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**COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER  
FOR HUMAN RIGHTS, IN ACCORDANCE WITH PARAGRAPH 15(B) OF THE  
ANNEX TO HUMAN RIGHTS COUNCIL RESOLUTION 5/1**

**Japan\***

This report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most documents are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty, and/or to a low level of interaction or cooperation with international human rights mechanisms.

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\* The information and references contained in the present document have not been verified by United Nations editors prior to submission for translation.

## I. BACKGROUND AND FRAMEWORK

### A. Scope of international obligations<sup>1</sup>

<i>Core universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations/reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	15 Dec. 1995	Art. 4 (a) and (b)	Individual complaints (art. 14): No
ICESCR	21 June 1979	Reservation, art. 7 (d), art. 8, para. 1 (d), art. 13, para. 2 (b) and (c). Declaration, art. 8, para. 2	-
ICCPR	21 June 1979	--	Inter-State complaints (art. 41): No
CEDAW	25 June 1985	No	-
CAT	29 June 1999	No	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): No Inquiry procedure (art. 20): Yes
CRC	22 April 1994	Reservation, art. 37 (c) and declaration, art. 9, para. 1, and art. 10, para. 1	-
OP-CRC-AC	2 Aug. 2004	Declaration, art. 3, para. 5	-
OP-CRC-SC	24 Jan. 2005	No	-
<i>Core treaties to which Japan is not a party: ICCPR-OP 1, ICCPR-OP 2, OP-CEDAW, OP-CAT, ICRMW, CPD (signature only, 2007), CPD-OP and CED (signature only, 2007).</i>			
<i>Other main relevant international instruments<sup>3</sup></i>			<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide			No
Rome Statute of the International Criminal Court			Yes <sup>4</sup>
Palermo Protocol <sup>5</sup>			Signature only 2002
Refugees and stateless persons <sup>6</sup>			Yes, except 1961 Convention on the Reduction of Statelessness
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>7</sup>			Yes, except Protocol III
ILO fundamental conventions <sup>8</sup>			Yes, except Conventions 105 and 111
UNESCO Convention against Discrimination in Education			No

1. The Committee on the Rights of the Child (CRC) welcomed Japan's ratification of ILO Conventions No. 138 and 182 relating to the abolition of child labour.<sup>9</sup> In 2007, Japan was encouraged by the Committee against Torture (CAT) to ratify OP-CAT.<sup>10</sup> CAT,<sup>11</sup> the Committee on the Elimination of Discrimination against Women (CEDAW)<sup>12</sup> and the Committee on the Elimination of Racial Discrimination (CERD)<sup>13</sup> have encouraged Japan to adhere to the respective complaint procedure. The Committee on Economic, Social and Cultural Rights (CESCR) recommended that Japan consider ratifying ILO Conventions No. 105, 111 and 169.<sup>14</sup>

2. In accordance with the Vienna Declaration and Plan of Action, CRC recommended that Japan withdraw its declarations on articles 9 and 10 and its reservation to article 37 (c) to the

Convention.<sup>15</sup> CERD noted the reservation that Japan maintained with respect to articles 4 (a) and (b) of the Convention, related to incitement to racial discrimination, and recalled that adherence to article 4 is of mandatory nature.<sup>16</sup> CESCR expressed concern that Japan had no intention of withdrawing its reservations to the Covenant and urged the State to consider the withdrawal of its reservations to ICESCR.<sup>17</sup> The Government provided a detailed response to this comment, indicating, inter alia, that its reservations are made in accordance with the procedures provided for in the Vienna Convention on the Law of Treaties.<sup>18</sup>

### **B. Constitutional and legislative framework**

3. Three treaty bodies welcomed legislative developments,<sup>19</sup> including CAT, which welcomed actions taken to combat trafficking, particularly the adoption of the National Plan of Action and revisions of the relevant laws and regulations in the Penal Code and the Immigration Control and Refugee Recognition Act.<sup>20</sup> CRC was concerned that domestic legislation does not fully reflect the principles and provisions of the Convention, and that, while the Convention can be invoked directly by the Courts, in practice this does not occur.<sup>21</sup> CAT regretted the lack of information on direct applicability of the Convention.<sup>22</sup>

### **C. Institutional and human rights infrastructure**

4. In 1998, the Human Rights Committee was concerned at the lack of institutional mechanisms available for investigating violations of human rights and providing redress to the complainants and strongly recommended to Japan that it set up an independent mechanism for investigating complaints of violations of human rights.<sup>23</sup> CEDAW in 2003, while noting with satisfaction the submission of the Human Rights Protection Bill to the Diet in 2002, expressed concern about the independence of the human rights commission, which would be placed under the Ministry of Justice, and recommended that the commission be established in accordance with the Paris Principles.<sup>24</sup> CRC echoed this concern and recommendation.<sup>25</sup>

### **D. Policy measures**

5. CEDAW welcomed, inter alia, the adoption of the Basic Plan for Gender Equality<sup>26</sup> and the setting of a numerical goal of 30 per cent for leadership positions in all sectors of society by 2020.<sup>27</sup> CRC appreciated the formulation of the National Youth Development Policy (2003)<sup>28</sup> but remained concerned that it was not a comprehensive plan of action and that the participation of children and civil society in its elaboration and implementation had been insufficient. CRC recommended that the State strengthen this policy to ensure that it is rights-based and covers all areas of the Convention.<sup>29</sup>

6. To implement the World Programme for Human Rights Education (2005-ongoing) Japan assigned departments in the Ministry of Education to coordinate related initiatives.<sup>30</sup> Concerning human rights education and training, CAT recommended, inter alia, that all categories of law enforcement personnel, as well as judges and immigration officials, should be regularly trained in the human rights implications of their work, with a particular focus on torture and the rights of children and women.<sup>31</sup>

