

Information Booklet

From No to Yes

CONTENTS

Introduction	2
Human Stories	4
Would You Go See a Doctor Who Cannot See?	5
What are Public Housings for?	8
Attention! Disqualifying Clauses are near You - at Public Bathhouses, Swimming Pools, etc.	11
Please Do not Judge Me by My Disability but by "Whether I can Do it or not!"	14
Is Hearing Necessary to Driving?	17
Reference Part	20
Laws overtly discriminated people with disabilities.	21
Voices and Actions by People who Experienced (***) Disqualifying Clauses	24
"HOW TO" Part	
Aiming at Creating a Society Where People with Disabilities can be in Various Places!	30
It is not natural not to see "people with disabilities" in town.	31
What are the things you cannot do when you have disabilities?	32
People who are already provided care and people who are not.	33
【Information and Reference】	
Person with hearing impairment who is studying to become a pharmacist: Kumi Goto	1
The Japanese System behind other countries in the World: Situation in Japan on Issuance and Renewal of Drivers' License	19
Result of revising "63 measures"	23
The 2001 Diet additional resolution	23
Abbreviated Chronological Table	27
Column	29
Checklists of Reasonable Accommodations in License Examinations, etc.	34
Organizations that Work in Related Areas	36



薬剤師の道を目指す
聴覚障害者

ひと
後藤 久美さん

患者が、聞こえる人が聞こえない人か、に関係なく接し
ていける薬剤師になりたい。
そう思い続けて一昨年春、
東京都内の薬科大学を卒業
し、薬剤師国家試験に合格し
た。しかし、免許の申請は昨
年九月になって却下された。
聴覚障害があると明らかに
して免許申請した初めてのケ
ースだった。薬剤師法にある
「欠格条項」に該当する、と
厚生省は説明する。体や心に
障害があるという理由で、免
許や資格を制限する制度だ。
理系の教科が得意で、生か
せる仕事があった。薬剤師
の母の影響も受けた。「欠
格条項」は知っていたが、挑
戦する人が出れば制度も変わ

るのではないかと。
国家試験の合格は、猛勉強
の末、得たものだ。大学は講
義のノートを取る人を付けて
くれ、友だちと勉強を教え合
った。申請を却下され「青春
を返して、と言いたくなりま
した」とため息をつく。
確かに、もし自分が薬剤師
になれば、職場での意思の疎
通に筆談やファクスを使う必
要が出てくる。しかし、聴覚
障害者が気軽に通える病院や
薬局があつていい。専門職と
して働く人が増えれば、障害
者が当たり前前に社会に出る雰
囲気が広がると思う。
現在は都内の大手製薬会社
に勤め、市販後の薬のデータ
分析などを担当している。障
害をサポートする態勢がある
今の会社に不満はないが、患
者と接する仕事がしたいとい
う気持ちは募る。
週末、聴覚障害がある子ど
もたちが通うフリースクール
で「お姉さん」役を務める。
「子どもの可能性は無限だ
としみじみ感じるんです。そ
れを妨げるものを全力で取り
除き、夢の幅を広げるのが私
たちの役割だと思えます」
政府は「障害者が不必要に
排除されていた可能性もあ
る」として二〇〇三年までに
「欠格条項」を見直す方針を
打ち出し、これから具体的な
検討に入る。

文 井田香奈子
写真 野上 伸悟

就職後、一人暮らしを始めた。いまは何事も経験かなと思う。24歳。

P1

January 28, 2000, *Asahi Shimbun*

Person

Person with hearing impairment who is studying to become a pharmacist:

Kumi Goto

"I want to be a pharmacist who can treat patients, whether they can hear or not."

She kept thinking this way and graduated from a pharmaceutical college in Tokyo in spring two years ago and passed the national exam for pharmacists. However, her application for the license was rejected in September last year.

She was the first case to apply for the license while she declared that she has a hearing disability. The Ministry of Health and Welfare explained that the "disqualifying clause" in the Pharmacists Law was applied to her case. Disqualifying clause are measures that restrict the eligibility for license or certification on grounds of physical or mental disabilities.

Ms. Goto was sharp at math and science and wanted to find a job she can make the best use of her talent. Her mother, who is a pharmacist, influenced her. She knew the disqualifying clause, but she expected that, if someone challenged the exam, the system might change.

Her success in the examination was a result of her hard study. The college prepared a note taker for her, and she and her friends taught each other. She sighed and said, "When her application was rejected, she felt a temptation of saying, 'Give back my adolescence!'"

She was sure that, if she become a pharmacist, writing messages or sending faxes to communicate with others would be required. However, there can be hospitals and pharmacies people with hearing impairment can casually come. If more people with disabilities work as experts, more people will come to think that social participation of disabled people is natural.

Currently, Ms. Goto works at a major pharmaceutical company in Tokyo and analyzed the data of drugs after they are sold at market. She has no complain about the company she now works because the company is equipped to support employees with disabilities. However, her desire to work with patients has become stronger.

On weekends, she served as a "big sister" at a free school for children with hearing impairment.

"I keenly feel that the children have limitless possibilities. I think our role is, at any cost, to remove obstacles, which hinder possibilities of these children, and to broaden their ranges of dreams."

The government realized that there was a possibility people with disabilities had been unreasonably excluded and set a policy to revise disqualifying clauses by 2003. The government will work on a detailed study of the issue.

Written by Kanako Ida

Photo by Shingo Nogami

After she found a job, she started living by herself. She now thinks everything is worth experiencing. She is 24 years old.

Ms. Kumi Hayase (whose maiden name is Kumi Goto) passed the national exam for pharmacists in 1998. Her application for the license to practice pharmacy was rejected due to the disqualification clause, which said the license would not be issued to people with hearing impairment; she kept sending her message.

Approximately one month after the above article appeared in the newspaper, the Japan Pharmaceutical Association judged that there was no ground for closing the door to those who passed the national exam for pharmacists. The disqualifying clause of the Pharmacists Law was reviewed and the clause was deleted; Ms. Hayase was able to receive the license in 2001. Comments of Mr. Saya, then-President of Japan Pharmaceutical Association in 2000, is introduced in page 20 of this booklet.

P2

Introduction

Disqualifying clauses on disability are, written in various ways, provisions in laws which say "people with disabilities cannot do such and such." Those whose opportunities are not blocked or restricted can do even without knowing the words; however, for those who have blocked their possibilities to find a job they wished and to obtain eligibilities necessary in their life, the law is a serious problem which would determine the course of a lifetime. Their chagrin and anger from being discriminated by laws are beyond our comprehension.

When one is disabled, people tend to think "He or she cannot do this and that." In reality, however, it is much harder to find what disabled people cannot absolutely do than to find what they can. Furthermore, the development of science technology has broadened the range of what people with disabilities can do - a car that people can drive with one finger, for instance.

In the modern society, many things have shifted "from NO to YES." Since the government announced the policy to "revise disqualifying clauses" in 1999, some of them have been abolished or changed from absolute grounds for disqualification to relative grounds for disqualification. During these changes, people with disabilities were not just waiting for the "YES" without doing anything. Behind the elimination of disqualifying clauses, there are stories of brave people who opened the new door of opportunities.

This booklet was written to provide you with opportunities to read with other people in workplace, school or your neighborhood and to think why there are no people with disabilities in your workplace, why students with disabilities are not studying next you, or why you do see more people with disabilities in town.

Disqualifying clauses to be abolished still exist. Let's take actions together.

