

Report of the WHO Collaborating Centre Seminar

The Convention on the Rights of Persons with Disabilities and Creation an Inclusive Society for All



February 10, 2007

National Rehabilitation Center for Persons with Disabilities
Japan



WHO Collaborating Centre for Disability Prevention and Rehabilitation

Program

Time & Date : 13:00～16:00, February 10 (Saturday), 2007

Place : Auditorium of the College, National Rehabilitation Center for
Persons with Disabilities (NRCD)

Facilitator: Motoi Suwa, Director, Research Institute, NRCD

13:00～13:10 ***Opening Address***

Fumio Eto, Director, Training Center, NRCD

13:15～13:45 ***Keynote Lecture***

**“Impact of the UN Convention on the Rights of Persons with
Disabilities toward Inclusive Society for All”**

Monthian Buntan, President, Thailand Association for the Blind

13:45～13:55 ***Comment***

Ryosuke Matsui, Professor, Faculty of Social Policy and
Administration, Hosei University

Vice President, Japan Society for Rehabilitation of Persons with
Disabilities

14:05～15:55 ***Panel Discussion***

Panelists ①Monthian Buntan

President, Thailand Association for the Blind

②Toshiaki Nagato, Director for Promoting the Welfare of
Persons with Disabilities under Director General for
Policies on Cohesive Society, Cabinet Office

**“About the Convention on the Rights of Persons with
Disabilities”**

③Shigeru Yamauchi, Professor, Faculty of Human Sciences,
Waseda University

**“The Convention on the Rights of Persons with
Disabilities and Assistive Technologies”**

- ④Eishi Yukumi, Executive Director,
Japan League on Development Disabilities
**“The Convention on the Rights of Persons with
Disabilities and Revision of Laws: ‘No Decision
without Hearing’ should be the Principle”**
- ⑤Tsutomu Iwaya, President, NRCD
“Tasks in the Medical Field”
- ⑥Ryosuke Matsui, Professor, Hosei University
**“Tasks in Realizing an Inclusive Society:
From the Field of Employment and Labor”**

Moderator : Hiroshi Kawamura, Director,
Department of Social Rehabilitation,
Research Institute, NRCD

15:55～16:00

Closing Address

Tsutomu Iwaya, President, NRCD



Facilitator Mr. Motoi Suwa



Opening Address Dr. Fumio Eto



Keynote Lecture
Mr. Monthian Buntan



Panel Discussion

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Opening Address

Fumio Eto, Director, Training Center
National Rehabilitation Center for Persons with Disabilities

My name is Eto. I am the Director of this training center. Thank you very much for taking the time to come participate in this conference. This center has been serving as a WHO collaborating centre since 1995. Ever since then, we have been producing manuals for the prevention of disabilities and rehabilitation. Back in November of 2003 we held a seminar.

Last year in December at the General Assembly of the United Nations, the Convention on the Rights of PWDs was adopted. Certainly it was anticipated in fall of last year. With this as a starting point, we decided to have a seminar as a WHO collaborating center for the implementation of this project. Mr. Kawamura, Director of Department of Social Rehabilitation of the research institute of the center, played a major role, which also covers the invitation of Mr. Monthian Buntan from Thailand.

Mr. Buntan came to us 4 years ago to give lectures at a seminar. Today he will speak about his experiences of the process of the Convention on the Rights of PWDs. He was really active in participating in this process as a person with a disability himself and also as the Chairman of the Thailand Association of the Blind. He will speak about the impact of this Convention on the realization of an inclusive society. His presentation will be followed by additional comments by Professor Matsui from Hosei University. We have a break after that, and then after that we'll have the panel discussion. In that panel, we will speak about this Convention on the Rights of PWDs and also the kinds of things we can do for the process for the ratification of the Convention. Mr. Nagato from the Cabinet Office will speak about this issue.

As to how the U.N. has been tackling the rights of PWD, starting from December of 1948 when the Universal Declaration of Human Rights was adopted the U.N. has been quite active here. International human rights law has been worked upon. In 1971 there was The Declaration on the Rights of Mentally Retarded Persons and in 1975 The Declaration on the Rights of Disabled Persons was adopted. In 1994 the Salamanca Statement on Special Needs Education was adopted. We have to make sure that we have reasonable accommodations so that we do not discriminate or eliminate persons with disabilities so that we are able to create inclusive societies. I do hope that we'll have very heated discussions here, although the size of the meeting is not very large. Thank you very much for your participation, again.

Keynote Lecture

Impact of the UN Convention on the Rights of Persons with Disabilities toward Inclusive Society for All

Monthian Buntan
President, Thailand Association for the Blind

Konnichi wa.

Thank you. Doomo arigatou gozaimasu. First of all, let me give many thanks to the organizer with my deep appreciation for extending an invitation for me to speak on my experience. I feel a bit shy now because I haven't been an academic for several years. This presentation will be more or less a storytelling from an activist rather than a nicely organized presentation, I would say, so please bear with me if I jump back and forth on a lot of things.

As you probably know, finally on December 13th of 2006, after 30 years of initial recognition by the United Nations, after 5 years of work by the ad hoc committee, after 20 years of failure to propose a convention and after a decade of working through the U.N. standard rules, we finally got our first ever human rights Convention adopted. If I remember, I think it was done at 10:50 New York time. We were celebrating the adoption of the Convention in Bangkok at the headquarters of APCD. Many of you have probably already visited APCD.

Since this is the only human rights instrument, we will have to understand it and be able to plan for it in order to make the best use of it. I hope my experience through these 5 years will give a good example of how we look at this process and perhaps will give you some background knowledge to cope with this Convention in the future.

A convention is a U.N. treaty that is adopted through the U.N. General Assembly. It has to be agreed upon by the U.N. General Assembly before it can become the law. It has a legally binding obligation. Unlike other types of U.N. documents (like a declaration, program of action or even standard rules), a convention can be mandatory.

Why do we need this Convention? Many people ask that. In principle the concept of universality of human rights has been repeatedly stated since the birth of the Universal Declaration of Human Rights, followed by several U.N. treaties. In practice, however, 650 million persons with disabilities around the world have barely felt (not even talking about "enjoyed") the benefits of such universality. All of you are in one way or another in a profession related to disability. You probably know that we continue to be the bottom of the bottom, among the poorest. That means that we have not benefited from such a concept of universality of human rights. It is very clear that the so-called

“universality” of human rights without reference to disability could never and has never resulted in a disability-inclusive policy, guideline or practice to make our lives better.

Let me give you an overall picture of how we got to the adoption of the Convention. I will go one by one. We start from 1971 with the U.N. Declaration on the Rights of the Intellectually Disabled. Four years later we had the U.N. Declaration on the Rights of Disabled Persons. I would say that is the period of recognition of the existence of disabled persons and our rights. Such recognition then leads to a set of principles that need to be followed. Again, that’s just recognition. It has nothing to mandate that it must be this way or that way. It is a proclamation, a declaration.

The next decade was the decade of putting principle into practice. With the recognition of the rights of disabled persons, the next decade the U.N. started with the International Year of Disabled Persons in 1981, followed by the World Program of Action which is attached to the Decade of Disabled Persons. Many of you probably have worked under the guidelines of the World Program of Action, so I need not go into details on what the World Program is like.

Then towards the end of that decade there was an attempt to jump forward, to have a guarantee of rights through a convention. I believe it was proposed by Italy. The proposal was not accepted by the United Nations at that time for several reasons. We had to take a compromise position that perhaps before we get a real international law we need to set some standard of practice. To go from just a program to a standard of practice requires a moral obligation to follow. In 1992, the U.N. passed a resolution for The Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

Let me remind you again that a standard rule, although it is called a “rule,” has no mandate. It is just a standard of practice to be followed through the moral obligation of states. It sounds almost like a law, but it is not.

Finally, the fourth step came after the NGO forum in Beijing, which led to the Beijing Declaration. The Beijing Declaration called for the international human rights instruments to protect and promote the rights of persons with disabilities. The official start was actually in December 2001 when the government of Mexico proposed a draft convention. I cannot even remember the title of that one because it is so long. The Convention was not immediately adopted. The U.N. instead passed a resolution to establish an ad hoc committee to study, draft, negotiate and discuss the content of the Convention. We have gone through 8 ad hoc committee sessions plus one working group. Finally, on the 13th of December 2006 the General Assembly at its 61st session adopted the Convention unanimously, although there might have been some statements expressing some reservations. I will mention that later.

What happened after the adoption? This is not the end. This is just the beginning of the process. After adoption, the Convention will be ready for states to sign and ratify. The U.N. will open it up for the member states to sign the Convention on the 30th of March. I am almost 100% sure that Thailand's government is going to sign it on the 30th of March. I hope that the government of Japan will do likewise, because I witnessed the active participation from our colleagues from Japan from the beginning, as well. I heard that there are already a pack of 20 countries preparing to ratify the Convention on the very same date (which is the 30th of March), which means it will go into effect on that date. My country is not ready yet to ratify it because we have to come back and make changes to our domestic law. I think it's the same with Japan.

Let me move into the substance of this presentation, which talks about the impact of the Convention. It is still too early for us to say what this Convention is going to be like since we have not yet seen any single signature from any country. The time has not come yet, but from our experience throughout these 5 years of tireless work we can sort of predict it. We can say that these factors can contribute to a positive impact of the Convention. The first group of items would be the characteristics of the Convention itself. Let me point out all of them here.

This Convention is the first international human rights law of the 21st century. I put in parenthesis that it is 6 years after the U.N. Millennium Development Goals. Let me mention MDGs. I believe MDGs was a blow to the U.N.'s face because it has no single reference to persons with disabilities. What a shame. It is one year after phase 2 of the World Summit on Information Society. Let me congratulate all of us because we have many references to disability in the WSIS text. Both of those events (MDGs and WSIS) are not considered the law. They are just declarations or plans of action. However, they have a major influence. They have a lot of impact on what we decided in the formulation of the Convention.

