者は、養護者による障害者虐待の防止及び当該障害者の保護の観点から、当該養護者による障害者虐待を行った養護者について当該障害者との面会を制限することができる。

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.

(養護者の支援)

(Support for Caregivers)

第十四条 市町村は、第三十二条第二項第二号に規定するもののほか、養護者の負担の軽減のため、養護者に対する相談、指導及び助言その他必要な措置を講ずるものとする。

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 市町村は、前項の措置として、養護者の心身の状態に照らしその養護の負担の軽減を図るため緊急の必要があると認める場合に障害者が短期間養護を受けるために必要となる居室を確保するための措置を講ずるものとする。

(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.

第三章 障害者福祉施設従事者等による障害者虐待の防止等

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

(障害者福祉施設従事者等による障害者虐待の防止等のための措置)

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

第十五条 障害者福祉施設の設置者又は障害福祉サービス事業等を行う者は、障害者福祉施設従事者等の研修の実施、当該障害者福祉施設に入所し、その他当該障害者福祉施設を利用し、又は当該障害福祉サービス事業等に係るサービスの提供を受ける障害者及びその家族からの苦情の処理の体制の整備その他の障害者福祉施設従事者等による障害者虐待の防止等のための措置を講ずるものとする。

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.

(障害者福祉施設従事者等による障害者虐待に係る通報等)

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

第十六条 障害者福祉施設従事者等による障害者虐待を受けたと思われる障害者を発見した者は、速やかに、これを市町村に通報しなければならない。

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 障害者福祉施設従事者等による障害者虐待を受けた障害者は、その旨を市町村に届け出ることができる。

(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 刑法の秘密漏示罪の規定その他の守秘義務に関する法律の規定は、第一項の規定による通報（虚偽であるもの及び過失によるものを除く。次項において同じ。）をすることを妨げるものと解釈してはならない。

(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 障害者福祉施設従事者等は、第一項の規定による通報をしたことを理由として、解雇その他不利益な取扱いを受けない。

(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.

第十七条 市町村は、前条第一項の規定による通報又は同条第二項の規定による届出を受けたときは、厚生労働省令で定めるところにより、当該通報又は届出に係る障害者福祉施設従事者等による障害者虐待に関する事項を、当該障害者福祉施設従事者等による障害者虐待に係る障害者福祉施設又は当該障害者福祉施設従事者等による障害者虐待に係る障害福祉サービス事業等の事業所の所在地の都道府県に報告しなければならない。

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.

第十八条 市町村が第十六条第一項の規定による通報又は同条第二項の規定による届出を受けた場合においては、当該通報又は届出を受けた市町村の職員は、その職務上知り得た事項であって当該通報又は届出をした者を特定させるものを漏らしてはならない。都道府県が前条の規定による報告を受けた場合における当該報告を受けた都道府県の職員についても、同様とする。

Article 18 If a municipality receives a report under Article 16, 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.

(通報等を受けた場合の措置)

(Measures Taken upon Receipt of Report.)

第十九条 市町村が第十六条第一項の規定による通報若しくは同条第二項の規定による届出を受け、又は都道府県が第十七条の規定による報告を受けたときは、市町村長又は都道府県知事は、障害者福祉施設の業務又は障害福祉サービス事業等の適正な運営を確保することにより、当該通報又は届出に係る障害者に対する障害者福祉施設従事者等による障害者虐待の防止並びに当該障害者の保護及び自立の支援を図るため、社会福祉法（昭和二十六年法律第四十五号）、障害者の日常生活及び社会生活を総合的に支援するための法律その他関係法律の規定による権限を適切に行使するものとする。

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.

(公表)

(Announcements)

第二十条 都道府県知事は、毎年度、障害者福祉施設従事者等による障害者虐待の状況、障害者福祉施設従事者等による障害者虐待があった場合に採った措置その他厚生労働省令で定める事項を公表するものとする。

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.

第四章 使用者による障害者虐待の防止等

Chapter IV Prevention of Abuse of Persons with Disabilities by Employers

(使用者による障害者虐待の防止等のための措置)

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

第二十一条 障害者を雇用する事業主は、労働者の研修の実施、当該事業所に使用される障害者及びその家族からの苦情の処理の体制の整備その他の使用者による障害者虐待の防止等のための措置を講ずるものとする。

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.

