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1. Keynote Report on JDF Activity

Katsunori Fujii
(Board Chairman, Japan Disability Forum)

On behalf of the board members of the Japan Disability Forum (JDF), I would like to give you my keynote report on the JDF Forum of 2008.

■ History and Activities of JDF

The Japan Disability Forum (hereinafter referred to as JDF) was established on October 31, 2004. Four years have passed since its establishment. The JDF started at the end of the Asian and Pacific Decade of Disabled Persons (1993-2002). Through these ten years various organizations of persons with disabilities met together and collaborated. We wanted to continue this collaboration in some way. Just about the same time a big theme on the Convention on the Rights of Persons with Disabilities was launched. Strong voices were raised in calling for cooperation among organizations to work on the Convention, which became a big factor in the formation of the JDF.

In the past four years since its establishment, we formed a board and various specialized committees under the Representatives' meeting, and conducted unique activities and projects. The JDF consists of twelve major organizations of persons with disabilities in Japan, including some observers. The heads of the twelve organizations have formed the Representative meeting of the JDF. Under this conference, board meetings are held. In principle board meeting is held every month to discuss disability issues in various fields.

We have various activities and projects. During the past one year, we submitted to relevant government ministries and agencies requests and recommendations. Out of ten requests and recommendations, seven of them are related to the Convention on the Rights of Persons with Disabilities (CRPD). We also presented the opinions of the JDF regarding the Fundamental Law for Persons with Disabilities, which I will discuss later. We also made a protest to the Chinese government, through the Ministry of Foreign Affairs and the JOC (Japan Olympic Committee), about their policy of denying the entry of persons with mental disabilities into China at the time of the Beijing Olympics.

■ The History and the Objectives of the CRPD

In this keynote report I would like to take time to explain about CRPD which is the most important current issue of the JDF. The handout distributed to you states four major pillars. The first one is about the process and the objectives of the CRPD, which was adopted on December 13, 2006. When we look back at the process, Japan's NGOs dispatched observers to the United Nations Headquarters in New York from the first Ad Hoc Committee. We have also been engaged in lobbying and other activities. Since the adoption of the Convention in the UN General Assembly, we have been working on this issue as our most important task. Following the adoption on December 13, 2006, the Convention was open for signing in March 2007. From Japan, Foreign Minister Komura went to New York and signed the Convention on September 28, 2007 representing the 114th country. On April 3, 2008 it was ratified by 20 countries, and one month later, on May 3, it took effect.

After that on October 31 and November 1, the first Conference of States Parties was held in the United Nations. On November 3, along with the provision of the Convention, the Committee on the Convention on Rights of Persons with Disabilities was officially established in the United Nations. The Committee consists of twelve members, nine of whom are persons with disabilities. As Japan has not ratified the Convention, unfortunately we cannot participate in the Conference of States Parties. That is the brief explanation about the process of the activities of the Convention.

■ The Preparation for Ratification in Japan

Next, I would like to touch on how the Japanese Government is moving towards the ratification of the Convention and how it should move forward. First, let me introduce the statements of the government, which is the government's policy regarding the ratification of the Convention. According to the statement of the Prime Minister (Former Prime Minister Fukuda) in the Diet, the government basically would like to reach an early ratification. However, there is no clear statement as to the time of the ratification. When we met an official of the Ministry of Foreign Affairs the other day and through another meeting, a Foreign Ministry Director said he would like to have the Convention ratified during the ordinary session of the Diet next year, although it was his personal opinion. That was in the latter half of September this year. After that

during a symposium inviting Foreign Ministry officials, another official, in his personal capacity, made a statement that he would like to start the procedure of the ratification in the ordinary session of the Diet next year.

On the other hand, an official of the Ministry of Health, Labour and Welfare, who is in a manager level, said that it would be a little early to have the Convention ratified. He said that it would be necessary to work on the adjustment and revisions of affected, domestic laws; therefore, it would be difficult to have it ratified in the ordinary session of the Diet next year. Although there are several differing opinions in the government, I think that it would not take a long time for the government to ratify the Convention.

There are nine human rights conventions, including the CRPD. In the distributed handout, you can find the data on these conventions -- when they were adopted in the United Nations and when they were ratified in the Japanese Diet. It was the Convention on the Rights of Children that took the shortest time to be adopted and ratified, taking only four years and a half. After the adoption in the UN, it underwent deliberation and preparation for the improvement and revisions of domestic laws to match the contents of the Convention. CRPD was adopted only the other year, only less than two years ago. Considering the time it took for other human rights conventions to be ratified, the ratification of this Convention in the Diet next year would be a little too early. I would not say that we have to give it a long time. However, we should not make haste. I think we should give it ample time for preparation.