This is a comprehensive human rights law. What I mean by "comprehensive" is it contains social, economic and cultural rights, civil and political rights, along with the social development, human rights and anti-discrimination aspects. We can say that this is very much an all-in-one solution. I think it is of equal standard with other existing human rights instruments although, as for any other, the mechanism for monitoring is still up in the air with the U.N. reforms. We don't know when we're going to be moved into a new structure.

The third characteristic which makes this so outstanding is that it took only 5 years to negotiate this Convention, the shortest of all human rights conventions at the international level. It took only 8 sessions of the ad hoc committee. Do you know how

many years the CEDAW took? I'm sorry that I have to mention this word that is not in the paper. "CEDAW" is the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW took 36 ad hoc committee sessions. It took about 10 years to complete the process. The momentum is there. It took us only 5 years. Another characteristic showing the momentum of this Convention was for the first time we enjoyed full and effective participation by civil society throughout the process, especially organizations for persons with disabilities under the leadership of the "international disability caucus" (IDC). This was proven to be very effective because it was recognized by states, which tended to have lots of doubts at the beginning but eventually we had a very good relationship between civil society and states during the negotiation.

Another thing showing the momentum was very up-to-date technology. It is the first of its kind among all U.N. treaties where all the lobbying process and negotiation process (from the grassroots to the global level) was done through the internet by disabled communities around the world. This phenomenon was actually acknowledged by the former Secretary General of the United Nations, Mr. Annan. He said it was quite an amazing phenomenon, that the whole process was shaken by the internet.

There are some things to be proud of in our region, I think. We have the right to be proud of ourselves and our region, right? The first draft of this Convention (the so-called "Chairman's Draft") was taken from the Bangkok Draft, which you and I helped draft in Bangkok. Let's give a big hand to all of us to congratulate ourselves. We're just clapping for ourselves because we created the first draft of the Convention. I will just go very fast through the structure. There's nothing really peculiar about it. The Convention contains a preamble which sets the rationale and all references to other documents. There is the purpose of the Convention and definitions, which are quite unique. Most of the conventions do not have a definition section. There are general principles and general state obligations. This is also quite unique. Most of the conventions do not really say this. It's assumed that all states must be obligated once they ratify it. Then there is a list of rights and measures to guarantee the enjoyment of human rights and fundamental freedoms, including international cooperation. Then there is national implementation, international monitoring mechanism and final statements.

Again, a very unprecedented phenomenon is that this is the first time in the U.N.'s history (and I would say in world history) that any legal document has ended with the sentence, "The text of this Convention shall be made accessible for persons with disabilities." Have you heard of that before? You haven't, right? This is a major

breakthrough. None of the legal documents in the United Nations system has such a sentence. “The text of this Convention shall be made in an accessible format.” Again, that’s a general characteristic but I’d like to point out very major, unique characteristics that will contribute to a positive impact for this Convention.

I have only four points here. The first one is the term “disability.” Three years ago I gave a presentation here. Some may wonder if I’m going to revisit that presentation. No, I’m not going to talk in detail about that. This Convention treats so-called “disability” as a part of human diversity, taking us away from focusing only on individual impairment towards recognizing the social, environmental and external factors that contribute to the disabling condition of an individual with various impairments. More weight has to be put upon the social, external and other factors rather than just an individual factor. It is in preamble E, article 1, paragraph 2, article 2 and so on.

The next one is that it’s the first time in any international human rights law that the term “accessibility” appears. We haven’t heard of that before. If you look back to some other human rights instruments such as the International Covenant on Civil and Political Rights, they talk about freedom of movement, freedom of expression or access to information. This Convention adds human factors into such concepts. It goes beyond the economic and geographical dimension of freedom of movement. We add the human factor. Accessibility is limited because of the human dimension. That is different. We enjoy the solutions of universal design concept and assistive technologies. Again, for the first time in United Nations human rights law the terms “universal design concept” and “assistive technologies” appear very outstandingly.

I think our Japanese colleagues must love this term, “reasonable accommodation.” Am I correct? In our Asian society I think we are more familiar with so-called “positive measures” which give more flexibility to the provider of services to grant positive measures and assistance on a voluntary basis. When it’s done, it’s hailed. It’s praised. When it’s not done, that’s OK because it’s a positive measure. However, “reasonable accommodation” under the context of this Convention is taken in a totally different way. It means that it has to be up to the users’ requirements matched with the ability of the provider. Failure to provide reasonable accommodation is considered a form of discrimination. If necessary, it has to be given. Failure to give it is considered a form of discrimination. I believe we have to make up our minds in our Asian societies to understand and cope with this new concept called “reasonable accommodation.” I heard that many seminars have been conducted here in Japan on just one topic, “reasonable accommodation.”

This one does not appear in the Convention itself. I am just sort of summing up the overall picture of the Convention. I dare to say that the overall concept of this Convention is disability- and rights-based development because its nature is based on social development, human rights and anti-discrimination. We see that these aspects get married. That's why we call it "rights-based development."

We get a good balance with disability-inclusive or mainstream development that should be strived for. All of the mainstream development projects or programs under this Convention must be inclusive of persons with disabilities. On the other hand, it also allows disability-specific measures or disability-specific aspects of development to exist, provided that both ways must ensure the full enjoyment of human rights and fundamental freedoms. It's rights-based development, whether it is inclusive or specific development.

This is towards an inclusive society for all, looking beyond the Convention's adoption. Again, before this Convention goes into effect it has to be signed, ratified and implemented, otherwise it will just be a pile of paper on a shelf. We need to keep the mentality and the momentum of our work that has brought us to a successful adoption of the Convention. I have about 3 or 4 steps to suggest beyond adoption of the Convention. The U.N. and its agencies should take on the role of facilitators by bringing easy to understand, positive messages and disability-inclusive messages to member states to convince them that signing, ratifying and implementing the Convention will be good for those countries. The U.N. agencies can conduct workshops at the regional or international level or it could publish some publications (again, in accessible format).

Each and every member state (especially within the same region) should help one another towards ratification and implementation of the Convention, especially through international cooperation. I think our Japanese colleagues must be smiling right now about this term "international cooperation."

Next is probably one of the most important players from the beginning. Civil society (especially organizations of and for persons with disabilities possibly under the guidance and leadership of the IDC, which continues to exist) has to keep working in good faith in collaboration in order to keep the momentum, to keep the mentality and the energetic movement around the world so that we can make sure that the Convention is vibrant. This can be done through public education, training, seminars and some forums to exchange ideas, knowledge and best practices, including participating in international and national monitoring mechanisms. We need to find ways in which we can involve people from the disability field in the monitoring process.

The conclusion is it is time for all of us to put this rights-based-developed Convention to work as it is the only instrument we have for more than 650 million persons with disabilities throughout the world. Let us utilize this Convention as a tool to liberate all persons with disabilities, the poorest of the poor from all forms of poverty, isolation, exclusion and discrimination in all aspects of life. I believe strongly that the power of all for an inclusive society that is required in order to achieve inclusive society for all. Again, it is the power of all for an inclusive society that is needed in order to achieve an inclusive society for all. Thank you very much.

Comment

Ryosuke Matsui

Professor, Faculty of Social Policy and Administration, Hosei University

Thank you for the introduction. My name is Matsui from Hosei University. I just received the text about 30 minutes ago, so I wasn't able to prepare a comment beforehand. Based on what I just heard, I would like to make a brief comment.

Mr. Buntan mentioned that an ad hoc committee to make a proposal for an international convention on the rights of persons with disabilities was established based on the resolution adopted at the U.N. General Assembly in December 2001. And the Convention, which was drafted by the Committee, was adopted on December 13th of last year. So, it was adopted in 5 years. The original draft of the Convention was made by the Working Group under the Ad Hoc Committee (AHC) from January to February of 2004. It is a well-known fact that the prototype of this original draft was the Bangkok Draft which was made at an expert group meeting organized by UNESCAP in Bangkok in October 2003. In that sense I think we can be proud that we made a major contribution to this Convention from the Asian-Pacific region.

From the third meeting in May of 2004 AHC began its deliberations on the draft text made by the Working Group. In case of a conventional ad hoc committee negotiations are made among states, and NGOs can participate in the committee only as observers. However, this time the participations of disability NGOs were considered essential. So, from the outset disability NGOs could participate in the AHC. There were two ways for them to participate. Mr. Buntan was a representative of the Thai Government delegation. He was participating in his official capacity on behalf of the Thai government.

In the case of Japan, from the second committee meeting Mr. Higashi, a lawyer with a disability, was recommended by Japan Disability Forum (JDF) to participate in the AHC as a member of the Japanese Government delegation. Disability NGOs can also participate in the AHC as NGO groups. Therefore, a disability NGO member can participate in the AHC as either a government delegation member or a NGO member. The International Disability Caucus (IDC), which is like a network of all disability NGOs, represented the NGO side in the negotiations at the AHC.

As was mentioned, the IDC fully utilized the internet to prepare its counterproposal on each of the articles of the draft Convention by its members. Some of the government delegation members made comments like, "The IDC is saying this or that." The government representatives even quoted what the IDC proposed.

We will be hearing from various panelists afterwards about this. In this Convention how to include disabled people in society was one major theme. Usually in negotiations or discussions printed material will be utilized, but there are people with hearing disabilities and visual disabilities. There are some intellectually disabled people. When the negotiations took place, various communication tools were fully utilized so that information could be provided as much as possible. A lot of energy, efforts and costs were invested to adopt this Convention in 5 years. I could even say it was like a miracle.

