



International Covenant on Civil and Political Rights

Distr.: General
30 November 2022

Original: English

Human Rights Committee

Concluding observations on the seventh periodic report of Japan*

1. The Committee considered the seventh periodic report of Japan¹ at its 3925th and 3926th meetings,² held on 13 and 14 October 2022. At its 3944th meeting, held on 28 October 2022, it adopted the present concluding observations.

A. Introduction

2. The Committee is grateful to the State party for having accepted the simplified reporting procedure and for submitting its seventh periodic report in response to the list of issues prior to reporting prepared under that procedure.³ It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures taken during the reporting period to implement the provisions of the Covenant. The Committee thanks the State party for the oral responses provided by the delegation and for the supplementary information provided to it in writing.

B. Positive aspects

3. The Committee welcomes the following legislative, policy and institutional measures taken by the State party:

- (a) The approval of the Fifth Basic Plan for Gender Equality (2020);
- (b) The adoption of the Act on the Payment of Lump-Sum Compensation to People who Underwent Eugenics Surgeries (2019), based on the former Eugenic Protection Act;
- (c) The formulation of the Intensive Policy to Accelerate the Empowerment of Women (2018);
- (d) The adoption of the Act on the Promotion of Gender Equality in the Political Field (2018);
- (e) The amendment in 2018 of article 731 of the Civil Code, equalizing the minimum age of marriage for men and women;
- (f) The adoption of Act No. 72 of 2017, partially amending the Criminal Code pertaining to sexual offences;

* Adopted by the Committee at its 136th session (10 October–4 November 2022).

¹ [CCPR/C/JPN/7](#).

² See [CCPR/C/SR.3925](#) and [CCPR/C/SR.3926](#).

³ [CCPR/C/JPN/QPR/7](#).



(g) The amendment in 2016 of the Code of Criminal Procedure, providing for new requirements regarding interrogation practices, including mandatory video recording of interrogations in the case of certain types of offence;

(h) The adoption of the Act on the Proper Training of Technical Interns and the Protection of Technical Intern Trainees (2016);

(i) The adoption of the Act on Special Provisions for the Subsidiary Work and Working Hours of Correctional Medical Officers (2015).

C. Principal matters of concern and recommendations

Constitutional and legal framework within which the Covenant is implemented

4. The Committee notes the information provided by the State party on court cases that referred to the provisions of the Covenant, and on continuous training provided to judges and lawyers on international human rights law, including the Covenant and its interpretation through Committee's general comments. However, it remains concerned about the lack of concrete information on efforts to provide continuous training to and raise awareness among law enforcement officers, security forces, civil society actors and members of the general public about the Covenant and its applicability in domestic law. Furthermore, the Committee acknowledges the repeated commitment of the State party to seriously consider ratifying the first Optional Protocol to the Covenant (art. 2).

5. The Committee recalls its previous recommendations,⁴ and calls upon the State party to continue its efforts to provide continuous training to and raise awareness among judges, prosecutors, lawyers, law enforcement officers, security forces, civil society actors and members of the general public about the Covenant and its applicability in domestic law. The State party should also give full effect to the Covenant in its domestic legal order and ensure that domestic laws are interpreted and applied in conformity with its obligations under the Covenant. Furthermore, the State party should ensure that effective remedies are available for violations of the rights protected under the Covenant. The State party should take further steps with a view to acceding to the first Optional Protocol to the Covenant, which provides for the consideration by the Committee of individual communications.

National human rights institution

6. While acknowledging the information provided by the State party regarding the continued discussions on the establishment of an independent national human rights institution, the Committee regrets the vague and general nature of the information provided and the lack of clear progress towards establishing such institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) (art. 2).

7. The Committee reiterates its previous recommendations,⁵ and calls upon the State party to establish an independent national human rights institution in accordance with the Paris Principles, as a matter of priority, and to allocate adequate financial and human resources to the institution.

Anti-discrimination legal framework

8. While noting that article 14 of the Constitution contains a general non-discrimination clause that establishes equality under the law for all individuals, the Committee remains concerned about the lack of comprehensive anti-discrimination legislation in accordance with the provisions of the Covenant. It regrets the lack of information from the State party regarding plans to adopt comprehensive anti-discrimination legislation (arts. 2, 20 and 26).