(使用者による障害者虐待に係る通報等)

(Report of Abuse of Persons with Disabilities by Employers)

第二十二条 使用者による障害者虐待を受けたと思われる障害者を発見した者は、速やかに、これを市町村又は都道府県に通報しなければならない。

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 使用者による障害者虐待を受けた障害者は、その旨を市町村又は都道府県に届け出ることができる。

(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 刑法の秘密漏示罪の規定その他の守秘義務に関する法律の規定は、第一項の規定による通報（虚偽であるもの及び過失によるものを除く。次項において同じ。）をすることを妨げるものと解釈してはならない。

(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 労働者は、第一項の規定による通報又は第二項の規定による届出（虚偽であるもの及び過失によるものを除く。）をしたことを理由として、解雇その他不利益な取扱いを受けない。

(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).

第二十三条 市町村は、前条第一項の規定による通報又は同条第二項の規定による届出を受けたときは、厚生労働省令で定めるところにより、当該通報又は届出に係る使用

者による障害者虐待に関する事項を、当該使用者による障害者虐待に係る事業所の所在地の都道府県に通知しなければならない。

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.

第二十四条 都道府県は、第二十二条第一項の規定による通報、同条第二項の規定による届出又は前条の規定による通知を受けたときは、厚生労働省令で定めるところにより、当該通報、届出又は通知に係る使用者による障害者虐待に関する事項を、当該使用者による障害者虐待に係る事業所の所在地を管轄する都道府県労働局に報告しなければならない。

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.

第二十五条 市町村又は都道府県が第二十二条第一項の規定による通報又は同条第二項の規定による届出を受けた場合においては、当該通報又は届出を受けた市町村又は都道府県の職員は、その職務上知り得た事項であつて当該通報又は届出をした者を特定させるものを漏らしてはならない。都道府県が第二十三条の規定による通知を受けた場合における当該通知を受けた都道府県の職員及び都道府県労働局が前条の規定による報告を受けた場合における当該報告を受けた都道府県労働局の職員についても、同様とする。

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.

(報告を受けた場合の措置)

(Measures Taken upon Receipt of Report)

第二十六条 都道府県労働局が第二十四条の規定による報告を受けたときは、都道府県労働局長又は労働基準監督署長若しくは公共職業安定所長は、事業所における障害者の適正な労働条件及び雇用管理を確保することにより、当該報告に係る障害者に対する使用者による障害者虐待の防止並びに当該障害者の保護及び自立の支援を図るため、当該報告に係る都道府県との連携を図りつつ、労働基準法（昭和二十二年法律第四十九号）、障害者の雇用の促進等に関する法律（昭和三十五年法律第二百二十三号）、個別労働関係紛争の解決の促進に関する法律（平成十三年法律第一百十二号）その他関係法律の規定による権限を適切に行使するものとする。

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.

(船員に関する特例)

(Special Provisions for Mariners)

第二十七条 船員法（昭和二十二年法律第百号）の適用を受ける船員である障害者について行われる使用者による障害者虐待に係る前三条の規定の適用については、第二十四条中「厚生労働省令」とあるのは「国土交通省令又は厚生労働省令」と、「当該使用者による障害者虐待に係る事業所の所在地を管轄する都道府県労働局」とあるのは「地方運輸局その他の関係行政機関」と、第二十五条中「都道府県労働局」とあるのは「地方運輸局その他の関係行政機関」と、前条中「都道府県労働局が」とあるのは「地方運輸局その他の関係行政機関が」と、「都道府県労働局長又は労働基準監督署長若しくは公共職業安定所長」とあるのは「地方運輸局その他の関係行政機関の長」と、「労働基準法（昭和二十二年法律第四十九号）」とあるのは「船員法（昭和二十二年法律第百号）」とする。

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)."

(公表)

(Announcements)

第二十八条 厚生労働大臣は、毎年度、使用者による障害者虐待の状況、使用者による障害者虐待があった場合に採った措置その他厚生労働省令で定める事項を公表するものとする。

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.

第五章 就学する障害者等に対する虐待の防止等

Chapter V Prevention of Abuse of Persons with Disabilities Attending School

(就学する障害者に対する虐待の防止等)

(Prevention of Abuse of Persons with Disabilities Attending School)

第二十九条 学校（学校教育法（昭和二十二年法律第二十六号）第一条に規定する学校、同法第二百二十四条に規定する専修学校又は同法第三十四条第一項に規定する各種学校をいう。以下同じ。）の長は、教職員、児童、生徒、学生その他の関係者に対する障害及び障害者に関する理解を深めるための研修の実施及び普及啓発、就学する障害者に対する虐待に関する相談に係る体制の整備、就学する障害者に対する虐待に対処するための措置その他の当該学校に就学する障害者に対する虐待を防止するため必要な措置を講ずるものとする。

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.

