

# Disabled Persons' Fundamental Law

- Come into Effect on December 3, 1993 -

(障害者基本法)

The Japanese Society for Rehabilitation of Disabled Persons

(日本障害者リハビリテーション協会)



DISABLED PERSONS' FUNDAMENTAL LAW  
(Law No. 84 of May 21, 1970)

AMENDMENTS

(1) Law No. 80 of 1983

(2) Law No. 93 of 1986

(3) Law No. 94 of 1993

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CHAPTER I. GENERAL PROVISIONS

(Purpose)

Article 1. The purpose of this Law is to establish the fundamental principles regarding measures for disabled persons, designate the responsibilities of the State and local public entities and clarify matters to form the basis of the said measures, in order to comprehensively and systematically promote measures for disabled persons and thereby to promote the independence of disabled persons and their full participation in social, economic, cultural and other area of activity.

(Definition)

Article 2. "Disabled persons" as used in this Law means persons whose daily life or life in society is substantially limited over the long term due to a physical disability, mental retardation or mental disability (hereinafter referred to as "disability/ies").

(Fundamental Principles)

Article 3. The dignity of all disabled persons shall be respected and they shall have the right to be treated in such a manner.

2. All disabled persons shall, as members of society, be provided with opportunities to fully participate in social, economic, cultural and other area of activity.

(Responsibilities of the State and Local Public Entities)

Article 4. The State and local public bodies shall be responsible for promoting the welfare of disabled persons and for preventing disabilities.

(Responsibilities of the Nation)

Article 5. The nation shall, on the basis of the principle of social solidarity, endeavor to cooperate in promoting the welfare of disabled persons .

(Efforts to Achieve Independence)

Article 6. Disabled persons shall endeavor to participate actively in social and economic activities by making effective use of the abilities they possess.

2. The family members of disabled persons shall endeavor to promote independence of disabled persons.

(Disabled Persons' Day)

Article 6-2. Disabled Persons' Day shall be established for the purpose of raising the public awareness to the welfare of disabled persons and stimulating disabled persons' desire to actively participate in social, economic, cultural and other area of activity.

2. Disabled Persons' Day shall be the 9th day of December.

3. The State and local public entities shall endeavor to carry out projects to fulfill the aims of Disabled Persons' Day.

(Fundamental Policies)

Article 7. The measures regarding the welfare of disabled persons shall be established and carried out comprehensively under systematic coordination according to their age and to the type and severity of their disability.

(Fundamental Plan for Disabled Persons, etc.)

Article 7-2. The Government shall establish a fundamental plan regarding measures for disabled persons (hereinafter referred to as "Fundamental Plan for Disabled Persons") in order to comprehensively and systematically promote measures for the welfare of disabled persons as well as for the prevention of disabilities.

2. The Prefectures shall endeavor to establish fundamental plans regarding measures for disabled persons in the Prefectures concerned (hereinafter referred to as "Prefectural Plan for Disabled Persons") based on the Fundamental Plan for Disabled Persons in due consideration of the situation of disabled persons in the Prefectures concerned.

3. The Municipalities shall endeavor to establish fundamental plans regarding measures for disabled persons in the Municipalities concerned (hereinafter referred to as "Municipal Plan for Disabled Persons") based on the Fundamental Plan for Disabled Persons (in the event that there is a Prefectural Plan for Disabled Persons, based on both the Fundamental and the Prefectural Plans) and on the fundamental concept prescribed in Article 2, paragraph 5 of the Local Autonomy Law (Law No. 67 of 1947) in due consideration of the situation of disabled persons in the Municipalities concerned.

4. The Prime Minister shall, by discussing with the heads of the administrative agencies concerned as well as by consulting with the Central Council for the Promotion of Measures for Disabled Persons, formulate a draft of the Fundamental Plan for Disabled Persons and submit it to the Cabinet for determination.

5. The Prefectures shall, when establishing the Prefectural Plan for Disabled Persons, consult with the Local Council for the Promotion of Measures for Disabled Persons. The same shall apply to the

Municipalities when establishing a Municipal Plan for Disabled Persons, where there is a Local Council for the Promotion of Measures for Disabled Persons.

6. The Government shall, when the Fundamental Plan for Disabled Persons is established, submit a report to the Diet and make public a summary thereof.

7. The Prefectures or Municipalities shall, when their respective Prefectural Plan for Disabled Persons or the Municipal Plan for Disabled Persons is established, make public a summary thereof.