⁴ CCPR/C/JPN/CO/5, para. 7, and CCPR/C/JPN/CO/6, para. 6.

⁵ CCPR/C/JPN/CO/5, para. 9, and CCPR/C/JPN/CO/6, para. 7.

9. **The State party should take all the measures necessary, including by adopting comprehensive anti-discrimination legislation, to ensure that its legal framework provides adequate and effective substantive and procedural protection against all forms of direct, indirect and multiple discrimination, including in the private sphere, on all the prohibited grounds under the Covenant, including colour, opinion, sexual orientation, gender identity, birth or other status, and access to effective and appropriate remedies for victims of discrimination.**

Discrimination based on sexual orientation and gender identity

10. The Committee notes the measures taken by the State party to combat discrimination based on sexual orientation and gender identity and to raise awareness regarding equal treatment. It is nonetheless concerned at the absence of legislation that explicitly prohibits discrimination based on sexual orientation and gender identity. Furthermore, it is concerned at reports indicating that lesbian, gay, bisexual and transgender persons face discriminatory treatment, particularly in the contexts of public housing, change of gender in the family register, access to legal marriage and treatment in correctional facilities (arts. 2 and 26).

11. **In accordance with the Committee's previous recommendations,⁶ the State party should:**

(a) **Intensify its awareness-raising activities to combat stereotypes and prejudice against lesbian, gay, bisexual and transgender persons;**

(b) **Ensure that same-sex couples can enjoy all rights enshrined in the Covenant, including access to public housing and same-sex marriage, throughout the State party's territory;**

(c) **Consider eliminating unwarranted requirements for the legal recognition of gender reassignment, including deprivation of reproductive organs or reproductive ability, and unmarried status;**

(d) **Take the steps necessary to ensure the fair treatment of lesbian, gay, bisexual and transgender inmates in correctional facilities, including by reviewing the 2015 guidelines for the treatment of transgender inmates and their implementation to ensure that solitary confinement is not used as the standard treatment for transgender inmates.**

Hate speech and hate crimes

12. While welcoming the measures taken by the State party to combat discrimination and hate speech – including the adoption in 2016 of the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan (Hate Speech Elimination Act) and the Act on the Promotion of the Elimination of Buraku Discrimination, and the efforts made to eliminate hate speech through education and awareness-raising campaigns – the Committee is concerned: (a) at the continued widespread racist discourse both online and offline against minorities and foreign nationals, specifically targeting Chinese, Buraku, Ryukyu and other minority and indigenous groups and, in particular, Koreans and Japanese nationals of Korean descent, including by organizations, political groups and media platforms, inciting discrimination through demonstrations, street protests and political speeches, some of which have been carried out in the name of election campaigns; (b) that the State party has not taken steps to explicitly criminalize acts of hate speech, hate crime and incitement to discrimination, and that racially discriminatory motives are only defined as grounds potentially aggravating the punishment, to be determined by a judge; and (c) that current legislation does not provide adequate remedies to victims. (arts. 2, 19, 20 and 27).

13. **Reiterating its previous recommendations,⁷ the Committee urges the State party:**

⁶ CCPR/C/JPN/CO/6, para. 11.

⁷ Ibid., para. 12.

(a) **To consider expanding the scope of the Hate Speech Elimination Act to cover discriminatory speech and behaviour against all persons, regardless of their origin;**

(b) **In accordance with articles 19 and 20 of the Covenant and the Committee's general comment No. 34 (2011), to consider amending the Criminal Code to introduce a separate definition and prohibition of hate crime and to explicitly criminalize acts of hate speech online and offline on all prohibited grounds under the Covenant, including on the grounds of sexual orientation and gender identity; and to encourage the reporting of hate crimes and hate speech and ensure that such crimes are identified and registered, including through the establishment of a comprehensive disaggregated data-collection system;**

(c) **To combat intolerance, stereotypes, prejudice and discrimination towards vulnerable groups, including ethnic and religious minorities and lesbian, gay, bisexual and transgender persons, by, inter alia, increasing training for law enforcement officials, prosecutors and the judiciary and conducting awareness-raising campaigns promoting sensitivity and respect for diversity among the general public;**

