

Japanese Laws and Policies Concerning Persons with Disabilities: To Develop a Normalized Society through Recreation

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Abstract

In the 1960s, since the Tokyo Paralympics and the National Sports Games for the Disabled were held, public awareness was heightened towards the issue of disability. In 1970, a law which was to ensure that persons with disabilities could participate in recreational, sports and cultural activities was passed. The Japanese government has implemented and enacted various policy measures and laws regarding the disability issue. According to the government, the quality of life of persons with disabilities should be improved, and society should be integrated according to the principle of normalization. Based on this concept, inclusive recreational programs have been introduced. However, it seems that only competitive segregated sports activities have been highlighted: appreciation of the principle of normalization is important, but the principle has been misunderstood. To develop a successfully socially integrated society, a specific plan with numerical targets adopting the principle of normalization is crucial.

Key Words: outdoor education, integration, inclusion, normalization, sports, recreation, therapeutic recreation, policy, law, Japan

Introduction

Participating in recreational activities is an important aspect of life (Ford et al., 1984; Hutchison and Lord, 1979; Matthews, 1978) and increases the quality of life (Modell and Valdez, 2002). Camp programs positively influence participants in a number of ways, such as developing a positive self-concept, increasing independence and enhancing communication skills (Brannan, Arick, Fullerton and Harris, 2000; Fullerton, Brannan and Arick, 2000; Matthews, 1978).

In addition to these benefits, when programs are inclusive, persons with disabilities would initiate normal behavior, use appropriate language

and engage in social responses (Brinker, 1985; Donder and Nietupski, 1981; Stainback and Stainback, 1985) while persons without disabilities develop positive attitudes and an appreciation of persons with disabilities (Heyne, 1989; Matthews, 1978). Therefore, inclusive programs are beneficial not only for persons with disabilities, but also for those without. Ultimately, inclusive programs play an important role in developing a normalized society.

In the US, as a result of the Americans with Disabilities Act (ADA, PL101-336), persons with disabilities have legal rights to participate in community recreation activities. The service providers may not refuse persons with disabilities from participating solely based on their disabilities (Bendini, Bialeschki and Henderson, 1992).

To develop a socially integrated society, legislation plays a critical role. Therefore, this paper focuses on Japanese governmental policies, including laws concerning persons with disabilities. The purpose of this paper is to present the history and current status of Japanese law, policy, sports and recreation concerning persons with disabilities. Additionally, the weaknesses of these elements are presented and discussed.

In this paper, the terms 'disabled' and 'handicapped' are avoided unless the terms are originally and officially used, as they were in the National Sports Games for the Disabled or the International Year of Disabled Persons. If no official English legal or policy terms are available, the author translates and employs these terms.

Persons with Disabilities in Japan

According to the Fundamental Law of People with Disabilities (revised and amended in 1993 from 'the Fundamental Law on Measures for Mentally and Physically Handicapped Persons', passed in 1970), persons with disabilities are defined as those with physical disabilities, mental retardation and/or mental disabilities and, concurrently, their daily lives are adversely affected for an extended period of time.

Official research conducted in order to discover the numbers of persons with disabilities has been done by types of disabilities and is not performed annually. Therefore, it is not clear how many persons with disabilities there were in Japan in 2003. However, from the data of 2000 and 2001, it is estimated that there were 3.52 million persons with physical disabilities and 0.46 million who had mental retardation. From the data of 1999, it is estimated that there were 2.04 million with mental disabilities. As a total, it is estimated that 6.02 million people have disabilities in Japan (Cabinet Office, 2003). Since the total Japanese population in 2000 was about 126.94 million (the Ministry of Public Management, Home Affairs, Posts and

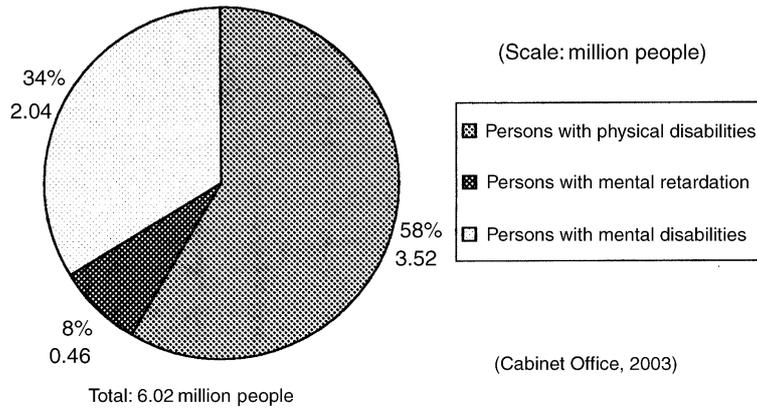


Figure 1. The number of persons with disabilities in Japan.