March 2007

Citizens' Committee to Eliminate
Disqualifying Clauses on Disability

P3 CONTENTS

P4

Human Stories

Photo: Mr. Nobuyuki Kurosaki from the Human Story No.5

"Is Hearing Necessary to Driving? - Reviewing Disqualifying Clauses and Driver's License"

At a symposium on Oct. 15, 2006

P5

1. [JOB] Would You Go See a Doctor Who Cannot See?

Yes! That person passed the national exam. I believe that such doctor would understand hard feelings of patients more than a doctor who has experienced the same frustration as patients do!

He graduated from a medical college in 1982. He was not qualified because he could not see.

It was the year 1982 when Mr. Akihiro Osato graduated from Tokyo Medical and Dental University. He was deprived of hisight while he was in college and later became totally blind. At that time, there was a disqualifying clause on disabilities, "those who are blind" were not even allowed to take the national exam; he had no choice but to become a practitioner of acupuncture, moxibustion and massage.

Disqualification cause on disability on exam was abolished. He challenged the national exam 20 years after his graduation!

Right after Mr. Osato learned that he became qualified to take the national exam for medical practitioners from the year 2003, he started studying. He studied very hard by asking volunteers to read workbooks and touching to read electrocardiographic waveform. His diligence and concentration made him pass the national exam in March 2005.

Can't he take clinical trainings due to a lack of understanding by hospitals?

If you pass the national exam, a temporary license is issued in May and you will start clinical trainings. His excitement of passing the exam did not last long;

no hospital could have Mr. Osato because most hospitals did not think that people with visual impairment would practice clinical trainings. He wanted to practice his clinical trainings at psychiatry, and he is required to practice clinical trainings at seven services.

P6

He passed an interview to issue the license.

Many people thought it unfair that Mr. Osato, who passed the national exam just like those who are without disabilities, was not provided the license. People, who hope that they want doctors just like Mr. Osato who can understand anxiety and pain associated with diseases and disabilities, cheered him up and supported him. On September 20th, as long as six months passed after the day Mr. Osato passed the exam, he took an interview at the Ministry of Health, Labour and Welfare with doctors and Medical Profession division officials. Mr. Osato replied even tough questions such as "How can you tell changes in patients' facial expression?" On September 30th, the Ministry issued the registered certificate. The certificate in Braille was also attached.

He likes to respect a patients' right to choose a doctor.

Mr. Osato is currently practicing his clinical trainings at a psychiatric service. In a radio program, he talked to another doctor with a visual disability, who has practical intervention at a psychiatric services for a few years. The doctor said, "I inform my patients in the first intervention that I have a visual disability. Then I ask them whether they mind my recording this intervention. Almost all patients say, 'No problem.'" No one has ever said, "I may have a problem with recording." Mr. Osato had wondered when to tell he would tell them about his disability at the beginning. Mr. Osato came to think that, if patients say, "That's not good" then he would just let them choose another doctor, because he is not the only doctor.

Patients will get used to and see him as a doctor.

In a unit at a private hospital, when he informed his disability, some patients asked nurses, "Can he examine patients, if he can't see?" However, these patients came to see Mr. Osato, and ask for prescriptions. Patients accept Mr. Osato as a doctor whether he is disabled or not.

P7

Benefits of existence of doctors with disabilities.

It may be medical experts, who are his co-workers, that are puzzled more than patients are. Doctors may be used to patients with disabilities, however, they may not know how to help their co-workers with disabilities; As they work together, doctors without disabilities will realize in what difficulty doctors with disabilities face. Doctors without disabilities can make the best use of the knowledge they get from working with doctors with disabilities when they see patients with disabilities. This is also a benefit for patients.

Universally designed medical records are necessary.

It is also a challenge that visually-impaired doctors can't read medical records other doctors wrote. However, this would not be a problem only among doctors. There will be more nurses, pharmacists and other medical experts who have disabilities. There is also a trend that medical records are presented to patients. Police officers and legal experts such as lawyers may need to see medical records. It is possible that the existence of doctors with disabilities become a chance to promote a barrier free environment that will influence many people.

P8

2. [HOUSING] What are Public Housings for? – Systemic Flaw that Independence of People with Disabilities Revealed. Persisting Negotiations Amended the Law!

Unforgettable chagrin! Harassment by landlord and violence by Housing division's officer!

Mr. Kenichi Okubo started living independently after graduated from school for children with disabilities in Kiryu City, Gunma Prefecture in 1995. He finally found a house to live after visiting nearly 40 houses. However, harassment by the landlord was so severe that he decided to apply for public housing, since he thought that landlords of private housings would not be able to understand that people with disabilities live by themselves.

When he went to the City Hall to apply for public housing, an officer asked Mr. Okubo, "Why don't you live with your parents?" Then the officer told him, "You'd better go to an institution". The officer would not even hand an application form to Mr. Okubo. He finally obtained a housing application, filled it in and went to the Housing division to submit it. His wheel chair was suddenly taken outside the City Hall, and his application was thrown at Mr. Okubo.

He still cannot forget the chagrin and anger he felt at that time.

Can't disabled people who need care live alone in public housings?

Public housing are by nature built and managed by prefectures and municipalities for people who have difficulty in living in a private housing for various reasons. In 1980, the elderly and people with physical disabilities (and later, those who live on welfare) who live alone also became able to live in public housing even if they live alone, because these people had a difficulty finding a housing.

However, because many prefectures and municipalities think people with disabilities who need care all the time would live either with their families or in institution, some local governments even said, in their advertisement for single-person occupancy rooms, "Those who need care cannot apply for these rooms."

P9

We won the revision of enforcement regulations through negotiations with government agencies.

The Citizen's Committee to Eliminate Disqualifying Clauses on Disability was established in May 1999. we addressed the problem of public housings in our first negotiation with government agencies. At that point in time, Government officials seem to have not been able to imagine people with disabilities live by themselves. As we explained to government officials, they came to learn people with disabilities not live with care by their family members or in institutions but use care services to live in communities. In 2000, Public Housing Law Order was amended and the government revised the advertisements to recruit tenants.

We also want to live in communities! We want to leave the hospital!

Slots for single-person occupancy rooms in public housing were only for people with physical disabilities. Like people without disabilities, people with intellectual and mental disabilities were not allowed to live in a public housing, unless they live with their family. When people with intellectual disability tried to get out of an institution to live in a community, or when people with mental disability tried to leave the hospital, they cannot find a place to live because of expensive rent and/or discrimination and bias. That had been an obstacle to their independence and discharge.

Hooray!

With other organizations for people with disabilities, the Citizen's Committee to Eliminate Disqualifying Clauses on Disability submitted to the Ministry of Land, Infrastructure and Transport the "Petition Calling for Allowing Disabled People to Live by Themselves in Public Housings" in September 2002. Then we talked with the Housing Division of the Ministry. At the meeting, people with intellectual disability spoke their hard situation, which had never been heard by either the national government or municipalities.

In December 2005, the Public Housing Law Ordinance and the Public Housing Enforcement Regulations were revised (became effective in February 2006). From a housing aspect, the Ministry of Land, Infrastructure and Transport finally came to work on solutions to the issues regarding living alone of intellectually disabled people and "social hospitalization" of mentally-disabled people (which means people, although they don't need to be in the hospital, cannot leave the hospital because the society is not ready to have them).

P10

Future Challenges

The government had allocated the budget to institutions for intellectual disabled people and mental hospitals; it has hardly spent its budget and energy to efforts to living of people with disabilities in a community. As a result, there are currently a few disabled people who can satisfy the requirement that they have support organizations or medical institutions they can contact at any time. This situation has been an obstacle to their living in public housings.

It is a historic and global trend that people with disabilities live in a community.

Do not demand that people with disabilities should do everything by themselves; let's support their "independent living with care and support."