8. The provisions in paragraphs 4 and 6 of this Article shall apply mutatis mutandis to modifications of the Fundamental Plan for Disabled Persons, and the provisions in paragraphs 5 and 7 thereof shall apply mutates mutandis to modifications of the Prefectural Plan for Disabled Persons or the Municipal Plan for Disabled Persons.

(Legislative Measures, etc.)

Article 8. The Government shall, in order to achieve the objectives of this Law, take the necessary legislative and fiscal measures.

(Annual Report)

Article 9. The Government shall submit a report to the Diet annually regarding the current status of measures taken for disabled persons.

## CHAPTER II. FUNDAMENTAL MEASURES FOR THE WELFARE OF DISABLED PERSONS

(Medical Treatment)

Article 10. The State and local public entities shall take the necessary measures to provide disabled persons with the medical treatment needed to restore or provide vital functions.

2. The State and local public entities shall promote research and development in the medical treatment prescribed in the preceding paragraph.

(Admission to Social Facilities, Support for Disabled Persons at Home, etc.)

Article 10-2. The State and local public entities shall take the necessary measures to enable disabled persons to be admitted to social facilities or to utilize the services thereof in order for them to obtain appropriate protection, medical treatment, living guidance or other guidance, rehabilitation training or other training, or work in a sheltered workshop, according to their age and to the type and severity of their disability.

2. The State and local public entities shall take the necessary measures to carry out the necessary guidance or training, or to provide means for facilitating daily life, by making visits to the homes of disabled persons or other measures.

3. The State and local public entities shall take the necessary measures to provide prosthetic appliances and other devices needed by disabled persons to compensate for their disabilities.

4. The State and local public entities shall promote research and development in the guidance, training and necessary devices prescribed in the preceding three paragraphs.

(Protection, etc. of Severely Disabled Persons)

Article 11. The State and local public entities shall endeavor to provide the necessary lifelong protection, etc. for severely disabled persons who have substantial difficulties in becoming independent.

(Education)

Article 12. The State and public bodies shall take the necessary measures to improve and better the quality of and methods of education in order to enable disabled persons to receive adequate education according to their age, ability, and the type and severity of their disability.

2. The State and local public entities shall promote study and research concerning the education of disabled persons and improving their educational environment.

Article 13. Deleted

(Vocational Guidance, etc.)

Article 14. The State and local public entities shall take the necessary measures to carry out such services as vocational guidance, vocational training and employment referral in order to enable disabled persons to engage in appropriate occupations according to their abilities with due consideration for the type and severity of their disability.

2. The State and local public entities shall promote study and research concerning the types and areas of occupations which are suited for disabled persons.

(Employment Promotion, etc.)

Article 15. The State and local public entities shall, in order to promote the employment of disabled persons, take measures to give them priority in employment in the types and areas of occupations which are suited for them.

2. With respect to the employment of disabled persons, employers shall, on the basis of the principle of social solidarity, endeavor to promote their stable employment by properly evaluating their abilities, providing suitable places of employment and conducting proper employment management.

3. To reduce the economic burden on employers hiring disabled persons, and to promote their hiring and continued employment, the State and local public entities shall take the necessary measures to supply grants to defray to improve facilities or equipment for employing disabled persons.

(Judgment and Consultation)

Article 16. The State and local public entities shall take the necessary measures to ensure that various judgments and consultation services concerning disabled persons be carried out comprehensively, and be extensively utilized.

(Guidance and Counseling, etc. after Providing Services or Benefits)

Article 17. The State and local public entities shall take the necessary measures to provide disabled persons with guidance and counseling to facilitate daily life or life in society after providing services or benefits based on measures concerning the welfare of disabled persons.

(Improvement of Facilities)

Article 18. The State and local public entities shall take the necessary measures to improve the

facilities necessary to carry out the measures prescribed in paragraph 2 of Article 10, paragraphs 1 and 4 of Article 10-2, Article 12 and Article 14.

2. With respect to the improvement of facilities as prescribed in the preceding paragraph, the necessary consideration shall be given to ensure that the measures prescribed in the said paragraph are carried out systematically and comprehensively.

(Securing of Professional Technical Staff, etc.)

Article 19. The needed number of professional technical staff, teaching staff and other employees with professional knowledge or skills shall be assigned to the facilities prescribed in paragraph 1 of the preceding Article.