## II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body</i> <sup>32</sup>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD	2000	March 2001		Third to sixth reports overdue from 2003 to 2007
CESCR	1998	August 2001	--	Third report overdue since 2006
HR Committee	1997	November 1998		Fifth report submitted in December 2006 (to be considered in October 2008)
CEDAW	2002	July 2003	--	Sixth report overdue since 2006
CAT	2005	May 2007	Due May 2008	Second report due in 2011
CRC	2001	January 2004	--	Third report overdue since 2006
OP-CRC-AC			--	Initial report overdue since 2006
OP-CRC-SC				Initial report overdue since 2007

7. Japan provided comments to CERD and CESCR following the adoption of the Committees' concluding observations in 2001.<sup>33</sup>

#### 2. Cooperation with special procedures

<i>Standing invitation issued</i>	No
<i>Latest visits or mission reports</i>	Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, visit to Japan, 10-14 December 2006 <sup>34</sup> and 15 to 19 January 2008. <sup>35</sup> Special Rapporteur on contemporary forms of racism, 3-11 July 2005. <sup>36</sup> Special Rapporteur on violence against women, mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime, 14-27 July 1995. <sup>37</sup>
<i>Visits agreed upon in principle</i>	Special Rapporteur on trafficking in persons, especially women and children.
<i>Visits requested and not yet agreed upon</i>	Special Rapporteur on toxic wastes (2005); Special Rapporteur on the human rights of migrants (2006); Working Group on Arbitrary Detention (2007).
<i>Facilitation/cooperation during missions</i>	The Special Rapporteur on contemporary forms of racism noted that he had carried out his visit in excellent conditions, thanks to the full cooperation of the Japanese authorities. He regretted however that he could not meet with a number of high-level authorities, in particular the Governor of Tokyo. <sup>38</sup>
<i>Follow-up to visits</i>	n/a
<i>Responses to letters of allegations and urgent appeals</i>	A total of 3 communications were sent between 1 January 2004 and 31 December 2007. In addition to communications sent for particular groups, 4 individuals, including 1 woman, were covered by these communications. Over the same period, the Government replied to two communications, representing replies to 66.6 per cent of communications sent.
<i>Responses to questionnaires on thematic issues</i> <sup>39</sup>	Japan responded to 7 of the 12 questionnaires sent by special procedures mandate-holders <sup>40</sup> between 1 January 2004 and 31 December 2007, within the deadlines. <sup>41</sup> It did not provide a response to the questionnaire of the Special Rapporteur on extrajudicial, summary or arbitrary executions on "Transparency and the imposition of the death penalty" which was sent to 12 States in 2005. <sup>42</sup>

### **3. Cooperation with the Office of the High Commissioner for Human Rights**

8. Japan has made regular financial contributions to the work of OHCHR, including to the Voluntary Fund for Technical Cooperation, the Humanitarian Funds, the Decade to Combat Racism and a selected number of field activities.<sup>43</sup> The High Commissioner, upon the invitation of the Government, visited Japan in 2004 and 2007.<sup>44</sup>

#### **B. Implementation of international human rights obligations**

##### **1. Equality and non-discrimination**

9. CEDAW in 2003 expressed concern that, while the Constitution provides for equality between the sexes, no specific definition of discrimination has been included in domestic legislation.<sup>45</sup> CEDAW,<sup>46</sup> the HR Committee<sup>47</sup> and CRC<sup>48</sup> also expressed concern that the Civil Code still contains discriminatory provisions including with respect to the minimum age for marriage and the waiting period required for women to remarry after divorce. All Committees requested the repeal of legal provisions that discriminate against women. CEDAW also remained concerned at the persistence of deeply rooted and rigid stereotypes in Japan regarding the role and responsibilities of women and men in the family and in society, which are reflected in women's situation in the labour market, educational choices and low participation in political and public life.<sup>49</sup> CRC, the HR Committee, CESCR and CEDAW also raised issues relating to discrimination against children born out of wedlock. CRC recommended that the State amend its legislation in order to eliminate any discrimination against children born out of wedlock, inter alia with regard to inheritance and nationality.<sup>50</sup>

10. In 2005, the Special Rapporteur on contemporary forms of racism concluded that racial discrimination and xenophobia do exist in Japan, and that they affect three groups: (a) the national minorities (the Buraku people, the Ainu and the people of Okinawa); (b) people from and descendants of people from former Japanese colonies (Korea and China); and (c) foreigners and migrants from other Asian countries and from the rest of the world.<sup>51</sup> He noticed that the manifestations of such racial discrimination and xenophobia are (a) social and economic: minorities live in a situation of marginalization and economic and social vulnerability, in the fields of employment, housing, marriage, pensions, health and education;<sup>52</sup> (b) political: highlighting in particular the invisibility of national minorities in State institutions (in particular the Parliament and the Government);<sup>53</sup> and, (c) the most profound manifestations are cultural and historical.<sup>54</sup> In its detailed response to the report, the Government noted, inter alia, that there were many statements in the report which went beyond the Special Rapporteur's mandate, including on past issues which have no relation with the issue of contemporary forms of racism,<sup>55</sup> following which the Special Rapporteur noted that racism was an iceberg, with the visible forms showing the manifestations of the present forms.<sup>56</sup> In his report following his visit, the Special Rapporteur recommended a revision of history textbooks, so as to better reflect the history of minorities and the relations with neighbouring countries.<sup>57</sup> He subsequently noted the highly significant start of a dialogue between Japanese, Korean and Chinese historians, which was in line with his recommendation.<sup>58</sup>

