

Policy Trend in Japan on Independent Living

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Japan signed UN Convention on the Rights of Persons with Disabilities (CRPD), and now is arranging domestic laws for ratification. Arrangement for ratification appears in amendment of Basic Act for Persons with Disabilities and effort to establish Comprehensive Welfare Act and Anti-discrimination Act for Persons with Disabilities. New Basic Act for Persons with Disabilities expanded the category of “disabilities”, recognized Japanese sign language as an actual language, and legally acknowledged that disabilities appear in the relations with society, known as social model. To ensure these achievements in the Basic Act, we need two other laws – “Comprehensive Welfare Act” and “Anti-discrimination Act” for persons with disabilities.

As the country report from Japan, I want to mention three significant topics in arrangement of domestic laws regarding to independent living.

1. Effort for Expansion of Eligibility in Visiting Care for Persons with Severe Disabilities

In the system under current Services and Supports for Persons with Disabilities Act, there is a service item “visiting care for persons with disabilities” that covers both household and physical assistance. Eligible persons for this service are those who have severe physical disabilities. In this service, user can have long hour assistance including observation and support at the time of going out. Persons with intellectual or psychiatric disabilities, on the other hand, can receive only short hour assistance service during outing. They, however, needs long hour personal assistance service to live in community independently. Due to the lack of service, still many of them are kept into residential institutions or mental hospitals.

Services and Supports for Persons with Disabilities Act will be revised into “Comprehensive Welfare Act” in April 2013. Toward this revision, independent living centers with other DPOs appealed expansion of eligibility in visiting care for persons with disabilities to Ministry of Health, Labour and Welfare. The Ministry, however, did not reflect our appeal into implementation of the Act in 2013, but in 2014. Difficulty in independent life in community due to limitation in available service based upon types of disabilities is serious problem. We have to make further effort for establishment of law and system in which every person with disability can live independently.

2. Effort for Realization of Needs Based Personal Assistance Service Hour

In April 2012, Ministry of Health, Labour and Welfare introduced “care management system” for promotion of living in community. In this system, support counselors visit residential

institutions and hospitals, soften anxiety of persons with disabilities toward living in community, and make plan of de-hospitalization through support meetings with staffs of institutions or hospitals. This system also provides supports for looking for a room and using of necessary welfare services.

However, there is a serious problem. This system assumes that support counselors who make a support plan and monitor implementation are persons without disabilities. They may just conduct mechanical assessment by 107 computerized questionnaires to those who hope to start independent living, and submit support plan that limits the use of personal assistance service. They also tend to put priority to opinions of medial related persons or families rather than will of those who want to live in community.

Independent living centers are sure even persons with severe disabilities can manage their independent living. For realization of the system under Comprehensive Welfare Act as users have necessary service hours through direct negotiation with city officials on the support plan, we participate into the committee and continue discussion with Ministry of Health, Labour and Welfare.

3. Anti-Discrimination Act for Persons with Disabilities

Three prefectures and two cities in Japan established anti-discrimination ordinance for persons with disabilities so far with effort of civil and disability movements. Stimulated with this trend, Japanese government set up panel on anti-discrimination in Committee for Disability Policy Reform in 2010. Discussion in the panel is now at final phase toward submission of the bill of Anti-Discrimination Act for Persons with Disabilities to the Diet in 2013. The panel put together the report in this September.

Anti-Discrimination Act will not apply punishment but rule to set up mediation committee in each municipal. The mediation committee will have authority of arbitration, mediation and recommendation on cases of discrimination, and take concrete action for settlement of cases.

Japan has not had “act for rights” yet. Therefore, this Anti-Discrimination Act will be the basis for society for prevention of discrimination. Nevertheless, Japanese administration agencies, especially the Ministry of Education, are not active for establishment of the Act because of their anxiety toward enforcement of reasonable accommodation. They afraid the necessity of huge costs for, such as, provision of personal assistants for commuting to ordinal school, arrangement of school teachers and staffs, and improvement of accessibility of school, if once reasonable accommodation becomes obligation. Nonetheless, Anti-Discrimination Act is indispensable for acquisition of rights of persons with disabilities and realization of expected life. Independent living centers collaborate with other DPOs and continue to advocate for establishment of the Act.

Toward ratification and implementation of CRPD, Japanese welfare policies are in the process of huge transition. For realization of laws and systems that reflect the needs of persons with disabilities, independent living centers continue to raise the voice with other DPOs under the slogan “nothing about us without us.”