

Japan Support Centre for Activity and Research for Older Person

1 There are no laws or policies in Japan that focus specifically on older persons among marginalized populations. For example, The Ainu Promotion Act does focus on the ethnic group, and it does refer to community support for older persons, but its actual focus is on the costs of maintaining public facilities. There were calls for target individuals to receive cash benefits before the enactment of the law, but this never materialized.

One exception is the treatment of recovery persons affected by Hansen's disease and their families. Most recovery persons affected by Hansen's disease are older persons, and many of their families are similarly older persons. Under related law, discrimination and human rights violations against patients and their families persisted for a long time. Since the 2000s, following judicial decisions, the government provided financial compensation to people who have recovered from leprosy and their families and created a legal framework that aims to eradicate prejudice and discrimination against people affected by Hansen's disease.

The Japanese government is expected to address "community-based comprehensive care system" as part of this response, but this system does not clearly envision the marginalized older people. The opinions of ordinary older people were not consulted in designing and operating this system in the first place; hence, it is extremely difficult for the system to reflect the opinions of the marginalized older people.

2 On the subject of employment, Related Law allows for a retirement age of 60 or older, and many companies have adopted a mandatory retirement age of 60 years. As a result, workers in their 60s and older are forced to work at lower salaries or on a non-regular basis.

On education, the School Education Act stipulates compulsory education to be available from the age of 6 to 15. While this principle remains unchanged, new law of 2018 allows those who have not completed compulsory education, including older people, to study at evening junior high schools, etc. Approximately 30% of students attending evening junior high schools, etc. are older people.

In terms of healthcare, the Act on Assurance of Medical Care for Elderly People provides medical care for the older people aged 75 and over. In fact, it aims to reduce medical costs and the out-of-pocket costs are lower than those of other age groups, but the medical care provided is of a lower standard than that of other age groups, making it a discriminatory system.

There are no legal restrictions on financial products, but there are also no laws that prohibit companies from imposing age limits.

3 Few ideas or mechanisms exist in Japan that facilitate older persons living in residential facilities or prisons to participate in society. Although prisons have social workers and related laws, there is a high rate of recidivism and return to prison because of insufficient livelihood security, including work, income, and medical security, which are necessary for their rehabilitation and participation in society; hence, this has become a problem. 13.8% of the inmates in prison are older people, and the rate of recidivism for them exceeds 20% (as of 2021).

Under the Public Office Election Law, prisoners sentenced to imprisonment do not have the right to vote. In principle, absentee voting is possible in older people residential facilities and hospitals that have over 50 residents, but the provision of such a service is left up to the discretion of the individual institution.

Even on a daily basis, older persons residents of such residential facilities have difficulty going out on their own, and do not participate in local community associations, hobbies, or social activities. Interactions with the family are also dependent on the family's initiative. This is due to the staffing shortage at these facilities and the lack of necessary fund allocation by the government. Further, many residential facilities are understaffed due to the COVID-19 pandemic, and families of the older persons are unable to visit the facilities to see them.

4 According to the Japanese government, among the costs of social protection and social security, those of pensions, medical care, and welfare services for the older persons amount to 82,044,400,000,000 yen, or 66.2% of the total (2018). While this appears to be a large amount, poor or low-income seniors have difficulty accessing benefits. This is because the system assumes long-term and excessive premium contributions that

are not commensurate with income, and therefore only those who have contributed are eligible to receive benefits. There used to be an old-age supplement system for public assistance, but it has been abolished.

There is little legal policy on cultural rights, and local governments only subsidize social participation activities for senior citizens' clubs under the Welfare Law. The United Nations has been promoting the use of digital technology and education for the elderly, but the Japanese government has yet to implement a budgeted policy.