11. CERD in 2001 expressed concern about reports of violent actions against Koreans, mainly students and children,<sup>59</sup> and the Government provided information on, inter alia, various measures taken to address violence against Korean students.<sup>60</sup> CERD also expressed concern about the discrimination affecting the Korean minority and that the authorities reportedly urge Koreans applying for Japanese nationality to change their name to a Japanese name.<sup>61</sup> In its comments to

CERD, Japan stated that it is aware that there is discrimination against Koreans residing in Japan and it has been making continuous efforts to create a society free of discrimination through education programmes and various awareness-raising activities;<sup>62</sup> and that the authorities are extensively informing Koreans applying for Japanese nationality that they can determine their names freely after naturalization.<sup>63</sup>

12. CERD further recommended that all groups, including the Burakumin community, are protected against discrimination and afforded the full enjoyment of their rights under article 5 of ICERD.<sup>64</sup> In its comments to CERD, Japan stated, *inter alia*, that as a result of long-standing activities to resolve the problem of discrimination against the Burakumin, gaps in various areas have been reduced, including through economic and living environment improvements of the Burakumin communities.<sup>65</sup>

## **2. Right to life, liberty and security of the person**

13. In 1998, the HR Committee recommended that Japan take measures towards the abolition of the death penalty and that the penalty should be limited to the most serious crimes.<sup>66</sup> The Committee also remained seriously concerned at the conditions under which persons were held on death row.<sup>67</sup> The High Commissioner for Human Rights, on 7 December 2007, expressed concern over the execution of three prisoners in Osaka, including one prisoner aged 75. The executions were reportedly carried out without advance warning to either the convicts or their families.<sup>68</sup> In 2004, the Special Rapporteur on extrajudicial, summary or arbitrary executions sent a communication raising similar concerns.<sup>69</sup> CAT also raised similar concerns in 2007, particularly with regard to the principle of solitary confinement after the final sentence is laid down and the unnecessary secrecy and arbitrariness surrounding the time of execution, allegedly in order to respect the privacy of inmates and their families.<sup>70</sup> CAT also expressed serious concern about the lack of a mandatory appeal system for capital cases, the fact that a retrial procedure or a request for pardon does not lead to suspension of the execution of sentence, the absence of a review mechanism to identify inmates on death row who may be suffering mental illness and the fact there had been no commutation of a death sentence in the past 30 years.<sup>71</sup>

14. CAT noted with concern that a definition of torture, as provided by article 1 of the Convention, was not included in the Penal Code, and that in particular “mental torture” within the meaning of the Convention’s definition is not clearly defined under articles 195 and 196 of the Penal Code and also that penalties for related acts, such as intimidation, are inadequate.<sup>72</sup>

15. The general conditions of detention in penal institutions, including overcrowding, were of concern to CAT. The Committee recommended that Japan take effective measures to improve conditions of detention, ensure strict monitoring of restraining devices, the provision of medical assistance to all inmates at all times and that it should consider placing medical facilities and staff under the jurisdiction of the Ministry of Health.<sup>73</sup>

16. CAT was deeply concerned about allegations of continuous prolonged use of solitary confinement, despite the new provisions of the 2005 Act on Penal Institutions and the Treatment of Sentenced Inmates limiting its use. The State should amend current legislation to ensure that solitary confinement remains an exceptional measure of limited duration. In particular, the State should systematically review all cases of prolonged solitary confinement, by means of a specialized psychological and psychiatric evaluation, with a view to releasing those whose detention can be considered in violation of the Convention.<sup>74</sup>

17. In 2007, CAT was deeply concerned at the systematic use of the Daiyo Kangoku substitute prison system for the prolonged detention of arrested persons even after they appear before a court, and up to the point of indictment. This may lead to a de facto disrespect of the principles of the presumption of innocence, right to silence and right of defence.<sup>75</sup> Similar concerns were raised by the HR Committee in 1998.<sup>76</sup>

18. The Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea reported that the abductions of Japanese nationals, particularly in the 1970s, are a major concern to his mandate,<sup>77</sup> and that a number of the cases mentioned are being addressed by the Working Group on Enforced or Involuntary Disappearances.<sup>78</sup> The Special Rapporteur called for support to be given to the two countries to solve the problem peacefully, with the backing of the United Nations system.<sup>79</sup> The Special Rapporteur also reported that an important law was adopted by Japan in 2006: the Act on Measures for Resolving the Abduction Issue and Other Human Rights Infringements Committed by the North Korean Authorities. In 2007, the Act was amended to encourage the Japanese authorities to work with foreign Governments and international organizations to help support the call for resolution of the abductions issue.<sup>80</sup>

19. In 2007, CAT expressed concern, as highlighted also by UNHCR, at continued allegations of gender-based violence and abuse against women and children in custody, including acts of sexual violence by law enforcement personnel. In addition, CAT was concerned that cross-border trafficking in persons continues to be a serious problem in the State, facilitated by the extensive use of entertainment visas issued by the Government, and that support measures for identified victims remain inadequate, leading to victims being treated as illegal immigrants and deported without redress or remedy. Concern was also expressed over the lack of effective measures to prevent and prosecute violence perpetrated against women and girls by military personnel, including victims of foreign military personnel stationed on military bases.<sup>81</sup>

20. CAT was concerned at the restrictive scope of the State legislation covering rape.<sup>82</sup> CEDAW was also concerned that incest was not defined explicitly as a crime under the Penal Code and urged the State to include incest as a specific crime. CEDAW was further concerned at the prevalence of violence against women and girls and at women's apparent reluctance to seek assistance from existing public institutions. It was concerned that the Law for the Prevention of Spousal Violence and the Protection of Victims currently only covers physical violence. CEDAW was further concerned at the situation of foreign women who experience domestic violence and whose immigration status may depend on their living with their spouse; and fear of repatriation may be a deterrent from seeking assistance or taking steps to seek separation or divorce.<sup>83</sup>

