

Act on Promotion of Resolution of Hansen's Disease Issues
(Act No. 82 of June 18, 2008)

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Table of Contents

Preamble

Chapter I General Provisions (Articles 1 through 6)

Chapter II Guarantees of Treatment Rehabilitation and Life at National Hansen's Disease Sanatoria, Etc. (Articles 7 through 13)

Chapter III Support for Social Rehabilitation and Support for Daily Living and Social Life (Articles 14 through 17)

Chapter IV Restoration of Honor and Remembrance of the Dead (Article 18)

Chapter V Assistance for Relatives (Articles 19 through 24)

Supplementary Provisions

Preamble

In recognition that the isolation policy of the national government centered in the Leprosy Prevention Act caused persons who were Hansen's disease patients, etc. to be precluded from living peacefully in the community and to be subjected in all aspects of their lives in society to restrictions on their human rights, discrimination, and other forms of abuse, including damage to person and property, we did in June of 2001 take those facts seriously with feelings of repentance and remorse, apologize sincerely, and enact the "Act on Payment of Compensation and Other Matters for Persons Placed in Hansen's Disease Sanatoria and Other Designated Persons" to provide reparation for the mental anguish of such persons and to restore their honor and promote their welfare in addition to mourning those who had died. Pursuant to the Act, the issues of compensation and reparation for the mental anguish of persons who were Hansen's disease patients, etc. are now being settled, and certain measures are being taken for restoring the honor, promoting the welfare, etc. of those persons.

Nevertheless, many pending issues remain concerning the restitution for damage, including damage to person and property, sustained by persons who were Hansen's disease patients, etc., in all aspects of their lives in society as a result of the isolation policy of the national government. In particular, an urgent issue is the development of a foundation for persons who were Hansen's disease patients, etc. so as to prevent their isolation from the community and so as to enable them to lead good and peaceful lives; thus, there is a pressing need to take appropriate measures, and serious efforts must be taken to realize a society without discrimination or prejudice against persons who were Hansen's disease patients, etc.

We do hereby enact this Act to promote the resolution of Hansen's disease issues by taking measures for the promotion of welfare, restoration of honor, and other related matters pertaining to persons who were Hansen's disease patients, etc.

Chapter I General Provisions

Article 1 (Purposes)

The purposes of this Act are to establish the basic principles, and to clarify the responsibilities of the national government and local governments, with regard to the promotion of the resolution of issues, which have occurred as a result of the

isolation policy of the national government on Hansen's disease patients and are still in existence, concerning the promotion of welfare, the restoration of honor, and other matters for persons who were Hansen's disease patients, etc. (hereinafter referred to as "Hansen's Disease Issues") and to provide for necessary matters concerning the promotion of the resolution of Hansen's Disease Issues.

Article 2 (Definitions)

The term "National Hansen's Disease Sanatorium" as used in this Act means a national Hansen's disease sanatorium as prescribed in Paragraph 1, Article 16 of the Act for Establishment of the Ministry of Health, Labour and Welfare (Act No. 97 of 1999).

2 The term "National Hansen's Disease Sanatorium, Etc." as used in this Act means a National Hansen's Disease Sanatorium and/or such a Hansen's disease sanatorium in Japan as designated by the Minister of Health, Labour and Welfare.

3 The term "Resident" as used in this Act means a person who had a domicile within Japan prior to the repeal of the Leprosy Prevention Act (Act No. 214 of 1953; hereinafter referred to as "Prevention Act") pursuant to the Act on Repeal of the Leprosy Prevention Act (Act No. 28 of 1996; hereinafter referred to as the "Repeal Act") for a considerable period of time after the development of Hansen's disease and who is actually admitted to a National Hansen's Disease Sanatorium, Etc.

Article 3 (Basic Principles)

In light of the damage to all aspects of their lives in society sustained by persons who were Hansen's disease patients, etc. due to the isolation policy of the national government on Hansen's disease patients, including damage on person and property, measures regarding Hansen's Disease Issues shall be conducted with the aim of the restitution of such damage to the fullest extent possible.

2 In the implementation of measures regarding Hansen's Disease Issues, consideration shall be given so that Residents are able to live, at the National Hansen's Disease Sanatorium, Etc. where they actually reside, rich lives with peace of mind in a living environment not isolated from the local community.

