

Focus area 1: Contribution of older persons to sustainable development

Japan Support Center for Activity and Research for Older People

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a) The Constitution of Japan guarantees freedom of speech and expression, right of access to information, freedom of assembly and association to all citizens, including older persons (Article 21). It also stipulates that freedoms and rights guaranteed by this Constitution shall be maintained by the constant endeavor of the people (Article 12).

The Basic Law on measures for the Aging Society stipulates that measures for aged society shall be carried out based on those basic principles of building such society as; “a fair and vibrant society in which opportunities to participate in various social activities or working throughout their lives are secured” (Art.2(1)) and “a society in which the people are respected as important members of society throughout their lives” (Art.2(2))

Act on Social Welfare for the Elderly, whose purpose is to clarify the principles governing welfare for the elderly, stipulates the basic principles as follows; Elderly persons, as persons who have contributed to the development of society for many years and who have abundant knowledge and experience, are to be respected as such, and healthy and comfortable lives that make living worthwhile are to be secured for them (Article 2); Elderly persons are to make efforts to participate in social activities by making the most of their knowledge and experience (Article 3(1)); and elderly persons are to be afforded opportunities to engage in suitable work or to otherwise participate in social activities, in accordance with their preferences and capabilities (Article 3(2)).

However, both laws lack the perspective of guaranteeing human rights.

c) Japan Senior Citizens' Council, a nationwide older person's CSO that was established in 1986, has been working to protect the lives and rights of older persons, satisfy their interests and needs, guarantee their rights, establish age-friendly society, and improve their status. In every year since

1987, Japan Senior Citizens' Council has organized *National Conference of Japan Older Persons*, the largest conference and social campaign of older persons in Japan. Older persons participate in and take an active role in the management of the conference where many events including informative lectures and entertaining cultural events are held, providing opportunities for lively exchanges by older persons. In addition, older persons who participated in the conference brought back the ideas that they had learned through the conference and put them into practice in their own communities, which contributed to spreading good practices nationwide.

Furthermore, continued community activities by Japan Senior Citizens' Council and the Health and Welfare Cooperatives to "mitigate loneliness" is a valuable practice.

In June 2020, Japan Senior Citizens' Council made the first draft of "*The Japanese Declaration of Human Rights of Older Persons*" (http://www.nihonkouren.jp/pdf/pamphlet_eng.pdf.) It specifies five basic principles with 23 human rights to be guaranteed for older persons, and obligations of national and local governments. It also expresses, based on the Constitution, older persons' "constant endeavor" for realization of human rights. The Council is working on adopting the Declaration by the end of 2022.

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In Japan, from the aspect of economic and financial reasons, Public Assistance and Old-age Pension have been reduced, and Medical Insurance and Long-Term Care Insurance system have been deteriorating. As a result, older person's right to adequate standard of living has been threatened. Particularly, right to social participation and social activities are substantially hindered. With the deteriorated Long-Term Care Insurance system, quite a few older persons, at a nursing home or in a house, aren't guaranteed their rights to freely go out and engage in social activities. Moreover, the long-term care insurance reform in 2021 raised the cost of about half of the nursing home users, which caused many families to stop or reduce the use of necessary long-term care services. As a result, the burden of families is increasing.

Also, the legal advocacy system for the elderly who don't have sufficient judgment ability is inadequate. Many elderly people find it difficult to use it because it costs money, takes time, and the procedure is complicated. It is important to guarantee the human rights of older persons and their families in order to eradicate the increasing murder cases committed by family- caregivers, due to the too-heavy-burden of long-term care or patient care at home.

5. It is necessary to clarify the right to social, political, administrative and judicial participation of older persons as human rights, and the obligations of the national and local governments in domestic laws. Right of Constitutional review can be exercised against violations and deprivations of constitutional basic human rights (Article 81, Constitution). Those rights derived from treaties concluded by Japan, given priority over domestic laws, shall be faithfully observed(Art.98(2),Constitution) .

In addition, a simple, quick, free and easy-to-use complaint system and ombudsman system to monitor any infringements of the rights stated above should be developed.