

For Japanese companies, the issues related to business and human rights in supply chains and international investments that arise as a result of corporate globalization are urgent issues that need to be addressed. For example, illicit treatment of foreign technical interns by Japanese companies and their supply chains has been uncovered one after another.

As stipulated in the Guiding Principles, companies should avoid causing or contributing to negative impacts on human rights through their activities, and address such impacts when they occur. It is also necessary to try to prevent or mitigate negative impacts on human rights that are directly linked to the business, products or services of the company through business relationships, even if they do not contribute to such impacts.

To realize a mechanism to access effective remedies, the State should establish a national human rights institution and introduce an individual communication system, and revitalize the Japan National Contact Point (Japan NCP), which has been established based on the OECD Guidelines for Multinational Enterprises. In addition to revitalizing the Japan NCP, it is necessary to encourage companies and industry associations to establish grievance mechanisms.

In addition to addressing individual human rights issues, we will promote corporate efforts to address the Guiding Principles through advice and cooperation with industry associations, and strengthen efforts to establish a national human rights institution and realize individual communication systems to ensure access to effective remedies based on the Guiding Principles.

28. Administration and Human Rights

1. We will monitor the operation of the system and make necessary legislative proposals so that the control of the administration through judicial review and administrative appeals can be realized.
2. To ensure that taxpayers' money is used properly, we will call for the introduction of a system of lawsuits to demand inspection of public funds at the national level.
3. We call for the introduction of a collective action system in the areas of environmental protection and cultural heritage protection.
4. We call for the introduction of a legal system that guarantees appropriate procedures in administrative guidance, investigations, and audits in order to prevent illegal and unfair administrative investigations from being conducted and the human rights of those under investigation from being violated.

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1 Necessity of control over public administration

In order not to allow injustice and corruption in the administration, to make the sovereignty of the people effective, and to recover the rights and interests of the people from the illegal acts of the administration, it is necessary to enhance and strengthen judicial review of the administration and administrative appeals as self-regulation of the administration.

It is also necessary to establish a legal system to make the monitoring of the administration effective (i.e., to improve the operation and procedures of the lawsuit system for requesting inspection of public funds, the group lawsuit system, and the procedures for administrative investigation).

2 Judicial review - control by administrative appeal

(1) The Administrative Case Litigation Act was partially revised in 2004, which diversified the types of lawsuits and improved the system for remedying administrative rights and interests to a certain extent. However, the revised Administrative Case Litigation System is still inadequate in terms of remedying the rights of citizens, and the amendments have not been realized for the issues (such as control of administrative planning and administrative discretion) that were left unresolved despite the fact that amendments were considered when the Administrative Case Litigation Act was revised.

Although the second revision of the amended Administrative Case Litigation Act was postponed due to the five-year review, we are making efforts to realize further amendments to the act to make administrative litigation user-friendly and effective in order to make it a system that ensures effective relief of citizens' rights.

(2) In 2014, the Administrative Appeal Act was drastically revised, and it started to be enforced in 2016. The new Administrative Appeal Act was enacted in 2016. The new Administrative Appeal Act includes important amendments to enhance the procedures for appeals, such as a neutral hearing officer system and an Administrative Appeal Board system consisting of third parties. We will continue to monitor the operation of the Administrative Appeal Board from the standpoint of the citizens and, with a view to the review after five years as stipulated in the Supplementary Provisions, we will make efforts for further revision to make the Administrative Appeal Board easier to use as a system to contribute to the protection of the rights and interests of citizens, including issues that remain unresolved.

3 Necessity of a litigation system for public finance inspection

With regard to the financial activities of local governments, it is possible to rectify illicit expenditures through resident suits. On the other hand, there is no similar system for the financial activities of the national government, so even if there are illegal financial activities of the national government, the public cannot contest and correct them.

In 2005, the JFBA put together a proposal for a system of lawsuits to request the Board of Audit to conduct an audit of the government's financial activities that are considered to be problematic. If the Board's response is inadequate, the public can file a lawsuit against the government to demand that it take necessary measures. There are still many cases of people's property being wasted. We will continue to call for the early introduction of this system.

4 Necessity of a collective action system

Article 9(1) of the Administrative Litigation Act stipulates that only "persons with legal interests" can file a lawsuit for cancellation. Therefore, even if an administrative permit is granted for a development plan

that has a significant impact on the environment, local residents and environmental groups may not be able to challenge it on the grounds that they do not have "legal interest." As a result, there is an increased risk that the environment and valuable cultural assets will be damaged by illegal development activities that should not have been permitted.

In 2012, the JFBA published the "Draft Law Concerning Lawsuits by Groups for the Protection of the Environment and Cultural Properties" and proposed a group lawsuit system that allows environmental groups with certain qualifications to file administrative lawsuits. We will continue to call for the introduction of this system.

5 Necessity for improvement of the operation of administrative investigations or revision of the system

In administrative investigations, the legal obligations and rights of the persons to be investigated are not clearly defined, and the staff of the administrative organs conducting the investigations are not thoroughly aware of the need to follow proper procedures. It is reported that excessive administrative investigations and administrative guidance are sometimes conducted. In particular, in the case of administrative investigations and administrative guidance to insurance medical institutions and doctors, there have been cases of suicides of the persons under investigation due to excessive investigations and guidance. These problems are caused by the fact that the human rights of the persons under investigation are not sufficiently protected because it is not sufficiently recognized that administrative investigations are subject to due process and the Administrative Procedure Act as stipulated in the Constitution, and because there is no unified and clear system in the field of administrative investigations and no established method to contest them.