(d) **To strengthen the capacity of law enforcement officials to investigate hate crimes and hate speech, and ensure that all cases are systematically investigated, that perpetrators are held accountable and that victims have access to full reparation.**

Gender equality

14. The Committee welcomes the measures taken in the area of gender equality, including the amendments of articles 731 and 733 of the Civil Code, equalizing the minimum age of marriage for men and women and reducing the period in which women are prohibited from remarrying after divorce from six months to 100 days, respectively. Furthermore, the Committee welcomes the information provided by the State party that in February 2022 an outline of a bill was proposed to abolish the waiting period for women to remarry after divorce. The Committee, however, remains concerned that provisions of the Civil Code may continue to promote inequality between men and women, including article 750, under which married couples are required to have the same surname, in practice often compelling women to adopt their husband's surnames. While noting the adoption in 2018 of the Act on the Promotion of Gender Equality in the Political Field and the approval in 2020 of the Fifth Basic Plan for Gender Equality, the Committee remains concerned that women remain underrepresented in decision-making positions at all levels of the executive and judicial branches and in decision-making bodies in the private sector, and regrets the lack of information available regarding the participation of minority women, including Buraku, Ainu and Zainichi Korean women (arts. 2, 3, 23 and 26).

15. **In accordance with the Committee's previous recommendations,⁸ the State party should:**

(a) **Intensify its efforts to ensure effective equality between men and women in all spheres of society and life; in particular, take tangible steps to increase the representation of women, including minority and indigenous women, in decision-making positions at all levels of the executive and judicial branches and in the private sector;**

(b) **Strengthen strategies to raise public awareness with a view to combating gender stereotypes in the family and in society, including through the implementation of the Fifth Basic Plan for Gender Equality, and through information and advocacy campaigns to ensure the correct interpretation of the law to avoid gender inequality in practice;**

(c) **Continue its efforts to combat stereotypes regarding the roles of women and men in society and to ensure that such stereotypes are not used to justify violations**

⁸ Ibid., paras. 8–9.

of women's right to equality before the law, including by amending articles 733 and 750 of the Civil Code.

Counter-terrorism measures

16. The Committee is concerned that the Act on Punishment of Organized Crime and Control of the Proceeds of Crime sets a wide scope, criminalizing 277 acts, including crimes apparently unrelated to terrorism and organized crime. The Committee is also concerned that the Act could unduly restrict fundamental rights enshrined in the Covenant, such as freedom of expression, the right of peaceful assembly and freedom of association, and lead to violations of the right to liberty and security and the right to a fair trial (arts. 4, 9, 14, 17, 19, 21 and 22).

17. The State party should consider amending the Act on Punishment of Organized Crime and Control of the Proceeds of Crime to decriminalize acts that are unrelated to terrorism and organized crime. It should also adopt appropriate safeguards and preventive measures to ensure that the application of the Act does not unduly restrict any rights under the Covenant.

Violence against women, including sexual and domestic violence

18. The Committee welcomes the amendment in June 2017 of the Criminal Code pertaining to sexual offences to include its application to the crime of forcible sexual intercourse regardless of the sex of the offender and the victim, to incorporate other forms of intercourse, and to enable the prosecution of sexual offences even if the victim has not filed a criminal complaint. It also notes the information received regarding the protective measures in place for victims of domestic and sexual violence and that, while not explicitly mentioned in the Criminal Code, marital rape is also punishable by law. The Committee is concerned, however, by reports of a lack of awareness among and of adequate gender-sensitive training of law enforcement officers leading to the abuse and revictimization of women, especially migrant victims of sexual and domestic violence, and by reports of minimal effort by the authorities to investigate cases of violence against women and of the disappearance of women. Furthermore, it is concerned at reports of limited assistance and support available to victims. The Committee regrets the lack of disaggregated data on violence against women, and that the State party has made no progress towards raising the age of sexual consent to more than 13 years (arts. 2, 3, 6, 7 and 26).

