

Act for Eliminating Discrimination Against Persons with Disabilities

(Act No. 65 of June 26, 2013)

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Chapter I General Provisions

(Purpose)

Article 1 In accordance with the basic principles of the Basic Act for Persons with Disabilities (Act No. 84 of 1970), and taking into consideration that all persons with disabilities are equal to persons without disabilities, are entitled to dignity as individuals enjoying fundamental human rights, and have the right to be guaranteed a life befitting that dignity, the purpose of this Act is to advance the elimination of discrimination on the basis of disability and to contribute to the realization of 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, by providing for the basic matters relating to the advancement of the elimination of discrimination on the basis of disability as well as measures for the elimination of discrimination by administrative organs, etc. and companies on the basis of disability.

(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 social life;
 - (iii) "administrative organ, etc." means a state administrative organ, an incorporated administrative agency, etc., a local public entity (excluding enterprises managed by a local public entity subject to the application of the provisions of Chapter III of the Local Public Enterprise Act (Act No. 292 of 1952); the same applies below in item (vii), Article 10 of this Act, and Article 4, paragraph (1) of the Supplementary Provisions) and a local incorporated administrative agency;
 - (iv) "national government administrative organ" means the following organs:
 - (a) organs within the Cabinet (excluding the Cabinet Office) or organs under the jurisdiction of the Cabinet that are established based on the provisions of laws;
 - (b) the Cabinet Office, the Imperial Household Agency, and organs prescribed in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) (when, of these organs, an organ specified by Cabinet Order prescribed in (d) is established, that organ is excluded);
 - (c) organs prescribed in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948) (when, of these organs, an organ specified by Cabinet Order prescribed in (e) is established, that organ is excluded);
 - (d) organs referred to in Articles 39 and 55 of the Act for Establishment of the Cabinet Office and in Article 16, paragraph (2) of the Imperial Household Agency Act (Act No. 70 of 1947) and special organs referred to in Articles 40 and 56 (including as applied mutatis mutandis pursuant to Article 18, paragraph (1) of the Imperial Household Agency Act) that are specified by Cabinet Order;
 - (e) facilities and other organs referred to in Article 8-2 of the National Government Organization Act, and special organs referred to in Article 8-3 of the same Act that are specified by Cabinet Order;
 - (f) the Board of Audit;
 - (v) "incorporated administrative agency, etc." means the following corporations:
 - (a) incorporated administrative agencies (meaning the incorporated administrative agencies prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999); the same applies in (b));

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

(Responsibilities of the National Government and Local Public Entities)

Article 3 (1) In accordance with the purport of this Act, the national government and local public entities must formulate necessary measures to advance the elimination of discrimination on the basis of disability and must implement them.

(2) The national government and local public entity must appropriately share roles and cooperate with each other in a coordinated manner so that the efficient and effective implementation of the necessary measures to advance the elimination of discrimination on the basis of disability is promoted.

(Responsibilities of the People)

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

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

Article 5 The administrative organs, etc. and companies must endeavor to improve the structures and equipment of the facilities they establish, and provide training for the relevant staff, and other necessary improvements of the environment in order to appropriately ensure necessary and reasonable accommodation to implement the elimination of social barriers.

Chapter II Basic Policy on the Elimination of Discrimination on the Basis

of Disability

Article 6 (1) The government must provide for a basic policy on the elimination of discrimination on the basis of disability (referred to as the "basic policy" below) in order to implement comprehensive and integrated measures for the elimination of discrimination on the basis of disability.

(2) The basic policy is to provide for the following matters:

- (i) the basic direction of the measures relating to the elimination of discrimination on the basis of disability;
- (ii) the basic matters relating to the measures for the elimination of discrimination on the basis of disability to be taken by administrative organs, etc.;
- (iii) the basic matters relating to measures for the elimination of discrimination on the basis of disability to be taken by enterprises;
- (iv) the basic matters relating to the implementation by the national government and local public entity of support measures for the elimination of discrimination on the basis of disability;
- (v) other important matters relating to measures for advancing the elimination of discrimination on the basis of disability.