P11

3. [LIFE AND SOCIAL PARTICIPATION] Attention! Disqualifying Clauses are near You - at Public Bathhouses, Swimming Pools, etc. Is the clause deleted twenty years ago still alive!?

A public bathhouse lover was surprised.

Ms. U, a staff member of the Citizen's Committee to Eliminate Disqualifying Clauses on Disability likes to go to public bath houses. She was surprised when she dropped into a public bathhouse and saw a notice on the wall which says, "By the law, people with mental illness are not allowed."

Until 1987, the Article 4 of the Public Bath Houses Law says, "Operators should deny bathing of people with epidemic diseases **or mental illness who possibly blanket others' bathing**. However, by departmental instruction, this is not applied to public bath houses, which are used for medical treatments and established by a governor.

Local Regulations prevent people with mental illness from entering into swimming pools!

We wrote "until 1987" above because, in that year, the words in the green was deleted from the Article 4 of the Public Bath Houses Law when the Law was revised.

In Setagaya Ward in Tokyo, however, in as early as 1972, residents, people with disabilities and involved parties brought the notice into question claiming that it was not right that a local regulation prevented people with mental illness from entering into swimming pools. The words "No People with mental illness allowed" were deleted from notice boards at swimming pools in 1974.

P12

People with a mental disability cannot sit in on equity commission of municipalities!

There is a reference for municipalities when they draft ordinances. The reference is titled the *Guideline of Municipalities' Illustrative Rules and General Standards*. In the summer of 2000, a youth who was preparing for a bar exam found a rule that "people with mental disorder cannot sit in on equity commissions which consider whether officials of municipalities should be punished. He reported the rule to the Citizen's Committee to Eliminate Disqualifying Clauses on Disability. We immediately investigated facts; we found the similar words were included in rules of 24 municipalities' equity commissions and 77 municipalities' boards of education.

A disqualifying clause is included without caution when it is included in a guideline.

After the mass media covered the existence of disqualifying clause in ordinances in ordinances, the Citizen's Committee to Eliminate Disqualifying Clauses on Disability was surprised to be contacted by municipalities, even before the Committee inquired these municipalities, to inform that they had deleted the wording in question from their ordinances or that they had changed ordinances. These municipalities did not include such provision with any grounds but they did simply because they copied the wording from the Guideline.

The Ministry of Home Affairs, which edited the "Guideline of Municipalities' Illustrative Rules and General Standards," stated, "There was a time such restrictions were common. We overlooked the provision when we revised the Guideline. This is clearly a mistake." The Ministry decided to remove this provision, and sent the corrected page to the Guideline's subscribers (mostly municipalities).

Where did the promise to "make efforts to eliminate discrimination and prejudice?"

When the "Mental Health Act" was revised in 1987, the Diet adopted a resolution that would "discuss restrictions of license against people with mental disability, and make necessary efforts to eliminate unjust discrimination and prejudice in the society against people with mental disability."

13 years have passed since the resolution, but the national government still overlooks the remaining disqualifying clauses; it is doubtful that the government has "made necessary efforts" to eliminate discrimination and prejudice in the society.

P13

A letter of Ms. U and reaction of the manager of the public bath house

Ms. U was surprised at the notice on the wall of the public bath house. While she was not sure how much the manager of the public bath house would listen to Ms. U's thoughts, because there are less and less public bath houses in the area and the manager is old. But Ms. U wrote a letter to the manager. In the letter, she explained to the manger that the law changed nearly 20 years ago and the number of people who suffered mental disorder were little than that of those who suffer from physical fitness, and that public bath houses are useful for people with mental disorder to get relaxed.

She went to the public bath house after a while she wrote the letter to the manager, and the notice was removed from the wall.

Taking public bath houses as an example, let's think about correct expressions.

In the past, a notice at a public bath house which said "No Foreigners" became a problem. When public bath house's managers were asked why foreigners were the problem at public bath houses, the managers' answers included that foreigners get into a tub without washing their bodies, they put towels in a tub and they poured water into a tub to lower the water temperature.

Some foreigners understand bathing manners and don't commit these things. On the other hand, some Japanese may do these things if they were raised abroad or if they have never been to public bath houses or hot springs. Therefore, what public bath houses managers should do is not to put a notice "No Foreigners" but to explain what are not supposed to do by using illustrations and so on and to forbid these behaviors.

Check ordinances and regulations as well as billboards and notices in the public domain.

Disqualifying clauses against people with mental disability exist in a wide range of fields such as the utilization of public facilities and employment in certain occupations. These clauses are now in the process of elimination or revision. It is possible, however, that municipalities' regulations and notices seen in our daily life may remain the same even after national laws are revised. When you notice such case, bring yourself to make an issue.

P14

4. [HOBBY AND SPORTS] Please Do not Judge Me by My Disability but by "Whether I can Do it or not!"

A strategy of the Yacht Aid Japan and their Powerful Action

Mr. Otsuka and YAJ

Mr. Masaru Otsuka is a company president and loves yacht. For the purpose of not only he enjoys sailing by himself but making other disabled people enjoy sailing, he organized Yacht Aid Japan (YAJ) in 1990. Those who cannot run fast on land can cut the water while they are cruising in a yacht. Mr. Otsuka told his friends how to navigate a yacht and sent him out with pride saying, "Go get the license!" However, they were far from taking the exam to get a license; they did not pass a physical examination

Allowed abroad. Why not in Japan?

YAJ researched the situation and found out that, in order to pass the physical examination of a small craft license, one needs to walk, jump and stand on one leg with no problem. Then YAJ wondered whether it is the same in foreign countries and asked by email to board members of the International Association for Disabled Sailing; they found out no country imposed such tough condition like Japan did.

Armed themselves with knowledge, make a strategy and negotiate with government agencies

When you negotiate with the national government, it is sometimes important to ask lawmakers to set up a meeting with government officials responsible. It is also necessary to arm oneself with knowledge and to make yourself look that you are the expert in order to change the mind of government official, who would come to the meeting with the references they prepared before the meeting. Mr. Otsuka is rather a person who usually outnegotiates the others; however, this time he developed an in-depth strategy. He also actively pressured the Ministry of

Transport (then) to reconsider the disqualifying clause through actions such as submitting a report on the survey regarding foreign system to the Ministry, to incorporate the phrase "eliminate the disqualifying clause" into a report written by the Special Committee on Administrative Reform, and, furthermore, to make the Committee's interim report on disqualifying clause revision include a sentence, "We would rationally reexamine the small craft license."

Win the media over to our side.

The mass media will not cover your story as far as you are talking about disqualifying clauses which is not familiar to the general public. The Paralympics is a good opportunity to draw attention to sports for people with disabilities. Mr. Otsuka publicly sought athletes to participate in the Sydney Paralympics Games and held an event for people with disabilities to experience sailing. Mr. Otsuka's strategy was a success. The event was covered in major newspapers with photos. "*Tensei Jingo*," a famous column of the Asahi Shimbun, one of the national major newspapers in Japan introduced that sailing would be included among Olympic events, people with disabilities came to cruise in a yacht, and sailors without disabilities support disabled sailors as volunteers. The column also explained the craft licenses, and pointed out, "People's minds are little ahead of those of government officials."

Envision how you want the license exam to be.

Through his negotiations with the Ministry of Transportation officials, Mr. Otsuka found out that they lacked the idea of "eliminating disqualifying clauses." Rather, they would say, "This time, we will allow people who lost their elbow(s) to take the exam" and kept making slight changes, with the related data attached.

Lest the government took the initiative through the whole negotiations, Mr. Otsuka decided to underline the goal (achievement of the negotiations). That is, he set the standard "one can board an examination boat" as a goal to achieve.