3 No person shall act in a manner that discriminates against, or that infringes on any right or interest of, persons who were Hansen's disease patients, etc. on the basis that such persons were Hansen's disease patients or currently have Hansen's disease.

Article 4 (Responsibilities of the National Government and Local Governments)

The national government shall be responsible for formulating and implementing measures for, *inter alia*, promoting the welfare of persons who were Hansen's disease patients, etc. in accordance with the basic principles prescribed in the preceding article (hereinafter referred to as "Basic Principles").

Article 5

While cooperating with the national government, local governments shall, in accordance with the Basic Principles and based on the actual circumstances of the local areas, be responsible for formulating and implementing measures for, *inter alia*, promoting the welfare of persons who were Hansen's disease patients.

Article 6 (Measures for Reflection of Opinions of Persons Who Were Hansen's Disease Patients, Etc. and Other Relevant Persons)

In formulating and implementing measures regarding Hansen's Disease Issues, the national government shall take the necessary measures to reflect the opinions of persons who were Hansen's disease patients, etc. and other relevant persons, including the establishment of forums for consultations with such persons.

Chapter II Guarantees of Treatment Rehabilitation¹ and Life at National Hansen's Disease Sanatoria, Etc.

Article 7 (Treatment Rehabilitation at National Hansen's Disease Sanatoria)

The national government shall provide necessary treatment rehabilitation at National Hansen's Disease Sanatoria for Residents (who are limited to persons admitted to National Hansen's Disease Sanatoria; and hereinafter the same shall apply, excluding Article 9 and Article 14).

Article 8 (Re-Admittance and New Admittance to National Hansen's Disease Sanatoria)

When either (i) a person, who was admitted to a National Hansen's Disease Sanatorium, Etc. prior to the repeal of the Prevention Act pursuant to the Repeal

¹ (note by translator) Japanese word "*ryoh-yoh*" being used in the context of Hansen's disease issues is one of the most difficult terms in translation. The term includes medical treatment, nursing-care, recuperation, rehabilitation, and could mean more. While such difficulty being recognized, the phrase "treatment rehabilitation" is used here to translate "*ryoh-yoh*" for the purpose of translation of this Act.

Act, is not currently admitted to any National Hansen's Disease Sanatorium, Etc., and has a domicile within Japan (hereinafter referred to as "Former Resident"), or (ii) a person, who had a domicile within Japan prior to the repeal of the Prevention Act pursuant to the Repeal Act for a considerable period of time after the development of Hansen's disease, has never been admitted to any National Hansen's Disease Sanatorium, Etc., is not actually admitted to any National Hansen's Disease Sanatorium, Etc., has a domicile within Japan, and is designated as such by the Minister of Health, Labour and Welfare (hereinafter referred to as "Non-Resident"), desires to be admitted to a National Hansen's Disease Sanatorium to receive necessary treatment rehabilitation, the director of a National Hansen's Disease Sanatorium shall admit such person to the National Hansen's Disease Sanatorium unless there are justifiable grounds for not admitting such person.

2 The national government shall provide the necessary treatment rehabilitation for a person admitted to a National Hansen's Disease Sanatorium pursuant to the provisions set forth in the preceding paragraph.

Article 9 (Measures Pertaining to Treatment Rehabilitation at Hansen's Disease Sanatoria other than National Hansen's Disease Sanatoria)

The national government shall take the necessary measures to ensure the necessary treatment rehabilitation for Residents (who are limited to persons admitted to Hansen's disease sanatoria designated by the Minister of Health, Labour and Welfare based on Article 2, Paragraph 2).

Article 10 (Prohibition on Involuntary Departure and Transfer from Sanatoria)

The national government shall not cause a Resident, against the intention of the Resident, to depart or be transferred from a National Hansen's Disease Sanatorium where the Resident is actually admitted.

Article 11 (Measures for Development of Systems Regarding Medical Care and Nursing Care at National Hansen's Disease Sanatoria)

The national government shall endeavor to take the necessary measures for development of systems regarding medical care and nursing care at National Hansen's Disease Sanatoria, including without limitation the securing of physicians, nurses and caregivers.

2 Local governments shall endeavor to cooperate with the measures of the national government set forth in the preceding paragraph.