19. In accordance with the Committee's previous recommendations,⁹ the State party should intensify its efforts to prevent, combat and eradicate all forms of violence against women and girls. In particular, it should take the measures necessary:

(a) **To further strengthen training, education and awareness-raising programmes on combating domestic violence for law enforcement officials, the judiciary, including public prosecutors, the Immigration Services Agency, other relevant State departments and the general public;**

(b) **To facilitate and encourage the filing of complaints by victims and ensure that all acts of violence against women and girls, including cases of disappearance, are promptly, thoroughly and impartially investigated, that steps are taken during investigations to avoid the revictimization of victims, that perpetrators are prosecuted and punished and that victims receive full reparation;**

(c) **To ensure that all victims, regardless of immigration status, are provided with prompt and adequate assistance, support services and protection;**

(d) **To establish a reliable system for the collection of statistical data on violence against women, disaggregated by race or ethnic origin, in order to effectively target measures to ensure their protection;**

(e) **To raise the age of sexual consent without further delay.**

⁹ Ibid., para. 10.

Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment

20. The Committee regrets that the State party has not taken steps to abolish the death penalty or to limit the number of capital offences, and that it has no intention to do so. The Committee remains concerned that several of the 19 capital offences do not comply with the Covenant's requirement of limiting capital punishment to the "most serious crimes", and that inmates on death row continue to be kept in prolonged solitary confinement, including for up to 40 years before execution, and are subjected to intrusive 24-hour video surveillance. It also notes with concern the State party's assertions that inmates and their families are denied prior notice of the day of execution to protect their psychological safety and "peace of mind", and that this approach is "unavoidable". Furthermore, while noting the information provided regarding the careful revision of requests for retrial, the Committee is deeply concerned at reports of executions being carried out while requests for retrial were still pending. It is also concerned at the lack of a mandatory system of review in capital cases and of an independent mechanism to monitor the mental health of inmates on death row (arts. 2, 6, 7, 9 and 14).

21. **Bearing in mind the Committee's general comment No. 36 (2018) and in accordance with its previous recommendations,¹⁰ the State party should:**

(a) **Consider abolishing the death penalty and inform the public, as necessary, about the desirability of abolition, including through appropriate awareness-raising measures to mobilize public opinion; and, in the meantime, consider establishing a moratorium on the use of the death penalty and, as a matter of priority, reduce the number of capital offences and ensure that imposition of the death penalty is strictly limited to the most serious crimes, in accordance with the Covenant;**

(b) **Ensure that the death row regime does not amount to cruel, inhuman or degrading treatment or punishment by giving reasonable advance notice of the scheduled date and time of execution to death row inmates and their families with a view to reducing the psychological suffering caused by the lack of opportunity to prepare themselves for this event, by refraining from imposing prolonged solitary confinement on death row prisoners and by using 24-hour video surveillance of death row prisoners only when strictly necessary and for as short a period possible;**

(c) **Establish a mandatory and effective system of review in capital cases, with requests for retrial or pardon having a suspensive effect, ensuring that the mental health of death row inmates is reviewed by an independent mechanism and guaranteeing the strict confidentiality of all meetings between death row inmates and their lawyers concerning requests for retrial;**

(d) **Consider acceding to the Second Optional Protocol to the Covenant, aiming at the abolition of the death penalty.**

22. While welcoming the affirmation by the State party that support will be provided to all persons internally displaced as a result of the nuclear disaster in Fukushima regardless of any distinction between "voluntary" and "mandatory" evacuees, the Committee remains concerned that the high threshold of exposure level set by the State party in Fukushima and the decision to cancel some of the evacuation areas give people no choice but to return to highly contaminated areas. It is also concerned at the termination of the free housing support for evacuees living outside of the evacuation zone, and at the lack of information regarding measures put in place to ensure that, in practice, all internally displaced persons have access to the necessary support, regardless of whether they decide to return to their land. Furthermore, the Committee is concerned at reports that high numbers of children in Fukushima have been diagnosed with, or are believed to have, thyroid cancer since the disaster (arts. 6, 12 and 19).

23. **In accordance with the Committee's previous recommendations,¹¹ the State party should:**

¹⁰ CCPR/C/JPN/CO/5, paras. 16–17, and CCPR/C/JPN/CO/6, para. 13.

¹¹ CCPR/C/JPN/CO/6, para. 24.

