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Working Group on the Universal Periodic Review
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Compilation on Japan

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. In 2016, the Committee on the Elimination of Discrimination against Women called upon Japan to consider ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women³ and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁴ The same Committee⁵ and the Special Rapporteur on the sale of children, child prostitution and child pornography⁶ recommended that Japan ratify the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

3. In 2014, the Committee on the Elimination of Racial Discrimination encouraged Japan to make the declaration under article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination, recognizing its competence to receive and consider individual complaints.⁷

4. The Committee on Economic, Social and Cultural Rights encouraged Japan to consider signing and ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁸

5. In 2014, the Human Rights Committee invited Japan to consider acceding to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.⁹



6. In 2013, the Committee against Torture and the Office of the United Nations High Commissioner for Refugees (UNHCR) encouraged Japan to consider acceding to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness¹⁰ and to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.¹¹

7. United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Japan to ratify the 1960 UNESCO Convention against Discrimination in Education and to submit national reports on its implementation.¹²

8. The Committee on the Elimination of Discrimination against Women¹³ and the Committee on Economic, Social and Cultural Rights¹⁴ urged Japan to consider ratifying the International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111), the Domestic Workers Convention, 2011 (No. 189) and the Abolition of Forced Labour Convention, 1957 (No. 105).

9. Japan contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2012, 2014, 2015, 2016 and 2017.¹⁵

10. In 2017, Japan submitted its midterm report regarding the implementation of the recommendations made during the second cycle of the universal periodic review in 2012.¹⁶

III. National human rights framework¹⁷

11. Several treaty bodies reiterated their concern that Japan had not established an independent national human rights institution, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹⁸ The Special Rapporteur on sale of children recommended that Japan adopt a bill on human rights protection that, inter alia, established a national human rights institution and an independent children's rights advocate.¹⁹

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²⁰

12. The Committee on the Elimination of Racial Discrimination noted the absence of an adequate definition of racial discrimination on the grounds of national or ethnic origin, colour and descent in legislation,²¹ and reports of the spread of hate speech, including incitement to imminent violence, in the media, on the Internet and in statements made by public officials and politicians. Such acts were not always properly investigated and prosecuted.²² The Human Rights Committee and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression expressed similar concerns and urged Japan to adopt a broadly applicable anti-discrimination law.²³ The Committee on the Elimination of Discrimination against Women called upon Japan to adopt a comprehensive definition of discrimination against women in legislation, in line with the Convention on the Elimination of All Forms of Discrimination against Women,²⁴ and realize substantive gender equality, in accordance with the Convention, throughout the implementation of the 2030 Agenda for Sustainable Development.²⁵

13. The Committee on the Elimination of Discrimination against Women was concerned that stereotyping continued to be the root cause of sexual violence against women and that pornography, video games and animation products, such as manga, promoted sexual violence.²⁶ It urged Japan to review educational textbooks and materials to eliminate discriminatory gender stereotypes, adopt legislation and sanction sexist speech and propaganda advocating racial superiority or hatred.²⁷

14. The Committee on the Elimination of Racial Discrimination was concerned that non-citizens were excluded from accessing some public places and facilities on the basis of race or nationality. It recommended that Japan take appropriate measures by effectively applying legislation and investigating and sanctioning such acts.²⁸

15. The Human Rights Committee was concerned about reports of harassment and stigmatization of lesbian, gay, bisexual and transgender persons and discriminatory provisions that excluded same-sex couples from the municipal housing system.²⁹ The Committee on the Elimination of Discrimination against Women urged Japan to pursue efforts to eliminate multiple and intersecting forms of discrimination against women with disabilities, lesbian, gay, bisexual, transgender and intersex women and migrant women, which affected their access to health, education, employment and participation in public life.³⁰

16. The same Committee recommended that Japan abolish all discriminatory provisions regarding the status of children born out of wedlock and provide legal protection for them and their mothers from stigma and discrimination.³¹

2. Development, the environment, and business and human rights³²

17. The Committee on Economic, Social and Cultural Rights was concerned that the specific needs of disadvantaged and vulnerable groups had not been sufficiently met during the evacuation, rehabilitation and reconstruction efforts following the Great East Japan Earthquake and Fukushima nuclear accident. It recommended the adoption of a human rights-based approach to disaster response, risk mitigation and reconstruction efforts.³³ The Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health expressed similar concerns.³⁴

18. The Special Rapporteur on health recommended that Japan release disaster-related information to the public as soon as an accident occurred and ensure effective and inclusive community participation in decision-making processes relating to nuclear energy policy and the nuclear regulatory framework.³⁵

19. The Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, encouraged Japan to integrate a human rights-based approach into the formulation, implementation and monitoring of its development cooperation programme so as to further enhance its policy thereon.³⁶ He was concerned that export credit agencies exacerbated the debt problems of poor countries, had negative impacts on human rights and the environment and lacked transparency. He encouraged Japanese investments abroad to be consistent with relevant international human rights and labour standards.³⁷ The Independent Expert recommended that Japan enhance its financial support to civil society organizations involved in the promotion and protection of human rights, particularly economic, social and cultural rights, in the countries receiving development assistance from Japan.³⁸

20. The Special Rapporteur on sale of children commended the business sector for combating online child sexual exploitation, but was concerned at the insufficient involvement of media and advertising companies in prevention efforts.³⁹ She recommended that Japan take comprehensive preventive measures in partnership with the business sector and non-governmental organizations, and with the involvement of children and youth.⁴⁰

21. The Independent Expert on foreign debt welcomed the fact that, in the context of the post-2015 development framework, Japan aimed to promote universal access to basic health-care services and universal health coverage to satisfy broader health and medical needs.⁴¹