Telecommunications, 2001), it is calculated that roughly 4.74% of the total population have disabilities (Figure 1).

The Pioneer Days of Consideration for Persons with Disabilities

Prior to World War II (1941–1945), there were no laws concerning disabilities in Japan. After the war, the great number of orphaned children and adults with disabilities, and the health condition of infants, toddlers and children became a social concern (Yajima, 1997). In response to the situation, the Child Welfare Law (latest revision in 2002) was enacted in 1947 for children under the age of 18. Although this law was not specifically designed for children who had disabilities, it was the first law in which the issues of disability were stated. To provide care and services for adults with physical disabilities, the Law for the Welfare of People with Physical Disabilities was enacted in 1949. Based on these laws, children with physical disabilities received medical treatment while those with mental retardation were institutionalized, and adults with physical disabilities received vocational training to become financially independent (Cabinet Office, 1998). For adults with mental retardation, the Law for the Welfare of People with Mental Retardation (1960) was the first legislated for the purpose of protection rather than rehabilitation. Consequently, persons with mental retardation were institutionalized (Cabinet Office, 1998; Yajima, 1999).

The Birth of Sports Activities for Persons with Disabilities

Until the 1950s, sports and recreational activities were not introduced or considered for persons with disabilities (Nakagawa, 1996). However, the

Act of Sports Promotion (passed in 1961) triggered the development of sports recreation activities for persons with disabilities. The purpose of the law was to promote physically and mentally healthy conditions through participation in sports activities.

The law defined sports not only as competitive sports, but also kinetic activities including outdoor activities such as camping. Article 10 states that central and local governments should facilitate outdoor activity facilities such as camping grounds and trails for walking and bicycling to bring about physically and mentally healthy development. In addition, in 1963, the Ministry of Health, Labor and Welfare (MHLW) issued an official notice to all prefectural governments to facilitate such sports activities to keep and strengthen the remaining abilities and enhance mental health of persons with disabilities.

The Tokyo Paralympic Games in 1964 raised public awareness concerning the issue of disabilities and triggered an acceleration of measures taken by the central government (Kodama, 1997; Matsumura, 1998; Nagakawa, 1996; Office of the Prime Minister, 1997). In 1965, the MHLW started to organize the annual National Sports Games for the Disabled, in which only those with physical disabilities were qualified to participate. The government officially released a notice to prefectural governments to disburse financial support for persons with physical disabilities so that they could participate in the games. In addition, the governments began to disburse financial support for players who would participate in international games.

In 1966, the government issued another official notice to all prefectural governments to promote community-based recreation activities to enhance the community welfare services for persons with physical disabilities. This was probably the first statement by the government concerning community-based recreation activities for persons with disabilities.

The Fundamental Law on Measures for Mentally and Physically Handicapped Persons of 1970

By 1970, the Japanese government had implemented various policy measures such as medical services, educational reform, vocational training, job development and financial benefits. However, these services were provided by different authorities and coordination among ministries was weak. Therefore, to make the services more efficient and coherent, the Fundamental Law on Persons with Mental and Physical Disabilities of 1970 was enacted (Table 1).

This was the first law where recreation was clearly taken into account. Article 25 states that the central government and/or local governments should set regulations and provide facilities and financial support so that

Table 1
History concerning persons with disabilities.