- (a) **Protect the life of all people affected by the nuclear disaster in Fukushima and lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk;**
- (b) **Continue to monitor the levels of radiation and disclose that information to the people affected in a timely manner;**
- (c) **Ensure that all internally displaced persons, regardless of the distinction between “voluntary” and “mandatory” evacuees and of whether they decide to return to their land, have access to all the necessary financial, housing, medical and other support, including by reactivating the free housing support for evacuees living outside of the evacuation zone;**
- (d) **Continue to evaluate the impact of the nuclear disaster on the health of persons exposed to radiation, including the possible correlation with the high prevalence of cancer in children, and consider providing free, periodic and comprehensive health checks for all persons exposed to radiation, including children.**

Liberty and security of person and treatment of persons deprived of their liberty

24. The Committee notes the information provided by the State party regarding the strict procedures to determine involuntary hospitalization, and the review of all hospitalized persons with intellectual and psychosocial disabilities by the independent Psychiatric Review Board, which can issue orders regarding the treatment or discharge of individuals. Nevertheless, the Committee is concerned at reports of an increasing number of hospitalizations in psychiatric institutions. While recognizing the efforts of the State party to address the abuse of persons with disabilities, it is concerned that the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers does not cover abuse that takes place in medical institutions (arts. 7, 9 and 10).

25. **In accordance with the Committee’s previous recommendations,¹² the State party should:**

- (a) **Continue its efforts to provide community-based or alternative services for persons with intellectual and psychosocial disabilities;**
- (b) **Ensure that forced hospitalization is imposed only as a last resort, for the minimum period required, and only when necessary and proportionate for the purpose of protecting the person in question from harm or preventing injury to others;**
- (c) **Ensure safeguards, including legal and all other necessary assistance, to protect the right of all persons with disabilities to respect for their free and informed consent;**
- (d) **Intensify efforts to monitor, prevent and eradicate all forms of abuse against persons with disabilities in mental health institutions, both public and private, including by considering expanding the scope of the Act on the Prevention of Abuse of Persons with Disabilities and Support for Caregivers to cover medical institutions;**
- (e) **Guarantee the effective investigation and sanctioning of abuses across all relevant medical service providers and institutions, and provide full reparation to victims and their families.**

26. While noting the information provided by the State party regarding the detention system, the Committee remains concerned at the lack of entitlement to bail and of respect for the right to State-appointed counsel from the outset of deprivation of liberty, and that the State party has expressed that a pre-indictment bail system is unnecessary. It is also concerned at reports that individuals are held in pretrial detention for periods exceeding those prescribed in domestic law, with a high acceptance rate of requests for extension and re-extension of detention, and that there continues to be, in practice, a lack of strict regulations regarding the conduct of interrogations and limited scope of mandatory video recording of interrogations. Furthermore, the Committee remains concerned at the conditions of detention,

¹² Ibid., para. 17.

especially the use of prolonged solitary confinement and the lack of access to adequate medical services for detainees, the denial of procedural guarantees such as access to counsel and contact with family, and the denial of the right to vote (arts. 7, 9, 10, 14 and 25).

27. **In accordance with the Committee's previous recommendations,¹³ the State party should take the measures necessary to guarantee that, in practice, anyone arrested or detained enjoys, from the outset of the deprivation of liberty, all the fundamental legal safeguards enshrined in articles 9 and 14 of the Covenant and that the detention is in full conformity with the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), including with regard to access to counsel, the right to contact family and the provision of medical attention when needed. It should also:**

(a) **Ensure that interrogations are entirely video-recorded, including prior to a formal arrest, and that due consideration is given to applying audiovisual recording of interrogations in all criminal cases;**

(b) **Ensure that prescribed periods of pretrial detention are respected to prevent excessive periods of detention;**

(c) **Ensure that non-custodial alternatives to detention, such as bail, are duly considered during pre-indictment detention;**

(d) **Review the total length of permissible solitary confinement for remand detainees, even if it is used as a measure of last resort, and regularly evaluate the effects of solitary confinement, with a view to further reducing it and developing alternative measures where necessary;**

(e) **Make available a complaints review mechanism, independent of the prefectural public safety commissions, with the authority to promptly, impartially and effectively investigate allegations of torture and ill-treatment during interrogation;**

(f) **In the light of the Committee's general comment No. 25 (1996), consider reviewing its legislation denying convicted prisoners the right to vote.**

Elimination of slavery, servitude and trafficking in persons

28. The Committee notes the information provided by the State party regarding its efforts towards addressing human rights violations against "comfort women". It regrets, however, that the State party has made no progress with regard to the Committee's previous recommendations and continues to deny its obligation, under the Covenant, to address the continuing violations of the victims' human rights. It also regrets the lack of criminal investigation and prosecution of perpetrators, and the lack of effective remedies and full reparation to all victims of past human rights violations (arts. 2, 7 and 8).