Not only government agencies but also experts as well as ordinary people tend to think that types of disabilities and the degree of disabilities have relations to one's performance.

P16

However, disabilities show not one's ability but one's situation. One cannot prove his or her ability unless a chance is provided to demonstrate the ability. Disqualifying clauses which deprive people with disabilities of chances to prove their ability are not either equal or fair.

In 2001, the Ministry of Land, Infrastructure and Transport accepted Mr. Otsuka's claim which is "The government judge disabled people not by their disabilities but their ability." The Ministry changed the way of conducting the physical examination to "see whether one has a physical ability to safely maneuver a small boats."

Changing a way of thinking and mind of involved parties is essential to change a system.

Just revising system is not the end of a story. Mr. Otsuka talked to examiners so that they could understand changes in the system. The examiners came to support people with disabilities except for when they teach sailing techniques. Mr. Otsuka also took a part in the development of "*Safety Manual - Preparation for Small Craft License Lessons Applying to Students with Disabilities*," related videos and CDs to help sailing schools to have students with disabilities.

Promoting barrier-free facilities is helping disabled people obtain the small craft license

Although they cannot step on the gas or brake, people in wheel-chair can take a driving test and obtain a driver's license by using a car with the hand control attached. If there were a yacht disabled people can sail with sitting in a chair, Mr. Otsuka thought that more people with disabilities would come to enjoy sailing. Then he developed a yacht for people with disabilities, modeling after an imported yacht.

Now, he is persuading the government to allow people with disabilities to take the small craft license exam with the yacht for people with disabilities.

What's more, he tried to promote barrier-free of marinas, from where people boarding a yacht; he did not wait for the government to develop a guideline for facilities but he developed by himself "The Guideline for Making Facilities at Marina Accessible to People with Disabilities" and submitted to the government.

Mr. Otsuka's and his colleagues' powerful ability to get things done broke many barriers and significantly changed the world of marine recreation for people with disabilities.

P17

5. [DRIVER'S LICENSE] Is Hearing Necessary to Driving?

Was it not OK to drive if one can't hear!?

He happened to pass a driving test.

Mr. Nobuyuki Kurosaki became unable to hear when he was small. At the age of 17, when he was working as an apprentice for a chest maker, he decided to take a driving test. The reason is not sure whether he could speak or not, but he passed the test. Around at the age of 23, at a baseball championship for people with hearing and speaking impairments, his playmates wondered why Mr. Kurosaki was able to obtain the license. Mr. Kurosaki was shocked when he was told, "Driving of a deaf or mute is a violation of law. You should return your license to the police." This incident made him enter into the movement for people who can't hear or speak. For a long time, the Japanese laws prevented the government from issuing a driver's license to those who can't hear at all, like Mr. Kurosaki.

He drove a car everyday to build up experiences.

There was a person with hearing loss of Mr. Kurosaki's generation, who was self-employed and reluctantly rode a motorcycle without a license because he was not issued a license due to the hearing impairment. He intentionally did not pay a fine for driving without license. As a consequence, he was accused. In a courtroom, he raised a question why a person with a hearing loss could not drive. Mr. Kurosaki served a witness for him. He also talked to the National Police Agency (NPA). In his negotiation with NPA, Mr. Kurosaki put his driver's license on the desk and asked, "Will you take away the license from me, or will you issue the license to people with hearing and speaking impairments?" NPA said, "Please build up your experiences." Since then he drove his car almost everyday. He has nearly 50 years of driving experiences and now have a gold license.

P18

Is it true that driving with hearing impairment is dangerous?

In Japan, the law limited the issuance of a driver's license on the grounds of hearing impairment. In the world, countries which limit noncommercial driving on the grounds of hearing are very few. Some examples of such countries are, other than Japan, Italy and Spain (Please refer to the list on page 19).

In Japan, thanks to the above-mentioned lawsuit and movement, examinees have been allowed to wear hearing aids when they take a driving test since 1973. There are 36,000 people issued a driver's license on condition of wearing hearing aids. If the hearing was indispensable to driving, the driver's license would not be given to so many people. According to a survey targeting people with hearing impairment conducted in 2005, many people answered that they could drive with no sound and that they could concentrate on driving because they heard no sound.

Even through researches by NPA, it has become clear that the hearing has no relevance to driving, as far as one can check with eyes when driving. NPA has announced that they will apply a new guideline to issue a driver's license to people who cannot hear at all from 2008 on conditions of installing a wide mirror and putting a sticker which indicates the driver has a hearing disability.

"Mr. Kurosaki, was it not OK to drive if one can't hear?"

Mr. Kurosaki lives in town far from any stations, and often gave a ride to his neighbors. When NPA made an announcement the new guideline, Mr. Kurosaki made a comment on TV. One of his neighbors who watched Mr. Kurosaki's comment on TV said, "Mr., Kurosaki, was it not OK for people with hearing impairment? I did not know it at all." Afterward, when his neighbors meet Mr. Kurosaki, they still get on Mr. Kurosaki's car without fear.

A message from Mr. Kurosaki

"I hope that, in the future, people who cannot hear will be allowed to drive a car without wearing hearing aids. If a wide mirror is convenient, everyone should be able to use it. Whether they put a sticker to notice others that the driver

has a hearing disability should be up to the judgment by the driver. I like to request that lessons and classes to be provided with a sign language interpreter.

P19

The Japanese System behind other Countries in the World: Situation in Japan on Issuance and Renewal of Drivers' License

Restriction by Hearing

Countries and Unions	Non-Commercial Motorcycles, Ordinary Vehicles, etc.	Commercial Motorcoaches, Trailers, etc.
Japan		
Italy		
Spain		
United States		
Canada		
Australia		
New Zealand		
Switzerland		
Korea		
EU (27 Countries)		
England		Emphasis on Communication Ability
Sweden		
Germany		
Austria		
France		

: The hearing is not questioned, or the hearing impairment itself is not a problem in driving.

: Depending on the hearing or capability of communication, some restrictions may apply.

- Source: *Research on the Relation between Safe Driving and Hearing*, commissioned by the National Police Agency, 2002-2003, except for the case of Korea, which is researched by the Korean Disabled Peoples' International (DPI) in 2005.
- In the case of England, a factor to make a decision for commercial license is not the hearing but the ability of communication with passengers in case of emergency. The ability of communication includes not only speech language but also the usage of devices.

Restriction by vision

Countries and Unions	Non-Commercial Motorcycles, Ordinary Vehicles, etc.			
	Both Eyes			Single Eye
	Binocular Vision	Eye with better vision	Eye with worse vision	In case of blindness of one eye
EU (27 Countries)	0.5			0.6
Switzerland		0.6	0.1	0.8
Italy	0.5		0.5	
England	Car registration plate recognition test			
Germany		0.5	0.2	0.6
Austria		0.5	0.4	
France	0.5			0.6
Sweden	0.5			0.6
United States of America	0.5		0.28	
Canada		0.5		0.5
Australia		0.5		0.5
New Zealand	0.5	0.33	0.33	0.33
Japan	0.7	0.3	0.3	

- Source: *Research on the Relation between Safe Driving and Vision*, commissioned by the National Police Agency, 2003
- In other countries, people have to have the vision of 0.5, which is a lower criteria than that of Japan. Also, in those countries, eye test results are not considered as absolute; each result tends to be reviewed separately.

P20

Reference Part

Setting Sail for the Sea with no Restriction

Photo: YAJ (China-Japan Yacht Race)

P21

Laws have overtly discriminated people with disabilities.

In Japan, a prototype of the current Japanese legal system has been established after the "Meiji" era. The first disqualifying clauses seem to have been placed in shooter registration and eligibility of prefectural assembly members. People with disabilities were not considered that they have the same rights as people without disabilities; policies to segregate people with disabilities from the society or patronize them.