(3) The Prime Minister must formulate a draft of the basic policy and must seek a cabinet decision.

(4) In formulating a draft on the basic policy, the Prime Minister must take necessary measures in advance so that the opinions of persons with disabilities and other relevant persons are reflected in the policy, and must hear the opinion of the Commission on Policy for Persons with Disabilities.

(5) If the cabinet decision has been made under paragraph (3), the Prime Minister must make the basic policy public without delay.

(6) The provisions of the preceding three paragraphs apply mutatis mutandis to any changes to the basic policy.

Chapter III Measures to Eliminate Discrimination on the Basis of Disability by Administrative Organs and Companies

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

Article 7 (1) When conducting its administrative affairs or other work, an administrative organ, etc. must not violate the rights or interests of persons with disabilities through unfair discriminatory treatment on the basis of disability compared to persons without disability.

(2) If a person with a disability expresses a clear intent that the person actually needs the social barriers to be eliminated, an administrative organ, etc., in

conducting its administrative affairs or other work, must provide necessary and reasonable accommodation to implement the elimination of the social barriers so long as the burden associated with the relevant implementation is not excessive, in accordance with the sex, age, and state of the disability of the person so that the rights and interests of the person are not violated.

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

- Article 8 (1) When carrying out its business, a company must not violate the rights and interests of persons with disabilities through unfair discriminatory treatment on the basis of disability compared to persons without disability.
- (2) If a person with a disability expresses a clear intent that the person actually needs social barriers to be eliminated, an , in conducting its business, must provide necessary and reasonable accommodation to implement the elimination of the social barriers so long as the burden associated with the relevant implementation is not excessive, in accordance with the sex, age, and state of the disability of the person so that the rights and interests of the person are not violated.

(Handling Directions for Government Employees)

- Article 9 (1) In line with the basic policy, the head of national government administrative organs and incorporated administrative agencies, etc. are to provide necessary guidelines to enable employees of national government administrative organs and incorporated administrative agencies, etc. (referred to as "handling directions for government employees, etc." below in this Article, and Article 3 of the Supplementary Provisions) to appropriately handle the matters prescribed in Article 7.
- (2) When the head of a national government administrative organ or an incorporated administrative agency, etc. is to provide handling directions for government employees, etc., it must take necessary measures in advance so that the opinions of persons with disabilities and other relevant persons are reflected in the guidelines.
- (3) When the head of a national government administrative organ or an incorporated administrative agency, etc. has provided handling directions for government employees, etc., the head or the agency must make them public without delay.
- (4) The provisions of the preceding two paragraphs apply mutatis mutandis to any changes to handling directions for government employees, etc.

(Handling Directions for Employees of Local Public Entities)

- Article 10 (1) In line with the basic policy, the organizations of local public entities and local incorporated administrative agencies are to endeavor to

provide necessary guidelines (referred to as "handling directions for employees of organizations of local public entity, etc." below in this Article, and Article 4 of the Supplementary Provisions) to enable employees of organizations of local public entities and local incorporated administrative agencies to appropriately handle the matters prescribed in Article 7.

- (2) When the organization of a local public entity or a local incorporated administrative agency is to provide handling directions for employees of local public entities, etc., it must endeavor to take necessary measures in advance so that the opinions of persons with disabilities and other relevant persons are reflected in the directions.
- (3) When the organization of a local public entity or a local incorporated administrative agency has provided handling directions for employees of local public entities, etc., it must endeavor to make them public without delay.
- (4) The national government must cooperate in preparing the handling directions for employees of local public entities, etc. to be prepared by the organization of a local public entity or a local incorporated administrative agency.
- (5) The provisions of the preceding three paragraphs apply *mutatis mutandis* to any changes to handling directions for employees of local public entities, etc.