To ensure that proper administrative guidance, investigations, and audits are carried out, we aim to enact a unified legal system for administrative investigations and improve its operation.

29. Tax System and Rights of Tax Payers

We work to institutionalize and legislate matters necessary for the protection and remedy of taxpayer rights and interests, such as the right of taxpayers to receive tax-related information, the right to be guaranteed due process, and the right to have appeals reviewed by a fair and independent body. We also work to deepen society's understanding of taxpayers' rights and raise awareness of their importance. We will also work to achieve substantive equality based on the income redistribution function of the tax system and the principle of proportional burden.

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1 Tax legalism and the rights of citizens

The Constitution of Japan establishes the duty to pay taxes (Article 30) and provides for tax legalism (Article 84). Needless to say, due process should be guaranteed in the field of taxation (Article 31).

Taxpayers have the right to receive information on tax matters, the right to due process, the right to

have appeals examined by a fair and independent body, the right to freely choose an appeals body, the right to participate in tax legislation, and the right to confidentiality and protection of privacy.

The protection of taxpayers' rights and interests and the guarantee of proper procedures are extremely important, given that tax payment is a system that relates to the very foundation of the nation, and that it is essential for taxpayers to understand that their tax burden will increase significantly in line with the recent aging society and welfare state philosophy.

In this regard, the 2011 revision of the General Act of National Taxes finally established the provisions on investigations of national taxes in Chapter 7-2 of the Act. Yet, there are still a number of issues to be resolved (e.g., the fact that tax audits are conducted in the name of administrative guidance, which circumvents the procedures for prior notification and notification at the end of the audit).

However, even in the field of taxation, the same efforts should be made to ensure fairness and improve transparency in administrative management, and it is also necessary to realize fair, transparent, and easy-to-understand procedures for taxpayers in court proceedings. Thus, it is necessary to realize legislation to protect the rights and interests of taxpayers and to ensure proper procedures.

2 Legislative activities on taxation - recommendations

JFBA has been promoting legislative activities in the past that have led to the first major revision of the General Act of National Taxes in 50 years in the 2011 tax reform, and resulted in the development of procedural provisions for questioning and investigation, such as the addition of reasons for adverse dispositions and advance and post-notification of tax audits.

In addition, from the perspective of protecting the rights and interests of taxpayers, we have been working on the improvement of the appeal system, including the revision of the General Act of National Taxes in conjunction with the revision of the Administrative Appeal Act. In the revised Administrative Appeal Act of 2014, the Maintenance Act in accordance with the revised Administrative Appeal Act, and the revised Act on General Rules for National Taxes due to annual revisions, the following procedural provisions have been improved: the repositioning of appeals for examination only, the extension of the appeal period, the right to inspect and copy the objects of the persons concerned in the proceedings (such as the person requesting examination), the right to ask questions of the person requesting examination, and the systematic execution of the proceedings.

However, the following matters remain unresolved or insufficiently improved, and we will work to realize them in the future.

(1) Formulation of the Charter of Taxpayer Rights

Other developed countries have enacted a basic law called the "Charter of Taxpayer's Rights", which states that taxpayers have the right to proper procedures and remedies against the exercise of authority by taxation authorities. In Japan, there is no such provision, so it is essential to establish a "Charter of Taxpayer Rights".

(2) Improvement of the appeal system and tax litigation

① Taxpayers should be able to freely choose to file a lawsuit without filing a request for examination, depending on the nature of the case and the issues involved.

② The National Tax Tribunal should be separated from the National Tax Agency (e.g. transferred to the Cabinet Office) in order to ensure the independence of the examination, and secondment from the Tax Administration Agency to the National Tax Tribunal should be prohibited in order to ensure the third-party nature of the National Tax Tribunal and the trust of taxpayers.

③ In order to ensure proper procedures for taxpayers, in the appeal procedures, it should be ensured that there is an adversarial structure, for example, the introduction of a trial by assertion in the same room for all cases, and the obligation of the person in charge of the disposition agency to appear and answer. The structure of the hearing should be secured.

④ In order to prevent surprise in appeal procedures and tax suits, the principle of points of contention should be adopted, which does not allow replacement or postponement of the reasons for disposition.

⑤ In order to improve the expertise of the courts in tax litigation, a special taxation division should be established in the courts, and transparent and fair litigation procedures that are easy for the parties (especially taxpayers) to understand should be realized.

⑥ As a means of flexible and speedy relief, an early dispute resolution system by agreement of the parties should be introduced.

⑦ Among the court investigators set forth in Article 57 of the Court Act, the investigator system, which is in charge of investigations and other affairs necessary for the trial and judicial review of tax-related cases, is being used by persons seconded from the National Tax Agency, which is one of the parties to the case, and this raises questions about the fairness of judicial decisions.

(3) Prevention of adverse taxation retroactive legislation

Adverse tax retroactive legislation that provides for retroactive taxation of taxpayers to the detriment of taxpayers prior to the effective date of the law infringes on legal stability and predictability and causes unforeseen harm to taxpayers. Therefore, even if retroactive adverse taxation legislation is formulated in the future, sufficient consideration should be given to ensure that taxpayers' freedom of economic activity is respected and their freedom of choice is not infringed.

(4) Public comment system

A public comment system should be established to reflect the will of the people in laws, ordinances, and notices related to the national tax.

(5) Exemption from taxation of compensation for damages related to the nuclear power plant accident

The government should seek to legislate that compensation for damages paid by TEPCO in connection with the accident at the Fukushima Daiichi Nuclear Power Plant be exempt from taxation.