2. The State and local public entities shall endeavor to educate and train the staff prescribed in the preceding paragraph, other personnel engaged in services concerning the welfare of disabled persons and professionals engaged in technical services concerning devices for disabled persons prescribed in paragraphs 2 and 3 of Article 10-2.

(Pensions, etc.)

Article 20. The State and local public entities shall take the necessary measures concerning pensions and benefits to support the livelihood of disabled persons.

(Loaning of Funds, etc.)

Article 21. The State and local public entities shall, in order to assist disabled persons in starting a business, holding a job or acquiring the knowledge and skills required therefor, take the necessary measures to loan the needed funds or provide benefits.

(Securing of Housing)

Article 22. The State and local public entities shall, in order to support the livelihood of disabled persons, take the necessary measures to secure housing and promote the improvement of housing appropriate to their daily life.

(Use of Public Facilities)

Article 22-2. The State and local public entities shall, in order to enable disabled persons to easily use such public facilities constructed by the said State and local public entities as government buildings, traffic and other public facilities, give appropriate consideration to the structure of the said facilities and the improvement of equipment therein.

2. Builders of traffic facilities and other public facilities shall, on the basis of the principle of social solidarity, endeavor to improve the structure of facilities and the equipment therein, to facilitate their use by disabled persons.

3. The State and local public entities shall, with respect to the traffic facilities and other public facilities constructed by the said builders, take the necessary measures to see that appropriate consideration is given to the structure of the facilities and improvement of equipment therein, to facilitate their use by disabled persons.

(Use of Information, etc.)

Article 22-3. The State and local public entities shall, in order to enable disabled persons to use information easily and express their will, take the necessary measures to facilitate the use of telecommunications and broadcast services by disabled persons and to improve facilities providing

information for them.

2. Providers of telecommunications and broadcast services shall, on the basis of the principle of social solidarity, endeavor to facilitate their use by disabled persons when providing the said services.

(Reduction of Economic Burden)

Article 23. The State and local public entities shall, in order to reduce the economic burden on disabled persons and those supporting them, and to promote their independence, take such necessary measures as special tax provisions and reduced fees for public facilities.

(Concomitant Consideration for Measures)

Article 24. Special consideration shall be given when establishing and carrying out the measures concerning the welfare of disabled persons, to freeing their parents or caregivers from any concern after their deaths as to the life of disabled persons surviving.

(Improvement of Cultural Conditions, etc.)

Article 25. The State and local bodies shall take the necessary measures to improve facilities, equipment and other conditions, and to support cultural, sports and similar activities, to satisfy or arouse the cultural aspirations of disabled persons, to allow them to partake actively and voluntarily in recreational activities, and to enable them to play sports themselves.

(Understanding of the Nation)

Article 26. The State and local public entities shall take the necessary measures to increase the correct understanding of the nation regarding disabled persons.

### CHAPTER III. FUNDAMENTAL MEASURES FOR THE PREVENTION OF DISABILITIES

Article 26-2 The State and local public entities shall promote study and research concerning the causes and prevention of disabilities.

2. The State and local public entities shall, in order to prevent disabilities, take the necessary measures such as promoting the necessary knowledge, enhancing health measures such as maternal and child health, and promoting the early discovery and early intervention of injury and illness which cause disabilities.

### CHAPTER IV. COUNCIL FOR THE PROMOTION OF MEASURES FOR DISABLED PERSONS

(Central Council for the Promotion of Measures for Disabled Persons)

Article 27. The Central Council for the Promotion of Measures for Disabled Persons (hereinafter referred to as "the Central Council") shall be established within the Ministry of Health and Welfare.

2. The Central Council shall;

i) carry out the matters concerning the Fundamental Plan for Disabled Persons prescribed in Article 7-2, paragraph 4;

ii) investigate and deliberate on matters necessary for the establishment of fundamental and comprehensive measures concerning disabled persons; and

iii) investigate and deliberate on fundamental matters which require mutual coordination and



adjustment among administrative agencies concerned in order to promote the measures concerning disabled persons.

3. The Central Council may, with respect to the matters prescribed in the preceding paragraph, submit its opinion to the Prime Minister, the Minister of Health and Welfare or the respective Ministers concerned.

Article 28. The Central Council shall consist of not more than twenty members.