B. Civil and political rights

1. Right to life, liberty and security of person⁴²

22. The Human Rights Committee remained concerned that capital punishment had not been limited to the “most serious crimes”, and that death row inmates were kept in solitary confinement for up to 40 years before execution and without notice prior to the day of execution. The Committee recommended that Japan consider abolishing the death penalty, ensure that the death row regime did not amount to cruel, inhuman or degrading treatment or punishment and refrain from imposing solitary confinement, except in the most exceptional circumstances and for strictly limited periods.⁴³ The Committee against Torture was concerned at the non-use of the power of pardon since 2007 and the absence of transparency concerning procedures for seeking benefit for pardon, commutation or reprieve.⁴⁴

23. The Committee against Torture was concerned that torture was not defined in legislation⁴⁵ and about ill-treatment during interrogations in the *daiyo kangoku* (substitute prison system). It recommended that Japan take steps to ensure inadmissibility in court of confessions obtained under torture and ill-treatment, establish rules concerning the length of interrogations — with appropriate sanctions for non-compliance — and improve criminal investigation methods.⁴⁶

24. The Committee was also concerned at detention conditions, including overcrowding,⁴⁷ detention in police cells for periods of up to 23 days — with limited access to a lawyer and without the possibility of bail⁴⁸ — and the frequent use of solitary confinement.⁴⁹ The Human Rights Committee recommended that Japan ensure that the detention system was fully compliant with international standards by guaranteeing alternatives to detention, such as bail, the right to counsel and the presence of defence counsel during interrogations.⁵⁰

25. The Committee against Torture was further concerned at the frequent use of solitary confinement, restraints and forced medication in mental health institutions, which may amount to inhumane and degrading treatment.⁵¹

2. Administration of justice, including impunity, and the rule of law⁵²

26. The Human Rights Committee regretted the continued use of the *daiyo kangoku* for criminal investigations and recommended taking measures to abolish the substitute detention system or ensure its compliance with international standards.⁵³ The Committee against Torture was concerned at the lack of effective judicial control over pretrial detention in police cells and of an independent and effective inspection and complaints mechanism.⁵⁴ It recommended that Japan take legislative and other measures to ensure separation of the functions of investigation and detention,⁵⁵ consider establishing a dedicated, independent and effective complaints body, ensure prompt, impartial and full investigations into all allegations of torture and ill-treatment, and prosecute and punish those responsible.⁵⁶

27. The Human Rights Committee recommended that legal safeguards against wrongful sentencing to death be strengthened by, inter alia, guaranteeing the defence full access to all prosecution materials and ensuring that confessions obtained by torture or ill-treatment were not invoked as evidence.⁵⁷

28. The Committee recommended that Japan take concrete action to prosecute rape and other sexual violence crimes ex officio.⁵⁸

3. Fundamental freedoms and the right to participate in public and political life⁵⁹

29. The Special Rapporteur on freedom of expression was concerned about the Protection of Specially Designated Secrets Act and urged Japan to continue work and to be vigilant so as to avoid the possibility of designating information as secret even if its disclosure would not jeopardize national security and to amend the law to ensure that there would not be any chilling effect on the work of journalists.⁶⁰

30. UNESCO noted that the Protection of Specially Designated Secrets Act had entered into force in December 2014. Whistle-blowers who leaked “State secrets” could face up to 10 years in prison, while journalists who published leaked information could face up to 5 years in prison. It recommended that Japan consider amending the Act to include an exception to guarantee that no individual would be punished for disclosing information of public interest that did not harm national security and establish an independent oversight board and a broadcast regulatory authority for the Act.⁶¹ The Special Rapporteur on freedom of expression was concerned that a weak system of legal protection, persistent exploitation of the media by the Government and the recent adoption of the Act had imposed significant challenges, especially for the mainstream media. He was also concerned about unnecessary restrictions on protest activities, particularly in Okinawa, and allegations of surveillance of the Muslim community.⁶² The Human Rights Committee was concerned about reports of widespread surveillance of Muslims by law enforcement officials.⁶³

31. The Committee on the Elimination of Discrimination against Women noted the low representation of women in all sectors and the underrepresentation of minority women, such as Ainu, Buraku and Zainichi women and women with disabilities, in decision-making positions.⁶⁴ It recommended temporary special measures, including quotas, to accelerate the achievement of substantive equality of women and men, in particular to enhance the rights of all women in decision-making positions in the public and private sectors, especially in Parliament,⁶⁵ while integrating a gender perspective into all sustainable development policies.⁶⁶ The Committee on the Elimination of Racial Discrimination made a similar recommendation to enhance consultations with Ryuku representatives.⁶⁷

4. Prohibition of all forms of slavery⁶⁸

32. The Committee against Torture noted the steps taken to acknowledge the abuses against the so-called “comfort women”, victims of sexual slavery practices during the Second World War. However, it remained deeply concerned at the rejection of several recommendations made during the previous universal periodic review and by other United Nations human rights mechanisms and Human Rights Council special procedures.⁶⁹ It urged Japan to take immediate and effective legislative and administrative measures to find a victim-centred resolution for those women, in particular, by publicly acknowledging legal responsibility for sexual slavery crimes, prosecuting and punishing perpetrators, and providing victims with full and effective redress and reparation.⁷⁰ The Committee on the Elimination of Discrimination against Women noted efforts to resolve the issue through the bilateral agreement signed by Japan and the Republic of Korea on 28 December 2015. However, the Committee regretted the position of Japan that the matter did not fall within its mandate as the alleged violations had occurred prior to the entry into force of the Convention for Japan, in 1985.⁷¹ It observed the continuing effect of the issue on the rights of victims/survivors, given the continued lack of effective remedies.⁷² The Committee on the Elimination of Racial Discrimination urged Japan to take action to conclude investigations into violations of the rights of the comfort women and to bring to justice those responsible.⁷³ The ILO Committee of Experts on the Application of Conventions and Recommendations expressed the firm hope that the Government would make every effort to achieve reconciliation with the victims.⁷⁴ The Human Rights Committee was concerned about attacks on the reputation of former comfort women, including by public officials, some of which had been encouraged by the equivocal position of Japan.⁷⁵ The Special Rapporteur on freedom of expression was concerned that the Government had undermined public debates on the issue of comfort women. He noted that references to “comfort women” had been edited out of junior high school textbooks, which undermined the public’s right to know about and understand its past.⁷⁶