As was mentioned, on the 30th of March the Convention will be open for signing. The text of the Convention will be exhibited at the United Nations Headquarters in New York. The government representatives are to be invited to sign the document. The Thai government seems to be ready to sign immediately. As probably Mr. Nagato talks about it later, the Japanese government's signing may come a little later than March 30th. After the signing, there is the ratification process. When the governments of 20 countries ratify it, the Convention will go into effect. Unless 20 countries ratify the Convention, it will not go into effect. As we have heard in the presentation, it seems like 20 countries are already preparing for ratification. Perhaps we can expect that the ratification will come by the end of this year or at the latest early next year.

The question is how various countries, including Japan, will take the necessary steps to ratification. In Thailand they are discussing a possibility of enacting a anti-discrimination law for disabled persons. When the law is passed at the Parliament, they will be ready for ratification. Japan has to go through the same process. Japan need to review its present domestic laws and regulations first before ratification. The NGOs in particular need to carry out nation-wide campaign to deepen the understanding of the public why the Convention is necessary and what is expected from the Convention to ensure the rights of persons with disabilities.

I am sure that this seminar can provide the participants with a good opportunity to understand the Convention. We all hope that many countries will ratify the Convention as soon as possible, and that disabled persons will be able to enjoy the positive impact of this Convention. Thank you.

Panel Discussion

Speech

About the Convention on the Rights of Persons with Disabilities

Toshiaki Nagato

Director for Promoting the Welfare of Persons with Disabilities under
Director General for Policies on Cohesive Society, Cabinet Office

Good afternoon, ladies and gentlemen. My name is Nagato, Director for Promoting the Welfare of Persons with Disabilities from the Cabinet Office. You might be wondering why there is somebody from the Cabinet Office. The policies related to persons with disabilities are related to people's livelihood. The only difference is whether you have a disability or not. From the viewpoint of policies to enrich the lives of the people, it is something that all government ministries and agencies will have to be involved in. The Ministry of Health, Labor and Welfare, the Ministry of Land and Infrastructure, Ministry of Education, Culture, Sports, Science and Technology and various agencies and ministries are taking action, but we need to make sure that the policies are cohesive with each other. The Cabinet Office is responsible for coordinating the policies and therefore we are responsible for persons with disabilities, as well.

Although my time is limited to 10 minutes today, I would like to talk a little bit about the International Human Rights Treaties. I have distributed to you a very busy document. As Mr. Buntan mentioned, last year in December at the United Nations the Convention was adopted. If you look at this slide you see after the Universal Declaration of Human Rights, Covenant A (The International Covenant on Economic, Social and Cultural Rights) and Covenant B (The International Covenant on Civil and Political Rights) have been adopted. Since then, there have been 4 other human rights-related covenants that were ratified by the government of Japan. Now we will be working towards ratifying the Convention on the Rights of Persons with Disabilities.

Theoretically, persons with disabilities should have been covered by Covenant A, Covenant B, the Covenant on Elimination of All Forms of Discrimination against Women and the Covenant on the Rights of the Child. Certain rights have been guaranteed under these. However, at this time we have a Convention specific to rights for persons with disabilities, which means that not only theoretically but in practice we will need to implement measures to guarantee the rights of persons with disabilities. The Government of Japan welcomes the fact that international society has reached an agreement to adopt this Convention. Mr. Monthian Buntan was one of the leaders of the negotiation process. From various countries around the world the civil society particularly persons with disabilities and their representative organizations participated

in the process of negotiations. I would personally like to pay respect for the fact that all these people were able to participate.

Mr. Monthian Buntan mentioned the contribution of the Bangkok Draft and ESCAP in Bangkok. The Bangkok Draft made a major contribution to the initial stages of the negotiation. This convention among all human rights conventions is a convention that reached an agreement in the shortest period of time. Amb. Don Mackay of New Zealand contributed very much to that fast adoption. Amb. Mackay is from New Zealand. Thailand, New Zealand and Japan, all of these countries in the Asian-Pacific region were able to make major contributions and we feel very proud about that.

Because of time limitations I will skip the history, but the government of Thailand seems to be ready to participate in the Opening for Signature Ceremony at United Nations Headquarters on the 30th of this March. As you can see here, it was adopted in last December but there will have to be several steps taken before ratification or assent. In case of the Japanese government, we will have to translate the Convention into Japanese first of all, because the authentic texts are ~~is~~ only in the U.N. official languages, including English. Then there will be the signature. As was mentioned, signature means that the government shows its intention to be bound by this Convention. Then there will be the official translation made of the Convention. Then there will be the signing and ratification by authorization of the Japanese Diet. At this stage, we will have a national law and regulation system which is cohesive with this Convention.

The Convention shall be open for signature by all States and by regional integration organizations at United Nations Headquarters in New York as of 30 this March. The Signing Ceremony will take place on that day and all member states are invited to the Ceremony. The Japanese government wishes to go through the process up to ratification as quickly as possible. However, the draft was adopted in last December and the signing will be at the end of this March, so we will be competing against the physical timing. Within the government we are now discussing at which time we can sign the Convention.

These are the articles from the Convention. Mr. Buntan gave a very good presentation. There were some points that were already covered by Mr. Buntan's presentation. Today I would like to focus on articles that will have a major impact. This is a paragraph (e) of the Preamble of the Convention. Then this is Article 1, "Purpose." These two discuss the concept of disability. Mr. Buntan talked about the social model already, so I would like to move on to the next point.

When we think of the Japanese Government measures for persons with disabilities, I would like to point out some articles in the Convention that will have an impact. First of

all Article 2, “Definitions.” Under this there is the word “reasonable accommodation” used. Before this, actually, there is a definition of “discrimination on the basis of disability.” There is one thing that is very important here. On the second line from the bottom it says that it includes all forms of discrimination. This Convention aims at eliminating discrimination of all forms. This is extremely important. Another concept that will have a major impact on implementation of measures is the last part, “including denial of reasonable accommodation.” This is not a concept that is widely understood in Japan yet. In 1990, ADA (Americans with Disabilities Act) was adopted in the United States. The concept of “reasonable accommodation” is included in ADA. The concept of “reasonable accommodation” will have to be thoroughly discussed in Japan.

Under definitions, there is a definition of “reasonable accommodation.” Persons with disabilities will need some reasonable accommodation so that they can live their lives on an equal basis with others. Rather than having stairs, perhaps we can have a slope or elevators. If there are some persons with disabilities we might have to provide communication assistance at meetings. Reasonable accommodations need necessary and appropriate notification and adjustments are needed in particular cases.

The important words here are in the second line from the top, “not imposing a disproportionate or undue burden.” I’m not sure if this is an appropriate example, but there is a restaurant in the city. At the entrance of the restaurant if the people at the restaurant say, “No, you cannot come in,” just because of disability, this will be a form of discrimination. In case a person in a wheelchair comes to the restaurant in which there is neither slope nor elevator, changing the stairs into slopes or installing elevators would be considered reasonable accommodation. If these measures are not taken, it shall be considered a form of discrimination on the basis of disability, under this Convention.

However, the word here is “not imposing a disproportionate or undue burden.” It may be easier for large chain stores, but for small mom and pop stores installing an elevator or a slope may be too much of a burden. To what extent is reasonable accommodation not imposing a disproportionate burden? That is something that we need full discussion on. We need a consensus among the Japanese people. Otherwise, this Convention will not be effective. Reasonable accommodation is an extremely important concept in order to guarantee a quality of life equal on an equal basis with others.

Because of time constrained, I will be brief on this slide. As Mr. Monthian Buntan mentioned, there are two basic rights that will be guaranteed in this Convention, one is civil and political rights and the other is economic, social and cultural rights. Rights to belief will be included under civil and political rights and these rights shall be

implemented immediately. However, with regard to economic, social and cultural rights (including right to employment, education, and enjoyment of various services), each State Party undertakes to measures to the maximum of its available resources and achieves progressively the full realization of these rights under this Convention. This concept gained an impetus for all member states to reach an agreement in the negotiations of this Convention. Each state party can take a progressive approach to these rights step by and year by year, targeting the goal of its own measures. I think one of the main characters of this Convention is that a progressive approach to economic, social and cultural rights is permissible under this Convention.

I understand my time is running out. What should the Japanese government do? I would like to report to you ~~on~~ one point about the current status. With regard to the Covenant A (on Economic, Social and Cultural Rights), the Committee on Economic, Social and Cultural Rights made a recommendation to the report on the implemented measures by Japanese government in 2001 that the State Party (Japan) abolish discriminatory provisions in statutes and that it adopt a law against all kinds of discrimination relating to persons with disabilities. For example, there are some clauses in laws that disqualify persons with disabilities just because of their disability. There were 63-disqualified clauses in Japanese laws and regulations. From 2001 to 2004 the laws were reviewed and these clauses that disqualify persons with disabilities just because of their disability have been thoroughly amended.

In Japan, we have civil and penal laws that ban discriminatory actions. Actually, 3 years ago in 2004 the Basic Law for Persons with Disabilities was amended. The responsibilities of the Government and the general public are clearly spelled out and that no one shall discriminate against persons with disabilities on the basis of disability. Some people say that penalties are not prescribed in this law, so it is not sufficient. However, last year Chiba Prefecture promulgated an anti-discrimination ordinance for the first time at a level or local government. At that time, there was a discussion on discrimination. just obliging persons to obey the ordinance is not sufficient to eliminate discrimination. Each side of the party will have to hear what the other has to say and try to meet halfway.