(保育所等に通う障害者に対する虐待の防止等)

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

第三十条 保育所等（児童福祉法（昭和二十二年法律第百六十四号）第三十九条第一項に規定する保育所若しくは同法第五十九条第一項に規定する施設のうち同法第三十九条第一項に規定する業務を目的とするもの（少数の乳児又は幼児を対象とするものその他の厚生労働省令で定めるものを除く。）又は就学前の子どもに関する教育、保育等の総合的な提供の推進に関する法律（平成十八年法律第七十七号）第二条第六項に規定する認定こども園をいう。以下同じ。）の長は、保育所等の職員その他の関係者に対する障害及び障害者に関する理解を深めるための研修の実施及び普及啓発、保育所等に通う障害者に対する虐待に関する相談に係る体制の整備、保育所等に通う障害者に対する虐待に対処するための措置その他の当該保育所等に通う障害者に対する虐待を防止するため必要な措置を講ずるものとする。

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.

(医療機関を利用する障害者に対する虐待の防止等)

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

第三十一条 医療機関（医療法（昭和二十三年法律第二百五号）第一条の五第一項に規定する病院又は同条第二項に規定する診療所をいう。以下同じ。）の管理者は、医療機関の職員その他の関係者に対する障害及び障害者に関する理解を深めるための研修の実施及び普及啓発、医療機関を利用する障害者に対する虐待に関する相談に係る体制の整備、医療機関を利用する障害者に対する虐待に対処するための措置その他の当該医療機関を利用する障害者に対する虐待を防止するため必要な措置を講ずるものとする。

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.

第六章 市町村障害者虐待防止センター及び都道府県障害者権利擁護センター
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

(市町村障害者虐待防止センター)

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

第三十二条 市町村は、障害者の福祉に関する事務を所掌する部局又は当該市町村が設置する施設において、当該部局又は施設が市町村障害者虐待防止センターとしての機能を果たすようにするものとする。

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 市町村障害者虐待防止センターは、次に掲げる業務を行うものとする。

(2) A Municipal Center for the Prevention of Abuse of Persons with Disabilities is to perform the following services:

一 第七条第一項、第十六条第一項若しくは第二十二條第一項の規定による通報又は第九条第一項に規定する届出若しくは第十六条第二項若しくは第二十二條第二項の

規定による届出を受理すること。

- (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);
二 養護者による障害者虐待の防止及び養護者による障害者虐待を受けた障害者の保護のため、障害者及び養護者に対して、相談、指導及び助言を行うこと。
- (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
三 障害者虐待の防止及び養護者に対する支援に関する広報その他の啓発活動を行うこと。
- (iii) disseminating information and taking other necessary measures to raise awareness about prevention of Abuse of Persons with Disabilities and Support for Caregivers.

(市町村障害者虐待防止センターの業務の委託)

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

第三十三条 市町村は、市町村障害者虐待対応協力者のうち適当と認められるものに、前条第二項各号に掲げる業務の全部又は一部を委託することができる。

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 前項の規定による委託を受けた者若しくはその役員若しくは職員又はこれらの者であった者は、正当な理由なしに、その委託を受けた業務に関して知り得た秘密を漏らしてはならない。

(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 第一項の規定により第七条第一項、第十六条第一項若しくは第二十二条第一項の規定による通報又は第九条第一項に規定する届出若しくは第十六条第二項若しくは第二十二条第二項の規定による届出の受理に関する業務の委託を受けた者が第七条第一項、第十六条第一項若しくは第二十二条第一項の規定による通報又は第九条第一項に規定する届出若しくは第十六条第二項若しくは第二十二条第二項の規定による届出を受けた場合には、当該通報若しくは届出を受けた者又はその役員若しくは職員は、その職務上知り得た事項であつて当該通報又は届出をした者を特定させるものを漏らしてはならない。

(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.

(市町村等における専門的に従事する職員の確保)

(Securing of Exclusively Assigned Employees in Municipalities)

第三十四条 市町村及び前条第一項の規定による委託を受けた者は、障害者虐待の防止、障害者虐待を受けた障害者の保護及び自立の支援並びに養護者に対する支援を適切に実施するために、障害者の福祉又は権利の擁護に関し専門的知識又は経験を有し、かつ、これらの事務に専門的に従事する職員を確保するよう努めなければならない。

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.