33. The Committee on the Elimination of Discrimination against Women noted the adoption of an action plan and the establishment of the Council for the Promotion of Measures to Combat Trafficking in Persons but it was concerned that Japan remained a source, transit and destination country for trafficking in persons for labour and sexual exploitation.⁷⁷ The Committee on the Elimination of Racial Discrimination recommended that Japan provide redress to victims of trafficking and investigate, prosecute and punish those responsible.⁷⁸ It was concerned about the persistence of trafficking in minority

women, in particular for sexual exploitation, and the absence of information on administration of justice to victims.⁷⁹

34. The Human Rights Committee and the ILO Committee of Experts were concerned about the persistence of trafficking, the low number of prison sentences imposed on perpetrators and that no perpetrator of forced labour had been brought to justice.⁸⁰

35. The Committee on the Elimination of Discrimination against Women was concerned that women and girls entering Japan under the Industrial Training and Technical Internship Programme were victims of forced labour and sexual exploitation. It recommended that Japan intensify regular labour inspections, and monitoring and inspection programmes.⁸¹ The ILO Committee of Experts shared the concerns of the Committee on the Elimination of Discrimination against Women and requested that the current programme be replaced with a new scheme focused on capacity-building.⁸² The Human Rights Committee was concerned about the large number of reports of sexual abuse of foreign trainees and interns, labour-related deaths and conditions that could amount to forced labour, despite legislative amendments.⁸³ The Special Rapporteur on sale of children expressed similar concerns regarding children.⁸⁴ The Committee on the Elimination of Racial Discrimination was concerned about the long working hours for technical interns and the non-payment of proper wages, and recommended that the programme be reformed to protect their working rights.⁸⁵

5. Right to privacy and family life⁸⁶

36. The Special Rapporteur on the right to privacy expressed concern that the proposed bill revising parts of the Punishment of Organized Crimes Act, known as the “anti-conspiracy” bill, which was aimed at combating terrorism. Owing to its broad scope, the bill could, if adopted, lead to undue restrictions on the rights to privacy and freedom of expression.⁸⁷

37. The Committee on the Elimination of Discrimination against Women was concerned that the Civil Code still prohibited women from remarrying within a specified period after divorce, although the Supreme Court had ruled to shorten the period from 6 months to 100 days. The same Committee and the Human Rights Committee urged Japan to abolish the waiting period for women to remarry upon divorce.⁸⁸

38. The Committee on the Elimination of Discrimination against Women was concerned that discriminatory provisions in the Civil Code had set the minimum age for marriage at 16 years for women and 18 years for men, and urged Japan to raise the legal minimum age for women to 18 years.⁸⁹

39. The Committee on the Elimination of Racial Discrimination considered the systematic collection of security information about individuals based solely on their belonging to an ethnic or ethno-religious group to be a serious form of discrimination.⁹⁰

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁹¹

40. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Promotion of Women’s Participation and Advancement in the Workplace Act in 2015, but was concerned at the widening gender pay gap.⁹² The Human Rights Committee was concerned about reports that women represented 70 per cent of the part-time workforce and earned on average 58 per cent of salaries paid to men for equivalent work.⁹³ The ILO Committee of Experts requested Japan to step up its efforts to encourage enterprises to take positive measures to narrow the gender pay gap, including regarding women’s access to managerial positions and the reconciliation of work and family responsibilities for both men and women on an equal footing.⁹⁴ The Special Rapporteur on health was informed that a significant number of workers in the nuclear power industry, who had been employed through layers of subcontractors for short periods of time, did not benefit from proper and effective monitoring of their health.⁹⁵ He recommended that Japan

monitor the health effects of radiation on nuclear plant workers and provide treatment, where necessary.⁹⁶

41. The Committee on Economic, Social and Cultural Rights noted with concern that a significant number of workers continued to work for excessively long hours, and was concerned about work-related deaths and suicides, despite the measures to encourage employers to take voluntary action.⁹⁷ It recommended that Japan protect workers' right to safe and healthy working conditions, ensure the application of deterrent sanctions for non-compliance with limits on extending working hours and adopt legislation and regulations aimed at prohibiting and preventing all forms of harassment in the workplace.⁹⁸

2. Right to social security⁹⁹

42. The Committee on Economic, Social and Cultural Rights was concerned that significant cuts to budget allocations for social assistance had negatively impacted the enjoyment of economic and social rights for disadvantaged and marginalized groups.¹⁰⁰

43. The Committee on the Elimination of Discrimination against Women was concerned at reports of poverty among women and urged Japan to intensify its efforts towards poverty reduction and sustainable development.¹⁰¹ The Committee on Economic, Social and Cultural Rights was concerned about the incidence of poverty among older persons, especially those who did not receive pensions, and low-income pensioners.¹⁰²

44. The Committee on the Elimination of Racial Discrimination was concerned that upon the removal of the nationality clause from the National Pension Law in 1982, combined with the age and residence requirements introduced by the 1986 amendment, a number of non-citizens, including Koreans who had lost their Japanese nationality in 1952, might have been left out and remained ineligible for pension benefits under the national pension scheme.¹⁰³