This is the result of a survey that was announced in a symposium held in 2000. At that time, 42 countries were said to have laws to prohibit-discrimination against persons with disabilities on the basis of disability. Japan somehow was not included, although it did have a system. The 42 countries were researched at that time. There are some countries (US, UK and Australia) that have a comprehensive anti-discrimination law. There are some countries (Canada and NZ) that have human rights laws prohibiting

discrimination not specifically on the ground of disability but on all grounds, including ethnic origin, age, sex and others. There are some countries that have clauses in their constitutions. Some countries have laws close to the Basic Law for Persons with Disabilities in Japan. EU member states are establishing disability-discrimination laws in the field of employment. There are various kinds of approach to disability-discrimination laws in the world. I think it is necessary to discuss thoroughly the approach to disability-discrimination law in Japan from now on.

This is Article 33 of the Convention (National implementation and monitoring). The existing core human rights treaties (and there are many of them) have human rights treaty bodies established in accordance with the provision of the treaty that they monitor. The human rights treaty bodies monitor implementation of the core human rights treaties through considering state parties' reports. With regard to this Convention, in addition to an international monitoring mechanism, a national monitoring mechanism is required in the state party to this Convention. In this article it says that "A framework including one or more independent mechanisms as appropriate to promote, protect and monitor". I do not have time to go into the details, but if time allows later I will mention to that. Although the government of Japan basically has an existing national monitoring mechanism, how to establish a framework is something that we will have to discuss.

The words "inclusive" and "accessible" are probably the keywords here, as Mr. Buntan mentioned. These two words are actually very difficult to translate into Japanese. Regardless of disability, all-inclusive access to rights and access to means to ensure rights will have to be provided. The Japanese government will listen to the voices of persons with disabilities in realizing our policy.

The Convention on the Rights of Persons with Disabilities and Assistive Technologies

Shigeru Yamauchi

Professor, Faculty of Human Sciences, Waseda University

Thank you very much for your introduction. My name is Yamauchi. Thank you very much for your introduction, Dr. Kawamura. Until 2 years ago I was here working for Research Institute, so I might be able to talk about what is shown here from what I learned in my days in this Center.

The first time I was actually faced with this issue was back in 2002 at the Osaka Forum. Mr. Thomas Lagerwal, Secretary General of RI, contacted me. He told me to organize an ICTA seminar. The title was, as you can see, “Assistive Technology for Disability Rights.” The subtitle was “Assistive Technology in the U.N. Convention on the Rights of People with Disabilities.” That was the task I was given by Mr. Lagerwal. As was mentioned by the previous speaker, back in 2002 nobody had a full understanding as to what kind of convention we would have for people with disabilities. I could not understand why and how the Convention is relevant to assistive technologies. We understood the basic human rights and other rights as well, but we didn’t know the relationship between the Convention and assistive devices. I talked to him and we had discussions for 2 hours. Finally, I was convinced that I would be able to have a seminar centering on assistive technologies and disability rights.

Please refer to this page. This is the program that I organized. The first speaker was Mr. Christy Wilson of NIDRR. She talked about the role NIDRR could play for assistance for the rights of PWDs. Then Mr. Robert Footmn also talked about public transportation, namely the subway in Hong Kong. Also, Jan Lindstrom had been involved in communication and information technology for PWDs. He talked about the possibility of the enhancement of rights using information and communication. Then Dr. Kawamura (who is serving as the moderator today) talked about the ICT policies regarding the rights of PWDs. On top of that, certainly it is important to take up and speak about this issue of human rights and standardization. We decided to ask Prof Kikuchi to talk about the ISO/IEC Guide 71. He was serving as the chairman of that joint committee. I asked him to talk about this issue from the viewpoint of ISO and IEC. On top of that, we asked Mr. Stig Becker from Sweden, to talk about European view. They have worked out similar guideline, EN Guide 6. Actually, the first speaker we had asked, Mr Folke Eliasson could not come here so we asked his colleague, Mr. Stig

Becker to read the paper. I tried to make sure everything related to assistive devices was included in this ICTA seminar.

When this Convention was adopted at the UN General Assembly, last December 13, I again thought about this program we had back in 2002. Actually, I received an e-mail from Mr. Thomas Lagerwel. He said that I have to take a closer look at some of the articles because they are closely related to assistive devices. These are the articles I was told to read. Article number 4, I think mainly item g. The Japanese translation of this item g is not very good for understanding. I worked on this translation myself. Article number 4g is to undertake or promote research and development and to promote the availability and use of new technologies (including information and communications) for those with disabilities, giving priority to technologies at an affordable cost.

One thing that I'd like to focus upon is that among the various assistive products, products for information and communication, and assistive products for personal mobility are very important. These two are indispensable for disability rights. These are the tools for assuring independence and participation in the society. These are very important tools for the realization of this goal. This has been clearly stated in the article.

Here at this Research Institute, we have been focusing our effort on assistive product into ICT and personal mobility. These are the two major pillars in our R&D activities. We have been very much centering our effort on these two pillars, as I just said. I was very much encouraged to see the actual wording in the Convention. AIST and the Research Institute have been working on a major project by Special Coordination Funds for Promoting Science and Technology. We also have two pillars assistive products for ICT and personal mobility.

One more thing that is more important here is affordability. In Japanese, it is "*shiharai kanosei*." In English, it's "affordability." Just to put it in simple terms, it is the availability of advanced technologies with affordable prices. This has been a problem also in Japan. We have tried in Japan to work on the use of the advanced technologies as assistive products for personal mobility and ICT for PWD, but in many cases they are not affordable. In many cases, the products are too expensive. The late Dr. Tsuyama always said that we have to pay attention to the affordability. We try to focus on advanced technologies but he always said that it is not always very good for the actual users. We have to make sure that the kind of things we work on will be usable by the actual users. Something up high in the sky is not something that we have to work on.

I'd like to emphasize something that is not written here. We have to pay attention to the kinds of things that are not written right now. The balance between reality or practicability and also futuristic views are very important here.

Also, accessibility is taken up in article 9 and the mobility issue is taken up in article 20. There is also freedom of expression, freedom of ideas or opinions and access to information. There is also article 26 on rehabilitation and habilitation. There it is emphasized that we should have a good access to information on assistive products. We are to emphasize to know that above knowledge is connected to disability rights. We, researchers in charge of R&D of assistive products, should always keep this in mind.

Let me mention recent discussion at ISO/TC 173/SC 2/WG 11, a WG on classification and terminology. We have started to establish correlations between terms in ISO 9999, 'Assistive products for persons with disability - Classification and terminology' and that in ICF. One very important observation that we noticed in this correlation is that assistive products are only able to function on the body structure, body function and activity in ICF. Assistive devices are not able to actually function on participation area. It means that it provides assistance for body structure, body function and activity but through these activities or through these functions we are able to have an influence over the participation of PWDs.

I'd like to talk more about these issues. One area that I'd like to take up is universal design. Universally designed products are very good, but I'd like to share with you this diagram. We'd like you to pay attention to a good balance between universal design and orphan products. If you read the sentences and words in the convention, you are able to understand the true meaning of that. However, if you are superficial in your effort it is impossible for you to understand the real meaning here.

Another issue is related to the translation from English to Japanese. "Assistive technology" has been translated to the effect that this is only technology, not devices. However, I think it is important to use the term fukushikiki or "assistive technology and assistive devices." I can continue the discussion forever, so I would like to go on to the last page.

On the 26th of February we are planning to hold a seminar. We need clinical studies for evaluating new devices. In that endeavor, in some cases we violate the human rights of the subjects. How to tackle this issue is a point for discussion at this seminar. Mr. Thomas Lagerwell will also make a presentation at this seminar. I would like you to participate in this seminar if you are interested. That's all for my presentation. Thank you.

The Convention on the Rights of Persons with Disabilities and Revision of Laws : ‘No Decision without Hearing’ should be the Principle

Eishi Yukumi

Executive Director, Japan League on Development Disabilities

My name is Yukumi from the Japan League on Developmental Disabilities. All Japan League on Special Support Education, Japanese Association on Intellectual Disability, Japanese Association for the Study of Developmental Disability and All Japan League on Special Support Education are members of the Japan League on Developmental Disabilities. I am here today as Managing Director of this league.

Last year in November in Acapulco, Mexico the 14th World Congress of Inclusion International was held. Inclusion International consists of people with intellectual disabilities and their families. The Congress is held every 4 years. Over 1,700 people attended to this congress. The President of Mexico came. The President of Mexico advocated preparation of the Convention on the Rights of Persons with Disabilities at the United Nations. He emphasized the importance of the Convention. He mentioned that this should not be based on the theory of exclusion. He also mentioned that the Convention was adopted as a result of the participation of disabled people.

After coming back from the Congress, I came back to Japan and heard that the U.N. adopted the Convention and I was very happy. One thing that is often said is there is not much known about intellectually disabled persons. Some people say these intellectually disabled persons cannot do abstract thinking, but what do we mean by that? What do we mean by “abstract thinking” or “abstract wording?” What inconvenience will be brought by the condition of unable to understand abstract matter. Not much is known.

When we diagnose intellectually disabled persons IQ tests are usually used. There are two types of IQ tests used in Japan. In 1905, one was developed in France and in 1917 one was developed in the U.S.A. These two forms of tests have been revised over the years. These are used in Japan. However, what are we measuring? That in itself is not clear. What can people with intellectual disabilities understand and what do they have difficulty understanding? How can we promote their understanding? These things are not fully elucidated yet.

In the process of adopting this Convention, the disabled persons themselves said “nothing about us without us” and they participated in the process, which I think was extremely important. People think they know about intellectual disabilities but in reality that is not the case. We don’t even know what is being measured in the intellectual

capability tests. It's just like estimating the blood pressure when you want to really measure the weight of a person.