21. In 2004, the CRC was concerned, inter alia, that there had been reports of the practice of "enjo kosai", or "compensated dating" and that the minimum age of sexual consent (13 years) is too low. It recommended that the State, inter alia, amend legislation on sexual exploitation<sup>84</sup> and raise the minimum age of sexual consent.<sup>85</sup> CRC welcomed measures undertaken to improve the reporting and investigation of child abuse, but was concerned that the number of cases prosecuted is still low and that recovery and counselling services for victims remain insufficient.<sup>86</sup> CRC also noted with concern that corporal punishment, although legally prohibited in schools continues to be widely practised. It recommended the State to, inter alia, prohibit corporal punishment in institutions and in the home; and promote positive, non-violent forms of discipline.<sup>87</sup>

### 3. Administration of justice and the rule of law

22. CAT was concerned about the insufficient level of independence of the judiciary and the lack of certain required safeguards. The State should take all necessary measures to reinforce the independence of the judiciary, particularly the security of tenure of judges.<sup>88</sup>

23. CAT was also concerned, *inter alia*, at the role played by designated private psychiatrists in private hospitals in issuing detention orders for persons with mental disabilities, and the insufficient judicial control over detention orders. CAT recommended that the State should take all necessary measures to ensure effective and thorough judicial control over detention procedures in public and private mental health institutions.<sup>89</sup>

24. Additionally, CAT was concerned at: (a) the lack of an effective complaints system for persons in police custody; (b) the lack of authority of the Board of Visitors for Inspection of Penal Institutions to investigate cases or allegations of acts of torture or ill-treatment; (c) the lack of independence of the Review and Investigation Panel on Complaints by Inmates in Penal Institutions and its limited powers to investigate cases directly; (d) statutory limitations on the right of inmates to complain and the impossibility of defence counsel assisting clients to file a complaint; (e) reports of adverse consequences for inmates as a result of having filed a complaint and of lawsuits rejected on the grounds that the term for claiming compensation had expired. The State should also consider establishing an independent mechanism, with authority to promptly and impartially investigate all allegations of, and complaints about, acts of torture and ill-treatment from both individuals in pretrial detention in police facilities or in penal institutions. The State should take all appropriate measures to ensure that the right of inmates to complain can be fully exercised.<sup>90</sup> In relation to victims of sexual violence, CAT also called for the prompt and impartial investigation of allegations of torture and ill-treatment with a view to prosecuting those responsible.<sup>91</sup> Additionally, the State should take appropriate measures to ensure that all victims of acts of torture or ill-treatment can exercise fully their right to redress, including compensation and rehabilitation.<sup>92</sup>

25. The HR Committee in 1998<sup>93</sup> and CAT in 2007 were deeply concerned at the large number of convictions in criminal trials based on confessions. CAT was also concerned at the lack of means for verifying the proper conduct of interrogations of detainees in police custody, in particular the absence of strict time limits for the duration of interrogations and the fact that it is not mandatory to have defence counsel present during all interrogations. Japan should ensure that interrogation of detainees in police custody or substitute prisons is systematically monitored and recorded by electronic and video devices, and amend its Code of Criminal Procedure to ensure full conformity with article 15 of CAT.<sup>94</sup> The HR Committee also recommended that, in accordance with article 14, paragraph 3, of ICCPR, Japan should ensure that its law and practice enable the defence to have access to all relevant material so as not to hamper the right to defence.<sup>95</sup>

26. The Special Rapporteur on violence against women in 2003 reported, *inter alia*, that Japan had still not accepted legal responsibility for the “comfort women” who were kept in military sexual slavery during the Second World War. It had also not punished many of the perpetrators responsible for such crimes.<sup>96</sup> CEDAW in 2003 noted recurrent concerns about the issue of “wartime comfort women” and recommended that Japan endeavour to find a lasting solution for this matter.<sup>97</sup> CAT in 2007 regretted the dismissal of cases filed by victims of military sexual slavery during the Second World War for reasons related to statutory limitations. Japan should review its rules and provisions on the statute of limitations and bring them fully in line with the Convention, so that acts amounting to torture and ill-treatment, including attempts to commit torture and acts by any person which amount to complicity or participation in acts of torture are investigated, prosecuted and punished without time limitations.<sup>98</sup>



27. While noting the reform of the juvenile justice law, CRC in 2004 was concerned, *inter alia*, with regard to the minimum age of responsibility which was lowered from 16 to 14 years, and about pretrial detention, which was increased from four to eight weeks. It was also concerned that an increasing number of juveniles were tried as adults and sentenced to detention and that juveniles may be sentenced to life imprisonment. Finally, it was concerned at reports that children exhibiting problematic behaviour, such as frequenting places of dubious reputation, tended to be treated as juvenile offenders. The Committee recommended that the State, *inter alia*, provide legal assistance to children in conflict with the law throughout the legal proceedings, and ensure that children with problematic behaviour were not treated as criminals.<sup>99</sup>

#### **4. Right to work and to just and favourable conditions of work**

28. CEDAW in 2003 was concerned at the wage gap between women and men, the lack of understanding regarding the practice and effects of indirect discrimination as expressed in the governmental guidelines to the Equal Opportunity Law, the high percentage of women in part-time work and about women “dispatch workers”, whose salaries are lower than those working in a regular situation. It was deeply concerned about the difficulties faced primarily by women in reconciling their personal and family lives with professional and public responsibilities. CEDAW urged the State, *inter alia*, to increase its efforts towards the achievement of *de facto* equal opportunities for women and men in the labour market.<sup>100</sup>