3. Right to an adequate standard of living¹⁰⁴

45. The Committee on Economic, Social and Cultural Rights was concerned that the average level of minimum wage fell short of the minimum subsistence level. It urged Japan to review the relevant factors and ensure that the minimum wage enabled a decent living for workers and their families.¹⁰⁵

4. Right to health¹⁰⁶

46. The Committee on the Elimination of Discrimination against Women noted the efforts to address radiation-related health concerns following the Fukushima nuclear accident in 2011. It was concerned that the plans to lift the designation of contaminated areas with radiation exposure levels under 20 millisieverts per year as evacuation zones threatened the health of women and girls.¹⁰⁷ The Human Rights Committee recommended that Japan take measures to protect the lives of people affected by the Fukushima nuclear disaster and lift the designation of contaminated areas as evacuation zones only where the radiation level did not place residents at risk.¹⁰⁸

47. The Human Rights Committee and the Committee against Torture were concerned at the large number of persons with mental disabilities who had been subjected to prolonged involuntary hospitalization without access to an effective remedy.¹⁰⁹

48. The Committee on the Elimination of Discrimination against Women was concerned at the high ratio of abortion and suicide among teenage girls and women and that women could obtain an abortion only when it was deemed that the continuation of pregnancy or delivery might significantly damage their physical health or if they had been raped in a violent or threatening manner.¹¹⁰ It recommended that Japan amend the Penal Code and the Maternal Protection Act to legalize abortion and remove the requirement of spousal consent.¹¹¹

49. UNESCO recommended that Japan provide access to reproductive and sexual health education and information for adolescents and include it appropriately in curricula and textbooks.¹¹²

50. The Special Rapporteur on health encouraged Japan to explore other health effects of radiation on children,¹¹³ and urged it to urgently develop a long-term decontamination policy aimed at reducing radiation to less than 1 millisieverts per year as soon as possible.¹¹⁴ He noted that the mental and physical health of children had deteriorated owing to the lack of outdoor activities, safe play areas and restrictions on school activities. He called for quality mental health facilities and goods and services to be made available and accessible to the affected communities.¹¹⁵ The Special Rapporteur was concerned that the official Fukushima curriculum for compulsory radiation education in public schools lacked evidence of high risk of disease when exposed for a short time to radiation levels of 100 millisieverts and below.¹¹⁶ He recommended that Japan include in schoolbooks and materials accurate information about the risk of radiation exposure and the greater vulnerability of children to radiation exposure.¹¹⁷

5. Right to education¹¹⁸

51. The Committee on the Elimination of Discrimination against Women was concerned about the wide gender gap in higher education enrolment and in traditionally male-dominated fields of study. It recommended that Japan promote equal access for women and girls to all levels of education.¹¹⁹

52. The same Committee was concerned at reports of low literacy levels among ethnic Ainu and Buraku and other minority communities, particularly among older women, and recommended the removal of all obstacles to their access to education.¹²⁰

53. The Committee on Economic, Social and Cultural Rights¹²¹ and the Committee on the Elimination of Racial Discrimination¹²² were concerned about the legislative provisions and government actions that hindered the right to education of children of Korean origin, including the exclusion of Korean schools from the high school tuition support programme, which constituted discrimination.

54. The Committee on the Elimination of Racial Discrimination recommended that Japan facilitate education in and the teaching of minority languages for children belonging to minority and indigenous peoples. It also recommended the revision of textbooks that did not reflect the history, culture and contributions of Japanese groups protected by the Convention.¹²³

55. UNESCO noted the adoption of the Second Basic Plan for the Promotion of Education (2013-2017) concerning tuition fees.¹²⁴ It encouraged Japan to tackle more actively the issue of high university tuition fees by, inter alia, establishing financial assistance for disadvantaged students.¹²⁵

D. Rights of specific persons or groups

1. Women¹²⁶

56. The Human Rights Committee recommended that Japan thoroughly investigate all reports of domestic violence, including in same-sex couples, prosecute and punish perpetrators with appropriate sanctions, provide redress to victims and ensure that immigrant women who were victims of sexual violence did not lose their visa status.¹²⁷

57. The Committee on the Elimination of Discrimination against Women was concerned that the Ministry of Justice committee that had reviewed the Penal Code did not consider it necessary to explicitly criminalize marital rape. It urged Japan to expedite the amendment of the Penal Code to expand the definition of rape and ensure ex officio prosecution of sex crimes.¹²⁸

58. The Committee on the Elimination of Racial Discrimination and the Committee on the Elimination of Discrimination against Women regretted the persistent violence against foreign, minority and indigenous women and their reluctance to report domestic violence to the authorities for fear of having their residence status revoked.¹²⁹ The Committee on the Elimination of Racial Discrimination recommended that adequate measures be taken to

effectively address such violence by prosecuting and sanctioning all forms of violence and ensuring that victims had access to immediate means of redress and protection.¹³⁰

59. The same Committee also recommended that Japan review its legislation on residence status to ensure that foreign women married to Japanese citizens or non-citizens with permanent residence status would not be expelled upon divorce or repudiation and that the application of the law did not have the effect, in practice, of forcing women to remain in abusive relationships.¹³¹

2. Children¹³²

60. The Special Rapporteur on sale of children noted the high suspension rate of sentences for offences involving the sexual exploitation of children. She recommended that Japan step up efforts to investigate and prosecute such acts, including prostitution and pornography, to ensure the accountability of perpetrators and redress for child victims, and effectively apply and implement sanctions in the Penal Code for offences relating to the sexual exploitation of children.¹³³

61. The Committee against Torture shared the concerns of the Committee on the Rights of the Child that corporal punishment at home and in alternative care settings was not expressly prohibited by law and that the Civil Code and the Act on Child Abuse Prevention provided for appropriate discipline but were not clear as to the admissibility of corporal punishment. It recommended that corporal punishment be explicitly prohibited in all settings by law.¹³⁴ The Human Rights Committee observed that corporal punishment was not prohibited in schools and was concerned at its prevalence and social acceptance.¹³⁵

