

Designated Subject 6 in the fiscal 2017
Integral Welfare Promotion Program
for Persons with Disabilities.

For the partial English translation of
“Research Study on Supporting the domestic and
foreign Users of Assistance Dogs for Persons
with Physical Disabilities”

Designated Subject 6 in the fiscal 2017 Integral Welfare Promotion Program for Persons with Disabilities.

For the partial English translation of “Research Study on Supporting the domestic and foreign Users of Assistance Dogs for Persons with Physical Disabilities”

In Japan, the Act on Assistance Dogs for Persons with Physical Disabilities was enacted in 2002 and the certification system has been introduced in accordance with the law. However, it has been clarified from the health scientific research that the legal definitions and certification systems for assistance dogs have not been sufficiently established globally. The law guarantees social participation to the domestic assistance dog users while we are still having room for improvement. Therefore, we consider that it is significant for foreign assistance dog users visiting Japan to take the responsibility of controlling the dogs’ behavior and sanitation during their stay in order to promote further social participation of the domestic assistance dog users.

As the Tokyo 2020 Olympic and Paralympic Games will be held, it is expected to increase the number of assistance dog users visiting Japan from now on. Accordingly, we feel the urgent necessity to understand the current condition on the social support for the domestic and foreign assistance dog users, both domestically and internationally, and decided to carry out this research study.

We have provided an English translation for a part of the report, which is about the current condition and problems in Japan, we would like to share with people of foreign countries.

Ministry of Health, Labour and Welfare created the English version of the Assistance Dog portal site since May 2017, to provide the outline of “the Act on Assistance Dogs for Persons with Physical Disabilities” and information on Japanese assistance dogs for the foreign assistance dog users thinking about visiting Japan. Your access will be greatly welcome.

(Access to “Assistance Dogs for Persons with Physical Disabilities” Portal Site → http://www.mhlw.go.jp/english/policy/care-welfare/welfare-disabilities/assistance_dogs/index.html)

Corporations Engaging in Specified Non-profit Activities Japanese Service Dog Resource Center

(Background and Purpose of the Designated subject)

- It is expected that a large number of assistance dog users will visit Japan for the Tokyo 2020 Olympic and Paralympic Games.
- In order to accommodate foreign visitors with assistance dogs for persons with disabilities smoothly, it is important to promote further support for domestic assistance dog users.
- On the other hand, the way to support assistance dogs from foreign countries and their users currently depends on an individual organization's handling without correspondence with other organizations in terms of the training and certification of the assistance dogs for persons with disabilities.
- Therefore, cross-sectional research and analysis must be implemented, without being biased towards certain types of assistance dogs for persons with disabilities and the training methodology,
- There is a necessity for the further promotion of awareness and improvement of the portal site for foreign users of assistance dogs for persons with disabilities who hope to visit Japan, produced by the Ministry of Health, Labour and Welfare in fiscal 2016.

The Current Situation and Challenges of Receiving People with “Service Dogs” From Foreign Countries in Japan

Tomoko Takayanagi MD., PhD.

Board member, Japanese Society of Service Dog Research

Department of Rehabilitation Medicine, Yokohama Rehabilitation Center

Introduction

1) The history and background of the approval of the Act on Assistance Dogs for Persons with Physical Disabilities in our country, Japan.

The Act on Assistance Dogs for Persons with Physical Disabilities was approved on May 22nd, 2002 by a lawmaker-initiated bill. The law reflected the findings from the field surveys and literature reviews that were included in the MHLW (Ministry of Health Labor and Welfare) granted basic research. This research was conducted on service dogs as well as guide dogs and other assistance dogs within and abroad of Japan for five years from 1998. The following were considered in the writing of the bill: public health safety from a veterinary standpoint, genetic testing of frequent diseases in different dog breeds, development of an evaluation method of assistance dog candidates in accordance with behavioral studies of dogs, the timeframe and period of the evaluation, the method of training of the dogs, the development of an evaluation method for the assistance dog users based on field research of the applicability of assistance dogs to people with disabilities, their management capability of assistance dogs, and the legal position of guide dogs and other assistance dogs (It was virtually impossible to find other types of assistance dogs other than guide dogs to be specified in law prior to this act). Many disability rights acts were also reviewed for its contents and its applicability/affinity to the laws in Japan when writing this bill. Moreover, field research on how guide dogs had and are accepted/administered/treated in Japan was reflected in the bill; this was in an aim to smooth the participation of assistance dog users in society by fostering the societal understanding of assistance dogs.

Even though the law was made so that people with disabilities can better participate in society, that reason alone was simply not enough for the law to be successful. In order to oblige the acceptance of the accompanying of assistance dogs by society it was discussed that it would be critical to ensure the quality of the assistance dogs in a culture that: uses tatamis (straw mats), that highly respects sanitation, and that probably began its relationship to dogs when people began to use dogs as watch dogs. That is why the certification system was developed for the users of the assistance dogs. The users are responsible for maintaining the actions, public health risks, and health of the assistance dogs so that the dogs don't cause trouble to other people.