(6) Strengthen the income redistribution function

The tax system, together with the social security system, plays a role in income redistribution, and it should be designed in accordance with the constitutional requirement to strengthen the income redistribution function and to ensure substantive equality based on the principle of proportional burden.

From this perspective, we will work to achieve equality through the income redistribution function by reviewing various preferential tax systems applied to large corporations and investors, reconstructing a tax system that is neutral to the composition of households and choices of work styles, such as setting a

minimum taxation level that thoroughly enforces the principle of cost-of-living deductions in the income tax system, and reducing the adverse effects of the regressive nature of the consumption tax. We will continue our efforts.

30. Local Autonomy

1. Aiming at the realization of the main purpose of local autonomy, we will pay attention to the movement toward decentralization, and actively engage in the internal and external affairs of local government administration in order to establish the independence and autonomy of local administration and local assemblies, and to guarantee the rights of citizens.

2. For the revitalization of each local region, we will be actively involved in the construction of a local autonomy system that respects the autonomy and recognizes the diversity of each local region.

3. JFBA will take responsibility for recommending lawyers to local governments as members of councils and external auditors, dispatch legal counselors, and increase the number of lawyers appointed as fixed-term employees, and systematically and continuously address the problems of consumers, children, the elderly, people with disabilities, sexual minorities, and the needy. We will strive to improve the rule of law and the welfare of residents by promoting the transparency of local government administration.

4. We will cooperate and collaborate with the Ombudsman and other civic activities that monitor the administration, and actively engage in activities to reflect the opinions of citizens in local administration, such as requesting appropriate administration, as well as legislative activities to improve the legal system for this purpose.

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1 Trends toward decentralization

The movement toward decentralization, which has been promoted since the resolution on the promotion of decentralization in the House of Representatives and the House of Councilors in 1993, has been advanced by the enactment of the Decentralization Law (Law Concerning the Establishment of Relevant Laws to Promote Decentralization) (1999) and several amendments to the Local Autonomy Law. From the standpoint that local politics should be conducted by organizations that are close to citizens' lives and can respond in detail according to local conditions, it is appropriate to grant a large part of legislative and administrative powers to local governments.

The Decentralization Law abolished the delegated affairs of agencies and made the affairs of local governments as autonomous affairs and legally entrusted affairs non-deliverable. However, there are still many issues that need to be improved, such as excessive obligations imposed by law, inappropriate intervention by the national government in the affairs of local governments, and low autonomy in terms of tax and financial resources.

2 Realization of the main purpose of local autonomy

We will keep a close watch on whether or not the current relationship between the national government and local governments is in line with the realization of the "essence of local autonomy," and whether or not the various systems are designed to promote decentralization, and we will actively encourage them to do so. If we are to promote decentralization, we must first strengthen the authority of local governments by relaxing legal obligations, reducing the involvement of the national government in local governments, and transferring tax and financial resources to local governments (group autonomy). Secondly, it is necessary for local councils, which are representative bodies of local residents, to truly reflect the will of local residents in administration (residents' autonomy). To this end, we will examine legislation related to decentralization and policies related to local governments with an awareness of the issues involved.

3 Realization of a local autonomy system that respects regional characteristics

In local autonomy, it is extremely important to make use of the natural environment, history, culture, traditions, human resources, industry, etc. of each region, and to refine and demonstrate the region's individuality and strengths. Community development based on the historical and cultural cohesion of the region is the foundation of the local residents' right to self-determination (Article 13 of the Constitution), the right to live a healthy and cultured minimum life (Article 25 of the Constitution), and the right to housing (Article 22 of the Constitution).

In order for each local region to be vital and vigorous, it is essential to respect the autonomy of the regions and to recognize the diversity of the regions. We will be actively involved in the construction of such a local government system.

As for the "*doshu* system" that has been discussed in the past, the necessity of such a system has not been sufficiently discussed. What will be the relationship of authority between the national government and the provinces, and between the provinces and the municipalities, what benefits and advantages will accrue to the residents and citizens, and what impact will it have? If the issue of *doshu* system is discussed again, we will consider its pros and cons from the perspective of decentralization, guaranteeing the lives and rights of residents, and its impact on the judicial system.

4 Our specific activities

We, as a bar association, will be actively involved in ensuring the transparency of local administration and realizing the rule of law in local administration. While recommending lawyers to serve as members of councils and committees and as external auditors, we will assist the enactment of policy-oriented ordinances by local governments, dispatch legal counselors to deal promptly and appropriately with day-to-day legal issues faced by local government officials, and increase the number of lawyers appointed as fixed-term officials. We will also make efforts to expand the appointment of lawyers as fixed-term employees.

For the improvement of the welfare of residents, it is important for us, as lawyers who know the positions of citizens, to be involved in local administration as legal practitioners. As a bar association, we are responsible for providing legal consultation services to residents, and we have established a forum for regular exchanges of opinions with consumer affairs centers.

With regard to the problems faced by children, the elderly, people with disabilities, sexual minorities, and the needy, we will actively and specifically promote activities in cooperation with local governments in a systematic and continuous manner.

Meanwhile, there is no end to the unnecessary spending of taxpayer money in local governments, such as spending on public works projects that are deemed unnecessary, spending political activity funds for purposes other than those for which they were intended, and collusive bidding. It is important to cooperate with the Citizen's Ombudsman to correct such wasteful and illegal expenditures and to improve the appropriateness of administrative activities. At the same time, we must constantly work to improve the systems of information disclosure, resident audit requests, and resident lawsuits, which are important tools for such activities, so that these will be easily available to citizens. We must also work to oppose any amendments that would shake the foundations of these systems. In particular, the 2017 amendment to the Local Autonomy Act allows for a certain limit to be set on the liability of the local chief executive for damages, by stipulating an ordinance.