Each country has its own procedural methods for the ratification of conventions. In Japan, the adoption and approval in the House of Representatives is required for ratification. According to the general interpretation of the constitution, ratified conventions are placed under the Constitution, and above public laws. This means that the contents of public laws have to be parallel to the level of conventions. In other words, extremely outdated public laws would make it difficult to ratify conventions.

We, in the JDF, have repeatedly insisted that ratification should be substantial, and not for the sake of formality. It is understood that the ratification for the Convention on the Rights of Children was like this. It was planned that the relevant laws would be revised after the ratification of the Convention. However, many experts and those involved say that it did not work very well, because even after the ratification of the Convention,

domestic laws were still not revised. When we look at this fact, I believe that we should not make the same mistake. We have to make it a substantial ratification with the revisions of concerned domestic laws.

Here, let me touch upon CRPD itself. The most important is the main part, which consists of 50 articles. Let me explain the important articles among them. Of course, all the articles are important, but because of time constraints let me just mention what I think are the most important at this point.

First, Article 1 (Purpose) states the definitions of disabilities. It includes environmental factors which, in the interaction with various attitudes and barriers, would affect disabilities, on top of the impairments persons have. Article 2 stipulates “definitions,” including “Language includes spoken and sign languages,” the definition of “discrimination,” and that of “reasonable accommodation,” the latter of which is an important keyword. I think these articles of definitions, including “reasonable accommodation,” is the essence of this Convention. Article 4 explains General Principles, and Article 5 General Obligations. Article 5 touches again on “reasonable accommodation.” Article 19 stipulates “living independently” – PWDs living in the community. Article 24 and Article 27 stipulate the basic ideas of “education” and “work and employment,” respectively. Article 33, relative to implementation and monitoring, is an important article to make the Convention substantial.

By placing importance on these articles, we have been having exchanges of opinions with the government, starting with the meeting at the Ministry of Foreign Affairs on August 9 last year. Up to this day, we have had seven sessions of negotiations with the Ministry of Foreign Affairs, the Cabinet Office, the Ministry of Health, Labour and Welfare, and the Ministry of Education, Culture, Sports, Science and Technology. From now on, it is necessary to negotiate with the Ministry of Internal Affairs and Communications, the Ministry of Justice, the Ministry of Land, Infrastructure and Transport, and the Ministry of Economy, Trade and Industry.

Conventions are under the custody of the Ministry of Foreign Affairs until their approval from the National Diet. Therefore, any negotiation or exchange of opinions is done through the arrangement of the Ministry of Foreign Affairs. Recently, we had an intense exchange of opinion(s) with the Education Ministry, covering two hours, on November 27. Our honest impression was that, on the whole, there is quite a big gap in

opinions between us and the government -- like how we perceive domestic laws, and interpret articles.

■ Appeal to the Society

This issue should never be discussed and concluded among ourselves. The basic concept of the Convention on the Rights of Persons with Disabilities, from the beginning, is to consider the human rights of all citizens, especially those affected by disabilities, and including those without disabilities. Since this is a Convention for the entire society we have to let more and more citizens know about this Convention, and, have it further disseminated into the society.

To do so, in the most realistic way, we have held various forums. We regard forum held in Tokyo as central forum, and we have also held various regional forums in different prefectures, such as Aichi, Hokkaido, Kumamoto, Okayama, Osaka, etc. We are planning to hold one in Sendai this year, and I understand that another forum is being prepared in Kyoto. Here, I would like to take the opportunity to ask the regional branches of the JDF member organizations to bring many citizens to such regional forums.

As you know, we at JDF, have created an easy-to-understand brochure on the Convention, entitled, "We are all different and being together! The Convention on the Rights of Persons with Disabilities," so that high school students, or even junior high students, can understand this Convention. As a companion volume, a handout, "Changing the Society through the Convention on the Rights of Persons with Disabilities," is published by the Fukushi Shimbun. It is available here today, and I would like to ask for your cooperation to disseminate this handout.

You may have noticed this "Yellow Ribbon Badge" on my chest. It has the design of a yellow ribbon, and it costs 300 yen. We are making an effort to disseminate this badge widely. I cannot see because of my visual impairment, but are you wearing the same badge on your chest? I believe so. If not, please wear it.

■ Current Issues

I have spent much time explaining about the Convention on the Rights of Persons with

Disabilities. Now let's look at the disability sector as a whole. Besides the Convention, there are various important and urgent issues. Although some of them are related to the Convention, we cannot be engrossed too much in the Convention alone. The biggest issue we are facing now is the periodic revision of the Fundamental Law for Persons with Disabilities. This law will be five years old in June next year. The appendix of this law has a provision which states that the law should be revised every five years. This is legislation by House members. The Cabinet Office and other concerned agencies are working on it so that the outline of the revision will be done within this year. The JDF has already submitted a request concerning this to the Cabinet Office.