Year	Japan	The United Nations and others
1947	The Child Welfare Law	
1949	The Law for the Welfare of People with Physical Disabilities	
1960	The Law for the Welfare of People with Mental Retardation	
1961	The Act of Sports Promotion	
1963	Official notice to promote sport for persons with physical disabilities	
1964	Tokyo Paralympic Games	
1964	Official notice to disburse funds to enable players to participate in domestic/international sports games	
1965	The National Sports Games for the Disabled	
1966	Official notice to promote community-based recreation activities	
1970	The Fundamental Law on Measures for Mentally and Physically Handicapped Persons	
1975		The Declaration on the Rights of Disabled Persons (the United Nations)
1981		The International Year of Disabled Persons 1981 (the United Nations)
1981	The Day of Persons with Disabilities	
1982	The first long-term policy for persons with disabilities (1983–1992)	
1983		The Decade of Disabled Persons (-1992) (the United Nations)
1993	The Fundamental Law for People with Disabilities	
1993	The second long-term policy for persons with disabilities (1993–2002)	
1993		The Asian and Pacific Decade of Disabled Persons (1993–2002)
1993	The plan for persons with disabilities: Seven Years Strategic Plan for Normalization (1996–2002)	

Table 1
Continued.

Year	Japan	The United Nations and others
1993	The Barrier-free Broadcasting Law	
1994	The Barrier-free Building Law	
1998	Nagano Paralympic Games	
1998	The Supporting Fund for Sports for Persons with Disabilities	
2000	The Traffic Barrier-free Law	
2003	The Fundamental Plan for Persons with Disabilities (2003–2012)	
2003	The Plan for Persons with Disabilities (2003–2007)	

persons with disabilities can fulfill or develop their cultural interests, or can independently and actively participate in recreational, sports and cultural activities. In response to this development, recreational facilities were made available and staff training programs were implemented in the 1970s.

The Influence of the International Movement

1981 was declared the International Year of Disabled Persons by the United Nations and had a strong impact on Japanese governmental policies concerning persons with disabilities. Since then, the policies have been designed based on the concepts of normalization and rehabilitation. To raise public awareness toward persons with disabilities, the government declared December 9 the Day of Persons with Disabilities so that special events could be held. December 9 was selected because it was the day that the United Nations Declaration on the Rights of Disabled Persons was adopted in 1975 (Musashi, 2001).

The decade from 1983 to 1992 was the United Nations Decade of Disabled Persons. To follow the international trend, the Japanese government proposed the first long-term policy concerning persons with disabilities in 1982 and its target period lasted from 1983 to 1992.

The Fundamental Law for Persons with Disabilities of 1993

In 1993, the Fundamental Law on Measures for Mentally and Physically Handicapped Persons of 1970 was completely revised, its name was

changed, and it was enacted as the Fundamental Law for Persons with Disabilities. Article 25 was kept to assure opportunities for persons with disabilities to participate in recreational activities.

The law required all local governments to establish a strategic plan for persons with disabilities. This plan should include a section about the promotion of sports and recreation for those with disabilities. As of March 31, 2002, 83.7% of all local governments established such plans (Cabinet Office, 2002a).

The central government proposed a second long-term policy (1993–2002) as a vital component of the Fundamental Law for Persons with Disabilities. Sports, recreational and cultural activities were promoted for persons with disabilities by improving facilities and staff training. The Seven-Year Strategic Plan for Normalization (1996–2002), an action plan of the second long-term policy, was the first that ever proposed numerical targets in government policy concerning persons with disabilities.

Section four of the action plan was entitled ‘Aiming to improve the quality of life’ and focused on communication, culture, sports and recreational activities to help persons with disabilities develop self-expression skills and enhance social participation opportunities (Cabinet Office, 1995). However, no numerical targets had been given, thus, no progress was reported subsequently. This was probably because the section had not been designated as an urgent issue.

Financial Support for Sports Promotion

In 1998, the government set up the Supporting Fund for Sports for Persons with Disabilities. The purpose of this fund was to support the development and improvement of equipments and programs and to assist organizations in promoting social participation opportunities through sports activities. In 2003, the government approved the disbursement of approximately \$3,330,000 for 130 projects, an average of \$32,330 for each project ranging from \$2,800 to \$620,000.

Current Governmental Policies

In 2003, the third and latest long-term policy concerning persons with disabilities (2003–2012) and its action plan for the first years (2003–2007) were implemented. The basic concept of the long-term plan simply states, ‘the society we are aiming for in the 21st century should be an integrated one in which all citizens support each other and live together where their characteristics are respected no matter what their abilities’ (Cabinet Office, 2002b, p. 2). To build such a society, numerical targets were proposed in the action plan, especially to ensure physical accessibility.