31. Pacifism and Total Abolition of Nuclear Weapons

1. We aim to further spread and establish the pacifism of the Constitution of Japan, both inside and outside Japan, and to thoroughly promote peace education.
2. We call on the government and the Diet to enact the three non-nuclear principles into law, to sign and ratify the Nuclear Weapons Convention, and to develop peace diplomacy that respects the permanent pacifism of the Japanese Constitution.
3. We urge governments in the world to take sincere and effective measures, such as concluding and ratifying treaties related to nuclear weapons, biological and chemical weapons, anti-personnel landmines, depleted uranium munitions, and cluster bombs, and increasing the number of states that are signatories to such treaties, with the aim of immediately halting the development, production, storage, and use of such weapons and completely abolishing them. In particular, we call for the signature and ratification of the Nuclear Weapons Convention.
4. We call on the governments of relevant countries, including Japan, to make sincere efforts to establish a nuclear-free region in Northeast Asia.

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The preamble of the Constitution of Japan confirms that all the peoples of the world have the right to live in peace (the right to peaceful existence).

The right of each and every citizen to be respected as an individual (Article 13) and the right to a healthy and cultured minimum standard of living (Article 25) are realized through peace.

From this perspective, we will continue our activities with the aim of respecting the fundamental principle of permanent pacifism in the Constitution of Japan, abolishing nuclear weapons, and realizing the right to live in peace for all people of the world.

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Specifically, we will call on the government and the Diet to enact the three non-nuclear principles into law at an earliest time, and to sign and ratify the Nuclear Weapons Convention. We will also call for the implementation of peace education that respects permanent pacifism in elementary, junior high and high schools, and for the development of multilateral and flexible peace diplomacy.

We will also call on governments to make sincere and effective efforts toward the abolition of nuclear, biological and chemical weapons, anti-personnel mines, depleted uranium munitions, and cluster bombs, i.e., to sign and ratify treaties, and to increase the number of member states to the treaties.

With regard to nuclear weapons, we urge governments to promptly implement the Comprehensive Test Ban Treaty (CTBT) as soon as possible, strengthen the Nuclear Non-Proliferation Treaty (NPT), implement the Cutoff Treaty (Fissile Material Cutoff Treaty: FMCT), and conclude the Biological Weapons Convention (BWC) (Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological Weapons (Biological Weapons) and Toxin Weapons and on their Destruction). In particular, we call for the Nuclear Weapons Convention, which was adopted by the United Nations on July 7, 2017, to reach the ratification by 50 states necessary for it to enter into force.

With regard to the issue of North Korea's nuclear development, we urge governments to make sincere efforts to resolve the issue through diplomatic means to establish a nuclear weapon-free zone in Northeast Asia and prevent the use of nuclear weapons even in the unlikely event that they are used,.

Furthermore, we promote our activities for the adoption of a UN declaration on the right to peace in order to spread the right to peaceful existence internationally. When the declaration is adopted, we will aim to spread and establish it at the international and national levels.

32. Consolidation and Downsizing of US Military Bases and Drastic Review of US-Japan Status Agreement

We will call for and work for the earliest possible consolidation and downsizing of U.S. military bases in Okinawa and elsewhere. We call for a fundamental review of the Status of Forces Agreement between Japan and the United States.

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1 U.S. military bases and damage caused by bases

Forty-seven years have passed since the reversion of Okinawa to Japanese sovereignty (May 1972) and 72 years since the enforcement of the Japanese Constitution.

U.S. forces are still stationed in Japan under the Japan-U.S. Security Treaty (Treaty of Mutual Cooperation and Security between Japan and the United States of America), and there are many U.S. military bases throughout Japan including Okinawa where 70% of all U.S. military facilities located in Japan are concentrated. U.S. forces and military bases stationed in the country have a great impact on Japan's security, while causing various human rights and social problems such as noise during airplane arrivals and

departures, airplane and helicopter crashes and falling parts, environmental destruction and pollution, damage to livelihoods, sexual crimes against women and children, traffic accidents, and impediments to regional development. In October 2012, despite the opposition of the entire prefecture of Okinawa, the MV-22 Osprey was forcibly deployed to Futenma Air Base with a high risk of crashing. In December 2016, the Osprey crashed and wrecked along the coast of *Henoko*, and in October 2017, a CH53 helicopter crash-landed and burst into flames in *Takae, Higashison*. The right to peaceful existence of the people of Okinawa and other prefectures is being violated. In addition, with the strengthening of the Japan-U.S. alliance and the realignment of U.S. forces in Japan, new U.S. military base facilities and expansion of existing bases are becoming a problem. In particular, in Okinawa Prefecture, the construction of a new base (*Henoko, Nago*) as a replacement for the Futenma base has been forcibly carried out without any consideration, despite the fact that the people's will to oppose the construction was clearly expressed in the local elections of 2014 and 2018 for the Governor, and the prefectural referendum regarding the construction in February 2019. The problem is extremely serious because it is being enforced without paying attention to the public opinion.