2. The members of the Central Council shall, according to proposal by the Minister of Health and Welfare, be appointed by the Prime Minister from among the officials of administrative agencies concerned, academics, disabled persons and people those who are serving disabled persons and their welfare.

3. The Central Council may have expert members to investigate and deliberate specialized matters.

4. The expert members of the Central Council shall, according to proposal by the Minister of Health and Welfare, be appointed by the Prime Minister from among academics and persons working in bodies involving disabled persons and their welfare.

5. The expert members of the Central Council shall be disbanded when investigation and deliberation of the said specialized matters is concluded.

6. The position of the members and experts of the Central Council shall be on a non-regular basis.

Article 29. The matters necessary for the administration of the Central Council other than those provided for in the preceding two Articles shall be prescribed by the relevant Cabinet Order.

(Local Councils for the Promotion of Measures for Disabled Persons)

Article 30. Local Councils for the Promotion of Measures for Disabled Persons shall be established in the Prefectures (including designated cities prescribed in Article 252, paragraph 19, item 1 of the Local Autonomy Law {hereinafter referred to as "designated cities"}; in the following paragraphs, the same applies).

2. Local Councils for the Promotion of Measures for Disabled Persons shall;

i) investigate and deliberate on matters necessary to comprehensively and systematically promote measures concerning disabled persons in the said Prefectures; and

ii) investigate and deliberate on matters which require mutual coordination and adjustment among administrative agencies concerned in order to promote measures concerning disabled persons in the said Prefectures.

3. The matters necessary for the organization and administration of Local Councils for the Promotion of Measures for Disabled Persons established in the Prefectures shall be prescribed by the relevant Ordinances.

4. Local Councils for the Promotion of Measures for Disabled Persons may be established in Municipalities (except for designated cities) in accordance with the Ordinances in order to investigate and deliberate on matters necessary to comprehensively and systematically promote measures concerning disabled persons and matters which require mutual coordination and adjustment among administrative agencies concerned to promote measures for disabled persons.

SUPPLEMENTARY PROVISIONS  
(Excerpts from Law No.94 of 1993)

(Date of Enforcement)

1. This Law shall be effective on the date of its promulgation; provided, however, that the provisions for amending the Contents (limited to the parts where "Council for Countermeasures for Mentally and Physically Handicapped Persons" shall be amended to "Council for the Promotion of Measures for Disabled Persons), the provision for inserting Article 7-2 after Article 7, and the provisions for amending the title of Chapter 4, the subtitle prior to Article 27 and paragraphs 1 and 2 thereof, paragraphs 2 and 4 of Article 28, Article 30, and the following paragraph through paragraph 4 of these Supplementary Provisions shall become effective on a date to be fixed by the relevant Cabinet Order not later than six months after the date of promulgation of this Law.

(Interim Measures)

2. With respect to the enforcement of the provision for inserting Article 7-2 after Article 7, the existing fundamental plan of the State concerning measures for disabled persons to comprehensively and systematically promote measures for the welfare of disabled persons as well as for the prevention of disabilities shall be regarded as the Fundamental Plan for Disabled Persons in accordance with the provisions of the Disabled Persons' Fundamental Law after its revision pursuant to this Law.

(Amendments to the Local Autonomy Law)

3. The attached Table 7 of the Local Autonomy Law (Law No. 67 of 1947) shall be amended by replacing the term "Local Council for Countermeasures for Mentally and Physically Handicapped Persons" with "Local Council for the Promotion of Measures for Disabled Persons," the term "Fundamental Law for Countermeasures for Mentally and Physically Handicapped Persons" with the "Disabled Persons' Fundamental Law," the term "Article 30, paragraph 1" with "Article 30, paragraph 2," the term "mentally and physically handicapped persons" with "matters necessary to comprehensively and systematically promote measures concerning disabled persons, and disabled persons," and the term "concerning mutual coordination and adjustment" with "concerning investigation and deliberation on matters which require mutual coordination and adjustment."

(Amendments to the Law for the Establishment of the Prime Minister's Office)

4. Article 4 of the Law for the Establishment of the Prime Minister's Office (Law No 127 of 1949) shall be amended by inserting after paragraph 2 the following paragraph:

2-2. Based on the provisions of Article 7-2, paragraph 4 of the Disabled Persons' Fundamental Law (Law No. 84 of 1970), a draft of the fundamental plan regarding the measures for disabled persons shall be formulated.

( translated by the Japanese Society for Rehabilitation of Disabled Persons )  
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