Although Section 2.2.5 of the long-term plan is about the promotion of sports and cultural arts activities, there is no statement about recreation. Additionally, in the action plan, sections devoted to sports, recreation and cultural activities are missing

Discussion

Persons with Disabilities and Sports and Recreation

Integrated recreational activities are beneficial not only for persons with disabilities, but also for those who do not have disabilities. By participating in integrated programs, persons with disabilities can learn socially appropriate behaviour while those without would develop positive attitudes towards persons with disabilities (Matthews, 1978). Additionally, McAvoy, Schatz, Stutz, Schleien and Lais (1989) report that positive attitudes and lifestyle changes are anticipated in persons both with and without disabilities who participate in integrated camping programs.

According to the 1997 edition of the White Paper on Persons with Disabilities issued by the Office of the Prime Minister (1997), recreation was defined as activities that could assist physical and emotional recovery and develop self-actualization, self-advancement, and re-creation. It was acknowledged that these activities were very beneficial to persons with disabilities. As examples, golf, scuba driving, horse back riding, paragliding and wheelchair dancing were listed.

Around 1997, the issue of sports and recreation became a trend in Japan because the Atlanta Paralympics had been held in 1996 and the Nagano Paralympics would be held in 1998, for which Japan would be the host country. Thus, the White Paper featured sports and recreational activities for persons with disabilities.

In Japan, to assure social participation opportunities for persons with disabilities, facilitating sports and recreational activities have been promoted through laws, long-term policies and an action plan. Yet it should be mentioned that it is doubtful whether the Japanese government takes seriously the promotion of social participation opportunities for persons with disabilities, due to the following reasons.

- (1) Although Article 25 of the Fundamental Law of Persons with Disabilities requires governments to facilitate recreational, sports and cultural activities, the latest long-term plan does not focus on anything about recreation.
- (2) No numerical targets concerning recreational services have ever been proposed.

- (3) Although the Act of Sports Promotion defines sports not only as competitive sports, it seems that the government has only focused on competitive sports and forgotten the recreational dimension of sports.
 - (a) The 1997 edition of the White Paper on Persons with Disabilities featured sports and recreational activities, but the main topic was competitive sports such as the Paralympics.
 - (b) Section 1.3.3.1 of the 2003 edition of the white paper on Persons with Disabilities is entitled 'Sports Recreation Promoting', but the content is mostly competitive sports.

Segregated Programs Rather than Inclusive Programs

Although the Japanese government has kept insisting that the development of a socially integrated society is the goal, it should be mentioned that the Japanese government seems to treat persons with disabilities differently because government funds have been awarded almost exclusively for sports activities only for persons with disabilities. Although the Supporting Fund for Sports for Persons with Disabilities was established to promote social participation, in 2003, only three out of 103 project titles seem to have social inclusion in mind. The titles of these projects are 'Swimming and diving in Ishigaki Island with persons who have disabilities (\$29,600)', 'Let's make social interaction through sports activities for those who have disabilities (\$2,800)', and 'A project to enrich sports exchange programs in the community (\$18,500)'. Other projects mostly promote segregated sports activities. The amount of money for these projects is below the average and \$2,800 was the lowest amount allocated in 2003.

It is not totally discouraging to see segregated programs because they still represent opportunities for persons with disabilities to participate in social activities so that they can pursue their interests and improve their quality of life. However, segregated programs usually focus on the lowest skills among participants (Matthews, 1978). In addition, since it is probably impossible to spend their entire lives without interacting with those who do not have disabilities, it is crucial for persons with disabilities to develop social communication skills, which can be acquired by participating in inclusive programs.

In 1990, Walker et al. (1990) reported, 'most of the organized recreational, leisure and social activities are segregated services' (p. 28). In terms of the current situation, Japan lags considerably behind the US. Robb (1992) mentions that the number of inclusive programs will be increased when society appreciates the concept of equal opportunities. Since the focus of the government seems to be physical integration and promoting segregated opportunities, it is reasonable to assert that persons with disabilities in Japan currently do not have equal opportunities.

