

Basic Act for Persons with Disabilities

(Act No. 84 of May 21, 1970)

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Chapter I General Provisions

(Purpose)

Article 1 In accordance with the principle that all people, regardless of whether or not they have a disability, are entitled to dignity as irreplaceable individuals equally enjoying fundamental human rights, the purpose of this Act is to provide for the basic principles relating to the measures to support the independence and social participation of persons with disabilities in order to realize a society of coexistence in which no people are set apart on the basis of disability and people mutually respect the personality and individuality of others; to clarify the responsibilities of the national government and local public entities, and to promote in a comprehensive and systematic manner measures to support the independence and social participation of persons with disabilities by such means as providing for the matters that serve as the basic measures to support the independence and social participation of persons with disabilities.

(Definitions)

Article 2 In this Act, the terms stated in the following items have the meanings provided respectively in those items:

- (i) "person with a disability" means a person with a physical disability, a person with an intellectual disability, a person with a mental disability (including developmental disabilities), and other persons with disabilities affecting the functions of the body or mind (referred to collectively as "disabilities" below), and who are in a state of facing continuous substantial limitations in their daily life or life in society because of a disability and

social barriers;

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

(Coexistence in the Local Community)

Article 3 Assuming that all persons with disabilities are entitled to dignity as individuals enjoying fundamental human rights equally to persons without disabilities, and possess the right to be guaranteed a life befitting of that dignity, the society provided for in Article 1 must be realized based on the following principles:

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

(Prohibition of Discrimination)

Article 4 (1) It is prohibited for any person to commit an act of discrimination or any other act which violates the interests or rights of a person with a disability on the basis of the disability.

- (2) When a person with a disability that requires the removal of social barriers actually exists, necessary and reasonable accommodation must be given to implementing the removal of the social barriers if the burden associated with their removal is not excessive, so that the failure to do so will not be in violation of the provisions of the preceding paragraph.
- (3) For raising awareness and disseminating knowledge relating to the prevention of action in violation of the provisions of paragraph (1), the national government is to collect, organize, and provide necessary information to prevent that action.

(International Cooperation)

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

(Responsibilities of the National Government and Local Public Entities)

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

(Public Understanding)

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

(Responsibilities of the People)

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

(Week for Persons with Disabilities)

Article 9 (1) The Week for Persons with Disabilities is established to widely deepen interest and understanding among the people concerning the basic principles and to promote the participation of persons with disabilities in activities in society, the economy, culture, and other fields.

(2) The Week for Persons with Disabilities is to be the period from December 3 to December 9.

(3) The national government and the local public entities must endeavor to implement programmes which are suited to the spirit of the Week for Persons with Disabilities in close cooperation and coordination with the organizations in the private sector which are engaging in activities related to support for the independence and social participation of persons with disabilities.

(Basic Policy for the Measures)

Article 10 (1) The measures to support the independence and social participation of persons with disabilities must be systematically formulated and implemented through an organic cooperation in accordance with the sex, age, state of the disability, and living conditions of a person with a disability.

(2) The national government and the local public entities must hear the opinions of persons with disabilities and other relevant persons and endeavor to respect their opinions when taking measures to support the independence and social participation of persons with disabilities.

(Basic Programme for Persons with Disabilities)

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

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

(Legislative Measures)

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

(Annual Report)

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

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

(Medical Care, Nursing Care)

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

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

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

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

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

(6) The national government and local public entities must provide or lend welfare assistance devices and assistance dogs for persons with disabilities,

and take other necessary measures to enable persons with disabilities to engage in daily life and life in society.

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

(Pensions)

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

(Education)

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

- (2) The national government and local public entities must provide sufficient information to children and students with disabilities and their parents or guardians, and respect their wishes as much as possible in order to achieve the purpose of the preceding paragraph.
- (3) The national government and local public entities must promote mutual understanding between children and students with disabilities and children and students without disabilities by proactively facilitating their interaction and joint studies.
- (4) The national government and local public entities must conduct surveys and research, secure personnel and improve their qualifications, provide suitable educational materials and other materials, prepare school facilities, and otherwise develop a suitable environment in relation to the education of persons with disabilities.

(Medical Care and Childcare)

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

- (2) The national government and local public entities must promote research,

development and expansion relating to medical care and childcare, train officers who possess expert knowledge and skills, and otherwise promote the development of a suitable environment.

(Work Counseling)

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

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

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

(Promotion of Employment)

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

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

(3) The national government and local public entities must subsidize employers that employ persons with disabilities for expenses required for the development of facilities or equipment necessary to employ those persons and take other necessary measures in order to reduce the employer's financial burden of the employment of persons with disabilities, and promote and continue their employment by doing so.

(Secure Housing)

Article 20 The national government and local public entities must take necessary measures to secure housing for persons with disabilities and to

promote the development of housing suited to the daily living of persons with disabilities, to enable them to live a stable life in the local community.

(Barrier-Free Access to Public Facilities)

Article 21 (1) In order to support the independence and social participation of persons with disabilities by increasing convenience of use for them, the national government and local public entity must systematically promote the measures for improving the structures and equipment of government facilities, transportation facilities (including facilities for movement such as vehicles, ships, and aircraft; the same applies in the following paragraph), and other public facilities they establish, to enable persons with disabilities to smoothly use those facilities.

(2) In order to support the independence and social participation of persons with disabilities by increasing convenience of use of public facilities for them, enterprises establishing transportation facilities and other public facilities must endeavor to systematically promote the measures for improving the structures and equipment of facilities so that persons with disabilities are able to smoothly use those facilities.