After 1945, under the new "Constitution of Japan", laws are required to change in ways that laws specify, "If laws restrict people's rights, in what circumstances

rights are restricted." Some point out that, in such context, disabilities and disease names were added to disqualifying clauses. The reason of this may be because people took it for granted that it is proper that people's rights were restricted if they have disabilities or diseases.

For a while after 1945, new laws were enforced one after another. Laws in a medical-related area mostly copied disqualifying clauses similar to those in the Medical Practitioners Law. As a result, disqualifying clauses increased.

Such words as "leprosy, "idiot," "crippled," and "deaf, dumb and blind" that came out of a history which put people with disabilities below human beings and discriminatory perspective on people with disabilities remained in laws until 1981, the International Year of Disabled Persons.

Beginning of reconsideration

In the movement by people with disabilities themselves and in the rise of activities by people with disabilities by themselves, disqualifying clauses started to be questioned in 1950s. In Civil Law, the words "the deaf, mute and blind" were removed from the Article 11 which specifies "quasi-incapacitated persons" in 1979. Then, in 1999, the Law for the Inquest of Prosecution abolished all disqualifying clauses against people with disabilities. In 2000, it became possible to write notary deed wills using sign language interpreters. From the late 1980s to 1990s, disqualifying clauses in the Public Bath Houses Law and other laws which affect people with mental disabilities were reconsidered and a law was amended so that people in wheel chair by themselves could take trains and ship; some government agencies separately reviewed laws.

P22

Belated removal of "legal barriers"

The Disabled Persons Fundamental Law was effected in 1993, which resulted in development of the Long-Term Programme for Government Measures for Disabled Persons. Long-term plans would be developed every ten years and progress would be reviewed.

1 Physical - buildings and stations which only have stairs, narrow entrance, bathrooms people with disabilities cannot use, etc.

2 Cultural information - lack of securing communication of information for people with visual, hearing and vocal challenges

3 Attitude - traditional attitude to people with disabilities and to independent living

4 Legal system - disqualifying clauses

The "removal of four barriers" became an issue, and, among the four barriers, the legal barrier was the area came last to be removed.

The Japanese government started working on revising disqualifying clauses based upon the first policy

Based upon the after-mentioned events and movement, in 1999, the Japanese government developed the first policy and selected 65 measures for reconsideration, of which the oldest lasted as long as 100 years.

In 2001, under amendments to laws such as the Pharmacists Law and the Medical Practitioners Law, the "absolute grounds for disqualification," which had been refused to be considered for revision, was changed into the "relative grounds for disqualification." The legal system changed, and some disqualifying clauses were abolished. However, "relative grounds for disqualification" still remain in many laws, which continue restricting rights of people with disabilities.

Absolute grounds for disqualification: They are clauses that declare disqualification, such as "Persons who cannot see will not be issued a license." The Medical Practitioners Law, the Pharmacists Law and the Road Trucking Vehicle Law took this style until 2001.

Relative grounds for disqualification are clauses: Absolute grounds for disqualification seen in laws such as the Medical Practitioners Law have changed into relative grounds for disqualification which says, the Government "may not grant professional licenses" to "people who are defined as having difficulty carrying out tasks of XX, due to disorder of vision, hearing, phonation, or speaking, or mental function."

Relative grounds for disqualification still widely exist. Many disqualifying clause allow the government to revoke one's license after issuing the license. An example of such clause says that the Government "may dismiss a position of people when it is considered that the people have difficulty carrying out their tasks due to physical or mental disorder"

P23

Result of Revising "63 Measures"

Changed from absolute grounds for disqualification to relative grounds for disqualification (20) 33% -- Doctors, etc.

Categories of Reviewing "63 Measures"

Stayed as relative grounds for disqualification (12) 20% -- Beautician and Acupuncture & Moxibustion, etc.

Alleviated basic requirements (9) 15% -- Public Housing, etc.

Removed specific disabilities (7) 12% -- Pharmacists, etc.

Expanded limitations (6) 10% -- Driver's license (depend on disability and disease) and veterinarians, etc.

Others (3) 5% -- Disqualifications remain to be wards who are of age and warrantee.

Totally abolished (6) 10% -- Member of committees for the inquest of prosecution, dietitian, chef, confectionery hygienist , national examination for medical practitioners, national examination for dentists

<http://ww.dpi-japan.org/friend/restrict/shiryo/system63.html>

When the disqualifying clause of the Road Trucking Vehicle Law was revised and the revised law was passed in 2001, the following additional resolution accompanying enactment of the law on driver aptitude examination and verification was passed by the Diet. Mr. Kurosaki in the story No.5 was called to give unsworn testimony before a Committee during the Diet session in which the resolution was passed.

3. The driver aptitude examination and verification should be revised, lest they take over the disqualifying clause and become actual restriction or barrier to acquisition of driver's license for people with disabilities, so that people with disabilities could obtain a driver's license, while securing traffic safety, with progress on science and technology and changes in society being considered.

Diet additional resolution accompanying enactment of the Law (passed by the Lower House plenary session on June 13, 2001)

Cited from the draft of the Diet additional resolution accompanying enactment of the Law to change a part of the Road Trucking Vehicle Law.

p24

Voices and Actions by People who Suffered from Disqualifying Clauses

When you have a dream and try to achieve it, "disqualifying clauses" become a thick wall.

It was around 1988 when a legal barrier started to be widely known as "*kekaku joko*" (or "disqualifying clauses" in English). At that time, many people used to say "Are you talking about tuberculosis (also pronounced as "*kekaku*" in Japanese)?"

When people with disabilities, even they passed a license exam, were not issued their license by physical examination or medical certificate, they advocated the problem and the media came to cover the problem.

Those who was blocked by a barrier and related organizations worked to eliminate

or revise disqualifying clauses. As a result, social participation of people with disabilities or sickness became a reality. In addition, people came to realize that it was also a loss for the society that the legal system deny a capability of people with disabilities and exclude them before providing them with a chance.

The legal system is a barrier to social participation

For example, it is often necessary for people with disabilities or sickness to drive a car by themselves in order to move door-to-door with fewer burdens on their body and heart. Therefore, a driver's license is essential for them in their daily transfer, shopping and recreation.

However, the legal system had long considered that it is dangerous to drive when drivers have a disability or sickness. Since 1960s, through lawsuits and other measures, people with physical disabilities have obtained improves in auto technology and legal system so that people with various disabilities can easily drive. Organizations for people with hearing disability have got involved in lawsuits and signature campaign to change the legal system that required a certain level of hearing for driving. In 2006, a survey was conducted and 1475 people with hearing disability wrote their experiences in the linkage between hearing and safe driving and their opinions about the license system. Most disabled people drive in the same way as people without disabilities do. Quite a few respondents say "Our driving is safer because we don't use a cell phone or listen to music while driving." Based upon the survey's result, a symposium titled "Is hearing necessary for driving?" Disqualifying clauses still remain in the fields including rules of examination. Disqualifying clauses in driver's license is an old and new problem.

People with mental disability or mental disorder have been objects of a wide range of disqualifying clauses. There were restrictions on them at public bath houses, utilization of public facilities regulated under ordinances such as swimming pools and libraries, and sitting in on parliament or committees. Since 1970s, people with mental disorder or involved parties continuously have worked to eliminate provisions and billboards which exclude people with mental disorder.

There was a female with hearing impairment who passed the national exam for pharmacists but was not allowed to receive the license due to the disqualifying clause. She continued to talk about it, and a male doctor who have adventitious deafness followed. A support organization for people with hearing disability carried out a signature campaign, and a coalition beyond types of disabilities and broad sympathy and support to them impacted the Diet.