A MLHW appointed firm does the certification by objectively evaluating assistance dogs and the accountability of the users. In a comparative law review, it has been found that assistance dogs are included in the disability rights law of developed countries without specification or a criteria for what constitutes as an assistance dog – especially in the ADA (American Disabilities Act). The ADA uses the term “Service animals” in its law and does not limit its application to dogs. However, America does not have a system of administering physical disability certificates like in Japan and instead generally relies on what constitutes as a person with a disability to that person's claim to his/her

disability rights; this is why it had been suspected that America would run into a massive problem with the distinction of a service animal and a pet. Therefore, our country has only specified three types of assistance dogs for the Act on Assistance Dogs for Persons with Physical Disabilities; and this is also because of our history and successful track record of using physical disability certificates. The three types are: guide dogs for people who have a vision disability certificate, service dogs for those who have impaired mobility due to reasons such as physical immobility, and hearing dogs for those with a hearing impairment - which only a few were administered in the past in Japan but were frequently administered in developed countries. We then developed a specific criteria for the certification and training for each of the dogs.

2) The name and definition of an assistance dog

The term assistance dogs is a term we use in our country to collectively call seeing dogs, service dogs, but in English, it has been agreed to call guide dogs as guide dogs and hearing dogs as hearing dogs; however, service dogs are interchangeably called assistance dogs or support dogs. Similarly, the term assistance dog, a general term for assistance dogs, can interchangeably be called service dogs - which makes it difficult to distinguish between service dogs and assistance dogs in literature and conversation. MLHW has been translating and publicly releasing the Act for Assistance Dogs for Persons with Physical Disabilities in English for the 2020 Olympics and has adopted the differentiation of the terms service dogs and assistance dogs as has been historically used in Japan so this report will adhere to MLHW's usage of the terms.

3) The circumstances of assistance dogs around the world

In "A World-wide Survey of Laws Pertaining to Service Dogs for the Physically Disabled and Current Trends in Enforcement", Takemae states that many developed countries have a penalty for those that resist the accompanying of assistance dogs and this is because the rights of the users of assistance dogs, mainly guide dogs, are widely touted due to the many laws that have been enacted since the ratification of the Convention on the Rights of persons with Physical Disabilities by many countries. An exemplary law for disability rights is the ADA, which was approved in 1990. 2) Takemae has done research on the laws in the United States, Britain, Russia, Germany, Spain, France, Italy, Switzerland, Holland, Belgium, Finland, Slovakia, South Africa, and Korea. Each of the aforementioned countries faces the problem of many resisting the accompanying of assistance dogs despite the laws in place.

Takemae's research was done in 2005 but since then he has used the search terms service dog and assistance dog on the internet, because of the recent development of the Internet, and researched the current state of affairs concerning assistance dogs in 11 countries: United States, Britain, Russia, Germany, Spain, France, Italy, Switzerland, Holland, Belgium, Finland, Slovakia, South Africa, and Korea. He has found that service dogs have many roles, which include assistance for people with non-apparent disabilities but these dogs are often misconstrued as fake service dogs. He speculated that this aforementioned situation of not having a clear definition and criteria for service dogs causes many service dogs that have actually been trained to serve the user's unique needs to not be tolerated or misunderstood - including the users who are properly managing their service dogs. I will later mention the current problems that have arisen due to not having specified what constitutes assistance dogs or not having certification

for assistance dogs and users - like we do in our country in the Act on Assistance Dogs for Persons with Physical Disabilities.

4) The current trends of assistance dogs in the world and the current situation of assistance dogs in Japan.

A coalition of service dog and hearing dog training organizations led by organizations in the United States came together to found the Assistance Dog International. Conferences have been held in countries such as Australia and Spain as well as other European countries; it has functioned as a coalition to network and share information⁴). It is currently difficult to coordinate between service dogs, hearing dogs, and guide dog organizations in our country because the guide dog industry, like the rest of the world, has a longer history than the other organizations (a 40 year difference in our country, Japan). An international coalition called The International Guide Dog Federation, which has the authority to dismiss its members if they do not meet the standards set by the IGDF - to ensure the quality of the training facilities - exists for guide dogs. The Japan Guide Dog Association issues temporary certification for guide dog users visiting Japan using IGDF's network by having information sent from one of their registered organizations to one of Japan's IGDF registered organizations. 4) ADI strives to achieve a similar network but many of the hearing dog and service dog training organizations are under private management with different sizes and records so ADI does not have the same capacity as the IGDF.

On the other hand there has been a stark rise in many service dog, hearing dog, and more recently guide dog organizations or associations in the United States and in Europe that have begun to administer dogs to support children who struggle with autism or ADHD, children who have type one diabetes, children who have epileptic seizures, and veterans who developed PTSD after combat - in order to promote participation and inclusion in society. 3)

Compared to 2009 when there were 1070 guide dogs on duty, our country has had less and less guide dogs⁶) with 951 guide dogs in 2016. Since the beginning of the administration of service dogs and hearing dogs in 2002, the number of service dogs on duty reached its peak with 75 dogs in 2015 and is currently at 68 dogs while there were 73 hearing dogs at its peak in 2016 and currently 71 hearing dogs on duty. 7)8 It is difficult to find out how many newly trained dogs there are every year because there are dogs that retire every year as well, but one of the reasons for the decrease may be because the needs of the people with disability are beginning to change. According to the 2017/18 国民衛生の動向 [The Trends of National Health], the number of children with physical disabilities (In the order of most frequent disability: physical immobility, hearing disability or verbal disorder, verbal disability, chronic illness, and visual impairment) has decreased with all disabilities since its peak of 93,100 children in 2006 to 72,700 children in 2011. In contrast, the number of in-home people with disabilities who are over the age of 18 has increased by 8.8% from 3,483,000 people in 2006 to an estimated current count of 3,791,000 people. People with physical immobility or impairment constitutes the highest number of in-house people with disabilities with 1,667,000 people (44%) in 2006 and has decreased in 2011 with 1,667,000 people in 2011. The overall increase in number of people has been in the category of unknown disability with an increase of 582,000 people but the census states that the reason for the increase is because of its modified method in its survey, which speaks of the difficulty of adjusting to the change in how disabilities are identified and interpreted. The aforementioned