62. The Special Rapporteur on the sale of children welcomed the 2014 legislative amendment that criminalized the simple possession of child pornography and the adoption of a new plan of action to combat trafficking in persons. However, while noting the adoption and renewal of numerous plans and policies, she was concerned at the lack of a comprehensive approach in combating sexual exploitation of children. She recommended that Japan strengthen and develop a comprehensive strategy against the sexual exploitation of children.¹³⁶ The Special Rapporteur was concerned about forced pornography, featuring primarily women and girl victims aged from 17 to 20, who had been manipulated and forced to have sex on camera, and that once the girls reached legal majority, they were forced, under deceit, duress or coercion, to sign a contract obliging them to participate in pornographic shootings or filming. The existence of a contract discouraged investigations and made prosecution difficult.¹³⁷ Japan had been singled out as a major producer of sexually exploitative representations of virtual children in subgenres of manga, anime, computer graphics and video, and online games that contained depictions of extreme child pornography.¹³⁸

3. Persons with disabilities¹³⁹

63. The Committee on the Elimination of Discrimination against Women noted that, under the Eugenic Protection Act, the State sought to prevent births of children with diseases or disabilities and, as a result, persons with disabilities had been subjected to forced sterilization. The Committee noted that, out of approximately 16,500 cases of sterilization without consent, 70 per cent concerned women and that no efforts had been made to provide redress.¹⁴⁰

64. The Committee on the Elimination of Racial Discrimination was concerned that, despite the removal in 1982 of the nationality clause from the Basic Disability Pension of the National Pension Law, non-citizens who had lost eligibility to receive benefits before 1 January 1982 — owing to the removal of the nationality clause — and other non-citizens with disabilities who were over the age of 20 as of that date, remained excluded from receiving the Basic Disability Pension.¹⁴¹

65. UNESCO noted that a new law prohibiting discrimination against persons with disabilities had entered into force in April 2016.¹⁴² It encouraged Japan to ensure that the provisions of the new law were fully aligned with international standards on education and that it promoted inclusive education over the establishment or maintenance of a special education system.¹⁴³

4. Minorities and indigenous peoples¹⁴⁴

66. The Committee on the Elimination of Discrimination against Women called upon Japan to pursue efforts to eliminate multiple and intersecting forms of discrimination experienced by indigenous and ethnic minority women, such as Ainu, Buraku and Zainichi Korean women.¹⁴⁵

67. The Committee on the Elimination of Racial Discrimination noted the measures taken and implemented concerning the Ryukyu people based on the Act on Special Measures for the Promotion and Development of Okinawa and the Okinawa Promotion Plan. However, it was concerned that sufficient measures had not been taken to consult Ryukyu representatives regarding the protection of their rights.¹⁴⁶

68. The same Committee was concerned about the low/insufficient number of Ainu representatives on the Ainu Promotion Policy Council and other consultative bodies; the persistent gaps between Ainu and the rest of the population in many areas of life; insufficient protection of Ainu rights to land and natural resources; and the slow progress made towards the realization of their right to their own culture and language. It recommended the adoption of appropriate measures to protect Ainu rights to land, culture and language and ensure implementation aimed at the realization of those rights.¹⁴⁷

69. The Committee on the Elimination of Racial Discrimination regretted that Japan did not recognize the Ryukyu people as indigenous peoples, despite recognition by UNESCO of their unique ethnicity, history, culture and traditions. It recommended that Japan enhance consultations with Ryukyu representatives on matters relating to the promotion and protection of Ryukyu rights.¹⁴⁸ The Human Rights Committee welcomed the recognition of Ainu as an indigenous group, but reiterated its concern regarding the lack of recognition of the Ryukyu people and their rights to their traditional land and resources, and their children's right to be educated in their language.¹⁴⁹

70. The Committee on the Elimination of Racial Discrimination also regretted the exclusion of the Burakumin from the application of the Convention on grounds of descent, and recommended that Japan revise its position and adopt a clear definition of Burakumin in consultation with them.¹⁵⁰

5. Migrants, refugees, asylum seekers and internally displaced persons¹⁵¹

71. The Committee on the Elimination of Racial Discrimination was concerned about the reported unequal treatment of migrants in employment and access to housing.¹⁵²

72. The Human Rights Committee was concerned about reported cases of ill-treatment during deportations, which had resulted in the death of one person in 2010. It was also concerned that, despite the amendment to the Immigration Control and Refugee Recognition Act, the principle of non-refoulement was not implemented effectively, in practice,¹⁵³ that there was no independent appeal mechanism with suspensive effect against negative asylum decisions, and that administrative detention was used for prolonged periods without adequate reasons and without an independent review of the detention decision.¹⁵⁴ The Committee on the Elimination of Racial Discrimination and the Committee against Torture expressed similar concerns.¹⁵⁵

73. The Committee on the Elimination of Racial Discrimination was concerned about reports of unequal treatment and racial discrimination of refugees and asylum seekers, in particular non-Asians and Africans, the detention of asylum seekers for long periods and the inadequate conditions in detention facilities. It recommended that the concept of non-discrimination be promoted among local authorities and communities with regard to refugees and asylum seekers and that detention of asylum seekers be used only as a last resort and for the shortest possible period.¹⁵⁶ The Committee against Torture expressed similar concerns about indefinite detention for asylum seekers and the lack of an independent review of such decisions.¹⁵⁷