There are various important points here. To name a few, the clarification of the definition of disabilities, how concepts, like "reasonable accommodation" and "discrimination" should be reflected in the entire law, measures to strengthen the Central Council for the Promotion of Measures for Disabled Persons, etc., should especially be given attention. As we have discussed, the revision of the Fundamental Law for Persons with Disabilities, and the creation of the Anti-disability Discrimination Law, as a substantive law, which the JDF has been demanding, will surely be topics. Actually, the more substantial the fundamental law will become, the better the effects we can expect in the improvement of concerned laws, which will be done at the time of the ratification of the Convention. With regards to the revision and creation of necessary laws, we have to make sure that the revision of the Fundamental Law for Persons with Disabilities is substantial, as it would pave the way to a substantial ratification.

To summarize the important points, the revision of the Services and Supports for Persons with Disabilities Act every five years, the revision of the Law to Support the Independence of Persons with Disabilities every three years, and the ratification of the Convention on the Rights of Persons with Disabilities – these are the current important measures, and it is important to regard all of them as interrelated. We also have some international issues, including the promotion of the Asia Pacific Disability Forum (APDF), which has a plan to organize the International Conference in Hanoi in autumn of 2010, for your early information. Because of time constraints, I shall not touch on other international issues.

■ The Features of This Seminar

Lastly, I would like to give you three features of this seminar.

One of them is that we have invited a wonderful guest, Ms. Tina Minkowitz from the United States. She is one of the representatives of the NGO who actively endeavored during the process of drafting the Convention on the Rights of Persons with Disabilities in the Ad Hoc Committee in the United Nations. She is a person with a mental disability herself, and a lawyer by profession. Let us listen to her presentation for a deeper understanding of the substance of this Convention.

The second point is the main theme of this afternoon's session, which is "reasonable accommodation." The word "reasonable accommodation" is interpreted as "reasonable measures" or "reasonable facility" in French, and "justified improvement of conditions," in Korea. In Japan, attention is paid as to how it is clarified, especially in labor and educational policies. Inside public administration, it is being deliberated in meetings of the government including the government and private sectors.

The third point I would like to mention is the exchange and interaction among the JDF members. I especially hope the exchanges will deepen our understanding of the challenges and focus in each organization. The JDF consists of twelve organizations, including observer organizations. However, a limited number of organizations are allowed to make a presentation in a place like this. Today, we have asked the organizations that are not so big to give a presentation. The theme of the presentation is the term, "reasonable accommodation." You may also present the challenges and difficulties you may have experienced. I hope this will be a place of fruitful exchange and interaction.

This concludes my keynote report for today's forum. Thank you very much.

Presented at the Seminar held by JDF on November 29, 2008.

Translated by JANNET in February 2009.

2. Japan Disability Forum (JDF) and its activities on CRPD

**Kiyoshi Harada
(Secretariat, JDF)**

Japan Disability Forum (JDF) was established in 2004. It presently consists of 12 national level organizations of/for persons with disabilities. (List shown below)

JDF has been actively involved in the activities to promote the Convention of the rights of Persons with Disabilities (CRPD).

JDF sent a group of its members to each session from 1st through 8th of the Ad-hoc Committee of the Convention, which were held in UN headquarter in New York, and participated in the discussions as an NGO. Within Japan, JDF regularly talked with the Japanese Government on the issues raised in the Ad-hoc committee.

After the adoption of CRPD in 2006, JDF continues regular talks with the Japanese Government towards the ratification of the Convention.

JDF also holds a series of "Local Forums (lecture and discussion events on CRPD)" in conjunction with the organizing committees of prefectural organizations, in order to stimulate the movements related to the Convention throughout Japan.

In order to raise public awareness, JDF published a brochure on the Convention, which is aimed mainly for those who read about the Convention for the first time. Also JDF promotes the "Yellow Ribbon", a symbol of our activities to promote the rights of persons with disabilities.

History of JDF's recent activities are as follows;

I. Talks between JDF and Japanese Government (after the adoption of CRPD)

1. August 9, 2007

An overall talk on CRPD, with the Ministry of Foreign Affairs, and other relevant Ministries.