29. CESCR expressed grave concern that the State permits excessive working hours and recommended that it adopt the necessary legislative and administrative measures to reduce working hours in both the public and private sectors.<sup>101</sup> CESCR expressed concern that workers from the age of 45 run a greater risk of having their salaries reduced or even being laid off without adequate compensation and recommended that the State take measures to ensure that workers over that age maintain their previous levels of wages and job security.<sup>102</sup>

#### **5. Right to social security and to an adequate standard of living**

30. CESCR in 2001 was concerned about the absence of a minimum pension entitlement and the persistent *de facto* gender inequality in the pension system. The State should incorporate a minimum pension entitlement into the national pension system, and should remedy, to the maximum extent possible, the persisting *de facto* gender inequality in the pension system.<sup>103</sup> CESCR was also concerned about the large number of homeless persons throughout the country, especially in the Osaka/Kamagasaki area and urged Japan to take adequate measures to ensure an adequate standard of living for the homeless.<sup>104</sup> It was further concerned about forced evictions, especially of the homeless from their temporary abode and those who had occupied houses for a long time in the Utoro district.<sup>105</sup>

31. A 2005 WHO report noted that, while the health insurance system in Japan has ensured equitable health-care delivery across different socio-economic groups and different areas of the country, it has given rise to an inefficient supply of services.<sup>106</sup> CRC raised concerns about adolescent health and youth suicides. It was concerned at the prevalence of mental and emotional disorders among adolescents, the rise in sexually transmitted diseases among youth and drug abuse among adolescents. It was also concerned that children under the age of 18 required parental consent for medical treatment and counselling.<sup>107</sup>

## **6. Right to education and to participate in the cultural life of the community**

32. While noting the State's efforts to reform the education system and bring it into greater conformity with the Convention, CRC was concerned that its excessively competitive nature had a negative effect on children's health, that excessive competition for entry into higher education meant that public-school education must be supplemented by private tutoring, which was not affordable for children from poorer families, and that children of minorities had very limited opportunities for education in their own language. Similar concerns were raised by CESCR in 2001.<sup>108</sup> CRC recommended, inter alia, the development of measures, to effectively address problems and conflicts in schools, in particular violence, including bullying.<sup>109</sup> CRC was also concerned that children with disabilities, including mental disabilities, remained disadvantaged in the enjoyment of their rights, and were not fully integrated into the education system as well as other recreational or cultural activities.<sup>110</sup>

## **7. Minorities and indigenous peoples**

33. In 1998, the HR Committee was concerned, inter alia, about discrimination against the Ainu indigenous minority and non-recognition of their land rights.<sup>111</sup> CERD in 2001 also recommended that the State take further steps to promote the rights of the Ainu as an indigenous people.<sup>112</sup> In 2007, the Special Rapporteur on the situation of indigenous people reported that the Ainu are not officially considered as indigenous peoples in the 1997 Ainu Cultural Promotion Law, but a number of court decisions have affirmed their rights based on international indigenous rights standards.<sup>113</sup> CERD also reported that the population on Okinawa seeks to be recognized as a specific ethnic group.<sup>114</sup> The Government, in its response to CERD, commented, inter alia, that those who live in Okinawa prefecture or who are natives of Okinawa are of the Japanese race.<sup>115</sup>

## **8. Migrants, refugees and asylum-seekers**

34. In 2001, CERD also expressed concern, as highlighted by UNHCR,<sup>116</sup> that Indochinese refugees had access to accommodation, financial aid and State-funded Japanese-language courses, and that such assistance was, as a rule, not available to other refugees. CERD recommended, as highlighted also by UNHCR,<sup>117</sup> that Japan take the necessary measures to ensure equal entitlement to such services for all refugees and that the State ensure that all asylum-seekers have the right, inter alia, to an adequate standard of living and medical care. In 2005, the Special Rapporteur on the human rights of migrants sent a communication to the Government regarding information received about conditions of detention of foreign nationals. It was alleged, inter alia, that foreign nationals detained in immigration detention centres were often not informed adequately about their rights, in particular that they did not always have prompt access to a lawyer or advice in a language they understand. Concerns were also raised that undocumented foreign nationals, including asylum-seekers, face the risk of increasingly long detention periods, which may be up to 15 months, and that the persons detained allegedly include children and persons who are ill.<sup>118</sup> In its reply, the Government provided detailed information regarding deportation procedures, immigration detention and refugee protection in the country.<sup>119</sup> CAT in 2007 recommended, as highlighted also by UNHCR,<sup>120</sup> that Japan should expressly prohibit deportation to countries where there are substantial grounds for believing that the individuals to be deported would be in danger of being subjected to torture, and should establish an independent body to review asylum applications. Japan should ensure due process in asylum applications and deportation proceedings and should establish without delay an independent authority to review complaints about treatment in immigration detention facilities. Japan should establish limits to the length of the detention period for persons awaiting deportation, in particular for vulnerable groups, and make information public concerning the

requirement for detention after the issuance of a written deportation order. The Special Rapporteur on contemporary forms of racism also stated that the system put in place by the Immigration Bureau of the Ministry of Justice urging citizens to report suspected illegal migrants anonymously on its website is an incitement to racism, racial discrimination and xenophobia and recommended that it be abolished without delay, as it is essentially based on the criminalization of foreigners and promotes a climate of suspicion and rejection towards foreigners.<sup>121</sup>

### **III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS**

35. CEDAW in 2003 commended Japan for allocating approximately 10 per cent of its official development assistance over the last decade to women's education, health and economic and social participation.<sup>122</sup> CRC in 2004 noted with appreciation that Japan was the largest donor of official development assistance in absolute figures and that a considerable amount of that assistance was allocated to social development.<sup>123</sup> The HR Committee stressed that the protection of human rights and human rights standards were not determined by popularity polls and it was concerned at the repeated use of popularity statistics to justify attitudes of the State that may violate obligations under the ICCPR.<sup>124</sup>