2 Problems with the Status of Forces Agreement

The problem of the Status of Forces Agreement (Agreement on the Status of Forces of the United States of America and Facilities and Areas under Article VI of the Treaty of Mutual Cooperation and Security between Japan and the United States of America) is one of the factors that make the problems related to the stationing of U.S. forces and military bases more serious. The Status of Forces Agreement between Japan and the United States was concluded in January 1960 as an administrative agreement (an administrative agreement based on Article III of the Security Treaty between Japan and the United States of America; entered into force in April 1995). However, like administrative agreements, the Status of Forces Agreement was created to reflect the historical circumstances of Japan being a defeated country in the Second World War, as being unequal (such as the use of bases throughout Japan, the provision of bases free of charge and indefinitely, the "compassionate budget," the right to refuse extradition of suspected U.S. soldiers, etc.) and unreasonable (such as the absence of environmental protection provisions and human rights policies, and disregard for the wishes of local governments). The Status of Forces Agreement between Japan and the U.S. has never been amended despite the fact that 59 years have passed since its conclusion. During this period, the Cold War ended in 1989, the Soviet Union collapsed in 1991, while philosophy of human rights and environmental protection have evolved and developed greatly. The NATO Status of Forces Agreement between the U.S. and Germany and Italy, and the U.S.-Italy Bilateral Agreement reflect the historical background and the development of human rights concept, but the Japan-U.S. Status of Forces Agreement does not reflect this at all. It has been confined in the old ideas of the occupation and the Cold War.

In particular, the fact that the Japan-U.S. Status of Forces Agreement does not specify the application of domestic laws and regulations to the acts of U.S. military forces, servicepersons operating in Japan is a major obstacle to guaranteeing the lives and human rights of citizens and preserving our country's environment. For the sake of realization of the "rule of law" and human rights protection, it is essential and

urgent to revise the Japan-U.S. Status of Forces Agreement, so that Japanese laws can be applied and judicial control can be exercised over U.S. military forces, servicepersons, and U.S. military bases in Japan.

For this reason, the JFBA has been working on the following issues, which are considered to be particularly important for the recovery and prevention of damage to people whose basic human rights have been violated due to the damage caused by bases: ① provision and return of facilities and areas, ② application of Japanese laws and regulations to U.S. forces and the right to manage bases, ③ environmental conservation and restoration, ④ arrival and departure of U.S. military ships and aircraft, ⑤ air traffic, ⑥ criminal liability of U.S. military personnel and civil employees, and ⑦ civil liability of the U.S., U.S. military personnel and civilians, and their families.

3 Our challenges

The Government of Japan and the Diet should face the current situation caused by the stationing of U.S. forces and U.S. servicepersons, especially in Okinawa. The government should make a sincere effort to drastically review the Status of Forces Agreement by referring to the examples of Germany, Italy, Iraq, Afghanistan, and the Philippines.

For the establishment of the right to peaceful existence and realization of permanent peace and human rights, we urge the government to reduce the number of U.S. military bases and fundamentally review the Status of Forces Agreement.

33. Human Rights of War Victims

During the last war, Japan committed serious human rights violations in the Asia-Pacific region, including genocide, biological experiments, sexual violence such as rape and sexual slavery, forced marriage, forced labor, deprivation of property, cultural erasure, and environmental destruction. We urge the Government of Japan to make every effort to realize the recovery of the damage caused by the war, while ensuring that all victims of the war be given fair compensation and the opportunity to recover their honor.

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War is the greatest violation of human rights. Although there have been amendments to the Atomic Bomb Survivors Relief Law and to the Law Concerning Support for Japanese Remaining in China, relief for victims of war at home and abroad remains inadequate.

In the last war, Japan committed serious human rights violations in Asia and the Pacific region, including massacres of the local population, biological experiments, sexual violence such as rape and sexual slavery, forced removal of people from their homes, forced labor, deprivation of property, cultural erasure, and environmental destruction. Reflection on the war of aggression is the starting point of the Constitution of Japan. Based on this, we must face up to our past history, investigate various acts that violated international humanitarian law with our own hands, and implement measures to justly compensate individual victims and restore their honor. This will establish true friendship with neighboring peoples and is also the first

step toward building peace. The issue of post-war compensation between nations has been resolved to a certain extent through the conclusion of reparation treaties with the countries concerned, but compensation for individuals who were directly affected has not been taken into consideration, either nationally or internationally. For individual victims of war, the facts of human rights violations should be investigated, the location of responsibility should be clarified, and measures should be taken to restore the damage.

In particular, with regard to the issue of the Japanese military “comfort women,” the Japanese government has stated that the issue has been legally settled and that the Asian Women's Fund has paid a certain amount of compensation, and there have been efforts such as making contributions to the fund based on the Japan-Korea agreement, but no solution has been reached. History textbooks have begun to avoid the military "comfort women" issue, and politicians and critics have often made statements that deny human dignity of the victims. In addition, there has been no compensation for those who were forcibly taken from former colonies to work in Japanese mines, etc., and forced to perform harsh labor. These victims are growing old and many have already died. We will continue to call for legislation and other measures that will enable the victims to obtain effective compensation urgently.

Also, fair and adequate compensation should be provided by the state for all victims of war, not just military personnel and civilians.

With regard to A-bomb survivors, there have been a number of judicial decisions to recognize A-bomb disease in people whose applications for A-bomb disease certification were rejected by the government, and the policy for examining A-bomb disease certification has been repeatedly changed. In 2013, the criteria for the certification were reviewed again, but even with the new criteria, many applications were rejected, and judicial decisions to remedy these rejections have been made one after another. In addition, the Atomic Bomb Survivors Support Law only compensates for a small portion of the lives and livelihoods that were taken from them. *Hibakusha*, who are on average more than 80 years old, do not have much time left, so we should promptly establish a relief system that is appropriate to the actual conditions of the atomic bombings. With regard to overseas Hibakusha, progress has been made in allowing overseas Hibakusha to apply for the Hibakusha Identification Booklet and health care benefits, and in providing them with medical expenses, but tremendous difficulties remain in certifying A-bomb diseases and providing benefits to them. We will continue to call for the operation of the system so that all overseas Hibakusha can receive adequate medical care under the system of their residential country.