(3) The national government and local public entities must take necessary measures to ensure that the improvement of the structures and equipment of public facilities, which is undertaken pursuant to the provisions of the preceding two paragraphs, is promoted comprehensively and systematically.

(4) The national government, local public entities and enterprises that establish public facilities must increase convenience of use of the public facilities they establish for persons with disabilities, when the persons with disabilities who use the public facilities are accompanied by assistance dogs.

(Barrier-Free Access to Information)

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

(2) In addition to taking necessary measures so that required information is quickly and accurately relayed to persons with disabilities in order to ensure safety in cases of disasters or other emergencies, the national government and local public entities must give particular consideration to the convenience of

use for persons with disabilities being ensured when promoting the informatization of administration and utilization of information and communications technology in the public sector.

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

(Counseling)

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

- (2) The national government and local public entities are to develop the necessary counseling system through an organic cooperation among the relevant organs in order to respond comprehensively to various types of consultation from persons with disabilities, their families, and other relevant persons, and are to appropriately provide support to the families of persons with disabilities to enable the family members to support each other and to provide other forms of support.

(Reducing the Economic Burden)

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

(Development of Cultural Conditions)

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

(Disaster Prevention and Crime Prevention)

Article 26 The national government and local public entities must take

necessary measures relating to disaster prevention and crime prevention in accordance with the sex, age, state of the disability, and living conditions of persons with disabilities so that they are able to lead a safe and stable life in the local community.

(Protection of Persons with Disabilities as Consumers)

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

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

(Accommodation in Elections, Etc.)

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

(Consideration in Judicial Proceedings)

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

(International Cooperation)

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

Chapter III Basic Measures Relating to the Prevention of Injuries and

Diseases Causing Disability

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

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

(3) In view of the fact that the prevention and treatment of intractable diseases or the like causing disability is difficult, the national government and local governments must endeavor to promote surveys and research on intractable diseases or the like causing disability, and meticulously promote measures for persons with disabilities relating to intractable diseases or the like.

Chapter IV Commission on Policy for Persons with Disabilities

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

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

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

(i) handling the matters provided for in Article 11, paragraph (4) (including as applied mutatis mutandis pursuant to the provisions of paragraph (9) of the same Article) relating to the Basic Programme for Persons with Disabilities;

(ii) studying and deliberating those matters provided for in the preceding item and, if it finds it necessary, offering an opinion to the Prime Minister or the relevant ministers;

(iii) monitoring the status of implementation of the Basic Programme for Persons with Disabilities and, if it finds it necessary, making recommendations to the Prime Minister or to the relevant ministers through the Prime Minister; and

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

(3) The Prime Minister or the relevant ministers must report to the Policy Commission regarding the measures which have been taken on the basis of a recommendation under the provisions of item (iii) of the preceding paragraph.

(Organization and Operation of the Policy Commission)

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

members.

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

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

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

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

(Body with a Council System in a Prefectural Government)

Article 36 (1) A council or other body with a council system is established under a prefectural government (including the designated cities referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947); the same applies below) to handle the following administrative affairs:

- (i) handling the matters provided for in Article 11, paragraph (5) (including as applied *mutatis mutandis* pursuant to the provisions of paragraph (9) of the same Article) relating to the Prefectural Government Programme for Persons with Disabilities;
 - (ii) studying and deliberating matters necessary to promote comprehensive and systematic measures for persons with disabilities in the prefecture, and monitoring the status of the implementation of the measures; and
 - (iii) studying and deliberating matters requiring necessary coordination and adjustment among relevant administrative organs for the promotion of measures for persons with disabilities in the prefecture.
- (2) Regarding the composition of the members of the body with a council system referred to in the preceding paragraph, the body must give consideration to make it possible to carry out studies and deliberations that take into account the various opinions of persons with disabilities and their actual situation.

- (3) In addition to the matters provided for in the preceding paragraph, prefectural or municipal ordinance prescribes the necessary matters relating to the organization and management of the body with a council system referred to in paragraph (1).
- (4) Pursuant to the provisions of a municipal ordinance, a municipal government (excluding designated cities) may establish a council or a body with a council system to handle the following administrative affairs:
- (i) handling the matters provided for in Article 11, paragraph (6) (including as applied mutatis mutandis pursuant to the provisions of paragraph (9) of the same Article) relating to the Municipal Government Programme for Persons with Disabilities;
 - (ii) studying and deliberating matters necessary to promote comprehensive and systematic measures for persons with disabilities in the municipality, and monitoring the status of the implementation of the measures;
 - (iii) studying and deliberating matters requiring necessary coordination and adjustment among relevant administrative organs for the promotion of measures for persons with disabilities in the municipality.
- (5) The provisions of paragraphs (2) and (3) apply mutatis mutandis to cases when a body with a council system has been established pursuant to the provisions of the preceding paragraph.

Supplementary Provisions [Extract]

(Effective Date)

- (1) This Act comes into effect on the date of promulgation.

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

(Effective Date)

Article 1 This Act comes into effect on the date of promulgation. However, the provisions stated in the following items come into effect on the date specified in each item.

- (i) the provisions of Article 2 of this Act, and Article 4, Article 5 (limited to the parts relating to items (iii) and (iv) of the table referred to in the same Article), Article 8, paragraph (2) and Article 9 (limited to the parts relating to the revised provisions of the table referred to in Article 37, paragraph (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999)) of the Supplementary Provisions: the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation;
- (ii) and (iii) (Omitted)

(Review)

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

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

Supplementary Provisions [Act No. 65 of June 26, 2013 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2016.