29. **The Committee reiterates its previous recommendations,¹⁴ and urges the State party to take immediate and effective legislative and administrative measures to ensure:**

(a) **That all allegations of human rights violations perpetrated by the Japanese military during wartime against "comfort women" are effectively, independently and impartially investigated, that all available evidence is disclosed, and that perpetrators are prosecuted and, if found guilty, punished;**

(b) **Access to justice and full reparation to all victims and their families, including victims from other countries;**

(c) **Education about the issue, including adequate references in textbooks, and strong condemnation of any attempts to defame victims or to deny the events.**

30. While noting and welcoming the information provided by the State party about its efforts to combat trafficking in persons, the Committee is concerned about the lack of penalties proportionate to the seriousness of the acts committed, with many convictions

¹³ Ibid., para. 18.

¹⁴ Ibid., para. 14.

ending with suspended sentences or the imposition of insignificant fines. Regarding the Technical Intern Training Programme, the Committee welcomes the information provided about the increase in the number of on-site inspections as a preventive measure against possible labour trafficking and other labour violations; however, it remains concerned about reports of the persistence of forced labour under the Programme (arts. 2, 7 and 8).

31. **In accordance with the Committee’s previous recommendations,¹⁵ the State party should continue its efforts:**

(a) **To enhance victim identification procedures, particularly with regard to victims of forced labour and including under the Technical Intern Training Programme, and provide specialized training to all law enforcement officers, including labour inspectors;**

(b) **To establish an independent complaints mechanism and effectively investigate all forms of trafficking in persons, prosecute perpetrators and, if convicted, impose penalties that are commensurate with the seriousness of the acts committed, including in cases of labour trafficking and other labour violations, including under the Technical Intern Training Programme.**

Treatment of aliens, including refugees and asylum-seekers

32. The Committee notes the responses of the State party in regard to the treatment of aliens, including refugees and asylum-seekers, and welcomes the information on the development of an improvement plan regarding treatment in detention facilities, and the revision of the deportation procedure to establish that the scheduled date of deportation is at least two months after the delivery of notification on the decision. The Committee notes with interest that the State party is considering the possibility of amending the Immigration Control and Refugee Recognition Act to stipulate alternatives to detention and introduce a system for recognizing eligibility for complementary protection. Furthermore, the Committee welcomes the State party’s willingness to consider measures to avoid long-term detention. It remains concerned, however, at the alarming reports of suffering due to poor health conditions in immigration detention facilities, including those resulting in the death of three detainees between 2017 and 2021, and of the precarious situations of *karihomensha*, individuals who have lost their resident status or visas and are on “provisional release”, without options to work or obtain revenue. The Committee is also concerned by reports of the low rate of refugee recognition (arts. 7, 9, 10 and 13)

33. **Taking into consideration the Committee’s previous recommendations,¹⁶ the State party should:**

(a) **Promptly adopt comprehensive asylum legislation, in accordance with international standards;**

(b) **Take all appropriate measures to guarantee that immigrants are not subjected to ill-treatment, including through the development of an improvement plan, in accordance with international standards, regarding treatment in detention facilities, including access to adequate medical assistance;**

(c) **Provide the support necessary to immigrants who are on “provisional release” and consider establishing opportunities for them to engage in income-generating activities;**

(d) **Ensure that the principle of non-refoulement is respected in practice and that all persons applying for international protection are given access to an independent judicial appeals mechanism with suspensive effect against negative decisions;**

(e) **Provide alternatives to administrative detention, take steps to introduce a maximum period of immigration detention, and take measures to ensure that detention is resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention have been duly considered, and that immigrants are able to**

¹⁵ Ibid., paras. 15–16.