(市町村における連携協力体制の整備)

(Organizational System for Coordination and Cooperation in Municipality)

第三十五条 市町村は、養護者による障害者虐待の防止、養護者による障害者虐待を受けた障害者の保護及び自立の支援並びに養護者に対する支援を適切に実施するため、社会福祉法に定める福祉に関する事務所（以下「福祉事務所」という。）その他関係機関、民間団体等との連携協力体制を整備しなければならない。この場合において、養護者による障害者虐待にいつでも迅速に対応することができるよう、特に配慮しなければならない。

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.

(都道府県障害者権利擁護センター)

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

第三十六条 都道府県は、障害者の福祉に関する事務を所掌する部局又は当該都道府県が設置する施設において、当該部局又は施設が都道府県障害者権利擁護センターとしての機能を果たすようにするものとする。

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 都道府県障害者権利擁護センターは、次に掲げる業務を行うものとする。

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

一 第二十二条第一項の規定による通報又は同条第二項の規定による届出を受理すること。

(i) accepting reports under Article 22, paragraph (1) or notifications under paragraph (2) of the same Article;

二 この法律の規定により市町村が行う措置の実施に関し、市町村相互間の連絡調整、市町村に対する情報の提供、助言その他必要な援助を行うこと。

(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;

三 障害者虐待を受けた障害者に関する各般の問題及び養護者に対する支援に関し、相談に応ずること又は相談を行う機関を紹介すること。

(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;

四 障害者虐待を受けた障害者の支援及び養護者に対する支援のため、情報の提供、助言、関係機関との連絡調整その他の援助を行うこと。

(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;

五 障害者虐待の防止及び養護者に対する支援に関する情報を収集し、分析し、及び提供すること。

(v) collecting, analyzing and providing information related to prevention of Abuse of Persons with Disabilities and Support for Caregivers;

六 障害者虐待の防止及び養護者に対する支援に関する広報その他の啓発活動を行う

こと。

(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

七 その他障害者に対する虐待の防止等のために必要な支援を行うこと。

(vii) providing other necessary assistance for the prevention of abuse of Persons with Disabilities and support for Caregivers.

(都道府県障害者権利擁護センターの業務の委託)

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

第三十七条 都道府県は、第三十九条の規定により当該都道府県と連携協力する者（以下「都道府県障害者虐待対応協力者」という。）のうち適当と認められるものに、前条第二項第一号又は第三号から第七号までに掲げる業務の全部又は一部を委託することができる。

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 前項の規定による委託を受けた者若しくはその役員若しくは職員又はこれらの者であった者は、正当な理由なしに、その委託を受けた業務に関して知り得た秘密を漏らしてはならない。

(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 第一項の規定により第二十二条第一項の規定による通報又は同条第二項に規定する届出の受理に関する業務の委託を受けた者が同条第一項の規定による通報又は同条第二項に規定する届出を受けた場合には、当該通報若しくは届出を受けた者又はその役員若しくは職員は、その職務上知り得た事項であって当該通報又は届出をした者を特定させるものを漏らしてはならない。

(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.

(都道府県等における専門的に従事する職員の確保)

(Securing of Exclusively Assigned Employees in Prefectures)

第三十八条 都道府県及び前条第一項の規定による委託を受けた者は、障害者虐待の防止、障害者虐待を受けた障害者の保護及び自立の支援並びに養護者に対する支援を適切に実施するために、障害者の福祉又は権利の擁護に関し専門的知識又は経験を有し、かつ、これらの事務に専門的に従事する職員を確保するよう努めなければならない。

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.

(都道府県における連携協力体制の整備)

(Organizational System for Coordination and Cooperation in Prefecture)

第三十九条 都道府県は、障害者虐待の防止、障害者虐待を受けた障害者の保護及び自立の支援並びに養護者に対する支援を適切に実施するため、福祉事務所その他関係機関、民間団体等との連携協力体制を整備しなければならない。

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.

第七章 雑則

Chapter VII Miscellaneous Provisions

(周知)

(Dissemination)

第四十条 市町村又は都道府県は、市町村障害者虐待防止センター又は都道府県障害者権利擁護センターとしての機能を果たす部局又は施設及び市町村障害者虐待対応協力者又は都道府県障害者虐待対応協力者の名称を明示すること等により、当該部局又は施設及び市町村障害者虐待対応協力者又は都道府県障害者虐待対応協力者を周知させなければならない。

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.