### **IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS**

#### **A. Pledges by the State**

36. Japan pledged in 2008 that it will continue to extend its technical cooperation to assist the efforts to improve the situation of human rights worldwide.<sup>125</sup> It also committed, inter alia, to support the activities of OHCHR and the promotion of a human rights based approach in development programmes of the United Nations agencies.<sup>126</sup> Japan is fully committed to making efforts to eradicate discrimination against leprosy-affected persons and their families worldwide.<sup>127</sup> Japan will also cooperate with civil society, including non-governmental organizations in the promotion and implementation of human rights programmes.<sup>128</sup>

#### **B. Specific recommendations for follow-up**

37. In 2007, CAT requested Japan to provide within one year information on its response to the Committee's recommendations related to: non-refoulement, detention and deportation of asylum-seekers and immigrants; Daiyo Kangoku (detention in the substitute prison system); interrogation rules and confessions; and compensation and rehabilitation, concerning remedies for victims of sexual violence, including in particular survivors of Japan's military sexual slavery practices during the Second World War.<sup>129</sup>

38. Recommendations made by the Special Rapporteur on contemporary forms of racism, as highlighted by UNHCR,<sup>130</sup> include the official and public recognition, at the highest level of Government, of the existence of racial discrimination and xenophobia in Japanese society;<sup>131</sup> the adoption, as a matter of urgency, of a national law against racism, discrimination and xenophobia which would (a) penalize racial discrimination in all its forms, and specifically in employment, housing and marriage, and guarantee access to effective protection and remedies, including compensation, to victims; and (b) declare an offence all propaganda and all organizations based on racial superiority or hatred and which promote or incite racial discrimination.<sup>132</sup> Appropriate legal provisions should also be adopted prohibiting any lists and enquiries as to the origins of a person which could be used to discriminate against a person in relation to recruitment, renting or selling of an accommodation or the exercise of any other right of that person.<sup>133</sup>

## V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

39. In a 2007 Joint United Nations Programme on HIV/AIDS (UNAIDS) report it was noted that, in 2006, the United Nations Office on Drugs and Crime in partnership with the United Nations Population Fund (UNFPA), began a research project among four language groups of foreign sex workers and that work is also under way on the development of a “safe mobility package” for people vulnerable to human trafficking.<sup>134</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://untreaty.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Protection of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Protection of Persons with Disabilities
CED	Convention on the Protection of Persons from Enforced Disappearance

<sup>3</sup> Information relating to other relevant international human rights instruments, including regional instruments, may be found in the pledges and commitments undertaken by Japan before the Human Rights Council, as contained in the note verbale dated 7 February 2008 sent by the Permanent Mission of Japan to the United Nations addressed to the President of the General Assembly. See document, A/62/728, page 2.

<sup>4</sup> Note verbale, 7 February 2008, A/62/728, para. 4, part (5).

<sup>5</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>6</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>7</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at: [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

- <sup>8</sup> International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.
- <sup>9</sup> Concluding observations of the Committee on the Rights of the Child: Japan (CRC/C/15/Add.231), para. 5.
- <sup>10</sup> Conclusions and recommendations of the Committee against Torture: Japan (CAT/C/JPN/CO/1), para. 27.
- <sup>11</sup> CAT/C/JPN/CO/1, para. 27.
- <sup>12</sup> Concluding comments of the Committee on the Elimination of Discrimination against Women, *Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 38 (A/58/38)*, para. 375.
- <sup>13</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination: Japan: (CERD/C/304/Add.114), paras. 24-25.
- <sup>14</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights: Japan (E/C.12/1/Add.67), para. 45.
- <sup>15</sup> CRC/C/15/Add.231, para. 9.
- <sup>16</sup> CERD/C/304/Add.114, para. 11.
- <sup>17</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights: Japan (E/C.12/1/Add.67), paras. 11 and 34.
- <sup>18</sup> Comments by Japan on the concluding observations of CESCR in 2001, E/C.12/2002/12, para. 4 (2).
- <sup>19</sup> A/58/38, para. 352; and CRC/C/15/Add.231, para. 3.
- <sup>20</sup> CAT/C/JPN/CO/1, para. 8.
- <sup>21</sup> CRC/C/15/Add.231, paras. 10-11.
- <sup>22</sup> CAT/C/JPN/CO/1, para. 11.
- <sup>23</sup> Concluding observations of the Human Rights Committee (CCPR/C/79/Add.102), para. 9.
- <sup>24</sup> A/58/38, paras. 373-374.
- <sup>25</sup> CRC/C/15/Add.231, paras. 14-15.
- <sup>26</sup> A/58/38, para. 351.
- <sup>27</sup> A/58/38, paras. 367-368.
- <sup>28</sup> CRC/C/15/Add.231, para. 3 (b).
- <sup>29</sup> CRC/C/15/Add.231, paras. 12-13.
- <sup>30</sup> Letter from the Government of Japan to the High Commissioner for Human Rights dated 28 April 2006.
- <sup>31</sup> CAT/C/JPN/CO/1, para. 22.
- <sup>32</sup> The following abbreviations have been used for this document:
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|--------------|--|
| CERD         | Committee on the Elimination of Racial Discrimination        |
| CESCR        | Committee on Economic, Social and Cultural Rights            |
| HR Committee | Human Rights Committee                                       |
| CEDAW        | Committee on the Elimination of Discrimination against Women |
| CAT          | Committee against Torture                                    |
| CRC          | Committee on the Rights of the Child                         |
- <sup>33</sup> For the full text of the comments provided by the State on the Concluding observations adopted by: CERD, see CERD report to the General Assembly Supplement No. 18, A/56/18, Annex VII; and by CESCR see E/C.12/2002/12.