Article 12 (Measures for Ensuring Good Living Environment)

The national government may take the necessary measures, including, without limitation, making the land, buildings, facilities, etc. of National Hansen's Disease Sanatoria available for utilization by local governments, community residents and others, to ensure a good living environment of Residents including assurance that the living environment of Residents is not isolated from the local community.

2 In taking measures set forth in the preceding paragraph, the national government shall respect the opinions of Residents.

Article 13 (Promotion of Welfare)

The national government shall endeavor to enhance cultural education and to promote welfare for Residents.

Chapter III Support for Social Rehabilitation and Support for Daily Living and Social Life

Article 14 (Measures for Supporting Rehabilitation into Society)

The national government shall take the necessary measures to contribute to the smooth social rehabilitation of such Residents (who are limited to persons who were admitted to National Hansen's Disease Sanatoria, Etc. prior to the repeal of the Prevention Act pursuant to the Repeal Act) who desire to leave National Hansen's Disease Sanatoria, Etc, including the provision of funds necessary for such Residents to prepare themselves to leave National Hansen's Disease Sanatoria, Etc.

Article 15 (Provision of Hansen's Disease Sanatoria Former Resident Stipend and Hansen's Disease Sanatoria Non-Resident Stipend)

The national government shall provide Former Residents with a Hansen's Disease Sanatoria Former Resident stipend for, *inter alia*, the stabilization of the lives of such persons.

2 The national government shall provide Non-Residents with a Hansen's Disease Sanatoria Non-Resident stipend for, *inter alia*, the stabilization of the lives of such persons.

3 In addition to what is provided for in the preceding two paragraphs,

necessary matters regarding the provision of the Hansen's Disease Sanatoria Former Resident stipend set forth in Paragraph 1 and Hansen's Disease Sanatoria Non-Resident stipend set forth in the preceding paragraph (hereinafter collectively referred to as "Stipend") shall be prescribed by an Ordinance of the Ministry of Health, Labour and Welfare.

4. Taxes and other public charges may not be imposed on the Stipend.

Article 16 (Development of Medical Treatment System Pertaining to Hansen's Disease and Other Related Concerns)

The national government and local governments shall endeavor to develop medical treatment systems that enable Former Residents and Non-Residents to receive without anxiety treatment of Hansen's disease, its aftereffects, and other associated diseases, at National Hansen's Disease Sanatoria and other health care facilities.

Article 17 (Consultation, Provision of Information, etc.)

The national government and local governments shall take the necessary measures to enable Former Residents and Non-Residents to smoothly lead ordinary daily lives and social lives, including the provision of consultation and necessary information and advice to such persons.

Chapter IV Restoration of Honor and Remembrance of the Dead

Article 18

The national government shall in order to restore the honor of persons who were Hansen's disease patients, etc. take measures to disseminate and raise awareness of the correct information regarding Hansen's disease and the history of measures against Hansen's disease and take other necessary measures, without limitation, including the establishment of a national Hansen's disease museum and preservation of historic structures, *and* shall take necessary measures in order to express mourning for the dead, including without limitation payment to surviving family members of re-entombment expenses pertaining to the cremated bones of the dead that are repositied at a National Hansen's Disease Sanatorium, Etc.

Chapter V Assistance for Relatives

Article 19 (Implementation of Assistance for Relatives)

Where a prefectural governor finds that a person who is a relative of a Resident (including a person in a de facto marital relationship with the Resident, where the marriage has not been registered) is also a person who would have received living expenses from the said Resident's income or would have shared living expenses with the said Resident if the said Resident had not been admitted and the person who has a place of residence (which means current place if the person has no place of residence or his or her place of residence is not known) within the territory of the corresponding prefecture is in a situation requiring assistance due to sustenance difficulties, the prefectural governor may provide assistance pursuant to the provisions of this Act to such persons. However, in cases where such a person is eligible to receive any support under other statutes (excluding the Public Assistance Act (Act No. 144 of 1950)), the assistance shall be governed by the provisions of such statute to the extent of such support that the person is eligible to receive thereunder.

2. The assistance provided for in the preceding paragraph (hereinafter referred to as "Assistance") shall be provided in the form of pecuniary payments. However, where Assistance cannot be provided in this manner, where it is not appropriate to provide Assistance in this manner, or otherwise where it is necessary to achieve the objective of Assistance, the Assistance may be provided in the form of payments in kind.