¹⁶ Ibid., para. 19.

effectively bring proceedings before a court that will decide on the lawfulness of their detention;

(f) **Guarantee adequate training of border-guard officials and immigration personnel to ensure full respect for the rights of asylum-seekers under the Covenant and other applicable international standards.**

Right to privacy

34. The Committee welcomes the information provided by the State party with reference to its efforts to provide compensation to individuals whose personal information was leaked by the Tokyo Metropolitan Police Department, and notes the information provided relating to six digital reform-related laws and the role of the Personal Information Protection Commission. It is concerned, however, about wide-reaching powers of surveillance and the lack of sufficient safeguards against arbitrary interference with the right to privacy in the form of surveillance, interception activities and access to personal data, including a lack of independent judicial oversight (art. 17).

35. **The State party should bring its regulations governing data retention and access, surveillance and interception activities into conformity with the Covenant, in particular article 17 thereof, and ensure strict adherence to the principles of legality, proportionality and necessity. It should ensure that any interference with the right to privacy requires prior authorization by a court and is subject to effective and independent oversight mechanisms, and that affected persons are notified of the surveillance and interception activities to which they are being subjected, where possible, and have access to effective remedies in cases of abuse. The State party should also ensure that all reports of abuse are thoroughly investigated and that such investigations lead to appropriate sanctions where warranted.**

Freedom of thought, conscience and religion and freedom of expression

36. The Committee reiterates its previous concerns regarding the vague and open-ended concept of “public welfare”, which could lead to restriction of the rights to freedom of thought, conscience and religion and freedom of expression, and regarding the broad definition of information that can be classified as secret and general preconditions for classification under the Act on the Protection of Specially Designated Secrets. While it notes the information provided by the State party that no broadcasting licences have been suspended to date, the Committee is concerned that the high criminal penalties set out in the Act on the Protection of Specially Designated Secrets, and the sweeping powers granted to the Government under the Broadcasting Act and the Radio Act to suspend operations of broadcasters, are generating a chilling effect on the activities of journalists and human rights defenders and leading to self-censorship (arts. 18 and 19).

37. **Recalling its previous recommendations,¹⁷ the Committee calls on the State party to take all the measures necessary:**

(a) **To clearly define the concept of “public welfare”, so as to ensure that any restriction of freedom of thought, conscience or religion or freedom of expression on grounds of “public welfare” are in accordance with those permitted under the Covenant;**

(b) **To ensure that the Act on the Protection of Specially Designated Secrets and its application conform to the strict requirements of article 19 of the Covenant, including by narrowly defining the categories of information that could be classified as secret and guaranteeing that any restriction of the right to seek, receive and impart information complies with the principles of legality, proportionality and necessity in order to prevent a specific and identifiable threat to national security, and that no individual is punished for disseminating information of legitimate public interest that does not harm national security;**

¹⁷ Ibid., para. 23.

- (c) **To promote plurality of opinions in the media and ensure that the media and media workers can operate free from undue State interference;**
- (d) **To ensure the independence of the broadcasting and licensing authorities;**
- (e) **To ensure the effective protection of independent journalists and media workers against any form of intimidation and refrain from using civil and criminal provisions, including the provisions on extremism and other regulations, as a tool to suppress critical reporting on matters of public interest.**

38. The Committee notes with concern the reports of restriction of freedom of thought and conscience in the State party. It is concerned that as a result of teachers' passive, non-disruptive acts of non-compliance with the requirement to stand and face the flag and sing the national anthem at school ceremonies, some have received punishment of up to six months' suspension from duties. Furthermore, the Committee is concerned at the alleged use of force to compel students to stand during ceremonies (art. 18).

39. **The State party should guarantee the effective exercise of freedom of thought and conscience and refrain from any action that may restrict such freedom beyond the narrowly defined restrictions permitted under article 18 of the Covenant. It should bring its legislation and practices into conformity with article 18 of the Covenant.**

Right of peaceful assembly

40. While noting the information provided by the State party, the Committee remains concerned about information that it has received from stakeholders indicating unjustifiable and disproportionate restrictions by law enforcement officers on protests and demonstrations, including excessive use of force and recording of protesters, particularly on protests against the Diet and protests in Okinawa, and arrests of protesters and journalists (arts. 19 and 21).

