

2017.05.04

Japan Support Centre for Activity and Research for Older People

Equality and non-discrimination

1) The constitution and legislation do not guarantee equality explicitly for older persons or people of all ages. They do not forbid discrimination explicitly on the basis of age, except for Act on Stabilization of Employment of Elderly Persons. However, in the commonly accepted theory, discrimination reasons prescribed by Article 14 of the Constitution are illustrative, and it is interpreted that unreasonable discrimination due to age is prohibited.

2) There are few laws prohibiting discrimination based on age, so there is little information on discrimination. Based on Act on Stabilization of Employment of Elderly Persons, the Ministry of Health, Labor and Welfare prepares a pamphlet on employment, which is published on the web and placed in employment security offices and the like.

For example, rental housing may be rejected for reasons of age, but there are neither legal restrictions nor information on discrimination prohibition.

3)-1 The public health checkup for people over the age of 40 is conducted and the examination rate is 47.6% (72% for large company insurance and 34.2% for regional insurance). Low as 40% is over 65 years old. The reason for this is that the disease is being treated, the fee is necessary, and the duration of the medical examination is limited. Older people in Japan are so concerned about health, that they proactively join health programs, bringing good result.

3)-2 To rationalize the operation of financial institutions, the number of offices is reduced and the number of unattended ATM is increasing. ATM is convenient, but there are some inconvenience for older people. (A) Operation is complicated and time-consuming (B) There is no one at hand who can give them financial consultation. 50% of users over the age of 70 are using bank offices. And many older people suffer inconvenience because there is no branch office near the house. They are often victims of “grandparent scam”.

4) - Public old age pension is provided from 65(years old). Additional old age allowance in Life protection system was abolished.

- The self-pay ratio of medical expenses is 20% for the age of 70-74 and 10% for over 75.

Different treatment in medical care is applied for older people.

- Act on Social Welfare for the Elderly law and the benefits of Long-term care insurance law are available from 65, in principle. Act on the Prevention of Elder Abuse applies from 65.

- Temporary-pay of unemployment benefit is provided from 65. Securing continuing employment up

to 65 is mandatory for companies.

- Mandatory dementia test to update driver a license was newly introduced for those over 75.

Neglect, violence and abuse

1) There is the survey on the abuse of the older people in 2015 carried out by the government. There were 408 cases of abuse by care facility staff members and 15,976 cases by caregivers.

The ultimate abuse is “homecare murders”. Professor Etsuko Yuhara (2016) has carried out survey research focusing on “homecare murders”. She analyzed 716 cases of homicide between 1998 and 2015. This report is based on her research.

2) (a) In Japan, physical abuse, neglect, psychological abuse, sexual abuse and, economic abuse are registered under “Act on the Prevention of Elder Abuse”. This law is intended for care facility staff members and caregivers for cases which happen at care facilities and home.

Recently, “homecare murders” have been occurring continuously at home. According to statistics of the National Police Agency, there are 356 cases of “homecare murders” reported from 2007 to 2014. According to Yuhara's survey, on perpetrators, 46.5% is their partner and 46.2% is their child. Males account for 74.3%.

2)-(b) According to Yuhara's research, women accounted for 70% of “homecare murders” victims, 60% being over 75 years old, 26.8% in bedridden, and 30.6% in suspected dementia cases. The case of using public long-term care insurance services was also 17.0%. More cases are reported in urban areas such as Osaka and Aichi.

3) There is “Act on the Prevention of Elder Abuse, Support for Caregivers of Elderly Persons and Other Related Matters”. However, due to the insufficiency of the long-care delivery system by the government and the high cost of using long-care systems, families have to take care of the older persons and because of the severity of care work, they happen to kill the older persons. The situation of those older persons who need long-care are serious.

4) There is Act on the Prevention of Elder Abuse and Adult guardianship system based on the Civil Code. The former directly deals with economic abuse, protects older people and responds to abusers. The latter prevents economic abuse, but there are problems for older users to be charged for using the system.