30 years ago I started to participate in this movement. In those days, it was very rare for people with intellectually disabilities to go to sushi restaurants or bars. Nowadays they go to sushi restaurants and bars and they go to New Year's parties. This is because the social environment has changed. Easy to read, easy to see menus are prepared. When you go to a rotating sushi restaurant you can actually see the sushi itself on the belt conveyor, so you don't have to be able to read a menu. In their daily lives, disabled persons do not have to feel that much about their disabilities compared to the past.

How can we suppress the expression of intellectual disability? This will be a major challenge for the future. Intellectual disability is a form of adjustment disorder. The people said, "Nothing about us without us." The inconvenience and difficulties they face will have to be fully understood and reflected in the legal documents in Japan.

Recently there are a lot of PCs being used. For example, let's say there is somebody with an IQ of 30 or 40. That is a moderate to heavy intellectual disability. Many children can use their PC to access the internet, to download games or access homepages (sometimes not very appropriate homepages). In recent years, the performance of PCs has changed drastically. PCs don't freeze that much compared to the past. Our concept or understanding of intellect has changed. 15 years ago or 20 years ago moderate to heavily intellectually disabled persons were not thought to be capable of utilizing PCs. However, nowadays it is not rare that intellectually disabled persons can handle PCs. It seems like a new question is posed to us. What is intellect in the first place?

Under definitions "communications" in article 2, it says communication includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain language, human reader, augmentative and alternative moods and so forth. The definition is extremely broad. We hope that the Japanese laws will be revised so that the lives of disabled persons will be made freer.

Today is a Saturday. Usually I work as a speech-language-hearing therapist at a clinic to assist people with seeing or hearing disabilities and developmental disabilities. I work for young people and adults with these developmental disorders. There are many ways to look at or understand people with developmental disabilities. The word "disability" is used, but that doesn't mean they don't develop. That is different point from sensory disorders. That is a different point from sensory disorders. Sometimes the diagnosis may change to another disorder. The diagnosis may differ from doctor to doctor in some cases. It is not understood well that "developmental disorder" is not a fixed state, the

condition is developing. When children have facilities after school, when people hear the children have ADHD they might think of having fences around the facility to avoid risks of run around and away. This kind of misunderstanding will have to be eliminated. Appropriate guidance and education will have to be provided to the children based on that understanding. I hope more understanding about developmental disorders will lead to a better implementation of laws in Japan. Thank you very much.

Tasks in the Medical Field

Tsutomu Iwaya

President, National Rehabilitation Center for Persons with Disabilities

I'd like to speak about medical issues. For people with disabilities, the medical field has a very close connection. Back in the 1990's people started to criticize the paternalism of the medical field. This has been denied and this has been the case, even at this moment. Looking at this Convention, we are at the stage where this has already been adopted. We have to say that there are many changes that should be brought about in our day to day activities, so we are obliged to change our procedures and processes. I'd like to share with you some thoughts about this issue.

There are several things I'd like to speak about. I'd like to take up some of the items in articles 1, 19, 20, 25 and 26. Looking at them, one thing that I realize is that 1, 19, 20 and 26 are related to the disability themselves and rehabilitation. The thoughts or philosophies about disability and rehabilitation are stated in these articles. Then article 25 is related to the health of persons with disability.

When we use the term "health," is it equal for all people? Actually, in the area of basic health many people with disability are being discriminated against in several ways. I have to say that there are some things we have to change in these provisional translations, but allow me to use it.

For the first part, I pay attention to this area of impairment. The word "impairment" is used here. What are the impairments for people with disabilities? This is a rather complicated issue. It is difficult to have a clear definition of "impairments." In the past, we didn't pay too much attention to the actual definition of "impairments." The previous speaker spoke about mental disabilities. What is impairment for people with mental disabilities? This is a very difficult question.

It is important to work on measurement and evaluation for the full participation of PWD in society. The starting point is impairment, so it is important to have a good understanding of impairment in a scientific and value-neutral way. This is one thing. We have to have more attention on what impairment really is.

The second issue is how to work on the assessment and evaluation of full participation. Many people say that it doesn't have to be subjected to measurement all the time. However, we do have the term "reasonable accommodation" so it is important to understand to what extent we have to go in order to have full participation. This can be determined by the level of the culture and the tradition of the country. In that respect,

it is important to have good measurement procedures for full participation. This is not limited to the medical field.

The third issue is the relationship between impairment and activity limitation. We are humans and we have limitations in terms of our mechanical activities. In that respect, we do have activity limitation, regardless of its size. We pay attention to this relationship between impairment and activity limitation. The scientific approach should be introduced in looking at the relationship between impairment and activity limitation in the case of PWDs if we are really serious about implementing full participation.

This is article 19, which covers inclusion in the local community and independent lives. What is written here is, “The right to live in the community with choices equal to others.” In the stages of rehabilitation, their life in their community is important. What kind of services should be provided and what kind of things should be done are covered here. Article 19 shows the objective by which we are able to attain these goals.

Article 20 is about people’s mobility. Because of my profession, I am really interested in this area of mobility. Mobility is of the essence for our day-to-day lives. As mentioned by the previous speaker, this is not only meant for physical mobility but rather we have mobility in every aspect of our lives. That includes mobility devices and assistive devices. We can safely say that this has a very close connection with the engineering aspect of the story.

Finally it says, “Providing training and mobility skills to persons with disabilities and to specialist staff working with persons with disabilities.” The second item, which is the importance of the mobility aids and devices and assistive technologies, is also very important.

The next issue is habilitation and rehabilitation. It says, “Full physical, mental, social and vocational ability.” Maximization of these abilities is important. We have to work on the measurement of these. Only after that are we able to provide support or devices that play a supplementary role. With the addition of supplementary devices or assistive devices, it is possible for PWDs to have full participation in society.

Another issue here is comprehensive habilitation and rehabilitation. This is not new, but in our activity it is important to have a wider view and it is important to have the participation of more people who are related to this field.

Again about habilitation and rehabilitation, this is A, “begin at the earliest possible stage.” One more thing is to support participation and inclusion in the community and all voluntary aspects of society by persons with disabilities as close as possible to their own communities. This is not only for welfare activities but also for health-related activities. It means that PWDs should be provided with services from the hospitals and

clinics in their own communities.

This article shows the necessity for initial and continuing training for professionals and staff. It means that one training session is not enough. We have to continue working on training.

In summary, rehabilitation of PWDs is about the right of these people, about an independent life and inclusion in society. It is important to secure and safeguard people's mobility. Also, we have to pay close attention to the direction of habilitation and rehabilitation. The keyword is "comprehensiveness." It is important for them to acquire capacity for their maximum independence and maintain that capacity in terms of physical, intellectual, societal and also vocational capacities. This maintenance is very important. We also have to start as early as possible. We have to have a cross-disciplinary approach. Also, education is needed for the professional and staff people related to this.

Lastly about health, what is stated here in article 25 is, "People with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability." A says that this should be borne with the reasonable level of the burden. It also talks about the prevention of secondary disability. Then finally it says that these services should be provided as close as possible to people's own communities. Health-related services should be provided in their community, in their vicinity. That is one more thing that is stated here.

B is about the ethical standards of the people in this profession. The health of the PWDs should be equal to the level of health of people without disabilities. However, this is difficult because there are health-related issues unique to people with disabilities. Also, one more thing is that accessibility to health services among PWDs is really bad. This is partly due to the fact that the ordinary medical institutions are not very good for them to use. Also, treatment programs are not very substantial in ordinary health care centers.

This is based on our survey of PWDs with regards to their risk factors for health. As you can see, a higher percentage is shown for obesity, fatty liver and hyperlipidemia. For example, in the case of people in a wheelchair, they are not able to get exercise. It means that they tend to have lifestyle-related diseases. In that respect, what kinds of things can we do to provide care for them? What kind of treatment procedures can we have for them? This is a new issue specific to PWDs.

In summary, we have roles to play. We are doctors. We have to understand, fully diagnosis and make treatment plans for those with disabilities. Also, we have to fully understand the ways in which we are able to provide an explanation of the way how to

develop disability in a logical way and in an objective manner. This can lead to good provision of services. In this way, we are able to make a proposal for health and welfare policies. It is not something that we have to do anew at this moment, but with the new convention we are now thinking about basically a renewed vision. Thank you very much.

Tasks in Realizing an Inclusive Society
— From the Field of Employment and Labor —

Ryosuke Matsui

Article 27 of the Convention is related to work and employment. Though articles 9, 20, 21 and 24 (on education) and habilitation and rehabilitation (as mentioned by Dr. Iwaya) are also related to work and employment, because of time limitation I'd like to focus solely on article 27.

With regards to article 27, there are two major sections. In the first section, the safeguarding of the right to work of PWDs and prohibition of discrimination are covered. In section 2, protection of PWDs from slavery and forced labor is covered.

The background to section 1 is shown here. As was mentioned by Mr. Buntan, this section is taken from articles 6 to 8 of the International Covenants on Economic, Social and Cultural Rights and also from the ILO Convention Concerning Vocational Rehabilitation and Employment (Disabled Persons). These are serving as a basis for the article 27 of the Convention on the Rights of PWDs.

In the past, there was no equal standing of persons with disabilities with the rest of the community. The basis of this article is that the same level of rights with non-disabled people is secured for persons with disabilities. What was repeatedly stressed throughout the AHC is that the Convention is not intended to create new rights for person with disabilities. It means that it intends to ensure that they will be able to enjoy the same rights with other people.

The next items shown here are to the effect that it is open, inclusive and accessible employment. The ordinary competitive and open employment should be inclusive and accessible to persons with disabilities. I'm not talking about a special working environment. Rather, this is a working environment which is inclusive, open and accessible. Let me repeat that. This is not meant for a special employment standing or setting but rather this is meant for the competitive or open working environment. Inclusion into open employment is mentioned here.