Publicity and exams are recognized as issues again.

Although its disqualifying clauses were revised, the license qualification has flaws in ways of publicizing and conducting license exams since people with disabilities had not thought to take the exams. In schools, there are some cases where the revision of disqualifying clauses was not understood and students with

disabilities are told in career guidance that they could not choose certain careers because of their disabilities.

The government started working on this issue by specific guidelines such as "Common Accommodations in Examinations."

In reality, even during the time the absolute grounds for disqualification, which would not issue the license to people with disabilities, was applied, there were people with disabilities who obtained licenses and worked. However, because of the existence of disqualifying clauses, they heisted to profess their abilities in open court and most of them were in a situation where they faced a burden in workplace. (p26) Five years after the disqualifying clause against people with hearing disability was removed from the Pharmacists Law, there are, across the country, high school and college/university students with hearing disability who are studying to be a pharmacist. There still remains the disqualifying clause in the Medical Practitioners Law; students of medicine with disabilities have built a network to form a group.

Receiving necessary support as a right

Those who are with disability or sickness live as citizens in equality and, receiving necessary support as his or her right as an individual, they participate in every field in the society - disqualifying clauses were established when such situation of people with disabilities was beyond imagination.

For those who have difficulty communicating with others or making decisions, what support is necessary to live and participate in the society with dignity?

Disorder, disabilities, sickness and aging are something common everyone will encounter at some time in life. What is the society in which everyone can live in security, encountering various phenomena? Here comes the time we should create a new image of the society and fundamentally review the legal system.

[United Nations Comprehensive and Integral International Convention on the Protection and Promotion of the Rights and Dignity of Persons with Disabilities]

The draft Convention had been discussed at the Ad Hoc Committee since 2002 and it was adopted by the General Assembly in December 2006. Non-governmental and non-profit organizations for people with disabilities, as well as people with mental and intellectual disabilities, in various countries actively and continuously participated in discussion. The Convention will come into effect when 20 States ratify it. Remaining issues are to persuade States to ratify the Convention and incorporate the Convention into domestic laws by reviewing the current laws and policies, establishing anti-discrimination law and establishing and implementing anti-discrimination ordinances of municipalities.

Abbreviated Chronological Table

Symbols: Events Legal Systems, etc. Activities of People with
Disabilities and Involved Parties United Nations

- 1873 People with intellectual and mental disabilities were not allow to have a license to possess hunting guns.
- 1878 Prefectural Regulations did not provide eligibility for election to people with intellectual and mental disabilities.
- 1896 Medical Practitioners Law did not provide the license to people who could not hear, speak or see. This is the first Medical Practitioners Law to be established.
- 1919 Automobile Act was put into effect. A driver's license was not issued to people with mental disorder and those who could not hear, speak or see.
- 1948 Medical Practitioners Law did not provide the license to people who could not hear, speak or see. People with mental disabilities might not be issued the license.
- 1954 The "deaf and dumb" were added to those who were applied to the disqualifying clause of the enforcement order of road traffic.
A group of people with hearing disability implemented a national caravan to appealed the acquisition of driver's license by people with hearing or speaking impairment.
- 1960 Pharmacists Law was put into effect.
Road Trucking Vehicle Law was put into effect. "People with mental disorder, intellectual disability, epilepsy or people who cannot see, hear and speak" were not issued a driver's license.
- 1967 A lawsuit by a person with hearing disability to obtain a driver's license started in Iwate Prefecture. (In 1974, the Supreme Court rejected the appeal.)
- 1969 A lawsuit by a person with brain paralysis to obtain a driver's license started in Tokyo. (In 1974, the Supreme Court rejected the appeal.)
- 1972 The movement by people with visual impairment made it possible that bar exam can be taken in Braille.
People took actions to call on removing "no people with mental disability" notices in swimming pools and public bath houses.
- 1973 A petition to ask for issuing a driver's license to people who cannot hear and speak was submitted to the Diet with signatures of 30,000people. The National Police Agency issued an instruction to allow people to wear hearing aids when they take a driver aptitude test.
- 1975 The 1975 Declaration on the Rights of Disabled Persons was adopted by the United Nations General Assembly.
- 1979 The phrase "people who cannot hear, speak or see" was removed from Article 11 of Civil Law. Restrictions on legal capacity were totally eliminated.
- 1980 Public Housing Law set a quota for single-person occupancy. The law did

not allow people with physical or mental disability who need care all the time to enter into single-person occupancy (by enforcement instruction).

- 1981 United Nations International Year of the Disabled (slogan: "Full Participation and Equality")
- 1983 "United Nations Decade of Disabled Persons" started.
- 1987 The Public Bath Houses Law was revised and its disqualifying clause was removed. Before the revision, "people with mental disorder who are afraid that they may disturb others bathing."
- 1990 The United States Americans with Disabilities Act (ADA) was promulgated.
- 1993 The Basic Law for Persons with Disabilities was enacted. "The New Long-Term Plan of Measures for Persons with Disabilities" was implemented.
- The United Nations General Assembly adopted the Standard Rules on the Equalization of Opportunities for People with Disabilities.
- The Asian and Pacific Decade of Disabled Persons started.
- 1994 The United Nations International Conference on Population and Development. A Japanese woman with disability appealed a problem of the Eugenic Protection Law.
- 1995 The Plan on Disabled Persons: Seven-Year Normalization Strategy" started.
- The United Nations Conference on Women was held in Beijing. A Japanese woman with disability appealed a problem of the Eugenic Protection Law.
- 1996 The provision on preventing the birth of defective descendants" in the Eugenic Protection Law was removed and the name of the law was changed to the Maternal Protection Law.
- 1997 The Law of Speech Therapist was enacted, in association with a newly created license "speech therapist." The law succeed the same disqualifying clause as the Medical Practitioners Law.
- Some organizations requested not to include the disqualifying clause in the law. The Diet adopted additional resolution as a result of conclusion that the law needs to be reviewed.
- 1998 A women who cannot hear passed the national exam for pharmacists but the license was not issued on the grounds of the disqualifying clause. Organizations for people with hearing disability called on signatures for eliminating discriminating laws, which promoted adoptions of petitions in local councils.
- 1999 The Citizen's Committee to Eliminate Disqualifying Clauses on Disability was established.
- "Report of the Survey on Systems to Sailing License for People Disabilities in the World" was published (by Yacht Aid Japan).
- The Government Task Force for the Promotion of Measures for Disabled Persons announced "On the Revision of Disqualifying Clauses Affecting People with Disabilities. This is the first policy set by the government. Under this policy, the Task Force selected 63 measures to be reviewed, involved government agencies would review the measures by the end of

the FY 2002.

An absolute removal of the disqualifying clause on disability from the Committees for the Inquest of Prosecution was decided.

The "incapacitated person/quasi-incapacitated person" measures under the Civil Code was changed into "wards who are of age/warrantee" measures.

2000 *Give a Red Card to Disqualifying Clauses* was published by the Citizen's Committee to Eliminate Disqualifying Clauses on Disability.

Movement and public opinion against disqualifying clauses spread beyond types of disabilities. 2.23 million signatures were collected, over one thousand local councils accepted petitions.

The Public Housing Law was revised and those who need care all the time were allowed to live in public housing as far as they could receive nursing care at home.

Disqualifying clauses were totally removed from the Nutritionists Law as well as laws on chefs and confectionery hygienists.

Due to revision of the Civil Law, the development of notary deed will by people with hearing and speaking disabilities using sign language interpreters.