41. **In accordance with article 21 of the Covenant and in the light of the Committee's general comment No. 37 (2020), the State party should:**

- (a) **Ensure that all allegations of excessive use of force and arbitrary arrest and detention by law enforcement officials during peaceful assemblies are investigated promptly, thoroughly and impartially, that those responsible are prosecuted and, if found guilty, punished and that the victims obtain full reparation;**
- (b) **Provide law enforcement officials with appropriate training on the use of force, on the basis of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement;**
- (c) **Ensure the protection of peaceful demonstrators, human rights defenders and journalists covering peaceful demonstrations from threats, intimidation, harassment and attacks by private actors.**

Rights of minorities

42. While noting the adoption in 2019 of the Ainu Policy Promotion Act, the Committee remains concerned at reports of discrimination against the Ainu people and the denial of their rights as an Indigenous group, the lack of recognition of the Indigenous Ryukyu community and their rights, and the denial of the rights of the Okinawa communities to participate freely in decision-making on policies that affect them, their rights to their traditional land and natural resources, and their rights to educate their children in their native languages. Furthermore, the Committee is concerned about reports that the discriminatory operation of policies has allegedly resulted in the exclusion of Korean residents who have been living in Japan since colonial times and their descendants, and who should be recognized as a national or ethnic minority, from social security schemes and the exercise of political rights (arts. 26 and 27).

43. **The State party should take further steps to fully guarantee the rights of Ainu and Ryukyu and other Okinawa communities to their traditional land and natural resources, ensure respect for their right to participate freely in decision-making on any policies that affect them, and facilitate, to the extent possible, the education of their**

children in their native languages. It should also remove the barriers preventing access by Korean residents who have been living in Japan since colonial times and their descendants to, inter alia, support programmes and the pension scheme available to them, and consider amending the relevant legislation to allow Korean residents and their descendants the right to vote in local elections.

Rights of the child

44. The Committee notes the State party's explanation regarding the use of the term "illegitimate" on certain official forms to define children born out of wedlock, and welcomes the delegation's assertion that the State party is willing to consider removing that term, thus ensuring the equal rights of all children. While noting the information provided by the State party regarding the amended Child Welfare Act, the Committee is concerned at reports of children being removed from their family without a court order and without clear evidence of parental abuse and being placed in temporary custody in child guidance centres, often for prolonged periods, and at reports that parents are not permitted to bring their claims directly before the courts during appeal proceedings, in which a judge considers whether a writ of temporary care should be issued. Furthermore, while acknowledging the responses provided by the State party on the matter, the Committee is concerned at reports of frequent cases of parental child abduction, both domestic and international, and a lack of adequate response by the State party (arts. 17, 23 and 24).

45. **The State party should:**

(a) **Ensure that its legislation and practices are in full compliance with article 24 of the Covenant and adopt protection measures aimed at removing all discrimination against and stigmatization of children;**

(b) **Amend the legislation to establish clear criteria for the removal of children from their family and introduce a mandatory judicial review for all cases to determine whether removal is warranted, ensuring that the separation of children from their parents is used as a measure of last resort only and when it is necessary for their protection and in their best interests, after hearing the views of the child and the parents;**

(c) **Introduce the measures necessary to adequately respond to cases of parental child abduction and ensure that decisions on custody of the child, whether in domestic or international cases, take account of the best interests of the child and are fully implemented in practice.**

D. Dissemination and follow-up

46. **The State party should widely disseminate the Covenant, its seventh periodic report and the present concluding observations with a view to raising awareness of the rights enshrined in the Covenant among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public. The State party should ensure that the periodic report and the present concluding observations are translated into the official language of the State party.**

47. **In accordance with rule 75 (1) of the Committee's rules of procedure, the State party is requested to provide, by 4 November 2025, information on the implementation of the recommendations made by the Committee in paragraphs 7 (national human rights institution), 33 (treatment of aliens, including refugees and asylum-seekers) and 45 (rights of the child) above.**

48. In line with the Committee's predictable review cycle, the State party will receive in 2028 the Committee's list of issues prior to the submission of the report and will be expected to submit within one year its replies, which will constitute its eighth periodic report. The Committee also requests the State party, in preparing the report, to broadly consult civil society and non-governmental organizations operating in the country. In accordance with General Assembly resolution 68/268, the word limit for the report is 21,200 words. The next constructive dialogue with the State party will take place in Geneva in 2030.