census also states that the increase in the number of those who are over the age 60 has risen from 74.8% in 2006 to its current percentage of 81.7% and that those over the age of 70 constitute 58.5% of that number. It is easy to imagine that the needs of the people with disabilities with assistance dogs will change, especially their needs in order to participate in their respective communities, as the number of elderly people in the Japanese population increases along with the number of elderly people with disabilities. Moreover, in respect to changes in society, there has been a steady increase in the number of people who have a mental disorder certificate with 335,064 people in 2004 to 863,649 people in 2015 – which is over two times as more. Even though it is impossible to find out the exact number of people with mental disorders in countries other than Japan because, as stated before, other countries do not have the physical disability certificate system in place, it can be inferred that the same trend of increase is present. It can be inferred then that there will be an increase in the need of welfare services and support systems that accommodate people with multiple disabilities that include higher brain dysfunction, developmental disorder, intellectual disorder, and dementia due to the development/sophistication of medical care and the aging population of people with disabilities.

With this aforementioned backdrop, it can also be inferred that the needs for support by “dogs” will change as well.

As is the use of assistance dogs, there has been a stark increase and demand for the use of dogs to help assistance in participating in the people with disabilities’ respective communities as a dementia dog, social dog, social skilled companion dog, emotional support dog, and alert dog in countries other than Japan; this is all in a situation where a physical disability certificate system is nonexistent. All of these aforementioned dogs have the characteristic of being dogs that assist with disabilities that are not immediately apparent – which is a cause for people to mistake these dogs as “fake” assistance dogs.

5) The issues related to having “dogs” accompany people with disabilities in the U.S

a) The Air Carrier Access Act (ACAA) and the revision of the ADA

The term service animal (a term akin to the general term, assistance animals, in the Act on Assistance Dogs for Disabled People) that is used in the ADA, which was enacted in 1990, has been revised in 2011 to refer only to dogs. The revision also states that service animals are dogs that have been trained to support the specific needs of the person with disability who uses the dog; the revision states that dogs that are used for emotional support, including emotional support dogs, or for the comfort of the users are not service animals. 10)

However, the Air Carrier Access Act (ACAA) states that emotional support animals constitute as service animals and are permitted in the cabin portion of the aircraft, which has become a source of public concern because the emotional support animals, which include peacocks and hamsters, have been causing trouble and accidents such as the biting of other passengers in the cabin portion of the aircraft. It should be especially noted that a search of the peacock and the hamster at airports reveals 700,000 search results for the peacock and over 300,000 search results for the hamster; it should also be noted that a lot of these cases have been litigated as well.

It can be inferred that the fact that emotional support animals that are not permitted to be accompanying people with disabilities by the ADA are permitted by the ACAA, is inciting further misunderstanding of the capacity of permission these emotional support animals are allowed in society. It can also be inferred that the owners of emotional support animals who complied with the ACAA and had their emotional support animals permitted to be accompanying them on cabin, mistakenly believe that their emotional support animals are permitted access everywhere and takes them to places such as hotels, museums, and amusement parks. Currently, dogs can be frequently seen at many stores in the United States. These stores also frequently have posters like, “Do not carry your service dog on the carts” or “You are allowed to have your service animal accompany you in this store”. These posters are indicative of people’s apprehension caused by the inability to differentiate between assistance dogs and pets.

On the internet there are numerous instructional videos that say, “Go on board with your dog! Purchase your ID at a pet shop after you have your psychologist or therapist write you a doctor’s note!” and there are many news reports that report that these dogs’ behaviors were not properly managed – causing the dogs to assault guide dogs or bite children. It can be speculated that all of these reports show that this issue has become a source of public concern.

The Internet and news reports suspected that, even though there are people whose lives are hindered without their emotional support animals, there are cases where people, whose lives are not hindered by the absence of their animals, had their emotional support animals accompany them in the cabin because it is free of charge to carry on an animal if their animal is a service animal while it costs a few hundred dollars to check-in animals into cargo. It can be speculated that the aforementioned distinction can only be made by a public system. The ADA, although lacking in legal binding force compared to the Act on Assistance Dogs for Disabled Persons, states that dogs that are service dogs need to be trained to compensate for the owner’s disability, the dog needs to be managed by the owner, and that the dogs need to be put on a harness or leash. On the other hand, the ACAA does not state the aforementioned and verifies and confirms the veracity of the service animal and the owner’s disability in person while also requiring the submission of documentation from a licensed health care professional within 48 hours of boarding their flights.

b) A field survey of flights between the U.S and Japan

The ACAA is applied to flights between the U.S and Japan even if the airline is from our country. Therefore, we conducted a field survey on two airlines that have flights to North America concerning the receiving of “service dogs” including emotional support dogs. We have received answers on the condition that we do not release the names of the airlines.

Airlines confirm the veracity of the service animal with documentation such as the certification papers of the service animal or the training completion certification but because ACAA PART382 permits the aforementioned to be confirmed by being communicated in person without the above certificates, airlines with flights to North America will permit the accompanying of dogs on cabin by having the owner of the service animal communicate the above as well as confirm that the dogs will not harm other passengers.