2001 A bill to revise the Medical Practitioners Law and other related laws to improve disqualifying clauses on disabilities was accepted. The bill was related to 27 laws, including Medical Practitioners Law and Pharmacists Law, which were revised at the same time.

A deaf woman received a pharmacist license as a result of revision of the Pharmacists Law.

The disqualifying clause of the Road Trucking Vehicle Law was revised and the revision became effective from the following year.

Government Task Force for the Promotion of Measures for Disabled Persons completed "On Improving Conditions on Education and Employment in Association with Revision of Disqualifying Clauses on Disability."

2002 *Qs & As on Disqualifying Clauses on Disability* was published (edited by the Citizen's Committee to Eliminate Disqualifying Clauses on Disability. Akashi Shoten)

The Regional NGOs Network for the Promotion of Asian and Pacific Decade of Disabled Persons worked on the national survey on disqualifying clauses on disability.

2003 A person with visual and physical disabilities passed the national exam for medical practitioners and received the license in the same year.

2004 22 organizations filed a petition on the implementation of license exams and the improvements on conditions of education and employment to heads of 12 government agencies.

2005 "On Common Accommodations in License Exam and Other Situations Based upon Characteristic Features" was adopted by the Division Chief-level Council for the Promotion of Measures for Disabled Persons of the Cabinet Office.

A totally blind person passed the national exam for medical practitioners and received the license in the same year.

Enforcement order and regulation of the Public Housing Law were revised. People with intellectual and mental disabilities became eligible to live by themselves in a single-person occupancy room.

2006 *The Who Cannot Hear On the Wards* was published (Edited by the Society of Medical Experts with Hearing Disability. Gendai Shokan).

A woman of generalized disturbance became a replacement of a Committees for the Inquest of Prosecution. The Supreme Court created a policy that it would pay the fee for nursing care.

The United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities on December 13.

P29

<Column>

Ms. Kumi Hayase spent over 4 years to obtain the license to practice pharmacy as a result that the disqualifying clause was removed, Mr. Keiichi Saya, who was President of the Japan Pharmaceutical Association was one of the strongest supporters to Ms. Hayase. The following is a conversation between Mr. Saya and Mr. Ichiji Makiguchi, then Co-President of the Citizen's Committee to Eliminate Disqualifying Clauses on Disability.

○ **The scales repeatedly fell from my eyes.**

Saya: First, I had high regard for Kumi's hard work and ability to pass the national exam for pharmaceuticals. I thought something was wrong that she could not receive the license although she had passed the national exam. At the beginning, I thought I would do what I can do to issue the license. As I studied fundamental legal problems and so on, I realized that it was an issue of human rights. First, I thought, "Something was wrong with the system." Then, "the system is wrong by the large margin." Finally, I came to think, "The system is totally wrong."

Makiguchi: I think President of the Japan Pharmaceutical Association is not in a position where s/he can easily claim his/her personal opinions. However, in a very early stage of the movement, you made a frank remark that the license should be provided to people with disabilities. How much interest did you have in issues of people with disabilities?

Saya: Frankly speaking, not much. I myself used to think disqualifying clauses were natural in a sense. I did not have a feeling that I was discriminating people with disabilities. If I had thought that way, I would have recognized the problem earlier.

Makiguchi: You look at the new world and you were shocked. In a leaflet, you wrote a comment, "After I heard the story of Kumi, The scales fell from my eyes. Your candid expressions made me think that Mr. Saya was trustworthy. Well-informed is the most troublesome. Do you know what I mean?"

Saya: Yes, I do well.

(Cited from the newsletter of the Citizen's Committee to Eliminate Disqualifying Clauses on Disability, the October 2000 issue.)

P30

"HOW TO" Part

Aiming at Creating a Society Where People with Disabilities can be in Various Places!

P31

It is not natural not to see "people with disabilities" in town.

Many people may think that people with disabilities are not often seen in town. It is not accidental. Cities have been designed without thinking people with disabilities are there.

People with disabilities want to go to a *ramen* noodle restaurant in town. However, most seats are at the counter and the restaurant was not designed with an assumption that people in wheel chair would come. When they want to see a movie, they cannot enjoy the movie because no subtitles are provided. When they want to read magazines, magazines are not available in Braille or as data. People with disabilities have difficulty finding a place to live, and laws prevent people with visual disability from becoming a doctor or from driving a car... Towns, social system and laws have not been designed without considering people with disabilities as citizens.

However, towns, social system and laws have changed. The society where people with disabilities are with us as citizens is almost realized.

P32

What are the things you cannot do when you have disabilities?

There are many things that have been considered one cannot do when s/he has a disability. For instance, if one who has a disability in one's arm or leg and who cannot freely move the arm or leg have been considered that s/he cannot live alone. However, even they have a disability, they can live alone with a helper. Even if they cannot eat using their arms or legs(!), they can cook and eat meals with hands of a helper. Living with support by a helper is also "independent" living.

Independent living is a living that all people, no matter how severe disability they have, are respected to make decisions by themselves at a maximum and are recognized by other people as actors who have a right to take risks of what could happen as a consequence of their own decision and who could take responsibilities of their own decisions, <snip> and they can naturally do natural things and receive services they want at places they want.

(Source: Website of the Japan Council on Independent Living Centers.
<http://www.j-il.jp/jil.files/cil/rinen-1.html>)

Why are people with glasses or false teeth not considered as "people with disabilities" but people in wheel chair or people who use sign language are? Many people draw a line between "people with disabilities" and "people without disabilities" and think people with disabilities are those who cannot do anything. However, if there is no bump, people in wheel chair can go everywhere. If the sign language is recognized as the second language and people use it, a definition of "disability" will change. If we think this way, the word "disability" may indicate the wall in the minds of people.

P33

People who are already provided care and people who are not.

A solid stereotype exists that there are many people who don't need care and there are some people who need care. However, the correct view is, "There are people who are already provided care and people who are not." Care for the majority was taken for granted and such care is not considered as care. On the contrary, care for the minority is visualized as special. (Jun Ishikawa "Mienai Mono to Mieru Mono, (What Can be Seen and What Cannot be Seen)" Igaku Shoin 2004)

What if stairs, elevators and escalators are removed from buildings we use?

Doesn't look the world different, if we think that stairs, elevators and escalators, which we take it for granted and use, are "care" (welfare service) for people who have no wings to fly?

Some think that it is wrong to spend taxes on "care" because such "care" for people with disabilities and other people is special for special people.

However, the majority of people who have been already taken care of are provided care without noticing it. It means, care and taxes have been paid to take care of the majority of people more than to take care of the minority.

Therefore, care should be provided to the minority, who have not been taken care of yet, and the equality of care should be achieved!

Checklists of Reasonable Accommodations in License Examinations, etc.

A person with disability is surely a customer, passenger, examinee, student and citizen. The idea that accommodations are special should be abandoned. Take the following examples for your reference to promote the equality of accommodations.

Should/Can do at the site (of Examination, etc)

Reasonable accommodations in enlarged question and answer sheets
Provide enlarged question and answer sheets
Provide a fill-able answer sheet or a check-mark answer sheet instead of a machine-scores sheet

Reasonable accommodations in the usage of equipments
Provide a desk which a person in wheelchair can use
Allow bringing and using amplifier and/or hearing aids
Allow bringing and using lighting equipments

Reasonable accommodations in movement
Communicate notices and other information in writing
Company of a helper to move to a exam
Other accommodations in communication of information

Other reasonable accommodations
Intake of carbohydrate, etc. and drug during an exam
Should/Can do before conducting (of exam and so on)

Reasonable accommodations in examination guidebook
Clearly specify available accommodations (List the types of accommodations)
State fax number or email address for information

Reasonable accommodations in application form
Secure a space on requesting accommodations (Types of accommodations available should be listed and a space to request other accommodations.)