With regard to Japanese nationals who have remained in China, some progress has been made in terms of special exceptions to the national pension system, support benefits, and livelihood support for them and their spouses, but there are still problems, such as income restrictions and the fact that children of Japanese nationals who have remained in China are not covered by the support measures (the so-called second generation problem). We will continue to monitor the implementation of the law for support and request the government to implement more detailed support measures.

In addition, while former military personnel and civilians have received various relief measures under post-war legislation, victims of the war, such as civilians who suffered from air raids and the people of Okinawa who suffered greatly from the Battle of Okinawa, have not received any compensation. We

continue to urge that the government enact a law to provide compensation to these civilian war victims.

We will also work for the relief of those whose honor has not been restored, such as those who were unjustly arrested under the Peace Preservation Law.

34. Issue of Constitution Amendment

We will oppose moves to revise the Constitution (including those based on interpretation) that would retract the basic principles of sovereignty of the people, respect for fundamental human rights, and permanent pacifism, which are the pillars of the Constitution of Japan, and that would endanger the principles of constitutionalism on which the Constitution is based. At the same time, we will vigorously promote efforts to ensure that the philosophy and basic principles of the Constitution of Japan permeate every corner of society and are realized. We will continue to call for amendments to the Referendum Law so that the will of the people can be accurately reflected in the procedures for amending the Constitution in accordance with the purpose of Article 96 of the Constitution.

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1 Principles of the Constitution of Japan

Based on the principle of constitutionalism, the Constitution of Japan, with its basic principles of sovereignty of the people, respect for fundamental human rights, and permanent pacifism, has played an extremely important role in promoting peace, democracy, human rights, and welfare in postwar Japan.

Constitutionalism refers to the idea that a constitution should be enacted in order to curb the abuse of power by those in power, and broadly means that politics should be conducted based on the constitution.

Constitutionalism, which is the basis of the Constitution of Japan, is a philosophy centered on the principles of "respect for the individual" and "the rule of law," and supports such basic principles as national sovereignty, respect for fundamental human rights, and perpetual peace.

"Respect for the individual" means that the source of value in human society lies in the individual and that the individual should be respected above all else. The Constitution of Japan stipulates that "all citizens shall be respected as individuals" (Article 13).

The "rule of law" is intended to protect the fundamental human rights of the people by excluding the rule of arbitrary state power (rule by people) and restraining power by law. The Constitution of Japan also affirms the perpetuity and inviolability of fundamental human rights (Article 97), confirms the supreme law of the land (Article 98), imposes on public officials the duty to respect and defend the Constitution (Article 99), and grants the courts the power to review unconstitutional legislation (Article 81).

Thus, the Constitution of Japan is based on the principle of limiting the power of the state as the supreme law and guaranteeing human rights of people so that all people may be respected as individuals.

2 Movements surrounding the revision of the Constitution

Since the beginning of the 2000s, many opinions and drafts for constitutional revision have been

published by political parties, newspapers, and the business world. Among the constitutional amendments that have been made public so far are those that would make the Constitution not only a norm for limiting power but also a code of conduct for the people, those that would introduce "public interest" and "public order" as principles for restricting human rights instead of "public welfare," those that would delete the provision on the right to peaceful existence in the preamble of the Constitution and Article 9, paragraph 2 of the Constitution, and those that would make the Constitution a "code of conduct" for the people and allow for the retention of "armed forces" and the use of force overseas; those that would allow for the exercise of the right of collective self-defense and expand the scope of that right; those that call for the establishment of military courts; and those that would leave Article 9, paragraphs 1 and 2 of the Constitution intact and create new ones.

In particular, the "Draft for Revision of the Constitution of Japan" released by the Liberal Democratic Party in April 2012 proposes a complete revision of the preamble, the emperor becoming the head of state, the creation of a national defense force and a new emergency clause, and the introduction of a new concept of "respect for persons" instead of "respect for the individual" and making the "family" the unit of society, introduction of the concept of "public interest and public order" as a principle for restricting human rights, establishment of a number of new provisions for the duties and responsibilities of citizens, establishment of a new obligation of citizens to respect the Constitution, and relaxation of the requirements for constitutional revision procedures, thus leading to a significant roll back of both the basic principles of national sovereignty, respect for fundamental human rights, and the principle of permanent pacifism.

The idea of introducing restrictions on human rights based on "public interest" and "public order" is to go beyond the adjustment of contradictions and conflicts between human rights as the basis for restrictions on human rights, and to allow restrictions on human rights based on the interests of the state and society as a whole. If such an amendment is made, there is a risk that the fundamental human rights of freedom of expression and freedom of thought and conscience will be easily restricted.

In March 2018, the Liberal Democratic Party (LDP) released an "Article Image (Draft Striking Point)" regarding the Self-Defense Forces, which retains Article 9, Paragraphs 1 and 2 of the Constitution, but adds a new Article 9-2 and add to the Constitution a military organization, the "Self-Defense Forces," and its mission, "necessary measures for self-defense." This could lead to a fundamental change in the policy of defensive defense, which the government has maintained up to now, and could alter the substance of the existing permanent pacifism. It also raises doubts about the realization of effective control over the actions of the Self-Defense Forces based on the Constitution.