(障害者虐待を受けた障害者の自立の支援)

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

第四十一条 国及び地方公共団体は、障害者虐待を受けた障害者が地域において自立した生活を円滑に営むことができるよう、居住の場所の確保、就業の支援その他の必要な施策を講ずるものとする。

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.

(調査研究)

(Research and Study)

第四十二条 国及び地方公共団体は、障害者虐待を受けた障害者がその心身に著しく重大な被害を受けた事例の分析を行うとともに、障害者虐待の予防及び早期発見のための方策、障害者虐待があった場合の適切な対応方法、養護者に対する支援の在り方その他障害者虐待の防止、障害者虐待を受けた障害者の保護及び自立の支援並びに養護者に対する支援のために必要な事項についての調査及び研究を行うものとする。

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.

(財産上の不当取引による被害の防止等)

(Prevention of Damage Caused by Unjust Economic Transactions)

第四十三条 市町村は、養護者、障害者の親族、障害者福祉施設従事者等及び使用者以外の者が不当に財産上の利益を得る目的で障害者を行う取引（以下「財産上の不当取引」という。）による障害者の被害について、相談に応じ、若しくは消費生活に関する業務を担当する部局その他の関係機関を紹介し、又は市町村障害者虐待対応協力者に、財産上の不当取引による障害者の被害に係る相談若しくは関係機関の紹介の実施を委託するものとする。

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 市町村長は、財産上の不当取引の被害を受け、又は受けるおそれのある障害者について、適切に、精神保健及び精神障害者福祉に関する法律第五十一条の十一の二又は知的障害者福祉法第二十八条の規定により審判の請求をするものとする。

(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.

(成年後見制度の利用促進)

(Promotion of the Adult Guardianship System)

第四十四条 国及び地方公共団体は、障害者虐待の防止並びに障害者虐待を受けた障害者の保護及び自立の支援並びに財産上の不当取引による障害者の被害の防止及び救済を図るため、成年後見制度の周知のための措置、成年後見制度の利用に係る経済的負担の軽減のための措置等を講ずることにより、成年後見制度が広く利用されるようにしなければならない。

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.

第八章 罰則

Chapter VIII Penal Provisions

第四十五条 第三十三条第二項又は第三十七条第二項の規定に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

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.

第四十六条 正当な理由がなく、第十一条第一項の規定による立入調査を拒み、妨げ、若しくは忌避し、又は同項の規定による質問に対して答弁をせず、若しくは虚偽の答弁をし、若しくは障害者に答弁をさせず、若しくは虚偽の答弁をさせた者は、三十万円以下の罰金に処する。

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.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成二十四年十月一日から施行する。

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

(検討)

(Review)

第二条 政府は、学校、保育所等、医療機関、官公署等における障害者に対する虐待の防止等の体制の在り方並びに障害者の安全の確認又は安全の確保を実効的に行うための方策、障害者を訪問して相談等を行う体制の充実強化その他の障害者虐待の防止、障害者虐待を受けた障害者の保護及び自立の支援、養護者に対する支援等のための制度について、この法律の施行後三年を目途として、児童虐待、高齢者虐待、配偶者からの暴力等の防止等に関する法制度全般の見直しの状況を踏まえ、この法律の施行状況を勘案して検討を加え、その結果に基づいて必要な措置を講ずるものとする。

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.

(調整規定)

(Adjustment Provisions)

第四条 この法律の施行の日が障害者基本法の一部を改正する法律（平成二十三年法律第九十号）の施行の前日である場合には、同法の施行の前日までの間における第二条第一項及び前条の規定による改正後の高齢者虐待の防止、高齢者の養護者に対する支援等に関する法律第二条第六項の規定の適用については、これらの規定中「第二条第一号」とあるのは、「第二条」とする。

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."

附 則 〔平成二十四年四月六日法律第二十七号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。

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.

附 則 〔平成二十四年六月二十七日法律第五十一号〕〔抄〕

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

(施行期日)

(Effective Date)

第一条 この法律は、平成二十五年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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.

二 第二条、第四条、第六条及び第八条並びに附則第五条から第八条まで、第十二条から第十六条まで及び第十八条から第二十六条までの規定 平成二十六年四月一日

(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.

附 則 〔平成二十四年八月二十二日法律第六十七号〕 〔抄〕

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

この法律は、子ども・子育て支援法の施行の日から施行する。

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