Have a space an examinee can write contact information the examinee likes to be contacted (Have a space not only for phone number but for fax number of email address.)

Process of reasonable accommodations
Respond to the examinee's request before the exam

Reasonable accommodations in treating examinees with disabilities
Treating examinees with disabilities in consideration of characteristic features of their disabilities

Reference: *"On Common Accommodations in License Exam and Other Situations*

Based upon Characteristic Features," Division Chief-level Council for the Promotion of Measures for Disabled Persons of the Cabinet Office

What should be done first is to understand the diversity of people and to aggressively introduce reasonable accommodations necessary.

That will be a start for a new encounter.

P36

Organizations that Work in Related Areas

We like to make an environment where as many people with disabilities as possible can study in university!

Nationwide Support Center for Students with Disabilities (NSCSD)

<http://nscsd.jp>

Contact Information:

〒228-0818

3-14-22, Kami-Tsuruma Honcho, Denen-Kopo No.3

Sagamihara City, Kanagawa, JAPAN

Tel/FAX: 042-746-7719

Email: info@nscsd.jp <http://www.nscsd.jp>

President: Tsubasa Tsuruoka

With the staff with disabilities as core members, NSCSD works, through supporting high school and university/college students as well as universities and colleges receiving students with disabilities, to improve learning and living environments for people with disabilities in higher institutions and to realize a society in which all people are ensured to have a place to study. NSCSD makes a research on universities and colleges nationwide that receive students with disabilities and publishes "University/College Directory for People with Disabilities" every few years. NSCSD was established in 1999.

P37

Society of Medical Staff with Hearing Impairment

Contact Information

President: Tamotsu Fujita

Email: choushouiryou@infosee.jp

Established in February 2001, the Society provides people with hearing impairment

who have licenses in the medical field opportunities of talking about their conflicts and experiences. The Society also aims at realizing a society where medical staff with hearing impairment can carry out their tasks without having a difficulty in communication. In addition, the Society provides opportunities of interaction to students with hearing impairment who hope to obtain medical licenses. In January 2006, the Society published a book titled "People who cannot hear in the medical field - Disqualifying Clauses to Prevent them from Social Participation" (Gendai Shokan).

Yacht Aid Japan

<http://www.yacht-aid.jp/>

Contact Information

Yacht Aid Japan (President Masaru Ootsuka)

Email khc03073@nifty.ne.jp

In August 1990, the Yacht Aid Japan was established as a volunteer organization to contribute to the society in a marine-related field with the intention such as "We like to share the joy of the sea with as many people as possible," and "We like to contribute to the society as much as we have fun in the sea." With people who have enjoy yachting worldwide, the Yacht Aid Japan actively works for "human rights" in the field of amusement, such as helping people with disabilities sail and promoting barrier-free facilities in ports.

P38

Citizen's Committee to Eliminate Disqualifying Clauses on Disability

Beyond types of disabilities, existence or nonexistence of disability and differences in positions, we have worked to eliminate all disqualifying clauses on disabilities in laws, local ordinances which have excluded people with disabilities and eligibility for admission to examinations. We gather experiences and voices of people with disabilities, make researches on the actual situation of disqualifying clauses, and develop recommendations to better the situation.

Co-President:

Satoru Fukushima (Faculty, University of Tokyo)

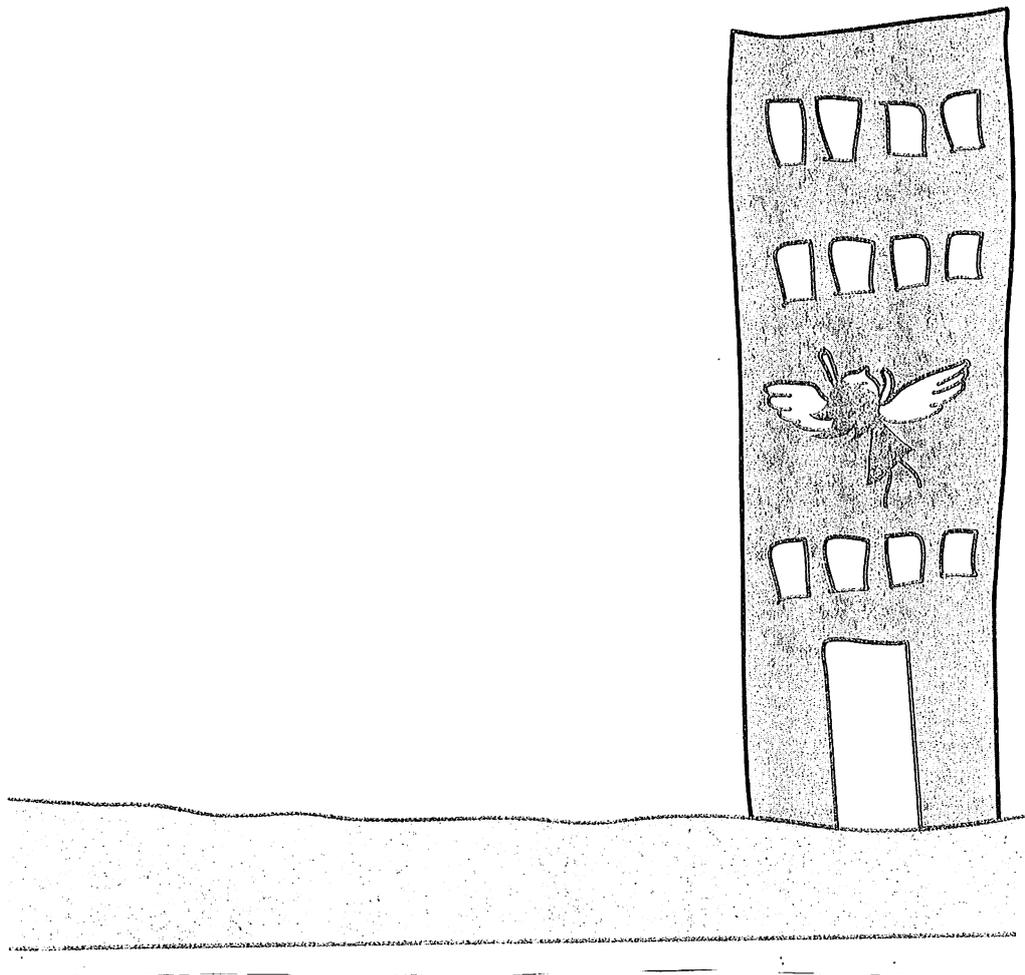
Yukiko Okuma (Journalist)

Annual Membership Fee:

Individual 3,000 yen

Organization 5,000yen

Members will receive related information from us through our newsletter, etc.



Information Booklet From No to Yes

Published in March, 2007

Price: 500yen

Edited by **Citizen's Committee to Eliminate Disqualifying Clauses on Disability**

(Contact persons: Usui, Saito, Seyama)

Musashino-Building 5F

Kanda Nishiki-cho 3-11-8

Chiyoda-ku, Tokyo 101-0054

Japan

TEL 03-5282-3137

FAX 03-5282-0017

Email info_restrict@dpi-japan.org

<http://www.dpi-japan.org/friend/restrict/>

Design and Illustration by Saeko Wakasugi (wheelchair user)

Printed by Kaiyo-sha Co.

- This booklet was made with the fund from the Kirin Welfare Foundation.
- The text data for people with visual impairment who cannot read this booklet are available. Please contact the above.

Translated by Mika Nakahara, President

International Movement against Discrimination on the Internet (INDI)