The idea of altering the thoroughgoing permanent pacifism of the Japanese Constitution, maintaining an army, and allowing the use of force as a means of settling international disputes would fundamentally change the nature of the Japanese nation. In the last decade or so, the Peripheral Situation Law (Law Concerning Measures to Ensure the Peace and Security of Japan in the Event of Peripheral Situations), the Anti-Terrorism Special Measures Law (Act on Special Measures Concerning Measures to be Taken by Japan in Response to Activities of Foreign Countries to Achieve the Objectives of the United Nations Charter in Response to the Terrorist Attacks in the United States of America on September 11, 2001, and

Other Related Humanitarian Measures in Accordance with Relevant United Nations Resolutions), the Iraq Special Measures Act (Act on Special Measures Concerning the Implementation of Humanitarian and Reconstruction Assistance Activities and Security Assistance Activities in Iraq) , three contingency-related laws, seven contingency-related laws, the upgrading of the Defense Agency to the Ministry of Defense, the expansion of overseas deployment of the Self Defense Forces and making it its primary mission, and the enactment of the Anti-Piracy Law (Law Concerning Punishment of Piracy and Measures to Combat Piracy) have been enacted that would make permanent pacifism irreversible.

In December 2013, the Act on the Protection of Specified Secrets was enacted, which conceals a wide range of information related to diplomacy and defense from the public with heavy penalties. Based on the deliberations of the National Security Council, which was established at the same time, the National Security Strategy and the new National Defense Program Outline were formulated, and based on the "basic principle" of "proactive pacifism based on international cooperation," the Self-Defense Forces were strengthened in both quality and quantity, and cooperation with U.S. forces, such as the Japan-U.S. Guidelines (Guidelines for Japan-U.S. Defense Cooperation) were revised. In addition, the revision of the Japan-U.S. Guidelines (Guidelines for Japan-U.S. Defense Cooperation) is intended to deepen and expand the cooperative relationship with the U.S. military, and to expand the scope of the SDF's use of weapons and the use of force overseas.

On July 1, 2014, the government made a cabinet decision to allow "measures for self-defense," including the exercise of the right of collective self-defense, and to expand the scope of "logistical support" and the use of weapons in PKOs. This is an attempt to change the established government interpretation that the exercise of the right of collective self-defense is impermissible in violation of Article 9 of the Constitution, not by amending the same article outright, but by the government's own interpretation, and then by enacting or amending laws to make the exercise of the right a reality. This could fundamentally change the nature of Japan as a peaceful nation. Furthermore, following this Cabinet decision, in September 2015, the Diet adopted the Peace and Security Law and the International Peace Support Law (Security Law). These laws are contrary to the permanent pacifism without military force in the Constitution of Japan, and also contrary to the philosophy of constitutionalism, which seeks to bind the abuse of power by the Constitution.

In addition, there is a move to amend Article 96 of the Constitution, which stipulates the procedures for amending the Constitution, to relax the requirements so that an amendment can be proposed by a majority of the members of each house of the Diet, instead of two-thirds. This also loosens the constraints on power and is in direct contradiction to the principles of constitutionalism.

In May 2007, the Referendum Law (Law Concerning the Procedure for Amending the Constitution of Japan) was enacted, and based on this law, the Constitutional Council was established in each House of the Diet, and has been deliberating since 2011. In June 2014, it was approved that the referendum age will be automatically lowered to 18 years old four years after the enforcement of the revised law. However, there are still many issues to be considered, such as how to regulate paid opinion advertising on TV and radio, the introduction of a minimum voter turnout system, and the regulation of referendum campaigns by public officials and educators.

3 Our efforts

We oppose moves to amend the Constitution (either explicitly or through reinterpretation) that would retract the basic principles of the Japanese Constitution, such as sovereignty of the people, respect for fundamental human rights, and permanent pacifism, or that would jeopardize the principles of constitutionalism on which the Constitution is based. We will appeal to a wide range of people about the dangers of such moves, and at the same time, we will promote efforts to ensure that the philosophy and fundamental principles of the Constitution of Japan permeate every corner of society.

We will oppose changes to the basic principle of permanent pacifism in the Constitution of Japan by the government's reinterpretation of the Constitution and enactment or amendment of laws, such as bringing about a fundamental change in the policy of self-defense and allowing the exercise of the right of collective self-defense.

We will also continue to closely monitor developments in the movement to amend Article 96 of the Constitution, and continue our efforts to oppose it.

With regard to the Referendum Act, in accordance with the purpose of Article 96 of the Constitution, we will seek amendments such as the introduction of a provision for a minimum voting rate so that the will of the people can be accurately reflected in the constitutional amendment process.

35. International Human rights Guarantee System

In the review of government reports by the UN human rights treaty bodies and the Universal Periodic Review (UPR) by the UN Human Rights Council, we will provide a relevant body with our own report on the human rights situations in Japan. We will also work for the government's implementation of recommendations made in the concluding observations.

We call for the realization of the individual communication system by ratifying the optional protocol of each relevant international human rights treaty and the ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In order to establish international human rights law as a judicial norm, we will seek to provide adequate education on international human rights law to judges, prosecutors, lawyers, police officers and prison guards, and promote cooperation and collaboration with international organizations and international human rights groups.

We will take all possible actions to rectify human rights violations and improve the human rights situation in the international community.

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1 The expansion of international human rights activities of the JFBA as an UN NGO

In 1999, Japan Federation of Bar Associations (JFBA) was recognized as an NGO with consultative status at the United Nations Economic and Social Council. With this status, JFBA can make its own oral

statement at related UN meetings.