In 1-a there is a statement about all forms of employment. "All forms of employment" include full-time and part-time paid employment, starting businesses, self-employment, the establishment of co-ops as well as alternative employment (or sheltered employment). They can also include social enterprises and social firms, which are gaining momentum in the U.K., the USA and Japan. In relation to "alternative employment," there were major discussions at the AHC whether sheltered employment

should be included in “all forms of employment.” Whether to include sheltered employment in “all forms of employment” was a major discussion. Many people said that we should not include sheltered employment in “all forms of employment.” However, the ILO and other members of the community strongly urged that millions of people in the world have difficulty gaining access to open employment. We are not able to ignore this fact. That’s the reason why alternative employment was included in “all forms of employment.”

With regards to the words “all matters,” this includes conditions of recruitment, hiring and employment, continuance of employment, career development, and safe and healthy working conditions. The most important word is “advancement.” People with disabilities in many cases engage in simple and repetitive work. However, in their work they should be able to grow and develop their skills, and advance in their jobs. This kind of opportunity should be given to them. This is not only for ordinary employment but also in alternative employment. “Career development” is a keyword. This kind of attention on career development for PWDs should be taken into account.

In b, it is indicated that equal remuneration for work of equal value. If the work is the same, then the same level of remuneration should be given to them. They should also be protected against harassment. In the E.U. directive establishing a general framework for equal treatment in employment and occupation, there is a clear statement about harassment at work. That is the reason why it is included here. Needless to say, when there is discrimination we should have some mechanism to deal with grievance resolution. Corrective measures should be taken. That is requested here.

g and h in section 1 are related to employment promotion of PWDs in the private and public sectors. In Japan we have a system that is called “the quota system for the employment of disabled persons.” The Japanese government had been actively advocating that this should be included in this article in addition to affirmative action. However, there was no reference to the quota system in the adopted version of the Convention text.

I think we need to have positive measures for realizing equitable rights to employment of persons with disabilities. As was mentioned by Mr. Nagato, for people with disabilities to participate in their work with equitable rights to employment, it is important to have reasonable accommodations. However, it is also important not to force disproportionate burdens on employers. The U.K. and the U.S.A. already have provisions for reasonable accommodations in their legal structures. In the case of private enterprises, they have to provide their disabled employees with a reasonable accommodation which can serve their individual needs. They are requested to give

special treatments for people with disabilities. Still, it is important to ensure the equal participation of people with disabilities in employment through provision of reasonable accommodations which are suitable for the financial standing of private enterprises.

However, again, imposing a disproportionate or undue burden is not requested to employers. Reasonable accommodations involve costs. Public support should also be provided. The level of reasonable accommodation should be decided taking into account the level of support provided by the government.

Next is item number 2. In Japan, we might not have incidents related to this at present. However, in the past there were some cases in which persons with psychiatric disabilities in private mental hospitals were forced to work for the hospitals without pay regardless of their intention to engage in such forced labor. In some cases in developing countries organized crime forced PWDs to disguise themselves as beggars and deprived what they earned from begging.

Now I'd like to speak about the kind of measures we have to work on. These are the challenges for Japan relative to article 27. We have to expand the possibilities and the opportunities for employment and work for PWDs in terms of quality. Though the quota system seems to be effective for increasing the number of jobs for persons with disabilities, the system, that we have now, is not able to ensure the quality of the work and quality of jobs given to PWDs. How to work on increasing or enhancing the quality of the job is important.

Also, the reasonable accommodation that is lacking at this moment should be made mandatory. Certainly some kind of public support should be provided for business companies to enable them to provide their disabled employees with reasonable accommodations. There are also diverse ways people get employment, including short-term and part-time employment. In many cases, people with disabilities have difficulty making ends meet with the kind of money they receive from this kind of diversified employment. We have to provide some kind of safety net. Also, in regards to the complaints some kind of grievance settlement mechanism should be established.

Especially important here is to have some kind of measures for people who have difficulty getting into ordinary or open employment. At this moment, the employment law is not applicable for alternative employment in Japan. In the United States they have sheltered workshops, which are something similar to the Japanese long-term work support centers for persons with disabilities (former *jusanshisetsu*). The minimum wage law is applicable for such workshops. They need to do not get permission from the U.S. Ministry of Labor to be exempted from the minimum wage. It means that outside of Japan in some cases the minimum wage law is applicable even for alternative

employment. We also need to have further discussions on the issue of payment of service fees by those who make use of such work support centers for the purpose of work.

In order for us to ratify this Convention, it is important to have some changes in such Law to support the independence of disabled people and also Law concerning Employment Promotion, etc. of Disabled Persons. Thank you very much for your attention.

Panel Discussion

Discussion

Moderator Kawamura: Thank you very much. At this point I would like to ask the panelists to come up on the stage for the panel discussion. It will take some time for the panelists to come up on stage, so please wait in your seats. Because the presentations were so rich in content, we have overrun our scheduled time. However, the Secretariat has just notified us that the end of this seminar can be extended a little bit. I would like to ask the panelists whether they are available after 4:00. Originally we were scheduled to finish at 4:00, but would it be possible to extend the seminar by 15 minutes so that we can have a 45 minute panel discussion? If everybody has no problem with their scheduling, can we extend it to 4:15? I hope the people in the audience will also cooperate with us. We will be extending the time for the panel discussion.

We started with a keynote lecture by Mr. Monthian Buntan. Then each of the panelists raised issues or mentioned comments. Mr. Nagato talked about the Japanese structure and what will have to be done to ratify the Convention. The impact of the Convention was mentioned. In particular, it was mentioned that a domestic monitoring system has to be established. There were other important points, but when it comes to monitoring how can we proceed with establishing a mechanism? I hope this will be addressed in the panel discussion.

Welfare devices and assistive devices will be playing an important role in the Convention. Mr. Yamauchi talked about that. In his presentation, he talked about IT and mobility technologies being given a special focus. He also mentioned that the role of the welfare equipment is to assist activities and physical functionalities. He also mentioned that these have a direct impact on participation or QOL. Also cost is an issue. The cost will have to be at a level which is acceptable to the society.

Then Mr. Yukumi talked about developmental disabilities and intellectual disabilities. He mentioned that the understanding and elucidation of intellectual disabilities itself is necessary. He mentioned that the needs of those with intellectual disabilities will have to be identified with the participation of the disabled themselves.

A law to support developmentally disabled persons is about to go into force, so we have had major changes in Japan. I hope this will be discussed further in the discussion. From the viewpoint of the medical professionals, health-related equity rights are extremely important for persons with disabilities. That was mentioned. Accessibility to medical services will have to be reviewed. Ultimately, disabled persons' medical rehabilitation should aim at rehabilitation being provided in the community.

Another point that was suggested was how we ask for support for disabled persons. It was not mentioned in the presentation, but it was in one of the photos. For example, people with disabilities can have folders with different colors to move from one place to

another in the hospital. That was given as an example, but at the same time there are privacy issues. What assistance a person requires can be disclosed, but we have to be careful about privacy. Privacy and self-disclosure of information was not expressly mentioned in the presentation but I hope we can discuss that in the discussion.

Ultimately from the viewpoint of social participation, Mr. Matsui talked about employment. He referred to the Decent Work Initiative. This is again a word that is difficult to translate into Japanese. Having a decent occupation will lead to being recognized in society.

As you can see, we had a wide range of views being presented. Mr. Buntan mentioned in the keynote lecture that the impact of this Convention will be wide-ranging in various areas. We have to seriously take steps so that this society will be one in which everyone (with or without disabilities) will be able to live comfortably together.

First I would like to turn to Mr. Monthian Buntan for his comments about the positions presented by each of the panelists. If you could, give us your comments on the presentations and also if you have any additional issues you would like to have discussed in this panel discussion.

Buntan: Thank you very much. Actually, during my presentation I only mentioned positive impacts with enthusiasm and high hopes. However, there are some problems. As you know, nothing is perfect. I selectively mentioned only good things, but there are some items of concern that need to be addressed here. This is not part of the presentation, prior to my comment here. We're of great concern that this Convention might be subject to different interpretations by different linguistic identities.

As you know, there was a footnote on "legal capacity" in article 12. Finally, the footnote was taken away during the adoption. However, in the record of the General Assembly meeting several nations voiced their reservation and their determination to interpret such law based on their own linguistic identity, which means that we may have multiple standards of human rights practice. Again, this is very dreadful. It means that in some languages people with psychosocial disabilities may enjoy less human rights and fundamental freedoms than those in other languages because of different interpretations. That's one point I want to make.

The second point is that I mentioned rights-based development, and I mean it. I think that in all forms of rights (education, employment, health, rehabilitation, everything). However, it seems to me that this Convention with the spirit of compromise cannot really fulfill its goal of balance between disability-inclusive and disability-specific

rights-based development. See for example article 24, “Education.” “All persons with disabilities are ensured the right to inclusive education.” “States are obliged to provide inclusive, affordable, accessible education in the community in which they live with all kinds of support.”

However, when it comes to specialized services, only deaf, blind and deaf-blind people are referred to. No other types of disabilities are provided with a specialized provision. That is because it is very difficult for us to negotiate this. Only effective organizations of some certain disability groups are able to agree on this issue. The rest just cannot take the risk. You see inconsistency in this Convention. I hope that we will try to avoid conflict because of that. We should try to make use of what is good about it.

In the health area as well, we see that some countries with sensitive issues are trying to avoid certain issues. That means whether it is for the general public or for persons with disabilities, they don’t want to talk about it at all no matter how much the Chairman or many of us are trying to convince them. This doesn’t mean that we are going to create unprecedented new rights. This is on the basis of equality. For example, in reproductive health we’re not talking about new rights in reproductive health. We are saying persons with disabilities should be able to receive the same range of reproductive health services and not be discriminated against on the basis of disability. However, such matters cannot be discussed thoroughly because we are running the risk of losing the whole Convention.