<sup>34</sup> Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, visit to Japan, December 2006, A/HRC/4/15.

<sup>35</sup> Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, visit to Japan, January 2008, A/HRC/7/20.

<sup>36</sup> Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mission to Japan, E/CN.4/2006/16/Add.2.

<sup>37</sup> See Report of the Special Rapporteur on violence against women, mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime, 14-27 July 1995, contained in UN document, E/CN.4/1996/53/Add.1.

<sup>38</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2006/16/Add.2, para. 3.

<sup>39</sup> The questionnaires included in this section are those which have been reflected in an official report by a special procedure mandate holder.

<sup>40</sup> See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006; (ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006; (iii) report of the Special Rapporteur on the human rights aspects of victims of trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006; (iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005; (v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007; (vi) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005; (vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005; (viii) report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/61/341), questionnaire concerning its mandate and activities sent in November 2005; (ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent in July 2006; (x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004; (xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003; (xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

<sup>41</sup> Questionnaire on the right to education of persons with disabilities; questionnaire on the human rights of migrants on border control and measures to reduce/address irregular migration; expulsion; conditions for admission/stay; rights of migrants; and the protection of migrants; questionnaire on the human rights of indigenous peoples; joint questionnaire on demand for commercial sexual exploitation and trafficking and demand for sexual services deriving from exploitation; questionnaire on girl's right to education; questionnaire on the sale of children's organs; questionnaire to identify policies and practices by which States regulate, adjudicate and otherwise influence corporate actions.

<sup>42</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, E/CN.4/2006/53/Add.3, para. 3.

<sup>43</sup> OHCHR Annual Report 2004, p. 159, 160, 161, 166; Annual Report 2005, p. 13, 14, 16, 25, 30, 32, 125, 218, 222; Annual Report 2006, p. 11, 12, 23, 28, 30, 107, 176, 188, 216; Annual Report 2007 (forthcoming).

<sup>44</sup> Note verbale, 7 February 2008, A/62/728, para. 2, part (4).

<sup>45</sup> A/58/38, para. 357.

<sup>46</sup> A/58/38, paras. 371-372.

<sup>47</sup> CCPR/C/79/Add.102, para. 16.

<sup>48</sup> CRC/C/15/Add.231, paras. 22-23.

- <sup>49</sup> A/58/38, para. 359.
- <sup>50</sup> CRC/C/15/Add.231, paras. 24-25; CCPR/C/79/Add.102, para. 12; E/C.12/1/Add.67, paras. 14 and 41; A/58/38, paras. 371-372.
- <sup>51</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2006/16/Add.2, para. 69.
- <sup>52</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2006/16/Add.2, para. 70.
- <sup>53</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2006/16/Add.2, para. 71.
- <sup>54</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2006/16/Add.2, para. 72.
- <sup>55</sup> Note verbale dated 30 May 2006 from the Permanent Mission of Japan to the United Nations Office at Geneva addressed to the Secretariat of the Commission on Human Rights, A/HRC/1/G/3.
- <sup>56</sup> UN Press Release, HUMAN RIGHTS COUNCIL DISCUSSES RACISM AND RACIAL DISCRIMINATION, HUMAN RIGHTS OF PEOPLE OF AFRICAN DESCENT AND MIGRANTS, 18 September 2006.
- <sup>57</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2006/16/Add.2, para. 82.
- <sup>58</sup> Special Rapporteur on contemporary forms of racism, A/HRC/7/19, para. 22.
- <sup>59</sup> CERD/C/304/Add.114, para. 14.
- <sup>60</sup> For the full text of the comments provided by the State on the Concluding observations adopted by: CERD, see CERD report to the General Assembly Supplement No. 18, A/56/18, Annex VII, including para. 10.
- <sup>61</sup> CERD/C/304/Add.114, paras. 16 and 18.
- <sup>62</sup> For the full text of the comments provided by the State on the Concluding observations adopted by: CERD, see CERD report to the General Assembly Supplement No. 18, A/56/18, Annex VII, including para. 14 (a).
- <sup>63</sup> For the full text of the comments provided by the State on the Concluding observations adopted by: CERD, see CERD report to the General Assembly Supplement No. 18, A/56/18, Annex VII, including para. 14 (b).
- <sup>64</sup> CERD/C/304/Add.114, para. 8.
- <sup>65</sup> For the full text of the comments provided by the State on the Concluding observations adopted by CERD, see CERD report to the General Assembly Supplement No. 18, A/56/18, Annex VII, including its para. 3.
- <sup>66</sup> CCPR/C/79/Add.102, para. 20.
- <sup>67</sup> CCPR/C/79/Add.102, para. 21.
- <sup>68</sup> UN Press Release, High Commissioner for Human Rights deplores executions of three prisoners in Japan, 7 December 2007.
- <sup>69</sup> Special Rapporteur on extrajudicial, summary or arbitrary execution, E/CN.4/2005/7/Add.1, para. 375.
- <sup>70</sup> CAT/C/JPN/CO/1, para. 19.
- <sup>71</sup> CAT/C/JPN/CO/1, para. 20.
- <sup>72</sup> CAT/C/JPN/CO/1, para. 10.
- <sup>73</sup> CAT/C/JPN/CO/1, para. 17.
- <sup>74</sup> CAT/C/JPN/CO/1, para. 18.
- <sup>75</sup> CAT/C/JPN/CO/1, para. 15.
- <sup>76</sup> CCPR/C/79/Add.102, para. 23.
- <sup>77</sup> Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, A/HRC/4/15, para. 51.
- <sup>78</sup> Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, A/HRC/4/15, para. 53. See also Report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea, A/62/318, paras. 17-20.

