

**Accessibility, infrastructure and habitat (transport, housing and access)**

1. National legal and policy framework

- a) There is no law specifying the rights of the elderly to adequate housing. Traditionally, Japan's housing policy has revolved around individual endeavors to procure housing. Since the beginning of the 2000s, the following policies have been implemented in accordance with laws for some older persons: 1) The national and local governments promote the supply of rental housing with welfare services; 2) The national and local governments have established a system to facilitate the smooth transition of older persons into rental housing; 3) When an older person is in need of long-term care, certain procedures are established to facilitate the transition into a home or group home; and 4) The national and local governments have established a system for the provision of housing for older persons with long-term care services.
- b) There is no law that specifies the rights of older persons to equal access to and enjoyment of the physical environment, transportation, and information and communication on an equal basis with others. However, under the law, the national government, local governments, facility managers, and others are required to promote the accessibility of transportation and facilities for older persons and others.
- c) No law specifies the rights of older persons with regard to community living. However, based on the law, the national and local governments promoting the establishment of The Integrated Community Care System in which housing, medical care, long-term care, prevention, and lifestyle support are provided in an integrated manner to the elderly with their own neighborhoods. But, the realization of this system is seen as extremely difficult due to insufficient social resources and budgets.

2. What are the challenges and barriers faced by older persons?

The failure to position accessibility, infrastructure use, and housing as rights of older persons in the Constitution and individual laws. National and local authorities take measures such as promoting accessibility for older persons, but these efforts merely formal and not fully accessible to older persons. A particularly significant problem is the failure to guarantee the right to housing for low-income older persons. Older low-income persons and recipients of public assistance are not guaranteed human dignity due to the poor quality of their housing. Some of them leave their familiar homes and live in nursing homes against their will. There have been incidents of older persons burning to death because they were forced to live in facilities with poor conditions. In addition, rent subsidies are available for low-income people, but older persons are not eligible.

3. Data and research

The National Statistics Office of the Ministry of Internal Affairs and Communications (MIC), a national organisation, keeps statistics on the living environment of all generations, but there are no statistics specifically for

older persons. The Cabinet Office produces an annual White Paper on older persons, and in 2019 it conducted a survey of “Attitudes regarding Older People’s Housing and Living Environments”. Both are published on their websites.

#### 4. Equality and non-discrimination

Currently, no effective measures have been implemented in Japan. The State only conducts and publishes public awareness surveys and informs the public not to prejudice and discriminate against people. There is no law against discrimination on the grounds of age. Most seriously, there is no law prohibiting discrimination against people on the grounds of age in rented accommodation, making it more difficult to secure rented accommodation as people get older.

#### 5. Remedies and Redress

There is no system for handling complaints or redress of rights specific to older persons, e.g. with regard to accessibility. What is required is the creation of administrative and judicial remedies that are easy for older persons to access, the establishment of committees for older persons, and ombudsperson systems within national and local governments.

### **Participation in public life and in decision-making processes**

1. The Constitution of Japan guarantees its people fundamental human rights including freedom of political speech, the right to vote and eligibility for election, freedom of association, freedom of political activity, and the right to know.

#### (1) Political participation and suffrage

The Constitution "guarantees universal adult suffrage" (Article 15, Section 3) and prohibits discrimination based on "race, creed, sex, social status, family origin, education, property or income" (Article 44). Specific matters are handled under laws. The Public Offices Election Law (POEL) does not limit the right to vote or eligibility for election because of old age, but the law does not fully guarantee the exercise of those rights.

#### (2) Administrative Participation

In Japan, while administrative power can for the most part have a strong effect, the participation of older persons in the administrative process, including planning, implementation, and monitoring of systems and policies directly related to older persons, is not sufficiently guaranteed.

2. Basic Act on Measures for the Aging Society establishes as its basic principles that "opportunities to participate in diverse social activities throughout life should be ensured" and "people should be respected as important members of society". However, there are challenges in putting these principles into practice.

Suffrage forms the basis of democracy. But until 2013, adults under wards were deprived of voting rights and eligibility for election under POEL. The law was amended after a concerned ward filed a lawsuit and a judicial decision was made that the provision was unconstitutional.

To guarantee in practice the right to vote for such persons who are sick, or with disabilities, or with mobility problems, among many provisions POEL offers (1) absentee voting at hospitals and institutions; (2) a mail ballot system; and (3) a proxy voting system at polling stations.

4.

#### **(1) Excessive emphasis on social participation**

Regarding participation of older persons in Japan, social activities such as employment, sports, and recreation tend to be emphasized. Participation in politics and administrative decision-making processes, such as administrative planning and policy formulation, implementation and monitoring of systems, and reviewing of standards, is neglected. Any systems available to facilitate political and administrative participation of older persons are inadequate.

#### **(2) Participation in politics**

Regarding the right to vote, the specific needs of older persons with disabilities are not adequately considered, resulting in some older persons not being able to vote. For example, currently (1) voting in hospitals and institutions is possible only at establishments with 50 or more occupants; (2) mail ballot system is available only for persons holding a Physical Disability Certificate with a disability rating of grade 1 or 2, or those needing nursing care level 5 (the highest care requirement level); and (3) voting proxies are limited to public officials assigned to polling stations. Various lawsuits challenging constitutionality of POEL have been filed by the parties concerned, urging the government to: (1) expand the scope of eligibility for a service recipient; (2) abolish the rule requiring a voter to write the candidate's name when voting; (3) introduce a system that allows a voter to choose his or her own voting agent; and (4) introduce home and electronic voting systems. With its heavy focus on regulatory aspects of voting, POEL inhibits political participation of older persons.

#### **(3) Participation in administration**

Participation of older persons in administrative and policy-making processes is not at all sufficient at both local and national levels. For example, at the national level, the Advisory Council for Social Security, which reports to the Minister of Health, Labor and Welfare, is involved in important policy decisions regarding medical care, long-term nursing care, pensions, and public assistance, which have a direct impact on older persons. Participation of older people (or representatives of their organizations) in the Council and its sectorial subcommittees is not hardly guaranteed. For example, regarding the Long-Term Care Insurance Subcommittee, which is charged with reviewing the long-term care insurance system, out of 25 members, only one represents an older persons' organization, another represents a women's organization, and one more represents an older persons' family organization. Contrary to this, professional medical and nursing care organizations and representatives of service providers occupy the majority of seats, while family organizations do not represent older persons themselves. The degree of participation of older persons is similar or

worse when revising the medical care system for older persons. Similarly, when discussing cuts in pension and welfare benefits, which are mainly received by older persons, not one person representing older persons is included in the council members.

This is in marked difference to the increase in participation of persons with disabilities in the policy-making processes relevant to people with disabilities after Japan ratified the Convention on the Rights of Persons with Disabilities.

5. There is no special grievance or rights redress system in place if older persons' participation is prevented.