2 Cooperation with the UN Human Rights Council and UN human rights treaty bodies

One of the activities of the JFBA is to provide the UN Human Rights Council and the human rights treaty bodies with information regarding the human rights situations in Japan seeking for their own recommendations.

Recently, the JFBA has submitted its own NGO report to the review of Japan's implementation of the Convention on the Elimination of All Forms of Discrimination against Women in 2016, the Convention on the Elimination of All Forms of Racial Discrimination in 2018, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2018, and Convention on the Rights of Child in 2019, while actively participating in the meetings held by these treaty bodies in relation to the review for the purpose of our opinions reflected in their constructive dialogues with the government and in their concluding observations.

With the reform of the UN Human Rights Organization in 2006, the Human Rights Council was established, and the Universal Periodic Review (UPR) system was created to review the human rights situation of all UN member states every four years. Japan underwent the first review in 2008 and the second review in 2012. Japan underwent the first review in 2008 and the second review in 2012, and the UN Human Rights Council made recommendations on human rights issues of Japan as outcomes of these reviews. The third review was held in November 2017. In preparation for the examination, the JFBA prepared a document providing information on the human rights situation in Japan and submitted it to the Office of the UN High Commissioner for Human Rights. In addition, the JFBA has contributed to the further development of the UPR system and to the process of the review of Japan by lobbying UN representatives of different member states or making the oral statement during the review.

3 For the implementation of the recommendations and concluding observations of the UN human rights treaty bodies

The review of government reports conducted by major human rights treaty bodies is intended to improve and promote the human rights situations in member states through a "constructive dialogue" between the relevant Committee and relevant government representatives, mainly through question and answer sessions, based on the reports submitted by member states. After the review, the "concluding observations" is adopted, which includes positive aspects, problems, concerns and recommendations regarding the human rights situations of the member state concerned. Of many recommendations made to Japan regarding the implementation of the treaties that Japan has ratified, only a few have been implemented through amendment to laws or improvement of institutions. This could be attributable to the insufficient dialogues between a relevant treaty body and the government, and no appropriate administrative body (e.g., an independent national human rights institution) that is responsible to formulating policies or proposing amendments to laws, or no legislative body that could intensively studies and deliberates on the recommendations and formulates bills or policy recommendations.

In addition to our activities such as submitting reports and expressing opinions prior to the review, we will work for the implementation of recommendations made. Specifically, we will work towards government agencies and the Diet urging them to implement the recommendations as well as to call for the establishment of monitoring bodies such as national human rights institutions.

4 Realization of the individual communications system

It is an urgent issue to ratify the Optional Protocol to the human rights treaties that provide for an individual communications (International Covenant on Civil and Political Rights, International Covenant on Social, Economic and Cultural Rights, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of Persons with Disabilities, Convention on the Rights of the Child), or to declare acceptance of the provision for individual communications (Convention against Torture, Convention on Enforced Disappearance, Convention on the Elimination of All Forms of Racial Discrimination).

To this end, we will further strengthen our efforts to lobby the Diet and government agencies.

5 Ratification of the Optional Protocol to the Convention against Torture and establishment of a national torture prevention mechanism

The Utsunomiya Hospital case, the Nagoya Prison case and the Hiroshima Juvenile Training School case clearly show that human rights violations cannot be stopped without attention being regularly paid to places where people are detained.

The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment requires the establishment of a cooperative system between the UN Subcommittee on the Prevention of Torture, an international body for regular visits to all detention facilities, and national torture prevention mechanisms. The Protocol was adopted in 2002 and entered into force in 2006. It has already been ratified by 89 state parties (as of March 6, 2019).

We call for the ratification of the Protocol, and aim to establish a national torture prevention mechanism in cooperation with a long-wanted national human rights institution and the enhanced inspection committee with enhanced independence.

6 Human rights education for legal professionals

For ensuring the respect for international human rights norms as norms of courts, it is important to provide human rights education to judicial officials, police officers, prison guards, and other law enforcement officials. This has been repeatedly pointed out by human rights treaty bodies in their concluding observations. Also, it has been required to give human rights education on international human rights to lawyers.

Therefore, we call for the establishment of a national human rights institution responsible for human rights education, and at the same time, in cooperation with international organizations and international human rights groups, we will put more effort into awareness-raising and training on international human

stage, the dissolution of the House of Representatives in the same year led to the scrap of the bill. Since then, there has been no move to submit a bill.

For the eradication of human rights violations and discrimination, we will work for the prompt establishment of a national human rights institution that ensures independence.

6 Establishment and expansion of a human rights institution in each field

We urge the establishment of the right to control one's own information in the context of strengthened surveillance over the civil life by the state, and the creation of a personal information protection institution independent of the government (the Data Protection Inspectorate in the EU), which will make recommendations on the collection, storage, and use of personal information by the state, local governments, and other institutions. We call for the creation of a personal information protection authority independent of the government (the Data Protection Inspectorate in the EU), with the authority to make recommendations and recommendations on the collection, storage, and use of personal information by the government and local governments.

The overall revision of the Act on Prison in the wake of the Nagoya Prison Incident and the enactment of the Act on Criminal Inmate Treatment have led to the establishment of the Committee for the Inspection of Penal and Detention Facilities. Since then, the Committee has been developing its activities while maintaining its independence. In July 2009, the Immigration Control Act was amended to establish a committee to inspect immigration detention facilities, which is a remarkable step forward. We also call for the creation of inspection committees at welfare facilities, of a third-party organization for refugee status recognition, and of an information disclosure and external monitoring mechanism for the prevention of pharmaceutical damage.