<sup>79</sup> Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, A/HRC/4/15, para. 57. See also Report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea, A/62/318, paras. 17-20.

<sup>80</sup> Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, A/HRC/7/20, para. 67.

<sup>81</sup> UNHCR submission to the UPR on Japan, p. 2, citing CAT/C/JPN/CO/1, para. 25.

<sup>82</sup> CAT/C/JPN/CO/1, para. 25.

<sup>83</sup> A/58/38, paras. 361-362.

<sup>84</sup> CRC/C/15/Add.231, paras. 51-52.

<sup>85</sup> CRC/C/15/Add.231, para. 22.

<sup>86</sup> CRC/C/15/Add.231, paras. 37-38.

<sup>87</sup> CRC/C/15/Add.231, paras. 35-36.

<sup>88</sup> CAT/C/JPN/CO/1, para. 13.

<sup>89</sup> CAT/C/JPN/CO/1, para. 26.

<sup>90</sup> CAT/C/JPN/CO/1, para. 21.

<sup>91</sup> CAT/C/JPN/CO/1, para. 25.

<sup>92</sup> CAT/C/JPN/CO/1, para. 23.

<sup>93</sup> CCPR/C/79/Add.102, para. 25.

<sup>94</sup> CAT/C/JPN/CO/1, para. 16.

<sup>95</sup> CCPR/C/79/Add.102, para. 26.

<sup>96</sup> Report of the Special Rapporteur on violence against women, on International, regional and national developments in the area of violence against women, 1994-2002, E/CN.4/2003/75/Add.1, para. 1043, and E/CN.4/2003/75/Add.1/Corr.1.

<sup>97</sup> A/58/38, paras. 361-362.

<sup>98</sup> CAT/C/JPN/CO/1, para. 12.

<sup>99</sup> CRC/C/15/Add.231, paras. 53-54.

<sup>100</sup> A/58/38, paras. 369-370.

<sup>101</sup> E/C.12/1/Add.67, paras. 19 and 46.

<sup>102</sup> E/C.12/1/Add.67, paras. 20 and 47.

<sup>103</sup> E/C.12/1/Add.67, paras. 24 and 51.

<sup>104</sup> E/C.12/1/Add.67, para. 29.

<sup>105</sup> E/C.12/1/Add.67, para. 30.

<sup>106</sup> WHO, National Health Priorities for Japan, WHO Regional Office for the Western Pacific 2005, p. 1, available at [http://www.wpro.who.int/countries/jpn/national\\_health\\_priorities.htm](http://www.wpro.who.int/countries/jpn/national_health_priorities.htm) (accessed on 25 February 2008).

<sup>107</sup> CRC/C/15/Add.231, paras. 45 and 47.

<sup>108</sup> E/C.12/1/Add.67, paras. 31-32, 58-60.

<sup>109</sup> CRC/C/15/Add.231, paras. 49-50.

<sup>110</sup> CRC/C/15/Add.231, paras. 43-44.

<sup>111</sup> CCPR/C/79/Add.102, para. 14.

<sup>112</sup> CERD/C/304/Add.114, para. 17.



- <sup>113</sup> Report of the Special Rapporteur on the situation of indigenous people, A/HRC/6/15/Add.3, paras. 7 and 15. See also Report of the Special Rapporteur against racism, E/CN.4/2006/16/Add.2, para. 45.
- <sup>114</sup> CERD/C/304/Add.114, para. 7.
- <sup>115</sup> For the full text of the comments provided by the State on the Concluding observations adopted by: CERD, see CERD report to the General Assembly Supplement No. 18, A/56/18, Annex VII, para. 1.
- <sup>116</sup> UNHCR submission to the UPR on Japan, p. 3, citing, CERD/C/304/Add.114, para. 19.
- <sup>117</sup> UNHCR submission to the UPR for Japan, p. 1, citing CERD/C/304/Add.114, 2001, para. 19.
- <sup>118</sup> Special Rapporteur on the human rights of migrants, E/CN.4/2006/73/Add.1, para. 130.
- <sup>119</sup> Special Rapporteur on the human rights of migrants, E/CN.4/2006/73/Add.1, para. 133-139.
- <sup>120</sup> UNHCR submission to the UPR on Japan, p. 2, citing CAT/C/JPN/CO/1, para. 14.
- <sup>121</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E/CN.4/2006/16/Add.2, 24 January 2006, para. 81.
- <sup>122</sup> A/58/38, para. 355.
- <sup>123</sup> CRC/C/15/Add.231, para. 4.
- <sup>124</sup> CCPR/C/79/Add.102, para. 7.
- <sup>125</sup> Note verbale, 7 February 2008, A/62/728, para. 5 part (2).
- <sup>126</sup> Note verbale, 7 February 2008, A/62/728, para. 5 part (3).
- <sup>127</sup> Note verbale, 7 February 2008, A/62/728, para. 4, part (4).
- <sup>128</sup> Note verbale, 7 February 2008, A/62/728, para. 5, part (5).
- <sup>129</sup> CAT/C/JPN/CO/1, para. 31.
- <sup>130</sup> UNHCR submission to the UPR on Japan, p. 4, citing E/CN.4/2006/16/Add.2, para. 74 and 77.
- <sup>131</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2006/16/Add.2, para. 74.
- <sup>132</sup> Special Rapporteur on contemporary forms of racism, E/CN.4/2006/16/Add.2, para. 76.
- <sup>133</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E/CN.4/2006/16/Add.2, 24 January 2006, para. 77.
- <sup>134</sup> UNAIDS, Annual Report 2006, Geneva 2007, p. 68.

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