In researching the records of recent flights to North America, we found that airline A reported 31 emotional support dog while Airline B reported 32 emotional support dog

while only one airline knew the number of alert dogs and the number they reported was 10 dogs. In 2017, we have the data for only one airline, which reported 44 emotional support dogs and 4 alert dogs onboard in the cabin portion of the aircraft.

As a principle, one must have their animals in a crate when inside airport facilities but some people do not comply because they were not aware of the rule; these sorts of problems has caused concern and discussion with the animal quarantine service. Moreover, there are cases of complaints due to passengers being disgruntled when told that they may not have their service animal onboard if their flight is bound for Asia from the U.S via Japan.

Other troubles include accommodating seats between passengers who have their dogs accompanying them and the passengers who do not want dogs near their seats. Moreover, there are complaints from passengers who want an explanation on why their dear pets have to be in cargo while assistance dogs (especially emotional support animals) are allowed in the cabin.

Furthermore there are cases such as having to pass out earplugs to the passengers on a flight that had 2 emotional support dogs onboard in which one of the dogs was agitated and continually barked or having complaints of foul odor due to the dog. In another case, a passenger complained that a dog dirtied a seat by knocking over a cup of water. In yet another case, there was report of a passenger complaining that there was a dog that occupied two seats by lying across those two seats.

Under both the ACAA and the Japanese airline regulations, it is explicitly stated that service animals that cause problems concerning sanitation and behavior will not be permitted in the cabin. However, the actual cases of troubles mentioned here strongly indicate that the in-person confirmation of the dogs immediately before the flight is hardly enough because unlike railways, once the animal is onboard, it is impossible to evacuate the animal until the airplane lands. It is therefore crucial to set an unequivocal criteria as well as procedures for verifying the quality of behavioral management when assistance dogs are to accompany people in the cabin of an aircraft.

6) About the Animal Quarantine Service when following the procedures of entering Japan

Japan is a rabies-free country. Rabies is a dreadfully infectious disease with a fatal rate of 100% when contracted but it can be prevented by vaccination. Therefore, it is essential to prevent the virus from getting into Japan from abroad, especially because any warm-blooded animal can be a carrier. Any dog arriving from a country that is not rabies-free are required to present a certificate of vaccination and an antibody titer because the animal quarantine service sets a strict criteria. These measures are applicable to assistance dogs.

According to a report from the Animal Quarantine Center of Ministry of Agriculture, Forestry and Fisheries of Japan, the number of dogs imported to Japan is 7306 in 2012, 7150 in 2013, 6623 in 2014, and 6343 in 2015. Of those dogs, there were 22 assistance dogs in 2014 (16 guide dogs, 5 service dogs, and 1 hearing dog) and 20 assistance dogs in 2015 (12 guide dogs, 8 service dogs, and 2 hearing dogs). The aforementioned numbers are from a census conducted by the Animal Quarantine Center of Ministry of Agriculture, Forestry and Fisheries of Japan. The purposes of the imports are noted in the applications submitted by the importers.

Everyone who intends to have their service dogs accompany them when entering Japan must submit the necessary documentation because all animals are required to undergo the same quarantine inspection – there are no exceptions to this rule. Therefore, people are asked to download the application from the Ministry of Agriculture, Forestry and Fisheries website and consult them if necessary. It is also important for people to familiarize themselves with the Act on Assistance Dogs for Physically Disabled Persons during the preparation of the application process, which needs to begin at least 6 months in advance, so that people do not experience any inconveniences or hindrance when visiting Japan with their assistance dog; this information can also provide users with useful information on whether they should bring their assistance dog as a pet to Japan if they are from a country in which their respective country's requirements for service dogs does not meet the requirements set in Japan under the Act on Assistance Dogs for Physically Disabled Persons.

7) Conclusion

The Convention on the Rights of Persons with Disabilities was adopted in 2006 by the United Nations to ensure the prevention of discrimination against any persons with disabilities while defining a disability as any inconvenience or hindrance claimed by a person with disability that needs to be provided and cared for in a practical manner; that when the society fails to do so, that in itself is defined as discrimination. Japan as a signatory of the Convention has been enforcing the Act to Advance the Elimination of Discrimination Based on Handicap since 2016.

The Act of Assistance Dogs for Physically Disabled Persons enacted in 2002, which was enacted because of a call to action by the owners of assistance dogs, is the only law in the world that holds the owner of the assistance dog accountable for the obligations and responsibilities of maintaining and managing their assistance dogs before guaranteeing the rights of social access to people with disabilities who have an assistance dog accompanying them. Therefore it is essential for Japanese citizens to understand and promote the acceptance of assistance dogs accompanying people with disabilities – especially because Japan places great significance on etiquette, is sanitary despite its large and dense population, and is one of the few rabies-free country in the world.

Moreover, it is important to formulate thorough and appropriate measures to prevent “service dogs”, that do not meet the set standards in place or are not certified, from causing trouble in society – let alone from assaulting guide dogs or service dogs like the ones that have been increasingly reported to do so by American news outlets.

Looking ahead to the Tokyo Olympic and Paralympics Games, it is concerning that fake service dogs and users who cannot manage their assistance dogs may cause troubles or accidents, which could instantaneously destroy the trust held of the quality of assistance dogs; a trust that has been rigidly protected for years by those concerned and the assistance dog users in Japan. It is extremely important that all the people concerned mobilize all available recourses to promote the Act on Assistance Dogs for Persons with Physical Disabilities to countries around the world, including a government initiative to create a system that does this promotion, so that users of assistance dogs visiting Japan can start undergoing the quarantine procedures well over 6 months in advance to their departure; so that those users can obtain the temporary travel permit in accordance with the aforementioned law and fully enjoy social participation in Japan while on their visit.