Physical Accessibility Rather than Social Inclusion

The Japanese government had emphasized normalization as one of the fundamental concepts of policies concerning persons with disabilities. According to the Cabinet Office (2002b), normalization is a concept by which persons with disabilities are not recognized as special and are able to live in a community and maintain a normal life. The Cabinet Office also states that Japanese society in the 21st century should be integrated and all citizens should respect one another regardless of ability or disability.

This statement seems to be describing the importance of removing both attitudinal and physical barriers, but the laws that have been passed specifically to remove barriers so far focus only on physical barriers. These laws are the Barrier-Free Broadcasting Law (1983), the Barrier-Free Building Law (1994) and the Traffic Barrier-Free Law (2000). Additionally, the latest action plan had proposed numerical targets to ensure physical accessibility for normalization. This is evidence that the government focuses only on removing physical barriers.

Physical accessibility is a part of whole accessibility (Bedini, Bialeschki and Henderson, 1992). Moreover and most importantly, physical integration does not mean that persons with disabilities are socially integrated (Bogdan and Taylor, 1986). Yet, the government's perception of normalization, which only emphasizes physical integration, is not rare among service providers who offer integrated camping programs.

In 2001, the author conducted research on integrated camping programs in Japan. When interviewed, all of the program providers ($n = 20$) mentioned that their programs were based on the concept of normalization. About one-fourth of all the programs ($n = 21$) had an equal number of participants with and without disabilities. The providers of three of these programs mentioned that their focus was to develop one-to-one relationships between persons with disabilities and those without. Another two of the 21 programs had greater numbers of participants with disabilities than participants without disabilities.

It is important to understand that the concept of normalization means providing as natural an environment as possible for persons with and without disabilities so that they will be able to engage one another in society as true equals. It was surprising that only two out of the 20 service providers believed that the percentage of participants with disabilities should be decided based on the actual percentage in real life to provide a natural and realistic environment.

Even if it might be possible that persons both with and without disabilities interact with one another at those so-called integrated camping programs, it should be asserted that most of the camping programs which were studied were not normalized because a one-to-one environment or a great number

of persons with disabilities is not natural. It is true that persons with disabilities are acquiring opportunities to leave their homes and participate in activities. Yet, it is also true that they are merely physically integrated into society rather than experiencing true social inclusion.

Therapeutic Recreation in Japan

Only one official statement issued by governmental organizations concerning therapeutic recreation can be found. In the latest edition of the White Paper on Persons with Disabilities, a therapeutic recreation (TR) program is briefly introduced. According to the White Paper (Cabinet Office, 2003), TR is described as recreational programs that contribute to developing and enhancing the physical and emotional strengths and interests of persons with disabilities so that they are socially integrated into the community. It is additionally acknowledged that TR is one of the effective methods for promoting social integration. However, this statement does not suggest who would provide TR programs, in what settings TR programs would be held, or what procedures should be taken. In addition, the differences between TR and existing rehabilitation services such as physical therapy and occupational therapy are not described.

Although TR is probably too new to be appreciated in Japan, the fact that the government acknowledged the effectiveness of TR is remarkable. It remains to be seen whether persons with disabilities will have more choices from which they can choose so that they may participate in social activities through TR programs.

Conclusion

The Japanese governmental policies concerning persons with disabilities have evolved in the period following World War II and have been influenced by international trends. Since then, the Japanese government has passed laws and proposed three long-term policies concerning persons with disabilities and also action plans in conjunction with long-term plans.

In these policies and laws, sports and recreation have been emphasized as they enhance the quality of life for persons with disabilities. However, it seems that the Japanese government has focused only on competitive sports rather than recreation. Although the government set up a fund to support projects promoting social participation opportunities through sports activities, few projects focus on socially inclusive activities. Additionally, the latest long-term plan does not have any sections focusing on recreation at all.

The government has emphasized accessibility based on the concept of normalization, and laws to assure accessibility have been passed. Because of these laws, long-term policies and action plans, persons with disabilities

are acquiring physical accessibility to basic services such as public transport. However, although physical accessibility is assured, it does not mean that persons with disabilities are socially integrated. It seems that the understanding among Japanese about the concept of normalization is somewhat different from the definition of normalization in this paper. Even though developing a socially integrated society is the goal of the Japanese government, unless the government appreciates the principle of normalization and implements specific plans with numerical targets towards social inclusion, the goal will never be achieved.

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