Anything about “gender” is not acceptable in the main text of the Convention, which is quite odd because it appeared only the preamble and nowhere in the main text. Certain countries are not willing to accept the term “gender” because it has a meaning beyond male and female sex. Gender is wider and they just could not cope with it. It means that whether the general public has or does not have such a privilege or rights, persons with disabilities do not. It’s a sensitive issue, and therefore we cannot really pursue it. We cannot really move far beyond that.

In terms of employment, I think Professor Matsui mentioned that already but I’d like to elaborate a little bit further. I think the guarantee of rights and fundamental freedoms of persons with disabilities should be safeguarded well in the sheltered workshops, as well. The sheltered workshops should not have any justification to give less protection to the rights and dignity of persons with disabilities. I think it was Israel that mentioned this. We face the fact that we cannot really deny sheltered workshops. They exist, but the lives of those disabled workers in sheltered workshops have to be of the same standard as anybody else. That’s the case.

One other thing I think we were not able to really talk about much was the monitoring. I think the moderator stressed the need for further talk on that. Really the condition is that we are under ongoing reform within the U.N. system. Nobody would like to propose anything that would take us too much time because we don't even know whether it would stay with us. What we have here is just like any other existing Convention. We have a committee with certain activities and certain powers, but with the exception of communication and individual communication that has to be taken into optional protocols.

Still, it is a way which most of us who are dealing with domestic law could not really understand because without permission from a state (even with some complaints) the committee cannot really go for a visit. It means that a country may ratify the Convention and may claim to implement the Convention but if there's any record of human rights violations towards persons with disabilities the committee has to consult with that particular state and ask for permission. The state will invite the committee to go and visit, investigate or give consultation. It is quite a delicate issue. I'm not sure how much we can really hope for out of this. This is something that needs further study and further investigation. I hope that under this reform the Human Rights Council will come up with a good solution that will be really meaningful for effective implementation.

Last but not least, one thing that I've been fighting for all the way is accessibility. What I cannot really ensure (and I felt a bit disappointed about it until the end) is in terms of access to information. We can only guarantee so-called "public information." The information provided by private entities could only be encouraged to be accessible. The word "encouraging" or "urging" seems to be too vague for me. I just could not understand why many states came up with the argument that you cannot really urge or require the private sector to provide information in an accessible format because it would be a violation of freedom. A state cannot really intervene in that. A state can only encourage.

The same analogy could be drawn from environmental factors. If states can prohibit the private sector from polluting the environment, why can't states require the private sector to provide information in an accessible format? Again, that's a different issue. It's too complicated for many state delegations to understand. Therefore, they just simply say that this is a difficult issue. They don't want to make it a requirement or else we will not get anything about that at all. Whether we like it or not, we have to live with just "encouraging" or "urging" but not "requiring" for the private sector. Thank you very much.

Moderator Kawamura: Thank you very much. Time is running short, so I'd like to continue on with the panel discussion. There is no order for the comments, but are there any additional comments about the issues raised from the panelists? Please choose one topic and make a comment. We ask for your cooperation. Please raise your hand. Mr. Matsui, please?

Matsui: Mr. Monthian Buntan talked about a footnote. I think you didn't understand the meaning of the footnote within article 12. In Russian, Chinese and Arabic the translation of "legal capacity" was different. The footnote was to the effect that this is the legal capacity relative to some rights. However, this footnote was deleted in the final version. Still, there are several countries that have reservations about this particular article.

As I said, back in January and February 2004 they came up with a draft in the working group. Then revision of that draft was put into the Chairman's Draft. Then the final revision was made. The final draft was adopted in the 8th AHC. There have been changes in the contents of the draft. Though I guess many of you are not much interested in this process, I am sure that by looking at the process and at the changes that were applied to the drafts you might be able to understand the actual thinking behind it.

We didn't have much discussion about it here, but when this whole process started many of the advanced nations thought about the necessity for new monitoring mechanisms for the establishment of the Convention. However, that requires time and money. From developing nations there were voices that they need financial and technical support from developed nations to implement the Convention. Otherwise it is not possible for them to implement it to improve the quality of life of persons with disabilities. Their ratification might depend on the support from developed nations. At the initial stage, developed nations or advanced nations had some concern as to the viability of the Convention on the Rights of PWD. However, over time there has been a change in attitude. The final conclusion was that there was a unanimous vote for the Convention on the Rights of PWD. We were able to learn a great deal, not only the state parties but also the NGOs and NPOs. The discussions were beyond the initial scope and we were able to grow out of this process.

As was mentioned by Mr. Monthian Buntan, the Convention is not a panacea. Using this Convention does not solve everything. This is the starting point or the basic structure. Using this as a foundation, we have to develop something new. I talked about work and employment. I'm sure there are many things we have to work on. We have many areas for improvement. We'd like to work hand in hand with many of you to have

improvement in this area.

Moderator Kawamura: Thank you very much. Next we'd like to ask somebody else among the panelists. Yes, Mr. Iwaya?

Iwaya: Thank you. I'd like to ask for input from the rest of the panelists. We are using the term "inclusive society" or "realization of an inclusive society." This is the title of the session. Come to think of it, what is an inclusive society? In what way can we understand "inclusive society?" Back in 2004 we established a basic law for PWD. We used the term "kyosei society or society for all." Could you make a comment on this? In Japan we try to think of an inclusive society but we still do not know whether we are able to have consistency between an inclusive society and kyosei society, which is based on coexistence. Could you make a comment on this?

Moderator Kawamura: Mr. Nagato, I think you are the right person to answer this question.

Nagato: Early in my presentation I talked about fulfillment in the life of persons with disabilities. Many different measures should function well. In order for them to function well, we have to have a target or objective. One direction we have is a cohesive society where every person with a disability or without a disability can live as a member of the society in which they live. With regard to a cohesive society, I'd like to give you the definition of a cohesive society. Regardless of a disability, people can place emphasis on the personality of others. We are able to support each other so that we can live a better life in the society. The keywords are "regardless of a disability"

I said that "inclusive" and "accessible" are the keywords, but these words are difficult to be translated into appropriate Japanese. We used to have the term "integration" in the past to mean something similar to "inclusiveness." However, we are using the term "inclusive." "Inclusive" doesn't make any distinction between persons with or without disabilities, men or women. While integration, the starting condition is that people are different.

However, now in the case of "inclusiveness" we are starting out with the same condition. We are the same. Then we have diversity. We have a mixture of persons with different, diversified characteristics. That's the reason why we are starting to use the term "an inclusive society" rather than "an integrated society." Even if you have difficulties or disabilities or if you don't have disabilities you are able to live in the

society as an equal member. That's the reason why we are trying to use the term "an inclusive society." We have confirmed that in this Convention. Thank you very much.

Moderator Kawamura : Thank you very much. The word "inclusive" started to be used widely in the international arena after the Salamanca Declaration for Education. "Inclusive" started to replace the word "integration." Mr. Monthian Buntan talked about the inconsistencies, especially with regards to education. In article #24 or 4# there is specific mention of Braille and sign language. I wonder what Mr. Yukumi thinks about this point?

Yukumi: Before I answer the question, there is something I would like to say about intellectual disabilities. In Japan you have to get a identification booklet for persons with intellectual disabilities. We are in Shin-Tokorozawa in Saitama Prefecture. In Saitama Prefecture even if you are determined to be intellectually disabled in Tokyo you may not be recognized as intellectually disabled. That is, in Saitama Prefecture the IQ standards are different from those of Tokyo. If you move from Tokyo to Kanagawa, the situation is different. Tokyo has stricter standards, so you may not be recognized as intellectually disabled. In Kanagawa if your IQ is less than 85 you may be determined to be intellectually disabled. Even the same person may or may not be determined intellectually disabled depending on where they live. That is because each prefectural governor has the right to determine the threshold. This is wrong situation.

Concerning education, there are schools for disabled children. I serve on the advisory committee of a school for disabled children. Japan is being criticized for this. In the school, there may be only 24 classrooms but there are 37 classes. In Tokyo, number of the student is on the increasing in hundred unit. Numbers of students who wish to enter these schools for disabled persons. However, 10 or 15 years ago there was a time when no child wanted to enter these schools. But nowadays, many children can not be able to enter the school for disabled children. Yesterday I met two children, one from Nagano and one from Tokyo. The one from Nagano was about to enter grade school. This one wanted to enter a regular school. The one from Kanagawa was about to go into high school. They were about to enter a branch class of a school for handicapped persons. This is a form of inclusive education. That is, in the same school they have branch classes for the handicapped and non-handicapped.

A special support education system will start from April of this year but the actual needs are not fully identified. How do we identify and define "intellectually disabled?" How can we support people so they understand these people and provide access for

these people? I think it is about time we reviewed that point.

With regards to the developmentally disabled people assistance law, we have a specific definition as developmental disorder in Japan for ADHD, Asperger syndrome and Learning Disability (LD). In Japan, only autism with intellectual disability is included in developmental disorders but “intellectual disability” is not included among developmental disorders. This is rare among the countries in the world. It is difficult to explain why. As I mentioned before, condition of developmental disorders may be different. At 3 years of age they may be considered autistic. At 5 they may be diagnosed as ADHD. At 10 they may be diagnosed as LD. Then when they turn 15 they may be determined to be normal. I’ve seen many people like this. The law to assist developmentally disordered people may be trying to brand these people as developmentally disabled and it may lead to the exclusion of these people. I think we will have to organize our thoughts and our definition. Otherwise, the policies for the developmentally or intellectually disabled may be very un-cohesive. The same person may be determined as intellectually disabled in one place but not so in another place. On the other hand, physical disability and mental disability are classified by national standard classification.