A Service dog with its ID in Compliance with the Act on Assistance Dogs for Persons with Physical Disabilities and its Owner

Photo by : Japan Service Dog Association

- 1) Assistance Dogs for Persons with Physical Disabilities Portal Site
http://www.mhlw.go.jp/english/policy/care-welfare/welfare-disabilities/assistance_dogs/
- 2) 竹前栄治, 世界の補助犬法令と現状 [Takemae Eiji, A World-wide Survey of Laws Pertaining to Service Dogs for the Physically Disabled and Current Trends in Enforcement 日本補助犬科学研究, 1(1)p2-8, 2005

3) Website below

Australia

<https://www.humanrights.gov.au/our-work/disability-rights/projects/assistance-animals-and-disability-discrimination-act-1992-cth>
<http://www.assistancedogs.org.au/pages/the-assistance-dog-difference-why-our-dogs-arent-guide-dogs.html>
<https://www.communities.qld.gov.au/disability/key-projects/guide-hearing-assistance-dogs/about-guide-hearing-assistance-dogs-legislation>
<http://servicedogcentral.org/content/node/60>
<https://pickle.nine.com.au/2015/04/17/11/20/assistance-dog-fraud-in-australia>
<https://www.adcet.edu.au/disability-practitioner/student-access/Support-Animals-on-campus/>
<http://www.assistancedogs.org.au/pages/about-us.html>

Canada

<http://www.cagads.com/programs.html>
<http://www.nsd.on.ca/about/legislation/>

Britain

<http://www.assistancedogs.org.uk>
<https://www.youtube.com/watch?v=-xgFAI9iGkA>
<https://www.youtube.com/watch?v=lzbaw2wnNrI>

United States

<http://assistancedogshawaii.org/>
https://www.ada.gov/service_animals_2010.htm
https://www.ada.gov/regs2010/service_animal_qa.html
<https://www.cbsnews.com/news/service-dogs-laws-imposter-pets-illegal/>
<https://www.cbsnews.com/news/service-dogs-laws-imposter-pets-illegal/>
<http://dogtime.com/trending/29963-speak-fight-service-dog-fraud>
<https://www.cbsnews.com/news/service-dogs-laws-imposter-pets-illegal/>

Korea

<http://www.funpawcare.com/2015/01/06/service-dogs-many-asian-countries-setting-a-good-example/>

China

<https://www.whatsonweibo.com/awareness-guide-dogs-china-still-long-way-go/>
<http://servicedogcentral.org/content/node/326>

New Zealand

<https://www.assistedogsinternational.org/regional-chapters/australia-new-zealand-oceania/>
<http://www.ppadt.org.nz/about.php>
<https://www.airnewzealand.com/special-assistance-service-dog>

Spain

<https://growingupguidepup.org/service-dogs-in-spain/>

Germany

<http://www.blindenhundeschule.ch/en/assistance-dogs.html>

South Africa

<http://www.guidedog.org.za/history/>
<http://www.guidedog.org.za/training-the-dog/>
<http://www.guidedog.org.za/some-facts-about-sa-guide-dogs-association/>

France

<http://www.chiensguides.fr/federation/historique>
<http://www.chiensguides.fr/chien-guide/pre-education>
<https://www.fondationairliquide.com/en/support-assistance-dog-training-center-disabled-people>

4) Assistance Dog International

<https://www.assistedogsinternational.org>

5) International Guide Dog Federation

<https://www.igdf.org.uk>

6) 平成 28 年度盲導犬訓練施設年次報告書,社会福祉法人 日本盲人社会福祉施設協議会
自立支援施設部会盲導犬委員会

[2016 Annual report by the guide dog training facility, The Japan Blind Social Welfare facility committee, Japanese Service Dog Association self-independence support service facility]

[Website for the Japan Guide Dog Association]

日本盲導犬協会 HP <https://www.moudouken.net/en/visiting-japan.php>

7) [Information on Service Dogs by the Ministry of Health Labor and Welfare]

厚生労働省補助犬情報 <http://www.mhlw.go.jp/file/06-Seisakujouhou-12200000-Shakaiengokyokushougaiihokenfukushibu/12gatu.pdf>

- 8) [Japan Service Dog Resource Center] NPO
法人補助犬情報センター http://www.jsdrc.jp/hojoken/kaijoken_suu/
- 9) 国民衛生の動向, 一般社団法人構成労働統計協会, p122-129
[The Trends of National Health, Health Labor and Welfare Statistics Association
p.122-129]
- 10) Service Animal: ADA Requirements, U.S. Department of Justice, Civil Rights Division,
Disability Rights Section
- 11) Service Animals (Including Emotional Support Animals) US Department of
Transportation: [Transportation.gov](http://www.transportation.gov),
<https://www.transportation.gov/individuals/aviation-consumer-protection/service-animals-including-emotional-support-animals>
- 12) 動物検疫所 HP 犬猫を輸入するには
[Animal Quarantine Service How to import dogs and cats]
<http://www.maff.go.jp/aqs/animal/dog/import-index.html>

Current Situation and Importation of Assistance Dogs in Foreign Countries.