74. UNHCR was concerned about the detention policies regarding asylum seekers under the age of 18. As of the end of March 2015, 376 asylum seekers had been in detention.¹⁵⁸ It was also concerned that eligibility screening took a long time, that there was no legal framework to provide adequate support for asylum seekers with vulnerabilities and that the

amount of assistance provided to asylum seekers was smaller than the social welfare benefits for low-income Japanese nationals and long-term foreign residents.¹⁵⁹ UNHCR recommended that Japan adopt a dedicated asylum law that included, *inter alia*, legal provisions introducing a clear set of criteria and procedural safeguards for the treatment of repeat applications and the granting of complementary forms of protection; establish legal and policy frameworks to avoid the detention of asylum seekers; continue efforts to end the detention of children; and establish a mandatory and independent review of detention with appropriate judicial safeguards.¹⁶⁰

6. Stateless persons¹⁶¹

75. The Committee on the Elimination of Racial Discrimination was concerned that some stateless persons without residence permits faced indefinite pre-deportation detention and some were at risk of human rights abuses. It recommended that Japan develop a procedure to determine statelessness so as to ensure adequate identification and protection of stateless persons.¹⁶²

76. UNHCR noted that statelessness was not an established criterion for either regularizing the legal stay of or granting work permits to persons in an irregular situation¹⁶³ and that the definition of statelessness did not exist in national laws.¹⁶⁴ UNHCR recommended that Japan develop a procedure to determine statelessness so as to ensure the identification and protection of stateless persons.

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Japan will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/JPIndex.aspx.
- ² For relevant recommendations, see A/HRC/22/14, paras. 147.1-147.13, 147.15-147.30, 147.106 and 147.112.
- ³ See CEDAW/C/JPN/CO/7-8, paras. 8-9.
- ⁴ *Ibid.*, para. 54. See also CERD/C/JPN/CO/7-9, para. 27.
- ⁵ See CEDAW/C/JPN/CO/7-8, para. 27.
- ⁶ See A/HRC/31/58/Add.1, para. 74.
- ⁷ See CERD/C/JPN/CO/7-9, para. 31.
- ⁸ See E/C.12/JPN/CO/3, para. 35.
- ⁹ See CCPR/C/JPN/CO/6, para. 13.
- ¹⁰ See CAT/C/JPN/CO/2, para. 9, and UNHCR submission to the universal periodic review of Japan, p. 5.
- ¹¹ See CAT/C/JPN/CO/2, para. 26.
- ¹² UNESCO submission to the universal periodic review of Japan, p. 5.
- ¹³ See CEDAW/C/JPN/CO/7-8, para. 35.
- ¹⁴ See E/C.12/JPN/CO/3, paras. 14-15.
- ¹⁵ See OHCHR, "Funding" in *OHCHR Report 2012*, p. 117, *OHCHR Report 2014*, p. 63, *OHCHR Report 2015*, p. 61, *OHCHR Report 2016*, p. 79 and *OHCHR Report 2017* (forthcoming).
- ¹⁶ See www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
- ¹⁷ For relevant recommendations, see A/HRC/22/14, paras. 147.47-147.59.
- ¹⁸ See CEDAW/C/JPN/CO/7-8, paras. 14-15, CERD/C/JPN/CO/7-9, para. 9, CCPR/C/JPN/CO/6, para. 7, E/C.12/JPN/CO/3, para. 8, and CAT/C/JPN/CO/2, para. 16.
- ¹⁹ See A/HRC/31/58/Add.1, para. 74.
- ²⁰ For relevant recommendations, see A/HRC/22/14, paras. 147.32, 147.34, 147.36, 147.63-147.65, 147.70, 147.75, 147.78, 147.83-147.85, 147.87 and 147.89-147.92.
- ²¹ See CERD/C/JPN/CO/7-9, para. 7.
- ²² *Ibid.*, para. 11.
- ²³ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19842&LangID=E%20-%20sthash.oRpGJMmV.dpuf, and CCPR/C/JPN/CO/6, para. 12.
- ²⁴ See CEDAW/C/JPN/CO/7-8, paras. 10-12.
- ²⁵ *Ibid.*, para. 52.
- ²⁶ *Ibid.*, paras. 21-22.
- ²⁷ *Ibid.*
- ²⁸ See CERD/C/JPN/CO/7-9, para. 15.
- ²⁹ See CCPR/C/JPN/CO/6, para. 11.