2. February 14, 2008

A talk mainly on the issues related to the Cabinet Office

3. May 26, 2008

A talk mainly on the issues related to the Ministry of Health, Labour and Welfare

4. August 26, 2008

A talk mainly on the issues related to the Ministry of Education, Culture, Sports, Science and Technology

5. October 17, 2008

A talk mainly on the issues related to the Cabinet Office

6. October 29, 2008

A talk mainly on the issues related to the Ministry of Health, Labour and Welfare

7. November 27, 2008

A talk mainly on the issues related to the Ministry of Education, Culture, Sports, Science and Technology

II. JDF Local Forums for the promotion of CRPD

1. Local Forum in Tokai Area

Date: February 16, 2008

Venue: Nagoya City, Aichi Prefecture

2. Local Forum in Hokkaido

Date: March 29, 2008

Venue: Sapporo City, Hokkaido Prefecture

3. Local Forum in Hokkaido

Date: March 29, 2008

Venue: Sapporo City, Hokkaido Prefecture

4. Local Forum in Kumamoto

Date: March 29, 2008

Venue: Kumamoto City, Kumamoto Prefecture

5. Local Forum in Okayama

Date: November 1, 2008

Venue: Okayama City, Okayama Prefecture

6. Local Forum in Osaka

Date: November 5, 2008

Venue: Osaka City, Osaka Prefecture

7. Local Miyagi Forum in Sendai

Date: To be held on February 6, 2009

Venue: Sendai City, Miyagi Prefecture

Appendix:

Japan Disability Forum (JDF) Member Organizations

Japanese Federation of Organizations of the Disabled Persons

Japan Federation of the Blind

Japanese Federation of the Deaf

Japan Council on Disability (JD)

Japan National Assembly of Disabled Peoples' International

Inclusion Japan

Spinal Injuries Japan

Japan National Council of Social Welfare

Japanese Society for Rehabilitation of Persons with Disabilities

Japan National Group of Mentally Disabled People

Japan Deafblind Association

All Japan Association of Hard of Hearing People

(Currently 12 member organizations)

3. “NEW JICA and Disability Issues”

Kaoru Ochi
(Social Security Division, Human Development Dept, JICA)

JICA (Japan International Cooperation Agency) is an implementation agency for Japanese ODA, focusing on institution building, organization strengthening and human resource development that enable developing countries to pursue their own sustainable socioeconomic development. It has wide range of cooperation fields and disability issue is one of them.

JICA was previously an agency only for technical assistance. From October 1st 2008, it has merged with the concessionary loan department of the Japan Bank for International Cooperation (JBIC) and took the role of implementer of grant aid, too. Different forms of assistance previously administered by separate agencies were therefore, started to be managed by a single entity and new JICA became the biggest organization in the world as a bilateral assistance agency. In this occasion, I would like to express some of my thoughts and expectations on how this change can influence on JICA's future activities on disability and development.

JICA's strategy on disability issue has been based on “twin-track approach” which aims to facilitate “the empowerment of persons with disability and their families” and “the mainstreaming of support for persons with disabilities in all JICA projects”. JICA started the cooperation on disability issue in 1970's and gradually accumulated the experience of the activities on empowering disabled people. For example, JICA's technical cooperation project, APCD (Asia-Pacific Development Center on Disability) which was built in Bangkok by Japanese grant aid in 2004 originally fostered some persons with disability extended its network and currently assist capacity building even in 32 countries. Similarly, projects to develop rehabilitation professionals in China and Chile were successful to indirectly empower persons with disabilities, and now it is the stage to spread the outcomes of those projects throughout countries. Although we have many experience and good practices on empowerment however, the practices on mainstreaming still remain limited and lessons learnt from/with persons with disabilities are not fully incorporated into JICA's schemes.

Making its launch as a renewed organization, new JICA has announced an all-new

Vision; “Inclusive and Dynamic Development”. This is remarkable that the vision embraces the term “inclusive” which we believe, aims to realize the world where all people, beyond difference of disability, ethnics, religion, sexuality and generation, become aware of their challenges, proactively participate in the process of resolutions and enjoy the benefits of development. To put this inclusive value into practice, new JICA should promote mainstreaming of disability issue into JICA schemes more than ever. Good news for us is JBIC already had a disability check list and succeeded to implement and plan some major loan projects paying consideration to persons with disabilities; such as barrier-free designs of airports, railways, subways, museums and universities. This knowledge and experience could be introduced to new JICA.

Change to new JICA is a big opportunity to facilitate mainstreaming more dynamically. But at the same time, I strongly believe JICA should continue our grass-roots cooperation on persons with disabilities. Indeed, I often heard that JICA group training courses such as “leadership development” or “vocational rehabilitation” which both have long histories, are strong tool to influence individual persons to create more inclusive societies in their regions. As a staff working with JICA, I am looking forward using this new organizational change as an opportunity to facilitate more dynamic mainstreaming as well as continue bottom up approach to create inclusive society for all.