Mariko Yamamoto
Faculty of Life and Environmental Sciences
Teikyo University of Science

Preface

In considering the guidelines for those who enter Japan temporarily with their assistance dogs, we must understand the differences between Japan and other countries on how assistance dogs are treated. This report outlines the legal definitions and criteria of assistance dogs in the subject countries/regions. Furthermore, the import quarantine inspection the visitors' assistance dogs must undergo can provide us with a first step toward understanding how each country defines the dogs in accordance with their laws. It also reports on how each country handles the dogs and discloses the relevant information on their import quarantine system.

Based on: the number of people living with assistance dogs; laws; occurrence of rabies and geographies, following countries/regions that can be good references to Japan in accepting foreign visitors accompanied by assistance dogs were selected: the US; Hawaii; Australia; Britain; Spain and Taiwan.

Table 1. Occurrence of Rabies and Geographies of Selected Countries/Regions.

| Occurrence of Rabies (Geography) | Countries/Regions |
|------------------------------------|-------------------|
| Rabies Free (Island Countries) | Australia, Hawaii |
| Rabies Not-Free (Continent) | The US, Spain |
| Rabies Not-Free (Island Countries) | The UK, Taiwan |

※Rabies not-free countries are referred to as countries other than the six countries and regions designated as rabies free by the Minister of Agriculture, Forestry and Fisheries with regard to import quarantine for dogs and such. (As of July, 2013)

Legal Definitions and Criteria of Assistance Dogs

Table 2 shows the comparison between Japan and the selected countries/regions on the classification of assistance dogs. The legal definitions and criteria of assistance dogs in each country/region is outlined below. Considering the fact that the legal definitions of assistance dogs differ depending on countries, the dogs doing tasks that are not defined as those of assistance dogs by Japanese law are called “service dogs” in this report in order to classify them differently from Japanese assistance dogs.

The US (including Hawaii)

Assistance dogs are specified in both state and federal laws, and this report rather refers to the federal laws since if federal and state or local law conflict, the law which is less restrictive for the individual with the disability prevails. The Americans with Disabilities Act (ADA) guarantees persons with disabilities who live with assistance dogs (“service animals” under the law) equal access to public places such as restaurants, hospitals, hotels, theaters, and shops¹. In the US, the service dogs supporting people with disabilities other than physical disabilities are also covered under the law; for example, service dogs for people with psychiatric disabilities, epilepsy, diabetes, autism, etc. Dogs that are individually trained to do work or perform tasks for the benefit of an individual with a disability are considered as service animals, and their access to public places is granted. It specifies that these service animals must be dogs with the exception of miniature horses. The law does not obligate people to label their dogs as service animals or to carry any certificates. In the US, the federal government doesn’t have any systems to certify or register service animals, and the federal laws don’t designate training experts nor specify training criteria. Therefore, training and handling service animals depends on the ethical standards of training organizations, individual private trainers, and people living with service animals.

Australia

In Australia, like the US, the Disability Discrimination Act (DDA) doesn’t restrict the types of disabilities assistance dogs (“assistance animals” under the law) can support². The DDA doesn’t define details for the training or certification of assistance animals specifically, and they are left to the definitions of state laws. On the other hand, the act defines that assistance animals as a dog or other animal that: (a) is accredited under a State or Territory law to assist a person with a disability to alleviate the effects of disability; or (b) is accredited by an animal training organization prescribed in the regulations; or (c) is trained to assist a person with a disability to alleviate the effect of the disability and meets standards of hygiene and behavior that are appropriate for an animal in a public place. The right to train assistance animals isn’t necessarily limited to accredited training organizations, and there is a case that admitted a person living with a self-trained assistance animal the right to access public places³. The laws on assistance animals differ depending on states; in Queensland, the state law (Guide, Hearing and Assistance Dog Act 2009)⁴ specifies details on certifying assistance animals, the accredited training organizations (including individual trainers) who may certify assistance animals as well as the obligations of people to ensure their dogs wearing a harness or identifying coat and to carry their identity card; while a state law of New South Wales (Companion Animals Act 1998)⁵ does not specify details on the criteria of the training, certifications or identification, though it admits the right of access to people living with assistance animals. In addition, there are some states that issue permits for

the assistance animal handlers to access public transportations, while other states don't issue such permits, and some states do not accept the permits issued by other states; the inconsistency between state laws and federal laws are becoming an issue⁶).

The UK

In Britain, the Equality Act 2010 prohibits discrimination of people living with assistance dogs and grants the right to access public places for them⁷. This act doesn't restrict the types of disabilities assistance dogs can support, nor does it specify criteria of the training. A consequence of the ambiguous nature of the act is leading to problems, including selling dogs without aptitude such as appropriate temperament and skill for inappropriate prices or falsifying a pet as an assistance dog. Assistance Dogs UK, a voluntary coalition of domestic training organizations accredited by Assistance Dogs International or International Guide Dog Federation, demands that the act additionally specifies definition of assistance dogs, standard of training organizations, criteria on the training and so on⁸).

Spain

In Spain, the national law recognizes guide dogs, while it doesn't refer to the right for other types of assistance dogs. Spain has 17 autonomous communities, 9 of which admit the right to access public places for people accompanied by assistance dogs in accordance with the laws. In some regions like Valencia, there is no legal restriction to the types of disabilities assistance dogs can support, while in regions like Castile and León its law specifies assistance dogs support persons with visual impairments, physical or mental disabilities. On the other hand, the classification of assistance dogs tends to be defined based on the definition of Assistance Dogs International in the regions where the legislation has been newly developed, such as Cataluna, Madrid and the Canary Islands. There are two ways to accredit the dog and its handler unit: the certification of assistance dogs are provided by the training organizations accredited by the government's responsible office; and government office accredits the units directly. In many regions, temporary visitors from other regions or foreign countries with their assistance dogs are granted the same kinds of rights as the local residential assistance dog partners. The temporary visitor must be prepared to present the relevant documents that attest to their accreditation from the country or community of origin as well as the dog's passport, and vaccination record, if asked.