- ³⁰ See CEDAW/C/JPN/CO/7-8, paras. 46-47.
- ³¹ *Ibid.*, paras. 12-13.
- ³² For relevant recommendations, see A/HRC/22/14, paras. 147.155-147.156, 147.168 and 147.171-147.173.
- ³³ See E/C.12/JPN/CO/3, para. 24.
- ³⁴ See A/HRC/23/41/Add.3, para. 72. See also Fumie Saito, “Women and the 2011 East Japan disaster”, *Gender & Development*, vol. 20, No. 2 (June 2012), p. 268.
- ³⁵ See A/HRC/23/41/Add.3, para. 76.
- ³⁶ See A/HRC/25/50/Add.2, para. 67.
- ³⁷ *Ibid.*, paras. 35 and 68, and A/66/271.
- ³⁸ See A/HRC/25/50/Add.2, para. 68.
- ³⁹ See A/HRC/31/58/Add.1, paras. 42 and 63.
- ⁴⁰ *Ibid.*, para. 74.
- ⁴¹ See A/HRC/25/50/Add.2, para. 58. See also Shinzo Abe, “Japan’s strategy for global health diplomacy: why it matters”, *The Lancet*, vol. 382, No. 9896 (14 September 2013), pp. 915-916.
- ⁴² For relevant recommendations, see A/HRC/22/14, paras. 147.93-147.113, 147.121-147.126 and 147.143-147.144.
- ⁴³ See CCPR/C/JPN/CO/6, para. 13.
- ⁴⁴ See CAT/C/JPN/CO/2, para. 15.
- ⁴⁵ *Ibid.*, para. 7.
- ⁴⁶ *Ibid.*, para. 11.
- ⁴⁷ *Ibid.*, para. 13.
- ⁴⁸ *Ibid.*, para. 10.
- ⁴⁹ *Ibid.*, para. 14.
- ⁵⁰ See CCPR/C/JPN/CO/6, para. 18.
- ⁵¹ See CAT/C/JPN/CO/2, para. 22.
- ⁵² For relevant recommendations, see A/HRC/22/14, paras. 147.44 and 147.116-147.120.
- ⁵³ See CCPR/C/JPN/CO/6, para. 18.
- ⁵⁴ See CAT/C/JPN/CO/2, para. 10.
- ⁵⁵ *Ibid.*
- ⁵⁶ *Ibid.*, para. 12.
- ⁵⁷ See CCPR/C/JPN/CO/6, para. 13.
- ⁵⁸ *Ibid.*, para. 10.
- ⁵⁹ For relevant recommendations, see A/HRC/22/14, paras. 147.151-147.152.
- ⁶⁰ See A/HRC/35/22/Add.1, paras. 73-74.
- ⁶¹ See UNESCO submission, paras. 6 and 17.
- ⁶² See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19842&LangID=E%20-%20sthash.oRpGJMmV.dpuf.
- ⁶³ See CCPR/C/JPN/CO/6, para. 20.
- ⁶⁴ See CEDAW/C/JPN/CO/7-8, paras. 30-31.
- ⁶⁵ *Ibid.*, paras. 18-19.
- ⁶⁶ *Ibid.*, paras. 44-45.
- ⁶⁷ See CERD/C/JPN/CO/7-9, para. 21.
- ⁶⁸ For relevant recommendations, see A/HRC/22/14, paras. 147.131-147.137.
- ⁶⁹ See CAT/C/JPN/CO/2, para. 19. See also, inter alia, A/HRC/22/14 and Add.1, paras. 147.145-147.148 and 147.158, CCPR/C/JPN/CO/5, para. 22, CEDAW/C/JPN/CO/6, para. 38, E/C.12/JPN/CO/3, para. 26 and CERD/C/JPN/CO/7-9, para. 18.
- ⁷⁰ See CAT/C/JPN/CO/2, para. 19.
- ⁷¹ See CEDAW/C/JPN/CO/7-8, paras. 28-29. See also, inter alia, CEDAW/C/JPN/CO/6, paras. 37-38, CERD/C/JPN/CO/7-9, CCPR/C/JPN/CO/6, CAT/C/JPN/CO/2, E/C.12/JPN/CO/3 and A/HRC/22/14 paras. 147.145-147.148.
- ⁷² See CEDAW/C/JPN/CO/7-8, paras. 28-29. See also, inter alia, CEDAW/C/JPN/CO/6, paras. 37-38, CERD/C/JPN/CO/7-9, CCPR/C/JPN/CO/6, CAT/C/JPN/CO/2, E/C.12/JPN/CO/3 and A/HRC/22/14, paras. 147.145-147.148.
- ⁷³ See CERD/C/JPN/CO/7-9, para. 18.
- ⁷⁴ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3256111.
- ⁷⁵ See CCPR/C/JPN/CO/6, para. 14.
- ⁷⁶ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=19842&LangID=E%20-%20sthash.oRpGJMmV.dpuf.
- ⁷⁷ See CEDAW/C/JPN/CO/7-8, paras. 26-27.
- ⁷⁸ See CERD/C/JPN/CO/7-9, para. 16.
- ⁷⁹ *Ibid.*, paras. 16 and 18.
- ⁸⁰ See CCPR/C/JPN/CO/6, para. 15. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:

- 13100:P13100_COMMENT_ID:32560.
- 81 See CEDAW/C/JPN/CO/7-8, paras. 26-27.
- 82 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3256111.
- 83 See CCPR/C/JPN/CO/6, para. 16.
- 84 See A/HRC/31/58/Add.1, para. 17. See also United Nations Office on Drugs and Crime, *Global Report on Trafficking in Persons 2014* (New York, 2014), p. 79.
- 85 See CERD/C/JPN/CO/7-9, para. 12.
- 86 For relevant recommendations, see A/HRC/22/14, paras. 147.38, 147.43, 147.74 and 147.149.
- 87 See www.ohchr.org/Documents/Issues/Privacy/OL_JPN.pdf.
- 88 See CEDAW/C/JPN/CO/7-8, paras. 12-13, and CCPR/C/JPN/CO/6, para. 8.
- 89 See CEDAW/C/JPN/CO/7-8, paras. 12-13.
- 90 See CERD/C/JPN/CO/7-9, para. 25.
- 91 For relevant recommendations, see A/HRC/22/14, paras. 147.32, 147.63, 147.69-147.70, 147.76 and 147.151.
- 92 See CEDAW/C/JPN/CO/7-8, paras. 34-35.
- 93 See CCPR/C/JPN/CO/6, para. 9. See also CEDAW/C/JPN/CO/7-8, paras. 34-35.
- 94 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3174112.
- 95 See A/HRC/23/41/Add.3, para. 44. See also Gabrielle Hecht, “Nuclear nomads: a look at the subcontracted heroes”, *Bulletin of the Atomic Scientists* (9 January 2012), and “Nuclear power plants: a hidden world of untruths, unethical behavior”, *The Asahi Shimbun* (Tokyo), 6 August 2012.
- 96 See A/HRC/23/41/Add.3, para. 76.
- 97 See E/C.12/JPN/CO/3, para. 17.
- 98 *Ibid.*, para. 17.
- 99 For relevant recommendations, see A/HRC/22/14, paras. 147.32, 147.63, 147.91 and 147.161.
- 100 See E/C.12/JPN/CO/3, para. 9.
- 101 See CEDAW/C/JPN/CO/7-8, paras. 40-41.
- 102 See E/C.12/JPN/CO/3, para. 22.
- 103 See CERD/C/JPN/CO/7-9, para. 14.
- 104 For the relevant recommendation, see A/HRC/22/14, para. 147.32.
- 105 See E/C.12/JPN/CO/3, para. 18.
- 106 For the relevant recommendation, see A/HRC/22/14, para. 147.155.
- 107 See CEDAW/C/JPN/CO/7-8, paras. 36-37.
- 108 See CCPR/C/JPN/CO/6, para. 24.
- 109 *Ibid.*, para. 17, and CAT/C/JPN/CO/2, para. 22.
- 110 See CEDAW/C/JPN/CO/7-8, para. 38.
- 111 *Ibid.*, para. 39.
- 112 See UNESCO submission, para. 15. See also A/HRC/22/14, para. 147.154.
- 113 See A/HRC/23/41/Add.3, para. 16. See also the final report of the Investigation Committee on the Accident at the Fukushima Nuclear Power Stations of Tokyo Electric Power Company, 23 July 2012, p. 11.
- 114 See A/HRC/23/41/Add.3, para. 54.
- 115 *Ibid.*, para. 39.
- 116 *Ibid.*, para. 51.
- 117 *Ibid.*, para. 78.
- 118 For the relevant recommendation, see A/HRC/22/14, para. 147.157.
- 119 See CEDAW/C/JPN/CO/7-8, paras. 32-33.
- 120 *Ibid.*
- 121 See E/C.12/JPN/CO/3, para. 28.
- 122 See CERD/C/JPN/CO/7-9, para. 19.
- 123 *Ibid.*, para. 24.
- 124 See UNESCO submission, para. 14, and A/HRC/22/14, para. 147.157.
- 125 UNESCO submission, p. 5.
- 126 For relevant recommendations, see A/HRC/22/14, paras. 147.73, 147.127-147.128, 147.130, 147.138, 147.142, 147.145-147.148 and 147.151-147.152.
- 127 See CCPR/C/JPN/CO/6, para. 10.
- 128 See CEDAW/C/JPN/CO/7-8, paras. 22-23.
- 129 See CERD/C/JPN/CO/7-9, para. 17 and CEDAW/C/JPN/CO/7-8, para. 22.
- 130 See CERD/C/JPN/CO/7-9, para. 17.
- 131 *Ibid.*, para. 17.
- 132 For relevant recommendations, see A/HRC/22/14, paras. 147.39, 147.79 and 147.126.
- 133 See A/HRC/31/58/Add.1, paras. 41 and 74.
- 134 See CAT/C/JPN/CO/2, para. 23. See also CRC/C/JPN/CO/3, para. 47.
- 135 See CCPR/C/JPN/CO/6, para. 25.

- ¹³⁶ See A/HRC/31/58/Add.1, paras. 21, 33, 35 and 74.
- ¹³⁷ Ibid., para. 15.
- ¹³⁸ Ibid., para. 12. See also United States of America Department of State, “Country Reports on Human Rights Practices for 2014: Japan” (June 2015).
- ¹³⁹ For relevant recommendations, see A/HRC/22/14, paras. 147.86 and 147.88.
- ¹⁴⁰ See CEDAW/C/JPN/CO/7-8, paras. 24-25.
- ¹⁴¹ See CERD/C/JPN/CO/7-9, para. 14.
- ¹⁴² See UNESCO submission, para. 12.
- ¹⁴³ Ibid., p. 5.
- ¹⁴⁴ For relevant recommendations, see A/HRC/22/14, paras. 147.160-147.161.
- ¹⁴⁵ See CEDAW/C/JPN/CO/7-8, paras. 46-47.
- ¹⁴⁶ See CERD/C/JPN/CO/7-9, para. 21.
- ¹⁴⁷ Ibid., para. 20.
- ¹⁴⁸ Ibid., para. 21.
- ¹⁴⁹ See CCPR/C/JPN/CO/6, para. 26.
- ¹⁵⁰ See CERD/C/JPN/CO/7-9, para. 22.
- ¹⁵¹ For relevant recommendations, see A/HRC/22/14, paras. 147.46 and 147.162-147.167.
- ¹⁵² See CERD/C/JPN/CO/7-9, para. 12.
- ¹⁵³ See CCPR/C/JPN/CO/6, para. 19.
- ¹⁵⁴ Ibid., para. 19.
- ¹⁵⁵ See CERD/C/JPN/CO/7-9, paras. 12 and 23, and CAT/C/JPN/CO/2, para. 9.
- ¹⁵⁶ See CERD/C/JPN/CO/7-9, paras. 12 and 23.
- ¹⁵⁷ See CAT/C/JPN/CO/2, para. 9.
- ¹⁵⁸ UNHCR submission, p. 2. See also A/HRC/22/14, para. 147.46 (South Africa). Response No. 233 submitted to the House of Councillors by Mr. Shinzo Abe, Prime Minister of Japan, available at www.sangiin.go.jp/japanese/joho1/kousei/syuisyo/189/toup/t189233.pdf (in Japanese only).
- ¹⁵⁹ UNHCR submission, p. 3. See also A/HRC/22/14, para. 147.166 (Sudan).
- ¹⁶⁰ UNHCR submission, pp. 3 and 5. See also A/HRC/22/14, paras. 147.46 (South Africa) and 147.166 (Sudan).
- ¹⁶¹ For relevant recommendations, see A/HRC/22/14, paras. 147.46, 147.78, 147.164 and 147.166-147.167.
- ¹⁶² See CERD/C/JPN/CO/7-9, para. 23.
- ¹⁶³ UNHCR submission, p. 5.
- ¹⁶⁴ Ibid., p. 5.
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