We need a nation-wide definition for “intellectually disability.”

Moderator Kawamura: Mr. Nagato?

Nagato: Unfortunately, when we promote policies for persons with disabilities it is true that there are some local differences. The quantity and quality of the service, in addition to the definitions, are different. However, this is not only in the area of policies for persons with disabilities. There are local differences in other policies, as well.

Mr. Monthian Buntan mentioned in his initial statement that there were some shortcomings, like the differences in interpretations of this Convention. I think there are two perspectives that are necessary here, rights to be secured and actions to be taken by the governments. There should be some actions to eliminate any basic differences. However, language, culture and history will have a major impact on the livelihoods of people. We cannot try to unify everything, neglecting all cultural or linguistic differences. We have the wording now for this Convention so that many countries can agree and sign it. There are some continental law-based countries and Anglo-Saxon law-based countries and there will be differences between those countries.

It is possible that there will be some slight differences. The question is how we can determine whether the difference is acceptable or not. In order to determine that,

monitoring is necessary. I think it is extremely significant that we now have mention of a national monitoring mechanism in this Convention. An international monitoring system is also necessary. However, an international monitoring mechanism will have to be smoothly implemented not only for this particular Convention but for all human rights conventions. We will have to constructively develop and progress the monitoring mechanisms within this Convention, taking into consideration that thought.

Moderator Kawamura: I have a question for Professor Yamauchi. Persons with disabilities will have to be able to participate. In order to do so, monitoring is specified. If this Convention does give us a general direction that we should be pursuing, I think it is necessary for persons with disabilities to participate in the process. Research and development to assist in the participation of persons with disabilities is probably necessary. Do you have any additional comments on that?

Yamauchi: Basis of assistance for participation by assistive products is provided by information and mobility. This should be the foundation of what we are to do. The largest concern on this would be in the area of R&D. We have to be serious in tackling this issue.

Participation of disabled persons themselves is important, but in many cases it is easier said than done. In this center we have tried to involve PWDs from a very early stage in R&D activities. This has been discussed and this has been the case for many projects, but this has not been very sufficient in actuality.

Let me mention an EU project, FORTUNE. Last year we had a symposium in the joint project with AIST. We invited Christian Buehrer, who lead the FORTUNE Project. The purpose for that was to raise the level of participation of PWDs. In order to make sure they are able to do that, the starting point was education. They gave training to the PWDs so that they have a higher level of capability to participate in the R&D process. That is the formation or foundation by which they are able to participate. This is also something we have to do.

As I mentioned earlier, we'll have a seminar on the 26th of February. We'd like to cover this issue there. However, if there is participation by the PWDs in the R&D process they are not able to become a subject themselves in the clinical study of that particular device. That is to avoid conflict of interest. With this kind of backdrop, it is still important to go towards the goal of participation of PWDs in the process of R&D. We understand this is a complicated issue, but still we should be committed to the attainment of this goal.

Moderator Kawamura: Thank you very much. I'd like to make a supplementary remark about R&D. Before coming to Japan, Mr. Monthian Buntan went to Phuket in January. He participated in the meeting representing Thailand and also the Thailand Association of the Blind. There was also participation from the WTO working committee. That was meant for the people affected by the tsunami. We are talking about the ordinary times, but also at the same time we have to pay attention to the disastrous times. Along with that, it is important to make proposals for the development of towns and the development of communities.

It is already very close to the time to close this session. We'd like to ask for comments by one or two people. No? Alright then, we'd like to ask Mr. Nagato first and then after that Mr. Monthian Buntan and then after that we'd like to ask Mr. Iwaya. Actually, Mr. Iwaya is supposed to make the final comments, so I'd like to have two comments. I'm very sorry that we were not able to take questions from the floor. First Mr. Nagato and then after that, Mr. Monthian Buntan, please.

Nagato: I am very sorry for making this delay in this process because I spoke too long in my initial presentation. In my 10 minute presentation (actually, it was longer than that) I talked about the issue of reasonable accommodation. It is important to discuss not only among person with disabilities, but also discuss with other parties (including service providers to persons with disabilities). By doing so, it is possible to have full understanding and full measurement to secure the rights of persons with disabilities. It may sound difficult and it may take a long time, still it is the loyal road. Still, I think this is the easiest way. This is not something that should be lead by the national government. Rather, community-based approaches are important. We'd like to ask for your cooperation here.

About accessibility, employment and education, there are cross-cutting rights in the various fields. We can hear the presentation in various fields. This is not something that can change the world overnight. That would be totally difficult or impossible. Here in Japan United Nations International Year of Disabled Persons in 1981 became a turning point of measures for persons with disabilities, we now have a better situation for persons with disabilities. Based on the IYDP and support by international society, the Government of Japan established 10-year action plan for persons with disabilities. We have now the third 10 year plan. We have very high-order objectives and progressive approaches. We spend time trying to attain certain things that are attainable at that point.

Thinking about the implementation of this Convention, it is very important to have this kind of approach. First and foremost is to set goals. We'd like to ask for your input

for the process of setting goals. After that, we'll try to have a progressive approach or a step-by-step approach for the actual implementation of the goal. As was mentioned by Dr. Yamauchi, it is very important to have their voices reflected on this process. We have to pay attention to the voices of persons with disabilities. It is possible for them to express their views. There are many different kinds of channels being prepared by the administrative branch. We'd like all of you to state your opinions and make yourselves heard by the public entities.

Moderator Kawamura: Mr. Buntan, please take the floor.

Buntan: I forgot to mention one thing, and I think this is very important. I very much appreciate Japan's role in international development assistance activities. I believe that Japan contributes the greatest amount of money to the U.N. Am I right? I think I'm right. This is a chance where Japan could help us, achieving the implementation of this Convention through international cooperation. We're not asking for new initiatives. We're talking about setting criteria for international development assistance to make it disability-inclusive. Several mega-projects for infrastructure development have benefited from assistance from Japan. I think it would be very greatly appreciated if the Japanese government would look into setting up very progressive criteria so that all Japan-supported initiatives at the international level are indeed disability-inclusive. Thank you very much.

Matsui : Allow me to add just one more thing. Mr. Itayama is over there.

We had the Asia-Pacific Decade of Disabled Persons from '93 to '02. We are now in the mid-point of the 2nd Asian and Pacific Decade of Disabled Persons (2003~2012). We have Biwako Millennium Framework (BMF) that was developed at the UNESCAP High-level Inter-governmental meeting held in Otsu in October 2002. Mr. Itayama and his colleagues played a major role for it.

It is important to have an emphasis on the Convention on the Rights of PWDs. However, at the same time we have to pay attention to the one that I just mentioned. In that respect, Mr. Monthian Buntan talked about the contribution Japan could make for the international arena. We need to make our utmost efforts to achieve the goals of BMF, which was established in Otsu as a policy guideline of the 2nd Asian and Pacific Decade of Disabled Persons. This could be one of major Japanese contributions to realizing full participation and equality of persons with disabilities in the region.

Moderator Kawamura: Thank you very much, Mr. Matsui. I forgot to mention that. At this center, rehabilitation of disabled persons has been looked at by Professor Itoyama. I'm sorry I'm giving you the microphone all of a sudden, but if you could please make a comment. Please wait for the microphone.

Itayama: Thank you very much for asking me to speak. Rather than speaking on behalf of myself, I'd like to say that the Japanese government, the Japanese Society for Rehabilitation of Persons with Disabilities (Vice President, Mr. Matsuo is here today) and various people including disabled persons' organizations are working on long-term plans and contribution for Asia-Pacific regions. There are private sector people working together with the government to contribute to the measures taken in this area. We are very grateful for this center organizing this seminar. As a person from the private sector, I hope we can cooperate with the center to promote activities in the Asia-Pacific region. Thank you again.

Moderator Kawamura: Thank you very much. I think my role ends here. With this, I would like to close the panel discussion. I will now ask for the closing address, but before that I have something to say. Probably the Convention itself has some concerns or shortcomings. You probably have some more things that you might want to have included in the Convention, but I think we were able to confirm that at least a general direction has been suggested in this Convention. Because of my poor chairmanship today, I was not able to ask for comments or questions from the floor. Having said my apologies, I would like to close this panel discussion.

Closing Address

Tsutomu Iwaya

President, National Rehabilitation Center for Persons with Disabilities

Thank you very much for coming to this seminar. I would also like to thank the panelists very much for participating and speaking. Please accept my sincere appreciation. Our facility is a WHO collaborating centre. As a part of its activities as a WHO collaborating center, we have decided to hold this seminar. The U.N. convention just happened to be adopted late last year and therefore we were able to take this opportunity to hold this seminar. We are very pleased that so many people are participating.

Before the Convention was adopted, there were various negotiations taking place. Mr. Monthian Buntan talked in detail about the process of negotiations. Some challenges or shortcomings of the Convention were mentioned, as well. There may be shortcomings, but it is true that this is an epoch-making convention. Even with disabilities, people can participate in creating a society. Now we have this large objective of including persons with disabilities in the process. We have to have the cooperation of people in various fields so we can establish an appropriate system within this country. If this seminar contributed to giving you some food for thought, we are very happy.

When it comes to the issue disabilities, we tend to focus on the social model but in reality the functions of human beings lead to discrimination or social segregation.

From the viewpoint of a physician or the viewpoint of a human being, this is unreasonable. From a neutral viewpoint we should look at the functions of people, and in order to do that medical knowledge is necessary. I hope everybody, including persons with disabilities, will look at the medical community and look at the issue of disabilities from a medical viewpoint, as well.

I hope we can have your continued understanding and support about our activities. I would also like to thank all the people who have made efforts and contributions in the years leading up to now. Thank you very much.