※The information provided is based on the interview with Ms. Mona Tellier (Associacio Canuck).

Taiwan

Assistance dogs are specified in the People with Disabilities Rights Protection Act. Similar to the Japanese law, the law grants the rights to access public places for people living with guide dogs, mobility service dogs, and hearing dogs⁹). It also includes puppies

and dogs in training. It defines eligibility as follows; assistance dogs must be trained by legally certified trainers, the training corporates must be organizations founded and registered in accordance with the law, and the organizations must either be accredited by International Guide Dog Federation (IGDF) or Assistance Dogs International (ADI) or have associations with such accredited organizations for more than 2 years, such as receiving assistance and guidance. In addition, it ordains that the assistance dogs wear a harness or vest and the handlers carry their identification¹⁰.

※ A part of the information provided, which is written only in Chinese, was collected with assistance of Dr. Feiran Wang of Nihon University.

Table 2. Classifications of Assistance Dogs in Selected Countries/Regions

| Country / Region | Classification of Assistance Dogs | | | | Certification of Country or State | Training Criteria |
|------------------|-----------------------------------|-----------------------|--------------|--------------|-----------------------------------|-------------------|
| | Guide Dogs | Mobility Service Dogs | Hearing Dogs | Service Dogs | | |
| Japan | ○ | ○ | ○ | × | ○ | ○ |
| The US / Hawaii | ○ | ○ | ○ | ○ | × | × |
| Australia | ○ | ○ | ○ | ○ | △/○ | △/○ |
| Spain | ○ | △ | △ | △ | △/○ | △/○ |
| The UK | ○ | ○ | ○ | ○ | × | × |
| Taiwan | ○ | ○ | ○ | × | ○ | ○ |

Quarantine Requirements and Special Measures

This section outlines quarantine requirements and special measures, if any, for assistance dogs in each country/region. It reports on what kinds of special measures are taken for assistance dogs as well as what kinds of documentations are to be submitted in order to distinguish them from pets in the countries/regions with special measures. In addition, it reports on what kind of information is provided on the definition of assistance dogs on their websites concerning quarantine.

The US

The US mainland is a rabies not-free country, and dogs from rabies free countries are not required rabies vaccination¹¹; however, every state requires that dogs be vaccinated against rabies. The dogs imported from rabies not-free countries will not be subject to post entry quarantine isolation by satisfying the requirements, including rabies vaccination. However, extra procedures are required for dogs from countries where screwworm is present in addition to the general procedures for rabies. They don't take special measures for assistance dogs' import and they must undergo the same procedure

as pet dogs. Therefore, there is no specific information on the legal definitions of assistance dogs provided on websites concerning import quarantine.

Hawaii

Hawaii is a rabies free region, where dogs imported from outside of the islands, including the US mainland are required to undergo post entry quarantine¹²⁾. Dogs are admitted to enter the island on the day, or after a maximum 5 days of post entry quarantine, when they meet the quarantine requirements, such as the completion of rabies vaccination, microchip implanting, rabies antibody testing and the treatment of ticks, as well as waiting for a required period after the completion of the antibody testing; however, they will be subject to a maximum of 120 days of post quarantine isolation if they don't meet the requirements. Hawaii adopts a special measure for assistance dogs. It enables assistance dogs to be admitted to the island immediately without post entry quarantine when they meet the quarantine requirements, including the completion of rabies vaccination, microchip implanting and rabies antibody testing, as well as the issuing of a health certificate within 30 days prior to arrival in Hawaii, treatment of ticks within 14 days of arrival, and disclosing the tasks the assistance dogs has been trained to perform. However, a problematic aspect is that presentation of certificates proving the authentic status of the assistance dog isn't required, and it often leads to a case of falsification of the dog's status (personal communication with Ms. Mo Mauree of Assistance Dogs of Hawaii). Regarding the special measure policy, they have a website explaining the quarantine procedure for assistance dogs, in which they define assistance dogs. The definition of assistance dogs on the website are not completely the same as the definition under ADA, while both are similar to each other for the most part.

Australia

Australia is a rabies free country, where the import quarantine requirements are exceptionally tougher than other countries in light of their biosecurity risk management policy¹³⁾. Companion dogs (pet dogs) must spend a minimum of 10 days at a post entry quarantine facility in addition to undergoing rabies vaccinations, external parasite treatments, and all other requirements before export. However, assistance dogs can be provided with special treatment for the post-entry quarantine period. In order to apply for the assistance dog's entry into the country, the importer must submit application forms such as; a form completed by a health practitioner providing evidence of the handler's disability and ongoing dependence on an assistance dog as well as a form proving that the assistance dog received specialized training from a recognized assistance dog training organization. Suitable institutions are member organizations of IGDF or ADI. Alternatively, the dog should be accredited under a law of an Australian State or Territory. It is specified that the application will not be accepted if the trainer is also the person with a disability who relies on the dog. Even when the application is accepted, the assistance dog is subject to being overseen for a post-entry quarantine