3. Money and/or goods for Assistance shall be delivered to the person who is eligible for the Assistance, the head of household of the family to which such person belongs, or another person equivalent thereto.

4. Necessary matters in providing Assistance including without limitation the type, scope, and degree of the Assistance shall be prescribed by a Cabinet Order.

Article 20 (Payments by Prefectures)

Prefectures shall pay the expenses required for Assistance.

Article 21 (Collection of expenses)

Where Assistance is delivered and there is a person (other than a Resident) who must perform a duty of support pursuant to the provisions of the Civil Code (Act No. 89 of 1896) for the recipient of such Assistance, the prefectural governor of

the prefecture that has provided such Assistance may collect all or part of the expenses required for the implementation of such Assistance from such person within the scope of such duty.

2 The provisions of Paragraph 2 and Paragraph 3 of Article 77 of the Public Assistance Act shall apply mutatis mutandis in the case of the preceding paragraph.

Article 22 (Bearing by the National Treasury)

The National Treasury shall bear pursuant to a Cabinet Order all of the expenses paid by prefectures pursuant to Article 20.

Article 23 (Prohibition on Public Charges and Attachment)

Taxes and other public charges may not be imposed on the money and/or goods provided as Assistance.

2 Money and/or goods provided as Assistance may not be attached irrespective as to whether such is already delivered or not.

Article 24 (Classification of Affairs)

The affairs which are prescribed to be processed by a prefectural government under the provisions of Paragraph 1, Article 19 and Paragraph 1, Article 21 shall be "Item I: Statutorily Entrusted Affairs" pursuant to item (i), Paragraph 9 of Article 2 of the Local Autonomy Law (Act No. 67 of 1947).

Supplementary Provisions (excerpted)

Article 1 (Effective Date)

This Act shall enter into force on April 1, 2009. However, Article 9 of Supplementary Provision shall enter into force on the day of promulgation of this Act or on the day of promulgation of the Act on Incorporated Administrative Agencies Conducting Research, etc. concerning Highly Specialized Medical Services (Act No.93 of 2008), whichever is later.

Article 2 (Repeal of Act on Repeal of the Leprosy Prevention Act)

The Act on Repeal of the Leprosy Prevention Act shall be repealed.

Article 3 (Transitional Measures upon Repeal of Act on Repeal of the Leprosy Prevention Act)

With regard to Assistance which has been provided or should have been provided prior to the date of enforcement of this Act as provided for in Article 6 of the Act on Repeal of the Leprosy Prevention Act (hereinafter referred to as "Former Repeal Act") prior to repeal thereof pursuant to the preceding article, the provisions then in force shall remain applicable.

Article 4

With regard to expenditures of the National Treasury and payment of expenses by prefectures in regard to expenses provided for in Article 7 of the Former Repeal Act which have been made or should have been made prior to the date of enforcement of this Act, the provisions then in force shall remain applicable.

Article 5

With regard to the application of penal provisions for acts committed prior to the enforcement of the Former Repeal Act, the provisions of Article 26 of the Prevention Act that Article 4 of the Supplementary Provisions of the Former Repeal Act prescribed as remaining in force [even after the enactment of the Former Repeal Act] shall remain in force.

Article 8 (Partial Revision of the Act for Establishment of the Ministry of Health, Labour and Welfare)

The Act for Establishment of the Ministry of Health, Labour and Welfare shall be partially amended as follows:

* * *

The following paragraph shall be added after Paragraph 5 of [Article 16]:

6 The Minister of Health, Labour and Welfare may, as a measure based on the provision of paragraph 1 under Article 12 of the Act on Promotion of Resolution of Hansen's Disease Issues, have a National Hansen's Disease Sanatorium provide medical care to persons other than Residents in addition to the affairs under its jurisdiction as prescribed by paragraph 1 insofar as such provision of medical care does not hinder the provision of medical care to Residents.

The following paragraph shall be added under Article 16:

9 National Hansen's Disease Sanatoria may, as a measure based on the provision of paragraph 1 under Article 12 of Act on Promotion of

Resolution of Hansen's Disease Issues, make land, buildings, facilities, etc. thereof available for utilization by local governments, community residents and others pursuant to an Ordinance of the Ministry of Health, Labour and Welfare insofar as such utilization does not hinder the provision of medical care to Residents.