(Handling Guidelines for Companies)

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

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

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

Article 12 If the competent minister finds it particularly necessary for enforcing the provisions of Article 8, the minister may seek a report or provide advice, guidance, or recommendations to the relevant companies regarding the matters provided for in the handling guidelines.

(Special Provisions on Measures by Employers)

Article 13 The measures for eliminating discrimination on the basis of disability against employees by an administrative organ, etc. and companies in a position as an employer are governed by the provisions of the Act to Facilitate the Employment of Persons with Disabilities (Act No. 123 of 1960).

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

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

Article 14 The national government and local public entities are to respond appropriately to consultations from persons with disabilities, their families, and other relevant persons regarding discrimination on the basis of disability, and are to take measures to develop and secure human resources and develop other necessary systems so that they are able to prevent or resolve disputes regarding discrimination on the basis of disability.

(Awareness-Raising Activities)

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

(Collection, Organization, and Provision of Information)

Article 16 (1) The national government is to collect, organize, and provide information relating to discrimination on the basis of disability and the efforts for the elimination of that discrimination both in Japan and abroad, in order to contribute to the efforts to eliminate discrimination on the basis of disability.
(2) local public entity are to endeavor to collect, organize, and provide information relating to discrimination on the basis of disability and the efforts for the elimination of that discrimination in their local areas, in order to contribute to the efforts to eliminate discrimination on the basis of disability.

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

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

paragraph may add the following persons as constituent members of the regional support council if they find it necessary:

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

(Administrative Affairs of Regional Support Council)

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

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

(3) If a regional support council finds it necessary for the exchange of information or discussions prescribed in paragraph (1) or if a regional support council receives a request from a constituent organization, etc. relating to the measures for eliminating discrimination on the basis of disability based on the consultation provided by the constituent organization, etc. or a case example relating to the consultation and the council finds it necessary, it may request other constituent organization, etc. for the provision of information relating to the person with disability who has sought consultation or the case example relating to discrimination, or for expressing an opinion or other necessary cooperation.

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

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

(Obligation of Confidentiality)

Article 19 Persons engaging in the administrative affairs of a regional support council, or persons who were engaged in the affairs of a regional support council must not disclose any confidential information they have come to know

relating to the administrative affairs of the regional support council without legitimate grounds.

(Matters to Be Provided for by Regional Support Council)

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

Chapter V Miscellaneous Provisions

(Competent Minister)

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

(Administrative Affairs to Be Handled by Local Public Entities)

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

(Delegation of Authority)

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

(Delegation to Cabinet Order)

Article 24 Beyond what is provided for in this Act, Cabinet Order prescribes the necessary matters for the implementation of this Act.

Chapter VI Penal Provisions

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

Article 26 A person who fails to make a report under the provisions of Article 12 or who makes a false report is subject to a civil fine not exceeding 200,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2016; provided, however, that the provisions of the following Article through Article 6 of the Supplementary Provisions come into effect on the date of promulgation.

(Transitional Measures Concerning the Basic Policy)

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

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

(Transitional Measures Concerning Handling Directions for Government Employees)

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

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

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

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

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

(Transitional Measures Concerning Handling Guidelines)

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

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

(Delegation to Cabinet Order)

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

(Review)

Article 7 The government is to review the state of the necessary and reasonable accommodation in implementing the elimination of social barriers prescribed in Article 8, paragraph (2) and the implementation status of this Act after three years have passed since this Act has come into effect, and is to conduct the required review based on the results, if it finds this necessary.

Supplementary Provisions [Act No. 56 of June 4, 2021]

This Act comes into effect on the day specified by Cabinet Order within a period not exceeding three years from the date of promulgation.

Supplementary Provisions [Act No. 68 of June 17, 2022 Extract] [Extract]

(Effective Date)

- (1) This Act comes into effect on the effective date of the Act Partially Amending the Penal Code; provided, however, that the provisions stated in the following items come into effect as of the dates specified respectively in those items:
- (i) the provisions of Article 509: the date of promulgation.