isolation period at the nominated address instead of the government facility, under the legally required condition that no other cats or dogs except any other assistance dogs will be present at the address, the dog will remain leashed and under the handler's control at all times when it is not confined at the address, and the dog is taken to a registered veterinarian for examination on the proposed end date of the quarantine period at which time a document must be completed and submitted. Assistance dogs are allowed to enter the country at any international airport. There is a government website page dedicated to assistance dogs, which explains the process by which to apply for their special treatment¹⁴). It doesn't provide detailed definitions of assistance dogs, but states that they must be trained by either IGDF or ADI, or legally accredited by an Australian state or territory. The definitions of assistance dogs for quarantine are well designed to accept assistance dogs trained in other countries as well as domestically accredited assistance dogs. The website alerts people that the applicants should not assume their dog will comply with Australia's requirements, even if the dog is recognized as an assistance dog in the country of export, and that it is a criminal offence to knowingly give false or misleading information¹⁴). It is noteworthy that it clearly warns against fake assistance dogs and assistance dogs without the aptitude which are becoming a significant issue in other countries.

The UK

In order to apply for the assistance dog's entry into the UK, the dog must undergo the same process as pet dogs, including microchip implantation, rabies vaccination, rabies antibody blood test, and tapeworm treatment, while people with the assistance dogs can travel on more routes and forms of transport (i.e. airlines, ferry and cruise companies, rail companies, airports, ports) than people with pets are allowed¹⁵). The quarantine requirements don't include submitting the assistance dog's certification, unlike Australia. The information about assistance dogs is found on the website's section on quarantine requirements for dogs. The definition of assistance dogs is not provided here, and it only refers that UK travel companies usually recognize assistance dogs trained by organizations that are members of either IGDF or ADI. The handler is advised to check with the travel company if the organization that trained the dog isn't a member of either association. It can be said that the authorization to judge the assistance dog's eligibility for entry is granted to travel companies, airlines, or rail companies.

Spain

In order to apply for the assistance dog's entry into Spain, the dog must undergo procedures in accordance with the EU regulation¹⁶). They include microchip implantation, rabies vaccination and documentation completed by a veterinarian. There is no distinction between assistance dogs and pet dogs concerning the procedure with no special measures for assistance dogs. Their website on animal quarantine doesn't provide any information regarding assistance dogs¹⁷).

Taiwan

When applying for pet dogs' entry into Taiwan, dogs from rabies-free countries, with satisfying requirements, including microchip implantation, rabies vaccination, and a certificate completed by a veterinarian, are not subject to post-entry quarantine at the quarantine facility¹⁸. Pet dogs from rabies not-free countries are subject to post-entry quarantine for 21 days. However, assistance dogs from rabies not-free countries can be quarantined at designated premises instead of the quarantine facility. In this case, the assistant dogs must be either accredited by Taiwan laws or trained by member organizations of IGDF or ADI. They also give entry permits to medical service dogs trained by member organizations of ADI. The import procedure requires the certificate of the assistance dog. The website on quarantine requirements has limited information on the definition of assistance dogs, but it defines assistance dogs in accordance with the law. In addition, the quarantine procedure is well designed to accept assistance dogs trained in other countries by including assistance dogs trained by member organizations of IGDF or ADI.

Table 3. Special Measures for Assistance Dogs in the Quarantine Procedure

| | Periods of post-entry quarantine at a quarantine facility | Special measures for assistance dogs | Requirements |
|------------------|--|---|--|
| The US | None | None | — |
| Hawaii | 5 days or less | Exemption of post entry quarantine | Disclosing tasks the dog has been trained to perform |
| Australia | 10 days | 1. Quarantined at a nominated address instead of government facility 2. No limitation for international airport to use | Forms completed by a health practitioner and a recognized assistance dog organization. |
| Spain | None | None | — |
| The UK | None | More routes and forms of transport are available | None |
| Taiwan | 21 days for dogs from rabies not-free countries | Quarantined at a designated premises instead of government facility | Certificate of the assistance dog |

Problems with Assistance Dogs in Foreign Countries

This report has so far introduced each country/region's legal definitions, special measures for quarantine requirements and available information regarding assistance dogs. Only limited countries/region, such as Australia, Spain and Taiwan, defined training and accreditation of assistance dogs at a national or regional level, while other countries did not define them. In those countries, there are problems with fake assistance dogs, dogs without proper training, and dogs without the aptitude, and there have been reports of dog bites resulting in severe injuries and even death caused by such assistance dogs¹⁹). Especially in the US, it is difficult to distinguish between assistance dogs with adequate training and other dogs because not only vests and labels but also letters from health professionals are purchasable on the Internet. This problem can escalate to more serious situations in which a person accompanying a genuine assistance dog may be hampered from participating in social activity. These problems seem to spur the movement which requests that legal definitions and certification of assistance dogs and their training criteria be established in the US and the UK.

Conclusion

The definitions, certification and training criteria regarding assistance dogs vary between each country's national laws or state laws, and it appears that the countries/regions which clarify those issues legally have fewer problems involving assistance dogs. Similarly, it is considered that when a country/region takes special measures for the assistance dogs' quarantine procedures, the clarity of legal definitions and criteria as well as the availability of information regarding assistance dogs prevent problems from occurring. Japan is a country which has clearer legal definitions of assistance dogs and maintains more orderly control over the dogs' usage than most other countries. It is supposedly effective to provide information on the domestic definition of assistance dogs in the guidance concerning quarantine procedures so that the temporary visitor can better understand the assistance dog's legal definitions regardless of whether or not special measures should be taken.

